CITY OF KERRVILLE PLANNING & ZONING COMMISSION AGENDA
REGULAR MEETING, THURSDAY, SEPTEMBER 21, 2017 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 September 7, 2017 meeting. **Pg. 3**

3. CONSIDERATION AND ACTION

3A. **Consideration and Action, Replat** - Consideration and action of a replat of 5.608 located at 1709 Water Street, described as Lots 1-6, Block 9, the abandoned portion of H Street, and Lots 1-5, Block 10, J.A. Tivy's Addition to the City of Kerrville recorded in Volume P, Page 16, Plat Records, Kerr County, Texas. (File No. 2017-026). **Pg. 5**

4. DISCUSSION ITEMS

4A. **Discussion Item, Ordinance Amendment** – Discussion regarding pending ordinance amendment as it pertains to Wireless Telecommunications Facilities. **Pg. 13**

4B. **Discussion Item, Ordinance Amendment** – Discussion regarding pending ordinance amendment as it pertains to subdivision regulations approval process. **Pg. 21**

5. STAFF REPORTS

6. ADJOURNMENT

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: September 15, 2017 at 6:00 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
Action:	Approval, approval with specific changes
Representative:	Staff

Proposal

Review and approval of the minutes from the September 7, 2017 meeting.

CITY OF KERRVILLE, TEXAS **September 7, 2017**
PLANNING AND ZONING COMMISSION

MEMBERS PRESENT:
Bob Waller, Chairman
Don Barnett, Commissioner
Michael Sigerman, Commissioner
Rustin Zuber, Commissioner
David Jones, Alternate
Marty Lenard, Alternate

MEMBERS ABSENT:
Garrett Harmon, Vice-Chair

STAFF PRESENT:
Sabine Kuenzel, Interim Executive Director of Development Services
Mike Hayes, City Attorney
Danny Batts, Director of Development Services/Chief Building Official
Kyle Burow, Director of Engineering
Dorothy Miller, Recording Secretary

CALL TO ORDER:
On September 7, 2017, Cmr. Waller called the Kerrville Planning and Zoning Commission regular meeting to order at 4:30 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 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 August 17, 2017 meeting.
Cmr. Barnett moved to approve the minutes as amended. Motion was seconded by Cmr. Jones and passed 5-0.

3. PUBLIC HEARING AND ACTION

3A. **Public Hearing & Action, Annexation and Zoning** – Public hearing, consideration and action for the City of Kerrville to annex into its incorporated limits and recommendation for a zoning classification of District 26-E, for an approximately 7.95 acre tract of land adjacent to the incorporated limits which is out of the F. Rodriguez Survey No. 72, Abstract No. 280, Kerr County Texas, located at 5263 Hwy 27. (File No. 2017-051)
Ms. Kuenzel presented the case and asked Commissioners to render a decision.

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

Cmr. Barnett moved to approve recommendation to city council for the annexation and zoning. Motion was seconded by Cmr. Sigerman and passed 5-0.

3B. Public Hearing & Action, Variance – Public hearing, consideration and action concerning a request for three (3) variances to allow signs to exceed their maximum square footage: 1). A request to allow two (2) lighted signs to exceed the maximum square footage of three (3) square feet by sixteen (16) square feet and nine (9) square feet respectively and 2). A request to allow a projected sign to exceed the maximum square footage of thirty-two (32) square feet by eight (8) square feet, in accordance with Article II – Signs, of the Code of Ordinance, City of Kerrville, Texas, located at 701 Water Street. (File No. 2017-47)

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

Cmr. Waller opened the public hearing at 4:45 p.m.

Ms. Debi Nicken, property owner of 721 Water Street, spoke on behalf of PoPo Restaurant, in favor of the signs and discussed their potential benefits. Ms. Nicken also discussed the benefits of having this type of business in downtown Kerrville and encouraged approval of this variance.

Mr. Sam Bournias, owner of PoPo Restaurant, explained the reasoning for this variance request. Mr. Bournias discussed the history of this building and surrounding buildings and discussed the specifications of the three signs he would like to display.

Ms. Nicken mentioned the city's water fountain at the corner of Main Street and Sidney Baker Street. She mentioned the fountain would not be as nice without the lighting it has at night.

Mr. Bournias suggested the variance be marked as a historical variance.

Hearing no one speak, Cmr. Waller closed the public hearing at 5:02 p.m.

Cmr. Sigerman moved to approve the variance. Motion was seconded by Cmr. Zuber and passed 5-0.

3C. Public Hearing & Action, Text Amendment – Public hearing, consideration and action concerning a text amendment adding home occupation regulations, to Chapter 1, Article 11-1-19, "Home Occupation Regulations". (File No. 2017-027)

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

Cmr. Waller opened the public hearing at 5:29 p.m.

Mr. George Baroody, owner of a home occupation, spoke and voiced his opinions and concerns regarding the text amendments being proposed. Mr. Baroody stated the regulations should be more concerned about exterior violations, not interior violations that are of no concern to surrounding neighbors.

Commissioners explained that the purpose of the text amendment is to give city staff the ability to enforce regulations regarding home occupations.

