

City of Kerrville Planning & Zoning Commission Agenda

Thursday, June 5, 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.

Page

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. 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.)

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 May 15, 2008.

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Public Hearing

5A. Residential Replat: Comanche Trace, Phase 5 – A replat of Lots 15 and 16, Comanche Trace, Phase 5 located at 3200 Pinnacle Club Court, Units 15 and 16. Zoned: PDD. Applicant: Grogan Surveying. (File No. 2008-22)

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5B. Zoning Change Request – A request to change the zoning from E-32 (East Side District) to a PDD (Planned Development District) to allow an apartment development on approximately 7 acres located at the south corner of the Clearwater Paseo and E. Main Street intersection. Zoned: E-32. Applicant: MacDonald Companies. (File No. 2008-13)

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5C. Conditional Use Permit (CUP) Request – A request for a CUP to allow a vehicle maintenance and repair facility on an approximately 0.40 acre tract at 1312 Broadway. Zoned: C-17. Applicant: Donald Young for Action Automotive. (File No. 2008-20)

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6. Action Items

6A. Preliminary Plat: Evans Addition – A one (1) lot 2.51 acre tract located at the northwest corner of Knapp Road and Junction Highway (SH 27) across from Wal-Mart. Zoned: GR. Applicant: Domingues and Associates. (File No. 2008-21)

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- 6B. **Waiver Request** – Consider a request for a waiver to Article 10-IV-4, Section A.k, Utility Placement of the Subdivision Regulations for the Maude Jennings Subdivision. Zoned: RC. Applicant: Habitat for Humanity-Kerr County. (File No. 2007-33) 25
7. **Staff Reports** 31
- 7A. Future Agenda Items. Applicant: Senior Planner
- 7B. Director’s Report: Director of Development Services
8. **Adjourn** - The next scheduled meeting is Thursday, June 19, 2008.

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

AGENDA ITEM: 4A **FOR AGENDA OF:** June 5, 2008
DESCRIPTION: Approval of minutes of May 15, 2008.
APPLICANT(S): Planning and Zoning Commission Secretary
ATTACHMENT(S): Minutes

The Commission Secretary recommends approval of the proposed minutes

MEMBERS PRESENT:

Bruce Motheral, Chairperson
Jim Kessler, Vice Chairperson
George Hager, Commissioner

MEMBERS ABSENT

Andy Phillips, Commissioner
Harold Buell, Commissioner
Paul Hofmann, Ex-Officio City Manager
Mack Hamilton, Ex-Officio City Councilperson

STAFF PRESENT:

Kevin Coleman, Director of Development Services
Gordon Browning, Senior Planner
Trina Ramirez, Planning and Zoning Commission Secretary

1. CALL TO ORDER:

On May 1, 2008, the Kerrville Planning and Zoning Commission regular meeting was called to order at 4:34 p.m. in the City Hall Council Chambers, 800 Junction Highway.

2. VISITOR/CITIZENS FORUM:

3. CONSENT AGENDA

3A. Approval of the minutes from the meeting of April 3, 2008.

3B. Approval of the minutes from the meeting of April 17, 2008

Cmr. Kessler moved for approval of items 3A and 3B on the consent agenda; motion was seconded by Cmr. Hager and passed 3-0.

4. PUBLIC HEARING

4A. **Replat: Kerrville County Estates Section Two** - A replat of two (2) lots into one (1), an 11.04 acre tract located north of IH – 10 fronting on Kerrville Country

Drive. Zoned: ETJ. Applicant: Voelkel Engineering and Surveying. (File No. 2008-18

Mr. Browning presented the findings of fact to the Commission.

Cmr. Motheral opened the public meeting at 4:35 p.m. No person Spoke. Cmr. Motheral closed the public meeting at 4:36 p.m.

Cmr Hager moved for approval of the replat as submitted; motion was seconded by Cmr. Kessler and passed 3-0

5. Action Items

5A. Preliminary Plat: Riverside Church of Christ – A one (1) lot 6.53 acre tract located at 625 Harper Road. Zoned: RC (File No. 2008-19)

Mr. Browning presented the findings of fact to the Commission.

Cmr Kessler moved for approval of the preliminary plat; Subject to conditions stated by the City; motion was seconded by Cmr. Hager and passed 3-0

5B. Waiver Request – Consider a request for a waiver to Article 10-IV-4, Section A.k, Utility Placement of the Subdivision Regulations for the Maude Jennings Subdivision. Zoned: RC. Applicant: Habitat for Humanity-Kerr County. (File No. 2007-33)

The Commission postponed the waiver request due to lack of quorum.

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, June 5, 2008.

The meeting adjourned at 4:44 p.m.

ATTEST:

Bruce Motheral, Chairperson

Trina Ramirez, Recording Secretary

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

AGENDA ITEM: 5A **FOR AGENDA OF:** June 5, 2008

DESCRIPTION: **Residential Replat: Comanche Trace, Phase 5** –A replat of Lots 15 and 16, Comanche Trace, Phase 5 located at 3200 Pinnacle Court, Units 15 and 16. Zoned: PDD. (File No. 2008-22)

APPLICANT(S): Grogan Surveying

ATTACHMENT(S): Plat

SUMMARY STATEMENT – FINDING OF FACT

History/Timeline:

- State law requires notification and a public hearing prior to action on all residential replats.
- February 22, 2006 – Final plat approved, Comanche Trace, Phase 5
- May 5, 2008 – Replat of Lots 15 and 16 accepted for review.
- May 21, 2008 – Development Review Committee (DRC) process completed.
- May 30, 2008 – Staff review comments to applicant.
- **June 5, 2008** – **Consideration of replat by Commission.**

Summary:

During construction the duplex on these lots was incorrectly positioned requiring the replat under review. The replatted lots provide the required setbacks for each unit. Staff has reviewed the replat and finds it to be in general conformance with the City's subdivision regulations.

RECOMMENDED ACTION

1. Open the public hearing and receive comments, and
2. Approve replat as submitted.

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

AGENDA ITEM: 5B **FOR AGENDA OF:** June 5, 2008

DESCRIPTION: **Zoning Change Request** – A request to change the zoning from E-32 (East Side District) to a PDD (Planned development District) to allow an apartment development on approximately 7 acres located at the south corner of the Clearwater Paseo and E. Main Street intersection. Zoned: E-32. (File No. 2008-13)

APPLICANT(S): MacDonald Companies

ATTACHMENT(S): Location Map, Site Plan, Draft Ordinance

Project Timeline:

- May 5, 2008 – Application for a Planned Development District submitted for processing to the City.
- May 15, 2008 – In accordance with Statute and local ordinance, notice of the required public hearings was published in The Kerrville Daily Times, notices mailed to all property owners within 200 feet of the subject tract.
- May 21, 2008 – Development Review Committee (DRC) process completed.
- **June 5, 2008 – Public hearing before the Planning and Zoning Commission (P&Z) and consideration of a recommendation to the City Council.**
- June 24, 2008 – Public hearing before the City Council and consideration of an ordinance approving the PDD.
- July 8, 2008 – Second and final ordinance reading approving the PDD.

PDD Process:

- Article 11-I-15 of the Zoning Code describes Planned Development Districts (PDD) and the process by which they are considered. PDD's are zoning districts that can be considered for permitting land uses not normally allowed in the zoning district in which the property is located. A PDD is governed by a site plan and any other development regulations associated with the City Council approved ordinance. A PDD effectively becomes a "stand alone" zoning district similar to those districts already described in the Zoning Code.
- No underlying right exists to approve a PDD request. The fact that the P&Z and City Council may review an application for a zoning change does not mean it must be approved. The burden falls on the applicant to show the use would be a benefit to the particular area and to the general welfare of the City.
- The P&Z and Council may impose requirements and conditions of approval as are needed to ensure that a use requested by a PDD is compatible and complementary to adjacent properties.

