

City of Kerrville Planning & Zoning Commission Agenda

Thursday, July 19, 2007, 4:15.*

City Hall City Council Chambers, 800 Junction Highway, Kerrville, TX

The meeting place has wheelchair accessibility and available accessible parking spaces. Please call the City of Kerrville Planning Division at (830) 792-8354 forty-eight hours (48) before the meeting to request accommodations.

1. *4:15 p.m. Pre-Meeting Session, City Council Chambers

Review of today's agenda items between Staff and the Commission. No action will be taken and there is to be no discussion between the Commission and the applicant(s) or other audience.

2. 4:30 p.m. Call to Order

Chairperson calls the meeting to order; roll call.

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3. Visitor/Citizens' Forum

Any person with business not scheduled on the agenda is encouraged to briefly speak their ideas to the Commission. Please fill out the SPEAKER REQUEST FORM and give it to the Commission's Secretary prior to the meeting. (No formal action can be taken on these items as the Open Meetings Act requires formal action items be posted on an agenda no later than 72 hours before the meeting. If formal action is required, the items will be placed on an agenda for a future meeting.)

4. Consent Agenda

All items listed below in the consent agenda are considered routine or ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a Commissioner or citizen so requests; in which case the item(s) will be removed from the consent agenda and considered separately.

4A. Approve the minutes from the meeting of June 21, 2007.

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5. Public Hearings

5A. Residential Replat: Village Glen – A replat of Lots 9, 10 and 11, Block 5, Village Glen, located at the Foothills Drive and Laurelwood Drive intersection, 1701 Foothills Drive. Zoned: R1. Applicant: Texas Land Boundaries. (File No. 2007-27)

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5B. Residential Replat: Comanche Trace Phase 1, Section 1 – A replat of Lots 35 and 36, Block A, Comanche Trace Phase 1, section 1, generally located south of Bandera Highway (SH 173), 2748 and 2752 Indian Wells Drive. Zoned: PD. Applicant: Grogan Surveying. (File No. 2007-26)

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5C. Subdivision Ordinance Amendments – Consider amending Article 10-IV-3B (Blocks and Lots), Article 10-IV-4E (Development Standards for Rural Residential Subdivisions) and Article 10-IV-8 (Definitions and Terms) of the City of Kerrville's Subdivision Ordinance. Applicant: City of Kerrville. (File No. 2006-40)

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6. Staff Reports

6A. Future Agenda Items/Project Update. Applicant: Senior Planner.

6B. Director's Report. Applicant: Director of Development Services.

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7. Adjourn - The next scheduled meeting is Thursday, August 2, 2007.

Cmr. Phillips moved for the approval of the re-plat as submitted motion was seconded by Cmr. Buell and passed 4-0

4B. Residential Replat: J.A. Tivy's Addition – A replat of Lots 14 and 15, Block 53, J.A. Tivy's Addition, located at the north corner of Everett Street and Second Street, 712 Everett Street. Zoned: RC. Applicant: Texas Land Boundaries. (File No. 2007-25)
Mr. Browning presented the findings of fact to the Commission

Cmr. Motheral opened the public hearing at 4:33 p.m. No person spoke. Cmr. Motheral closed the public hearing at 4:34 p.m.

Cmr. Kessler moved for the approval of the re-plat as submitted; motion was seconded by Cmr. Buell and passed 4-0.

Consideration

5A. Preliminary Plat Extension – Consider a request to extend the preliminary plat approval for Las Colinas of Kerrville, a 59 lot residential development located along Sheppard Rees Road. Zoned: ETJ. Applicant: Domingues and Associates. (File No. 2005-34)

Mr. Browning presented the findings of fact to the Commission

After questioning from the Commission, Charles Domingues, the applicant, discussed the reasons for the extension.

Cmr. Phillips moved for the approval of the preliminary plat extension; motion was second by Cmr. Buell and passed 4-0.

Staff Reports

6A. Future Agenda Items/Project Update. Applicant: Senior Planner.

Mr. Browning informed the Commission that there will be no scheduled meeting for July 5, 2007.

6B. Director's Report. Applicant: Director of Development Services.

Kevin Coleman, Director of Development Services, informed the Commission of the next scheduled meetings for the Comprehensive Plan Update Committee. He also informed the Commission of the Regional Workshop for Planning Commissioners and Elected Officials: 2007.

