



CITY OF KERRVILLE PLANNING & ZONING COMMISSION AGENDA
REGULAR MEETING, Thursday, April 1, 2021 at 4:30 P.M.
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS

Planning & Zoning Commission Procedures During the Disaster Declaration
and Citizen/Public Participation Guidelines

COVID-19 (Coronavirus) provides a unique concern in that gathering members of the public, Planning & Zoning Commission, and City staff within a physical setting constitutes a public health risk. On March 16, 2020, the Texas Governor suspended certain requirements of the Open Meetings Act to permit open meetings to occur in a fully virtual setting (telephonic/videoconference). The Planning & Zoning Commission will conduct the above referenced meeting as an open public meeting. In an effort to avoid and mitigate health risks and due to limited occupancy levels in Council Chambers, standard safety protocol will be observed.

Standard safety protocol will be observed by the Planning & Zoning Commission, City staff, and citizens/visitors attending the Planning & Zoning Commission meeting at the City Hall Council Chambers. When entering City Hall you will be required to sanitize hands and wear a mask. Your temperature will be taken at a temperature station with a thermal digital thermometer before entering Council Chambers. Any persons with a temperature of 100.2 or above will not be allowed entry. Masks are required at all times within City Hall and the Council Chambers. The public podium will be sanitized between each public speaker. Six-foot distance seating will be observed and open seating will be designated. Overflow seating will also be provided should Council Chamber seating be full.

Citizens wishing to speak shall submit a completed "Speaker Request Form" to the attending City staff before the Planning & Zoning Commission meeting is called to order, definitely before the item is called or read into record. Each speaker is limited to four minutes.

The Zoom platform will be active during this meeting. Please see the Alternative Citizen/Public Participation Guidelines following the Agenda, below.

Citizens/Public Participants may also submit written comments on specific agenda items, to include public hearings, and written comments will be read into the meeting record. Written comments must include a name, address, and a reference to the relevant item. Written comments that do not include such information will not be read. The City must receive all written comments by 2:45 p.m., on the date of the meeting. Written comments may be:

- a. dropped off at the City Hall Utility Payments Drop-Box; or*
- b. emailed to planning.division@kerrvilletx.gov.*

Citizens may view and hear this Planning & Zoning Commission meeting on Spectrum Channel 2 or by live-streaming via the City's website (www.kerrvilletx.gov).

CALL TO ORDER

1. MINUTES

1A. Approval of the minutes from March 4, 2021

2. CONSIDERATION & FINAL ACTION

2A. Meeker Road Preliminary Plat (Case 2021- 010)

2B. Ridgeland Subdivision – Loop 534 (Case 2021-013)

3. PUBLIC HEARING, CONSIDERATION & ACTION

3A. 1555 Bandera Highway – Zoning Change from AG to R-3 (Case PZ-2021-5)

4. STAFF REPORT

5. EXECUTIVE SESSION

At any time during the meeting, the Planning and Zoning Commission may meet in executive session regarding any of the matters posted above for attorney-client consultation in compliance with the Texas Open Meetings Act.

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 830-257-8000 for further information.

I hereby certify that this agenda was posted as notice of the meeting on the bulletin board at the City Hall of the City of Kerrville, Texas, and on the City's website on the following date and time: 3/26/2021 at 4:10 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Kesha Franchina

Kesha Franchina, Deputy City Secretary, City of Kerrville, Texas

ALTERNATIVE CITIZEN/PUBLIC PARTICIPATION GUIDELINES
(Due to COVID-19 Pandemic Disaster Declaration)

Instructions for Zoom callers: Dial the toll free number: **1-800-832-5611**. If the toll free number is not functioning, call the Zoom alternative back-up numbers **1-346-248-7799** or **1-669-900-6833**.

When your call is answered you will hear **“Welcome to Zoom, enter your Meeting ID followed by pound”**. Enter in the Meeting ID below followed by the pound sign (#).

The Meeting ID is **898 2954 8792 #**

Once you have called into the meeting, your microphone will be placed on mute and your call will be placed in the call queue. At this point, you will hear silence on the phone. Do not hang up. The moderator will unmute your microphone as he/she is going down the list. Once the meeting has started, you will be able to listen to proceedings even if your microphone is muted.

The Zoom moderator will be accepting calls starting at 3:45 p.m. For items other than Public Hearing items, please place your call before 4:15 p.m. in order to participate. Callers seeking to speak on items that are not Public Hearings and who call after this time will not be allowed to speak. However, for Public Hearing items, a caller seeking to speak on these items may call at any time prior to the item being introduced at the meeting. All callers are encouraged to call between 3:45 p.m. and 4:15 p.m. to be registered by the moderator. A caller must use the “raise your hand” feature on Zoom in order to be called upon for the Public Hearing. If a caller is using the Zoom app on a computer, tablet, or mobile phone, click on “Participants” and click on “Raise Hand” button. By landline telephone press *9 when requesting to speak. Each speaker is limited to four minutes.

