

CITY OF KERRVILLE PLANNING & ZONING COMMISSION AGENDA
REGULAR MEETING, THURSDAY, MARCH 20, 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 March 6, 2014 meeting.

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3. CONSIDERATION AND ACTION:

3A. Zoning Change Request – Public hearing, consideration, and action concerning a requested zoning change from a (R-1A) Residential District to a (RT) Residential Transition District for a portion of Lot 17, Block 1 of the Oak Hill Addition Subdivision, comprising 0.17 acres out of the J.C. Hays Survey Number 117, Abstract Number 182, located at 512 Barnett St.
Applicant: Harvey Brinkman. (File No. 2014-006)

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4. STAFF REPORTS

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5. ADJOURNMENT

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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

2B. Election of Chair and Co-Chair Persons

Cmr. Motheral requested item 2B be removed from the consent agenda.

Cmr. Harmon nominated Cmr. Watterson for chairperson; nomination was seconded by Cmr. Motheral and passed 5-0.

Cmr. Harmon nominated Cmr. Waller for vice-chairperson; nomination was seconded by Cmr. Morgan and passed 4-1.

3. PUBLIC HEARINGS AND ACTION:

3A. Final Plat - Consideration and action concerning a proposed final plat establishing Lots 1 of the Green Tree Acres Subdivision comprising 7.84 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. (File No. 2014-003)

Mr. Lutz presented the findings of fact and stated that conditions 1, 3, and 4 as listed in the agenda packet have been met. Mr. Lutz recommended Commissioners approve the plat with condition 2 as listed.

Cmr. Watterson opened the public hearing at 4:37 p.m.

Cmr. Motheral discussed the lack of location points along either the easement for the sanitary sewer or for the (river) trail and asked about this information. Mr. Lee Voelkel, Kerr County Surveyor, stated the surveyor who did the work regarding the river trail listed no monumentation and said that there's nothing on the ground that exists where the easement is on the ground, it's all on paper. Mr. Voelkel stated what his firm attempted to do was to rebuild it to the best of their ability from the surveyor's description, which is very difficult to do without any stakes on the ground to place it on the plat and then reference it with the lineman page where it's recorded.

Cmr. Motheral stated that in the future when the city has work, there ought to be stakes along the property line and along the easements where there are Pl's, that, in the future, somebody can come back and locate them. Cmr. Motheral suggested the city consider requiring monumentation when these things are initially done.

Cmr. Watterson closed the floor at 4:40 p.m.

Cmr. Motheral moved to approve the final plat with conditions presented by city staff; motion was second by Cmr. Morgan and passed 5-0.

3B. Replat - Consideration, and action concerning a proposed replat of Lots 4, 5, & 6, Block I, of the B.F. Cage Addition, located at 609 & 611 Sidney Baker. (File No. 2014-004)

Mr. Lutz presented the findings of fact and recommended approval of the replat with the conditions listed.

Cmr. Watterson opened the public hearing at 4:44 p.m. Hearing no one speak, Cmr. Watterson closed the public hearing at 4:45 p.m.

Cmr. Harmon moved to approve the replat with conditions presented by city staff; motion was second by Cmr. Morgan and passed 5-0.

4. STAFF REPORTS:

4A. Report concerning future agenda items.

Mr. Lutz reported the next meeting will be Thursday, March 20, 2014 at which time Commissioners will review a zoning change request from (R-1A) Single-Family to (RT) Residential Transition.

Mr. Lutz reported there will be a meeting on Thursday, April 3, 2014 at which time Commissioners will review a preliminary plat for property located near the SW intersection of Sidney Baker & IH 10.

5. ADJOURNMENT

This meeting was adjourned at 4:48 p.m.

