CITY OF KERRVILLE PLANNING & ZONING COMMISSION AGENDA
REGULAR MEETING, DECEMBER 6, 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 November 1, 2018 meeting.

3. PUBLIC HEARING, CONSIDERATION & ACTION

3A. Public hearing, consideration, and action to recommend an ordinance for a zoning change from Gateway District, “GTW,” to Planned Development District, “PDD,” on approximately 4.27 acres of land out of the Patrick Fleming Survey No. 666, Abstract 145 in the City of Kerrville, Kerr County, Texas, more commonly known as 318 Leslie Drive. (File No. 2018-081)

3B. Public hearing, consideration and action concerning two (2) variance requests in accordance with Article II – Signs, of the Code of Ordinance, City of Kerrville, Texas: 1) to allow a freestanding lighted sign; and 2) to allow a lighted sign to exceed the maximum size of 3 square feet by allowing a lighted sign that is 9 feet by 3 feet for a total of 27 square feet, for Pint & Plow Brewing Company located at 332 Clay Street. (File No. 2018-085)

4. STAFF REPORT

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

_____

Interim 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

Members Present:
Bob Waller, Chair
Garrett Harmon, Vice-Chair
David Jones, Commissioner
Rustin Zuber, Commissioner
Bill Morgan, Alternate
Jim Brown, Alternate, *sat in for Tricia Byrom*

Members Absent:
Tricia Byrom, Commissioner

City Executive Staff Present:
Drew Paxton, Executive Director of Development Services
Rebecca Pacini, Chief Planning Officer
Mike Hayes, City Attorney
Dorothy Miller, Recording Secretary

CALL TO ORDER:
On November 1, 2018, 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 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 October 4, 2018 meeting.

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

3. PUBLIC HEARING, CONSIDERATION AND ACTION

3A. Public hearing, consideration, and action to recommend a resolution to allow a Conditional Use Permit for an Electric Facility (Solar Facility) on approximately 4.465 acres of land out of the Samuel Wallace Survey No. 114, Abstract No. 348 in the City of Kerrville, Kerr County, Texas, and generally located in the 2000 block of Singing Wind Drive. (File No. 2018-068)

Mr. Paxton presented the findings of fact.

Cmr. Waller opened the public hearing at 4:35 p.m. Hearing no one speak, Cmr. Waller closed the public hearing at 4:36 p.m.

Cmr. Brown moved to recommend approval for the conditional use permit as presented, including the removal of the platting requirement and approval of the draft resolution; motion was seconded by Cmr. Jones and passed 5-0.

3B. Public hearing, consideration, and action to recommend an ordinance for a zoning change from “11-C” to Central Business District, “CBD,” on approximately 6.79 acres of land consisting of Lots 1 and 2, Block 1, of the H.E.B. Addition, and Lots 300, 301, 302, 348, and 349, Block 48, of the Schreiner 2nd Addition, more commonly known as 212, 220, and 300 Main Street and 217 Jefferson Street. (File No. 2018-073)

Mr. Paxton presented the findings of fact.

Cmr. Waller opened the public hearing at 4:42 p.m.

Mr. Benjamin Scott, representative of H.E.B., thanked city staff and the city team that have helped with this project and stated how this change would help them, giving them flexibility to make this project work. The first stop is to combine the parcels they have already that are across Hays Street, close that street, and locate a new store on the south side of the property. It will allow them to put up a 100,000 square foot store, a standard parking layout, and go from six gas pumps to 16 pumps, and enable them to modernize the store.

Hearing no one else speak, Cmr. Waller closed the public hearing at 4:43 p.m.

Cmr. Jones moved to recommend approval of the zoning change as presented; motion was seconded by Cmr. Zuber and passed 5-0.

4. STAFF REPORT:

Mr. Paxton reported the Code Review Committee is in session right now working on administrative sections and various zoning districts of the zoning code and will continue moving forward looking at possible adoption and public hearings through February and March for the zoning code. They will then move on to the subdivision code and some other auxiliary development codes, sidewalk ordinance, park dedication, etc.

6. ADJOURNMENT

The meeting was adjourned at 4:55 p.m.

City of Kerrville
Planning Department
Report

To:	Planning & Zoning Commission
Agenda Item:	3A
Action:	Public hearing, consideration, and action to recommend an ordinance for a zoning change from Gateway District, "GTW," to Planned Development District, "PDD"
Planning File #:	2018-081
Property Owner:	Invermex, LLC
Representative:	Paco Mondragon
Location:	Approximately 4.27 acres of land out of the Patrick Fleming Survey No. 666, Abstract 145 in the City of Kerrville, Kerr County, Texas, more commonly known as 318 Leslie Drive

Proposal

Public hearing, consideration, and action to recommend an ordinance for a zoning change from Gateway District, "GTW," to Planned Development District, "PDD," on approximately 4.27 acres of land out of the Patrick Fleming Survey No. 666, Abstract 145 in the City of Kerrville, Kerr County, Texas, more commonly known as 318 Leslie Drive. (File No. 2018-081)

The change in zoning is being sought in order to establish a Planned Development District with the following uses: Professional Office, Retail Trade I, and Warehousing & Distribution.

