

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

July 18, 2019

Members Present:

Bob Waller, Chair
Garrett Harmon, Vice-Chair
Tricia Byrom, Commissioner
David Jones, Commissioner
Rustin Zuber, Commissioner
Bill Morgan, Alternate

City Staff Present:

Mayor Bill Blackburn
Mark McDaniel, City Manager
EA Hope, Deputy City Manager
Mike Hayes, City Attorney
Guillermo Garcia, Executive Director for Strategic Initiatives
Drew Paxton, Director of Planning
Rebecca Pacini, Chief Planning Officer
Dorothy Miller, Recording Secretary

CALL TO ORDER:

On July 18, 2019, 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. 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.

1A. Approval of minutes for the June 20, 2019 meeting.

Cmr. Byrom moved to approve the minutes as presented; motion was seconded by Cmr. Jones and passed 5-0.

2. PUBLIC HEARING, CONSIDERATION & ACTION

2A. Public hearing, consideration, and action to approve an ordinance: adopting the City of Kerrville, Texas, Zoning Code, a comprehensive rewrite of the City's zoning regulations in accordance with the Kerrville Comprehensive Plan (Kerrville 2050) to be known as the "City of Kerrville, Texas Zoning Code," Chapter 60 of the City's Code of Ordinances; adopting the Official Zoning Map of the city, providing for the maintenance thereof, and for providing procedures to amend said map; repealing in their entirety all ordinances or parts of ordinances inconsistent herewith. (File No. 2019-037)

Mr. Paxton presented the proposed zoning code background and the consulting staff.

Ms. Monica Hyde with Prologue Planning gave a presentation of changes to the zoning code since the last public hearing held on June 20.

Mr. Mark Bowers with Kimley-Horn continued the presentation discussing changes to the draft zoning map.

Cmr. Waller opened the public hearing at 4:49 p.m.

Mr. Vincent Voelkel, Voelkel Land and Surveying, spoke. Mr. Voelkel had questions regarding the downtown arts & cultural (DAC) district, asking why drive-thru restaurants are restricted. Mr. Paxton replied that the Code Review Committee (CRC) felt the use was not appropriate for downtown. Mr. Voelkel asked if a variance request would be allowed. Cmr. Waller stated the restriction keeps with the 2050 comprehensive plan.

Mr. Voelkel asked how many businesses have been created that are non-conforming. Mr. Paxton stated the number has been significantly reduced with the proposed future zoning. Mr. Bowers said there were 157 non-conforming uses before the proposed zoning and 40 with the proposed zoning.

Mr. Voelkel asked if restricting a drive-thru would affect HEB's customer pickup. Mr. Paxton said no, the restriction only pertains to restaurants.

Mr. Voelkel questioned regarding the process for zoning changes that are inconsistent or other unforeseen issues with the new zoning regulations. Mr. Paxton replied that staff is still reviewing and anticipate making changes to the code for these inconsistencies that were unforeseen. Mr. Voelkel would like to see the parking required reduction in the DAC similar to the reduction allowed in the Downtown Core with mention of current businesses such as Pint & Plow that have benefited from a reduced parking requirement.

Mr. Cory Walters provided his development background and knowledge. Mr. Walters has property at 601 Main Street. He gave testimony that restaurants with drive-thrus tend to have higher sales than those who don't. Mr. Walters reviewed some uses that were previously allowed that are now proposed to be not allowed. He voiced an opinion that broader language in old code is more useful than what is proposed in the new code. Mr. Walters suggested that there are areas that are being missed and asked commissioners and staff to look at these before making a final vote.

Ms. Kathleen Brinkman had questions regarding properties on Sidney Baker and Camp Meeting Road that LBD owns that is currently zoned S33 and S37. Ms. Brinkman met with staff prior to the meeting and agrees with the rezoning of property on Sidney Baker as Mixed Use. The property on Camp Meeting Road though showed split zoning with commercial in the front and residential in the back. She is not in favor of losing commercial zoning on the front of the property because of the change in the value of her property. She is willing to work with the city on the frontage section and requested Mixed Use zoning in the front and R-2 zoning in the rear. Mr. Paxton said that staff can address Ms. Brinkman's concerns before the first reading at council. Commissioners said they want to keep the zoning consistent with the current zoning to allow commercial uses on the front part of the property as it is currently zoned.