NOTE: Zoom is a third party vendor which provides the ability for remote participation. Software changes may be beyond what the City can control. If the City is notified of any issues from the third party vendor, the City will notify citizens and provide alternatives for engagement and participation.

Instructions for written comments:

Written comments will be accepted for any agenda items, including Public Hearings. Written comments will be read into record and can be provided in two different ways:

OPTION 1 by hard copy – Written comments may be dropped off at the City Hall Utility Payments Drop-Box on the north side of City Hall by 2:45 p.m. the day of the meeting. You are required to provide your first and last name, address, and identify the item you commenting on.

OPTION 2 by email – Written comments can be emailed to **planning.division@kerrvilletx.gov** and must be received by 2:45 p.m. the day of the meeting. You are required to provide your first and last name, address, and identify the item you are commenting on.

For either option, please provide **all required information** in order for your comments to be accepted. Thank you for your participation!

Agenda Bill

Meeting Minutes

To: Planning & Zoning Commission
Date: 4/1/2021
Agenda Item: 1A, Minutes of March 4, 2021 Commission Meeting
Action: Approve or Approve with Specific Changes
Representative: Staff

CITY OF KERRVILLE, TEXAS PLANNING AND ZONING COMMISSION

March 4, 2021

Members Present:

Michael Sigerman, Chair
David Jones, Vice-Chair
Shane Bourgeois, Commissioner
Tricia Byrom, Commissioner
David Lipscomb, Commissioner
Hunter Patterson, Commissioner
Cliff Tuttle, Commissioner

City Staff Present:

Drew Paxton, Director of Planning
Steve Melander, Planner
Dorothy Miller, Recording Secretary

CALL TO ORDER:

On March 4, 2021, Cmr. Sigerman 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. MINUTES:

1A. Approval of minutes for the February 2, 2021 meeting.

Cmr. Byrom moved to approve the minutes as presented; motion was seconded by Cmr. Tuttle and passed 7-0.

2. CONSIDERATION & FINAL ACTION

2A. 1450 Ranchero Road – Miles Acres Preliminary & Final Plat (2021-008)

Mr. Paxton presented the finding of facts.

Cmr. Byrom moved to approve the preliminary and final plat. Motion was seconded by Cmr. Bourgeois and passed 7-0.

3. PUBLIC HEARING, CONSIDERATION AND ACTION

3A. 327 Peterson Farm Road – Zoning Change from R-1 to RM (2020-086)

Mr. Paxton presented the finding of facts.

Cmr. Sigerman opened the public hearing at 4:36 p.m. Hearing no one speak, Cmr. Sigerman closed the public hearing at 4:37 p.m.

Cmr. Byrom moved to recommend approval for a zoning change from R-1 to RM. Motion was seconded by Cmr. Jones and passed 7-0.

3B. HCTC Private Utility Easement (2021-005 / PZ-2021-2)

Mr. Paxton presented the finding of facts.

Mr. Jared Martin with Wellborn Engineering presented his case.

Cmr. Sigerman opened the public hearing at 4:43 p.m. Hearing no one speak, Cmr. Sigerman closed the public hearing at 4:44 p.m.

Cmr. Tuttle moved to recommend approval for a utility easement. Motion was seconded by Cmr. and passed 7-0.

3C. 1517 E Main Street – CUP for Accessory Dwelling Unit (PZ-2021-1)

Mr. Paxton presented the finding of facts.

Ms. Kristen Phillips presented her case.

Cmr. Sigerman opened the public hearing at 4:48 p.m.

Mr. Paxton read a letter in record by Larry Hunter in opposition of this case.

Hearing no one else speak, Cmr. Sigerman closed the public hearing at 4:50 p.m.

Cmr. Byrom moved to recommend approval for a resolution to allow a Conditional Use Permit for an accessory dwelling unit. Motion was seconded by Cmr. Tuttle and passed 7-0.

3D. 716 Barnett Street – Zoning Change from RT to C-1 (PZ-2021-3)

Mr. Paxton presented the finding of facts.

Mr. John Hewitt presented his case.

Cmr. Sigerman opened the public hearing at 5:01 p.m. Hearing no one speak, Cmr. Sigerman closed the public hearing at 5:02 p.m.

Cmr. Byrom moved to recommend approval for a zoning change from RT to C-1. Motion was seconded by Cmr. Lipscomb and passed 7-0.

3E. 821 Robinson Avenue – CUP for Short Term Rental (Case PZ-2021-4)

Mr. Paxton presented the finding of facts.

