



CITY OF KERRVILLE PLANNING & ZONING COMMISSION AGENDA
REGULAR MEETING, Thursday, June 3, 2021 at 4:30 P.M.
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS

CALL TO ORDER

1. MINUTES

1A. Approval of the minutes from the May 6, 2021

2. CONSIDERATION AND FINAL ACTION

2A. Packsaddle Acres, Replat of Lots 10 – 17, 170 Lariat Lane (Case 2021-030)

A replat of Packsaddle Acres, Lots 10 through 17, comprised of 83 acres of land, more or less; a subdivision of record in Volume 3, Page 55 of the plat records of Kerr County, Texas; and generally located at 170 Lariat Lane.

2B. Riverside Healthcare Final Plat, 1555 Bandera Highway (Case 2021-037)

A final plat of the Riverside Healthcare Subdivision, being a 7.158 acre tract of land out of the William C. Francis Survey No. 146, Abstract No. 137, City of Kerrville, Kerr County, Texas; and generally located at 1555 Bandera Highway.

2C. Ridgeland Subdivision Final Plat (Case 2021-026)

A final plat of the Ridgeland Subdivision, being a 33.82 acre tract of land situated in the Samuel Wallace Survey No. 113, Abstract No. 34, and conveyed to the City of Kerrville and recorded in Volume 1077, Page 351, Kerr County, Texas.

3. PUBLIC HEARING, CONSIDERATION & ACTION

3A. Zoning Change from PDD 20-09 to R-1, 3008 Riverside Drive (Case PZ-2021-9)

An ordinance to change the zoning from PDD 20-09, Planned Development District to R-1, Single Family Residential on Lot 2-A, Block 1, Martin Addition; and generally located 3008 Riverside Drive.

3B. Short Term Rental, 205 Starkey Street (Case PZ-2021-10)

A resolution to allow a Conditional Use Permit for a Short Term Rental Unit on Lot 2, Block 7, Lowry Addition; and more commonly known as 205 Starkey Street.

3C. Annexation & Zoning, 160 & 170 Lehmann Drive (Case PZ-2021-11)

An ordinance for the City of Kerrville to annex into its incorporated limits with a zoning classification of R-3, Multifamily Residential for approximately 5.556 acres of land including the adjacent roadway; consisting of the property generally located at 160 & 170 Lehmann Drive.

4. STAFF REPORT

5. 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.

6. ADJOURNMENT

Agenda Bill

Meeting Minutes

To: Planning & Zoning Commission
Date: 6/3/2021
Agenda Item: 1A, Minutes of May 6, 2021 Commission Meeting
Action: Approve or Approve with Specific Changes
Representative: Staff

CITY OF KERRVILLE, TEXAS PLANNING AND ZONING COMMISSION

May 6, 2021

Members Present:

Michael Sigerman, Chair
David Jones, Vice-Chair
Shane Bourgeois, Commissioner
Tricia Byrom, Commissioner
David Lipscomb, Commissioner
Hunter Patterson, Commissioner
Cliff Tuttle, Commissioner

City Staff Present:

Guillermo Garcia, Executive Director
Drew Paxton, Director of Planning
Steve Melander, Planner
Mike Hayes, City Attorney
Dorothy Miller, Recording Secretary

CALL TO ORDER:

On May 6, 2021, Cmr. Sigerman 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. MINUTES:

1A. Approval of minutes for the April 1, 2021 meeting.

Cmr. Tuttle moved to approve the minutes as presented; motion was seconded by Cmr. Lipscomb and passed 7-0.

2. CONSIDERATION & FINAL ACTION

2A. Riverside Healthcare Preliminary Plat, 1555 Bandera Highway (Case 2021- 020)

Mr. Paxton presented the finding of facts.

Mr. Byrom moved to approve a preliminary plat. Motion was seconded by Mr. Jones and passed 7-0.

2B. Ridgeland Subdivision Final Plat, (Case 2021-026) – POSTPONED to 5/20/21

2C. 5D Steakhouse Final Plat, 2132 Sidney Baker Street (Case 2021-027)

Mr. Paxton presented the finding of facts.

Mr. Bruce Stracke presented information regarding the easement.

Mr. Byrom moved to approve the final plat. Motion was seconded by Mr. Tuttle and passed 7-0.

2D. Alternate Screening Request, 318 Leslie Drive (Case 2021-024)

Mr. Paxton presented the finding of facts.

Mr. Paco Mondragon presented pictures to the Commissioners and discussed the alternative screening of vegetation proposed instead of erecting a fence.

Mr. Bill Olden spoke, discussing the trees proposed for alternative screening. He stated the trees shown in the aerial presented are less than what is shown. He stated his mother, who neighbors the commercial property, is being made responsible for the alternative screening by the use of the vegetation on her property and that Mr. Mondragon previously knew that it was the developer's responsibility to provide screening of a fence. Mr. Olden stated Mr. Mondragon removed all the natural vegetation that had previously been on his property.

Mr. Matt Olden spoke regarding the vegetation and removal of the cedar trees, and the oak trees that were left behind that are all on Ms. Mary Olden's property.

Ms. Mary Olden spoke, discussing the zoning of her property and affirmed that all the existing vegetation is on her property, not Mr. Mondragon's property. She has had to endure construction during phase I and now she is going to have to deal with phase II. There will be more visibility of her property and she wishes for her privacy to be respected. She referred to other city meetings where she was ensured that Mr. Mondragon would have to erect a privacy fence. Ms. Olden also referred to a letter from Mr. Mark McDaniel, City Manager, affirming the same.

Ms. Harriet Burrow spoke, who also resides on Leslie near the subject property. She stated she wants the trees to stay on her side and estimated there are several large oak trees present. She does not want any of the trees to be removed that have been there for over 40 years.

Mr. Mondragon stated they are discussing phase I, not phase II. There are no permits to begin phase II at this moment. The goal is to finish phase I and add vegetation now. Mr. Sigerman stated the request is for alternative screening for the entire project, not just

phase I. Mr. Mondragon asked if they could address phase I now and look at phase II later.

Mr. Paxton explained the area of screening for just phase 1. Mr. Sigerman reiterated that the request was for the entire project and not just phase 1.

Mr. Olden spoke again regarding the issues of vegetation not being sufficient privacy for his mother's property (Ms. Mary Olden).

Mr. Mondragon stated his request is allowed by ordinance.

Mr. Sigerman asked Mr. Mondragon if he would be willing to compromise with vegetation on one side and a privacy fence on the other. He asked what the fencing options would be and stated the fence would need to be placed on the property line and require removal of many of the existing trees. He also asked if a six foot picket fence would be sufficient. Ms. Olden replied she would prefer an eight foot fence. Her son, Bill Olden, added that a six foot fence would not provide sufficient privacy.

Cmr. Byrom moved to approve an eight foot privacy fence for screening on Ms. Olden's side and vegetation for screening on Ms. Burrow's side. Motion was seconded by Cmr. Jones and passed 7-0.

3. PUBLIC HEARING, CONSIDERATION AND ACTION

3A. Zoning Change and Conditional Use Permit, 601 Spur 100 (Case PZ-2021-6)

Mr. Pablo Brinkman presented his case.

Mr. Paxton presented the finding of facts.

Cmr. Sigerman opened the public hearing at 5:27 p.m.

Mrs. Sally Gallups spoke, discussing the history of the properties and the issues with flooding. A large retention pond exists, but the water floods out of it, not slowing the flow of water. She stated if more grading is done the current issue will get worse. Her biggest concern is the current flooding and additional flooding with increased grading.

Mr. Mike Wellborn with Wellborn Engineering spoke, addressing the drainage issues and the proposed solution.

Mr. Brinkman stated there will be no more grading and his clients are willing to work towards a resolution.

Mr. Jim Gallups spoke regarding the city's project that is not complete yet and now additional projects are beginning. He also discussed what happens when it rains in regards to flooding and boulders moving and building up. Instead of trees along his property line, he now sees rocks. He went on to discuss how the current culvers do not restrain the water from rains which has flooded their neighbor's garage and caused other property issues. Mr. Gallups also stated no one has discussed privacy with him.

Mr. Brinkman spoke again, stating that we are here today regarding a zoning change and a conditional use permit. He also stated he is working with property owners, city, and county to work towards a resolution of all issues.