- The applicant's request is to change the zoning on approximately 7 acres from E-32 to a PDD to allow an elderly (age restricted) apartment development under State Community Development regulations. Another apartment complex is currently under development adjacent to this tract and is owned by the same developer.
- As represented on the applicant's site plan, the proposed development will consist of an 80 unit single story apartment complex, laundry, clubhouse and pool area, with the projects primary access from Clearwater Paseo.
- Based on the proposed site plan and the use requested, staff recommends approval of the zoning change.
- The attached draft ordinance proposed by staff is consistent with previous PDD ordinances reviewed by the Commission and Council.

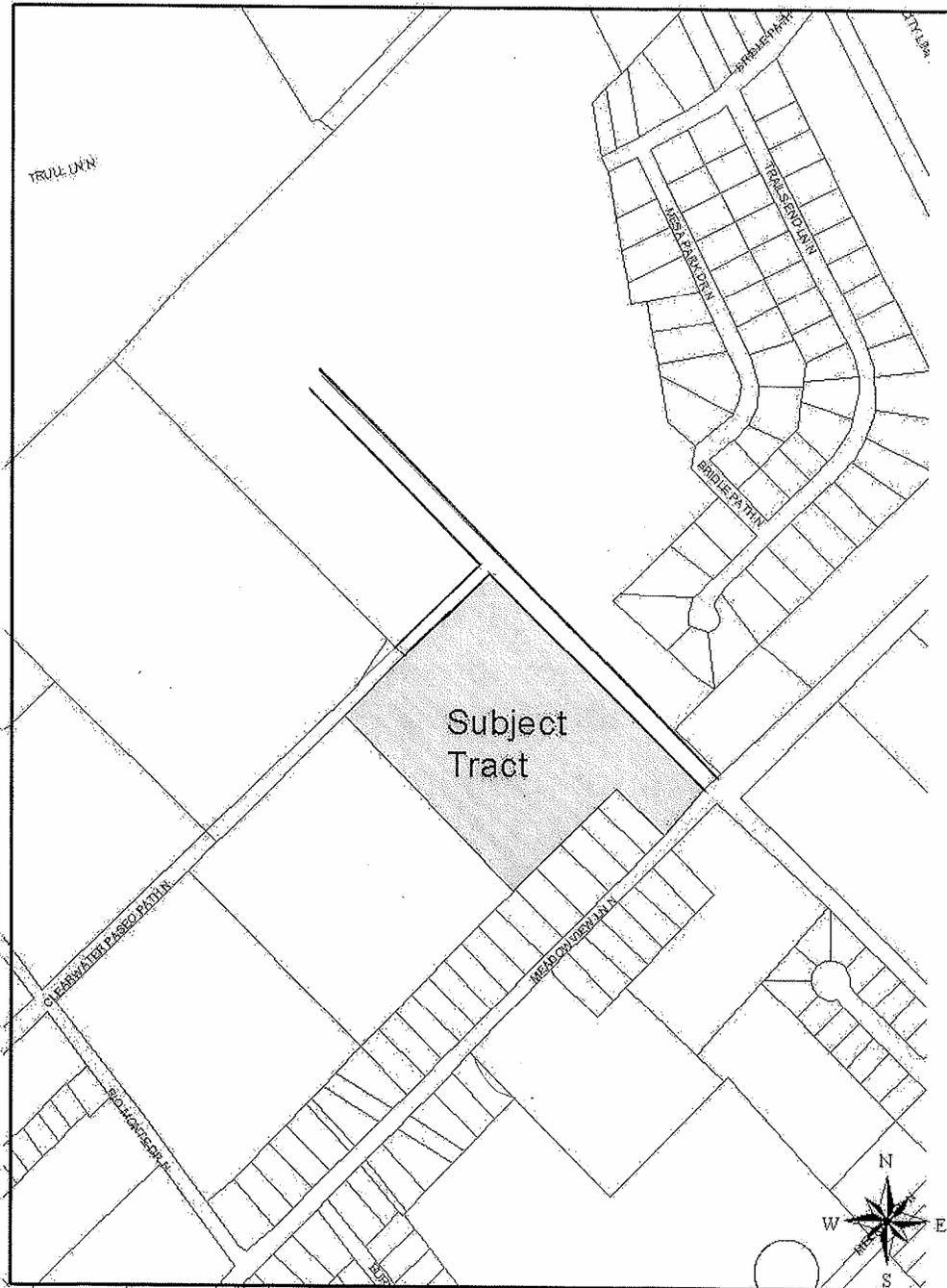
Information Comments:

The following comments are being provided for informational purposes as they may apply to the projects development.

- The drainage report submitted by the applicant's engineer is preliminary and a full drainage analysis will be required for full design. Therefore, the drainage study and subsequent drainage improvements submitted with this site plan are conceptual and will require more detailed analysis and review with the construction plan submittal package.
- Stormwater detention will be required for this development, the site plan submitted for the zoning change request does not indicate that this is currently proposed.
- The proposed drainage channel shown will require some armoring for stabilization proposes. Additionally, a drainage easement for maintenance and access will also be required to be dedicated.
- Note, the review of this site plan by the City Engineer is for zoning change purposes only. A more detailed review and subsequent comments may follow with the detailed final plat and civil construction plan submittal.

RECOMMENDED ACTION

1. Open the public hearing and receive comments, and
2. Recommend to the City Council approval of the PDD subject to the conditions outlined in the ordinance.



CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2008-_____

AN ORDINANCE CREATING A "PLANNED DEVELOPMENT DISTRICT" FOR DWELLING, MULTI-FAMILY (APARTMENTS) FOR AN APPROXIMATELY 7.140 ACRE TRACT OF LAND OUT OF THE SAMUEL WALLACE SURVEY NUMBER 113, ABSTRACT NO. 347 WITHIN THE CITY OF KERRVILLE, TEXAS, AND GENERALLY LOCATED AT THE SOUTH CORNER OF THE CLEARWATER PASEO AND EAST MAIN STREET INTERSECTION; ADOPTING A SITE PLAN AND CONDITIONS RELATED TO THE DEVELOPMENT OF SAID DISTRICT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ESTABLISHING A PENALTY OR FINE NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND ORDERING PUBLICATION

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Kerrville, Texas, in compliance with the City Charter and the State law with reference to the creation of Planned Development Districts under Article 11-I-15 of the Zoning Code of the City of Kerrville, Texas, and amending 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 creation of a Planned Development District for Dwelling, Multi-Family (Apartments) development, subject to the special conditions and restrictions set out hereinafter on the property described in Section One hereof;

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

SECTION ONE. That the property described in **Exhibit A**, attached hereto and incorporated herein by reference, is hereby removed from the E-32 zoning district and placed in a newly created "Planned Development District" for Dwelling, Multi-Family (Apartments) development.

SECTION TWO. The property described in Section One, above, may be developed and used for Dwelling, Multi-Family (Apartments), subject to the following:

- A. The development and use of the property shall be substantially in accordance with the Site Plan, **Exhibit B**, attached hereto and incorporated herein by reference, showing eighty (80) single apartment units, laundry, clubhouse and pool areas, primary access to Clearwater Paseo, providing additional emergency vehicle access to East Main Street, establishing setbacks, and reserving future right-of-way along Meadow View Lane.
- B. The design and number of parking spaces shall be in accordance with the regulations in effect at the time that individual building permits are submitted to the City. All required

parking spaces shall be constructed of asphalt or concrete and be marked and kept available for residences and employees.

