

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

January 3, 2019

Members Present:

Bob Waller, Chair
Garrett Harmon, Vice-Chair
Tricia Byrom, Commissioner
Rustin Zuber, Commissioner
Jim Brown, Alternate, *sitting in for Cmr. Jones*
Bill Morgan, Alternate

Members Absent:

David Jones, 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 January 3, 2019, Cmr. Waller called the Kerrville Planning and Zoning Commission regular meeting to order at 4:31 p.m. in the City Hall Council Chambers, 701 Main Street, Kerrville, Texas.

1. VISITORS/CITIZENS FORUM:

Any person with business not scheduled on the agenda is encouraged to briefly speak their ideas to the Commission. Please fill out the SPEAKER REQUEST FORM and give it to the Commissioner's Secretary prior to the meeting. The number of speakers will be limited to the first ten speakers and each speaker is limited to three minutes. (No formal action can be taken on these items as the Open Meetings Act requires formal action items to be posted on an agenda no later than 72 hours before the meeting. If formal action is required, the items will be placed on an agenda for a future meeting.)

2. CONSENT AGENDA:

All items listed below in the consent agenda are considered routine or ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a Commissioner or citizen so requests; in which case the item(s) will be removed from the consent agenda and considered separately.

2A. Approval of minutes for the December 6, 2018 meeting.

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

3. CONSIDERATION AND FINAL ACTION

3A. Consideration and action concerning a Final Plat of Comanche Trace, Phase 15, a subdivision containing approximately 5.331 acres of land out of the William Watt Survey No. 65, Abstract No. 364, in the City of Kerrville, Kerr County, Texas, to establish Lots 1-12, Block A, and Lots 13-17, Block B, to be addressed as 1002 through 1025 Comanche Hills. (Case # 2018-074)

Mr. Paxton presented the findings of fact.

Mr. Byrom moved to approve the final plat as presented; motion was seconded by Mr. Harmon and passed 5-0.

4. PUBLIC HEARING, CONSIDERATION & ACTION

4A. 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 sign to be located on nonresidential property for an establishment that has an existing monument sign; and 2) to allow an electronic sign to exceed the maximum size of 32 square feet by allowing an electronic sign that is 12 feet by 6 feet for a total of 72 square feet, for Calvary Temple Church located at 3000 Loop 534. (File No. 2018-083)

Mr. Paxton presented the findings of fact.

Mr. Waller opened the public hearing at 4:38 p.m.

Mr. Joshua Way stated the church will remove the monument sign if the proposed sign is approved. He also said the speed limit in front of the church is 55 mph making it difficult for people to see the sign coming over the hills so the goal is safety and to make the sign more easily visible.

Mr. Kenny Bledsoe also spoke regarding the current safety issues due to the speed limit, resulting in the need for the proposed sign, which he said would also benefit the community as a whole.

Mr. Cory Traub, contractor, stated he was available for questions. He also stated the sign will be approximately 125 to 140 feet away from the nearest traffic lane and that a compliant sign would not be readable, causing safety issues.

Mr. Richard Mosty stated he was neutral regarding the sign, however, the city has had a sign ordinance in place since 2004, revised in 2011, and now has the 2050 plan and said the Commissioners should be mindful of allowing variances as it makes the vision harder to carry out.

Captain David Swyers, Salvation Army, stated he has thought about a similar sign for their church and also sees safety issues. He agrees with the safety issues for Calvary Temple Church and with the nature of where it is proposed to be placed.

Dr. Bill Rector spoke in favor of the 2050 plan, saying it maintains the small town charm and he does not want to dismiss Loop 534. Dr. Rector stated this area is a good location for low income housing and a sign this size would be detrimental and that electronic signs cause the most danger. Dr. Rector said the Tivy High School sign sits back, is compliant and there are no problems seeing and reading it.

Mr. Warren Ferguson spoke in favor of the existing sign ordinance, saying a lot of work, thought, and commitment went into the 2050 plan. He said signs are getting out of control and the long term of the 2050 plan is the better way to go.

Pastor Del Way, Calvary Temple Church and applicant, stated that the church is devoted to the community and named multiple organizations the church supports in regards to their love and commitment to Kerrville. Pastor Way said the current monument sign will be removed if the new sign is approved and read a letter from

Kerrville Church of Christ in support of the sign. Pastor Way said their church has been in Kerrville for 32 years and does not want to do anything against the city. The sign is a high resolution LED sign and will have more letters and be utilized not only for the church, but for the schools and citizens as well.

Ms. Elsa Lara stated the Tivy Stadium sign is the same size as Calvary Temple Church's proposed sign and has not caused any accidents.

Mr. James Craft spoke and asked if the proposed sign met TxDOT requirements, which city staff responded they were not sure. Mr. Kraft said Tivy's sign was a good comparison for the church's proposed sign.

Hearing no one else speak, Cmr. Waller closed the public hearing at 5:04 p.m.

Cmr. Brown moved to table the motion, direct staff to look at the industry standards, and bring this item back to February 7th meeting; motion was seconded by Cmr. Zuber and passed 5-0.

4B. Public hearing, consideration and action concerning a variance request in accordance with Article II – Signs of the Code of Ordinance, City of Kerrville, Texas, to allow a wall sign to exceed the maximum size of twelve percent (12%) of the square footage of the façade by allowing a combination of wall signs that is 12.3% of the square footage of the façade which is 3.75 square feet over the allowable size of 138 square feet for Blue Oak Trading Company located at 1834 Junction Highway. (File No. 2018-093)

Mr. Paxton presented the findings of fact.