Mr. Sigerman reiterated what the issues at hand are and approval does not grant building permission.

Mr. Woody Woodrow spoke, asking for specification of what exactly the developers plan on doing, if they intend to have RVs as well as a “mobile home” park. Mr. Paxton explained there will be no manufactured home park allowed.

Mrs. Gallups spoke again, asking for a definition of conditional use permit. Mr. Paxton gave the definition. Mr. Sigerman again explained that approval of a conditional use permit is not permission to build anything at this time.

Mr. Gallups spoke again, stating that if he were to sell his property, he would need to disclose that his property floods. He blames the city for the damage that has been done and for not addressing the problem.

Ms. Deborah Almond spoke, stating she understood the flooding and drainage issues. Mr. Brinkman reiterated that they are going to work together to try to resolve the issues.

Hearing no one else speak, Mr. Sigerman closed the public hearing at 5:57 p.m.

Mr. Byrom moved to recommend approval for a conditional use permit with the conditions as presented. Motion was seconded by Mr. Bourgeois and passed 7-0.

3B. Annexation and Zoning Change, Comanche Trace (Case PZ-2021-7)

Mr. Paxton presented the finding of facts.

Mr. Sigerman opened the public hearing at 6:02 p.m. Hearing no one speak, Mr. Sigerman closed the public hearing at 6:02 p.m.

Mr. Lipscomb moved to recommend approval for a zoning change. Motion was seconded by Mr. Bourgeois and passed 7-0.

3C. Conditional Use Permit for a Short Term Rental, 222 Rawson Street (Case PZ-2021-8)

Mr. Paxton presented the finding of facts.

Mr. Sigerman opened the public hearing at 6:06 p.m. Hearing no one speak, Mr. Sigerman closed the public hearing at 6:06 p.m.

Mr. Byrom moved to recommend approval for a conditional use permit with the conditions as presented. Motion was seconded by Mr. Bourgeois and passed 4-3.

4. STAFF REPORT:

Mr. Paxton presented the staff report. Planning and Zoning meetings are planned for the following dates:

- May 20, 2021 – A called meeting to present The Ridgeland plat
- June 3, 2021 – A regular meeting with three cases currently being presented
- June 17, 2021 – A called meeting tentatively set for review of the subdivision code

5. EXECUTIVE SESSION

No executive session was taken.

6. ADJOURNMENT

The meeting was adjourned at 6:12 p.m.

APPROVED:

Michael Sigerman, Chair

Dorothy Miller, Recording Secretary

Date Minutes Approved

Agenda Bill

Case No. 2021-030

To: Planning & Zoning Commission
Date: 6/3/2021
Agenda Item: 2A, Packsaddle Acres, Replat of Lots 10 - 17
Action: Recommend Approval of the Plat
Representative: Don Voelkel – Voelkel Land Surveying

Proposal

Consideration and final action concerning a replat of Packsaddle Acres, Lots 10 through 17, comprised of 83 acres of land, more or less; a subdivision of record in Volume 3, Page 55 of the plat records of Kerr County, Texas; and generally located at 170 Lariat Lane.

Staff Analysis and Recommendation

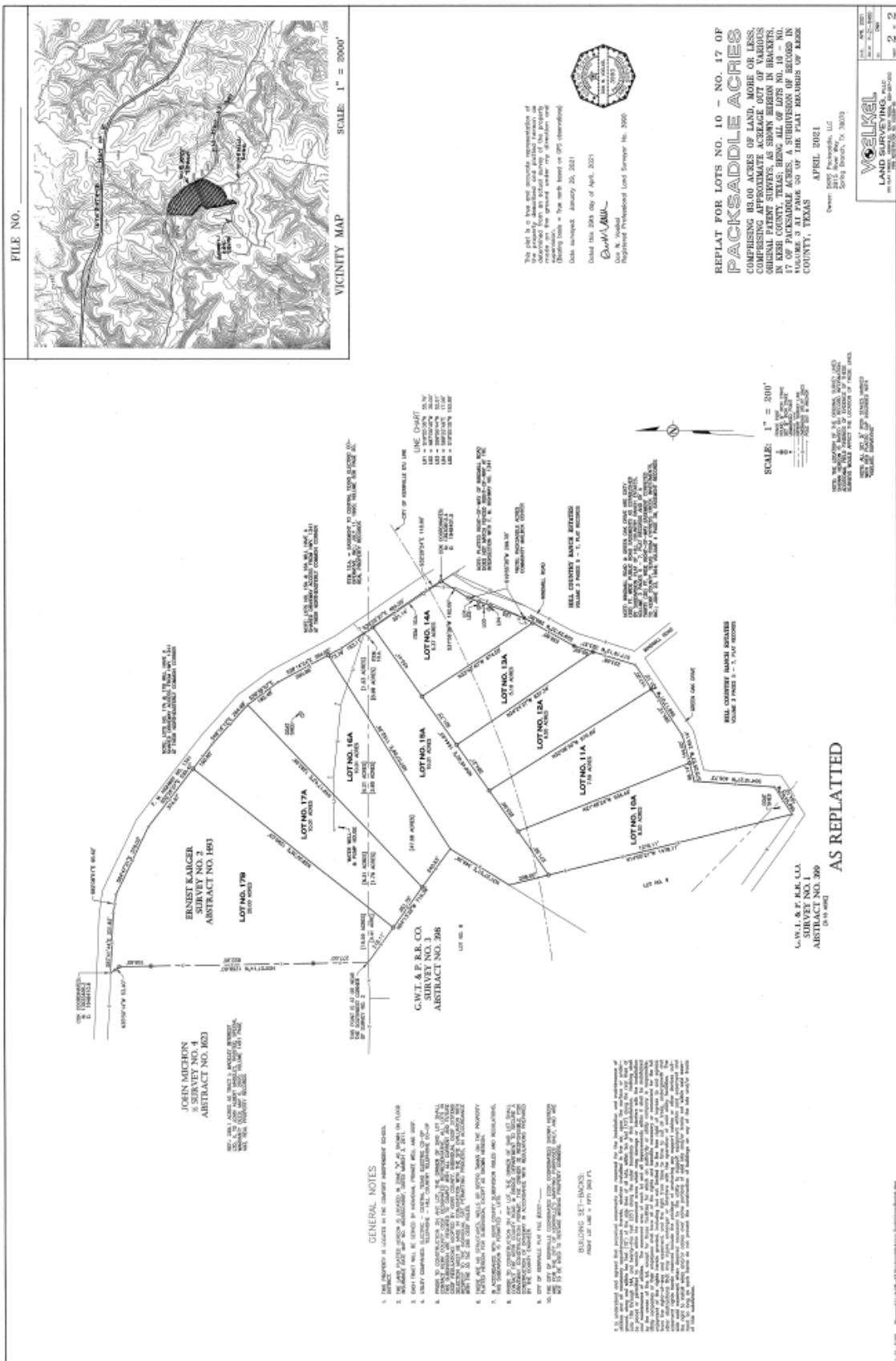
The plat is generally consistent with Zoning Code and the Subdivision Ordinance. Staff recommends approval of the plat.

Attachments:

Proposed Plat

Proposed Plat – Page 1 of 2

Proposed Plat – Page 2 of 2



Agenda Bill

Case No. 2021-037

To: Planning & Zoning Commission
Date: 6/3/2021
Agenda Item: 2B, Riverside Healthcare Final Plat
Action: Approve the Final Plat
Representative: Jeff Tondre – Vickrey & Associates

Proposal

Consideration and final action concerning a final plat of the Riverside Healthcare Subdivision, being a 7.158 acre tract of land out of the William C. Francis Survey No. 146, Abstract No. 137, City of Kerrville, Kerr County, Texas; and generally located at 1555 Bandera Highway.