- C. A landscape plan shall be submitted with the building plan submittal and shall comply with the following landscaping regulations:
- i. All planting materials planted on the Property must be on the list of recommended plants set forth in the most recent edition of *Recommended Plants for the Kerrville Area* published by the City at the time of planting; provided, however, no variety of St. Augustine Grass (*Stenotaphrum secundatum (Walter) Kuntze*) may be planted at any location on the Property after the effective date of this Ordinance.
 - ii. All landscaping shall be maintained in a healthy, growing condition.
 - iii. A seven and one-half (7.5) foot wide landscape area shall be planted, parallel to and behind the required sidewalk along Clearwater Paseo and East Main Street, with a continuous line of non-deciduous shrubs or bushes, no less than four (4) feet in height at maturity.
 - iv. Notwithstanding the requirements of paragraphs 1.-3., above, all landscape areas shall be completely landscaped with ground cover or plants not exceeding one foot (1.0') in vertical height.
- D. The development of this property described in **Exhibit A** and as indicated at **Exhibit B**, shall be subject to the City's subdivision regulations, which includes submittal and approval of a plat.
- E. Five-foot (5.0') wide sidewalks, constructed in conformance with City specifications, shall be required across the entire length of the property adjacent Clearwater Paseo and East Main Street, save and except driveway areas.
- F. Screening shall be required between properties developed in accordance with Article 11-1-18 of the Kerrville Zoning Ordinance.
- G. One free-standing sign is allowed on the property, subject to the following conditions:
- i. sign area shall not be greater than twenty-four square feet (24.0'); and
 - ii. sign shall not be higher than four feet (4.0') above the adjacent street or driveway level, whichever is higher.
- H. Solid waste collection bins and dumpsters shall be equipped with lids and screened with a gate with an opaque screen on one side and masonry material finished to look substantially like the adjacent building on the remaining three sides.

SECTION THREE. The provisions of this Ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in

conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. The Council of the City of Kerrville, Texas, hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FIVE. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Article 1-I-9 of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00).

SECTION SIX. In accordance with Section 3.07 of the City Charter and Texas Local Government Code §52.013(a), the City Clerk is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

PASSED AND APPROVED ON FIRST READING, this the ____ day of _____, A.D., 2008.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the ____ day of _____, A.D., 2006.

Todd A. Bock, Mayor

ATTEST:

Brenda G. Craig, City Clerk

APPROVED AS TO FORM

Michael C. Hayes, City Attorney

MDS

LAND SURVEYING COMPANY, INC.
BOUNDARY • TOPOGRAPHIC • CONSTRUCTION
1005 SIDNEY BAKER A
P.O. BOX 295102
KERRVILLE, TEXAS 78020
PHONE: 830-257-0052 FAX: 830-257-0053
EMAIL: MDSINC@WINDSTREAM.NET

Field Notes for a 7.140 Acre Tract of Land

BEING A 7.140 ACRE TRACT BEING OUT OF THE SAMUEL WALLACE SURVEY NO. 113, ABSTRACT NO. 347, KERR COUNTY, TEXAS, AND BEING A PORTION OF A 114.36 ACRE TRACT RECORDED IN VOLUME 663, PAGE 576, REAL PROPERTY RECORDS, KERR COUNTY, TEXAS, SAID 7.140 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ rebar found with a MDS cap in the southeast right-of-way line of Clearwater Paseo (80' right-of-way, Volume 6, Page 204, Plat Records, Kerr County, Texas) for the west corner of the herein described tract, said point being at the north corner of a 7.617 acre tract recorded in Volume 1509, Page 73, Official Public Records, Kerr County, Texas;

THENCE, along the southeast right-of-way line of Clearwater Paseo, North 45°09'37" East, a distance of 69.56 feet (no record) to a 1/2" rebar found for angle at the southwest end of a 4.34 acre tract, being an extension of Clearwater Paseo and East Main Street, recorded in Volume 1329, Page 490, Real Property Records, Kerr County, Texas;

THENCE, continuing along the southeast right-of-way line of Clearwater Paseo, a southeast boundary line of the 4.34 acre tract, North 45°12'35" East, a distance of 374.22 feet (North 45°12'44" East, a distance of 374.20', record) to a 1/2" rebar found for corner at the west end of a cutback line at the intersection of the southeast right-of-way line of Clearwater Paseo, with the southwest right-of-way line of East Main Street (variable width right-of-way)

THENCE, along said cutback line, North 89°47'12" East, a distance of 71.45 feet (North 89°43'03" East, a distance of 71.32', record) to a 1/2" rebar found for corner at the east end of said cutback line;

THENCE, along the southwest right-of-way line of East Main Street, the following courses and distances:

South 45°45'58" East, a distance of 159.90 feet (South 45°46'37" East, a distance of 159.82', record) to a 1/2" rebar found for angle;

South 44°07'06" East, a distance of 350.63 feet (South 44°08'36" East, a distance of 350.76', record) to a 1/2" rebar found for corner;

North 43°52'33" East, a distance of 9.98 feet (North 43°13'23" East, a distance of 10.00', record) to a 1/2" rebar found for corner;

Exhibit A

and South 45°45'24" East, a distance of 135.00 feet (South 45°46'37" East, a distance of 135.00', record) to a 1/2" rebar set with MDS cap for corner at the north end of a cutback line at the intersection of the southwest right-of-way line of East Main Street, with the northwest right-of-way line of Meadow View Lane (50 foot right-of-way, Volume 2, Page 102, Plat Records, Kerr County, Texas);

THENCE, along said cutback line, South 03°28'59" East, a distance of 68.83 feet (South 03°28'59" East, a distance of 68.83', record) to a 1/2" rebar set with MDS cap for corner at the south end of said cutback line;

THENCE, along the northwest right-of-way line of Meadow View Lane, South 43°29'15" West, a distance of 84.31 feet (no record) to a 1/2" rebar set with MDS cap for corner at the east corner of Lot 21, Block 1, Meadow View Estates, recorded in Volume 4, Page 61, Plat Records, Kerr County, Texas;

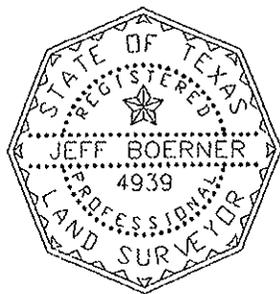
THENCE, along the northeast boundary line of Lot 21, Block 1, North 45°14'04" West, a distance of 160.00 feet (North 44°00'00" West, a distance of 160.00', record) to a 3/8" rebar found for corner at the north corner of Lot 21, Block 1;

THENCE, along the northwest boundary line of Lots 21, 20, 19, 18, 17, 16, and a portion of Lot 15, Block 1, South 44°46'15" West, a distance of 374.71 feet (no record) to a 1/2" rebar found for corner at the east corner of the aforesaid 7.617 acre tract;

