

**CITY OF KERRVILLE PLANNING & ZONING COMMISSION AGENDA**  
**REGULAR MEETING, THURSDAY, JANUARY 16, 2014 4:30 P.M.**  
**CITY HALL COUNCIL CHAMBERS**  
**701 MAIN STREET, KERRVILLE, TEXAS**

**CALL TO ORDER**

**Pg.**

**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 Commission'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 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 the minutes from the December 19, 2013 meeting.

**2**

**3. INTRODUCTION OF NEW COMMISSIONERS**

**4**

**4. CONSIDERATION AND ACTION:**

**4A. Preliminary Plat** - Consideration and action concerning a proposed preliminary plat establishing Lots 1 and 2 of the Green Tree Acres Subdivision comprising 15.00 acres of land, more or less, out of WM. C. Francis Survey No. 146, Abstract No. 137, in the City of Kerrville, Kerr County, located at 1141 Bandera Highway.

**5**

Owner: Gary J. Lamb

Applicant: Lee Voelkel

Zoned: (GR) Guadalupe River District

Planning File: 2013-057

**5. PUBLIC HEARINGS AND ACTION:**

**5A. Replat** - Public hearing, consideration, and action concerning a proposed replat of Lots 7, 8, 9, and 10, Block 3, of the Village Glen Subdivision, located at 1809, 1813, 1817, and 1821 Foothills Dr.

**7**

Owner: Jack Porter

Applicant: Lee Voelkel

Zoned: (R1) Single Family Residential

Planning File: 2013-056

**5B. Replat and Variance Request** - Public hearing, consideration, and action concerning a proposed replat of Lots 1, 2, 3, and 4, Block 3, of the Maud Jennings Subdivision, and a variance request for the minimum lot frontage for single family dwellings, located at the intersection of McGinnis Ct. and Glenn Ct.

**9**

Owner: Habitat for Humanity

Applicant: Kevin Spraggins

Zoned: (RC) Residential Cluster

Planning File: 2013-058

**6. STAFF REPORTS:**

**12**

**7. ADJOURNMENT**

**12**

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 830-258-1117 for further information.

I do hereby certify that this notice of meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time: \_\_\_ at \_\_\_ and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

\_\_\_\_\_  
Deputy City Secretary, City of Kerrville, Texas



### **3. CONSIDERATION AND ACTION:**

3A. Final Plat – Consideration and action concerning a final plat for a 0.27 acre tract of land, out of the Samuel Wallace Survey No. 114, Abstract No. 348, establishing Lots 1 and 2, Phase 2 of the Pinto Trail Subdivision.

Zoned: (RC) Residential Cluster

Owner: Hill Country Home Opportunity Council

Applicant: Lee Voelkel

Planning File No. 2013-055

Mr. Lutz presented the findings of fact and recommended approval of the final plat as presented.

Comr. Watterson opened the floor for comments at 4:34 p.m. Hearing no one speak, Comr. Watterson closed the floor at 4:35 p.m.

Comr. Harmon moved to approve the final plat as presented; motion was second by Comr. Morgan and passed 5-0.

### **4. PUBLIC HEARINGS AND ACTION:**

4A. Zoning Code Text Amendments - Public hearing, consideration, and action concerning proposed amendments to the City of Kerrville's adopted zoning code by adding the definition "Boarding Home Facility" to Article 11-I-3 and revising Article 11-I-14 to add "Boarding Home Facility" as a use that is permitted within any zoning district.

Applicant: City of Kerrville

Planning File No. 2013-053

Mr. Lutz presented the findings of fact and recommended approval the zoning code text amendments as outlined in the ordinance as presented.

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

Comr. Morgan moved to approve the zoning code text amendments as outlined in the ordinance as presented; motion was second by Comr. Malone and passed 5-0.

### **5. STAFF REPORTS:**

5A. Report concerning future agenda items.

Mr. Lutz reported there was nothing currently scheduled for December 16, 2013 or January 2, 2014. On January 16, 2014, the following items will be presented:

- Maud Jennings Sub-division Replat
- Village Green Replat
- Gree Tree Acres Replat

### **6. ADJOURNMENT**

This meeting was adjourned at 4:50 p.m.



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

**AGENDA ITEM:** 4A

**FOR AGENDA OF:** January 16, 2014

**DESCRIPTION:** Consideration and action concerning a proposed preliminary plat establishing Lots 1 and 2 of the Green Tree Acres Subdivision comprising 15.00 acres of land, more or less, out of WM. C. Francis Survey No. 146, Abstract No. 137, in the City of Kerrville, Kerr County, located at 1141 Bandera Highway.

**APPLICANT(S):** Lee Voelkel

**ATTACHMENT(S):** Location Map & Proposed Preliminary Plat

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**Summary:**

The applicant is seeking to subdivide the property into two proposed lots (1 & 2) and establish the Green Tree Acres Subdivision. Lot 1 consists of 7.84 acres with 471.08' of frontage along State Hwy. 173 and has an existing 20' wide sanitary sewer easement located along the southern portion of the western lot line. Lot 2 consists of 7.16 Acres with 533.45' frontage along State Hwy. 173. Both lots meet the maximum required frontage for any land use permitted within the Guadalupe River District (GR).