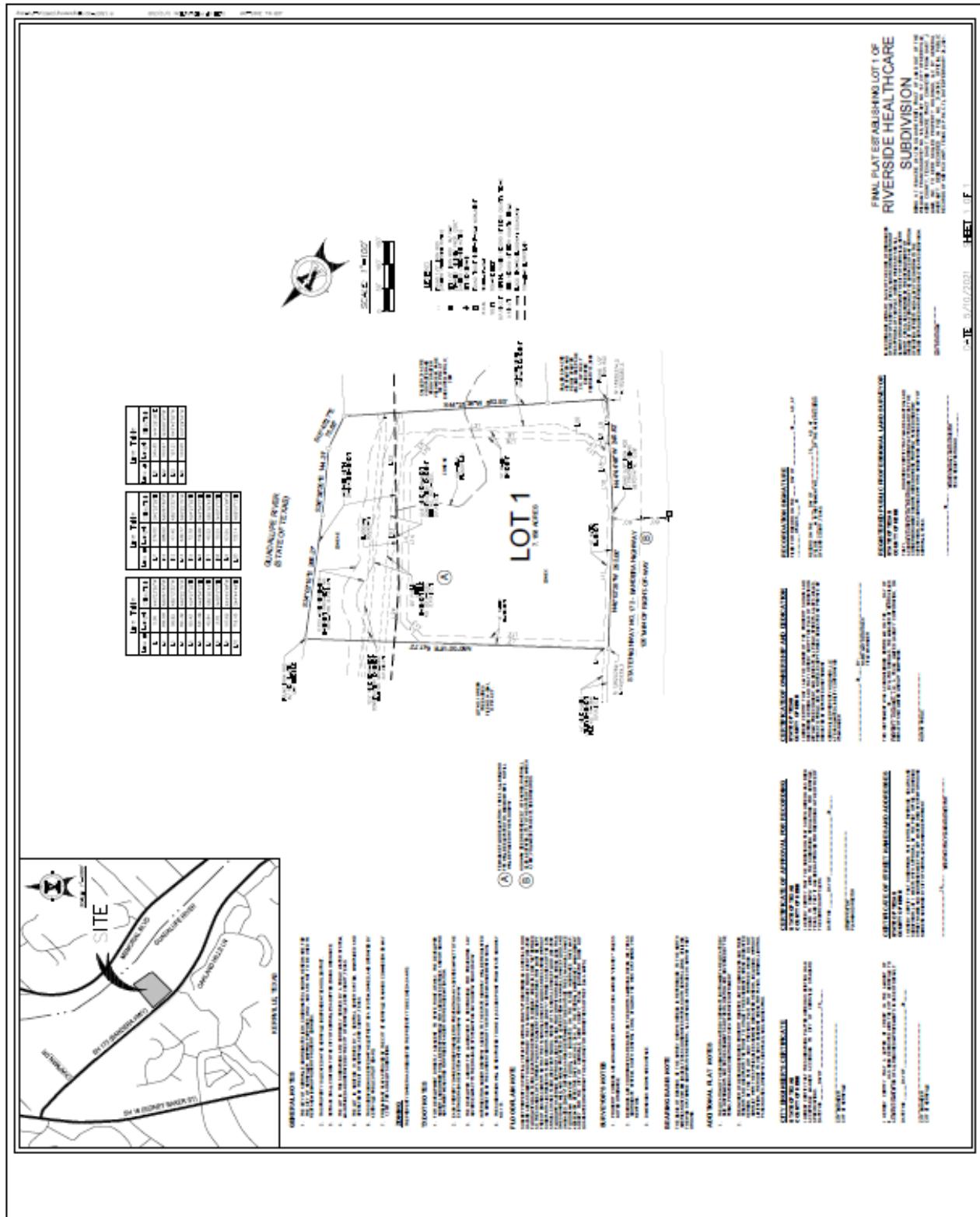
Staff Analysis and Recommendation

The final plat is consistent with Zoning Code and the Subdivision Ordinance. Staff recommends approval of the final plat.

Attachments:

Proposed Final Plat

Proposed Final Plat



Agenda Bill

Case No. 2021-026

To: Planning & Zoning Commission
Date: 6/3/2021
Agenda Item: 2C, Ridgeland Subdivision Final Plat
Action: Recommend Approval of Final Plat with Conditions
Representative: Salar Ranjbar – KFW Engineers & Surveying

Proposal

Consideration and final action concerning a Final Plat for the Ridgeland Subdivision, a 33.81 acre tract of land situated in the Samuel Wallace Survey No. 113, Abstract No. 347, and as conveyed to City of Kerrville and recorded in Volume 1077, Page 351, official public records of Kerr County, Texas.

This is a proposed 134 lot residential subdivision designed to meet a more affordable housing price point than is currently available on the market. This project is in direct response to the objectives of the Kerrville 2050 Comprehensive Plan.

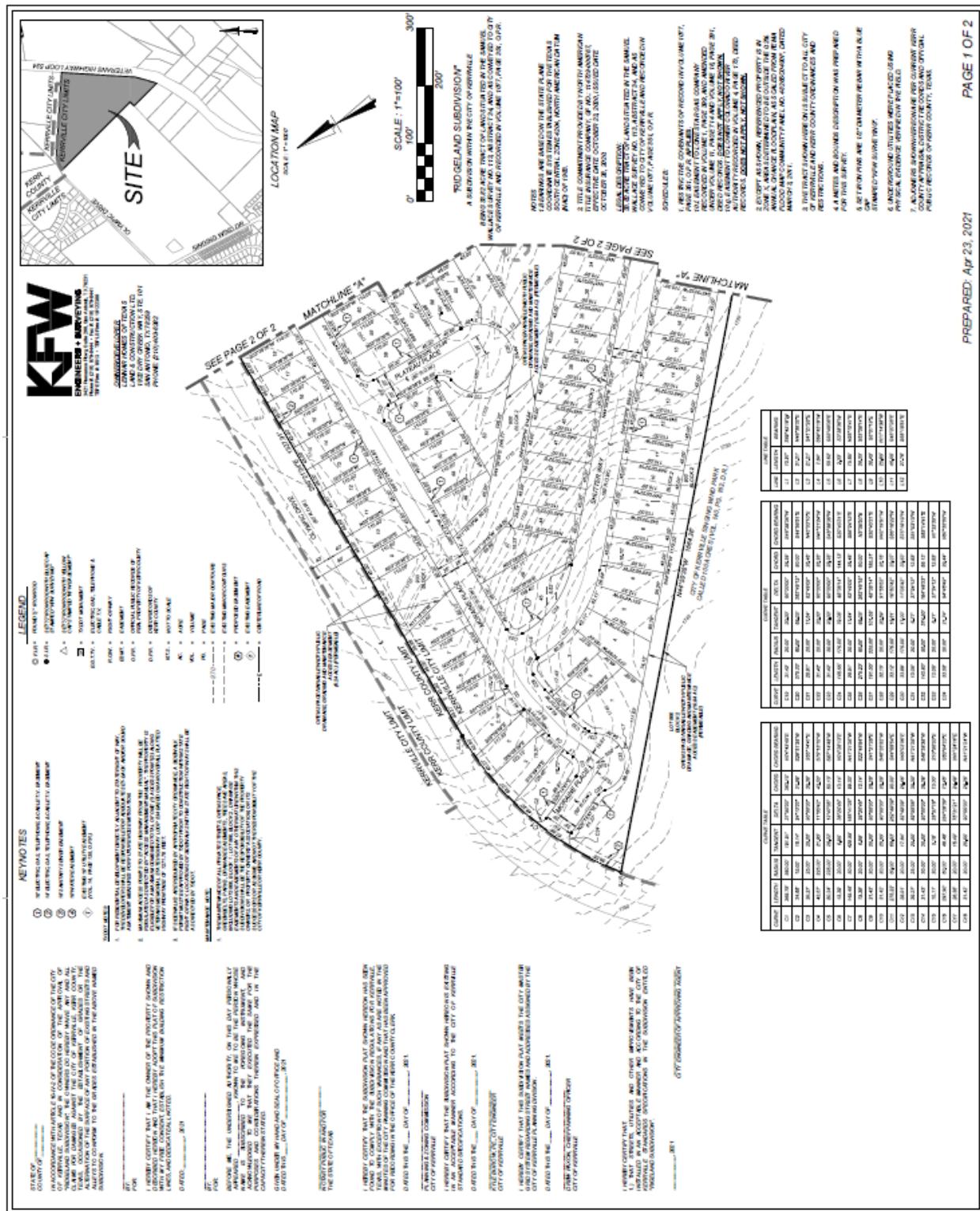
Staff Analysis and Recommendation

Recommendation: The Final Plat is generally consistent with Zoning Code and the Subdivision Ordinance. Staff recommends approval of the Final Plat with Conditions of Approval (attached).