7. Adjourn – The next scheduled meeting is Thursday, July 19, 2007.

The meeting adjourned at 4:54 p.m.

ATTEST:

Bruce Motheral, Chairperson

Trina Ramirez, Recording Secretary

**BUSINESS OF THE PLANNING AND ZONING COMMISSION
CITY OF KERRVILLE, TEXAS**

AGENDA ITEM: 5A **FOR AGENDA OF:** July 19, 2007

DESCRIPTION: **Public Hearing – Replat: Village Glen** – A replat of Lots 9, 10 and 11, Block 5, located at 1701 Foothills Drive. Zoned: R1. (File No. 2007-27)

APPLICANT(S): Texas Land Boundaries

ATTACHMENT(S): Plat

SUMMARY STATEMENT – FINDING OF FACT

History/Timeline:

- State law requires a public hearing prior to Commission action on all replats.
- January 7, 1986 – Final plat approved, Village Glen.
- June 18, 2007 – Application for replat accepted by City.
- July 2, 2007 – Development review Committee (DRC) process completed.
- **July 19, 2007 – Consideration of replat by Commission.**

Summary:

The proposed replat meets the requirements of the Subdivision Ordinance.

RECOMMENDED ACTION

1. Open public hearing and receive comments, and
2. Approve replat as submitted.

**BUSINESS OF THE PLANNING AND ZONING COMMISSION
CITY OF KERRVILLE, TEXAS**

AGENDA ITEM: 5B **FOR AGENDA OF:** July 19, 2007

DESCRIPTION: **Public Hearing – Replat: Comanche Trace Phase 1, Section 1**
– A replat of Lots 35 and 36, Block A, located at 2748 and 2752 Indian Wells Drive. Zoned: PD. (File No. 2007-26)

APPLICANT(S): Grogan Surveying

ATTACHMENT(S): Plat

SUMMARY STATEMENT – FINDING OF FACT

History/Timeline:

- State law requires a public hearing prior to Commission action on all replats.
- February 15, 2001 – Preliminary plat approved, Comanche Trace Phase 1, Section 1.
- April 19, 2001 – Final plat approved, Comanche Trace Phase 1, Section 1.
- January 8, 2004 – Replat approved of Lots 32-40, Block A, Comanche Trace Phase 1, Section 1.
- June 18, 2007 – Application for replat of Lots 35 and 36, Block A, Comanche Trace Phase 1, Section 1 accepted by City.
- July 3, 2007 – Development Review Committee (DRC) process completed.
- **July 19, 2007 – Consideration of replat by Commission.**

Summary:

The proposed replat meets the requirements of the Subdivision Ordinance.

RECOMMENDED ACTION

1. Open public hearing and receive comments, and
2. Approve replat as submitted.

**BUSINESS OF THE PLANNING AND ZONING COMMISSION
CITY OF KERRVILLE, TEXAS**

AGENDA ITEM: 5C **FOR AGENDA OF:** July 19, 2007

DESCRIPTION: **Subdivision Ordinance Amendments** – Consider amending Article 10-IV-3B (Blocks and Lots), Article 10-IV-4E (Development Standards for Rural Residential Subdivisions) and Article 10-IV-8 (Definitions and Terms) of the City of Kerrville Subdivision Ordinance. (File 2006-40)

APPLICANT(S): City of Kerrville

ATTACHMENT(S): Draft Ordinance

History/Summary:

In December 2005, the City of Kerrville and Kerr County approved an interlocal agreement in which the City will become the sole review and approval authority for subdivision plats within the City's ETJ. In that agreement, the City agreed to review the County's rural subdivision regulations as such exist on the date of execution of said agreement and seek to adopt and implement changes to its (the City's) subdivision regulations where said regulations are significantly different from the County's regulations.

City Staff and members of the County Commissioner's Court have met and reviewed both documents relative to rural development in the City's ETJ. Following that review, City staff has agreed to submit amendments adopting County standards in three (3) areas. The three (3) areas to be considered are, 1). Lot sizes (Lots not served by municipal services), 2). Pavement (cross sections) for rural residential subdivisions, and 3). Storm Water Detention (Drainage Facilities). Changes relative to lot sizes and pavement cross sections are addressed in the attached draft ordinance, storm water detention (drainage facilities), is not specifically addressed in the City's Subdivision Ordinance. The ordinance states that drainage facilities shall be designed and constructed in accordance with the City's Design Manual for Storm Drainage Facilities and the City's Construction Standards and Specifications. Until amendments to those documents are complete the City Engineer will use the County's standards for Storm Water Detention in the ETJ as a matter of policy.

