

City of Kerrville Planning & Zoning Commission Agenda
Thursday, April 2, 2009, 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 seventy two hours (72)
before the meeting to request accommodations.

Page

1. **4:30 p.m. Call to Order**
Chair calls the meeting to order; roll call.

2. **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.)

3. **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.
 - 3A. Approval of the minutes from the meeting of February 19, 2009 3
 - 3B. Approval of the minutes from the meeting of March 5, 2009 8

4. **Final Plats:**
 - 4A. **Final Plat: The Heights of Kerrville** – Consider a final plat for a sixty-one (61) lot, 308 acre residential development generally located west of Harper Road and northeast of Coronado Drive and a variance request to Article 10-IV-3A (5 and 6) of the Subdivision Regulations. Zoned: ETJ. Applicant: Matkin-Hoover Engineering and Surveying. (File No. 2009-11) 14

 - 4B. **Final Plat: Fox Ridge** – Consider a final plat for a seven (7) lot, 11.03 acre single family development generally located at the intersection of Rim Rock Road and Blue Sky Lane. Zoned: ETJ. Applicant: Guadalupe Survey Company. (File No. 2009-12) 18

5. **Public Hearing:**
 - 5A. **Residential Replat: The Summit, Phase Twelve** – Consider a replat of Lots 7 and 10, Block 6, The Summit, Phase Twelve, located at 1803 Summit Spur. Zoned: RC. Applicant: Voelkel Land Surveying. (File No. 2009-13) 20

6. **Action Item:**
 - 6A. Review and approval of related checklist from the Development Site Plan Procedure and Application packet. Applicant: City of Kerrville. 22

7. Staff Reports

7A. Future Agenda Items. Applicant: Senior Planner

8. Adjourn - The next scheduled meeting is Thursday, April 16, 2009.

Caimas Blvd". In the Heights of Kerrville development. Applicant: Matkin-Hoover Engineering and Surveying. (File No. 2009-04)

Cmr. Phillips recused himself from the Commission during this time due to a conflict of interest with the Thoroughfare Plan Amendment. Cmr. Phillips previously filed the proper form with City Staff.

Kevin Coleman, Director of Development Service presented the finding of facts to the Commission and explained the Committees charge in this public hearing.

Bruce Stracke, Director of Integrity Group Development Texas, stated that much has changed since the two year old development agreement. The City is planning for significant growth and expansion of utilities and transportation infrastructure all over town including the extension of utilities and annexation of property out Harper Rd to the James Avery compound north of the Heights project. Kimbley-Horn and Associates will explain the traffic study they did and they worked with Matkin Hoover to incorporate a viable alternative.

Matt McCormick, Matkin-Hoover Engineering, explained to the Commission the reasoning of the Thoroughfare Plan Amendment for the Heights of Kerrville and how they evaluated the thoroughfare plan.

Aaron Nathon, Kimberly-Horn Associates, stated that they looked at local facilities within The Height of Kerrville and the neighboring area and the Las Cimas connection separately. He also explained to the Commission the different techniques that they used in consideration of their study and presented a power point of the current and the proposed thoroughfare plan amendment. He also looked at projected land use around The Height of Kerrville.

Cmr. Kessler opened the public hearing at .4:53 p.m

Carolyn Lipscomb, 909 Lake Dr, expressed her opposition to the removal of Las Cimas and Coronado extension. She also stated that there are few east west roads linking Kerrville and that Holdsworth Dr has been a great addition in relieving traffic. Mrs. Lipscomb stated that it would be irresponsible to relinquish City's rights to use those streets and that it appears to her that the only reason for doing this is that it will allow Mr. Phillips to market this subdivision as a gated community. She also stated that in her opinion any subdivision that benefits from City service should be required to be keep thier streets open as public roads.

David Lipscomb, 909 Lake Dr, stated that keeping an option for additional east\west connectivity for vehicle traffic makes since,

A.W. Mendoza, 415 W. Main, gave reasoning on why they did not buy in The Heights of Kerrville because there is only one-way out. It is unfriendly and closed and he stated that is no good for a community.

Com. Allen questioned whether when The Heights was first approved; it was approved with the understanding that it would be as it is being requested. Because of some occurrences that have happened over a couple of years and because of a commission on the thoroughfare plan, we now have some changes to the road system which are not consistent with how it was originally approved and developed. That is not right that if it was approved one way, we need to honor the approval.

Bruce Stracke, stated that as it stands, some time in the future the City does have the right to make Las Cimas a public road. He explained the changes that are being proposed.

Bruce Stracke, stated that the entire current master thoroughfare plan needs to be updated because there are some areas that need to be addressed.

Com. Kessler closed the public hearing at 5:23 p.m.