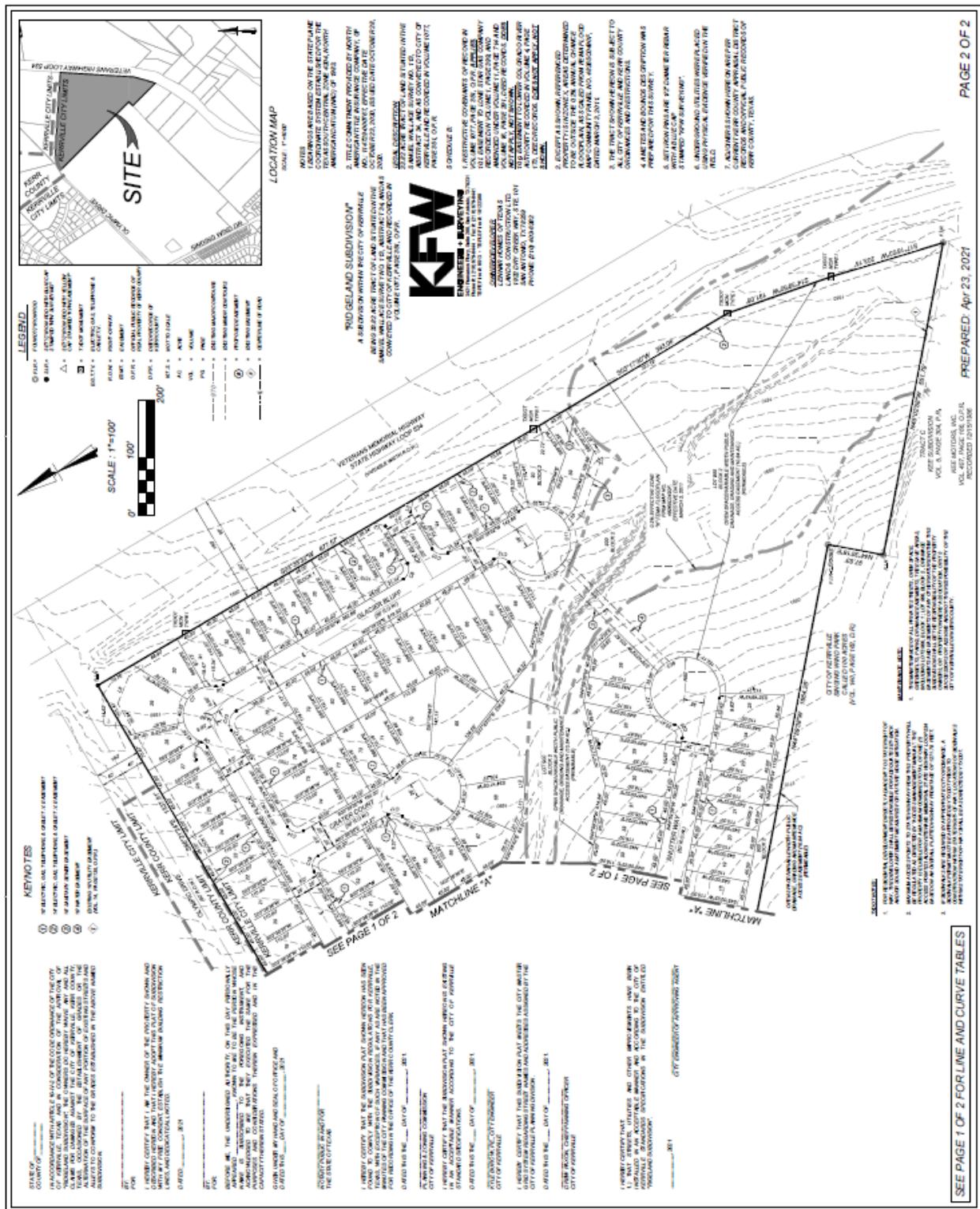
Attachments:

Proposed Final Plat
Conditions of Approval

Proposed Final Plat – Page 1 of 2



Proposed Final Plat – Page 2 of 2



Conditions of Approval

The following Conditions of Approval shall be addressed by applicant and confirmed by City staff prior to plat signatures and plat recordation:

1. Provide financial guarantee for public improvements if final plat will be recorded prior to installation and approval of public improvements; provide financial guarantee signature block on final plat, if applicable. (Subdivision Code Art. 10-IV-2, Sec. B.4)
2. Resolve sidewalk installation scope with City staff on Olympic Drive frontage and on Veterans Hwy / 534 frontage. (City Code Sec. 26-36.b)
3. Resolve stormwater detention design and floodplain designations based on findings of the flood study. (City Code Sec. 54-35(e))
4. Confirm all required easements with City staff and utility companies serving the development. Clearly note easements on the final plat. (Subdivision Code Art. 10-IV-2, Sec. B)
5. Respond to any outstanding improvement plan comments. (Subdivision Code Art. 10-IV-2, Sec. B.4)
6. Provide a note on the plat stating that "Park fees shall be paid at building permit in-lieu of parkland dedication per City Ordinance 91-10."
7. Final plat shall be signed and sealed. (Subdivision Code Art. 10-IV-2, Sec. B, 3.c.6)

Agenda Bill

Case No. PZ-2021-9

To: Planning & Zoning Commission
Date: 6/3/2021
Agenda Item: 3A, Zoning Change Request (PDD 20-09 to R-1)
Suggested Action: Recommend Approval
Representative: Rick Martin

Proposal

Public hearing, consideration, and action to recommend an ordinance to change the zoning from PDD 20-09, Planned Development District, to R-1, Single Family Residential, on Lot 2-A, Block 1, Martin Addition; and generally located 3008 Riverside Drive.

Procedural Requirements

11 letters were mailed on 5/20/2021 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 5/13/2021. At the time of drafting this Agenda Bill, no comments had been received.

Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: PDD 20-09, Planned Development District
Existing Land Uses: Contracting Business

Direction: North

Current Zoning: PDD 20-09, Planned Development District
Existing Land Uses: Contracting Business

Direction: South

Current Zoning: R-1 Single-Family Residential
Existing Land Uses: Residential Development

Direction: West, East

Current Zoning: C-1 Neighborhood Commercial; PDD 20-09
Existing Land Uses: Vacant Land & Contracting Business

Consistency with the Kerrville 2050 Comprehensive Plan:

The subject property is currently identified in the Kerrville 2050 Comprehensive Plan as having a Transitional Residential designation. This area was designated as low density residential under the 2008 version of the future land use plan. The area is currently a mix of commercial and residential uses and logically will continue to be so. There is typically residential development along Riverside Drive, commercial development along Memorial

Blvd. and Transitional Residential to the north of Memorial Blvd. The subject property is adjacent to existing residential development and surrounded by both commercial and residential development. As such, the proposed zoning change is consistent with current and future surrounding uses and the Kerrville 2050 Comprehensive Plan.

Thoroughfare Plan:

The subject property is located on a residential street.

Traffic Impact:

No traffic impact is anticipated.

Parking:

All zoning code parking requirements shall be met as development plans are finalized. Parking requirements will be approved prior to construction.

Case Summary:

The applicant is requesting a zoning change from Planned Development District 20-09 to R-1 Single-Family Residential to allow for construction of a single-family home. The property has been replatted to separate the intended residential parcel which fronts Riverside Drive from the commercial parcel that fronts Memorial Blvd.

Surrounding current uses are a mix of residential and commercial development which is consistent with future land uses as identified in the K2050 Comprehensive Plan.

Recommendation:

Because the requested zoning change is consistent with current zoning and the future K2050 Comprehensive Plan, it seems reasonable to grant this zoning change request. Based on these circumstances, staff recommends the zoning change request.

