



**CITY OF KERRVILLE PLANNING & ZONING COMMISSION AGENDA**  
**REGULAR MEETING, THURSDAY, JANUARY 2, 2020 4:30 P.M.**  
**CITY HALL COUNCIL CHAMBERS**  
**701 MAIN STREET, KERRVILLE, TEXAS**

**CALL TO ORDER**

**1. CONSENT AGENDA**

All items listed below on 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 the minutes from the December 5, 2019

**1B.** Election of Officers

**2. PUBLIC HEARING, CONSIDERATION & ACTION**

**2A. Public Hearing & Resolution** – Public hearing, consideration, and action for the City of Kerrville to annex into its incorporated limits with a zoning classification of Planned Development District for approximately 33.67 acres out of the B. S. & F. Survey No. 1, Certificate No. 1589, Abstract No. 77; consisting of the property generally located at 2700 Fredericksburg Road. (File No. 2019-084)

**2B. Public Hearing & Resolution** – Public hearing, consideration and action concerning a variance request in accordance with Chapter 92 Sign Code of the Code of Ordinance, City of Kerrville, Texas, to allow the relocation of an existing projecting sign with 210 sq. ft. sign area, 30 feet in height, 22 feet above the wall, and allow a new sign to be internally illuminated for the Arcadia Theater located at 717 Water Street. (File No. 2019-085)

**3. STAFF REPORT**

**4. Executive Session**

At any time during the meeting, the Planning and Zoning Commission may meet in executive session regarding any of the matters posted above for attorney-client consultation in compliance with the Texas Open Meetings Act.

**5. ADJOURNMENT**

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 830-258-1117 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: 12/23/19 at 10:00 a.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Shelley McElhannon  
City Secretary, City of Kerrville, Texas



# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 1A Minutes December 5, 2019 Commission meeting  
Action: Approval, approval with specific changes  
Representative: Staff

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## **CITY OF KERRVILLE, TEXAS PLANNING AND ZONING COMMISSION** December 5, 2019

### **Members Present:**

Garrett Harmon, Vice-Chair  
Tricia Byrom, Commissioner  
David Jones, Commissioner  
David Lipscomb, Commissioner  
Cliff Tuttle, Commissioner  
Rustin Zuber, Commissioner

### **City Staff Present:**

Drew Paxton, Director of Planning  
Guillermo Garcia, Executive Director for Innovation  
Mike Hayes, City Attorney  
Sherry Mosier, Manager of Strategic Initiatives  
Dorothy Miller, Recording Secretary

### **CALL TO ORDER:**

On December 5, 2019, Cmr. Harmon called the Kerrville Planning and Zoning Commission regular meeting to order at 4:32 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 November 14, 2019 meeting.

Cmr. Byrom moved to approve the minutes as amended; motion was seconded by Cmr. Jones and passed 6-0.

## **2. PUBLIC HEARING, CONSIDERATION & ACTION**

**2A. Public Hearing & Resolution** – Public hearing, consideration, and action to recommend an ordinance to change the zoning from R-1 Single Family District to R-2 Medium Density Residential, which includes a proposed amendment to the Future Land Use Plan of the City's comprehensive Plan, on approximately 225.69 acres, proposed Vintage Heights Subdivision; and generally located east of Medina Highway and south of Riverhill Boulevard. (File No. 2019-079)

Mr. Paxton presented the finding of facts.

Mr. Chuck Cammack, owner of the property, presented his proposal. The 2050 plan outlined the need for workforce housing. Demand is highest for those making \$50,000 to \$75,000 per year. 89% of survey respondents said affordable housing is important. A Kerrville housing study completed this year showed major employers and also stated 42% of the population are over the age of 55. The median household income in 2010 was \$46,000 (which may be higher today). Homes in Vintage Heights would be in the \$200,000 price range. Mr. Comack is here to provide information and answer questions. The major question involves traffic. A completed traffic study was presented that showed there would be no major impact. Also, home values will not decrease. Beginning homes will be at \$180,000. The main access to the subdivision will be by means of Vintage Heights Avenue off of Highway 16 (Medina Highway) with turning lights and, if needed, traffic lights. There is a dedicated right-of-way (ROW) to connect Highway 16 to Highway 173. Home values pulled from MLS data showed all sales of homes being at \$300,000 or less were 36 sales, with the average sale being \$238,000. Mr. Comack said they are bringing the same size and the same price per square footage. He is selling a product that already exists but in short supply. The zone change from R1 to R2 to have a minimum width of 45 feet exceeds the minimum for R1 standards. They could currently build over 700 homes in R1. They are planning to leave 97 acres of open space that will be owned by the Home Owners Association (HOA) and not be developed. They will be providing 500 homes instead of 700, all single family residences, detached. There will be no townhomes, duplexes, or patio homes. Vintage Heights meets the definition of cluster type development pertaining to the zoning code. They will not be building on the hillsides and will be preserving the integrity and beauty of the hill country as well as the quality of homes and neighborhoods. They will be selling the property to DR Horton Builders and the proposal fulfills a need for affordable housing.

Mr. Greg Richards spoke. The zoning change is being submitted simultaneously with the preliminary plat. Currently they could build 700 homes in R1, but are choosing to set aside 40% of the land for open space. The zoning change allows multiple usage, but that use is not being sought. The setbacks and lot width are five feet less in R2 than in R1. Mr. Richards discussed development of the thoroughfare between Highway 16 and Highway 173. He looked at how the zoning compares with surrounding zoning. Riverhills has seven areas that are zoned R2 and the proposal will be similar.

Mr. Rene Arredondo, Traffic Engineer with AC Group, LLC spoke. He discussed the Traffic Impact Analysis (TIA) Study and the two access points as well as the proposed thoroughfare. There are two access points from Highway 16 and three off of Riverhill Boulevard. Project traffic count with Trip Generation counts all vehicles, including school buses. The second step shows the distribution traffic (where it is going, where it is coming

from), basically traveling to and from work. 70% is from Highway 173, 20% from Riverhill Boulevard, and 10% traveling south. The study looks at existing traffic and what future traffic will look like. In all three scenarios it found minimal impacts. Discussed how additional pass through traffic in Riverhill would be alleviated by the thoroughfare.

Ms. Leslie Ostrander with DR Horton spoke. She is excited about becoming a part of the Kerrville community. She showed a presentation of amenities and aesthetics of the proposed subdivision including parks and playgrounds, and, types of homes (floor plans, pictures of homes) including landscaping). They will offer both one and two story homes, approximately 1442 to 2678 square feet. A few of the amenities and accessories include 75% masonry, enhanced landscaping package to include irrigation, six-foot privacy fence, a covered patio, two-car garage, granite countertops, walk-in closets, and smart home features.