Mr. Hayes, City Attorney, stated he would review the proposed text amendments and bring this mater back to the Commissioners for consideration.

Hearing no one else speak, Cmr. Waller closed the public hearing at 5:34 p.m.

Cmr. Sigerman moved to table the text amendment. Motion was seconded by Cmr. Barnett and passed 5-0.

4. CONSIDERATION AND ACTION

4A. Consideration & Action, Final Plat – Consideration and action concerning a proposed final plat for Comanche Trace, Phase 13, a subdivision containing 13.4 acres of land, more or less, out of the William Watt Survey No. 65, Abstract No. 364 in the City of Kerrville, Kerr County, Texas, being part of 1131.78 acres conveyed from Crystal Land Company, LLC, to Comanche Trace Ranch and Golf Club, LLLP, by a special warranty deed executed the 17th day of September, 1998 and recorded in Volume 9071, Page 698 of the real property records of Kerr, County, Texas. (File No. 2017-061)

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

Cmr. Barnett moved to approve the final plat as presented. Motion was seconded by Cmr. Jones and passed 5-0.

5. STAFF REPORTS

Ms. Kuenzel stated there are no staff reports at this time.

6. ADJOURNMENT

This meeting was adjourned at 5:56 p.m.

City of Kerrville
Planning Department
Report

To:	Planning & Zoning Commission
Agenda Item:	3A
Planning File #:	2017-026
Representative:	Jeff Boerner (M.D.S. Land Surveying Co., Inc.)
Location:	1709 Water Street
Legal Description:	Lots 1-6, Block 9, the abandoned portion of H Street, and Lots 1-5, Block 10, J.A. Tivy's Addition to the City of Kerrville recorded in Volume P, Page 16, Plat Records, Kerr County, Texas.
Total Acreage:	5.607

Proposal

A replat of Lots 1-6, Block 9, Lots 1-5, Block 10, J.A. Tivy's Addition and the abandoned portion of H Street.

Background

The Commission held the public hearing for this item at its June 1st meeting and postponed action on the item at the applicant's request, and tabled the item again at the June 15 meeting. The issue had been concerning the drainage easement, which is now contained within a portion of the former H Street right-of-way. The ROW was abandoned by the City on January 10 2017, with conditions regarding a water well easement, a sewer easement, and two drainage easements. With this replat, these conditions will be met upon formal filing of the replat at Kerr County. Regarding the drainage easement, the applicant was working with the staff regarding a maintenance note.

On August 17, a hand-lettered note had been added to the plat, and was brought forward to the Commission. Commission tabled the item based on concerns that the crushed granite surface that is currently on the site within the City's drainage easement could cause maintenance issues for the City due to increased likelihood of erosion.

Since that time, staff and the applicant have had several discussions regarding the granite surface of the parking lot, in particular, as it relates to maintenance of the drainage easement. Staff has requested, and received, signed statements from the applicant's engineer's letters regarding the method of stabilization, both to the subgrade and the surface itself. These are attached for reference, attached to the City's letter of determination regarding acceptance of the stabilized crushed granite as an alternative to asphalt or concrete as a permanent parking surface.

Recommended Action

Staff recommends removing the item from the table and then taking action to approve the replat.

Staff Analysis and Recommendation: Approval

1. Requirements and Guidelines:

The proposal has met all of the requirements and guidelines in accordance with Article 10-IV of the City of Kerrville Subdivision Ordinance, including zoning regulations and engineering design standards.

SUBDIVISION PLAT OF

RIVER TRAIL COTTAGES

CREATING LOTS 1, 2, AND 3, BLOCK 1, BEING A REPLAT OF A PORTION OF LOTS 1-6, BLOCK 9, A PORTION OF LOTS 1-5, BLOCK 10, AND A PORTION OF "H" STREET, J.A. TIVY'S ADDITION TO THE CITY OF KERRVILLE, RECORDED IN VOLUME P, PAGE 16, PLAT RECORDS OF KERR COUNTY, TEXAS.

BEING 5.607 ACRES OF LAND SITUATED IN THE THOMAS HAND SURVEY NO. 115, ABSTRACT NO. 193, KERR COUNTY, TEXAS, BEING A PORTION OF LOTS 1-6, BLOCK 9, A PORTION OF "H" STREET, AND A PORTION OF LOTS 1-5, BLOCK 10, J.A. TIVY'S ADDITION TO THE CITY OF KERRVILLE RECORDED IN VOLUME P, PAGE 16, PLAT, KERR COUNTY TEXAS.