Attachments:

Location Map

Current Zoning Map

Location Map

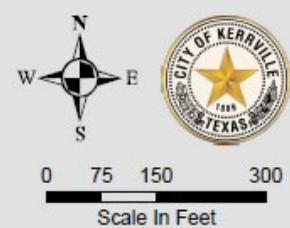


Location Map

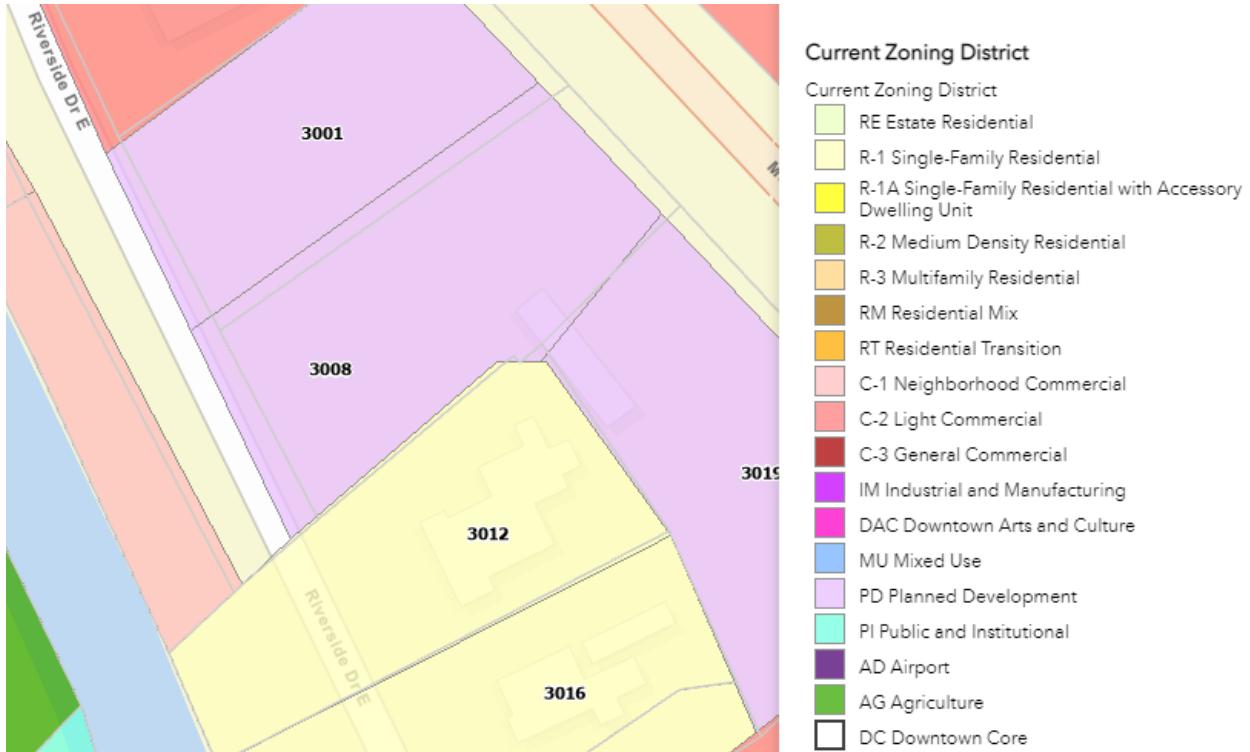
Case # PZ-2021-9

Location:
3008 Riverside Dr

Legend
200' Notification Area
Subject Properties



Current Zoning Map



Agenda Bill

Case No. PZ-2021-10

To: Planning & Zoning Commission
Date: 6/3/2021
Agenda Item: 3B, CUP for a Short Term Rental
Action: Recommend Approval with Conditions
Representative: Patrick Wilt

Proposal

Public hearing, consideration, and action to recommend a resolution to allow a Conditional Use Permit for Short Term Rental Unit on Lot 2, Block 7, Lowry Addition; and more commonly known as 205 Starkey Street.

Procedural Requirements

28 letters were mailed on 5/20/2021 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 5/13/2021. At the time of drafting this Agenda Bill, no comments had been received.

Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: R-1A Single Family Residential with Accessory Dwelling
Existing Land Use: Single Family Residence

Direction: North, South, West, East

Current Zoning: R-1A Single Family Residential with Accessory Dwelling
Existing Land Uses: Single Family Residences

Consistency with the Kerrville 2050 Comprehensive Plan:

The subject property and surrounding area are designated Transitional Residential (TR), Community Commercial (CC), Park and Open Space (PO), and Downtown (D) in the Kerrville 2050 Comprehensive Plan. Transitional Residential allows for small lot single family homes, single family detached homes, patio homes, townhomes, duplexes, condominiums and apartments. Community Commercial, primarily north of this location and closer to W Main St and Junction Hwy, allows for retail and commercial uses. Park and Open Space for this location are near Lowry Park, the Riverside Nature Center and other Guadalupe River amenities. This location is also in walking distance to the Downtown District, where allowable uses include retail, commercial, condominiums, apartments, offices, hotels, entertainment centers, service and office uses. Since the underlying zoning is not changing for the subject property, the request is consistent with the Kerrville 2050 Comprehensive Plan.

Thoroughfare Plan:

The subject property is located on a residential street.

Traffic Impact:

No traffic impact is anticipated.

Parking:

A Short Term Rental requires one (1) off street parking space per bedroom and one (1) additional off street parking space for a manager that does not live onsite. This rental has two (3) bedrooms and no onsite manager so three (4) off street parking spaces are required. The applicant has identified three (4) available off street parking spaces. Parking requirements can be met.

Case Summary:

The applicant is proposing to use an existing home as a Short Term Rental.

The subject property is located within an R-1A zoning district. As such, a Short Term Rental requires a Conditional Use Permit.

A Short Term Rental is defined in the zoning code as follows:

Short-Term Rental Unit: A facility, used for the purpose of providing short-term lodging for compensation, architecturally designed to look like a single-family dwelling, occupied concurrently as the residence for the owner, operator, or manager of the property, or providing separate lodging units such as cabins, guest homes, or similar residential-scale structures, with no more than six (6) bedrooms total on the property, and offering meals only to those who receive lodging, and providing that all bedrooms used as a permanent residence shall count toward the maximum six (6) bedrooms of the short-term rental unit.

Required legal and public notices have been sent. Proposed CUP conditions have been drafted for consideration to address staff comments and any comments submitted by adjacent property owners and other interested citizens.

The applicant has identified the following amenities as in close proximity to the proposed Short Term Rental: Lowry Park Trailhead (River Trail); Riverside Nature Center; Grape Juice Restaurant; Guadalupe River; Arcadia Theater; Historic Downtown Kerrville; Kerrville Farmer's Market; Kerrville Urban Trail System; Pint & Plow Brewery; Louis Hays Park; Kerr Arts & Culture Center; Cailloux Theater; and the H.E. Butt Public Library.

Recommendation:

Because the Conditional Use Permit request is consistent with the Kerrville 2050 Comprehensive Plan, will meet all zoning regulations, and there are numerous amenities in close proximity to this proposed Short Term Rental location, staff recommends approval with consideration and inclusion of the attached Proposed CUP Conditions.