Mr. Paxton stated staff first looks at consistency with the comprehensive plan. The comprehensive plan currently has this property designation as agricultural and outdoor tourism based on the vacant property has it sat as the comprehensive adoption was going through the process. Agriculture and outdoor tourism includes things such as camping, hunting, nature based recreational activities, by large lot single family subdivisions with other civic institutional uses, parks and open space. The existing areas we are familiar with our single family homes both inside and outside the city limits. Adjacent is Kerrville-Schreiner Park. With this request they are looking for an amendment to the future land use plan and staff recommends Preservation residential (PR) place type as we did mention this project does have a lot of open space. Preservation Residential place type in the future land use plan defines a dense cluster of housing surrounded by open space which is similar to Riverhills, Comanche Trace, the Summit, and similar to the proposed plat we will be looking at later on in this agenda as part of this proposal. Primary land use will be single family detached homes, patio homes, townhomes, other single family homes or duplexes. R2 zoning is consistent with that place type. Kerrville 2050 plan, our comprehensive plan, is considered a living document and do a, continual review and update of those plans on a regular basis. Some of the non-scheduled reviews based on the zoning code, there are four different criteria we can look at for an amendment to the land use plan. Mr. Paxton discussed these criteria's. Adjacent joining properties includes current zoning of R1 (Riverhills), PI (Kerrville-Schreiner Park), and R2 across Highway 16). Mr. Paxton showed a compared list of zones R1 and R2-could have various homes, but only proposing sfr. Discussed lot width and setback differences between R1 & R2. In regards to the proposed arterial from Highway 16 to Highway 173, there is no exact proposal but alignment begins at Highway 173. Traffic graded is currently at level B and will remain at level B; Riverhill Boulevard is a level A and will continue at level A. Vintage Heights Ave will be a level B and level out at an A level. There will be two access street. Both require a 445' southbound left-turn lane prior to the completion of Phase 1B (for the first access) and Phase 2 (for the second access).

Cmr. Harmon opened the public hearing at 5:20 p.m.

Mr. Douglas Holmes spoke. He asked how many homes valued at \$300,000 and less will be adjacent to the proposed development. He also asked, with open space set aside, why not have buffers to separate the current homes from the proposed homes? He stated that City Council has already acknowledged traffic issues on Riverhill Boulevard. There are no sidewalks and no bike trails. The City has tried to slow down traffic but to no avail.

Mr. Bill White spoke. He said listening to the presentation he wanted to make two points, one of which was touched on briefly. The first area is a comparison made in terms of a zoning currently in Riverhill to the duplexes (or whatever they are). What happens to the proposal if it changes due to problems with the developer and sales of the houses? The second and most important point is that of the Riverhill traffic. Traffic is a problem, people hit buffers, and 750 vehicles are dumped into Riverhill. Cutting through in a lane leading to the school creates safety issues. Setbacks are a good idea and no access through Riverhill. The whole plan needs to be modified to keep traffic out of Riverhill.

Mr. Ralph English spoke. He lives right behind the homes proposed which are about eight homes to include two-story homes which will block the view of the sky. No one took into consideration a buffer zone so that Riverhill would not be impacted. Mr. English said he enjoys privacy and believes it will be devalued. He has a view, it is quiet, there are animals, but will all be gone. He invested additional money into his home, but that will be gone also. Traffic now is dangerous with cars race at high speed and trying to avoid the barriers. He has almost been hit as vehicles ride white lines.

Ms. Cynthia Anderson spoke. She opposes any side entrances if proposal is approved. Highway 16 should be used as the only entrance with a possible exception of the new thoroughfare. She is also opposed to extension of Green Tree Lane as an entrance. She sees Green Tree as a heavily used entrance. Trucks are using Riverhill Boulevard now that are not supposed to be on the road to deliver products and will impact heavily. Comanche Trace has one entrance that works very well.

Ms. Peggy McKay spoke. With the current classification, she would expect new development to be similar to the existing development. She also said the 2050 plan states it is imperative to protect neighborhoods and referenced several portions of the 2050 plan. She feels the plan is being ignored. She then asked where the water supply is going to come from. There will be over 1,200 people needing water that we do not have.

Mr. Carey Sutton with Hill Country Telephone Company spoke. He said he needs home for employees. Most employees live outside the city of Kerrville, traveling from Kerr County, San Antonio, and New Braunfels. He would like to maintain employees. 510 new homes might allow us to hold on to good employees.

Mr. Charles Paul spoke. The major problem is traffic and noise. He asked if the traffic study was completed while school was out. Mr. Arredondo said the study was conducted in August 2019 while school was in session. Many people did not get notice who live in Riverhill. Talk to anyone in Riverhill since Tivy opened and they will tell you the traffic has increased. Now they are building a new middle school which will make traffic worse. The collector street is not made for a shortcut. It is a safety problem. A speeding vehicle took out a utility cluster. There is speeding traffic and commercial trucks going through. Mr. Paul said he realizes the need for affordable homes. He strongly urges against rezoning which will also affect property values.

Mr. Larry Petty spoke. He understands the need for housing, but why in this location? People want the shortest, easiest way to cut across and that will cause additional problems. Riverhill already has traffic issues. Additional traffic will increase danger and noise.

Cmr. Harmon asked the audience for a vote. The majority, approximately 45 people, are against the zoning change and only six were in favor. No one in favor of the zoning change spoke.

Mr. Brady Lehman spoke. He knows we need housing, but asked is there not numerous acres on Holdsworth that allow multiple types of housing. He feels there is a better way to grow.

Frank Wolcheski spoke. It is not just traffic, but the quantity of traffic. There is a lot of speeding traffic. Many efforts have been made to try to alleviate speeding. He is opposed to adding additional traffic. A more viable solution would be an artery from Highway 16 to Highway 173.

Robert Gohlke spoke. There is no way his home value will increase. His home is very large. Water is also a major problem. He does not want to live next to track homes.

Mr. Mike Sigerman spoke. He asked the Commissioners deny the zoning change does the developer still have the ability to develop the property with 700 homes without a variance. Mr. Paxton said that in R1 they can develop but they would need to show the width and setbacks that are required in the R1 zoning. They would also be required to connect to those existing streets. Any development will be required to connect to currently stubbed streets.

Ms. Carol Casals spoke. She asked if they have to connect to Riverhill. Mr. Paxton said it is a requirement for the developer to connect. Ms. Casals said the traffic is very dangerous and needs to be considered. Increased traffic will make it worse.

Mr. Ronnie Carroll spoke. He is concerned about the city of Kerrville lowering standards. The present city government and others have decided it is a mistake to have large lots. He feels that when this was zoned it was best for Kerrville and still is. He discussed housing as a national problem as is unemployment. He does not believe cheaper houses will cure Kerrville's labor problems. It will lower standards having smaller lots. Kerrville is a great city because of its standards and expectations set by the previous leaders. Let us not downgrade by reducing lot size or building standards.

Mr. Jack Pratt spoke. He said we need low income housing. The old houses in Riverhill would require having to put more money into them. He has not seen anything about paying for sidewalks or lights and asked if citizens would have to pay for them. He also asked how long it would be until homeowners take control of the HOA (Home Owners Association). This is a retirement community and citizens came here for peace and quiet. Riverhill Boulevard is the biggest thing he had to tackle when he was mayor. His fire hydrant does not work due to lack of water capacity. He opposes the zoning change. The city has 88 acres they should donate for homes and be a partner in building low income housing.

Cmr. Harmon reported there were an additional 14 people outside of the room who opposed.

Ms. Nancy Young spoke. Her home is near golf, water, and she watches the wildlife, which needs to be considered. Development will push the animals into neighborhood or up the hills where there is no water. She asked, where is Riverhill in comparison to the green space? Traffic will take Riverhill if they can save two seconds. She believes the TIA study is inaccurate. Students will be going south.

Ms. Kim Cochran spoke. She recently bought her home and the homes are one house per acreage. She showed a picture of another person's home that overlooks the open space and implied the view will be of other homes. She looked for the perfect home that would give her peace and quiet. What she thought would be 13 acres with one house, will turn into multiple homes and she will have to listen to all the construction noise. The city is taking proposals to build out 88 acres that Mr. Pratt previously discussed. The city is already getting affordable houses near new school. Mr. Paxton said there are RFP's (Request for Proposal) for 35 acres near the new school.

