



CITY OF KERRVILLE PLANNING & ZONING COMMISSION AGENDA
REGULAR MEETING, THURSDAY, JANUARY 21, 2016 4:30 P.M.
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS

CALL TO ORDER

1. ELECTION OF NEW OFFICERS:

In accordance with Article 11-1-22(a)(6)(ii) of the City of Kerrville's Zoning Code, "The Commission shall each year at its first regular meeting of the new year elect a chair and vice-chair from among the regular members. The Commission may elect such other officers as it deems necessary from the membership."

2. 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.)

3. 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.

3A. Approval of the minutes from the December 17, 2015 meeting. **Pg. 2**

4. PUBLIC HEARINGS AND ACTION

4A. **Public Hearing & Resolution** – Public hearing and consideration of resolution concerning a requested conditional use permit to enlarge a non-conforming use (by 2,800 square feet) beyond that which is permitted by the Zoning Code for an approximate .83 acres tract. Legal Description Block 74, Lots 7-9 Joseph A. Tivy Addition. Located at 1220 Jefferson Street North; northeast of Jefferson Street North, between Gilmer Street North and Ross Street North. (File No. 2015-063)
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5. STAFF REPORTS

6. 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: January 15, 2016 at 9:00 a.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: January 21, 2016
Representative: Staff

Proposal

Approval of the amended minutes from the December 17, 2015 Planning & Zoning Commission meeting.

MEMBERS PRESENT:

David Watterson, Chairman
Bob Waller, Vice Chairman
Garrett Harmon, Commissioner
Bill Morgan, Commissioner
Doyle Malone, Alternate
Rustin Zuber, Alternate

MEMBERS ABSENT:

Bruce Motheral, Commissioner

CITY COUNCIL LIASON

Bonnie White (present)

STAFF PRESENT:

Trent Robertson, City Planner

CALL TO ORDER:

On December 17, 2015, Cmr. Watterson called the Kerrville Planning and Zoning Commission regular meeting to order at 4:34 p.m. in the City Hall Council Chambers, 701 Main Street, Kerrville, Texas.

1. VISITORS/CITIZENS FORUM:

No one spoke.

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 November 19, 2015 meeting.

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

2B. Approval of the minutes from the December 3, 2015 meeting.

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

3. PUBLIC HEARINGS AND ACTION

3A. **Public Hearing & Action, Residential Replat** – Public hearing, consideration, and action concerning a proposed replat comprising 1.05 acres of land, more or less, out of Fritz Vollmering Survey No. 1432, Abstract No. 1519, in the City of Kerrville, Kerr County, Texas; Being all of Lot No. 46-A in Block 8 of the Summit Phase Six, the amending plat of which is recorded in file No. 15-5683 of the Official Public Records of Kerr County, Texas, and all of .43 acre conveyed to Ian G. Pettit, Et Al, from MKB Land Ltd. by a General Warranty Deed Executed the 23rd day of October, 2015 and recorded in file No. 15-7012 of the official public records of Kerr County, Texas; located at 2141 and 2145 Summit Crest Drive North. (File No. 2015-058).

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

Cmr. Watterson opened the public hearing at 4:34 pm. Hearing no one speak, Cmr. Watterson closed the public hearing at 4:36 pm.

Cmr. Harmon moved to approve the replat as presented. Motion was seconded by Cmr. Morgan and passed 5-0.

4. STAFF REPORTS:

Mr. Robertson stated at this time there is nothing to present at the next meeting.

5. ADJOURNMENT:

This meeting was adjourned at 4:45 p.m.

APPROVED:

David Watterson, Chairman

Dorothy Miller, Recording Secretary

Date Minutes Approved



City of Kerrville Planning Department Report

To: Planning & Zoning Commission
Agenda Item: 4A
Planning File #: 2015-063
Hearing Date: January 21, 2016
Representative: Tanya Poe
Location: 1220 Jefferson Street
Legal Description: JA Tivy Subdivision Block 74 Lots 7, 8 & 9
Total Acreage: .83

Proposal

Requesting a conditional use permit to enlarge a non-conforming use (by 2,800 square feet amended to 2,400 square-feet) beyond that which is permitted by the Zoning Code.

Procedural Requirements

The application was published in The Hill Country Community Journal, an official newspaper of general circulation on January 6, 2016. Notices were sent to property owners within two hundred (200) feet of the subject property on January 11, 2016. Additionally, notice of this meeting was posted at city hall and on the city's internet website on January 15, 2016, 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.

Notices Mailed

Owners of Property within 200 feet: 30

Topography

The subject property is relatively flat with a few trees throughout the landscape. The subject property is predominantly developed.

Adjacent Zoning and Land Uses

Direction: North, South and East

Current Base Zoning: "R-1 A"

Current Land Uses: Single-Family Residential

Direction: West

Current Base Zoning: "RT"

Transportation

Thoroughfare: Jefferson Street North, North Street North, and Ross Street North

Existing Character: One lane in each direction with no sidewalks

Proposed Changes: None known

Thoroughfare: Aransas Street North

Existing Character: One lane in each direction with partial sidewalks

Proposed Changes: None known

Parking Information: Day Care

Minimum vehicle spaces: One (1) space for each employee, plus one (1) space for each 500 square feet. (Minimum number of parking spaces: 13 plus one (1) space for each employee).

