

MINUTES OF A TOWN HALL MEETING
APRIL 6, 2010; 6:00 P.M.

KERRVILLE, TEXAS

On April 6, 2010, at 6:00 p.m. a town hall meeting was held at the Dietert Center, Riverside Grill, 451 Guadalupe Street, Kerrville, Texas.

John Mosty, chairman of the ZOIC, upon determination of a quorum in attendance, called the ZOIC meeting to order.

CITY COUNCIL MEMBERS PRESENT:

R. Bruce Motheral Mayor Pro Tem

PLANNING AND ZONING COMMISSION MEMBERS PRESENT:

Harold Buell David Watterson
James Kessler

ZONING ORDINANCE INPUT COMMITTEE MEMBERS PRESENT:

John Mosty A.L. Starkey, III
Carson Conklin Walter Schellhase

CITY STAFF PRESENT:

Todd Parton City Manager
Kristine Ondrias Assistant City Manager
Kevin Coleman Director of Development Services
Gordon Browning City Planner

Discussion of recommendation from the City of Kerrville Zoning Ordinance Input Committee (ZOIC) regarding amendments to the City of Kerrville zoning ordinance.

Kevin Coleman noted the city council began a review of the existing zoning ordinance in August 2008 as part of an update to the comprehensive plan. The primary goal was to reduce the number of zoning districts and to redraft the zoning map to correlate with the comp plan land uses. The critical elements to the rezoning process were: 1) stay consistent with the comp plan; 2) address all the critical weaknesses of the existing zoning ordinance; and 3) ensure citizen participation throughout the process. January 2009 the city council created ZOIC with direction to review the existing ordinance for conformance with the comprehensive plan, and provide city council an assessment of any deficiencies or inefficiencies in the current ordinance. In June 2009 ZOIC presented their report to the city council with the following recommendations: 1) the existing zoning ordinance be completely overhauled; 2) council approve an incremental overhaul of the existing ordinance; and 3) ZOIC be the primary resource for that process. ZOIC established a process to result in an eventual total revision of the zoning ordinance: address critical weaknesses of the zoning ordinance; correct and simplify baseline zoning districts and land use charts; review development standards—parking, setbacks, green spaces and signage; develop specific amendments to strengthen the existing ordinance; focus on simplifying the zoning districts in the central city; and broaden focus to commercial corridors, followed by residential areas.

Mr. Mosty presented the findings of ZOIC and proposed the existing zoning ordinance be amended to include these recommended changes:

- The zoning board of adjustments and the Planning and Zoning Commission (PZC) would follow the Open Meetings Act and rules for city boards.

- Quasi-judicial decisions/ex parte communications. Established ex parte communication restrictions whereby members were restricted from communicating with persons who may be a party to a matter being considered. This was designed to ensure a fair hearing before an impartial body and that decisions would be made based on information presented as a matter of official public record.
- Certificate of occupancy and building permits: Would require that the city planner review all certificates of occupancy prior to issuance by the building official.
- Zoning of Newly Annexed Areas. In order to allow for continuation of annexations in progress, ZOIC recommended two statements be included in the zoning ordinance: 1) Determination of Vested Rights; 2) Continuance of Development Activity.
- Regulations Regarding Building Height. Existing ordinance had building height restrictions of 35-40 ft. Proposed to remove height restrictions from commercial properties; height restriction in single family residential district would remain 35 ft.
- Accessory Buildings. Added a definition for accessory building or structure.
- Planned Development Districts. The current ordinance did not establish a minimum size of property that could receive a PDD, resulting in small PDD tracts throughout the city, basically creating spot zoning. The proposed change would establish minimum lot size.
- Established a development review committee, made up of city staff, to review the PDD before presenting it to the PZC.
- The development site plan would automatically expire in three years unless a building permit had been issued and development activity had begun.
- The development site plan was currently established by council resolution; as proposed in the new zoning ordinance, the development site plan would become part of the zoning ordinance and would be codified into the code of ordinances.

The following members of the public spoke:

1. Tom Poelma asked if the zoning ordinance extended outside the city? Mr. Coleman noted the zoning ordinance applied only to property inside the city limits; however, the city did have other ordinances that extended in the extraterritorial jurisdiction.

1. Ed Pollard questioned the five acre minimum for a development district; if the area was already platted and did not have five acres did that make it illegal; and how would these changes affect deed restrictions? Mr. Mosty responded that the five acres only referred to a PDD. Mr. Coleman noted the PDD was a separate, stand-alone district designed for single or mixed uses in accordance with an approved plan specific for that property. A PDD applied only to a specific, isolated property and would allow different standards, i.e. setbacks, parking, signage, etc.

Mr. Mosty noted ZOIC was working on establishing the boundaries and permitted uses in the central business district. He described the area to be included and noted existing uses varied. The new land use chart would allow certain uses by right.

Mr. Coleman discussed the process and schedule, noting public hearings would be held and PZC would forward their recommendation to city council for consideration in June.

APPROVED: _____

ATTEST:

 Bruce Motheral, Mayor Pro Tem
 City of Kerrville

 Brenda G. Craig, City Secretary