

CITY OF KERRVILLE PLANNING & ZONING COMMISSION AGENDA
REGULAR MEETING, THURSDAY, FEBRUARY 5, 2015 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 January 15, 2015 meeting.

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3. PUBLIC HEARINGS AND ACTION

3A. **Public Hearing & Action, Residential Replat** Public hearing, consideration, and action concerning a proposed residential replat of lots 32-37 of the Comanche Trace Subdivision, Phase 8, containing 0.909 acres, located at 2085 Toscano Way. (Planning File No. 2015-001)

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3B. **Public Hearing & Action, Residential Replat** Public hearing, consideration, and action concerning a proposed residential replat of lots 42, 43 and 44 of the Comanche Trace Subdivision, Phase 8, containing 0.455 acres, located at 2121 Toscano Way. (Planning File No. 2015-002)

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4. CONSIDERATION AND ACTION

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4A. **Consideration & Action, Preliminary Plat –** Consideration and action concerning a preliminary plat of the Green Hills Center, located at 1002 Junction Highway. (Planning File No. 2014-055)

4B. **Consideration & Action, Replat –** Consideration and action concerning a replat of a part of Lot 569 and Lot 569-1/2, Block 55 of the Charles Schreiner's Second Addition and Lot 573R of same, containing 1.38 acres more or less. (Planning File No. 2014-056)

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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.

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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: January 30, 2015 at 4:15 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

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Brenda Craig

City Secretary, City of Kerrville, Texas

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4C. **Consideration & Action, Preliminary Plat** – Consideration and action concerning a preliminary plat of the Village on the Guadalupe Subdivision, located at 1107 Junction Highway. (Planning File No. 2015-003)

5. **STAFF REPORTS**

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- Parking regulation changes, CBD.
- 2 Replats

6. **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: January 30, 2015 at 4:15 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Brenda Craig

City Secretary, City of Kerrville, Texas

3A. Public Hearing & Action, Initial Zoning Request and Rezoning Request (PDD)

Public hearing, consideration, and action concerning a requested rezoning of 6.920 acres from (GR) Guadalupe River District to (PDD) Planned Development District, located at 1107 Junction Highway (Planning File No. 2014-041):

Mr. Stewart gave the commissioners a map for 1107 Junction Highway, which showed the proposed PDD. He reviewed the reasons for the proposed PDD, and what it would mean for the property and the surrounding area. He went over the application. He stated that staff was working on the ordinance with the legal department. He reviewed the concept plan and the allowed uses of the land in a PDD. He stated that the Texas Department of Transportation was in agreement with the driveway locations. They are approved for 200 parking places. The request was for 206 parking places. There was some discussion of problems with the flood plain. The signage was also discussed. The planned signage for the project may require a variance.

Com. Watterson opened the public hearing at 4:45 p.m.

Ken Kolochne, of Matkin Hoover Engineering, representing the developer. He clarified that there was only one free-standing sign planned, with multiple tenants listed on it. The remaining signage were to be monument signs. There were plans in place to share the parking among the tenants. He answered various questions from the commissioners.

Pete Moore, owner/developer of the property also answered questions from the commissioners.

The public hearing was closed at 4:58 p.m.

Com. Waller moved to approve the PDD as presented, but to exclude signage. Com. Harmon seconded, and the motion passed 5-0.

3B. Public Hearing & Action, Residential Replat

Public hearing, consideration, and action concerning a proposed residential replat of lots 4 and 5, Block A of the Comanche Trace Subdivision, Phase 9, consisting of 0.96 acres, located at 3913 Oak Park Drive (Planning File No. 2014-050)

Com. Harmon recused himself from this item, and left the dais during the discussion and public hearing and vote.

Mr. Stewart reviewed the details of the proposed replat.

Com. Watterson opened the public hearing at 5:04 p.m.

No one spoke.

The public hearing was closed at 5:05 p.m.

Com. Motheral moved to approve the residential replat. Com. Zuber seconded, and the motion passed 5-0.

3C. Public Hearing & Action, Final Plat

Public hearing, consideration and action concerning a proposed final minor plat and replat of 3.91 acres out of Samuel Wallace Survey No. 112, Abstract 360, located at the northwest intersection of Legion Drive and Loop 534. (Planning File No. 2014-051)

Mr. Stewart reviewed the plat details and answered questions from the commissioners.

Com. Watterson opened the public hearing at 5:09 p.m.

No one spoke.

The public hearing was closed at 5:10 p.m.

Com. Waller moved to approve the final plat, with modification to the language to confirm that the only access to the property will be from Legion Drive. Com. Harmon seconded, and the motion passed 5-0.