Mr. Tom Kent and Ms. Erin Truslaw presented their case.

Cmr. Sigerman opened the public hearing at 5:08 p.m.

Mrs. Gary Gilliam spoke, wanting to know exactly what the applicants are wanting to do with this house.

Ms. Truslaw explained the use of the house as a weekend short-term rental.

Hearing no one else speak, Cmr. Sigerman closed the public hearing at 5:17 p.m.

Cmr. Tuttle moved to recommend approval for a resolution to allow a Conditional Use Permit for a Short-term Rental Unit. Motion was seconded by Cmr. Bourgeois and passed 7-0.

4. STAFF REPORT:

Mr. Paxton presented the staff report. Staff has updated the building codes to 2018 effective February 9, 2021, including the fence permit. Fence repairs over 50% of the fence also requires a permit. Notices were sent out to all general contractors, met with Zoning Board of Adjustments, did public education through social media, city website, etc.

The next Planning and Zoning meeting is April 1, 2021

5. EXECUTIVE SESSION

No executive session was taken.

6. ADJOURNMENT

The meeting was adjourned at 5:20 p.m.

APPROVED:

Michael Sigerman, Chair

Dorothy Miller, Recording Secretary

Date Minutes Approved

Agenda Bill

Case No. 2021-010

To: Planning & Zoning Commission
Date: 4/1/2021
Agenda Item: 2A, Meeker Road Subdivision Preliminary Plat
Action: Approve the Preliminary Plat
Representative: Behdad Zahrooni, Malone Wheeler Engineering

Proposal

Consideration and final action concerning a Preliminary Plat for the Meeker Road Subdivision, a 7.629 acre tract of land lying in the Samuel Wallace Survey No. 112, Abstract No. 360, Kerr County, Texas, said 7.629 acre tract being the same 7.47 acre tract of land as described and recorded in Volume 1502, Page 621, official public records of Kerr County, TX.

This is a proposed 23 lot residential subdivision with open space drainage areas to be maintained by the future property owners (HOA or other private entity).

Staff Analysis and Recommendation

Consistency with the Kerrville 2050 Comprehensive Plan: The property and surrounding area are designated as Transitional Residential (TR). The proposed development is consistent with the TR place types and is consistent with K2050.

Thoroughfare Plan: Meeker Road Subdivision is accessed from residential streets. There should be no impact to the thoroughfare system.

Traffic Impact: No anticipated traffic impact.

Parking: To be determined and required as per the zoning code.

Recommendation: The Preliminary Plat is consistent with Zoning Code and Subdivision Ordinance requirements. Staff recommends approval of the Preliminary Plat.

Attachments:

Proposed Preliminary Plat

Agenda Bill

Case No. 2021-013

To: Planning & Zoning Commission
Date: 4/1/2021
Agenda Item: 2B, Ridgeland Subdivision – Loop 534
Action: Approve the Preliminary Plat with Conditions and a Variance
Representative: Salar Ranjbar – KFW Engineers & Surveying

Proposal

Consideration and final action concerning a Preliminary Plat for the Ridgeland Subdivision, a 33.81 acre tract of land situated in the Samuel Wallace Survey No. 113, Abstract 347, and as conveyed to City of Kerrville and recorded in Volume 1077, Page 351, official public records of Kerr County, Texas.

This is a proposed 135 lot residential subdivision designated for Work Force Housing. Included in the request is a variance to the overall length of a proposed cul-de-sac.

Staff Analysis and Recommendation

Consistency with the Kerrville 2050 Comprehensive Plan: The property and surrounding area are designated as Strategic Catalyst Area 8 (SCA 8). Allowable place types within SCA 8 include Neighborhood Residential, Preservation Residential and Transitional Residential. The proposed development is consistent with the Preservation Residential place type and is therefore consistent with the K2050 Comprehensive Plan.

Thoroughfare Plan: The proposed subdivision is located adjacent to a Primary Arterial (Loop 534) and a recently completed Collector (Olympic Drive).

Traffic Impact: There should be limited impact with this subdivision since it is adjacent to a primary arterial and collector, major roadways designed to handle traffic volume.

Parking: To be determined and required as per the zoning code.

Variance: This application for a preliminary plat includes a variance request for the overall length of a cul-de-sac.