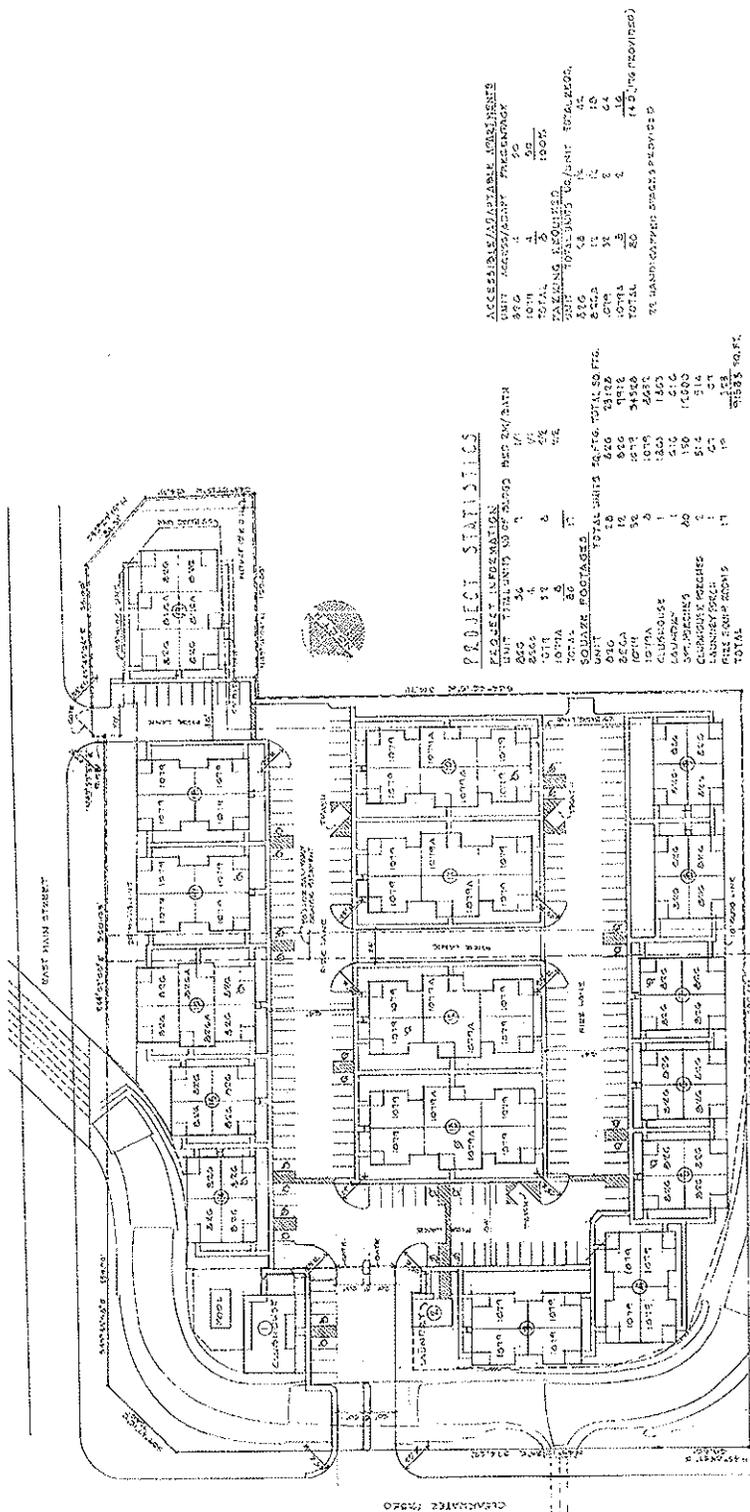
THENCE, along the northeast boundary line of the 7.617 acre tract, North 44°46'49" West, a distance of 592.44 feet (North 44°47'09" West, a distance of 592.58', record) to the Place of Beginning and containing 7.140 acres of land, more or less.

Note: This description is based on an on the ground survey performed on 11-29-2007. The basis of bearings was established from the WGS84 Coordinate System. A survey plat of the above-described tract was prepared.


Jeff Boerner
Registered Professional Land Surveyor
No.4939 | Job # 07-2339



THE GARDENS AT CLEARWATER



PROJECT STATISTICS

UNIT	NO. OF UNITS	NO. OF BATHS	NO. OF PARKING SPACES	TOTAL SQ. FTG.
101A	1	1	1	1,000
101B	1	1	1	1,000
101C	1	1	1	1,000
101D	1	1	1	1,000
101E	1	1	1	1,000
101F	1	1	1	1,000
101G	1	1	1	1,000
101H	1	1	1	1,000
101I	1	1	1	1,000
101J	1	1	1	1,000
101K	1	1	1	1,000
101L	1	1	1	1,000
101M	1	1	1	1,000
101N	1	1	1	1,000
101O	1	1	1	1,000
101P	1	1	1	1,000
101Q	1	1	1	1,000
101R	1	1	1	1,000
101S	1	1	1	1,000
101T	1	1	1	1,000
101U	1	1	1	1,000
101V	1	1	1	1,000
101W	1	1	1	1,000
101X	1	1	1	1,000
101Y	1	1	1	1,000
101Z	1	1	1	1,000
TOTAL	26	26	26	26,000

ARCHITECTURAL SITE PLAN

- SCALE
- NOTES:
1. THIS PLAN SET SHALL BE USED FOR ALL PERMITS AND CONSTRUCTION.
 2. ALL DIMENSIONS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
 3. ALL UTILITIES SHALL BE INSTALLED PER CITY OF KERRVILLE CODE.
 4. ALL UTILITIES SHALL BE INSTALLED PER CITY OF KERRVILLE CODE.
 5. ALL UTILITIES SHALL BE INSTALLED PER CITY OF KERRVILLE CODE.
 6. ALL UTILITIES SHALL BE INSTALLED PER CITY OF KERRVILLE CODE.

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

AGENDA ITEM: 5C **FOR AGENDA OF:** June 5, 2008

DESCRIPTION: **Conditional Use Permit (CUP) Request** – Consideration of a recommendation to the City Council of a request for a CUP to allow a vehicle maintenance and repair facility on an approximately 0.40 acre tract located at 1312 Broadway. Zoned: C-17. (File No. 2008-20)

APPLICANT(S): Donald Young for Action Automotive

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

Project Timeline:

- May 5, 2008 – Application for CUP accepted for processing by the City.
- May 15, 2008 – In accordance with Statute and local ordinance, notice of required public hearing was published in the Kerrville Daily Times and mailed to all property owners within 200 feet of the subject tract.
- May 21, 2008 – Development Review Committee (DRC) process completed.
- **June 5, 2008 – Public hearing before the Planning and Zoning Commission (P&Z) and consideration of a recommendation to the City Council.**
- June 24, 2008 – Public hearing before the City Council and consideration of a resolution approving the CUP.

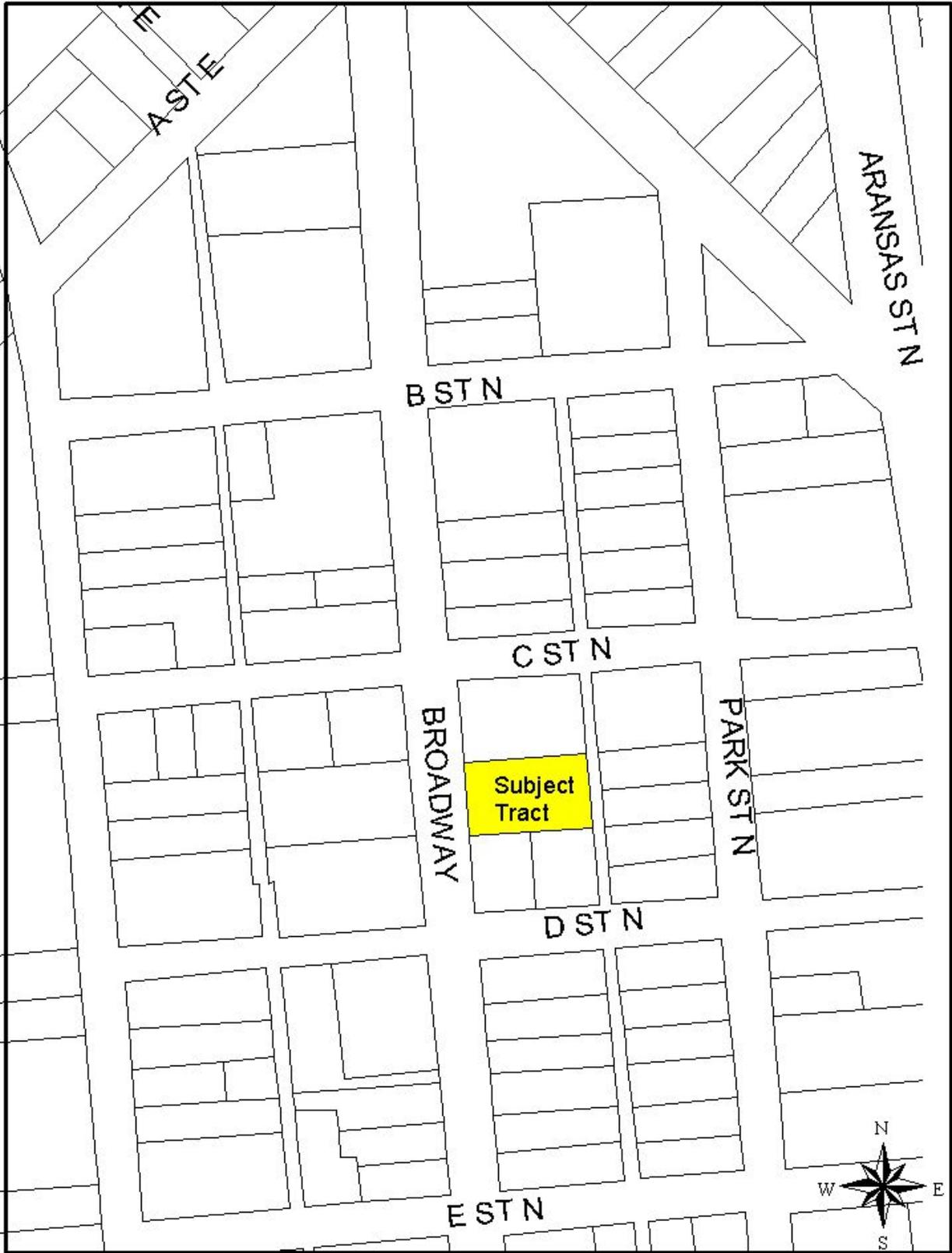
CUP Process/Summary:

