

City of Kerrville Planning & Zoning Commission Agenda
Thursday, April 16, 2009, 4:30 p.m.
City Hall City Council Chambers, 800 Junction Highway, Kerrville, TX

Page

1. 4:30 p.m. Call to Order

Chair calls the meeting to order; roll call.

2. 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. The number of speakers will be limited to the first ten speakers and each speaker is limited to three minutes. (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.)

3. 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.

3A. Approval of the minutes from the meeting of April 2, 2009

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4. Public Hearing:

4A **Zoning Change Request** – Consider a recommendation to the City Council of a request to change the zoning from W-2 (West Side District) to a PDD (Planned Development District) on approximately 2.10 acres located at 2330 Junction Highway. Zoned: W-2, (File No. 2009-14)

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5. Staff Reports

5A. Future Agenda Items. Applicant: Senior Planner

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6. Adjourn - The next scheduled meeting is Thursday, May 7, 2009.

The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-257-8000 for further information.

I do hereby certify that this notice of meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time:
_____ at _____ and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

City Secretary, City of Kerrville, Texas

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

AGENDA ITEM: 3A **FOR AGENDA OF:** April 16, 2009

DESCRIPTION: Approval of minutes of April 2, 2009.

APPLICANT(S): Planning and Zoning Commission Secretary

ATTACHMENT(S):

MEMBERS PRESENT:

Andy Phillips, Chair
Jim Kessler, Vice Chair
T. Justin MacDonald, Commissioner
George Hager, Commissioner
Gene Allen, Alternate (seated)

MEMBERS ABSENT

Harold Buell, Commissioner
David Watterson, Alternate

COUNCIL LIAISON PRESENT

Bruce Motheral, Council Liaison

STAFF PRESENT:

Kevin Coleman, Director of Development Services
Gordon Browning, Senior Planner
Trina Sanchez, Planning and Zoning Commission Secretary

1. CALL TO ORDER:

On April 2, 2009, the Kerrville Planning and Zoning Commission regular meeting was called to order at 4:53 p.m. in the City Hall Council Chambers, 800 Junction Highway.

2. VISITOR/CITIZENS FORUM:

3. CONSENT AGENDA

Items 3A and 3B were removed from the consent agenda and discussed individually .

Approval of the minutes from the meeting of February 19, 2009

Cmr Kessler moved for approval of the minutes; subject to minor changes; motion was seconded by Cmr. Hager and passed 5-0.

Approval of the minutes from the meeting of March 5, 2009

Cmr. Kessler moved for approval of the minutes; with minor changes; motion was seconded by Cmr. MacDonald and passed 5-0.

4. Final Plats:

4A **Final Plat: The Heights of Kerrville** – Consider a final plat for a sixty-one (61) lot, 308 acre residential development generally located west of Harper Road and northeast of Coronado Drive and a variance request to Article 10-IV-3A (5 and 6) of the Subdivision Regulations. Zoned: ETJ. Applicant: Matkin-Hoover Engineering and Surveying. (File No. 2009-11)

Cmr. Phillips recused himself from the Commission during this time due to a conflict of interest with the Final Plat: The Heights of Kerrville. Cmr. Phillips previously filed the proper form with City Staff.

Mr. Browning presented the finding of facts to the Commission.

Cmr. Allen moved for approval of the final plat; motion was seconded by Cmr. Hager and passed 4-0.

Cmr. Phillips rejoined the Commission.

4B. **Final Plat: Fox Ridge** – Consider a final plat for a seven (7) lot, 11.03 acre single family development generally located at the intersection of Rim Rock Road and Blue Sky Lane. Zoned: ETJ. Applicant: Guadalupe Survey Company. (File No. 2009-12)

With consensus of the Commission and the Chairman moved this item to the end of the agenda.

5. PUBLIC HEARINGS

5A. **Residential Replat: The Summit, Phase Twelve** – Consider a replat of Lots 7 and 10, Block 6, The Summit, Phase Twelve, located at 1803 Summit Spur. Zoned: RC. Applicant: Voelkel Land Surveying. (File No. 2009-13)

Mr. Browning presented the finding of facts to the Commission.

Cmr. Phillips opened the public hearing at 5:02 p.m.

Lee Voelkel, with Voelkel Land Surveying, explained to the Commission the reasoning of the replat.

