



CITY OF KERRVILLE PLANNING & ZONING COMMISSION AGENDA
REGULAR MEETING, THURSDAY, JUNE 4, 2015 4:30 P.M.
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS

CALL TO ORDER

1. VISITORS/CITIZENS FORUM:

Any person with business not scheduled on the agenda is encouraged to briefly speak their ideas to the Commission. Please fill out the SPEAKER REQUEST FORM and give it to the Commission's Secretary prior to the meeting. The number of speakers will be limited to the first ten speakers and each speaker is limited to three minutes. (No formal action can be taken on these items as the Open Meetings Act requires formal action items be posted on an agenda no later than 72 hours before the meeting. If formal action is required, the items will be placed on an agenda for a future meeting.)

2. CONSENT AGENDA:

All items listed below in the consent agenda are considered routine or ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a Commissioner or citizen so requests; in which case the item(s) will be removed from the consent agenda and considered separately.

2A. Approval of the minutes from the May 7, 2015 meeting. **Pg. 3**

3. PUBLIC HEARINGS AND ACTION

3A. Public hearing, consideration, and action concerning a requested zoning text amendment to amend Chapter I, "The City of Kerrville Zoning Code" Article 11-1-10(f) "RT" Residential Transition District to specify and change development regulations pertaining to churches and schools. (File No. 2015-025). **Pg. 6**

4. STAFF REPORTS

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: May 29, 2015 at 5:30 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Cheryl Brown
Deputy City Secretary, City of Kerrville, Texas



City of Kerrville Planning Department Report

To: Planning & Zoning Commission
Agenda Item: 2A
Hearing Date: June 4, 2015
Representative: Staff

Proposal

Approval of the minutes from the May 7, 2015 Planning & Zoning Commission meeting.

MEMBERS PRESENT:

David Watterson, Chairman
Garrett Harmon, Commissioner
Bill Morgan, Commissioner
R. Bruce Motheral, Commissioner
Doyle Malone, Alternate (*sat in for Cmr. Waller*)
Rustin Zuber, Alternate

MEMBERS ABSENT:

Robert Waller, Vice Chairman

CITY COUNCIL LIASON

Gary Stork (present)

STAFF PRESENT:

Trent Robertson, City Planner
Dorothy Miller, Recording Secretary

CALL TO ORDER:

On May 7, 2015, Cmr. Watterson 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. VISITORS/CITIZENS FORUM:

No one spoke.

2. CONSENT AGENDA:

2A. Approval of the minutes from the April 16, 2015 meeting.

Cmr. Harmon moved to approve the minutes as amended. Motion was seconded by Cmr. Malone and passed 5-0.

3. PUBLIC HEARINGS AND ACTION:

3A. **Zoning Change Request** - Public hearing, consideration, and action concerning a requested zoning change from a (C-19) Central City-19 District to (CBD) Central Business District, for an approximate

.403 acre tract of land, LOTS 1-2 BLK 10 of Chas Schreiner Addition, located at 414, 416 and 418 Clay Street. (File No. 2015-021).

Mr. Robertson presented the findings of fact and asked Commissioners to render a decision.

Cmr. Watterson opened the public hearing at 4:34 p.m.

Mr. Lee Spaulding introduced himself, told a joke, and then said he was available to answer any questions the Commissioners might have.

Ms. Bonnie White introduced herself and stated for the record that she was at the Planning and Zoning meeting and the follow up meeting to City Council and said this particular property was included in that overlay that the Commissioners and City Council approved and she is confused why there was an issue over this and that it has delayed Mr. Spaulding several months. She stated for the record that she had asked the Commissioners if they remembered it being included in that overlay and two Commissioners had responded yes. She wanted to be sure this was stated for the record because she remembers it specifically in the power point at both meetings for Planning and Zoning and City Council. She stated she hopes Commissioners will approve this today.

Hearing no one else speak, Cmr. Watterson closed the public hearing at 4:38 p.m.

Cmr. Morgan moved to approve the zoning change request. Motion was seconded by Cmr. Malone and passed 4-1.