Procedural Requirements

9 Notices were mailed November 21st to adjacent property owners. The public notice was published in the Kerrville Daily Times on November 19th.

Staff Analysis

Consistency with the Kerrville 2050 Comprehensive Plan: The request is not consistent with the Kerrville 2050 Comprehensive Plan. The property is designated Neighborhood Residential (NR) within the Future Land Use Plan. The primary land use in the NR land use category is single-family detached homes. Commercial and industrial uses are not recommended in this area.

Adjacent Zoning and Land Uses

Subject Property

Current Zoning: Gateway (GTW)
Existing Land Uses: Vacant

Direction: North

Current Zoning: Gateway (GTW)
Existing Land Uses: Single Family Detached Dwelling

Direction: East

Current Zoning: Gateway (GTW)
Existing Land Uses: Commercial – Mini-Storage

Direction: South

Current Zoning: Residential Mix (RM)
Existing Land Uses: Professional Office and Vacant

Direction: West

Current Zoning: Public Institutional (PI) and Residential Cluster (RC)
Existing Land Uses: Vacant and Single Family Dwelling

The uses which are permitted as a matter of right or permitted upon issuance of a conditional use permit in the Gateway, “GTW,” zoning districts are indicated by the letters "P" and "C,” respectively, in the following table:

GTW DISTRICT PERMITTED & CONDITIONAL USE TABLE	
Agricultural Service	C
Bed and Breakfast	P
Business Services I	P
Business Services II	C
Cocktail Lounge	C
Dwelling, Multiple Family	P
Education, Secondary and College	P
Education, Primary	C
Fuel Sales	C
Funeral Services	P
Institutional and Public Use Facilities	P
Life Care Development	P
Manufacturing, Custom	C
Personal Services I	P
Personal Services II	P
Personal Services, Limited	P
Professional Offices	P
Restaurant, General	P
Restaurant, Limited	P
Retail Trade - I	C
Retail Trade - II	C
Retail Trade - III	C
Retail Trade - Limited	P
Tourist/Visitor & Recreation Service	P

Transportation Terminal (Bus/Aviation)	C
Vehicle Maintenance and Repair	C
Vehicle Sales/Service - New	P

Thoroughfare Plan: Leslie Drive is designated a Collector. A typical collector in Kerrville is a two-lane divided roadway with a center turn lane; however, in constrained areas, a two-lane undivided roadway may be appropriate so that a portion of the right-of-way could be used for pedestrian space or on-street parking. Leslie Drive is currently only an undivided two-lane road without curbs or sidewalks. Easy Street is a Local.

Traffic Impact: Truck traffic is anticipated especially to the proposed Warehousing and Distribution building on the property. Increased traffic is to be expected with the development of the site as with any new development.

Parking: 54 parking spaces are required to meet the parking requirements. 86 parking spaces are provided.