AND BEING ALL OF THAT CERTAIN 0.342 OF ONE ACRE TRACT RECORDED IN DOCUMENT NO. 16-06322, OFFICIAL PUBLIC RECORDS OF KERR COUNTY, TEXAS,

ALL OF THAT CERTAIN 2.404 ACRE TRACT RECORDED IN DOCUMENT NO. 16-06323, OFFICIAL PUBLIC RECORDS OF KERR COUNTY, TEXAS,

ALL OF THAT CERTAIN 1.357 ACRE TRACT RECORDED IN DOCUMENT NO. 16-06324, OFFICIAL PUBLIC RECORDS OF KERR COUNTY, TEXAS, ALL OF THAT CERTAIN 0.396 OF ONE ACRE TRACT BEING A PORTION OF "H" STREET RECORDED IN DOCUMENT NO. 17-01162, OFFICIAL PUBLIC RECORDS OF KERR COUNTY, TEXAS,

ALL OF THAT CERTAIN 0.344 OF ONE ACRE TRACT, BEING ALL OF THAT CERTAIN TRACT RECORDED IN VOLUME 619, PAGE 471, REAL PROPERTY RECORDS OF KERR COUNTY, TEXAS,

AND ALL OF THAT CERTAIN 1.128 ACRE TRACT, BEING THE REMAINING PORTION OF THAT CERTAIN TRACT RECORDED IN DOCUMENT NO. 14-03081, OFFICIAL PUBLIC RECORDS OF KERR COUNTY, TEXAS.

NORTH

SCALE: 1" = 60'

LEGEND

- ○ 1/2" REBAR SET
- ● CALCULATED POINT
- ○ 1/2" REBAR FOUND
- ( ) RECORD INFOROMATION
- POB POINT OF BEGINNING
- ⊕ 1/2" REBAR SET IN CONCRETE
- BSL BUILDING SETBACK LINE
- —O— CHAINLINK FENCE
- -OHEx- OVERHEAD ELECTRIC

CERTIFICATE OF APPROVAL FOR RECORDING

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS FOR KERRVILLE, TEXAS, WITH THE EXCEPTION OF SUCH VARIANCES, IF ANY, AS ARE NOTED IN THE MINUTES OF THE CITY PLANNING COMMISSION AND THAT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE COUNTY CLERK.

SEPTEMBER, 2017 _____ CITY PLANNER

CERTIFICATE OF APPROVAL OF STREETS AND UTILITES

I HEREBY CERTIFY, THAT STREETS, UTILITIES AND OTHER IMPROVEMENTS HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER AND ACCORDING TO CITY OF KERRVILLE STANDARD SPECIFICATIONS IN THE SUBDIVISION ENTITLED.

SEPTEMBER, 2017 _____ CITY ENGINEER

STATE OF TEXAS
COUNTY OF KERR

THAT H20 PROPERTIES LTD., THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND HEREBY PLATTED AS LOT 1, BLOCK 1, RIVER TRAIL CABINS, HEREBY ADOPTS THIS PLAT OF SUBDIVISION AND DEDICATES ALL EASEMENTS FOR THE PURPOSES NOTED.

H20 PROPORTIES LLC, AGREES TO WAVE ANY CLAIM FOR DAMAGES AGAINST THE CITY OF KERRVILLE OCCASIONED BY THE ALTERATION OF THE SURFACE OF ANY PORTION OF EXISTING STREETS OR ALLEYS TO CONFORM TO THE GRADE ESTABLISHED IN THE SUBDIVISION.

_____ 2017 _____ LARRY HOWARD - AGENT

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED LARRY HOWARD, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED AND IN CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ DAY OF

_____ 2017

_____
NOTARY PUBLIC FOR THE STATE OF TEXAS

STATE OF TEXAS
COUNTY OF KERR

THAT HERBERT SCHUESSLER, THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND HEREBY PLATTED AS LOT 2, BLOCK 1, RIVER TRAIL CABINS, HEREBY ADOPTS THIS PLAT OF SUBDIVISION AND DEDICATES ALL EASEMENTS FOR THE PURPOSES NOTED.

HERBERT SCHUESSLER, AGREES TO WAVE ANY CLAIM FOR DAMAGES AGAINST THE CITY OF KERRVILLE OCCASIONED BY THE ALTERATION OF THE SURFACE OF ANY PORTION OF EXISTING STREETS OR ALLEYS TO CONFORM TO THE GRADE ESTABLISHED IN THE SUBDIVISION.

_____ 2017 _____ HERBERT SCHUESSLER

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED HERBERT SCHUESSLER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED AND IN CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ DAY OF

_____ 2017

_____
NOTARY PUBLIC FOR THE STATE OF TEXAS

STATE OF TEXAS
COUNTY OF KERR

THAT PETER CHARLES GABBERT, THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND HEREBY PLATTED AS LOT 3, BLOCK 1, RIVER TRAIL CABINS, HEREBY ADOPTS THIS PLAT OF SUBDIVISION AND DEDICATES ALL EASEMENTS FOR THE PURPOSES NOTED.

PETER CHARLES GABBERT, AGREES TO WAVE ANY CLAIM FOR DAMAGES AGAINST THE CITY OF KERRVILLE OCCASIONED BY THE ALTERATION OF THE SURFACE OF ANY PORTION OF EXISTING STREETS OR ALLEYS TO CONFORM TO THE GRADE ESTABLISHED IN THE SUBDIVISION.

