



**CITY OF KERRVILLE PLANNING & ZONING COMMISSION AGENDA**  
**REGULAR MEETING, THURSDAY, April 19, 2018 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 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 on 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 April 5, 2018 meeting. **Pg. 2**

**3. PUBLIC HEARING, CONSIDERATION & ACTION**

3A. **Public Hearing, Consideration & Action on a Recommendation to City Council, Annexation & Zoning** – Public hearing, consideration, and action concerning a request for a variance from the maximum size of a lighted sign of three square feet in area in accordance with Chapter 6, "Advertising" Article II – Signs, Section 6-39 - Regulation for certain types of signs, to allow an existing sign of approximately ten to eleven (10-11) square feet located at 223 Clay Street South (File No. 2018-016) **Pg. 7**

**4. STAFF REPORT**

**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: April 13, 2018 at 5:00 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



# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 2A Minutes April 5, 2018 Commission meeting  
Action: Approval, approval with specific changes  
Representative: Staff

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

**April 5, 2018**

**Members Present:**

Garrett Harmon, Vice-Chair  
Don Barnett, Commissioner  
Michael Sigerman, Commissioner  
Rustin Zuber, Commissioner  
David Jones, Alternate, *sitting in for Cmr. Bob Waller*

**Members Absent:**

Bob Waller, Chair  
Marty Lenard, Alternate

**City Executive Staff Present:**

Sabine Kuenzel, Chief Planning Officer  
Drew Paxton, Executive Director of Development Services  
Mike Hayes, City Attorney  
Dorothy Miller, Recording Secretary

**CALL TO ORDER:**

On April 5, 2018, Cmr. Harmon called the Kerrville Planning and Zoning Commission regular meeting to order at 4:31 p.m. in the City Hall Council Chambers, 701 Main Street, Kerrville, Texas.

**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 Commissioner'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 to 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 minutes for the February 15, 2018 meeting.

Cmr. Sigerman moved to approve the minutes as amended. Cmr. Barnett seconded, and the motion passed 5-0.

2B. Approval of minutes for the March 1, 2018 meeting.

Cmr. Barnett moved to approve the minutes as presented. Cmr. Zuber seconded, and the motion passed 5-0.

## **3. PUBLIC HEARING, CONSIDERATION & ACTION**

**3A. Public Hearing, Consideration & Action on a Recommendation to City Council, Annexation & Zoning** – Public Hearing, Annexation and Zoning - Public hearing concerning a request for the City of Kerrville to annex into its incorporated limits and consider a zoning classification of Planned Development District (PDD) Residential, for an approximately 5.331 acre tract of land generally located southeast of Comanche Hills Drive, between Comanche. The subject tract being more particularly described as located in the William Watt Survey No. 65, Abstract No. 364 of Kerr County, Texas and being part of that certain called 1131.78 acre tract recorded in Volume 971, Page 698, Real Property Records of Kerr County, Texas. (File No. 2018-014)

Ms. Kuenzel presented the facts and asked Commissioners to render a decision.

Staff and Commissioners discussed which zoning districts should allow parking lots by right or have to go through the conditional use permit process.

Cmr. Harmon opened the public hearing at 4:37 p.m. Hearing no one speak, Cmr. Harmon closed the public hearing at 4:38 p.m.

Cmr. Sigerman moved to recommend to City Council approval of the annexation and zoning as presented. Cmr. Jones seconded, and the motion passed 5-0.

**3B. Public Hearing & Action on a Recommendation to City Council, Text Amendment** – Public hearing, consideration and action concerning a text amendment adding conditional use permit regulations for parking lots to Chapter 1, Article 11-1-3, “Definitions and Interpretation of Words and Phrases”, Article 11-1-5 “Zoning Districts – West Side ” by adding parking lots to permitted and conditional uses in certain districts, Article 11-1-6 “Zoning Districts – Central City ” by adding parking lots to permitted and conditional uses in certain districts, Article 11-1-7 “Zoning Districts – North Side ” by adding parking lots to permitted and conditional uses in

certain districts, Article 11-1-8 “Zoning Districts – East Side ” by adding parking lots to permitted and conditional uses in certain districts, Article 11-1-9 “Zoning Districts – South Side ” by adding parking lots to permitted and conditional uses in certain districts, Article 11-1-9 Article 11-1-10 “Residential Zoning Districts” by adding parking lots to permitted and conditional uses, Article 11-1-12 “Miscellaneous Zoning Districts ” by adding parking lots to permitted and conditional uses in certain districts, and Article 11-1-13 “Conditional Use Permits” of the City of Kerrville Zoning Code. (File No. 2018-008)

Ms. Kuenzel presented the facts and asked Commissioners to render a decision.

Cmr. Harmon opened the public hearing at 5:15 p.m.