- Per the Zoning Code, a vehicle maintenance and repair facility use in the C-17 (Central City) District requires the approval of a CUP (Conditional Use Permit) by the City Council. Vehicle maintenance and repair is defined as a business primarily engaged in the repair of used cars, boats, motorcycles, recreational vehicles, campers, motor homes, farm implements/vehicles, trucks or trailers. The applicant has indicated that the primary use of this facility will auto repair.
- As presented on the site plan, the applicant proposes to construct a new automotive repair facility at 1312 Broadway. The proposed use at this location requires a conditional use permit (CUP). As this area of the City begins a renewal in development, enhanced development standards should be encouraged to insure sustainable development.
- Per the Zoning Code, the P&Z and/or City Council may impose additional requirements and conditions of approval as are needed to ensure that a use requested by a CUP is compatible and complementary to adjacent properties.

- Staff recommends approval of the CUP as requested subject to the conditions in the draft resolution.

RECOMMENDED ACTION

1. Open the public hearing and receive comments, and
2. Recommend to the City Council approval of the CUP subject to the conditions outlined in resolution.



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

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR AN APPROXIMATELY 0.40 ACRES TRACT OF LAND, BEING THE NORTH ½ OF LOT 2, LOTS 3 AND 4, BLOCK 29, J.A. TIVY ADDITION, WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS, OTHERWISE KNOWN AS 1312 BROADWAY, AND LOCATED WITHIN THE C-17 (CENTRAL CITY) DISTRICT; BY PERMITTING SAID PROPERTY TO BE USED FOR A VEHICLE MAINTENANCE AND REPAIR FACILITY; AND MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS

WHEREAS, the City Planning and Zoning Commission and the City Council of the City of Kerrville, Texas, in compliance with the City Charter and the State law with reference to the granting of conditional use permits under Title 11, Chapter I of the Code of Ordinances of the City of Kerrville, Texas, and the official zoning map adopted thereby, 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 of the City of Kerrville, Texas, finds that the health, safety and general welfare will be best served by the granting of a Conditional Use Permit, set out hereinafter, subject to the special conditions and restrictions set out hereinafter on the property described in Section One hereof;

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

SECTION ONE. That a Conditional Use Permit is granted to permit the property described below to be used for a Vehicle Maintenance and Repair Facility, as currently defined in Article 11-I-3 of the Code of Ordinances of the City of Kerrville, Texas, subject to the provisions of this Resolution and other applicable City ordinances and regulations:

North ½ of Lot 2, Lots 3 and 4, Block 29, J.A. Tivy Addition, which is approximately 0.40 acres, located within the City of Kerrville, Kerr County, Texas, as recorded in Volume P, Page 16 of the Real Property Records of Kerr County, Texas, and more commonly known as 1312 Broadway.

Hereafter referred to as “the Property.”

SECTION TWO. In addition to the use and development regulations currently applicable to the Property, the Property may be used and developed for a Vehicle Maintenance and Repair Facility and shall be subject to the following additional regulations:

- A. **Site Plan and Elevation:** The development of the property shall conform in all respects with the site plan and elevations, which may be found in **Exhibits A and B**, and as attached hereto and incorporated herein by reference and any additional development requirements as outlined herein.

- B. **Signs:** The design, installation, location, operation and maintenance of signs shall comply with the City's ordinances regulating signs existing at the time of installation, subject to the following;
1. Only the following signs shall be permitted:
 - a. One free standing sign which:
 - (1) has a sign area of not greater than twenty-four (24) square feet;
 - (2) does not exceed six (6) feet in height above the ground; and
 - (3) is not internally illuminated.
 - b. Wall signs shall comply with the following:
 - (1) wall signs may be installed only on the principal building that it identifies, and not on adjacent fences, wing walls or other similar structures;
 - (2) the maximum coverage of a sign shall not exceed twenty percent (20%) of the wall area on which it is attached; and
 - (3) the size of the letters, symbols, and other graphics on the sign shall not exceed a height of four feet (4.0').
 2. Roof signs are prohibited.
- 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 street.
- D. **Landscaping Requirements:** The development of the property shall comply with the following:
1. Any plant materials planted on the property must be on the list of recommended plants set forth in the most recent edition of **Recommended Plants for the Kerrville Area** published by the City at the time of planting; provided, however, no variety of St. Augustine Grass (*Stenotaphrum Secundatum* (Water) Kuntze) may be planted at any location on the property after the effective date of this Resolution.
 2. All landscaping, whether required herein or not, shall be maintained at all times in a healthy growing condition.
- E. **Outside Storage:** The outside storage of any materials, equipment and/or vehicles waiting for repair must be behind the security fencing shown on the site plan.
- F. **Building Location and Orientation:** The location of the building shall be as indicated on **Exhibits A and B** and the building shall be oriented so that the elevation facing Broadway does not contain overhead doors.
- G. **Parking:** The design and number of parking spaces shall be in accordance with the regulations in effect at the time building permits are submitted to the City. All required parking spaces shall be constructed of asphalt or concrete and be marked and kept available for customers and employees.
- H. **Visibility Triangles:** Visibility triangles shall be established and maintained pursuant to existing City regulations for the entrance to the property from Broadway.

- I. **Trash and Other Solid Waste:** Solid waste collection bins and/or dumpsters shall be located behind the security fencing and at no time be located closer to the street than the face of the building.
- J. **Replatting:** The development of this property indicated in **Exhibits A and B** shall be subject to the City's subdivision regulations, which includes submittal and approval of a replat of the property.
- K. **Sidewalks:** A five foot (5.0') wide sidewalk, constructed in conformance with City specifications, shall be required across the entire length of the property adjacent to Broadway, save and except driveway areas.
- L. **Other Zoning Regulations:** The regulations set forth in this Resolution are in addition to those set forth in Title 11, Chapter I of the Code of Ordinances of the City of Kerrville, as amended or superceded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in Title 11, Chapter I of the Code of Ordinances of the City of Kerrville, as amended or superceded, the provisions of this Resolution shall prevail.

