



PLANNING AND ZONING COMMISSION AGENDA
THURSDAY, AUGUST 3, 2023, 4:00 PM
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS



1 MINUTES

- 1.A Approval of Meeting Minutes from June 1, 2023 regular meeting.

Attachments:

[*20230601_PZ Minutes_draft.pdf*](#)

2 CONSIDERATION AND FINAL ACTION

- 2.A A preliminary plat creating Lots No. 1-A through 1-J in Block 1 of Tivy High School Addition, a subdivision containing 25.22 acres of land, a called 25.23 acres, wholly within the Benjamin Cage Survey No. 116, Abstract No. 106, being all of Lot 1 in Block 1 of the Tivy High School Addition which is recorded in Volume 6, Page 225, Plat of records of Kerr County, Texas, wholly within the City of Kerrville, Texas. (Case 2023-026).

Attachments:

[*2023-026_Proposed Prelim Plat_Tivy Commons_updated.pdf*](#)

[*2023-026_Adequate Facilities Plan_Tivy Commons.pdf*](#)

[*2023-026_Conditions of Approval for Preliminary Plat_Tivy Commons_final.pdf*](#)

3 PUBLIC HEARING, CONSIDERATION & ACTION

- 3.A An ordinance to change the zoning from R-1 Single-Family Residential to C-1 Neighborhood Commercial on Oak Hollow Estates, Block 1, Lot 1; and more commonly known as 202 Mack Hollimon Drive. (Case No. PZ-2023-7)

Attachments:

[*PZ-2023-7_Location Map.pdf*](#)

[*PZ-2023-7_Current Zoning Map.pdf*](#)

[*PZ-2023-7_K2050 Future Land Use Map.pdf*](#)

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



**TO BE CONSIDERED BY THE PLANNING AND ZONING
COMMISSION
CITY OF KERRVILLE, TEXAS**

SUBJECT: Approval of Meeting Minutes from June 1, 2023 regular meeting.

AGENDA DATE OF: August 3, 2023 **DATE SUBMITTED:**

SUBMITTED BY: Steve Melander, City Planner

EXHIBITS:

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
N/A	N/A	N/A	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	No
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

RECOMMENDED ACTION:

Approve or approve with specific revisions.

ATTACHMENTS:

[*20230601_PZ Minutes_draft.pdf*](#)

**PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES**

**KERRVILLE, TEXAS
JUNE 01, 2023**

COMMISSIONERS PRESENT:

Mike Sigerman – Chair
David Lipscomb – Vice Chair
Kim Richards
Tabor McMillan

COMMISSIONERS ABSENT:

Kevin Bernhard
Abram Bueche

CITY CORE STAFF PRESENT:

Drew Paxton
Steve Melander
Guillermo Garcia
Kim Meismer
Michael Hornes
Mike Hayes
Stuart Barron
Kyle Burow
Jeff Harris

CALL TO ORDER

Meeting called to order at 4pm by Mike Sigerman.

Jeff Harris called to speak as former member of Planning & Zoning Commission.

1) MINUTES

1.A Approval of Meeting Minutes from May 11, 2023 regular meeting.

20230511_PZ Meeting Minutes_draft.pdf

David Lipscomb moved to approve the minutes; Kim Richards seconded the motion, and the motion carried 4-0.

2) CONSIDERATION AND FINAL ACTION

2.A A final plat establishing Comanche Trace, Phase 12A, an 8.88 acre tract of land located in the William Watt Survey No. 65, Abstract No. 364, Kerr County, Texas, and being a portion of a called 1131.78 acre tract of land as described in Volume 971, Page 698 of the Real Property Records of Kerr County, Texas. (Case 2023-019)

2023-019_Proposed Final Plat_Comanche Trace Ph 12A.pdf

Drew Paxton presented the case.

Tabor McMillan moved to approve the final plat; David Lipscomb seconded the motion, and the motion carried 4-0.

3) PUBLIC HEARING, CONSIDERATION & ACTION

3.A Ordinance No. 2023-12. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas, such chapter more commonly known as the City's Zoning Code; by amending said code to revise regulations pertaining to the location of accessory buildings and structures within the front setback as to fences; providing a cumulative clause; providing for severability; providing an effective date; ordering publication; and providing other matters relating to the subject. (Case No. 2023-013)

Drew Paxton presented the case.

