

CITY OF KERRVILLE PLANNING & ZONING COMMISSION AGENDA
REGULAR MEETING, THURSDAY, MAY 1, 2014 4:30 P.M.
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS

CALL TO ORDER

Pg.

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 April 17, 2014 meeting.

2

3. CONSIDERATION AND ACTION:

3A. Final Plat – Consideration and action concerning a final plat for an approximate 4.60 acre tract of land, establishing 17 Lots of Phase 6, Block 1, of the Comanche Trace Subdivision. (Planning File 2014-009)

4

4. PUBLIC HEARING AND ACTION:

4A. Subdivision Ordinance Amendments - Public hearing, consideration, and action concerning an ordinance amending article 10-IV-1 of the City of Kerrville's Subdivision Ordinance, known as the City's "Subdivision Regulations", by amending Section 10-IV-1(B)(2) of the ordinance to exempt land controlled, administered, or under the jurisdiction of a federal agency from plat requirements. (File No. 2014-010)

6

5. STAFF REPORTS

11

6. ADJOURNMENT

11

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: ____at____ and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Deputy City Secretary, City of Kerrville, Texas

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

AGENDA ITEM: 2A **FOR AGENDA OF:** May 1, 2014

DESCRIPTION: Approval of the minutes from the April 17, 2014 meeting.

APPLICANT(S): Planning and Zoning Commission Secretary

ATTACHMENT(S): Minutes from April 17, 2014 meeting.

The recording Secretary recommends approval of the minutes from the April 17, 2014 meeting.

MEMBERS PRESENT:

David Watterson, Chair
Garrett Harmon, Commissioner
Bill Morgan, Commissioner
Bruce Motheral, Commissioner
Doyle Malone, Alternate
Rustin Zuber, Alternate

MEMBERS ABSENT:

Bob Waller, Vice-Chair

COUNCIL LIASON:

Justin MacDonald (not present)

STAFF PRESENT:

Jason Lutz, Senior Planner
Dorothy Miller, Recording Secretary

CALL TO ORDER:

On April 17, 2014, the Kerrville Planning and Zoning Commission regular meeting was called to order at 4:30 p.m. in the City Hall Council Chambers, 701 Main Street.

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 April 3, 2014 meeting.

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

3. PUBLIC HEARINGS AND ACTION:

3A. Replat - Consideration and action concerning a proposed replat of Lots 1 through 17, Block 26 of the J.A. Tivy Addition, and Located at 1105 - 1107 E. Main Street, 1115 Park Street, and 1136 – 1140 Broadway St. (File No. 2014-007)

Mr. Lutz presented the findings of fact and asked Commissioners to render a decision.

Cmr. Watterson opened the public hearing at 4:33 p.m. Hearing no one speak, Cmr. Watterson closed the floor at 4:34 p.m.

Cmr. Motheral moved to approve the replat as presented; motion was seconded by Cmr. Morgan and passed 5-0.

4. STAFF REPORTS:

4A. Report concerning future agenda items.

Mr. Lutz reported the following future agenda items:

- May 1, 2014
 - Subdivision Amendments concerning platting exemptions
 - Final Plat – Comanche Trace Phase 6
- May 15, 2014
 - Annexation & Zoning Recommendation

5. ADJOURNMENT

This meeting was adjourned at 4:40 p.m.

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

AGENDA ITEM: 3A

FOR AGENDA OF:

May 1, 2014

DESCRIPTION: Consideration and action concerning a final plat for an approximate 4.60 acre tract of land, establishing 17 Lots of Phase 6, Block 1, of the Comanche Trace Subdivision.

APPLICANT(S): Mike Grogan

ATTACHMENT(S): Proposed Plat & Location Map

Summary:

The applicant is proposing to develop an additional phase in the Comanche Trace Subdivision. The propose Phase 6 will create 17 lots. Of the proposed lots, two lots will be utilized for drainage and public utilities, while the remaining 15 lots will be for single family residential purposes.

Information:

The proposed final plat will establish Phase 6 of the Comanche Trace Subdivision. Each of the proposed lots will meet the minimum requirement of 60' of frontage for residential developments.

A preliminary plat for this area was presented to, and approved by, the Planning & Zoning commission on October 3, 2013.

An 8 inch sanitary sewer main was abandoned in place and a new sanitary sewer line was installed closer to the street right of way. A 20' City of Kerrville Sanitary Sewer Easement has been provided for the proposed sewer main.

In addition to the sewer easement a 10' wide public utility easement has been provided along all lots across the frontage of Pinnacle Club Dr. Lots A & B will be utilized for drainage and public utilities easements. These lots will be maintained by the property owner.

Before a final plat may be considered for approval, the public infrastructure shall be constructed and accepted by the City of Kerrville or a financial guarantee be deposited with the city. Most of the improvements have been constructed and inspected by the City of Kerrville, however they have not yet been accepted. The final issue that must be addressed is the requirement for re-vegetation on the site. An irrevocable letter of credit must be deposited with the City for the re-vegetation portion of the public improvements before the Commission can approve the Final Plat.

This final plat meets all state codes, but some City of Kerrville codes still need to be satisfied. Staff recommends approval of the preliminary plat with the following conditions:

1. Label Pinnacle Club Drive as Public Right-of-Way (not public street).
2. Change the Block from "Block A" to Block 1"
3. Add "Block 1" to the Title of the Final Plat.
4. Add the following to note #5 (Lots A & B Easements).
 - a. These lots shall be maintained by the property owner.
 - b. No structure, fences, walls, or other constructions that impede drainage shall be placed within the limits of the drainage easements shown on this plat. No landscaping or other type of modifications which alter the cross-sections of the drainage easement, as approved, shall be allowed without the approval of the City Engineer.
5. Add the following plat note.
 - a. The preliminary plat was approved by the Planning & Zoning Commission on October 3, 2013.
6. Remove the signature blocks for the Franchise Utility companies.
7. Use the following signature block for the City Engineer:

Form 6. City Engineer's Certification

I hereby certify that the streets, utilities and other improvements have been installed in an acceptable manner and according to the City of Kerrville Standard Specifications in the subdivision entitled.

