

**City of Kerrville Planning & Zoning Commission Agenda**

**Thursday, January 3, 2008, 4:30 p.m.\***

**City Hall City Council Chambers, 800 Junction Highway, Kerrville, TX**

The meeting place has wheelchair accessibility and available accessible parking spaces. Please call the City of Kerrville Planning Division at (830) 792-8354 forty-eight hours (72) before the meeting to request accommodations.

**1. \*4:15 p.m. Pre-Meeting Session, City Council Chambers**

Review of today's agenda items between Staff and the Commission. No action will be taken and there is to be no discussion between the Commission and the applicant(s) or other audience.

**2. 4:30 p.m. Call to Order**

Chairperson calls the meeting to order; roll call.

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**3. Visitor/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. (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.)

**4. 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.

**4A. Approve the minutes from the meeting of December 20, 2007.**

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**4B. Final Plat: Comanche Trace Phase 11** – A seventy-two (72) lot single family subdivision on 45.52 acres located generally along the southern extension of Comanche Trace Drive. Zoned: PDD. Applicant: Grogan Surveying. (File No. 2007-16)

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**5. Action Item**

**5A. Preliminary (Minor) Plat: Gilmer Estates** – A three (3) lot, 0.63 acre tract located at 1831 and 1835 Thurman Street. Zoned: GTW. Applicant: Texas Land Boundaries. (File No. 2007-59)

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**5B. Citizen Participation Procedures** – Discussion and possible adoption of procedures for public input at Planning and Zoning Commission meetings. Applicant: Councilman Mack Hamilton.

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**6. Public Hearing/Consideration**

**6A. Replat: Twin Springs Ranch II** – A replat to combine Lots 23-A and 23-B into one (1) 52.81 acre lot located at the end of Carefree Trail N. Zoned: ETJ. Applicant: Voelkel Engineering and Surveying. (File No. 2007-62)

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**6B. Development Site Plan** – Consider a recommendation to the City Council of a request for a development site plan for a twenty-one (21) lot, 2.25 acre duplex development located on the south side of Pinto Trail between Tomahawk Trail and

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Bow Lane. Zoned: RC. Applicant: Voelkel Engineering and Surveying. (File No. 2007-60)

6C. **Building Code Amendments** – Consideration of the applicability of the building and fire codes on existing buildings as they relate to the adoption of the 2006 Edition of the International Building Code. 19

**7. Staff Reports**

7A. Future Agenda Items. Applicant: Senior Planner. 24

7B. Director's Report. Applicant: Director of Development Services.

8. **Adjourn** - The next scheduled meeting is Thursday, January 17, 2008.

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

**AGENDA ITEM:** 4A **FOR AGENDA OF:** January 3, 2008  
**DESCRIPTION:** Approval of the minutes from December 20, 2007  
**APPLICANT(S):** Planning and Zoning Commission Secretary  
**ATTACHMENT(S):** Minutes

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**MEMBERS PRESENT:**

Bruce Motheral, Chairperson  
Jim Kessler, Vice Chairperson  
Harold Buell, Commissioner  
Andy Phillips, Commissioner  
Mack Hamilton, Ex-Officio City Councilperson  
Paul Hofmann, Ex-Officio City Manager  
George Hager, Commissioner

**MEMBERS ABSENT**

**STAFF PRESENT:**

Kevin Coleman, Director of Development Services  
Gordon Browning, Senior Planner  
Trina Ramirez, Planning and Zoning Commission Secretary  
Mike Hayes, City Attorney  
Brian Whitton, Chief Building Official

**1. CALL TO ORDER:**

On December 20, 2007, the Kerrville Planning and Zoning Commission regular meeting was called to order at 4:30 p.m. in the City Hall Council Chambers, 800 Junction Highway.

**2. VISITOR/CITIZENS FORUM:**

Bill Tate, 500 W. Water St, spoke to the committee regarding the City's Sign Ordinance and the 77' sculpture planned on I-10 by the Coming King Foundation. (see attachment)

**3. CONSENT AGENDA:**

3A. Approval of the minutes from the meeting of November 29, 2007 and December 6, 2007.

Cmr. Kessler moved for approval of the consent agenda as amended; motion was seconded by Cmr. Buell and passed 5-0.

**3B. Final Plat: Comanche Trace Phase 11** – A seventy-two (72) lot single family subdivision on 45.52 acres located generally along the southern extension of Comanche Trace Drive. Zoned: PDD. Applicant: Grogan Surveying. (File No. 2007-16)

This item has been withdrawn

#### **4. Public Hearings**

**4A. Sign Variance Request** – A variance to the Sign Regulations of the City of Kerrville to allow an off-premise sign to exceed the maximum allowable sign area of one-hundred (100) square feet by fifteen-hundred and sixty-six (1566) square feet, located on Thompson Drive west of Sheppard Rees Road. Zoned: ETJ. Applicant: Greg Richards. (File No. 2007-50)

Kevin Coleman, Director of Development Services, explained to the Commission their roles and votes on this matter and informed them of the sign permit process in the ETJ.