Both lots contain property located in the FEMA Flood Zone AE / Floodway, a Recreation Easement (River Trail), and 12.5' Permanent Construction Easements located adjacent to the rear property line.

A 25' public utility easement has been provided for a sanitary sewer main located near the rear property lines running across both lots.

This subdivision of land has triggered the City's requirement to extend a water main across the frontage of lot 2. Easements will need to be provided along the front property lines for both lots for the location of the existing and proposed water main. In addition a financial guarantee will need to be provided for the public improvements or the improvements must be constructed and accepted by the City of Kerrville, prior to the approval/recording of a Final Plat.

The proposed preliminary plat meets all state and local codes, and staff recommends approval of the preliminary plat as presented.

**Recommended Action**

1. Open the floor for comments (not a required public hearing) and
2. Approve the preliminary plat as presented by staff.

**P&Z Case #2013-057 Preliminary Plat Location Map**



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.

0 100 200 400 Feet



1 inch = 200 feet



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

**AGENDA ITEM:** 5A

**FOR AGENDA OF:** January 16, 2014

**DESCRIPTION:** Public hearing, consideration, and action concerning a proposed replat of Lots 7, 8, 9, and 10, Block 3, of the Village Glen Subdivision, located at 1809, 1813, 1817, and 1821 Foothills Dr.

**APPLICANT(S):** Lee Voelkel

**ATTACHMENT(S):** Location Map & Proposed Replat

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**Summary:**

The applicant is seeking to combine 4 lots located on Foothills Drive. The newly created lot (8-A) will consist of 1.17 acres and have 364.76 feet of frontage along Foothills Drive. All public utilities are located in the right-of-way and no easements were required on the lot.

At the time this packet was distributed 19 land owners, within 200', were notified and no official protests have been received.

This plat meets all state and local codes and staff recommends approval of the replat as presented.

**Recommended Action**

1. Open the required public hearing, and
2. Approve the replat as presented.

# P&Z Case #2013-056 Replat Location Map



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1 inch = 100 feet



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

**AGENDA ITEM:** 5B

**FOR AGENDA OF:** January 16, 2014

**DESCRIPTION:** Public hearing, consideration, and action concerning a proposed replat of Lots 1, 2, 3, and 4, Block 3, of the Maud Jennings Subdivision, and a variance request for the minimum lot frontage for single family dwellings, located at the intersection of McGinnis Ct. and Glenn Ct.

**APPLICANT(S):** Kevin Spraggins

**ATTACHMENT(S):** Location Map, Variance Request, and Proposed Replat

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**Summary:**

The applicant is seeking to replat 4 lots in the Maud Jennings Subdivision. The original plat was filed in September of 2010. Lots 2, 3, and 4 are not modifying any lot lines, but lot 3 is being provided with a 14' public utility easement adjacent to the McGinnis Ct. cul-de-sac. Lot 2 is platted as a drainage easement and lot 4 is platted as a drainage and detention easement.

Lot 1 is being divided into 19 lots for the construction of single family homes and the dedication of rights-of-way for McGinnis Ct. and Glenn Ct., which were previously platted as easements. These lots will be provided with a 14' public utility easement along the frontage of each lot.

All existing easements found on the original plat for block 3 are being preserved as they were platted, except for the 50' utility and access easement that was provided for the construction of the McGinnis Ct. and Glenn Ct. streets. Located in McGinnis Ct. is a water and sewer main with stub outs to allow construction of public mains in Glenn Ct. Before this replat can be filed for recording a financial guarantee will need to be deposited with the city or the mains must be constructed by the developer and accepted by the city.

Lots 1, 2, 3, and 4 are being renumbered to allow the newly constructed lots to be numbered in a natural clockwise sequential order.

In addition to the replat, the applicant is seeking a variance from the minimum lot frontage required by the City of Kerrville's adopted zoning code. This property is located in an (RC) Residential Cluster District. Any single family dwelling that is to be constructed requires a frontage of 60' unless the dwelling is to utilize a zero lot line configuration then a 50' minimum frontage would be allowed. The majority of these proposed lots do not meet the minimum required frontage.

