

CITY OF FREDERICKSBURG CITY COUNCIL MEETING

MONDAY, AUGUST 20, 2018 ~ 6:00 p.m.

Law Enforcement Center ~ 1601 East Main Street

Linda Langerhans, Mayor
Jerry Luckenbach, Council Member
Tom Musselman, Council Member

Gary Neffendorf, Council Member
Charlie Kiehne, Council Member
Kent Myers, City Manager

(REQUEST ALL PAGERS AND PHONES BE TURNED OFF, EXCEPT EMERGENCY ON-CALL PERSONNEL.)

A G E N D A

CALL TO ORDER

PLEDGE OF ALLEGIANCE

Page Ref

1. EMPLOYEE RECOGNITIONS

2. PUBLIC COMMENTS -This time is for citizens to address the City Council on issues and items of concern not on this agenda. There will be no City Council action at this time.

3. MINUTES - Consider approval of minutes of July 2018 City Council meetings. 1-11

4. PUBLIC HEARINGS

A. PUBLIC HEARING (Z-1807) To Change the Zoning From R1, Single Family Residential, to C2, Commercial, on 1.538 Acres Located at 1332 E. Main St. 12-43

B. PUBLIC HEARING (Z-1811) By Kevin Spraggins on Behalf of RPS GP LLC for (1) Zoning Change From R-2 Mixed Residential, to C2, Commercial, and (2) Land Use Change from Medium Density Residential to Mixed Use Corridor on Approx 3 Acres Located off of E. Main Street 44-60

C. PUBLIC HEARING (Z-1808) By Polo Padilla With RHA Architects for an Amendment to Their Planned Unit Development (PUD) for Wal-Mart at 1435 E. Main Street. 61-65

D. PUBLIC HEARING (Z-1809) By Richard Whitley on Behalf of Seven Hills Resort and Conference Center to Establish Planned Unit Development (PUD) Zoning and a Conditional Use Permit General Development Plan for a Proposed Hotel and Conference Center on Approx 22.03 Acres Located at the Intersection of US Hwy 87 N and US Hwy 290 W 66-94

E. PUBLIC HEARING - Proposed 2019 City Budget 95-96

5. ORDINANCES - RESOLUTIONS-ACTION ITEMS

A. Receive Recommendation and Consider Approval of Z-1807

B. Receive Recommendation and Consider Approval of Z-1811

C. Receive Recommendation and Consider Ordinance for Z-1808

D. Receive Recommendation and Consider Ordinance for Z-1809

E. Receive and Accept Effective Tax Rate 97-100

- F. Consider Approving Proposed Tax Rate
- G. Consider Adopting an Ordinance Providing for the Abandonment, Vacation and Closure of East Street 101-121
- 6. **INDIVIDUAL ITEMS FOR CONSIDERATION AND POSSIBLE ACTION**
 - A. Consider Request for Street Closure for Best Fest 2018 122-125
- 7. **CITY MANAGER'S REPORT**
 - A. City Council Retreat
 - B. Golf Course Update
 - C. Utility Bond Project
 - D. Historic Resources Survey
- 8. **ITEMS FOR FUTURE AGENDA**
- 9. **COUNCIL COMMENTS** - No discussion or action may take place.
- 10. **ADJOURN**

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

REGULAR CITY COUNCIL MEETING
JULY 2, 2018
6:00 PM

On this the 2nd day of July, 2018, the City Council of the CITY OF FREDERICKSBURG convened in regular session at the Law Enforcement Center, with the following members present to constitute a quorum:

LINDA LANGERHANS - MAYOR
GARY NEFFENDORF - COUNCIL MEMBER
CHARLIE KIEHNE - COUNCIL MEMBER
JERRY LUCKENBACH - COUNCIL MEMBER
TOM MUSSELMAN - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
CLINTON BAILEY - A.C.M./D.P.W.U.
BRIAN JORDAN - DIR DEVELOPMENT SERVICES
SHELLEY BRITTON - CITY SECRETARY
DANIEL JONES - CITY ATTORNEY

The meeting was called to order at 6:00 PM following the Pledge of Allegiance.

EMPLOYEE RECOGNITIONS – City Manager Kent Myers recognized Brenda Crenwelge, Marion Wiggins, and Shelley Britton.

PUBLIC HEARING ON THE VOLUNTARY ANNEXATION OF APPROXIMATELY 11.282 ACRES OF LAND LOCATED ON THE SOUTH SIDE OF US HIGHWAY 87 NORTH, AND NORTH OF US HIGHWAY 290 WEST FOR THE PROPOSED HOTEL/CONFERENCE CENTER (2nd of two) – It was moved by Council Member Luckenbach, seconded by Council Member Kiehne, to recess the regular session and open the Public Hearing on the Voluntary Annexation of Approximately 11.282 acres of land located on the South Side of US Highway 87 North, and North of US Highway 290 West for the Proposed Hotel/Conference Center. All voted in favor and the motion carried.

Bobby Sagebiel briefed on the project; no other comments were received.

It was moved by Council Member Luckenbach, seconded by Council Member Neffendorf, to adjourn the public hearing and reconvene the regular session. All voted in favor and the motion carried.

PUBLIC HEARING ON THE 2019 CITY BUDGET – It was moved by Council Member Musselman, seconded by Council Member Luckenbach, to recess the regular session and open the public hearing on the 2019 City Budget. All voted in favor and the motion carried.

Comments were received by Mo Saïidi concerning the budget; no other comments were received.

It was moved by Council Member Luckenbach, seconded by Council Member Neffendorf, to adjourn the public hearing and reconvene the regular session. All voted in favor and the motion carried.

RESOLUTION FOR ATMOS ENERGY RATE INCREASE – It was moved by Council Member Luckenbach, seconded by council Member Neffendorf, to approve the Resolution for Atmos Energy Rate Increase as presented. The vote was as follows: AYE: Langerhans, Neffendorf, Kiehne, Musselman, and Luckenbach; NAY: None. Motion carried.

RESOLUTION

RESOLUTION BY THE CITY OF FREDERICKSBURG, TEXAS (“CITY”), SUSPENDING THE EFFECTIVE DATE FOR NINETY DAYS IN CONNECTION WITH THE RATE INCREASE FILING MADE ON ABOUT ON JUNE 1, 2018 BY ATMOS ENERGY FOR ITS MIDTEX DIVISION; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE

WHEREAS, Atmos Energy (“Atmos” or “Company”) filed a Statement of Intent with the City on or about June 1, 2018, to increase its annual revenue by approximately \$4.5 million in the cities known as Atmos Texas Municipalities (“ATM”), which equates to an increase in annual revenue of approximately 8.0 percent, and is the equivalent of an increase of about \$46.0 million on a system-wide basis; and

WHEREAS, the City is a regulatory authority under the Gas Utility Regulatory Act (“GURA”) and under Chapter 104, §103.001 et seq. of GURA has exclusive original jurisdiction over Atmos’s rates, operations, and services within the municipality; and

WHEREAS, in order to maximize the efficient use of resources and expertise in reviewing, analyzing and investigating Atmos’s rate request and its changes in tariffs it is prudent to coordinate the City’s efforts with a coalition of similarly situated municipalities; and

WHEREAS, the City, in matters regarding applications by Atmos to change rates, has in the past joined with other local regulatory authorities to form an alliance of cities known

as Atmos Texas Municipalities (“ATM”), and hereby continues its participation in ATM; and

WHEREAS, Atmos’s rate request consists of a voluminous amount of information including Atmos’s rate-filing package, exhibits, schedules, and workpapers; and

WHEREAS, Atmos’s rate application is the Company’s first general rate case since about 2012, and follows annual increases approved under the now-expired tariff known as the “Rate Review Mechanism” (“RRM”); and

WHEREAS, Atmos proposed July 6, 2018, as the effective date for its requested increase in rates; and

WHEREAS, it is not reasonably possible for the City to complete its review of Atmos’s filing by July 6, 2018; and

WHEREAS, the City will need an adequate amount of time to review and evaluate Atmos’s rate application to enable the City to adopt a final decision as a local regulatory authority with regard to Atmos’s requested rate increase; and

WHEREAS, the City will require the assistance of specialized legal counsel and rate experts to review the merits of Atmos’s application to increase rates; and

WHEREAS, if Atmos submits a corresponding application with the Railroad Commission of Texas or appeals the City’s action to the Railroad Commission of Texas, the decision of the Railroad Commission of Texas will have a direct impact on the City and its citizens who are customers of Atmos, and in order for the City’s participation to be meaningful it is important that the City intervene in any such proceedings at the Railroad Commission of Texas related to Atmos’s application to increase rates.

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

Section 1. The findings set out in the Recitals are in all things approved and incorporated herein as if fully set forth.

Section 2. Atmos's proposed effective date for its proposed increase in rates is hereby **SUSPENDED** for ninety days beyond July 6, 2018.

Section 3. The statutory suspension period may be further extended if Atmos does not provide timely and meaningful, and proper public notice of its request to increase rates, if its rate-filing package is materially deficient, or by agreement.

Section 4. The City shall participate in a coalition of cities known as the Atmos Texas Municipalities ("ATM"), and authorizes intervention in proceedings related to Atmos's Statement of Intent before the Railroad Commission of Texas and related proceedings in courts of law.

Section 5. The City hereby orders Atmos to reimburse the City's rate case expenses consistent with the Gas Utility Regulatory Act and that Atmos shall do so on a monthly basis and within 30 days after submission of the City's invoices for the City's reasonable costs associated with the City's activities related to this rate review or related to proceedings involving Atmos before the City, the Railroad Commission of Texas, or any court of law.

Section 6. Subject to the right to terminate employment at any time, the City retains and authorizes the law firm of Herrera Law & Associates, PLLC to act as Special Counsel with regard to rate proceedings involving Atmos before the City, the Railroad Commission of Texas, or any court of law, and to retain such experts as may be reasonably necessary for review of Atmos's rate application subject to approval by the steering committee of the ATM.

Section 7. The City, in coordination with the Steering Committee, shall review the invoices of the lawyers and rate experts for reasonableness before submitting the invoices to Atmos for reimbursement.

Section 8. A copy of this resolution shall be sent to Mr. Alfred R. Herrera, Herrera Law & Associates, PLLC, 816 Congress Ave., Suite 950, Austin, Texas 78701, and a courtesy copy to Atmos's local representative.

Section 9. The meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 10. This resolution shall become effective from and after its passage.

PASSED AND APPROVED this 2nd day of July, 2018.

/s/ Linda Langerhans, Mayor

AATTEST: /s/ Shelley Britton, City Secretary

AMENDMENT TO LEASE FOR THE UNIVERSITY CENTER PROPERTY – It was moved by Council Member Luckenbach, seconded by Council Member Neffendorf, to approve the Amendment to the Lease for the University Center Property. The vote was as follows: AYE: Langerhans, Neffendorf, Kiehne, Musselman, and Luckenbach; NAY: None. Motion carried.

PRESENTATION ON WATER/WASTEWATER RATES - Grady Reed from HDR Engineering gave an overview of the water/wastewater rate study currently underway. No action taken.

CAPITAL IMPROVEMENT PLAN (CIP) PRESENTATION – Clinton Bailey and Kris Kneese presented information on Phase One of the CIP, which includes Water/Wastewater, Police, Fire/Emergency Management, Street and Park Departments. Garret Bonn presented information on streets. Trevor Dupree was on hand to discuss parks and recreation projects. The police department CIP project was presented by Chief Wetz and Russell Immel. Fire/EMS/Emergency Management's CIP was presented by Chief Bizzell. No action taken.

CITY MANAGERS REPORT - City Manager Kent Myers reported on (1) Budget Workshops, (2) Seven Hills Resort and Conference Center, and (3) City Secretary Position.

FUTURE AGENDA ITEMS - Council discussed future agenda items.

PUBLIC COMMENTS – None

COUNCIL COMMENTS - None

EXECUTIVE SESSION - It was moved by Council Member Luckenbach, seconded by Council Member Kiehne, to recess the regular session and go into Executive Session at 8:30 PM. All voted in favor and the motion carried. At 9:28 PM, it was moved by Council Member Neffendorf, seconded by Council Member Musselman, to adjourn the Executive Session and reconvene the regular session. All voted in favor and the motion carried.

Following Executive Session, the following action was taken:

PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY LOCATED IN THE VICINITY OF LADY BIRD JOHNSON MUNICIPAL PARK (SEC. 551.072) – No action was taken.

PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY LOCATED IN THE VICINITY OF OLD SAN ANTONIO ROAD (SEC. 551.072) – No action taken.

PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY LOCATED IN THE VICINITY OF INDUSTRIAL LOOP (SEC. 551.072) – No action.

With no further discussion, Council Member Kiehne made a motion to adjourn the meeting at 9:29 PM. Council Member Neffendorf seconded the motion. Motion carried.

PASSED AND APPROVED this the 20th day of August, 2018.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

SPECIAL CITY COUNCIL MEETING
JULY 9, 2018
4:00 PM

On this the 9th day of July, the City Council of the CITY OF FREDERICKSBURG convened in special session at City Hall, with the following members present to constitute a quorum:

LINDA LANGERHANS - MAYOR
GARY NEFFENDORF - COUNCIL MEMBER
JERRY LUCKENBACH - COUNCIL MEMBER
TOM MUSSELMAN - COUNCIL MEMBER
CHARLIE KIEHNE - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
LAURA HOLLENBEAK – DIR OF FINANCE

Mayor Langerhans called the meeting to order at 4:00 PM.

BUDGET WORKSHOP - Council held a Budget Workshop on FY 2018-2019.

With no further discussion, Council Member Kiehne made a motion to adjourn the meeting at 7:50 PM. Council Member Luckenbach seconded the motion. Motion carried.

PASSED AND APPROVED this the 20th day of August, 2018.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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

**REGULAR CITY COUNCIL MEETING
JULY 16, 2018
6:00 PM**

On this the 16th day of July, 2018, the City Council of the CITY OF FREDERICKSBURG convened in regular session at the Law Enforcement Center, with the following members present to constitute a quorum:

LINDA LANGERHANS - MAYOR
GARY NEFFENDORF- COUNCIL MEMBER
JERRY LUCKENBACH - COUNCIL MEMBER
TOM MUSSELMAN - COUNCIL MEMBER
CHARLIE KIEHNE - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
CLINTON BAILEY - ACM/D.P.W.U.
SHELLEY BRITTON – CITY SECRETARY
BRIAN JORDAN - DIR OF DEVELOPMENT SERVICES
DANIEL JONES - CITY ATTORNEY
RUSSELL IMMEL - IT MANAGER

The meeting was called to order at 6:00 PM., followed by the Pledge of Allegiance.

EMPLOYEE RECOGNITIONS - Officer Preston Schmidt was recognized, and also Chief Bizzell and the FFD.

MINUTES - It was moved by Council Member Luckenbach, seconded by Council Member Kiehne, to approve the minutes of the July 2018 minutes as presented. All voted in favor and the motion carried.

PUBLIC COMMENTS - Clayton Klinsiek commented on Friendship Lane and on the bypass.

HISTORIC REVIEW BOARD ANNUAL REPORT - Council received the Historic Review Board Annual Report from Anna Hudson, Historic Preservation Officer. She also recognized Stan Klein, who has been an HRB Member since its inception in 1986.

PUBLIC HEARING Z-1806 FOR A CONDITIONAL USE PERMIT FOR A STANDARDIZED BUSINESS (VACASA) IN THE HISTORIC SHOPPING DISTRICT OVERLAY AT 417 E MAIN STREET- It was moved by Council Member Luckenbach, seconded by Council Member Musselman, to recess the regular session and open the Public Hearing on Z-1806 for a Conditional Use Permit for a Standardized Business (Vacasa) in the Historic Shopping District Overlay at 417 E Main Street All voted in favor and the motion carried.

Following comments from the Vacasa Representative Kevin Lincicome, and from Donna Mittel, who spoke against “Chains on Main”, it was moved by Council Member Kiehne, seconded by Council Member Luckenbach, to adjourn the public hearing and reconvene the regular session. All voted in favor and the motion carried.

RECOMMENDATION AND RESOLUTION FOR Z-1806 - Based on the recommendation of the staff, it was moved by Council Member Musselman, seconded by Council Member Luckenbach, to deny Z-1806 as presented. The vote was as follows: AYE: Langerhans, Neffendorf, Kiehne, Musselman, and Luckenbach; NAY: None. Motion carried.

PRESENTATION ON THE PROPOSED SEVEN HILLS RESORT AND CONFERENCE CENTER AT THE INTERSECTION OF US HIGHWAY 87 NORTH AND US HIGHWAY 290 WEST - Dennis Murphree and Brian Miller gave the presentation on the proposed Seven Hills Resort and Conference Center.

BUDGET AMENDMENT FOR CAD RMS LICENSES - It was moved by Council Member Luckenbach, seconded by Council Member Musselman, to approve the Budget Amendment in the amount of \$83,056 for CAD RMS Licenses. The vote was as follows: AYE: Langerhans, Neffendorf, Kiehne, Musselman, and Luckenbach; NAY: None. Motion carried.

CAPITAL IMPROVEMENTS PLAN PRESENTATION, PHASE II - Clinton Bailey presented the CIP Phase II, along with superintendents of the various departments, including the Electric Department, Landfill, Drainage, Golf Department, and IT.

CITY MANAGER'S REPORT - City Manager Kent Myers reported on (1) Budget Update, (2) Special Meeting – County Services, and (3) Community Visioning Process.

FUTURE AGENDA ITEMS - Council discussed future agenda items.

COUNCIL COMMENTS – Charlie Kiehne stated that he respected the P&Z decision regarding Vacasa, but didn't agree, Jerry Luckenbach reported on the Airport Board, Tom Musselman reported on the Municipal Law Seminar sponsored by the City.

EXECUTIVE SESSION - It was moved by Council Member Luckenbach, seconded by Council Member Kiehne, to recess the regular session and go into Executive Session at 8:05 PM. All voted in favor and the motion carried. At 8:46 PM, it was moved by Council Member Luckenbach,

seconded by Council Member Kiehne, to adjourn the Executive Session and reconvene the regular session. All voted in favor and the motion carried.

Following Executive Session, the following action was taken:

APPOINTMENT, EVALUATION, REASSIGNMENT, DUTIES, OR DISMISSAL OF A PUBLIC OFFICER, SPECIFICALLY THE BOARD MEMBERS OF THE CITY'S HISTORIC REVIEW BOARD, PLANNING AND ZONING COMMISSION, AND BOARD OF ADJUSTMENT – It was moved by Council Member Luckenbach, seconded by Council Member Kiehne, to reappoint Tim Dooley and Jim Jarreau to the Planning & Zoning Commission. All voted in favor and the motion carried.

It was then moved by Council Member Luckenbach, seconded by Council Member Neffendorf, to appoint Polly Rickert to the Planning & Zoning Commission. The vote was as follows: AYE: Neffendorf, Kiehne, and Luckenbach; NAY: Langerhans and Musselman. Motion carried.

A motion was made by Council Member Musselman, seconded by Council Member Luckenbach, to appoint Bobby Watson to the Historic Review Board. All voted in favor and the motion carried.

It was also moved by Council Member Neffendorf, seconded by Council Member Musselman, to reappoint David Bullion and Larry Jackson to the Historic Review Board, and to move Jerry Sample from Alternate to Regular Member. All voted in favor and the motion carried.

Finally, it was moved by Council Member Neffendorf, seconded by Council Member Luckenbach, to move John Smiljanic from Alternate to Regular Member of the Board of Adjustment. All voted in favor and the motion carried.

With no further discussion, Council Member Neffendorf made a motion to adjourn the meeting at 8:49 PM. Council Member Musselman seconded the motion. Motion carried.

PASSED AND APPROVED this the 20th day of August, 2018.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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

**SPECIAL CITY COUNCIL MEETING
JULY 23, 2018
4:00 PM**

On this the 23rd day of July, the City Council of the CITY OF FREDERICKSBURG convened in special session at City Hall, with the following members present to constitute a quorum:

LINDA LANGERHANS - MAYOR
GARY NEFFENDORF - COUNCIL MEMBER
JERRY LUCKENBACH - COUNCIL MEMBER

TOM MUSSELMAN - COUNCIL MEMBER
CHARLIE KIEHNE - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
LAURA HOLLENBEAK – DIR OF FINANCE

Mayor Langerhans called the meeting to order at 4:00 PM.

ANNEXATION PROCEEDINGS – It was moved by Council Member Luckenbach, seconded by Council Member Musselman, to approve the institution of annexation proceedings of the Seven Hills Resort and Conference property located at the intersection of US Highway 87 North and US Highway 290 West; all voted in favor and the motion carried.

BUDGET WORKSHOP - Council held a Budget Workshop on FY 2018-2019.

With no further discussion, Council Member Kiehne made a motion to adjourn the meeting at 7:50 PM. Council Member Luckenbach seconded the motion. Motion carried.

PASSED AND APPROVED this the 20th day of August, 2018.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

SPECIAL CITY COUNCIL MEETING
JULY 30, 2018
4:00 PM

On this the 30th day of July, the City Council of the CITY OF FREDERICKSBURG convened in special session at City Hall, with the following members present to constitute a quorum:

LINDA LANGERHANS - MAYOR
GARY NEFFENDORF - COUNCIL MEMBER
JERRY LUCKENBACH - COUNCIL MEMBER
TOM MUSSELMAN - COUNCIL MEMBER
CHARLIE KIEHNE - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
LAURA HOLLENBEAK – DIR OF FINANCE

Mayor Langerhans called the meeting to order at 4:00 PM.

BUDGET WORKSHOP - Council held a Budget Workshop on FY 2018-2019.

With no further discussion, Council Member Kiehne made a motion to adjourn the meeting at 6:40 PM. Council Member Neffendorf seconded the motion. Motion carried.

PASSED AND APPROVED this the 20th day of August, 2018.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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CITY COUNCIL MEMO

DATE: August 14, 2018

TO: Mayor and City Council

FROM: Brian Jordan, AICP

SUBJECT: Request by Kevin Spraggins representing Sammy Segner to Change the zoning from R-1, Single Family Residential to C-2 Commercial on property located at 1332 E. Main Street (Z-1807)

Summary:

The property is approximately 1.5 acres and is currently occupied by a vacant single family residence and is otherwise undeveloped. The applicant intends to rezone the property for the purpose of developing some type of commercial use. Land uses surrounding this property include a motel and single family residences to the north, undeveloped land to the east, a regional shopping center (Baron's Creek) to the south and an office building and single family home to the west across Main Street. Surrounding zoning is C-2 and R-1 to the north, R-2 to the east, C-2 to the south and C-1 and R-1 to the west across Main Street (see attached Zoning Map). The Land Use Plan identifies the area to the north as Mixed Use Corridor and Low Density Residential, to the east as Medium Density Residential, to the south as Mixed Use Corridor and to the west across Main Street as Mixed Use Corridor (see attached Land Use Plan).

Recommendation:

The Planning Commission voted unanimously to recommend approval of this zoning change. Protest letters have been submitted by 10 of the property owners within 200' of the property, and one letter in support. The attached map shows the properties protesting the request. Since the protest letters represent over 20% of the notification area, a super majority vote will be required by the City Council to override the protest and approve the request.

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The City of Fredericksburg

Background / Analysis:

The adjoining properties facing Main Street (Frederick Motel and the UPS Store) are currently zoned C-2. It is our opinion that the intent of the Mixed Use Land Use designation was to provide for a similar zoning for the subject property. Since we do not have a Mixed Use Zoning District, a Commercial District would seem appropriate and is consistent with actions taken by the City in the past. The difference in this situation is the unique configuration of the property makes it contiguous to both C-2 zoning and R-1 Residential zoning (see accompanying zoning map). Another option would be a C-1, Neighborhood Commercial District, but this would be an isolated district on this side of Main Street and is not recommended.

Attachments:

Land Use map, Zoning Map, Protest Map, Protest Letters, Property Owners/map, C-2 regulations, Staff Brief.



Department Approval



City Attorney Approval



City Manager Approval

ZONING CHANGE BRIEF

Rezoning Request # Z-1807

<u>APPLICANT:</u>	Kevin Spraggins, PE
<u>OWNER:</u>	Sammy Segner
<u>LOCATION:</u>	1332 E. Main Street
<u>SIZE:</u>	Approximately 1.5 acres
<u>EXISTING ZONING:</u>	R-1 Single Family Residential.
<u>LAND USE PLAN:</u>	Mixed Use Corridor
<u>PROPOSED CHANGE:</u>	Change in zoning from R-1, Single Family Residential to C-2 Commercial.

FINDINGS:

- The property is currently occupied by a vacant single family residence and is otherwise undeveloped.
- The applicant intends to rezone the property for the purpose of developing some type of commercial use.
- Land uses surrounding this property include a motel and single family residences to the north, undeveloped land to the east, a regional shopping center (Baron's Creek) to the south and an office building and single family home to the west across Main Street.
- Surrounding zoning is C-2 and R-1 to the north, R-2 to the east, C-2 to the south and C-1 and R-1 to the west across Main Street (see attached Zoning Map).
- The Land Use Plan identifies the area to the north as Mixed Use Corridor and Low Density Residential, to the east as Medium Density Residential, to the south as Mixed Use Corridor and to the west across Main Street as Mixed Use Corridor (see attached Land Use Plan).

LAND USE PLAN: The subject property lies completely within the Mixed Use Corridor Land Use designation. This land use category represents an effort to change the typical pattern of strips of underperforming commercial development that often line highways and arterials. Rather than limiting the properties along major entry corridors to commercial uses, this category offers a variety of higher density residential and mixed use opportunities. The policy of allowing this mix of uses along major roadways supports a change in development from a pattern of older commercial structures to new projects with a variety of uses, including mixed use within an individual project or building. In the process, it reduces the excess commercial capacity along these corridors

and creates locations for more affordable housing. Combined with Fredericksburg's existing landscape and signage regulations, this development pattern may create entry corridors that clearly tell the driver that they are entering a special community. The size of this property along will limit the ability to provide a significant variety of different or mixed uses.

ZONING: The applicant is proposing to change the zoning to C-2, Commercial. In doing so, the applicant has stated they intend to develop the property for commercial purposes. The current application included a Conditional Use Permit for a Fast Food/Drive-In Restaurant. The staff did not support the layout of the proposed project and the neighboring residential properties objected as well. The applicant withdrew this proposed plan and is reconsidering their layout and proposal. The specific request at present is to change the zoning without an accompanying CUP.

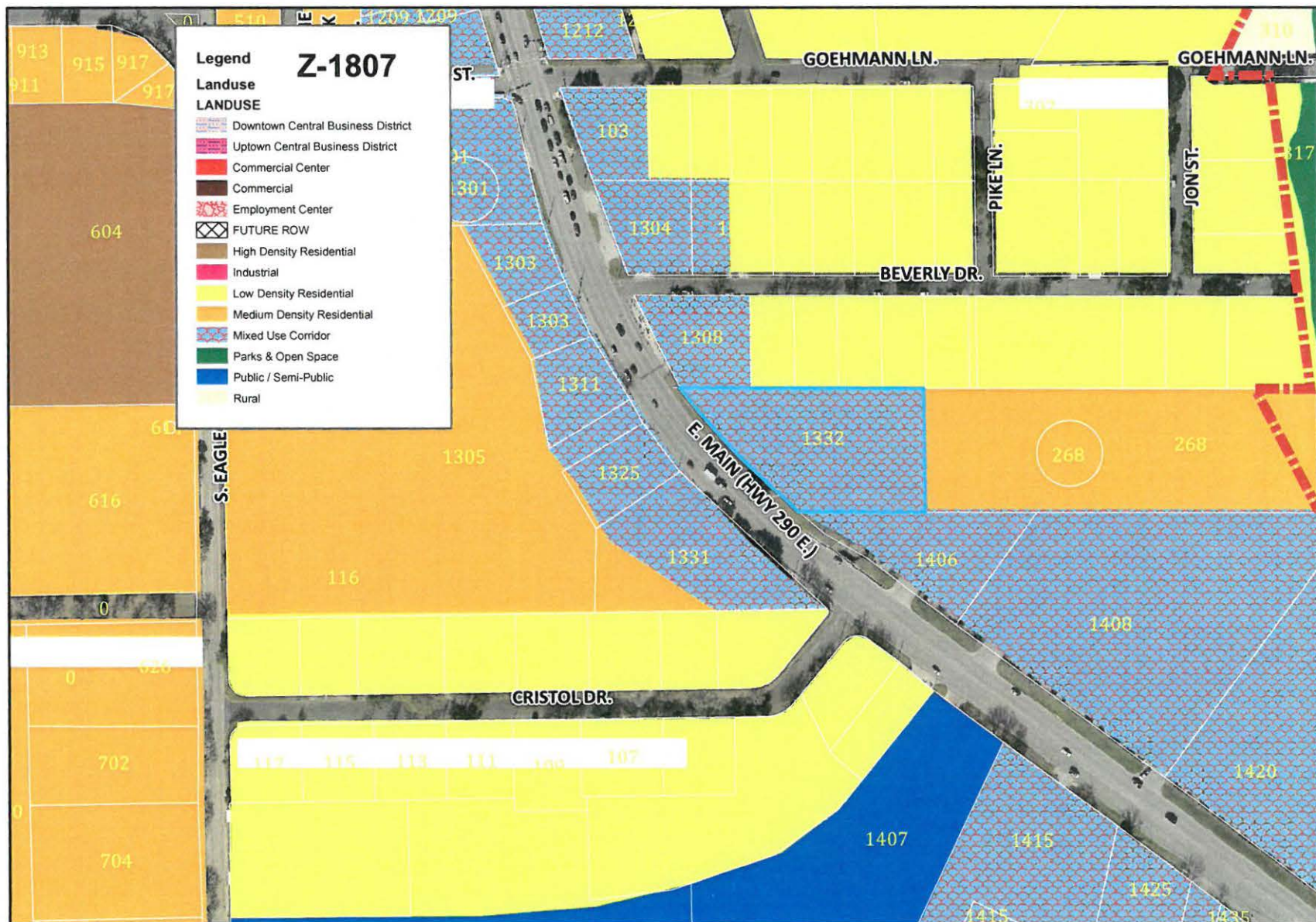
The adjoining properties facing Main Street (Frederick Motel and the UPS Store) are currently zoned C-2. It is our opinion that the intent of the Mixed Use Land Use designation was to provide for a similar zoning for the subject property. Since we do not have a Mixed Use Zoning District, a Commercial District would be seem appropriate and is consistent with actions taken by the City in the past. The difference in this situation is the unique configuration of the property makes it contiguous to both C-2 zoning and R-1 Residential zoning (see accompanying zoning map). Another option would be a C-1, Neighborhood Commercial District, but this would be an isolated district on this side of Main Street and is not recommended.