Dated this ____ day of _____, 2____

City Engineer, City of Kerrville, Texas

RECOMMENDED ACTION

1. Open the floor for comments and approve the final plat with the conditions listed above.



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

AGENDA ITEM: 4A

FOR AGENDA OF:

May 1, 2014

DESCRIPTION: Public hearing, consideration, and action concerning an ordinance amending article 10-IV-1 of the City of Kerrville's Subdivision Ordinance, known as the City's "Subdivision Regulations", by amending Section 10-IV-1(B)(2) of the ordinance to exempt land controlled, administered, or under the jurisdiction of a federal agency from plat requirements.

APPLICANT(S): City of Kerrville

ATTACHMENT(S): Ordinance

SUMMARY:

The City of Kerrville is adding an exemption to the platting requirements found in the City of Kerrville's adopted Subdivision Ordinance. This amendment will allow federally held lands to be exempt from the platting process.

Currently federal lands are exempt from certain regulations found in some city and state subdivision regulations that exempt platting. However there is no federal law that directs, dictates, or requires this exemption.

While this amendment will allow federal property to subdivide land without platting, it will not exempt these lands from other requirements found in the Subdivision Ordinance (i.e. utility extensions and sidewalks).

RECOMMENDED ACTION

1. Open the Public Hearing and approve the amendments as presented.

Proposed Draft Ordinance

CITY OF KERRVILLE, TEXAS ORDINANCE NO. 2014-__

AN ORDINANCE AMENDING ARTICLE 10-IV-1 OF THE CITY OF KERRVILLE SUBDIVISION ORDINANCE, KNOWN AS THE CITY'S "SUBDIVISION REGULATIONS", BY AMENDING SECTION 10-IV-1(B)(2) OF THE ORDINANCE TO EXEMPT LAND CONTROLLED, ADMINISTERED, OR UNDER THE JURISDICTION OF A FEDERAL AGENCY FROM PLAT REQUIREMENTS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATED THERETO

WHEREAS, the City Council of the City of Kerrville, Texas, pursuant to its authority as a home-rule municipality and Chapter 212 of the Texas Local Government Code, previously adopted regulations applicable to the subdivision of land and establishing the platting process ("Subdivision Regulations") in order to promote the health, safety, and general welfare of the City and its safe, orderly, and healthful development; and

WHEREAS, City staff recommends amending the Subdivision Regulations to exempt property controlled, administered, or under the jurisdiction of a federal agency from the plat requirements found within the Subdivision Regulations; and

WHEREAS, this amendment will not remove all requirements under the Subdivision Regulations that may be triggered during the development process, such as public improvement requirements; and

WHEREAS, the Kerrville Planning and Zoning Commission recommended approval of this amendment to the Subdivision Regulations after a public hearing on the matter held on _____, 2014, at which time all persons had an opportunity to be heard; and

WHEREAS, pursuant to Texas Local Government Code §212.002, notice has been given to all persons by publication in the official newspaper and otherwise, of a hearing to be held before the City Council on _____, 2014, to consider amendments to Article 10-IV-1, known as the City's subdivision regulations; and

WHEREAS, such public hearing was held in the Council Chambers beginning at approximately 6:00 p.m. on _____, 2014, as advertised;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

SECTION ONE. Article 10-IV-1, Section (B), subsection (2) of the City's Subdivision Ordinance ("Subdivision Regulations") is amended by adding the language that is underlined (added) and deleting the language that is bracketed and stricken (~~(deleted)~~) as follows:

“Art. 10-IV-1[SECTION](B) PLATS

.
. .
.

(2) The Following are exempted from the above stated plat requirement:

.
. .
.

d. Any land under the control, administration, or jurisdiction of a federal agency.”

SECTION TWO. The provisions of this Ordinance are to be cumulative of all other Ordinances or parts of Ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior Ordinances or parts of Ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION THREE. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Kerrville, Texas, declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FOUR. Pursuant to Texas Local Government Code §52.013(a) and Section 3.07 of the City’s Charter, the City Secretary is hereby authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

SECTION FIVE. The City Manager, or designee, is authorized and directed to amend the Subdivision Regulations to reflect the amendment adopted by this Ordinance, to correct any typographical errors, and to index, format, number, and letter the paragraphs of said regulations, as appropriate.

PASSED AND APPROVED ON FIRST READING, this ____ day of _____, 2014.

PASSED AND APPROVED ON SECOND AND FINAL READING, this ____ day of _____, 2014.

Jack Pratt, Jr., Mayor

APPROVED AS TO FORM:

ATTEST:

Michael C. Hayes, City Attorney

Brenda G. Craig, City Secretary

AGENDA ITEM:	5	FOR AGENDA OF:	May 1, 2014
DESCRIPTION:	Future agenda items		
APPLICANT(S):	City staff		
ATTACHMENT(S):			

- Annexation & Zoning Recommendation (The Heights of Kerrville)
- Conditional Use Permit (1321 Broadway)
- Residential Replat & Variance Request (Barnett St. and Webster Street)

AGENDA ITEM:	6	FOR AGENDA OF:	May 1, 2014
DESCRIPTION:	Adjournment		