Open public hearing.

Nick Villanueva was called to speak.

Celeste Barker was called to speak.

George Baroody was called to speak.

Chris Barker was called to speak.

Close public hearing.

Mike Sigerman was called to speak.

Drew Paxton made clarifications.

David Lipscomb was called to speak.

Drew Paxton made additional clarifications.

Kim Richards was called to speak.

Tabor McMillan was called to speak.

Mike Sigerman was called to speak.

Tabor McMillan moved to approve Ordinance No. 2023-12 on First Reading; Kim Richards seconded the motion, and the motion carried 3-1. David Lipscomb opposed.

3.B An ordinance to annex into the City of Kerrville's incorporated limits a 214.1 acre tract of land situated in the Samuel Wallace Survey Number 114, Abstract No. 348, and

Samuel Wallace Survey Number 113, Abstract No. 347, Kerr County, Texas, including a segment of Olympic Drive right-of-way, with a zoning classification of Agriculture (AG), Planned Development District (PDD), and General Commercial (C-3); and more commonly known as 2945 Loop 534. (Case No. PZ-2023-6)

PZ-2023-6_Annexation Location Map.pdf

PZ-2023-6_Zoning Location Map_final.pdf

PZ-2023-6_Zoning Exhibit-rev 230508.pdf

PZ-2023-6_PD Description.pdf

PZ-2023-6_TIA summary.pdf

Drew Paxton presented the case.

Pablo Brinkman was called to speak.

Open public hearing.

George Baroody was called to speak.

Howard Hughes was called to speak.

Katie Milton Jordan was called to speak.

Mike Burkett was called to speak.

Kelly Dooley was called to speak.

Bruce Strake was called to speak.

Pablo Brinkman was called to speak.

Close public hearing.

Tabor McMillan was called to speak.

Clifton Karam was called to speak.

Michael Hornes was called to speak.

David Lipscomb was called to speak.

Tabor McMillan was called to speak.

Kim Richards was called to speak.

Mike Sigerman was called to speak.

General discussion occurred.

Kim Richards made a motion to approve. No second. Motion failed.

Tabor McMillan expressed concern over small lots size.

General discussion occurred regarding placing limits on the number of small lots.

Tabor McMillan made a motion to approve annexation and zoning tied to the current plan. Kim Richards seconded the motion. David Lipscomb and Mike Sigerman opposed. Motion failed.

Mike Hayes made a clarification on the motion process.

Mike Sigerman recommended a 40% cap on small lots.

Tabor McMillan made motion to limit the 25 foot wide lots to 40% of the lot total and approve the balance of the project as proposed; David Lipscomb seconded the motion, and the motion carried 4-0.

4) **STAFF REPORT**

None.

5) **EXECUTIVE SESSION**

None.

6) **ADJOURNMENT**

Meeting adjourned at 5:18pm by Mike Sigerman.

Submitted by:

Steve Melander, Planning

Approved by:

Mike Sigerman, Chair

Approval Date: _____



**TO BE CONSIDERED BY THE PLANNING AND ZONING
COMMISSION
CITY OF KERRVILLE, TEXAS**

SUBJECT: A preliminary plat creating Lots No. 1-A through 1-J in Block 1 of Tivy High School Addition, a subdivision containing 25.22 acres of land, a called 25.23 acres, wholly within the Benjamin Cage Survey No. 116, Abstract No. 106, being all of Lot 1 in Block 1 of the Tivy High School Addition which is recorded in Volume 6, Page 225, Plat of records of Kerr County, Texas, wholly within the City of Kerrville, Texas. (Case 2023-026).

AGENDA DATE OF: August 3, 2023

DATE SUBMITTED:

SUBMITTED BY: Steve Melander, City Planner

EXHIBITS:

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
N/A	N/A	N/A	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	No
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

The requested preliminary plat is proposing to create seven commercial lots for retail and restaurant purposes, two multi-family housing lots for approximately 320 housing units, along with one common lot to be used for the purpose of site access, additional parking and site utilities.

The preliminary plat has been reviewed concurrently with the required adequate facilities plan and the attached conditions of approval summarize staff findings related to items that the applicant will need to address during the development of construction plans and final plat. Staff will confirm conformance with the conditions prior to approval of any construction drawings. The final plat will be brought before the Planning & Zoning Commission for approval prior to recording.