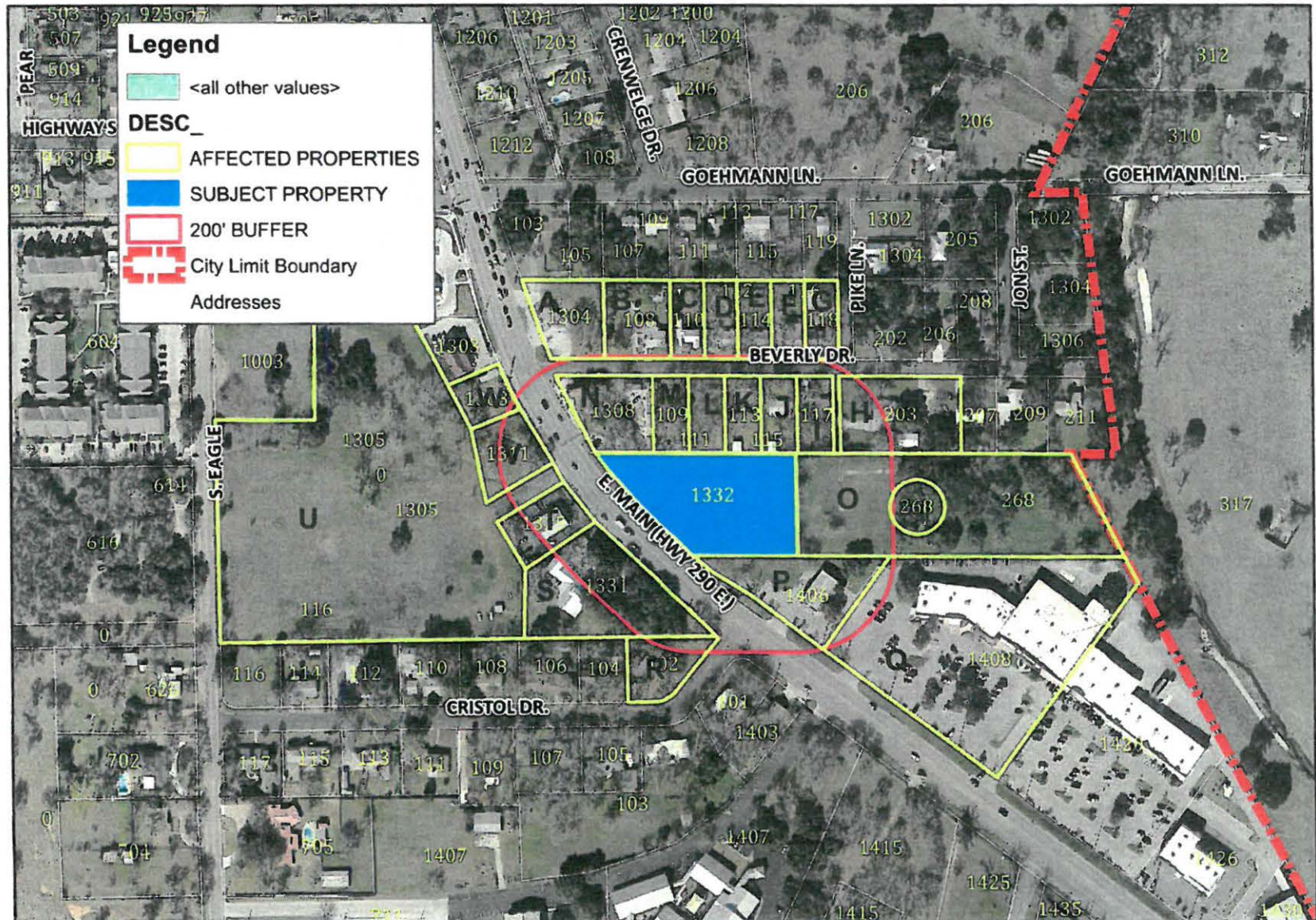
Staff has suggested to the owner/applicant of this property, along with the applicant of the property representing the adjoining 3 acres (Z-1811) that they consider joining together to create a PUD Planned Unit Development District, in which they could establish a list of compatible uses with surrounding properties, along with a development plan that would secure access and circulation along with development standards that would take into consideration the nearby neighborhood. While the applicant's seemed receptive to this concept, no official response or action has been taken.

OPPOSITION/SUPPORT OF REQUEST: Protest letters representing 10 properties within 200' of the subject property have been received. One letter received in support. The accompanying map shows the properties represented by the protest.

PLANNING AND ZONING COMMISSION RECOMMENDATION: The Commission voted unanimously to recommend approval of the change is zoning from R-1 Single Family Residential to C-2 Commercial.

STAFF RECOMMENDATION: While we understand the objections being made by the neighboring properties, without a Mixed Use District, the C-2 zoning would be consistent with actions taken previously. Also, in our opinion, it is not reasonable to assume that the property remain Single Family Residential. Should the zoning request be approved, we would utilize all development regulations and design guidelines and standards to evaluate each development proposal, taking into consideration the adjoining properties. Approval of the zoning request is recommended.





61

28

Letter	Owner	Address
A	JOHN METZGER	116 RIDGEWOOD DR FREDERICKSBURG, TX 78624
B	DEANNA & DAWN DIAL	523 ASHEBORO DR KATY, TX
C	JOHN CRAWFORD	110 BEVERLY DR FREDERICKSBURG, TX 78624
D	ROBERT & CAROL BINDSEIL	611 W. BURBANK FREDERICKSBURG, TX 78624
E	NEVINS PROPERTIES LLC	206 W. MAIN ST FREDERICKSBURG, TX 78624
F	HAROLD & SANDE KNAPP	116 BEVERLY DR FREDERICKSBURG, TX 78624
G	MIRIAM KLEEMAN	118 BEVERLY DR FREDERICKSBURG, TX 78624
H	TERRY & JERLENE MCWILILAMS	203 BEVERLY DR FREDERICKSBURG, TX 78624
I	TRUDITH FRANTZEN	309 BRUNS RANCH RD FREDERICKSBURG, TX 78624
J	PAUL & CAROL HARRISION	115 BEVERLY DR FREDERICKSBURG, TX 78624
K	ANDREW & CAROL REYES	113 BEVERLY DR FREDERICKSBURG, TX 78624
L	DOLORES STAUDT	5028 CENTER POINT DR FREDERICKSBURG, TX 78624
M	ANDREW & CAROL REYES	113 BEVERLY DR FREDERICKSBURG, TX 78624
N	ED & SHARON LAUGHLIN	3114 SLEEPY HOLLOW LN TEMPLE, TX
O	RPS GP LLC	3508 FAR WEST BLVD STE 100 AUSTIN, TX
P	ZARADIETER PARTNERS LP	6500 MONTANA AVE EL PASO, TX
Q	ZARADIETER PARTNERS LP	6500 MONTANA AVE EL PASO, TX
R	MARY SCHILLER	7000 FIREWHEEL HOLLOW AUSTIN, TX
S	CHRISTOPHER & GAYLE SCHOESSOW	105 W. SAN ANTONIO FREDERICKSBURG, TX 78624
T	VICTOR NIXON	1325 E. MAIN ST FREDERICKSBURG, TX 78624
U	CRISTOL SCHOESSOW	105 W. SAN ANTONIO FREDERICKSBURG, TX 78624
V	AMY TRAN	803 N. BOWIE FREDERICKSBURG, TX 78624
W	JERRY & DOROTHY HOMINICK	1303 E. MAIN ST SUITE B FREDERICKSBURG, TX 78624
Z-1807		

City of Fredericksburg
Z-1807 Zoning Case

LEGEND



Notification

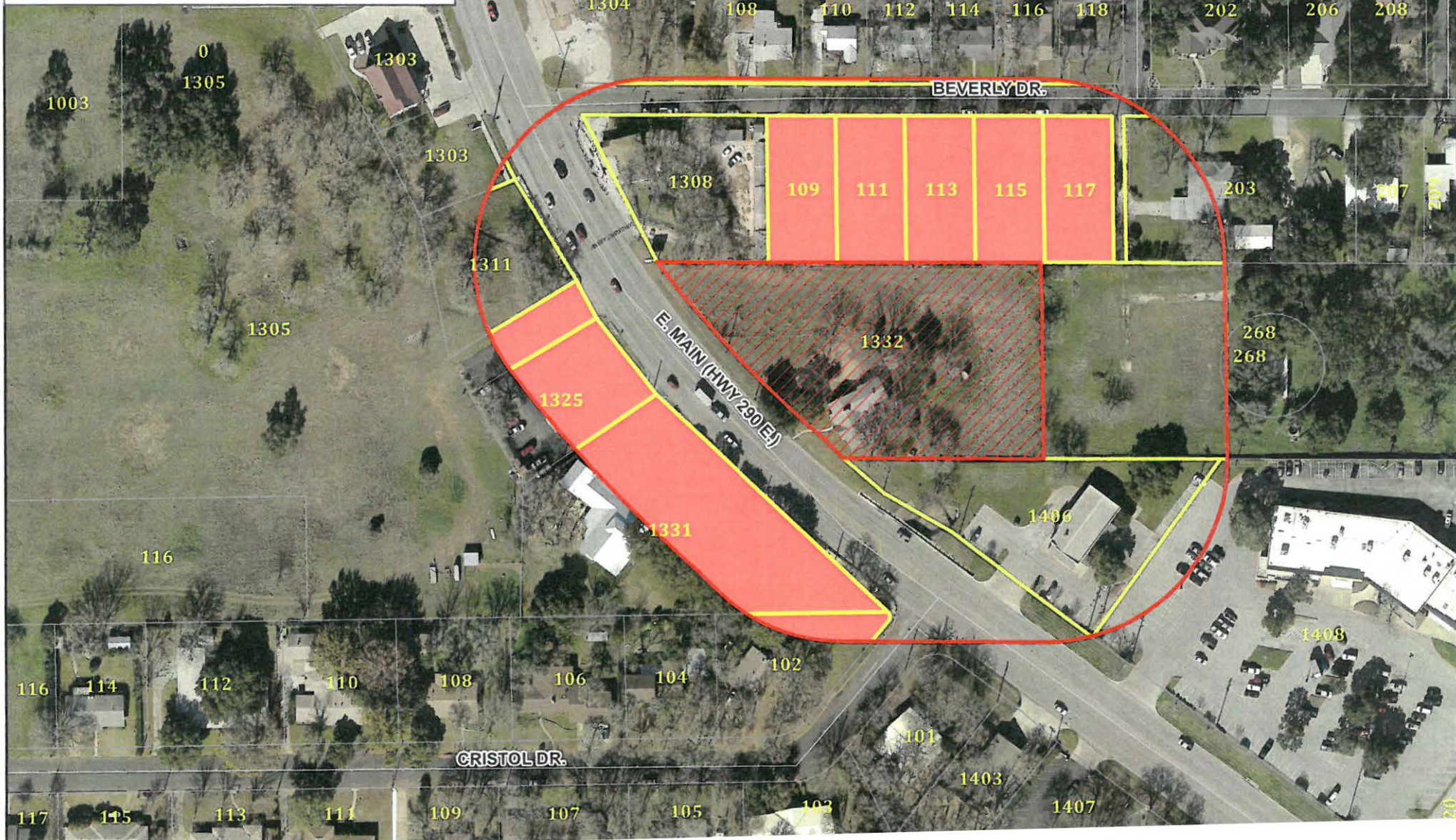
Subject Property

Protesting

Properties: 27.1%

Affected

Properties



**NOTICE OF PUBLIC HEARING FOR
A CHANGE IN THE ZONING**

HEARING

DATE: **AUGUST 8, 2018**

TIME: **5:30 PM**

REQUEST

NUMBER: **Z-1807**

The **PLANNING & ZONING COMMISSION** of the City of Fredericksburg will hold a public hearing at the above stated time and date in the conference room of the Law Enforcement Center, 1601 E. Main St., to consider a request for a change in the Land Use Plan and a change in Zoning.

According to Tax Records, you are the owner of real property within 200' of the proposed change. You are **not** required to attend the meeting, but if you care to attend, you will be given full opportunity to be heard. If you cannot attend the hearing, but wish to comment on the request, please detach the response form below and return it to the City of Fredericksburg, 126 W. Main St., Fredericksburg, TX 78624. All protests must be submitted in writing.

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HEARING

DATE: **AUGUST 20, 2018**

TIME: **6:00 PM**

REQUEST

NUMBER: **Z-1807**

For additional information, contact Director of Development Services, Brian Jordan at 830-997-7521.

APPLICANT: KEVIN SPRAGGINS ON BEHALF OF SAMMY SEGNER

LOCATION: 1332 E. MAIN ST.

(see accompanying map)

REQUEST: A) CHANGE THE ZONING FROM R1, SINGLE FAMILY RESIDENTIAL, TO C2, COMMERCIAL

NOTE: The Original notification which included the Conditional Use Permit for a drive-through restaurant is not part of this request. All comments submitted previously remain in file.

(DETACH BELOW)

REQUEST NO. Z-1807

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

Cristol Schoessow
Signed

Cristol Schoessow
Printed Name

7/31/18
Date

105 W. San Antonio
Address Flbq, TX. 78624
Co-owner 1305 E. Main St.

**NOTICE OF PUBLIC HEARING FOR
A CHANGE IN THE ZONING**

HEARING

DATE: AUGUST 8, 2018

TIME: 5:30 PM

REQUEST

NUMBER: Z-1807

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For additional information, contact Director of Development Services, Brian Jordan at 830-997-7521.

APPLICANT: KEVIN SPRAGGINS ON BEHALF OF SAMMY SEGNER

LOCATION: 1332 E. MAIN ST.

(see accompanying map)

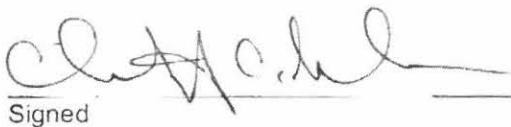
REQUEST: A) CHANGE THE ZONING FROM R1, SINGLE FAMILY RESIDENTIAL, TO C2, COMMERCIAL

NOTE: The Original notification which included the Conditional Use Permit for a drive-through restaurant is not part of this request. All comments submitted previously remain in file.

(DETACH BELOW)

REQUEST NO. Z-1807

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



Signed

Christopher C. Schroesson

Printed Name

8-1-18

Date Mailing:

105 W. San Antonio

Address Fbq, TX 78624

Residence: 1331 E. Main St.
Co-Owner 1305 E. Main St

23

RECEIVED
AUG 06 2019
CQ

To Whom It May Concern:

I am writing this letter to go along with my protest reply regarding request number Z-1807 to change 1332 E. Main St. from R1 zoning to C2, commercial. An approval of this request would greatly affect, to the detriment of, the residents who live in the vicinity of that property. My wife, Gayle, and I, along with our four young children, live across the street at 1331 E. Main. I also own an interest in the property located at 1305 E. Main, which is also in the 200 ft. range of Mr. Segner's property.

We are lucky to live in the same house that my grandparents built, my mother, uncle and aunt grew up in, and where I spent the majority of my childhood weekends. A lot has changed since then, the most drastic being the traffic that now clutters up Main Street. When I was growing up, my grandparents did not have a fence in front of their house by Main Street and traffic wasn't very bad. The first thing that my wife and I did when we moved in that house in August of 2011, was to build a privacy fence separating our property from Main Street. This was after watching our 5 and 3 year old daughters at that time, get on a power wheels toy and start heading towards Main Street in our yard. We couldn't get the fence up fast enough and until it was complete, we did not take our eyes off of our children when they were playing in the yard.

When my grandfather developed the Cristol Drive neighborhood, which our property backs up to, he did so wanting to invite families to move onto the 16 lots so that his children would have other children close by to play with. While the current neighborhood is not very large, the traffic on Cristol Drive would suggest otherwise, as it has become quite the shortcut to get to and from Main Street, Friendship Lane, Walmart, the apartments located on Eagle Street, etc., and especially at the beginning and end of the work day, it is not safe for families to walk on Cristol Drive. This is the main reason that we objected to the request to re-zone the Global Cooling property on the Northeastern corner of Cristol Drive a few years ago.

A change in zoning of this property, while it would substantially add to the amount of trash that I already pick up in my front yard and make it more difficult to exit our driveway on Main Street, would have more of an impact on the families that call Beverly Drive their home. The majority of the Western boundary line of Mr. Segner's property backs up to houses located on the East side of Beverly Drive. A change in zoning would greatly increase the amount of people around the residents' back yards, bring an influx of unwanted bright lights at night, the amount of noise (which is already A LOT), but it would significantly de-value the value of these resident's most valuable asset that they have, their home.

It has been mentioned more than once by certain city employees that having a residence next to a commercial property actually would increase their property value, but to be frank, that WOULD NOT happen. Some of these properties have been in the same families in excess of 50 years. Based on my experience as an attorney who represents clients very frequently in real

estate matters and after discussions with several realtors in town, having a commercial establishment come in next to your residence would significantly de-value the property value. Ask all of the people who live in the neighborhood behind the Coop on West Main Street. I cannot recall how many complaints I received and how many letters to the editor that I read regarding that situation. This would hold true if this property was zoned commercial, as it would leave it open to any number of uncertain potential businesses, including clubs, liquor stores, bars, restaurants or drive-through fast food restaurants. There is a little club and music venue about 1 mile from our house, passed the creek on Goehman Lane, that graces us with its music on Thursday through Saturday nights. I don't mean that in a good way either. Put yourselves in the shoes of my family and that of the residents all to the West of the Segner's property and ask if you would like blaring music, load patrons and increased vehicle noise when you are trying to have some quite time at your house or trying to go to sleep.

Another problem that this would expand would be the potential accidents and bad driving that would occur based on the location of a commercial establishment at Mr. Segner's property. There is no turn lane and there is no deceleration/acceleration area on the North side of Main Street and per the City, there is no plan to do so. Luckily to enter our driveway, there is a shoulder that we can move over and slow down in so that someone behind us doesn't rear end us because they aren't expecting someone to turn into that private driveway. Frequently, when I am turning out of my driveway, and it doesn't matter whether it is left or right on Main Street, there will be people driving East in the inside lane and then once I start to turn right, they will move to the outside lane without signaling or if I am turning left on Main Street, they will come from the outside lane to the inside lane without signaling because of the backed up traffic at the Goehman Lane traffic light. Then I get honked at because they changed lanes. I cannot imagine how much this poor practice would increase if there is a commercial establishment that people are trying to enter. Also, the congestion is already almost unbearable on the weekends. Frequently, starting Thursday and extending to Monday, the traffic coming in from East Highway 290 is stacked up past my driveway from the Goehman Lane traffic light. Imagine someone coming from town and wanting to turn left into this commercial establishment waiting on traffic from the East backed up in that manner. It has been admitted by some city employees that they had specific plans and specifications on entrances and exits for Whataburger and Burger King and that no one is following what they are supposed to do. This would only add more congestion and potential wrecks to the already bad situation.

I greatly respect the Segner family and have known them for most of my life. I think there are other things that they can do with their property that does not involve a change of zoning from R1 to Commercial and would not affect the residents of Beverly Drive and cause such an increase in traffic, especially if the 3 acre lot behind the Segner's property is re-zoned to commercial as well. If this happened, potentially the two of them could get together and develop a large commercial hotel/convention center on the East side of town like is being done on the West. I would hate to see the possibility of this come into play, especially to the detriment of the

families that live on the East side of Goehman Lane that would so greatly be affected. I appreciate your time and consideration in reading this letter and pray that you vote not to grant the re-zoning of this property from residential to commercial. I frequently hear that Fredericksburg is losing its charm and becoming too commercialized and is not the same town it once was. Well, this is true and by not granting the re-zoning application of this property, there will be one less commercial establishment to hear complaints about.

Lastly, I apologize that I will not be able to attend the P & Z hearing on this matter. Please do not take it as a lack of interest, but rather, that we have out of town obligations that cannot be changed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Schoessow', with a long horizontal flourish extending to the right.

Chris Schoessow

**NOTICE OF PUBLIC HEARING FOR
A CHANGE IN THE ZONING
AND CONDITIONAL USE PERMIT**

HEARING
DATE: JULY 5, 2018

TIME: 5:30 PM

REQUEST
NUMBER: Z-1807

The **PLANNING & ZONING COMMISSION** of the City of Fredericksburg will hold a public hearing at the above stated time and date in the conference room of the Law Enforcement Center, 1601 E. Main St., to consider a request for a change in the Land Use Plan and a change in Zoning.

According to Tax Records, you are the owner of real property within 200' of the proposed change. You are **not** required to attend the meeting, but if you care to attend, you will be given full opportunity to be heard. If you cannot attend the hearing, but wish to comment on the request, please detach the response form below and return it to the City of Fredericksburg, 126 W. Main St., Fredericksburg, TX 78624. All protests must be submitted in writing.

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HEARING
DATE: JULY 16, 2018

TIME: 6:00 PM

REQUEST
NUMBER: Z-1807

For additional information, contact Director of Development Services, Brian Jordan at 830-997-7521.

APPLICANT: KEVIN SPRAGGINS

LOCATION: 1332 E. MAIN ST.

(see accompanying map)

REQUEST: A) CHANGE THE ZONING FROM R1, SINGLE FAMILY RESIDENTIAL, TO C2, COMMERCIAL

B) CONDITIONAL USE PERMIT TO OPERATE A DRIVE THROUGH ASSOCIATED WITH A FAST FOOD RESTAURANT.

(DETACH BELOW)

REQUEST NO. Z-1807

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

Please see attached letter and Exhibits.

Gayle Schoessow
Signed

6/27/2018
Date

Gayle Schoessow
Printed Name

1331 E. Main St., Fredericksburg, TX 78624
Address

+ Co-Owner 1305 E. Main St.

June 27, 2018

To Whom it May Concern:

I am writing this letter as an interested property owner strongly protesting request number Z-1807 to change 1332 E. Main St. from R1 zoning to C2, commercial with a conditional use permit to operate a drive through associated with a fast food restaurant. In support of this protest I am providing the following information and attached exhibits, as such a change in zoning would have severe detrimental effects on my home, my neighborhood Nixon Terrace, and the Oak Terrace subdivision on Beverly Drive.

We are blessed to call 1331 E. Main Street our home, as was my mother-in-law, Cristol Schoessow, for her childhood. Her parents, Victor and Louise Nixon, decided to build near Louise's parent's house in 1950 when they built this home. Wanting play mates for their children, Victor and Louise sold the lots that are on either side of Cristol Drive where homes were built, most of them around 1968. When we moved our family to Fredericksburg in 2011, we were using 1331 E. Main as a temporary base until we found a house we wanted to live in. Two years later Chris' grandparents had both passed away, his mother and aunt had been told that because the house served as a residential buffer to the Nixon Terrace lots it would never be re-zoned commercial, and we loved the house and all the memories Chris and his family had made there over the past 60+ years, so we made a substantial investment, updated the entire residence, and made it our home in 2013.

With 16 lots Nixon Terrace isn't a large neighborhood, but it is filled with families that range in ages, with at least three of those homes having young children that our children play with. Parents and grandparents of friends live there, a cousin and his family, elderly neighbors who love to come visit when our kids are working with their goats for the county livestock show, and even a summer camp counselor my children had at the Wellness Center Camp who lives with his aging grandmother. We all expressed concern when the owner of the residence on the east corner of Cristol Drive and Main St. sought to have their home re-zoned to commercial a few years ago. Thankfully that request was not granted, helping to preserve the integrity of the neighborhood.

While the property seeking to be re-zoned (the ^{Segner} "Segner home") is in fact located next to a motel, that motel has been in existence and operating as a motel since 1950 and the Segner home was built in 1956. The homes that share a property line with the Segner home and are located on Beverly Drive were mostly built from 1950-1955. Much like our home serves as a buffer for the homes in Nixon Terrace on Cristol Drive, the Segner home at 1332 E. Main should also serve as a buffer for the Oak Terrace subdivision on Beverly Drive. Unlike our home's current situation, the Beverly Drive residences won't have the distance between their home and the fast food drive through as we have with our home and Whataburger. While we still suffer the negative effects of fast food litter, increased traffic congestion and vehicles turning improperly in and out of the two driveways that Whataburger has while being located at the end of the block, these homes (as well as our own) would face a magnified intrusion of trash, traffic congestion, traffic noise in their back yard, loss of privacy, stink of garbage, and increased night time lighting to name a few seriously undesirable inconveniences if this rezoning is

permitted. Not only would it degrade everyone's property value for their home, more importantly it will most certainly degrade the quality of their home life and ours.

My family has adopted a stretch of road for litter clean-up, we also refer to it as our front yard. On a very regular basis we walk our front yard collecting a large amount of styrofoam cups, burger wrappers and bags from Whataburger to the west, and plastic bags, receipts and other garbage from Wal Mart to the east. You can see a sampling of this litter in the photographs attached as exhibits. I had taken those photos to show the congestion we often times experience in front of our home, and not surprisingly there is litter in the photos as well. I cannot imagine what our yard will look like if a commercial establishment is allowed to exist right across the street. The request for a conditional use permit to operate a drive through associated with a fast food restaurant would most certainly bring a tremendous amount of unwanted garbage blowing in to our yard as well as compounding traffic issues. C2 zoning would also mean that a cocktail lounge and liquor sales could be established right across the street from our home. That certainly isn't what a mother of 4 children ranging in age from 2-11 wants to hear.

The traffic in front of our home often makes it extremely difficult, if not impossible, to turn left in order to drive into town. We sometimes must resort to turning right from our home, then right on Cristol Dr., right on Eagle and then right on Highway St. to make the block in order to eventually go left on Main. I shudder to think what exiting our drive would be like with a commercial establishment located across the road. In addition, we often traveled on Beverly Drive when picking up our youngest daughter from day care for the past year and a half. The daycare relocated in May, in part due to the traffic on Goehman Lane. Often times after picking up at the daycare facility we would proceed down Goehman Lane, take a right on Pike, and then turn right on Beverly Drive. It was always a test of patience to find an opportunity to turn left from Beverly onto Main towards our home. While that particular route isn't in my daily routine any longer, I can only imagine the increased difficulty the residents of Oak Terrace will experience if the Segner home is re-zoned to commercial.

See attached pictures

While I can appreciate the Segner's desire to attempt to turn this property into something that will bring them greater financial gain, it is my sincere and earnest plea that instead of permitting this re-zoning for the financial gain of a few, you will reject it to help preserve the quality of life for many. Should this matter be heard at the City Council meeting on July 16, 2018 as indicated in the letter we received, my husband and I will be unable to attend as we were scheduled for out-of-state continuing education months ago. Our absence should not be seen as a lack of interest and dedication to this protest, but rather as an unfortunate unavoidable conflict in our schedule.