4. CONSIDERATION AND ACTION:

4A. **Preliminary Subdivision Plat** - Consideration and action concerning a proposed preliminary subdivision plat of The Heights at Sendero Ridge for 38.92 acre tract Kerr County, Texas in the S. Williams Survey No. 112, Abstract No. 347 and being a part or portion of the land conveyed to BDA Kerrville Properties, LP in Volume 1401, Page 563 of the real property records of Kerr County, Texas. Located on the north side of Jasper Lane North, between Olympic Drive and Loop 534. (File No. 2015-020).

Mr. Robertson presented the findings of fact and asked Commissioners to render a decision.

Cmr. Motheral voiced his concerns. He stated the subdivision ordinance calls for topographic information on the preliminary plat, not on the construction drawings. He said the reason for that is that a tract of this size could very well end up needing some kind of detention on storm drainage which would wipe out some of the lots and misconfigure the whole shape of it. He said he knows when we had a previous engineer here in the city, he was very detailed and nit-picky on many things and this was one of them and that we need to be very careful and not overlook an ordinance.

Mr. Robertson replied, saying on that specific note, they originally did have that on the plat but because it was hard to be legible when they had it on the plat because there's so much information on there, at the time our previous engineer asked them to remove it and put it on the civil plans. He said they did make a note on that that the topographic data is on the civil plans and that will be recorded on the plat as well. Cmr. Motheral asked what happens if because of that, detention is required and some of the lots are changed, it then has to come back as a preliminary plat before it goes to final because it's supposed to be essentially the same and it's not going to be if you make those changes. Mr. Robertson stated he believed the engineer for this project could answer the question.

Mr. Mike Wellborn of Wellborn Engineering answered and stated the storm water detention for this subdivision was planned with the original subdivision Sendero Phase I and is across the street and

exists in a size for the overall subdivision. He said it is on the detailed civil construction plans and those details will be worked out with the final plat, which is a note added to the preliminary plat.

Cmr. Motheral clarified, saying what Mr. Wellborn is saying is that he guarantees that no lots in this subdivision will be changed. Mr. Wellborn replied, not as a result of detention, that there is more than enough area from the south side of Sendero Ridge. Cmr. Motheral said state law, as Mr. Wellborn well knows, requires two things basically: 1) you cannot change the location of the discharge run and 2) you can't increase or decrease the flow onto your neighbor. He stated section 1 down here (on the plat) is your neighbor, not across the street, section 1 is your neighbor.

Mr. Wellborn responded, saying he understands Cmr. Motheral has gone through this process before and that they've butt heads on it as previous engineer. Cmr. Motheral agreed. Mr. Wellborn stated he has gone through and followed the process for the preliminary plat, have met the conditions and requirements and the storm drainage for phase I and phase II is already constructed. He said they'll be adding on to that and going under Sendero Ridge into the proposed and existing storm detention point.

Cmr. Motheral stated this still doesn't address the issue that phase I is not set up for or indicated for a pass through on this submittal. Mr. Wellborn said yes it is, if you look at the construction submittal for phase I there's actually a master plan for this whole subdivision for phase II. He added that the storm drainage was already installed and is existing; they would just be connecting on to that for the phase II.

Cmr. Motheral stated he would like to see that information. Mr. Wellborn submitted a copy of the civils for Cmr. Motheral's review, apologizing that it was not included in the packet, that it was a part of the packet but they were asked to remove it by previous staff. He also stated if you go through the history of all of Kerrville's preliminary plats and final plats process, you'll find that the preliminary plat is preliminary in nature. He said you get into the detail of the civil construction plans, storm detention and the size of the storm detention, water, and sanitary sewer with the final plat, not the preliminary plat process.

Cmr. Motheral asked if Mr. Wellborn was going to run this down Laurel Heights Blvd. and asked if that was correct. Mr. Wellborn responded yes and said there is existing storm sewer in place and some of it was built during phase I for the phase II area, but for whatever reason that was never final platted and so they're going to have to actually demo some of that existing pipe and storm sewer in order to proceed with phase II because it wasn't accepted. The city has already made statements that because it wasn't accepted, it's plugged off, that they would need to go through and reconstruct that.

Cmr. Motheral asked Mr. Wellborn where they would pick up the storm drainage off of phase II. Mr. Wellborn responded it would be at the end of the road where there's temporary cul-de-sacs. Mr. Motheral asked where that was and Mr. Wellborn pointed it out on the civil plans. Cmr. Motheral stated that Mr. Wellborn is trying to tell them that the existing is adequate to carry the whole subdivision. Mr. Wellborn stated it was designed for this subdivision and they will go through and verify those calculations with the detailed construction plans with the final plat process.

