



**CITY OF KERRVILLE PLANNING & ZONING COMMISSION AGENDA**  
**REGULAR MEETING, THURSDAY, August 18, 2016 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 June 2, 2016 meeting. **Pg. 2**

2B. Approval of the minutes from the June 16, 2016 meeting. **Pg. 5**

**3. PUBLIC HEARINGS AND ACTION**

3A. **Public Hearing & Resolution** – Public hearing and consideration of resolution concerning a requested conditional use permits for “Personal Services II- Urgent Care Facilities with Emergency Room Services (patient care less than 24 hours)” and for “Retail Trade I” for an approximate 2.51 acres tract. Legal Description Evans Addition, Lot 1, Block 1. Located at 1201 and 1205 Junction Highway; west of North Knapp Road South, between Junction Highway and Nimitz Lake/Guadalupe River. (File No. 2016-036). **Pg. 9**

**4. STAFF REPORTS**

**5. ADJOURNMENT**

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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: August 9, 2016 at 12:00 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

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# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 2A  
Hearing Date: August 18, 2016  
Representative: Staff

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## **Proposal**

Approval of the minutes from the June 2, 2016 Planning & Zoning Commission meeting.

## **MEMBERS PRESENT:**

Bob Waller, Chairman  
Garrett Harmon, Vice-Chair  
Don Barnett, Commissioner  
Doyle Malone, Commissioner  
Bill Morgan, Commissioner  
Michael Slgeman, Alternate

## **MEMBERS ABSENT:**

Rustin Zuber, Alternate

## **CITY COUNCIL LIASON**

Glenn Andrew (present)

## **STAFF PRESENT:**

Trent Robertson, City Planner  
Dorothy Miller, Recording Secretary

## **CALL TO ORDER:**

On June 2, 2016, Cmr. Waller 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:**

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 March 17, 2016 meeting.

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

2B. Approval of the minutes from the May 19, 2016 meeting.

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

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

3A. **Consideration & Action, Amending Plat** – Consideration and action concerning a proposed amending plat for Lots 12 and 13, Block B of Comanche Trace Phase 2 Section 2. A 1.57 acre tract of land, more or less, out of William Wat survey no. 66, abstract no. 365, in the City of Kerrville, Kerr County, Texas; Being all of lots no. 12 and no. 13 in block B of Comanche Trace Phase 2 Section 2, the plat of which is recorded in volume 7 at page 139 of the plat records of Kerr County, Texas. 3621 Ranch View Court. (File No. 2016-026).

Mr. Robertson presented the case and asked Commissioners to render a decision.

Cmr. Harmon moved to approve the amended plat as presented by staff; motion was seconded by Cmr. Morgan and passed 5-0.

3B. **Consideration & Action, Amending Plat** – Consideration and action concerning a proposed amending plat for Lots 13 and 14, Block B of Riverhill Townhouse Tracts No. Ten. A 0.27 acre tract of land, more or less, out of WM. C. Francis survey no. 147, abstract no. 137, in the City of Kerrville, Kerr County, Texas; Comprising all of lots no. 13 and no. 14 in block 4 of Riverhill Townhouse Tracts No. Ten, the plat of which is recorded in volume 5 at page 96 of the plat records of Kerr County, Texas. 201 Canyon Creek Lane. (File No. 2016-028).

Mr. Robertson presented the case and asked Commissioners to render a decision.

Cmr. Barnett moved to approve the amended plat as presented by staff; motion was seconded by Cmr. Malone and passed 5-0.

### **4. PUBLIC HEARINGS AND ACTION**

4A. **Public Hearing & Action, Zoning Text Amendment** – Public hearing, consideration, and action concerning a requested zoning text amendments to amend Chapter I, “The City of Kerrville Zoning Code” Article 11-1-12 (Manufactured Homes, Mobile Homes, Trailers, and Recreation Vehicles) and Chapter I, “The City of Kerrville Zoning Code” Article 11-1-19 (Supplementary Development Requirements) pertaining to the development regulations and requirements for temporary structures (including construction trailers). (File No. 2016-027).

Mr. Robertson presented the case and asked Commissioners to render a decision.

Cmr. Malone asked if there would be a limit to the number of renewals. Mr. Robertson responded no.

Cmr. Morgan asked if the wheels would have to be removed and the structure tied down. Mr. Robertson responded that he would have to check the International Building Code (IBC) and International Residential Code (IRC) and review with the Chief Building Official.

Cmr. Harmon stated section 2, item v says, *“The design of the residential sales office shall be residential in character with a non-metallic roof of a hip or gable desing...”* Cmr. Harmon said metal roofs should be allowed for sales offices.