Com. Allen moved for approval of the request as submitted and recommended to the City Council the thoroughfare plan amendment; motion was seconded by Com. Buell and passed 3-0-1 with Kessler, Buell and Allen in favor; No one voted against the motion; Com. Phillips abstained due to a conflict of interest.

Com. Phillips rejoined the Commission.

5. ACTION ITEMS

5A. **Preliminary Plat: The Gardens at Clearwater** – A one (1) lot. 7.15 acre tract located at the south corner of the Clearwater Paseo and Main Street intersection. Zoned: PDD. Applicant: Eric Ashley. (File No. 2009-01)

Mr. Browning presented the finding of facts to the Commission

Com. Kessler moved for approval of the preliminary plat; subject to staff's recommendation; motion was seconded by Com. Allen and passed 4-0,

5B. **Preliminary Plat Extention** – Consider a request to extend the preliminary plat approval for the Horizon, Section Three, a fifty-one (51) lot residential development located south of the Horizon Blvd and Sheppard-Rees intersection. Zoned: ETJ. Applicant: Domingues and Associates. (File No. 2008-03)

Mr. Browning presented the finding of facts to the Commission

Com. Buell moved for approval of the preliminary plat; subject to staff's recommendation; motion was seconded by Com. Kessler and passed 4-0,

5C. **Development Site Plan** – Receive a report from the Development Services Community Advisory Team regarding a request to establish a "Development Site Plan" requirement for nonresidential developments. (File No. 2009-07)

Mr. Browning presented the finding of facts to the Commission

Kevin Coleman, Director of Development Services, explained to the Commission the purpose of the Development Services Advisory Team (DSCAT) and the Development Site Plan.

Peter Lewis, explained to the Commission that the DSCAT discovered that there is a need for a time line check list for a commercial use and explained the different processed that would happen. He also stated that the DSCAT determined that a well defined site plan would elevate and resolve the issues at the site plan meetings and he went over the handout of development site plan definitions.

Cmr. Buell and staff discussed the tracking of the Development Site Plans.

Kevin Coleman, Director of Development Services, explained the City has software that can tract the permit process for the development site plan.

Bruce Motheral, Council Liaison, expressed a concern that a development site plan for a nonresidential project of 0.5 (1/2) acres or larger because the state requires drainage plans on a one (1) acre tract and recommended to change the Development Service Plan requirement to a one (1) acre tract.

Peter Lewis, explained the reasoning of the tract being 0.5 (1/2) acres.

Bruce Motheral also expressed his concern with an application being considered submitted only after the City Planner has determined it is complete and provides the information necessary for review.. He suggested creating a checklist and that an application is complete when everything is on the checklist is complete, he asked to consider the changes he has requested.

Cmr. Buell moved to recommend to the City Council the development site plan; subject to where there are arbitrary options or decisions to be made by City staff, that a specific checklist be compiled and changes made to the grammar; motion was seconded by Cmr. Allen and passed 4-0.

6. STAFF REPORTS

6A. Discuss proposed amendments to the City of Kerrville Zoning Code. Applicant: Director of Development Services.

Kevin Coleman, Director of Development Services, went over a council request to amend Article 11-I-22 to reduce the number of consecutive terms a Board of Adjustment member may serve and a resident's request to amend Article 11-I-3, Definitions and Interpretation of words and phrases, to broaden the list of permitted uses as defined in the Home Occupancy section of the article.

A.W. Mendoza, explained to the Commission that he is a retired and injured and he is on disability so he relies on income from the custom gunsmithing that he does out of his home.

Bruce Motheral, questioned if this could be a variance for the individual instead of changing the ordinance.

Gordon Browning, Senior Planner, stated that this could not be a variance as they are granted for development standards and this is a land use change therefore it has to be an ordinance change.

6B. Future Agenda Items. Applicant: Senior Planner

7. **ADJOURN** – The next scheduled meeting is Thursday, March 5, 2009.

The meeting adjourned at 6:17 p.m.

ATTEST:

Andy Phillips, Chair

Trina Sanchez, Recording Secretary

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

AGENDA ITEM: 3B **FOR AGENDA OF:** April 2, 2009

DESCRIPTION: Approval of minutes of March 5, 2009.

APPLICANT(S): Planning and Zoning Commission Secretary

ATTACHMENT(S):

MEMBERS PRESENT:

Jim Kessler, Vice Chair
Harold Buell, Commissioner
T. Justin MacDonald, Commissioner
David Watterson, Alternate (seated)

MEMBERS ABSENT

Andy Phillips, Chair
George Hager, Commissioner
Gene Allen, Alternate

COUNCIL LIAISON PRESENT

Bruce Motheral, Council Liaison

STAFF PRESENT:

Kevin Coleman, Director of Development Services
Gordon Browning, Senior Planner
Trina Ramirez, Planning and Zoning Commission Secretary
Jeff Finley, Chief Building Official

1. CALL TO ORDER:

On March 5, 2009, 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.