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

AGENDA ITEM: 3A

FOR AGENDA OF:

March 20, 2014

DESCRIPTION: Public hearing, consideration, and action concerning a requested zoning change from a (R-1A) Residential District to a (RT) Residential Transition District for a portion of Lot 17, Block 1 of the Oak Hill Addition Subdivision, comprising 0.17 acres out of the J.C. Hays Survey Number 117, Abstract Number 182, located at 512 Barnett St. Applicant:

APPLICANT(S): Harvey Brinkman

ATTACHMENT(S): Location Map & Proposed Zoning Change Ordinance

SUMMARY:

Currently the applicant owns Lot 17, Block 1, of the Oak Hill Addition Subdivision, located at 512 Barnett Street. This property is a 0.39 acre lot with 0.17 acres located in the R1A zoning district and the remaining 0.22 acres located in the RT zoning district. The zoning code requires any property that is bisected by two zoning districts to develop under the district with the most restrictive zoning. In this case the property would have to be developed in accordance with R1A development standards.

The applicant is seeking a rezoning of one half of the property in order to expand the number of residents that would be allowed in an existing and permitted boarding home as well as increase the number of permitted land uses.

Currently the existing Boarding Home facility is permitted for 8 individuals and a change from R1A to RT would allow a maximum of 10 individuals permitted at this location. Any additional individuals that may be permitted would only be allowed if the facility met the criteria for overall square footage, bedroom size standards, and all other regulations found in the Boarding Home ordinance.

The change in zoning would also allow the land owner the ability to convert the property from a residential land use to low intensity commercial uses such as offices, beauty salons, restaurants, and small scale retail shops.

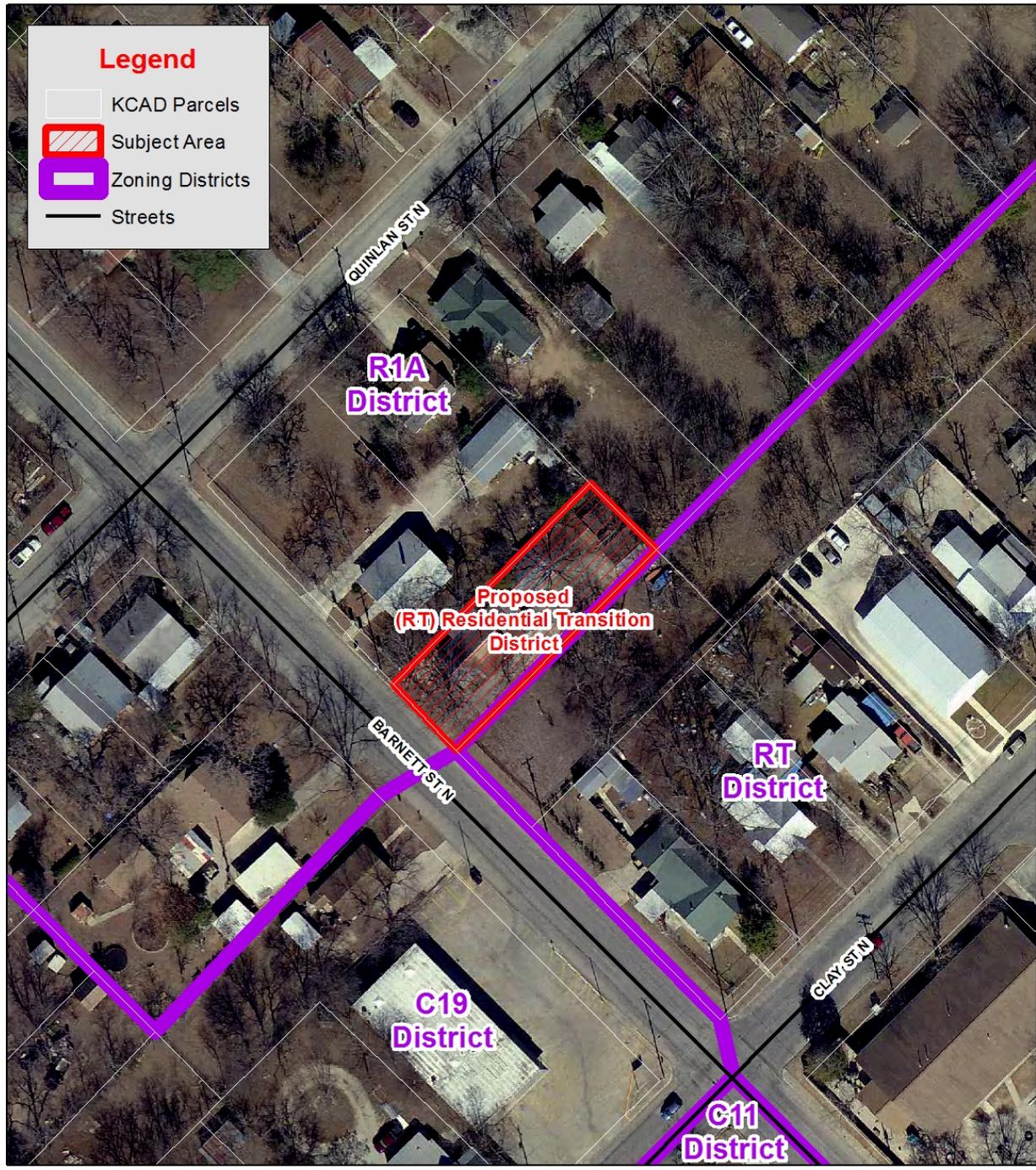
The subject area is bound to the north and west by the R1A zoning district, to the south by the C19 Commercial district, and to the east by the RT (Residential Transition District).