_____ 2017 _____ PETER CHARLES GABBERT

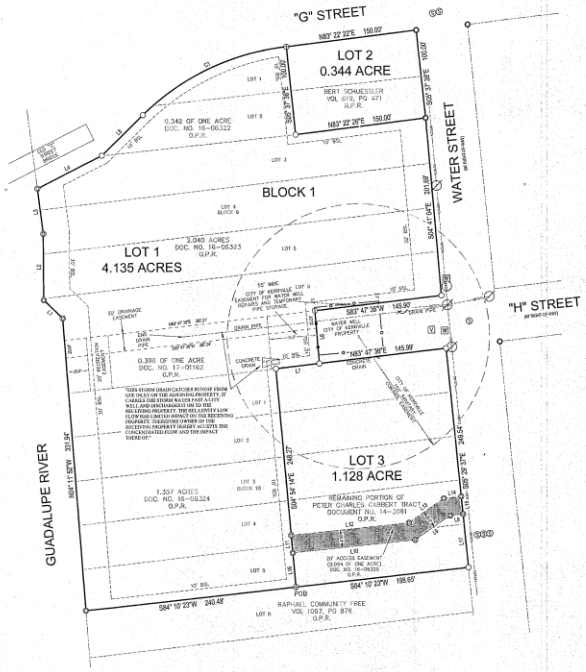
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED PETER CHARLES GABBERT, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED AND IN CAPACITY THEREIN STATED.

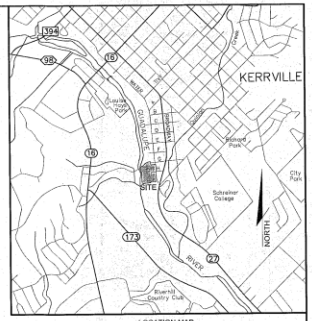
GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ DAY OF

_____ 2017

_____
NOTARY PUBLIC FOR THE STATE OF TEXAS

M.D.S. LAND SURVEYING CO., INC.
8 SPENCER ROAD
BOERNE, TEXAS 78006
PHONE: (830) 816-1818
TBPLS FIRM NO. 10018600





LOCATION MAP

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N83° 22' 42"W	30.19'
L2	N83° 59' 58"E	19.80'
L3	N87° 34' 33"W	31.91'
L4	N83° 48' 37"E	92.00'
L5	N88° 51' 42"E	69.00'
L6	N84° 33' 33"E	65.00'
L7	S85° 47' 38"W	55.13'
L8	S84° 33' 23"W	14.87'
L9	S85° 47' 38"W	48.47'
L10	S84° 33' 42"W	145.54'
L11	N84° 54' 14"W	20.00'
L12	N84° 33' 42"E	13.00'
L13	N05° 43' 52"E	43.23'
L14	N84° 33' 23"E	23.00'
L15	S05° 26' 37"E	20.00'
L16	N84° 54' 14"W	28.00'
L17	N05° 26' 37"W	53.77'

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	275.00'	104.00'	24°10'07"	N07° 51' 10"E	103.26'

NOTES

1) BASIS OF BEARING: CITY OF KERRVILLE COORDINATE SYSTEM

2) THE SUBJECT PROPERTY LIES WITHIN ZONE AE, DEFINED AS SPECIAL FLOOD HAZARD AREAS (SFHA) SUBJECT TO FLOODING BY THE 1% ANNUAL CHANCE FLOOD, FEMA FIRM UNIT NUMBER 48265C0285F, REVISED DATE: MARCH 3, 2011.
ANY DEPICTION ON THIS PLAT OR ANY STATEMENT CONTAINED ON THIS PLAT CONCERNING FLOOD INSURANCE RATE MAP (FIRM) ZONES, FLOOD HAZARD DELINEATION OR BOUNDARY BY THE SURVEYOR SHALL PLACEBAND DOES NOT OCCUR ABOVE THE BOUNDARIES OF THE 100 YEAR FLOOD PLAIN.

3) BUILDING SETBACK LINES SHALL BE IN ACCORDANCE WITH THE CITY OF KERRVILLE ZONING ORDINANCE.

4) THE SUBJECT PROPERTY IS IN THE KERRVILLE INDEPENDENT SCHOOL DISTRICT.

5) THERE ARE NO IMPROVEMENTS WITHIN TWO (2) FEET OF THE BOUNDARY EXCEPT AS SHOWN HEREON.

6) ADJOINER INFORMATION IS SHOWN FOR INFORMATIONAL PURPOSES ONLY.

7) CITY OF KERRVILLE SANITARY SEWER EASEMENT AS DESCRIBED IN 30 TAC 290.41 (b)(3)(J).

REGISTERED PROFESSIONAL LAND SURVEYOR'S CERTIFICATE

THAT I JEFF BOERNER, RPLS #4939, DO HEREBY CERTIFY, THAT I MADE AN ACTUAL AND ACCURATE SURVEY ON THE GROUND OF THE HEREON PLATTED LAND THAT THE CORNER MONUMENTS SHOWN HEREON WERE PROPERLY PLACED BY ME, IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF KERRVILLE, TEXAS.

STATE OF TEXAS
JEFF BOERNER
4939
REGISTERED
PROFESSIONAL
LAND SURVEYOR

SEPTEMBER, 2017 _____
JEFF BOERNER, RPLS #4939
MDS LAND SURVEYING CO., INC.

FILED FOR RECORD ON THE ____TH DAY OF _____, 2017 AT _____ O'CLOCK ____M.