Staff Analysis and Recommendation: Approval with conditions

1. Consistency:

Currently, the existing use is not permitted by right in the "R-1 A" zoning district. However, the existing daycare is considered a legal non-conforming use and has met all of the criteria in Chapter I, "The City of Kerrville Zoning Code" Article 11-I-16. The daycare use was established prior to the zoning ordinance being adopted (1997 and 1985) and has been in operation since 1976. Consistency in both the zoning district and the future land use plan is irrelevant regarding the subject property and the existing non-conforming use.

2. Adverse Impacts on Neighboring Lands:

The requested conditional use permit will have little impact on the surrounding properties. Although, the majority of the surrounding properties are zoned for low density residential there are various properties in close proximity with established commercial uses. The proposed expansion will have a minimal impact on the surrounding properties due to the longevity of the non-conforming use as a daycare.

3. Suitability as Presently Zoned:

The subject property is not suitably zoned. The "R-1 A" zoning district is geared toward low density residential development and not commercial uses. The proposed conditional use permit is not designed to change the status of the legal non-conforming use into a permitted right, but rather allow for the expansion of the legal non-conforming use in accordance with Chapter I, "The City of Kerrville Zoning Code" Article 11-I-16(h).

4. Health, Safety and Welfare:

Staff has found no indication of likely adverse effects on the public health, safety, or welfare.

5. Size of Tract:

The subject property is approximately .83 acres in size, which should be able to reasonably accommodate the expansion of the daycare.

6. Other Factors:

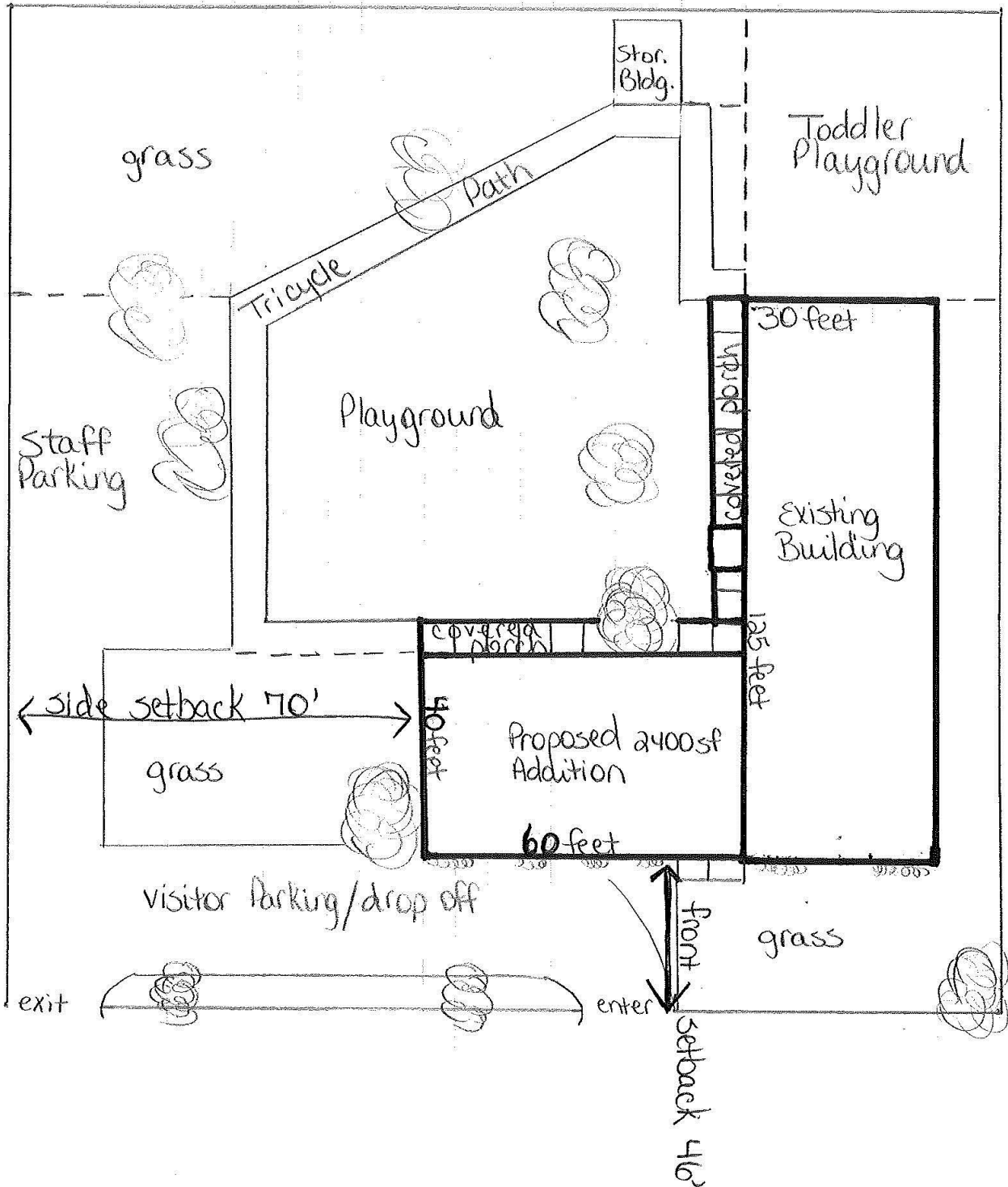
The proposed conditional use permit meets all of the criteria in both Article 11-1-13 (Conditional Use Permits) and Article 11-1-16 (Non-Conforming Uses) of Chapter I, "The City of Kerrville Zoning Code".