At the time this packet was distributed 19 land owners within 200' of the subject area were notified and staff has not received any official protests.

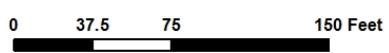
RECOMMENDED ACTION

1. Open the required public hearing, consider the request, and render a decision on the zoning change request.

P&Z Case #2014-006 Zoning Change 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.



1 inch = 75 feet



**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2014-___**

AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARIES OF THE WESTERN PORTION OF LOT 17, BLOCK 1, OAK HILL ADDITION SUBDIVISION, OTHERWISE KNOWN AS 512 BARNETT STREET AND LOCATED WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS, FROM THE “R1-A” RESIDENTIAL DISTRICT TO “RT” RESIDENTIAL TRANSITION DISTRICT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND ORDERING PUBLICATION

WHEREAS, notice has been given to all parties in interest and citizens by publication in the official newspaper and otherwise of a hearing to be held before the City Council on April 8, 2014, to consider an amendment to the City’s zoning regulations and map, by amending the existing zoning district boundaries for the property described in Section One from “R1-A” Residential District to “RT” Residential Transition District, in accordance with the process set out in Article 11-I-21 of the Zoning Code of the City of Kerrville, Texas; and

WHEREAS, such public hearing was held in the Council Chambers beginning at approximately 6:00 p.m. on April 8, 2014, as advertised; and

WHEREAS, after a full hearing, at which all parties in interest and citizens were given an opportunity to be heard; and after receiving and considering the recommendations of the Planning and Zoning Commission; and after considering among other things, the character of the property involved and the surrounding area and its peculiar suitability for particular uses; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality, the Council finds it to be in the best interest of the health, safety, morals, and general welfare of the City of Kerrville to amend the zoning regulations accordingly;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

SECTION ONE. The zoning for the property described as follows is amended by changing its zoning district from “R1-A” Residential District to “RT” Residential Transition District:

The western portion of Lot 17, Block 1, Oak Hill Addition, a subdivision within the City of Kerrville, Texas, and comprising approximately 0.17 acre out of the J.C. Hays Survey No. 117, Abstract No. 182, more commonly known as 512 Barnett Street, and more particularly described in Exhibit A.

SECTION TWO. The City Planning Director is authorized and directed to enter this amendment upon the City’s official zoning map and take other actions contemplated by and in accordance with Section 11-I-4(c) of the City’s Zoning Code.

SECTION THREE. The provisions of this Ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Kerrville hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FIVE. In accordance with Section 3.07 of the City Charter and Texas Local Government Code §52.013(a), the City Secretary is authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

PASSED AND APPROVED ON FIRST READING, this the ____ day of _____, 2014.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the day of _____, 2014.

Jack Pratt, Jr., Mayor

ATTEST:

Brenda G. Craig, City Secretary

APPROVED AS TO FORM:

Michael C. Hayes, City Attorney