Mr. Al Casals spoke. He has never seen a subdivision that goes through another subdivision to get to it. He asked about barriers between the two subdivisions.

Hearing no one else speak, Cmr. Harmon closed the public hearing at 6:16 p.m.

Cmr. Zuber asked what the developer could build today without approval. Mr. Paxton said in R1 width size is larger and setbacks are smaller, which is the purpose of changing to R2. The only thing that changed from the previous code is the width size of the lots.

Cmr. Harmon asked if the request is denied, the developer could still build the same number of lots, they would just have to take up more of the green space to build the same number of homes. Mr. Paxton replied that is correct.

Cmr. Byrom asked if the previous preliminary plat was approved. Mr. Paxton said that it was approved through a development agreement with City Council. They had several different waivers to the subdivision regulation because it was large lots and there were no internal streets, it was all private access through either of the existing street stubs in Riverhill or Highway 16 but that was a development agreement through city council and actually did not go through the platting process.

Cmr. Byrom asked if they were to come back with a new plat that met the current zoning, that would not be a public hearing, just consideration and action. Mr. Paxton replied that is correct.

Cmr. Zuber asked what the purpose of the zoning change from R1 to R2, is it purely a setback issues? Mr. Paxton replied it is for the lot width and the setbacks.

Cmr. Harmon said there were other concerns about infrastructure and water uses and asked if the city has looked at that in regards to this property. Mr. Paxton replied that the engineers working on this project have been working with the city engineer on a preliminary civil structure design. There is available infrastructure and water supply to this property. Part of that is the existing water line that was put in for the fire hydrants along Highway 16 and part of that is coming off the backside of the property, two different water mains. There is capacity in the existing sewer mains and anything into the property the property owner will be installing.

Cmr. Byrom asked if there will be sidewalks in the subdivision. Mr. Paxton replied yes, there will be sidewalks along the streets. Riverhill was originally built in the county, not the city, so it was built under slightly different standards. It was later annexed into the city.

Mr. Paxton touched on a couple of other comments. Riverhill Boulevard, again, was built in the county so it was built to slightly different standards than if it had been built inside the city limits. Collector streets are not intended to carry the pass through from one end to another, it is intended to carry the neighborhood traffic. The city has made many efforts to help mitigate that pass through traffic from many of the country residents getting into town. That is one of the main purposes of that future arterial south of Kerrville-Schreiner Park.

Mr. Bill White asked for clarification. He said if the developer gets approved and then leaves the project, a new developer could come in and do whatever is allowed in R2 without having to come back to Planning and Zoning. Mr. Paxton replied that the plat shown today is consistent with the R2 zoning. To be consistent with the R1 zoning there would be minimal changes in the number of lots because the minimal width would go from 45 feet to 50 feet in the current zoning. They could still develop but build less homes.

An unidentified woman asked why the entrances not just on Highway 16. Mr. Mike Wellborn with Wellborn Engineering answered. There are two accesses from Highway 16 and two phases, which meet TxDOT requirements. Phase 1A will have a connector built. Mr. Wellborn was asked if they could build Phase 2 before Phase I. Mr. Wellborn said it is economically unfeasible to start Phase 2 first.

Cmr. Harmon asked what the anticipated time frame is for build-out on phases 1A, 1B, 1C. Mr. Cammack said phase 1A will take approximately one year and then there will be 30 lots per quarter thereafter.

Cmr. Zuber asked if the developer would consider buffers. Mr. Cammack said they would definitely consider it. This is the best plan based on topography. They are open to any alternatives, however, the problem is they have to deliver a level lot. They could give up some lots by Riverhill. Again, this is the best plan they came up with.

Ms. Ostrander said they are willing to restrict lots to one story houses.

Mr. Wellborn said a buffer gets very challenging and still make it work. Engineering wise, yes, he can do it, but it is not economical. There will be retaining walls and screening.

An unidentified man asked how much nominal lots are. Mr. Cammack replied the lot price is approximately \$45,000.

Cmr. Zuber asked where the guarantee for single family residences come in? Mr. Paxton said that is where the plat comes in. What they are proposing is single family residence lot size. The plat would not allow anything else. Mr. Cammack said he is willing to specify this on the plat.

An unidentified woman asked why change zoning then? Mr. Cammack said it, has to do mainly with topography. The average lot is 4.4 acres.



Cmr. Harmon said the Commissioners are in a tough position. They take comments from the audience very serious and takes the comprehensive plan seriously also. We have many commuters that are nurses, firefighters, teachers, etc. that we will lose if we do not get a handle on housing issues. When people say there are other areas to build that is true, but not as many as you think. We have the opportunity to make a big impact on housing issues than just pecking at it in pieces. Every plan will have concerns from citizens and it is impossible to make everyone happy in meeting the need for affordable housing.

Cmr. Byrom said either way this land is going to be developed and the decision is whether they go forward with what has been presented to them, which in her mind is a thoughtful, smart use of this land especially with challenges with topography here in Kerrville. She realizes wherever this lands, whoever owns the property next to it is not going to be happy. She also said she is one of those medium income families that struggled when she moved her 13 years ago to find a home that did not need total remodel. She lives in a 950 square foot home because she chooses to as she owns a small lot. She does not see that as substandard, she sees it as that is what suited her needs. Had there been a development of this sort in Kerrville she would of owned one but it was not an option in Kerrville and still is not an option. There were no new homes available to her and there are no new homes available in this community that fall in that medium income range. She thinks they either move forward with this or they will be seeing it again in a few months as an R1 and there will not be anyone here to talk about it.

Cmr. Harmon moved to recommend approval of the zoning change request with the land use change to accommodate that. Motion was seconded by Cmr. Byrom and failed 3-3.

Mr. Hayes stated a tie fails. Commissioners should talk it over and see if they can persuade one way or the other.

Cmr. Jones asked if they could amend the proposal to say that the developer makes every possible effort to review all of these things they have spoken to that there must be an opening to the one main highway first before any of the development begins and that no trucks through Riverhill Boulevard and that the developer makes himself available to not only adjacent neighbors but anyone living in the Riverhill area, not just the ones within the 200 foot area, that they are able to approach and speak specifically for their areas, that the developer clarify very carefully single story lots. The densest part, roughly in the northeast corner, that that is really reviewed carefully. So all that being said that the proposal would be to go forward, because again, this R1, R2, the bottom is if you leave it at R1 you will be at 700 lots on this property.

Cmr. Harmon asked if that is an amendment that can be accepted.

Mr. Paxton said Commissioners cannot put conditions on the zoning, but if they are willing to talk about an amendment to the plat, which would be the legal binding on the property lines but we cannot put conditions on the R2 zoning. Cmr. Jones said he is not trying to condition it as much as he is trying to create a format that there is an even exchange of the concerns of the neighborhood.

Mr. Cammack said they are willing to look at all options to address concerns of the neighbors. There will be no construction traffic through Riverhill, it will go through the main entrance on Vintage Heights Avenue.

Cmr. Jones asked if Mr. Cammack would agree to block off Green Tree. Mr. Wellborn replied they cannot do it permanently but they will have it barricaded during construction.

Commissioners, staff, and Mr. Cammack discussed options for amending the motion in regards to buffers, etc.

Mr. Hays said the specified job of the Commissioners is regarding the zoning change. The Commissioners cannot be conditions as part of the motion.

