

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

January 15, 2015

MEMBERS PRESENT:

David Watterson, Chairman
Robert Waller, Vice Chairman
Garrett Harmon, Commissioner
R. Bruce Motheral, Commissioner
Doyle Malone, Alternate
Rustin Zuber, Alternate

MEMBER ABSENT:

William Morgan, Commissioner

STAFF PRESENT:

Christopher Stewart, Interim Senior Planner
Cheryl Brown, Deputy City Secretary

CALL TO ORDER:

On January 15, 2015, Cmr. Watterson called the Kerrville Planning and Zoning Commission regular meeting to order at 4:30 p.m. in the City Hall Council Chambers, 701 Main Street, Kerrville, Texas.

1. VISITORS/CITIZENS FORUM:

No one spoke.

2. CONSENT AGENDA:

2A. Approval of the minutes from the December 18, 2014 meeting.

Cmr. Watterson stated that a correction needed to be made on the minutes on page 4, wherein the minutes stated that Cmr. Motheral moved to approve, and it should have stated he moved not to approve. Cmr. Motheral moved to approve the minutes of December 18, 2014, contingent upon the referenced correction. Cmr. Harmon seconded, and the motion passed 5-0.

3. PUBLIC HEARINGS AND ACTION:

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.

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

Ken Kolochno, 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.

Cmr. Waller moved to approve the PDD as presented, but to exclude signage. Cmr. 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)

Cmr. 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.

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

No one spoke.

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

Cmr. Motheral moved to approve the residential replat. Cmr. 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.

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

No one spoke.

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

Cmr. 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. Cmr. 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.

Mr. 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.

APPROVED:


David Waterson, Chairman


Cheryl Brown, Deputy City Secretary

2/5/15
Date Minutes Approved