



City of Fredericksburg

Planning and Zoning Commission Meeting Agenda
Wednesday, September 2, 2026 ~ 5:30 PM
City Hall at East Campus
2818 E. U.S. Hwy. 290
Fredericksburg, Texas 78624

Janice Menking, Chair
Tom Musselman, Vice Chair
George Hager, Member
Jim Jarreau, Member
Belinda McDonnell, Member

Tyler Pansing, Member
Todd Peters, Member
Sondra Sultemeier, Member
Daryl Whitworth, Member

The City of Fredericksburg Planning and Zoning Commission will meet in a regular session on Wednesday, September 2, 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 September 2, 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. 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. August 5, 2026, Regular Meeting Minutes

4. PUBLIC HEARING

- A. **DEV-2026-83-ZC:** By Short Elliott Hendrickson, Inc to consider a zoning change for .90 acres from Commercial (C2) To Single Family Residential (R1) and a Zoning Change for 1.35 Acres from Single Family Residential (R1) to Commercial (C2) for property legally described as ABS A0298 and commonly known as 111 Owl Lane, Fredericksburg, Texas.

- i Presentation by the Applicant
- ii Presentation by the Staff
- iii Hold Public Hearing

- iv Take Action on the Zoning Change
- B. **Dev-2026-97-CUP - 1403 E Main** - By the Nature Shoppe, LLC (Brenda Rather) to consider a Conditional Use Permit (CUP) Per Section 3.200 To Establish and operate a "Limited - Retail Sales" use for the property known as 1403 E Main Street and referred to as ABS A0002 W H Anderson #197, .347 Acres (FCSE) City Southeast.
 - i Presentation by the Applicant
 - ii Presentation by the Staff
 - iii Hold Public Hearing
 - iv Take Action on Conditional Use Permit (CUP)
- C. **DEV-2026-106-ZC - 708 Whitney** - By Lykke House (Travis & Quinn Dusek) To Consider a zoning change for .21 Acres frp, Single Family Residential (R1) to Neighborhood Commercial (C1) for property legally described as Schaefer BLK a lot 13AR, - Replat and commonly known as 708 Whitney Street Fredericksburg, Texas.
(No Action - Request To Table)
 - i Presentation by the Applicant
 - ii Presentation by the Staff
 - iii Hold Public Hearing
 - iv Take Action on the Zoning Change
- D. **DEV-2026-110-CUP:** By Steven & Ellen Scott to consider a Conditional Use Permit (CUP) Per Section 6.110 to Operate and expand upon a Legal Non-Conforming “STR-UNOCCUPIED” use for the property commonly known as 301 E. Burbank Street and referred to as Mutual #2 Lot 13A, - Replat (FCNE) City Northeast.
 - i Presentation by the Applicant
 - ii Presentation by the Staff
 - iii Hold Public Hearing
 - iv Take Action on the Conditional Use Permit (CUP).
- E. **DEV-2026-109-RP:** By Waymaker Land Advisors & Surveyers to consider a Re-Plat per Section 3.05 to Re-Plat Stehling Lot 7-PT, 8-PT and all of LOT 9 and including GE 613 and LOT 132-PT into Three Lots Establishing Stehling Re-plat LOTS 7R, 8R AND 9R for the property commonly known as 311 S. Crockett Street.
 - i Presentation by the Applicant
 - ii Presentation by the Staff
 - iii Hold Public Hearing
 - iv Take Action on the Re-Plat

5. ACTION ITEMS

6. DISCUSSION ITEMS

- A. Director's Report:
 - 1. Unified Development Code Updates
 - 2. Joint Planning & Zoning / City Council Meeting

7. ADJOURN

CERTIFICATION

This is to certify that I, Jan Musgrove, posted this Agenda Before 4:30PM on August 25, 2026, on the bulletin board of the City of Fredericksburg, City Hall at East Campus, 2818 E. U.S. Hwy. 290, Fredericksburg, Texas 78624.

Jan Musgrove

Jan Musgrove
Planner 1

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

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

On the 5th day of August 2026, the Planning and Zoning Commission convened in Regular Session at the 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
SONDRA SULTEMEIER
TODD PETERS
JIM JARREAU
BELINDA MCDONNELL
GEORGE HAGER

ABSENT: TYLER PANSING

DARYL WHITWORTH

ALSO, PRESENT:

CLIFF CROSS – Director of Development Services
SUSANA HUERTA – Assistant Director of Development
Services
JAN MUSGROVE – Planner 1
KRIS KNEESE – Director of Public works
BARBARA QUIRK – City Attorney

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

Public Hearing Items:

REQUEST – DEV-2026-82-ZC: BY Landmark Planning and Advisors To Consider a zoning change from Single Family Residential (R1) to Neighborhood Commercial (C1) for properties legally described as ITZ BLK A LOT 2-PT,3, ITZ BLK A LOT 2-PT & ITZ BLK A LOT 1-PT of the (FCNW) City Northwest Neighborhood and commonly known as 604, 608 AND 610 North Milan Street, Fredericksburg, Texas.

Applicant's Presentation: Anna Hudson – Landmark Planning and Advisors

Mrs. Hudson explained the rationale for rezoning the three properties, noting their current residential use, the presence of short-term rentals (STRs), and the alignment with the city's comprehensive plan for mixed-use corridors. She emphasized that the rezoning would provide flexibility for future uses, such as offices or daycare, and highlighted the city's strong design standards for neighborhood commercial properties.

Staff Summary: Cliff Cross

Cliff summarized the staff report, detailing the current and proposed zoning, the lot sizes, and the surrounding zoning context. He outlined permitted and conditional uses in both R1 and C1 districts, discussed the comprehensive plan's designation for the area, and advised that approval should be based on findings that the rezoning would not negatively impact the neighborhood.

Public Hearing: 5:49PM

Residents, including Connie Crenwelge, Marsh Weiershausen, Jamie Sparks, Judy Flemming, and Graham Pearson, voiced opposition to the rezoning, citing concerns about increased traffic, parking, noise, flooding, loss of neighborhood character, and potential for unwanted commercial development. They referenced past denials of similar requests and urged the commission to preserve the residential nature of the area.

Cindy Spaeth one of the applicants for the re-zoning, spoke to the request for flexibility with her property.

Public Hearing Closed 6:06PM**Discussion:**

Commission members discussed the history of similar rezoning requests, the importance of neighborhood consensus, and the potential negative impacts on the community. They noted that not all property owners on the block supported the change and that the proposal was exactly like a previously denied request presented to Planning and Zoning in 2018.

Tom Mussleman noted that 707 N Milam's application to rezone was denied by P&Z and subsequently overturned and approved by City Council. He stated that it was not the job of P&Z to make property's more "sellable" and that preserving R1 inventory was more important. The entire block would have to be in the application (4 houses) and as this was not the case, the application request was not appropriate.

Jim Jarreau mentioned the 2018 application for the same properties had been denied and that the impacts to the surrounding neighborhood were negative.

Tom Musselman made a motion to deny the application.

Jim Jarreau seconded the motion. All Voted Aye and the motion passed unanimously.

Request – DEV-2026-83-ZC: By Short Elliott Hendrickson, Inc to consider a zoning change for .90 acres from Commercial (C2) To Single Family Residential (R1) and a Zoning Change for 1.35 Acres from Single Family Residential (R1) to Commercial (C2) for property legally described as ABS A0298 and commonly known as 111 Owl Lane, Fredericksburg, Texas.

Applicant's Presentation: A Representative from Short Elliott Hendrickson

The applicant explained that the developer wants to shore up the C2 parcel as the property currently contains both C2 and R1 zoning. The proposal re-arranging of the existing zones involved shifting the boundary to align with a drainage way, resulting in a net increase of about half an acre of C2 zoning.

Public Hearing: 6:25 PM

Charles Schmidt, a neighbor who shares access to his property through an easement on the subject property had concerns about his access during construction.

Anna Hudson commented on the need for constancy with the Comprehensive Plan.

Public Hearing - Closed at 6:29 PM

Staff Summary: Cliff Cross

Mr. Cross described the unique situation at 111 Owl Lane, where the property contains both C2 and R1 zoning abutting. Staff noted that C2 is not an ideal fit per the comprehensive plan, but that it already existed on the site.

Discussion:

The commission discussed the civil nature of easement issues and the importance of ensuring continued access for affected parties. They debated the appropriateness of expanding C2 zoning given the comprehensive plan's recommendations and considered whether a less intense C1 zoning might be more suitable. They discussed the process for modifying the request and the implications for future rezoning applications.

Jim Jarreau made a motion to table the application allowing the applicant time to consult with stakeholders and potentially revise the proposal to address concerns about zoning intensity and access.

George Hager seconded the motion. A roll Call voted ensued.

Janice Menking – Yes

tom Musselman – Yes

Goerge Hager – Yes

Jim Jarreau – Yes

Belinda McDonnell – Yes

Tyler Pansing – Absent

Todd Peters – Yes

Sondra Sultemeier – Yes

Daryl Whitworth – Absent

The motion carried 7-0.

Election of Chair and Vice Chair:

Jim Jarreau nominated Janice Menking to serve as Chair.

Tom Musselman seconded the motion. All Voted Aye and the motion carried unanimously.

Tom Musselman made a motion to elect Sondra Sultemeier as Vice-Chair.

Jim Jarreau seconded the motion. All voted Aye and the motion carried unanimously.

Director's Report: Cliff Cross

Mr. Cross gave an update on the Unified Development Code (UDC) process, including the formation of a technical advisory committee, scheduled public meetings, and plans for consultant-led sessions to inform the public and gather input. technical advisory committee meetings and public sessions planned over the next 12 to 18 months. The TAC (Technical Committee) committee will serve as a liaison to the board, and materials will be shared to keep members informed. The technical advisory committee meetings will not be public, but several public meetings are scheduled to ensure community engagement. Staff will provide regular updates to the board on the UDC's progress.

Staff discussed plans to schedule a joint meeting between the Planning and Zoning Commission and City Council to address potential amendments to uses within the central business district, particularly regarding alcohol-related uses and TABC regulations.

The city attorney, Barbara Quirk, explained that while TABC regulates alcohol licenses, cities can control where such businesses are located through zoning. The commission discussed the possibility of receiving confidential legal advice in executive session regarding regulatory options. Ms. Quirk stated that she would draft a memo and email it to the Board members for their review.

Approval of Minutes:

The Commission unanimously approved July 1, 2026, meeting minutes.

ADJOURN

With nothing further to come before the Commission, the meeting adjourned at 7:08PM.

PASSED AND APPROVED on the 2nd day of September 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: September 2, 2026

SECTION: PUBLIC HEARING ITEM: A.

CAPTION: **DEV-2026-83-ZC:** By Short Elliott Hendrickson, Inc to consider a zoning change for .90 acres from Commercial (C2) To Single Family Residential (R1) and a Zoning Change for 1.35 Acres from Single Family Residential (R1) to Commercial (C2) for property legally described as ABS A0298 and commonly known as 111 Owl Lane, Fredericksburg, Texas.

- 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 Zoning Change request to rezone approximately 2.25 acres within an existing approximate 56.24 acre tract at the property commonly known as 111 Owl Lane. Specifically, the applicant is seeking to reconfigure and rezone approximately .90 acres from Commercial (C2) to Single Family Residential (R1) and further rezone 1.35 acres from Single Family Residential (R1) to Commercial (C2). The applicant is requesting to reconfigure the current underlying zoning to accommodate future development.

BACKGROUND:

The surrounding properties include Single Family Residential (R1) to the east and south and Commercial (C2) to the north and west. There is also a mixture of Public Facilities (PF) and Multi-Family Residential (R3) to the north and east. South of the total 56.24 acre site is unincorporated Gillespie County.

A significant portion of 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

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

Site Development Regulations

Each site in the R-1 district shall be subject to the following site development regulations:

Feature	Regulation
Lot Size	Minimum Lot Area, 7500 Square feet; or 10,000 square feet for guest houses and short-term rental, accessory uses
Lot Width	Minimum Lot Width, 70 feet
Height	Maximum Building Height, 2½ stories, 28 feet
Front Yard	Minimum Required Setback, 25 feet
Street Side Yard	Minimum Required Setback, 15 feet
Interior Side Yard	Minimum Required Setback, 5 feet
Rear Yard	Minimum Required Setback, 10 feet
Residential Density	Maximum Dwelling Units per Lot, 1 per Lot Minimum Dwelling Areas
(Living Area Only)	750 Square feet
Maximum Building Coverage	Percent of Lot Area, 40%
Impervious Cover	Percent of Lot Area, 55%
Nonconforming Uses	Section 6.100
Special Yard Regulations	Section 7.300
Fences, Walls and Visibility	Section 7.530
Parking	Section 7.800
Temporary/Accessory Building	Section 8.000
Home Occupations	Section 8.300

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

This zone is intended to provide for businesses and services that serve persons throughout the city and the area. These uses generally require frontages on major cross street intersections of highways or other major arterial, given their high visibility and traffic generation ability.

Principal Permitted Uses

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)

Uses Permitted Subject to Conditional Use Permit

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

Camp Grounds
Condominiums (Section 7.610)
Convenience Storage
Drive through facilities associated with any use
Game of Skill Parlor
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)
Tattoo Studio
Townhouse Residential (section 7.610)
Transportation Terminals

Property Development Regulations

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

Site Development Regulations

Each site in the C-2 District shall be subject to the following site development regulations.

Feature	Regulation
Lot Size	Minimum Lot Area, 5000 Square feet
Lot Width	Minimum Lot Width, 50 feet
Height	Maximum Building Height, 3 stories, 38 feet
Front Yard	Minimum Required Setback, 15 feet
Street Side Yard	Minimum Required Setback, 15 feet
Interior Side Yard	Minimum Required Setback, 0 feet; or 10 feet when abutting residential zoning districts; or 15 feet for 2 story structures, when abutting residential zoning districts
Rear Yard	Minimum Required Setback, 0 feet; or 15 feet when abutting residential zoning districts; or 25 feet for 2 or more stories, when abutting residential zoning districts

Maximum Impervious Coverage	80%
Maximum Building Coverage	Percent of Lot Area, 75%
Residential Density	Section 3.120
Nonconforming Uses	Section 6.100
Site Development Regulations	Section 7.000
Special Yard Regulations	Section 7.300
Fences, Walls and Visibility	Section 7.530
Parking	Section 7.800
Landscaping and Screening Regulations	Section 7.900
Temporary/Accessory Building	Section 8.100
Signs	Sign Ordinance
Outdoor Amplified Sound	Prohibited when abutting R-1, R-1-A, or R5

The 2024 Comprehensive Plan identifies the subject property as a future Place Type of Mixed Density Residential District which is envisioned to provide a greater level of residential density in a variety of forms. In limited circumstances, commercial retail, office, restaurant (no drive-thru), and personal service uses may be considered in supporting the residential intent of the category.

Appropriate existing zoning districts would include R1-A, R2, R3, R5, NC

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 July 28, 2026, no responses have been received.

STAFF RECOMMENDATION:

Staff has reviewed the request and the proposed application requesting the zoning change. In reviewing the request, the Comprehensive Plan has classified the subject property as a Mixed Density Residential place type and, per the "Intent And Character section of the plan the following is identified:

The Mixed Density Residential category is envisioned to provide a greater level of residential density in a variety of forms. This category best accommodates residences built to meet the "missing middle" segment of the marketplace. This may include townhomes, attached dwellings, patio homes, apartments in the appropriate context, or a mix of several of these in a planned setting. Missing middle housing bridges the gap between single-family homes and mid-rise apartments. By integrating these housing types, communities can enhance affordability, create walkable neighborhoods, and modestly boost density.

In some instances, these areas may be designed in a more urban character in a walkable pedestrian environment. Buildings are intended to be street-oriented, with on-street parking or rear parking, pedestrian and bicycle facilities, short blocks with good street connectivity, and nearby goods and services.

Appropriate Land Use Types

In limited circumstances, commercial retail, office, restaurant (no drive-thru), and personal service uses may be considered if supporting the residential intent of the category.

Furthermore, the properties to the north and south are primarily located within the Mixed-Use Community Corridor place type which identifies the appropriate existing zoning districts as R2, R3, R5, NC, C, M3, MU1 and MU2. Properties to the west are located within the Light Industrial place type. When considering any request the proximity and uses of those properties should also be considered. When evaluating this request, the place type designation traditionally would not accommodate the C2 underlying district in compliance with the Comprehensive Plan. However, when considering the request, staff believes that the reconfiguration of the current zoning would not impact the intent of the comprehensive plan, Based upon all factors such as traffic, surrounding uses, intensity, etc staff recommends approval of the request contingent upon a findings of fact supporting the request.

ATTACHMENTS:

1. 111 Owl Lane Notification Map
2. 111 Owl Lane Zoning Map
3. 111 Owl Lane Land Use
4. 111 Owl Lane Place Type
5. 2024-Fredericksburg-Comprehensive-Plan MDR Info
6. 2605-17_111 Owl Ln_Survey Map_20260703
7. REZONING FIGURE

APPROVAL/REVIEW:

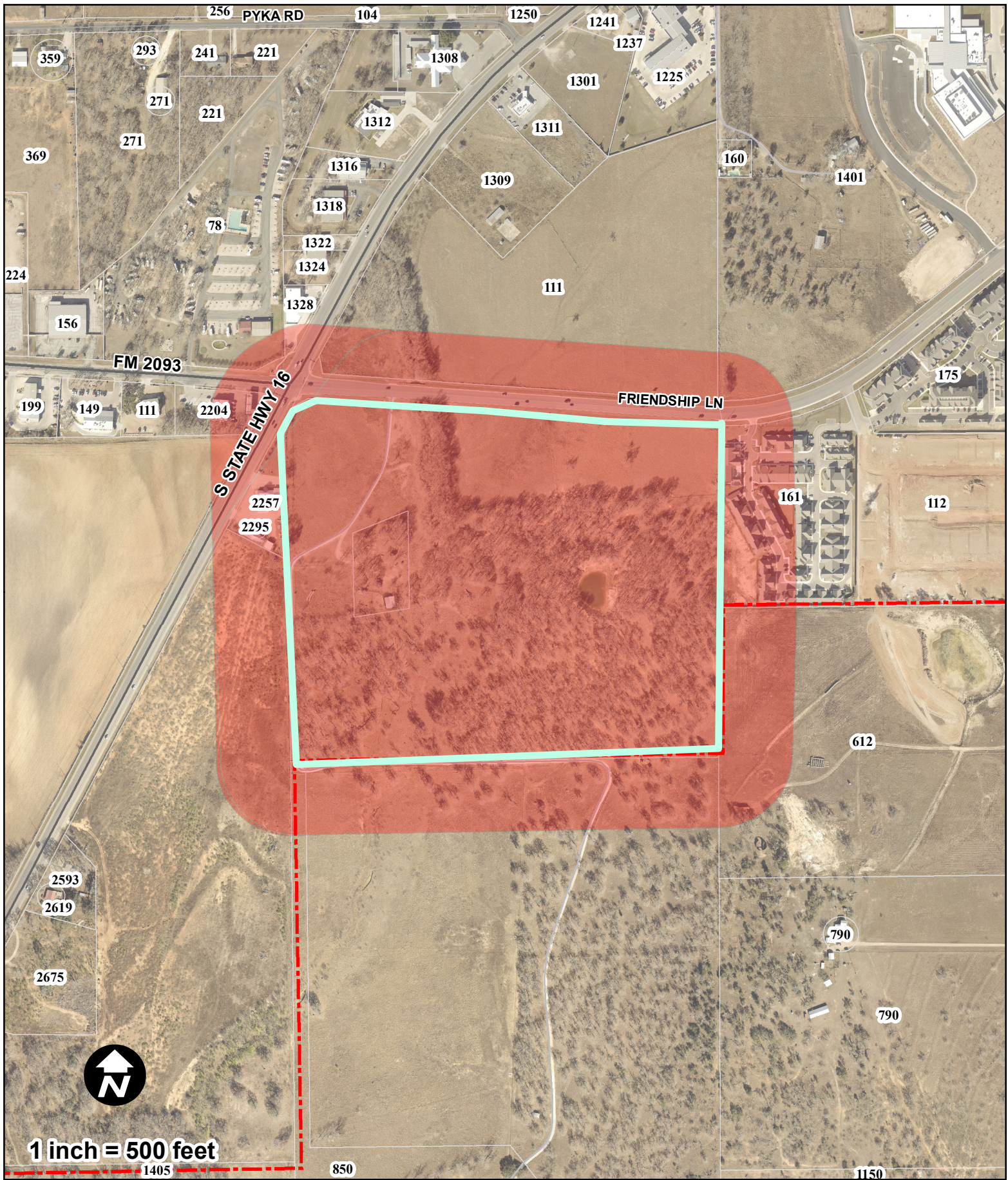
Cliff Cross, Director of Development Services

Date: August 27, 2026



Date: August 27, 2026

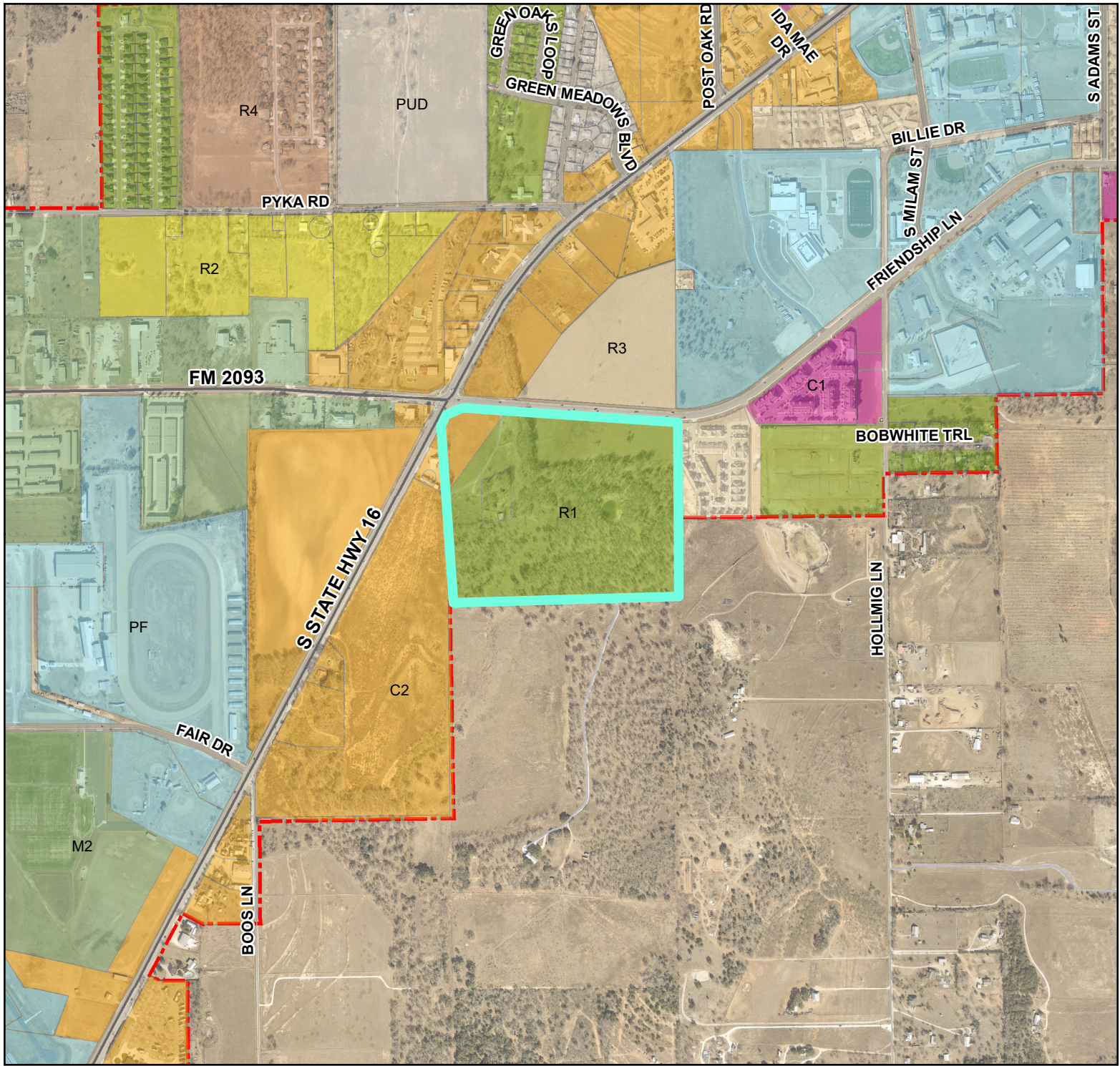
Barbara Quirk, City Attorney



LEGEND

- 300' Buffer Notification
- GCAD Parcels

City of Fredericksburg
Dev-2026-87-ZC - 111 Owl Lane



LEGEND

Underlying Zoning

ZONED

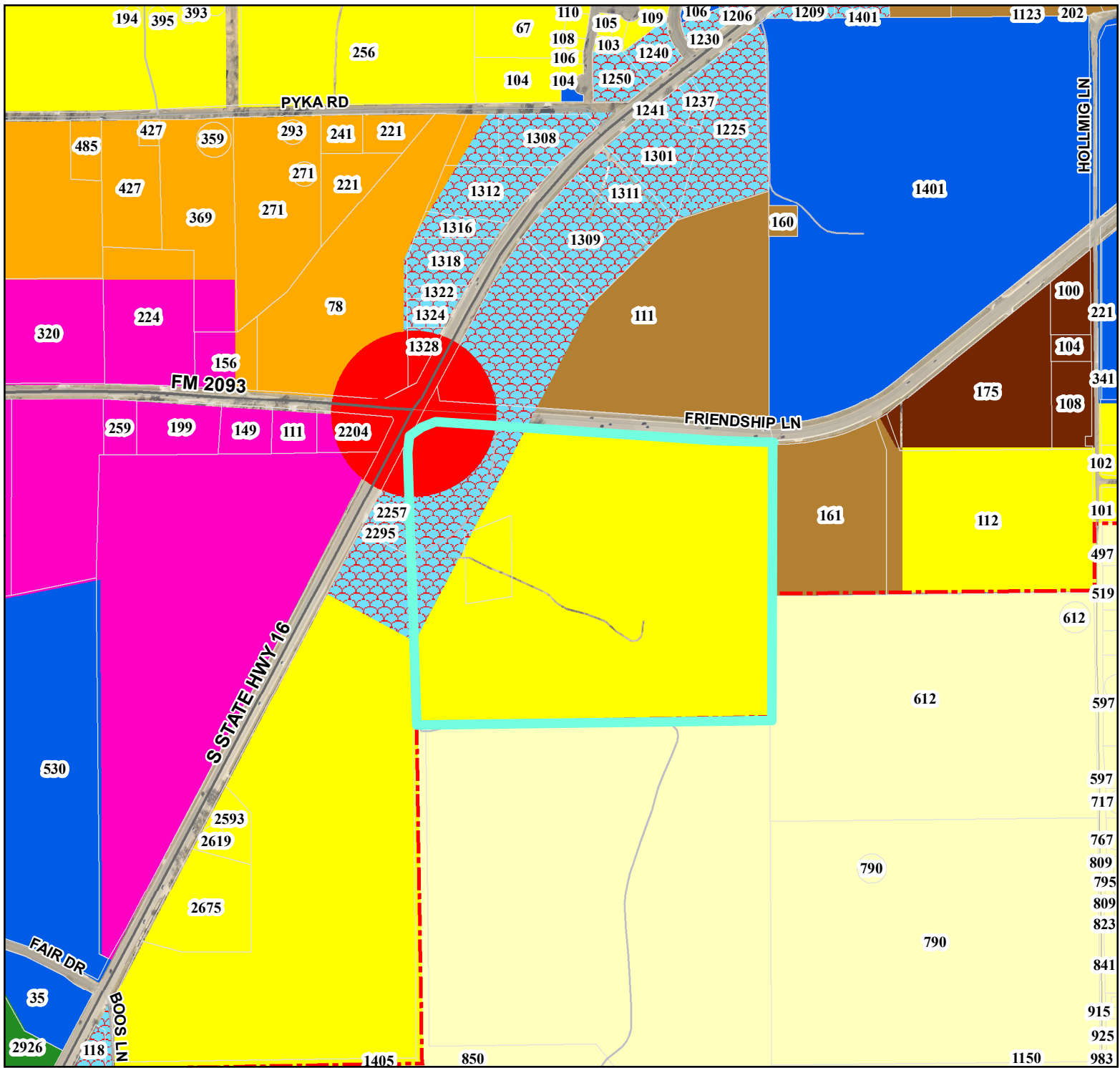
- C1 - Neighborhood Commercial
- C1.5 - Medium Commercial
- C2 - Commercial
- CBD - Central Business District
- M1 - Light Manufacturing
- M2 - Medium Manufacturing
- OS - Open Space
- PF - Public Facilities
- PUD - Planned Unit Development

- 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



City of Fredericksburg

DEV-2026-83-ZC - 111 Owl Lane



LEGEND

GCAD Parcels

Landuse

LANDUSE

Downtown Central Business District

Uptown Central Business District

Commercial Center

Commercial

Employment Center

FUTURE ROW

High Density Residential

Industrial

Low Density Residential

Medium Density Residential

Mixed Use Corridor

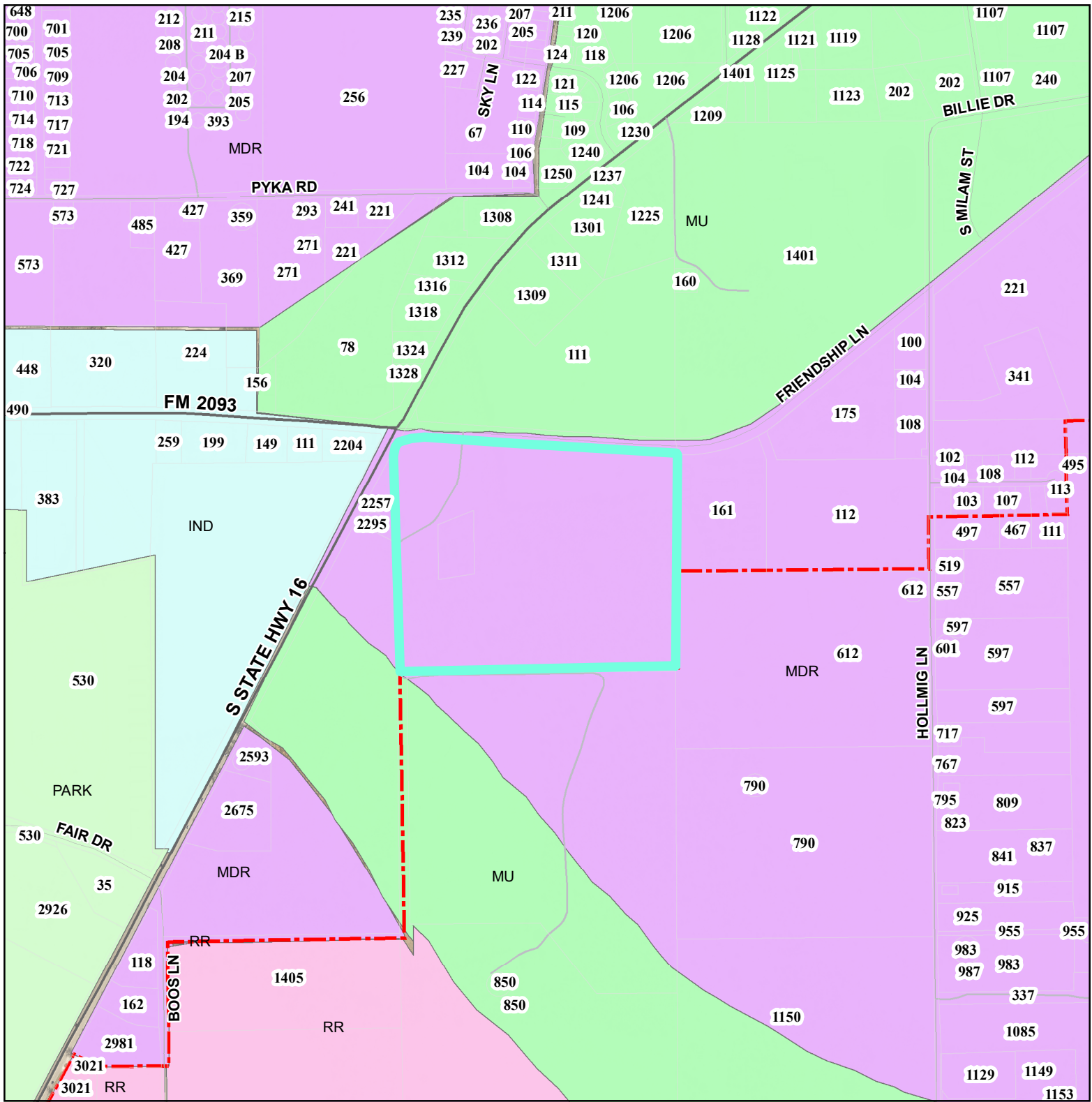
Parks & Open Space

Public / Semi-Public

Rural



City of Fredericksburg
DEV-2026-83-ZC - 111 Owl Lane



LEGEND

GCAD Parcels

Place_Type

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



City of Fredericksburg
DEV-2026-83-ZC - 111 Owl Lane



Mixed Density Residential

INTENT AND CHARACTER

The Mixed Density Residential category is envisioned to provide a greater level of residential density in a variety of forms. This category best accommodates residences built to meet the “missing middle” segment of the marketplace. This may include townhomes, attached dwellings, patio homes, apartments in the appropriate context, or a mix of several of these in a planned setting. Missing middle housing bridges the gap between single-family homes and mid-rise apartments. By integrating these housing types, communities can enhance affordability, create walkable neighborhoods, and modestly boost density.

