

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

February 7, 2019

Members Present:

Bob Waller, Chair
Garrett Harmon, Vice-Chair
Tricia Byrom, Commissioner
David Jones, Commissioner
Rustin Zuber, Commissioner
Jim Brown, Alternate
Bill Morgan, Alternate

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 February 7, 2019, 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.)

Ms. Peggy McKay spoke. She wanted to know why the Chamber of Commerce was advertised in the newspaper twice to be on the Planning and Zoning Commission agenda, but was then pulled. She also wanted to know why the CoC requested a variance when their sign is already up and operational. Cmr. Waller responded, saying the CoC voluntarily removed their variance request as they want to wait to proceed until after the review and upgrade to the sign ordinance. Mr. Paxton added the current operation of the CoC's sign is within the limitations of the sign code, the portion that they are operating is 32 square feet, which is allowed by code.

Walter Koeney spoke on behalf of the CoC and Economic Development Corporation, restating that they are within the limits of the sign code, but had requested a variance to enable them to be able to use the entire sign for the electronic portion of the sign. They are waiting for the updates to the sign code and will resubmit for a variance at that time if it is necessary. They are hoping the codes will be updated to reflect the current technological state of the art for 21st century signage and be fair and consistent with the principles of the Kerrville 2050 plan.

Cmr. Waller reiterated that the CoC's sign was permitted and operating within the regulations of the current sign ordinance. Cmr. Harmon further explained that the overall size of the sign meets code, the electronic portion of the sign, if they use the whole structure, is what they had requested the variance for, so what they are using now is only part of the electronic portion of the sign.

2. CONSENT AGENDA:

Hearing no one else speak, Cmr. Waller closed the public hearing at 4:51 p.m.

Cmr. Harmon moved to approve the zoning change as presented; motion was seconded by Cmr. Zuber and passed 5-0.

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.

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

Pastor Del Way spoke and stated the reason for the variance is because they are constantly offering something different to the community and that they are not the same as other businesses that offer only one service.

Mr. Kenny Bledsoe spoke regarding safety issues. He is in favor of the sign.

Mr. Richard Mosty, representing Dr. Rector, spoke against the sign variance. He also touched on the following:

- Wants Commissioners to not vote in favor of the church but rather on the facts of the code.
- Danger of signage
- Teenage drivers and how they are easily distracted
- Sign put downhill but thinks they have room to put a sign closer to the street
- City report does not show anything remarkable for the variance or any hardship

Mr. Mike Walker spoke, asking if the church was trying to attract attention or trying to provide information. Mr. Walker also touched on the following:

- Wrote first sign ordinance in Kerrville - first ordinance did not allow any flashy signs - ordinances change over time
- Who are we to spoil the nest - no more picturesque city than Kerrville
- Have an obligation to keep our city decorum
- How does this change affect others and does it allow others to do the same?

Mr. Cory Traub spoke regarding the following:

- Antler Stadium – 6'x12' = 72' - how allowed? Not granted a variance, denied November 3, 2011; built in 2012 before new ordinance; ordinance didn't have any language to prohibit the sign
- National Car Sales sign at Main & Sidney Baker - originally denied electronic sign because of downtown core district but not within the downtown core district; this was addressed by City Council
- Company has never requested a sign variance by choice
- If there is a loophole in the ordinance it will be exploited
- There are too many variables to write a permit ordinance
- Unique reasons for the variance
 - a. 1,000 ft. wide property - dot expansion on road 150 ft. wide - sign 150 ft. off of the road - exceptional circumstance

and then come to the joint Planning and Zoning / City Council meeting on March 7th. The regular Planning and Zoning meeting will be held March 21st. The joint meeting on March 7th will be held at 4:30 p.m.

Mr. Paxton gave a quick overview of the draft zoning ordinance. Based on the comprehensive plan the code review committee and the staff reviewing that have gone from the 40+ zoning districts we have to 17 or 18 districts, moving to the semi-stacking, semi-accumulative zoning. Residential districts will be relatively accumulative; commercial districts will be accumulative and then our special districts will kind of stand-alone and moving away from the geographical districts that we have now, north, south, east, west, and central city districts since most of those are similar to zoning districts but most of them are isolated to certain parts of the town. The goal was to simplify that and make it a little more user friendly for the development as Kerrville continues to kind of reinvest other than to continue to expand. They will go back with the public comment, the consultants will work in some of those comments, then go back to the code review committee, then back to the Commissioners later this summer.

6. ADJOURNMENT

The meeting was adjourned at 6:32 p.m.

APPROVED: Robert Waller
Robert Waller, Chair

3/21/19
Date Minutes Approved

Dorothy A. Miller
Dorothy Miller, Recording Secretary