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. Variances shall not be granted unless the City Planning Commission finds **one or more** of the following: **(Staff findings in red)**

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;
  - Due to the steep topography on the southern perimeter of phase 2 and the drainage swale that runs along the northern property line, the tract is restricted to an east-west roadway configuration, thus making the limiting factor to the number of lots in the subdivision and the width of the lots required by the zoning code.
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;
  - The owner and several of the supporters of the subdivision have a deep desire to preserve existing trees on the tract. In order to do that, the eastern and western ends of the proposed subdivision will be required to be used as open space or backyard areas. This also limits the lot configuration and lot widths required by the zoning code.
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);
  - N/A
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);
  - Due to the fact that some of the public improvements (water & sewer mains) have been designed and installed with services that conform to the proposed lot configuration.
5. That the variance would enable the developer to orient his lots for greater solar advantage;
  - N/A
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.
  - The proposed lot configuration is in similar configuration to other lots located in block 1 of this subdivision (less than 60' of frontage). Therefore due to their similarities the proposed subdivision layout is not a detriment to the adjacent property or other properties in the area. In addition if these single family dwellings were to utilize a zero lot line configuration no variance would be required as they would allow for a 50' lot frontage for those lots not located on a cul-de-sac.

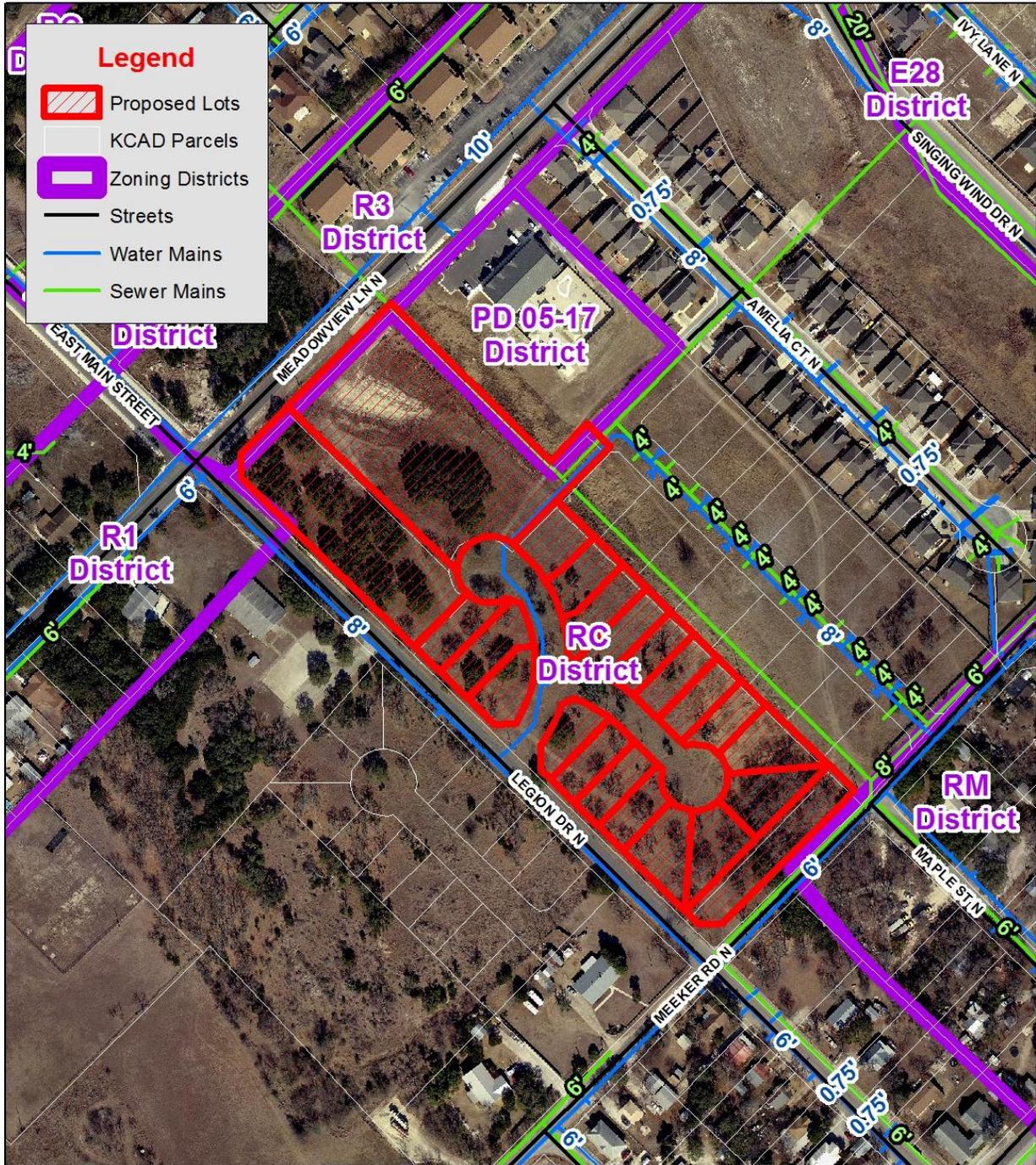
At the time this packet was distributed 28 land owners, within 200', were notified and no official protests have been received.

This variance request meets the requirements found in the subdivision ordinance for the granting of a variance and staff recommends approval of the replat and variance request as presented.

#### **Recommended Action**

1. Open the required public hearing, and
2. Approve the replat and variance request as presented.

# P&Z Case #2013-058 Replat Location Map



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