RECOMMENDED ACTION:

Approve the preliminary plat with conditions.

ATTACHMENTS:

2023-026_Proposed Prelim Plat_Tivy Commons_updated.pdf

2023-026_Adequate Facilities Plan_Tivy Commons.pdf

2023-026_Conditions of Approval for Preliminary Plat_Tivy Commons_final.pdf

STATE OF _____ ~
COUNTY OF _____

IN ACCORDANCE WITH SECTION 82-33 (b) OF THE CODE ORDINANCE OF THE CITY OF KERRVILLE, TEXAS AND IN CONSIDERATION OF THE APPROVAL OF "REPLAT OF LOT 1 BLOCK 1, TIVY HIGH SCHOOL ADDITION", THE OWNERS DO HEREBY WAIVE ANY AND ALL CLAIMS FOR DAMAGES AGAINST THE CITY OF KERRVILLE, KERR COUNTY, TEXAS, OCCASIONED BY THE ESTABLISHMENT OF GRADES OR THE ALTERATION OF THE SURFACE OF ANY PORTION OF EXISTING STREETS AND ALLEYS TO CONFORM TO THE GRADES ESTABLISHED IN THE ABOVE NAMED SUBDIVISION.

SENDEROWIND TIVY COMMONS, LP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, AND DEDICATE ALL NOTED.

DATED: _____, 20__

SENDEROWIND TIVY COMMONS, LP

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS THE _____ DAY OF _____ BY _____ THE _____ OF _____

BY AND ON BEHALF OF SAID SENDEROWIND TIVY COMMONS, LP.

NOTARY PUBLIC/STATE OF TEXAS

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS FOR KERRVILLE, TEXAS AND THAT IT IS EXISTING IN AN ACCEPTABLE MANNER AND IS CURRENTLY SERVED BY PUBLIC INFRASTRUCTURE.

DATED THIS THE _____ DAY OF _____, 20__

KYLE BUROW, P.E., CITY ENGINEER
CITY OF KERRVILLE

I HEREBY CERTIFY THAT THIS SUBDIVISION PLAT MEETS THE CITY MASTER GRID SYSTEM REGARDING STREET NAMES AND ADDRESSES ASSIGNED BY THE CITY OF KERRVILLE PLANNING DIVISION.

DATED THIS THE _____ DAY OF _____, 20__

DREW PAXTON, DIRECTOR OF PLANNING AND DEVELOPMENT
CITY OF KERRVILLE

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS FOR KERRVILLE, TEXAS, WITH THE EXCEPTION OF SUCH VARIANCES, IF ANY AS ARE NOTED IN THE MINUTES OF THE CITY PLANNING COMMISSION AND THAT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE COUNTY CLERK, AND THAT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE COUNTY CLERK.

DATED THIS THE _____ DAY OF _____, 20__

CHAIRMAN, CITY OF KERRVILLE PLANNING & ZONING COMMISSION

STATE OF TEXAS ~
COUNTY OF KERR ~

FILED FOR RECORD ON THE _____ DAY OF _____, 20__ A.D.,
AT _____ O'CLOCK _____ M. RECORDED ON THIS _____ DAY OF _____
IN FILE NO. _____ OF THE OFFICIAL PUBLIC RECORDS OF KERR
COUNTY, TEXAS.