Greg Richards, the applicant attorney, stated to the Commission that his applicant was told by City Staff that there was no sign permit needed in the ETJ and once the sign was eighty-five percent complete City employee posted a stop work order after which Mr. McRae, the owner and his team stopped work on the sign. He also stated that he had several meetings with City staff to compromise and that City Staff misrepresented the procedure for the sign variance request and went over specifics in the sign ordinance. He also explained to the Commission the reasoning of the size of the sign request.

Cmr. Motheral opened the public hearing at 5:00 p.m.

Joe Luther, 113 Spring Branch, stated that the Commission does not have latitude and there are strict requirements that a variance has to meet and explained that a variance is for a developer or property owner to achieve the same level of development of the same zone. He also stated that this sign variance would be a grant or gift of special privilege according to the rule of law. The Commission has no choice because this does not meet the standards that exist in the City's Ordinance or in common law for the granting of the variance and must be denied on that ground.

William Rector, 905 Water St, gave his concerns on the size of the sign variance. He also stated that there are a number of people who are not for the sign variance and he also explained that there are other locations that do not have the size of the proposed sign and they have been very successful. He also explained to the commission the alternatives that have been given to the applicant are to make a gate instead of the big billboard sign and asked the commission to please consider denying the sign variance without compromise and without consideration.

Francha West, 243 La Reata Rd, stated that the reason they left Dallas was to get away from billboards and all they do is close in the views that you have to look at. She has asked the Commission to deny the variance and asked to honor the law and not put up the sign.

Brent Bates, 434 Forest Ridge, stated that if they do approve a variance there be some duration in the variance, a time limitation for the sign to be up.

Rick McRae, Applicant, stated that they had asked the City for a time limitation of the sign until they sell out and explained to the Commission that signs do work as advertisement. He stated that the City is not willing to pay them for taking the sign down or reimburse them for their time and cost. From his understanding the City can't make them take it down. Mr. McRae guaranteed to make their sign first class.

Cmr. Motheral closed the public hearing at 5:22 p.m.

Cmr. Motheral asked Mike Hays, City Attorney what is the City's right or position of managing signs in the ETJ.

Mike Hayes, City Attorney, explained to the commission the rights that the City has regarding signage in the ETJ and suggest to go thorough the finding of facts of the Sign Ordinance. He stated that he investigated staff and there was miscommunication with the applicant and staff. He stated that the commission needs to look at the finding of fact before approving.

Cmr. Motheral commented that he sees both sides of the sign variance and we need to find a balance between what and individual property owner wants and what the community as a whole wants. He stated that the size that has been proposed is beyond his comfort.

Cmr. Kessler stated that while doing some research on existing signs the largest square footage sign in Kerrville or in the ETJ is 396 sq ft and is located at 980 Sidney Baker and in his opinion it would be fair to give the applicant permission to construct this sign equal to the largest existing sign with certain conditioned placed upon it, such as a time limit for the duration of the sign, that it can be only used to advertise their company or their project, and that it can not be leased, rented, sold, or other wised use by any other person, company or other concern.

Cmr. Phillips stated that he is uncomfortable with the size of the sign that is proposed. However some consideration needs to be taken. He suggested no lighting to the sign and suggested to camouflage the standards or the poles to look similar to the cantor columns that are at the entrance to the subdivision that will make it look more appealing. He also stated that there has to be a term limit for the signage and it has to be specific and it can not be linked to the number of lots sold or dollars generated.

Kevin Coleman, stated that a time restriction has been historically hard to enforce.

Cmr. Phillips moved for approval of the sign variance to provide for an unlighted sign with total square footage not to exceed 390 sq feet, that the standards be camouflaged to blend in either with the background or to be decorated in such a manner as to be visually appealing, that the area around the sign and the back cut of the hill behind the sign be landscaped not over 200 sq feet per sign face be shown on a single side, that the sign be allowed to be placed in a V shaped format together so it can be visible from both sides, a term of three years from this variance date be granted for that sign to be in place after which it must be removed at the owner expense and the purpose of the sign can only for advertising that particular piece of property as an on permission signage for his businesses located there only and non-transferable ; motion was seconded by Cmr. Kessler and passed 5-0.

The Commission went over the finding of facts to justify the approval of the sign variance.

The Commission took a break at 6:18 p.m. The Commission rejoined at 6:28 p.m.