RECORDED ON THE ____TH DAY OF _____, 2017 AT _____ O'CLOCK ____M.

IN DOCUMENT NO. _____ OF THE PLAT RECORDS OF KERR COUNTY, TEXAS.

REBECCA BOLIN, KERR COUNTY CLERK

FEBRUARY, 2017
JOB # 17-035-00

SHEET: 1 OF 1

City of Kerrville
701 MAIN STREET • KERRVILLE, TEXAS 78028 • 830.257.8000 • KERRVILLETX.GOV

September 15, 2017

Larry W. Howard
General Partner, H20 Properties, LTD
Via email: Larry Howard <lhoward0529@gmail.com>

RE:: Determination of alternative to asphalt or concrete parking lot surfacing

Dear Mr. Howard:
With this letter, I am putting in writing my determination regarding the application of the City of Kerrville Zoning Ordinance Art.11-I-20 9. Surfacing, which allows permeable pavers as an alternative to asphalt or concrete. On September 5, 2017, you asked me to make a determination that the stabilized crushed granite surface meets the requirement for "permanent parking surface". I have determined that the stabilized surface constitutes compliance with this section. This determination is based on the following facts:

1) The determination appears to have been considered and accepted throughout your development review process.
2) The determination relies on receipt of a letter from your engineer, certifying that the surface is stabilized, and detailing the method by which it is treated for stabilization.
3) The determination is in line with application of similar requirements regarding "permanently surfaced" materials (see excerpt from City of Fredericksburg regulations).

Thank you for supplying the additional information that I had requested to assist us in coming to this conclusion.

Sincerely,

Sabine Kuenzel, AICP

Sabine Kuenzel
Executive Director of Development Services
(830) 258-1514
sabine.kuenzel@kerrvilletx.gov

Attachments:
City of Kerrville Zoning Ordinance Art. 11-I-20 9.
Excerpts from City of Fredericksburg regulations
Engineer's certification letters

9. **Surfacing:** All parking surfaces and access drives shall be surfaced with asphalt or concrete pavements. All pavement shall be of sufficient strength to support the vehicular loads imposed on it, graded and drained to dispose of all surface water in accordance with City regulations, and marked to provide for orderly and safe loading, unloading, parking, and the storage of vehicles. All surfaces shall be maintained in good condition, generally free of potholes, cracks or broken pavement and allow for uninhibited access to all parking and loading spaces and drives. As an alternative to asphalt or concrete pavement, permeable pavers may be used as a permanent parking surface if such material complies with applicable City standards and the generally accepted practices of parking lot design.

CODE OF ORDINANCE APPENDIX B ZONING ORDINANCE ENACTING CLAUSE Sec. 2-100 DEFINITIONS

DRIVE WAY

A permanently surfaced (asphalt, *gravel,* "grass-crete" or similar surface) area providing vehicular access between a street and an off-street parking or loading area.

Sec. 7-860 DESIGN STANDARDS

Paving and Drainage. The following basic standards shall be observed:

In all districts parking and loading facilities shall be an all *weather* surface. Materials may be pervious (see Appendix D for impervious coverage requirements). All parking and loading facilities shall be appropriately marked with lines, buttons, or other approved markers.

All parking facilities shall be graded and provided with permanent storm drainage facilities, meeting the construction specifications set by the City Engineer. Surfacing, curbing and drainage improvements shall be sufficient to preclude free flow of water onto adjacent properties or public streets or alleys and to provide adequate drainage.

Curbing shall be provided along the parking facility area for all streets upon which it fronts.

City of Fredericksburg

Hewitt Engineering, Inc.
Consulting Engineering Services

July 20, 2017

Mr. Chris Lee
Fire Marshal
City of Kerrville
87 Coronado Street
Kerrville, TX 78028

Re: River Trail Cottages Fire Lane

Dear Chris,

Per your request, this letter serves to confirm that the fire lane at River Trail Cottages complies with the City of Kerrville fire lane guidelines including providing a driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds. The fire lane entrance from Water Street consists of 3-inches of crushed granite over the top of an existing asphalt road and base course. The remainder of the fire lane consists of 3-inches of crushed granite over 6-inches of base material and 95% compacted subgrade.

Please feel free to contact me at 315-8800 or by email at jmhewitt@hewitt-inc.com if you have any questions.

Sincerely,

HEWITT ENGINEERING INC.
Texas Registered Engineering Firm F-10739

John M. Hewitt, P.E., CFM

Hewitt Engineering, Inc.
Consulting Engineering Services

September 15, 2017

Mr. Chris Lee
Fire Marshal
City of Kerrville
87 Coronado Street
Kerrville, TX 78028

Re: Addendum-River Trail Cottages Fire Lane

Dear Chris,

This letter provides additional information to confirm that the fire lane at River Trail Cottages complies with the City of Kerrville fire lane guidelines including providing a driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds. As previously described, the fire lane entrance from Water Street consists of 3-inches of crushed granite over the top of an existing asphalt road and base course. The remainder of the fire lane consists of 3-inches of crushed granite over 6-inches of base material and 95% compacted subgrade. The crushed granite that was installed includes an emulsifier that serves as a natural binder. In addition, the fire lane was modified during construction to ensure that runoff did not adversely impact the fire lane surface and subsurface. The addition of 6" x 6" limestone blocks has been provided along the entire perimeter of the fire lane in order to maintain the integrity of the surface. Finally, two concrete aprons have been installed at the natural low spots along the fire lane where natural drainage occurs. The condition of the crushed granite will continue to be maintained by the full time on site maintenance staff.

