

CITY OF KERRVILLE PLANNING & ZONING COMMISSION AGENDA
REGULAR MEETING, THURSDAY, JULY 3, 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 June 26, 2014 meeting.

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3. PUBLIC HEARINGS AND ACTION:

3A. Conditional Use Permit – Public hearing, consideration, and action concerning a proposed Conditional Use Permit to allow the land use of “Education Primary” for an approximate 1.108 acre tract of land out of the Walter Fosgate Survey No. 120, Abstract No. 138, located at 611 Harper Road.
File No. 2014-026

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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

approximate 4.241 acres consisting of Tracts I and II, Texas National Guard Armory Board in the Samuel Wallace Survey No. 113, Abstract No. 761, located at 411 Meadowview Lane. (Planning File No. 2014-023) Cmr. Waller opened the public hearing at 4:36 p.m. Hearing no one speak, Cmr. Waller closed the public hearing at 4:36 p.m.

Mr. Lutz presented the findings of fact and asked Commissioners to render a decision. Cmr. Watterson opened the public hearing at 4:34 p.m.; hearing no one speak, Cmr. Watterson closed the public hearing at 4:35 p.m.

Cmr. Waller moved to approve the proposed Comprehensive Plan Amendment as presented; motion was seconded by Cmr. Garrett and passed 5-0.

4. STAFF REPORTS:

Mr. Lutz reported Commissioners will be reviewing a conditional use permit for 611 Harper Road at the meeting of Thursday, July 3, 2014. Cmr. Watterson and Cmr. Waller stated they will be out of town on July 3rd. Cmr. Morgan stated he would tentatively attend.

5. ADJOURNMENT:

This meeting was adjourned at 4:37 p.m.

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

AGENDA ITEM: 3A

FOR AGENDA OF:

July 3, 2014

DESCRIPTION: Public hearing, consideration, and action concerning a proposed Conditional Use Permit to allow the land use of "Education, Primary" for an approximate 1.108 acre tract of land out of the Walter Fosgate Survey No. 120, Abstract No. 138, located at 611 Harper Road.

APPLICANT(S): Hickman Consulting Engineers

ATTACHMENT(S): Location Map, Site Plan, and Resolution

SUMMARY STATEMENT

The applicant is seeking a Conditional Use Permit to allow the land use of "Education, Primary" for the property located at 611 Harper Rd. "Education, Primary" is defined as "Elementary schools, including kindergarten, either public or private, but not including day care facilities or private home schools".

The facility located at this location is home to the Seventh Day Adventist Church. For nineteen years the Seventh Day Adventist Church has operated an accredited church school in the City of Kerrville. It is also known as the Hill Country Seventh-day Adventist School. Grades K through 8 are available at the school. The church is proposing to demolish 785 square feet of an existing building and reconstruct a 2,232 square foot addition. The school has 6 children currently enrolled with the max enrollment of roughly 15 students after the expansion has been completed.

The property is currently located in an (RC) Residential Cluster zoning district. This district allows the land use of "Education, Primary" with the approval of a conditional use permit. No prior CUP has been issued for the property as the land use was in effect at the time the City of Kerrville's current zoning code was adopted (1997). The educational land use is a non-conforming use and is currently grandfathered; however the proposed addition/expansion of the facility has also triggered the requirement to obtain a CUP. The zoning code allows the expansion of a non-conforming use with the approval of a CUP.

A site plan has been provided and will be incorporated into the resolution to govern the development of the property. The proposed land use has triggered the requirement for Type B screening along all property lines that abut a residential land use. Type B screening consists of a 6' tall privacy fence and a 50' buffer area that prohibits the placement of buildings, storage areas, or parking spaces. The property is bounded by residential land uses located to the south and east of the property and the proposed addition does not encroach into this buffer area.

The facility currently has 25 existing parking spaces which satisfy the parking requirements of the current zoning code. These spaces are located in the 50' buffer area, but the location of these spaces are grandfathered as the regulations requiring the buffer area were not in affect at the time of permitting. The expansion has triggered the requirement for an additional 4 spaces and the applicant has provided 8 additional spaces outside the required 50' buffer area.