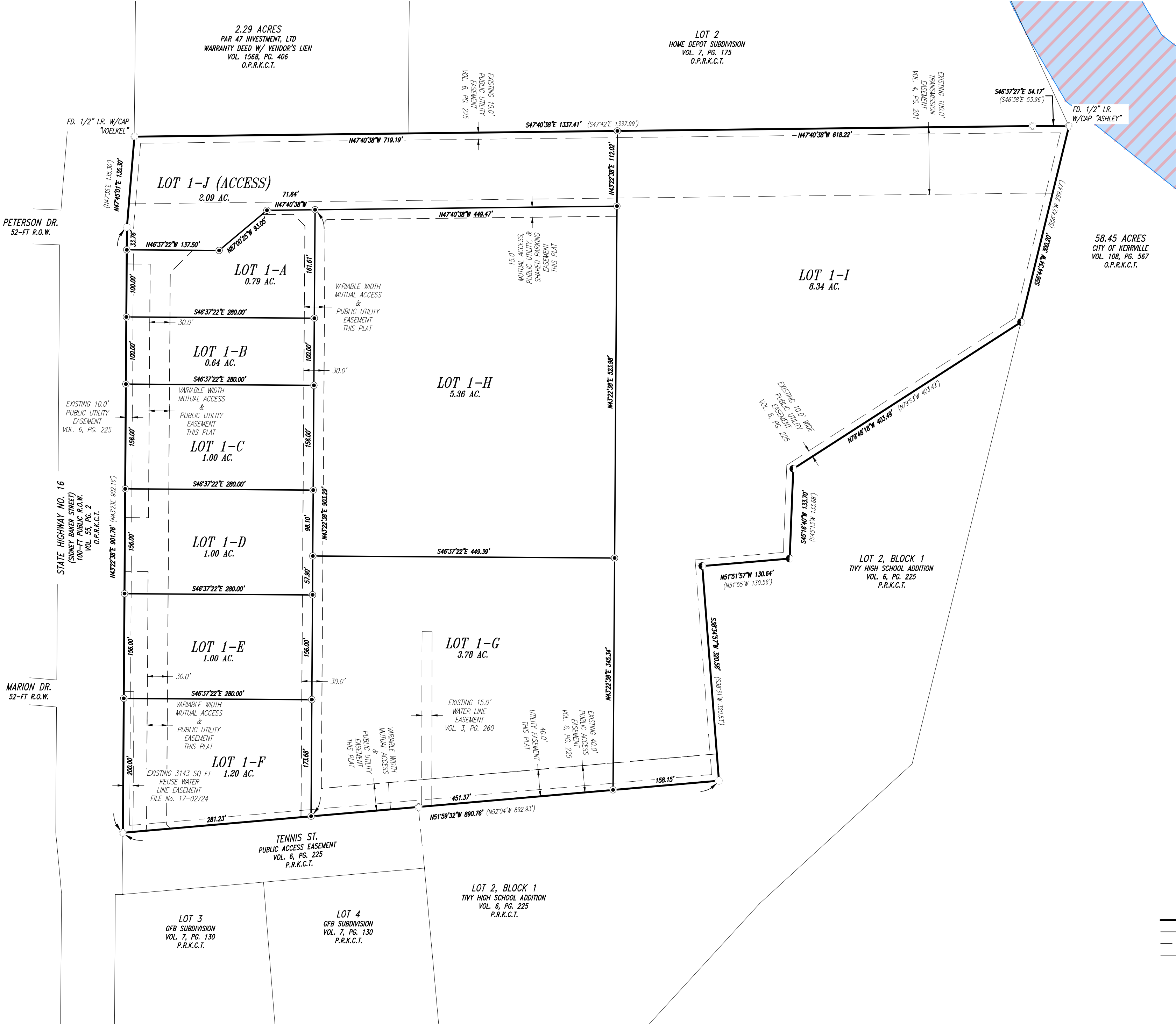
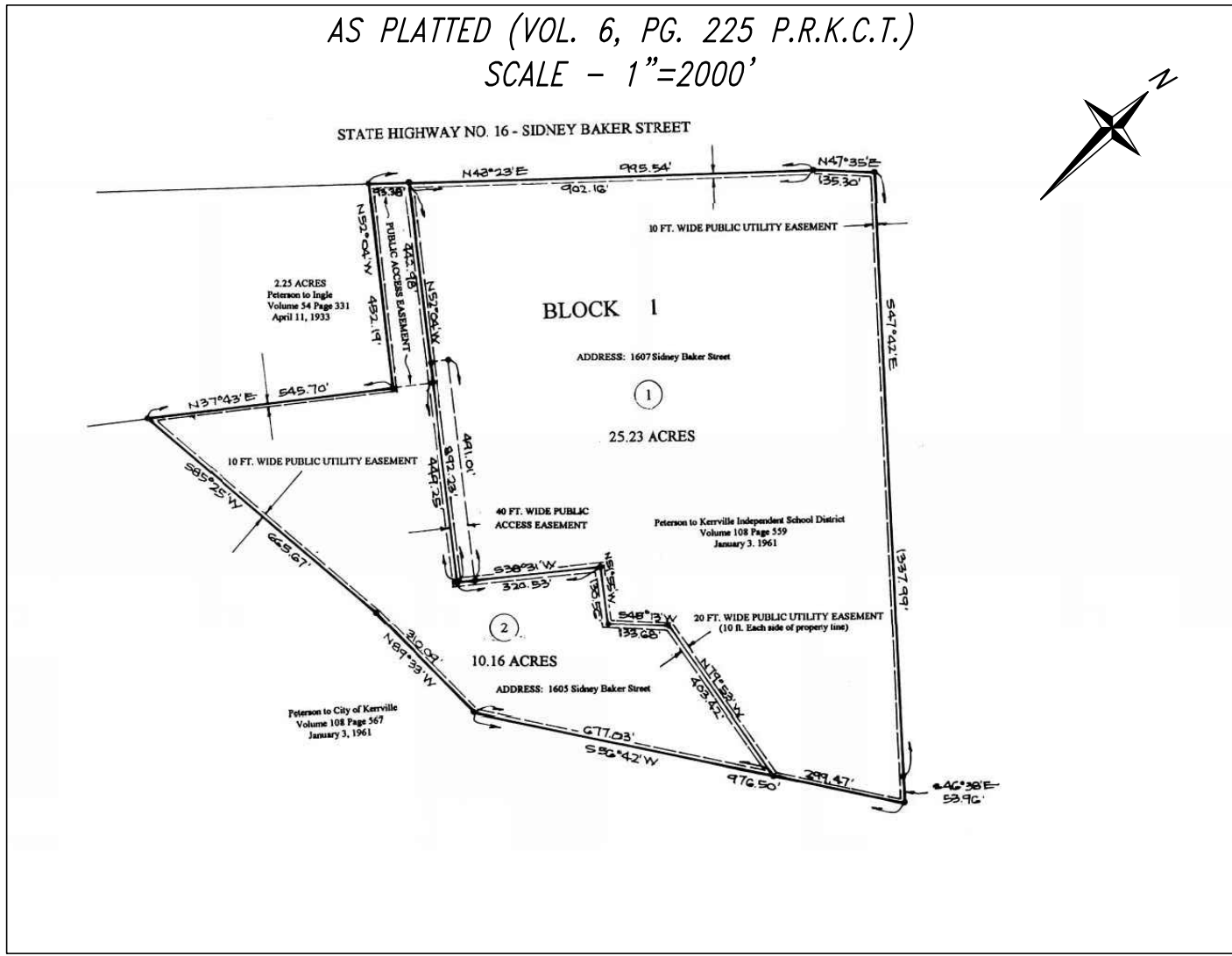
JACKIE DOWDY, KERR COUNTY CLERK