Cmr. Waller opened the public hearing at 4:45 p.m. Hearing no one speak, Cmr. Waller closed the public hearing at 4:46 p.m.

Cmr. Harmon moved to approve the text amendment as present and also request staff bring back revisions under section 2, item v as to roofing material. Motion was seconded by Cmr. Barnett and passed 5-0.

**5. STAFF REPORTS:**

Mr. Robertson reported he had nothing to report at this time. The next scheduled meeting is Thursday, June 16, 2016.

**6. ADJOURNMENT:**

This meeting was adjourned at 4:55 p.m.

APPROVED:

\_\_\_\_\_  
Bob Waller, Chairman

\_\_\_\_\_  
Dorothy Miller, Recording Secretary

\_\_\_\_\_  
Date Minutes Approved



# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 2B  
Hearing Date: August 18, 2016  
Representative: Staff

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## **Proposal**

Approval of the minutes from the June 16, 2016 Planning & Zoning Commission meeting.

## **MEMBERS PRESENT:**

Bob Waller, Chairman  
Garrett Harmon, Vice-Chair  
Doyle Malone, Commissioner  
Bill Morgan, Commissioner  
Rustin Zuber, Alternate

## **MEMBERS ABSENT:**

Don Barnett, Commissioner  
Michael Slgeman, Alternate

## **CITY COUNCIL LIASON**

Glenn Andrew (present)

## **STAFF PRESENT:**

Trent Robertson, City Planner  
Dorothy Miller, Recording Secretary

## **CALL TO ORDER:**

On June 16, 2016, Cmr. Waller called the Kerrville Planning and Zoning Commission regular meeting to order at \_\_\_\_\_ p.m. in the City Hall Council Chambers, 701 Main Street, Kerrville, Texas.

## **1. VISITORS/CITIZENS FORUM:**

No one spoke.

## **2. PUBLIC HEARINGS AND ACTION**

- 2A. **Public Hearing & Action, Replat** – Public hearing, consideration, and action concerning a request for replat of Lot 15 and part of Lot 16, Block 4, Riverhill Townhouse Tract No. Ten, located at 207 Canyon Creek Lane East. (File No. 2016-025).

Mr. Robertson presented the case and asked Commissioners to render a decision.

Cmr. Waller opened the public hearing at 4:32 p.m. Hearing no one speak, Cmr. Waller closed the public hearing at 4:33 p.m.

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

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

3A. **Consideration & Action, Final Plat** – Consideration and action concerning a proposed final plat for Oak Hollow Business Park a subdivision containing 3.33 acres of land, more or less, out of John A. Southmayd survey no. 148, abstract no. 288 in the City of Kerrville, Kerr County, Texas; that same land conveyed from Southern Investments, Inc. to IQ Investments, Ltd. By warranty deed executed the 5<sup>th</sup> day of October, 2004 and recorded in volume 1392, page 24 of the official public records of Kerr County, Texas. 2190 Bandera Highway (State Highway 173). (File No. 2016-031).

Cmr. Harmon recused himself due to conflict of interest.

Mr. Robertson presented the case and asked Commissioners to render a decision.

Cmr. Morgan moved to approve the final plat as presented by staff; motion was seconded by Cmr. Malone and passed 4-0.

Cmr. Harmon returned to meeting.

3B. **Consideration & Action, Final Plat** – Consideration and action concerning a proposed final plat for Sidney Baker Community Plaza a subdivision establishing Lot 1, 1.12 acres and Lot 2, 2.62 acres, out of the B.F. Cage Survey No. 116, Abstract No. 106, in the City of Kerrville, Kerr County, Texas. Located on the southeast side of Sidney Baker Street (Highway 16), between Tennis Street North and Yorktown Boulevard North. 1401 and 1405 Sidney Baker Street. (File No. 2016-032).

Mr. Robertson presented the case and asked Commissioners to render a decision.

Mr. Don Voelkel spoke. He stated he is not involved in this project whatsoever but he does projects similar to this all the time. He said the way this is being platted, there's a front lot and a back lot and on the front lot there is a public easement that begins behind a private easement going back to the second lot and that's going to be the access to the second lot. He said he's been doing this for 40 years so he's never had a situation where they allowed him to do this before and he is wanting to understand that this is going to be okay from now on. He asked if they are going to be able to plat properties without frontage and get a public easement and not build a street and a cul-de-sac. He said normally in the past they have had to build a street and a cul-de-sac, but that's not being done here. He wants to know if the city allows this, are they going to allow others to do the same thing. He stated he has clients that are interested in seeing if this is allowed and if they will be able to do the same in the future, and it is contrary to what is in the rules and what has been required. He reiterated that he has nothing to do with this project and that he is not saying not to approve this, but just wanted to make it clear that if it is approved, other potential clients will expect the same approval as this will set a precedence

for the future. He said in 40 years of doing business, he has never seen anything like this approved before.