Cmr. Waller opened the public hearing at 5:11 p.m.

Mr. Bob Canales, owner of Blue Oak Trading Company, said his business is a mall craft type of business and has been very successful since opening three years ago and the signage has been on the building that long; however, he was recently challenged by the additional 33% he was fully unaware that he had exceeded. He would like to keep his current signage and believes that aesthetically it does not impede the activities that take place.

Hearing no one else speak, Cmr. Waller closed the public hearing at 5:13 p.m.

Cmr. Zuber moved to approve the variance as presented; motion was seconded by Cmr. Byrom and passed 5-0.

4C. 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, to allow a monument sign: 1) to exceed the maximum height of 8 feet by allowing a monument sign that is 18.5 feet tall; and 2) to exceed the maximum size of 64 square feet by allowing a monument sign that is 905 square feet for Blue Oak Market Days located at 1832 Junction Highway. (File No. 2018-094)

Mr. Paxton presented the findings of fact.

Cmr. Waller opened the public hearing at 5:24 p.m.

Mr. Bob Canales, owner of Blue Oak Market Days, stated this business was erected as a sister to Blue Oak Trading Company and is a separate platted lot, separate from the other business. The intent was to create a weekend venue, Friday, Saturday, and Sunday with an outdoor atmosphere for vendors to market their products. The silo is in place because it fit the vintage look he was trying to gain. The silo is in exactly the same place as a former free standing sign so he did not feel he was non-compliant by using the same location. Mr. Canales stated he could eliminate the red sign or a portion of the sign that faces directly out to minimize the square footage if that was an option, but felt that the silo would be beneficial to fit with the outdoor venue. Mr. Canales stated he could provide an Engineering letter regarding the safety of the structure and how it is tied down.

Mr. Pablo Brinkman, representing both properties, spoke, stating removing the sign was not an option.

Hearing no one else speak, Cmr. Waller closed the public hearing at 5:32 p.m.

Cmr. Harmon moved to deny the variance as presented; motion was seconded by Cmr. Byrom and motion to deny the request passed 5-0.

4D. Public hearing, consideration, and action to recommend a resolution to allow a Conditional Use Permit for Gasoline Station (Fuel Sales) with Car Wash and Convenience Store on approximately 1.166 acres of land consisting of all of Lots 300, 301, 302, 348, and 349, Block 48, of the Schreiner 2nd Addition, and a portion of Lot 1, Block 1, of the H.E.B. Addition, and more commonly known as 212, 220, and 300 Main Street and 217 Jefferson Street. (File No. 2018-095)

Mr. Paxton presented the findings of fact.

Cmr. Waller opened the public hearing at 5:47 p.m.

Ms. Bunny Bond spoke against closing Hays Street and adding additional gas pumps. She said the extra gas pumps will cause a traffic hazard. Closing the one block of Hays Street, as it is an access street utilized by several people is a mistake as it is a direct corridor to the only homeless shelter in the city of Kerrville. Ms. Bond stated Kerrville citizens have already allowed the closure of two blocks of Rodriguez Street and if they allow Hays Street to be closed, they are creating a problem for vehicles, fire trucks, police, and EMS as the city continue to close off blocks in the central business district. H.E.B.'s plans need to be flipped and Hays Street needs to remain open. The egress for the gas pumps goes out onto Main Street and causes traffic hazards. If the pumps were located on the other side, Hays Street can be left open and it would not cause a traffic hazard.

Ms. Kathy Strimple with H.E.B. stated they are increasing the number of gas pumps as they believe the customers are currently under served. With the new layout, they have separated the gas pumps from the parking lot, making it more efficient and safer in regards to traffic flow. They have also spent years trying to figure out how to face the store south and it just physically does not work.

Mr. Rob Irvin spoke in favor, stating it is the best use of the footprint of the land.

Hearing no one else speak, Cmr. Waller closed the public hearing at 5:55 p.m.

Mr. Brown moved to recommend approval of the CUP as presented; motion was seconded by Mr. Harmon and passed 5-0.

4E. Public hearing, consideration and action concerning a variance request in accordance with Article II – Signs of the Code of Ordinance, City of Kerrville, Texas, to allow an electronic sign to exceed the maximum size of 32 square feet by allowing an electronic sign that is 6.3 feet by 12.6 feet for a total of 79.38 square feet, for Kerrville Area Chamber of Commerce located at 1700 Sidney Baker. (File No. 2018-098).

This applicant requested to postpone the item. The Commission postponed the item to the February 7th meeting.

5. STAFF REPORT:

Mr. Paxton reported staff continues to work with Kimley-Horn on the zoning code rewrite. The Code Review Committee meets February 13th and the goal is to have a final draft of the zoning code for their review. There will be an open house in February for additional public comment and then bring that back for a joint city council and planning commission on March 7th.

Staff continues to work with their software company, MyGovernment online, for Development Services software. Mr. Paxton has met with the development stakeholder group to get some feedback. Mr. Paxton is hoping to go live with at least a portion of that software in April/May. Then staff will start looking at permits online, code enforcement issues and cases, then bringing in the planning cases and health department and getting them software to work with. That will be over the next six to seven months getting all the different modules brought online.

The sign ordinance is separate from the zoning code so staff and consultant will start looking at it and through those auxiliary development codes in March as staff finishes the zoning code and then go back to the code review committee early summer. The subdivision ordinance was moved to the end of the process and will review it through the end of the summer.

6. ADJOURNMENT

The meeting was adjourned at 6:02 p.m.

APPROVED:


Robert Waller, Chair


Dorothy Miller, Recording Secretary

2/7/19

Date Minutes Approved