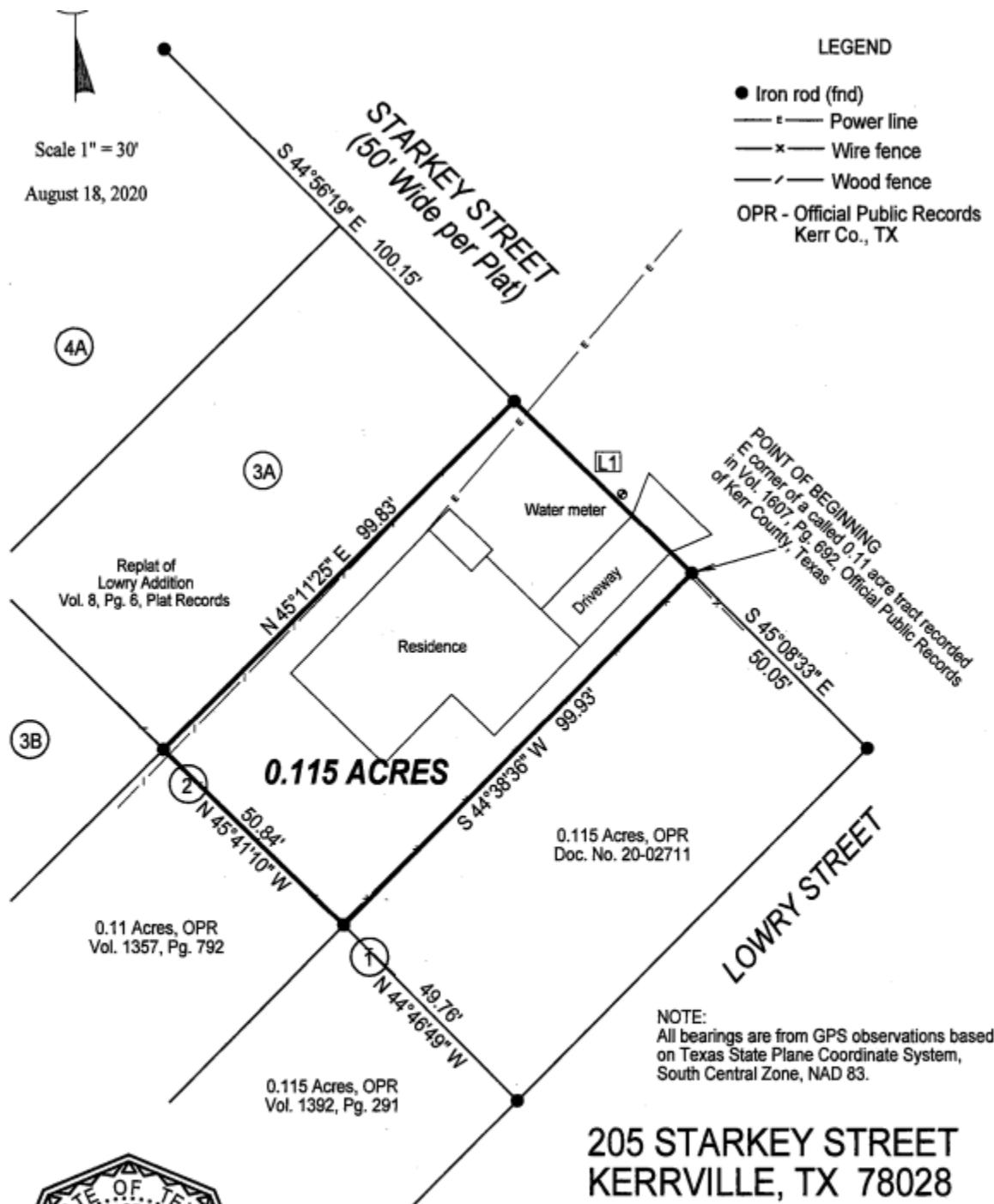
Attachments:

Site Plan

Proposed CUP Conditions

Guest Notification

Site Plan



I hereby certify that this survey was made on the ground and that
this plat correctly represents the facts found at the time of the survey,
and that to the best of my knowledge there are no visible overlapping
of improvements, visible easements of rights of way, boundary line conflicts,
or encroachments except as shown hereon.

Bo Mansfield RPLS No. 6278 FIRM No. 10193736



Proposed CUP Conditions

Short Term Rental

- A. Guest Notification:** The owner or operator of the Property shall post “Guest Notification” in a conspicuous place within the rental unit on the Property. Guest Notification is shown on the following page.
- B. Occupancy Taxes:** The owner or operator of the Property shall comply with the City’s occupancy tax requirements as found within Ch. 94, Division III, of the City’s Code of Ordinances.
- C. Sign:** The Property may not use more than one non-illuminated, on-site sign, in conjunction with its Short Term Rental unit. The sign may either be: (i) flush-mounted to one of the residential structures and may not exceed one-square foot in size; or, (ii) freestanding and placed in the front yard but no closer than 20 feet to any property line and not exceeding six square feet in size and three feet in height. Any such sign shall comply with the City’s Sign Code.
- D. Minimum Off-Street Parking:** One space per bedroom, plus parking required for the manager, if living off-site.
- E. Maximum Occupancy:** The maximum occupancy for any Short Term Rental is ten (10) guests. Short term rental owner / operator may set occupancy limits at less than ten (10) guests, however, in no case shall occupancy limits exceed ten (10) guests.
- F. Other Zoning Regulations:** The regulations set forth in this Resolution are in addition to those set forth in the Zoning Code, as may be amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in the Zoning Code, the provisions of this Resolution will prevail.



SHORT TERM RENTAL CONDITIONAL USE PERMIT GUEST NOTIFICATION

CUP Resolution Number _____

This short term rental has been permitted by the City of Kerrville as a conditional use under the above referenced resolution within a residential neighborhood and requires all guests to be aware of the following:

Because this short term rental is located within a residential neighborhood, proper etiquette should be observed at all times. The conditional use permit was issued in an effort **“to preserve the health, safety, and general welfare of adjacent property and its occupants and to protect such property and occupants from excessive noise, vibration, dust, dirt smoke, fumes, gas, odor, traffic, explosion, glare, surface water drainage, offensive view, or other undesirable hazardous conditions....”**

As a guest, please be aware of the proximity of your neighbors and be respectful of their right to privacy, a quiet environment, and unobstructed access to their property. Loud music, loud parties and excessive noise should be avoided. Parking should be limited to onsite parking spaces provided by short term rental management.

If you have any questions regarding this notification, please contact the short term rental management.

Thank you!

This Guest Notification shall be posted by short term rental management in a location clearly visible by all guests and provided with check-in information. Posting of duplicate copies of this Guest Notification within each guest room is highly encouraged to clearly communicate the importance of proper etiquette within a residential neighborhood. Thank you!

Agenda Bill

Case No. PZ-2021-11

To: Planning & Zoning Commission
Date: 6/3/2021
Agenda Item: 3C, Annexation and Zoning
Action: Recommend Approval
Representative: Nate Miller, Overland Property Group

Proposal

Public hearing, consideration and action to recommend an ordinance for the City of Kerrville to annex into its incorporated limits with a zoning classification of R-3, Multifamily Residential, for approximately 5.556 acres of land including the adjacent roadway; consisting of the property generally located at 160 & 170 Lehmann Drive.

Procedural Requirements

16 letters were mailed on 5/20/2021 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 5/13/2021. At the time of drafting this Agenda Bill, no comments had been received.

Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: County

Existing Land Use: Vacant Land

Direction: North

Current Zoning: C-2 Light Commercial

Existing Land Uses: Various Businesses

Direction: West, South

Current Zoning: County

Existing Land Uses: Vacant Land

Direction: East

Current Zoning: R-3 Multifamily Residential; R-2 Medium Density Residential

Existing Land Uses: Apartments and Single Family Residential

Consistency with the Kerrville 2050 Comprehensive Plan:

The subject property and surrounding area are within Strategic Catalyst Area 2 of the Kerrville 2050 Comprehensive Plan. Allowable place types are Estate Residential, Neighborhood Residential, Preservation Residential, Transitional Residential, Professional Services, Entertainment/Mixed Use, Agriculture and Outdoor Tourism. The request for senior housing with an R-3 zoning designation is consistent with the allowable

place types, so this request is consistent with the Kerrville 2050 Comprehensive Plan.

Thoroughfare Plan:

The subject property is located on Lehmann Drive, a collector street.

Traffic Impact:

No traffic impact is anticipated.

Parking:

All off street parking requirements will be met through final project design and approval.

Case Summary:

The applicant is requesting annexation to allow for the use of City services. A request is also being made to zone the annexed property R-3 Multifamily Residential to allow construction of senior apartments. The zoning request is consistent with the K2050 Comprehensive Plan.

Required legal and public notices have been sent. No comments have been received.

Recommendation:

Because the request is consistent with the Kerrville 2050 Comprehensive Plan and meets all zoning and subdivision codes, staff recommends approval of the annexation and zoning change request.