SECTION THREE. This resolution and the Conditional Use Permit granted herein shall be subject to termination in accordance with Article 11-I-13 of the Code of Ordinances of the City of Kerrville, Texas.

PASSED AND APPROVED etc....

PASSED AND APPROVED ON this the _____ day of _____, A.D., 2008.

ATTEST:

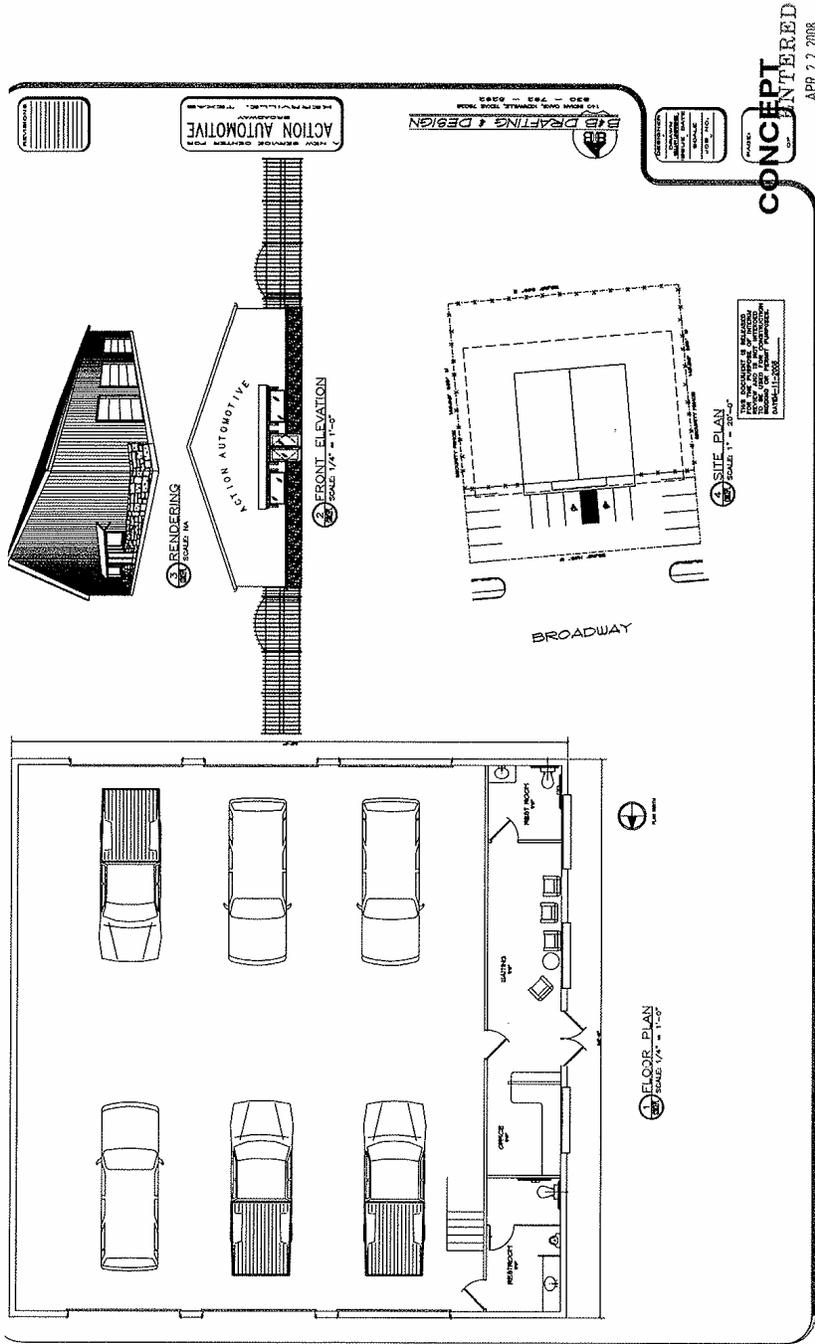
Todd A. Bock, Mayor

Brenda G. Craig, City Clerk

APPROVED AS TO FORM:

Michael C. Hayes, City Attorney

H:\Legal\PLANNING\Zoning\CUP\1312 Broadway 052108.doc



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

AGENDA ITEM: 6A **FOR AGENDA OF:** June 5, 2008

DESCRIPTION: **Preliminary Plat: Evans Addition** – A one (1) lot 2.51 acre tract located at the northwest corner of Knapp Road and Junction Highway (SH 27) across from Wal-Mart. Zoned: GR. (File No. 2008-21)

APPLICANT(S): Domingues and Associates

ATTACHMENT(S): Plat

SUMMARY STATEMENT – FINDING OF FACT

History/Timeline:

- May 9, 2008 – Preliminary plat submitted to City for review and processing.
- May 21, 2008 – Development Review Committee (DRC) process completed.
- May 30, 2008 – Staff review comments to applicant.
- **June 5, 2008** – **Consideration of preliminary plat by Commission.**

Summary/Informational Comments:

- An existing unplatted property being platted for a proposed non-residential (restaurant) development.
- Municipal utilities exist to serve this tract.
- At development, access will be encouraged to be from Knapp Road.
- Preliminary plat approval will expire one (1) year from the date of Commission approval.
- The City's "River Trail Project" crosses this tract adjacent to the river, easement dedication will be requested.

RECOMMENDED ACTION

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

1. The plat should be titled 'Evans Addition, Block 1, Lot 1' in the title block.
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. Show the Finished Floor Elevation (FFE) based on the flood plain elevation and flowage easement elevation.
4. Provide a 25-foot by 25-foot corner clip right-of-way dedication at the Knapp Road and Junction Highway intersection.

5. Number 'General Notes' for clarity.
6. Remove 'Parkland dedication' note as shown.
7. Modify building setback note to read: This tract is zoned GR (Guadalupe River District), building setback lines for this tract are per the City of Kerrville Zoning Code.
8. Show the limits of the "River Trail" project on the final plat, contact the City's Public Works department for location, width and method of dedication.
9. Any additions and/or alterations as required by the City Engineer.

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

AGENDA ITEM: 6B **FOR AGENDA OF:** June 5, 2008

DESCRIPTION: **Waiver Request** – Consider a request for a waiver to Article 10-IV-4, Development Procedures; Section A, Minimum Development Improvements; k, Utility Placement for the Maude Jennings Subdivision. Zoned: RC. (File No. 2007-33)

APPLICANT(S): Habitat for Humanity-Kerr County

ATTACHMENT(S): Applicant's request, Waiver Requirements, Plats

Request:

The developer, Habitat for Humanity-Kerr County, of the Maude Jennings Subdivision, have submitted a request for a waiver to the requirement that all utilities be placed underground. The applicant's request is being based on an adjacent subdivisions use of above ground utilities (Sierra Vista-Section One, which is 'north' of the applicant's development and shares a common street, Shaun Street.

Procedure:

The process for requesting, hearing and the deposition of waiver requests are detailed in Article 10-IV-4, Section B of the Subdivision Regulations, see attached.

The Commission may recommend to the City Council a waiver of the full application of the required improvements, where because of the nature of the development, lot size, topography, distance from the City, remoteness, the improvements required would be impractical at the time of platting to install and/or maintain. Final approval for waivers must be authorized by an affirmative vote of a majority of the City Council.

FINDING OF FACT

Habitat for Humanity-Kerr County is developing a fifty-six (56) lot 12.46 acre single family subdivision located at the northeast corner of the Meadow View Lane and Legion Drive intersection. The preliminary plat for this development was approved with conditions by the Commission at their August 2, 2007 meeting. Construction drawings for the first phase of the development, twenty-four (24) lots, are currently being reviewed by the City Engineer.

While the applicant only mentioned electrical lines in their request, it should be noted that telephone and cable lines will also be over head if the request is granted.