Sincerely,

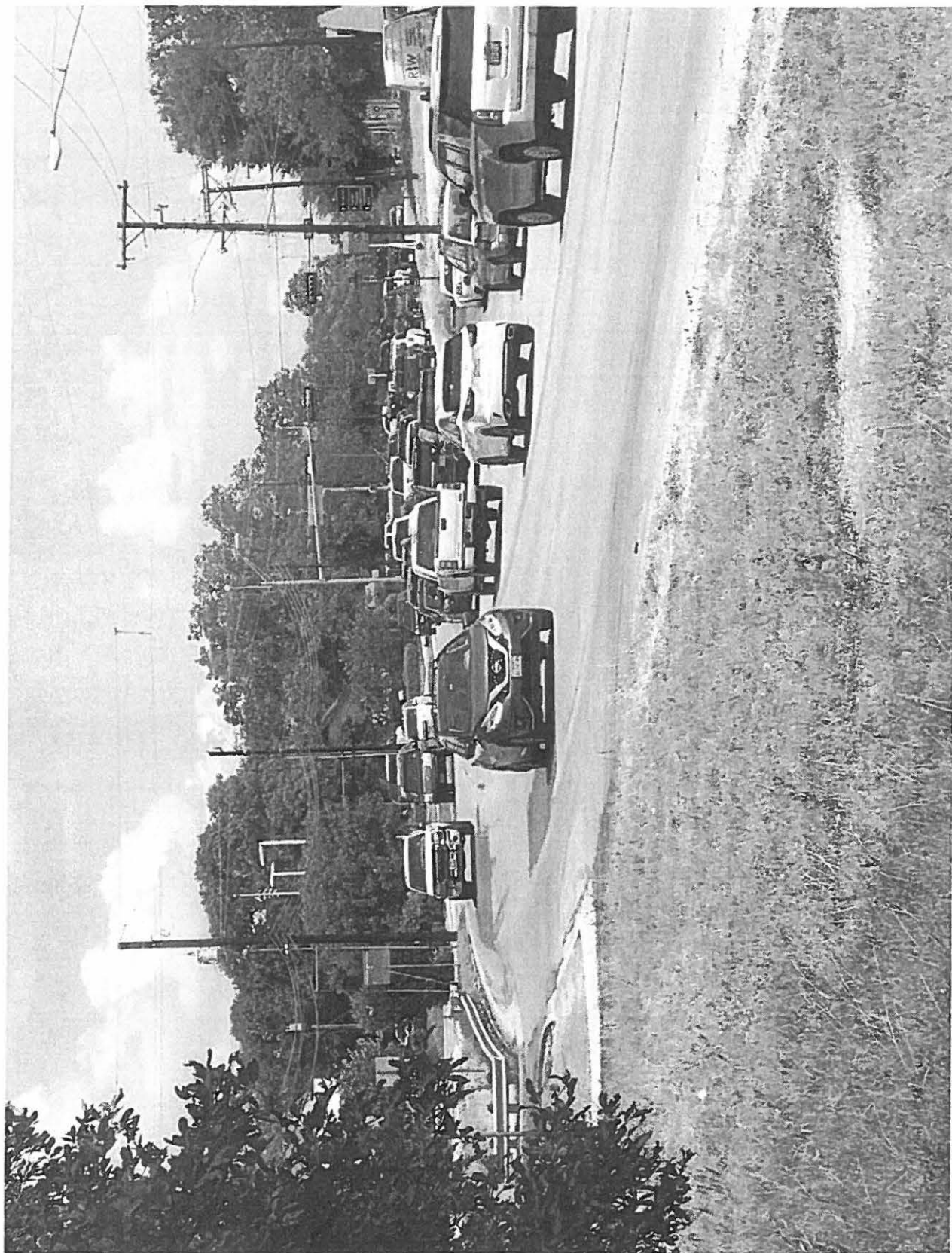
Gayle D. Schoessow

Gayle D. Schoessow

830-992-1908



Photo taken June 8, 2018 at 11:57 a.m. by Gayle Schoessow from the driveway at 1331 E. Main St., Fredericksburg, TX.



③

Photo taken June 8, 2018 at 11:57 a.m. by Gayle Schoessow from the driveway at 1331 E. Main St., Fredericksburg, TX, looking west.

**NOTICE OF PUBLIC HEARING FOR
A CHANGE IN THE ZONING
AND CONDITIONAL USE PERMIT**

HEARING

DATE: JULY 5, 2018

TIME: 5:30 PM

REQUEST

NUMBER: Z-1807

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HEARING

DATE: JULY 16, 2018

TIME: 6:00 PM

REQUEST

NUMBER: Z-1807

For additional information, contact Director of Development Services, Brian Jordan at 830-997-7521.

APPLICANT: KEVIN SPRAGGINS

LOCATION: 1332 E. MAIN ST.

(see accompanying map)

REQUEST: A) CHANGE THE ZONING FROM R1, SINGLE FAMILY RESIDENTIAL, TO C2, COMMERCIAL

☒ B) CONDITIONAL USE PERMIT TO OPERATE A DRIVE THROUGH ASSOCIATED WITH A FAST FOOD RESTAURANT.

(DETACH BELOW)

REQUEST NO. Z-1807

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

Victor Nixon Jr. 6/25/18
Signed Date
Victor Nixon JR 1325 E. Main
Printed Name Address

Dolores Marquardt Staudt: Owner of 109 Beverly Drive and 111 Beverly Drive (adjoining property).

The City should consider the requirement of a tall privacy fence and modification to the kitchen exhaust into a chimney to be constructed by the applicant to comply with the Code of Ordinance Section 5.4000 - Conditional Use Permit; since the City has "...discretionary approval of uses typically having unusual site development features (*C-2 zone side yard abutting R-1 back yard*) ... requiring special consideration so that they may be located, designed, and operated compatibly with uses on surrounding properties... The Conditional Use Permit is intended to encourage broad public review and evaluation of site development features and operation characteristics and to ensure adequate mitigation of potentially unfavorable impacts." (*Noise pollution, potential smell and lighting are of concern*). *My 109 Beverly Drive dwelling is located approximately four feet from the 1332 E. Main St. property common boundary. After an informal meeting with the Applicant regarding the proposed development, my main concerns are privacy fencing and chimney for the kitchen exhaust. To mitigate the unfavorable impacts to my property I recommend the City require the installation of a tall privacy fence (similar to and at least as tall as the one located on the City Sewer Plant property shielding view of the sewer plant facilities from E. Main St.) and construction of a chimney (aesthetically pleasing to the architecture of the proposed Chicken Express building) for the exhaust to push the odor over the tree level. In addition, reportedly the next zone change (R-2 to C-2) request will be a 3 acre tract lying east of 1332 E. Main St. which will significantly increase the intensity of use adjacent to the adjoining R-1 properties.*

REQUEST NO. Z-1807

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

Dolores Marquardt Staudt 6-25-18, 2018
Signed Date

DOLores M. STAUDT 5028 CENTER POINT RD. FREDERICKSBURG TX
Printed Name Address

REQUEST NO. Z-1807

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

Andy Reyes

8-3-18

Carol J. Reyes

8-3-18

Signed

ANDREW P. REYES

Date

Carol T. Reyes

113 BEVERLY DR

Printed Name

Address

August 3, 2018

To whom this may concern:

I am submitting formal comments in **strong opposition** to the proposed ZONE CHANGE for REQUEST NUMBER Z-1807 AND Z-1811 to change 1332 E. Main St. From R-1 Residential to C-2 Commercial.

Please know that I had a draft completed and set to be finalized before the last scheduled meeting, but since it was cancelled I decided to wait and see if fact there would even be another meeting scheduled.

My wife Carol and I moved to Fredericksburg 19 years ago. We raised 4 children in this community. We love this community. One of the main reasons for moving here was how evident it was and continues to be that the "City Fathers" most always have been logical and reasonable in planning the growth for this city.

Although we are strongly opposed this zoning change from R-1 to C-2 for many reasons, there are three main reasons that my wife Carol and I oppose this zoning change.

1. If this R-1 to C-2 zoning change passed, there would be increase in traffic in an already overloaded traffic area.
2. If this R-1 to C-2 zoning change passed, the value of our property and all properties surrounding us would decline.
3. If this R-1 to C-2 zoning change passed, the quality of life would change in a very negative way.

INCREASING TRAFFIC IN AN ALREADY OVERLOADED TRAFFIC AREA

In reference to the Zoning Ordinance provided on the City of Fredericksburg website, Sec. 3.210. C-2 Commercial, states: "This zone is intended to provide for businesses and services that serve persons throughout the city and 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**".

In reference to Sec. 3.210 C-2 "...traffic generation ability", most every day and especially on weekends, traffic is quite often backed up in the westbound lane from Goehmann Lane all the way back to the applicant's property at 1332 E. Main St. and sometimes even to the UPS store. Living on Beverly Dr. makes it very, very difficult to even turn into our street when headed East on Main St. after passing Goehmann Lane and trying to turn into Beverly Dr. If this R-1 to C-2 zoning change is passed and in referencing Principal Permitted Uses in Sec. 3.210. C-2, the worst case scenario could have a Service Station or Drive In Fast Food Restaurant built. Again C-2 cites "traffic generation ability".

I asked Mary Green (the General Manager of the Whataburger-Goehmann/Main St.), what traffic/vehicle numbers that she could provide me. She stated that they averaged over 800 cars per day. I counted 120+ cars during the noon-12:30 timeframe on Thursday 8-2-18. Please picture how the traffic of 2 proposed C-2 properties (REQUEST NUMBERS Z-1807 AND Z-1811) with possibly 3 restaurants and multiple businesses will compound the already congestive traffic problem. Specifically, picture the eastbound traffic headed toward Walmart after being released from the Goehmann Lane traffic light on Main St. And then wanting to turn left into the applicant's property and not being able to turn left due to the backed up traffic. This could back up this traffic to Goehmann Lane. **Please keep in mind that there is no middle "turn-lane" to alleviate this traffic challenge, and there are no acceleration or**

deceleration lanes to help either. And residences and business across the street from the applicant's property are already having difficulty accessing Main St. and headed west to town. The obviously increased traffic will inevitably worsen an existing bottleneck of traffic for Fredericksburg and surrounding residents, but also for tourists coming into town.

**PROPERTY VALUES IN OUR NEIGHBORHOOD DECLINE AND QUALITY OF LIFE COULD CHANGE
CONSIDERABLY**

Another reason for our opposition of the zoning change is how our property values will be adversely affected. I spoke with 3 Real Estate Brokers about the rezoning change and how it would affect our property values. All stated that the R-1 to C-2 change would definitely adversely affect our property value. The measured reduction in property value would be contingent on what C-2 business(es) would be placed and abutted to our property. There are in fact 9 properties butted up against the property lines of the applicant properties and many more in the neighborhood across the street.

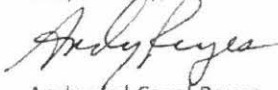
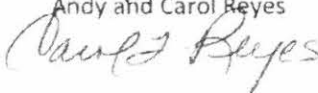
Again, worst case scenario places fast food and/or sit-down restaurants with potential smoke stacks within 20-30 feet of our property line. The prevailing winds are out of the south and if restaurants would be placed in both proposed properties, all 9 properties would be forced to smell any and all restaurant food, or to just remain inside. We really enjoy keeping our windows open during the Spring and Fall. As long as the wind is out of south, which shows to be most of the year, we lose an opportunity to open our windows and enjoy the fresh air. So, if this R-1 to R-2 rezoning is passed and any type of restaurant(s) is/are placed, whether it be a BBQ, Fried Chicken, Mexican or Hamburger restaurant, there is no buffer to our property. We would be forced to smell any smoke, fried chicken or any other items being cooked from possibly 10am to 10pm

CLOSING

In closing, changing these 2 properties from R-1 to C-2 would be increase traffic in an already overloaded traffic area, would decrease property values to all homes in our neighborhood, and potentially decrease the quality of life for a neighborhood by restricting the opportunity to a simple enjoyment of opening the windows and enjoying fresh air.

Lastly, this could potentially set a precedent for the City of Fredericksburg that I would hate to see happening across our city. Our city is growing quickly and for the most part, to date, the growth has been controlled. Please consider our plea to keep this property R-1.

Respectfully,


Andy and Carol Reyes


**NOTICE OF PUBLIC HEARING FOR
A CHANGE IN THE ZONING
AND CONDITIONAL USE PERMIT**

HEARING
DATE: JULY 5, 2018

TIME: 5:30 PM

REQUEST
NUMBER: Z-1807

The **PLANNING & ZONING COMMISSION** of the City of Fredericksburg will hold a public hearing at the above stated time and date in the conference room of the Law Enforcement Center, 1601 E. Main St., to consider a request for a change in the Land Use Plan and a change in Zoning.

According to Tax Records, you are the owner of real property within 200' of the proposed change. You are **not** required to attend the meeting, but if you care to attend, you will be given full opportunity to be heard. If you cannot attend the hearing, but wish to comment on the request, please detach the response form below and return it to the City of Fredericksburg, 126 W. Main St., Fredericksburg, TX 78624. All protests must be submitted in writing.

The decision of the **PLANNING & ZONING COMMISSION** is a recommendation only. Final approval must be by action of the **CITY COUNCIL**. The public hearing by the **CITY COUNCIL** is scheduled as follows:

HEARING
DATE: JULY 16, 2018

TIME: 6:00 PM

REQUEST
NUMBER: Z-1807

For additional information, contact Director of Development Services, Brian Jordan at 830-997-7521.

APPLICANT: KEVIN SPRAGGINS

LOCATION: 1332 E. MAIN ST.

(see accompanying map)

REQUEST: A) CHANGE THE ZONING FROM R1, SINGLE FAMILY RESIDENTIAL, TO C2, COMMERCIAL

B) CONDITIONAL USE PERMIT TO OPERATE A DRIVE THROUGH ASSOCIATED WITH A FAST FOOD RESTAURANT.

(DETACH BELOW)

REQUEST NO. Z-1807

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

Signed

Date

Printed Name

Address

Don't want the potential additional traffic through residential family home

6/27/18

110 Beverly Dr. Pkg. 18 78624

27 June 2018

City of Fredericksburg
Planning & Zoning Commission
126 W. Main St.
Fredericksburg, TX 78624

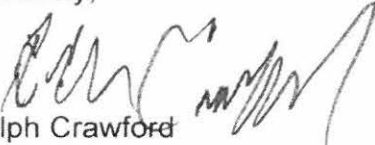
Subject: Request to change Zoning from R1 Residential to C2 Commercial

I have submitted my vote via the form sent to me in Protest of the requested zoning amendment in my home's area of 110 Beverly Drive. I do not think we should add any more commercial fast food restaurants or other businesses as it will greatly depreciate the housing values in my area as well as create additional traffic nightmares. We already have a hard time turning left on Hwy 290 off of Beverly Drive. I've heard there is potentially going to be a Chicken Express store put in my area which would not be welcomed because of the downwind effect of smelling fried chicken as well as other fried foods throughout the day and night. There will also be additional traffic congestion if this is approved.

I will not be able to attend the meeting on July 5th as I will be out of the state on a previously planned vacation. I met today with my neighbor across and down the street from me (Andy) and he shares my feelings and concerns.

I look forward to a favorable vote of "no" on the rezoning request to C2.

Sincerely,


Ralph Crawford

**NOTICE OF PUBLIC HEARING FOR
A CHANGE IN THE ZONING**

HEARING
DATE: **AUGUST 8, 2018**

TIME: **5:30 PM**

REQUEST
NUMBER: **Z-1807**

The **PLANNING & ZONING COMMISSION** of the City of Fredericksburg will hold a public hearing at the above stated time and date in the conference room of the Law Enforcement Center, 1601 E. Main St., to consider a request for a change in the Land Use Plan and a change in Zoning.

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The decision of the **PLANNING & ZONING COMMISSION** is a recommendation only. Final approval must be by action of the **CITY COUNCIL**. The public hearing by the **CITY COUNCIL** is scheduled as follows:

HEARING
DATE: **AUGUST 20, 2018**

TIME: **6:00 PM**

REQUEST
NUMBER: **Z-1807**

For additional information, contact Director of Development Services, Brian Jordan at 830-997-7521.

APPLICANT: KEVIN SPRAGGINS ON BEHALF OF SAMMY SEGNER

LOCATION: 1332 E. MAIN ST.

(see accompanying map)

REQUEST: A) CHANGE THE ZONING FROM R1, SINGLE FAMILY RESIDENTIAL, TO C2, COMMERCIAL

NOTE: The Original notification which included the Conditional Use Permit for a drive-through restaurant is not part of this request. All comments submitted previously remain in file.

(DETACH BELOW)

REQUEST NO. Z-1807

As an interested property owner, I ☒ (Protest) ☐ (Approve) the requested zoning amendment represented by the above file number because: To preserve our residential areas

Dawn Dial
Signed
Dawn Dial
Printed Name

8/5/2018
Date
108 Beverly Dr.
Address

**NOTICE OF PUBLIC HEARING FOR
A CHANGE IN THE ZONING**

HEARING

DATE: AUGUST 8, 2018

TIME: 5:30 PM

REQUEST

NUMBER: Z-1807

The **PLANNING & ZONING COMMISSION** of the City of Fredericksburg will hold a public hearing at the above stated time and date in the conference room of the Law Enforcement Center, 1601 E. Main St., to consider a request for a change in the Land Use Plan and a change in Zoning.

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HEARING

DATE: AUGUST 20, 2018

TIME: 6:00 PM

REQUEST

NUMBER: Z-1807

For additional information, contact Director of Development Services, Brian Jordan at 830-997-7521.

APPLICANT: KEVIN SPRAGGINS ON BEHALF OF SAMMY SEGNER

LOCATION: 1332 E. MAIN ST.

(see accompanying map)

REQUEST: A) CHANGE THE ZONING FROM R1, SINGLE FAMILY RESIDENTIAL, TO C2, COMMERCIAL

NOTE: The Original notification which included the Conditional Use Permit for a drive-through restaurant is not part of this request. All comments submitted previously remain in file.

(DETACH BELOW)

REQUEST NO. Z-1807

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

Signed

Mary Schiller

Date

8-2-18

Printed Name

MARY SCHILLER

Address

8-2-18

**NOTICE OF PUBLIC HEARING FOR
A CHANGE IN THE ZONING**

HEARING

DATE: **AUGUST 8, 2018**

TIME: **5:30 PM**

REQUEST

NUMBER:

Z-1807

The **PLANNING & ZONING COMMISSION** of the City of Fredericksburg will hold a public hearing at the above stated time and date in the conference room of the Law Enforcement Center, 1601 E. Main St., to consider a request for a change in the Land Use Plan and a change in Zoning.

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HEARING

DATE: **AUGUST 20, 2018**

TIME: **6:00 PM**

REQUEST

NUMBER:

Z-1807

For additional information, contact Director of Development Services, Brian Jordan at 830-997-7521.

APPLICANT: KEVIN SPRAGGINS ON BEHALF OF SAMMY SEGNER

LOCATION: 1332 E. MAIN ST.

(see accompanying map)

REQUEST: A) CHANGE THE ZONING FROM R1, SINGLE FAMILY RESIDENTIAL, TO C2, COMMERCIAL

NOTE: The Original notification which included the Conditional Use Permit for a drive-through restaurant is not part of this request. All comments submitted previously remain in file.

(DETACH BELOW)

REQUEST NO. Z-1807

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

Signed

Printed Name

Victor L. Nixon Jr.

Victor L. Nixon Jr.

Date

Address

8/6/18

1325 E. Main

**NOTICE OF PUBLIC HEARING FOR
A CHANGE IN THE ZONING**

HEARING
DATE: **AUGUST 8, 2018**

TIME: **5:30 PM**

REQUEST
NUMBER: **Z-1807**

The **PLANNING & ZONING COMMISSION** of the City of Fredericksburg will hold a public hearing at the above stated time and date in the conference room of the Law Enforcement Center, 1601 E. Main St., to consider a request for a change in the Land Use Plan and a change in Zoning.

According to Tax Records, you are the owner of real property within 200' of the proposed change. You are not required to attend the meeting, but if you care to attend, you will be given full opportunity to be heard. If you cannot attend the hearing, but wish to comment on the request, please detach the response form below and return it to the City of Fredericksburg, 126 W. Main St., Fredericksburg, TX 78624. All protests must be submitted in writing.

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HEARING
DATE: **AUGUST 20, 2018**

TIME: **6:00 PM**

REQUEST
NUMBER: **Z-1807**

For additional information, contact Director of Development Services, Brian Jordan at 830-997-7521.

APPLICANT: KEVIN SPRAGGINS ON BEHALF OF SAMMY SEGNER

LOCATION: 1332 E. MAIN ST.

(see accompanying map)

REQUEST: A) CHANGE THE ZONING FROM R1, SINGLE FAMILY RESIDENTIAL, TO C2, COMMERCIAL

NOTE: The Original notification which included the Conditional Use Permit for a drive-through restaurant is not part of this request. All comments submitted previously remain in file.

(DETACH BELOW)

REQUEST NO. Z-1807

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

I grow up here. Do not want more noise more cars more traffic. Do not want the value of my house dropping. This has been my home since 1960. Had trailers come in behind once

Signed

Date

PAUL THARRISON
Printed Name

115 Beverly Drive
Address

And all it was trouble. They are gone. I do not agree with someone having to live with someone else's doing.

(42)

**NOTICE OF PUBLIC HEARING FOR
A CHANGE IN THE ZONING
AND CONDITIONAL USE PERMIT**

HEARING
DATE: JULY 5, 2018

TIME: 5:30 PM

REQUEST
NUMBER: Z-1807

The **PLANNING & ZONING COMMISSION** of the City of Fredericksburg will hold a public hearing at the above stated time and date in the conference room of the Law Enforcement Center, 1601 E. Main St., to consider a request for a change in the Land Use Plan and a change in Zoning.

According to Tax Records, you are the owner of real property within 200' of the proposed change. You are **not** required to attend the meeting, but if you care to attend, you will be given full opportunity to be heard. If you cannot attend the hearing, but wish to comment on the request, please detach the response form below and return it to the City of Fredericksburg, 126 W. Main St., Fredericksburg, TX 78624. All protests must be submitted in writing.

The decision of the **PLANNING & ZONING COMMISSION** is a recommendation only. Final approval must be by action of the **CITY COUNCIL**. The public hearing by the **CITY COUNCIL** is scheduled as follows:

HEARING
DATE: JULY 16, 2018

TIME: 6:00 PM

REQUEST
NUMBER: Z-1807

For additional information, contact Director of Development Services, Brian Jordan at 830-997-7521.

APPLICANT: KEVIN SPRAGGINS

830-997-4749

LOCATION: 1332 E. MAIN ST.

(see accompanying map)

REQUEST: A) CHANGE THE ZONING FROM R1, SINGLE FAMILY RESIDENTIAL, TO C2, COMMERCIAL

B) CONDITIONAL USE PERMIT TO OPERATE A DRIVE THROUGH ASSOCIATED WITH A FAST FOOD RESTAURANT.

(DETACH BELOW)

REQUEST NO. Z-1807

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

Signed

Date

Printed Name

Address



7/2/18

Ed Langhorne

1308 E. Main St.



CITY COUNCIL MEMO

DATE: August 14, 2018

TO: Mayor and City Council

FROM: Brian Jordan, AICP

SUBJECT: Request by Bob Johnson to change the Land Use Plan from Medium Density Residential to Mixed Use Corridor, and change the zoning from R2, Mixed Residential to C-2 Commercial on approximately 3 Acres located behind 1332 E. Main Street

Summary:

The property is currently undeveloped except for an abandoned single family home. Access to the property is severely restricted to a narrow drive connecting to Beverly Drive. Said access is insufficient for future development of this tract. Land uses surrounding this property include single family residences to the north, undeveloped land to the east outside the city limits, a regional shopping center (Baron's Creek) to the south and undeveloped land to the west. Surrounding zoning is R-1 to the north, unincorporated property to the east, C-2 and PUD to the south and R-1 to the west. Property to the west is being requested for a zoning change to C-2 in Request Z-1807. The Land Use Plan identifies the area to the north Low Density Residential, to the south and west as Mixed Use Corridor and to the east as Rural Residential (see the attached Land Use Plan).

Recommendation:

The Planning Commission voted 4-3 to recommend approval of this zoning change. Staff does not recommend approval of this request as noted in the Brief. Protest letters have been submitted by 5 of the property owners within 200' of the property, no letters in support. The attached map shows the properties protesting the request.

(44)

The City of Fredericksburg

Background / Analysis:

ZONING: The applicant is proposing to change the zoning to C-2, Commercial. In doing so, the applicant has stated they intend utilize the property for an extended stay hotel or an office type use. Obviously, the Commission will need to consider all uses applicable in the C-2 Zoning District (list attached). This property differs from the application on the adjoining property in that the entire property abuts a residential neighborhood on the north side, is located to the rear of the Baron's Creek Shopping Center and has insufficient access for commercial development of any type. The property owner on the adjoining property (Mr. Segner) has agreed to provide access through his property to serve the subject property, as long as the uses proposed are acceptable. For any development to occur, or for any change in zoning to be considered, the staff's position is that this access will need to be non-exclusive.

Attachments:

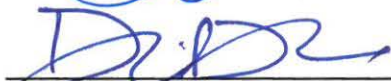
Land Use map, Zoning Map, Protest Map, Protest Letters, Property Owners/map, C-2 regulations, Staff Brief.



Department Approval



City Manager Approval



City Attorney Approval

ZONING CHANGE BRIEF

Rezoning Request # Z-1811

<u>APPLICANT:</u>	Bob Johnson, Alamo Advisors LP
<u>OWNER:</u>	RPS GP LLC
<u>LOCATION:</u>	Property behind 1332 E. Main Street
<u>SIZE:</u>	Approximately 3 acres
<u>EXISTING ZONING:</u>	R-2 Mixed Residential District
<u>LAND USE PLAN:</u>	Medium Density Residential
<u>PROPOSED CHANGE:</u>	1. Change in Land Use Plan from Medium Density Residential to Mixed Use Corridor, and 2. Change in zoning from R-2, Mixed Residential to C-2 Commercial.

FINDINGS:

- The property is currently undeveloped except for an abandoned single family home.
- Access to the property is severely restricted to a narrow drive connecting to Beverly Drive. Said access is insufficient for future development of this tract.
- Land uses surrounding this property include single family residences to the north, undeveloped land to the east outside the city limits, a regional shopping center (Baron's Creek) to the south and undeveloped land to the west.
- Surrounding zoning is R-1 to the north, unincorporated property to the east, C-2 and PUD to the south and R-1 to the west. Property to the west is being requested for a zoning change to C-2 in Request Z-1807.
- The Land Use Plan identifies the area to the north Low Density Residential, to the south and west as Mixed Use Corridor and to the east as Rural Residential (see the attached Land Use Plan).

LAND USE PLAN: The subject property lies completely within the Medium Density Residential Land Use designation. This category includes single family detached dwellings on smaller lots and attached dwelling units, such as duplex units and townhomes. Medium density land uses often provide housing for "empty nesters" who may not want the maintenance of a large-lot single-family home, and for young families who may find a townhome or duplex more affordable than a single-family home. They play an important role in providing workforce housing as well. These residential uses

can provide a buffer between lower density residential areas and more intensive residential or mixed use areas.

The proposed Land Use of Mixed Use Corridor represents an effort to change the typical pattern of strips of underperforming commercial development that often line highways and arterials. Rather than limiting the properties along major entry corridors to commercial uses, this category offers a variety of higher density residential and mixed use opportunities. The policy of allowing this mix of uses along major roadways supports a change in development from a pattern of older commercial structures to new projects with a variety of uses, including mixed use within an individual project or building. In the process, it reduces the excess commercial capacity along these corridors and creates locations for more affordable housing. Combined with Fredericksburg's existing landscape and signage regulations, this development pattern may create entry corridors that clearly tell the driver that they are entering a special community. It should be noted that this property does not front on Main Street.

In making a recommendation to change the Land Use Plan designation, the Planning and Zoning Commission shall make the following determinations:

1. **The property affected by the request is adequate in size and shape to facilitate those uses normally associated with the requested designation.** There is no stated minimum size in the Comprehensive Plan for the proposed Mixed Use District. In staff's opinion, this property would need to be combined with an adjoining property to be sufficient in size and shape.
2. **The property affected by the request does not exceed the capabilities of the infrastructure.** Utility infrastructure in the vicinity is sufficient in size to accommodate the proposed land use. Access, however, will need to be coordinated with one or both of the adjoining properties to make the site work for any future development.
3. **The request will have no adverse effect on any property within six hundred (600) feet of the affected property.** The Mixed Use Category is intended to be compatible with a variety of adjoining land uses including residential.
4. **The requested change is to accommodate an appropriate land use and is consistent with other elements of the Comprehensive Plan.** While the Mixed Use designation is appropriate, without a Mixed use Zoning District, an alternative commercial district could affect neighboring properties.
5. **The request, together with the applicable conditions, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.** Given the fact that and project would be required to be built in accordance with City standards, we would not expect the change in land use to be detrimental to area properties.

