

**CITY OF KERRVILLE, TEXAS
PLANNING AND ZONING COMMISSION**

June 16, 2016

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 5th 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).

Comr. Harmon recused himself due to conflict of interest.

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

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

Comr. 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

08-18-16

Date Minutes Approved