In some instances, these areas may be designed in a more urban character in a walkable pedestrian environment. Buildings are intended to be street-oriented, with on-street parking or rear parking, pedestrian and bicycle facilities, short blocks with good street connectivity, and nearby goods and services.

Within the Historic District special care and review is required. The intent of this place type is not to change the character but allow for infill to create more housing where appropriate. This place type is found in both greenfield and infill situations, with seamless transition to nearby conventional residential neighborhoods.

APPROPRIATE LAND USE TYPES

Commercial

- In limited circumstances, commercial retail, office, restaurant (no drive-thru), and personal service uses may be considered if supporting the residential intent of the category.

Residential

- Single-family detached; single-family attached uses; cottage court/garden homes; townhouses (up to six attached units); low-rise multi-family (2 to 2.5 stories); garden-style apartments; and some contextual mixed-use urban lofts in places with more urban character.
- Within the Historic District, maintaining context with the existing character, single-family detached; single-family attached uses; duplex; triplex; townhouses (up to four attached units); single-family small lot; and some contextual mixed-use urban lofts in places with more urban character.

Industrial

- Not appropriate

Institutional

- Places of public assembly; utility and service use (e.g., electrical substations, fire stations, etc.).

Green Spaces

- Parks and recreation facilities; natural areas; open spaces; trail corridors; water quality features

Development Intensity Target

Residential	80 - 100%
Commercial	0 - 20%



GUIDANCE AND INTERPRETATION

The following recommendations should be considered for decision-making for zoning requests, development approvals, and regulatory adjustments:

- New development shall be built with a more urban or semi-urban character, including larger sidewalks and street trees.
- This land use can be a good transitional use from lower density residential to higher density or nonresidential uses, including near downtown.
- Connectivity to adjacent developments through trails and sidewalks is critical to maintaining access for transportation and recreation.
- Vehicle access through rear alleys and side or rear parking is desired instead of a front-loaded product.
- Social gathering spaces should be prioritized, including either public parks, passive open space or active private spaces within a development.
- Regional stormwater retention facilities and infrastructure should be utilized to create greenways and pedestrian/bicycle paths.
- Infill and development within the Historic District is subject to the Historic Preservation Ordinance and review by the Historic Review Board.

DEVELOPMENT CODE CONSIDERATIONS

Appropriate Existing Zoning Districts:

- R1-A, R2, R3, R5, NC

Implementation - Development Code Review:

- Review building height and setbacks for consistency
- Review buffers and screening to ensure compatibility (urban scale)
- Ensure street and pedestrian connectivity requirements to maintain connected street patterns
- Require sidewalks along all streets for development applications regardless of the Sidewalk and Trails Plan.
- Connectivity and efficient infrastructure requirements to add value
- Establish standards and requirements for alley facing garages, driveway requirements related to frontage on public streets versus alleys, garage door facing locations, and ensure front doors face the public street
- Maintain high standard of review from the Historic Review Board for development in the Historic District

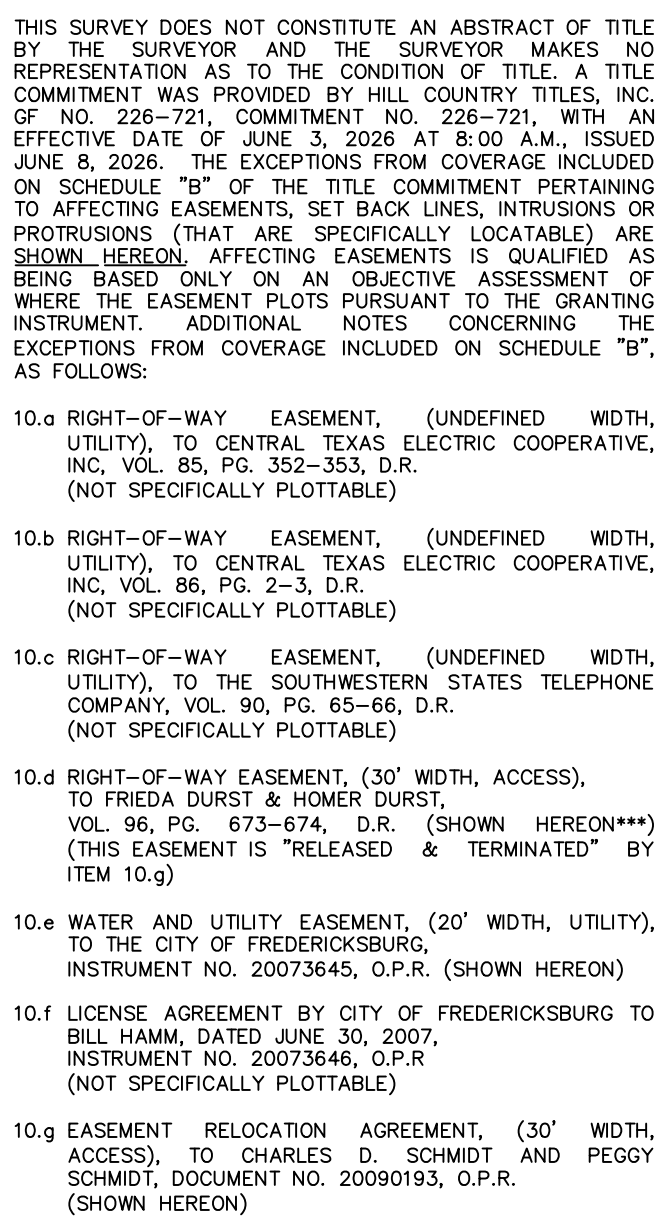
REPRESENTATIVE IMAGERY



BOUNDARY CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1,050.00'	54.07'	54.06'	S87°27'06"E	2°57'01"
C2	950.00'	46.83'	46.82'	N87°25'22"W	2°49'27"
C3	2,814.80'	388.52'	388.21'	N31°57'33"E	7°54'30"

BOUNDARY LINE TABLE		
LINE	BEARING	DISTANCE
L1	N27°59'29"E	54.48'
L2	N59°00'44"E	82.07'
L3	N10°06'21"W	75.85'
L4	S16°22'21"E	135.67'
L5	S06°31'10"W	44.75'
L6	S24°16'11"W	46.06'
L7	S07°10'41"W	21.71'
L8	S24°35'53"E	41.64'
L9	S11°26'35"E	40.01'
L10	N00°56'06"W	216.08'

SITE CONTROL POINT TABLE			
POINT	NORTHING	EASTING	ELEVATION
1001	10,058,065.740	2,752,227.045	1,703.46
1002	10,058,034.006	2,751,703.588	1,697.84
1003	10,058,024.343	2,752,735.215	1,709.35
1004	10,058,070.018	2,751,043.177	1,698.35
1005	10,057,578.123	2,750,592.766	1,697.53
1006	10,056,595.333	2,750,927.711	1,682.80
1007	10,056,688.464	2,752,634.786	1,707.76



1. CLIENT: SHORT-LEIGHT-HENDERSON KINCIN
SITE ADDRESS: 1111 OWL LANE,
FREDERICKSBURG, TEXAS 78624
JOB NO.: 28005

2. ONLY APPARENT, OBSERVED ABOVE-GROUND UTILITY AND ARE SHOWN HEREON. NO ATTEMPT HAS BEEN MADE TO SHOW HEREON TO SHOW THE EXISTENCE, SIZE OR LOCATION OF ANY OF THE UTILITY OR INFORMATION REGARDING UNDERGROUND UTILITY. THE APPROPRIATE AGENCY/OPERATOR NO EXCAVATION, DRILLING, OR OTHER MEANS TO FIND THE UTILITY LOCATIONS. THE SURVEYOR MAKES NO WARRANTY AS TO THE EXACT LOCATION OF UNDERGROUND UTILITY.

3. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP NO. 48171C0269C, AND PANEL NO. 48171C04501, EFFECTIVE DATE OF OCTOBER 19, 2001, THE PROPERTY IS LOCATED WITHIN A FLOOD HAZARD AREA. THIS FLOOD STATEMENT DOES NOT GUARANTEE THE EXISTENCE OF ANY OF THE PROPERTY OR THE STRUCTURES THEREON WAS NOT DAMAGED BY FLOOD OR HEIGHTS MAN-MADE OR NATURAL CAUSES.

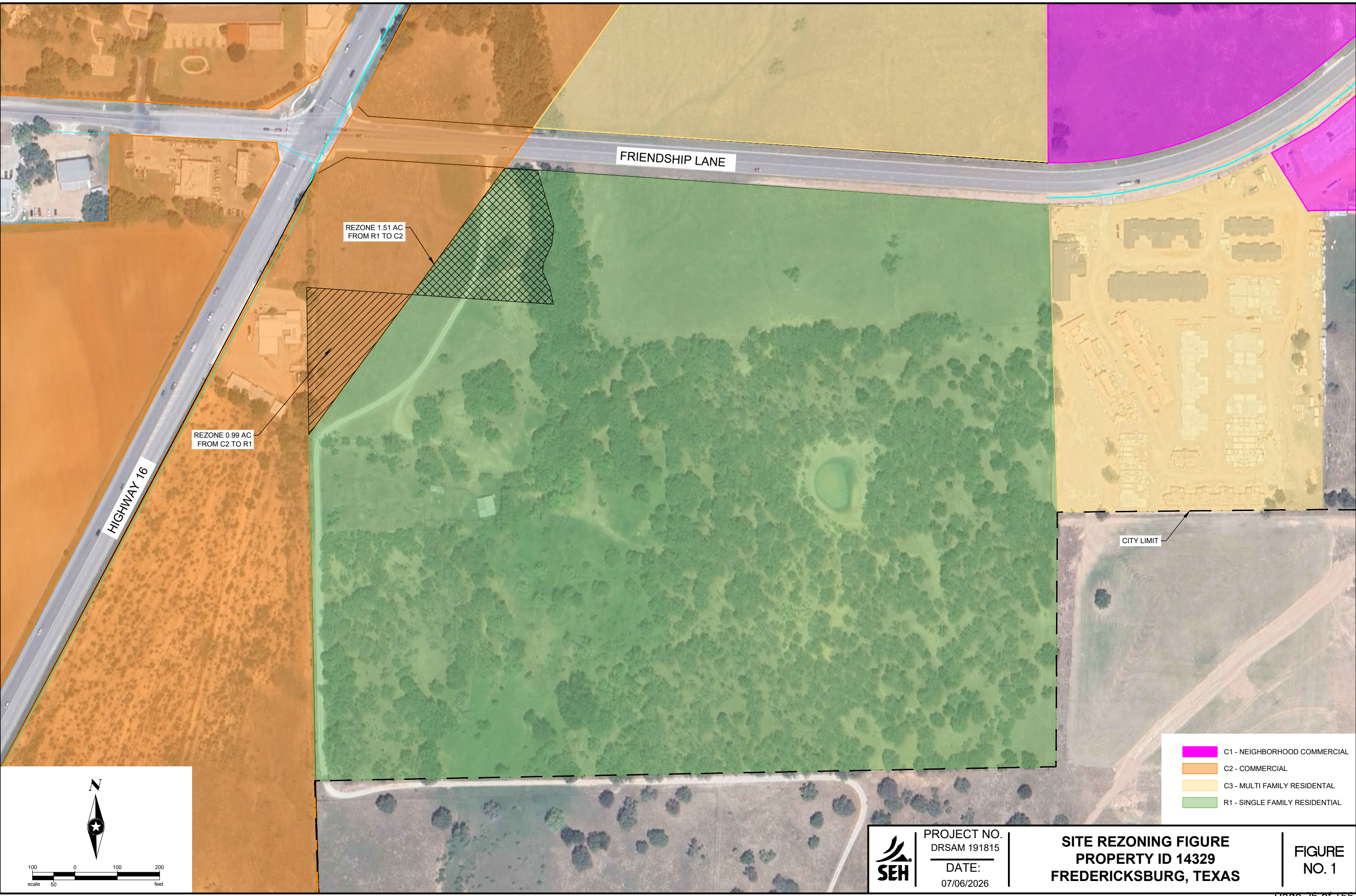
4. THE COORDINATES, BEARINGS, DISTANCES AND IMPROVEMENTS SHOWN HEREON ARE DERIVED FROM THE 1983 NAD83 COORDINATE SYSTEM, THE TEXAS STATE PLAN COORDINATE SYSTEM, CENT NORTH AMERICAN DATUM 1983 (NAD83) (24" X 36"). REFERENCE TO GRID COORDINATES AND ELEVATIONS SHOWN ARE REFERENCED TO THE GEOID108 MODEL, EXPRESSED IN U.S. SURVEY FEET.

5. A MINIMUM SETBACK OF 75 FEET IS REQUIRED FOR ANY BOUNDARY LINE FOR THE DRILLING/PLACEMENT OF ANY UTILITY BY THE TARRANT COUNTY CONSERVATION DISTRICT.

6. ORIGINAL MAP SHEET SIZE: 24" X 36".

- THIS SURVEY MAP IS THE COPYRIGHTED WORK OF WAYMAKER | LAND ADVISORS & SURVEYORS, PREPARED FOR THE REQUESTER, ISSUED ON THE DATE SHOWN HEREON, AND IS INTENDED FOR USE IN THIS TRANSACTION ONLY. UNAUTHORIZED USE, REPRODUCTION, OR DISTRIBUTION IS PROHIBITED WITHOUT WRITTEN CONSENT.

Save: 7/6/2026 1:33 PM rhaehn Plot: 7/6/2026 1:41 PM X:\VEID\DRSAM\1918155-final-dgn\p51-drawings\10-Civil\cad\dwg\text\p51\Overall exhibit.dwg



	PROJECT NO. DRSAM 191815	SITE REZONING FIGURE PROPERTY ID 14329 FREDERICKSBURG, TEXAS	FIGURE NO. 1
	DATE:		
	07/06/2026		



PLANNING AND ZONING COMMISSION **AGENDA MEMO**

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

MEETING DATE: September 2, 2026

SECTION: PUBLIC HEARING **ITEM:** B.

CAPTION: **DEV-2026-97-CUP - 1403 E Main** - By the Nature Shoppe, LLC (Brenda Rather) to consider a Conditional Use Permit (CUP) Per Section 3.200 To Establish and operate a "Limited - Retail Sales" use for the property known as 1403 E Main Street and referred to as ABS A0002 W H Anderson #197, .347 Acres (FCSE) City Southeast.

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

SUMMARY:

A Conditional Use Permit (CUP) application has been submitted to establish and operate a " Limited - Retail Sales" use within the Garten on Main commercial complex within suite #1 of the property commonly known as 1403 E. Main Street. The proposed development would be a limited retail boutique style nature backyard birding store.

BACKGROUND:

This application was reviewed for its conformity with relevant City Ordinances **Sec. 3.200**, Uses Subject to Conditional Use Permit and per **Sec. 5.460**, Review and Evaluation criteria for a Conditional Use Permit (CUP).

Site Area: 15,000 Square Feet (.35 acres)

Zoning: C1, Neighborhood Commercial **Sec. 3.200**

Building Sq. Footage: 2,916 sq. SF

Parking: 18 On-Site Spaces

Uses Permitted Subject to Conditional Use Permit

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

Arts and Crafts
Automotive Washing
Building Maintenance Services
Business School

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

Sec. 5.460. Review and Evaluation Criteria.

The Planning and Zoning Commission and City Council shall review and evaluate Conditional Use Permit applications using the following criteria:

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

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

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

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

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

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

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

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

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

Determination that the proposed use will comply with each of the applicable provisions of these Zoning Regulations. Determination that the proposed use and site development, together with any modifications applicable thereto, will be compatible with existing or permitted uses in the vicinity.

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

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

STAFF RECOMMENDATION:

Sec. 5.460, review and evaluation criteria for Conditional Use Permits (CUP) includes 13 items that must be considered when reviewing a CUP application. Of these 13 items, Staff finds that the applicant has met or responded to all the requirements.

The requested use, for the establishment of a limited retail use, is in keeping with existing uses on neighboring sites, throughout the area. In addition, the existing 2,916 square foot facility has approximately 18 on-site parking spaces that greatly exceeds the minimum of 8 per Table 7.863 "Off-Street Parking".

Staff recommends approval of the Conditional Use Permit as presented.

ATTACHMENTS:

1. 1403 E Main Notification Map
2. 1403 E Main Zoning
3. DEV-2026-97-CUP-1403 E MAIN - STREETVIEW
4. DEV-2026-97-CUP-nature shoppe 1
5. DEV-2026-97-CUP-natural shoppe 2

APPROVAL/REVIEW:



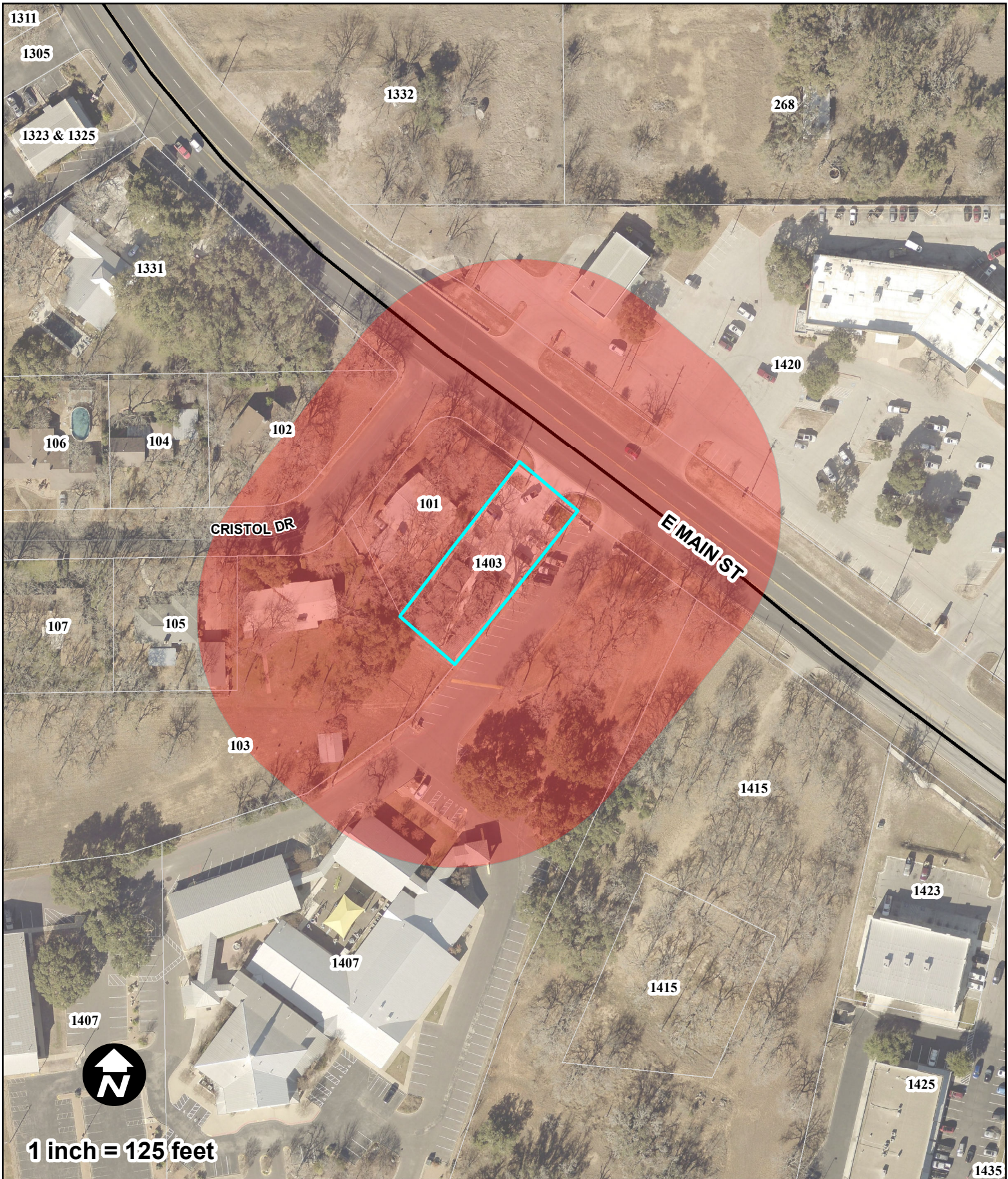
Cliff Cross, Director of Development Services

Date: August 27, 2026



Barbara Quirk, City Attorney

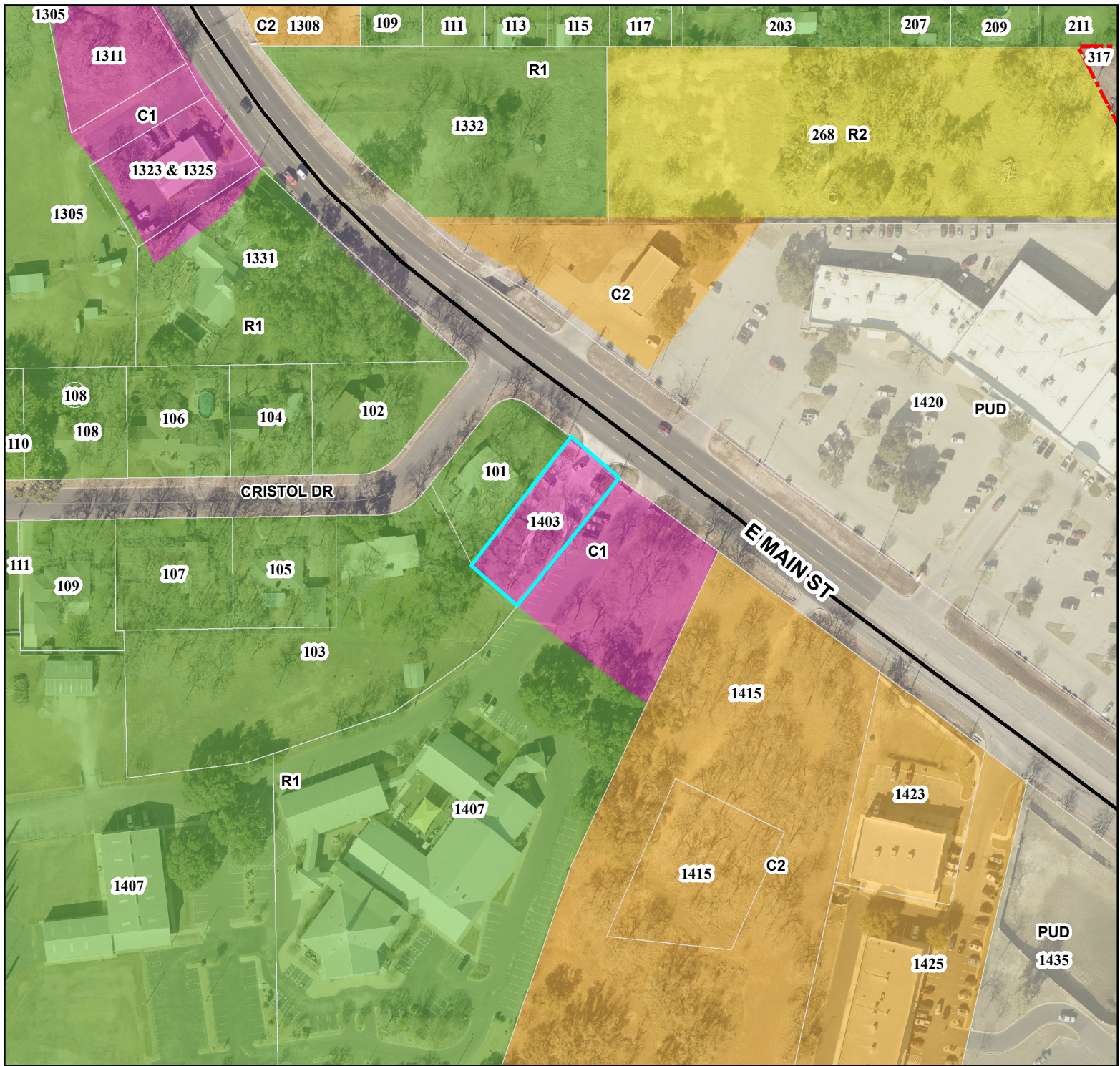
Date: August 27, 2026



City of Fredericksburg
DEV-2026-97-CUP - 1403 E. Main Street

LEGEND

-  200' Notification Buffer
-  GCAD Parcels



LEGEND

GCAD Parcels

Zoning

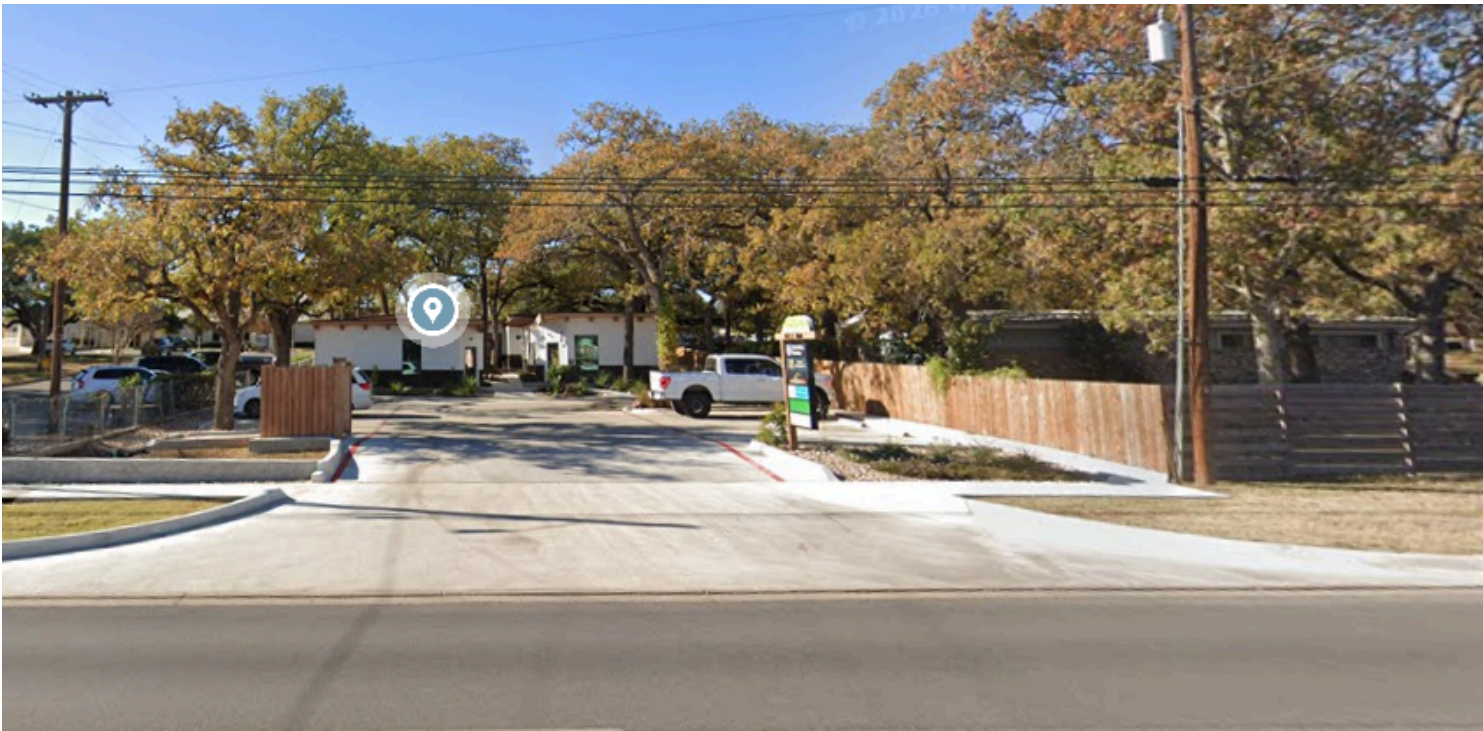
ZONED

- 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



City of Fredericksburg
DEV-2026-97-CUP - 1403 E.Main St.









PLANNING AND ZONING COMMISSION **AGENDA MEMO**

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

MEETING DATE: September 2, 2026

SECTION: PUBLIC HEARING **ITEM:** C.

CAPTION: **DEV-2026-106-ZC - 708 Whitney** - By Lykke House (Travis & Quinn Dusek) To Consider a zoning change for .21 Acres frp, Single Family Residential (R1) to Neighborhood Commercial (C1) for property legally described as Schaefer BLK a lot 13AR, - Replat and commonly known as 708 Whitney Street Fredericksburg, Texas. (No Action - Request To Table)

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

SUMMARY:

BACKGROUND:

STAFF RECOMMENDATION:

ATTACHMENTS:

None

APPROVAL/REVIEW:

Cliff Cross, Director of Development Services

Date: August 27, 2026



PLANNING AND ZONING COMMISSION **AGENDA MEMO**

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

MEETING DATE: September 2, 2026

SECTION: PUBLIC HEARING ITEM: D.

CAPTION: **DEV-2026-110-CUP:** By Steven & Ellen Scott to consider a Conditional Use Permit (CUP) Per Section 6.110 to Operate and expand upon a Legal Non-Conforming "STR-UNOCCUPIED" use for the property commonly known as 301 E. Burbank Street and referred to as Mutual #2 Lot 13A, - Replat (FCNE) City Northeast.

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

SUMMARY:

The applicant is requesting a Conditional Use Permit to expand the structure for the property commonly known as 301 E Burbank Street.

BACKGROUND: **Sec. 6.110. Continuance of a Nonconforming Use.**

Residential Districts

Enlargement. A non-conforming use may be enlarged, expanded, extended or changed within the boundary of the lot in which the non-conforming use has legally operated, upon approval of a Conditional Use Permit (section 5.400). Any enlargement or extension, whether requiring a Conditional Use Permit or not, shall be required to come into in compliance with all city ordinances, codes, or policies and development regulations which may apply to the property (examples without limitation: landscape, parking, curb cuts, setbacks).

Conversions. A non-conforming use may be continued as the same classification, or may be changed to a use of a more restricted classification upon approval of a conditional use permit. If it is changed to a use in a more restricted classification or to a conforming use, it cannot be changed back to its original non-conforming use. For purpose of this paragraph, the phrase "same classification" means: uses permitted in the same district; a "more restricted classification" means: use in a district having more restricted use (i.e., C-2 vs. C-1); and provided that:

The new use is similar to or less intensive than that of the old use in terms of noise generated, outdoor storage, customer activity and impact on other conforming uses in the area, and that the new use comply with the parking requirements of this ordinance as applicable to newly established uses.

Termination.

If a non-conforming use or any portion thereof is voluntarily discontinued for a period of 90 days, any future use of such land or portion thereof shall be in conformity with the regulations of the district in which such land or portion thereof is located.

Non-conforming use is terminated upon a change in use other than as provided herein.

Non-conforming use is terminated upon destruction of a structure occupied by a non-conforming use unless it is permitted to be rebuilt as provided herein.

Sec. 5.460. Review and Evaluation Criteria.

The Planning and Zoning Commission and City Council shall review and evaluate Conditional Use Permit applications using the following criteria:

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

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

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

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

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

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

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

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

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

Determination that the proposed use will comply with each of the applicable provisions of these Zoning Regulations. Determination that the proposed use and site development, together with any modifications applicable thereto, will be compatible with existing or permitted uses in the vicinity.

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

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

STAFF RECOMMENDATION:

Staff would only recommend approval contingent upon compliance with all applicable development regulations and confirmation of a legal non-conforming STR Unoccupied Use.