Attachments:

Location Map

Annexation Petition

Current and Future Zoning Maps

Location Map

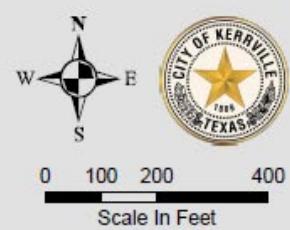


Location Map

Case # PZ-2021-11

Location:
170 Lehmann Dr

Legend
200' Notification Area
Subject Properties



Annexation Petition

PETITION REQUESTING ANNEXATION BY AREA LANDOWNERS

TO THE MAYOR OF THE GOVERNING BODY OF Kerrville, TEXAS:

The undersigned owners of the hereinafter described tract of land, which is vacant and without residents, or on which fewer than three qualified voters reside, hereby petition your honorable Body to extend the present city limits so as to include as part of the City of Kerrville, Texas, the following described territory, to wit:

BEING A 5.556 ACRE TRACT OF LAND, MORE OR LESS, SITUATED IN KERR COUNTY, TEXAS, BEING APPROXIMATELY 3.30 ACRES OUT OF THE JAMES H. COCKE SURVEY NO. 144, ABSTRACT NO. 95, AND APPROXIMATELY 1.46 ACRES OUT OF THE THOMAS L. WADDEL SURVEY NO. 145, ABSTRACT NO. 354; SAID 5.556 ACRE TRACT OF LAND BEING ALL OF A CALLED 4.75 ACRE TRACT, CONVEYED TO OPG RIDGEHILL PARTNERS, LLC., RECORDED IN DOCUMENT NO. 20-09852, OFFICIAL PUBLIC RECORDS OF KERR COUNTY, TEXAS, AND A PORTION OF LEHMANN DRIVE RIGHT-OF-WAY, RECORDED IN Volume 1642, PAGE 806, OFFICIAL PUBLIC RECORDS OF KERR COUNTY, TEXAS, SAID 5.556 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1-inch iron pipe found in the southwest right-of-way line of Lehmann Drive (50-foot wide right-of-way, no record found) marking the east corner of the herein described 4.76 acre tract of land and the north corner of a called 0.65 acre tract conveyed to Rocky Rhodes by General Warranty Deed recorded in Document No. 16-04816, of the Official Public Records of Kerr County, Texas (OPRKC), said point having coordinates of Northing: 13925658.34, Easting: 1921654.91 (USFT);

THENCE S 21°21'50" W, departing the southwest right-of-way line of Lehmann Drive, with the northwest line of the called 0.65 acre tract for a distance of **257.45 feet** (S 21°17'32" W, 257.28 feet) to a 1/2-inch iron rod found marking the southeast corner of the herein described tract, said point being at the west corner of the called 0.65 acre tract and being an angle point in the north line of a called 2.07 acre tract conveyed to Thomas M. Myers by Warranty Deed with Vendor's Lien recorded in Volume 1525, Page 577, OPRKC;

THENCE N 76°56'27" W, departing the northwest line of the called 0.65 acre tract, with the north line of the called 2.07 acre tract for a distance of **97.09 feet** (N 76°58'52" W, 97.13 feet) to a 1-inch iron pipe found marking a point for angle in the southwest line of the herein described tract, said point being at the north corner of the called 2.07 acre tract and being the east corner of a called 0.70 acre tract conveyed to Thomas M. Myers, Trustee, by Warranty Deed recorded in Volume 1520, Page 814, OPRKC;

THENCE N 76°49'48" W, with the north line of the called 0.70 acre tract for a distance of **130.57 feet** (N 76°52'14" W, 130.45 feet) to a 5/8-inch iron rod marking a point for angle in the southwest line of the herein described tract of land, said point being at the

north corner of the called 0.70 acre tract and the east corner of a called 0.76 acre tract conveyed to Crittenden Investment Partnership by Warranty Deed recorded in Volume 964, Page 564, of the Real Property Records of Kerr County, Texas (RPRKC);

THENCE N 66°47'14" W, with the north line of the called 0.76 acre tract for a distance of **164.28 feet** (N 66°51'02" W, 164.19 feet) to a 1/2-inch iron rod found marking a point for angle in the southwest line of the herein described tract, said point being at the north corner of the called 0.76 acre tract and the east corner of a called 1.07 acre tract conveyed to Tango Homes, LLC., by Warranty Deed with Vendor's Lien recorded in Document No. 18-05869, OPRKC;

THENCE N 46°00'00" W, with the northeast line of the called 1.07 acre tract, passing at 147.96 feet the north corner of the called 1.07 acre tract and the east corner of a called 0.9997 acre tract conveyed to Billy Charles Mikeska by General Warranty Deed recorded in Volume 1107, Page 0001, RPRKC, continuing with the northeast line of the 0.9997 acre tract for a total distance of **299.41 feet** (N 46°05'55" W, 299.47 feet) to a 1-inch iron pipe found marking the west corner of the herein described tract, said point being the north corner of the called 0.9997 acre tract and a point for angle in the southeast line of a called 9.24 acre tract conveyed to David A. Lehmann and Wendy E. Lehmann by General Warranty Deed recorded in Volume 1099, Page 261, RPRKC;

THENCE N 51°21'09" E, with the southeast line of the called 9.24 acre tract for a distance of **105.72 feet** (N 51°16'44" E, 105.66 feet) to a 1/2-inch iron rod found marking a point for angle in the northwest line of the herein described tract, said point being a point for angle in the southeast line of the called 9.24 acre tract;

THENCE N 37°10'01" E, continuing with southeast line of the called 9.24 acre tract for a distance of **237.95 feet** (N 37°05'36" E, 237.74 feet) to a 1/2-inch iron rod with cap stamped "Voelkel" found for the north corner of the herein described tract, said point being the east corner of the called 9.24 acre tract and being the southwest line of said Lehmann Drive;

THENCE N 37°10'01" E, over and across Lehmann Drive, for a distance of 50.00' to a calculated point for corner in the northeast line of Lehmann Drive;

THENCE with the northeast line of Lehmann Drive, the following courses and distances:

- S 52°40'39" E, for a distance of 526.47' to a calculated point for angle;
- S 60°37'35" E, for a distance of 35.93' to a calculated point for angle;
- S 60°24'59" E, for a distance of 123.16' to a calculated point for corner;

THENCE S 20°44'39" W, departing the northeast line of Lehmann Drive, over and across Lehmann Drive, for a distance of **50.60'** to a calculated point for corner in the southwest line of Lehmann Drive;

THENCE N 60°20'49" W, with the southwest line of Lehmann Drive, for a distance of 130.97' to the **POINT OF BEGINNING, CONTAINING 5.556 ACRES** of land, more or less, in Kerr County, Texas.

We certify that the above described tract of land is contiguous and adjacent to the City of Kerrville, Texas, and that this petition is signed and duly acknowledged by each and every person having an interest in said land.

Signed: 