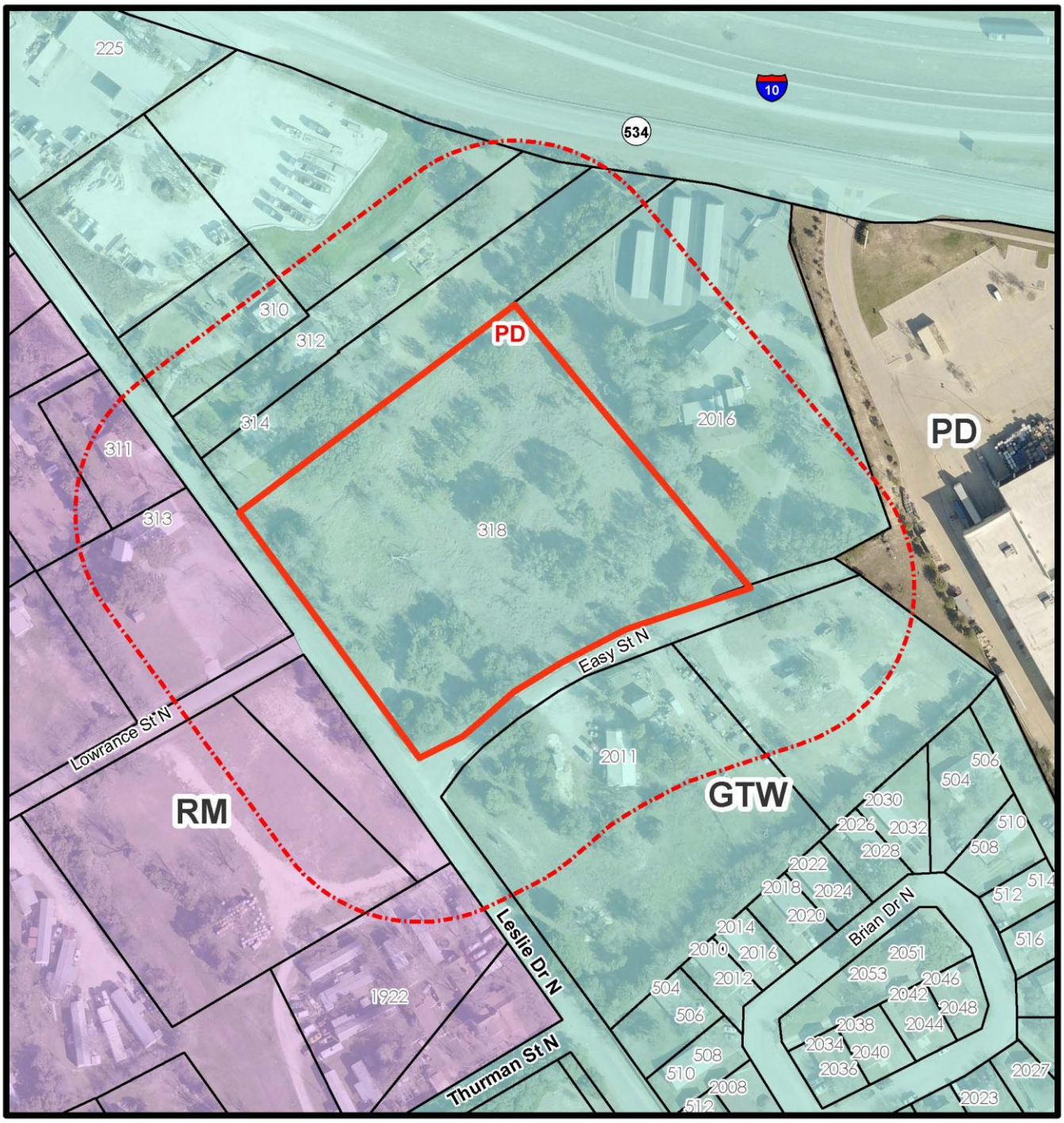
Recommendation

Staff recommends denial.

Attachments

A. Location Map
B. Concept Plan
C. Draft City Council Ordinance

Attachment A



Location Map

Case # 2018-081

Location:
318 Leslie Drive

Legend

200' Notification Area	
Subject Properties	
Current Zoning	TEXT
Requested Zoning	(TEXT)

N
W E
S

0 75 150 300
Scale In Feet

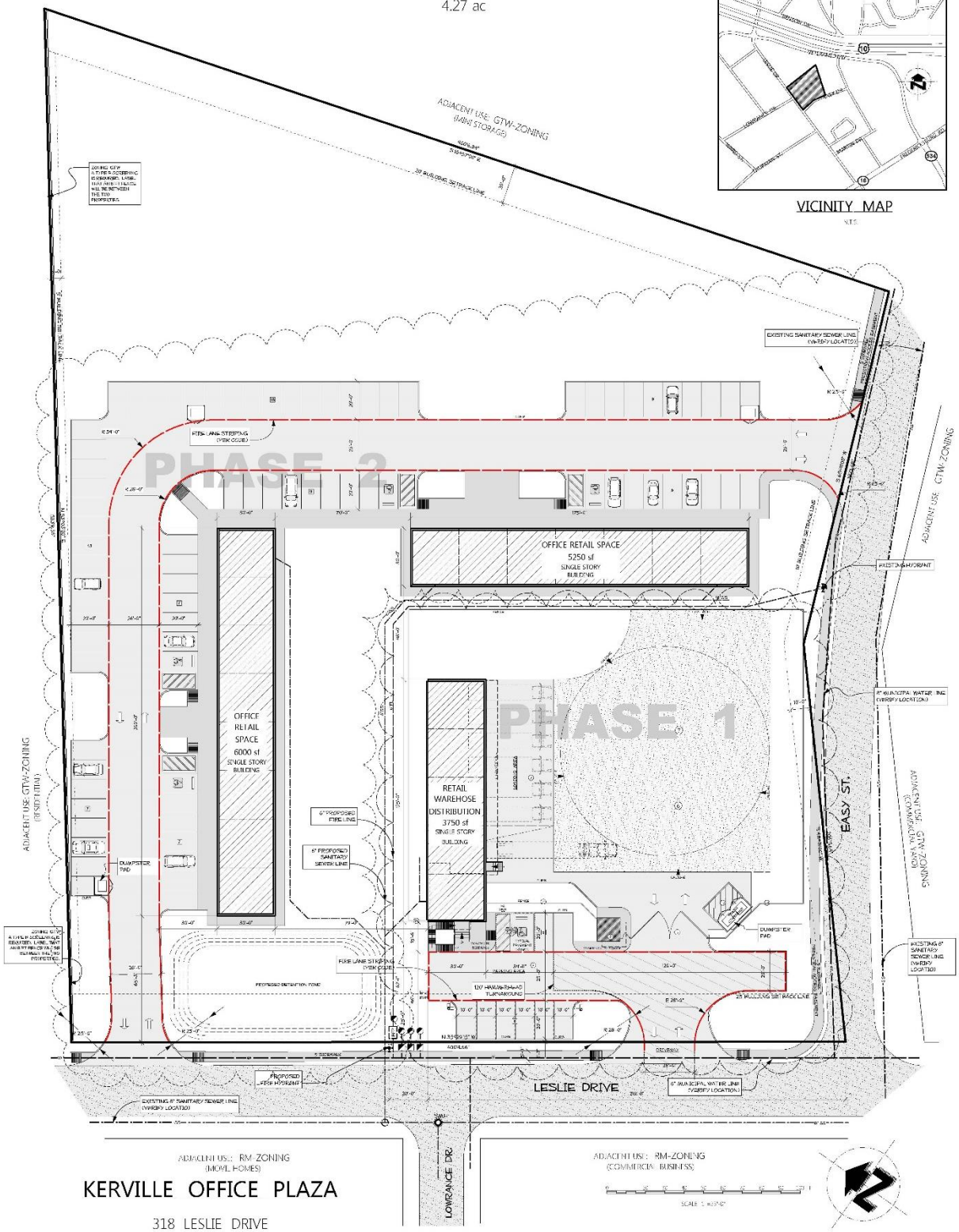
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only approximate relative locations.