Cmr. Phillips closed the public hearing at 5:04 p.m.

Cmr. Hager moved for approval of the residential re-plat as submitted; motion was seconded by Cmr. Allen and passed 5-0.

6. Action Item:

6A. Review and approval of related checklist from the Development Site Plan Procedure and Application packet. Applicant: City of Kerrville.

Mr. Browning presented the finding of facts to the Commission.

Bruce Motheral suggest on the 11th item on the checklist to leave out “curve radii” and change “all streets” to read “all on-site streets ” because all streets could be anywhere in the City. He also suggested changes to the 16th item to read “limits of the 100 year floodplain and floodway as shown on current FEMA maps. and remove “include location and acreage.”

Gordon Browning, Senior Planner, explained to the Commission that he spoke to Bobby Gore, Flood Plan Administrator, and that basically he is looking for an approximation location and acreage.

Bruce Motheral did not agree to leave acreage, however he does agree with approximate location.

Cmr. MacDonald commended the staff for their work on the checklist for the Development Site Plan Procedure and application packet.

Cmr. Phillip also commended staff for their efforts in the Development Site Plan Application and checklist.

Cmr. Kessler moved for approval of the Development Site Plan Policy and Procedure Checklist with the amendments; motion was seconded by Cmr. MacDonald and passed 5-0.

4. Final Plats:

4B. Final Plat: Fox Ridge – Consider a final plat for a seven (7) lot, 11.03 acre single family development generally located at the intersection of Rim Rock Road and Blue Sky Lane. Zoned: ETJ. Applicant: Guadalupe Survey Company. (File No. 2009-12)

The applicant requested for this item to be tabled.

7. STAFF REPORTS

7A. Future Agenda Items. Applicant: Senior Planner

8. Adjourn – The next scheduled meeting is Thursday, March 19, 2009.

The meeting adjourned at 5:15 p.m.

ATTEST:

Andy Phillips, Chair

Trina Sanchez, Recording Secretary

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

AGENDA ITEM: 4A **FOR AGENDA OF:** April 16, 2009

DESCRIPTION: **Zoning Change Request** – Consider a recommendation to the City Council of a zoning change request to change the zoning from W-2 (West Side District) to a PDD on approximately 2.10 acre tract located at 2330 Junction Highway. Zoned: W-2. (File No. 2009-14)

APPLICANT(S): Dan Kuykendall

ATTACHMENT(S): Location Map, Concept Plan, Draft Ordinance

Project Timeline:

- March 16, 2009 – An application for a Planned Development District is accepted by the City for review and consideration.
- April 1, 2009 – In accordance with statute and local ordinance, notice of the required public hearing was published in The Kerrville Daily Times and mailed to all property owners within 200-feet of the subject tract.
- April 1, 2009 – Development Review Committee (DRC) review process completed.
- **April 16, 2009 – Public hearing before the Planning and Zoning Commission (P&Z) and consideration of a recommendation to the City Council.**
- May 12, 2009 – Public hearing before the City Council and consideration of an ordinance on first reading.
- May 26, 2009 – Second and final ordinance reading approving the PDD.