Signed: _____

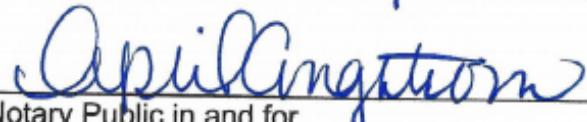
Signed: _____

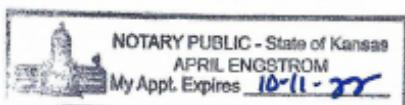
THE STATE OF ~~TEXAS~~ Kansas

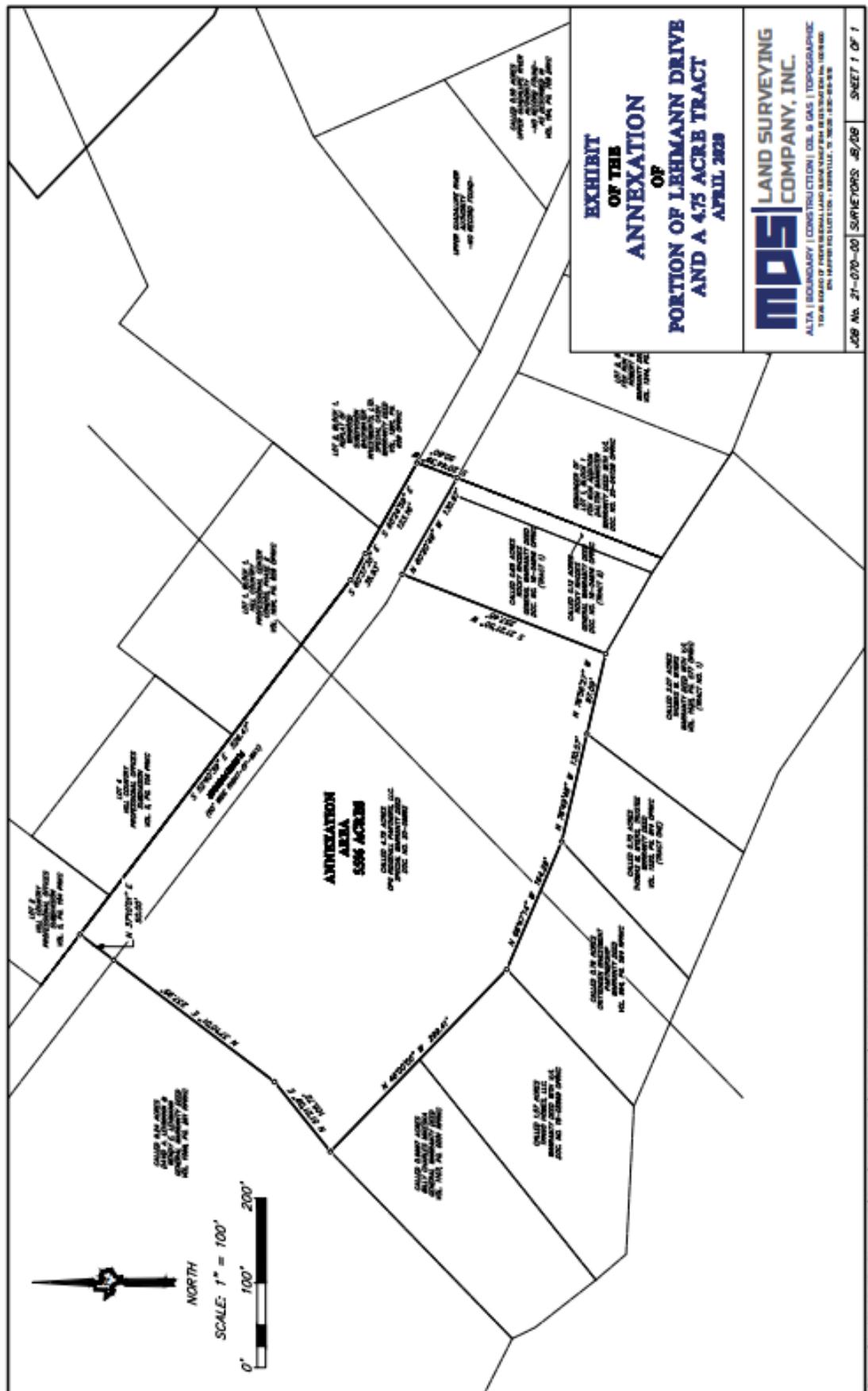
COUNTY OF Johnson

BEFORE ME, the undersigned authority, on this day personally appeared Matthew Gillam, and _____, known to me to be the persons whose names are subscribed to the foregoing instrument and each acknowledged to me that he executed the same for the purposes and consideration therein expressed.

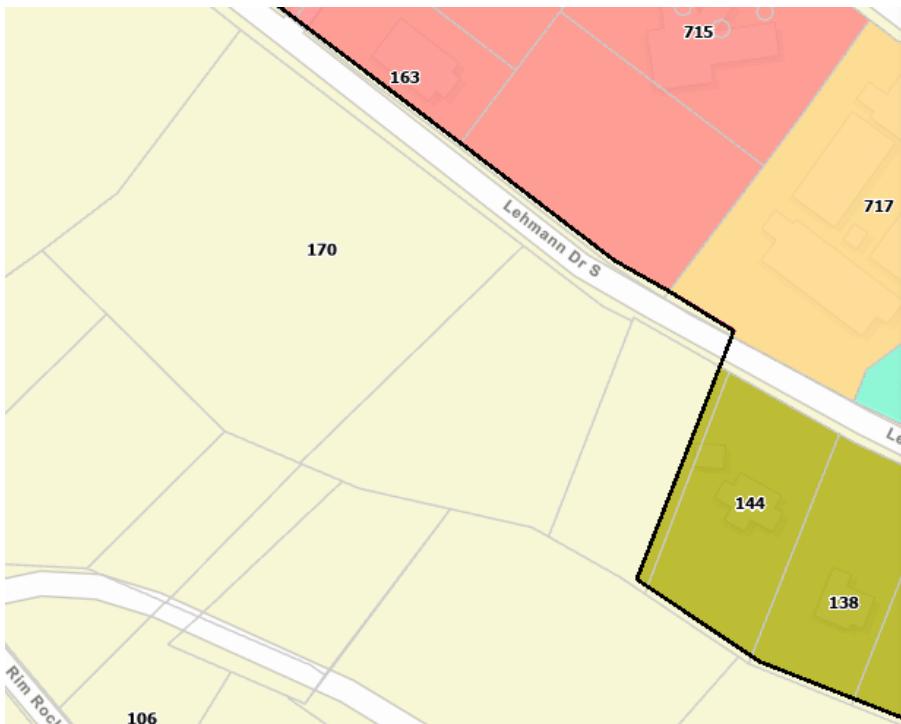
Given under my hand and seal of office, this 20 day of April, 2021.


Notary Public in and for
Johnson County, Texas, Kansas





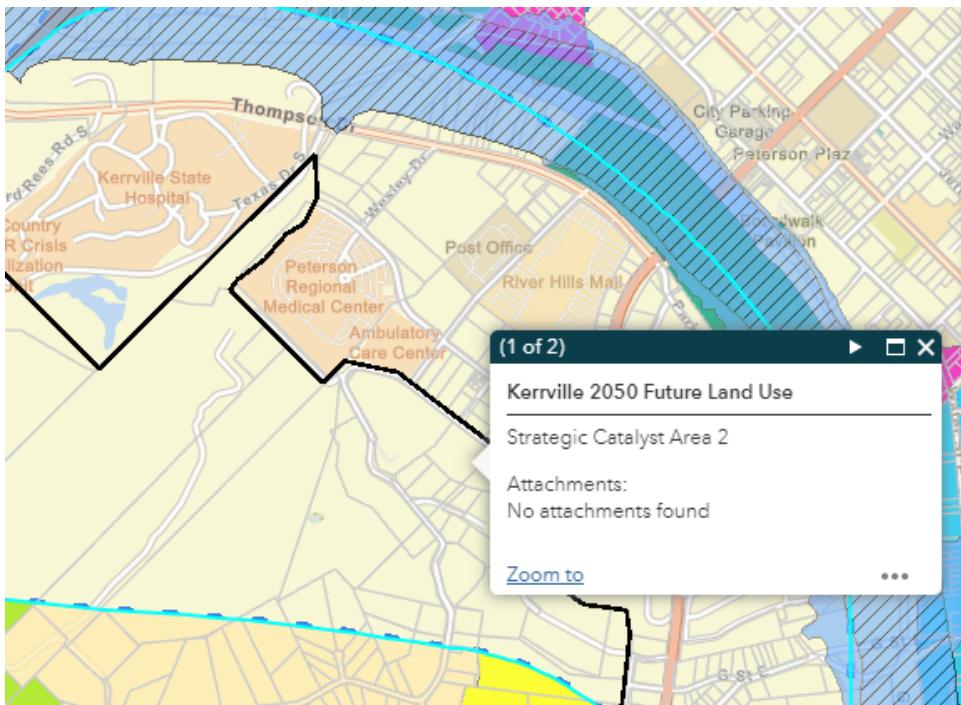
Current Zoning and Future Land Use Maps



Current Zoning District

Current Zoning District

- RE Estate Residential
- R-1 Single-Family Residential
- R-1A Single-Family Residential with Accessory Dwelling Unit
- R-2 Medium Density Residential
- R-3 Multifamily Residential
- RM Residential Mix
- RT Residential Transition
- C-1 Neighborhood Commercial
- C-2 Light Commercial
- C-3 General Commercial
- IM Industrial and Manufacturing
- DAC Downtown Arts and Culture
- MU Mixed Use
- PD Planned Development
- PI Public and Institutional
- AD Airport
- AG Agriculture
- DC Downtown Core



Current Future Land Use

Current Future Land Use

- Strategic Catalyst Area
- Park and Open Space
- Public Use
- Agriculture and Outdoor Tourism
- Rural Living
- Estate Residential
- Neighborhood Residential
- Preservation Residential
- Transitional Residential
- Downtown
- Community Commercial
- Regional Commercial
- Entertainment/Mixed Use
- Professional Services
- Heavy Commercial/Light Industrial