CONCEPT PLAN

Address: 318 Leslie Drive
Subdivision No.ABS A0145 Fleming Sur 666
KERRVILLE , TX.
4.27 ac

Attachment B

VICINITY MAP



KERVILLE OFFICE PLAZA

318 LESLIE DRIVE

CONCRETE CURB	
CONCRETE PAVING	
ASPHALT PAVEMENT	
CONCRETE SIDEWALK	
CAISSON BASE	
SANITARY SEWER LINE	
WATER LINE	
FENCE	
FIRE HYDRANT	
WATER METER	
EXISTING SANITARY MAN HOLE	
WATER VALVE	
POWER POLE	

PROJECT DATA		
SITE AREA		4.27 AC
TOTAL BUILDING AREA		15000 SF
OFFICE RETAIL SPACE		11250 SF
	PARKING PROVIDED (1 249 sf)	49 spaces
	PARKING REQUIRED (1 250 sf)	45 spaces
	DISABLED PARKING	4 SPACES
RETAIL WAREHOUSE DISTRIBUTION		3750 SF
	PARKING PROVIDED (1 333 sf)	9 SPACES
	PARKING REQUIRED (1 500 sf)	6 SPACES
	DISABLED PARKING	1 SPACES
	UNLOADING/DELIVERY TRUCKS	2 SPACES
	LOADING/DISTRIBUTION TRUCKS	6 SPACES

*CITY APPROVAL: This approval shall become void after three years from the date of approval unless a building permit or extension has been issued in accordance with The City of Kerrville Zoning Code, Article 11-1-15 E. G. While every effort has been made to make a complete and comprehensive review of the submitted plans, any omission and/or deletion in this plan does not relieve the contractors, architects, engineers, or other individuals involved in this project from their responsibility to fully comply with the applicable codes, regulations and ordinances. This development site plan has been approved on: _____ by _____.

Rebecca Pacini, Chief Planning Official

Attachment C

D R A F T 11/30/18

CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2018-_____

AN ORDINANCE CREATING A "PLANNED DEVELOPMENT DISTRICT" FOR PROFESSIONAL OFFICE, RETAIL TRADE I, AND WAREHOUSING AND DISTRIBUTION USES ON AN APPROXIMATELY 4.27 ACRE TRACT OF LAND, OUT OF THE PATRICK FLEMING SURVEY NO. 666, ABSTRACT 145, WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS, MORE COMMONLY KNOWN AS 318 LESLIE DRIVE; ADOPTING A CONCEPT PLAN AND CONDITIONS RELATED TO THE DEVELOPMENT OF SAID DISTRICT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ESTABLISHING A PENALTY OR FINE NOT TO EXCEED $2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Kerrville, Texas, in compliance with the City Charter and the State law with reference to the creation of Planned Development Districts under Article 11-I-15 of the Zoning Code of the City of Kerrville, Texas, and amending the official zoning map adopted thereby, have given the requisite notices by United States mail, publication, and otherwise; and after holding due hearings and affording a full and fair hearing to all of the property owners generally, and particularly to those interested persons situated in the affected area and in the vicinity thereof, the City Council of the City of Kerrville, Texas, finds that the health, safety, and general welfare will be best served by the creation of a Planned Development District for Professional Office, Retail Trade I, and Warehousing and Distribution purposes, subject to the special conditions and restrictions set out hereinafter on the property described in Section One hereof;

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

SECTION ONE. The property described in **Exhibit A** (the "Property") is removed from Gateway (Zoning) District ("GTW") and placed within a newly created Planned Development District ("PDD") for development and use as provided herein.