RECOMMENDED ACTION

1. Open the discussion, and
2. Render a decision on the requested waiver.



Habitat
for Humanity®
Kerr County Texas

*Building
houses,
building
hope*

March 25, 2008

Gordon Browning, Senior Planner
City of Kerrville
800 Junction Hwy
Kerrville, TX 78028

RE: Waiver for overhead electrical lines in Maud Jennings Subdivision

Dear Mr. Browning,

In regards to the development of 12.46 acres located at Meadowview Dr. and Legion Dr., I would like to request, on behalf of Habitat for Humanity-Kerr County, a waiver of city policies regarding placement of electrical utilities underground. In order to blend in with the adjacent subdivision on Amelia Ct., we are requesting the use of overhead electrical lines.

Please place this request on the P&Z agenda at your earliest possible convenience. I can be contacted at (830) 792-4844 with any questions. Thank you for your consideration in this matter.

Sincerely,

Steve Hamilton
Executive Director
Habitat for Humanity-Kerr County

PO Box 292140
Kerrville, TX 78029-2140
(830) 792-4844

(2) Streetlights easements of five (5) feet in width (2 1/2 feet on each side of lot line) shall be provided for the purpose of service wire installment, when necessary for service.

- k. Utility Placement. All utilities shall be placed underground or if the Developer so elects, they may be placed overhead if located within service drives, alleys, or rear lot easements.

SECTION (B) WAIVERS.

The City Planning Commission may recommend to City Council a waiver or the tempering of the full application of the required improvements, where because of the nature of the development, lot size, topography, distance from the City, remoteness, the improvements required would be impractical at the time of platting to install and/or maintain. Provisions for required improvements to occur following recording in the form of deed restrictions should accompany all waiver requests. All requests for improvement waivers shall be submitted in writing to the City Planning Commission and shall be accompanied with the following information;

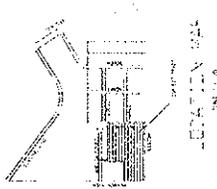
1. Statement of intended development,
2. Statement justifying the requested waiver,
3. The nature of the waiver (ex., request for reduction of sidewalks from both sides of street to on
4. Plan identification of the waiver.

Final approval for waivers must be authorized by an affirmative vote of majority of the City Council.

SECTION (C) DEVELOPMENT COSTS

1. Developer. The developer shall, at developer's expense, construct all improvements – both on site and off site – required by this ordinance and, water pumping stations, sewage lift stations, bridges, major drainage structures, and other improvements required to service the development proposed. All streets, utilities, and improvements within the City Limits shall become the property of the City of Kerrville upon completion and acceptance. The developer, at developer's expense, shall extend all water mains, sewer lines, other utilities and streets to the outer boundaries of the subdivision for future use beyond the subdivision.
2. City. Except as otherwise provided herein, where the City requires improvements of a cost greater than that required for the subdivision itself, then the City shall pay any additional cost thereof.

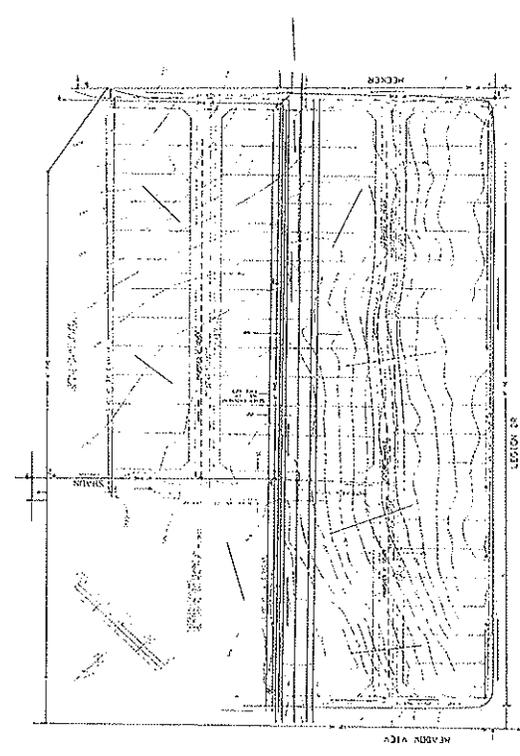
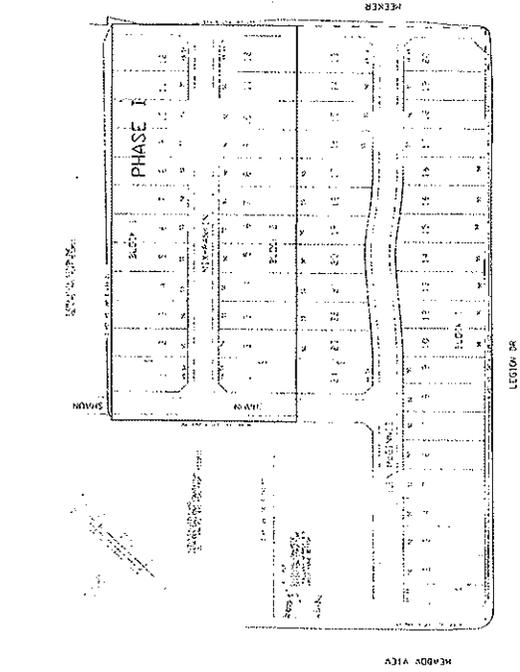
Preliminary Plat Habitat for Humanity Kerr County Maude Jennings Subdivision



MAUDE JENNINGS SUBDIVISION
KERR COUNTY, TEXAS

LEGEND

---	Proposed Lot Lines
---	Proposed Easement Lines
---	Proposed Right-of-Way Lines
---	Proposed Utility Lines
---	Proposed Accession Lines
---	Proposed Survey Lines
---	Proposed Section Lines
---	Proposed Township Lines
---	Proposed Range Lines
---	Proposed Meridian Lines



Surveyor's Name and Title

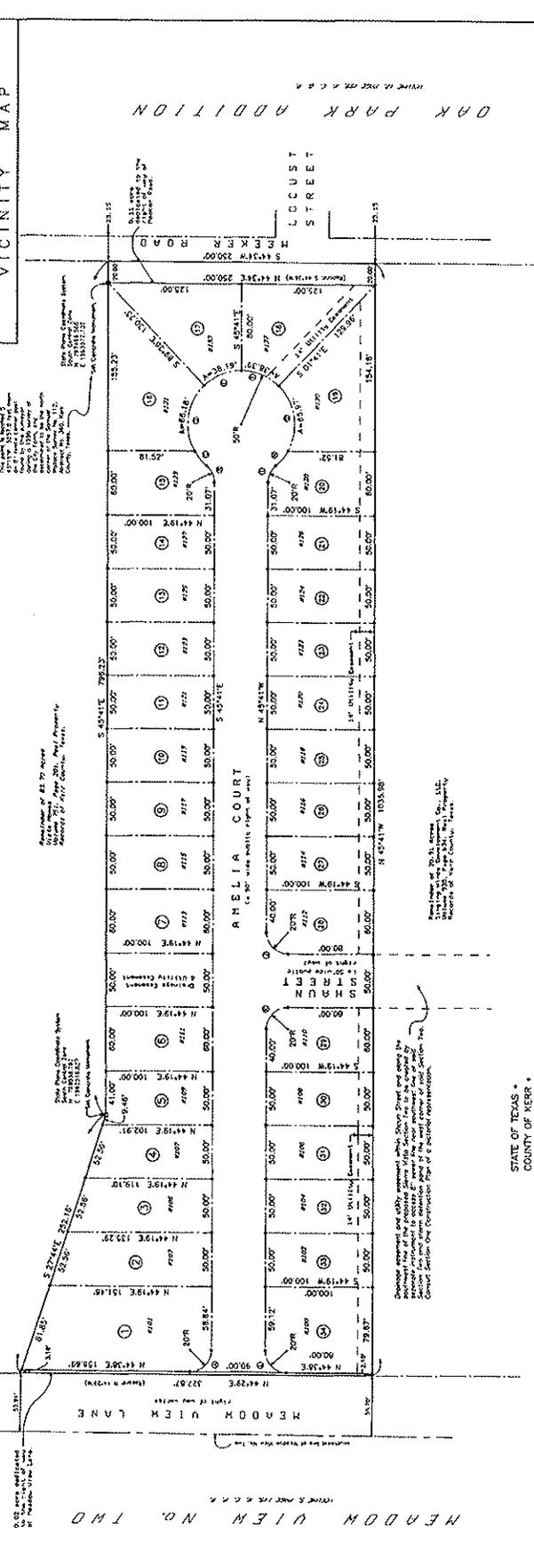
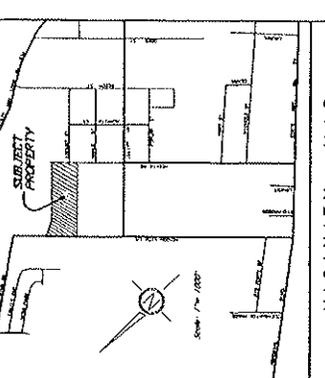
Val. to Page 385