Cmr. Zuber asked if it all had to be R2 or if some of it could be R1. He is trying to think of a buffer to protect Riverhill. Mr. Paxton said the zoning boundary could be modified in the form of metes and bounds from the applicant before it goes to city council. Also, if this is approved tonight it will go to city council for another public hearing and at that same council meeting they will bring forward the development agreement to amend or terminate that agreement.

Mr. Hayes told Commissioners their authority, based on the zoning code, is to approve zoning as requested, deny, or approve with modifications. He recommended if the Commissioners could get past the 3-3 vote with modifications, to go ahead and try again.

Cmr. Harmon asked if modifications could be changing phases 1A and 1C to be R1 and others R2, if that is an acceptable modification. Mr. Hayes replied yes.

Cmr. Harmon asked if phase 1A and 1C are zoned R1 (near Riverhill), does that alleviate concerns? Mr. Wellborn said lots that abut Riverhill are only R1. He asked that the plat be approved as submitted, but further agree that all lots that adjoin Riverhill be open spaces. Cmr. Harmon asked if that gets into spot zoning. Mr. Paxton replied no, just an amendment to the plat. Mr. Wellborn said they cannot do that. They can look at only those lots abutting Riverhill. Mr. Wellborn asked that the Commissioners approve the request and give them time to make some adjustments.

Cmr. Harmon said Commissioners have the option of approving as is, approve with the modification that lots adjoining Riverhill property would be zoned R1, or they can deny. If they approve the zoning they could address some of these issues on the plat. Would they be able to go so far as to require a buffer zoning at that plat approval? Mr. Paxton replied no because it would not be part of the subdivision regulations.

Cmr. Harmon called a 10 minute recess at 7:01 pm.

Cmr. Harmon reconvened the meeting at 7:11.

Mr. Cammack said he is willing to put in a 20 foot buffer between Riverhill and the new development. Twenty feet would be left native. All the lots would be 45 x 100 instead of 45 x 120.

Cmr. Harmon asked for a new motion. No one moved to make a new motion so more discussion was held. Since there was still no new motion made the request was denied.

**2B. Public Hearing & Resolution** - Public hearing, consideration, and action to recommend a resolution to allow a Conditional Use Permit for Automobile Dealership, Used Auto Sales on approximately 0.45 acres, part of Lots 5-8, Block 15, Westland Addition; and more commonly known as 404 Junction Highway. (File No. 2019-080)

Ms. Debbie Barron spoke and explained her proposal.

Mr. Paxton presented the finding of facts.

Cmr. Harmon opened the public hearing at 7:25 p.m.

Mr. Thomas Spears, owner of the property, stated he used to sell cars there but was informed by Donna Bowyer, Code Enforcement Officer that he was in violation. The zoning allows sale of new vehicles, but not used vehicles. The new zoning code has changed that to allow used cars, but not new cars. He wants to support Ms. Barron in her endeavors.

Hearing no one else speak, Cmr. Harmon closed the public hearing at 7:28 p.m.

Cmr. Byrom moved to recommend approval for a resolution to allow a Conditional Use Permit for Automobile Dealership, Used Auto Sales with the condition of a maximum of 12 cars and concrete parking blocks two feet back from the street. Motion was seconded by Cmr. Zuber and passed 5-1.

**2C. Public Hearing & Resolution** - Public hearing, consideration and action concerning a variance request in accordance with Chapter 92 Sign Code of the Code of Ordinance, City of Kerrville, Texas, to allow directional signs to exceed six square feet for Peterson Regional Medical Center located at 551 Hill Country Drive. (File No. 2019-078)

Mr. Paxton presented the finding of facts.

Mr. Joe Piszczor explained the proposal.

Mr. Paxton went through the variance requirements.

Cmr. Harmon opened the public hearing at 7:41 p.m. Hearing no one speak, Cmr. Harmon closed the public hearing at 7:42 p.m.

Cmr. Jones moved to approve a variance request in accordance with Chapter 92 Sign Code of the Code of Ordinance, City of Kerrville, Texas, to allow directional signs to exceed six square feet for Peterson Regional Medical Center. Motion was seconded by Cmr. Byrom and passed 6-0.

### **3. CONSIDERATION AND ACTION**

#### **3A. Consideration and Action –**

Consideration and action concerning a Preliminary Plat of the Vintage Heights subdivision, being a certain tract or parcel comprising of approximately 184.75 acres out of the Nathaniel Hoyt Survey No. 147, Abstract No. 178 and 41.01 acres out of the John

A. Southmayd Survey No 148 Abstract No. 288 (total of approximately 225.76 acres), City of Kerrville, Kerr County, Texas, and generally located east of Medina Highway and south of Riverhill Boulevard. (File No. 2019-053)

Mr. Paxton presented the finding of facts.

Cmr. Byrom move to approve the Preliminary Plat of the Vintage Heights subdivision with the condition that it meets zoning requirements, Motion was seconded by Cmr. Jones and passed 6-0.

### **3B. Consideration and Action**

Consideration and action concerning a Preliminary Plat of the Quail Meadows subdivision, being a certain tract or parcel comprising of 1.23 acres of land, out of the Samuel Wallace Survey No. 113, Abstract No. 347 in the City of Kerrville, Kerr County, Texas, generally located west of Meeker Road and east end of Burleson Boulevard, more commonly known as 306 Meeker Road. (File No. 2019-083)

Mr. Paxton presented the finding of facts.

Cmr. Zuber moved to approve the Preliminary Plat of the Quail Meadows subdivision. Motion was seconded by Cmr. Jones and passed 6-0.

### **4. STAFF REPORT:**

Mr. Paxton presented the staff report. Cases that are coming up January 2<sup>nd</sup> are USDA annexation and zoning, and a sign variance for Arcadia Theater.

### **5. EXECUTIVE SESSION**

No executive session was taken.

### **6. ADJOURNMENT**

The meeting was adjourned at 8:07 p.m.



## City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 1B Election of Officers  
Action: Vote on Chair, Vice-Chair  
Representative: Staff

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### **Proposal**

Commissioners will elect a new chair and vice-chair persons.



# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 2A  
Action: Public Hearing, Consideration and Action  
Planning File #: Case #2019-084  
Representative: Laurence D. Chandler, USDA

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## **Proposal**

Public hearing, consideration, and action for the City of Kerrville to annex into its incorporated limits with a zoning classification of Planned Development District for approximately 33.67 acres out of the B. S. & F. Survey No. 1, Certificate No. 1589, Abstract No. 77; consisting of the property generally located at 2700 Fredericksburg Road.

## **Procedural Requirements**

Eleven letters were mailed December 16<sup>th</sup>, to adjacent property owners. The public notice was published in the Kerrville Daily Times on December 12<sup>th</sup>.

## **Staff Analysis and Recommendation**

**Consistency with the Kerrville 2050 Comprehensive Plan:** The property and surrounding area are within the Strategic Catalyst Area #6. The area description notes that expansive residential and industrial uses are present in the northwestern area. Although this property is largely considered a public and institutional use, it is one of those industrial uses as noted.

As an existing public and institutional, agricultural related industrial type use, it is not in conflict with the Future Land Use Plan of the Kerrville 2050 Plan.