STATE OF TEXAS ~
COUNTY OF KERR ~

I, GARY MAX BRANDENBURG, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I MADE AN ACTUAL SURVEY ON THE GROUND OF THE HEREON PLATTED LAND THAT THE CORNER MONUMENTS SHOWN HEREON WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, AND PROFESSIONAL DILIGENCE, AND IS CORRECT TO THE BEST OF MY KNOWLEDGE.

DATED THIS THE _____ DAY OF _____, 2023

GARY MAX BRANDENBURG, RPLS 5164



* LEGEND *

- FOUND 1/2" I.R. UNLESS OTHERWISE NOTED
- FOUND 1/2" I.R. W/CAP STAMPED "MDS"
- ⊗ FOUND SURVEY NAIL W/WASHER STAMPED "MDS"
- ⦿ SET 5/8" I.R. W/CAP STAMPED "WES 10194410"

PROPERTY LINE
TRACT LINE
EASEMENT LINE
EXISTING EASEMENT LINE
F.E.M.A. 100 YEAR "ZONE AE" FLOODWAY


PRELIMINARY PLAT CREATING
LOTS No. 1-A THROUGH 1-J
IN BLOCK 1
TIVY HIGH SCHOOL ADDITION

A SUBDIVISION CONTAINING 25.22 ACRES OF LAND, (CALLED 25.23 ACRES) WHOLLY WITHIN THE BENJAMIN CAGE SURVEY No. 116, ABSTRACT No. 106, BEING ALL OF LOT 1 IN BLOCK 1 OF THE TIVY HIGH SCHOOL ADDITION WHICH IS RECORDED IN VOLUME 6, PAGE 225 PLAT RECORDS OF KERR COUNTY, TEXAS, WHOLLY WITHIN THE CITY OF KERRVILLE, TEXAS.