ATTACHMENTS:

1. 301 E Burbank Notification Map
2. 301 E Burbank Zoning
3. DEV-2026-110-301 e burbank - lawyers narrative
4. DEV-2026-110-301 e burbank - law suit - exhibt 2
5. Protest - Mackie - DEV-2026-110-CUP (301 E. Burbank St)_Redacted

APPROVAL/REVIEW:

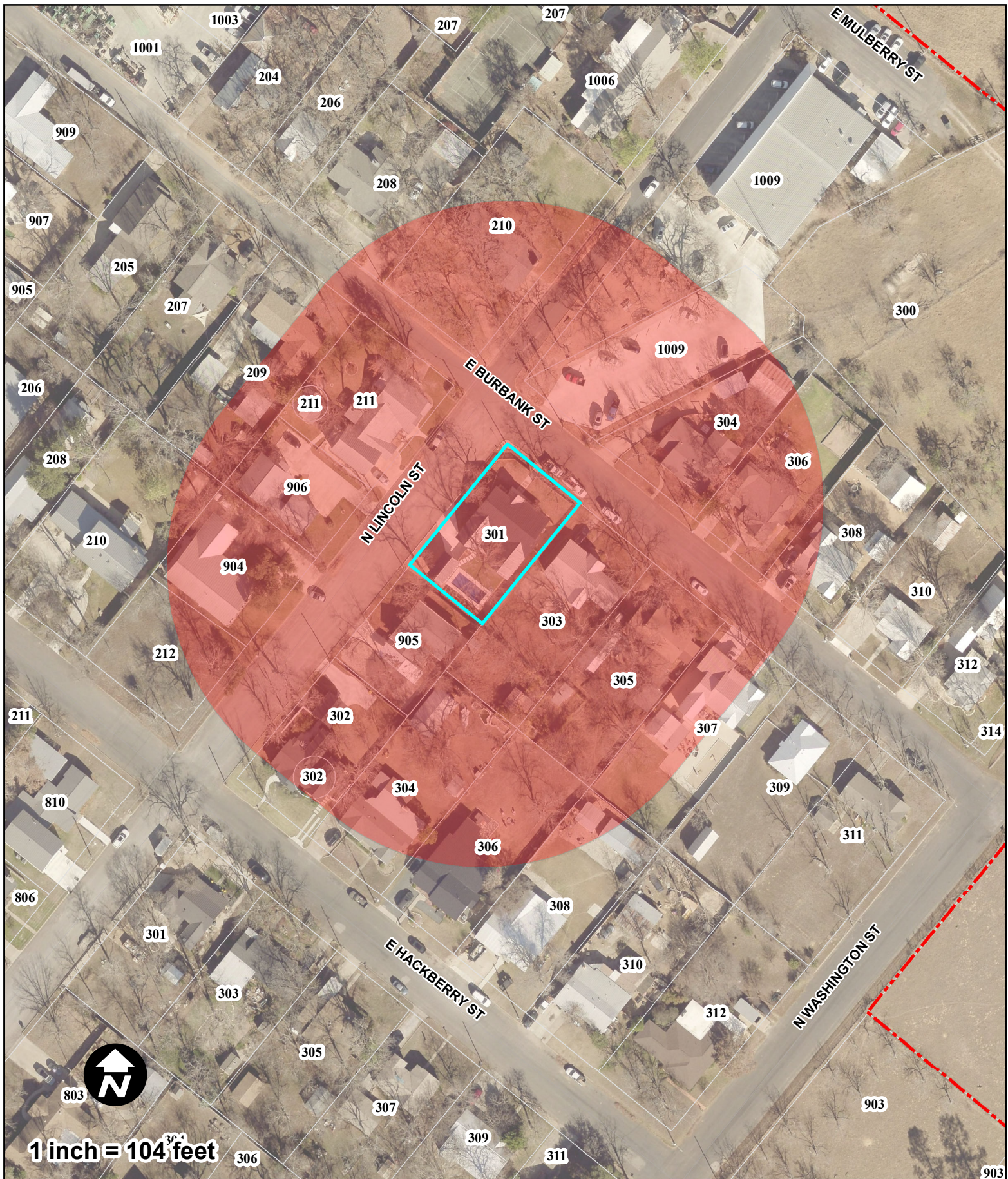
Cliff Cross, Director of Development Services

Date: August 27, 2026



Barbara Quirk, City Attorney

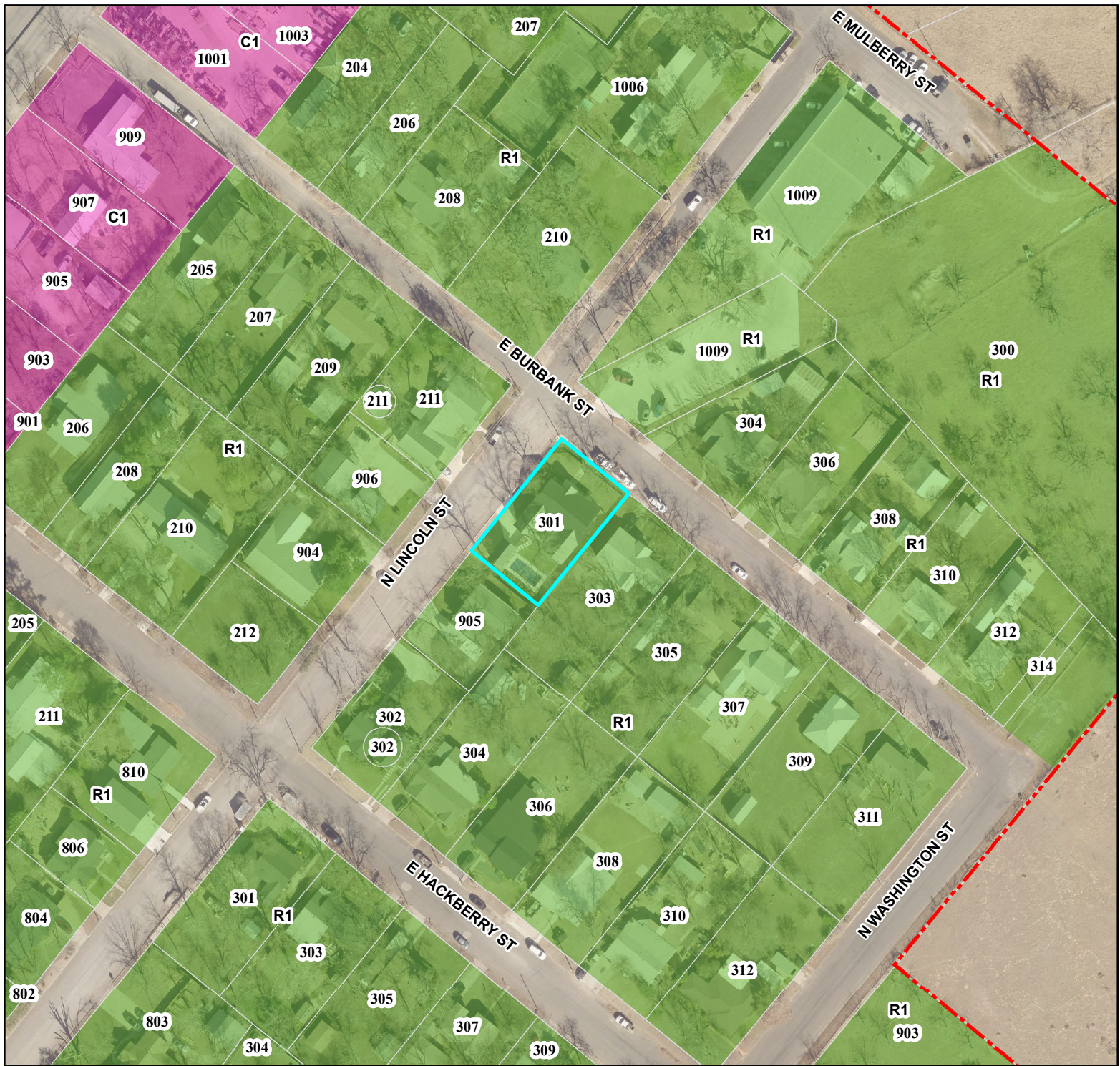
Date: August 27, 2026



City of Fredericksburg
DEV-2026-110-CUP - 301 E. Burbank St.

LEGEND

- 200' Notification Buffer
- GCAD Parcels



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



City of Fredericksburg
DEV-2026-110-CUP - 301 E. Burbank St.

June 30, 2026

Via Email: cbailey@fbgtx.org and ccross@fbgtx.org

Clinton Bailey, City Manager
Cliff Cross, Director of Development Services
Zoning Board of Adjustment
126 West Main Street
Fredericksburg, TX 78624

Re: Application for Conditional Use Permit ("CUP") for 301 E Burbank

To Whom it May Concern:

This office represents Steven Scott and Ellen Scott, as the property owners of the property located at 301 E. Burbank Street, Fredericksburg, Texas 78624 (the "Property") and is filing this Application for a Conditional Use Permit ("CUP") for the Property.

I. Brief Background

Pursuant to the Settlement Agreement with the City of Fredericksburg under Civil Action No. AU:24-CV-00701-RP, the City has agreed to administratively reopen the time period to file this application for a Conditional Use Permit ("CUP") for the Property. **[Exhibit—1]**

The facts that give rise to this appeal stem from Steven Scott and Ellen Scott, a married couple, who invested in purchasing the Property referenced above to operate as a short-term rental. This couple specifically chose this Property because of its appeal as a short-term rental. The previous owner, Meneer, LLC, had purchased the Property in a dilapidated state and made significant and necessary improvements to the Property in order to advertise and ultimately sell as a STR. During this period of remodeling, the prior owner had applied for and made their intentions to the City clear of their intent for the Property to operate as a STR. Based on this, and many other facts surrounding the history of this Property, the prior owner applied for a Vested Rights Determination, **[Exhibit—2]**, appealing to the City that the Property had a vested right to operate as a STR. However, as pointed out by the City Manager, Clinton Bailey, in his letter in response, **[Exhibit—3]**, they were still required to apply for a CUP for the expansion of the structure during the remodel and had failed to do so.

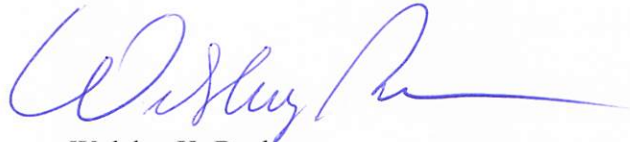
Since that time this couple has tirelessly maintained their pursuit of obtaining their STR permit, and to that end it is this couple's intention to apply for that CUP now.

a. Conditional Use Permit (“CUP”) – Site Plan

As previously outlined in the background above, the proposed use of the Property will be as a short-term rental (“STR”). Our office is currently in the process of obtaining the requisite site plan and zoning summary to supplement this application pursuant to Section 7.131. However, in lieu of this requisite at this time pending this couple’s application please consider the opportunity and open invitation to visit and inspect the Property to the City’s satisfaction. In addition if there are any other considerations or materials required by the City for their consideration to notify my office at (830) 992-8358 or to reach out to me directly at wreeh@reehandschwinglaw.com.

Sincerely,

REEH & SCHWING LAW FIRM



Welsley K. Reeh
TX Bar 24107960

September 18, 2024

Via CMRRR: 7019 0700 0000 9506 4697

Via Email: cbailey@fbgtx.org and ahudson@fbgtx.org



Clinton Bailey, City Manager
Anna Hudson, Director of Development Services
126 West Main Street
Fredericksburg, TX 78624

Re: Complaint and Appeal Against the Vested Rights Determination and STR Permit Status for
301 E. Burbank

To Whom it May Concern:

This office represents Clay Carter of Meneer, LLC and is filing this Complaint and Appeal against the City of Fredericksburg, Clinton Bailey as City Manager, and Anna Hudson as Director of Development Services concerning the recent decision taken against the Vested Rights Determination and STR Permit Status for 301 E. Burbank (the "Structure") as outlined below.

This communication is a formal Complaint and Appeal pursuant to the City of Fredericksburg 2024 STR Ordinance Sec. 20-225 – Appeal. The City Council shall, at the next regularly scheduled city council meeting following the expiration of 14 calendar days following perfection of the appeal, hear the appeal, and to affirm, modify, or reverse the application denial. Notice of this hearing required and must be communicated to this office.

I. Brief Background

The facts that give rise to this complaint stem from the incident that took place early June of this year, when Mr. Carter attempted to obtain an STR permit from the City after remodeling had been completed and the Structure was ready for occupation. Naturally, Mr. Carter first reached out to the City's STR specialist, Ms. Jan Musgrove, who told Mr. Carter his best option was to apply for vested rights using the Vesting Rights Determination Form and submit the completed application to the City's Senior Planner, Ms. Shelby Collier. Mr. Carter's associate, Ms. Kathleen Henderson, was told by Ms. Collier, that in order to be vested under the 2018 or 2022 STR ordinance they would need to complete the vested rights form and "spell out when you're vesting to and why..." As restated by the Director of Development, Ms. Hudson, in her email, dated June 10, 2024, to Ms. Henderson. (See attached Appendix 4-0030).

a. Structure's Legal Nonconforming Use Status

Pursuant to these instructions, a 'Vested Rights Determination Request Form' was completed, signed, and submitted to Ms. Hudson and Ms. Collier. (See attached Appendix "1-0007"). As stipulated within the form by Mr. Carter, an STR permit application had been made on March 30, 2022. The City acknowledged this to be true in an email from Ms. Collier on June 17, 2022, where she confirmed that "records indicate that [301 E. Burbank] is a Permitted Short-Term Rental that was permitted prior to April 1, 2022 making it a legal nonconforming use." (See attached Appendix "1-0003"). This fact is not in dispute.

b. Structure Required Extensive Repairs and Remodeling

However, because the Structure was in a bad condition when it was purchased and not suitable for occupancy, remodeling was necessary. Some walls had to be taken down as they were determined to be unsafe and structurally unsound due to rot. Before the Structure could be made safe again and the remodel to commence, the builder had to complete a Building Permit Application that was submitted to Ms. Collier. Upon receiving this information, Ms. Collier took the position that the Structure had now voluntarily discontinued its legal nonconforming use status as the structure had been demolished. (See attached Appendix "3-0021"). But the Structure was never fully demolished, as claimed by Ms. Collier, nor could the Structure's status be construed to be 'voluntarily' discontinued by any means as the Structure would not be suitable for *any* occupancy short term or otherwise without these necessary repairs and remodel. Simply put, Ms. Collier left Mr. Carter with the impossible choice of making the Structure safe or losing the Structure's legal nonconforming use status. This was no different than a trick coin or a catch 22, as Mr. Carter never had a choice. Even if he had chosen to maintain the Structure's legal nonconforming status, the Structure would still have lost its STR permit as it would never have passed an inspection due to the Structure's unsafe condition.

Aside from this unconscionable interpretation of the 2022 Ordinance, and, quite frankly, the surrounding facts of Mr. Carter's specific circumstances, the City cannot in earnest claim the Structure was demolished. Furthermore, there is no definition of "destruction" within the 2022 STR ordinance, resulting in an arbitrary and unwritten standard. For example, how many walls must come down for a Structure to be considered 'destroyed'? One? Two? All of them? In this case not all walls were taken down, only those walls that were determined to be rotted and structurally unsafe. This leads to the very important exception within the 2022 Ordinance for "repairs, modifications, additions, or remodels," and when a structure's rotted walls are replaced with structurally safe walls is that not a repair to the structure. (See Appendix 1-0004).

This is further supported by Longhorn Asphalt & Construction ("Longhorn"), who was responsible for the remodel of the Structure, who stated that the work performed at the Structure was undoubtedly a remodel and not a complete destruction of the Structure. Longhorn went on to explain that they had "left several original structure walls of the existing house intact on [the] remodel." (See attached Appendix "1-0006" and "3-0025").

c. Structure was Always Intended to be a STR

After receiving numerous unclear and confusing instructions by City officials, Mr. Carter sought assistance from this office to supplement his vested rights form. A memorandum was prepared by this office, and sent to Ms. Collier and Ms. Hudson on July 15, 2024, in support of Mr. Carter's vested right determination form that detailed the aforementioned information for the City's consideration. (See attached Appendix "1"). The City requested that all ongoing correspondence be with Ms. Rachel Raggio, of the City Attorney's office, who in turn purported that the application still lacked "evidence that supports the assertion that the project of renovating and operating the STR was in motion prior to the adoption of the 2022 ordinance." (See attached Appendix "1"). Ms. Raggio further described types of evidence considered in previous cases, such as "building/other permit applications, correspondence with staff regarding the process of obtaining a permit, correspondence with builders, or even correspondence with real estate agents indicating an intent to operate the Structure as a short term rental." (See attached Appendix "2-0012"). All of which largely appeared to be centered around proving an intention to operate an STR. Based on these instructions, on July 26, 2024, additional supporting evidence and materials was submitted as a supplement to the memorandum provided for consideration in the Structure's vested determination for STR. (See attached Appendix "2" and "3").

II. *City Manager Rejects the Vested Rights Determination Request*

On August 21, 2024, the City Manager, Mr. Bailey formally rejected Mr. Carter's Vested Rights Determination Request for the Structure, however, his conclusions are not consistent with the evidence in the record. (See attached Appendix "5").

The two main conclusions Mr. Bailey makes in his letter are the following: (1) there was an "unauthorized demolition of the structure for which the STR permit application had been submitted, and (2) due to a proposed expansion of the structure resulting from the reconstruction a Conditional Use Permit ("CUP") would be required to expand the STR use.

a. The Nonconforming Use was Not Terminated because the Structure was Not Demolished

For the reasons stipulated above in Section I(b) and incorporated by reference in this Section, the Structure was not demolished. And on this point it seems the City is also conflicted on whether a demolition occurred, as Mr. Bailey alleges on May 5, 2022, a demolition permit was retroactively submitted to demolish the structure, which would suggest the Structure had (supposedly) been demolished prior to May 5, 2022, thereby terminating the Structure's nonconforming use status. But on June 17, 2022, more than a month later, the City's Senior Planner, Ms. Collier sent an email affirmatively confirming the Structure still maintained its "current legal nonconforming use status," which should not have been possible *if* the Structure had been demolished. (See attached Appendix "1-0003"). Therefore, based on the evidence in the record and statements from the City's own officials, the nonconforming use was not terminated because the alleged 'demolition' took place prior to May 5, 2022 and as of June 17, 2022 the Structure still maintained its legal nonconforming use status.

b. A Conditional Use Permit ("CUP") is Not Necessary to Expand STR Use

Mr. Bailey goes on to entertain that even if such demolition did not occur and the Structure maintained its legal nonconforming use status, a CUP would still be required to account for the expansion of the structure. Yet Mr. Bailey forgets to take into account that *also included* in Section 6.110 of the Zoning Ordinance, is the exception that a CUP shall not be required, and the enlargement may occur, upon submission and approval of a Site Plan if the enlargement involves only a one-time increase in the size of the building in which the same use is operated of not more than 25 percent. (See Appendix 1-0004). In the present case, the City was provided with the Building permit application site plan/final plot for consideration on June 17, 2022. The building permit and site plan were ultimately approved by the City, and the one-time increase in size was not more than 25 percent. Therefore, a CUP is not necessary to expand the STR use.

In conclusion, the Structure did not voluntarily discontinue its legal nonconforming STR use as the structure was not demolished, but repaired and remodeled to be safe for occupancy, as allowed by the 2022 STR ordinance. Nor should it be required to apply for a CUP for the expansion as the building permit and site plan were approved by the City, and the one-time increase in size was not more than 25 percent, also allowed by the 2022 STR ordinance.

Sincerely,

REEH & SCHWING LAW FIRM



Welsley K. Reeh
TX Bar 24107960

Appendix 1

- *Memorandum, dated July 15, 2024, from Reeh & Schwing Law Firm*
- *Exhibit "A"*
- *Exhibit "B"*
- *Exhibit "C"*
- *Exhibit "D"*
- *Vested Rights Determination Request Form*

MEMORANDUM

TO: Meneer, LLC
ATTN: Clay Carter
FROM: Reeh & Schwing Law Firm, PLLC
DATE: July 15, 2024
RE: July 12, 2024, Email from Kathleen Henderson, Meneer, requesting an Opinion Letter on Short Term Rental Permit Status/Disqualification pertaining to the renovation of the property located at 301 E. Burbank, Fredericksburg, Texas 78624.

This memorandum is intended to provide general guidance to Meneer, LLC ("Meneer") to support their application for a Short-Term Rental ("STR") Permit for the property located at 301 E. Burbank, Fredericksburg, Texas 78624 (the "Property"), and why the Property qualifies to have its STR Permit renewed as a legal non-conforming short-term rental use in light of the necessary remodel that was made to the Property.

In review of the Property's qualification for an STR Permit, the following materials were considered: City of Fredericksburg Ordinance No. 2022-13 ("2022 STR Ordinance"), and several emails exchanges between City of Fredericksburg officials and Meneer representatives.

The City admits in the email dated June 17, 2022, "records indicate that this Property is a Permitted Short-Term Rental that was permitted prior to April 1, 2022,"¹ therefore there is no question that the Property legally operated as an STR before the City's 2022 STR Ordinance came into effect and should continue as a non-conforming short term rental use. In this case, with the express permission of the City, Meneer made significant investments in reliance of their continued ability to rent the Property as an STR, notably making necessary repairs to the Property through a remodel.

Under the 2022 STR Ordinance, the Property is classified as 'non-conforming short term rental use', as such under Section 6.110 a "non-conforming short-term rental use shall not be considered voluntarily discontinued if the use is suspended for repairs, modifications, additions or remodels,"² here the Property was remodeled, a term specifically contemplated and included in the 2022 STR Ordinance.

The City cites as the grounds for refusing to grant the Property a STR permit is "due to an unpermitted demolition of the structure."³ There is no definition of "destruction" within the 2022 STR Ordinance, resulting in an arbitrary and unwritten standard. A common understanding of the term 'destruction' is the action or process of causing so much damage to something that it no longer exists or cannot be repaired.

¹ See Exhibit "A".

² See Exhibit "B".

³ See Exhibit "C".

Longhorn Asphalt & Construction ("Longhorn"), who was responsible for the remodel of the Property, explained that the work performed at the Property was undoubtedly a remodel and not a complete destruction of the Property, as they had "left several original structure walls of existing house intact on [the] remodel."⁴ Furthermore, the only reason some of the walls and roof trusses were removed was because it was necessary as they were rotted and structurally unsafe.

In conclusion, it is this firm's opinion that the Property did not voluntarily discontinue its non-conforming short-term rental use as the Property was not destroyed but merely remodeled, as permitted by the 2022 STR Ordinance. Therefore, the City of Fredericksburg should grant Meneer's STR permit for the Property.

Feel free to contact this office directly with any questions concerning this matter at (830) 992-8358.

Sincerely,

Reeh & Schwing Law Firm



Welsley K. Reeh
TX Bar 24107960

⁴ See Exhibit "D".

Welsley Reeh

From: Shelby Collier <scollier@fbgtx.org>
Sent: Friday, June 17, 2022 9:57 AM
To: shae@keeperslandplanning.com
Cc: Permits
Subject: 301 E. Burbank
Attachments: 2021 IECC Compliance Check List Mechanical E. Burbank rescheck Report.pdf; Final Plotted Burbank.pdf; Updated Building Permit Application Fillable_202106221444516871 copy.pdf

Good morning Shae,

Staff has received a Building Permit Application for 301 E. Burbank and given its current Legal Nonconforming Use Status, Staff is not able to accept the Building Permit Application at this time.

Records indicate that this property is a Permitted Short-Term Rental that was permitted prior to April 1, 2022 making it a Legal Nonconforming Use and If you wish to expand upon that use, a Conditional Use Permit (CUP) is required, which is a special use permit issued by City Council.

The CUP process take 45 -60 days and requires a formal application be made with City Staff as well as a Public Notification through the Newspaper and individual notification of all property owners that own property within 200 feet of the subject property.

<https://www.fbgtx.org/845/Short-Term-Rentals>

Is this something you wish to pursue?

I welcome your response.



"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

Sec. 6.110. Continuance of a Nonconforming Use.

Residential Districts

Enlargement. A non-conforming use may be enlarged, expanded, extended or changed within the boundary of the lot in which the non-conforming use has legally operated, upon approval of a Conditional Use Permit (section 5.400). Any enlargement or extension, whether requiring a Conditional Use Permit or not, shall be required to come into compliance with all city ordinances, codes, or policies and development regulations which may apply to the property (examples without limitation: landscape, parking, curb cuts, setbacks).

Conversions. A non-conforming use may be continued as the same classification, or may be changed to a use of a more restricted classification upon approval of a conditional use permit. If it is changed to a use in a more restricted classification or to a conforming use, it cannot be changed back to its original non-conforming use. For purpose of this paragraph, the phrase "same classification" means: uses permitted in the same district; a "more restricted classification" means: use in a district having more restricted use (i.e., C-2 vs. C-1); and provided that:

The new use is similar to or less intensive than that of the old use in terms of noise generated, outdoor storage, customer activity and impact on other conforming uses in the area, and that the new use comply with the parking requirements of this ordinance as applicable to newly established uses.

Termination.

If a non-conforming use or any portion thereof is voluntarily discontinued for a period of 90 days, any future use of such land or portion thereof shall be in conformity with the regulations of the district in which such land or portion thereof is located. A non-conforming short-term rental use shall not be considered voluntarily discontinued if

~~Short-term rental uses shall not terminate under the following conditions:~~

~~The use is suspended for repairs, modifications, additions, or remodels, or other similar situations; or if the owner of the property home utilizes the property as their personal residence, for a period not to exceeding more than one 365 consecutive days (1) year; or~~

Non-conforming use is terminated upon a change in use other than as provided herein.

Non-conforming use is terminated upon destruction of a structure occupied by a non-conforming use unless it is permitted to be rebuilt as provided herein.

Other Districts

Enlargement. A non-conforming use may be enlarged within the boundary of the lot in which the non-conforming use has legally operated upon approval of a Conditional Use Permit (section 5.400).

Provided, however, a Conditional Use Permit shall not be required, and the enlargement may occur, upon submission and approval of a Site Plan if the enlargement involves only a one-time increase in the size of the building in which the same use is operated of not more than 25 percent.

Any enlargement or extension, whether requiring a Conditional Use Permit or not, shall be required to come into compliance with all city ordinances, codes, or policies and development regulations which may apply to the property (examples without limitation: landscape, parking, curb cuts, setbacks), and the non-conforming use may be continued only for so long as the property remains in compliance with all applicable City Ordinances and Codes, including those prohibiting nuisances. All Existing non-conforming single family residential uses may be enlarged without the necessity of obtaining a Conditional Use Permit.

Conversions. A non-conforming use may be continued as the same classification, or may be changed to a use of a more restricted classification upon approval of a conditional use permit. If it is changed to a use in a more restricted classification or to a conforming use, it cannot be changed back to its original non-conforming use. For purpose of this paragraph, the phrase "same classification" means: uses permitted in the

Exhibit "C"

Cc: Tyler Baethge <tbaethge@fbgtx.org>; Jan Musgrove <jmusgrove@fbgtx.org>
Subject: RE: Vested Rights form - 301 E Burbank Construction Story/Pics & Builder Note

Yes please. Can I call you? Who should I call?



Clay Carter
Centex Private Investment Management
1301 S. Capital of Tx Hwy, Suite B-125
Austin, Tx 78746

Clay@CentexPIM.com
phone: 512-533-9110
fax: 512-533-9111

From: Shelby Collier <scollier@fbgtx.org>
Sent: Monday, June 10, 2024 9:43 AM
To: Anna Hudson <ahudson@fbgtx.org>
Cc: Clay Carter <clay@centexpim.com>; Tyler Baethge <tbaethge@fbgtx.org>; Jan Musgrove <jmusgrove@fbgtx.org>
Subject: FW: Vested Rights form - 301 E Burbank Construction Story/Pics & Builder Note

Anna,

Please see the following correspondence.

It appears that Clay Carter is requesting a vesting determination for property located at 301 E Burbank.

I previously denied a STR permit for the property due to an unpermitted demolition of the structure.

I'm happy to discuss if needed.



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

Shelby Collier/ Senior Planner/ City of Fredericksburg

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

[Complete the Final Survey for the Comprehensive Plan](#)

From: Clay Carter <clay@centexpim.com>
Sent: Friday, June 7, 2024 1:57 PM
To: Kathleen Henderson <kathleen@centexpim.com>; Shelby Collier <scollier@fbgtx.org>
Subject: RE: Vested Rights form - 301 E Burbank Construction Story/Pics & Builder Note

Shelby,

Jan,

My understanding, in the beginning, was that this was a remodel and not a major demo or tear down. I also understood that the house had a ST permit already or one that we could renew and keep, from my out of town realtor. It was my first time to buy a property in Fredericksburg that needed work so I wasn't too aware of the rules. We never intended to tear walls down or the roof. See Builder email below to explain why we had to take some framing and roof trusses off. I was misunderstanding that this was just considered more than a remodel because we were leaving walls, framing, and roof. In Austin, that is considered a remodel as we didn't take the walls down. Once we started getting into the walls to update the house, the builder was clear we are going to need to take some walls, structure, and roof trusses out due to damages and rot. At that point, I had to decide between fixing the house or saving the ST permit. I decided to fix the house and roof and worry about the permit after. I really thought we would be able to keep the ST permit since we didn't scrape the house and rebuild. I have since let go of the realtor (my rep for the purchase and build) and have been working with local reps like Christina @ Simple Goods and Savannah/her mom at Absolute Charm to help me with my projects here in Fredericksburg. They recommended I get you guys involved to help me restore/get the ST permit for the house. I ask that you spare me in my mistake about remodeling the house and please give me this exception. This house was uninhabitable and we were getting letters from neighbors to please get this house fixed to match the rest of the neighborhood

Here are the pics and the email from builder showing the walls and structure that we saved or tried to save.

Thanks for your consideration Jan

From: longhorn asphalt <longhornasphalt@yahoo.com>

Sent: Thursday, May 16, 2024 1:48 PM

To: Clay Carter <clay@BlueWatersAG.com>

Subject: 301 burbank Remodel

Clay, Good afternoon, I am writing this letter per your request to give an explanation of the complete remodel we completed at 301 E Burbank. We left several original structure walls of existing house in tact on this remodel. Some of the walls and roof trusses we removed were removed as they were rotted and unsafe to leave in place as part of remodel. if any questions plz feel free to reach out. Thank You

Respectfully,

Edward/ Longhorn Asphalt & Construction

Longhornasphalt@yahoo.com

Number One in customer service !

Exhibit "D"

0006



Development Services
126 W Main Street
Fredericksburg, TX 78624
830-997-7521
www.fbgtx.org

FOR OFFICE USE ONLY

Date Received: _____ Filing Fee: _____

Received by: _____ Approved by: _____

Vested Rights Determination Request Form

Please attach additional sheets if necessary.

Property Owner: Meneer, LLC
Applicant (if different than owner): Clay Carter
Address: 301 E. Burbank St. Fredericksburg, TX 78624
Phone: 512-533-9110 Office: _____ Email: Clay@centexpim.com
Project Name: _____

1. Type of development permit:

- ☐ Site plan ☐ Construction Permit ☐ Plat _____ (type)
☐ Use prior to Annexation ☒ Other STR permit (describe)
Reinstatement

2. Basis for Vested Rights Claim per Texas Local Government Code:

- ☒ Type 1: Chapter 245 (general vested rights statute)
☐ Type 2: Section 43.002 (applies only if vested rights claim is based on uses begun outside the city limits which are not allowed under current zoning)

3. Date for which Vested Rights are claimed: 3/30/2022 Permit: N/A

4. Chronological History of Development:

a) List all prior permits issued for the property, including the one for which vested rights are claimed. Provide a copy of each permit listed below.

Type	Application Date	Approval Date
<u>STR Application</u>	<u>3/30/2022</u>	<u>pending STR application</u>
		<u>was no longer valid</u>
		<u>since building</u>
		<u>had since been</u>
		<u>demonstrated</u>

a) Identification of all pertinent City regulations in effect at the time the original application for the first permit was filed, which the Petitioner contends control the approval, disapproval, or conditional approval of the application(s) for a permit for which relief is sought, pursuant to Chapter 245 at § 245.002(a) and (b)

b) Identification of all current City regulations that the petitioner contends do not apply to the project due to the vested rights provided the person by Chapter 245 or other applicable vested rights laws. Global references to an ordinance, statute or set of criteria, may be deemed insufficient and the City may consider the request for vested rights to be incomplete and, hence, not subject to a staff determination at that time:

c) Identification of any exemptions under the Zoning Ordinance or other ordinances to which the petitioner believes are applicable to the project defined.

N/A

d) Please describe any progress towards completion of the project that was made after the first application for the project was submitted (provide supporting documentation):

House was not fully demolished. When purchased to renovate it had a permit. Due to finding out house was in bad conditions (not livable) ended up remodeling more of the house than initially intended. (please see emails; supporting documentation)

5. Additional Information:

a) Has the prior permit for which vested rights are claimed expired?

☐ Yes ☐ No

If Yes, when? _____

b) Is the Proposed Project the same as the original project for which vested rights are claimed?

☐ Yes ☐ No

If No, please describe any differences between the two, including but not limited to changes in use, land area, or intensity of development:

I Certify that the preceding information provided is accurate:

Signature: _____
Property Owner*

Date: 6-6-24

Signature: _____
Applicant/Agent*

Date: _____

Appendix 2

- *Correspondence with Rachel Raggio of the City Attorney's office Re: 301 E Burbank STR Permit and Vested Rights Determination*

From: [Welsley Reeh](#)
To: [Rachel Raggio](#)
Cc: [Mick McKamie](#); [Annabelle Ackling](#); [Ellie Schulte](#); [Robert Schwing](#)
Subject: RE: 301 E Burbank - STR Permit
Date: Friday, July 26, 2024 12:43:00 PM
Attachments: [Supporting Evidence of STR - Vested Right.pdf](#)

Good Afternoon Rachel,

Attached is the supporting evidence/materials we spoke of yesterday that is intended to supplement the memorandum that has already been submitted for consideration of my client's vested determination for STR at 301 E Burbank. Brief summary of contents is the following:

- **Exhibit "E"** – advertisement of off-market property that was posted to the closed facebook group 'Fredericksburg TX STR Alliance' dated July 31 2021 – where my client's realtor, Dave Chastain first learned of the property and reported back to my client who was in the market for short-term rental properties in Fredericksburg – ***Evidence of Intent to Operate Property as STR Prior to April 1, 2022***
- **Exhibit "F"** – Email dated March 21, 2022 from my client's realtor, Dave Chastain, to City official Jason Lutz with the subject line "intention of short term rental," where Mr. Chastain expressly states "I plan and my intentions are for this property to be a short term rental." Anna Hudson sends her own email, dated March 22, 2022, where she confirms deadline to document intentions is April 1st. And, finally, Shelby Collier sends email to Mr. Chastain dated June 21, 2022, confirming that 301 E. Burbank submitted their STR application as of 3/30/2022, before the April 1st deadline. – ***Evidence of Correspondence with Staff about Process of Obtaining Permit***
- **Exhibit "G"** – Text message, on or around December 4 2021, between my client and his realtor, Mr. Chastain, referencing discussions with builder about the remodel of the property and confirmation that "it's not a tear down." – ***Evidence of Remodel Not Demolition and Correspondence with Real Estate Agent and Builder about STR Investment in Property***
- **Exhibit "H"** – Text message between my client and his realtor about investment property at 301 E Burbank, to turn into STR. – ***Evidence of Correspondence with Real Estate Agent about STR Investment in Property***
- **Exhibit "I"** – Text message, dated October 12 2021, between my client and his realtor about investment property at 301 E Burbank, to turn into STR – ***Evidence of Intent to Operate Property as STR Prior to April 1, 2022 via Correspondence with Real Estate Agent about "remodel and keep as STR"***
- **Exhibit "J"** – Total costs my client invested in remodel in reliance of keeping the property an STR, i.e., over \$300k. – ***Evidence of Investment into Operating Property as STR***

The above-referenced and attached materials address the City's demand for evidence of my client's clear intention to operate the property as an STR prior to April 1, 2022. As such, I believe my client has more than met his burden of providing adequate evidence to support his

request for a vesting determination, and consequently should be granted his STR permit.