ZONING: The applicant is proposing to change the zoning to C-2, Commercial. In doing so, the applicant has stated they intend utilize the property for an extended stay hotel or an office type use. Obviously, the Commission will need to consider all uses applicable in the C-2 Zoning District (list attached). This property differs from the application on the adjoining property in that the entire property abuts a residential neighborhood on the north side, is located to the rear of the Baron's Creek Shopping Center and has insufficient access for commercial development of any type. The property owner on the adjoining property (Mr. Segner) has agreed to provide access through his property to serve the subject property, as long as the uses proposed are acceptable. For any development to occur, or for any change in zoning to be considered, the staff's position is that this access will need to be non-exclusive.

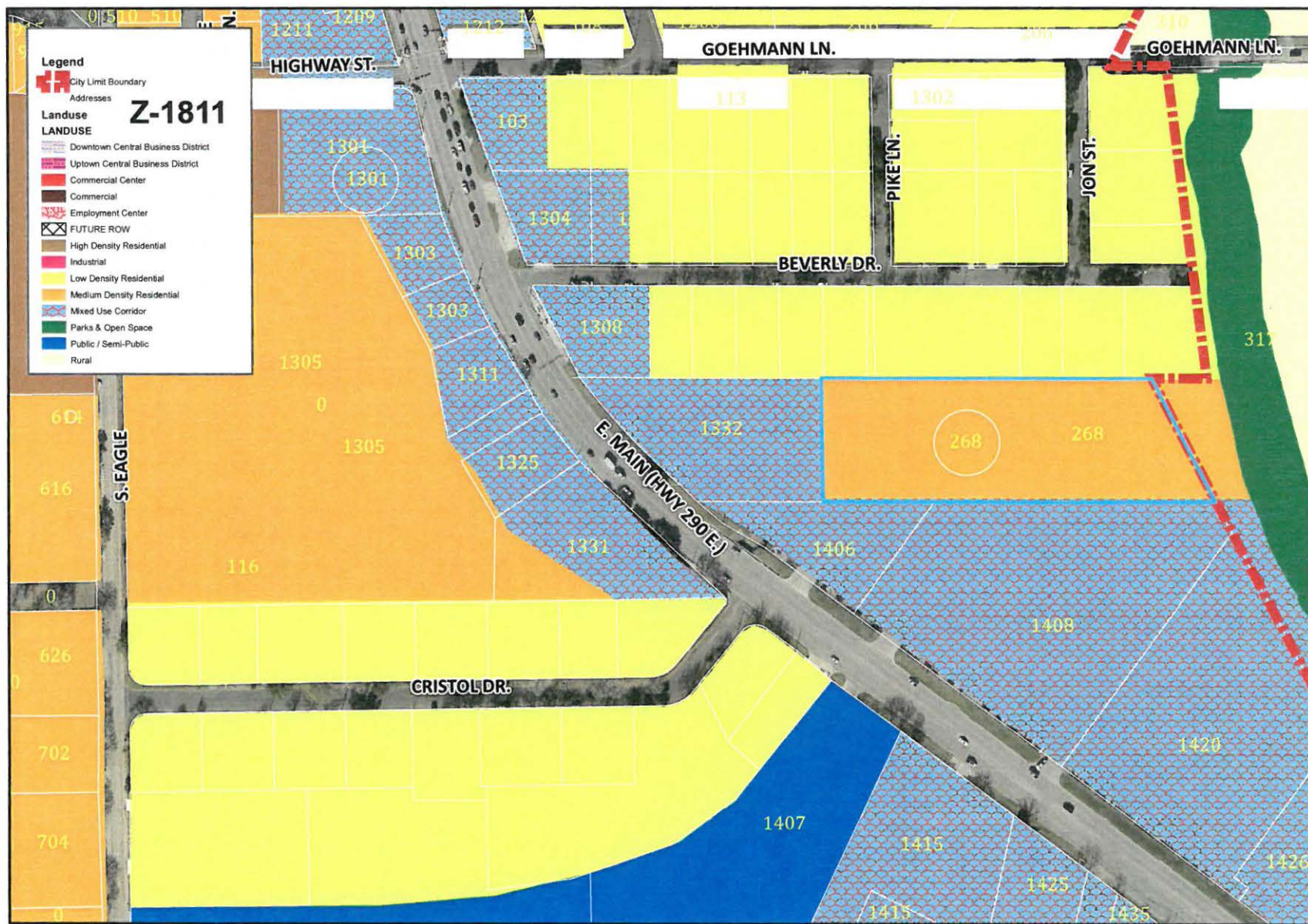
Staff has suggested to the owner/applicant of this property, along with the applicant of the property representing the adjoining 1.5 acres (Z-1807) that they consider joining together to create a PUD Planned Unit Development District, in which they could establish a list of compatible uses with surrounding properties, along with a development plan that would secure access and circulation along with development standards that would take into consideration the nearby neighborhood. While the applicant's seemed receptive to this concept, no official response or action has been taken.

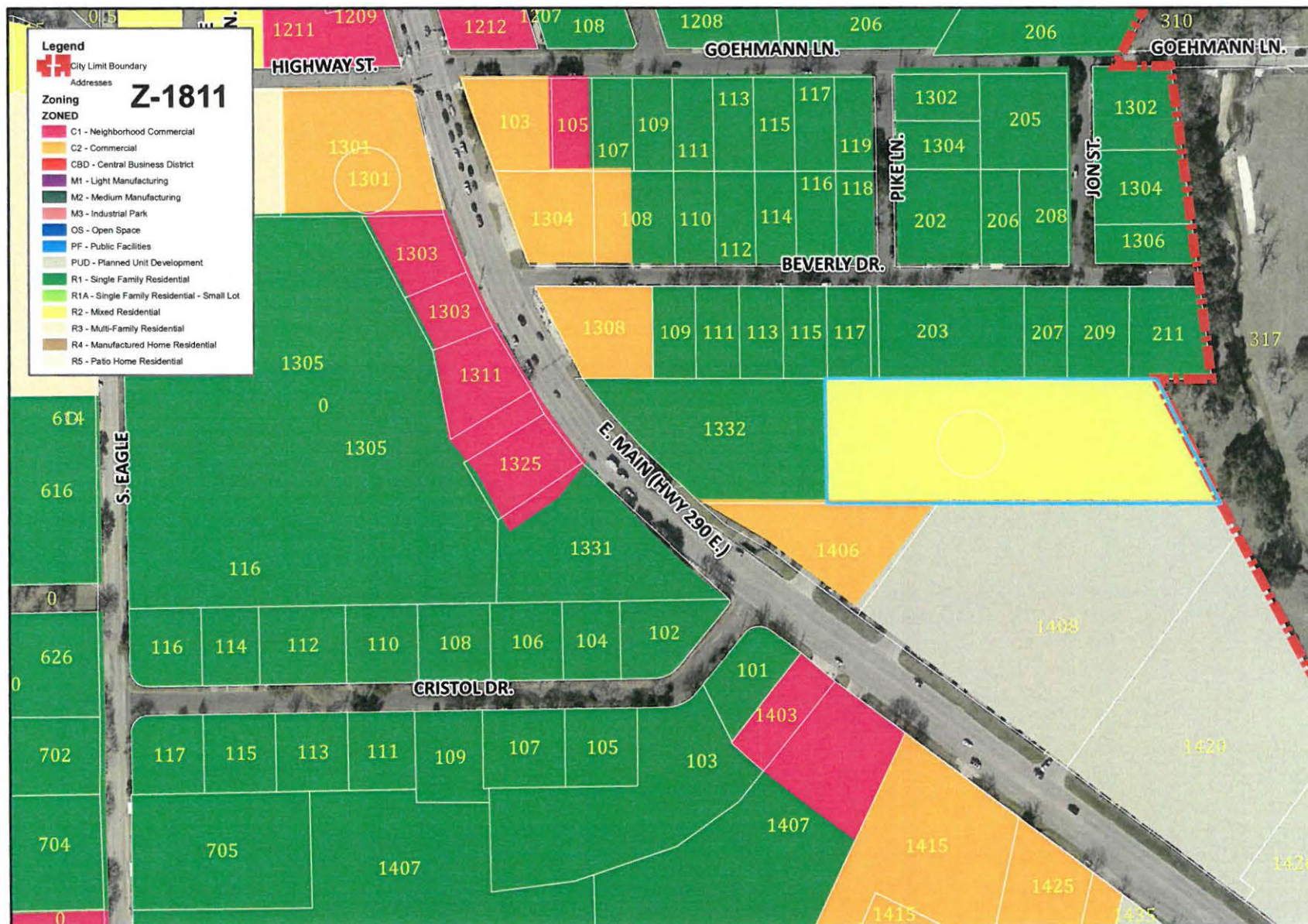
The other option would be a C-1, Neighborhood Commercial District, but this would be an isolated district and is not recommended.

OPPOSITION/SUPPORT OF REQUEST: We have received 5 letters in opposition of the request from property owners within 200' of the property. No letters received in support. A map showing the properties in opposition is attached.

PLANNING AND ZONING COMMISSION RECOMMENDATION: After a vote to recommend denial of the request failed by a vote of 4-3, the Commission voted 4-3 to recommend approval of the change in the Land Use Plan and Zoning.

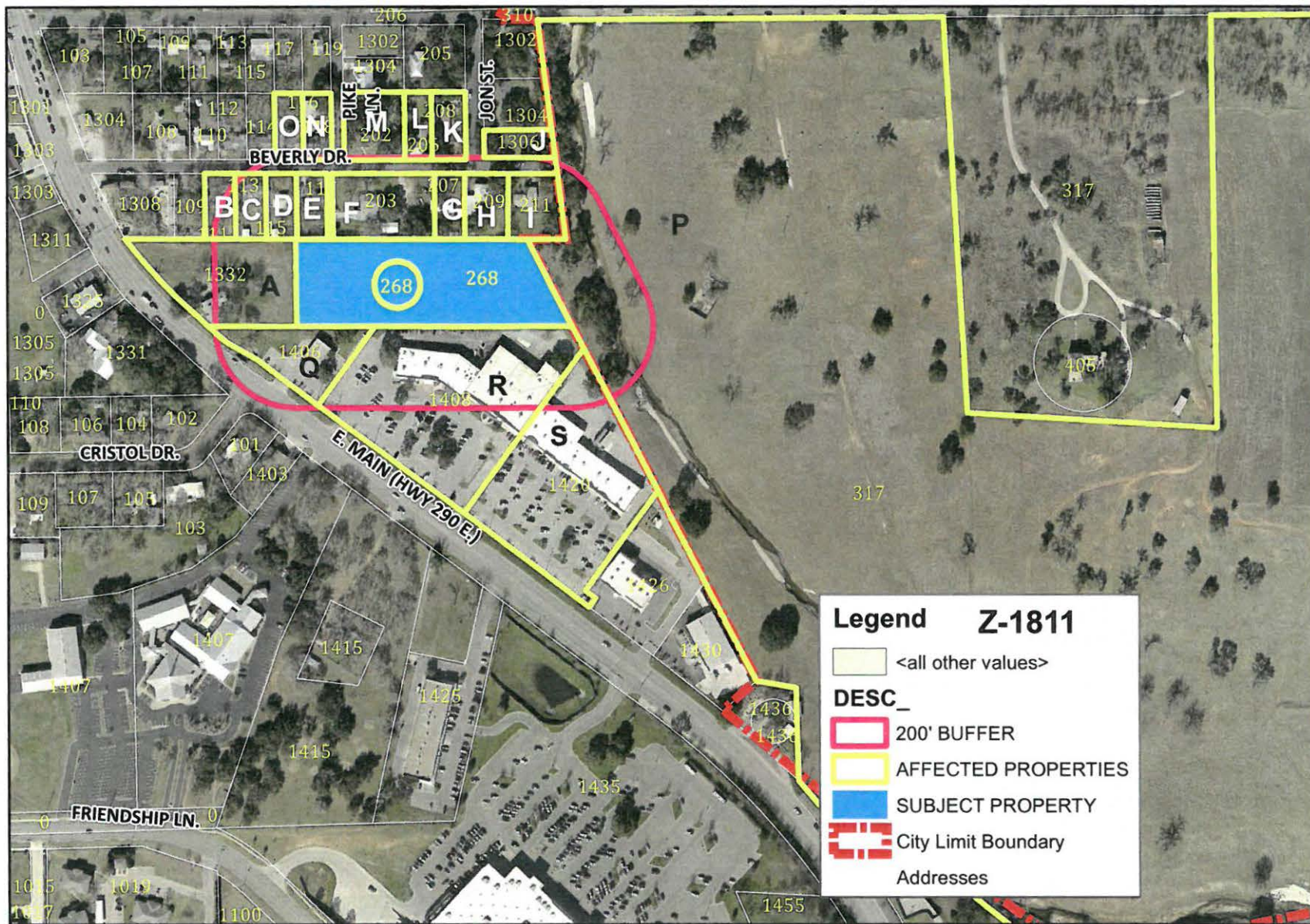
STAFF RECOMMENDATION: As noted previously, this property differs from the application on the adjoining property in that the entire property abuts a residential neighborhood on the north side, has no frontage on Main Street, is located to the rear of the Baron's Creek Shopping Center and has insufficient access for commercial development of any type. Denial is recommended.





50

(5)





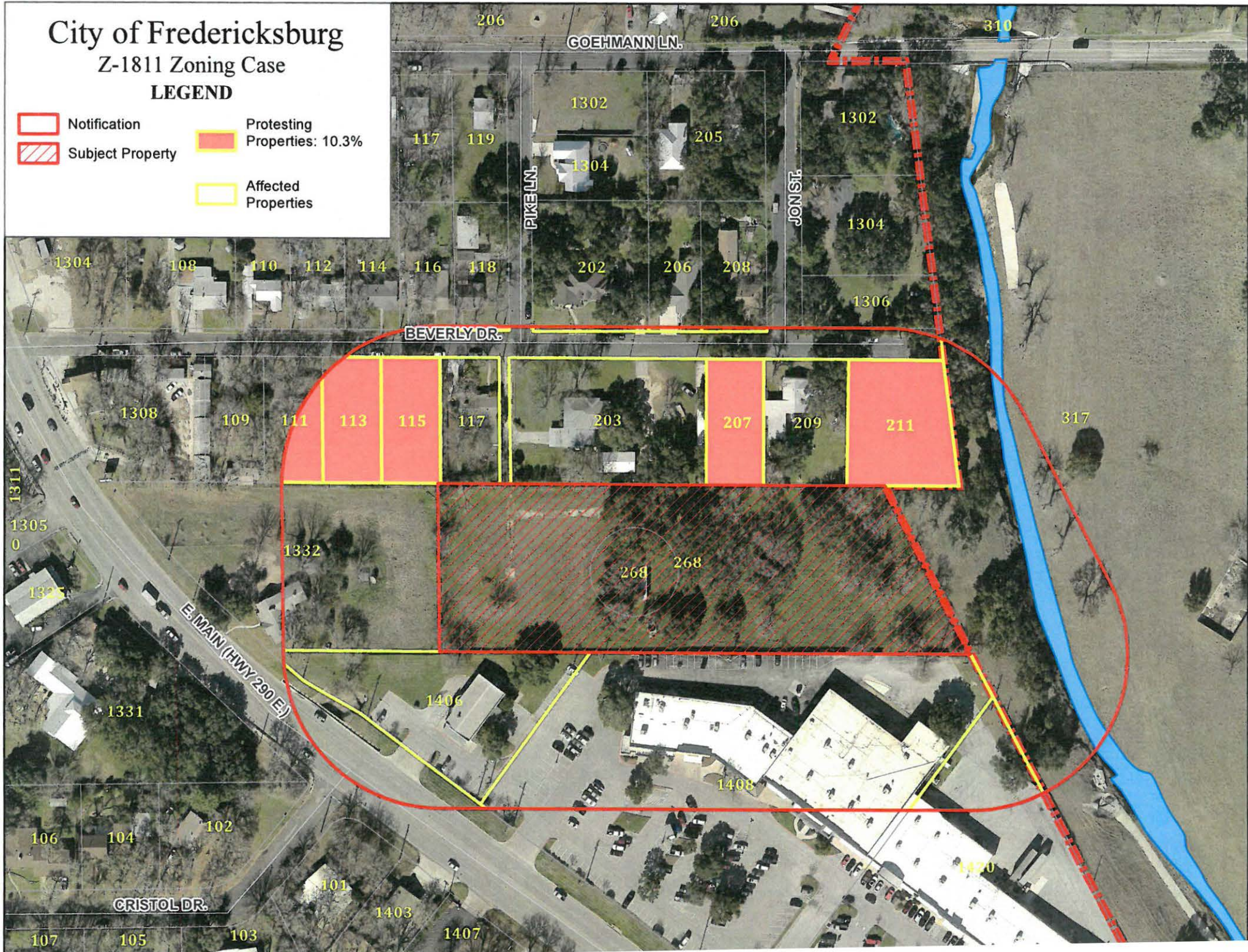
Letter	Owner	Address
A	SAMMY SEGNER	155 MOELLERING RD FREDERICKSBURG, TX 78624
B	DOLORES STAUDT	5028 CENTER POINT DR FREDERICKSBURG, TX 78624
C	ANDREW & CAROL REYES	113 BEVERLY DR FREDERICKSBURG, TX 78624
D	PAUL & CAROL HARRISON	115 BEVERLY DR FREDERICKSBURG, TX 78624
E	TRUDITH FRANTZEN	309 BRUNS RANCH RD FREDERICKSBURG, TX 78624
F	TERRY & JERLENE MCWILLIAMS	203 BEVERLY DR FREDERICKSBURG, TX 78624
G	PEGGY FLOYD LIFE-ESTATE	207 BEVERLY DR FREDERICKSBURG, TX 78624
H	DON & LINDA ADAMS	9494 N. ST HWY 16 FREDERICKSBURG, TX 78624
I	CASSANDRA SCHOESSOW	4034 STONEHURST DR PEARLAND, TX
J	JONATHAN CRENWELGE	1302 JON ST FREDERICKSBURG, TX 78624
K	THOMAS & MARY MARSCHALL	208 BEVERLY DR FREDERICKSBURG, TX 78624
L	RICHARD LAUGHLIN	616 W. MAIN ST FREDERICKSBURG, TX 78624
M	AIDE AGUILAR	202 BEVERLY DR FREDERICKSBURG, TX 78624
N	MIRIAM KLEEMAN	118 BEVERLY DR FREDERICKSBURG, TX 78624
O	HAROLD & SANDE KNAPP	116 BEVERLY DR FREDERICKSBURG, TX 78624
P	JUDY FELLER	4400 GREYSTONE DRIVE AUSTIN, TX
Q	ZARADIETER PARTNERS LP	6500 MONTANA AVE EL PASO, TX
R	ZARADIETER PARTNERS LP	6500 MONTANA AVE EL PASO, TX
S	MARY SCHILLER	7000 FIREWHEEL HOLLOW AUSTIN, TX
Z-1811		

City of Fredericksburg

Z-1811 Zoning Case

LEGEND

-  Notification
-  Subject Property
-  Protesting Properties: 10.3%
-  Affected Properties



REQUEST NO. Z-1807

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

Andrew Reyes
Carol T. Reyes

8-3-18

8-3-18

Signed
ANDREW P. REYES

Date

Carol T. Reyes

113 BEVERLY DR

Printed Name

Address

August 3, 2018

To whom this may concern:

I am submitting formal comments in **strong opposition** to the proposed ZONE CHANGE for REQUEST NUMBER Z-1807 AND Z-1811 to change 1332 E. Main St. From R-1 Residential to C-2 Commercial.

Please know that I had a draft completed and set to be finalized before the last scheduled meeting, but since it was cancelled I decided to wait and see if fact there would even be another meeting scheduled.

My wife Carol and I moved to Fredericksburg 19 years ago. We raised 4 children in this community. We love this community. One of the main reasons for moving here was how evident it was and continues to be that the "City Fathers" most always have been logical and reasonable in planning the growth for this city.

Although we are strongly opposed this zoning change from R-1 to C-2 for many reasons, there are three main reasons that my wife Carol and I oppose this zoning change.

1. If this R-1 to C-2 zoning change passed, there would be increase in traffic in an already overloaded traffic area.
2. If this R-1 to C-2 zoning change passed, the value of our property and all properties surrounding us would decline.
3. If this R-1 to C-2 zoning change passed, the quality of life would change in a very negative way.

INCREASING TRAFFIC IN AN ALREADY OVERLOADED TRAFFIC AREA

In reference to the Zoning Ordinance provided on the City of Fredericksburg website, Sec. 3.210. C-2 Commercial, states: "This zone is intended to provide for businesses and services that serve persons throughout the city and 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**".

In reference to Sec. 3.210 C-2 "...traffic generation ability", most every day and especially on weekends, traffic is quite often backed up in the westbound lane from Goehmann Lane all the way back to the applicant's property at 1332 E. Main St. and sometimes even to the UPS store. Living on Beverly Dr. makes it very, very difficult to even turn into our street when headed East on Main St. after passing Goehmann Lane and trying to turn into Beverly Dr. If this R-1 to C-2 zoning change is passed and in referencing Principal Permitted Uses in Sec. 3.210. C-2, the worst case scenario could have a Service Station or Drive In Fast Food Restaurant built. Again C-2 cites "traffic generation ability".

I asked Mary Green (the General Manager of the Whataburger-Goehmann/Main St.), what traffic/vehicle numbers that she could provide me. She stated that they averaged over 800 cars per day. I counted 120+ cars during the noon-12:30 timeframe on Thursday 8-2-18. Please picture how the traffic of 2 proposed C-2 properties (REQUEST NUMBERS Z-1807 AND Z-1811) with possibly 3 restaurants and multiple businesses will compound the already congestive traffic problem. Specifically, picture the eastbound traffic headed toward Walmart after being released from the Goehmann Lane traffic light on Main St. And then wanting to turn left into the applicant's property and not being able to turn left due to the backed up traffic. This could back up this traffic to Goehmann Lane. **Please keep in mind that there is no middle "turn-lane" to alleviate this traffic challenge, and there are no acceleration or**

deceleration lanes to help either. And residences and business across the street from the applicant's property are already having difficulty accessing Main St. and headed west to town. The obviously increased traffic will inevitably worsen an existing bottleneck of traffic for Fredericksburg and surrounding residents, but also for tourists coming into town.

**PROPERTY VALUES IN OUR NEIGHBORHOOD DECLINE AND QUALITY OF LIFE COULD CHANGE
CONSIDERABLY**

Another reason for our opposition of the zoning change is how our property values will be adversely affected. I spoke with 3 Real Estate Brokers about the rezoning change and how it would affect our property values. All stated that the R-1 to C-2 change would definitely adversely affect our property value. The measured reduction in property value would be contingent on what C-2 business(es) would be placed and abutted to our property. There are in fact 9 properties butted up against the property lines of the applicant properties and many more in the neighborhood across the street.

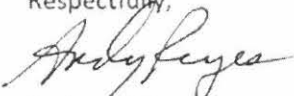
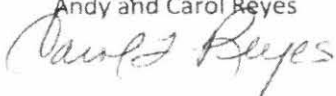
Again, worst case scenario places fast food and/or sit-down restaurants with potential smoke stacks within 20-30 feet of our property line. The prevailing winds are out of the south and if restaurants would be placed in both proposed properties, all 9 properties would be forced to smell any and all restaurant food, or to just remain inside. We really enjoy keeping our windows open during the Spring and Fall. As long as the wind is out of south, which shows to be most of the year, we lose an opportunity to open our windows and enjoy the fresh air. So, if this R-1 to R-2 rezoning is passed and any type of restaurant(s) is/are placed, whether it be a BBQ, Fried Chicken, Mexican or Hamburger restaurant, there is no buffer to our property. We would be forced to smell any smoke, fried chicken or any other items being cooked from possibly 10am to 10pm

CLOSING

In closing, changing these 2 properties from R-1 to C-2 would be increase traffic in an already overloaded traffic area, would decrease property values to all homes in our neighborhood, and potentially decrease the quality of life for a neighborhood by restricting the opportunity to a simple enjoyment of opening the windows and enjoying fresh air.

Lastly, this could potentially set a precedent for the City of Fredericksburg that I would hate to see happening across our city. Our city is growing quickly and for the most part, to date, the growth has been controlled. Please consider our plea to keep this property R-1.

Respectfully,


Andy and Carol Reyes


**NOTICE OF PUBLIC HEARING FOR
A CHANGE IN THE ZONING**

HEARING

DATE: AUGUST 8, 2018

TIME: 5:30 PM

REQUEST

NUMBER: Z-1807

The **PLANNING & ZONING COMMISSION** of the City of Fredericksburg will hold a public hearing at the above stated time and date in the conference room of the Law Enforcement Center, 1601 E. Main St., to consider a request for a change in the Land Use Plan and a change in Zoning.

According to Tax Records, you are the owner of real property within 200' of the proposed change. You are **not** required to attend the meeting, but if you care to attend, you will be given full opportunity to be heard. If you cannot attend the hearing, but wish to comment on the request, please detach the response form below and return it to the City of Fredericksburg, 126 W. Main St., Fredericksburg, TX 78624. All protests must be submitted in writing.

The decision of the **PLANNING & ZONING COMMISSION** is a recommendation only. Final approval must be by action of the **CITY COUNCIL**. The public hearing by the **CITY COUNCIL** is scheduled as follows:

HEARING

DATE: AUGUST 20, 2018

TIME: 6:00 PM

REQUEST

NUMBER: Z-1807

For additional information, contact Director of Development Services, Brian Jordan at 830-997-7521.

APPLICANT: KEVIN SPRAGGINS ON BEHALF OF SAMMY SEGNER

LOCATION: 1332 E. MAIN ST.

(see accompanying map)

REQUEST: A) CHANGE THE ZONING FROM R1, SINGLE FAMILY RESIDENTIAL, TO C2, COMMERCIAL

NOTE: The Original notification which included the Conditional Use Permit for a drive-through restaurant is not part of this request. All comments submitted previously remain in file.

(DETACH BELOW)

REQUEST NO. Z-1807

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

change will devalue our property.

Signed

Printed Name

Cassandra Schuessow

Cassandra Schuessow

Date

7/31/18

Address

Fbq, TX. 78624

4034 Stonehurst Dr

Portland TX 77584

(DETACH ~~BELOW~~)

REQUEST NO. Z-1811

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

Signed	<u>Peggy Floyd</u>	Date	<u>8/7/18</u>
Printed Name	<u>PEGGY FLOYD</u>	Address	<u>207 BEVERLY D</u>

(OVER)

I protest because:

- 1) Too many lights
- 2) 3 acres is not enough for building & driveways (streets)
- 3) TRAFFIC
- 4) Noise
- 5) Water pressure

Peggy Floyd

**NOTICE OF PUBLIC HEARING FOR
A REQUEST FOR ZONING AND LAND USE CHANGE**

HEARING
DATE: **AUGUST 8, 2018**

TIME: **5:30 PM**

REQUEST
NUMBER: **Z-1811**

The **PLANNING & ZONING COMMISSION** of the City of Fredericksburg will hold a public hearing at the above stated time and date in the conference room of the Law Enforcement Center, 1601 E. Main St., to consider a request for a change in the Land Use Plan and a change in Zoning.

According to Tax Records, you are the owner of real property within 200' of the proposed change. You are **not** required to attend the meeting, but if you care to attend, you will be given full opportunity to be heard. If you cannot attend the hearing, but wish to comment on the request, please detach the response form below and return it to the City of Fredericksburg, 126 W. Main St., Fredericksburg, TX 78624. All protests must be submitted in writing.

The decision of the **PLANNING & ZONING COMMISSION** is a recommendation only. Final approval must be by action of the **CITY COUNCIL**. The public hearing by the **CITY COUNCIL** is scheduled as follows:

HEARING
DATE: **AUGUST 20, 2018**

TIME: **6:00 PM**

REQUEST
NUMBER: **Z-1811**

For additional information, contact Director of Development Services, Brian Jordan at 830-997-7521.

APPLICANT: KEVIN SPRAGGINS ON BEHALF OF MR. BOB JOHNSON, ALAMO ADVISORS, ;P

LOCATION: 1332 E. MAIN ST

(see accompanying map)

REQUEST: A.) A ZONING CHANGE FROM R2, MIXED RESIDENTIAL, TO C2, COMMERCIAL

B.) A LAND USE CHANGE FROM MEDIUM DENSITY RESIDENTIAL TO MIXED USE CORIDOR ON APPROXIMATELY 3 ACRES LOCATED OFF OF EAST MAIN STREET.

(DETACH BELOW)

REQUEST NO. Z-1811

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

This will bring down the value of my property, according to local realtors, and will contribute light & sound pollution to my property.