## **Adjacent Zoning and Land Uses**

### **Subject Property**

**Current Zoning:** N/A

**Existing Land Uses:** USDA Research Facility

### **Direction: North**

**Current Zoning:** N/A outside the city limits

**Existing Land Uses:**

### **Direction: South**

**Current Zoning:** C-3

**Existing Land Uses:** automobile dealership

**Direction: East****Current Zoning:** C-3 and PDD**Existing Land Uses:** convenience store with fuel sales and vacant land**Direction: West****Current Zoning:** N/A outside the city limits**Existing Land Uses:** residential

LAND USES					
	IM	PI	AD	AG	USDA PD
Agricultural Services	P		P	P	P
Agriculture, General				P	P
Machine Shop	P		P		P
Office, General (Business or Professional)	P		P		P
Parking Lot or Structure, Accessory	P	P	P		P
Public or Institutional Facility or Use	P	P	P	P	P
Research and Development Lab	P		C		P
Veterinary Service, Large Animal, Indoor or Outdoor Pens				P	P
Welding Shop	P		P		P
Breeding and maintaining colonies of insects and ticks which are livestock pests					P
Storage of laboratory research chemicals and agricultural pesticides					P
Incinerator					P

**Thoroughfare Plan:** As an existing facility on an existing state highway, there should be no impact on the thoroughfare system.

**Traffic Impact:** As an existing facility on an existing state highway, there should be no impact on traffic.

**Parking:** To be determined with any future development of the site.

**Recommendation**

Staff recommends approval of the Planned Development District and the annexation of the property.

**Attachments**

Map

Survey





## Location Map

Case # 2019-084

Location:  
2700 Fredericksburg Rd

### Legend

200' Notification Area - - - - -  
Subject Properties —————



0 150 300 600

Scale In Feet





### Site & Vicinity Aerial imagery

## 5.2 ANNEXATION TO THE CITY OF KERRVILLE

The City of Kerrville typically requires annexation into the city limits for the provision of municipal services for domestic water and sanitary sewer. An example of the Annexation Petition is included Appendix G for reference.

- The annexation process will require 8 to 10 weeks, with appropriate public notice and meetings with both the Planning & Zoning Commission and the City Council.
- The proposed site plan shall meet the City's requirements for development, by adhering to City Standards.

However, USDA-ARS is presently negotiating with the City to confirm an alternative approach where annexation is not required. USDA-ARS prefers to not be annexed. This POR accounts for either approach, with cost allowances accordingly.

With either approach, providing city services to the Campus involves extending water and sanitary sewer utilities from IH-10 to SH-16, then to Scenic Hills Road.



# City of Kerrville

## Planning Department

### Report

To: Planning & Zoning Commission  
Agenda Item: 2B  
Action: Public Hearing, Consideration and Action  
Planning File #: Case #2019-085  
Representative: Larry Howard

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#### **Proposal**

Public hearing, consideration and action concerning a variance request in accordance with Chapter 92 Sign Code of the Code of Ordinance, City of Kerrville, Texas, to allow the relocation of an existing projecting sign with 210 sq. ft. sign area, 30 feet in height, 22 feet above the wall, and allow a new sign to be internally illuminated for the Arcadia Theater located at 717 Water Street.

#### **Procedural Requirements**

Eleven letters were mailed December 16<sup>th</sup>, to adjacent property owners. The public notice was published in the Kerrville Daily Times on December 12<sup>th</sup>.

#### **Staff Analysis and Recommendation**

**Consistency with the Kerrville 2050 Comprehensive Plan:** The property is within Strategic Catalyst Area 1, Downtown. The Kerrville 2050 Plan states, "Developments should be oriented towards the River corridor, engaging with adjacent businesses and structures. There should be a strong focus on redevelopment and catalyzing a renewed public interest in the area." The proposed project, the Arcadia Theater, currently fronts on Water Street. The proposed renovations of the theater, including the proposed signage, will help to provide a "front" to the river as well.

The requests for sign variances are to utilize the current "historic" sign for the river facing façade of the building and to recreate the original Arcadia sign on the updated Water Street façade.

#### **Recommendation**

Evaluation criteria.

*(1) The Commission must use the following criteria when considering variances to this chapter and no variance may be granted until it makes the following findings whether collectively :*

*a. That there are exceptional circumstances or conditions applicable to the property on which the application is made related to size, shape, area, topography, surrounding condition(s) or location that do not apply generally to other property in the same area and/or the same zoning district;*

The variance request has been made based on the reuse of the existing projecting sign. This sign will be relocated to the rear of the building, helping to create the river facing portion of the project.

*b. That exceptional circumstances or conditions are such that literal enforcement of the provisions of this chapter would result in an unnecessary hardship inconsistent with the general purpose and intent of this chapter;*

The literal enforcement of the sign code would not allow the reuse of the existing sign, nor would it allow the new projecting, on the front of the building, to be internally illuminated.

*c. That the granting of such variance will not be contrary to the public interest, materially detrimental to the public welfare, or injurious to the property or improvements in the zoning district or area in which the property is located;*

The request is not contrary to the public interest nor a detriment to the public welfare or area downtown. This project is a reinvestment into existing property to provide as a catalyst for the downtown area.

*d. That the granting of such variance will not be contrary to the objectives and principles contained in the City's comprehensive plan;*

The request is in support of the objectives of the Kerrville 2050 Plan.

*e. That the variance to be granted is the minimum variance that will relieve the proven hardship;*

The request is the minimum necessary to achieve the objective for the renovation of the theater.

*f. That the variance is not being granted to relieve the applicant of conditions or circumstances:*

*1. Which are not inherent in the property itself, but are the result of the use or development of the property;*

The request is based on the existing sign and the desire to reuse this historic icon.

*2. Which are caused by a division of land on or after June 16, 1997, other than a division of land resulting from the sale of a property interest to a governmental entity, which division of land caused the property to be unusable for any reasonable development under the existing regulations; or*

N/A. The request is not based on the subdivision of the land.

3. Which were otherwise self-imposed by the present or a previous owner;

The request is not based on any self-imposed circumstances.

*g. That the variance is not grounded solely upon the opportunity to make the property more profitable or to reduce expense to the current or any future owner;*

The request does not make the property any more valuable or profitable.

*h. That the variance would not modify or effectively repeal any development or use regulations set forth in a conditional use permit or an ordinance or resolution adopting a development site plan or establishing a special use district or planned development district which are in addition to the generally applicable use and development regulations set forth in the City's zoning code; and*

The request does not modify or repeal any development regulations.

*i. That the variance would only affect a specific sign and is not of such a general nature as to effectively constitute a change in zoning.*

The request does not constitute a zoning change and only affects these specific signs.

*(2) No variance may be granted for signs that are listed as a prohibited sign.*

The signs are not otherwise prohibited by the sign code.

### **Attachments**

Map

Sign diagrams





## Location Map

Case # 2019-085

Location:

717 Water St E

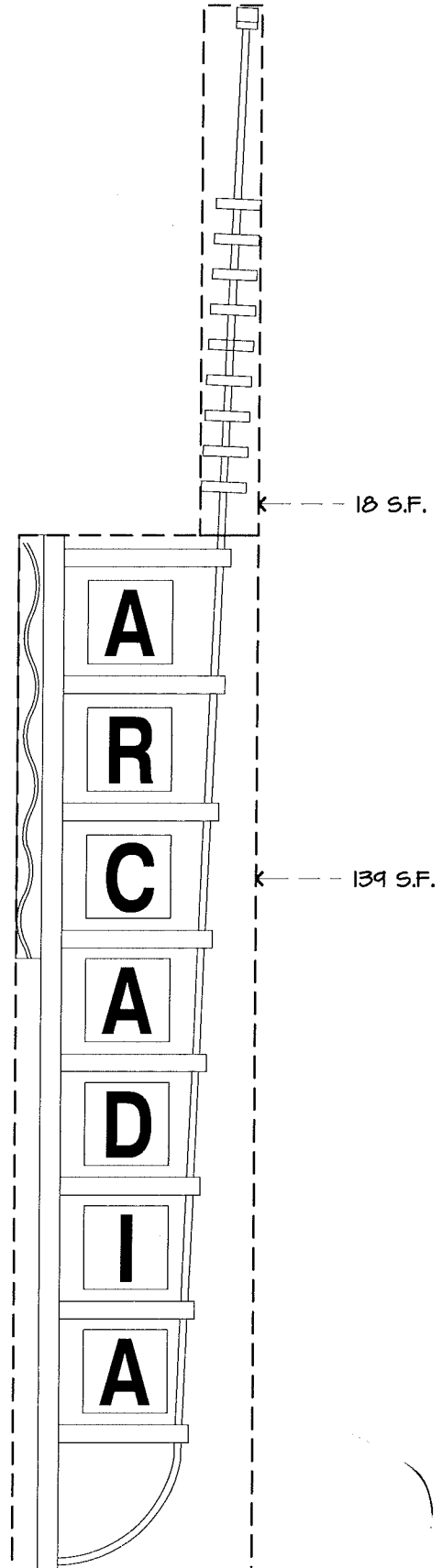
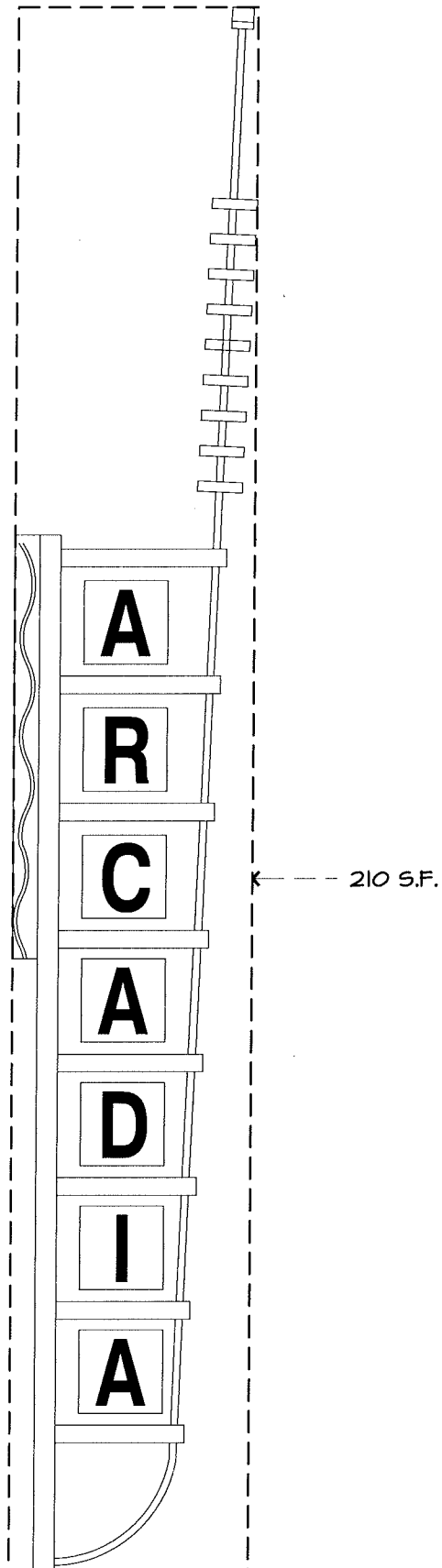
### Legend

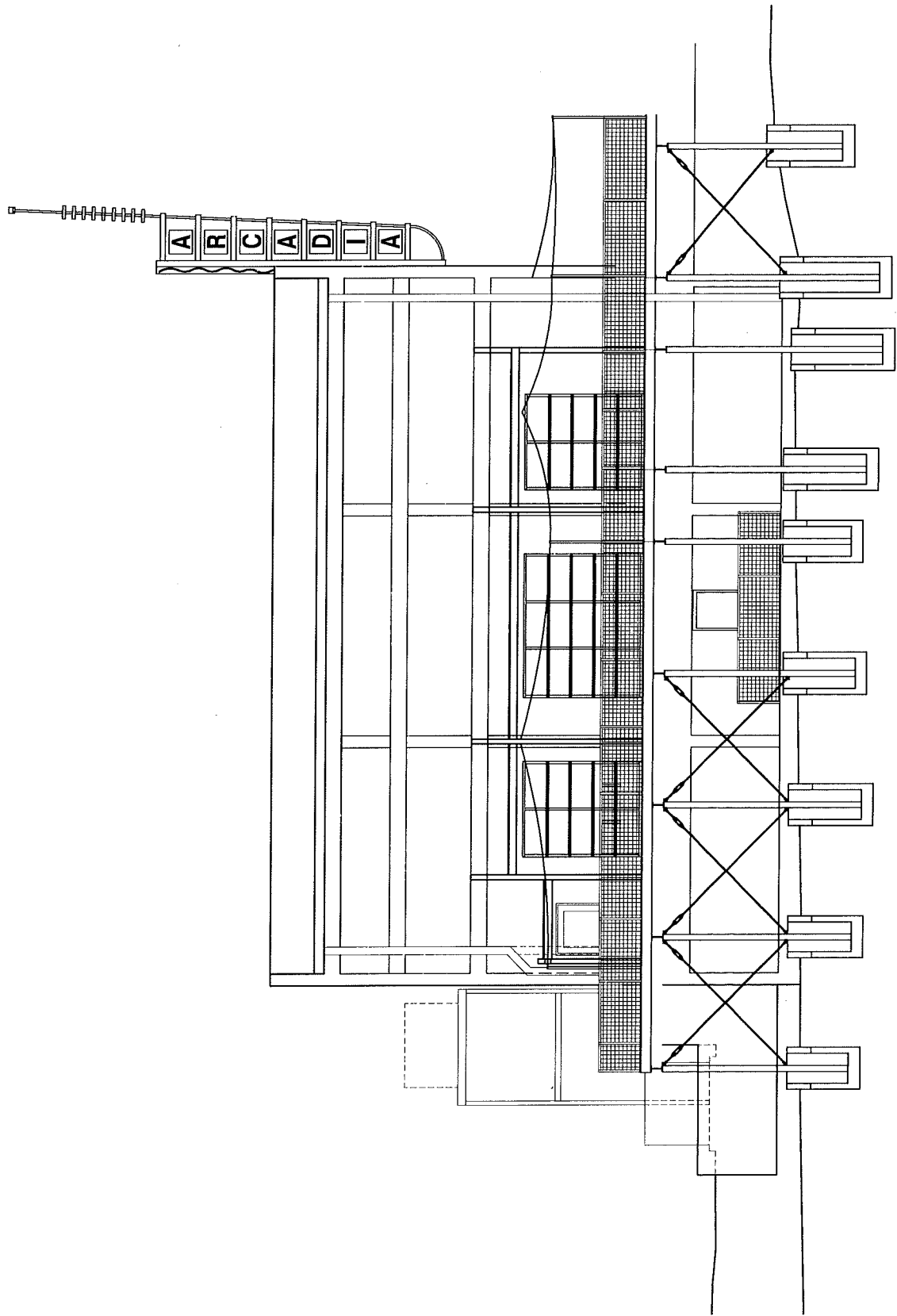
200' Notification Area  
Subject Properties