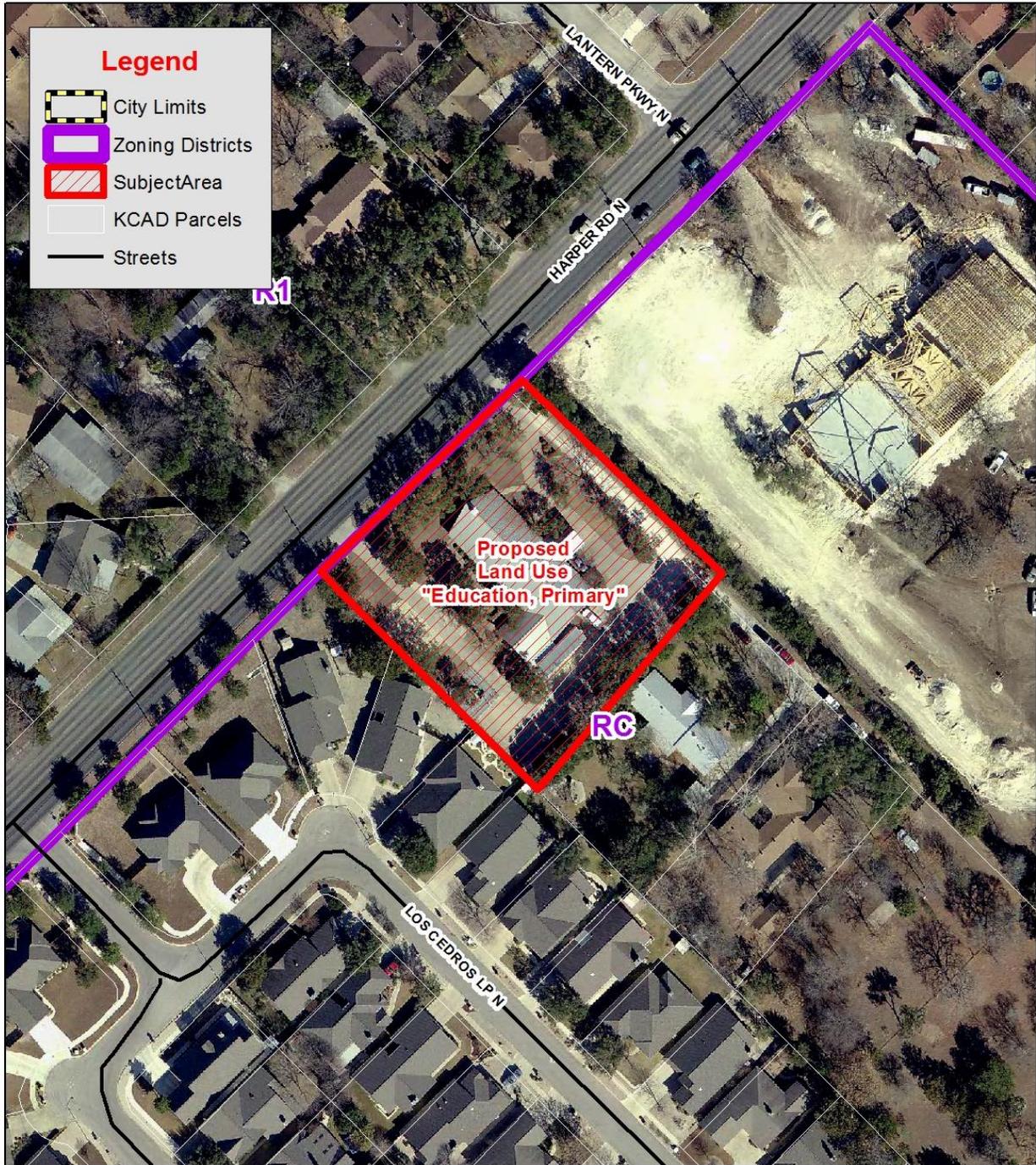
In addition to the parking spaces the applicant will improve the driveway surface located to the north of the facility and widen the existing driveway around the church in order to satisfy the Fire Departments requirement for a fire lane/access around the facility. As part of the fire lane expansion to the south, the southern driveway that accesses Harper Road will be widened. TxDOT has approved the driveway configuration and does not foresee any major negative traffic impacts based on the expansion of the facility.