71001

The street names shown herein have been approved by the 911 Board according to their jurisdiction.

9-21-98 J. Schaefer 911 DIRECTOR

CURVE DATA:	CURVE RADIUS	TANGENT	LENGTH	DELTA	DEGREE	CHORD	CHORD BEARING
A	20.00'	19.84'	31.35'	89.90'	50.00°	28.24'	S 60°30'E
B	20.00'	3.00'	17.68'	32.70'	114.75'	17.31'	S 60°30'E
C	20.00'	3.00'	17.68'	32.70'	114.75'	17.31'	S 60°30'E
D	20.00'	38.25'	68.18'	78.90'	114.35'	61.45'	S 79°51'E
E	20.00'	20.00'	36.39'	44.40'	114.35'	37.44'	S 60°30'E
F	20.00'	20.00'	36.39'	44.40'	114.35'	37.44'	S 60°30'E
G	20.00'	30.28'	52.86'	62.18'	114.35'	45.53'	S 60°30'E
H	20.00'	30.28'	52.86'	62.18'	114.35'	45.53'	S 60°30'E
I	20.00'	8.33'	17.45'	50.00'	114.35'	16.80'	S 60°30'E
J	20.00'	20.00'	36.39'	44.40'	114.35'	37.44'	S 60°30'E
K	20.00'	20.00'	36.39'	44.40'	114.35'	37.44'	S 60°30'E
L	20.00'	20.00'	36.39'	44.40'	114.35'	37.44'	S 60°30'E
M	20.00'	20.00'	36.39'	44.40'	114.35'	37.44'	S 60°30'E
N	20.00'	20.00'	36.39'	44.40'	114.35'	37.44'	S 60°30'E
O	20.00'	20.00'	36.39'	44.40'	114.35'	37.44'	S 60°30'E
P	20.00'	20.00'	36.39'	44.40'	114.35'	37.44'	S 60°30'E
Q	20.00'	20.00'	36.39'	44.40'	114.35'	37.44'	S 60°30'E
R	20.00'	20.00'	36.39'	44.40'	114.35'	37.44'	S 60°30'E
S	20.00'	20.00'	36.39'	44.40'	114.35'	37.44'	S 60°30'E
T	20.00'	20.00'	36.39'	44.40'	114.35'	37.44'	S 60°30'E
U	20.00'	20.00'	36.39'	44.40'	114.35'	37.44'	S 60°30'E
V	20.00'	20.00'	36.39'	44.40'	114.35'	37.44'	S 60°30'E
W	20.00'	20.00'	36.39'	44.40'	114.35'	37.44'	S 60°30'E
X	20.00'	20.00'	36.39'	44.40'	114.35'	37.44'	S 60°30'E
Y	20.00'	20.00'	36.39'	44.40'	114.35'	37.44'	S 60°30'E
Z	20.00'	20.00'	36.39'	44.40'	114.35'	37.44'	S 60°30'E



CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we) hereby certify that I am (we are) the Owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building lines, and dedicate all public streets, alleys, walks, porches, and other open places to public use as noted.

9-17-1998 *[Signature]* Owner
 9-17-1998 *[Signature]* Owner

STATE OF TEXAS
 COUNTY OF KERR

BEFORE ME, the undersigned authority on this day personally appeared **GUADALUPE V. SCHUBERT** and **ARACELIA V. SCHUBERT** known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instruments, and I acknowledged to me that he/s/he/they executed the same and in the capacity therein stated, and on this day GIVEN under my hand and seal of office this 17th day of September 1998.

[Signature]
 County Clerk
 City of Kerrville, Kerr County, Texas

I hereby certify that the subdivisions plat shown hereon has been found to comply with the Subdivision Regulations for the City of Kerrville, Texas, with the exceptions of such variances, if any, as are noted on the plat. This plat has been approved by the Commission and that said plat has been approved for recording in the office of the County Clerk of Kerr County, Texas.

9-22-1998 *[Signature]*
 City Planning and Zoning Commission
 City of Kerrville, Kerr County, Texas

Filed for record on the 22nd day of September 1998 A.D. at 11:32 AM at the County Clerk's office, City of Kerrville, Texas, and was recorded in the Public Records of Kerr County, Texas, Volume 100 of Page 385 of the Plat Records of Kerr County, Texas.

[Signature]
 County Clerk
 City of Kerrville, Kerr County, Texas

KNOW ALL MEN BY THESE PRESENTS:

That I, **Charles Dwyer**, Registered Professional Land Surveyor No. 4081, do hereby certify that this perimeter survey was made in accordance with the International Land Surveying Practice Act of 1992. I further certify that the land platted hereon is within the limits of the City of Kerrville, Kerr County, Texas, and that the same is subject to the provisions of the Plat as designated on a Flood Insurance Rate Map No. 48265C0265 E.

9-22-1998 *[Signature]*
 Charles Dwyer
 Registered Professional Land Surveyor
 Texas Registration No. 4081

SIERRA VISTA - SECTION ONE

A SUBDIVISION OF 6.16 ACRES, MORE OR LESS, BEING THE S.W. 1/4 OF SECTION ONE IN THE SAUNDER TRACT SURVEY PLATTED IN ABSTRACT NO. 347, KERR COUNTY, TEXAS.

Preliminary Plat, Approved 5-21-1998.

[Signature]
 County Clerk
 City of Kerrville, Kerr County, Texas



GUADALUPE SURVEY COMPANY
 Kerrville, Texas 78028 Ph# (830)895-1808 Fax# (830)895-3534

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

AGENDA ITEM: 7A **FOR AGENDA OF:** June 5, 2008
DESCRIPTION: Future Agenda Items
APPLICANT(S): Gordon Browning, Senior Planner
ATTACHMENT(S):

The following items have been scheduled for the Commission's June 19, 2008 meeting;

Plats:

Replat: Sutton Addition – A replat of Lots 1 and 2, Block One, Sutton Addition, a 4.44 acre tract located at the east corner of the SH 27 and Loop 534 intersection. Zoned: E-29. Applicant: Voelkel Engineering and Surveying for the City of Kerrville. (File No. 2008-26)

The City is initiating this replat, once platted and purchased, the site will be used for a future lift station.

Final Plat: Gilmer Estates – A three (3) lot 0.63 acre tract located at 1831 and 1835 Thruman Street. Zoned: GTW. Applicant: Texas Land Boundaries. (File No. 2008-11)

The Commission approved the preliminary plat with conditions at their meeting on January 3, 2008.