Ms. Mary Lee Stewart spoke and stated she was present to oppose the text amendment. Approval would open the way for Mr. Motheral to apply for a parking lot behind his shopping center on Sidney Baker Street, effecting residence residing on Clay Street, which is primarily a residential area. Opening the area up will make the 800 block of Clay Street much more opened to becoming business-like. At a recent city council meeting, Mr. Baroody spoke about how once a hole is punched in the Clay Street versus Sidney Baker Street invisible wall it will open the way for this small area to become just as commercial as Sidney Baker Street. The proposed parking lot would be 200 feet from Ms. Stewart’s property and she asked shouldn’t the city protect her, too? She resides in an R1 (residential) zoning district and doesn’t see why she should have to live with a parking lot and its trash, varmints, dumpsters, etc. The area has been satisfactory with an RT zoning district and Ms. Stewart doesn’t feel she should have to fight this. She stated she believes Kerrville 2050 is supposed to be finalized in June so this is a big rush deal from the Soaring Dragon Restaurant to Clay Street to try to get this under the line before it is over and done with and she hates to see us sacrifice a small in-town neighborhood just because one person is in a hurry. Ms. Stewart said they used to have wagon yards for these things, not in residential areas.

Ms. Teresa Ayala spoke, opposing the possibility of a parking lot in her neighborhood, having traffic coming from Clay Street around to Quinlan Street. Ms. Ayala referred to a potential driveway that would come from Clay Street down an alley way behind her garage and exit onto Quinlan Street, which she feels is not right.

Mr. Larry Eskridge spoke on behalf of himself and also Wayne Franklin who was currently out of state. Mr. Eskridge stated some of what he heard today was very positive and he would like to see this continue with specific restrictions and possibilities and thought Cmr. Sigerman had mentioned some of those. Mr. Eskridge hopes that once this is done does fit in to the Kerrville 2050 plan and that this is not a back door approach to slighting something in. The things that were expressed today about concerns for traffic, trash, lighting, noise, etc. would affect the contiguous houses in that neighborhood. That would be unsatisfactory and be unfortunate for these ladies.

Mr. David Lipscomb spoke, saying a residential parking lot, in his view, is a void in an urban setting and unfortunately one of the most visible elements in the streetscape. Adding parking lots can have an impact both on a neighborhood and the environment. Therefore parking lots need guidance to become good neighbors. Mr. Lipscomb requested the following be considered for code implementation for parking lots should they be approved in residential districts:

- Screening – Require screening along the street in front of residential parking lots. Plants should screen adequately but allow autos to exit with full view of sidewalk and/or street.
- Buffers – A buffer of plants to extend along all the edges of a residential parking lot when a parking lot meets a residential lot line. To provide a continuous screen of landscape buffer of six feet in width and six feet in height.
- Interior parking lot landscaping – Provide additional landscaping within the interior of the parking area. Landscape cover some percentage of the lot, say ten percent or more, including walkways, parking spaces, driveways.
- Plant installation and maintenance – Plants should be of adequate size to screen at the time of planting. Plants must be cared for to ensure their survival and plants that do not survive should be replaced to maintain the landscape. Plant selection should be among the city’s approved list or the materials selected by a landscape architect and approved.
- ADA and compact parking spaces – Handicap spaces provided in accordance with federal regulations. Size and numbers of such spaces should be in agreement with the city and located as close as possible to building entrances.
- Lighting – Lighting should be mounted to illuminate the parking lot through the night, but comply with city codes regarding to the lighting levels and the lights should be focused to prevent glare on surrounding properties.
- Storm water – Owner’s parking lot should implement a plan to manage the storm waters within the lines of the property. Plans would ensure that each parking lot includes a catch basin and drainage to accommodate the runoff. Special consideration might be required on larger lots or areas with environment restrictions.
- Trash containers – When parking lots are also sites for trash collection containers those sites must be screened on all sides with solid materials at a height to block the view of the trash container. Parking lots adjacent to residential properties should have those trash containers screens located away from adjacent properties to reduce noise during collection.
- Maintain clean space – Owners should be responsible for cleaning parking lots on a regular basis to ensure not only an attractive scene but one that does not encourage rodent feeding.
- An exception to landscaping – Landscaping should be required around parking lots in residential districts. However, walls or stake fencing could be appropriate in certain zoning districts. While the construction might be an additional expense, over time those costs could be significantly reduced for maintenance.

Hearing no one else speak, Cmr. Harmon closed the public hearing at 5:27 p.m.

Com. Barnett moved to table this item and hold a workshop to allow Commissioners to go through each zoning district one by one. Com. Sigerman seconded, and the motion passed 5-0.