**4B. Zoning Change Request** – Consider a recommendation to the City Council of a request to change the zoning on an approximately 6.0 acre tract from R1A to R3, located along the south side of Guadalupe Street, east of the Guadalupe Street and Lewis Street intersection. Zoned: R1A. Applicant: Brent Bates. (File No. 2007-57)

Mr. Browning presented the finding of fact to the Commission

Cmr. Motheral opened the public hearing at 6:29 p.m.

Russell McCollum, 387 Guadalupe St, expressed concerns over environmental impact. Another concern is the aesthetics and quality of life, the vision of the river is going to be hidden with this tall structures. He also stated that the riverwalk is a great idea but his concern is that on his map the public access will be his driveway. Since the improvement of Guadalupe St the flow of traffic has increased and when this new development is finished there will be more traffic and public safety issues.

Evangeline Guedea, 334 Guadalupe St, commented on how she does not want to look at the back of the three story buildings that are being proposed and commented on how there is not much left on Guadalupe St.

Peter Lewis, 240 Galbraith Ave, commented on how he walks on Guadalupe St and does not agree with what is being proposed. It is going to demolish the quality of land. He also stated if the zoning request is approved and there is an incentive for Mr. Bates that he would encourage him to consider an alternative not only a site plan but also a building design to what he is doing to Palacios.

Barbara Quilby, 882 Freedom Trail, commented on that she was part of a citizens group to investigate on the walkway to get the necessary national, federal, state and local agency approval and to understand the impact of the river and what right the developer had along the river. She also comment on that she lead that meeting with seven federal, state agencies and City staff and they did develop a plan and got all the necessary approvals.

Mary Ann Beak, 3 Loma Linda, question on what does he plan to do with all the trees on Guadalupe St.

Dan Germany, 613 Guadalupe St, commented that his concerns were traffic and public safety. He also stated the retirees are having a hard time getting in and out of their driveways already and if approved they need a turning lane on Guadalupe St.

Cmr. Motheral closed the public hearing at 7:05 p.m.

Brent Bates, Applicant, commented on the environmental concerns that the public has. He also explained that after completing the projects the City and property owners will have more access to the Guadalupe River. Once the 900ft of River walk is finished the public and the neighborhood will be able to enjoy the river. Mr. Bates also commented on that traffic is a problem on Guadalupe St but people use it as a short cut and his development will take cars off the street with a parking lot for the residents.

Cmr. Kessler moved for approval of the zoning change; motion was seconded by Cmr. Buell and passed 5-0.

## **5. Worksession**

5A. **Building Code Amendments** – The Commission has been directed to examine the applicability of the building and fire codes on existing buildings as they relate to the adoption of the 2006 Edition of the International Building Code.

Cmr. Phillips excused himself at 7:30

The Commission considered amendments to the code as presented by: Thad Chambers, Peter Lewis, Tom McKeon and Cmr. Motheral proposed a schedule for the continued review and called for a public hearing on proposed code revisions for the Jan 3, 2008 meeting. .

## **6. STAFF REPORTS**

6A. Future Agenda Items/Project Update. Applicant: Senior Planner.

6B. Director's Report. Applicant: Director of Development Services.

7. **Adjourn** – The next scheduled meeting is Thursday, January 3, 2008.

The meeting adjourned at 7:53 p.m.

ATTEST:

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Bruce Motheral, Chairperson

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Trina Ramirez, Recording Secretary

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

**AGENDA ITEM:** 4B **FOR AGENDA OF:** January 3, 2008

**DESCRIPTION:** **Final Plat: Comanche Trace Phase 11** – A seventy-two (72) lot single family subdivision on 45.52 acres located generally along the southern extension of Comanche Trace Drive. Zoned: PDD. (File No. 2007-16)

**APPLICANT(S):** Grogan Surveying

**ATTACHMENT(S):** Plat

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**SUMMARY STATEMENT – FINDING OF FACT**

History/Timeline:

- September 2006 – Pursuant to the development agreement between the City and Comanche Trace Ranch and Golf Club, staff begins the annexation and zoning proceedings for the subject tract upon submittal of the preliminary plat.
- October 19, 2006 – Commission approves the preliminary plat for Comanche Trace Phase 11.
- January 9, 2007 – Council passes Ordinance No. 2007-01 annexing and zoning the subject tract.
- March 27, 2007 – Final plat submitted, staff holds processing until engineering plans are approved.
- November 9, 2007 – Civil construction plans for Comanche Trace Phase 11 are approved. These plans also include the 12-inch water main connecting Comanche Trace and the Ridgewood storage tank.
- November 19, 2007 – Final plat for Comanche Trace Phase 11 is accepted for processing.
- December 12, 2007 – Development Review Committee (DRC) process is completed.
- **January 3, 2008** – **Consideration of the final plat by the Commission.**

Summary:

The final plat is consistent with the previously approved preliminary plat.