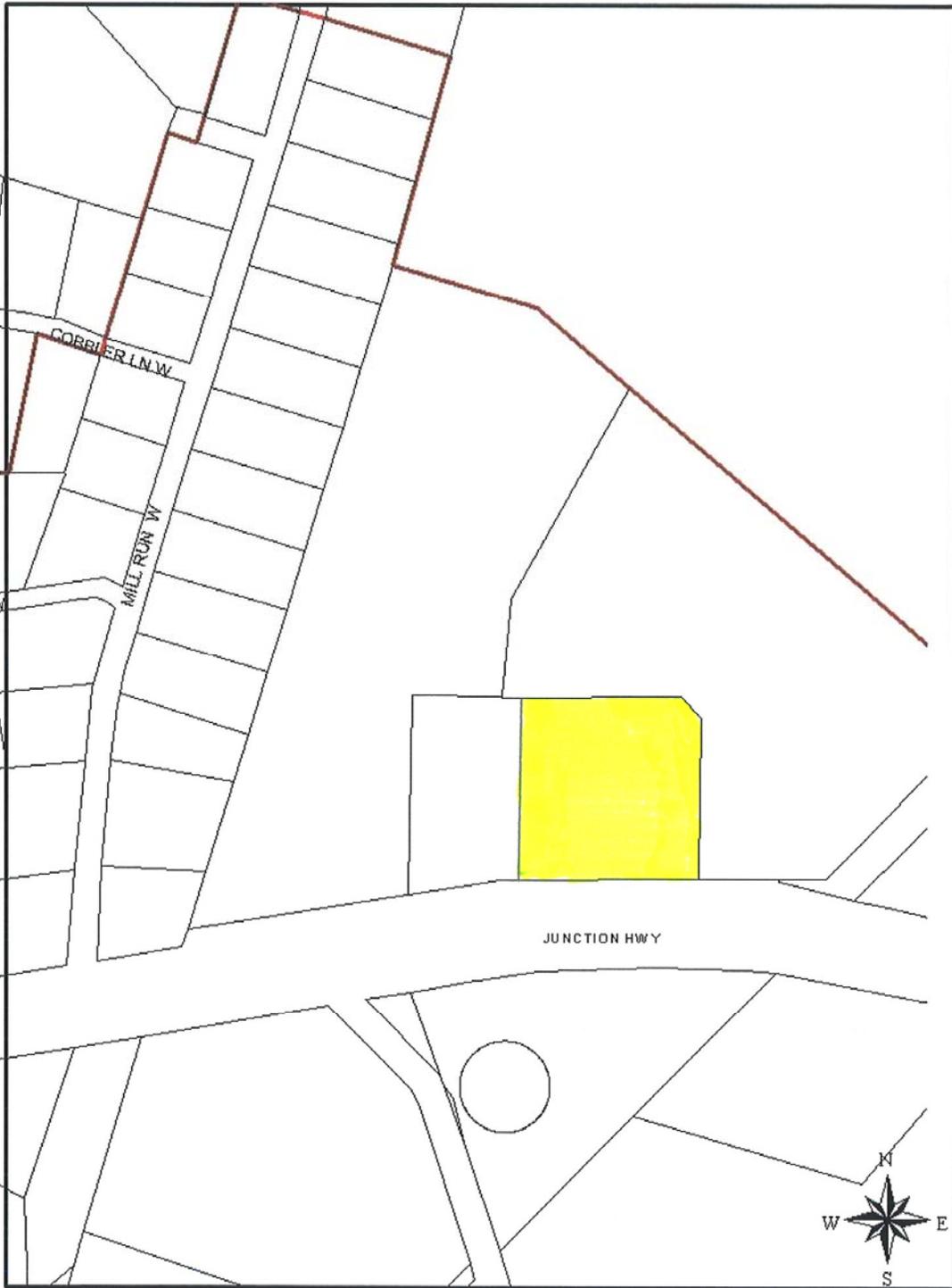
PDD Process:

- Article 11-I-15 of the Zoning Code describes Planned Development Districts (PDD) and the process by which they are considered. PDD's are zoning districts that can be considered for permitting land uses not normally allowed in the zoning district in which the property is located. A PDD is governed by a site plan and any other development regulations associated with a City Council approved ordinance. A PDD effectively becomes a "stand alone" zoning district similar to those already described in the Zoning Code.
- No underlying right exists to approve a PDD request. The fact that the P&Z and City Council may review an application for a zoning change does not mean it must be approved. The burden falls to the applicant to show the use would be a benefit to the particular area and to the general welfare of the City.
- The P&Z and Council may impose requirements and conditions of approval as are needed to ensure that a use requested by a PDD is compatible and complementary to adjacent properties.

- The applicant's request is to change the zoning on approximately 2.10 acres from W-2 to a PDD to allow 'Vehicle Sales/Service – New' as outlined in the attached draft ordinance.
- As presented in the applicant's concept plan, the proposed development will consist of an approximately 400 square foot office, showroom (sales area), vehicle assembly and repair area. The proposed use, 'Vehicle Sales/Service – New', as defined by the attached ordinance is to be limited to the sales/service of ATV's, UTV's tractors and accessories. Access is shown from Junction Highway (SH 27), TxDOT has reviewed access to this tract and has granted preliminary access.
- Prior to submission of any building and/or engineering plans for construction, the applicant shall submit a development site plan for review and approval per Resolution No. 033-2009.
- Unless specifically addressed in the attached ordinance, approval of the PDD does not exempt the property owner and/or developer from any other ordinance or requirement related to the development of the property described. Approval of the PDD is not a permit for development and/or construction.
- Based on the proposed concept plan and uses outlined in the attached ordinance, staff recommends approval of the zoning change.
- The attached ordinance proposed by staff is consistent with previous PDD ordinances reviewed by the Commission and Council.