SECTION TWO. The Property may be developed and used but only in accordance with the following conditions:

A. <u>Permitted Uses</u>: The following uses shall be permitted within the Planned Development District subject to the conditions provided herein and the

applicable regulations for each use as provided within the Zoning Code: Professional Office, Retail Trade I, and Warehousing and Distribution.

B. **Concept Plan**: The development and use of the Property shall be substantially in accordance with the Concept Plan attached as **Exhibit B**.

C. **Development Site Plan**: Prior to the City's acceptance of any civil construction or building plans, a Development Site Plan shall be submitted pursuant to City regulations.

D. **Setbacks and Height**: The Property shall be developed with the minimum setbacks from the Property lines and a maximum height in accordance with City regulations in effect at the time individual building permits are submitted to the City.

E. **Parking**: The design, number of parking spaces, and aisle dimensions must comply with the City regulations in effect at the time individual building permits are submitted to the City. All required parking spaces shall be constructed of asphalt or concrete and shall be marked and kept available for customers and employees.

F. **Parking Lot Lighting**: All outside pole lights shall be of a "shoe box" design and shall be located, shielded, and aimed in such a manner so as not to allow light to directly fall on adjacent roadways and/or properties.

G. **Parking Lot and Travel Lane Surface**: The vehicle and pedestrian traveling lanes and storage areas shall be asphalt, concrete, or such other surface in order to prevent mud, dirt, or other loose materials from being removed from the property and tracked onto the public rights-of-way by vehicles traveling from the property.

H. **Sidewalks**: The construction of sidewalks shall be required and constructed in accordance with City regulations in effect at the time building permits are submitted.

I. **Signage**: The design, installation, location, and maintenance of signs shall comply with City sign regulations existing at the time of permitting for the sign.

J. **Landscaping Regulations**: Landscaping shall be installed in accordance with the following:

1. Planting materials planted on the Property shall be from the list of recommended plants set forth in the most recent edition of *Recommended Plants for the Kerrville Area* published by the City at the time of planting.

2. All landscaping shall be maintained in a healthy, growing condition.

K. **Screening**: Screening shall be required in accordance with City regulations in effect at the time individual building permits are submitted to the City.

L. **Trash and Other Solid Waste**: Solid waste collection bins and dumpsters shall be equipped with lids and screened with a gate with an opaque screen on one side and masonry material finished to look substantially like the adjacent building(s) on the remaining three sides.

M. **Outdoor Storage and Display**: The outdoor storage of any materials, supplies, inventory, and/or equipment, whether in cargo containers or similar containers or buildings, is prohibited.

N. **Platting**: The development of this property shall be subject to the City's Subdivision Regulations.

SECTION THREE. 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 FOUR. 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. City Council hereby 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 FIVE. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Article 1-I-9 of the Code

of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS ($2,000.00).

SECTION SIX. In accordance with Section 3.07 of the City Charter and Texas Local Government Code §52.013(a), 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.

PASSED AND APPROVED ON FIRST READING, this the ___ day of _____, A.D., 2018.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the ___ day of_____, A.D., 2018.

_____
Bill Blackburn, Mayor

APPROVED AS TO FORM:

_____
Michael C. Hayes, City Attorney

ATTEST:

_____
Cheryl Brown, Interim City Secretary

T:\Legal\DEVELOPMENT SERVICES (planning)\Zoning\Ord\PD\Paragon Place-Stoneledge Dr and Loop 534_011510.doc

City of Kerrville
Planning Department
Report

To:	Planning & Zoning Commission
Agenda Item:	3B
Action:	Public hearing, consideration and action concerning two (2) variance requests in accordance with Article II – Signs, of the Code of Ordinance, City of Kerrville, Texas: 1) to allow a freestanding lighted sign; and 2) to allow a lighted sign to exceed the maximum size of 3 square feet by allowing a lighted sign that is 9 feet by 3 feet for a total of 27 square feet
Planning File #:	2018-085
Property Owner:	Pint and Plow Brewing Company
Representative:	Jeremy Walther
Location:	332 Clay Street

Proposal

Public hearing, consideration and action concerning two (2) variance requests in accordance with Article II – Signs, of the Code of Ordinance, City of Kerrville, Texas: 1) to allow a freestanding lighted sign; and 2) to allow a lighted sign to exceed the maximum size of 3 square feet by allowing a lighted sign that is 9 feet by 3 feet for a total of 27 square feet, for Pint & Plow Brewing Company located at 332 Clay Street. (File No. 2018-085)

The requested variance is to allow a freestanding neon sign at the corner of Clay Street and Jefferson.