**RECOMMENDED ACTION**

Staff recommends approval of the final plat.

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

**AGENDA ITEM:** 5A **FOR AGENDA OF:** January 3, 2008

**DESCRIPTION:** **Preliminary Minor Plat: Gilmer Estates** – A three (3) lot, 0.63 acre tract located at 1831 and 1835 Thurman Street. Zoned: GTW. (File No. 2007-59)

**APPLICANT(S):** Texas Land Boundaries

**ATTACHMENT(S):** Plat

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**SUMMARY STATEMENT – FINDING OF FACT**

History/Timeline:

- December 7, 2007 – Plat accepted for review.
- December 26, 2007 – Development Review Committee (DRC) process completed.
- December 28, 2007 – Staff comments to applicant.
- **January 3, 2008 – Consideration of plat by Commission.**

Summary:

- Existing unplatted property being platted into three (3) lots for future development and/or sale.
- Proposed Lot 1 has an existing single family residence.
- Access to the tract will be from Thurman Street, a collector street.
- Municipal utilities exist to serve this tract.

**RECOMMENDED ACTION**

Staff recommends approval of the plat, subject to the following conditions;

1. The plat should be titled 'Gilmer Estates, Block 1, Lots 1, 2 and 3' in the title plat.
2. Show all existing and proposed easements on the final plat with dimensions and labeled by type to include franchise utilities. Label existing easements as 'Existing' and provide recording information. Identify proposed easements by stating dedication method within parenthesis, ex. (By Plat).
3. Remove topographic lines and physical features from the final plat.
4. Show right-of-way width for Thurman Street. Provide dimension lines from property corners to adjacent ROW line. Note: Thurman Street is identified as a collector street with 60-feet of right-of-way according to the City's adopted Thoroughfare Plan, additional right-of-way may be required with this subdivision.
5. Provide all necessary signature blocks on the final plat for recording to include franchise utilities.
6. Show how each lot will be served by public sewer and water.

7. The 100-year floodplain line shown on the preliminary plat does not agree with the FIRM maps, verify correct location of 100-year floodplain on the final plat. No structures will be allowed within the floodplain limits.
8. Any additions and/or alterations as required by the City Engineer, and
9. Conformance with the Parkland Dedication Ordinance as required by Article 10-IV-3 ( c ) 1.

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

**AGENDA ITEM:** 5B **FOR AGENDA OF:** January 3, 2008

**DESCRIPTION:** **Citizen Participation Procedures** – Discussion and possible adoption of procedures for public participation and input at Commission meetings.

**APPLICANT(S):** Councilman MacK Hamilton

**ATTACHMENT(S):** City Council adopted procedures for public input.

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Consideration and possible adoption of procedures for public participation and input during Planning and Zoning Commission meetings to include Visitor/Citizens' Forum and scheduled agenda items.



# **CITY OF KERRVILLE SPEAKER REQUEST FORM**

(for all persons who wish to address the City Council)

## **Citizen Participation in Council Meetings:**

Several opportunities are available for participation during meetings of the City Council of the City of Kerrville. By filling out this form, members of the public can speak at a meeting on a topic not on the agenda through the Visitors/Citizens Forum or to speak on a posted agenda item. If action is desired on an item at a future meeting, that option is available by filling out the proper agenda request form.

Visitors/Citizens Forum: Any person who has submitted a speaker request form to the city clerk may speak to the city council on any matter that is not scheduled on the agenda. No discussion or action can be taken on such item(s) by the city council because of the Texas Open Meetings Act. The maximum number of persons who will be allowed to speak on items not specifically listed on the agenda will be limited to the first ten persons who have submitted a speaker request form. Speakers will be limited to three minutes. No rude, abusive or inappropriate conduct will be allowed.

Scheduled Agenda Items: Comments by visitors may be given during public hearings specifically listed on the agenda. Persons who have submitted a speaker request form to the city clerk may be allowed to speak regarding items scheduled on the agenda upon recognition by the mayor or by a majority of the city council. All comments will be limited to three minutes and shall be relevant to the question before the council. No rude, abusive or inappropriate conduct will be allowed.

Process to schedule an Item on a Future Agenda: If a citizen desires formal action on an item, the item may be placed on an agenda for a future meeting by submitting a written request to the city manager or a councilperson. An item can also be referred to a future agenda for action by a Council Member for any citizen that appears during the Visitors/Citizens Forum.