At the time the packet was distributed 23 land owners within 200' of the property were notified with 2 land owners supporting the requested CUP and no official protests were received.

Based on the facts that the requested land use is permitted by the zoning code, the land use has been ongoing for 19 years, and no major negative traffic impacts are contemplated staff recommends approval of the CUP as outlined in the attached resolution.

RECOMMENDED ACTION

1. Open the required public hearing and receive comments.
2. Render a decision concerning the requested conditional use permit as outlined in the attached resolution.



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 50 100 200 Feet



1 inch = 100 feet



**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. ____-2014**

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR AN APPROXIMATE 1.108 ACRES TRACT OF LAND, BEING TRACTS I AND II, OUT OF THE WALTER FOSGATE SURVEY NO. 120, ABSTRACT 138, WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS, OTHERWISE KNOWN AS 611 HARPER ROAD (FM 783), AND LOCATED WITHIN A RESIDENTIAL CLUSTER (RC) ZONING DISTRICT; BY PERMITTING SAID PROPERTY TO BE USED FOR EDUCATION, PRIMARY; AND MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS

WHEREAS, the owner of the property located at 611 Harper Road (FM 783), currently being used for religious assembly, seeks to add-on to an existing building for the purpose of adding classroom space; and

WHEREAS, by taking this action, the owner needs a conditional use permit from the City to authorize the use of the building for education; and

WHEREAS, the City Planning and Zoning Commission and the City Council, in compliance with the City Charter and state law with reference to the granting of conditional use permits under Title 11, Chapter I of the Zoning Code of the City of Kerrville, Texas, and the official zoning map; having given the requisite notices by United States mail, publication, and otherwise; and after holding due hearings and affording a full and fair hearing to all of the property owners generally, and particularly to those interested persons situated in the affected area and in the vicinity thereof, the City Council finds that the health, safety, and general welfare will be best served by the granting of a Conditional Use Permit, subject to the special conditions and restrictions set out hereinafter on the property described in Section Two, below;

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

SECTION ONE. A Conditional Use Permit is granted to permit the property described below to be used for Education, Primary, as currently defined in Article 11-I-3 of the Zoning Code of the City of Kerrville, Texas, subject to the provisions of this Resolution and other applicable City ordinances and regulations:

A 1.108 acres, more or less, out of the Walter Fosgate Survey No. 120, Abstract No. 138 within the City of Kerrville, Kerr County, Texas, as recorded in Volume 261, Page 396 of the Real Property Records of Kerr County, Texas, more commonly known as 611 Harper Road (FM 783) (“the Property”), and as more specifically described in Exhibit A.

SECTION TWO. In addition to the development and use regulations currently applicable to the Property, the Property may be developed and used for Education, Primary and is subject to the following additional regulations:

- A. **Site Plan:** The development and use of the Property must conform substantially with the development site plan, found at **Exhibit B**, and any additional development requirements as outlined herein.
- B. **Signs:** All signs on the Property must conform to the applicable regulations of the City, to include the City’s Sign Code.
- C. **Exterior Lighting:** Any exterior lighting shall be located, shielded and aimed in such a manner so as not to allow light to directly fall onto adjacent properties or streets.
- D. **Building Location and Orientation:** The location of the building must be as depicted on **Exhibit B**.
- E. **Parking:** The design and number of parking spaces must be in accordance with the City’s regulations in effect at the time building permits are submitted to the City. All required parking spaces must be constructed of asphalt or concrete and must be marked and kept available for customers and employees.
- F. **Screening:** Screening is required in accordance with the City’s regulations for boundary lines of the Property which are adjacent to residential land uses, as indicated on **Exhibit B**.
- G. **Visibility Triangles:** Visibility triangles must be established and maintained pursuant to existing City regulations for the entrance to the Property from Harper Road.
- H. **Trash and Other Solid Waste:** Solid waste collection bins and dumpsters must be located in the area designated on **Exhibit B** and at no time may be located closer to the street than the face of any building.
- I. **Other Zoning Regulations:** The regulations set forth in this Resolution are in addition to those set forth in Title 11, Chapter I of the Zoning Code, as amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in the Zoning Code, the provisions of this Resolution will prevail.