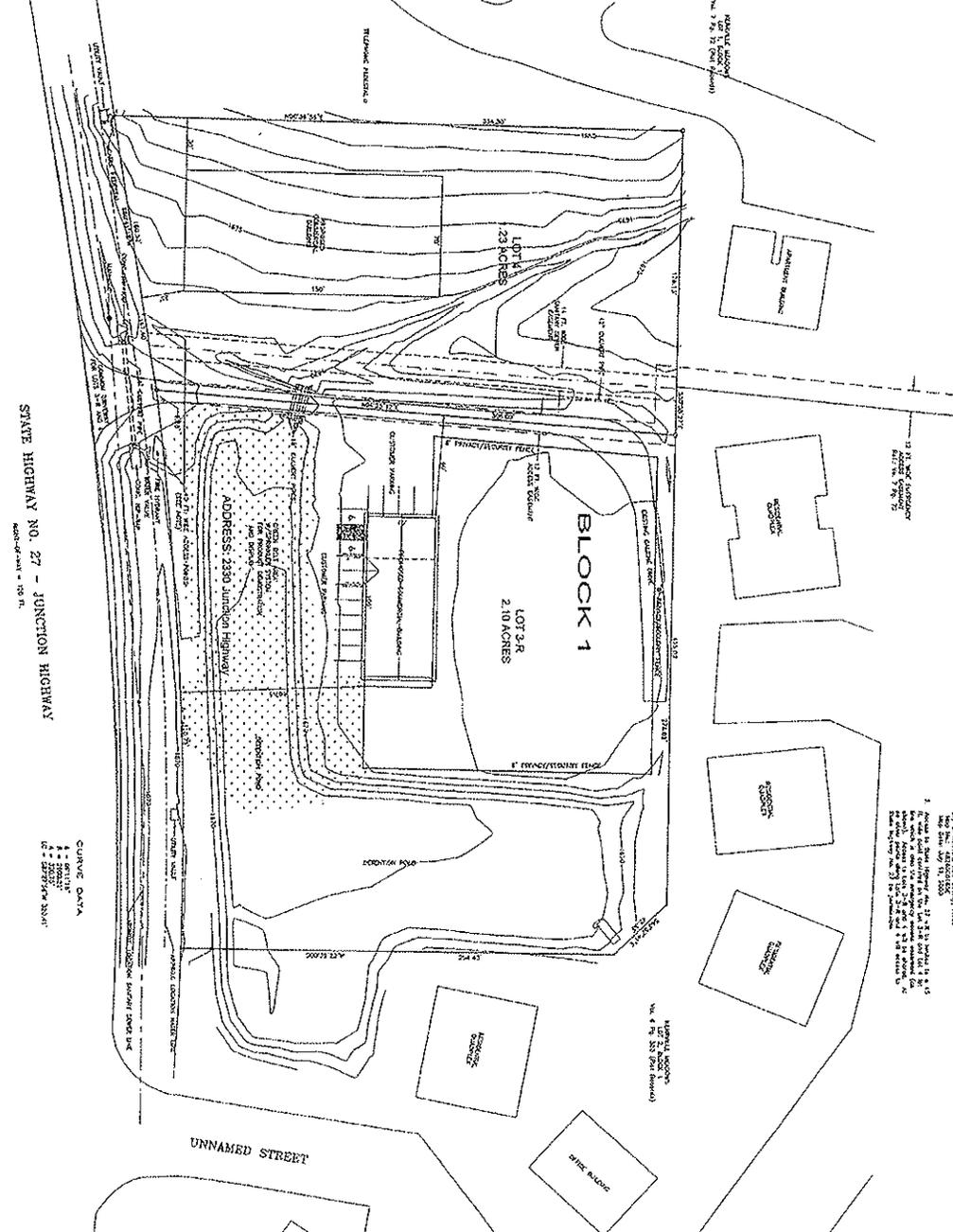
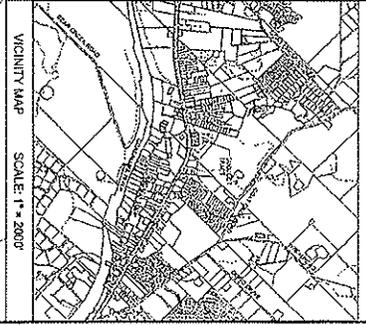
RECOMMENDED ACTION

1. Open the public hearing and receive comments, and
2. Recommend to the City Council approval of the PDD subject to the conditions outlined in the attached ordinance.