Adopting the proposed amendments listed above will require that three (3) new Terms and Definitions will need to be added to the City's Subdivision Ordinance, 1). Community Sewage System, 2). HMAC (Hot Mix Asphalt Concrete) and 3). OSSF (On-site Sewage Facility). These terms are defined in the attached draft ordinance.

The changes proposed consist of those items necessary to satisfy the intent of the interlocal agreement.

RECOMMENDED ACTION

1. Open the public hearing and receive comments, and
2. Recommend to the City Council approval of the proposed amendments to the City of Kerrville Subdivision Ordinance as stated in the attached ordinance.

CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2007-__

AN ORDINANCE AMENDING ARTICLE 10-IV OF THE CITY CODE, COMMONLY REFERRED TO AS THE CITY'S "SUBDIVISION REGULATIONS"; AMENDING SAID CODE SECTIONS TO REFLECT CHANGES TO THOSE REGULATIONS APPLICABLE TO THE CITY'S EXTRATERRITORIAL JURISDICTION; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

WHEREAS, the City Council of the City of Kerrville, Texas, previously adopted regulations applicable to the subdivision of land and establishing the platting process in order to promote the health, safety, and general welfare of the City and the safe, orderly, and healthful development of the City; and

WHEREAS, City staff has recommended amendments to the City's subdivision regulations, Articles 10-IV-3, 10-IV-4, and 10-IV-8, which will revise those regulations applicable within the City's extraterritorial jurisdiction; and

WHEREAS, the Kerrville Planning and Zoning Commission has recommended approval of amendments to the City's subdivision regulations after a public hearing on the matter held on July 19, 2007, at which time all persons had an opportunity to be heard; and

WHEREAS, pursuant to Texas Local Government Code §212.002, notice has been given to all persons by publication in the official newspaper and otherwise, of a hearing to be held before the City Council on August 14, 2007, to consider amendments to Articles 10-IV-3, 10-IV-4, and 10-IV-8 of the City Code commonly referred to as the City's subdivision regulations; and

WHEREAS, such public hearing was held in the Council Chambers beginning at approximately 6:00 p.m. on August 14, 2007, as advertised; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

SECTION ONE. Article 10-IV-3 of the City Code is amended by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as follows:

"Art. 10-IV-3(B) BLOCKS AND LOTS

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. .

(2) Minimum Size. The size, shape and orientation of lots shall be in accordance with the type of development and use contemplated and as established in the City's comprehensive

zoning ordinance. The minimum size of residential lots not served by municipal water and wastewater services shall be as follows:

- a. ~~Residential lots not served by a public sewerage system shall be in accordance with the area standards prescribed by U.G.R.A. Five (5) acres for lots where an individual water well is planned to be the source of potable water and an on-site sewage facility (OSSF) is located.~~
- b. ~~The minimum size of residential lots to be served by a private source of water supply shall be determined by the City Planning Commission upon recommendation of the City Sanitarian. One (1) acre either for lots: (i) served by a public water system and served by an on-site sewage facility (OSSF) if such OSSF is installed in compliance with the then existing rules of Kerr County for OSSFs; or, (ii) served by a community sewage collected system.~~
- c. One quarter (1/4) acre if served by a community, public or shared water system and a community sewage collection system.”

SECTION TWO. Article 10-IV-4 of the City Code is amended by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as follows:

“Art. 10-IV-4(E) DEVELOPMENT STANDARDS FOR RURAL RESIDENTIAL SUBDIVISIONS

1. Exception to Minimum Development Improvements. If the average size of all lots in a proposed residential subdivision is five (5) acres or greater, a developer may request, and the Planning and Zoning Commission may approve, a final plat that does not comply with the minimum development improvements standards required by Section (A), above, provided, however, said standards may only be modified only as follows:
 - a. Street Width and Construction: Streets must be constructed to the following minimum standards:
 - (1) Streets which are not identified on the City’s Major Street and Circulation Plan and which provide direct access to not more than twenty (20) lots, otherwise known as Residential Minor Streets, must be dedicated to the public with not less than sixty feet (60’) of right-of-way and shall be constructed with:
 - (a) six inches (6”) minimum of scarified and re-compacted stablized subgrade a compacted six inch (6”) base not less than twenty-four feet (24’) in width, and