Mr. Robertson responded, saying this is a flag lot and it has an access easement going from Sidney Baker to lot two and another access easement going from lot one to what is currently Aaron's. He said Mr. Voelkel was right, that the cul-de-sac is to prepare for fire and EMS. He said on the development site plan they do have a cul-de-sac and will meet all fire code and requirements and part of the building permit phase staff also looks at that and in their code there is nothing stating that they can't have a flag lot according to the city's subdivision ordinance or state code.

Mr. Lee Voelkel spoke. He commented on the lot being a flag lot and said it looked to him that lot two did not go to fee title to the road, that there was an easement. He said in his opinion lot two is not a flag lot if there is no fee. He said a flag lot refers to having right of way to the road and has direct access without an easement. His other concern is a question, at the top where that easement actually gets to highway 16, the public right-of-way of 16 is not continuous, at least not on the plat he saw with the right-of-way of the public easement. He said there is a triangular gap in there, which had on the plat a private easement. He said he does not know how you go from a public ROW (right-of-way), cross private property, and back to a public ROW. He said all of that should be public and continuous with the ROW of the street.

Mr. Robertson asked Cmr. Waller for a brief recess while he asked for a second opinion on the code.

Cmr. Waller called for a recess at 4:55 p.m.. Cmr. Waller reconvened at 5:05 p.m.

Mr. Robertson stated the subdivision ordinance states that there has to be some sort of access. It does not necessarily state it has to have frontage on a street but it has to have access which the Planning and Zoning Commission can approve that access. The zoning code states the definition of the law is, "*land which is occupied or intended to be occupied by building a group of buildings and their accessories buildings together which such yards and open spaces are required by the zoning code and having frontage on a street or other access approved by Commission*". Mr. Robertson stated the subdivision does not necessarily require having frontage on the street and the zoning code makes the determination on what a law is, either having frontage on the street or other access as approved by the Commission. Mr. Robertson stated It is up to the Commissioners to approve that; however, going back to the triangle piece of not having access, staff does feel there could be some issues with that. He said whoever owns that can block that off so the owner would have to somehow purchase that piece of property or get it to become a public access easement.

Mr. Robertson explained that by law this item either either has to be approved or denied within a certain time frame or it is automatically approved. The other option would be to deny this, have the property owner have it turned into a public easement and bring back the final plat to Commissioners with that changed to a public access.

Cmr. Harmon moved to deny the final plat as presented by staff; motion was seconded by Cmr. Malone and passed 5-0.

#### **4. STAFF REPORTS:**

Mr. Robertson reported he will not be here, however, item 3B will be presented at the next scheduled meeting of Thursday, July 7, 2016.

**5. ADJOURNMENT:**

This meeting was adjourned at 5:11 p.m.

APPROVED:

\_\_\_\_\_  
Bob Waller, Chairman

\_\_\_\_\_  
Dorothy Miller, Recording Secretary

\_\_\_\_\_  
Date Minutes Approved





# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 3A  
Planning File #: 2016-036  
Hearing Date: August 18, 2016  
Representative: Hewitt Engineering  
Location: 1201 and 1205 Junction Highway; west of North Knapp Road South,  
between Junction Highway and Nimitz Lake/Guadalupe River  
Legal Description: Evans Addition, Lot 1, Block 1  
Total Acreage: 2.51

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## **Proposal**

A request for a conditional use permits for “Personal Services II- Urgent Care Facilities with Emergency Room Services (patient care less than 24 hours)” and for “Retail Trade I” uses for an approximate 2.51 acres tract.

## **Procedural Requirements**

The application was published in The Hill Country Community Journal, an official newspaper of general circulation on August 3, 2016. Notices were sent to property owners within two hundred (200) feet of the subject property on August 1, 2016. Additionally, notice of this meeting was posted at city hall and on the city’s internet website on August 5, 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 City Council.

## **Notices Mailed**

**Owners of Property within 200 feet: 8**

## **Topography**

The subject property slopes from the north to the south. Portions of the property are within both the floodplain and floodway. There are relatively few trees, but the ground is covered in various types of grasses.

