

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

July 3, 2014

MEMBERS PRESENT:

Bob Waller, Vice-Chair
Garrett Harmon, Commissioner
Bill Morgan, Commissioner
Bruce Motheral, Commissioner
Doyle Malone, Alternate
Rustin Zuber, Alternate

MEMBERS ABSENT:

David Watterson, Chair

COUNCIL LIASON

Gary Stork (present)

STAFF PRESENT:

Jason Lutz, Senior Planner
Dorothy Miller, Recording Secretary

CALL TO ORDER:

On July 3, 2014, the Kerrville Planning and Zoning Commission regular meeting was called to order at 4:30 p.m. in the City Hall Council Chambers, 701 Main Street.

1. VISITORS/CITIZENS FORUM:

No one spoke.

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.

Cmr. Morgan moved to approve the minutes as presented; motion was seconded by Cmr. Harmon and passed 5-0.

3. PUBLIC HEARING AND ACTION:

3A. Conditional Use Permit – Public hearing, consideration, and action concerning a CUP located at 611 Harper Rd. (File No. 2014-0)

Mr. Lutz presented the findings of fact and asked Commissioners to render a decision.

Cmr. Waller opened the public hearing at 4:42 p.m. Mr. Gerald Harmon spoke and stated his concerns regarding the population growth of the school and what effects it will have on the surrounding properties, including his own. Mr. Harmon stated the school currently has a playground that children utilize into the dark hours, making it difficult to sleep with the lights that are on and children playing basketball, and questions what will happen with the double-population. Mr. Harmon stated he didn't know if the school had regulated hours, but it seems children are allowed

to utilize the playground any time they choose. He also stated his property butts up to the playground and there are a lot of balls that come into his yard and asked what kind of privacy he and the neighbors will have with the type of construction that will be going on.

Mr. Lutz stated he could not speculate on the increase of noise due to the doubled population of students but said that a standard privacy fence is required by city code. Mr. Lutz also stated there are regulations restricting construction times between 7:00 a.m. and 7:00 p.m. Mr. Lutz stated if the Commission is concerned about the lights and the noise, it is possible for them to recommend some additional modifications to the resolution to be considered by City Council such as limiting the hours of operation.

Mr. Morgan asked if a limit on lighting can be imposed. Mr. Lutz replied current lighting standards and the city ordinance do require lighting to be shielded and facing downward facing. Mr. Lutz also stated as to Mr. Harmon's concerns about hours of operation, that is something for the Commission to consider in a recommendation to City Council. Mr. Lutz suggested to the Commissioners to keep in mind that the school is part of a church that may also have functions such as having weddings and other gatherings which generally last into the evening hours; however, Commissioners may be specific to limited playground hours and/or lights. City staff would need to have its legal department review the verbiage for City Council to consider.

Mr. Morgan asked who would be responsible for enforcing the limited hours. Mr. Lutz stated it would become a Code Enforcement issue, but said the best course of action would be to call the police as it may be considered a trespassing violation. Mr. Lutz said it would ultimately be up to the neighbors to file any complaints.

Mr. Malone asked what kind of lighting is there 24 hours. Mr. Gary Bates, an elder from the church, replied the present lighting is primarily for parking purposes, not for the use of the playground. Mr. Bates said he is also the treasurer for the school so he is familiar with its policies. He said the policy for its students are considerably more restrictive than that as they are not allowed to arrive at school until 7:45 a.m. and must depart by 6:00 p.m. at the very latest; however, it is not unusual to have neighborhood children utilize the playground, which is where most of the evening activity is coming from. Mr. Bates stated the lights are on timers and may need to be adjusted. He added there have been times when they have had meetings and the parking lot was not adequately lit because the timers turned the lights off. Mr. Lutz stated the timers will help in deterring evening activity during the fall and winter months, but during the summer months, activity may continue late as it does not get dark until 9:00 or 9:30 p.m.; however, at that point they would be trespassing. Mr. Bates stated there is a sign posted saying children are not allowed on the playground without adult supervision.

Mr. Rick Streiff spoke and discussed his concerns. Mr. Streiff stated there is an easement that comes down and has a good slope from Harper Road going all the way past his house into the field, past the field and all the way to Bluebonnet and heavy rains cause some of the residents on Bluebonnet to take on water. Mr. Streiff stated when they pave that, it's going to pick up some volume. He said as it is right now, water that comes across the church's parking lot hits a little berm before it hits the first house and kind of goes into the easement and during some substantial rains just washes it out. Mr. Streiff stated his neighbor, Mr. Ship, takes measures to maintain that. He said he would like someone to make some notes that when they pour that solid surface that they direct the water so as to do minimal damage. The other concern Mr. Streiff discussed was regarding a privacy fence. Mr. Lutz stated a privacy fence is part of the site plan and showed Mr. Streiff where it is located on the site plan and said the fence is a part of the code. Mr. Streiff's last concern was continued growth. He stated one of the core values of the Seventh Day Adventist

(SDA) church is education and he was concerned about future growth and when someone would say they just can't do what they want to do.

Regarding the runoff, Mr. Lutz stated there is some added impervious cover. This was looked at during the Development Review Committee (DRC) meeting which the City Engineer attended and said the city is not looking at adding any significant amount of impervious cover to significantly increase those flows of water. Mr. Lutz stated they have not seen the grading plan yet, but it is a part of the construction and the engineer will be reviewing it. As far as forcing the landowner to direct it onto their property, Mr. Lutz said state law does require as an adjacent landowner you are required to accept a certain amount of runoff with the stipulation that it's not channelized and these are things that will be adjusted during the building process as they are a little difficult to adjust during the site plan. Regarding future development, specifically Mr. Streiff's question as to when is it too intense for a community, that can only be answered by the Commissioners and City Council; however, Mr. Lutz said he would aid in that. For example, if the church requested to add a high school and more additions, at some point they would reach that threshold where there parking requirements for their building sizes will become limited.

Comr. Waller closed the public hearing at 5:05 p.m.

Comr. Motheral moved to approve the CUP as presented with the conditions of adding timers on the lighting and limiting playground hours to be approximately 8:00 a.m. to 6:00 p.m. as recommended by Commissioners; motion was seconded by Comr. Malone and passed 5-0.

4. STAFF REPORTS:

4A. Report concerning future agenda items.

Mr. Lutz reported the next meeting is scheduled for Thursday, August 7, 2014. At this time there is nothing to present, however, Mr. Lutz stated he may be presenting two or three replats and possibly an amendment to a planned development district concerning signage.

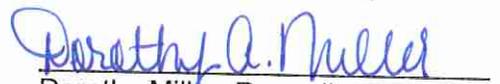
5. ADJOURNMENT

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

APPROVED:



Bob Waller, Vice-Chair



Dorothy Miller, Recording Secretary

8/7/14

Date Minutes Approved