631 WATER STREET
KERRVILLE, TX 78028
830-217-7100

wellbornengineering.com
FIRM# 10194410
T.B.P.E.L.S.

PROJECT: WES: 23-066
SCALE: 1" = 100'
FIELD: JS/SP
DRAFTING: BM
CHECKED: GMB
LAST FIELD VISIT: 06-22-2023
LAST DRAFT REVISION: 07-25-2023
SHEET NO. 1 of 1



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 0028
 7190
 b. F-7761
 ng.com

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 685

 Kernville, Texas

Revisions	No.	Date	Description
	1	07.06.2023	Adequate Facilities Plan

Scale
1"=60' for 22"x34" sheet

WES Project No.
WES-23-066

Sheet No.

AFF

Conditions of Approval for Preliminary Plat Case 2023-026

Tivy Commons – 1607 Sidney Baker Street

The following conditions must be met prior to approval of any construction drawings and final plat and shall be confirmed by Kerrville staff prior to submittal to the Planning & Zoning Commission for final plat approval:

1. Designation of each phase of development within the subdivision, the order of development, and a proposed schedule for each phase of the development. (Section 82-30(d)(6)). This requirement can be noted on the Preliminary Plat and deferred until such time as utility capacity requirements and adequate facilities are finalized.
2. Proposed dedication of land, including rights-of-way, for the construction and placement of public improvements, whether on-site or off-site, intended to serve each proposed phase of the subdivision, such as streets, utilities, and drainage facilities. (Section 82-30(d)(12)) This includes any easement agreements with the city regarding use of city land for drainage outfall to the creek and for retention/detention facilities, including a plan for long-term maintenance.
3. A detailed statement of how the proposed subdivision will be served by water, wastewater, and drainage facilities that have adequate capacity to serve the development. (Section 82-30(d)(13))
4. The following studies, where impacts on the city's public infrastructure systems from the development exceed the thresholds established in Article IV (Subdivision Improvements and Design Standards) or as may be required by the city engineer:
 - a. A traffic impact analysis (TIA);
 - b. A drainage study; and/or
 - c. A utility plan; (specifically sanitary sewer, domestic water, reuse water, and location of drainage facilities on city land)
 - d. Any other requirements promulgated in writing by the director and city engineer.(Section 82-30(d)(14 and 15))
5. The streets, water, wastewater, drainage (stormwater), and park facilities serving the development have adequate capacity to accommodate the demands for services created by each phase of the development in accordance with the standards in Article IV (Subdivision Improvements and Design Standards). (Section 82-30(g)(3)). Once capacity requirements and adequate facilities have been agreed upon, a phasing plan is required per Section 82-30(d)(6)).

6. A required TIA, drainage study, and/or utility plan has been properly prepared and supports the adequacy of such facilities to serve the proposed development. (Section 82-30(g)(4))
7. The location, size, and sequence of the phases of development proposed assure orderly and efficient development of land subject to the plat. (Section 82-30(g)(6))
8. The proposed provision and configuration of public infrastructure including streets, water, wastewater, drainage (stormwater), sidewalk, park facilities, and corresponding easements or other property interests are adequate to serve the subdivision and conform to the master plans for those facilities. (Section 82-31(d)(2))
9. The preliminary plat conforms to the design requirements and construction standards set for in Article IV (Subdivision Improvements and Design Standards). (Section 82-31(d)(4))
10. The proposed subdivision represented on the preliminary plat mitigates the impact of the proposed subdivision on public health, safety, and welfare. (Section 82-31(d)(5))

The approval of a preliminary plat authorizes the applicant to apply for approval of construction plans, and ultimately, approval and recording of a final plat.