Procedural Requirements

12 Notices were mailed November 21st to adjacent property owners. The public notice was published in the Kerrville Daily Times on November 19th.

Zoning and Land Uses

Site Zoning: Central Business District "CBD"
Current Land Uses: Brewery and Restaurant
Surrounding Zoning: Central Business District "CBD"
Surrounding Area Land Uses: Retail, Restaurant, and Professional Office

Criteria for Review

According to Chapter 6 - Advertising, Article II. – Signs, of the Code of Ordinance, the following criteria must be used when considering variances to this article and no variance may be granted until it makes the following findings:

(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;

No exceptional circumstance or condition is applicable to the property.

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

No unnecessary hardship will result from the literal enforcement of the sign code.

(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;

It does not appear that the requested variance would be detrimental to the health, safety, and welfare of the public or surrounding properties. The freestanding sign will improve visibility from the corner of Clay by removing the sight obstruction caused by the existing monument sign.

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

The variance request is not contrary to the objectives and principles contained in the comprehensive plan, Kerrville 2050. The property is located in Strategic Catalyst Area 1 which comprises the downtown core and central business district. The proposed sign is consistent with the focus on redevelopment and catalyzing a renewed public interest in the area. In addition, Guiding Principle, D3, states, "Maintain and support small businesses with a local identity." The sign variance for the Pint & Plow sign supports the unique character of the Clay Street area.

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

A proven hardship has not been identified.

(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 variance is not the result of the use or development of the property.

(b) **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

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

Not applicable

(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;

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.

(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 the city's zoning code;

The variance will not repeal any development regulations.

(9) That the variance would only affect a specific sign and is not of such a general nature as to effectively constitute a change in zoning

The variance would not effectively constitute a change in zoning.

