

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

October 19, 2017

MEMBERS PRESENT:

Bob Waller, Chairman
Garrett Harmon, Vice-Chair
Don Barnett, Commissioner
Michael Sigerman, Commissioner
Rustin Zuber, Commissioner
David Jones, Alternate
Marty Lenard, Alternate

STAFF PRESENT:

Sabine Kuenzel, Interim Executive Director of Development Services
EA Hoppe, Deputy City Manager
Mike Hayes, City Attorney
Dorothy Miller, Recording Secretary

CALL TO ORDER:

On October 19, 2017, Cmr. Waller called the Kerrville Planning and Zoning Commission regular meeting to order at 4:30 p.m. in the City Hall Council Chambers, 701 Main Street, Kerrville, Texas.

1. VISITORS/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.)

Ms. Nelwin Sadler, 604 Tivy Street, requested the Commission to grant a leniency to the setbacks rule. She understands the setbacks rule is six feet (6'), but her current garage is at a setback of three feet (3'). She is trying to get a carport built and was told it would not be able to be built unless it had a six foot (6') setback. Ms. Sadler offered pictures to the Commission, however, Cmr. Waller stated this is not an item they can take action on at this time and explained there is a certain process Ms. Sadler will need to go through. Mr. Waller stated Ms. Sadler would need to submit an application for a variance that would go before the Zoning Board of Adjustment. She also stated she had previously met with Ms. Kuenzel regarding the variance and was told that she would most likely not qualify for the variance due to not having a defined hardship; however, Ms. Sadler is welcome to proceed through the variance process as the final decision would be made by the Zoning Board. If Ms. Sadler wanted to pursue the route of changing the zoning instead, then the case would go before the Planning and Zoning Commission. Ms. Sadler asked the Commission to consider grandfathering the setbacks in older neighborhoods.

2. 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.

2A. Approval of the minutes from the October 5, 2017 meeting.

Cmr. Harmon moved to approve the minutes as amended. Motion was seconded by Cmr. Barnett and passed 5-0.

3. PUBLIC HEARING, CONSIDERATION & ACTION

3A. **Public Hearing & Action, CUP & Resolution** – Public hearing, consideration, and action of resolution concerning a requested conditional use permit for a new 7,584 square foot O'Reilly Auto Parts Store for the purpose of the retail sale of auto parts on an approximate 0.91 acre tract. Legal description being a tract of land situated in the John C. Sheffield Survey, Abstract No. 281, City of Kerrville, Kerr County, Texas, being all of a tract of land conveyed to Robert L. Harder by Special Warranty Deed recorded in Volume 1227, Page 229, Deed Records of Kerr County, Texas, located at 1327 Junction Highway. (File No. 2017-053)

Ms. Kuenzel presented the case and asked Commissioners to render a decision.

Cmr. Waller opened the public hearing at 4:45 p.m.

Mr. Fred Henneke, 840 Earl Garrett Street, spoke. Mr. Henneke is representing Barry and Victoria Fong, owners of the property where Starbucks is located. Mr. Henneke expressed several concerns regarding the proposed O'Reilly's Auto Parts store. A letter was previously submitted by Mr. Henneke to Mrs. Miller for the Commission's review. Molly Robb with Anderson Engineering, civil consultants for O'Reilly's, addressed Mr. Henneke's concerns and agreed to submit the pages referenced that were missing from the agenda packet as well as a level one (1) environment study.

Hearing no one else speak, Cmr. Waller closed the public hearing at 5:18 p.m.

Cmr. Harmon moved to approve the conditional use permit with the following conditions: 1) environmental phase one (1) study on site be submitted and kept on file with the city; 2) no oil changes or other environmentally hazardous services be performed on site; 3) the dumpster enclosure be a masonry enclosure that matches the masonry on the building; 4) the exterior elevations provided by the owner be attached to the CUP. Motion was seconded by Cmr. Barnett and passed 5-0.

3B. **Public Hearing & Action, Variance** – Public hearing, consideration and action concerning a request for a variances to allow reinstallation of fourteen (14) Peterson Health campus flagpole banners in accordance with Article II – Signs, Section 6-37. – Prohibited Signs, of the Code of Ordinance, City of Kerrville, Texas, located at 551 Hill Country Drive South. (File No. 2017-066)

Ms. Kuenzel presented the case and asked Commissioners to render a decision.

Cmr. Waller opened the public hearing at 5:42 p.m.

Mr. Patrick Murray, representative for Peterson Regional Memorial Hospital, spoke. Mr. Murray is requesting an approved variance to the City of Kerrville's sign code to allow reinstallation of fourteen (14) Peterson Health campus flagpole banners which were originally installed on their private property in January 2016. These banners hung for over ten (10) months until they were asked to remove them by the City of Kerrville in November of 2016. The inspirational message on the banners, spread across two campuses were specially designed for individuals parking in Peterson Health parking lots – their employees, patients, and community members. The following four inspirational messages were printed on the banners: Improving Lives, Raising Families, Lifting Spirits, and Inspiring Others. All were securely anchored to their campus light poles and strategically spaced at Peterson Regional Medical Center and the Ambulatory Care Center. They are not designed nor intended to serve as advertisements to vehicular traffic on Hill Country Drive of Cully Drive.

Hearing no one else speak, Cmr. Waller closed the public hearing at 6:05 p.m.

Cmr. Barnett moved to approve the variance for the fourteen (14) signs under the community service exemption clause and instruct the City to begin the process of looking at amending the sign ordinance to deal with this issue. Motion was seconded by Cmr. Harmon and passed 5-0.

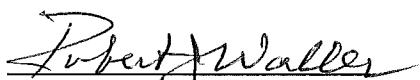
4. STAFF REPORTS

Ms. Kuenzel stated there are no staff reports at this time.

5. ADJOURNMENT

This meeting was adjourned at 6:10 p.m.

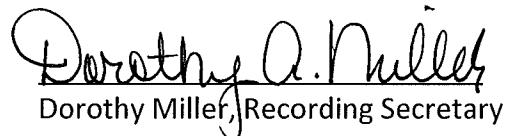
APPROVED:



Robert J. Waller, Chairman

12-21-17

Date Minutes Approved



Dorothy Miller, Recording Secretary