Cassandra Schoessow
Signed

2-Aug-2018
Date

Cassandra Schoessow
Printed Name

211 Beverly Dr
Address

I got called out at night on my house to work at night. This would make wife and I uncomfortable.

**NOTICE OF PUBLIC HEARING FOR
A REQUEST FOR ZONING AND LAND USE CHANGE**

HEARING
DATE: **AUGUST 8, 2018**

TIME: **5:30 PM**

REQUEST
NUMBER: **Z-1811**

The **PLANNING & ZONING COMMISSION** of the City of Fredericksburg will hold a public hearing at the above stated time and date in the conference room of the Law Enforcement Center, 1601 E. Main St., to consider a request for a change in the Land Use Plan and a change in Zoning.

According to Tax Records, you are the owner of real property within 200' of the proposed change. You are **not** required to attend the meeting, but if you care to attend, you will be given full opportunity to be heard. If you cannot attend the hearing, but wish to comment on the request, please detach the response form below and return it to the City of Fredericksburg, 126 W. Main St., Fredericksburg, TX 78624. All protests must be submitted in writing.

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DATE: **AUGUST 20, 2018**

TIME: **6:00 PM**

REQUEST
NUMBER: **Z-1811**

For additional information, contact Director of Development Services, Brian Jordan at 830-997-7521.

APPLICANT: KEVIN SPRAGGINS ON BEHALF OF MR. BOB JOHNSON, ALAMO ADVISORS, ;P

LOCATION: 1332 E. MAIN ST

(see accompanying map)

REQUEST: A.) A ZONING CHANGE FROM R2, MIXED RESIDENTIAL, TO C2, COMMERCIAL

B.) A LAND USE CHANGE FROM MEDIUM DENSITY RESIDENTIAL TO MIXED USE CORRIDOR ON APPROXIMATELY 3 ACRES LOCATED OFF OF EAST MAIN STREET.

(DETACH BELOW)

REQUEST NO. Z-1811

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

Paul Harrison
Signed

7-30-18
Date

PAUL HARRISON
Printed Name

115 Beverly Drive
Address
Fredericksburg, TX 78624

I grew up in this house. Been in our family since 1960. Do not want it to lose its value. Don't want to have to worry if someone going to break in to my shop. Don't want the noise, light, smell, traffic. I AM totally against this.



CITY COUNCIL MEMO

DATE: August 14, 2018

TO: Mayor and City Council

FROM: Brian Jordan, AICP

SUBJECT: Request by Polo Padilla with RHA Architects on behalf of Wal Mart for an amendment to the Planned Unit Development to accommodate Grocery Pick-up

Summary:

Wal-Mart is implementing a Grocery Online Pick-up concept which will include converting existing parking spaces into 6 designated parking spaces for customer pick-up. Scope also includes painting a portion of the corner of the building (see attached elevation) and an exterior door, repaving, adding directional signage and adding a Pick-up wall sign. Improvements are proposed on the west side of the building only. The Entry Corridor Design Guidelines and Standards allow for accent colors as long as they do not exceed 15% of the building façade. The bright orange color proposed is less than 15% of the building.

Recommendation:

The Planning Commission voted unanimously to recommend approval of this PUD amendment. Staff concurs with the recommendation.

Background / Analysis:

The Wal-Mart Super Center is approximately 155,000 square feet in size. The original Wal-mart PUD was approved in 2004, and was amended in 2012 to accommodate a new branding and color scheme. All other PUD conditions will remain in place.



The City of Fredericksburg

Attachments:

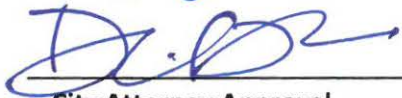
Site Plan, Building Elevation, Site Plan, Staff Brief.



Department Approval



City Manager Approval



City Attorney Approval

62

The City of Fredericksburg

ZONING AMENDMENT BRIEF

Request # Z-1808

OWNER/APPLICANT: RHA Architects on behalf of Wal-Mart

LOCATION: 1435 E. Main St.

EXISTING ZONING: PUD, Planned Unit Development

PROPOSED CHANGE: Amend the PUD Plan to accommodate Curbside pick-up facilities

FINDINGS:

- Wal-Mart is implementing a Grocery Online Pick-up concept which will include converting existing parking spaces into 6 designated parking spaces for customer pick-up. Scope also includes painting a portion of the corner of the building (see attached elevation) and an exterior door, repaving, adding directional signage and adding a Pick-up wall sign.
- Improvements are proposed on the west side of the building only.
- The Wal-Mart Super Center is approximately 155,000 square feet in size.
- The original Wal-mart PUD was approved in 2004, and was amended in 2012 to accommodate a new branding and color scheme.
- All other PUD conditions will remain in place.
- Water and Sanitary sewer are available to serve this tract.

OPPOSITION/SUPPORT OF REQUEST: Staff has not received any comments in support or opposition to this request.

PLANNING AND ZONING COMMISSION RECOMMENDATION: The Commission voted unanimously to recommend approval of this PUD amendment.

STAFF RECOMMENDATION: The Entry Corridor Design Guidelines and Standards allow for accent colors as long as they do not exceed 15% of the building façade. The bright orange color proposed is less than 15% of the building. Approval is recommended.

Existing Condition



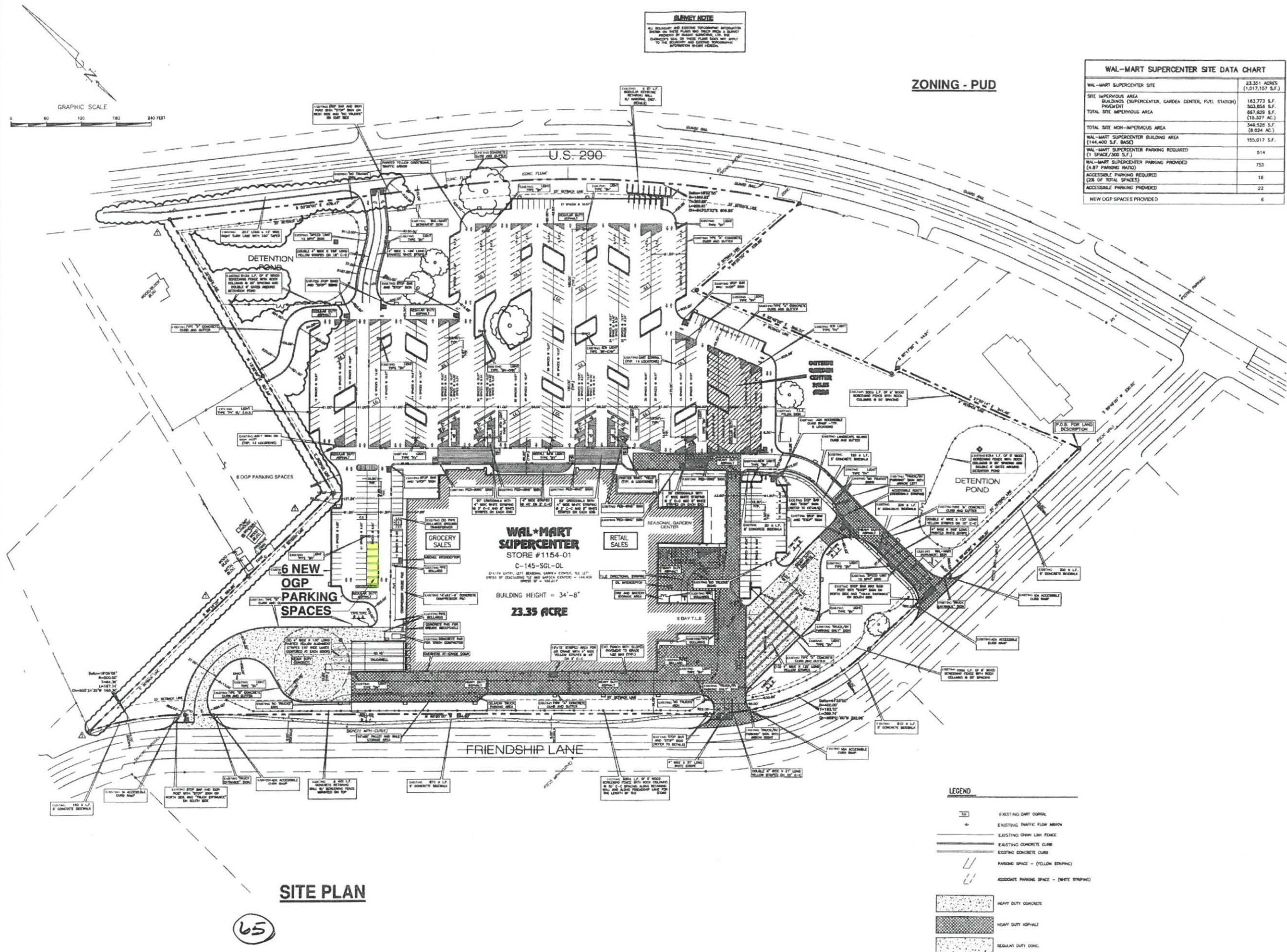
Proposed



JUNE 29, 2018

FREDERICKSBURG, TX #1154

1





CITY COUNCIL MEMO

DATE: August, 2018

TO: Mayor and City Council

FROM: Brian Jordan, AICP

SUBJECT: Establish Planned Unit Development (PUD) Zoning on entire 22 Acre property, and General Development Plan for Seven Hills Resort and Conference Center at the intersection of US Highway 87 North and US Highway 290 West. (Z-1809)

Summary:

The property consists of approximately 22 acres, of which approximately 11 acres are in the City Limits and the other half lies outside the City Limits. A request for annexation has been submitted and the requisite public hearings have been held. The project is called The Seven Hills Resort and Conference Center and will include a 35,000 square foot conference center, a 150 room full-service hotel, an outdoor amphitheater, the restoration of the historic Klingelhoefer House, new Sunday Houses and a 40,000 square foot retail and restaurant village.

Recommendation:

The Commission voted unanimously to recommend approval of the PUD and General Development Plan. Staff concurs with the recommendation of approval.

Background / Analysis:

The applicant is proposing a PUD, Planned Unit Development Zoning on the entire 22 acre site. The Site is broken into 3 lots, with Lot 1 being the Retail and Restaurant Village, Lot 2 being the Klingelhoefer House and Sunday Houses, and Lot 3 being the Resort and Conference Center (see the attached PUD

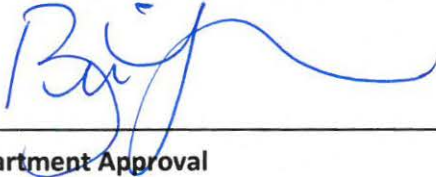


The City of Fredericksburg

Plan). Development standards, such as building height, building coverage, impervious coverage, parking and landscaping for each lot are outlined in Exhibit B attached hereto. An extensive list of PUD notes are outlined in Exhibit B, permitted uses within each Lot are outlined in Exhibit D, and Sign regulations are outlined in Exhibit C.

Attachments:

PUD Site Plan, Building Height Exhibit, Zoning Map, Land Use Plan Map, Property Owner Map/list, Elevations, Schematic Drawings, PUD Notes, Permitted Signage and Permitted Uses



Department Approval



City Manager Approval



City Attorney Approval



The City of Fredericksburg

ZONING BRIEF

Rezoning Request # Z-1809

- OWNER/APPLICANT:** Baron's Creek II, LLC.
- LOCATION:** Intersection of US Highway 87 North and US Highway 290 West
- SIZE:** Approximately 22 acres
- EXISTING ZONING:** C-2 Commercial and unincorporated property.
- PROPOSED CHANGE:**
- A) Establish Planned Unit Development (PUD) Zoning on entire 22 Acre property, and
 - B) Conditional Use Permit and General Development Plan for Seven Hills Resort and Conference Center

The property consists of approximately 22 acres, of which approximately 11 acres are in the City Limits and the other half lies outside the City Limits. A request for annexation has been submitted and the requisite public hearings have been held. The project is called The Seven Hills Resort and Conference Center and will include a 35,000 square foot conference center, a 150 room full-service hotel, an outdoor amphitheater, the restoration of the historic Klingelhoefer House, new Sunday Houses and a 40,000 square foot retail and restaurant village.

The design of the project will encompass a Hill Country sensibility with limestone structures, numerous front porches, ivy covered trellised walkways and standing seam metal roofing. The landscaping will include several conservation and water recycling elements and will be done almost exclusively in native plants, flowers and trees. The goal is to completely blend with the charm and history of Fredericksburg and make this project to appear as part of the historic fabric of the community in every way possible. The interiors of all buildings will also be designed to fit in with the Fredericksburg feel and history as well. The interiors will feel like they've been part of the community forever while the facilities and technology systems of the project will be as up to date as today's travelers require and demand. The conference center has also been certified by the International Association of Conference Centers and that will be a particular draw for many conferences and conventions who will only book IACC-certified venues.

Future Land Use Plan: The Future Land Use Plan for this area calls for a Commercial Center and Mixed Use Corridor. The proposed Resort and Conference Center, along with the proposed Sunday Houses and retail village, would seem to represent an excellent example of the purpose of these land uses.

PROPOSED ZONING: The applicant is proposing a PUD, Planned Unit Development Zoning on the entire 22 acre site. The Site is broken into 3 lots, with Lot 1 being the Retail and Restaurant Village, Lot 2 being the Klingelhofer House and Sunday Houses, and Lot 3 being the Resort and Conference Center. Development standards, such as building height, building coverage, impervious coverage, parking and landscaping for each lot are outlined in Exhibit B attached hereto. An extensive list of PUD notes are outlined in Exhibit B as well. Permitted uses within each Lot are outlined in Exhibit D, and Sign regulations are outlined in Exhibit C.

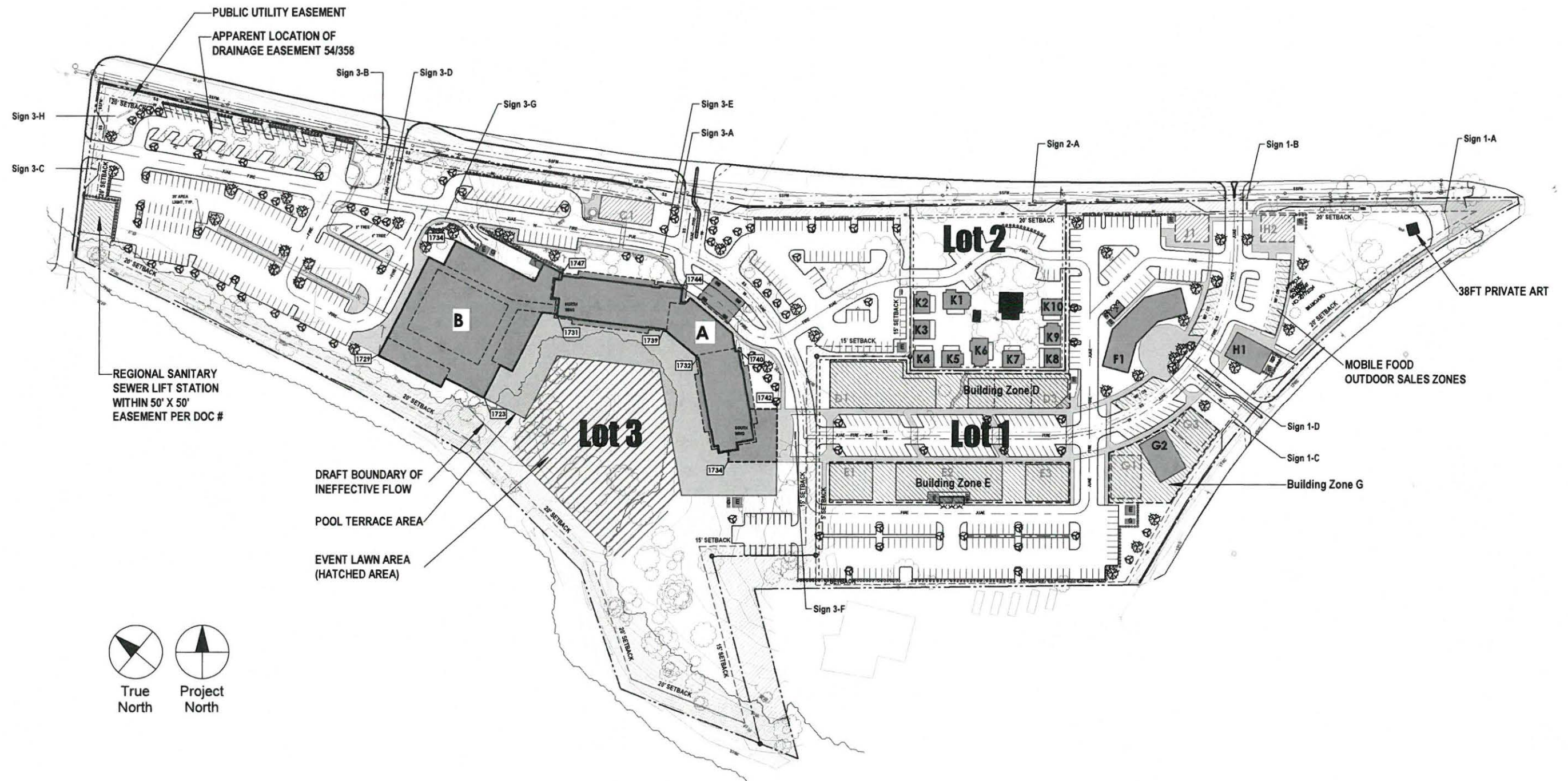
Traffic, Parking and Circulation: The applicant has provided a Traffic Impact Analysis. It is our understanding that TXDoT is still in the process of reviewing the location and configuration of the easternmost drive on Highway 87 North. Major components of the analysis include the restriping of Highway 87 North and Highway 290 West to include a continuous center turn lane and a deceleration (right-turn) lane into the main drives on both highways. There are three drives proposed on Highway 87 North, one drive on Highway 290 West and one drive on Bob Moritz Drive. Circulation within the site allows for access within each of the tracts.

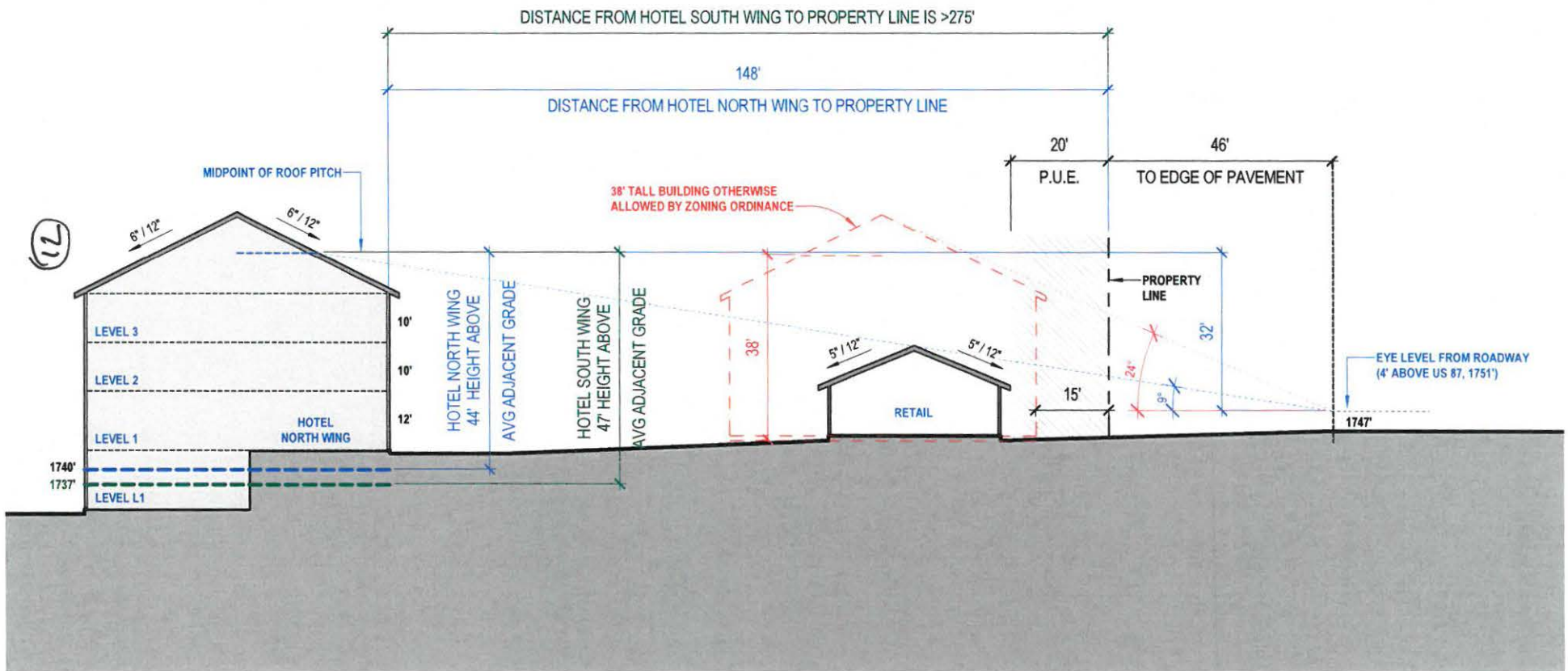
With regard to parking, the plan provides for parking for each of the intended uses. The retail village and the Sunday house tracts actually exceed the standard parking requirements. The hotel and conference center is parked at a reduced rate of 75% of the standard requirement, based on the assumption that there will be shared uses and activities occurring on the site. In other words, the site is not parked on the maximum capacity for day to day activities. In the event that parking demand exceeds the number of spaces provided during a special event, shuttle or other arrangements will be necessary.

Building Height: The maximum building height in a standard C-2 Commercial Zoning District is 3-stories and 38'. This distance is measured to the mid-point of a gable roofed structure. The proposed hotel will be split level, with three levels facing US Highway 87 and a fourth level (essentially below grade) on the south side adjoining the creek. By applying the standard definition of height, the proposed hotel would exceed the maximum of 38'. This is due to the lay of the land in the location of the hotel. Therefore, they are proposing a 48' height limitation. Given the orientation of the building, the distance from the highway, and the slope of the ground, we have no objection to the proposed height limitation. An exhibit has been provided to show the proposed height of the buildings on site.

PLANNING AND ZONING COMMISSION RECOMMENDATION: The Commission voted unanimously to recommend approval of the PUD.

STAFF RECOMMENDATION: In staff's opinion, the proposed PUD will represent the vision of the developer, while being sensitive to objectives and goals established in the City's Comprehensive Plan, zoning regulations and entry corridor design guidelines. Approval is recommended.





Seven Hills Resort and Conference Center

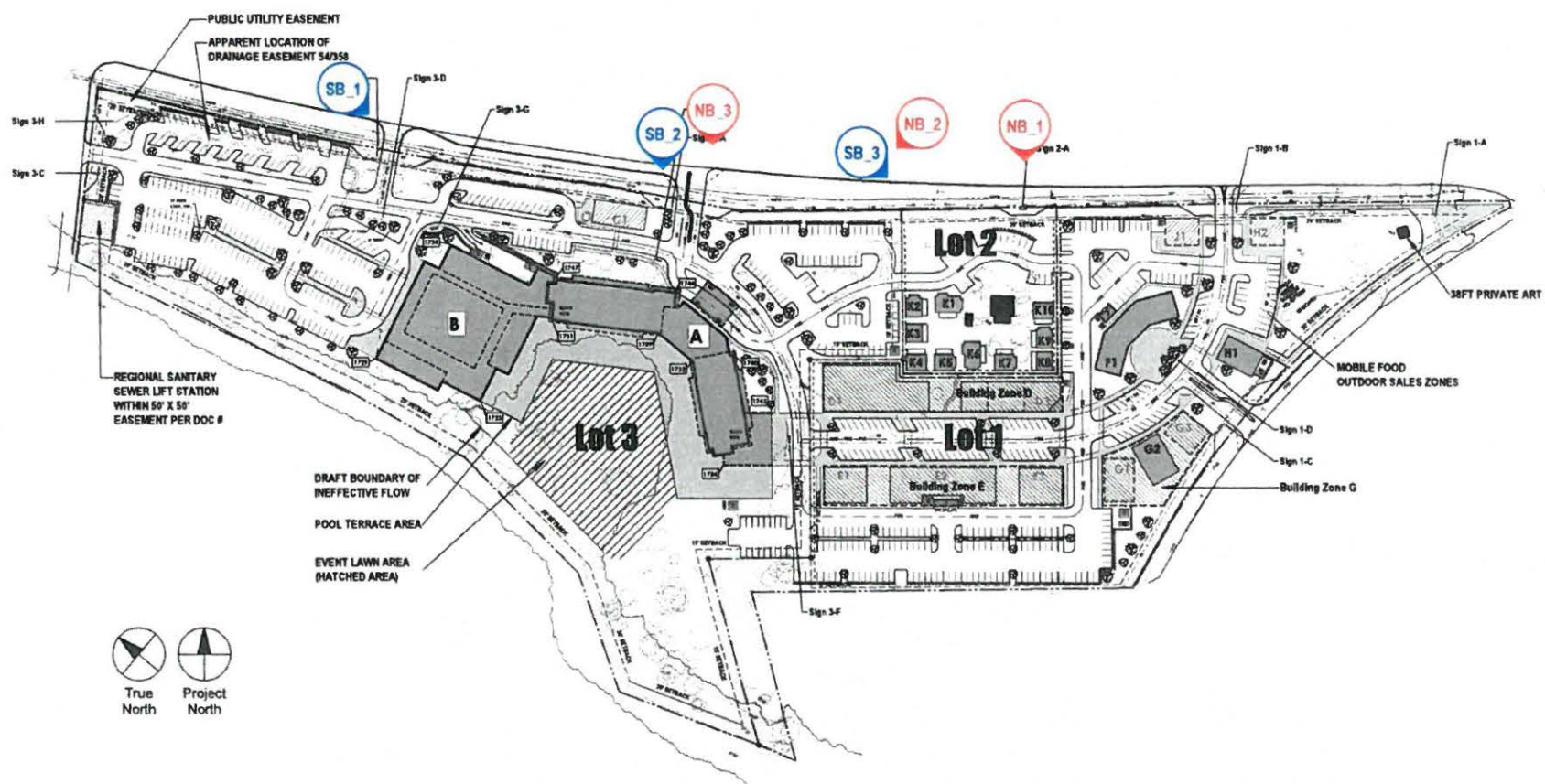
1" = 20'-0"

DIAGRAM E-1
BUILDING HEIGHT



73







73



NB 2
Artistic Illustration from US 87



NB 3
Artistic Illustration from US 87



SB_1
Artistic Illustration from US 87



SB 2
Artistic Illustration from US 87



EXHIBIT "B"

THE SEVEN HILLS RESORT AND CONFERENCE CENTER PUD ZONING NOTES

_____, 2018
Planned Unit Development (PUD)

1. Lot Development Summary:

Lot 1 Retail and Restaurant Village

Maximum Height Allowed: 38 feet
Front Yard Setback: 20 feet
Street Yard: 20 feet
Interior Yard: 5 feet
Rear Yard: 5 feet

Lot Area: 341,300
Draft 100yr Floodplain Area: 2,900
Net Lot Area: 338,400

Building Cover Allowed: 256,000 (75%)
Building Cover Actual (fully developed): 70,800 (20.9%)

Impervious Cover Allowed: 270,700 (80%)
Paved Drive / Parking: 124,000 (36.6%)
Plaza / Sidewalk / Terrace: 68,700 (20%)
Impervious Cover Actual: 263,500 (77.8%)

Off-street Parking Required (100%): 247
Off-street Parking Required (75%): 186
Off-street Parking Provided on Lot 1: 186
Off-street Parking Provided on Lot 1 for Lot 3 use: 86
Reference Parking Table

Parking Area Interior Landscaping Required: 272 stalls x 10 = 2,720
Parking Area Interior Landscaping Provided: 4,900
Landscaping Required at Other Vehicular Use Area:

124,000 (paved area) - 108,800 (272 x 400) = 15,200
15,200 - 5,000 (exclusion) = 10,200
10,200 / 100 = 102
102 + 2,720 = 2,822

Minimum Number of Trees at Landscaped Areas (1 per 100): 2,820 / 100 = 28 Trees
Minimum Number of Trees along Business Frontage: 1,479' / 50' = 30 Trees
Minimum Number of Trees along Abutting non-PUD Property: 579' / 75' = 8 Trees
40 of the 66 Required Trees are existing

New Trees provided: 26

Lot 2 Klingelhofer and Sunday Houses

Maximum Height Allowed: 28 feet

Residential Density Allowed:

Efficiency: 2,500

1 Bedroom: 3,000

2 Bedroom: 3,500

Front Yard Setback: 15 feet

Street Yard: 15 feet

Interior Yard: 5 feet

Rear Yard: 5 feet

Unit Mix

Unit 0 = Klingelhofer = 2 Bedroom

Unit 1 = Type E = 2 Bedroom

Unit 2 = Type A = 1 Bedroom

Unit 3 = Type B = Studio

Unit 4 = Type C = 1 Bedroom

Unit 5 = Type A = 1 Bedroom

Unit 6 = Type D = 2 Bedroom

Unit 7 = Type A = 1 Bedroom

Unit 8 = Type B = Studio

Unit 9 = Type A = 1 Bedroom

Unit 10 = Type C = 1 Bedroom

Lot Area: 58,600

Draft 100yr Floodplain Area: 0

Net Lot Area: 58,600

Building Cover Allowed: 32,200 (55%)

Building Cover Actual: 12,300 (21%)

Impervious Cover Allowed: 38,100 (65%)

Paved Drive / Parking: 9,800 (16.7%)

Plaza / Sidewalk / Terrace: 11,700 (20%)

Impervious Cover Actual: 33,800 (57.7%)

Off-street Parking Required (100%): 17

Off-street Parking Required (75%): 13

Off-street Parking Provided on Lot 2: 13

Off-street Parking Provided on Lot 2 for Lot 3 use: 4

Reference Parking Table

Parking Area Interior Landscaping Required: 17 stalls x 10 = 170

Parking Area Interior Landscaping Provided: 170

Landscaping Required at Other Vehicular Use Area:

9,800 (paved area) - 6,800 (17 x 400) = 3,000

3,000 - 5,000 (exclusion) = 0

0 / 100 = 0

0 + 170 = 170

Minimum Number of Trees at Landscaped Areas (1 per 100): $170 / 100 = 1$ Trees

Minimum Number of Trees along Street Frontage: $235' / 50 = 5$ Trees

Minimum Number of Trees along Abutting non-PUD Property: $0' / 75 = 0$ Trees

12 of the 6 Required Trees are Existing

New Trees Provided: 0

6 Trees shall be credited to Lot 3 of the PUD

Lot 3 Resort and Conference Center

Maximum Height Allowed: 48 feet

Front Yard Setback: 20 feet

Street Yard Setback: 20 feet

Interior Yard Setback: 5 feet

Rear Yard Setback: 5 feet

Lot Area: 559,900

Draft 100yr Floodplain Area: 121,100

Net Lot Area: 438,800

Building Cover Allowed: 329,100 (75%)

Building Cover Actual: 85,100 (16.4%)

Impervious Cover Allowed: 351,000 (80%)

Paved Drive/Parking: 170,600 (38.9%)

Plaza / Sidewalk / Terrace: 65,800 (15%)

Impervious Cover Actual: 321,500 (73.3%)

Off-street Parking Required (100%): 466

Off-street Parking Required (83%): 386

Off-street Parking Provided on Lot 3: 285

Off-street Parking Provided on Lot 1 for Lot 3 use: 86

Reference Parking Table

Parking Area Interior Landscaping Required: 285 stalls x 10 = 2,850

Parking Area Interior Landscaping Provided: 24,900

Other Vehicular Use Area:

170,600 (paved area) - 114,000 (285 x 400) = 56,600

56,600 - 5,000 (exclusion) = 51,600

51,600 / 100 = 516

516 + 2,850 = 3,366

Minimum Number of Trees at Landscaped Areas (1 per 100): $2,850 / 100 = 29$ Trees
Minimum Number of Trees along Business Frontage: $1,505' / 50' = 30$ Trees
Minimum Number of Trees along Abutting non-PUD Property: $1,300' / 75' = 18$ Trees
104 of the 173 Required Trees are Existing
6 of the 173 Required Trees are credited from Lot 2 of the PUD
New Trees provided: 63

- 2) No building shall be erected at any location in the PUD other than the building locations shown on the PUD Plan. On Lot 1, buildings may be located anywhere within the Building Zones indicated on the PUD Plan, but such buildings must not exceed the Building Cover allowed for Lot 1.
- 3) Access to and from the PUD onto US Hwy 87 and US Hwy 290 shall be at the locations and widths as shown on the PUD Plan per the Traffic Impact Analysis, and as approved by TxDOT and the City of Fredericksburg.
- 4) Trees shown to be saved on the PUD Plan shall not be removed without the prior written approval of the City of Fredericksburg or unless diseased or dead.
- 5) Fire hydrants shall meet N.F.P.A. and City of Fredericksburg requirements.
- 6) No use shall be allowed within the PUD other than those uses listed on the PUD Plan or on the attachment hereto entitled Permitted Uses, Exhibit "D".
- 7) Drive through facilities associated with any permitted use shall require an administrative site plan review and approval.
- 8) Building height shall not exceed 4 stories and 48 feet above the average of the highest and lowest grade adjacent to the building corners of each building segment as reflected on the PUD Plan and Building Elevations.
- 9) All utility lines within the PUD site shall be installed underground, except utility lines designated to be installed above ground by the appropriate utility companies. Except as otherwise expressly set forth herein, all utilities shall comply with the City of Fredericksburg standards and specifications.
- 10) Parking spaces shall be provided as shown on the PUD Plan. Adjustments to the configuration and arrangement of parking spaces may be approved administratively.
- 11) All City codes, ordinances and regulations shall apply to the PUD except as expressly provided to the contrary as shown on the PUD Plan or in these and other notes to the plat.
- 12) All grounds within the PUD shall be maintained as to collection of trash, debris, litter and weeds.

13) All landscaped areas shall provide curbing or other protection from vehicular encroachment.

14) The owners, tenants, and their agents, if any, shall be jointly and severally responsible for the maintenance of all landscaping provided for under this PUD. All landscaping shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse, debris and weeds. All landscaped areas shall be provided with underground or drip irrigation systems.

15) All businesses shall provide suitable trash and refuse storage areas which are designed and constructed to prevent direct view from the street or parking lot and to prevent refuse from being displaced or stored about the site or onto public right-of-way and to permit safe, easy removal of refuse by truck or hand.

16) Entry ramps and curbing is provided for by the PUD Plan and Texas Accessibility Standard specifications.

17) A landscape plan prepared by a Texas Registered Landscape Architect will be submitted for approval at time of Site Plan review. The PUD Plan shall identify locations of landscape buffers and define the tree planting requirements as follows:

- a. One (1) tree for each fifty (50) linear feet of street frontage will be provided. A two and one-half (2 ½) foot wide landscape buffer will be provided between parking areas and public streets.
- b. One (1) tree for each seventy five (75) linear feet of abutting property zoned for residential uses will be provided. One (1) tree for each one hundred twenty five (125) linear feet of abutting property zoned for commercial uses will be provided. Property lines shared between lots within this PUD shall have no tree planting or buffer requirement.
- c. One (1) tree for each one hundred (100) square feet of Parking Area Interior Landscaping Required will be provided. Parking Area Interior Landscaping provided in excess of the requirement shall not require additional trees.
- d. The Parking Area Interior Landscaping Requirement shall be ten (10) square feet for each off-street parking stall provided.
- e. Dead, diseased or declining trees removed shall have no replacement requirement. Existing trees to remain may be applied to the New Tree requirement.
- f. The Interior Landscaping at Other Vehicular Use Area requirement shall be as calculated in Section 7.920.g, except as expressly contained herein.
- g. A minimum of 50% of the tree requirement will be provided from Fredericksburg's approved species list.

18) Signs shall be allowed in the PUD as specified in the attachment hereto entitled Exhibit "C", "Permitted Signs".

19) The Contractor shall be responsible for protecting all trees which are to remain during construction per City guidelines.

- 20) Paving under existing tree driplines shall be aerated.
- 21) No exterior lighting (pole or wall mounted) shall produce intense glare, or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights shall be made up of a light source/reflector so selected that acting together the light beam is controlled and not directed across any bounding property line, except as provided in paragraph 22.
- 22) Unshielded Exterior string lights shall be permitted with a maximum of 100 lumens per bulb (lamp) with no fixture maximum.
- 23) Internally and externally illuminated signs shall be permitted.
- 24) The Calculated Sign Area, Ground Sign Area Allowed, and Public Wall Sign Area Allowed shall be calculated in accordance with the attached Exhibit "C", "Permitted Signs". Internal Streetscape Sign Area Allowed and PUD Monument Sign Area Allowed are described on attached Exhibit "C", "Permitted Signs" and on the attached PUD Plan.
- 25) Continuous landscape barrier between off-street parking areas and abutting properties shall be provided in accordance with Appendix B Section 7.900, except that interior lot lines within the PUD, that is between Lots 1, 2, and 3 shall not require such barrier or tree planting.
- 26) Outdoor Sales and Mobile Food Establishments shall be permitted within the zones indicated on the PUD Plan.
- 27) Roof top equipment shall be shielded per the Entry Corridor Standards.
- 28) A 4ft Split-rail fence will be installed along public streets (US Hwy 87, US Hwy 290, Bob Moritz Dr). A 6ft Privacy fence with pedestrian and vehicular gates will be installed along Lot 2 interior lot lines. Fencing shall comply with the sight triangle requirements of Section 7.920.h.
- 29) Stabilized decomposed granite shall be a suitable paving material for off-street parking areas but shall not be used within fire lanes. Stabilized granite areas shall count 50% towards impervious cover calculations. Stabilized decomposed granite shall have permanent concrete or steel edging.
- 30) Public water and sanitary sewer utility lines shall be installed per attached PUD Plan where certain sections of lines along property frontage may be accomplished interior to the site within a public utility easement. Water and sanitary sewer utility line extensions shall only be provided as conceptually depicted on the attached PUD Plan. A Utility Master Plan will be provided at time of Site Plan review. The final utility alignments may be approved administratively and shall not require a PUD amendment.

- 31) Provided that applicant furnishes adequate signed and sealed engineering analysis to the Director of Public Works and Utilities at the time of Site Plan review process an exemption to Chapter 5 Article XIII Section 5-456(c)(1-3) will be granted.
- 32) Sidewalks within the ROW or lot lines adjoining dedicated or major Arterial Streets shall only be provided as depicted on the PUD Plan.
- 33) A covered arcade or structural canopy shall be not less than fifty (50) percent of the Primary Façade of multi-tenant commercial buildings on Lot 1.
- 34) With the exception of historic landmarks, at least 40 percent of the ground floor up to 12 feet above finish floor on the Primary Façade of commercial retail buildings that is facing a park, plaza, entry corridor or side street shall be constructed of clear windows. With the exception of historic landmarks, at least 20 percent of the ground floor up to 12 feet above finish floor on the Secondary Façade of commercial retail buildings that is facing a park, plaza, entry corridor or side street shall be constructed of clear windows.

EXHIBIT "C"

THE SEVEN HILLS RESORT AND CONFERENCE CENTER PUD

PERMITTED SIGNS

_____, 2018

Signs shall be in accordance with the regulations applicable to C-2 of Chapter 29 of the City of Fredericksburg Code of Ordinances (COF COO), and as modified and amended as follows:

Lot 1 Retail and Restaurant Village

Business Frontage: 681'

Non-PUD Abutting Property Frontage: 579'

Ground Signs allowed: 5

Calculated Sign Area: 400 sq. ft.

$$681' / 125' = 5 \text{ signs}$$

$$5 \times 80 = 400 \text{ sq. ft.}$$

Building Frontage: 275'

Ground Sign Area Allowed: 200 sq. ft.

Public Wall Sign Area Allowed: 200 sq. ft.

Internal Streetscape Sign Area Allowed: 1,100 sq. ft.

PUD Monument Sign Area Allowed: 150 sq. ft.

Lot 2 Klingelhoef and Sunday Houses

Business Frontage: 235'

Non-PUD Abutting Property Frontage: 0'

Ground Signs allowed: 1

Calculated Sign Area: 80 sq. ft.

$$235' / 125' = 1 \text{ sign}$$

$$1 \times 80 = 80 \text{ sq. ft.}$$

Building Frontage: 134'

Ground Sign Area Allowed: 50 sq. ft.

Public Wall Sign Area Allowed: 30 sq. ft.

Internal Streetscape Sign Area Allowed: 0

PUD Monument Sign Area Allowed: 0

Lot 3 Resort and Conference Center

Business Frontage: 1,239'

Non-PUD Abutting Property Frontage: 1,300'

Ground Signs allowed: 9

Calculated Sign Area: 720 sq. ft.

$$1,239' / 125' = 9 \text{ signs}$$

9 x 80 sf = 720 sq. ft.

Building Frontage: 514'

Ground Sign Area Allowed: 400 sq. ft.

Public Wall Sign Area Allowed: 320 sq. ft.

Internal Streetscape Sign Area Allowed: 80 sq. ft.

PUD Monument Sign Area Allowed: 150 sq. ft.

General

1. Off premises signs shall not be prohibited within the PUD. For example, a sign for a business on Lot 3 may physically exist on Lot 1 or Lot 2.
2. The provisions of COF COO Chapter 29 Section 29-7 (6) for integrated businesses shall apply to the PUD.
3. The Calculated Sign Area shall be eighty (80) square feet for each one hundred twenty five (125) linear feet of Business Frontage.
4. PUD Monument Signs serving the unified development shall be expressly allowed as described above.
5. Internal Streetscape Signs for individual businesses shall be expressly allowed as described above.
6. Changeable lighted message signs adjacent to public streets are prohibited. However, a changeable lighted message sign is allowed on Directional Signs on Lot 3. Changeable lighted message signs includes monochrome and full-color with text, graphics, and/or animation capability.
7. *Banners/Temporary* signs shall be in accordance with the regulations of the COF COO Chapter 29-7 Section (3)b for C-2 zoning district. Provided, however, Street Banners are allowed above the private driveways on Lot 1, but not adjacent to public streets or highways.

Exclusive Signs:

1. *PUD Monument* signs shall be permanent single-face, illuminated ground sign consisting of individual lettering on stone or masonry background. PUD Monument sign(s) shall not exceed one hundred fifty (150) square feet in area each and not exceed five (5) feet in height above adjacent grade. The PUD Monument Sign Area Allowed is in addition to, and shall not be calculated within, the Ground Sign Area Allowed for each Lot.
2. *Internal Streetscape Signs* shall be any permanent Building Sign, as defined herein, existing on the Primary Façade of buildings on Lot 1 Retail and Restaurant Village only. Internal Streetscape Signs shall not exceed one (1) square foot for each one (1) linear foot of building frontage along the Primary Façade for each individual business or lease space. Internal Streetscape Signs may not be illuminated except during the Retail and Restaurant Village posted hours of operation. The Internal Streetscape Sign Area Allowed is in addition to, and shall not be calculated within, the Public Wall Sign Area Allowed for each Lot.

Ground Signs:

1. *Monument* signs shall be permanent single or double-face, illuminated ground sign consisting individual lettering on stone or masonry background not exceed fifty (50) square feet in area and not exceed five (5) feet in height above adjacent grade. Sign area calculated in accordance with a single-face sign.
2. *Directional* signs shall be permanent single or double-face, illuminated ground sign with stone or masonry background providing wayfinding for general site amenities and proprietary businesses not exceeding one hundred fifty (150) square feet in total and five (5) feet in height above adjacent grade. Directional signs may be comprised of stylistically consistent individual plaques on stone or masonry background, individual channel lettering, and changeable message sign, or some combination thereof.
3. *Unattached* signs (also *Portable* or *Sandwich* or *Chalkboard* or *A-frame* signs) shall be allowed on Lot 1 only and limited to six (6) square feet per individual lease space.
4. Flags and flagpoles (freestanding and building) shall not be limited. Flags or flagpoles may be externally illuminated provided that the light source is shielded from view from adjacent properties.
5. *Snipe* Signs are prohibited.
6. *Feather Flags* are prohibited.

Building Signs:

1. *Wall* signs shall be permanent single-face, illuminated or non-illuminated individual lettering, cabinet, plaque, or medallion not exceeding eighty (80) square feet each. Wall signs shall be limited to one and one-half (1 ½) feet in height, and may not extend greater than one and one-half (1 ½) feet from the face of the building with no maximum elevation above grade.
2. *Canopy* signs shall be permanent illuminated or non-illuminated individual lettering, plaque, medallion or other insignia mounted above, below, or to the face of the fascia of the canopy.
3. *Projecting* signs shall be permanent double-face, illuminated or non-illuminated cabinet, plaque, medallion or other insignia mounted below the canopy or to the building façade. The face of a Projecting sign shall oriented to be perpendicular to the building façade. No portion of a Projecting Sign may exist below seven (7) feet above finish floor.
4. Medallion signs shall be in accordance with the regulations of COF COO Chapter 29-7 Section (3) for C-2 zoning district.
5. Roof signs are prohibited.

EXHIBIT "D"

PERMITTED USES

The following uses are permitted and shall have the definitions provided in the Fredericksburg Code of Ordinances existing at the time of the adoption of this Ordinance, as supplemented by the additional uses provided in this Exhibit "D".

Commercial Use:

Administrative and Business Offices

Arts and Crafts

Business Support Services

Cocktail Lounge

Commercial Off-Street Parking

Commercial Recreation, including (1) Indoor Sports and Recreation, (2) Outdoor Sports and Recreation, (3) Indoor Entertainment, and (4) Outdoor Entertainment. In addition, Permitted Uses shall include (i) conventions, (ii) conferences, (iii) trade shows, car shows and the like, (iv) public or private events including weddings, (v) food and wine festivals, (vi) music festivals, (vii) movie festivals, (viii) art festivals, and (ix) personal transportation rentals, both electric and non-electric.

Consumer Convenience Services

Drive Through Facilities limited to Coffee Shops and Financial Services

Financial Services

Food Sales

In addition, Permitted Uses shall include farmer's markets or other temporary or recurring markets primarily engaged in the sale of food for home consumption or household products.

General Retail Sales

Hotel-Motel

Laundry Services

Liquor Sales

Medical Offices

Personal Improvement Services

Personal Services, including spas and other similar services.

Pet Services

Professional Office

Restaurant

In addition, Permitted Uses shall include Mobile Food Establishments, food carts, and other similar mobile businesses primarily engaged in the retail sale of food and beverages.

Shopping Center or Mall

Veterinary Services

Civic Use:

Administrative Services
Club or Lodge
Community Recreation
Cultural Services
Day Care Services
Hospital Services (limited)
Local Utility Services
Major Utility Facilities
Postal Facilities
Religious Assembly

Residential Use:

Condominium Residential

In addition, Permitted Uses shall include live/work spaces.

Short-term Rentals
Bed and Breakfast

Industrial Use:

Light Manufacturing, but expressly prohibiting sheet metal shop, welding shop and machine shop.

In addition, Permitted Uses shall include winery, brewery, distilleries and other alcohol manufacturing. A business engaged primarily in Light Manufacturing shall also be permitted to have a tasting room and engage in the retail sale of alcoholic beverages manufactured by the business, for consumption on the premises. To the extent not covered by Food Sales or General Retail Sales, the preparation and on-site sale of agricultural products including, but not limited to olive oil and olive related products; cheeses and soaps.

Custom Manufacturing



CITY COUNCIL MEMO

DATE: August 20, 2018
TO: Mayor and City Council
FROM: Laura Hollenbeak, Director of Finance
SUBJECT: Public Hearing on FY 2019 Budget

Summary:

A public hearing on the proposed FY 2019 City Budget is scheduled at Monday's Council meeting in order to meet the requirement of State law.

Recommendation:

It is recommended that Council accept public comments on the Budget and direct staff to make any changes to the Budget as a result of the public comments.

Background / Analysis:

State law requires the Council to conduct a public hearing on the annual budget prior to adoption. This public hearing has been advertised in the local paper and on the City's web-site.

Attachments:

None

Barna Hollenbeck

Department Approval

[Signature]

City Manager Approval



The City of Fredericksburg

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



CITY COUNCIL MEMO

DATE: August 20, 2018

TO: Mayor and City Council

FROM: Laura Hollenbeak, Director of Finance

SUBJECT: Discuss property tax rate, take record vote on proposed tax rate, and schedule special public hearings, if necessary.

Summary:

A taxing unit's governing body must follow Legislative guidelines for proposing and adopting a tax rate. If the tax rate proposed by the governing body exceeds the effective tax rate or rollback rate, whichever is lower, they must publish a public hearing notice, post a website notice and hold two public hearings.

Scott Fair, the Gillespie Central Appraisal District Tax Assessor / Collector, calculates the effective and rollback tax rates. The effective tax rate is defined as the rate that imposes the same total property taxes as last year on properties taxed in both years. The rollback tax rate is the highest tax rate that could be adopted before taxpayers can start rollback procedures. The 2018 rollback tax rate is \$0.2283 per \$100 valuation.

The effective tax rate for 2018 is \$0.2167 per \$100 valuation, down from last year's actual rate of \$0.2256. The effective tax rate is significant in that any proposed tax rate above that number requires two additional public hearings on the proposed rate prior to adoption of the tax rate.

Recommendation:

The Council needs to establish a proposed tax rate by taking a record vote at the August 20, 2018 Council Meeting. It is important to note that after voting on the proposed tax rate, the Council can adopt the proposed tax rate or a lower rate, but cannot adopt a rate higher than the proposed tax rate. The motion should be to approve the proposed property tax rate of \$0._____, a rate that is _____% above the effective tax rate of \$0.2167, as presented.

(47)

The City of Fredericksburg

If the tax rate proposed by the governing body exceeds the effective tax rate or rollback rate, whichever is lower, they must publish a public hearing notice, post a website notice and hold two public hearings.

In a second motion, if necessary, the Council will move to schedule two Public Hearings on Tax Increase for Wednesday, August 29th and Wednesday, September 5th.

Background / Analysis:

Please review the attached 2018 Effective and Rollback Tax Rate Calculations prepared by Scott Fair, Gillespie Central Appraisal District Tax Assessor / Collector.

Attachments:

2018 Effective and Rollback Tax Rate Calculations

Sandra Hollenbeck

Department Approval

[Signature]

City Manager Approval

2018 Property Tax Rates in City of Fredericksburg

This notice concerns 2018 property tax rates for City of Fredericksburg. It presents information about three tax rates. Last year's tax rate is the actual rate the taxing unit used to determine property taxes last year. This year's *effective* tax rate would impose the same total taxes as last year if you compare properties taxed in both years. This year's *rollback* tax rate is the highest tax rate the taxing unit can set before taxpayers can start tax rollback procedures. In each case these rates are found by dividing the total amount of taxes by the tax base (the total value of taxable property) with adjustments as required by state law. The rates are given per \$100 of property value.

Last year's tax rate:

Last year's operating taxes	\$2,990,526
Last year's debt taxes	\$1,156,141
Last year's total taxes	\$4,146,667
Last year's tax base	\$1,483,628,292
Last year's total tax rate	0.225600/\$100

This year's effective tax rate:

Last year's adjusted taxes (after subtracting taxes on lost property)	\$3,358,684
÷ This year's adjusted tax base (after subtracting value of new property)	\$1,549,401,776
= This year's effective tax rate	0.216700/\$100

This year's rollback tax rate:

Last year's adjusted operating taxes (after subtracting taxes on lost property and adjusting for any transferred function, tax increment financing, state criminal justice mandate and/or enhanced indigent health care expenditures)	\$4,345,160
÷ This year's adjusted tax base	\$1,549,401,776
= This year's effective operating rate	0.280400/\$100
× 1.08 = this year's maximum operating rate	0.302800/\$100
+ This year's debt rate	0.046200/\$100
= This year's rollback rate	0.349000/\$100

A hospital district or city that collects the additional sales tax to reduce property taxes, including one that collects the tax for the first time this year, must insert the following lines:

-Sales tax adjustment rate	0.120700/\$100
=Rollback tax rate	0.228300/\$100

2018 Tax Rate Scenarios - Certified Totals at 8/8/18

8/15/2018 15:27

2017	2018	
\$1,868,732,958	\$2,053,747,924	Taxable Value (Not under Protest)
<u>39,880,433</u>	<u>3,260,546</u>	Properties Under Protest
\$1,908,613,391	\$2,057,008,470	Total Appraised Value (Includes New)
<u>(420,333,252)</u>	<u>(465,787,704)</u>	Less Frozen Homestead Values
\$1,488,280,139	\$1,591,220,766	Total Taxable (Non Frozen) Values
-	(1,310,980)	Less Taxable Value of Properties Annexed
<u>(38,200,920)</u>	<u>(40,508,010)</u>	Less Taxable Value of New Improvements & New Personal Property Located in New Improvements
(38,200,920)	(41,818,990)	Adjustments to Taxable Value
\$1,450,079,219	\$1,549,401,776	Total Adjusted Taxable Value



The City of
Fredericksburg

FOR DISCUSSION PURPOSES ONLY

<u>3,127,727</u>	<u>3,358,684</u>	Adjusted Prior Year Taxes
0.2156	0.2167	Effective Tax Rate

<u>\$0.22560</u>		Adopted Tax Rate
\$0.21560	\$0.21670	Effective Tax Rate
\$0.27260	\$0.22830	Rollback Tax Rate

TOTAL TAXES

Cents	Percentage	2018 Effective Tax and Increases	%of Levy	2018 Non frozen Tax Amount	2018 Frozen Tax Amount	2018 Total Tax Amount	2017 Total Tax Amount	Tax Revenue Increase (Decrease)	Incremental Revenue Increase (Decrease)
	EFFECTIVE	0.21670	100.00%	\$ 3,448,175	\$ 833,129	\$ 4,281,305	\$ 4,138,444	\$ 142,861	
0.50	2.3%	0.22170	100.00%	3,527,736	833,129	4,360,866	4,138,444	222,422	\$79,561
0.60	2.8%	0.22270	100.00%	3,543,649	833,129	4,376,778	4,138,444	238,334	15,912
0.70	3.2%	0.22370	100.00%	3,559,561	833,129	4,392,690	4,138,444	254,246	15,912
0.90	4.2%	0.22570	100.00%	3,591,385	833,129	4,424,514	4,138,444	286,070	31,824
1.00	4.6%	0.22670	100.00%	3,607,297	833,129	4,440,427	4,138,444	301,983	15,912
1.15	5.3%	0.22820	100.00%	3,631,166	833,129	4,464,295	4,138,444	325,851	23,868
	ROLLBACK	0.22830	100.00%	3,632,757	833,129	4,465,886	4,138,444	327,442	1,591

MAINTENANCE & OPERATIONS

Cents	Percentage	2018 Effective Tax and Increases	%of Levy	2018 Non frozen Tax Amount	2018 Frozen Tax Amount	2018 Total Tax Amount	2017 Total Tax Amount	Tax Revenue Increase (Decrease)	
	EFFECTIVE	0.17908	82.64%	\$ 2,849,558	\$ 688,495	\$ 3,538,053	\$ 3,201,613	\$ 336,440	
0.50	2.8%	0.18408	83.03%	2,929,119	691,757	3,620,876	3,201,613	419,263	\$82,823
0.60	3.4%	0.18508	83.11%	2,945,031	692,391	3,637,423	3,201,613	435,810	16,547
0.70	3.9%	0.18608	83.18%	2,960,944	693,020	3,653,964	3,201,613	452,351	16,541
0.90	5.0%	0.18808	83.33%	2,992,768	694,262	3,687,030	3,201,613	485,417	33,066
1.00	5.6%	0.18908	83.41%	3,008,680	694,875	3,703,555	3,201,613	501,942	16,525
1.15	6.4%	0.19058	83.51%	3,032,549	695,783	3,728,332	3,201,613	526,719	24,777
	ROLLBACK	0.19068	83.52%	3,034,140	695,844	3,729,983	3,201,613	528,370	1,651

INTEREST & SINKING

		2018 Effective Tax Rate	%of Levy	2018 Non frozen Tax Amount	2018 Frozen Tax Amount	2018 Total Tax Amount	2017 Total Tax Amount	Tax Revenue Increase (Decrease)	
	EFFECTIVE	0.03762	17.36%	\$ 598,617	\$ 144,635	\$ 743,252	\$ 936,831	\$ (193,579)	
		0.03762	16.97%	598,617	141,373	739,990	936,831	(196,841)	-\$3,262
		0.03762	16.89%	598,617	140,738	739,355	936,831	(197,476)	-635
		0.03762	16.82%	598,617	140,109	738,726	936,831	(198,105)	-629
		0.03762	16.67%	598,617	138,867	737,484	936,831	(199,347)	-1,242
		0.03762	16.59%	598,617	138,255	736,872	936,831	(199,959)	-613
		0.03762	16.49%	598,617	137,346	735,963	936,831	(200,868)	-909
		0.03762	16.48%	598,617	137,286	735,903	936,831	(200,928)	-60



CITY COUNCIL MEMO

DATE: August 20, 2018

TO: Mayor and City Council

FROM: Garret Bonn, P.E., CFM – Asst. City Engineer

SUBJECT: Vacation and Abandonment of East Street Right of Way

Summary:

In accordance with the executed Agreement to Dedicate Right of Way (ROW) between the City of Fredericksburg and Sunrise Fields, Inc. (attached), the remaining East Street ROW is to be vacated and abandoned, in equal portions, to the adjacent property owners.