“Article 10-IV-3 SECTION (G) VARIANCES The City Planning Commission may authorize a variance from these regulations when undue hardship will result from strict compliance. In the granting of a variance, the Commission shall prescribe conditions that it deems necessary to or desirable in the public interest. In arriving at their findings, the Commission shall consider the nature of the proposed use of the land, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of the requested variance on traffic conditions and the public health, safety, convenience, and welfare in the vicinity. Variances shall not be granted unless the City Planning Commission finds one or more of the following:

1. That there are special circumstances or conditions affecting the land involved that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of this land;
2. That the variance is necessary for the preservation of environmental features that would be affected by a strict application of the ordinance. These features would include tree preservation, geologic formations, steep slopes, springs, and other similar circumstances;
3. That the variance would enable a more efficient use of the land of previously subdivided parcels which meet or exceed the area requirements of the City zoning ordinance (deep lots, unusual shape);
4. That the granting of a variance would serve to minimize or correct previous development deficiencies (utility line placement, drainage courses, transmission line location, septic systems);
5. That the variance would enable the developer to orient his lots for greater solar advantage;
6. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area."

Recommendation:

Staff recommends approval of the Preliminary Plat and Variance with the following findings and Conditions of Approval (see Attachments for Conditions of Approval):

1. Variance approved for the over length cul-de-sac. Cul-de-sac length is limited to 600 feet and the proposed street is approximately 1200-1300 feet in length. (Article 10-IV-3(A)5. and Article 10-IV-3(G).)

Variance Findings:

- a. That there are special circumstances or conditions affecting the land involved that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of this land;
- b. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

Attachments:

Proposed Preliminary Plat
Conditions of Approval

[illegible]

Conditions of Approval

The following Conditions of Approval are being recommended by Staff:

1. Street names will need to be reviewed by Planning prior to final approval. The street names Crest Cove, Hillside Drive and Sandy Cove will need to be replaced with new street names due to conflicts within City and County existing names. Please provide new names for final approval. (Ordinance 15-2013)

Notes:

1. Waterlines at cul-de-sac terminations at Shutter Way and Crater Ridge will need to be looped to avoid domestic water dead ends.
2. Consider naming Crater Court off of Crater Ridge for consistency in naming.

Agenda Bill

Case No. PZ-2021-5

To: Planning & Zoning Commission
Date: 4/1/2021
Agenda Item: 3A, Zoning Change Request (AG to R-3)
Suggested Action: Recommend Approval
Representative: Jeff Tondre – Vickrey & Associates

Proposal

Public hearing, consideration and action to recommend an ordinance to change the zoning from AG Agriculture District to R-3 Multifamily Residential District on approximately 7.167 acres of William C. Francis Survey 146, Abstract 137, City of Kerrville Kerr County, Texas; and generally located 1555 Bandera Hwy.

Procedural Requirements

12 letters were mailed on 3/18/2021 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 3/11/2021. At the time of drafting this Agenda Bill, no comments had been received.

Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: AG Agriculture
Existing Land Uses: Vacant Land

Direction: **North**

Current Zoning: R-3 Multifamily Residential
Existing Land Uses: Retirement Community

Direction: **South**

Current Zoning: PI Public and Institutional
Existing Land Uses: Art Museum

Direction: **West**

Current Zoning: R-1 Single Family Residential
Existing Land Uses: Single Family Residences

Direction: **East**

Current Zoning: N/A
Existing Land Uses: Guadalupe River

Consistency with the Kerrville 2050 Comprehensive Plan:

The subject property is located within an Entertainment / Mixed Use (EMU) district of the Kerrville 2050 Comprehensive Plan. The primary land uses for EMU are retail, commercial, office, hotel, entertainment and services. Secondary uses are condominiums, apartments, work force housing, civic and institutional. Because the request to change from AG Agricultural zoning to R-3 Multifamily Residential zoning is consistent with surrounding uses and secondary uses as defined in K2050, the zoning change request is consistent with the Kerrville 2050 Comprehensive Plan.

Thoroughfare Plan:

The subject property is located on Bandera Highway, a Primary Arterial.

Traffic Impact:

Traffic impact will be evaluated during project design phase. Coordination with TxDOT will be required for safe ingress and egress.

Parking:

All parking requirements of the zoning code shall be met as development plans are finalized and will be approved prior to construction.

Case Summary:

Applicant is requesting a zoning change from AG Agriculture to R-3 Multifamily Residential to allow for the development of a skilled nursing center. The property has been purchased and a site plan has been submitted to the City for Design Review Committee review and comment. The property will also require platting and approved construction plans prior to the start of construction.

Surrounding current uses are R-3 Multifamily Residential, PI Public and Institutional and R-1 Single Family Residential. The zoning change request to R-3 Multifamily Residential is consistent with current surrounding zoning. Additionally, the K2050 Comprehensive Plan encourages secondary higher density residential development in mixed use areas.

Recommendation:

Because the requested zoning change is consistent with current zoning and future K2050 mixed use zoning, it seems reasonable to grant this zoning change request. Based on these circumstances and the consistency with the Kerrville 2050 Plan, staff recommends the zoning change request.

Attachments:

Location and Current Zoning Map

Location and Current Zoning Map