SECTION THREE. This Resolution and the Conditional Use Permit granted herein is set to termination in accordance with Article 11-I-13 of the Code of Ordinances of the City of Dallas, Texas.

PASSED AND APPROVED ON this the ____ day of _____ A.D., 2014.

Jack Pratt, Jr., Mayor

APPROVED AS TO FORM:

ATTEST:

Daniel C. Hayes, City Attorney

Brenda G. Craig, City Secretary

Exhibit A - Pg. 1

TRACT ONE:

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All that certain tract or parcel of land, lying and being situated in the County of Kerr, State of Texas and being out of the middle one-third (1/3) of original Survey No. 120, in the name of Walter Fosgate, and more particularly described by metes and bounds as follows:

BEGINNING at a fence corner which marks the North corner of that tract of 10 acres of land conveyed by G.R. Starkey to W. Scott Schreiner, by deed recorded in Volume 45, at Page 504, of the Deed Records of Kerr County;

THENCE S. 45° E. 250.5 feet with said Schreiner line to a stake for corner of this parcel;

THENCE N. 45° E. 180 feet to a stake set for the East corner of this tract;

THENCE N. 45° W. 250.5 feet to a stake for North corner of this tract;

THENCE S. 45° W. with line of Harper Road, 180 feet to the place of BEGINNING; containing 1-1/32 acre of land, more or less;

being the same and identical property conveyed by E.H. Nichols and wife, Xie E. Nichols, to Glenn C. Bradley and wife, Doris N. Bradley, by deed dated April 17, 1961, of record in Volume 109, Page 366, Deed Records of Kerr County, Texas, SAVE AND EXCEPT, HOWEVER, that certain 0.114 acre of land, more or less, conveyed to the State of Texas by Glenn C. Bradley and wife, Doris N. Bradley, by Right-Of-Way Deed dated October 9, 1967, of record in Volume 130, Page 651, Deed Records of Kerr County, Texas; to which instruments and their records reference is here made for all purposes.

TRACT TWO:

All that certain tract or parcel of land, lying and being situated in Kerr County, Texas, out of the middle 1/3 of Survey No. 120, Walter Fosgate, and being a strip of land facing 30 feet Northwestwardly on Harper Road, and running back 220.5 feet more or less, along the Northeast side adjacent to and parallel to that certain tract of land conveyed by Grantors herein to Grantees herein by deed dated April 17, 1961 and recorded in Volume 109, at Page 366 of the Deed Records of Kerr County, Texas; being the same and identical property conveyed to Glenn C. Bradley and wife, Doris N. Bradley, by E.H. Nichols and wife, Xie Nichols, by Deed dated August 28, 1969, of record in Volume 144, Page 579, Deed Records of Kerr County, Texas, to which instrument and its record reference is here made for all purposes.

This conveyance is made and accepted SUBJECT TO the following to the extent, and only to the extent, that the same are valid and affect the subject property:

1. That certain Roadway Easement dated August 29, 1968, executed by E.H. Nichols and wife, Xie E. Nichols, and George C. Chapman and wife, Carolyn Chapman, of record in Volume 5, Page 373 of the Easement Records of Kerr County, Texas;
2. That certain Roadway Easement dated November 11, 1970,

Exhibit A - Pg. 2



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.

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