Recommendation:

Approval of an Ordinance to Vacate and Abandon the East Street ROW, reserving any utility easement of a size, locations, and purpose necessary to meet the City's operational needs.

Background / Analysis:

As part Sunrise Fields, Inc.'s development of a tract of land on Sunrise St. (also referred to as the Jeff Williams tract), the developer has agreed to dedicate to the City a public ROW along the southern boundary of the development that will provide the necessary ROW for the future extension of Sunrise St. to Eagle St. In return, the City has agreed to extend the pavement, water service, and wastewater service lines on Sunrise St. from the current terminus to the boundary line between Lots 3 and 4 of the development (approx. 280'). Additionally, the City has agreed to vacate and abandon the remaining portion of East Street ROW. The City's interest in the ROW (documented in the Ordinance and Associated Exhibits) shall be transferred by quit claim deed or other separate instrument unto the owners of the property adjacent to the ROW, in equal portions.

(101)

The City of Fredericksburg

Attachments:

Executed Agreement to Dedicated ROW, East St. ROW Ordinance & Exhibits

Department Approval



City Attorney Approval



City Manager Approval

AGREEMENT TO DEDICATE RIGHT OF WAY

This Agreement is entered into between the CITY OF FREDERICKSBURG ("City"), a political subdivision of the State of Texas whose address is 126 W. Main Street, Fredericksburg, Texas, 78624, and SUNRISE FIELDS, INC. ("SUN"), a corporation whose address is 1409 Countryside Bend, Fredericksburg, Texas, 78624.

RECITALS

WHEREAS, SUN is the owner of a tract of land located in the City, and SUN intends to dedicate a public right-of-way to the City across a portion of said tract, as part of development of the tract; and

WHEREAS, SUN desires that the City extend paved roads and utilities across a portion of the newly dedicated public right-of-way; and

WHEREAS, SUN further desires that the City vacate and abandon the unused East Street right-of-way adjacent to the tract.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual agreements set forth in this Agreement, and other good and valuable consideration, the receipt of which are hereby acknowledged, the Parties hereto agree as follows:

1. Obligations of SUN – SUN shall dedicate to the City a public road and utility right-of-way ("SunROW"), by plat or other separate instrument recorded in the real property records of Gillespie County, Texas. The SunROW dedicated by SUN in this paragraph shall be fifty feet (50') in width, dedicated at the sole cost of SUN, and located along the southern boundary line of Lots 3, 4, 5, and part of 6 in the Dechert Addition. The SunROW shall be located as set forth in Exhibit A, a copy of which is attached hereto and incorporated herein by reference, with exact location to be determined by survey. The parties acknowledge that SUN has previously procured surveys of the land in and around the SunROW, and any additional survey work necessary to identify the exact location of the SunROW shall be at the sole cost of City. The SunROW dedicated by SUN in this paragraph shall also be approved by the City, to ensure the interest dedicated is of a size, location, and purpose necessary to meet the City operational needs, which approval shall not be unreasonably withheld. The dedication of the SunROW in this paragraph shall be completed as follows:
 - a. No later than May 1, 2018, SUN shall dedicate by plat or other separate instrument recorded in the real property records of Gillespie County, Texas, the SunROW located along the southern boundary line of Lot 3 in the Dechert

Addition, as set forth in Exhibit A-1, a copy of which is attached hereto and incorporated herein by reference, with exact location to be determined by survey.

- b. No later than May 1, 2018, SUN shall deposit into escrow with Hill Country Titles, the executed plat or other separate instrument dedicating the SunROW located along the southern boundary line of Lots 4, 5, and part of 6 in the Dechert Addition, as set forth in Exhibit A-2, a copy of which is attached hereto and incorporated herein by reference, with exact location to be determined by survey. The executed SunROW dedication instruments held in escrow under this subparagraph 1(b) shall be released from escrow and recorded by SUN in the real property records of Gillespie County, Texas, within seven (7) days following the City's full performance of the duties and obligations set forth in Paragraph 2 of this Agreement.

2. Obligations of City – If SUN fully performs the duties and obligations as set forth in Paragraph 1 of this Agreement, then the City shall perform the following, at the sole cost of the City:

- a. Extend the pavement, City water utility service, and City sanitary sewer utility service on Sunrise Street (collectively the "Sunrise Street Extension"), eastward along a portion of the SunROW, from the current Sunrise Street easternmost terminus to the boundary line between Lot 3 and Lot 4 in the Dechert Addition, as specifically set forth in Exhibit B, a copy of which is attached hereto and incorporated herein by reference.
 - i. The pavement in the Sunrise Street Extension shall be constructed in accordance with the current City Code of Ordinances and City Engineering/Construction Criteria for Local Streets, and shall include curbs and/or gutters when required by said Code of Ordinances and Criteria for Local Streets.
 - ii. The City water utility service in the Sunrise Street Extension shall be extended from its current location along the south side of Sunrise Street, and constructed along the south side of the Sunrise Street Extension.
 - iii. The City sanitary sewer utility service in the Sunrise Street Extension shall be extended from its current location in the approximate middle of Sunrise Street, and constructed along the approximate middle of the public right of way underneath the pavement in the Sunrise Street Extension.
 - iv. The construction of the Sunrise Street Extension shall be completed no later than September 1, 2018.
- b. Vacate and abandon the East Street public street right-of-way, reserving any utility easement of a size, location, and purpose necessary to meet the City operational needs. The portion of the East Street public street right-of-way to be abandoned and vacated by the City in this paragraph is specifically set forth in Exhibit C, a copy of which is attached hereto and incorporated herein by

reference.

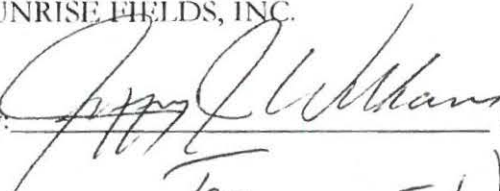
- i. The abandonment of the East Street public street right-of-way shall be made by quit claim deed or other separate instrument recorded in the real property records of Gillespie County, Texas, at City's sole expense, conveying the City's interest in the East Street public street right-of-way unto the owners of the property adjacent to said right-of-way, in equal portions, as follows:
 1. the northern half of the East Street public street right-of-way to the owner(s) of those lots abutting said northern half of the East Street public street right-of-way, for the distance each lot abuts a portion of said right-of-way; and
 2. the southern half of the East Street public street right-of-way to the owner(s) of those lots abutting said southern half of the East Street public street right-of-way, for the distance each lot abuts a portion of said right-of-way; and
 3. subject to all present zoning and deed restrictions, and all easements.
 - ii. The abandonment of the East Street public street right-of-way shall be completed no later than September 1, 2018.
3. The Parties hereby agree and acknowledge that if SUN fails to fully perform the duties and obligations as set forth in Paragraph 1 of this Agreement, then the City shall have no duty or obligation to perform the duties and obligations set forth in Paragraph 2 of this Agreement.
4. Miscellaneous provisions
 - a. No delay by a party in enforcing any part of this Agreement shall be deemed a waiver of any of said party's rights or remedies, nor shall such delay be deemed a waiver of any subsequent breach or default by the other party.
 - b. If any term or provision of this Agreement, or its application to any person or circumstances shall to any extent be held invalid, illegal, or unenforceable, the remainder of this Agreement shall not be affected thereby, and each and every other term and provision shall be enforced to the fullest extent permitted by law as if the invalid, illegal, or unenforceable provision had never been included in this Agreement.
 - c. A defaulting party shall not be liable for delays in the performance of its obligations hereunder when the default is caused by acts of God, inability to obtain labor or materials or reasonable substitutes, governmental restrictions or regulations, acts of war, civil unrest, fire or other casualty, or any causes beyond the reasonable control of the defaulting party.
 - d. The parties hereto agree that the laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this Agreement.

Venue for any action involving this Agreement shall be solely and exclusively in a court of proper jurisdiction in Gillespie County, Texas.

- c. The parties agree that the Agreement should be construed fairly and simply and not strictly against either party.
- f. This Agreement binds and inures to benefit of the parties and their respective legatees, devisees, heirs, executors, legal and personal representatives, assigns, transferees, assigns, and successors in interest.
- g. This Agreement is the sole and only agreement between the parties regarding the subject matter hereof, and it incorporates all other written, verbal, express, and implied agreements made between and party or agent of any party of this Agreement in connection with such matters.
- h. No amendment, modification or alteration of the terms of this Agreement shall be binding unless reduced to writing, dated, and duly executed by the parties subsequent to the date of this Agreement.

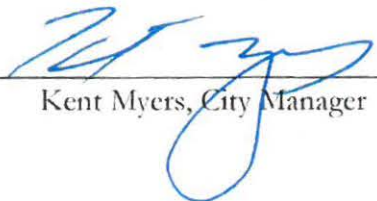
IN WITNESS WHEREOF, each of the parties hereto has executed this Agreement, or caused the same to be executed by its duly authorized representative.

SUNRISE FIELDS, INC.

By:  Date: 4-1-18

Printed Name: JEFFREY J. WILLIAMS Title: President

CITY OF FREDERICKSBURG, TEXAS

By:  Date: 4/2/18
Kent Myers, City Manager

CONSENT AND JOINDER BY LENDER

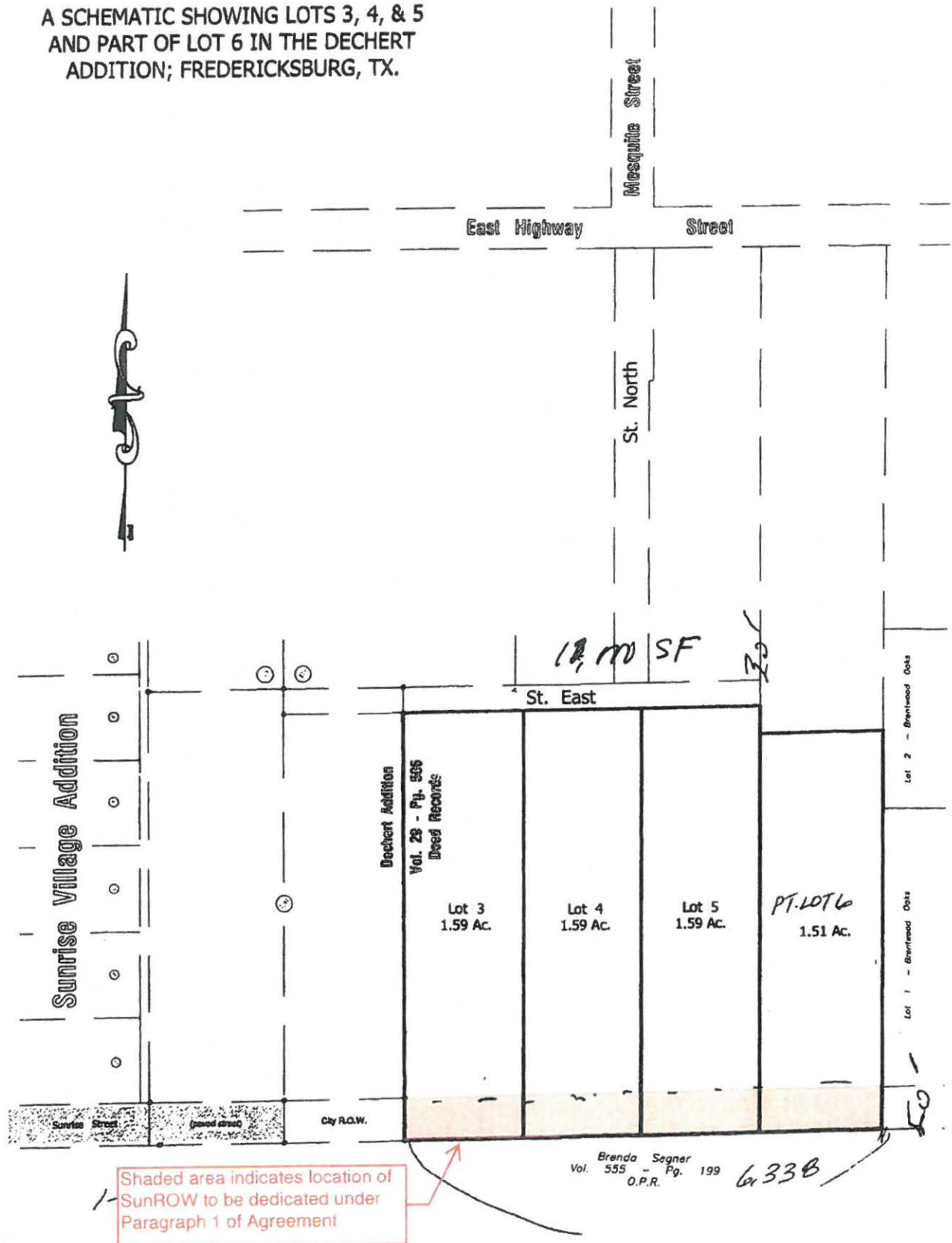
The undersigned Texas Regional Bank ("Lender"), the beneficiary under that certain Deed of Trust (the "Deed of Trust") recorded as Instrument No. 20175451 in the Official Public Records of Gillespie County, Texas, and encumbering, among other property, Lots 3, 4, 5, and part of Lot 6 in the Dechert Addition ("Sun Lots"), hereby joins in the execution of this Agreement for the purpose of evidencing (i) Lender's consent to this Agreement, and (ii) Lender's agreement that any foreclosure of the Deed of Trust or any other liens or security interests held by Lender encumbering the Sun Lots (collectively, the "Liens"), or any conveyance of the Sun Lots or any portion thereof in lieu of foreclosure, or any other exercise of any remedial rights by Lender under or relating to the Liens or the indebtedness secured thereby, shall not extinguish this Agreement or any of the rights, interests, obligations or remedies contained therein or created thereby, all of which shall survive any such foreclosure, conveyance or other remedial action and shall remain in full force and effect and shall be binding upon the Sun Lots and all parties having any right, title or interest therein as a covenant running with the Sun Lots.

By:  Date: 3/30/18

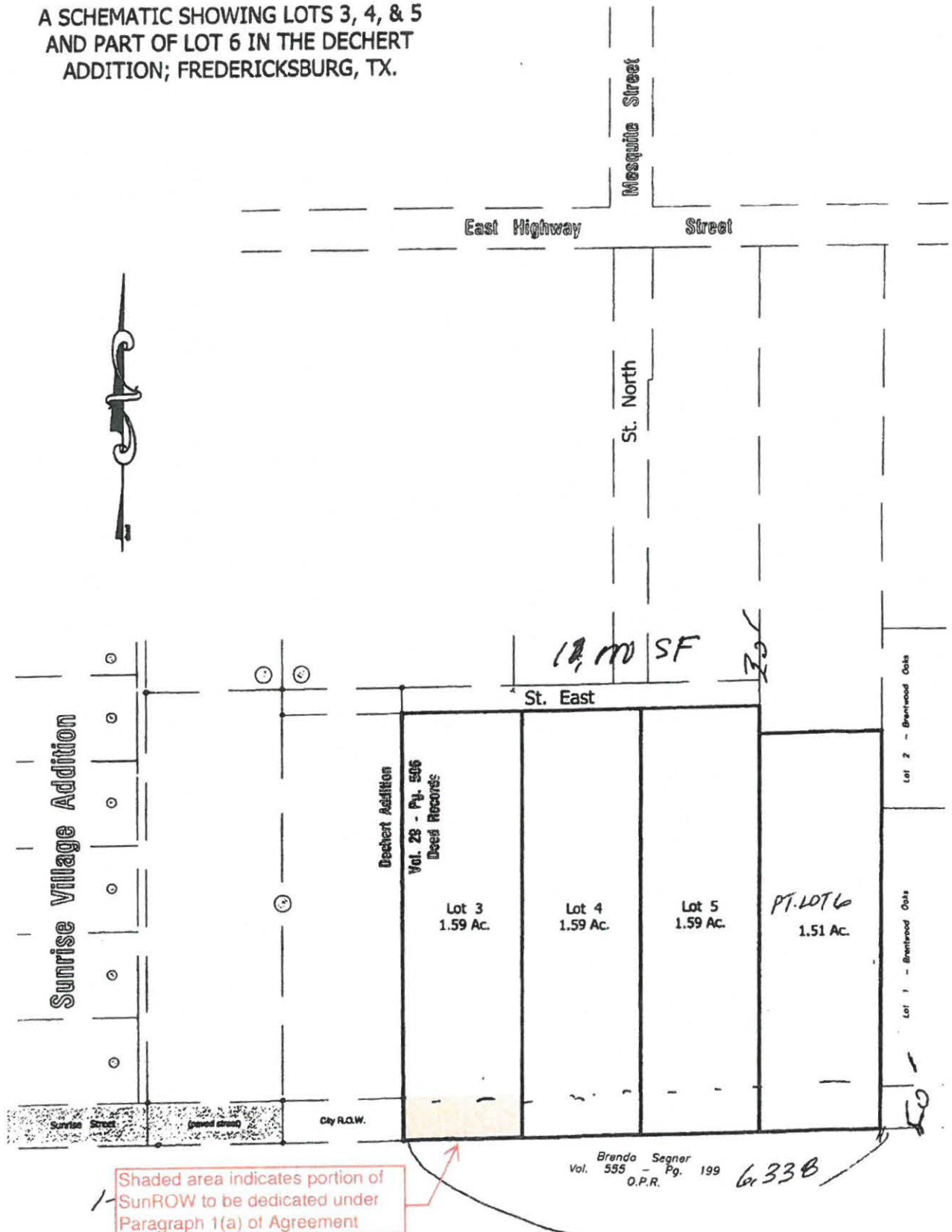
Printed Name: Chris Callen Title: SVP/MP

Exhibit A

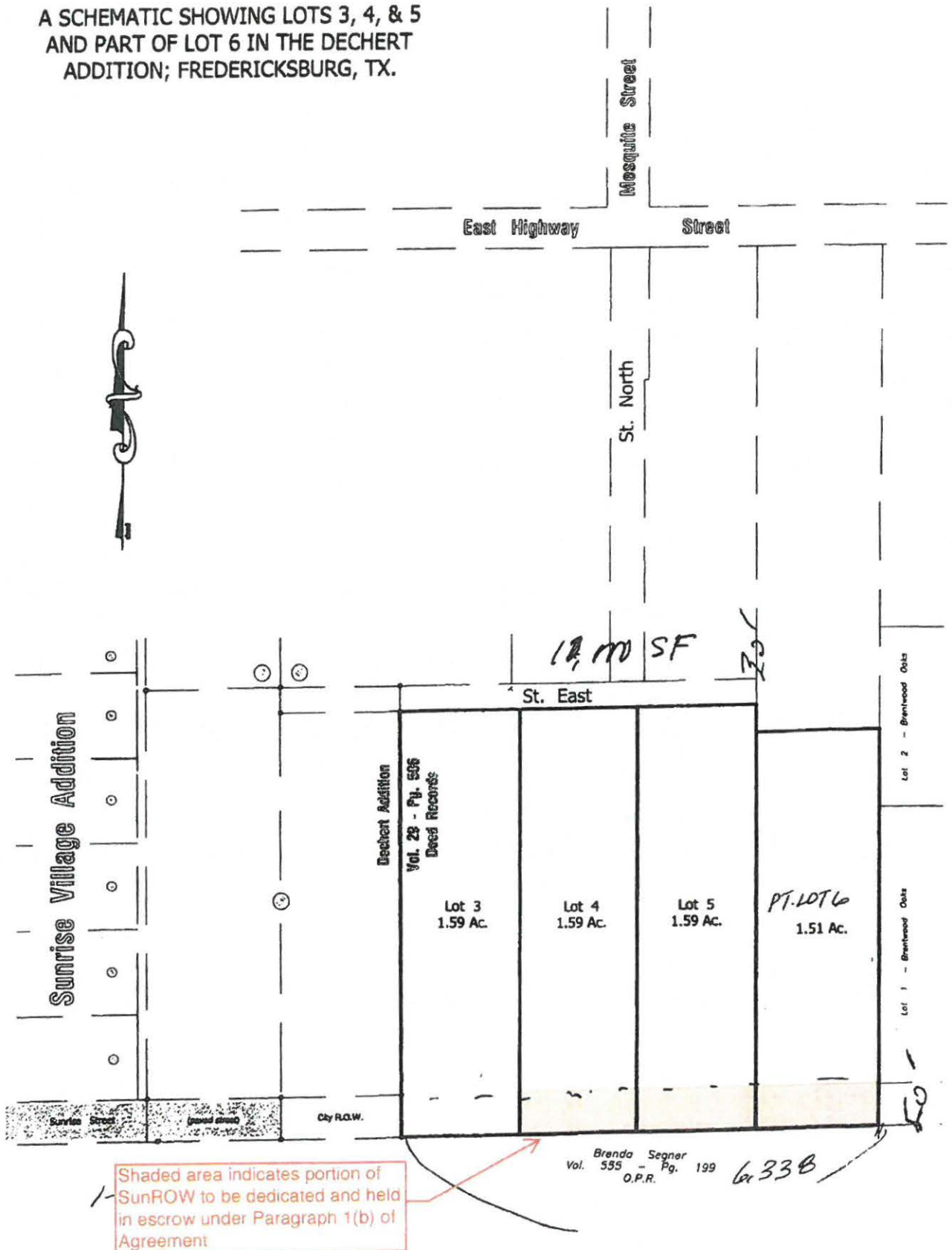
A SCHEMATIC SHOWING LOTS 3, 4, & 5
AND PART OF LOT 6 IN THE DECHERT
ADDITION; FREDERICKSBURG, TX.



A SCHEMATIC SHOWING LOTS 3, 4, & 5
AND PART OF LOT 6 IN THE DECHERT
ADDITION; FREDERICKSBURG, TX.



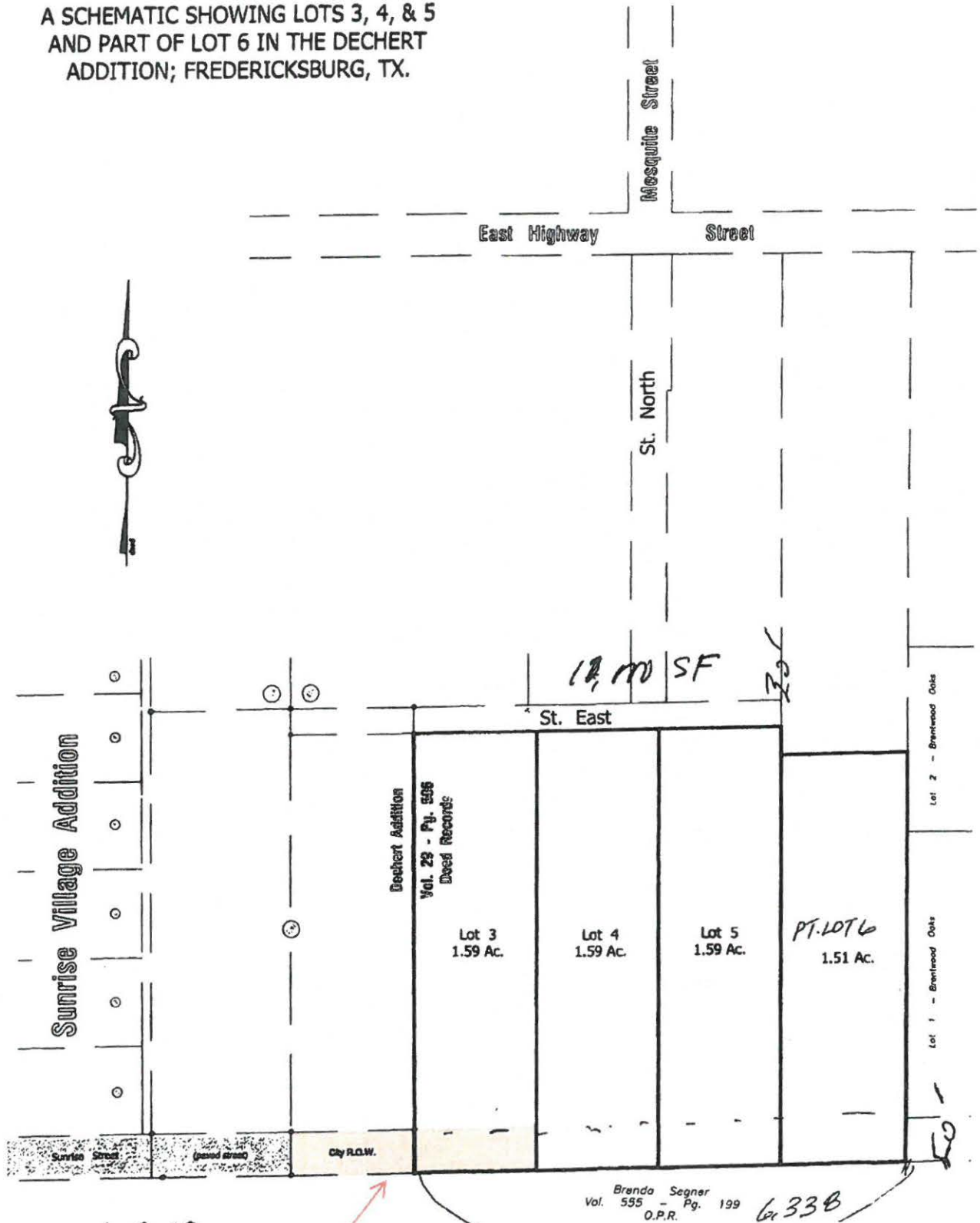
A SCHEMATIC SHOWING LOTS 3, 4, & 5
AND PART OF LOT 6 IN THE DECHERT
ADDITION; FREDERICKSBURG, TX.



Shaded area indicates portion of
SunROW to be dedicated and held
in escrow under Paragraph 1(b) of
Agreement

Exhibit B

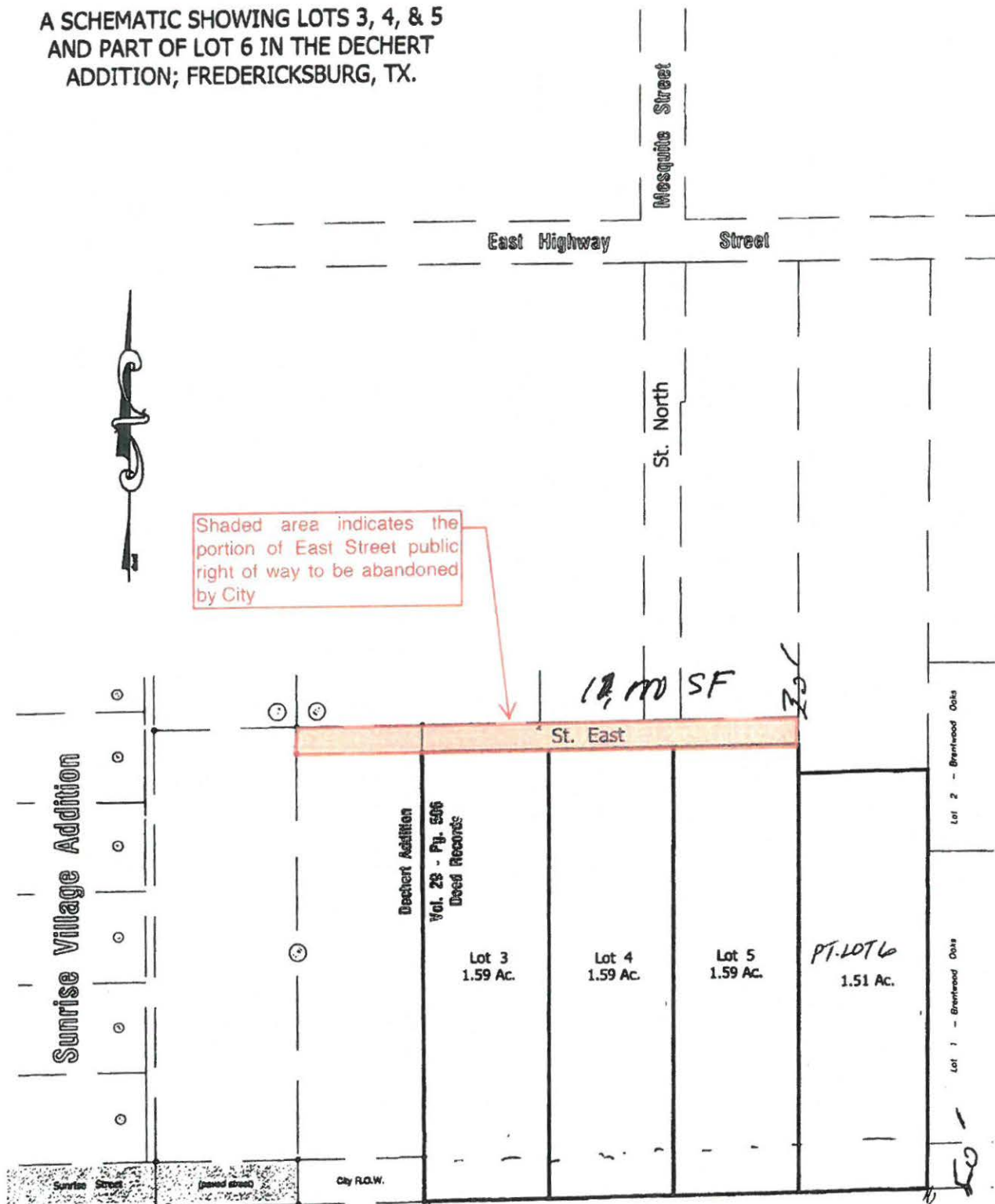
A SCHEMATIC SHOWING LOTS 3, 4, & 5
AND PART OF LOT 6 IN THE DECHERT
ADDITION; FREDERICKSBURG, TX.