Please provide instructions on how my client is to proceed at this time in order to effectuate such vesting determination and STR permit.

Thank you again for your time and attention to this matter.

Welsley K. Reeh
Attorney at Law
Reeh & Schwing Law Firm
1403 Cross Street
Fredericksburg, Texas 78624
Tel (830) 992-8358
Fax (830) 715-4788

CONFIDENTIAL NOTICE: This electronic transmission and any attachments constitute confidential information which is intended only for the named recipient and may be legally privileged. If you have received this communication in error, please contact the sender immediately. Any disclosure, copying, distribution or the taking of any action concerning the contents of this communication by anyone other than the named recipient is strictly prohibited.



From: Rachel Raggio <rraggio@toase.com>
Sent: Thursday, July 25, 2024 10:23 PM
To: Welsley Reeh <wreeh@reehandschwinglaw.com>
Cc: Mick McKamie <mmckamie@fbgtx.org>; Annabelle Ackling <aackling@toase.com>; Ellie Schulte <eschulte@toase.com>; Robert Schwing <rschwing@reehandschwinglaw.com>
Subject: RE: 301 E Burbank - STR Permit

If you'll be submitting the additional materials on behalf of your client, please provide them to me and I'll convey them to staff. If your client will be handling the submission, they can communicate directly with Anna Hudson.

Thank you,

Rachel

Rachel Raggio
Associate Attorney
Taylor, Olson, Adkins, Sralla & Elam, LLP
6000 Western Place, Suite 200
Fort Worth, Texas 76107
Phone: (817) 332-2580
Fax: (817) 332-4740



From: Welsley Reeh <wreeh@reehandschwinglaw.com>
Sent: Thursday, July 25, 2024 10:11 PM
To: Rachel Raggio <rraggio@toase.com>
Cc: Mick McKamie <mmckamie@fbgtx.org>; Annabelle Ackling <aackling@toase.com>; Ellie Schulte <eschulte@toase.com>; Robert Schwing <rschwing@reehandschwinglaw.com>
Subject: RE: 301 E Burbank - STR Permit

Very well, as the property was initially purchased with the intent of operating an STR, in addition to the significant investment my clients have put into the property for that same reason, I do not see that will be an issue, however arbitrary this fact-intensive process clearly seems to be.

Please direct me to who at the City I should proceed with at this point.

Thank you,

Welsley K. Reeh
Attorney at Law
Reeh & Schwing Law Firm
1403 Cross Street
Fredericksburg, Texas 78624
Tel (830) 992-8358
Fax (830) 715-4788

CONFIDENTIAL NOTICE: This electronic transmission and any attachments constitute confidential information which is intended only for the named recipient and may be legally privileged. If you have received this communication in error, please contact the sender immediately. Any disclosure, copying, distribution or the taking of any action concerning the contents of

this communication by anyone other than the named recipient is strictly prohibited.



From: Rachel Raggio <rraggio@toase.com>
Sent: Thursday, July 25, 2024 9:56 PM
To: Welsley Reeh <wreeh@reehandschwinglaw.com>
Cc: Mick McKamie <mmckamie@fbgtx.org>; Annabelle Ackling <aackling@toase.com>; Ellie Schulte <eschulte@toase.com>; Robert Schwing <rschwing@reehandschwinglaw.com>
Subject: RE: 301 E Burbank - STR Permit

Welsley,

My understanding is that this property is in a gray area because an incomplete permit application was filed on March 30, 2022, and this appears to be the only documentation available in the City's records. Vesting determinations are fact-intensive and the City Manager will rely on available evidence in order to reach a decision. The vesting determination process gives the property owner the opportunity to provide additional evidence to support the assertion that they have vested rights in a certain project, so I strongly suggest that your client provide any additional materials they may have to support their application, as the applicant has the burden of providing adequate evidence to support their request for a vesting determination.

As I mentioned in my initial response to you, types of evidence that have been considered in previous cases include materials dating from the time of vesting like building/other permit applications, correspondence with staff regarding the process of obtaining a permit, correspondence with builders, or even correspondence with real estate agents indicating an intent to operate the property as a short-term rental. So, some examples of relevant types of evidence for this case could include building permit applications for the demolition, records of transactions or plans with the demolition and/or construction company, or any other materials that may indicate the intention to operate an STR.

I hope this helps.

Best,

Rachel

Rachel Raggio
Associate Attorney
Taylor, Olson, Adkins, Sralla & Elam, LLP
6000 Western Place, Suite 200
Fort Worth, Texas 76107
Phone: (817) 332-2580
Fax: (817) 332-4740



From: Welsley Reeh <wreeh@reehandschwinglaw.com>
Sent: Thursday, July 25, 2024 11:14 AM
To: Rachel Raggio <rraggio@toase.com>
Cc: Mick McKamie <mmckamie@fbgtx.org>; Annabelle Ackling <aackling@toase.com>; Ellie Schulte <eschulte@toase.com>; Robert Schwing <rschwing@reehandschwinglaw.com>
Subject: 301 E Burbank - STR Permit

Hello Rachel,

Just following up from my last email to get some clear guidance for my client.

Thank you for attention to this matter.

Welsley K. Reeh
Attorney at Law
Reeh & Schwing Law Firm
1403 Cross Street
Fredericksburg, Texas 78624
Tel (830) 992-8358
Fax (830) 715-4788

CONFIDENTIAL NOTICE: This electronic transmission and any attachments constitute confidential information which is intended only for the named recipient and may be legally privileged. If you have received this communication in error, please contact the sender immediately. Any disclosure, copying, distribution or the taking of any action concerning the contents of this communication by anyone other than the named recipient is strictly prohibited.



From: Welsley Reeh
Sent: Tuesday, July 23, 2024 6:26 PM
To: Rachel Raggio <rraggio@toase.com>
Cc: Mick McKamie <mmckamie@fbgtx.org>; Annabelle Ackling <aackling@toase.com>; Ellie Schulte <eschulte@toase.com>
Subject: RE: 301 E Burbank - STR Permit

Hello Rachel,

Per Ms. Hudson's email which was included in the attachments, she lists examples of such evidence including "conversations with staff." Here, the email included with the memo is evidence of the application's existence in March of 2022, as it was the City's staff Ms. Collier who affirmed "records indicate that this property is a permitted short-term rental that was permitted prior to April 1, 2022." Am I understanding correctly that the City's position is that this acknowledgment and conversation with city staff does not amount to evidence that the property was intended to operate as a STR prior to the 2022 ordinance? If so, what records is Ms. Collier referring to if not the very evidence you are requesting at this time?

Thank you,
Welsley K. Reeh
Attorney at Law
Reeh & Schwing Law Firm
1403 Cross Street
Fredericksburg, Texas 78624
Tel (830) 992-8358
Fax (830) 715-4788

CONFIDENTIAL NOTICE: This electronic transmission and any attachments constitute confidential information which is intended only for the named recipient and may be legally privileged. If you have received this communication in error, please contact the sender immediately. Any

disclosure, copying, distribution or the taking of any action concerning the contents of this communication by anyone other than the named recipient is strictly prohibited.



From: Rachel Raggio <rraggio@toase.com>

Sent: Tuesday, July 23, 2024 4:26 PM

To: Welsley Reeh <wreeh@reehandschwinglaw.com>

Cc: Mick McKamie <mmckamie@fbgtx.org>; Annabelle Ackling <aackling@toase.com>; Ellie Schulte <eschulte@toase.com>

Subject: RE: 301 E Burbank - STR Permit

Hi Welsley,

I don't see any additional information included in the attachments sent to Shelby this afternoon – as I mentioned in my earlier email, without evidence from the time of vesting, the City really doesn't have much to work with for the vesting determination application. For example, the STR permit application that the VD application claims was submitted on March 30, 2022 should be attached to this application, as well as any other evidence that supports the assertion that the project of renovating and operating an STR was in motion prior to the adoption of the 2022 ordinance. While your memorandum provides additional information to support the application, it does not provide the additional evidence on which the City Manager will be able to base a VD decision.

Thanks,

Rachel

Rachel Raggio
Associate Attorney
Taylor, Olson, Adkins, Sralla & Elam, LLP
6000 Western Place, Suite 200
Fort Worth, Texas 76107
Phone: (817) 332-2580
Fax: (817) 332-4740



From: Welsley Reeh <wreeh@reehandschwinglaw.com>
Sent: Tuesday, July 23, 2024 2:28 PM
To: Shelby Collier <scollier@fbgtx.org>; Rachel Raggio <rraggio@toase.com>
Cc: Robert Schwing <rschwing@reehandschwinglaw.com>; Anna Hudson <ahudson@fbgtx.org>; Short Term Rentals <str@fbgtx.org>; Clay Carter <clay@centexpim.com>; Permits <permits@fbgtx.org>; Kathleen Henderson <kathleen@centexpim.com>
Subject: RE: 301 E Burbank - STR Permit

Hello Shelby,

I've engaged with Mrs. Raggio's office, and we are on the same page. As a recap, attached is the vested determination application along with the memorandum that provided the requested support of my client's vested determination application. If there is something missing from the application that your office requires please detail what that item is and it will be addressed. Otherwise, let me know when the application is approved so that my client may have his STR permit granted/renewed.

Thank you,

Welsley K. Reeh
Attorney at Law
Reeh & Schwing Law Firm
1403 Cross Street
Fredericksburg, Texas 78624
Tel (830) 992-8358
Fax (830) 715-4788

CONFIDENTIAL NOTICE: This electronic transmission and any attachments constitute confidential information which is intended only for the named recipient and may be legally privileged. If you have received this communication in error, please contact the sender immediately. Any disclosure, copying, distribution or the taking of any action concerning the contents of this communication by anyone other than the named recipient is strictly prohibited.



From: Shelby Collier <scollier@fbgtx.org>
Sent: Friday, July 19, 2024 1:51 PM
To: Welsley Reeh <wreeh@reehandschwinglaw.com>; Rachel Raggio <rraggio@toase.com>
Cc: Robert Schwing <rschwing@reehandschwinglaw.com>; Anna Hudson <ahudson@fbgtx.org>; Short Term Rentals <str@fbgtx.org>; Clay Carter <clay@centexpim.com>; Permits <permits@fbgtx.org>; Kathleen Henderson <kathleen@centexpim.com>
Subject: RE: 301 E Burbank - STR Permit

Good afternoon Welsley,

Thank you for your email, however, I will have to direct your question to Mrs. Rachel Raggio with Toase.

I hope this finds you well.

Have a blessed day and a lovely weekend!



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

Shelby Collier/ Senior Planner/ City of Fredericksburg
O. 830-990-2013/ scollier@fbgtx.org

From: Welsley Reeh <wreeh@reehandschwinglaw.com>
Sent: Friday, July 19, 2024 1:11 PM
To: Shelby Collier <scollier@fbgtx.org>

Cc: Robert Schwing <rschwing@reehandschwinglaw.com>; Anna Hudson <ahudson@fbgtx.org>; Short Term Rentals <str@fbgtx.org>; Clay Carter <clay@centexpim.com>; Permits <permits@fbgtx.org>; Kathleen Henderson <kathleen@centexpim.com>
Subject: F/U: 301 E Burbank - STR Permit

Hello Shelby,

I tried calling your office yesterday to follow up on this matter. Has there been any development that I can pass along to my client?

Thank you,

Welsley K. Reeh
Attorney at Law
Reeh & Schwing Law Firm
1403 Cross Street
Fredericksburg, Texas 78624
Tel (830) 992-8358
Fax (830) 715-4788

CONFIDENTIAL NOTICE: This electronic transmission and any attachments constitute confidential information which is intended only for the named recipient and may be legally privileged. If you have received this communication in error, please contact the sender immediately. Any disclosure, copying, distribution or the taking of any action concerning the contents of this communication by anyone other than the named recipient is strictly prohibited.



From: Welsley Reeh
Sent: Monday, July 15, 2024 2:45 PM
To: 'permits@fbgtx.org' <permits@fbgtx.org>
Cc: Shelby Collier <scollier@fbgtx.org>; Anna Hudson <ahudson@fbgtx.org>; 'str@fbgtx.org' <str@fbgtx.org>; Clay Carter <clay@centexpim.com>; Robert Schwing <rschwing@reehandschwinglaw.com>; Kathleen Henderson <kathleen@centexpim.com>

Subject: FW: 301 E Burbank - STR Permit

Good Afternoon,

My office has been retained to assist in the property located at 301 E Burbank obtaining an STR Permit.

I have reviewed the emails exchanged between the City and my client, in addition to the documentation supporting my client's position in the matter.

In short, for the reasons and evidence included in the attached memorandum, the property does qualify for and should be granted a STR permit in accordance with City of Fredericksburg Ordinance No. 2022-13.

Please review the attached and let me know if you have any questions.

Thank You,
Welsley K. Reeh
Attorney at Law
Reeh & Schwing Law Firm
1403 Cross Street
Fredericksburg, Texas 78624
Tel (830) 992-8358
Fax (830) 715-4788

CONFIDENTIAL NOTICE: This electronic transmission and any attachments constitute confidential information which is intended only for the named recipient and may be legally privileged. If you have received this communication in error, please contact the sender immediately. Any disclosure, copying, distribution or the taking of any action concerning the contents of this communication by anyone other than the named recipient is strictly prohibited.



Appendix 3

- *Exhibit “E”*
- *Exhibit “F”*
- *Exhibit “G”*
- *Exhibit “H”*
- *Exhibit “I”*
- *Exhibit “J”*

**Fredericksburg TX STR Alliance**

Paul Montelongo · Jul 31, 2021 ·

I have a tidy little off-market residence 1 mile from the corner of Llano and Main, just a couple of blocks out of the Historic zone. Currently 1,683 sq. ft and needs about 200k to make it STR ready. 10,250 square foot lot zoned R-1 currently. If anyone knows of someone that would like to buy this and fix it, message me. \$425k. ARV of \$900k (approx).



Like



Comment

Newest ▾

**Nancy MacDougall Herndon**

Admin

Paul, I sent you a pm. Please take a look.

2y

Like

Reply

**Paul Montelongo**

Author

i dont see anything

2y

Like

Reply



Write a reply...

**Susie Doucette Pyle**
Pics??

2y

Like

Reply

1

**Paul Montelongo**

Author

[Susie Doucette Pyle](#) see my edited

Write a comment...



Exhibit "F"

----- Forwarded message -----

From: **Shelby Collier** <scollier@fbgtx.org>
Date: Tue, Jun 21, 2022 at 3:47 PM
Subject: RE: Fw: Intention of short term rental
To: Dave Chastain <davechastain@realtyaustin.com>

Good afternoon Dave,

301 E. Burbank had a submitted STR application as of 03/30/2022, unfortunately, the building has since been demolished and the pending str application is no longer valid.

Once you respond to this email acknowledging this, you would be able to submit a building permit application to move forward with construction.

108 W. Mulberry also has a pending STR application as of 03/30/22 and is subject to Sec. 6.110 requiring a Conditional Use Permit (CUP) for building expansions to maintain the existing STR Application.

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

From: Dave Chastain <davechastain@realtyaustin.com>
Sent: Monday, June 20, 2022 1:40 PM
To: Shelby Collier <scollier@fbgtx.org>
Cc: Anna Hudson <ahudson@fbgtx.org>; Garret Bonn <gbonn@fbgtx.org>
Subject: Re: Fw: Intention of short term rental

Good afternoon Shelby,

It was nice meeting you and Anna in person this past Tuesday at the meeting for my Orchard project. I've been super busy and wanted to follow up to see if the STR permits were issued for the properties below.

Thank you so much,

Dave

[Texas Law Requires all License holders to provide the Information About Brokerage Services to prospective clients.](#)



[512.293.5401](#)

On Mon, Apr 25, 2022 at 1:34 PM Shelby Collier <scollier@fbgtx.org> wrote:

Good afternoon Dave,

My apologies, I have researched pending STR permit applications for 301 E. Burbank & 108 W. Mulberry and have not found record of these applications having been made.

Am I missing something? If you have record of your previous applications submitted to Avenue please send them my way so that I may assist you with this process.

I welcome your feedback.



"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: Dave Chastain <davechastain@realtyaustin.com>

Sent: Friday, April 22, 2022 1:10 PM

To: Shelby Collier <scollier@fbgtx.org>

Subject: Re: Fw: Intention of short term rental

Hi Shelby,

I know you are super busy, but can you check on the permits I previously submitted for STR? The address is below when I was working with Jason.

Thank you so much,

Dave

[Texas Law Requires all License holders to provide the Information About Brokerage Services to prospective clients.](#)



[512.293.5401](#)

On Tue, Mar 22, 2022 at 8:30 AM Anna Hudson <ahudson@fbgtx.org> wrote:

Good Morning Dave,

City Council adopted the updated STR ordinance that will go into effect on April 1st. You will need to submit STR permits before April 1st to Avenu to document your intentions. On April 1st we will switch over to Granicus for permitting and HOT remittal.

Regards,

Anna Hudson
City of Fredericksburg

From: Jason Lutz <jlutz@fbgtx.org>
Sent: Monday, March 21, 2022 10:54 PM
To: Anna Hudson <ahudson@fbgtx.org>
Subject: Fwd: Intention of short term rental

Sent from my iPhone

Begin forwarded message:

From: Dave Chastain <davechastain@realtyaustin.com>
Date: March 21, 2022 at 4:13:15 PM CDT
To: Jason Lutz <jlutz@fbgtx.org>
Cc: Dave Chastain <davechastain@realtyaustin.com>
Subject: Intention of short term rental

Hi Jason,

It was brought to my attention the city council is possibly voting today on changes to the short term rental regulation.

I bought and closed on 301 E Burbank last December. I'm in the permit process now for the remodel and plan to start work in the next few weeks. I plan and my intentions are for this property to be a short term rental.

Regarding 108 W Mulberry, I went under contract on 2/19/22. The price I paid was under the impression I short term rental this as well. I wanted to communicate that my intentions are for this to be a short term rental as well.

Please let me know if you need any additional communication or documentation.

Sincerely,

Dave

[Texas Law Requires all License holders to provide the Information About Brokerage Services to prospective clients.](#)

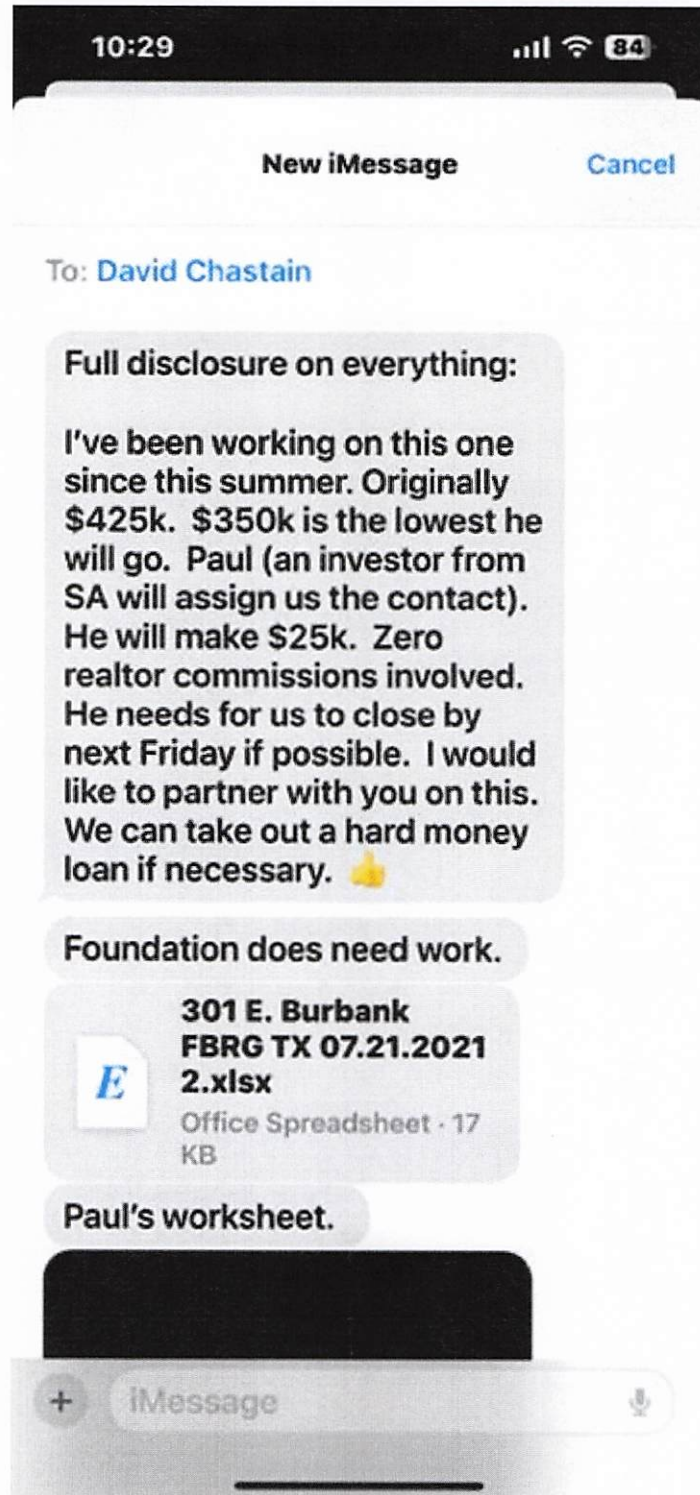


[512.293.5401](#)

Exhibit "G"



Exhibit "H"





301 E. Burbank FBRG TX...



Done

COST WORK SHEET

POST WORK SHEET

Date	July 21, 2021	Project Description	House Rehab				
NAME	Montelongo	Square Footage House	1442				
Address	301 E. Burbank St. Fredericksburg, TX	Square Footage Addition	296				
		Square Footage Total	1738				
		Detached Carport 20' X 24'	480				
		Rear Trellis/Patio Area 10' X 12'	120				
STRUCTURAL							
ITEM #	COST CODES	DESCRIPTION	EXPLANATION	MATERIAL	LABOR	TOTAL	ACCT
1	FOUN1/FOUN2	FOUNDATION	Leveling/Stabilization		7,850	7,850	
2	FOUN1/FOUN2	FOUNDATION	480 sf Garage X \$21		9,817	9,817	
3	FOUN1/FOUN2	FLATWORK	Sidewalks		3,500	3,500	
5	FOUN1/FOUN2	CONCRETE PUMP			1,800	1,800	
6	FRMT1/FRCT2	FRAMING	House	6,500	10,500	17,000	
7	FRMT1/FRCT2	FRAMING	Carport	4,500	4,500	9,000	
8	FRMT1/FRCT2	FRAMING				0	
MECHANICAL/ELECTRICAL							
9	HVAC1/HVAC2	HVAC-MECHANICAL	New 5 ton Unit		8,500	8,500	
10	ELFX1/ELEC2	LIGHTING FIXTURES	Existing 5 ton Unit	2,700	900	3,600	
11	PLFX1/PLBG2	PLUMBING	Existing Bathroom	1,800	3,200	5,000	
12	PLFX1/PLBG2	PLUMBING	2-New Bathrooms	3,600	13,400	17,000	
13	ELFX1/ELEC2	ELECTRICAL	Whole House Bid		12,950	12,950	
14	ELFX1/ELEC2	ELECTRICAL	Carport Bid		3,200	3,200	
INTERIOR & EXTERIOR							
15	WIND1/WIND2	WINDOWS	19 Replacements	7,600	2,850	10,450	
16	WIND1/WIND2	WINDOWS	2 new	800	300	1,100	
17	INSL1/INSL2	INSULATION	1738 SF X \$4 L.M.		6,952	6,952	
18	SHRK1/SHRK2	SHEETROCK	200 sheets	1,800	3,600	5,400	
19	SHRK1/SHRK2	PAINTING	Exterior House and Carport	2,200	5,500	8,200	
20	PNTG1/PNTG2	PAINTING	1800' X \$5	4,500	4,500	9,000	
21	PNTG1/PNTG2	PAINTING	Carport 480 SF X \$5	1,200	1,200	2,400	
22	INDR	INTERIOR DOORS	4 X \$350	1,200	1,200	2,400	
24	EXDR1/EXDR2	EXTERIOR DOORS	2 X 400	800	300	1,100	
25	EXDR1/EXDR2	EXTERIOR DOORS (Front Door)	Front Door	2,000	900	2,900	
23	TRML1/TRMCY2	TRIM	House	2,500	2,500	5,000	
26	TRML1/TRMCY2	TRIM	Carport Cornice	1,000	800	1,800	
29	RFNG2	ROOFING	27 Sq. X \$600 Metal		16,200	16,200	
30	RFNG2	ROOFING	Carport 6 Sq. X \$600 Metal		4,800	4,800	
34	CABIN1/CABIN2	CABINETS	Kitchen/Baths	8,000	2,500	10,500	
35	TOPS2	COUNTERTOPS	Kitchen/Baths	3,000	3,000	6,000	
38	CTLE1/CTLE2	TILE	Showers X 3	1,500	5,400	6,900	
39	CTLE1/CTLE2	TILE	Kitchen Floor	1,200	1,200	2,400	
43	LKND1/LKND2	LKS & HOWRE		750	750	1,500	
44	GLMR1/GLMR2	GLASS-MIRROR		500	500	1,000	
45	SWDR1/SHDR2	SHOWER DOORS		1,500	1,500	3,000	
46	APPL1/APPL2	APPLIANCES		5,000	500	5,500	
48	WDFL1/WDFL2	WOOD FLOORING		6,000	6,000	12,000	
51	WDFL1/WDFL2	STAIN FLOOR	Living Area Re-Stain		6,000	6,000	
52	GUTTF1/GUTTF2	GUTTERS			1,800	1,800	
53	TRELL1/TRELL2	TRELLIS/PATIO PAVERS	1200' X \$21 L X \$15 M	2,520	1,800	4,320	
52	MSNY1/MSNY2	MASONRY	Freight Chimney	2,750	2,900	5,650	
54	HTTUB1	HOT TUB	Wood Trim Kit & Tub	4,500	1,850	6,350	
55						0	
MISCELLANEOUS							
56	DEMO2	FLOOR & DUST PROTECTION			1,800	1,800	
57	DEMO1	DEMOLITION (INTERIOR HORDING)			4,500	4,500	
58	DEMO1	DEMOLITION (ROOF)			3,750	3,750	
59		IRRIGATION S.PUNKLERS			6,500	6,500	
60	TREE1/TREE2	TREE TRIMMING/REMOVAL			2,500	2,500	
62		LANDSCAPING			4,500	4,500	
62	CLUP2	SITE MAINTENANCE/SECURITY			1,500	1,500	
63	SCAF1	FENCING		5,500	4,850	10,350	
64		CABLE/SECURITY/TV COMPANY		1,200	1,200	2,400	
65	DUMP1	DUMPSTER RENTAL			1,500	1,500	
66	POTTY2	PORTABLE TOILET			350	350	
67	BLVY2	DELIVERY			800	800	
68	FCLN1/FCLN2	FINAL MOVE IN CLEAN			450	450	
69	DECR2	DECORATOR / DESIGNER			750	750	
70	CTPS2	UTILITY COMPANY FEES			800	800	
71		WINDOW TREATMENTS	10 X \$250		4,750	4,750	
73	ENG2	SLAB INSPECTION			500	500	
74	ENG2	STRUCTURAL ENGINEER INSPECTION			750	750	
76	PRMT	CITY PERMIT FEE			750	750	
77	PRMT	ARCHITECTURE DRAWINGS			950	950	
78	FUEL	GAS SURCHARGE			500	500	
79	MISC	MISCELLANEOUS			2,500	2,500	
82						0	
83						0	
84		TOTAL MISCELLANEOUS				10,000	
85		GRAND TOTAL			100,200	271,400	
86		INVESTMENT TOTAL					
86		INSURANCE-GENERAL LIABILITY				7,000	
NOTES:		TOTAL INVESTMENT				108,400	



Appendix 4

- *Additional Emails exchanged with City Officials from June 10, 2024 through to July 11, 2024*

From: [Kathleen Henderson](#)
To: [Welsley Reeh](#)
Cc: [Clay Carter](#); "[Savannah Stahl](#)"
Subject: 301 E Burbank - STR permit - Supporting documentation (#7) FW: Signed vested Rights form - 301 E Burbank
Date: Thursday, July 11, 2024 3:23:25 PM
Attachments: [Vested Rights form - 301 E Burbank.pdf](#)

Resending this email, looks like the attachments weren't sent.
This is the last email thread. Please see feed below.

Thank you!

Warmly,



Kathleen Henderson
Centex Private Investment Management
1301 S. Capital of Texas Hwy, Suite B-125
Austin, TX 78746

Kathleen@CentexPIM.com

phone: 512-533-9110

fax: 512-533-9111

From: Kathleen Henderson
Sent: Wednesday, June 12, 2024 8:16 AM
To: 'Anna Hudson' <ahudson@fbgtx.org>; Shelby Collier <scollier@fbgtx.org>
Cc: Jan Musgrove <jmusgrove@fbgtx.org>; Tyler Baethge <tbaethge@fbgtx.org>; Clay Carter <clay@centexpim.com>
Subject: RE: Signed vested Rights form - 301 E Burbank

Hello Anna,

Please see attached, I have added documentation on 2nd page and supporting email documentation on third page.

Thank you & have a wonderful day!

Warmly,



Kathleen Henderson
Centex Private Investment Management

1301 S. Capital of Texas Hwy, Suite B-125
Austin, TX 78746

Kathleen@CentexPIM.com

phone: 512-533-9110

fax: 512-533-9111

From: Anna Hudson <ahudson@fbgtx.org>

Sent: Monday, June 10, 2024 1:25 PM

To: Kathleen Henderson <kathleen@centexpim.com>; Shelby Collier <scollier@fbgtx.org>

Cc: Jan Musgrove <jmusgrove@fbgtx.org>; Tyler Baethge <tbaethge@fbgtx.org>; Clay Carter <clay@centexpim.com>

Subject: Re: Signed vested Rights form - 301 E Burbank

You'll need to complete the form. If you're trying to be vested under the 2018 or 2022 STR ordinance it will need to be spelled out as to when you're vesting to and why....series of permits, conversations with staff. It's your case to make and put together.

From: Kathleen Henderson <kathleen@centexpim.com>

Sent: Monday, June 10, 2024 12:56 PM

To: Anna Hudson <ahudson@fbgtx.org>; Shelby Collier <scollier@fbgtx.org>

Cc: Jan Musgrove <jmusgrove@fbgtx.org>; Tyler Baethge <tbaethge@fbgtx.org>; Clay Carter <clay@centexpim.com>

Subject: Signed vested Rights form - 301 E Burbank

Hello All,

I've sent Shelby the vested rights form attached, but looping you all in so you have it as well.

Thanks so much.

Warmly,



Kathleen Henderson

Centex Private Investment Management

1301 S. Capital of Texas Hwy, Suite B-125

Austin, TX 78746

Kathleen@CentexPIM.com

phone: 512-533-9110

fax: 512-533-9111

Appendix 5

- *Letter, dated August 21, 2024, from City Manager Clinton Bailey –
Vested Rights Determination for 301 E. Burbank*



THE CITY OF

Fredericksburg, Texas

August 21, 2024

Meneer, LLC
Clay Carter
clay@centexpim.com

RE: Vested Rights Determination for 301 E. Burbank

Dear Mr. Carter,

This letter is a response to your Vested Rights Determination Request form for 301 E. Burbank that was completed with the addition of background information on July 26, 2024. Vested rights are for a project, and not a property. Vested rights claims are generally based on one or more prior applications that provide fair notice of a continuing development project that began before the adoption of current regulations. A vested date is set by the project application date.

Flint Hills Capital Group LLC (the “prior property owner”) submitted a Short-Term Rental (“STR”) permit application for this property on March 30, 2022. While this permit was still pending, the prior property owner began an unauthorized demolition of the structure for which the STR permit application had been submitted. Eventually, on May 5, 2022, the prior property owner’s representative retroactively applied for a demolition permit to demolish the house. On June 21, 2022, the prior property owner was notified that the STR permit application was denied due to invalidity since the residence located on the applicant property had been demolished. According to Section 6.110 of the Zoning Ordinance, a nonconforming use is terminated “upon destruction of a structure occupied by a nonconforming use.”

Furthermore, even if any nonconforming use rights created by the permit application had not terminated following the demolition of the structure, the prior property owner was also notified that, due to the proposed expansion of the structure resulting from the reconstruction, Section 6.110 of the Zoning Ordinance required them to obtain a Conditional Use Permit (“CUP”) to expand the STR use. On September 19, 2022, the prior property owner submitted a building permit application to construct a new residence, including an addition to the structure, but they never took steps to submit a CUP application or new STR permit application. Therefore, the STR permit application was abandoned, and Staff was not on notice that the prior property owner desired to pursue a STR permit prior to the adoption of the City’s 2023 STR ordinance.

Despite the fact that any nonconforming use rights terminated with the demolition of the structure, in this particular situation, Staff finds it appropriate to allow an STR permit application to proceed so long as you obtain a CUP in accordance with the instructions given to the prior property owner.