**Date of Meeting:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Name of Organization and Speaker's Association with Organization, if applicable:**

\_\_\_\_\_  
\_\_\_\_\_

**Agenda Item No. and/or Subject of Interest:**

\_\_\_\_\_  
\_\_\_\_\_

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

**AGENDA ITEM:** 6A **FOR AGENDA OF:** January 3, 2008

**DESCRIPTION:** **Replat: Twin Springs Ranch II** – A replat to combine Lots 23-A and 23-B into one (1) 52.81 acre lot located at the end of Carefree Trail N. Zoned: ETJ. (File No. 2007-62)

**APPLICANT(S):** Voelkel Engineering and Surveying

**ATTACHMENT(S):** Plat

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**SUMMARY STATEMENT – FINDING OF FACT**

History/Timeline:

- December 7, 2007 – Plat accepted for review.
- December 26, 2007 – development review Committee (DRC) process completed.
- December 28, 2007 – Staff comments to applicant.
- **January 3, 2008 – Consideration of plat by Commission.**

Summary:

- The proposed replat will return Lot 23 to its original configuration.
- Lot 23-R is developed with a single family residence.
- Building setback lines shown on the plat are by Property Owners Association.
- Carefree Trail is a county road maintained by the Property Owners Association.

Staff Comments:

The proposed replat appears to be in general conformance with the City's Subdivision Regulations with the following exception, the City's thoroughfare Plan shows a future 'Collector Road' bisecting this property. This issue should be resolved prior to consideration of the replat.

**RECOMMENDED ACTION**

Staff recommends postponing action on this replat pending a Thoroughfare Plan Amendment.

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

**AGENDA ITEM:** 6B **FOR AGENDA OF:** January 3, 2008

**DESCRIPTION:** **Development Site Plan: Songbird Ridge** – Consideration of a recommendation to the City Council of a development Site Plan per Article 11-I-10 ( c ) (2), RC Residential Cluster District of the Zoning Code, for a twenty-one (21) lot, 2.25 acre duplex development located on the south side of Pinto Trail between Tomahawk Trail and Bow Lane. Zoned: RC. (File No. 2007-60)

**APPLICANT(S):** Voelkel Engineering and Surveying

**ATTACHMENT(S):** Location Map, Development Site Plan, Draft Resolution

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RC Residential Cluster District:

The primary purpose of the RC Residential Cluster District is to permit the development of a mix of residential uses, including, but not limited to, single-family detached dwellings, zero lot line “garden homes”, and townhouses, subject to certain development regulations that ensure better compatibility of different types of uses within the same zone, such as required buffer areas, screening fences, street layouts and/or landscaping.

The procedure for approval of a Development Site Plan or any amendment thereto shall be the same as for the adoption of a Conditional Use Permit. Any amendment to a Development Site Plan shall be approved in the same manner as the original development site plan.

Proposal:

The applicant is proposing a twenty-one (21) lot duplex development on a 2.25 acre tract located on the south side of Pinto Trail between Tomahawk Trail and Bow Lane. The site plan submitted provides the general layout of the proposed development as well as ‘typical’ plot plans for the proposed duplex development and provides the information outlined in the zoning code for the subject development.

Informational Comments/Notes:

Approval of a Development Site Plan does not constitute approval of a preliminary plat. Prior to submittal of a preliminary plat the development site plan must be approved by the Planning and Zoning Commission and the City Council and a copy of the resolution adopting the development site plan shall be filed in the official records of the County Clerk of Kerr County, Texas. The resolution number and the date of adoption must be noted on both the preliminary plat and final plat in addition to any other development restrictions as deemed necessary.