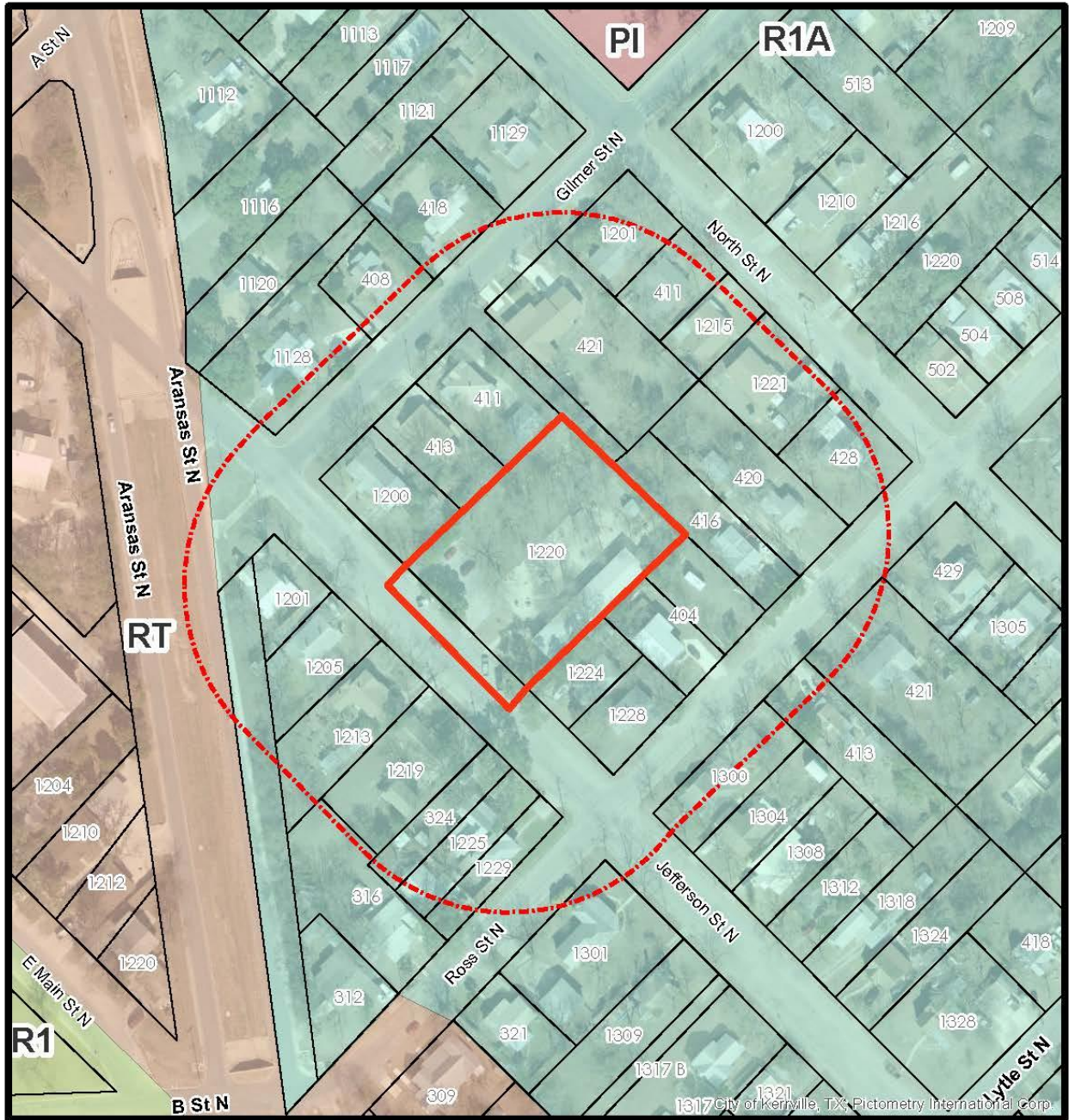
The proposed expansion will be required to fully comply with all applicable codes, regulations and ordinances.

Staff recommends approval with the following conditions:

- Hours of Operation: Monday-Friday 6:00 a.m. – 6:00 p.m.

Exhibit B: Proposed layout / diagram





Conditional Use Permit Location Map

Case 2015-063

Location:
1220 Jefferson St

Legend

- 200' Notification Area - - - - -
- Subject Properties —————
- Current Zoning **TEXT**



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only approximate relative locations.