The City of Fredericksburg

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

0031



THE CITY OF
Fredericksburg, Texas

This information was previously conveyed to you as indicated in Exhibit A. Therefore, I have determined that you must comply with the instructions previously provided in June 2022. You must obtain a CUP to allow the STR use in the enlarged residential structure. Once you have obtained a CUP, you may apply for a new STR permit.

Clinton Bailey, P.E.
City Manager

Cc: Anna Hudson, Director of Development Services
Shelby Collier, Senior Planner
Tyler Baethge, Short Term Rental Specialist
Rachel Raggio, TOASE

The City of Fredericksburg

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

0032



Appendix 1

- *Memorandum, dated July 15, 2024, from Reeh & Schwing Law Firm*
- *Exhibit "A"*
- *Exhibit "B"*
- *Exhibit "C"*
- *Exhibit "D"*
- *Vested Rights Determination Request Form*

MEMORANDUM

TO: Meneer, LLC
ATTN: Clay Carter
FROM: Reeh & Schwing Law Firm, PLLC
DATE: July 15, 2024
RE: July 12, 2024, Email from Kathleen Henderson, Meneer, requesting an Opinion Letter on Short Term Rental Permit Status/Disqualification pertaining to the renovation of the property located at 301 E. Burbank, Fredericksburg, Texas 78624.

This memorandum is intended to provide general guidance to Meneer, LLC ("Meneer") to support their application for a Short-Term Rental ("STR") Permit for the property located at 301 E. Burbank, Fredericksburg, Texas 78624 (the "Property"), and why the Property qualifies to have its STR Permit renewed as a legal non-conforming short-term rental use in light of the necessary remodel that was made to the Property.

In review of the Property's qualification for an STR Permit, the following materials were considered: City of Fredericksburg Ordinance No. 2022-13 ("2022 STR Ordinance"), and several emails exchanges between City of Fredericksburg officials and Meneer representatives.

The City admits in the email dated June 17, 2022, "records indicate that this Property is a Permitted Short-Term Rental that was permitted prior to April 1, 2022,"¹ therefore there is no question that the Property legally operated as an STR before the City's 2022 STR Ordinance came into effect and should continue as a non-conforming short term rental use. In this case, with the express permission of the City, Meneer made significant investments in reliance of their continued ability to rent the Property as an STR, notably making necessary repairs to the Property through a remodel.

Under the 2022 STR Ordinance, the Property is classified as 'non-conforming short term rental use', as such under Section 6.110 a "non-conforming short-term rental use shall not be considered voluntarily discontinued if the use is suspended for repairs, modifications, additions or remodels,"² here the Property was remodeled, a term specifically contemplated and included in the 2022 STR Ordinance.

The City cites as the grounds for refusing to grant the Property a STR permit is "due to an unpermitted demolition of the structure."³ There is no definition of "destruction" within the 2022 STR Ordinance, resulting in an arbitrary and unwritten standard. A common understanding of the term 'destruction' is the action or process of causing so much damage to something that it no longer exists or cannot be repaired.

¹ See Exhibit "A".

² See Exhibit "B".

³ See Exhibit "C".

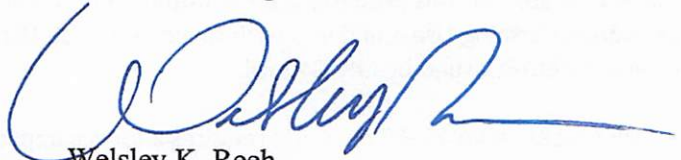
Longhorn Asphalt & Construction ("Longhorn"), who was responsible for the remodel of the Property, explained that the work performed at the Property was undoubtedly a remodel and not a complete destruction of the Property, as they had "left several original structure walls of existing house intact on [the] remodel."⁴ Furthermore, the only reason some of the walls and roof trusses were removed was because it was necessary as they were rotted and structurally unsafe.

In conclusion, it is this firm's opinion that the Property did not voluntarily discontinue its non-conforming short-term rental use as the Property was not destroyed but merely remodeled, as permitted by the 2022 STR Ordinance. Therefore, the City of Fredericksburg should grant Meneer's STR permit for the Property.

Feel free to contact this office directly with any questions concerning this matter at (830) 992-8358.

Sincerely,

Reeh & Schwing Law Firm



Welsley K. Reeh
TX Bar 24107960

⁴ See Exhibit "D".

Welsley Reeh

From: Shelby Collier <scollier@fbgtx.org>
Sent: Friday, June 17, 2022 9:57 AM
To: shae@keeperslandplanning.com
Cc: Permits
Subject: 301 E. Burbank
Attachments: 2021 IECC Compliance Check List Mechanical E. Burbank rescheck Report.pdf; Final Plotted Burbank.pdf; Updated Building Permit Application Fillable_202106221444516871 copy.pdf

Good morning Shae,

Staff has received a Building Permit Application for 301 E. Burbank and given its current Legal Nonconforming Use Status, Staff is not able to accept the Building Permit Application at this time.

Records indicate that this property is a Permitted Short-Term Rental that was permitted prior to April 1, 2022 making it a Legal Nonconforming Use and If you wish to expand upon that use, a Conditional Use Permit (CUP) is required, which is a special use permit issued by City Council.

The CUP process take 45 -60 days and requires a formal application be made with City Staff as well as a Public Notification through the Newspaper and individual notification of all property owners that own property within 200 feet of the subject property.

<https://www.fbgtx.org/845/Short-Term-Rentals>

Is this something you wish to pursue?

I welcome your response.



"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

Sec. 6.110. Continuance of a Nonconforming Use.

Residential Districts

Enlargement. A non-conforming use may be enlarged, expanded, extended or changed within the boundary of the lot in which the non-conforming use has legally operated, upon approval of a Conditional Use Permit (section 5.400). Any enlargement or extension, whether requiring a Conditional Use Permit or not, shall be required to come into compliance with all city ordinances, codes, or policies and development regulations which may apply to the property (examples without limitation: landscape, parking, curb cuts, setbacks).

Conversions. A non-conforming use may be continued as the same classification, or may be changed to a use of a more restricted classification upon approval of a conditional use permit. If it is changed to a use in a more restricted classification or to a conforming use, it cannot be changed back to its original non-conforming use. For purpose of this paragraph, the phrase "same classification" means: uses permitted in the same district; a "more restricted classification" means: use in a district having more restricted use (i.e., C-2 vs. C-1); and provided that:

The new use is similar to or less intensive than that of the old use in terms of noise generated, outdoor storage, customer activity and impact on other conforming uses in the area, and that the new use comply with the parking requirements of this ordinance as applicable to newly established uses.

Termination.

If a non-conforming use or any portion thereof is voluntarily discontinued for a period of 90 days, any future use of such land or portion thereof shall be in conformity with the regulations of the district in which such land or portion thereof is located. A non-conforming short-term rental use shall not be considered voluntarily discontinued if

Short-term rental uses shall not terminate under the following conditions:

The use is suspended for repairs, modifications, additions, or remodels, or other similar situations; or if
The owner of the property home utilizes the property as their personal residence, for a period not to exceeding
more than one 365 consecutive days (1) year; or

Non-conforming use is terminated upon a change in use other than as provided herein.

Non-conforming use is terminated upon destruction of a structure occupied by a non-conforming use unless it is permitted to be rebuilt as provided herein.

Other Districts

Enlargement. A non-conforming use may be enlarged within the boundary of the lot in which the non-conforming use has legally operated upon approval of a Conditional Use Permit (section 5.400).

Provided, however, a Conditional Use Permit shall not be required, and the enlargement may occur, upon submission and approval of a Site Plan if the enlargement involves only a one-time increase in the size of the building in which the same use is operated of not more than 25 percent.

Any enlargement or extension, whether requiring a Conditional Use Permit or not, shall be required to come into compliance with all city ordinances, codes, or policies and development regulations which may apply to the property (examples without limitation: landscape, parking, curb cuts, setbacks), and the non-conforming use may be continued only for so long as the property remains in compliance with all applicable City Ordinances and Codes, including those prohibiting nuisances. All Existing non-conforming single family residential uses may be enlarged without the necessity of obtaining a Conditional Use Permit.

Conversions. A non-conforming use may be continued as the same classification, or may be changed to a use of a more restricted classification upon approval of a conditional use permit. If it is changed to a use in a more restricted classification or to a conforming use, it cannot be changed back to its original non-conforming use. For purpose of this paragraph, the phrase "same classification" means: uses permitted in the

Exhibit "C"

Cc: Tyler Baethge <tbaethge@fbgtx.org>; Jan Musgrove <jmusgrove@fbgtx.org>
Subject: RE: Vested Rights form - 301 E Burbank Construction Story/Pics & Builder Note

Yes please. Can I call you? Who should I call?



Clay Carter
Centex Private Investment Management
1301 S. Capital of Tx Hwy, Suite B-125
Austin, Tx 78746

Clay@CentexPIM.com
phone: 512-533-9110
fax: 512-533-9111

From: Shelby Collier <scollier@fbgtx.org>
Sent: Monday, June 10, 2024 9:43 AM
To: Anna Hudson <ahudson@fbgtx.org>
Cc: Clay Carter <clay@centexpim.com>; Tyler Baethge <tbaethge@fbgtx.org>; Jan Musgrove <jmusgrove@fbgtx.org>
Subject: FW: Vested Rights form - 301 E Burbank Construction Story/Pics & Builder Note

Anna,

Please see the following correspondence.

It appears that Clay Carter is requesting a vesting determination for property located at 301 E Burbank.

I previously denied a STR permit for the property due to an unpermitted demolition of the structure.

I'm happy to discuss if needed.



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

Shelby Collier/ Senior Planner/ City of Fredericksburg

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

[Complete the Final Survey for the Comprehensive Plan](#)

From: Clay Carter <clay@centexpim.com>
Sent: Friday, June 7, 2024 1:57 PM
To: Kathleen Henderson <kathleen@centexpim.com>; Shelby Collier <scollier@fbgtx.org>
Subject: RE: Vested Rights form - 301 E Burbank Construction Story/Pics & Builder Note

Shelby,

Jan,

My understanding, in the beginning, was that this was a remodel and not a major demo or tear down. I also understood that the house had a ST permit already or one that we could renew and keep, from my out of town realtor. It was my first time to buy a property in Fredericksburg that needed work so I wasn't too aware of the rules. We never intended to tear walls down or the roof. See Builder email below to explain why we had to take some framing and roof trusses off. I was misunderstanding that this was just considered more than a remodel because we were leaving walls, framing, and roof. In Austin, that is considered a remodel as we didn't take the walls down. Once we started getting into the walls to update the house, the builder was clear we are going to need to take some walls, structure, and roof trusses out due to damages and rot. At that point, I had to decide between fixing the house or saving the ST permit. I decided to fix the house and roof and worry about the permit after. I really thought we would be able to keep the ST permit since we didn't scrape the house and rebuild. I have since let go of the realtor (my rep for the purchase and build) and have been working with local reps like Christina @ Simple Goods and Savannah/her mom at Absolute Charm to help me with my projects here in Fredericksburg. They recommended I get you guys involved to help me restore/get the ST permit for the house. I ask that you spare me in my mistake about remodeling the house and please give me this exception. This house was uninhabitable and we were getting letters from neighbors to please get this house fixed to match the rest of the neighborhood

Here are the pics and the email from builder showing the walls and structure that we saved or tried to save.

Thanks for your consideration Jan

From: longhorn asphalt <longhornasphalt@yahoo.com>
Sent: Thursday, May 16, 2024 1:48 PM
To: Clay Carter <clay@BlueWatersAG.com>
Subject: 301 burbank Remodel

Clay, Good afternoon, I am writing this letter per your request to give an explanation of the complete remodel we completed at 301 E Burbank. We left several original structure walls of existing house in tact on this remodel. Some of the walls and roof trusses we removed were removed as they were rotted and unsafe to leave in place as part of remodel. if any questions plz feel free to reach out. Thank You

Respectfully,

Edward/ Longhorn Asphalt & Construction

Longhornasphalt@yahoo.com

Number One in customer service !

Exhibit "D"

0006



Development Services
126 W Main Street
Fredericksburg, TX 78624
830-997-7521
www.fbgtx.org

FOR OFFICE USE ONLY

Date Received: _____ Filing Fee: _____
Received by: _____ Approved by: _____

Vested Rights Determination Request Form

Please attach additional sheets if necessary.

Property Owner: Meneer, LLC
Applicant (if different than owner): Clay Carter
Address: 301 E. Burbank St. Fredericksburg, TX 78624
Phone: 512-533-9110 Office: _____ Email: Claycentexpm.com
Project Name: _____

1. Type of development permit:

☐ Site plan ☐ Construction Permit ☐ Plat _____ (type)
☐ Use prior to Annexation ☒ Other STR Permit (describe)
Reinstatement

2. Basis for Vested Rights Claim per Texas Local Government Code:

☒ Type 1: Chapter 245 (general vested rights statute)
☐ Type 2: Section 43.002 (applies only if vested rights claim is based on uses begun outside the city limits which are not allowed under current zoning)

3. Date for which Vested Rights are claimed: 3/30/2022 Permit: N/A

4. Chronological History of Development:

a) List all prior permits issued for the property, including the one for which vested rights are claimed. Provide a copy of each permit listed below.

Type	Application Date	Approval Date
STR Application	3/30/2022	pending STR application was no longer valid since building had since been demolished

a) Identification of all pertinent City regulations in effect at the time the original application for the first permit was filed, which the Petitioner contends control the approval, disapproval, or conditional approval of the application(s) for a permit for which relief is sought, pursuant to Chapter 245 at § 245.002(a) and (b)

b) Identification of all current City regulations that the petitioner contends do not apply to the project due to the vested rights provided the person by Chapter 245 or other applicable vested rights laws. Global references to an ordinance, statute or set of criteria, may be deemed insufficient and the City may consider the request for vested rights to be incomplete and, hence, not subject to a staff determination at that time:

c) Identification of any exemptions under the Zoning Ordinance or other ordinances to which the petitioner believes are applicable to the project defined.

N/A

d) Please describe any progress towards completion of the project that was made after the first application for the project was submitted (provide supporting documentation):

House was not fully demolished when purchased to renovate it had a permit. Due to finding out house was in bad conditions (not livable) ended up remodeling more of the house than initially intended. (please see emails; supporting documentation)

5. Additional Information:

a) Has the prior permit for which vested rights are claimed expired?

☐ Yes ☐ No

If Yes, when? _____

b) Is the Proposed Project the same as the original project for which vested rights are claimed?

☐ Yes ☐ No

If No, please describe any differences between the two, including but not limited to changes in use, land area, or intensity of development:

I Certify that the preceding information provided is accurate:

Signature: _____
Property Owner*

Date: 6-6-24

Signature: _____
Applicant/Agent*

Date: _____

Appendix 2

- *Correspondence with Rachel Raggio of the City Attorney's office Re: 301 E Burbank STR Permit and Vested Rights Determination*

From: [Welsley Reeh](#)
To: [Rachel Raggio](#)
Cc: [Mick McKamie](#); [Annabelle Ackling](#); [Ellie Schulte](#); [Robert Schwing](#)
Subject: RE: 301 E Burbank - STR Permit
Date: Friday, July 26, 2024 12:43:00 PM
Attachments: [Supporting Evidence of STR - Vested Right.pdf](#)

Good Afternoon Rachel,

Attached is the supporting evidence/materials we spoke of yesterday that is intended to supplement the memorandum that has already been submitted for consideration of my client's vested determination for STR at 301 E Burbank. Brief summary of contents is the following:

- **Exhibit "E"** – advertisement of off-market property that was posted to the closed facebook group 'Fredericksburg TX STR Alliance' dated July 31 2021 – where my client's realtor, Dave Chastain first learned of the property and reported back to my client who was in the market for short-term rental properties in Fredericksburg – ***Evidence of Intent to Operate Property as STR Prior to April 1, 2022***
- **Exhibit "F"** – Email dated March 21, 2022 from my client's realtor, Dave Chastain, to City official Jason Lutz with the subject line "intention of short term rental," where Mr. Chastain expressly states "I plan and my intentions are for this property to be a short term rental." Anna Hudson sends her own email, dated March 22, 2022, where she confirms deadline to document intentions is April 1st. And, finally, Shelby Collier sends email to Mr. Chastain dated June 21, 2022, confirming that 301 E. Burbank submitted their STR application as of 3/30/2022, before the April 1st deadline. – ***Evidence of Correspondence with Staff about Process of Obtaining Permit***
- **Exhibit "G"** – Text message, on or around December 4 2021, between my client and his realtor, Mr. Chastain, referencing discussions with builder about the remodel of the property and confirmation that "it's not a tear down." – ***Evidence of Remodel Not Demolition and Correspondence with Real Estate Agent and Builder about STR Investment in Property***
- **Exhibit "H"** – Text message between my client and his realtor about investment property at 301 E Burbank, to turn into STR. – ***Evidence of Correspondence with Real Estate Agent about STR Investment in Property***
- **Exhibit "I"** – Text message, dated October 12 2021, between my client and his realtor about investment property at 301 E Burbank, to turn into STR – ***Evidence of Intent to Operate Property as STR Prior to April 1, 2022 via Correspondence with Real Estate Agent about "remodel and keep as STR"***
- **Exhibit "J"** – Total costs my client invested in remodel in reliance of keeping the property an STR, i.e., over \$300k. – ***Evidence of Investment into Operating Property as STR***

The above-referenced and attached materials address the City's demand for evidence of my client's clear intention to operate the property as an STR prior to April 1, 2022. As such, I believe my client has more than met his burden of providing adequate evidence to support his

request for a vesting determination, and consequently should be granted his STR permit.

Please provide instructions on how my client is to proceed at this time in order to effectuate such vesting determination and STR permit.

Thank you again for your time and attention to this matter.

Welsley K. Reeh
Attorney at Law
Reeh & Schwing Law Firm
1403 Cross Street
Fredericksburg, Texas 78624
Tel (830) 992-8358
Fax (830) 715-4788

CONFIDENTIAL NOTICE: This electronic transmission and any attachments constitute confidential information which is intended only for the named recipient and may be legally privileged. If you have received this communication in error, please contact the sender immediately. Any disclosure, copying, distribution or the taking of any action concerning the contents of this communication by anyone other than the named recipient is strictly prohibited.



From: Rachel Raggio <rraggio@toase.com>
Sent: Thursday, July 25, 2024 10:23 PM
To: Welsley Reeh <wreeh@reehandschwinglaw.com>
Cc: Mick McKamie <mmckamie@fbgtx.org>; Annabelle Ackling <aackling@toase.com>; Ellie Schulte <eschulte@toase.com>; Robert Schwing <rschwing@reehandschwinglaw.com>
Subject: RE: 301 E Burbank - STR Permit

If you'll be submitting the additional materials on behalf of your client, please provide them to me and I'll convey them to staff. If your client will be handling the submission, they can communicate directly with Anna Hudson.

Thank you,

Rachel

Rachel Raggio
Associate Attorney
Taylor, Olson, Adkins, Sralla & Elam, LLP
6000 Western Place, Suite 200
Fort Worth, Texas 76107
Phone: (817) 332-2580
Fax: (817) 332-4740



From: Welsley Reeh <wreeh@reehandschwinglaw.com>
Sent: Thursday, July 25, 2024 10:11 PM
To: Rachel Raggio <rraggio@toase.com>
Cc: Mick McKamie <mmckamie@fbgtx.org>; Annabelle Ackling <aackling@toase.com>; Ellie Schulte <eschulte@toase.com>; Robert Schwing <rschwing@reehandschwinglaw.com>
Subject: RE: 301 E Burbank - STR Permit

Very well, as the property was initially purchased with the intent of operating an STR, in addition to the significant investment my clients have put into the property for that same reason, I do not see that will be an issue, however arbitrary this fact-intensive process clearly seems to be.

Please direct me to who at the City I should proceed with at this point.

Thank you,

Welsley K. Reeh
Attorney at Law
Reeh & Schwing Law Firm
1403 Cross Street
Fredericksburg, Texas 78624
Tel (830) 992-8358
Fax (830) 715-4788

CONFIDENTIAL NOTICE: This electronic transmission and any attachments constitute confidential information which is intended only for the named recipient and may be legally privileged. If you have received this communication in error, please contact the sender immediately. Any disclosure, copying, distribution or the taking of any action concerning the contents of

this communication by anyone other than the named recipient is strictly prohibited.



From: Rachel Raggio <rraggio@toase.com>
Sent: Thursday, July 25, 2024 9:56 PM
To: Welsley Reeh <wreeh@reehandschwinglaw.com>
Cc: Mick McKamie <mmckamie@fbgtx.org>; Annabelle Ackling <aackling@toase.com>; Ellie Schulte <eschulte@toase.com>; Robert Schwing <rschwing@reehandschwinglaw.com>
Subject: RE: 301 E Burbank - STR Permit

Welsley,

My understanding is that this property is in a gray area because an incomplete permit application was filed on March 30, 2022, and this appears to be the only documentation available in the City's records. Vesting determinations are fact-intensive and the City Manager will rely on available evidence in order to reach a decision. The vesting determination process gives the property owner the opportunity to provide additional evidence to support the assertion that they have vested rights in a certain project, so I strongly suggest that your client provide any additional materials they may have to support their application, as the applicant has the burden of providing adequate evidence to support their request for a vesting determination.

As I mentioned in my initial response to you, types of evidence that have been considered in previous cases include materials dating from the time of vesting like building/other permit applications, correspondence with staff regarding the process of obtaining a permit, correspondence with builders, or even correspondence with real estate agents indicating an intent to operate the property as a short-term rental. So, some examples of relevant types of evidence for this case could include building permit applications for the demolition, records of transactions or plans with the demolition and/or construction company, or any other materials that may indicate the intention to operate an STR.

I hope this helps.

Best,

Rachel

Rachel Raggio
Associate Attorney
Taylor, Olson, Adkins, Sralla & Elam, LLP
6000 Western Place, Suite 200
Fort Worth, Texas 76107
Phone: (817) 332-2580
Fax: (817) 332-4740



From: Welsley Reeh <wreeh@reehandschwinglaw.com>
Sent: Thursday, July 25, 2024 11:14 AM
To: Rachel Raggio <rraggio@toase.com>
Cc: Mick McKamie <mmckamie@fbgtx.org>; Annabelle Ackling <aackling@toase.com>; Ellie Schulte <eschulte@toase.com>; Robert Schwing <rschwing@reehandschwinglaw.com>
Subject: 301 E Burbank - STR Permit

Hello Rachel,

Just following up from my last email to get some clear guidance for my client.

Thank you for attention to this matter.

Welsley K. Reeh
Attorney at Law
Reeh & Schwing Law Firm
1403 Cross Street
Fredericksburg, Texas 78624
Tel (830) 992-8358
Fax (830) 715-4788

CONFIDENTIAL NOTICE: This electronic transmission and any attachments constitute confidential information which is intended only for the named recipient and may be legally privileged. If you have received this communication in error, please contact the sender immediately. Any disclosure, copying, distribution or the taking of any action concerning the contents of this communication by anyone other than the named recipient is strictly prohibited.



From: Welsley Reeh
Sent: Tuesday, July 23, 2024 6:26 PM
To: Rachel Raggio <rraggio@toase.com>
Cc: Mick McKamie <mmckamie@fbgtx.org>; Annabelle Ackling <aackling@toase.com>; Ellie Schulte <eschulte@toase.com>
Subject: RE: 301 E Burbank - STR Permit

Hello Rachel,

Per Ms. Hudson's email which was included in the attachments, she lists examples of such evidence including "conversations with staff." Here, the email included with the memo is evidence of the application's existence in March of 2022, as it was the City's staff Ms. Collier who affirmed "records indicate that this property is a permitted short-term rental that was permitted prior to April 1, 2022." Am I understanding correctly that the City's position is that this acknowledgment and conversation with city staff does not amount to evidence that the property was intended to operate as a STR prior to the 2022 ordinance? If so, what records is Ms. Collier referring to if not the very evidence you are requesting at this time?

Thank you,
Welsley K. Reeh
Attorney at Law
Reeh & Schwing Law Firm
1403 Cross Street
Fredericksburg, Texas 78624
Tel (830) 992-8358
Fax (830) 715-4788

CONFIDENTIAL NOTICE: This electronic transmission and any attachments constitute confidential information which is intended only for the named recipient and may be legally privileged. If you have received this communication in error, please contact the sender immediately. Any

disclosure, copying, distribution or the taking of any action concerning the contents of this communication by anyone other than the named recipient is strictly prohibited.



From: Rachel Raggio <rraggio@toase.com>
Sent: Tuesday, July 23, 2024 4:26 PM
To: Welsley Reeh <wreeh@reehandschwinglaw.com>
Cc: Mick McKamie <mmckamie@fbgtx.org>; Annabelle Ackling <aackling@toase.com>; Ellie Schulte <eschulte@toase.com>
Subject: RE: 301 E Burbank - STR Permit

Hi Welsley,

I don't see any additional information included in the attachments sent to Shelby this afternoon – as I mentioned in my earlier email, without evidence from the time of vesting, the City really doesn't have much to work with for the vesting determination application. For example, the STR permit application that the VD application claims was submitted on March 30, 2022 should be attached to this application, as well as any other evidence that supports the assertion that the project of renovating and operating an STR was in motion prior to the adoption of the 2022 ordinance. While your memorandum provides additional information to support the application, it does not provide the additional evidence on which the City Manager will be able to base a VD decision.

Thanks,

Rachel

Rachel Raggio
Associate Attorney
Taylor, Olson, Adkins, Sralla & Elam, LLP
6000 Western Place, Suite 200
Fort Worth, Texas 76107
Phone: (817) 332-2580
Fax: (817) 332-4740



From: Welsley Reeh <wreeh@reehandschwinglaw.com>
Sent: Tuesday, July 23, 2024 2:28 PM
To: Shelby Collier <scollier@fbgtx.org>; Rachel Raggio <rraggio@toase.com>
Cc: Robert Schwing <rschwing@reehandschwinglaw.com>; Anna Hudson <ahudson@fbgtx.org>; Short Term Rentals <str@fbgtx.org>; Clay Carter <clay@centexpim.com>; Permits <permits@fbgtx.org>; Kathleen Henderson <kathleen@centexpim.com>
Subject: RE: 301 E Burbank - STR Permit

Hello Shelby,

I've engaged with Mrs. Raggio's office, and we are on the same page. As a recap, attached is the vested determination application along with the memorandum that provided the requested support of my client's vested determination application. If there is something missing from the application that your office requires please detail what that item is and it will be addressed. Otherwise, let me know when the application is approved so that my client may have his STR permit granted/renewed.

Thank you,

Welsley K. Reeh
Attorney at Law
Reeh & Schwing Law Firm
1403 Cross Street
Fredericksburg, Texas 78624
Tel (830) 992-8358
Fax (830) 715-4788

CONFIDENTIAL NOTICE: This electronic transmission and any attachments constitute confidential information which is intended only for the named recipient and may be legally privileged. If you have received this communication in error, please contact the sender immediately. Any disclosure, copying, distribution or the taking of any action concerning the contents of this communication by anyone other than the named recipient is strictly prohibited.



From: Shelby Collier <scollier@fbgtx.org>
Sent: Friday, July 19, 2024 1:51 PM
To: Welsley Reeh <wreeh@reehandschwinglaw.com>; Rachel Raggio <rraggio@toase.com>
Cc: Robert Schwing <rschwing@reehandschwinglaw.com>; Anna Hudson <ahudson@fbgtx.org>; Short Term Rentals <str@fbgtx.org>; Clay Carter <clay@centexpim.com>; Permits <permits@fbgtx.org>; Kathleen Henderson <kathleen@centexpim.com>
Subject: RE: 301 E Burbank - STR Permit

Good afternoon Welsley,

Thank you for your email, however, I will have to direct your question to Mrs. Rachel Raggio with Toase.

I hope this finds you well.

Have a blessed day and a lovely weekend!



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

Shelby Collier/ Senior Planner/ City of Fredericksburg
O. 830-990-2013/ scollier@fbgtx.org

From: Welsley Reeh <wreeh@reehandschwinglaw.com>
Sent: Friday, July 19, 2024 1:11 PM
To: Shelby Collier <scollier@fbgtx.org>

Cc: Robert Schwing <rschwing@reehandschwinglaw.com>; Anna Hudson <ahudson@fbgtx.org>; Short Term Rentals <str@fbgtx.org>; Clay Carter <clay@centexpim.com>; Permits <permits@fbgtx.org>; Kathleen Henderson <kathleen@centexpim.com>
Subject: F/U: 301 E Burbank - STR Permit

Hello Shelby,

I tried calling your office yesterday to follow up on this matter. Has there been any development that I can pass along to my client?

Thank you,

Welsley K. Reeh
Attorney at Law
Reeh & Schwing Law Firm
1403 Cross Street
Fredericksburg, Texas 78624
Tel (830) 992-8358
Fax (830) 715-4788

CONFIDENTIAL NOTICE: This electronic transmission and any attachments constitute confidential information which is intended only for the named recipient and may be legally privileged. If you have received this communication in error, please contact the sender immediately. Any disclosure, copying, distribution or the taking of any action concerning the contents of this communication by anyone other than the named recipient is strictly prohibited.



From: Welsley Reeh
Sent: Monday, July 15, 2024 2:45 PM
To: 'permits@fbgtx.org' <permits@fbgtx.org>
Cc: Shelby Collier <scollier@fbgtx.org>; Anna Hudson <ahudson@fbgtx.org>; 'str@fbgtx.org' <str@fbgtx.org>; Clay Carter <clay@centexpim.com>; Robert Schwing <rschwing@reehandschwinglaw.com>; Kathleen Henderson <kathleen@centexpim.com>

Subject: FW: 301 E Burbank - STR Permit

Good Afternoon,

My office has been retained to assist in the property located at 301 E Burbank obtaining an STR Permit.

I have reviewed the emails exchanged between the City and my client, in addition to the documentation supporting my client's position in the matter.

In short, for the reasons and evidence included in the attached memorandum, the property does qualify for and should be granted a STR permit in accordance with City of Fredericksburg Ordinance No. 2022-13.

Please review the attached and let me know if you have any questions.

Thank You,
Welsley K. Reeh
Attorney at Law
Reeh & Schwing Law Firm
1403 Cross Street
Fredericksburg, Texas 78624
Tel (830) 992-8358
Fax (830) 715-4788

CONFIDENTIAL NOTICE: This electronic transmission and any attachments constitute confidential information which is intended only for the named recipient and may be legally privileged. If you have received this communication in error, please contact the sender immediately. Any disclosure, copying, distribution or the taking of any action concerning the contents of this communication by anyone other than the named recipient is strictly prohibited.



Appendix 3

- *Exhibit “E”*
- *Exhibit “F”*
- *Exhibit “G”*
- *Exhibit “H”*
- *Exhibit “I”*
- *Exhibit “J”*

< **Fredericksburg TX STR Alliance** ...

Paul Montelongo · Jul 31, 2021 ·

I have a tidy little off-market residence 1 mile from the corner of Llano and Main, just a couple of blocks out of the Historic zone. Currently 1,683 sq. ft and needs about 200k to make it STR ready. 10,250 square foot lot zoned R-1 currently. If anyone knows of someone that would like to buy this and fix it, message me. \$425k. ARV of \$900k (approx).



Like



Comment

Newest ▾

**Nancy MacDougall Herndon**

Admin

Paul, I sent you a pm. Please take a look.

2y Like Reply

**Paul Montelongo**

Author

i dont see anything

2y Like Reply



Write a reply...

**Susie Doucette Pyle**
Pics??

2y Like Reply

1 **Paul Montelongo**

Author

[Susie Doucette Pyle](#) see mv edited

Write a comment...



Exhibit "F"

----- Forwarded message -----

From: **Shelby Collier** <scollier@fbgtx.org>
Date: Tue, Jun 21, 2022 at 3:47 PM
Subject: RE: Fw: Intention of short term rental
To: Dave Chastain <davechastain@realtyaustin.com>

Good afternoon Dave,

301 E. Burbank had a submitted STR application as of 03/30/2022, unfortunately, the building has since been demolished and the pending str application is no longer valid.

Once you respond to this email acknowledging this, you would be able to submit a building permit application to move forward with construction.

108 W. Mulberry also has a pending STR application as of 03/30/22 and is subject to Sec. 6.110 requiring a Conditional Use Permit (CUP) for building expansions to maintain the existing STR Application.

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

From: Dave Chastain <davechastain@realtyaustin.com>
Sent: Monday, June 20, 2022 1:40 PM
To: Shelby Collier <scollier@fbgtx.org>
Cc: Anna Hudson <ahudson@fbgtx.org>; Garret Bonn <gbonn@fbgtx.org>
Subject: Re: Fw: Intention of short term rental

Good afternoon Shelby,

It was nice meeting you and Anna in person this past Tuesday at the meeting for my Orchard project. I've been super busy and wanted to follow up to see if the STR permits were issued for the properties below.

Thank you so much,

Dave

[Texas Law Requires all License holders to provide the Information About Brokerage Services to prospective clients.](#)



[512.293.5401](#)

On Mon, Apr 25, 2022 at 1:34 PM Shelby Collier <scollier@fbgtx.org> wrote:

Good afternoon Dave,

My apologies, I have researched pending STR permit applications for 301 E. Burbank & 108 W. Mulberry and have not found record of these applications having been made.

Am I missing something? If you have record of your previous applications submitted to Avenue please send them my way so that I may assist you with this process.

I welcome your feedback.



"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: Dave Chastain <davechastain@realtyaustin.com>

Sent: Friday, April 22, 2022 1:10 PM

To: Shelby Collier <scollier@fbgtx.org>

Subject: Re: Fw: Intention of short term rental

Hi Shelby,

I know you are super busy, but can you check on the permits I previously submitted for STR? The address is below when I was working with Jason.