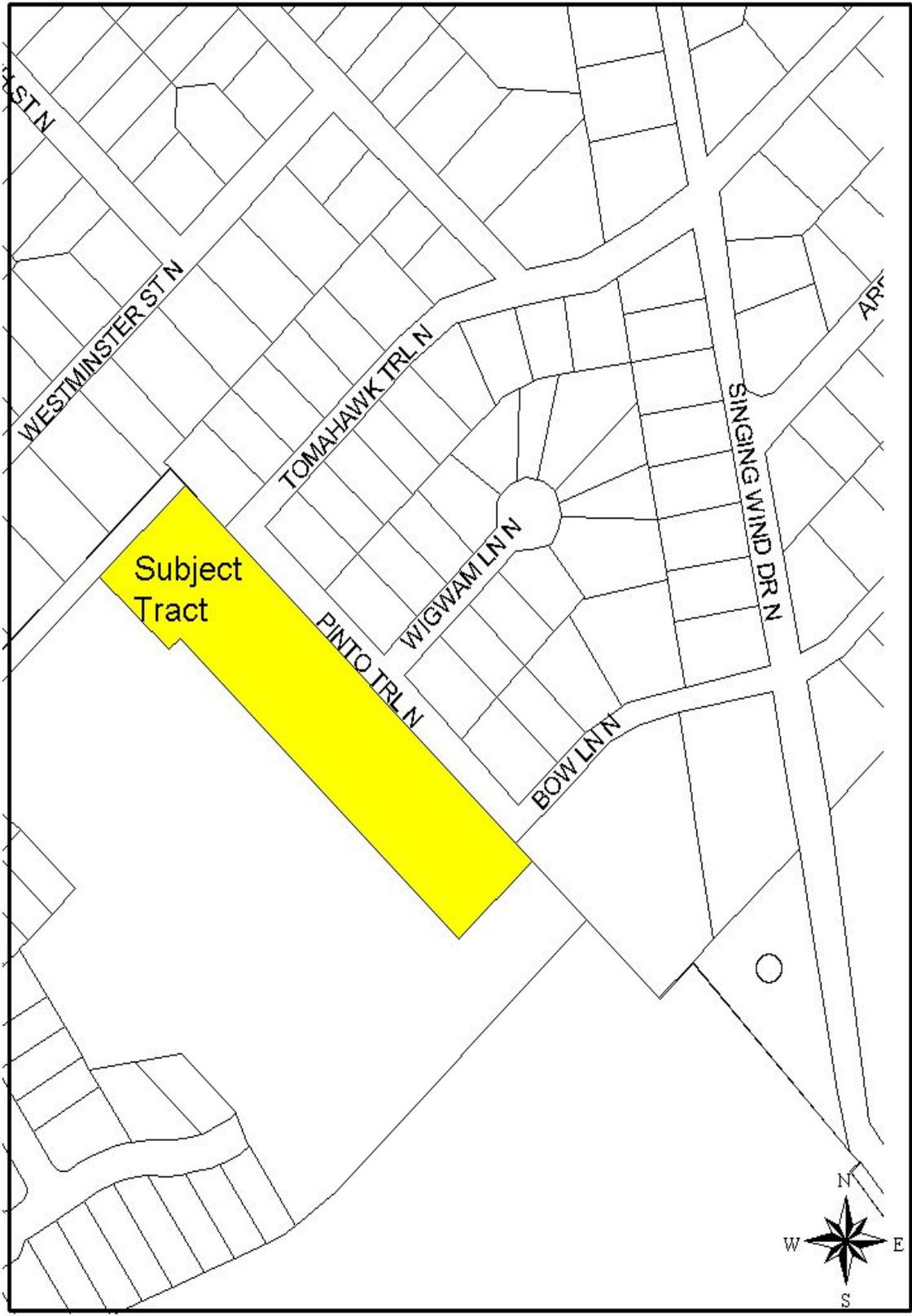
The applicant should consider the following in preparation of the preliminary plat and accompanying engineering plans;

- Show all existing and proposed easements with dimensions and labeled by type to include franchise utilities. Label existing easements as 'Existing' and provide recording information. Identify proposed easements by stating dedication method within parenthesis, ex. (By Plat).
- Prior to submittal of the final plat, a detailed Drainage Plan must be submitted to the City Engineer for review and approval. It appears that this development will be required to design and construct some type of drainage system to eliminate the potential of negative drainage impacts on the downstream properties.
- Adequate fire access by the private access drive shown, shall be provided and maintained at all times.
- Consideration should be given to signing one (1) side of Pinto Trail 'No Parking' to ensure adequate fire access to this project.

After review of the development site plan submitted and a review of the existing and proposed development in the area, staff finds that the use proposed is compatible with the area and recommends approval as submitted.

#### **RECOMMENDED ACTION**

1. Open the public hearing and receive comments, and
2. Recommend to the City Council approval of the Development Site Plan and attached Resolution.



**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO.       -2008**

**A RESOLUTION APPROVING A DEVELOPMENT SITE PLAN FOR AN APPROXIMATE 2.25 ACRE TRACT OF LAND OUT OF THE SAMUEL WALLACE SURVEY NO. 114, ABSTRACT NO. 348, KERR COUNTY, TEXAS, LOCAATED IN A RESIDENTIAL CLUSTER "RC" ZONING DISTRICT, SAID PROPOSED DEVELOPMENT TO BE KNOWN AS "SONGBIRD RIDGE"**

**WHEREAS**, the City Planning and Zoning Commission and the Governing Body of the City of Kerrville, Texas, in compliance with the City Charter and state law, with reference to the approval of a development site plan for a duplex development located in Residential Cluster "RC" Zoning District under Title 11, Chapter I of the Code of Ordinances of the City of Kerrville, Texas, and the official zoning map adopted thereby, have 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 Governing Body of the City of Kerrville, Texas, finds that the health, safety and general welfare will be best served by the approval of a development site plan for the property described in Section One hereof; and

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

That in accordance with Art. 11-I-10(c.)(2) of the Code of Ordinances of the City of Kerrville, Texas, the Development Site Plan, attached hereto and incorporated herein by reference as **Exhibit A**, is hereby approved with respect to the development of an approximate 2.25 acre tract of land out of the Samuel Wallace Survey No. 114, Abstract No. 348, Kerr County, Texas, said property being more particularly described in that certain application for approval of a Development Site Plan for "Songbird Ridge," approved by the City of Kerrville Planning and Zoning Commission on January 3, 2008

**PASSED AND APPROVED ON this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2008.**

ATTEST:

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Eugene C. Smith, Mayor

\_\_\_\_\_  
Brenda G. Craig, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael C. Hayes, City Attorney

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

**AGENDA ITEM:** 6C **FOR AGENDA OF:** January 3, 2008

**DESCRIPTION:** **Building Code Amendments** – Consideration of the applicability of the building and fire codes on existing buildings as they relate to the adoption of the 2006 Edition of the International Building Code.

