

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

**PLANNING & ZONING COMMISSION
JULY 3, 2019
5:30 P.M.**

On this the 3rd day of July 2019 the PLANNING AND ZONING COMMISSION convened in regular Session at the Law Enforcement Center with the following members present to constitute a quorum:

PRESENT: JANICE MENKING
POLLY RICKERT
TIM DOOLEY
BRENDA SEGNER
STEVE THOMAS
JIM JARREAU

ABSENT: CHRIS KAISER
DARYL WHITWORTH

ALSO PRESENT: BRIAN JORDAN – Director of Development Services
DANIEL JONES – City Attorney
SHELBY COLLIER – Development Coordinator

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

MINUTES

Jim Jarreau moved to approve the minutes of the June 2019 meeting and Polly Rickert seconded the motion. All voted in favor and the motion carried.

PUBLIC HEARING

Consider (Z-1911) Request by David Martin on behalf of Guadalupe National Bank for a Conditional Use Permit for a drive through associated with a bank at 804 S. Adams.

Tim Dooley made a motion to open the Public Hearing. Jim Jarreau seconded the motion. All voted in favor and the motion carried.

David Martin presented the application. He stated this is really 2 projects in one. He is here on behalf of the bank and their request for a drive through to serve the bank. It is a 3 acre site and the plan is to replat into 2 equal size lots. They are presented together because they share access via the driveway.

Tim Dooley made a motion to close the Public Hearing. Brenda Segner seconded the motion. All voted in favor and the motion carried.

ACTION ITEM

Janice Menking called the item to receive recommendation and consider (Z-1911)

Brian Jordan, Director of Development Services, stated the proposed development includes a bank building and retail/office building. The site area consists of 2 lots, totaling approximately 3 acres. The intent is to replat the existing lots to have the bank building on one lot and the retail/office building on the other lot.

The purpose of the Conditional Use Permit is for the proposed drive-through associated with the bank. Each site will be independent in terms of development requirements, while the drive access will be shared.

Access to the site will be provided by a drive from S. Adams Street near the center of the property, and the extension of a shared driveway from the Centennial Bank. The driveway on S. Adams will align with Walnut Street and there is currently a center turn lane in S. Adams Street.

This project location falls within the Design Standards and Guidelines for Entry Corridors of the Comprehensive Plan Update. Historic Preservation Officer, Anna Hudson, has worked with the architect for the project and is in support of plans.

Brian Jordan stated staff recommends approval, conditioned upon the replat of the property being approved and approval of the civil construction plans prior to issuance of a building permit.

Tim Dooley asked Mr. Martin when the bank project would start. Mr. Martin stated early fall the project is expected to break ground.

Tim Dooley asked what the timeline was for the retail project. Mr. Martin stated he believes activity on that should happen next year.

Tim Dooley asked if the client is interested in selling the vacant property. Mr. Martin said not to his knowledge.

Motion to recommend approval per staff recommendation by Jim Jarreau for Application Z-1911. Seconded by Polly Rickert. All voted in favor and the motion carried.

PUBLIC HEARING

Consider (Z-1913) Request by Stephen Fain to change the Zoning from C1, Neighborhood Commercial, to C1.5, Medium Commercial, on properties located at 108, 110, 202 and 206 N. Milam Street.

Jim Jarreau made a motion to open the Public Hearing. Polly Rickert seconded the motion. All voted in favor and the motion carried.

Stephen Fain presented the application. He stated he owns the property at 206 N. Milam and is here to answer questions regarding his request to rezone the subject property from C1 to C1.5.

Robert, husband to property owner Cydney Donnell, 309 W. Schubert, stated when the Super S store was there he suffered from carbon monoxide and traffic. He stated since Milam opened up the bridge traffic has only gotten worse. He also commented on the vandalism regarding the old Super S property and the graffiti on this building. He wanted to comment that there should be a limit as to the amount of time this property is allowed to be abandoned.

