

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

June 21, 2018

Members Present:

Garrett Harmon, Vice-Chair
David Jones, Commissioner
Michael Sigerman, Commissioner
Rustin Zuber, Commissioner
Bill Morgan, Allternate

Members Absent:

Bob Waller, Chair
Tricia Byrom, Alternate

City Executive Staff Present:

Drew Paxton, Executive Director of Development Services
Mike Hayes, City Attorney
Dorothy Miller, Recording Secretary

CALL TO ORDER:

On June 21, 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 June 7, 2018 meeting.

Cmr. Harmon tabled this items as minutes were not available.

3. PUBLIC HEARING, CONSIDERATION AND ACTION

3A. **Public Hearing, Consideration, & Action, Text Amendment** – Public hearing, consideration and action concerning an amendment to the city's "zoning code" by amending Article 11-i-3 "definitions and interpretations of words and phrases" and Articles 11-1-4 through 11-1-11 to amend the land use tables for multiple zoning districts to add "parking structure" and "parking lot, stand alone", as permitted by right or as a conditional use within each referenced district. (File No. 2018-008)

Mr. Paxton presented the findings of fact.

Cmr. Harmon opened the public hearing at 4:38 p.m.

Mr. Don Barnett spoke, stating he felt the Comprehensive Plan is a great document in terms of giving an overall direction in what should we should be doing with our city. However, he thinks Planning and Zoning is where we have to make those one on one decisions as you look at each individual appeal that comes through here. Without that appeal, without someone being able to have some rights, and they have property rights, obviously, to do things with their property, but without the opportunity for the Commission to look at it in a one by one basis our limiting yourself. He recommended Commissioners do not follow the staff's recommendation and that they leave it as a conditional use and look at each one's request and make that judgement as to how it is going to impact that particular area.

Ms. Jeanette Watson spoke, reading the letter she wrote to the paper. The letter stated residents on Clay Street have asked that the parking lot not be allowed and it had been denied, yet the business on Sidney Baker continued to remove a fence and cut down trees. She is hoping the issue can be resolved and stated there is a big parking lot at the end of the block that does not deny people parking there.

Ms. Mary Lee Stewart spoke, stating she moved into her house in 1940 and said she objects to stan alone parking lots or parking structures in a residential transition zoning district. She understands residential transition to mean a zone that looks as though it is strictly residential, not parking lots or structures and allows some businesses to operate near these homes. A parking lot is not compatible with the look and the feel of the residential transition purpose and intent. The 700-800 block of Clay is all one part and it is twelve (12) houses on the west side of the street. Some are small with small lots and some are not. A couple have businesses inside but most of them are families, some with children. Two weeks ago she stared taking photos of the business at 820 Sidney Baker Street mainly during the lunch or dinner hour. The photos show a daily average usage that is below one third of the total capacity of the 56 parking spaces. One third is 18 vehicles and 32% of capacity. The highest usage observed was o June 16, 2018 at below 50%. Ms. Stewart stated she sent the photos to all of Planning and Zoning. Of great concern to her is the removal of the fence and the curb between 820 Sidney Baker Street, which is commercial, and 829 Clay Street, which is residential transition and that is directly behind the Soaring Dragon restaurant. In addition the cutting down of approximately 50 to 75 year old trees on the 729 Clay Street lots is distressing, especially since the 2050 Plan provides credit for preserving existing desirable trees. Also, Ms. Stewart has noticed vehicles being parked in the back park of 829 Clay Street. It shows intent to use it as a parking lot, opening up the fence and removing the curbing. The results from the 2050 gathering with community leaders highlighted the category that affordable attainable housing was a high priority at 89% rating. Ms. Stewart wanted to stress that their words were that it is high priority. She read a quote from the website, which said, *"Incentivize improvement of older housings stock, more smaller options for seniors beside assisted living, including rental housing stock that fits income levels of working people. Mixed use housing downtown or within walking distance of retail and services."* Ms. Stewart has spoke with this group before at the January 18, 2018 meeting when this issue came up in rezoning meeting on Clay Street and I quoted from the Planning and Zoning document that pointed out that the purpose of district 21-N *is to permit the development of small businesses that use the Highway 16 corridor into central city area north of Barnett Street in a manner which one promotes a reasonably attractive entrance way into the central city but does not adversely affect the adjacent residential area.*

Mr. Motheral spoke, stating the issue seems to be one of misconceived in this particular block of a community situation. The reality is, if you take and measure along that block of Clay Street the front footage of the areas where public parking is currently available measure and equal more than 51% of the front footage along that section of Clay Street. What he is proposing is not going to change the neighborhood at all. A number of the houses that are there are in sad repair and ought to be condemned. Mr. Motheral does not want to get into a disagreement with anyone and had tried for seven months to work with the city. The staff at that time suggested a zoning change, which Mr. Motheral did and was denied by the Planning and Zoning Commission. Then Mr. Motheral went through the conditional use permit process. He does not want to be at odds or cause problems with anyone, but wants to use his property in quiet convenience and be a good part of the city.

