

**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.

Cmr. Byrom moved to approve a preliminary plat. Motion was seconded by Cmr. 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.

Cmr. Byrom moved to approve the final plat. Motion was seconded by Cmr. 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.

Mr. 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 Mr. 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.

Cmr. 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, Cmr. Sigerman closed the public hearing at 5:57 p.m.

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

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

Mr. Paxton presented the finding of facts.

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

Cmr. Lipscomb moved to recommend approval for a zoning change. Motion was seconded by Cmr. 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.

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

Cmr. Byrom moved to recommend approval for a conditional use permit with the conditions as presented. Motion was seconded by Cmr. 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: (DJ)
Michael Sigerman, Chair

Dorothy A. Miller
Dorothy Miller, Recording Secretary

6/3/21
Date Minutes Approved