3D. Public Hearing & Action, Residential Replat

Public hearing, consideration, and action concerning a proposed residential replat of lots 55 & 56, Block C of the Comanche Trace Subdivision, Phase 11, located at 1080 Pinnacle View Drive. (Planning File No. 2014-053)

Mr. Stewart reviewed the replat.

Cmr. Watterson opened the public hearing at 5:13 p.m.

No one spoke

The public hearing was closed at 5:14 p.m.

Cmr. Zuber moved to approve the replat. Cmr. Motheral seconded, and the motion passed 5-0.

3E. Public Hearing & Action, Rezoning and Text Amendment, Downtown Core Designation(DC)

Public hearing, consideration, and action concerning a staff-initiated rezoning of a block of property bounded by Quinlan St. to the west, and Jefferson St. and Main St. to the north and south, comprising approximately 5.89 acres, from (CBD) Central Business District to (DC) Downtown Core, and an associated amendment of the text of the Zoning Regulations. (Planning File No. 2014-054)

Cmr. Waller recused himself from this item, and left the dais during the discussion and public hearing and vote.

Mr. Stewart reviewed the rezoning and text amendment, as well as the requirements for the DC and CBD. He read a letter he received from John Mosty stating his opposition to this matter. He also read a letter he received from Robert Waller, with the Broadway Bank, which was titled Formal Protest. Mr. Stewart stated the reasoning behind the proposed rezoning and text amendment.

Cmr. Watterson opened the public hearing at 5:24 p.m. He also stated for the record that the letters from Mr. Mosty and Mr. Waller were received, and incorporated into the public hearing.

Cindy Colebath, 194 Mull Road, Kerrville, TX; she stated she and her husband own the Napa Auto Part store located at 601 Jefferson, Kerrville, TX, and she spoke against the rezoning and text amendment. She was concerned that their pole sign would have to be changed. Mr. Stewart assured her that her sign was most likely eligible for a "grandfather clause."

The public hearing was closed at 5:27 p.m.

Mr. Stewart answered questions from the commissioners regarding the origination of this request. He stated that the proposed business to be located on Clay Street was to be a microbrewery. The parking and requirements for the business precipitated the request. After considerable discussion among the commissioners, Jeremy Walther, an audience member, requested to be heard. The public hearing was reopened at 5:42 p.m. Mr. Walther, who is the proposed business owner, spoke in favor of the rezoning and text amendment. He answered questions regarding his business, and the reasons he chose this property. He stated he arranged a parking space lease arrangement with Pioneer Bank. The lease was permanent. The commissioners voiced concerns about the parking lease being permanent. Mr. Stewart stated that, according to the City's ordinance requirements, a lease of that type is required to be permanent.

At the request of Jeremy Walther, Post Office Box 7, Center Point, TX, the public hearing was reopened at 5:42 p.m. Mr. Walther is own of the owners of the property in question. He explained the reasons for choosing this particular property. He explained that he and his fellow property owners did go before the Building Board of Adjustments and Appeals, and it was determined that it was not within that board's authority to grant the variance for this particular

property. He opined that the building in question was historically important to the City of Kerrville, and it is his intention to restore and maintain the historical value of the building. He stated he had spoken with Pioneer Bank, and arranged the agreement for twelve parking spaces, but because of the requirement that the agreement be irrevocable, he was very uncomfortable with requiring Pioneer Bank to commit to that. He also explained that he had looked at several different properties, but none of them worked out. He answered questions from the commissioners.

Mr. Stewart stated he had spoken with the City Attorney regarding the requirement of the parking agreement to be irrevocable, and the City Attorney wanted the language to stay in the zoning code.

It was the consensus of the commission to direct Mr. Stewart to look at the zoning code again to attempt to find another way to secure the parking allowances for the proposed business without expanding the Downtown Core. It was decided to postpone the issue until the next Planning and Zoning Commission meeting.

The public hearing was closed at 6:03 p.m.

Cmr. Motheral moved to table this item until the next meeting. Mr. Harmon seconded, and the motion passed 4-0.

4. STAFF REPORTS:

Mr. Stewart reported that the next Planning and Zoning Commission meeting was scheduled for February 5, 2015.

5. ADJOURNMENT:

This meeting was adjourned at 6:08 p.m.

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

AGENDA ITEM: 3A

FOR AGENDA OF:

February 5, 2015

DESCRIPTION: Public hearing, consideration, and action concerning a proposed residential replat of lots 32-37 of the Comanche Trace Subdivision, Phase 8, containing 0.909 acres, located at 2085 Toscano Way. (Planning File No. 2015-001)

APPLICANT(S): Mike Grogan, Grogan Surveying

ATTACHMENT(S): Location Map & Proposed Plat

SUMMARY STATEMENT

The applicant is seeking to consolidate six vacant lots into four lots.