Thank you so much,

Dave

[Texas Law Requires all License holders to provide the Information About Brokerage Services to prospective clients.](#)



[512.293.5401](#)

On Tue, Mar 22, 2022 at 8:30 AM Anna Hudson <ahudson@fbgtx.org> wrote:

Good Morning Dave,

City Council adopted the updated STR ordinance that will go into effect on April 1st. You will need to submit STR permits before April 1st to Avenu to document your intentions. On April 1st we will switch over to Granicus for permitting and HOT remittal.

Regards,

Anna Hudson
City of Fredericksburg

From: Jason Lutz <jlutz@fbgtx.org>
Sent: Monday, March 21, 2022 10:54 PM
To: Anna Hudson <ahudson@fbgtx.org>
Subject: Fwd: Intention of short term rental

Sent from my iPhone

Begin forwarded message:

From: Dave Chastain <davechastain@realtyaustin.com>
Date: March 21, 2022 at 4:13:15 PM CDT
To: Jason Lutz <jlutz@fbgtx.org>
Cc: Dave Chastain <davechastain@realtyaustin.com>
Subject: Intention of short term rental

Hi Jason,

It was brought to my attention the city council is possibly voting today on changes to the short term rental regulation.

I bought and closed on 301 E Burbank last December. I'm in the permit process now for the remodel and plan to start work in the next few weeks. I plan and my intentions are for this property to be a short term rental.

Regarding 108 W Mulberry, I went under contract on 2/19/22. The price I paid was under the impression I short term rental this as well. I wanted to communicate that my intentions are for this to be a short term rental as well.

Please let me know if you need any additional communication or documentation.

Sincerely,

Dave

[Texas Law Requires all License holders to provide the Information About Brokerage Services to prospective clients.](#)

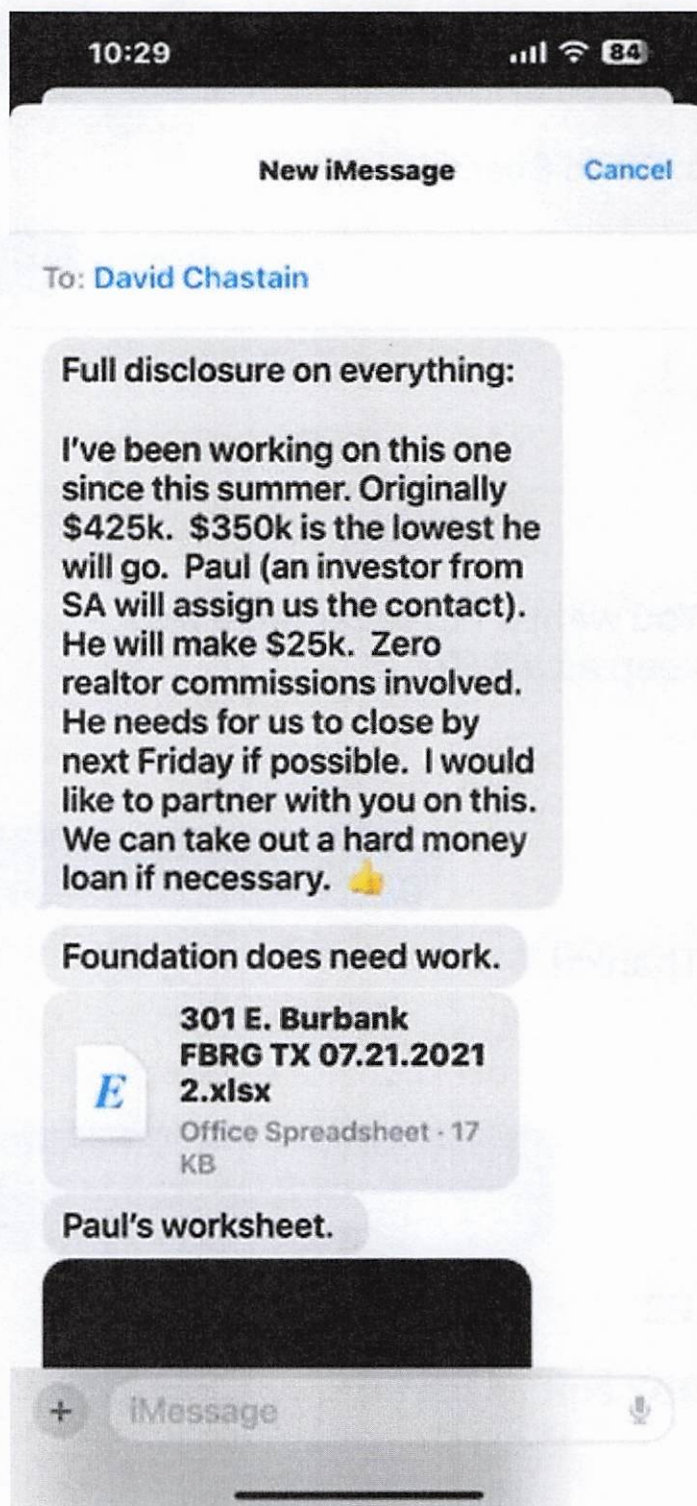


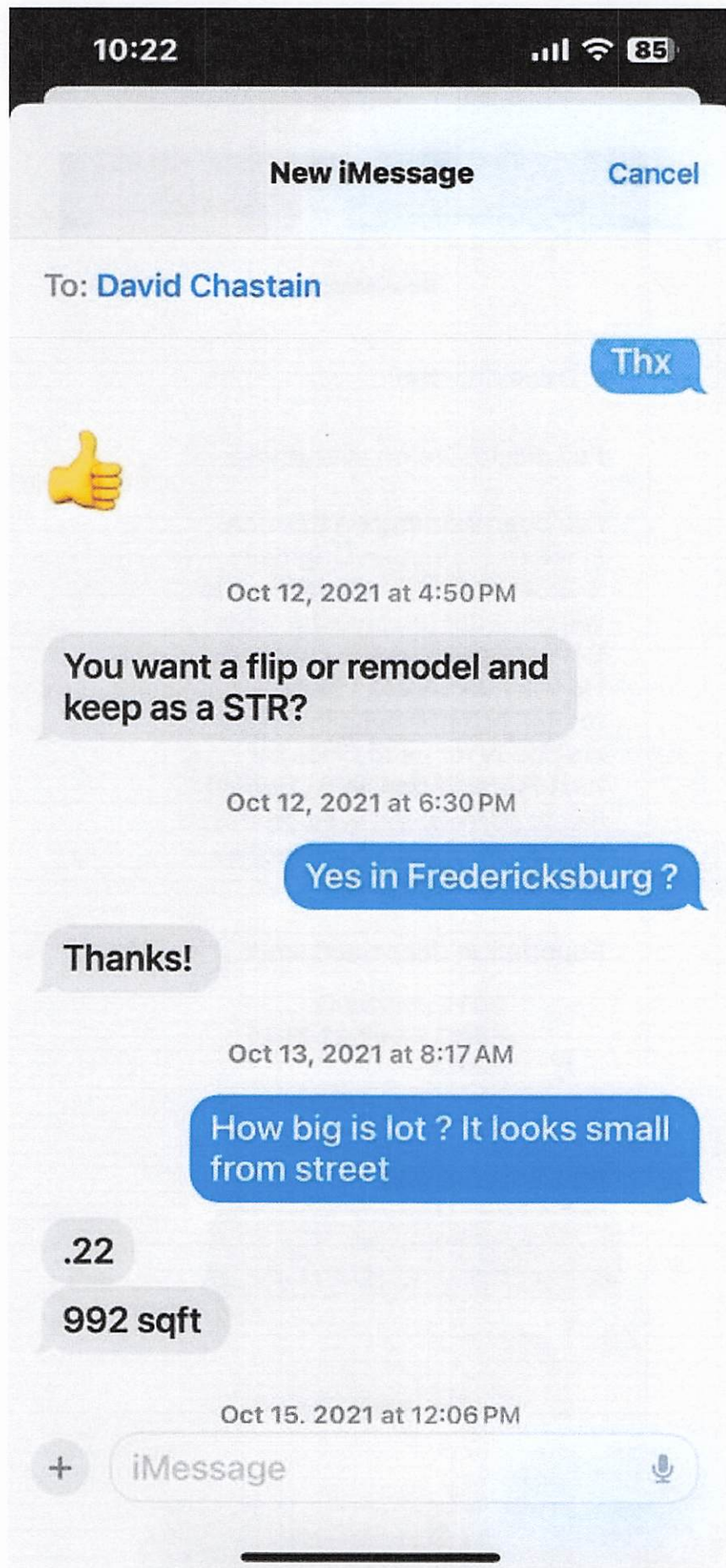
[512.293.5401](#)

Exhibit "G"



Exhibit "H"





301 E. Burbank FBRG TX...



Done

COST WORK SHEET

DATE		July 21, 2021	Project Description		House Rehab			
NAME		Montelongo	Square Footage House		1442			
ADDRESS		301 E. Burbank St. Frederickburg, TX	Square Footage Addition		296			
			Square Footage Total		1738			
			Detached Carport 20' X 21'		480			
			Rear Trellis/Patio Area 10' X 12'		120			
STRUCTURAL								
ITEM #	COST CODE	DESCRIPTION	EXPLANATION	MATERIAL	LABOR	TOTAL	MTL	ACT
1	FOUN1/FOUN2	FOUNDATION	Leveling/Stabilization		7,850	7,850		
2	FOUN1/FOUN2	FOUNDATION	480 sf. Garage X \$21		9,817	9,817		
3	FOUN1/FOUN2	FLATWORK	Edgewalks		3,500	3,500		
4	FOUN1/FOUN2	CONCRETE PUMP			1,800	1,800		
5	FRMT1/FRCY2	FRAMING	House	6,500	10,500	17,000		
6	FRMT1/FRCY2	FRAMING	Carport	4,500	4,500	9,000		
7	FRMT1/FRCY2	FRAMING				0		
TOTAL STRUCTURAL						45,467		
MISC PLUMBING/ELECTRICAL								
9	HVAC1/HVAC2	HVAC-MECHANICAL	New 5 ton Unit		6,500	6,500		
10	ELFX1/ELEC2	LIGHTING FIXTURES		2,700	900	3,600		
11	PLFX1/PLBG2	PLUMBING	Existing Bathroom	1,800	3,200	5,000		
12	PLFX1/PLBG2	PLUMBING	2-New Bathrooms	3,600	11,400	15,000		
13	ELFX1/ELEC2	ELECTRICAL	Whole House Bid		12,950	12,950		
14	ELFX1/ELEC2	ELECTRICAL	Carport Bid		3,200	3,200		
TOTAL MISC						38,050		
EXTERIOR								
15	WNDW1/WNDW2	WINDOWS	19 Replacements	7,600	2,850	10,450		
16	WNDW1/WNDW2	WINDOWS	2 new	800	300	1,100		
17	INSL1/INSL2	INSULATION	1738 SF X \$4 LM		6,952	6,952		
18	SHRK1/SHRK2	SHEETROCK	200 sheets	1,800	3,600	5,400		
19	SHRK1/SHRK2	PAINTING	Exterior House and Carport	2,800	5,500	8,300		
20	PNTG1/PNTG2	PAINTING	1800' X \$5	4,500	4,500	9,000		
21	PNTG1/PNTG2	PAINTING	Carport 480 SF X \$5	1,200	1,200	2,400		
22	INDR	INTERIOR DOORS	4 X \$300	1,200	1,200	2,400		
23	EXDR1/EXDR2	EXTERIOR DOORS	2 X 400	800	300	1,100		
24	EXDR1/EXDR2	EXTERIOR DOORS (Front Door)	Front Door	2,000	500	2,500		
25	TRML1/TRCY2	TRIM	House	2,500	2,500	5,000		
26	TRML1/TRCY2	TRIM	Carport Cornice	1,000	800	1,800		
27	RFNG1	ROOFING	27 Sq. X \$600 Metal		16,200	16,200		
28	RFNG2	ROOFING	Carport 9 Sq. X \$600 Metal		4,800	4,800		
29	CABN1/CABN2	CABINETS	Kitchen/Baths	8,000	2,500	10,500		
30	TOPS1	COUNTERTOPS	Kitchen/Baths	3,000	3,000	6,000		
31	CTLE1/CTLE2	TILE	Showers X 3	1,500	5,400	6,900		
32	CTLE1/CTLE2	TILE	Kitchen Floor	1,200	1,200	2,400		
33	LKND1/LKND2	LKS & HDWRE		750	750	1,500		
34	GLMR1/GLMR2	GLASS/MIRROR		500	500	1,000		
35	SWDR1/SHDR2	SHOWER DOORS		1,000	1,500	2,500		
36	APPL1/APPL2	APPLIANCES		5,000	500	5,500		
37	WDFL1/WDFL2	WOOD FLOORING		6,000	6,000	12,000		
38	WDFL1/WDFL2	STAIN FLOOR	Living Area Re-Stain		6,000	6,000		
39	GUT1/GUT2	GUTTERS			1,600	1,600		
40	TRELL	TRELLIS/PATIO PAVERS	1200F X \$21 L X \$10 M	2,520	1,600	4,120		
41	MSNY1/MSNY2	MASONRY	Firepit/Chimney	2,750	2,750	5,500		
42	HTTUB1	HOT TUB	Wood Trim Kit & Tub	4,500	1,800	6,300		
TOTAL EXTERIOR						101,150		
MISCELLANEOUS								
43	DEM02	FLOOR & DUST PROTECTION			1,800	1,800		
44	DEM01	DEMOLITION (INTERIOR HOARDING)			4,500	4,500		
45	DEM01	DEMOLITION (ROOF)			3,750	3,750		
46	IRRG1	IRRIGATION SPRINKLERS			6,500	6,500		
47	TREE1/TREE2	TREE TRIMMING/REMOVAL			2,500	2,500		
48	LANDSCAPING	LANDSCAPING			4,500	4,500		
49	CLUP2	SITE MAINTENANCE/SECURITY			1,500	1,500		
50	SCAF1	FENCING		5,500	4,850	10,350		
51	CABLE/SECURITY/TV COMPANY	CABLE/SECURITY/TV COMPANY		1,200	1,200	2,400		
52	DUMP1	DUMPSTER RENTAL			1,500	1,500		
53	POTTY2	PORTABLE TOILET			350	350		
54	DLVY2	DELIVERY			800	800		
55	FCLN1/FCLN2	FINAL MOVE IN CLEAN			450	450		
56	DECR2	DECORATOR / DESIGNER			750	750		
57	CTP2	UTILITY COMPANY FEES			400	400		
58	WINDOW TREATMENTS	WINDOW TREATMENTS	19 X \$250		4,750	4,750		
59	ENG02	SLAB INSPECTION			550	550		
60	ENG02	STRUCTURAL ENGINEER INSPECTION			750	750		
61	PRMT	CITY PERMIT FEE			750	750		
62	PRMT	ARCHITECTURE DRAWINGS			950	950		
63	FUEL	GAS SURCHARGE			500	500		
64	MISC	MISCELLANEOUS			2,500	2,500		
TOTAL MISCELLANEOUS						28,050		
TOTAL INVESTMENT						104,664		
TOTAL GENERAL LIABILITY						2,000		
TOTAL INVESTMENT						106,664		
NOTES:								



Appendix 4

- *Additional Emails exchanged with City Officials from June 10, 2024 through to July 11, 2024*

From: [Kathleen Henderson](#)
To: [Welsley Reeh](#)
Cc: [Clay Carter](#); "[Savannah Stahl](#)"
Subject: 301 E Burbank - STR permit - Supporting documentation (#7) FW: Signed vested Rights form - 301 E Burbank
Date: Thursday, July 11, 2024 3:23:25 PM
Attachments: [Vested Rights form - 301 E Burbank.pdf](#)

Resending this email, looks like the attachments weren't sent.
This is the last email thread. Please see feed below.

Thank you!

Warmly,



Kathleen Henderson
Centex Private Investment Management
1301 S. Capital of Texas Hwy, Suite B-125
Austin, TX 78746

Kathleen@CentexPIM.com

phone: 512-533-9110

fax: 512-533-9111

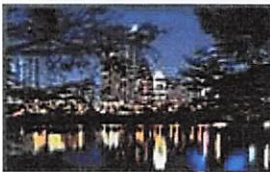
From: Kathleen Henderson
Sent: Wednesday, June 12, 2024 8:16 AM
To: 'Anna Hudson' <ahudson@fbgtx.org>; Shelby Collier <scollier@fbgtx.org>
Cc: Jan Musgrove <jmusgrove@fbgtx.org>; Tyler Baethge <tbaethge@fbgtx.org>; Clay Carter <clay@centexpim.com>
Subject: RE: Signed vested Rights form - 301 E Burbank

Hello Anna,

Please see attached, I have added documentation on 2nd page and supporting email documentation on third page.

Thank you & have a wonderful day!

Warmly,



Kathleen Henderson
Centex Private Investment Management

1301 S. Capital of Texas Hwy, Suite B-125
Austin, TX 78746

Kathleen@CentexPIM.com

phone: 512-533-9110

fax: 512-533-9111

From: Anna Hudson <ahudson@fbgtx.org>

Sent: Monday, June 10, 2024 1:25 PM

To: Kathleen Henderson <kathleen@centexpim.com>; Shelby Collier <scollier@fbgtx.org>

Cc: Jan Musgrove <jmusgrove@fbgtx.org>; Tyler Baethge <tbaethge@fbgtx.org>; Clay Carter <clay@centexpim.com>

Subject: Re: Signed vested Rights form - 301 E Burbank

You'll need to complete the form. If you're trying to be vested under the 2018 or 2022 STR ordinance it will need to be spelled out as to when you're vesting to and why....series of permits, conversations with staff. It's your case to make and put together.

From: Kathleen Henderson <kathleen@centexpim.com>

Sent: Monday, June 10, 2024 12:56 PM

To: Anna Hudson <ahudson@fbgtx.org>; Shelby Collier <scollier@fbgtx.org>

Cc: Jan Musgrove <jmusgrove@fbgtx.org>; Tyler Baethge <tbaethge@fbgtx.org>; Clay Carter <clay@centexpim.com>

Subject: Signed vested Rights form - 301 E Burbank

Hello All,

I've sent Shelby the vested rights form attached, but looping you all in so you have it as well.

Thanks so much.

Warmly,



Kathleen Henderson

Centex Private Investment Management

1301 S. Capital of Texas Hwy, Suite B-125

Austin, TX 78746

Kathleen@CentexPIM.com

phone: 512-533-9110

fax: 512-533-9111

Appendix 5

- *Letter, dated August 21, 2024, from City Manager Clinton Bailey –
Vested Rights Determination for 301 E. Burbank*



THE CITY OF

Fredericksburg, Texas

August 21, 2024

Meneer, LLC
Clay Carter
clay@centexpim.com

RE: Vested Rights Determination for 301 E. Burbank

Dear Mr. Carter,

This letter is a response to your Vested Rights Determination Request form for 301 E. Burbank that was completed with the addition of background information on July 26, 2024. Vested rights are for a project, and not a property. Vested rights claims are generally based on one or more prior applications that provide fair notice of a continuing development project that began before the adoption of current regulations. A vested date is set by the project application date.

Flint Hills Capital Group LLC (the "prior property owner") submitted a Short-Term Rental ("STR") permit application for this property on March 30, 2022. While this permit was still pending, the prior property owner began an unauthorized demolition of the structure for which the STR permit application had been submitted. Eventually, on May 5, 2022, the prior property owner's representative retroactively applied for a demolition permit to demolish the house. On June 21, 2022, the prior property owner was notified that the STR permit application was denied due to invalidity since the residence located on the applicant property had been demolished. According to Section 6.110 of the Zoning Ordinance, a nonconforming use is terminated "upon destruction of a structure occupied by a nonconforming use."

Furthermore, even if any nonconforming use rights created by the permit application had not terminated following the demolition of the structure, the prior property owner was also notified that, due to the proposed expansion of the structure resulting from the reconstruction, Section 6.110 of the Zoning Ordinance required them to obtain a Conditional Use Permit ("CUP") to expand the STR use. On September 19, 2022, the prior property owner submitted a building permit application to construct a new residence, including an addition to the structure, but they never took steps to submit a CUP application or new STR permit application. Therefore, the STR permit application was abandoned, and Staff was not on notice that the prior property owner desired to pursue a STR permit prior to the adoption of the City's 2023 STR ordinance.

Despite the fact that any nonconforming use rights terminated with the demolition of the structure, in this particular situation, Staff finds it appropriate to allow an STR permit application to proceed so long as you obtain a CUP in accordance with the instructions given to the prior property owner.

The City of Fredericksburg

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

0031



THE CITY OF
Fredericksburg, Texas

This information was previously conveyed to you as indicated in Exhibit A. Therefore, I have determined that you must comply with the instructions previously provided in June 2022. You must obtain a CUP to allow the STR use in the enlarged residential structure. Once you have obtained a CUP, you may apply for a new STR permit.

Clinton Bailey, P.E.
City Manager

Cc: Anna Hudson, Director of Development Services
Shelby Collier, Senior Planner
Tyler Baethge, Short Term Rental Specialist
Rachel Raggio, TOASE

The City of Fredericksburg

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

0032



From: Anna Hudson <ahudson@fbgtx.org>
Sent: Monday, June 10, 2024 1:25 PM
To: Kathleen Henderson <kathleen@centexpim.com>; Shelby Collier <scollier@fbgtx.org>
Cc: Jan Musgrove <jmusgrove@fbgtx.org>; Tyler Baethge <tbaethge@fbgtx.org>; Clay Carter <clay@centexpim.com>
Subject: Re: Signed vested Rights form - 301 E Burbank

You'll need to complete the form. If you're trying to be vested under the 2018 or 2022 STR ordinance it will need to be spelled out as to when you're vesting to and why....series of permits, conversations with staff. It's your case to make and put together.

The facts that give rise to this complaint stem from the incident that took place early June of this year, when Mr. Carter attempted to obtain an STR permit from the City after remodeling had been completed and the Structure was ready for occupation. Naturally, Mr. Carter first reached out to the City's STR specialist, Ms. Jan Musgrove, who told Mr. Carter his best option was to apply for vested rights using the Vesting Rights Determination Form and submit the completed application to the City's Senior Planner, Ms. Shelby Collier. Mr. Carter's associate, Ms. Kathleen Henderson, was told by Ms. Collier, that in order to be vested under the 2018 or 2022 STR ordinance they would need to complete the

vested rights form and “spell out when you’re vesting to and why...” As restated by the Director of Development, Ms. Hudson, in her email, dated June 10, 2024, to Ms. Henderson. (See attached Appendix 4-0030).



Development Services
125 W Main Street
Fredericksburg, TX 78624
830-997-7521
www.frb.org

FOR OFFICE USE ONLY

Date Received: _____ Filing Fee: _____

Received by: _____ Approved by: _____

Vested Rights Determination Request Form
Please attach additional sheets if necessary.

Property Owner: Meneer, LLC
 Applicant (if different than owner): Clay Carter
 Address: 301 E Burbank St. Fredericksburg, TX 78624
 Phone: 512-533-9110 Office: _____ Email: Claycenterpm.com
 Project Name: _____

1. Type of development permit:
☐ Site plan ☐ Construction Permit ☐ Plat _____ (type)
☐ Use prior to Annexation ☒ Other STR permit (describe)
(see STR permit)

2. Basis for Vested Rights Claim per Texas Local Government Code:
☒ Type 1: Chapter 245 (general vested rights statute)
☐ Type 2: Section 43.002 (applies only if vested rights claim is based on uses begun outside the city limits which are not allowed under current zoning)

3. Date for which Vested Rights are claimed: 3/30/2022 Permit: N/A

4. Chronological History of Development:
 a) List all prior permits issued for the property, including the one for which vested rights are claimed. Provide a copy of each permit listed below.

Type	Application Date	Approval Date
<u>STR Application</u>	<u>3/30/2022</u>	<u>pending STR application</u> <u>was on 10000 ft. land</u> <u>since building</u> <u>was since before</u> <u>remodeled</u>

Pursuant to these instructions, a ‘Vested Rights Determination Request Form’ was completed, signed, and submitted to Ms. Hudson and Ms. Collier. (See attached Appendix “1-0007”). As stipulated within the form by Mr. Carter, an STR permit application had been made on March 30, 2022.

From: Shelby Collier <scollier@fbgtx.org>
Sent: Friday, June 17, 2022 9:57 AM
To: shae@keeperslandplanning.com
Cc: Permits
Subject: 301 E. Burbank
Attachments: 2021 IECC Compliance Check List Mechanical E. Burbank rescheck Report.pdf; Final Plotted Burbank.pdf; Updated Building Permit Application Fillable_202106221444516871 copy.pdf

Good morning Shae,

Staff has received a Building Permit Application for 301 E. Burbank and given its current Legal Nonconforming Use Status, Staff is not able to accept the Building Permit Application at this time.

Records indicate that this property is a Permitted Short-Term Rental that was permitted prior to April 1, 2022 making it a Legal Nonconforming Use and If you wish to expand upon that use, a Conditional Use Permit (CUP) is required, which is a special use permit issued by City Council.

The City acknowledged this to be true in an email from Ms. Collier on June 17, 2022, where she confirmed that “records indicate that [301 E. Burbank] is a Permitted Short-Term Rental that was permitted prior to April 1, 2022 making it a legal nonconforming use.” (See attached Appendix “1-0003”). This fact is not in dispute.



However, because the Structure was in a bad condition when it was purchased and not suitable for occupancy, remodeling was necessary. Some walls had to be taken down as they were determined to be unsafe and structurally unsound due to rot.



However, because the Structure was in a bad condition when it was purchased and not suitable for occupancy, remodeling was necessary. Some walls had to be taken down as they were determined to be unsafe and structurally unsound due to rot.

----- Forwarded message -----

From: Shelby Collier <scollier@fbgtx.org>

Date: Tue, Jun 21, 2022 at 3:47 PM

Subject: RE: Fw: Intention of short term rental

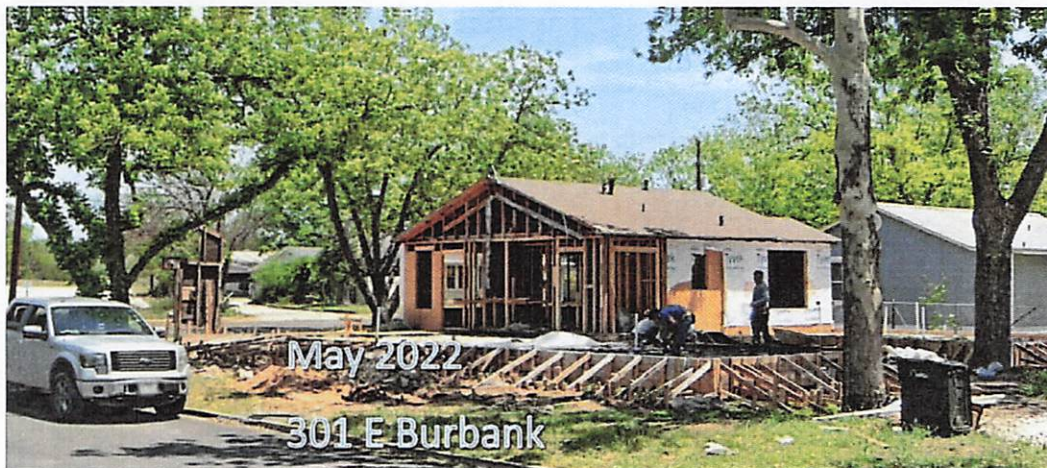
To: Dave Chastain <davechastain@realtyaustin.com>

Good afternoon Dave,

301 E. Burbank had a submitted STR application as of 03/30/2022, unfortunately, the building has since been demolished and the pending str application is no longer valid.

Once you respond to this email acknowledging this, you would be able to submit a building permit application to move forward with construction.

Before the Structure could be made safe again and the remodel to commence, the builder had to complete a Building Permit Application that was submitted to Ms. Collier. Upon receiving this information, Ms. Collier took the position that the Structure had now voluntarily discontinued it's legal nonconforming use status as the structure had been demolished. (See attached Appendix "3-0021")



Aside from this unconscionable interpretation of the 2022 Ordinance, and, quite frankly, the surrounding facts of Mr. Carter's specific circumstances, the City cannot in earnest claim the Structure was demolished. Furthermore, there is no definition of "destruction" within the 2022 STR ordinance, resulting in an arbitrary and unwritten standard. For example, how many walls must come down for a Structure to be considered 'destroyed'? One? Two? All of them? In this case not all walls were taken down, only those walls that were determined to be rotted and structurally unsafe.

If a non-conforming use or any portion thereof is voluntarily discontinued for a period of 90 days, any future use of such land or portion thereof shall be in conformity with the regulations of the district in which such land or portion thereof is located. A non-conforming short-term rental use shall not be considered voluntarily discontinued if

Short-term rental uses shall not terminate under the following conditions :

If the use is suspended for repairs, modifications, additions, or remodels, or other similar situations, or if

This leads to the very important exception within the 2022 Ordinance for “repairs, modifications, additions, or remodels,” and when a structure’s rotted walls are replaced with structurally safe walls is that not a repair to the structure. (See Appendix 1-0004).

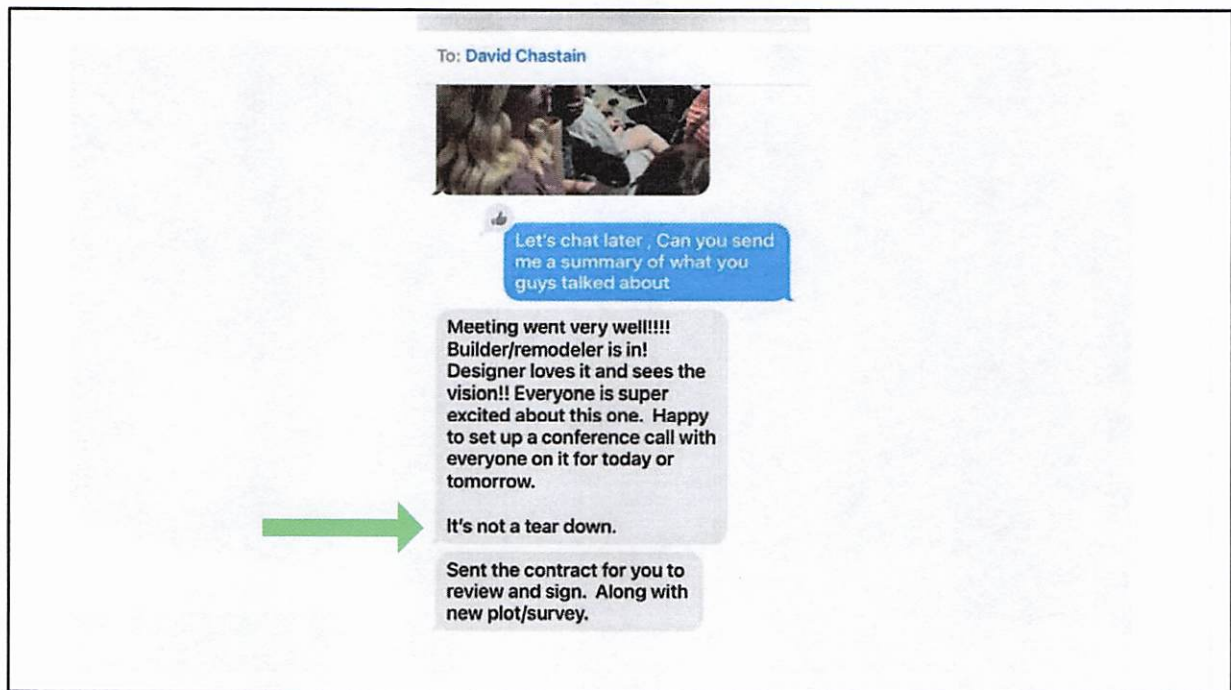
From: longhorn asphalt <longhornasphalt@yahoo.com>
Sent: Thursday, May 16, 2024 1:48 PM
To: Clay Carter <clay@BlueWatersAG.com>
Subject: 301 burbank Remodel

Clay , Good afternoon, I am writing this letter per your request to give an explanation of the complete remodel we completed at 301 E Burbank. We left several original structure walls of existing house in tact on this remodel. Some of the walls and roof trusses we removed were removed as they were rotted and unsafe to leave in place as part of remodel. if any questions plz feel free to reach out. Thank You

Respectfully,

Edward/ Longhorn Asphalt & Construction

This is further supported by Longhorn Asphalt & Construction (“Longhorn”), who was responsible for the remodel of the Structure, who stated that the work performed at the Structure was undoubtedly a remodel and not a complete destruction of the Structure. Longhorn went on to explain that they had “left several original structure walls of the existing house intact on [the] remodel.” (See attached Appendix “1-0006” and “3-0025”).



This is further supported by Longhorn Asphalt & Construction (“Longhorn”), who was responsible for the remodel of the Structure, who stated that the work performed at the Structure was undoubtedly a remodel and not a complete destruction of the Structure. Longhorn went on to explain that they had “left several original structure walls of the existing house intact on [the] remodel.” (See attached Appendix “1-0006” and “3-0025”).