Cmr. Watterson thanked Mr. Wellborn saying it was obvious he was very detailed and has a thorough understanding of this job.

Cmr. Harmon moved to approve the preliminary subdivision plat as long as the corrections listed by staff have been made. Cmr. Motheral wanted to add to the motion that adequate drainage is confirmed through phase I. Cmr. Watterson stated that had been clearly defined and that it will be addressed during the process and that's something that would happen automatically. Cmr. Motheral's response to that was maybe. Mr. Robertson stated there's also a note saying that they do have to do a utility model that will also address this and that's on the preliminary plan so staff is also aware of that. Cmr. Morgan stated he had some concerns regarding what Cmr. Motheral has voiced and asked him if he was satisfied. Cmr. Motheral said he was not. Mr. Wellborn responded and said he believes what they're experiencing is some retribution by Cmr. Motheral based on when he was the city engineer reviewing

Cmr. Motheral's plans and never approving his plans because of inadequate drainage, but that was a final plat issued with final construction plans. This is a preliminary plat and he would ask if it was not approved where he has not met the requirements of the preliminary plat process. Cmr. Watterson stated Mr. Wellborn makes a good point, that the city has reviewed this thoroughly and it meets all the requirements and guidelines. He stated there is a process in place and that they as Commissioners need to allow the process to happen. Motion was seconded by Cmr. Morgan and passed 4-1.

4B. **Preliminary Subdivision Plat** - Consideration and action concerning a proposed preliminary subdivision plat of Avery Airport Subdivision for 29.765 acre tract of land situated in the F. Rodriguez Survey No. 72, Abstract No. 280, Kerr County, Texas and being all of that of that certain 29.765 acre tract of land recorded in Doc. #14-07302, official public records, Kerr County, Texas. Located to the south of Al Mooney Road North, between State Highway 27 and Wharton Road East (File No. 2015-022).

Mr. Robertson presented the findings of fact and asked Commissioners to render a decision.

Cmr. Harmon moved to approve the preliminary subdivision plat. Motion was seconded by Cmr. Morgan and passed 5-0.

4C. **Final Subdivision Plat** - Consideration and action concerning a proposed final subdivision plat establishing Scenic Valley Springs Phase II and a revision of Plat for Lot 1, Scenic Valley Springs comprising 5.08 acres of land, more or less, described in Document #11-04429, and two 5.08 acres of land, more or less, described as tracts 1 and 2 in Document #14-7834 O.P.R.K.C.TX. All situated in Kerr County, TX in the B.S. & F. Survey Number 3, Abstract 78. Tract 2 is also partially situated in the W. McCutcheon Survey Number 1660, Abstract 851 and Tract 2 is also the same as Lot 1, Block A, Scenic Valley Springs Volume 8, Page 81. (File No. 2015-018).

Mr. Robertson presented the findings of fact and asked Commissioners to render a decision.

Cmr. Motheral asked that the lot that is being combined with this, that upon the abandonment of the easement you don't show the easement on your property. Mr. Hargrave, applicant, stated it's shown on the previous and there's no easement shown on the current property. Cmr. Motheral's second question is legally putting this on here does it abandon the easement or is there something legally that has to be done. Mr. Hargrave stated it's created by the subdivision plat; it can be abandoned by the subdivision plat. Cmr. Motheral responded, not necessarily. He believes the city's legal department needs to check it and if they agree that this is a legal way to do it then fine, he has no problem; but if they have a concern then it needs to be addressed.

Cmr. Motheral moved to approve the final subdivision plat subject to clarification by the city's attorney. Motion was seconded by Cmr. Morgan and passed 5-0.

5. STAFF REPORTS:

Mr. Robertson reported at this time he has nothing to present at the May 21st meeting; however, a zoning text amendment will be presented to Commissioners at the June 4, 2015 meeting.

6. ADJOURNMENT:

This meeting was adjourned at 5:03 p.m.

Recommended Action

The recording Secretary recommends approval of the minutes from the May 7, 2015 Planning & Zoning Commission meeting.