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

4A. **Public Hearing & Action, Replat** – Public Hearing & Action, Replat – Public hearing, consideration, and action concerning a request for replat and amending plat of 7.89 acres of land, more or less, out of Florentine Lara Survey No. 123, Abstract no. 225 in the City of Kerrville, Kerr County, Texas, comprising all of Lots 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 148, and 153, and part of Lot 154 of The Meridian Subdivision, a subdivision of Kerr County, according to the plat of record in volume 7 at pages 88+81 of the plat records of Kerr County, Texas. (File No. 2017-084)

Mr. Paxton presented the facts and asked Commissioners to render a decision.

Com. Harmon opened the public hearing at 5:36 p.m. Hearing no one speak, Com. Harmon closed the public hearing at 5:37 p.m.

Com. Zuber moved to approve the replat as presented. Com. Sigerman seconded, and the motion passed 5-0.

#### **5. STAFF REPORT:**

Mr. Paxton stated

#### **6. ADJOURNMENT**

Com. Jones moved to adjourn, Com. Zuber seconded, and the motion passed 5-0. The meeting was adjourned at 5:43 p.m.



# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 3A  
Planning File #: 2018-016  
Hearing Date: April 19, 2018  
Representative: Michele Van Fossen  
Location: 223 Clay Street

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## **Proposal**

A request to allow a lighted window sign to exceed the maximum square footage of three (3) square feet by up to approximately eight (8) square feet to allow for a sign of up to eleven (11) square feet.

## **Procedural Requirements**

Notification of the public hearing was published in The Kerrville Daily Times, an official newspaper of general circulation, on April 3, 2018. Notices were sent to the eight property owners within two hundred (200) feet of the subject property at least ten days prior to the public hearing. The agenda for the Zoning Board meeting for the public hearing and consideration of this case was posted at city hall and on the City's internet website at least 72 hours prior to the meeting.

## **Actions**

Hold a public hearing and take action:

- 1) Approve with findings; or
- 2) Deny.

## **Staff Analysis**

According to Section 6-44 of The City of Kerrville Code of Ordinances, Variances, in order for a sign variance to be granted, the applicant must demonstrate all of the following:

**(1) That there are exceptional circumstances or conditions applicable to the property on which the application is made related to size, shape, area, topography, surrounding condition or location that do not apply generally to other property in the same area and the same zoning district;**

A point of consideration in this case is the location of the building within the CBD, and specifically within a space that is located on a block section with limited visibility.

**(2) That the exceptional circumstances or conditions are such that literal enforcement of the provisions of this Chapter would result in an unnecessary hardship inconsistent with the general purpose and intent of this Chapter;**

The applicant offers the argument that the enforcement of the provisions of this Chapter could potentially result placing the business at a disadvantage to its counterparts in other locations within the City.

**(3) That the granting of such variance will not be contrary to the public interest, materially detrimental to the public welfare, or injurious to the property or improvements in the zoning district or area in which the property is located;**

The sign is intended to be lit at a constant rate and therefore is not likely to cause a distraction to motorists. Staff has identified no detriment to the health, safety, and welfare of the public or surrounding properties.

**(4) That the granting of such variance will not be contrary to the objectives and principles contained in the comprehensive plan, as amended;**

The applicant believes that the variances would be in keeping with the overall objectives of the goals of the City in its regulation of signage, including consideration of aesthetics.

**(5) That the variance to be granted is the minimum variance that will relieve the proven hardship;**

The applicant offers the argument that the variances requested would place his business on the same level as other businesses within the City.

**(6) That the variance is not being granted to relieve the applicant of conditions or circumstances:**

**(a) Which are not inherent in the property itself, but are the result of the use or development of the property, or**

The hardship argued in this case does not appear to be self-induced, but rather inherent to the property relative to its location.

**Which are caused by a division of land on or after June 16, 1997, other than a division of land resulting from the sale of a property interest to a governmental entity, which division of land caused the property to be unusable for any reasonable development under the existing regulations, or**

Not applicable.

**(b) Which were otherwise self-imposed by the present or a previous owner;**

The site situation does not appear to be self-induced.



**(7) That the variance is not grounded solely upon the opportunity to make the property more profitable or to reduce expense to the current or any future owner;**

Staff has identified no evidence that the variances will intentionally make the property more profitable than other businesses within the City, and/or reduce expenses to the current or any future owner.

**(8) That the variance would not modify or effectively repeal any development or use regulations set forth in a Conditional Use Permit or an ordinance or resolution adopting a Development Site Plan or establishing a Special Use District or Planned Development District which are in addition to the generally applicable use and development regulations set forth in this Chapter;**

The variances will not appeal any other development regulations besides the cited sections of the sign requirements.

**(9) That the variance would only affect a specific parcel of property and is not of such a general nature as to effectively constitute a change in zoning of said parcel or a larger area without following the procedures set forth in Article 11-1-21.**

A change in zoning would not alleviate the necessity for these variances.

**Attachments:**

Exhibit A Location Map  
Exhibit B Photo of sign

Exhibit A - Location Map



Exhibit B – Photo of Sign