0 50 100 200

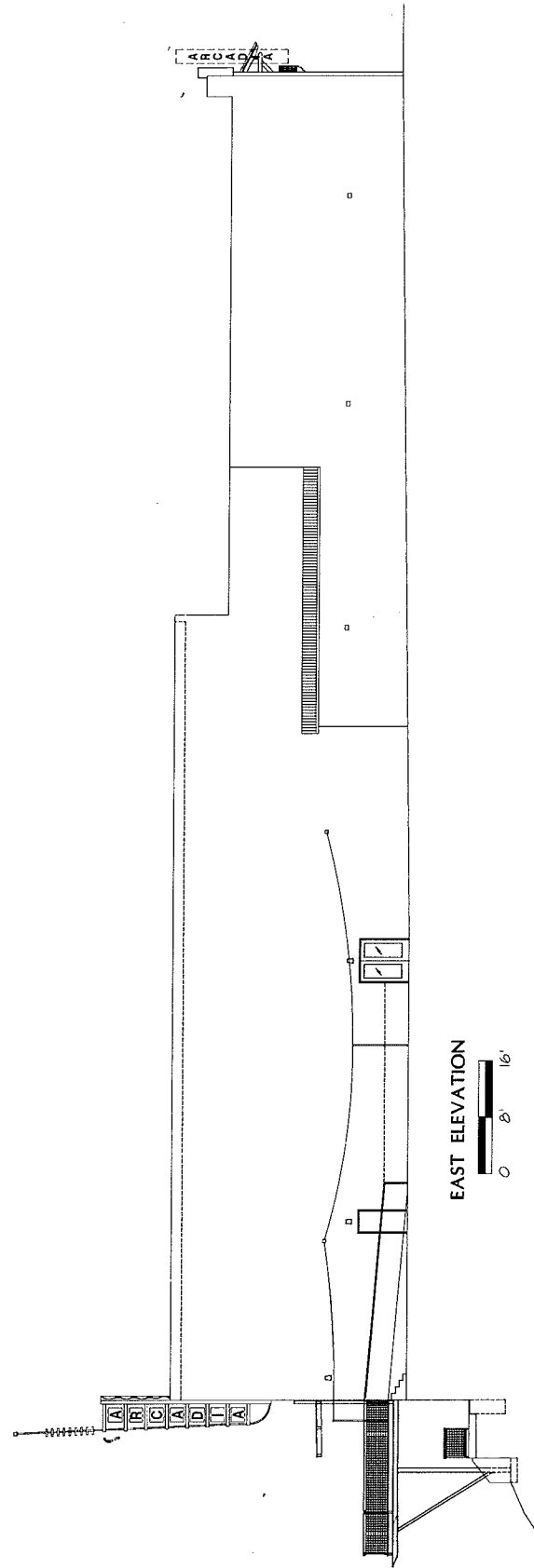
Scale In Feet



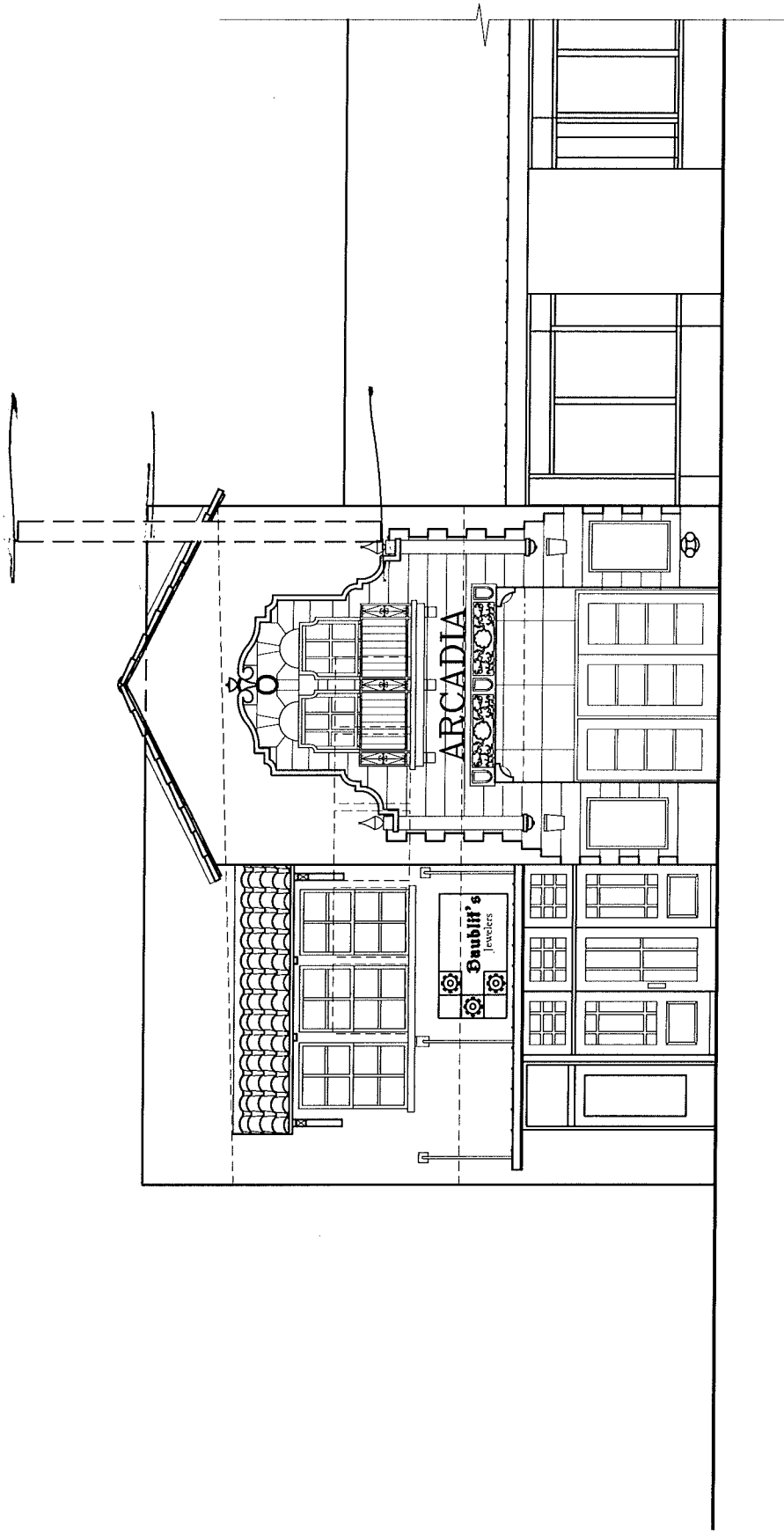


SOUTH ELEVATION



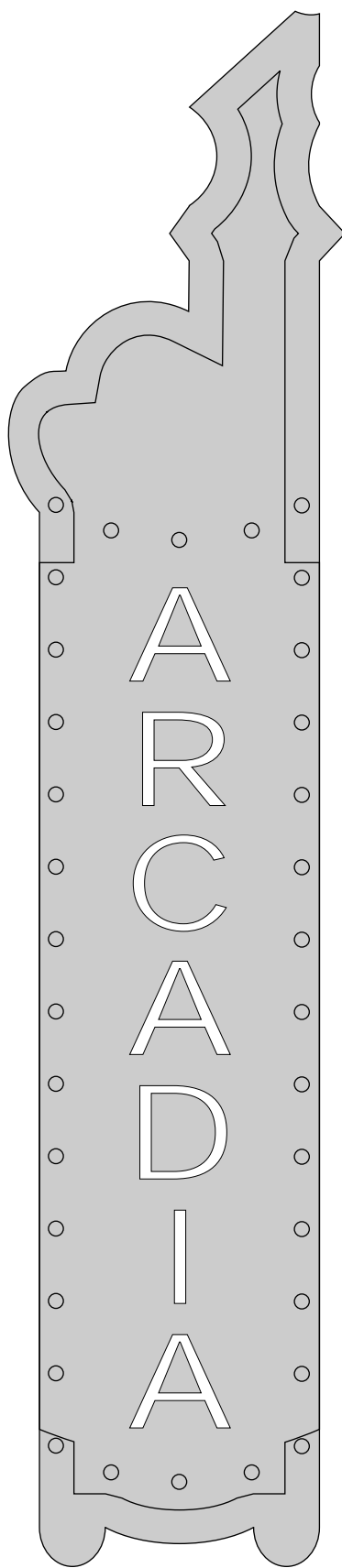
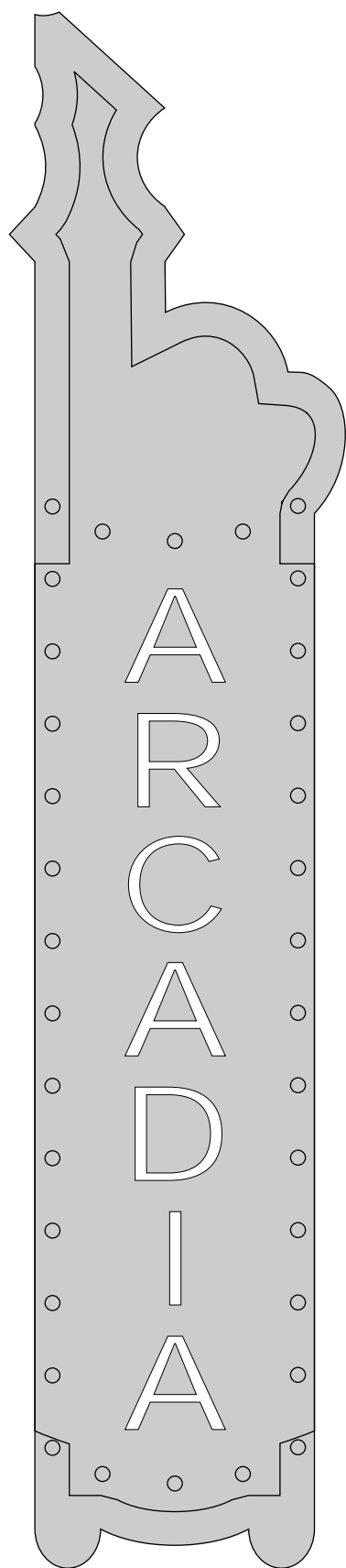




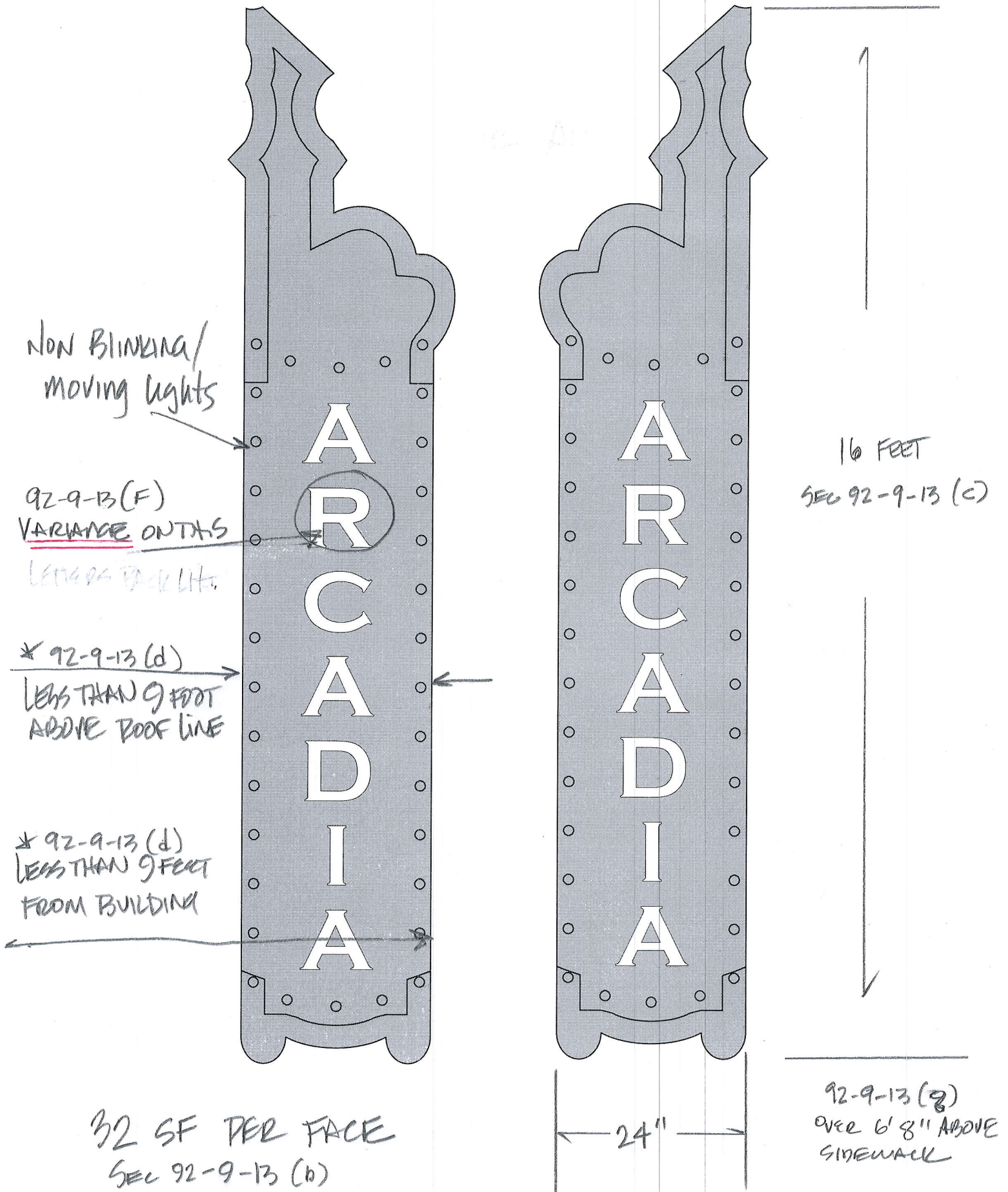


NORTH ELEVATION





# NEW SIGN FOR ARCADIA FRONT.



## Schedule A

### Requested Variances to the Sign code

#### Arcadia Theater- Kerrville's 4<sup>th</sup> on the River

##### Sign Code section:

92-9-13 (b) We ask for a variance for the size of the Projection Sign. The current Neon sign is 157 SF (or measured another way is 210 SF) per face and the maximum allowable is 32 SF.

92-9-13 (c) We ask for a variance from the height requirement as the Arcadia sign is 30 feet overall. The current code allows for 20 feet.

92-9-13 (d) The sign will be 22 feet above the parapet wall and the code allows 9 feet. (not exactly sur to this until it's installed but defiantly above 9 feet.)

92-13-(b) Limitations on Modifications. This will allow us to have the existing Arcadia Neon rebuilt and hung on the rear patio of the building and install a "new" original Arcadia sign on the front facade that will be 100% in compliance with the Sign Code.