

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

November 14, 2019

Members Present:

Bob Waller, Chair
Garrett Harmon, Vice-Chair
Tricia Byrom, Commissioner
David Jones, Commissioner
Rustin Zuber, Commissioner
David Lipscomb, Commissioner
Cliff Tuttle, Commissioner

City Staff Present:

Drew Paxton, Director of Planning
Guillermo Garcia, Executive Director for Strategic Initiatives
Mike Hayes, City Attorney
Dorothy Miller, Recording Secretary

CALL TO ORDER:

On November 14, 2019, Cmr. Harmon 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. 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.

1A. Approval of minutes for the October 3, 2019 meeting.

Cmr. Byrom moved to approve the minutes as presented; motion was seconded by Cmr. Waller

2. PUBLIC HEARING, CONSIDERATION & ACTION

2A. Public hearing, consideration, and action to recommend an ordinance to change the zoning from R-1 Single Family Residential District to R-2 Medium Density Residential District on approximately 72 acres, Phases 9 and 14 of The Summit Subdivision; and generally located along and east of Loop 534 near Stoneledge Drive. (File No. 2019-076)

Due to the excessive interest in this item, items 3A and 3B were heard prior to item 2A.

Mr. Paxton presented the finding of facts.

Cmr. Harmon opened the public hearing at 4:52 p.m.

Mr. Taylor Williams, attorney representing the owner, Andy Phillips, spoke. Mr. Williams gave Commissioners a copy of a power point presented by the city. Overall, the objective was to preserve the original code as much as possible. R2 is the closest zoning district to RC in the new zoning district. They are looking to help bring in affordable housing. They are asking to keep the same

zoning that had originally been in place. Some areas are already currently zoned R2. The old and new codes are basically the same. The property was converted to zoning that was similar.

Mr. Robert Pill spoke. He asked if the housing could be apartments. Cmr. Harmon replied no, only townhouses or duplexes. Mr. Pill asked who benefits from the change. He does not want an eyesore at the back of his property nor does he want to move.

Mr. James Goodson spoke. He moved in 9 years ago as a single family residence. The main reason to move there is preservation of neighborhood. There are other places to build homes. The Summit needs to remain R1, that's why they moved up there.

Ms. Pam Clack spoke. R1 is detached single family residential homes. She is concerned about devaluation. Citizens should take precedence over out of town seller.

Mrs. Victoria Killeen spoke. She delivered a petition with 150 home owners' signatures to Development Services. Many are wanting to spend retirement years in Kerrville and bought in to it with the assurance that future homes would be the same (single family residences). She stated the City is promoting higher density housing and the developer is wanting to build workforce housing. With rezoning, it will become crowded homes, increased density, reduced lot sizes, more traffic, and more noise.

Mr. Michael Killeen spoke. Every home in the Summit is a single family residence. Changing the zoning will change this. A popular retirement area, the Summit attracts them and he does not want to be a high density, urban experience. Proposed empty lots were of single family residences, what happened to that? Workforce housing should not affect the goal of the current neighborhood. Every lot in the Summit should be R1 and does not believe it appropriate to be zoned as R2.

Mr. George Lambright spoke. It is not in the public's interest to change the zoning. The entire Summit should be zoned R1 and there should never have been a variance to begin with.

Mr. Arnold Lachner spoke. In 1997 he built his home and moved in in 1998. He has been in the Summit 21 years. The developer stressed all phases of the Summit would be single family residences. He expected the rest of the sections of the Summit to follow that promise, but now they are trying to change that. He is concerned about change of development, potential of lowering home values, congestion and traffic. There are only two entrances to the Summit.

Mr. Eugene "Duke" Ellington spoke. He moved in in 1997. He showed a plat of phase 9 published by the developer. The lot sizes are consistent with the other phases. He thought they had a unified subdivision. He also showed the master plan that did not show workforce housing. The sign currently at the entrance of the Summit at phase 9 shows workforce housing, which is a betrayal.

Ms. Jackie Cornelius spoke. She loves Kerrville and chose to spend her retirement here, moving here from Louisiana 28 years ago. She was told the zoning was R1, single family residence. The Summit is now very well established, having grown from 13 to 215 homes. Changing the zoning will have a profound impact on all 215 families. Increased density will change quality of life due to more traffic and noise. This will have negative effect on property values.

Mr. Kenneth Wilke spoke. He has been here for 30 years and has worked for fire & police. He thought single family residences would be established throughout the Summit. He is concerned with density

near Loop 534. Multifamily housing brings other problems as well, but congestion is the main concern. They do not have traffic lights and signals, have had many accidents including deaths, but the Summit is a place chosen to retire as it is a quiet place to live. Mr. Wilke wants to keep it single family residences.

Mrs. Lucy Wilke spoke. The Summit is a really special place, very quiet, you can walk your dog at night and not even see a car for an hour. The neighbors got together and decided this was important enough to show up today. A lot of the neighbors have been there for years and it is a place they all wanted to retire to as it is quiet and all single family residences. She is asking to leave it as R1.

Mr. Charlie McElvain spoke. His home was one of the first three homes built in the Summit. All the issues have been well addressed, but he wanted to discuss setbacks. His home is in an R2 zoning district. Multifamily homes will cause real issues. Eliminating setbacks will cause people to park on the street, causing it to be impossible for trash trucks and emergency vehicles to get in and out.