Cydney Donnell owns property at 309 W. Schubert wanted to reiterate what her husband had said regarding air pollution and traffic. She also commented that when Super S was there they had a higher rate of vandalism in that area. She stated she is concerned and also commented on the lack of a traffic light in this area.

Harvey Hengst owns property at 403 W. Austin. He wants to know what C1.5 Zoning is.

Elizabeth Gendry is the daughter of property owners at 405 and 407 W. Austin. She stated she feels that this property has become an eyesore and believes it would be beneficial if that property could be developed. She wants to ensure that the neighborhood would have the ability to comment on whatever business were to go in there. She also commented on the need for parking if those properties were to develop. She stated she did not

want to see a flea market or resale shop. She wants to preserve the value of their properties.

Josh Bar-Yadin owns property in the area he would like to see a business at the Old Super S. The vacant building is an eyesore. He is also interested in hearing the difference between C1 and C1.5. He went on to encourage the Commission to hear more about the intended use prior to changing the zoning indefinitely.

Tim Dooley made a motion to close the Public Hearing. Jim Jarreau seconded the motion. All voted in favor and the motion carried.

ACTION ITEM

Janice Menking called the item to receive recommendation and consider (Z-1913)

Brian Jordan commented on the request to have a C1.5 Medium Commercial Zone and its recent adoption. He stated the C1.5 Zone is still compatible with the Neighborhood Commercial Zone but it extends the list of uses that are still restrictive and are sensitive to traffic, lighting, hours of operation as well as many other items. Brian went on to comment that he had brought a matrix that shows a comparison between C1 and C1.5 and offered it to those in attendance.

Brian Jordan went on to explain the Conditional Use Permit process and that the neighborhood would again be notified if these types of uses were requested. Brian commented that this property is already in the Historic District and that means that any exterior changes are subject to the review and approval of the Historic Review Board or Historic Preservation Officer.

Brian Jordan wanted to clarify that no notice has been provided that these business will have a change in use.

Brian Jordan stated the subject property consists for 4 tracts, including 108, 110, 202 and 206 N. Milam Street. 108 N. Milam is currently owned by Carson Dickie and used as a Short Term Rental, 108 N. Milan is an insurance and business office, 202 N. Milam Street is Madlyn's, and 206 N. Milam Street is the vacant former Super S building. This zoning request has been initiated by the owner of the old Super S building. Said owner has indicated on a number of occasions that the C-1 zoning is relatively limiting for his site. Following the adoption of the C-1.5 zoning district, it was suggested by staff that this may be an option for the property. The reason the other properties have been included is because we advised the owner that we were not interested in just zoning the Super S, but that it would be necessary to create a viable commercial district. So, the properties included in this request are those properties fronting on N. Milam Street, from the property zoned CBD fronting on Main Street, to Schubert Street. Owners of each of the affected properties have signed the application.

Based on the Land Use Plan designation, these properties seem compatible with the description in the Comprehensive Plan. And, the new C-1.5 Medium Commercial District was created to provide a district that fell between the Neighborhood Commercial and the General Commercial categories. Approval is recommended.

Tim Dooley asked if these properties are parking exempt. Brian said everything on the North side of Austin street is not exempt.

Robert, husband of property owner Cydney Donnell, requested the definition of Custom Manufacturing, Brian Jordan read the definition aloud.

Elizabeth Gentry requested the definition of Cocktail Lounge. Brian Jordan read the definition of a Cocktail Lounge aloud, he then went on to explain that a Cocktail Lounge is a Conditional Use and the neighborhood would be notified if a business of this type requested to operate in this zone.

Brian Jordan also discussed the Amplified Sound Ordinance and its implementation. 405 and 407 W. Austin are zoned C1 which the Ordinance does not protect.

Josh Bar-Yadin asked what the difference is between Limited Retail and General Retail. Brian Jordan summarized the differences and read the definition for Limited Retail.

Brian Jordan commented that this application, Z-1913, will not receive final approval tonight. This application will go onto City Council on the 15th of July.