Utility Easements have been retained from the original subdivision plat and utilities are available

The subdivision plat meets all state and local regulations and staff recommends approval.

RECOMMENDED ACTION

1. Open the required public hearing receive comments.
2. Approve the replat as presented.

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

AGENDA ITEM: 3B

FOR AGENDA OF:

February 5, 2015

DESCRIPTION: Public hearing, consideration, and action concerning a proposed residential replat of lots 42, 43 and 44 of the Comanche Trace Subdivision, Phase 8, containing 0.455 acres, located at 2121 Toscano Way. (Planning File No. 2015-002)

APPLICANT(S): Mike Grogan, Grogan Surveying

ATTACHMENT(S): Location Map & Proposed Plat

SUMMARY STATEMENT

The applicant is seeking to consolidate six vacant lots into four lots.

Utility Easements have been retained from the original subdivision plat and utilities are available

The subdivision plat meets all state and local regulations and staff recommends approval.

RECOMMENDED ACTION

1. Open the required public hearing receive comments.
2. Approve the replat as presented.

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

AGENDA ITEM: 4A

FOR AGENDA OF:

February 5, 2015

DESCRIPTION: Consideration and action concerning a preliminary plat of the Green Hills Center, located at 1002 Junction Highway. (Planning File No. 2014-055)

APPLICANT(S): Jason Link, agent; Matthew Dieterle, owner.

ATTACHMENT(S): Location Map & Proposed Plat

SUMMARY STATEMENT

The purpose of the preliminary plat is to coordinate the availability of public infrastructure and phasing of public improvements to ensure a legal lot configuration that meets all city and state subdivision requirements.

In this case, the owner intends to develop a fast food restaurant on the corner, where the pharmacy currently sits at Harper Rd. and Junction Highway. A sanitary sewer main extension is required, and an easement will be dedicated with the final plat across the adjacent lot to serve the site.

Staff believes that the adjacent, larger lot should be part of the preliminary plat, which would increase the total acreage. Staff also has noted that any approval of the final plat is contingent upon approval of the public improvement plans.

RECOMMENDED ACTION

Staff recommends approval of the plat, contingent upon inclusion of the second lot and updating the title description to reflect the total acreage.

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

AGENDA ITEM: 4B

FOR AGENDA OF:

February 5, 2015

DESCRIPTION: Consideration and action concerning a replat of a part of Lot 569 and Lot 569-1/2, Block 55 of the Charles Schreiner's Second Addition and Lot 573R of same, containing 1.38 acres more or less, located at 400 Francisco Lemos St.. (Planning File No. 2014-056)

APPLICANT(S): Charles Domingues, Domingues and Associates

ATTACHMENT(S): Location Map & Proposed Plat

SUMMARY STATEMENT

The applicant is seeking to consolidate lot 573R, lot 569-1/2 and a portion of lot 569 into a single lot. The site is situated between Francisco Lemos St. and Paschal Ave., along Jefferson St..

Utility Easements have been retained from the original subdivision plat and utilities are available.

There is a small portion of KPUB overhead facilities which cross onto the property along Paschal. KPUB and Staff are requesting a 5' electric utility easement to cover this facility.

The subdivision plat meets all state and local regulations and staff recommends approval, pending the provision of an overhead electric easement.

RECOMMENDED ACTION

1. Staff recommends approval, subject to the provision of an overhead electric easement.

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

AGENDA ITEM: 4C

FOR AGENDA OF:

February 5, 2015

DESCRIPTION: Consideration and action concerning a preliminary plat of the Village on the Guadalupe Subdivision, located at 1107 Junction Highway. (Planning File No. 2015-003)

APPLICANT(S): Ken Kolacny, P.E., agent; Pete Moore, owner.

ATTACHMENT(S): Location Map & Proposed Plat

SUMMARY STATEMENT

The purpose of the preliminary plat is to coordinate the availability of public infrastructure and phasing of public improvements to ensure a legal lot configuration that meets all city and state subdivision requirements.

In this case, the owner intends to develop a mixed use project, to include restaurants, condominiums, retail, and personal service uses. There is an active Planned Development District application associated with this plat. The preliminary plat, however, is necessary to allow the corner lot to be developed first.

There are no public improvements associated with this plat.

Staff has requested that the access easement serving both lots 1 and 2 should be designated as a public utility easement in addition to the mutual access easement. Staff has also requested some minor changes to the legend and text of the preliminary plat, as presented.

RECOMMENDED ACTION

Staff recommends approval of the plat.