- (b) eight inches (8") of compacted flexible base a two-course penetration asphalt surface not less than twenty-four feet (24') in width; and
 - (c) a two-course penetration of an asphalt and aggregate surface treatment or a one and one-half inch (1.5) hot mix asphalt concrete (HMAC) surface overlaying a one-course penetration of an asphalt and aggregate surface treatment not less than twenty feet (20') in width;
- (2) Streets which are not identified on the City's Major Street and Circulation Plan and which provide direct access to more than twenty (20) lots, otherwise known as Residential Collector Streets, must be dedicated to the public with not less than sixty feet (60') of right-of-way and shall be constructed with:
- (a) six inches (6") minimum of scarified and re-compacted stabilized subgrade a compacted six inch (6") base not less than twenty-eight feet (28') in width, and
 - (b) eight inches (8") of compacted flexible base a two-course penetration asphalt surface not less than twenty-eight feet (28') in width; and
 - (c) a two-course penetration of an asphalt and aggregate surface treatment or a one and one-half inch (1.5) hot mix asphalt concrete (HMAC) surface overlaying a one-course penetration of an asphalt and aggregate surface treatment not less than twenty-four feet (24') in width;
- (3) Streets which are identified as Arterial Streets on the City's Major Street and Circulation Plan, as amended, must be dedicated to the public with not less than eighty feet (80') of right-of-way and shall be constructed with:
- (a) six inches (6") minimum of scarified and re-compacted stabilized subgrade a compacted six inch (6") base not less than twenty-eight feet (28') in width, and
 - (b) ten inches (10") of compacted flexible base a one and one half inch (1.5") compacted hot mix asphalt surface not less than twenty-eight feet (28') in width; and
 - (c) a one and one-half inch (1.5) hot mix asphalt concrete (HMAC) surface overlaying a one-course penetration of an asphalt and aggregate surface treatment not less than twenty-four feet (24') in width;

- (4) Streets which are identified as Collector Streets on the City’s Major Street and Circulation Plan, as amended, must be dedicated to the public with not less than sixty feet (60') of right-of-way and shall be constructed with:
- (a) six inches (6”) minimum of scarified and re-compacted stabilized subgrade a compacted six inch 6” base not less than twenty-eight feet (28') in width, and
 - (b) ten inches (10”) of compacted flexible base a two-course penetration asphalt surface not less than twenty-eight feet (28') in width; and
 - (c) a one and one-half inch (1.5) hot mix asphalt concrete (HMAC) surface overlaying a one-course penetration of an asphalt and aggregate surface treatment not less than twenty-four feet (24') in width;

SECTION THREE. Article 10-IV-8 of the City Code is amended by adding the language that is underlined (added) as follows:

“Art. 10-IV-8 DEFINITIONS AND TERMS

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5. Community Sewage System. A sewage collection, treatment, and disposal system designed to serve two or more sewage generating units on separate lots in a subdivision or a system that is connected to another system for collection, treatment, and disposal of sewage.

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17. HMAC. The term means Hot Mix Asphalt Concrete.

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26. OSSF (On-Site Sewage Facility). An on-site sewage system capable of complying with the current rules and regulations of the State of Texas and Kerr County.”

SECTION FOUR. The provisions of this Ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FIVE. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. The Kerrville City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION SIX. Pursuant to Texas Local Government Code §52.013(a), the City Clerk is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

PASSED AND APPROVED ON FIRST READING, this the _____ day of _____, 2007.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the __ day of _____, 2007.

Eugene C. Smith, Mayor

ATTEST:

Brenda G. Craig, City Clerk

APPROVED AS TO FORM:

Michael C. Hayes, City Attorney

**BUSINESS OF THE PLANNING AND ZONING COMMISSION
CITY OF KERRVILLE, TEXAS**

AGENDA ITEM: 6A **FOR AGENDA OF:** July 19, 2007
DESCRIPTION: Future Agenda Items/Project Update
APPLICANT(S): Gordon Browning, Senior Planner
ATTACHMENT(S):

The following items are scheduled for the Commission's August 2, 2007 meeting,

Residential Replat:

Starkey Manor Subdivision No. 10 – A replat of Lot 18, Block 11, an existing residence located at 1321 Hilltop Road.

Preliminary Plat:

A 56 lot single family development for Habitat for Humanity-Kerr County, located northeast of the Meadow View Lane and Legion Drive intersection.