



CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL SPECIAL MEETING DECEMBER 20, 2021

The City of Fredericksburg City Council held a special meeting on Monday, December 20, 2021 at 5 p.m. This meeting was held in person at the Law Enforcement Center and live streamed on the Fredericksburg YouTube Channel.

Members Present:

Mayor Charlie Kiehne
Councilmember Jerry Luckenbach
Councilmember Tom Musselman
Councilmember Kathy O'Neill
Councilmember Bobby Watson

Members Absent:

None

City Staff Present:

Kent Myers, City Manager
Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities
Daniel Jones, City Attorney
Steve Wetz, Police Chief
Braxton Roemer, Police Lt.
Lea Feuge, Public Information Officer
Jason Lutz, Development Services Director
Leslie Ball- Embrey, Administrative Assistant
Shelley Goodwin, City Secretary

1. CALL TO ORDER

Mayor Kiehne called the special meeting of the Fredericksburg City Council to order at 5:00 p.m. on Monday, December 20, 2021.

2. PLEDGE OF ALLEGIANCE

Mayor Kiehne led the Pledge of Allegiance.

3. PUBLIC COMMENTS

No one wished to speak.

4. PUBLIC HEARINGS

- A. Consider a public hearing to receive citizen comments for or against a request from Robert Mosley for a Conditional Use Permit (CUP) per Section 5.400 for Condominium Residential Use to construct a condominium Development on property located at 803 South Eagle Street. (Z-2103) (Jason Lutz, Development Services**

Director).

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to go out of Regular Session into a public hearing at 5:01 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

No one wished to speak.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to go out of public hearing back into Regular Session 5:02 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

- B. Consider a public hearing to receive citizen comments for or against a request from Wes and Tammy Pack for a Conditional Use Permit (CUP) per Section 3.510 to construct a first-floor bed and breakfast unit in the Historic Shopping Overlay District on property located at 514 W. San Antonio (Z-2121)) (Jason Lutz, Development Services Director).**

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to go out of Regular Session into a public hearing at 5:02 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

No one wished to speak.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to go out of public hearing back into Regular Session 5:03 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

- C. Consider a public hearing to receive citizen comments for or against a request from Carolyn Ellebracht to consider a requested voluntary annexation and zoning of "Single-Family Residential" (R1) for approximately 10.839 acres of land out of a remaining portion of a 258 acre tract described in Volume 63, Page 366, Deed Records, Gillespie County, Texas, also being situation in the William H. Anderson Survey No. 197, Abstract No. 2 Gillespie County, Texas, located at the south end of Stoneledge Drive, east of the Stoneridge Subdivision (Jason Lutz, Development Services Director).**

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to go out of Regular Session into a public hearing at 5:04 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

No one wished to speak.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to go out of public hearing back into Regular Session 5:05 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

- D. Consider a public hearing to receive citizen comment for or against request from John Hewitt, Hewitt Engineering for approximately 6.9 acres of land described as Lot 1, of the Villages of Windcrest Subdivision, located on the north side of W. Windcrest Drive, approximately 1,300 feet West of the Post Oak Road and W. Windcrest Drive Intersection to consider the following items: (Z-2122) (Jason Lutz, Development Services Director).**

- i. **Future Land Use Change from “Medium Density Residential” (MDR) and “Low Density Residential” (LDR) to a Future Land Use Classification of “High Density Residential” (HDR)**
- ii. **Zoning Change from “Mixed Residential” (R2) to “Multi-Family Residential” (R3)**

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember O’Neill, to go out of Regular Session into a public hearing at 5:05 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

No one wished to speak.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to go out of public hearing back into Regular Session 5:06 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

- E. **Consider a public hearing to receive citizen comment for or against request from Whitney Koch, Mustard Design, for the rear portion of property located at 305 S. Washington Street for the following items: (Z-2123) (Jason Lutz, Development Services Director).**
 - i. **Future Land Use Change from “Parks Open Space” (POS) to a Future Land Use Classification of “Commercial” (C).**
 - ii. **Zoning Change from “Multi-Family Residential” (R3) and “Open Space” (OS) to a Zoning Classification of “Commercial” (C2).**

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Watson, to go out of Regular Session into a public hearing at 5:06 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