City of Kerrville Planning Department Report

To: Planning & Zoning Commission
Agenda Item: 3A
Planning File #: 2015-025
Hearing Date: June 4, 2015
Representative: City Staff
Location: City Wide
Legal Description: NA
Total Acreage: NA

Proposal

Zoning text amendment to amend Chapter I, "The City of Kerrville Zoning Code" Article 11-1-10(f) "RT" Residential Transition District to specify and change development regulations pertaining to churches and schools.

Procedural Requirements

The application was published in The Hill Country Community Journal, an official newspaper of general circulation on May 20, 2015. Additionally, notice of this meeting was posted at city hall and on the city's internet website on May 29, 2015, in accordance with Section 551.043(a) of the Texas Government Code.

Recommended Action

Staff recommends that the Commission hold the required public hearing to receive public comments and make a recommendation to the Council.

Staff Analysis and Recommendation: Approval

1. Intent and Purpose of the "RT" Zoning District:

In accordance with Chapter I Article 11-1-10(f) of the City of Kerrville Zoning Code "The "RT" Residential Transition District is specifically designed to be a transition zone between single family areas and commercial properties...". The purpose of the "RT" zoning district is to lessen the impact of potential commercial uses in an area that also accommodates to residential uses.

2. Current Ordinance:

The current "RT" zoning regulations for non- residential uses are as follows:

- (f) **"RT" - Residential Transition District:** In addition to other regulations set forth in the Zoning Code, property located in the "RT"- Residential Transition Zone shall be developed in accordance with the following regulations:
 - ⋮

- (3) **Development Regulations for Non-Residential Uses:** Non-residential uses located in a "RT" Residential Transition Zone shall be developed in accordance with the following regulations:
 - (i) **Building Area:** The gross floor area of the building may not exceed 3,000 square feet;
 - (ii) **Building Appearance:** The building shall be designed to appear as a residence, with:
 - a* a wood, rock, or brick exterior;
 - b* a roof constructed of materials and with a similar pitch to other residences in the adjoining neighborhood; and
 - c* a front door and window(s) on the side of the building facing the lot front.
 - (iii) **Off-Street Parking:** All off-street parking shall be located on the side or in the rear of the building;
 - (iv) **Front Yard Required:** The building must comply with the residential front yard setback requirements for the zoning district and have an unpaved front yard;
 - (v) **Sign Restrictions:** Only the following signs shall be permitted:
 - a* One free standing sign which:
 - 1* has a sign area of not greater than twenty-four square feet;
 - 2* does not exceed six (6) feet in height above the ground; and
 - 3* is not internally illuminated; and,
 - b* One wall sign or projecting sign which:
 - 1* has a sign area not greater than twenty-four square feet; and
 - 2* is not internally illuminated.

3. Proposed Amendments to the Ordinance:

The proposed amendments to the “RT” zoning regulations for non- residential uses is underlined (added) as follows:

- “(f) **“RT” – Residential Transition District:** In addition to other regulations set forth in the Zoning Code, property located within the “RT” – Residential Transition Zone shall be developed in accordance with the following regulations:

⋮

(4) Churches and Schools: Churches and schools are excepted from the development regulations set forth in subsections 11-1-10(f)(3)(i)-(ii), above, and shall comply with the following:

(i) Building Appearance: The building shall be constructed with:

a a wood, rock, or brick exterior;

b a roof consisting of materials and with a similar pitch to other residences in the adjoining neighborhood; and

c a front door and window(s) on the side of the building facing the lot front.”

4. Purpose for the Amendment:

Currently, the existing “RT” zoning district limits all non-residential uses (including churches and schools) to a maximum building size of 3,000 square feet. The maximum building size provision in this district is impractical. Generally, commercial uses can have a wide range of consequences in regards to the surrounding properties, which are usually dictated by the size of building and the specific use in operation. Typically, development regulations are set forth to protect the health, safety and welfare of the community. However, churches and schools are normally located in or on the periphery of well-established residential neighborhoods and corridors and have a minimal impact on the surrounding properties. The zoning text amendment will allow for churches and schools to be able to reasonably develop and operate within this zoning district. Other commercial uses will still be required to follow all regulations in the “RT” zoning district including the maximum building size restriction.