I contacted Mr. Garret Bonn with the Engineering Department at the City of Fredericksburg regarding the installation of crushed granite as a permeable paver. Mr. Bonn confirmed that the City of Fredericksburg considers crushed granite to be a permeable paver. Please feel free to contact me at 830-315-8800 or by email at jmhewitt@hewitt-inc.com if you have any questions.

Sincerely,

HEWITT ENGINEERING INC.
Texas Registered Engineering Firm F-10739

John M. Hewitt, P.E., CFM

City of Kerrville
Planning Department
Report

To:	Planning & Zoning Commission
Agenda Item:	4A
Planning File #:	TBD
Hearing Date:	TBD
Subject:	Pending ordinance amendment as it pertains to Wireless Telecommunications facilities

Changes in the wireless telecommunications industry as well as federal and state laws necessitate periodic review of the City's regulation of wireless telecommunication facilities (WTF's) (towers and antennae). Both the Federal Communications Act and Texas set limits for our regulation. The recent passage of SB 1004 triggers such a review. While it required that cities allow cell service providers access to rights-of-way, it left a range of options for regulation of the towers and antennae.

During discussion of this item, we will present an overview of the new state mandates, view samples of the types of facilities, review the range of options, and ask for general direction for further research and discussion of regulations. Key to our city will likely be a range of options regarding aesthetic features and limitations within in key areas of our City, such as our CBD and residential areas.

Our current ordinance relative to WTF's is attached. In particular, please note that current regulations do not adequately address antennae, nor distinguish among the different types of "nodes", which is the currently used terminology in the industry, as well as in the federal and state legislation. In addition for gaining an understanding of the different types of facilities that we might address, we will review specific levels of regulation that we may consider.

Attachments:

Ordinance 2003-35 Wireless Telecommunication Facilities

Wireless Telecommunication Facility (WTF)

A *wireless telecommunication facility* is an allowed land use only by Conditional Use Permit (CUP) in all zoning districts of the City except the R-1, R-1A, RC, RM, RT, R3, GR, and GTW zoning districts.

a. Applicability – This Section applies to all construction and expansion of wireless telecommunication facilities, except as follows:

1. *Transmitting or reception antennas. parabolic antennas less than seven (7) feet in diameter. or omni-directional antennas eighteen (18) inches or less in diameter*. that:

   a. *are* used as an accessory use to a legally constructed residential or commercial building; and
   b. does not extending more than twelve (12) feet above its support structure or roof, whichever is less; and
   c. does not violate the maximum height requirement of the use or zoning district. In the event that an existing structure exceeds the maximum height of the use or district prior to the installation of said WTF and/or antenna(s), a conditional use permit is required in accordance with these regulations; and
   d. If the antenna and antenna support structure or equipment is mounted flush with the vertical exterior of the building, it projects no more than twenty four (24) inches from the surface of the building to which it is attached; and
   e. If attached to non-residential structure, the attached antenna(s) must be textured and colored so as to blend with the surface of the building.

2. Amateur radio, receive-only antennas that are less than thirty-five (35) feet in height and owned and operated by a federally licensed amateur radio station operator or used exclusively for receive-only antennas.

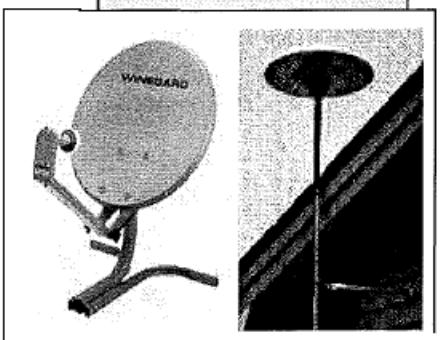
3. WTF or antenna used for public safety purposes by a public entity. Such public facilities are subject to the co-location requirements of this Ordinance, which allows commercial antennas to be mounted to such facilities only as a secondary use and is not, in the sole discretion of the public entity, deemed to compromise the security interest of said public entity.

4. Temporary wireless telecommunications facility and/or antenna in operation for a maximum of forty-five (45) days.

b. Setbacks- Wireless telecommunications facilities and/or antennas must comply with the setback requirements for the zoning district in which it is located, or be setback one hundred ten (110) percent of the total height of the WTF and/or antenna when combined, from all property lines, whichever is greater.

Wireless telecommunication facility (WTF) refers to a structure designed and constructed to support one or more antennas used by commercial wireless telecommunication or broadcasting facilities and including all appurtenant devices attached to it. A tower can be freestanding (solely self-supported by attachment to the ground) or supported (attached directly to the ground and with guy wires), or either lattice or monopole construction. This definition includes satellite dishes, microwave-transmitting towers, and WTF's attached to or supported by buildings.

Parabolic antenna refers to an antenna consisting of a parabolic reflector and a radiating or receiving element at or near. its focus.