GENERAL NOTES

1. This property is located "as is" - the surveyor does not warrant the accuracy of the information shown hereon.
2. The survey is based on the 1984 Survey of the State of Missouri, as amended, and the 1984 Survey of the State of Missouri, as amended, and the 1984 Survey of the State of Missouri, as amended.
3. The survey is based on the 1984 Survey of the State of Missouri, as amended, and the 1984 Survey of the State of Missouri, as amended, and the 1984 Survey of the State of Missouri, as amended.



CONTOUR INTERVAL = 1 FOOT
 SCALE: 1" = 30'

DEVELOPMENT SITE PLAN
 FOR LOTS 3R AND 4 IN BLOCK 1
 KERRYVILLE MEADOWS
 MARCH 2009

CURVE DATA
 R = 100.00 FT
 Δ = 90.00 DEG
 L = 157.08 FT
 Δ = 270.00 DEG
 L = 314.16 FT

PROPOSED: 2330 Junction Highway
 OWNER: [Name Redacted]
 DATE: [Date Redacted]

CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2009-_____

AN ORDINANCE CREATING A 'PLANNED DEVELOPMENT DISTRICT' FOR VEHICLE SALES/SERVICE – NEW, ON AN APPROXIMATELY 2.10 ACRE TRACT OF LAND, MORE OR LESS, OUT OF THE FRANCISCO TREVINO SURVEY NO. 125, ABSTRACT NO. 246 AND BEING PART OF LOT 3, BLOCK 1, KERRVILLE MEADOWS, WITHIN THE CITY OF KERRVILLE, TEXAS AND OTHERWISE KNOWN AS 2330 JUNCTION HIGHWAY, ADOPTING A CONCEPT PLAN AND CONDITIONS RELATED TO THE DEVELOPMENT OF SAID DISTRICT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ESTABLISHING A PENALTY OR FINE NOT TO EXCEED \$2000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Kerrville, Texas, in compliance with the City Charter and the State law with reference to the creation of Planned Development Districts under Article 11-I-15 of the Zoning Code of the City of Kerrville, Texas, and amending the official zoning map adopted thereby, have given the requisite notices by United States mail, publication and otherwise; and after holding due hearings and affording a full and fair hearing to all of the property owners generally, and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body of the City of Kerrville, Texas, finds that the health, safety and general welfare will be best served by the creation of a Planned Development District for Dwelling, Multi-Family (Apartments) development, subject to the special conditions and restrictions set out hereinafter on the property described in Section One hereof;

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

SECTION ONE. That the property described below, is hereby removed from Zoning District W-2 (West Side District) and placed in a newly created "Planned Development District":

An approximate 2.10 acre tract of land, more or less, out of the Francisco Trevino Survey No. 125, Abstract No. 246, and being part of Lot 3, Block 1, Kerrville Meadows, within the City of Kerrville, Texas, and as more particularly described in Volume 7, Page 72 of the plat records of Kerr County, Texas.

SECTION TWO. The property described in Section One, above, may be developed and used subject to the following:

- A. Permitted Uses: For the purpose of this Planned Development District, Vehicle Sales/Service – New, shall be restricted to the sales, service and display of ATV's, UTV's, tractors and accessories.