**APPLICANT(S):** Director of Development Services, Chief Building Official

**ATTACHMENT(S):**

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The Commission will hold a public hearing to receive citizen input regarding the applicability of the building and fire codes on existing buildings as they relate to the adoption of the 2006 Edition of the International Building Code.

**RECOMMENDED ACTION**

1. Open the public and receive comments.

## INTERNATIONAL BUILDING CODE

**105.2**            **BUILDINGS: ADD: SHEETROCK REPAIRS**  
*ADD: IN PARAGRAPH AFTER WATER CLOSETS INSERT, "OR ELECTRICALLY POWERED WATER HEATERS."*

**105.2.2**           **REPAIRS: DELETE: "THE CUTTING AWAY OF ANY WALL, PARTITION OR PORTION THEREOF,"**

**304.1**            *ADD: SMALL RETAIL & WHOLESALE (LESS THAN 5,000 SQ. FT.).*  
*ADD: SMALL SALES ROOM (LESS THAN 5,000 SQ. FT.).*

**3406.5**           **CHANGE OF OCCUPANCY: ADD: WHERE CHANGE IN OCCUPANCY DOES NOT INCREASE THE HAZARD LEVEL BASED ON LIFE AND FIRE RISK AND THE STRUCTURE WAS CONSTRUCTED TO THEN CURRENT CODES, THERE SHALL BE NO REQUIREMENT TO UPGRADE THE EXISTING STRUCTURE TO NEWER OR MORE STRINGENT CODES UNLESS THERE IS AN EXISTING HEALTH OR SAFETY HAZARD PRESENT.**

**3406.5.1**        **MINOR ALTERATIONS: ADD: WHERE A CHANGE IN OCCUPANCY REQUIRES A MINOR ALTERATION OR INTERIOR ADDITION TO THE EXISTING STRUCTURE NO PERMIT IS REQUIRED.**

*ADD TO DEFINITIONS: (A MINOR ALTERATION OR INTERIOR ADDITION IS HEREWITH DEFINED AS THE REMOVAL OR REPLACEMENT OF FLOOR COVERINGS, PAINTING, CEILINGS, AND THE INTERIOR NON-STRUCTURAL WALLS, NOT INCLUDING DEMISING OR FIRE WALLS BETWEEN TENANT SPACES, THAT DO NOT REQUIRE THE ADDITION OF PLUMBING, MECHANICAL EQUIPMENT, FUEL GAS, OR ELECTRICAL COMPONENTS.)*

**3406.6**           **PUBLIC WATER SYSTEMS: ADD: PUBLIC WATER SYSTEM CONNECTIONS SHALL NOT REQUIRE BACKFLOW PREVENTION ASSEMBLIES EXCEPT WHERE SPECIFICALLY CALLED FOR BY THE TCEQ "RULES AND REGULATIONS FOR PUBLIC WATER SYSTEMS, 30 TAC CHAPTER 290.47(i)". DOUBLE CHECK VALVE ASSEMBLIES, ATMOSPHERIC VACUUM BREAKERS, OR PRESSURE VACUUM BREAKERS, MAY BE USED IN IRRIGATION SYSTEMS WHERE NO CHEMICALS ARE APPLIED BY PUMP(S) IN OR THROUGH THE IRRIGATION SYSTEM. DOUBLE CHECK VALVE ASSEMBLIES, ATMOSPHERIC VACUUM BREAKERS, OR PRESSURE VACUUM BREAKERS SHALL BE CHECKED ONCE EVERY YEAR BY A QUALIFIED INSPECTOR AND A WRITTEN REPORT PREPARED AS DIRECTED IN "30 TAC CHAPTER 290.47(f)".**

**3406.7**      **ASBESTOS INSPECTIONS:** *ADD:* ASBESTOS INSPECTIONS SHALL NOT BE REQUIRED IN BUILDINGS CONSTRUCTED AFTER 1980.