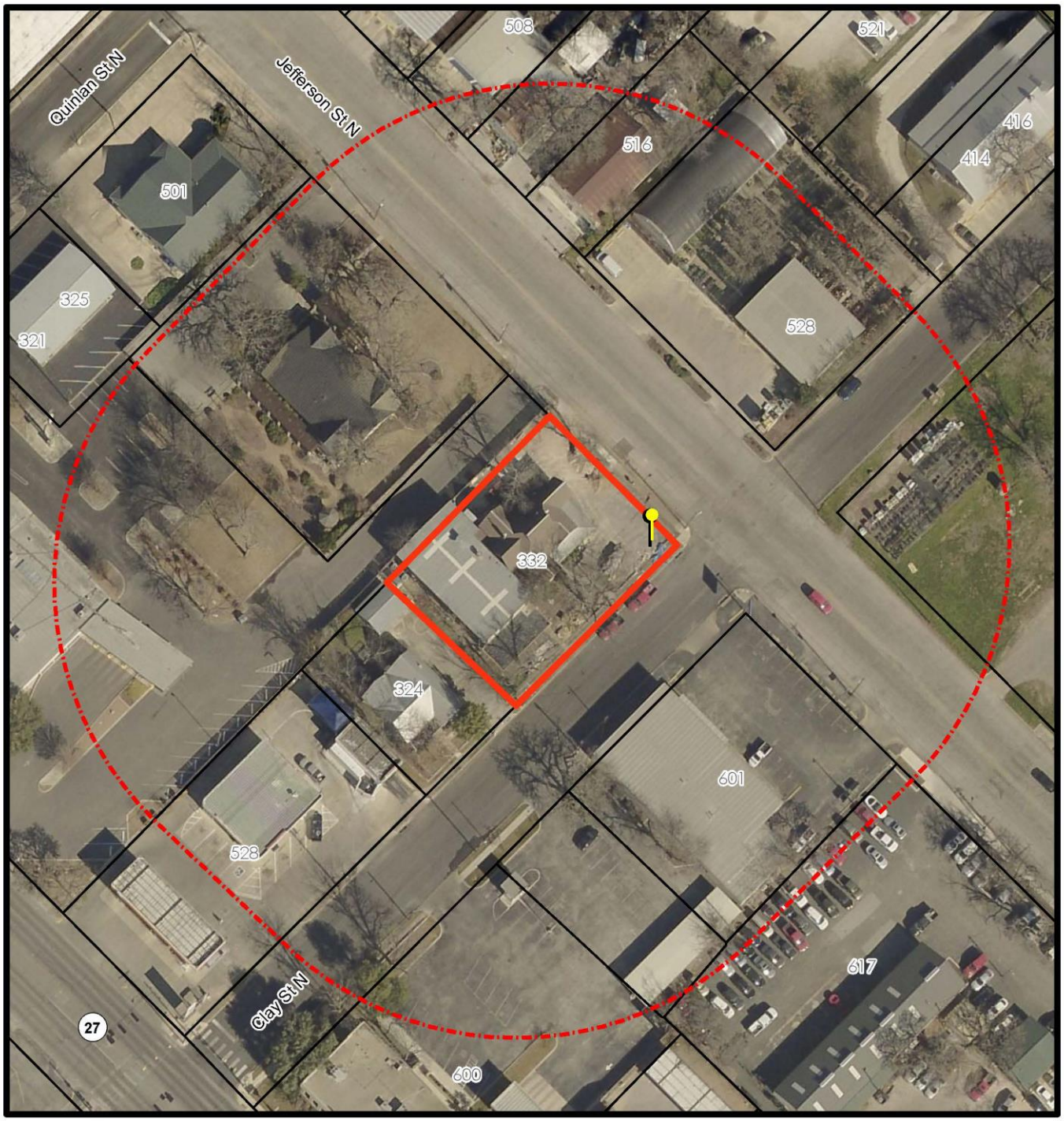
Recommendation

Staff recommends approval.