- B. Concept Plan: The development of this property shall be substantially in accordance with the Concept Plan attached as **Exhibit A**.
- C. Development Site Plan: Prior to permitting, a Development Site Plan, per Resolution No. 033-2009, shall be submitted and approved.
- D. Parking: The design, number of parking spaces and aisle dimensions shall be in accordance with the regulations in effect at the time the individual building permits are submitted to the City. All required parking spaces shall be constructed of asphalt or concrete and be marked and kept available for customers and employees.
- E. Sidewalks: The construction of sidewalks shall be required and in accordance with the regulations in effect at the time building permits are submitted.
- F. Setbacks and Height Requirements: The Planned Development District shall be developed with the following minimums:
 - a. Front Yard Setback: 35 feet
 - b. Rear Yard Setback: 35 feet
 - c. Interior Side Yard Setback: 12.5 feet
 - d. Maximum Height: 40 feet
- G. Signage: The design, installation, location and maintenance of signs shall comply with City regulations regulating signs existing at the time of permitting and installation.
- H. Landscaping Regulations: Landscaping shall be installed in accordance with the following:
 - 1. Planting materials planted on the property shall be on the list of recommended plants set forth in the most recent edition of Recommended Plants for the Kerrville Area published by the City at the time of planting.
 - 2. All landscaping shall be maintained in a healthy, growing condition.
- I. Screening: Screening shall be required and in accordance with the regulations in effect at the time individual building permits are submitted to the City.
- J. Trash and Other Solid Waste: Solid waste collection bins and dumpsters shall be equipped with lids and screened with a gate with an opaque screen on one side and masonry material finished to look substantially like the adjacent building on the remaining three sides.
- K. Parking Lot Lighting: All outside pole lights shall be of a "shoe box" design and shall be located, shielded and aimed in such a manner so as not to allow light to directly fall on adjacent roadways and/or properties.
- L. Outside Storage and Display: The outside storage of any materials, supplies, inventory and/or equipment, whether contained in cargo containers or other similar containers or buildings shall be limited to the loading/unloading area shown on the Concept Plan with the exception of outdoor display of equipment and accessories, which shall only be permitted during normal business hours.
- M. Platting: The development of this property shall be subject to the City's Subdivision Regulations, which includes submittal and approval of a plat.

SECTION THREE. 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 FOUR. 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 Council of the City of Kerrville, Texas, 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 FIVE. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Article 1-I-9 of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00).

SECTION SIX. In accordance with Section 3.07 of the City Charter and 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 _____, A.D., 2009.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the ___ day of _____, A.D., 2009.

Todd A. Bock, Mayor

APPROVED AS TO FORM:

ATTEST:

Michael C. Hayes, City Attorney

Brenda G. Craig, City Secretary

GENERAL NOTES

1. The property is zoned "R" - Low Density Residential.
2. The project is in Phase I, according to the PDU for the site.
3. The project is in Phase I, according to the PDU for the site.
4. The project is in Phase I, according to the PDU for the site.
5. The project is in Phase I, according to the PDU for the site.
6. The project is in Phase I, according to the PDU for the site.
7. The project is in Phase I, according to the PDU for the site.
8. The project is in Phase I, according to the PDU for the site.
9. The project is in Phase I, according to the PDU for the site.
10. The project is in Phase I, according to the PDU for the site.

12. THE PROPERTY IS ZONED "R" - LOW DENSITY RESIDENTIAL.

VICINITY MAP SCALE: 1" = 2000'

CONTOUR INTERVAL = 1 FOOT
SCALE: 1" = 30'

DEVELOPMENT SITE PLAN
FOR LOTS 3R AND 4 IN BLOCK 1
KERRYVILLE MEADOWS
MARCH 2009

VOELKEL
LAND SURVEYING & ENGINEERING
P.L.L.C.
1111 W. 14TH STREET, SUITE 100
KERRYVILLE, TEXAS 78745
PH: 817.336.1111
FAX: 817.336.1112
WWW.VOELKEL.COM

CURVE DATA
R = 200.00'
Δ = 30.00°
LC = 314.1593'

STATE HIGHWAY NO. 27 - JUNCTION HIGHWAY
RIGHT-OF-WAY = 100 FT.

APPLICANT:
OWNER:
DESIGNER:
DATE:

V-02-451

EXHIBIT A

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

AGENDA ITEM: 5A **FOR AGENDA OF:** April 16, 2009

DESCRIPTION: Future Agenda Items

APPLICANT(S): Gordon Browning, Senior Planner

ATTACHMENT(S):

The following item has been scheduled for the Commission's May 7, 2009 meeting;

Presentation – Discussion – The Zoning Ordinance Input Committee (ZOIC) will present to the Commission their findings following a three (3) month review of the City's Zoning Code.