Parabolic antennas

c. Proximity to adjacent structures – No structure, whether existing or proposed, shall be located within an area directly adjacent to a wireless telecommunications facility to a point bounded by circle whose radius is equal to the height of said wireless telecommunications facility and/or antenna. Exceptions to this paragraph are for structures that are not intended for occupation, but service said facility.

d. Height- All wireless telecommunications facilities and antennas are subject to the normal height restrictions for the zoning district in which it is allowed. Where a conditional use is required, the allowable height is determined through review and consideration of the conditional use permit. In no case shall a proposed wireless telecommunications facility and/or antenna exceed one hundred twenty (120) feet in height within the corporate limits, except where a height variance is authorized by the Zoning Board of Adjustment to allow a tower or antenna that demonstrates a hardship that can only be remedied by locating on a proposed site within the corporate limits.

e. Design for co-location -A new wireless telecommunications facility and related equipment shall be designed and constructed to accommodate expansion for future co-location of at least three (3) additional service providers utlizing equipment of similar nature and type. Such co-location requirement shall be subject to each additional user not causing electromagnetic interfereance with existing antenna on the WTF. The applicant shall submit a notarized statement to the Administrator confirming the adherence to the co-location requirement.

f. Fencing -All free-standing or guy-wire supported wireless telecommunications facilities and/or antennas shall be enclosed by decay-resistant security fencing not less than eight (8) feet in height and also equipped with an appropriate anti-climbing device or other similar device, excluding razor wire, to prevent tower access.

g. Aesthetic standards- Wireless telecommunications facilities and/or antennas must be constructed with materials and colors that match or blend with the surrounding natural or built environments, to the maximum extent practicable. Unless otherwise required, muted (flat or non-reflective) colors, earth tones and subdued hues shall be used. If an antenna is mounted on a support structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or significantly compatible with, the color of the supporting structure so as to make the antenna and equipment as visually unobtrusive as possible.

h. Maintenance – Maintenance of the wireless telecommunications facility and/or antenna and its grounds is the responsibility of the owner/operator of the wireless telecommunications facility. The owner/operator shall prevent the facility from entering a state of disrepair due to negligence, vandalism, natural hazard or any other source of disrepair.

i. Lighting -A wireless telecommunications facility and/or antenna shall be illuminated only as necessary to comply with the Federal Aviation Administration (FAA) or other applicable State and Federal requirements. However, security lighting may be used as long as it is designed and installed to prevent glare or excessive light spillover onto adjacent properties.

WTFTree

j. Signage- Wireless telecommunications facilities and/or antennas may not be used to exhibit any permanent or temporary signs, writing, symbols or any graphic representation of any kind other than safety related signs, subject to **City Ordinance #2002-07, Sign Regulations.**

k. Historic properties- A proposed wireless telecommunications facility and/or antenna, to the greatest degree practicable, must have no unreasonable adverse impact upon a *historic district,* site, or structure that is currently listed on or eligible for listing on the National Register of Historic Places.

l. Stealth technology design -Any wireless telecommunications facility and/or antenna with appropriate *stealth technology design* approved by the Planning and Zoning Commission and the City Council through the approval of a Conditional Use Permit may be located in any zoning district.

m. Site Plan Review- Site plans shall be submitted pursuant to the provisions of **Article 11-1-13, Conditional Use Permits,** of the Zoning Code. The applicant shall notify all property owners within five hundred (500) feet of any property line for the wireless telecommunications facility site. In addition to the requirements set forth in **Article 11-1-13, Conditional Use Permits,** the following is required:

1. A wireless telecommunications facility plan that identifies the location, height and type of all telecommunication facilities in Kerrville and its extraterritorial jurisdiction (ETJ).

2. An alternatives assessment evaluating all feasible co-location alternatives to the proposed facility. No new tower will be permitted unless the applicant demonstrates that no existing tower or support structure can accommodate the applicant's proposed antenna. All proposals for new wireless telecommunications facilities shall be accompanied by a written statement by a licensed engineer that the necessary service cannot be provided by co-location for one or more of the following reasons:

   a. No existing towers or support structures, or approved but not yet constructed towers or support structures, are located within the geographic area

Historic district refers to geographically definable area possessing a significant concentration, linkage or continuity of sites, building, structures or objects united by past events, which is listed or is eligible to be listed on the National Register of Historic Places.

Stealth technology design refers to technology that blends the wireless telecommunications facility and/or antenna into the surrounding environment; examples include, but are not limited to, architecturally screened roof-mounted antennas building mounted antennas painted and/or textured to match the existing structure, antennas integrated into architectural elements such as church spires and antenna structures designed to resemble light poles or flag poles.

required to meet the applicant's engineering requirements.

b. Existing towers or support structures are of insufficient height to meet the applicant's engineering requirements.

c. Existing towers or support structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.

d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on tl existing tower or support structure, or the existing antenna would cause interference with the applicant's proposed antenna.

e. The applicant demonstrates that there are other limiting factors that render existing structures unsuitable.