Attachments

A. Location Map
B. Site Plan, Engineering and Design

Attachment A



Location Map

Case # 2018-085

Location:
332 Clay Street

Legend

200' Notification Area
Subject Property
Sign Variance
Approx. Location

N
W E
S

0 30 60 120
Scale In Feet

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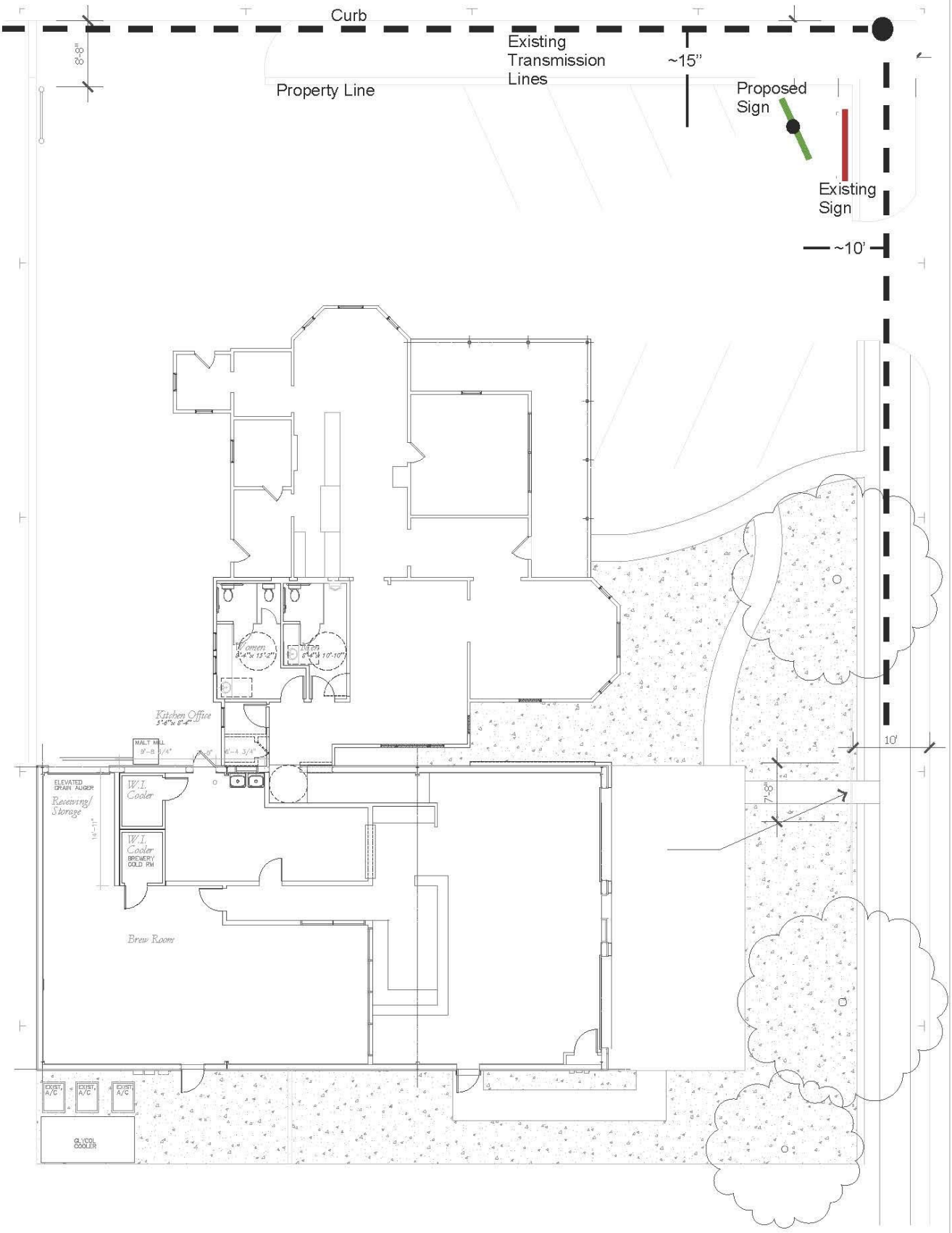
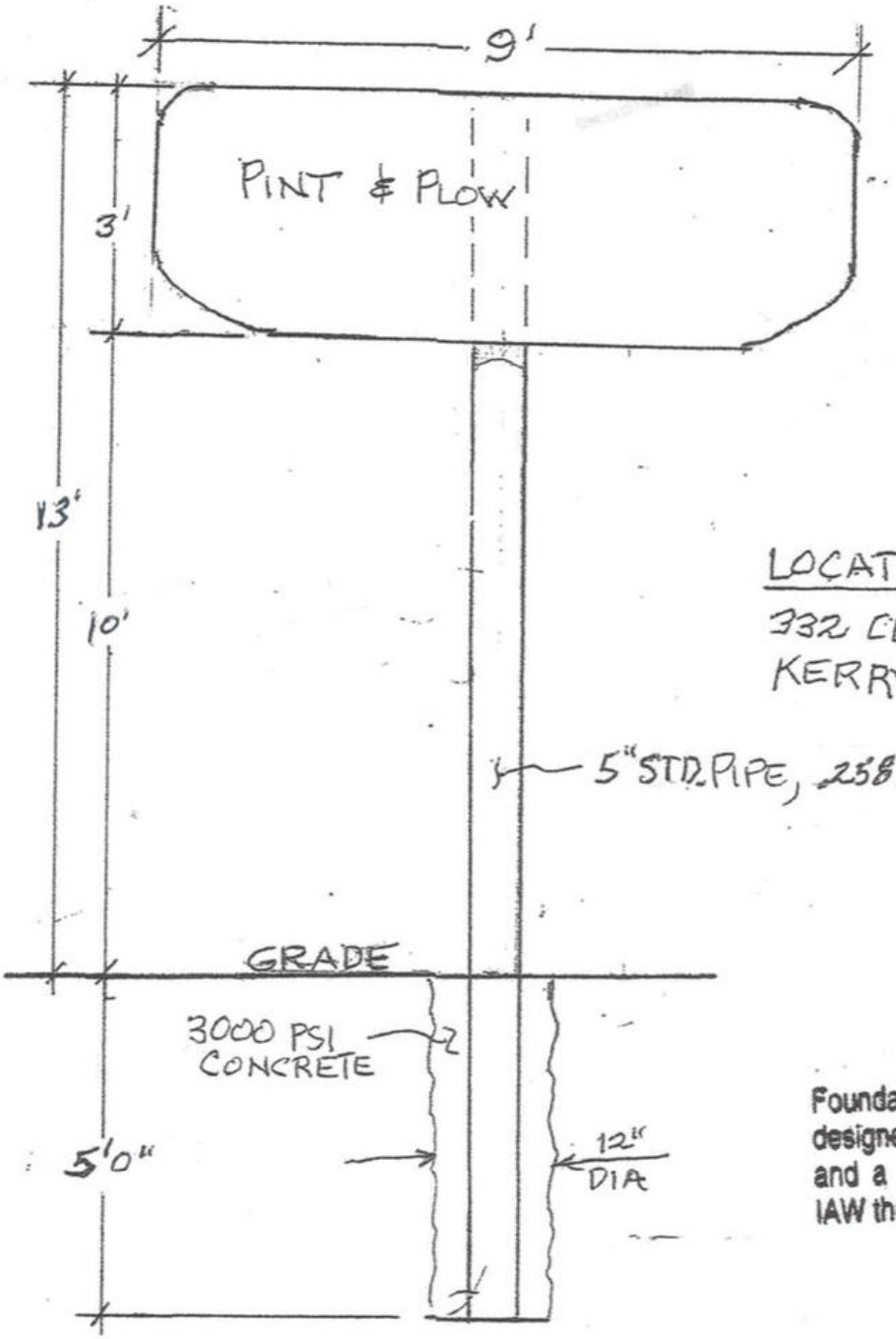
Attachment B



PINT & PLOW BREWING COMPANY
332 CLAY STREET, KERRVILLE TX



LOCATION
332 CLAY ST.
KERRVILLE, TX

Foundation and Pole Structure is designed for 105 mph wind speed and a 34.87 PSF wind load IAW the 2015 IBC requirements.

STATE OF TEXAS
W. H. BALZEN
34166
REGISTERED
PROFESSIONAL ENGINEER

W. H. BALZEN
dba B & B ENGINEERING
TBPE # F824
(512) 778 5914

W. H. Balzen
10/10/18

PINT & PLOW
BREWING COMPANY