Mr. Sigerman stated Mr. Ray, who was a part of the application along with Mr. Motheral, has not been heard from any further and wondered if he had any further interest. Mr. Motheral answered no, that Mr. Ray has an adjoining property that already has an existing parking lot that goes out to Clay Street. Mr. Sigerman asked if Mr. Motheral had spoke with Mr. Ray about using his parking lot which he does not seem to use at all, to which Mr. Motheral answered no. He stated the problem with that parking lot is that it is further away from Mr. Motheral's and people don't want to park any further away then they have to. The additional parking he is seeking is for staff purposes, not customers. He said the military branch offices have also increased their staff needing additional parking.

Mr. Bruce Stracke spoke stating he had a couple of questions. There seem to be some zones that are not mentioned at all, such as the Gateway and Guadalupe River zones and was wondering why they are not listed at all. Mr. Paxton responded saying some of those districts the Commission through our workshop recommended that they not be included at all for conditional or permitted for the stand alone parking or structure. Mr. Stracke said he may have misunderstood something and would need to review it again.

Mr. Stracke's stated he is very concerned that this (issue)seems to be about one property and what we are really talking about is the residential transition zone around the city and, for example, he has property in the residential transition zone on Earl Garrett and one of the things he does not care for is the grandfathered parking lot that belongs to a church that is right behind him or several blocks behind him and he does not think that it does fit the character of residential transition. All he really wants to say is the Commissioners are deciding something that is not about one property. If the Commissioners look at the map there is RT all over and the character of RT is very different in different places and having a parking lot in the RT definitely changes the residential of that neighborhood and that is park of what he loves about the Earl Garrett stretch where his property is and he thinks there are advantages to that we see on Earl Garrett and especially on Water Street and West Water Street as it heads off past Five Points and he thinks there are opportunities for that that are a real plus for the city.

Mr. Motheral spoke again and stated he does not disagree with Mr. Stracke, but the issue is to allow a conditional use permit. It is not a blanket permit to allow it. It has to, with a conditional use permit, come to this Commission to be allowed so Mr. Stracke's statement to change all of RT doesn't really fit.

Hearing no one else speak, Cmr. Harmon closed the public hearing at 4:57 p.m.

Commissioners discussed future possible uses, the intent of the RT, and the proper use of a conditional use permit and implications.

Mr. Hayes suggested the Commissioners look at the use broadly, city wide and the city zonings laid out by Mr. Paxton, and then if it should be a use allowed within an RT and the number of RT districts we currently have, and then think about this property.

Commissioners further discussed the intent of the RT district as well as the large amount of community protest against this request.

Cmr. Sigerman moved to recommend approval of the text amendment excluding stand-alone parking lot and parking structure from the RT zoning district, conditional use or permitted use; motion was seconded by Cmr. Morgan and passed 5-0.

3B. Public Hearing, Consideration and Action, Zoning Change – Public hearing, consideration and action concerning a zoning change request for 213, 215, 221 West Barnett Street, being lots 52, 53, and 54 Block 14 of Parsons Addition, from "R-1A" (Single Family Residential District) to "PDD" (Planned Development District). (Case # 2018-033)

Mr. Paxton presented the finding of facts.

Cmr. Harmon opened the public hearing at 5:16 p.m. Hearing no one speak, Cmr. Harmon closed the public hearing at 5:17 p.m.

Mr. Bruce Stracke stated the intended use for the PDD district and added they had fourteen letters of support that Mr. Paxton said was not included in the agenda packet.

Cmr. Morgan moved to approve the zoning change as presented; motion was seconded by Cmr. Zuber and passed 5-0.

4. CONSIDERATION & ACTION

4A. **Consideration and Final Action, Preliminary Plat** – Consideration and action concerning a Preliminary Plat of Villa Saralita, a subdivision containing approximately 26.6 acres of land, more or less, out of WM. C. Francis Survey No. 146, Abstract No. 137, in the City of Kerrville, Kerr County, Texas, 1335 Medina Highway, (Case # 2018-031)

4B. **Consideration and Action, Waiver request** - Consideration and Recommendation of a waiver for the installation of water, sewer, and sidewalks for proposed Lot 1 of a Preliminary Plat of Villa Saralita, a subdivision containing approximately 26.6 acres of land, more or less, out of WM. C. Francis Survey No. 146, Abstract No. 137, in the City of Kerrville, Kerr County, Texas, 1335 Medina Highway. (Case # 2018-031)

Cmr. Harmon announced items 4A and 4B were withdrawn by the applicant.

5. STAFF REPORT:

Mr. Paxton reported the final hearing of the Comprehensive Plan 2050 will be presented at the city council meeting Tuesday, June 26, 2018 at the Cailloux Theater at 6:00 p.m.

Items from today's meeting will go to city council on July 24, 2018. Cmr. Harmon pointed out that the Commissioners are making a recommendation to city council and both sides have another opportunity to argue their points at the city council meeting. Mr. Paxton stated the first reading will be held July 24, 2018 and the second reading on August 14th pending the item is not tabled during the first reading.

6. ADJOURNMENT

The meeting was adjourned at 5:25 p.m.

APPROVED:


Robert Waller, Chair


Dorothy Miller, Recording Secretary

9/6/18
Date Minutes Approved