For the reasons stipulated above in Section I(b) and incorporated by reference in this Section, the Structure was not demolished. And on this point it seems the City is also conflicted on whether a demolition occurred, as Mr. Bailey alleges on May 5, 2022, a demolition permit was retroactively submitted to demolish the structure, which would suggest the Structure had (supposedly) been demolished prior to May 5, 2022, thereby terminating the Structure's nonconforming use status. But on June 17, 2022, more than a month later, the City's Senior Planner, Ms. Collier sent an email affirmatively confirming the Structure still maintained its "current legal nonconforming use status," which should not have been possible *if* the

Structure had been demolished. (See attached Appendix “1-0003”). Therefore, based on the evidence in the record and statements from the City’s own officials, the nonconforming use was not terminated because the alleged ‘demolition’ took place prior to May 5, 2022 and as of June 17, 2022 the Structure still maintained its legal nonconforming use status.



For the reasons stipulated above in Section I(b) and incorporated by reference in this Section, the Structure was not demolished. And on this point it seems the City is also conflicted on whether a demolition occurred, as Mr. Bailey alleges on May 5, 2022, a demolition permit was retroactively submitted to demolish the structure, which would suggest the Structure had (supposedly) been demolished prior to May 5, 2022, thereby terminating the Structure's nonconforming use status. But on June 17, 2022, more than a month later, the City's Senior Planner, Ms. Collier sent an email affirmatively confirming the Structure still maintained its "current legal nonconforming use status," which should not have been possible *if* the

Structure had been demolished. (See attached Appendix “1-0003”). Therefore, based on the evidence in the record and statements from the City’s own officials, the nonconforming use was not terminated because the alleged ‘demolition’ took place prior to May 5, 2022 and as of June 17, 2022 the Structure still maintained its legal nonconforming use status.

Provided, however, a Conditional Use Permit shall not be required, and the enlargement may occur, upon submission and approval of a Site Plan if the enlargement involves only a one-time increase in the size of the building in which the same use is operated of not more than 25 percent.

Yet Mr. Bailey forgets to take into account that *also included* in Section 6.110 of the Zoning Ordinance, is the exception that a CUP shall not be required, and the enlargement may occur, upon submission and approval of a Site Plan if the enlargement involves only a one-time increase in the size of the building in which the same use is operated of not more than 25 percent. (See Appendix 1-0004).

From: Shelby Collier <scollier@fbgtx.org>
Sent: Friday, June 17, 2022 9:57 AM
To: shae@keeperslandplanning.com
Cc: Permits
Subject: 301 E. Burbank
Attachments: 2021 IECC Compliance Check List Mechanical E. Burbank rescheck Report.pdf; Final Plotted Burbank.pdf; Updated Building Permit Application Fillable_202106221444516871 copy.pdf

Good morning Shae,

Staff has received a Building Permit Application for 301 E. Burbank and given its current Legal Nonconforming Use Status, Staff is not able to accept the Building Permit Application at this time.

Records indicate that this property is a Permitted Short-Term Rental that was permitted prior to April 1, 2022 making it a Legal Nonconforming Use and If you wish to expand upon that use, a Conditional Use Permit (CUP) is required, which is a special use permit issued by City Council.

In the present case, the City was provided with the Building permit application site plan/final plot for consideration on June 17, 2022. The building permit and site plan were ultimately approved by the City, and the one-time increase in size was not more than 25 percent. Therefore, a CUP is not necessary to expand the STR use.



In conclusion, the Structure did not voluntarily discontinue its legal nonconforming STR use as the structure was not demolished, but repaired and remodeled to be safe for occupancy, as allowed by the 2022 STR ordinance. Nor should it be required to apply for a CUP for the expansion as the building permit and site plan were approved by the City, and the one-time increase in size was not more than 25 percent, also allowed by the 2022 STR ordinance.



THE CITY OF
Fredericksburg, Texas



August 21, 2024

Meneer, LLC
Clay Carter
clay@centexpim.com

RE: Vested Rights Determination for 301 E. Burbank

Dear Mr. Carter,

This letter is a response to your Vested Rights Determination Request form for 301 E. Burbank that was completed with the addition of background information on July 26, 2024. Vested rights are for a project, and not a property. Vested rights claims are generally based on one or more prior applications that provide fair notice of a continuing development project that began before the adoption of current regulations. A vested date is set by the project application date.

Flint Hills Capital Group LLC (the "prior property owner") submitted a Short-Term Rental ("STR") permit application for this property on March 30, 2022. While this permit was still pending, the prior property owner began an unauthorized demolition of the structure for which the STR permit application had been submitted. Eventually, on May 5, 2022, the prior property owner's representative retroactively applied for a demolition permit to demolish the house. On June 21, 2022, the prior property owner was notified that the STR permit application was denied due to invalidity since the residence located on the applicant property had been demolished. According to Section 6.110 of the Zoning Ordinance, a nonconforming use is terminated "upon destruction of a structure occupied by a nonconforming use."

Furthermore, even if any nonconforming use rights created by the permit application had not terminated following the demolition of the structure, the prior property owner was also notified that, due to the proposed expansion of the structure resulting from the reconstruction, Section 6.110 of the Zoning Ordinance required them to obtain a Conditional Use Permit ("CUP") to expand the STR use. On September 19, 2022, the prior property owner submitted a building permit application to construct a new residence, including an addition to the structure, but they never took steps to submit a CUP application or new STR permit application. Therefore, the STR permit application was abandoned, and Staff was not on notice that the prior property owner desired to pursue a STR permit prior to the adoption of the City's 2023 STR ordinance.

Despite the fact that any nonconforming use rights terminated with the demolition of the structure, in this particular situation, Staff finds it appropriate to allow an STR permit application to proceed so long as you obtain a CUP in accordance with the instructions given to the prior property owner.

The City of Fredericksburg

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



THE CITY OF

Fredericksburg, Texas

This information was previously conveyed to you as indicated in Exhibit A. Therefore, I have determined that you must comply with the instructions previously provided in June 2022. You must obtain a CUP to allow the STR use in the enlarged residential structure. Once you have obtained a CUP, you may apply for a new STR permit.

Clinton Bailey, P.E.
City Manager

Cc: Anna Hudson, Director of Development Services
Shelby Collier, Senior Planner
Tyler Baethge, Short Term Rental Specialist
Rachel Raggio, TOASE

The City of Fredericksburg

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

Public Comment Form

Please return this form before 2PM on September 2, 2026

To

jmusgrove@fbgtx.org

OR

Development Services – Zoning
2818 East U.S. Highway 290
Fredericksburg, TX 78624
830-997-7521



REQUEST NO. DEV-2026-110-CUP – 301 E. BURBANK STREET

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

The STR rules should be changed for ALL owners
of single family homes. There are no reasons pending in this
application that warrant a variance. The builder who
developed this land should have made this application
at the time of requesting a building permit.

Signature

Landon K. Mackie

Printed Name

Date

8/26/2026

Address

905 N. Lincoln



PLANNING AND ZONING COMMISSION **AGENDA MEMO**

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

MEETING DATE: September 2, 2026

SECTION: PUBLIC HEARING **ITEM:** E.

CAPTION: **DEV-2026-109-RP:** By Waymaker Land Advisors & Surveyors to consider a Re-Plat per Section 3.05 to Re-Plat Stehling Lot 7-PT, 8-PT and all of LOT 9 and including GE 613 and LOT 132-PT into Three Lots Establishing Stehling Re-plat LOTS 7R, 8R AND 9R for the property commonly known as 311 S. Crockett Street.

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

SUMMARY:

An application has been submitted for the review of the Replat of Stehling Lot 7-PT, 8-PT and all of LOT 9 and including GE 613 and LOT 132-PT into Three Lots Establishing Stehling Re-plat LOTS 7R, 8R AND 9R for the property commonly known as 311 S. Crockett Street. The subject property consists of an approximately 4.93 acres. The underlying zoning for the property is R-1, Single-Family Residential District.

Zoning: R-1, Single-Family Residential District

Tract Size: 4.93 Acres (214,750 sq. ft.)

Number of Lots: 2 Residential Lots

Minimum Lot Size: 7,500 sq ft

Minimum Lot Width: 70 ft

BACKGROUND:

4.07. Replat

A. Purpose and Applicability

1. A Replat of all or a portion of a recorded Plat may be approved in accordance with State law without vacation of the recorded Plat, if the Replat:

- a. Is signed and acknowledged by only the owners of the property being replatted;
- b. Is approved after a public hearing; and

c. Does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded Plat.

2. A Replat shall be subject to approval by the Commission.

B. General Notice and Public Hearing Requirements

1. Published notice of the public hearings on the Replat Application shall be given in accordance with 3.05 Public Hearings for Replat and Plat Vacation Applications, if applicable.

a. See specific notice and hearing requirements for Certain Replats in Section 4.07.F.2 Notice and Public Hearing Requirements for Certain Replats).

2. A public hearing shall be conducted by the Commission on all Replat Applications.

C. Application

The Application for a Replat of a Subdivision shall meet all Application requirements of a Final Plat. The Applicant shall acknowledge that the Replat will not amend or remove any covenants or restrictions previously incorporated in the recorded Plat.

D. Partial Replat Application

If a Replat is submitted for only a portion of a previously platted subdivision, the Replat must reference the previous Subdivision name and recording information, and must state on the Replat the specific lots which are being changed along with a detailed "Purpose for Replat" statement.

E. Criteria for Approval

1. The Replat of the Subdivision shall meet all review and approval criteria for a Final Plat.

2. The Replat document shall be prepared by a Texas Registered Professional Land Surveyor.

F. Additional Requirements for Certain Replats

1. Applicability of Certain Replats

Pursuant to Texas Local Government Code Chapter 212.015, a Replat without vacation of the preceding Plat must conform to the requirements of this Section 4.07.F Additional Requirements for Certain Replats if:

a. During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or

b. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.

2. Notice and Public Hearing Requirements for Certain Replats

Notice of the required public hearing shall be given before the fifteenth (15th) calendar day before the date of the hearing by:

a. Publication in an official newspaper or a newspaper of general circulation in the applicable City or unincorporated area (as applicable) in which the proposed Replat property is located; and

b. Written notice, with a copy of Section 212.015(c) of the Texas Local Government Code (as amended) attached, forwarded by the City to the owners of lots that are in the original Subdivision and that are within two hundred feet (200') of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a Subdivision within the ETJ, the most recently approved applicable county tax roll of the property upon which the

Replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the City.

3. Protest

a. If the Replat Application is accompanied by a waiver petition (per 7.01 Petition for Subdivision Waiver of Modification) and is protested in accordance with this Section 4.07.F.3 Protest), approval of the Replat shall require the affirmative vote of at least three-fourths of the voting members of the Commission present at the meeting.

b. For a legal protest, written instruments signed by the owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the Replat Application and extending two hundred feet (200') from that area, but within the original Subdivision, must be filed with the Commission prior to the close of the public hearing.

c. The area of streets and alleys shall be included in the area computations.

G. Replat Review and Approval

1. Replat

The review and approval processes for a Replat shall be the same as the review and approval processes for a Final Plat (except for the special public hearing and notice requirements described in Section 4.07.F.2 Notice and Public Hearing Requirements for Certain Replats).

2. Minor Replat

a. Pursuant to Texas Local Government Code 212.0065, a Replat involving four (4) or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities may be approved by the Director of Development Services in accordance with this Section 4.07 Replat.

b. Prior to the Director of Development Services taking action on a proposed Minor Replat, the Planning and Zoning Commission shall hold at least one public hearing thereon. Otherwise, the review and approval process shall be the same as 4.06 Minor Plat, including:

i. Deferral to the Commission of a Minor Replat Decision.

H. Effect

Upon approval of the Application, the Replat may be recorded and is controlling over the previously recorded Plat for the portion replatted.

STAFF RECOMMENDATION:

The application was reviewed for conformity with all applicable regulations, including [Sec. 4.07](#). After review by the Development Review Committee (DRC), Staff recommends approval of the Re-Plat application. Staff recommends approval of the re-plat contingent upon the following conditions:

- 1) The replat has been signed and acknowledge by all owners of the property
 - 2) The replat does not violate existing covenants, restrictions or utility easements
 - 3) Naming of newly established plat clarified and identified
-
-

ATTACHMENTS:

1. 311 S Crockett St Notification Map
2. Dev-2026-109 -MP_ Combined Review Comments
3. Dev-2026-109 -MP_ Response Letter_2026-08-12
4. 20260010 PR_UFER STREET SUBDIVISION_Recorded
5. McDowell-Cardenas Subdivision_Recorded
6. DEV-2026-109-2602-32_the estates at south crockett_plat_preliminary_2026-07-27

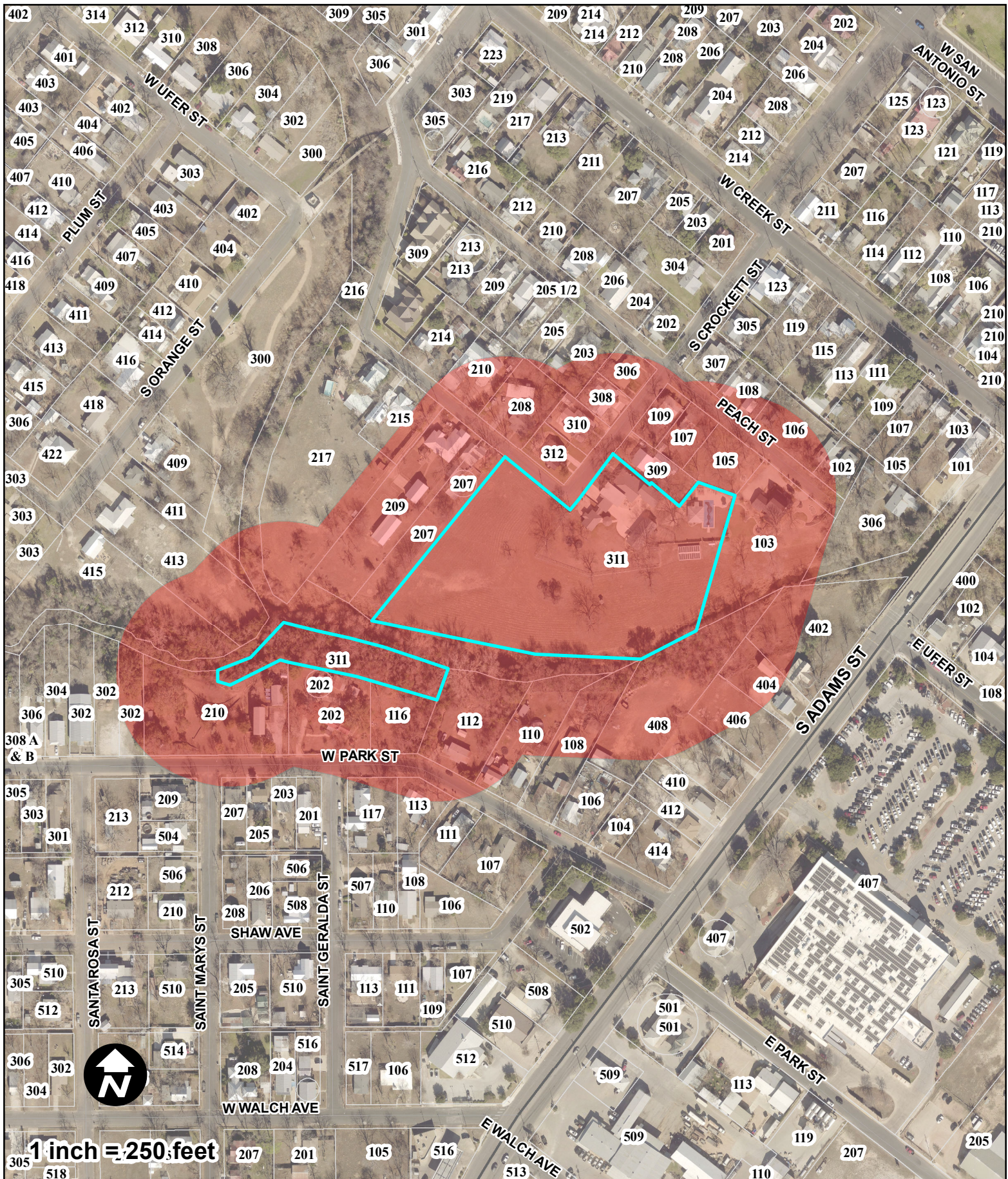
APPROVAL/REVIEW:

Date: August 27, 2026

Cliff Cross, Director of Development Services

Date: August 27, 2026

Barbara Quirk, City Attorney



City of Fredericksburg
DEV-2026-109-RP - 311 S. Crockett St.

LEGEND

- 200' Notification Buffer
- GCAD Parcels



August 5, 2026

Cody Musick
Waymaker Land Advisors and Surveyors
info@waymakerland.com

RE: Dev-2026-109-RP, Review Comments for the Minor Plat located at 311 S Crockett Street, Fredericksburg Texas.

Please review the following comments and address appropriately. Please provide a written response as to how the items are addressed in addition to the revised Plat by **Wednesday, August 12, 2026.**

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

Development Comments:

1. The Replat cannot include property that was not part of the original plat.
 - a. You have the option to vacate and replat to add the additional unplatted property, but it will require the inclusion of all property and owner signoff of all lots within the original plat.
 - b. You can do two separate plats and only replat the lots that are part of Stehling Addition and submit a Minor plat for the un-plated property.
2. You must rename the replat to "Replat of Stehling Addition, Establishing Lot 9R..."
3. Add Project No. DEV-2026-109-RP.
4. Fill in the date of preparation.
5. Label the addresses at the front of the lot.

The City of Fredericksburg
2818 East U.S. Highway 290. • Fredericksburg, Texas 78624-3708 • (830) 990-2079

6. Label the location of minimum building setbacks per zoning ordinance.
7. Why is the "Second Tract" not being platted into a lot?

Engineering Comments:

1. Each lot will need to be curbed at the time a building permit is pulled.
2. Please show the approximate floodplain boundary and SFHA designations on the plat per the current FEMA FIRM.

Please return the revised plans along with your written response as to how the comments have been addressed by Wednesday, August 12, 2026. Please feel free to contact me with any comments or questions, and I will be happy to assist you.



Jan Musgrove, Planner I

August 12, 2026

Jan Musgrove, Planner I
Development Review Committee (DRC)
Planning and Zoning Commission
City of Fredericksburg
2818 East U.S. Highway 290
Fredericksburg, Texas 78624-3708

RE: **DEV-2026-109-RP** — Minor Plat located at 311 S. Crockett Street, Fredericksburg, Texas
Minor Plat Response Letter

Dear Ms. Musgrove,

Thank you for the August 5, 2026 Comments Letter. Outlined below is a summary of our responses to Development Comments 1 through 7 and Engineering Comments 1 and 2. The City's comments are reproduced verbatim, followed by our response.

Please note that we are submitting this response letter in advance of the revised plat. Development Comments 1 and 2 raise threshold questions of plat configuration and naming that affect the balance of the Plat Map/Sheets, and we would prefer to resolve those before presenting a revised submittal. Upon the City's clarification of those two items, all remaining comments will be addressed on the forthcoming plat updates and resubmitted for review.

DEVELOPMENT COMMENTS

1). Comment: *The Replat cannot include property that was not part of the original plat.*

a. You have the option to vacate and replat to add the additional un-platted property, but it will require the inclusion of all property and owner signoff of all lots within the original plat.

b. You can do two separate plats and only replat the lots that are part of Stehling Addition and submit a Minor plat for the un-plated property.

1R). Response: Respectfully, we request the City reconsider this comment. The Map of Fredericksburg, Texas and Environs by the German Emigration Company is a plat of record, and the property in question derives from it. This is a long-standing precedent established with the City's staff when it comes to replatting the original Townlot and Outlot tracts in the core of Fredericksburg. A replat that incorporates both platted "addition" lots and adjoining property originating from that Environs map is therefore not the inclusion of unplatted property, but the reconfiguration of property already of record.

The City approved this exact configuration earlier this year. The Ufer Street Subdivision replat (Project No. P-2526, approved February 19, 2026) was titled "Minor Replat Establishing Ufer Street Subdivision" and comprised all of Townlots No. 579, 580, 581, and 582 together with part of an unnumbered parcel of land lying northeast of those townlots, as shown on the Map of Fredericksburg, Texas and Environs. That plat combined numbered townlots with an adjoining unnumbered parcel in a single minor replat, was reviewed by City staff, and was approved without requiring either a vacate-and-replat or a separate second plat.

We believe the same treatment is appropriate here, and we ask that the City confirm the plat may proceed as configured. If the City maintains its position, we would ask for a brief conference to confirm the preferred path before we revise, as the choice between the options described in items (a) and (b) materially changes the sheet and our project's timeline.

2). Comment: *You must rename the replat to "Replat of Stehling Addition, Establishing Lot 9R..."*

2R). Response: Respectfully, we request the City accept an alternative name in the form of "**Minor Replat Establishing Stehling-Kemp Subdivision.**" The proposed title becomes unwieldy where a replat draws from more than one source of record, and in our experience creates confusion in downstream title work and addressing. The proposed Replat Name solves that issue.

This form has been accepted by the City on recent projects. The McDowell-Cardenas Subdivision (Project No. P-2513) was approved under the title "A Replat Establishing McDowell-Cardenas Subdivision," and the Ufer Street Subdivision referenced above was approved as "Minor Replat Establishing Ufer Street Subdivision." Neither was required to carry the name of the original addition in its title.

We propose a name in that same form and welcome the City's input on the final wording. Once confirmed, the title will be addressed on the forthcoming plat updates.

3). Comment: *Add Project No. DEV-2026-109-RP.*

3R). Response: Acknowledged. This will be addressed on the forthcoming plat updates, pending clarification of the items noted herein.

4). Comment: *Fill in the date of preparation.*

4R). Response: Acknowledged. This will be addressed on the forthcoming plat updates, pending clarification of the items noted herein. Please note our standard practice has been to complete this field at approval, immediately prior to mylar delivery, so the date reflected is accurate at recordation. We will confirm the date is current at the time mylars are delivered.

5). Comment: *Label the addresses at the front of the lot.*

5R). Response: Acknowledged. Addresses will be labeled at the front of each lot on the forthcoming plat updates.

6). Comment: *Label the location of minimum building setbacks per zoning ordinance.*

6R). Response: Acknowledged. Minimum building setbacks per the applicable zoning classification will be labeled on the forthcoming plat updates, pending clarification of the items noted herein.

7). Comment: *Why is the "Second Tract" not being platted into a lot?*

7R). Response: The referenced tract lies across the creek. Ownership has elected not to replat that portion at this time.

ENGINEERING COMMENTS

E1). Comment: *Each lot will need to be curbed at the time a building permit is pulled.*

E1R). Response: Acknowledged. We will advise ownership on this matter.

E2). Comment: *Please show the approximate floodplain boundary and SFHA designations on the plat per the current FEMA FIRM.*

E2R). Response: Acknowledged. The approximate floodplain boundary and SFHA designations per the current FEMA FIRM will be shown on the forthcoming plat updates, pending clarification of the items noted herein.

Thank you for your review and comments. We are glad to meet or take a call on Development Comments 1 and 2 at the City's convenience, and we expect that a short conversation on those two items will allow the revised plat to be submitted promptly and in final form.

Sincerely,



Cody J. Musick

Registered Surveyor, No. 6454

OWNER'S ACKNOWLEDGEMENT AND DEDICATION

STATE OF TEXAS §
COUNTY OF GILLESPIE §

I (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT WITHIN THE AREA DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMPRISING ALL OF TOWNLOTS NO. 579, 580, 581, 582, AND PART OF AN UNNUMBERED PARCEL OF LAND LYING N.E. OF TOWNLOTS NO. 579, 580, 581 & 582, AS SAID TOWNLOTS ARE SHOWN ON THE MAP OF FREDERICKSBURG, TEXAS, AND ENVIRONS BY THE GERMAN EMIGRATION COMPANY, AND ALSO BEING THAT SAME 3.427 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED TO LLANO WINERY PROPERTIES, LLC BY HAMUK, LLC, DATED NOVEMBER 15, 2024, FOUND OF RECORD IN INSTRUMENT(S) NO. 20245931 AND NO. 20246578 OF THE OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY, TEXAS,

AND DESIGNATED HEREIN AS THE **UFER STREET SUBDIVISION** TO THE CITY OF FREDERICKSBURG, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE PUBLIC USE FOREVER BY FEE SIMPLE TITLE, FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES, ALL STREETS, THOROUGHFARES, ALLEYS, PARKS, AND TRAILS, AND TO THE PUBLIC USE FOREVER EASEMENTS FOR SIDEWALKS, STORM DRAINAGE FACILITIES, FLOODWAYS, WATER MAINS, WASTEWATER MAINS AND OTHER UTILITIES, AND ANY OTHER PROPERTY NECESSARY TO SERVE THE PLAT AND TO IMPLEMENT THE REQUIREMENTS OF THE PLATTING ORDINANCES, RULES, AND REGULATIONS THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

OWNER: Llano Winery Properties, LLC
DATE: 3/18/2024
by Kevin Glasheen, Manager

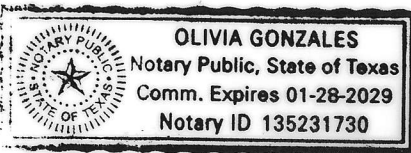
STATE OF TEXAS §
COUNTY OF GILLESPIE §

BEFORE ME, THE UNDERSIGNED AUTHORITY IN AND FOR Travis COUNTY, TEXAS, ON THIS DAY PERSONALLY APPEARED Kevin Glasheen, KNOWN TO ME TO BE THE PERSON AND OFFICER WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE IS the manager, AND THAT HE/SHE IS AUTHORIZED TO EXECUTE THE FOREGOING INSTRUMENT FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 18 DAY OF March, 2024

[Signature]
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

Olivia Gonzales
TYPE OR PRINT NOTARY'S NAME
MY COMMISSION EXPIRES: 1-28-2029



CERTIFICATE OF COMPLETION, ACCEPTANCE, AND AUTHORIZATION TO FILE

APPROVED Janice Munking 4/1/26
CHAIRPERSON, PLANNING AND ZONING COMMISSION DATE
CITY OF FREDERICKSBURG, TEXAS

THE UNDERSIGNED, THE CITY SECRETARY AND THE CITY OF FREDERICKSBURG, TEXAS, CERTIFIES THAT THE FOREGOING FINAL PLAT OF THE SUBDIVISION OR ADDITION TO THE CITY OF FREDERICKSBURG WAS SUBMITTED TO THE PLANNING AND ZONING COMMISSION ON THE DAY OF 2024, AND THE COMMISSION, BY FORMAL ACTION, THEN AND THERE ACCEPTED THE DEDICATIONS, CONVEYANCES OF LAND, IMPROVEMENTS, AND ANY OTHER PROPERTY NECESSARY TO SERVE THE PLAT AND TO IMPLEMENT THE REQUIREMENTS OF THE PLATTING ORDINANCES, RULES, AND REGULATIONS AS SHOWN AND SET FORTH IN AND UPON SAID PLAT, THAT THE PUBLIC WORKS AND INFRASTRUCTURE IMPROVEMENTS HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CONSTRUCTION PLANS, AND HAVE BEEN TESTED AND ACCEPTED BY THE CITY, THAT THE FINAL PLAT IS NOW ACCEPTABLE FOR FILING WITH GILLESPIE COUNTY AND SAID COMMISSION FURTHER AUTHORIZED THE CHAIRMAN OF THE PLANNING AND ZONING COMMISSION TO NOTE THE ACCEPTANCE, ON BEHALF OF THE CITY, THEREOF BY SIGNING HIS/HER NAME AS HEREINABOVE SUBSCRIBED.

WITNESS BY MY HAND ON THIS 26th DAY OF March, 2024

[Signature]
CITY SECRETARY, CITY OF FREDERICKSBURG, TEXAS



CERTIFICATION OF SURVEYOR

THE STATE OF TEXAS *
COUNTY OF GILLESPIE *

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6454 IN THE STATE OF TEXAS, HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND ABILITY THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND JULY 15, 2025. PLAT WAS PREPARED ON FEBRUARY 19, 2026.

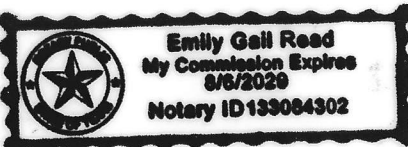
02/19/26
DATE Cody J. Musick
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6454

BEFORE ME, T HE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF THIS OFFICE, THIS THE 19 DAY OF February, 2026.

Emily Read
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS PRINTED NAME OF NOTARY

MY COMMISSION EXPIRES: 05/10/2029



CERTIFICATE OF RECORDATION

FILED FOR RECORD AT 8:21 O'CLOCK A M. THIS THE 9th DAY OF April, 2026, A.D.
IN INSTRUMENT NO. 20240010 OF THE PLAT RECORDS OF GILLESPIE COUNTY, TEXAS.

Lindsey Brown
DEPUTY COUNTY CLERK, GILLESPIE COUNTY, TEXAS
COUNTY CLERK, GILLESPIE COUNTY, TEXAS



MINOR REPLAT ESTABLISHING
UFER STREET
SUBDIVISION
CITY OF FREDERICKSBURG,
GILLESPIE COUNTY, TEXAS

SAID REPLAT
COMPRISING ALL OF TOWNLOTS NO. 579, 580, 581, 582, AND PART OF AN UNNUMBERED PARCEL OF LAND LYING N.E. OF TOWNLOTS NO. 579, 580, 581 & 582, AS SAID TOWNLOTS ARE SHOWN ON THE MAP OF FREDERICKSBURG, TEXAS, AND ENVIRONS BY THE GERMAN EMIGRATION COMPANY, SAID TOWNLOTS AND UNNUMBERED PARCEL ALSO BEING DESCRIBED AS THAT 3.427 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED TO LLANO WINERY PROPERTIES, LLC BY HAMUK, LLC, DATED NOVEMBER 15, 2024, FOUND OF RECORD IN INSTRUMENT(S) NO. 20245931 AND NO. 20246579 OF THE OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY, TEXAS.

100 YEAR FLOODPLAIN EASEMENT RESTRICTION

CONSTRUCTION WITHIN THE FLOODPLAIN MAY NOT OCCUR (A REQUEST FOR CONSTRUCTION WITHIN THE FLOODPLAIN EASEMENT MUST BE ACCOMPANIED WITH DETAILED ENGINEERING PLANS AND STUDIES INDICATING THAT NO FLOODING WILL RESULT, THAT NO OBSTRUCTION TO THE NATURAL FLOW OF WATER WILL RESULT; AND SUBJECT TO ALL OWNERS OR THE PROPERTY AFFECTED BY SUCH CONSTRUCTION BECOMING A PARTY TO THE REQUEST). WHERE CONSTRUCTION IS PERMITTED, ALL FINISHED FLOOR ELEVATIONS SHALL BE A MINIMUM OF ONE (1) FOOT ABOVE THE 100-YEAR FLOOD ELEVATION AS DETERMINED BY ANALYZING THE ULTIMATE BUILD-OUT CONDITIONS OF THE ENTIRE DRAINAGE BASIN.

- A. EXISTING CREEKS, LAKES, RESERVOIRS, OR DRAINAGE CHANNELS TRAVERSING ALONG OR ACROSS PORTIONS OF THIS ADDITION, WILL REMAIN AS AN OPEN CHANNEL AT ALL TIMES AND WILL BE MAINTAINED BY THE INDIVIDUAL OWNERS OF THE LOT OR LOTS THAT ARE TRAVERSED BY THE DRAINAGE COURSES ALONG OR ACROSS SAID LOTS. THE CITY WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE AND OPERATION OF SAID DRAINAGE, WAYS, OR FOR THE CONTROL OF EROSION. EACH PROPERTY OWNER SHALL KEEP THE NATURAL DRAINAGE CHANNELS TRAVERSING HIS/HER PROPERTY CLEAN AND FREE OF DEBRIS, SILT, OR ANY SUBSTANCE, WHICH WOULD RESULT IN UNSANITARY CONDITIONS. THE CITY SHALL HAVE THE RIGHT OF INGRESS AND EGRESS FOR THE PURPOSE OF INSPECTION AND SUPERVISION OF MAINTENANCE WORK BY THE PROPERTY OWNER TO ALLEVIATE ANY UNDESIRABLE CONDITIONS, WHICH MAY OCCUR. THE CITY IS NOT OBLIGATED TO MAINTAIN OR ASSISTANCE WITH MAINTENANCE OF THE AREA.
- B. THE NATURAL DRAINAGE CHANNEL, AS IN THE CASE OF ALL NATURAL DRAINAGE CHANNELS, ARE SUBJECT TO STORM WATER OVERFLOW AND NATURAL BANK EROSION. THE CITY SHALL NOT BE LIABLE FOR DAMAGES OF ANY NATURE, RESULTING FROM THE OCCURRENCE OF THESE NATURAL PHENOMENA, NOR RESULTING FROM A FAILURE OF ANY STRUCTURE(S) WITHIN THE NATURAL DRAINAGE CHANNELS. THE NATURAL DRAINAGE CHANNEL CROSSING EACH LOT IS SHOWN BY THE FLOODWAY EASEMENT LINE AS SHOWN ON THE PLAT. IF A SUBDIVISION ALTERS THE HORIZONTAL OR VERTICAL FLOODPLAIN, A FEMA FLOODWAY MAP REVISION MAY BE REQUIRED.
- C. DURING THE INTERIM BETWEEN FEMA'S CONDITIONAL LETTER OF MAP REVISION (LOMR) APPROVAL AND FINAL LETTER OF MAP REVISION (LOMR) APPROVAL, THE FLOODPLAIN EASEMENT SHALL RUN WITH THE 100-YEAR FLOODPLAIN LIMITS SHOWN HEREON. UPON FEMA'S ISSUANCE AND ADOPTION OF THE FINAL LOMR, THIS PLAT SHALL BE AMENDED SUCH THAT THE FLOODPLAIN EASEMENT LIMITS SHALL RUN WITH THE LIMITS OF LOMR-REMOVED AREAS, WHERE THEY MAY DIFFER FROM THE FEMA-PUBLISHED 100-YEAR FLOODPLAIN LIMITS.