**3409.3**      *ADD:*    NOR SHALL A MINOR ALTERATION OR INTERIOR ADDITION TO AN EXISTING STRUCTURE OR TENANT SPACE REQUIRE THE UPGRADING OF THE REMAINDER OF THE EXISTING STRUCTURE OR TENANT SPACE TO MEET NEWER (CURRENT) CODES. ALL WORK SHALL BE CONFINED TO THAT SPECIFICALLY REQUIRED FOR THE MINOR ALTERATION OR INTERIOR ADDITION TO AN EXISTING STRUCTURE.

**3410.3.1**      SECTION 115 WAS DELETED BY THE CITY.

**3410.3.2**      *DELETE:* REFERENCE - "IPMC".

**3410.4.1**      *ADD:*    UNLESS BUILDING'S STRUCTURE IS NOT BEING CHANGED, IN WHICH CASE NO STRUCTURAL STUDY IS REQUIRED.

## INTERNATIONAL RESIDENTIAL CODE

**105.2**        **BUILDINGS:** *ADD:* SHEETROCK REPAIRS  
*ADD: AFTER LAST PARAGRAPH AFTER WATER CLOSETS INSERT,*  
*"OR ELECTRICALLY POWERED WATER HEATERS."*

**105.2.2**        **REPAIRS:** *DELETE:* "THE CUTTING AWAY OF ANY WALL,  
PARTITION OR PORTION THEREOF,"

**R401.3.1**        *DELETE:* ENTIRE SECTION.

**P2609.3**        *ADD:* DEFINITION OF "ATMOSPHERIC VACUUM BREAKER"  
(AVB).

**P2609.7(d)**    *ADD:* OR A HOSE BIBB WITH AN "ATMOSPHERIC VACUUM  
BREAKER" (AVB) COMPONENT.

**P2609.22.1**    *AMEND FIRST SENTENCE:* **RIGHT OF ENTRY:** A CITY  
EMPLOYEE MAY ENTER A CUSTOMER'S PROPERTY OR FACILITIES *DURING*  
*NORMAL BUSINESS HOURS OR WITH AN APPOINTMENT* TO INSPECT A CROSS-  
CONNECTION, BACKFLOW PREVENTION ASSEMBLY, OR PIPING.

## INTERNATIONAL PLUMBING CODE

**109.8.b**      *ADD:* IF BOARD IS NOT CONVENED WITHIN TEN (10) BUSINESS DAYS AFTER THE CITY RECEIVES THE WRITTEN APPEAL, THE APPLICANT IS AUTOMATICLY GRANTED THE APPEAL AS REQUESTED.

**109.8.c**      *CHANGE:* SECOND PARAGRAPH 109.8.b "ADVISARY RESPONSIBILITY". THIS PARAGRAPH SHOULD BECOME **109.8.c**.

**608.13**      **PUBLIC WATER SYSTEMS:** *ADD:* PUBLIC WATER SYSTEM CONNECTIONS SHALL NOT REQUIRE BACKFLOW PREVENTION ASSEMBLIES EXCEPT WHERE SPECIFICALLY CALLED FOR BY THE TCEQ "RULES AND REGULATIONS FOR PUBLIC WATER SYSTEMS, 30 TAC CHAPTER 290.47(i)". DOUBLE CHECK VALVE ASSEMBLIES, ATMOSPHERIC VACUUM BREAKERS, OR PRESSURE VACUUM BREAKERS, MAY BE USED IN IRRIGATION SYSTEMS WHERE NO CHEMICALS ARE APPLIED BY PUMP(S) IN OR THROUGH THE IRRIGATION SYSTEM. DOUBLE CHECK VALVE ASSEMBLIES, ATMOSPHERIC VACUUM BREAKERS, OR PRESSURE VACUUM BREAKERS SHALL BE CHECKED ONCE EVERY YEAR BY A QUALIFIED INSPECTOR AND A WRITTEN REPORT PREPARED AS DIRECTED IN "30 TAC CHAPTER 290.47(f)".

**608.18.4**      *ADD:* DEFINITION OF "ATMOSPHERIC VACUUM BREAKER" (AVB).

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

**AGENDA ITEM:** 7A **FOR AGENDA OF:** January 3, 2008  
**DESCRIPTION:** Future Agenda Items  
**APPLICANT(S):** Senior Planner  
**ATTACHMENT(S):**

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The following items are scheduled for the Commission's January 17, 2008 meeting;

Residential Replat: Saddlewood Estates, Section Two – A replat to combine two (2) lots into one (1) for residential development, located at 2526 and 2586 Saddlewood Blvd. The applicant will also be requesting a variance to Article 10-IV-2, section B (b.2) of the Subdivision Regulations requiring the inclusion of two (2) subdivision corners set to the State Plane Coordinate System. Zoned: ETJ. Applicant: Grogan Surveying. (File No. 2007-61)

Building Code Amendments – The Commission will continue to examine the applicability of the building and fire codes on existing buildings and report their findings to the City Council by January 22, 2008.