Mr. Bruce Williams spoke. He asked for a poll as to who is for and against the zoning change. Cmr. Harmon asked for all those who were opposed to the zoning change to raise their hand; a majority of the audience replied. Those in favor consisted of only two people.

Mr. Lyle Shock spoke. He has 30 years of experience in fire. There is steep topography and if you put in high density type buildings, response to fire in that area will be dramatically slowed down. It is going to be a potential hazard.

Ms. Rosalie Villalerie spoke. She moved here from New York. The end result after building is done will be disastrous, causing congested traffic. She understands the need for workforce housing, but there is plenty of land available for these types of homes. The Summit is a special area and she does not want to see wall to wall homes.

Mr. Alan Libby spoke. The value of his property has increased this year. Now his understanding is rezoning will lower the value of property. Zoning needs to be maintained at R1.

Cmr. Waller asked, does owner plan on selling or developing it themselves? Mr. Williams replied he does not know at this time. Phase 9 and 14 do not have an approved plat. He understands citizens' concerns, however, the original zoning has been RC from day one. The new zoning only took place on October 1st. He noted that staff is recommending the change to R2 and is asking to keep the zoning change as it has been for 20 years, RC (which is now R2).

Mr. John Glove spoke. He has been in the Summit since 1996. As a former realtor, he feels he has a good insight. This is the first time the neighborhood has had to voice their opinion to what the zoning should be, R1, not R2.

Mr. Charles Williams spoke. He is new to area but listened to the people here today. What people thought they bought, that is what is important? They feel like they've been lied to.

Mr. Michael Killeen spoke. When he bought his house, R1 was on the listing. He spoke to Mr. Paxton about the history of zoning. Mr. Paxton did not know how far back the RC zoning went. The listings had R1, now one previous map had RC. Everything built in the Summit is built to R1 standards.

Mr. Jim McGinnis spoke. R2 and RC are close together, however, RC had to have special approval, but R2 will lose that. The current owners may have great intentions but they do not know for sure what they are doing and he feels hung out to dry if zoning is changed to R2.

Mr. Dillard Hatch spoke. He stated they cannot build affordable housing due to the terrain.

Mr. Gardner spoke. Townhomes are similar to apartments and will hurt property value.

Hearing no one else speak, Cmr. Harmon closed the public hearing at 5:51 p.m.

Mr. Paxton stated staff's recommendation in the agenda packet is based on the 2050 plan. As preservation the zoning is consistent with the comprehensive plan and is based on policy.

Cmr. Zuber said the zoning change is inconsistent with maintaining neighborhood identity.

Cmr. Byrom said her concern is the developer represented the Summit as single family residence, detached homes only. She is opposed to the zoning change.

Cmr. Jones stated the zoning change went from 49 to 17 zoning districts and there are going to be exceptions that cause problems. RC was intended when original development was laid out. The 2050 plans is speaking of style of life. He is opposed to the zoning change.

Cmr. Waller moved, based on reviews of tracks 9 and 14, review of the topographical maps of these tracks, the lack of any preliminary site plans, and the overwhelming negative response by the current residences within 200 feet of the notification area, to recommend denial for a zoning change from R1 to R2. Motion was seconded by Cmr. Byrom and passed 7-0.

Mr. Paxton stated the applicant has ten (10) days to file an appeal with city council. No mail outs are required so the only notification will be in the local newspaper. Letters and petitions will transfer over to city council meeting.

Mr. Harmon called a ten minute recess at 5:58 p.m. Meeting convened at 6:06 p.m.

3. CONSIDERATION AND ACTION

3A. Consideration and action concerning a Preliminary Plat of the Cuesta Estates subdivision, being a certain tract or parcel comprising of 9.391 acres out of the T. Hand Survey No. 115, Abstract No. 193, City of Kerrville, Kerr County, Texas, south of 5th Street and east of Lytle Street. (File No. 2019-059)

Mr. Paxton presented the finding of facts.

Cmr. Zuber moved to approve the preliminary plat as presented. Motion was seconded by Cmr. Byrom and passed 7-0.

3B. Consideration and action concerning a Preliminary Plat of The Enclave subdivision, being a certain tract or parcel comprising of 8.57 acres out of the Samuel Wallace Survey No. 114, Abstract No. 348, City of Kerrville, Kerr County, Texas, generally located at Bow Drive and Weston Loop, north of East Main. (File No. 2019-074)

Mr. Paxton presented the finding of facts.

Cmr. Byrom moved to approve the Preliminary Plat of the The Enclave subdivision. Motion was seconded by Cmr. Jones and passed 7-0.

4. STAFF REPORT:

Mr. Paxton presented the staff report. There will be a Planning and Zoning meeting December 5th and January 2nd. The Code Review Committee will be looking at the subdivision ordinance at the end of January. Some pieces have decision making, not just state law.

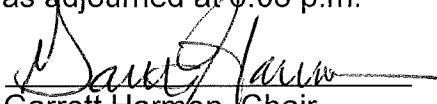
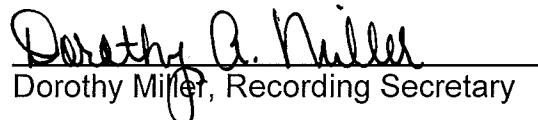
5. EXECUTIVE SESSION

No executive session was taken.

6. ADJOURNMENT

The meeting was adjourned at 6:08 p.m.

APPROVED:


Garrett Harmon, Chair
Dorothy Miller, Recording Secretary

12/05/2020
Date Minutes Approved