RIGHT OF WAY EASEMENT / UTILITY EASEMENT DEDICATION

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

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

EASEMENT MAINTENANCE

ANY PUBLIC UTILITY, INCLUDING THE CITY, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR PART OF ANY BUILDING, FENCES, TREES, SHRUBS, GROWTHS OR IMPROVEMENTS THAT IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS NO ANY OF THE EASEMENTS OR RIGHT-OF-WAY SHOWN ON THE PLAT (OR FILED BY SEPARATE INSTRUMENT THAT IS ASSOCIATED WITH SAID PROPERTY); AND ANY PUBLIC UTILITY, INCLUDING THE CITY, SHALL HAVE THE RIGHT AT ALL TIMES OF INGRESS AND EGRESS TO AND FROM AND UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE. EASEMENTS SHALL BE MAINTAINED BY PROPERTY OWNER. THE CITY CAN MOVE TREES OR ANY OTHER IMPROVEMENT AND DOES NOT HAVE RESPONSIBILITY TO REPLACE THEM.

SAID REPLAT

COMPRISING ALL OF TOWNLOTS NO. 579, 580, 581, 582, AND PART OF AN UNNUMBERED PARCEL OF LAND LYING N.E. OF TOWNLOTS NO. 579, 580, 581 & 582, AS SAID TOWNLOTS ARE SHOWN ON THE MAP OF FREDERICKSBURG, TEXAS, AND ENVIRONS BY THE GERMAN EMIGRATION COMPANY, SAID TOWNLOTS AND UNNUMBERED PARCEL ALSO BEING DESCRIBED AS THAT 3.427 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED TO LLANO WINERY PROPERTIES, LLC BY HAMUK, LLC, DATED NOVEMBER 15, 2024, FOUND OF RECORD IN INSTRUMENT(S) NO. 20245931 AND NO. 20246579 OF THE OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY, TEXAS.

EASEMENT LINE TABLE		
LINE	BEARING	DISTANCE
L1	N50°59'38" W	67.86'
L2	S67°44'54" E	16.66'
L3	N51°56'10" W	39.92'
L4	N38°42'11" E	10.65'
L5	S41°34'46" E	10.15'
L6	S38°42'11" W	8.94'
L7	S51°56'10" E	39.92'
L8	N67°44'54" W	16.66'
L9	N50°59'38" E	67.92'
L10	S39°18'16" W	10.00'

FASEMENT LINE TABLE		
LINE	BEARING	DISTANCE
L11	N53°10'56" W	62.30'
L12	N41°34'46" W	55.66'
L13	N51°28'25" W	40.92'
L14	N76°10'42" W	57.25'
L15	N53°43'40" W	67.95'
L16	N69°38'27" W	61.25'
L17	N83°54'46" W	51.81'
L18	N70°04'46" W	22.08'
L19	S70°04'46" E	31.56'
L20	S83°54'46" E	51.73'
L21	S69°38'27" E	55.95'
L22	S53°43'40" E	69.13'
L23	S76°10'42" E	56.84'
L24	S51°28'25" E	34.81'
L25	S41°34'46" E	55.96'
L26	S53°10'56" E	63.47'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	15.00'	42.74'	29.68'	N30°37'44"E	163°14'44"
C2	5.00'	14.33'	9.90'	N50°09'28"E	164°11'16"
C3	10.00'	15.82'	14.22'	N06°36'59"W	90°38'21"
C4	15.00'	42.98'	29.71'	S50°09'28"W	164°11'16"
C5	5.00'	14.25'	9.89'	S30°37'44"W	163°14'44"

* 1/2" DIA. REBAR FOUND (EXCEPT AS NOTED)
 * REBAR FOUND (PASSING CALL, AS NOTED)
 (C) 1/2" DIA. REBAR SET
 X UNMARKED POINT IN CENTERLINE OF CREEK
 X FENCE
 UTILITY POLE
 (D) STORM MANHOLE
 (S) SEWER MANHOLE

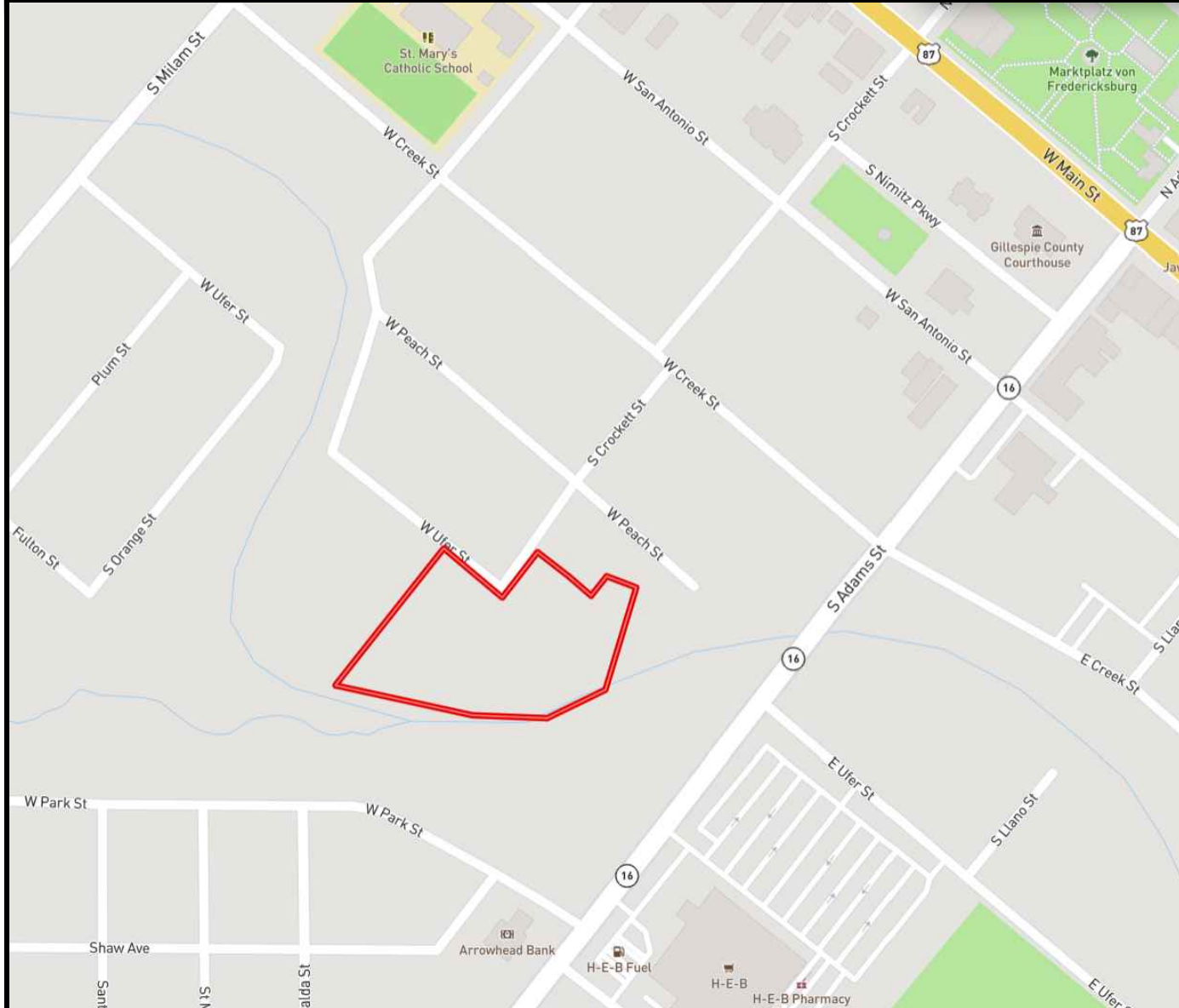
P.O.B. POINT OF BEGINNING
 O.P.R. OFFICIAL PUBLIC RECORDS
 R.P.R. REAL PROPERTY RECORDS
 CONCRETE (CURB, APRON, SIDEWALK, ETC.)
 OVERHEAD ELECTRIC (UTILITY) LINE
 --- --- APPROXIMATE FEA FLOOD ZONE LINE
 (PUBLISHED LIMITS PER FEMA FIRM #
 --- ADJONER/TRACT LINE
 --- TOWNLOT/OUTLOT LINE
 --- --- EASEMENT OR SETBACK LINES

SHEET 2 OF 2

WAYMAKER
LAND ADVISORS & SURVEYORS

1788 W. Live Oak St.
Fredericksburg, Texas 78624
830-997-3884 | waymakerland.com
TBPELS Firm No. 10194626

1. BUILDING SETBACK LINES ARE SUBJECT TO THE CONDITIONS OF THE APPROVED PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE AND MAY DIFFER FROM STANDARD ZONING REQUIREMENTS. REFER TO THE APPLICABLE PUD ORDINANCE AND EXHIBITS FOR ALL SETBACK, HEIGHT, AND USE REQUIREMENTS.
2. FEMA FIRM PLANT 48171C0286C WITH AN EFFECTIVE DATE OF OCTOBER 19, 2001 SHOWS PORTIONS OF THE SUBJECT PROPERTY TO LIE WITHIN FLOOD ZONE "AE", WHICH IS A SPECIAL FLOOD HAZARD AREA. APPROXIMATE FLOOD HAZARD AREAS PER FIRM PLANT 48171C0286C ARE SHOWN HEREON. PENDING FLOOD STUDIES IN THE SURROUNDING AREA, WHICH ARE NOT AS OF YET PUBLISHED BY FEMA, MAY AFFECT THIS TRACT.
3. UNDERGROUND UTILITIES, SPRINKLER SYSTEM AND HEADS, VALVES, HAND-HOLES AND OTHER IMPROVEMENTS MAY EXIST THAT ARE NOT SHOWN HEREON. THE SURVEYOR MAKES NO GUARANTY OR WARRANTY AS TO THE EXACT LOCATION OF UNDERGROUND UTILITIES.
4. SEWER INVERT DEPTHS REPORTED HEREON ARE PROVIDED BY THE CITY OF FREDERICKSBURG. SEWER INVERT DEPTHS ARE APPROXIMATE AND SHOULD BE FIELD VERIFIED.
5. COORDINATES, BEARINGS, DISTANCES AND AREA SHOWN HEREON ARE "GRID" DERIVED FROM G.N.S.S. R.T.K. (GPS) POSITIONING DATA LINES REPORTED IN THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE OF THE NORTH AMERICAN DATUM 1983 (NAD83(2011)), WITH THE HORIZONTAL DISTANCES EXPRESSED IN U.S. SURVEY FEET. "NORTH" IS REFERENCED TO GRID NORTH (UNLESS NOTED OTHERWISE).
6. N.G.S.S. BENCHMARK PID B010130 (NAMED "P81", LOCALLY KNOWN AS THE "HEB BENCHMARK") FOUND AND REFERENCED WITH A REPORTED ELEVATION OF 1,695.00 FEET A.M.S.L. (OBSERVED DURING THE COURSE OF THIS SURVEY TO HAVE AN ORTHOMETRIC ELEVATION OF 1,695.10' A.M.S.L.), WITH ELEVATIONS REFERENCED TO THE NAVD88 DATUM AND GEOID18 MODEL, REPORTED IN FEET, WITH GRID COORDINATE VALUES AT N: 10064955.56, E: 2756443.57.
7. CONTOUR LINES REPRESENT ORTHOMETRIC HEIGHTS.
8. A 10-FOOT-WIDE UTILITY EASEMENT ALONG THE REAR, FRONT, AND SIDE LINES OF ALL INTERIOR LOT LINES, AND 20-FOOT-WIDE UTILITY EASEMENT ALONG THE ENTIRE PERIMETER OF THE SUBDIVISION IS RESERVED, PER THIS PLAT. REFER TO THE ENTIRETY OF THE "UTILITY EASEMENT" NOTE ON THIS PLAT (SHEET 1 OF 2).
9. THIS SURVEY DOES NOT CONSTITUTE AN ABSTRACT OF TITLE BY THE SURVEYOR AND THE SURVEYOR MAKES NO REPRESENTATION AS TO THE CONDITION OF TITLE.
10. MONUMENTS AS SHOWN. ALL CORNERS SET ARE 1/2" DIA. REBAR WITH CAP STAMPED "WAYMAKER 10194626".
11. REFER TO SHEET 1 OF 2 FOR ALL NOTES CONCERNING EASEMENTS, DEDICATIONS, ETC.



MINOR REPLAT ESTABLISHING
THE ESTATES AT SOUTH CROCKETT
SUBDIVISION
CITY OF FREDERICKSBURG,
GILLESPIE COUNTY, TEXAS

SAID REPLAT
COMPRISING PART OF OUTLOT NO. 613 AND PART OF AN UNNUMBERED PARCEL OF LAND LYING IN
THE CREEK, AS SAID OUTLOTS ARE SHOWN ON THE MAP OF FREDERICKSBURG, TEXAS, AND ENVIRONS
BY THE GERMAN EMIGRATION COMPANY,
AND ALL OF LOT 9, AND PART OF LOT 8, STEHLING ADDITION OF THE CITY OF FREDERICKSBURG,
FOUND OF RECORD IN VOLUME 61, PAGE 226 OF THE PLAT RECORDS OF GILLESPIE COUNTY, TEXAS,
ALSO BEING THAT TRACT OF LAND CONVEYED TO ALLEN J. KELLER, ET UX., BY ARTHUR STEHLING, ET
UX., DESCRIBED IN VOLUME 73,, PAGES 420-422 OF THE DEED RECORDS OF GILLESPIE COUNTY,
TEXAS.

100 YEAR FLOODPLAIN EASEMENT RESTRICTION

CONSTRUCTION WITHIN THE FLOODPLAIN MAY NOT OCCUR (A REQUEST FOR CONSTRUCTION WITHIN THE
FLOODPLAIN EASEMENT MUST BE ACCOMPANIED WITH DETAILED ENGINEERING PLANS AND STUDIES INDICATING
THAT NO FLOODING WILL RESULT, THAT NO OBSTRUCTION TO THE NATURAL FLOW OF WATER WILL RESULT; AND
SUBJECT TO ALL OWNERS OR THE PROPERTY AFFECTED BY SUCH CONSTRUCTION BECOMING A PARTY TO THE
REQUEST). WHERE CONSTRUCTION IS PERMITTED, ALL FINISHED FLOOR ELEVATIONS SHALL BE A MINIMUM OF
ONE (1) FOOT ABOVE THE 100-YEAR FLOOD ELEVATION AS DETERMINED BY ANALYZING THE ULTIMATE BUILD-OUT
CONDITIONS OF THE ENTIRE DRAINAGE BASIN.

- A. EXISTING CREEKS, LAKES, RESERVOIRS, OR DRAINAGE CHANNELS TRAVERSING ALONG OR ACROSS
PORTIONS OF THIS ADDITION, WILL REMAIN AS AN OPEN CHANNEL AT ALL TIMES AND WILL BE MAINTAINED
BY THE INDIVIDUAL OWNERS OF THE LOT OR LOTS THAT ARE TRAVERSED BY THE DRAINAGE COURSES
ALONG OR ACROSS SAID LOTS. THE CITY WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE AND
OPERATION OF SAID DRAINAGE, WAYS, OR FOR THE CONTROL OF EROSION. EACH PROPERTY OWNER SHALL
KEEP THE NATURAL DRAINAGE CHANNELS TRAVERSING HIS/HER PROPERTY CLEAN AND FREE OF DEBRIS,
SILT, OR ANY SUBSTANCE, WHICH WOULD RESULT IN UNSANITARY CONDITIONS. THE CITY SHALL HAVE THE
RIGHT OF INGRESS AND EGRESS FOR THE PURPOSE OF INSPECTION AND SUPERVISION OF MAINTENANCE
WORK BY THE PROPERTY OWNER TO ALLEVIATE ANY UNDESIRABLE CONDITIONS, WHICH MAY OCCUR. THE
CITY IS NOT OBLIGATED TO MAINTAIN OR ASSISTANCE WITH MAINTENANCE OF THE AREA.
- B. THE NATURAL DRAINAGE CHANNEL, AS IN THE CASE OF ALL NATURAL DRAINAGE CHANNELS, ARE SUBJECT
TO STORM WATER OVERFLOW AND NATURAL BANK EROSION. THE CITY SHALL NOT BE LIABLE FOR DAMAGES
OF ANY NATURE, RESULTING FROM THE OCCURRENCE OF THESE NATURAL PHENOMENA, NOR RESULTING
FROM A FAILURE OF ANY STRUCTURE(S) WITHIN THE NATURAL DRAINAGE CHANNELS. THE NATURAL
DRAINAGE CHANNEL CROSSING EACH LOT IS SHOWN BY THE FLOODWAY EASEMENT LINE AS SHOWN ON
THE PLAT. IF A SUBDIVISION ALTERS THE HORIZONTAL OR VERTICAL FLOODPLAIN, A FEMA FLOODWAY MAP
REVISION MAY BE REQUIRED.
- C. DURING THE INTERIM BETWEEN FEMA'S CONDITIONAL LETTER OF MAP REVISION (CLOMR) APPROVAL AND
FINAL LETTER OF MAP REVISION (LOMR) APPROVAL, THE FLOODPLAIN EASEMENT SHALL RUN WITH
THE 100-YEAR FLOODPLAIN LIMITS SHOWN HEREON. UPON FEMA'S ISSUANCE AND ADOPTION OF THE FINAL
LOMR, THIS PLAT SHALL BE AMENDED SUCH THAT THE FLOODPLAIN EASEMENT LIMITS SHALL RUN WITH THE
LIMITS OF LOMR-REMOVED AREAS, WHERE THEY MAY DIFFER FROM THE FEMA-PUBLISHED 100-YEAR
FLOODPLAIN LIMITS.

RIGHT OF WAY EASEMENT / UTILITY EASEMENT DEDICATION

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

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

EASEMENT MAINTENANCE

ANY PUBLIC UTILITY, INCLUDING THE CITY, SHALL HAVE THE RIGHT TO MOVE AND KEEP MOVED ALL OR
PART OF ANY BUILDING, FENCES, TREES, SHRUBS, GROWTHS OR IMPROVEMENTS THAT IN ANY WAY
ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF ITS
RESPECTIVE SYSTEMS NO ANY OF THE EASEMENTS OR RIGHT-OF-WAY SHOWN ON THE PLAT (OR FILED
BY SEPARATE INSTRUMENT THAT IS ASSOCIATED WITH SAID PROPERTY); AND ANY PUBLIC UTILITY,
INCLUDING THE CITY, SHALL HAVE THE RIGHT AT ALL TIMES OF INGRESS AND EGRESS TO AND FROM AND
UPON SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION,
PATROLLING, MAINTAINING AND ADDING OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS
WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE. EASEMENTS SHALL
BE MAINTAINED BY PROPERTY OWNER. THE CITY CAN MOVE TREES OR ANY OTHER IMPROVEMENT AND
DOES NOT HAVE RESPONSIBILITY TO REPLACE THEM.

OWNER'S ACKNOWLEDGEMENT AND DEDICATION

STATE OF TEXAS §
COUNTY OF GILLESPIE §

I (WE), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT WITHIN THE AREA SHOWN HEREON,

AND DESIGNATED HEREIN AS THE **THE ESTATES AT SOUTH CROCKETT SUBDIVISION** TO THE CITY OF FREDERICKSBURG,
TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE PUBLIC USE FOREVER BY FEE SIMPLE TITLE, FREE AND CLEAR
OF ALL LIENS AND ENCUMBRANCES, ALL STREETS, THOROUGHFARES, ALLEYS, PARKS, AND TRAILS, AND TO THE PUBLIC USE FOREVER
EASEMENTS FOR SIDEWALKS, STORM DRAINAGE FACILITIES, FLOODWAYS, WATER MAINS, WASTEWATER MAINS AND OTHER UTILITIES, AND
ANY OTHER PROPERTY NECESSARY TO SERVE THE PLAT AND TO IMPLEMENT THE REQUIREMENTS OF THE PLATTING ORDINANCES, RULES,
AND REGULATIONS THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

OWNER: _____

DATE: _____

STATE OF TEXAS §
COUNTY OF GILLESPIE §

BEFORE ME, THE UNDERSIGNED AUTHORITY IN AND FOR _____ COUNTY, TEXAS, ON THIS

DAY PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE PERSON

AND OFFICER WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT

HE/SHE IS _____ AND THAT HE/SHE IS AUTHORIZED TO EXECUTE THE FOREGOING INSTRUMENT
FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE ____ DAY OF _____, 20__.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

TYPE OR PRINT NOTARY'S NAME _____

MY COMMISSION EXPIRES: _____

CERTIFICATE OF FINAL PLAT APPROVAL
ADMINISTRATIVE APPROVAL

DIRECTOR OF DEVELOPMENT SERVICES _____, 2026
DATE

THE UNDERSIGNED, THE CITY SECRETARY OF THE CITY OF FREDERICKSBURG, TEXAS, HEREBY CERTIFIES THAT THE FOREGOING FINAL
PLAT OF _____ SUBDIVISION, A SUBDIVISION OR ADDITION TO THE CITY OF FREDERICKSBURG WAS
SUBMITTED AND APPROVED BY THE DIRECTOR OF DEVELOPMENT SERVICES ON THE ____ DAY OF _____, 2025 AS
AUTHORIZED IN SECTION 4 OF THE CITY OF FREDERICKSBURG SUBDIVISION ORDINANCE.

WITNESS BY MY HAND ON THIS _____, DAY OF _____, 2026

CITY SECRETARY
CITY OF FREDERICKSBURG, TEXAS

CERTIFICATION OF SURVEYOR

THE STATE OF TEXAS *
COUNTY OF GILLESPIE *

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6454 IN THE STATE OF TEXAS,
HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND ABILITY THIS PLAT IS TRUE AND CORRECT
AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE
GROUND _____, 2026. PLAT WAS PREPARED ON _____, 2026.

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

BEFORE ME, T HE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, KNOWN TO ME TO BE
THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME
THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF THIS OFFICE, THIS THE ____ DAY OF
_____, 2026.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS _____ PRINTED NAME OF NOTARY

MY COMMISSION EXPIRES: _____

CERTIFICATE OF RECORDATION

FILED FOR RECORD AT _____ O'CLOCK ____ M. THIS THE ____ DAY OF _____, 20 ____, A.D.,

IN INSTRUMENT NO. _____ OF THE PLAT RECORDS OF GILLESPIE COUNTY, TEXAS.

DEPUTY COUNTY CLERK, GILLESPIE COUNTY, TEXAS

COUNTY CLERK, GILLESPIE COUNTY, TEXAS

PRELIMINARY
THIS DOCUMENT HAS BEEN RELEASED FOR REVIEW
ONLY AND SHALL NOT BE RECORDED FOR ANY
PURPOSE AND SHALL NOT BE USED OR VIEWED OR
RELIED UPON AS A FINAL SURVEY DOCUMENT.
DATE: 11 / 27 / 2026

WAYMAKER
LAND ADVISORS & SURVEYORS

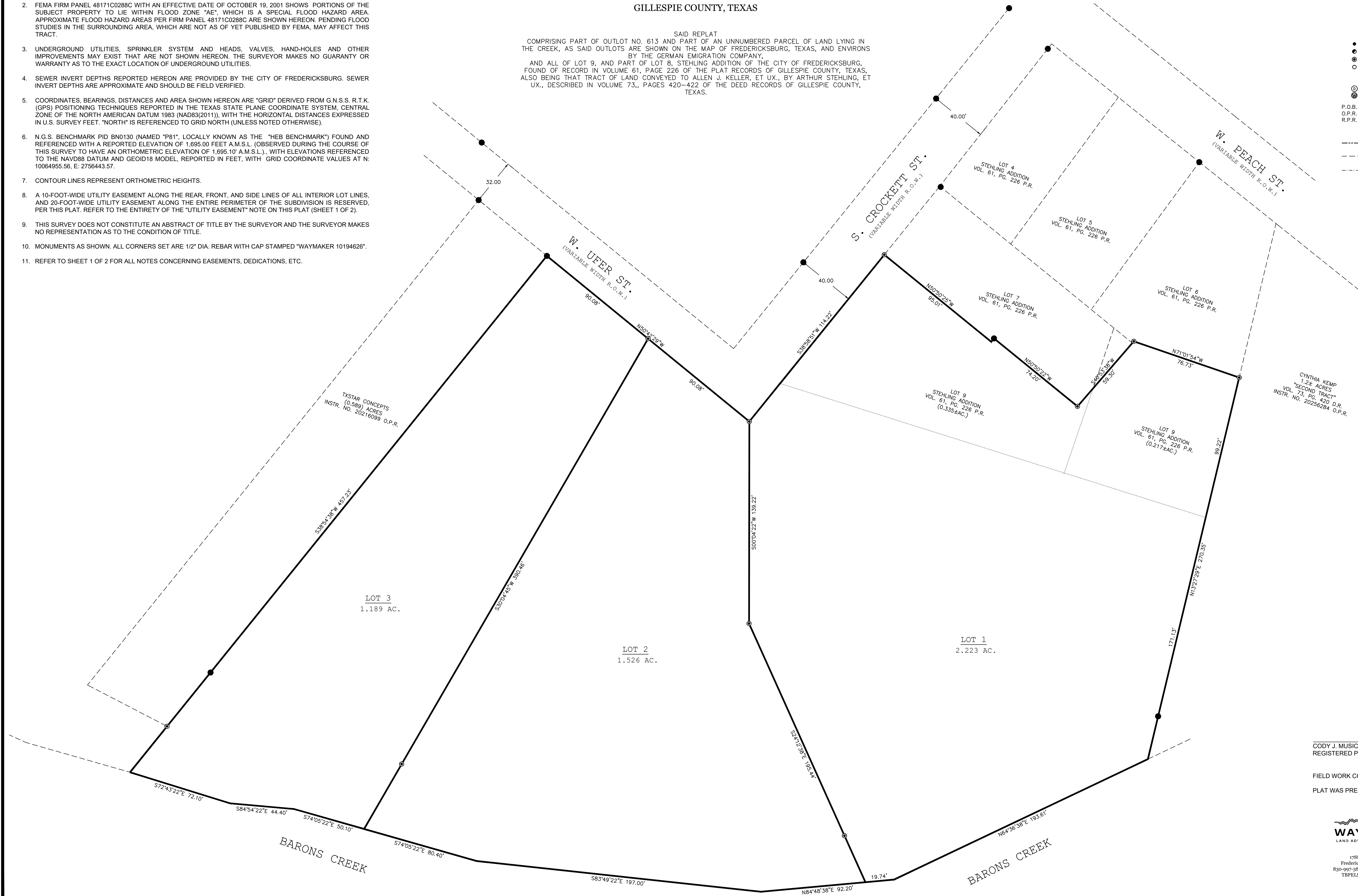
1788 W. Live Oak St.
Fredericksburg, Texas 78624
830-997-9884 | waymakerland.com
TBPELS Firm No. 10194626

NOTES

- BUILDING SETBACK LINES ARE SUBJECT TO THE CONDITIONS OF THE APPROVED PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE AND MAY DIFFER FROM STANDARD ZONING REQUIREMENTS. REFER TO THE APPLICABLE PUD ORDINANCE AND EXHIBITS FOR ALL SETBACK, HEIGHT, AND USE REQUIREMENTS.
- FEMA FIRM PANEL 48171C0288C WITH AN EFFECTIVE DATE OF OCTOBER 19, 2001 SHOWS PORTIONS OF THE SUBJECT PROPERTY TO LIE WITHIN FLOOD ZONE "AE", WHICH IS A SPECIAL FLOOD HAZARD AREA. APPROXIMATE FLOOD HAZARD AREAS PER FIRM PANEL 48171C0288C ARE SHOWN HEREON. PENDING FLOOD STUDIES IN THE SURROUNDING AREA, WHICH ARE NOT AS OF YET PUBLISHED BY FEMA, MAY AFFECT THIS TRACT.
- UNDERGROUND UTILITIES, SPRINKLER SYSTEM AND HEADS, VALVES, HAND-HOLES AND OTHER IMPROVEMENTS MAY EXIST THAT ARE NOT SHOWN HEREON. THE SURVEYOR MAKES NO GUARANTY OR WARRANTY AS TO THE EXACT LOCATION OF UNDERGROUND UTILITIES.
- SEWER INVERT DEPTHS REPORTED HEREON ARE PROVIDED BY THE CITY OF FREDERICKSBURG. SEWER INVERT DEPTHS ARE APPROXIMATE AND SHOULD BE FIELD VERIFIED.
- COORDINATES, BEARINGS, DISTANCES AND AREA SHOWN HEREON ARE "GRID" DERIVED FROM G.N.S.S. R.T.K. (GPS) POSITIONING TECHNIQUES REPORTED IN THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE OF THE NORTH AMERICAN DATUM 1983 (NAD83(2011)), WITH THE HORIZONTAL DISTANCES EXPRESSED IN U.S. SURVEY FEET. "NORTH" IS REFERENCED TO GRID NORTH (UNLESS NOTED OTHERWISE).
- N.G.S. BENCHMARK PID BN0130 (NAMED "P81", LOCALLY KNOWN AS THE "HEB BENCHMARK") FOUND AND REFERENCED WITH A REPORTED ELEVATION OF 1,695.00 FEET A.M.S.L. (OBSERVED DURING THE COURSE OF THIS SURVEY TO HAVE AN ORTHOMETRIC ELEVATION OF 1,695.10' A.M.S.L.), WITH ELEVATIONS REFERENCED TO THE NAVD88 DATUM AND GEOID18 MODEL, REPORTED IN FEET, WITH GRID COORDINATE VALUES AT N: 10064955.56, E: 2756443.57.
- CONTOUR LINES REPRESENT ORTHOMETRIC HEIGHTS.
- A 10-FOOT-WIDE UTILITY EASEMENT ALONG THE REAR, FRONT, AND SIDE LINES OF ALL INTERIOR LOT LINES, AND 20-FOOT-WIDE UTILITY EASEMENT ALONG THE ENTIRE PERIMETER OF THE SUBDIVISION IS RESERVED, PER THIS PLAT. REFER TO THE ENTIRETY OF THE "UTILITY EASEMENT" NOTE ON THIS PLAT (SHEET 1 OF 2).
- THIS SURVEY DOES NOT CONSTITUTE AN ABSTRACT OF TITLE BY THE SURVEYOR AND THE SURVEYOR MAKES NO REPRESENTATION AS TO THE CONDITION OF TITLE.
- MONUMENTS AS SHOWN. ALL CORNERS SET ARE 1/2" DIA. REBAR WITH CAP STAMPED "WAYMAKER 10194626".
- REFER TO SHEET 1 OF 2 FOR ALL NOTES CONCERNING EASEMENTS, DEDICATIONS, ETC.

MINOR REPLAT ESTABLISHING
THE ESTATES AT SOUTH CROCKETT
SUBDIVISION
CITY OF FREDERICKSBURG,
GILLESPIE COUNTY, TEXAS

SAID REPLAT
COMPRISING PART OF OUTLOT NO. 613 AND PART OF AN UNNUMBERED PARCEL OF LAND LYING IN THE CREEK, AS SAID OUTLOTS ARE SHOWN ON THE MAP OF FREDERICKSBURG, TEXAS, AND ENVIRONS BY THE GERMAN EMIGRATION COMPANY,
AND ALL OF LOT 9, AND PART OF LOT 8, STEHLING ADDITION OF THE CITY OF FREDERICKSBURG, FOUND OF RECORD IN VOLUME 61, PAGE 226 OF THE PLAT RECORDS OF GILLESPIE COUNTY, TEXAS, ALSO BEING THAT TRACT OF LAND CONVEYED TO ALLEN J. KELLER, ET UX., BY ARTHUR STEHLING, ET UX., DESCRIBED IN VOLUME 73,, PAGES 420-422 OF THE DEED RECORDS OF GILLESPIE COUNTY, TEXAS.



- LEGEND
- 1/2" DIA. REBAR FOUND (EXCEPT AS NOTED)
 - REBAR FOUND (PASSING CALL, AS NOTED)
 - 1/2" DIA. REBAR SET
 - UNMARKED POINT IN CENTERLINE OF CREEK
 - FENCE
 - UTILITY POLE
 - STORM MANHOLE
 - SEWER MANHOLE
 - P.O.B. POINT OF BEGINNING
 - O.P.R. OFFICIAL PUBLIC RECORDS
 - R.P.R. REAL PROPERTY RECORDS
 - CONCRETE (CURB, APRON, SIDEWALK, ETC.)
 - OVERHEAD ELECTRIC (UTILITY) LINE
 - APPROXIMATE FEMA FLOOD ZONE LINE (PUBLISHED LIMITS PER FEMA FIRM PANEL)
 - ADJOINER/TRACT LINE
 - TOWNLOT/OUTLOT LINE
 - EASEMENT OR SETBACK LINES

PRELIMINARY
THIS DOCUMENT HAS BEEN RELEASED FOR REVIEW
ONLY AND SHALL NOT BE USED OR VIEWED OR
PURPOSE AND SHALL NOT BE USED OR VIEWED OR
RELIED UPON AS A FINAL SURVEY DOCUMENT.
DATE: 11 / 27 / 2026

CODY J. MUSICK
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6454

FIELD WORK COMPLETED ON _____, 2026.

PLAT WAS PREPARED ON _____, 2026.

WAYMAKER
LAND ADVISORS & SURVEYORS

1788 W. Live Oak St.
Fredericksburg, Texas 78624
830-997-3884 | waymakerland.com
TBPELS Firm No. 10194626