No one wished to speak.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember O’Neill, to go out of public hearing back into Regular Session 5:07 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

5. ORDINANCES AND RESOLUTIONS

- A. **Consider the approval of Ordinance 2021-30 for approximately 10.839 acres of land out of a remaining portion of a 258 acre tract described in Volume 63, Page 366, Deed Records, Gillespie County, Texas, also being situation in the William H. Anderson Survey No. 197, Abstract No. 2 Gillespie County, Texas, located at the south end of Stoneledge Drive, east of the Stoneridge Subdivision extending The Corporate Limits of the City of Fredericksburg, Texas, so as to include said territory; granting to all inhabitants and future inhabitants of said territory all of the rights and privileges of other citizens of the City of Fredericksburg, Texas; binding the inhabitants and future inhabitants of said territory by any and all acts, ordinances, resolutions and regulations of said City of Fredericksburg, Texas; and amending the Zoning Ordinance of the City to establish the Zoning District of said Territory as R-1: Single Family Residential. (Jason Lutz, Development Services Director).**

Jason Lutz, Development Service Director, reviewed the history of the voluntary annexation. He noted that the City Council has already approved the Annexation Agreement. The requestor is requesting this approval be effective January 1, 2022.

The City Council discussed the legality of the effective date.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to approve Ordinance 2021-30 for approximately 10.839 acres of land out of a remaining portion of a 258 acre tract described in Volume 63, Page 366, Deed Records, Gillespie County, Texas, also being situation in the William H. Anderson Survey No. 197, Abstract No. 2 Gillespie County, Texas, located at the south end of Stoneledge Drive, east of the Stoneridge Subdivision extending The Corporate Limits of the City of Fredericksburg, Texas, so as to include said territory; granting to all inhabitants and future inhabitants of said territory all of the rights and privileges of other citizens of the City of Fredericksburg, Texas; binding the inhabitants and future inhabitants of said territory by any and all acts, ordinances, resolutions and regulations of said City of Fredericksburg, Texas; and amending the Zoning Ordinance of the City to establish the Zoning District of said Territory as R-1: Single Family Residential effective January 1, 2022 and waive the second reading. The City Council voted four (4) for, and none (0) opposed, (1) abstained (Mayor Kiehne). The motion carried.

- B. Consider requests from John Hewitt, Hewitt Engineering, for approximately 6.9 acres of land described as Lot 1, of the Villages of Windcrest Subdivision, located on the north side of W. Windcrest Drive, approximately 1,300 feet West of the Post Oak Road and W. Windcrest Drive Intersection to consider the following items: (Z-2122) (Jason Lutz, Development Services Director).**

Jason Lutz, Development Service Director, reviewed the request and the history of the property. He noted the applicant is looking to construct 96 units in multiple structures; 4 buildings will be 2-story and contain 48 two-bedroom units, and another building will be 3- story building and have 48 1-bedroom units. Currently, there are two land uses on the property, and they are proposing R3-Multi-family residential.

- i. **Ordinance 2021-31 adopting a change in the Comprehensive Plan especially the Land Use Map from “Medium Density Residential” (MDR) and “Low Density Residential” (LDR) to “High Density Residential” (HDR) and providing an effective date.**

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember O’Neill, to approve Ordinance 2021-31 adopting a change in the Comprehensive Plan, especially the Land Use Map from “Medium Density Residential” (MDR) and “Low Density Residential” (LDR) to “High Density Residential” (HDR) and providing an effective date, and waive the second reading. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

- ii. **Ordinance 2021-32 amending the Zoning Ordinance and changing the Zoning District from “Mixed Residential” (R2) to “Multi-Family Residential” (R3) and providing an effective date.**

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to approve Ordinance 2021-32 amending the Zoning Ordinance and changing the Zoning District from “Mixed Residential” (R2) to “Multi-Family Residential” (R3) and providing an effective date and waive the second reading. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

- C. Consider request from Whitney Koch, Mustard Design, for approximately 0.5793 acres of land described as Petmecky Block B, Lot 9-PT, 10-PT, 11-PT & 12-PT located at 305 S. Washington Street to consider the approval of the following items: (Z-2123) (Jason Lutz, Development Services Director).**

Jason Lutz, Development Services Director, reviewed the project and the proposed changes that were made since the City Council denied their previous request. The Planning and Zoning Commission recommended approval of the requests. He also noted that there is a property dispute, a resident is claiming they own the property across the creek; however, there is proof to that claim.