**TO BE CONSIDERED BY THE PLANNING AND ZONING
COMMISSION
CITY OF KERRVILLE, TEXAS**

SUBJECT:

An ordinance to change the zoning from R-1 Single-Family Residential to C-1 Neighborhood Commercial on Oak Hollow Estates, Block 1, Lot 1; and more commonly known as 202 Mack Hollimon Drive. (Case No. PZ-2023-7)

AGENDA DATE OF: August 3, 2023 **DATE SUBMITTED:**

SUBMITTED BY: Steve Melander, City Planner

EXHIBITS:

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
N/A	N/A	N/A	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	No
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

Proposal

An ordinance to change the zoning from R-1 Single-Family Residential to C-1 Neighborhood Commercial on Oak Hollow Estates, Block 1, Lot 1; and more commonly known as 202 Mack Hollimon Drive. (Case No. PZ-2023-7)

Procedural Requirements

The City, in accordance with state law, mailed 16 letters on 7/20/2023 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 7/13/2023 and posted an informational sign on the property on 7/21/23.

Staff Analysis and Recommendation

During the 2019 zoning code and map overhaul, this property was, in staff's opinion, mistakenly zoned R-1. The current and previous use has always been as commercial property. The K2050 future land use zoning also shows this property as having potential for commercial uses, in particular, professional services. As such, the property owner has requested a zoning change from R-1 Single-Family Residential to C-1 Neighborhood Commercial to be more consistent with the current use and anticipated future use. C-1 Neighborhood Commercial allows the use of Office, General (Business or Professional), so this is consistent with current and future zoning.

City staff, in conjunction with the current owner, is bringing this application to the Planning & Zoning Commission for consideration to correct this mapping error.

Consistency with the Kerrville 2050 Comprehensive Plan: The property and most of the surrounding area are part of the Strategic Catalyst Area #10 (SCA #10) which follows the Guadalupe riverbank southward along its western edge, connecting to neighborhoods near the lake. Bandera Hwy (State Hwy 173) is the major thoroughfare here. SCA #10 is one of the least populated Strategic Catalyst Areas and hosts almost no jobs. According to SCA #10 guidelines, professional services are appropriate around or near the highway, which is where this property is located. This request is consistent with the SCA #10 and the Kerrville 2050 Plan.

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: R-1 Single-Family Residential

Existing Land Uses: Office building

Direction: North

Current Zoning: PI Public and Institutional

Existing Land Uses: City of Kerrville sanitary sewer lift station

Direction: South

Current Zoning: R-2 Medium Density Residential

Existing Land Uses: Duplexes

Direction: West

Current Zoning: C-1 Neighborhood Commercial

Existing Land Uses: Business Center with multiple businesses

Direction: East

Current Zoning: R-2 Medium Density Residential

Existing Land Uses: Single-family home

Thoroughfare Plan: There should be no impact to the thoroughfare system since this is an existing business.

Traffic Impact: None.

Parking: Existing.

Recommendation: Based on consistency with Strategic Catalyst Area #10 guidelines, the Kerrville 2050 Comprehensive Plan, existing land use and adjacent current zoning, staff recommends approval of the case.

RECOMMENDED ACTION:

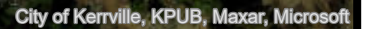
Approve the ordinance.

ATTACHMENTS:

[*PZ-2023-7_Location Map.pdf*](#)

[*PZ-2023-7_Current Zoning Map.pdf*](#)

[*PZ-2023-7_K2050 Future Land Use Map.pdf*](#)



07/17/2023

The seal of the City of Kerrville, Texas, is a circular emblem. It features a five-pointed star in the center, with the year "1889" inscribed below it. The words "CITY OF KERRVILLE" are written in a circle around the top, and "TEXAS" is at the bottom. The seal is flanked by two olive branches.

Legend

- 0 50 100 200

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.

Current Zoning Map



Current Zoning District

Current Zoning District

- RE Estate Residential
- R-1 Single-Family Residential
- R-1A Single-Family Residential with Accessory Dwelling Unit
- R-2 Medium Density Residential
- R-3 Multifamily Residential
- RM Residential Mix
- RT Residential Transition
- C-1 Neighborhood Commercial
- C-2 Light Commercial
- C-3 General Commercial
- IM Industrial and Manufacturing
- DAC Downtown Arts and Culture
- MU Mixed Use
- PD Planned Development
- PI Public and Institutional
- AD Airport
- AG Agriculture
- DC Downtown Core

K2050 Future Land Use Map