Mr. Harvey Brinkman provided some history regarding the S37 zoning district. Mr. Brinkman stated that Mixed Use zoning would be an ideal replacement for the existing S37 zoning on Ms. Brinkman's property.

Ms. Shari Snyder, Hill Country Tiny Houses, wants to build a tiny house community in Kerrville and spoke on the trend of building tiny houses to meet housing needs. Ms. Snyder recommended that Kerrville allow accessory dwelling units and that it would meet Kerrville's need for affordable housing. She recommended 10 dwelling units per acre instead of 7 dwelling units per acre. Ms. Snyder asked where a tiny home community can be located in Kerrville. Cmr. Waller stated it is a subject worth

addressing and one that the community is open to. Cmr. Bill Morgan mentioned that tiny homes were discussed at the Code Review Committee (CRC) meetings.

Ms. Hyde discussed allowed housing types including tiny homes within the R-1A, Planned Development (PDD), and R-2 districts. She stated that the CRC identified R-1A or PDD are options for tiny homes. R-2 is another district that allows a variety of lot sizes that allow small homes on small lots.

Mr. Walters stated that he doesn't feel seven pages covers every land use that exists or anything that may be proposed. Ms. Hyde responded that unlisted uses could be allowed through a conditional use permit (CUP). Another option is to ask for a text amendment or revise a definition. Mr. Walters requested that restaurants with drive-thrus be allowed by way of a CUP.

Mr. Voelkel asked about those that are in the process of DSP now, what happens when zoning changes if in the middle of process. Mr. Paxton stated that an approved DSP or building permit would lock in under current code. The new code is proposed to go into effect October 1st.

Mr. Mike Hayes reemphasized that the document is still a draft document and staff will address group home concerns and recent legislative changes. Mr. Hayes recommended that if commissioners are comfortable with the draft to move to recommend draft with changes outlined by staff today and work with Ms. Brinkman regarding her property.

Hearing no one else speak, Cmr. Waller closed the public hearing at 5:40 p.m.

Cmr. Byrom stated that the new code cannot satisfy everyone at the moment and that this is not a perfect process.

Cmr. Jones stated that the seven pages are like the Ten Commandments and you may be able to find everything you need. He stated that something is always going to come up that's not listed. There are going to be variations, changes, etc. while this process proceeds. Cmr. Jones stated that he wants to make sure everyone has a due process to make the necessary changes.

Cmr. Harmon stated that he agreed with everything that's been said. Direction has been to look towards the future and how things can be better. He believes there is a property rights balance that can be achieved. Lifestyles and culture changes and the process needs to meet those changes to move forward.

Cmr. Zuber stated that it was a good process with lots of input, but it is not a perfect document. He appreciates the changes since the last meeting. Cmr. Zuber stated that some final adjustments are needed.

Cmr. Waller thanked everyone for their input. He stated that changes have been made from the comments received. He expressed that he felt that the draft was very well thought out.

Cmr. Harmon moved to approve the draft zoning ordinance to include amendments that were heard at the hearing as well as directing staff to address Ms. Brinkman's concerns on Highway 16 South. The motion was seconded by Cmr. Jones.

Motion passed 5-0.

3. STAFF REPORT:

Mr. Paxton presented the staff report. The Code Review Committee (CRC) is meeting July 30. The CRC will begin to review the subdivision ordinance, finish reviewing the sign code, and look at proposed zoning overlays for the airport, downtown, and river corridor. The next Planning and Zoning Committee meeting has one case for August 1. The Sign Code may come to Planning and Zoning Commission on August 15.

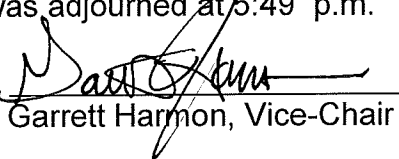
4. EXECUTIVE SESSION

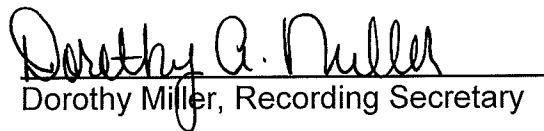
No executive session was taken.

5. ADJOURNMENT

The meeting was adjourned at 5:49 p.m.

APPROVED:


Garrett Harmon, Vice-Chair


Dorothy Miller, Recording Secretary

8/1/19
Date Minutes Approved