3. A *visual impact* analysis shall be submitted including views elevations looking toward the site (typically north, south, ea and west) and away from the site. The views shall include the site and the surrounding properties measured from the center point of the proposed tower or support structure out a distance equal to three (3) times the height of the propose tower. A drawing shall depict a "skyline" view showing the entire height of the proposed tower and tl structures, trees, or any other objects contributing to the skyline profile. The proposed tower, drawn to scale, shall b included in the view.

4. Certification of compliance with *Federal Communications Commission (FCC)* regulations and emission standards.

5. Notification of an impending Environmental Assessment (EA) required by the National Environmental Protection Agency (NEPA) and a copy when the assessment is completed.

6. A letter addressed to the City declaring an intent and willingness to construct a proposed tower that would allow least three (3) other service providers to locate on the towe

n. Conditional Use Criteria- In addition to the above standards, the following additional factors shall be considered by the City Council, upon recommendation of the Planning and Zoning Commission, when determining whether to grant a conditional use permit for a wireless telecommunications facility:

1. Height of the proposed tower.
2. Proximity of the tower to residential structures and residential district boundaries.

Visual impact refers to a .modification or change that could be incompatible with the scale, form, texture, or color of the existing natural or man-made landscape.

FederalCom!Titmications Commission (FCC) refers to an independent United States government agency, directly responsible to Congress. The FCC was established by the Communications Act of 1934 and is charged with regulating interstate and international communications by radio, television, wire, satellite and cable. The FCC's jurisdiction covers the 50 states, the District of Columbia, and U.S. possessions.

3. Nature of uses on adjacent and nearby properties.
4. Surrounding topography, tree cover and foliage.
5. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
6. Proposed ingress and egress to the tower and its site.
7. Availability of suitable existing towers, support structures or alternative technologies not requiring the use of towers or structures.

o. Abandonment- All providers utilizing wireless telecommunications facilities shall notify the City in writing of any wireless telecommunications facility and/or antenna located in the City or its extraterritorial jurisdiction whose use will be discontinued and the date the *abandonment* will occur. If the use of the facility is discontinued for a continuous period of six (6) months, the Administrator may declare the facility to be abandoned, which excludes any dormancy period between construction and the initial use of the facility. The facility's owner/operator will receive written notice from the City and will be instructed to either re-activate the facility's use within ninety (90) days, or dismantle and remove the facility. If re-activation or dismantling does not occur within ninety (90) days, the City may remove the facility or cause it to be removed and assess the costs to the owner/operator. In the case of a multi-use tower, this provision does not become effective until all users have abandoned the wireless telecommunications facility. However, the City may cause the abandoned portions of systems on the multi-use wireless telecommunications facility to be removed in accordance with this provision.

Abandonment means to cease or discontinue a.use or activity, but excluding temporary or short-term interruptions of a use, *e,g,* the change of tenancy or ownership, or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, orduring normal periods of vacation or seasonal closure. A use is considered abandoned if the facts show the owner's intent to discontinue the use or activity and the discontinuance of the use continues for six months or more.

City of Kerrville
Planning Department
Report

To:	Planning & Zoning Commission
Agenda Item:	4B
Planning File #:	TBD
Hearing Date:	TBD
Subject:	Discussion regarding pending ordinance amendment as it pertains to subdivision regulations approval process

I am bringing this item forward to begin discussions regarding the Commission's role in the subdivision platting process.

There is a specific section of the subdivision regulations that appears to be in conflict with the intent of Texas Local Government Code Chapter 212 regarding timely review of plats. It also could potentially conflict with the City's Subdivision Regulations related to total review time. It also does not appear to be aligned with standard development practices.

The standard sequencing of platting and associated public infrastructure in communities that I've worked in is as follows:

1) Preliminary platting – Where the Commission reviews and approves general location of infrastructure shown in two dimensions
2) Two-dimensional final plat submittal, and concurrent engineering staff review of final location of infrastructure shown in three-dimensional construction plans
3) Two-dimensional final plat approval by the Commission pursuant to engineering and planning recommendation
4) Finalization of construction plans, adjusted for commission conditions of approval (if any)
5) Installation or guarantee of infrastructure
6) Signature of the City Engineer, Planning Commission Chair, and City Planner, releasing it for official filing in deed of records.
7) Plat recordation

Art. 10-IV-2 Section (B) 4 of the Subdivision Regulations appears to take Steps 4 and 5 ahead of Step 3:

> Prior to final approval of the plat, the City Engineer shall furnish the City Planning Commission with a written certificate approving the proposed construction, plans, or that all improvements have been satisfactorily completed in accordance with the City of Kerrville construction standards and specifications. In applicable situations, the City Engineer shall certify to the Commission that the proper irrevocable cash or bond guarantees have been secured from the owner/developer by the City of Kerrville to insure the completion of all improvements required by the City Planning Commission.

Compliance with this section would be virtually impossible and remain in compliance with Section (B) 2., which states:

Filling Time The time required to review and process the final plat shall be a maximum of twenty-one (21) days.

In order to comply with both sections, the applicant would need to submit construction plans construct the improvements, and have their City inspections completed, all prior to submittal of the actual final plat document.

To provide a higher level of certainty within the process, I recommend that we consider an amendment that would set the application/approval process sequencing as numbered above.