## **Adjacent Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** “6-W”

**Current Land Uses:** Tire Sales/Repair, Large Retail Center, and Cemetery

**Direction:** East and West  
**Current Base Zoning:** "GR"  
**Current Land Uses:** Restaurant, Professional Office and Funeral Home

**Transportation**

**Thoroughfare:** Junction Highway (Highway 27)  
**Existing Character:** Two lanes in each direction with partial sidewalks  
**Proposed Changes:** None known

**Thoroughfare:** North Knapp Road South  
**Existing Character:** One lane in each direction with no sidewalks  
**Proposed Changes:** Applicant will request the realignment of Knapp Road to coincide with the existing traffic signal.

**Parking Information:** Minimum vehicle spaces:  
"Personal Services" One (1) space per 250 sq. feet.  
"Health Care Facilities Hospitals – Ambulatory": One (1) space per patient bed.  
"Retail Trade": One (1) space per 250 sq. feet.

**Staff Analysis and Recommendation: Approval with conditions**

**1. Consistency:**

The property's land use designation is General Commercial. The existing base zoning district is not being amended at this time.

**2. Adverse Impacts on Neighboring Lands:**

The requested conditional use permit will have little impact on the surrounding properties. The majority of the surrounding properties have similar uses that generate a considerable amount of traffic. Staff's only concerns are 1) the current alignment of Knapp Road is not conducive to the ingress/egress of the property and 2) portions of the property are located in the floodplain and floodway. The applicant has proposed the realignment of Knapp Road to ensure safety and better traffic mitigation for the existing intersection. Additionally, the applicant is engineering the property in order to comply with all FEMA, State and Local regulations pertaining to the development of a lot in the floodplain and floodway. Through proper planning and mitigation staff does feel that the existing concerns can be resolved resulting in minimal impact to the surrounding area.

**3. Suitability as Presently Zoned:**

The existing "GR" zoning district and proposed conditional use is consistent with the surrounding area. The area has been established as a commercial mixed use corridor. The uses in the area range in intensity from small professional offices to Large Retail Center. The proposed conditional could have a potential of increasing traffic. However, the applicant is proposing the realignment of Knapp road that will increase safety at the intersection and mitigate traffic congestion in the area. The surrounding area will be impacted minimally due to the proposed uses. Future growth or alterations on the site beyond the submitted site plan, will require the property owner to amend the Conditional Use Permit through a public hearing process before the Planning & Zoning Commission and City Council.

**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 2.51 acres in size, which should be able to reasonably accommodate the proposed “Personal Services II- Urgent Care Facilities with Emergency Room Services (patient care less than 24 hours)” and for “Retail Trade I” uses.