The City Council discussed the property dispute that is between the two residents. They also discussed the Open Space Zoning and the need to review the definition of Open Space.

i. Ordinance 2021-33 adopting a change in the Comprehensive Plan especially the Land Use Map from “Parks Open Space” (POS) to “Commercial” (C) and providing an effective date

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to approve Ordinance 2021-33 adopting a change in the Comprehensive Plan especially the Land Use Map from “Parks Open Space” (POS) to “Commercial” (C) and providing an effective date and waive the second reading. The City Council voted four (4) for, and one (1) opposed (Councilmember O’Neill). The motion carried.

ii. Ordinance 2021-34 amending the Zoning Ordinance and changing the Zoning District from “Multi-Family Residential” (R3) and “Open Space” (OS) to a Zoning Classification of “Commercial” (C2) and providing an effective date.

The City Council discussed the uses allowed in C2 zoning. They also discussed the Planning and Zoning Commission recommendation.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to approve Ordinance 2021-34 amending the Zoning Ordinance and changing the Zoning District from “Multi-Family Residential” (R3) and “Open Space” (OS) to a Zoning Classification of “Commercial” (C2), providing an effective date, and waive the second reading. The City Council voted four (4) for, and one (1) opposed (Councilmember O’Neill). The motion carried.

6. OTHER ACTION ITEMS AND UPDATES

A. Consider request from Robert Mosley for a Conditional Use Permit (CUP) per Section 5.400 for Condominium Residential Use to construct a condominium Development on property located at 803 South Eagle Street. (Z-2103) (Jason Lutz, Development Services Director).

Jason Lutz, Development Services Director, reviewed the Site Plan and the proposed request. He noted Staff recommends approval of the requested CUP and associated site plan with the conditions the P&Z Commission recommended:

Conditions:

- Provide additional guest parking
- Provide sidewalks along Friendship Lane
- Re-address the property to Friendship Lane
- Enlarge the entrance to a minimum of 24’ wide
- Stripe both sides at the fire lane (end of parking spaces to the curb line of the parking area).
- Move the dumpster location out of the setbacks and show the screening walls
- Remove the existing driveway on Friendship Lane and re-curb that area
- Approval of Civil Construction Plans

The City Council discussed the conditions.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember O'Neill, to approve a Conditional Use Permit (CUP) per Section 5.400 for Condominium Residential Use to construct a condominium Development on property located at 803 South Eagle Street. (Z-2103), with the conditions provided by Planning and Zoning Commission. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

B. Consider the request from Wes and Tammy Pack for a Conditional Use Permit (CUP) per Section 3.510 to construct a first-floor bed and breakfast unit in the Historic Shopping Overlay District on property located at 514 W. San Antonio (Z-2121) (Jason Lutz, Development Services Director).

Jason Lutz, Development Services Director, reviewed the request and the changes that were made to add three additional parking and one handicap parking spaces. He noted the Planning and Zoning Commission approved the request with the following conditions:

- That an 8' tall screening fence be installed on the side and rear property lines
- That occupancy for the new STR units be limited to 2 individuals per unit

The City Council discussed the changes made to meet the concerns since the last time the City Council voted on this request.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to approve a Conditional Use Permit (CUP) per Section 3.510 to construct a first-floor bed and breakfast unit in the Historic Shopping Overlay District on property located at 514 W. San Antonio (Z-2121)), with the conditions provided by Planning and Zoning Commission. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

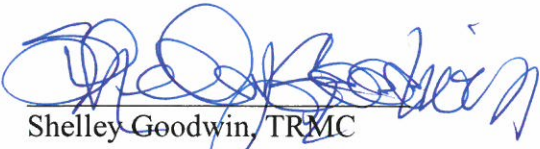
7. PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA.

No one wished to speak.

8.ADJOURN

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to adjourn the Monday, December 20, 2021, City Council Special Meeting at 5:32 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.


Charlie Kiehne
Mayor


Shelley Goodwin, TRMC
City Secretary