Shaded area indicates location of
Sunrise Street extension under
Paragraph 2 of Agreement

Exhibit C

A SCHEMATIC SHOWING LOTS 3, 4, & 5
AND PART OF LOT 6 IN THE DECHERT
ADDITION; FREDERICKSBURG, TX.



Brenda Segner
Vol. 555 - Pg. 199
O.P.R.

6133B

1-9-18

112

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, PROVIDING FOR THE ABANDONMENT, VACATION AND CLOSURE OF EAST STREET; PROVIDING FOR THE TERMS AND CONDITIONS OF ABANDONMENT, VACATION AND CLOSURE; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED ON BEHALF OF THE CITY.

WHEREAS, the City Council deems it suitable to abandon, vacate and close the hereinafter described street segment, and is of the opinion that said land is not needed for public use and therefore constitutes a public burden without corresponding benefit, and that same should be abandoned, vacated and closed as hereinafter provided; and

WHEREAS, the City Council is of the opinion that the best interest and welfare of the public will be served by abandoning, vacating and closing same resulting in the vesting of title in the abutting property owners, subject to the conditions, requirements and restrictions contained herein.

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

Section 1. That a portion of East Street, located in the City of Fredericksburg, Gillespie County, Texas, which street segment is described more particularly in Exhibit "A", a copy of which is attached hereto and incorporated herein by reference, shall be and the same is hereby abandoned, vacated and closed insofar as the right, title and easement of the public is concerned; subject, however, to the conditions, requirements and restrictions more fully set out herein.

Section 2. That the abandonment, vacation and closure of East Street provided for herein is made and accepted subject to all present zoning and deed restrictions if the latter exist, and all easements, whether apparent or non-apparent, aerial, surface or underground, and reserving any utility easements of a size, location, and purpose necessary to meet the City's operational needs.

Section 3. That the abandonment, vacation and closure of East Street provided for herein shall extend only to the City's public right, title, easement and interest, and shall be construed to extend only to that interest which the City may legally and lawfully abandon, vacate and close.

Section 4. That the abandonment, vacation and closure of East Street provided for herein shall be effected through quit claim deed or other separate instrument recorded in the real

property records of Gillespie County, Texas, conveying the City's public interest in East Street unto the owners of the property adjacent to said street, in equal portions, as follows:

1. the northern half of the East Street public street right-of-way to the owner(s) of those lots abutting said northern half of the East Street, for the distance each lot abuts a portion of said right-of-way; and
2. the southern half of the East Street public street right-of-way to the owner(s) of those lots abutting said southern half of the East Street, for the distance each lot abuts a portion of said right-of-way; and
3. subject to all present zoning and deed restrictions, and all easements.

Section 5. That the City Manager is hereby authorized to execute and deliver quit claim deed or other separate instrument, on behalf the City, conveying the City's public interest in East Street unto the owners of the property adjacent to said street, in equal portions, as set forth herein.

Section 6. Severability or Invalidity. If any provision of this Ordinance or the application hereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without defeating the purpose or objective of the provisions, and to this end, the provisions of this Ordinance are declared to be severable.

Section 7. Repealer. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 8. Effective Date. This Ordinance shall be effective on and after the date of passage.

PASSED AND APPROVED on this the ____ day of _____, 20____.

Linda Langerhans, Mayor
City of Fredericksburg, Texas

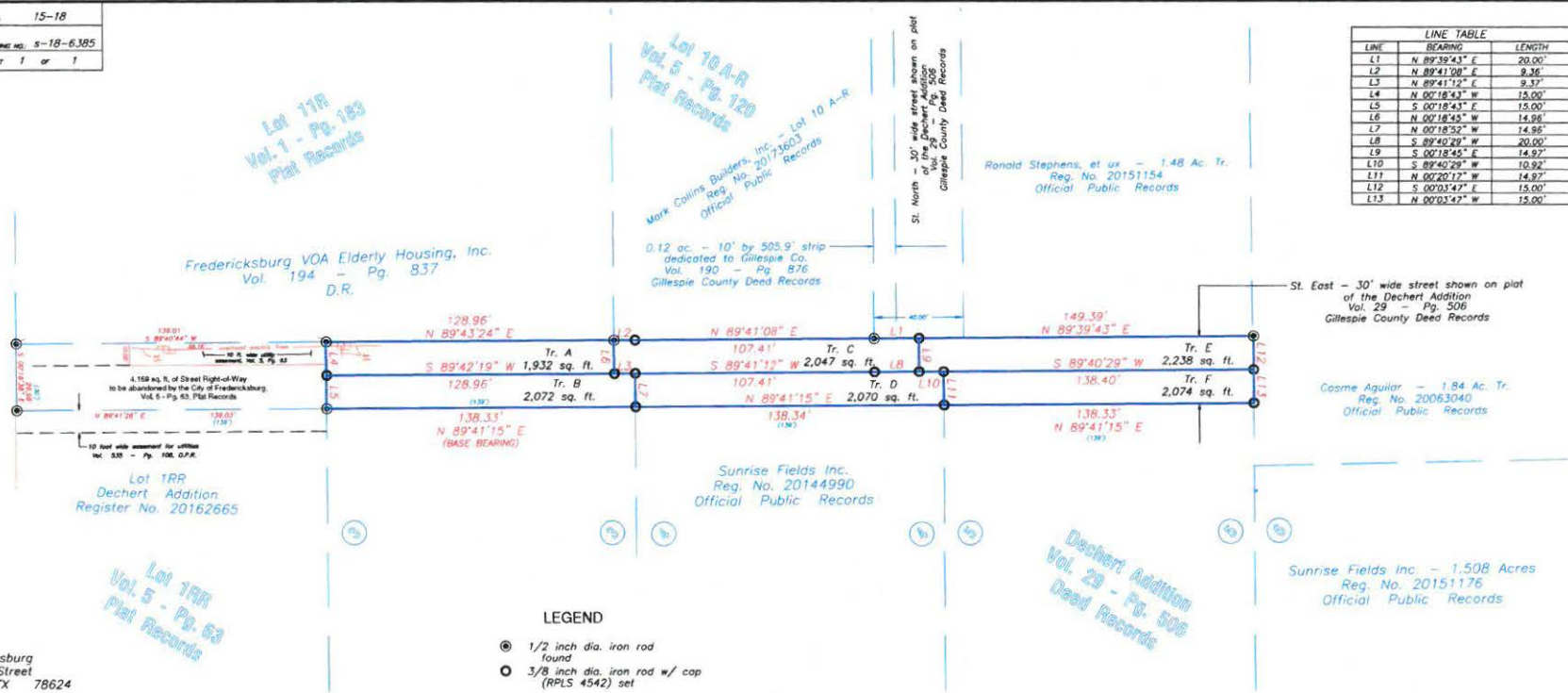
ATTEST:

Shelley Britton, City Secretary

APPROVED AS TO FORM:

Daniel Jones, City Attorney

DRAWN BY: d.g.s. DATE: 15-18
 CHECKED BY: d.g.s. DRAWING NO: S-18-6385
 JOB NO: S-18-6385 SHEET 1 OF 1



115

PREPARED FOR:
 City of Fredericksburg
 126 West Main Street
 Fredericksburg, TX 78624

Plat and accompanying legal descriptions prepared from an on the ground survey performed by me or under my direction and supervision.

Dale Allen Sultemeier
 Dale Allen Sultemeier
 Registered Professional Land Surveyor
 No. 4542 - State of Texas



Aug. 4th, 2018

S
SULTEMEIER
SURVEYING & ENGINEERING
 Boundary-Title-Topographic-Construction Surveys
 Engineering - Land Development Services
 501 West Main, Suite 107
 Fredericksburg, Texas 78624
 (830) 990-1221
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 dale@sultemeiersurveying.com

LEGEND

- 1/2 inch dia. iron rod found
- 3/8 inch dia. iron rod w/ cap (RPLS 4542) set



NOTE: A title commitment/Schedule B was not available for this survey. THERE MAY BE EASEMENTS AND/OR EXCEPTIONS OF RECORD WHICH AFFECT THESE TRACTS THAT ARE NOT LISTED OR SHOWN HEREON.

SURVEY PLAT

for:

Tracts A, B, C, D, E & F Which Comprise Part of St.
 East in the Dechert Addition, a Plat of Record in Vol. 29,
 Pg. 506 of the Gillespie County Deed Records; Gillespie
 County, Texas.

Texas Licensed Surveying Firm 100930-00	Texas Registered Engineering Firm F-10608
---	---

SULTEMEIER

SURVEYING & ENGINEERING

TEXAS LICENSED SURVEYING FIRM: 100930-00
TEXAS REGISTERED ENGINEERING FIRM: F-10608

501 West Main, Suite 107
Fredericksburg, TX 78624
Tel.: (830) 990-1221

TRACT A - 1,932 SQUARE FEET
CITY OF FREDERICKSBURG
GILLESPIE COUNTY, TEXAS

FN-18-6385-A
AUGUST 4TH, 2018

A DESCRIPTION OF A 1,932 SQUARE FOOT TRACT OF LAND SITUATED IN THE CITY OF FREDERICKSBURG, GILLESPIE COUNTY, TEXAS, COMPRISING PART OF ST. EAST, A 30 FOOT WIDE STREET SHOWN IN THE DECHERT ADDITION, A PLAT OF RECORD IN VOLUME 29, PAGE 506 OF THE DEED RECORDS OF SAID COUNTY; SAID 1,932 SQUARE FOOT TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a ½ inch iron rod found on the north line of said St. East at the northeast corner of Lot 1 RR as shown on a Plat of record in Volume 5, page 63 of the Plat Records of said County, on the south line of Lot 11R as shown on a plat in Volume 1, Page 183 of the said Plat Records, for the northwest corner hereof;

THENCE with the said north line of St. East, N 89 ° 43' 24" E, a distance of 128.96 feet to a ½ inch iron rod found at the southeast corner of said Lot 11R and southwest corner of Lot 10 A-R as shown on a plat of record in Volume 5, Page 120 of the said Plat Records, for the northeast corner hereof;

THENCE departing from said north line and passing over and across said St. East with the following two (2) courses:

1. S 00 ° 18' 45" E, a distance of 14.96 feet to a 3/8 inch iron rod set for the southeast corner hereof, and
2. S 89 ° 42' 19" W, a distance of 128.96 feet to a 3/8 inch iron rod set on the east line of said Lot 1RR, for the southwest corner hereof;

THENCE continuing over and across said St. East with the said east line of Lot 1RR, N 00 ° 18' 43" W, a distance of 15.00 feet to the **POINT OF BEGINNING**, containing 1,932 square feet of land, more or less.

I, Dale Allen Sulzemeier, a Registered Professional Land Surveyor, do hereby certify that this description and accompanying plat were prepared from an on the ground survey performed under my direction and supervision.

SULTEMEIER SURVEYING &
ENGINEERING, LLC
501 West Main, Suite 107
Fredericksburg, Texas 78624
(830) 990-1221



Dale Allen Sulzemeier
Registered Professional Land
Surveyor
No. 4542 - State of Texas

SULTEMEIER

SURVEYING & ENGINEERING

TEXAS LICENSED SURVEYING FIRM: 100930-00
TEXAS REGISTERED ENGINEERING FIRM: F-10608

501 West Main, Suite 107
Fredericksburg, TX 78624
Tel.: (830) 990-1221

TRACT B - 2,072 SQUARE FEET
CITY OF FREDERICKSBURG
GILLESPIE COUNTY, TEXAS

FN-18-6385-B
AUGUST 4TH, 2018

A DESCRIPTION OF A 2,072 SQUARE FOOT TRACT OF LAND SITUATED IN THE CITY OF FREDERICKSBURG, GILLESPIE COUNTY, TEXAS, COMPRISING PART OF ST. EAST, A 30 FOOT WIDE STREET SHOWN IN THE DECHERT ADDITION, A PLAT OF RECORD IN VOLUME 29, PAGE 506 OF THE DEED RECORDS OF SAID COUNTY; SAID 2,072 SQUARE FOOT TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a ½ inch iron rod found on the south line of said St. East at the northwest corner of Lot 3 in the said Dechert Addition, on the east line of Lot 1RR per Plat in Volume 5, Page 63 of the said Plat Records, for the southwest corner hereof;

THENCE with the said south line of St. East and north line of said Lot 3, N 89 ° 41' 15" E, a distance of 138.33 feet to a 3/8 inch iron rod set at the common north corner of Lot 3 and Lot 4 in the said Dechert Addition, for the southeast corner hereof;

THENCE departing from said south line and passing over and across said St. East with the following three (3) courses:

1. N 00 ° 18' 52" W, a distance of 14.96 feet to a 3/8 inch iron rod set for the northeast corner hereof,
2. S 89 ° 41' 12" W, a distance of 9.37 feet to a 3/8 inch iron rod set, and
3. S 89 ° 42' 19" W, a distance of 128.96 feet to a 3/8 inch iron rod set on the said east line of Lot 1 RR, for the northwest corner hereof;

THENCE with the said east line of Lot 1RR, S 00 ° 18' 43" E, a distance of 15.00 feet to the **POINT OF BEGINNING**, containing 2,072 square feet of land, more or less.

I, Dale Allen Sulzemeier, a Registered Professional Land Surveyor, do hereby certify that this description and accompanying plat were prepared from an on the ground survey performed under my direction and supervision.

SULTEMEIER SURVEYING &
ENGINEERING, LLC
501 West Main, Suite 107
Fredericksburg, Texas 78624
(830) 990-1221



Dale Allen Sulzemeier
Registered Professional Land
Surveyor
No. 4542 - State of Texas

SULTEMEIER

SURVEYING & ENGINEERING

TEXAS LICENSED SURVEYING FIRM: 100930-00
TEXAS REGISTERED ENGINEERING FIRM: F-10608

501 West Main, Suite 107
Fredericksburg, TX 78624
Tel.: (830) 990-1221

TRACT C - 2,047 SQUARE FEET
CITY OF FREDERICKSBURG
GILLESPIE COUNTY, TEXAS

FN-18-6385-C
AUGUST 4TH, 2018

A DESCRIPTION OF A 2,047 SQUARE FOOT TRACT OF LAND SITUATED IN THE CITY OF FREDERICKSBURG, GILLESPIE COUNTY, TEXAS, COMPRISING PART OF ST. EAST, A 30 FOOT WIDE STREET SHOWN IN THE DECHERT ADDITION, A PLAT OF RECORD IN VOLUME 29, PAGE 506 OF THE DEED RECORDS OF SAID COUNTY; SAID 2,047 SQUARE FOOT TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a ½ inch iron rod found on the north line of said St. East, at the common south corner of Lot 11R as shown on a plat of record in Volume 1, Page 183 of the Plat Records of said County and Lot 10 A-R as shown on a plat of record in Volume 5, Page 120 of the said Plat Records, for the northwest corner hereof;

THENCE with said north line, the following two (2) courses:

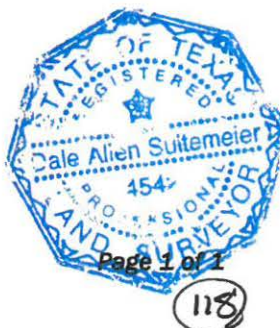
1. N 89 ° 41' 08" E, a distance of 116.77 feet to a ½ inch iron rod found at southeast corner of said Lot 10 A-R, and
2. N 89 ° 39' 43" E, a distance of 20.00 feet to a 3/8 inch iron rod set for the northeast corner hereof;

THENCE departing from said north line and passing over and across said St. East with the following four (4) courses:

1. S 00 ° 18' 45" E, a distance of 14.97 feet to a 3/8 inch iron rod set for the southeast corner hereof,
2. S 89 ° 40' 29" W, a distance of 20.00 feet to a 3/8 inch iron rod set,
3. S 89 ° 41' 12" W, a distance of 116.70 feet to a 3/8 inch iron rod set for the southwest corner hereof, and
4. N 00 ° 18' 45" W, a distance of 14.96 feet to the **POINT OF BEGINNING**, containing 2,047 square feet of land, more or less.

I, Dale Allen Sulzemeier, a Registered Professional Land Surveyor, do hereby certify that this description and accompanying plat were prepared from an on the ground survey performed under my direction and supervision.

SULTEMEIER SURVEYING &
ENGINEERING, LLC
501 West Main, Suite 107
Fredericksburg, Texas 78624
(830) 990-1221




Dale Allen Sulzemeier
Registered Professional Land
Surveyor
No. 4542 - State of Texas

SULTEMEIER

SURVEYING & ENGINEERING

TEXAS LICENSED SURVEYING FIRM: 100930-00
TEXAS REGISTERED ENGINEERING FIRM: F-10608

501 West Main, Suite 107
Fredericksburg, TX 78624
Tel.: (830) 990-1221

TRACT D - 2,070 SQUARE FEET
CITY OF FREDERICKSBURG
GILLESPIE COUNTY, TEXAS

FN-18-6385-D
AUGUST 4TH, 2018

A DESCRIPTION OF A 2,070 SQUARE FOOT TRACT OF LAND SITUATED IN THE CITY OF FREDERICKSBURG, GILLESPIE COUNTY, TEXAS, COMPRISING PART OF ST. EAST, A 30 FOOT WIDE STREET SHOWN IN THE DECHERT ADDITION, A PLAT OF RECORD IN VOLUME 29, PAGE 506 OF THE DEED RECORDS OF SAID COUNTY; SAID 2,070 SQUARE FOOT TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 3/8 inch iron rod set on the south line of said St. East at the common north corner of Lots 3 & 4 in the said Dechert Addition, for the southwest corner hereof;

THENCE with the said south line of St. East, N 89 ° 41' 15" E, a distance of 138.34 feet to a 3/8 inch iron rod set for the southeast corner hereof;

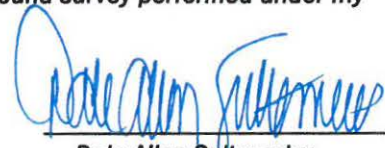
THENCE departing from said south line and passing over and across said St. East with the following four (4) courses:

1. N 00 ° 20' 17" W, a distance of 14.97 feet to a 3/8 inch iron rod set for the northeast corner hereof,
2. S 89 ° 40' 29" W, a distance of 30.92 feet to a 3/8 inch iron rod set,
3. S 89 ° 41' 12" W, a distance of 107.41 feet to a 3/8 inch iron rod set for the northwest corner hereof, and
4. S 00 ° 18' 52" E, a distance of 14.96 feet to the **POINT OF BEGINNING**, containing 2,070 square feet of land, more or less.

I, Dale Allen Sultemeier, a Registered Professional Land Surveyor, do hereby certify that this description and accompanying plat were prepared from an on the ground survey performed under my direction and supervision.

SULTEMEIER SURVEYING &
ENGINEERING, LLC
501 West Main, Suite 107
Fredericksburg, Texas 78624
(830) 990-1221




Dale Allen Sultemeier
Registered Professional Land
Surveyor
No. 4542 - State of Texas

SULTEMEIER

SURVEYING & ENGINEERING

TEXAS LICENSED SURVEYING FIRM: 100930-00
TEXAS REGISTERED ENGINEERING FIRM: F-10608

501 West Main, Suite 107
Fredericksburg, TX 78624
Tel.: (830) 990-1221

TRACT E - 2,238 SQUARE FEET
CITY OF FREDERICKSBURG
GILLESPIE COUNTY, TEXAS

FN-18-6385-E
AUGUST 4TH, 2018

A DESCRIPTION OF A 2,238 SQUARE FOOT TRACT OF LAND SITUATED IN THE CITY OF FREDERICKSBURG, GILLESPIE COUNTY, TEXAS, COMPRISING PART OF ST. EAST, A 30 FOOT WIDE STREET SHOWN IN THE DECHERT ADDITION, A PLAT OF RECORD IN VOLUME 29, PAGE 506 OF THE DEED RECORDS OF SAID COUNTY; SAID 2,238 SQUARE FOOT TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a ½ inch iron rod found on the north line of said St. East at the southeast corner of that certain 1.48 acre tract described under Register No. 20151154 of the Official Public Records of said County, on the west line of that certain 1.84 acre tract described under Register No. 20063040 of the said Official Public Records, for the northeast corner hereof;

THENCE departing from said north line and passing over and across said St. East with the said west line of the 1.84 acre tract, S 00° 03' 47" E, a distance of 15.00 feet to a 3/8 inch iron rod set for the southeast corner hereof;

THENCE continuing over and across said St. East with the following two (2) courses:

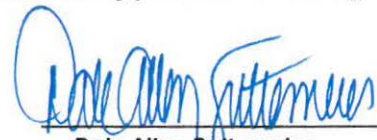
1. S 89° 40' 29" W, a distance of 149.32 feet to a 3/8 Inch Iron rod set for the southwest corner hereof, and
2. N 00° 18' 45" W, a distance of 14.97 feet to the said north line of St. East, for the northwest corner hereof;

THENCE with said north line, N 89° 39' 43" E, a distance of 149.39 feet to the **POINT OF BEGINNING**, containing 2,238 square feet of land, more or less.

I, Dale Allen Sulzemeier, a Registered Professional Land Surveyor, do hereby certify that this description and accompanying plat were prepared from an on the ground survey performed under my direction and supervision.

SULTEMEIER SURVEYING &
ENGINEERING, LLC
501 West Main, Suite 107
Fredericksburg, Texas 78624
(830) 990-1221




Dale Allen Sulzemeier
Registered Professional Land
Surveyor
No. 4542 - State of Texas

SULTEMEIER

SURVEYING & ENGINEERING

TEXAS LICENSED SURVEYING FIRM: 100930-00
TEXAS REGISTERED ENGINEERING FIRM: F-10608

501 West Main, Suite 107
Fredericksburg, TX 78624
Tel.: (830) 990-1221

TRACT F - 2,074 SQUARE FEET
CITY OF FREDERICKSBURG
GILLESPIE COUNTY, TEXAS

FN-18-6385-F
AUGUST 4TH, 2018

A DESCRIPTION OF A 2,074 SQUARE FOOT TRACT OF LAND SITUATED IN THE CITY OF FREDERICKSBURG, GILLESPIE COUNTY, TEXAS, COMPRISING PART OF ST. EAST, A 30 FOOT WIDE STREET SHOWN IN THE DECHERT ADDITION, A PLAT OF RECORD IN VOLUME 29, PAGE 506 OF THE DEED RECORDS OF SAID COUNTY; SAID 2,074 SQUARE FOOT TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 3/8 inch iron rod set on the south line of said St. East at the common north corner of Lots 4 & 5 in the said Dechert Addition, for the southwest corner hereof;

THENCE with the said south line of St. East, N 89 ° 41' 15" E, a distance of 138.33 feet to a 3/8 inch iron rod set at the common north corner of Lot 5 and Lot 6 as shown on said Plat, on the west line of that certain 1.84 acre tract described under Register No. 20063040 of the said Official Public Records, for the southeast corner hereof;

THENCE departing from said south line and passing over and across said St. East with the said west line of the 1.84 acre tract, N 00 ° 03' 47" W, a distance of 15.00 feet to a 3/8 inch iron rod set for the northeast corner hereof;

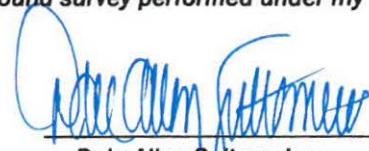
THENCE departing from said west line and continuing over and across said St. East with the following two (2) courses:

1. S 89 ° 40' 29" W, a distance of 138.40 feet to a 3/8 inch iron rod set for the northwest corner hereof, and
2. S 00 ° 20' 17" E, a distance of 14.97 feet to the **POINT OF BEGINNING**, containing 2,074 square feet of land, more or less.

I, Dale Allen Sultemeier, a Registered Professional Land Surveyor, do hereby certify that this description and accompanying plat were prepared from an on the ground survey performed under my direction and supervision.

SULTEMEIER SURVEYING &
ENGINEERING, LLC
501 West Main, Suite 107
Fredericksburg, Texas 78624
(830) 990-1221




Dale Allen Sultemeier
Registered Professional Land
Surveyor
No. 4542 - State of Texas



CITY COUNCIL MEMO

DATE: August 13, 2018
TO: Mayor and City Council
FROM: Jennifer Krupa, Special Events Coordinator
SUBJECT: Street Closure Request – Best Fest 2018

Summary:

Best Fest is an annual event sponsored by the Knights of Columbus and is held each October at Marktplatz. Event organizers have requested to close one southbound traffic lane and the parking lane of N. Adams Street, adjacent to Marktplatz from Austin to Main Street beginning Friday, October 19th at 8am and ending Saturday, October 20th at 11pm.

Recommendation:

Recommend Council consider the request to close the sound-bound traffic and parking lane on North Adams from Austin to Main Street for the Knights of Columbus Best Fest 2018 event.

Background / Analysis:

Best Fest organizers have closed this traffic and parking lane for the past three years of the event. The new use regulations for Marktplatz went into effect after a special meeting on January 30, 2017 and therefore requires the event organizers to obtain City Council approval for the closure.

Attachments:

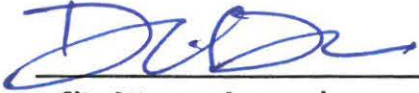
Knights of Columbus City Council Request Letter & Street Closure Request Form

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The City of Fredericksburg

Andrea Schmidt

Department Approval



City Attorney Approval



City Manager Approval

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The City of Fredericksburg

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



August 20, 2018

Mayor & City Council,

The Knights of Columbus will be hosting the annual Best Fest event on Saturday, October 20, 2018 at Marktplatz. For the past three years we have closed the southbound traffic and parking lane on N. Adams for the event. We would like to ask City Council to formally approve the closure as required by Marktplatz Use Regulations.

We are only seeking one traffic and one parking lane closure on southbound Adams Street adjacent to Marktplatz beginning on Friday, October 19th at 8am and ending on Saturday, October 20, 2018 at 11 pm. Both northbound traffic and parking lanes will remain open to traffic. The goal of the Knights of Columbus is to work with the merchants on the east side of Adams St. to please both parties.

Please feel free to contact me if there are any questions or concerns and I will be glad to work with you on the matter.

Sincerely,

A handwritten signature in cursive script, appearing to read 'John Eilers'.

John Eilers

Event Chairman/Best Fest
Knights of Columbus
830-456-6279

SPECIAL EVENTS STREET CLOSURE REQUEST



Street closure requests must be made three (3) months in advance to City Council for any closure four (4) hours or more. Please consider this timeline when submitting your request. Please also attach the notification letter you will send to abutting property owners (if applicable) with this request to the Special Events Coordinator.

Event Name:	Best Fest
Event Date(s):	Saturday, October 20, 2018
Contact Name:	John Eilers
Contact Phone:	(830) 456-6279

Closure Area:

☐ Entire Street
 ☐ Parking Lane Only
 ☒ Partial Street
 ☐ Blocking City owned property

Side of street: _____ (N,S,E,W) Side of street: West Location: _____

Additional details (attach additional pages as needed for more streets and describe details of use below):

We are requesting to close the southbound traffic and parking lane on N. Adams beginning Friday, October 19, 2018

at 8am through Sunday, October 20th at 11pm.

Street Closure Details:

Street Name	Between (cross street)	And (cross street)	Start Date	Start Time	End Date	End Time
Example:	Crockett Street	Adams Street	Friday, 4/2/18	6:00 PM	Sunday, 4/4/18	12:00 PM
N. Adams	Austin St.	Main St.	Friday, 10/19	8am	Sat., 10/20	11pm

If the event will impact surrounding property owners, a notification letter is required to be sent to property owners at least two weeks prior to the event date. **Attach a copy of the notification letter and a list of addresses the letter will be sent to.**

Date notice provided: Before 8/20/18

Printed Name: John Eilers

Signature: [Handwritten Signature]

Date: 11/10

Date: 8-10-18

Street Department: via email - Glenn K.

Date: _____

Police Department: via email - Lt. Halcy

Date: _____

Parks Department: JKrupc

Date: 8-10-18

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