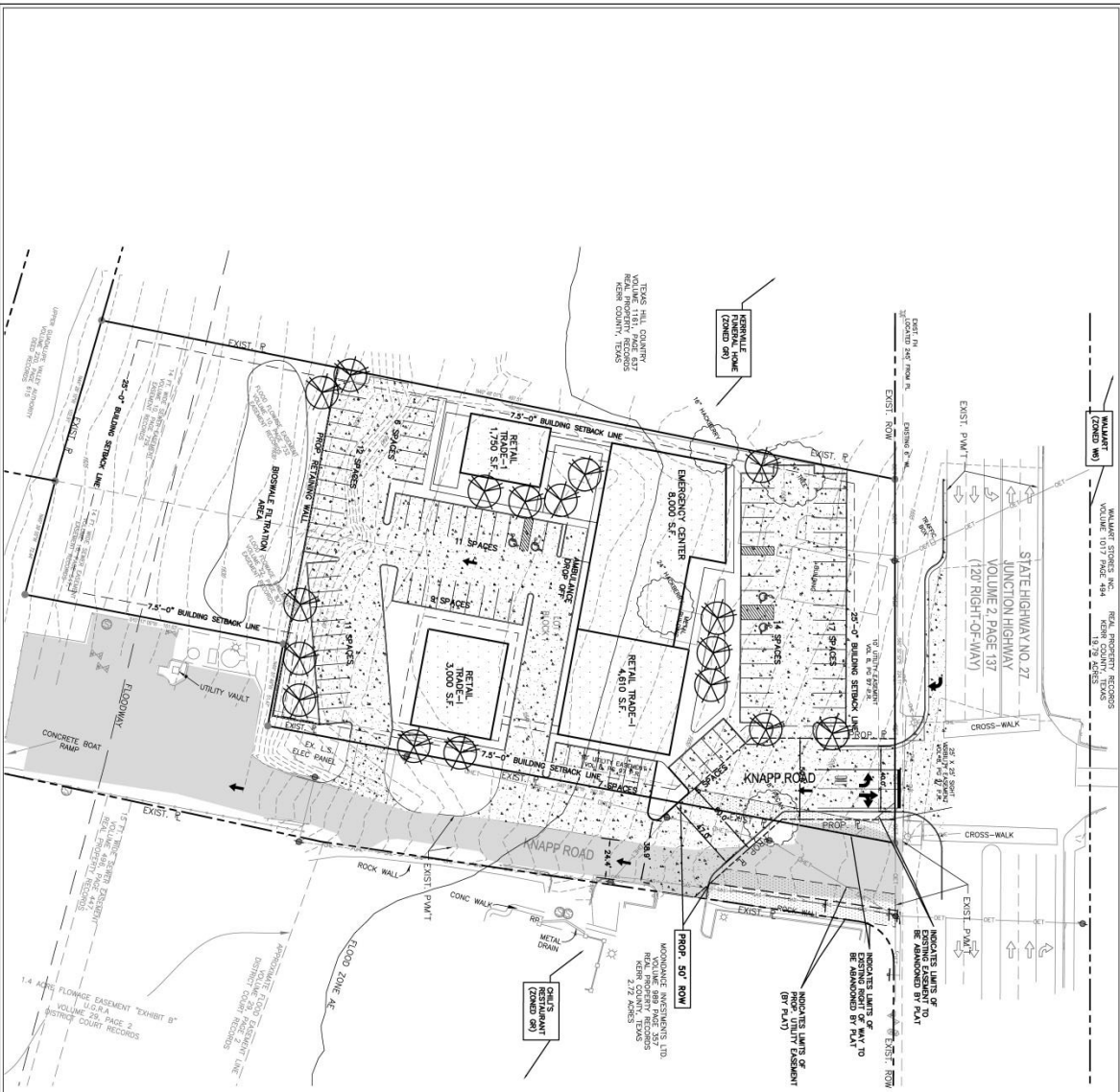
## **6. Other Factors:**

Meets and abides to all requirements in accordance with Chapter I, “The City of Kerrville Zoning Code” Article 11-1-13 Conditional Use Permits.

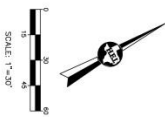
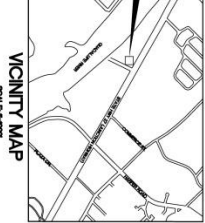
As part of the Conditional Use Permit process, a site plan has been submitted and will be included with the ordinance. The site plan is in accordance with Article 11-1-13(f)(1)(xiv) “Procedures for Obtaining a Conditional Use Permit”.

Staff recommends approval with the following conditions:

- All lighting shall be designed and installed to prevent glare or light from being emitted onto adjacent properties.



Project Location



BUILDING	NET FLOOR AREA (SF)	PARKING REQUIRED PER BUILDING
EMERGENCY CENTER	8,000	54
RETAIL TRADE 1-1	4,810	19
RETAIL TRADE 1-2	1,700	7
RETAIL TRADE 1-3	3,000	12
<b>TOTAL REQUIRED</b>		<b>92</b>
<b>TOTAL PROVIDED</b>		<b>98</b>

- LEGEND**
- = EXIST. CONTOUR
  - = PROP. 6" CURB
  - = PROP. EDGE OF PAVEMENT
  - = DIRECTION OF SURFACE RUNOFF
  - = EXIST. PAVEMENT
  - = PROP. PAVEMENT

THE SUBJECT TRACT LIES IN SHARED ZONE "A" AND SHARED ZONE "NE" AS DELINEATED ON THE FLOOD INSURANCE RATE MAP FOR KERR COUNTY, TEXAS, DATED MARCH 3, 2011 AND PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

<p><b>Hewitt Engineering Inc.</b> Consulting Engineering Services 716 Barnett Street • Kerrville, Texas 78028 • 830.315.8800 TBPE Registration No. F-10739 • www.hewitt-inc.com</p>	<p><b>CONDITIONAL USE PERMIT</b> <b>PHYSICIANS PREMIER ER</b> <b>1209 JUNCTION HIGHWAY</b> KERRVILLE</p>	<p>INTERIM REVIEW ONLY Document incorporates and intended for permit, bidding or construction.</p> <p>DATE: 8/4/16 BY: [Signature]</p>
<p>JOB NO.: 16112 DATE: 8/4/16 DRAWN BY: [Signature]</p>	<p>Scale: 1"=30'</p>	<p>Scale: 1"=30'</p>