

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

May 3, 2018

Members Present:

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

Members Absent:

Don Barnett, Commissioner

City Executive Staff Present:

Sabine Kuenzel, Chief Planning Officer
Drew Paxton, Executive Director of Development Services
Brian Hunt, Chief Building Official
Mike Hayes, City Attorney
Dorothy Miller, Recording Secretary

CALL TO ORDER:

On May 3, 2018, Cmr. Waller called the Kerrville Planning and Zoning Commission regular meeting to order at 4:31 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 Commissioner'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 to 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.)

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 minutes for the April 19, 2018 meeting.

Cmr. Harmon moved to approve the minutes as amended. Cmr. Zuber seconded, and the motion passed 5-0.

3. PUBLIC HEARING, CONSIDERATION & ACTION

3A. **Public Hearing & Resolution** – Public hearing and consideration of resolution concerning a requested conditional use permit to add an apartment unit to the existing single family residential use on Lot 6, Block 6, Richards Addition, located at 1620 First Street. (File No. 2018-024)

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

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

Mr. Gary Willson spoke regarding his concerns. He previously had a neighbor that turned their garage into an apartment. He said people that rent generally do not have the same life style as home owners. He questioned the integrity of the building and mentioned the dogs that go underneath the building and the owner's inability to clean the droppings. He requested a denial of the conditional use permit stating there are no other apartments in the neighborhood.

Ms. Jessica Whitehead spoke. She owns the existing home and stated the entire home is a work in progress. She has minimal finances and is trying to put up a permanent fence to separate her own dogs from the neighbor's dogs, which will be going up soon. Ms. Whitehead went on to say there is congestion in the neighborhood that does not come from her except at holidays. She discussed the neighbor where she says ten family members live and the group home with multiple people and vehicles. She also stated she has had no police incidents. Ms. Whitehead's mother is living with her and they are trying to co-exist as two families.

Ms. Sharon Davis spoke stating the building is without utilities except maybe electricity. She is concerned of fire hazards and about EMS having access to the building as it is in the back of the main house.

Mr. Bruce Castillo spoke, saying his only problem has been with the dogs, but the problem has been rectified. The building does not bother him or his family, however, it does not have water service and EMS needs to be aware of the second building.

Ms. Julie Klink spoke and stated the building started out as extra space because she is living inside the home with her daughter and grandchildren. She had previously lost everything in Oregon. She took over the master bedroom and her daughter was sleeping in the living room or with the children. She said she tried living in an apartment but her daughter needed help so she came back and slept with the grandchildren. Ms. Klink liked the building and was comfortable so she started staying in it. The dogs are under control now and she apologized if her back doesn't look good enough. She just wants her own little space to live in. She is 67 years old and wants to help her daughter and be with her grandchildren.

Hearing no one else speak, Cmr. Waller closed the public hearing at 5:01 p.m.

Cmr. Garrett asked if Commissioners could, as a condition require skirting, a privacy fence, and a gate for emergency personnel.

Cmr. Sigerman stated the R1 zoning can allow an apartment via a conditional use permit, however, it would have to meet building codes and be in compliance. The current building is not in compliance but would have to come into compliance. He stated the property does have walking access to the building (for EMT, etc.). Mr. Sigerman repeated the concerns discussed during the public hearing, the first having an apartment next to their house, which could affect property values to which Cmr. Sigerman asked if an eight foot privacy fence would help mitigate that concern. Second, having other neighbors wanting to do the same thing and would it have a separate address. Ms. Whitehead responded that the Fire Marshall's office is aware of the house in the back of the property and that it is her mother that is living there, not just renters. She mentioned neighbors who have families living in tents in their backyards.

Mr. Waller asked if a conditional use permit continues with new owners. Ms. Kuenzel answered yes, the CUP does run with the property.

Mr. Hayes addressed the issue of family only in apartments and suggested tabling item to acquire more information.

Ms. Kuenzel stated the owner would also be asking for a 3.5 foot setback variance.

Mr. Harmon stated conditions could include having a six to eight foot privacy fence and emergency access.

Ms. Kuenzel stated a variance for parking as well as for sidewalks may be required as well.

Mr. Zuber suggested looking at the work the Zoning Ordinance Input Committee completed.

Mr. Waller asked if bathroom facilities are required and if there was any power. Ms. Klink answered there is a bathtub and sink for which she has drainage.

Mr. Hunt responded that the building has to have a functioning bathroom, kitchen, and would have to meet the 2015 energy code, have two means of egress, the sewer drainage has to go to the sewer, and sewer and water can run off the same house as well as electricity. An accessory building cannot have overnight stays.

Mr. Zuber moved to table the CUP until staff brings back a list of conditions; motion was seconded by Mr. Sigerman and passed 5-0.

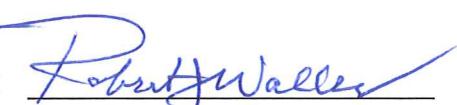
4. STAFF REPORT:

Mr. Paxton stated there will be an upcoming workshop for Commissioners regarding a proposed text amendment to add parking lots as permitted and conditional use in certain zoning districts within City of Kerrville Zoning Code.

5. ADJOURNMENT

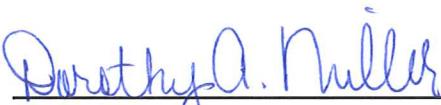
The meeting was adjourned at 5:29 p.m.

APPROVED:


Robert Waller, Chair

5/17/18

Date Minutes Approved


Dorothy Miller, Recording Secretary