Tim Dooley asked Mr. Fain if he was the owner of the old Super S property. Mr. Fain stated he was.

Polly Rickert asked Mr. Fain if he has ideas about developing the property. Mr. Fain stated no, however, C1.5 gives him more development opportunities and he will market it to tenants and all applicable uses.

Motion to approve of Application Z-1913 per staff recommendation by Jim Jarreau. Seconded by Steve Thomas. All voted in favor and the motion carried.

Polly Rickert advised the citizens to visit City Hall and obtain a copy of the Historical Overlay Ordinance as this would apply to these properties and if development occurs and they are notified they would have the information available.

ACTION ITEM

Request (Z-1912) by City of Fredericksburg to consider an ordinance amendment to section 8.100 of the Zoning Ordinance pertaining to the allowable location of Temporary Use and Structure Types .

Brian Jordan stated the Temporary Use Ordinance currently restricts certain uses in the Historic Overlay District (HO). The expansion of the historic district created an unintended consequence of expanding the limitation of use of tents. The Temporary Use Ordinance was created to restrict certain uses in the historic district and having the restrictions tied to the larger (mostly residential) historic district is not the most efficient way of controlling the shopping district.

Brian Jordan stated at the last meeting staff asked the Planning and Zoning Commission if they had an interest in pursuing this request and provided the example of the Hoffmann House and their potential conflict with this Ordinance as part of the Historic District Expansion. He went on to asked the Commission, now that the historic district has been expanded and no longer includes the Hoffman House, if they were still interested in pursuing this request.

Brian Jordan stated Staff does not feel as though this is necessary.

Polly Rickert stated Staff brought up the need to look at ALL ordinances. Her question is at what point will this revision take place. Brian Jordan asked what ordinances was she referencing. Polly Rickert stated the comprehensive list. Brian Jordan replied currently staff is focused on adding to the ordinances and referenced the new Zoning Ordinances. He stated at this time Staff has not looked at creating a development ordinance and acknowledged the need to revise the Zoning Ordinance. Polly Rickert stated that 2020 would be a good time to look at this.

Jim Jarreau stated this is confusing. He clarified that the Historic District did not include the Hoffmann House. He asked to clarify the Temporary Use Permit. Brian Jordan explained this included the CBD and Historic District.

Brenda Segner asked if the City of Fredericksburg had received pushback regarding the exclusion of the Hoffmann House from the expanded Historic District. Brian commented the pushback is regarding this Ordinance not so much the exclusion of the Hoffmann House from the district.

Tim Dooley stated he is in favor of making it as restrictive as possible.

Polly Rickert stated she is not interested in addressing this as a one-off, she would prefer to look at it more comprehensively.

Daniel Jones, City Attorney, stated that a text amendment to the ordinance requires a motion. At the previous meeting this motion was made so now the motion needs an action either to rescind the motion, deny the motion or approve it.

Polly Rickert made a motion to rescind Z-1912. Tim Dooley seconded the motion. All voted in favor and the motion carried.

MISCELLANEOUS

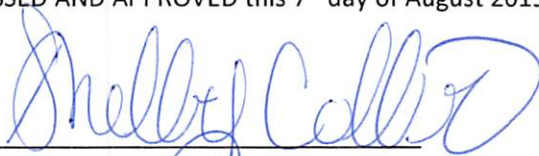
Brian Jordan informed the Commission of the upcoming term expirations. He stated if they wish to be reappointed, the members eligible need to provide a written request to be reappointed.

Brian Jordan said he has received two applications for Board Appointment and is awaiting one more.

ADJOURN

With nothing further to come before the Commission, Brenda Segner moved to adjourn. Seconded by Jim Jarreau. All voted in favor and the meeting was adjourned at 6:39 p.m.

PASSED AND APPROVED this 7th day of August 2019.



SHELBY COLLIER, Development Coordinator



JANICE MENKING, Chairman