Kevin Coleman, Director of Development Services, introduced to the Commissioners Jeff Finley the new Chief Building Official

2. VISITOR/CITIZENS FORUM:

3. CONSENT AGENDA

3A. Minutes from the meeting of February 19, 2009.

Minutes from the Commission's February 19, 2009 meeting will be presented for review and consideration at the Commission's next scheduled meeting.

4. PUBLIC HEARINGS

4A. **Residential Replat: Woodside Addition** – A replat of Lots 1A-4B, Block 1 and Lots 5 and 6, Block 2, located northwest of the Travis Street and Woodside Drive intersection. Zoned: RC. Applicant: Roederer Surveying. (File No. 2009-06)

Mr. Browning presented the finding of facts to the Commission.

Cmr. Kessler opened the public hearing at 4:34 p.m.

Cleatus Bollier, 1605 Deer Trail, stated his concerns. He lives behind this project and that he has seen the run off come down this particular area that they want to replat that goes on his neighbors driveways and kitchen areas. He also questioned why we are letting some people get variances and not others and that the drainage problem in this area needs to be fixed.

Gordon Browning, Senior Planner, explained to Mr. Bollier and the Commission the purpose of the replat. The depth of the lots as platted were wrong and the purpose of the replat is to fix that error. The intent of this replat is not to correct the drainage issue.

Will Aymond, 1600 Dear Trail, explained that his concerns were the utility easement and the drainage problem in this neighborhood. He also complained that his appraisal will go down 18% if the applicant builds a duplex in this area. He also expressed that cutting the easement is not going to fix the problems these property owner have.

John Stone, 1602 Deer Trail, stated that his house is directly behind the house the developer just built and before he built the slope of the land would collect the water but since he has built this house the rain water floods his yard and he has complained about this issue. The builder did come on his property with his bobcat to make the water flow but he does not think that will fix the problem.

Laura Goswick, 1606 Deer Trail, stated that her concerns are the drainage issues and that the more they build the more drainage will become an issue.

Cmr. Kessler closed the public hearing at 4:49 p.m.

Gordon Browning, Senior Planner stated that the purpose for this replat is to correct a mechanical error from a previous plat, done in 1985 that shows 5ft of additional property that does not exist. The purpose is to reduce those dimensions to what is actually on the ground and in doing so reduce those utilities easements so that the houses that are currently there don't encroach into the existing easement. All of the utilities companies have agreed on this replat. We are trying to correct a mistake.

Kevin Coleman, Director of Development Services stated that Mr. Jones has been the builder for a small portion of time and there are drainage issues with the subdivision in general. Mr. Jones burden is that he does not create drainage problems for the adjacent properties and that the water is going away from the properties he is building. He is committed to fix the drainage on the properties he is building on.

Bruce MacDonald stated that something needs to be done to keep the run off from the neighbors as these houses are being developed.

Cmr. Buell moved for approval of the re-plat because it will fix the error that was discovered and the easement issues; subject to staff's recommendations; motion was seconded by Cmr. Watterson and passed 4-0.

4B. Development Site Plan: Woodside Addition – A request for a Development Site Plan per Article 11-I-10 c (2), Residential Cluster District of the Zoning Code, for duplex development on Lots 1B and 2A, Block 1 and Lots 5 and 6, Block 2 of the Woodside Addition located at 1603, 1605, 1610 and 1612 Woodside Drive. Zoned: RC. Applicant: Roederer Surveying. (File No. 2009-07)

Mr. Browning presented the finding of facts to the Commission.

Cmr. Phillips opened the public hearing at 5:08 p.m.

Will Aymond, 1600 Deer trail, request that his comments be posted on this agenda Item:

Will Aymond, 1600 Dear Trail, explained that his concerns were the utility easement and the drainage problem in this neighborhood. He also complained that his appraisal will go down 18% if the applicant builds a duplex in this area. He also expressed that cutting the easement is not going to fix the problems these property owner have.

Cmr. Phillips closed the public hearing at 5:09 p.m.

Tim Jones, builder of the development, stated that he has planned on getting an engineer for the drainage issues. The reason for the duplex is that he has lost 5ft of land and he is trying to fix things within his development.

Cmr. Buell question what are the sizes of the proposed duplexes?

Tim Jones stated that his plans for the duplexes are at least 1200 sq ft.

Cmr. Watterson questioned the difference in a zero lot line and a duplex?

Rochelle Aymond, 1600 Deer Trail, expressed her concern that Woodside St is higher than Deer Trail. Water does not run up hill, the developer has raised the lot behind them 10ft. Any water he is going to put in there is going to run across their driveway which brings mud on thier property.

Kevin Coleman, Director of Development Services, stated to the Commission that it is their burden to give a recommendation to City Council on the development site plan to allow duplex construction on the 4 lots on the 18 lot subdivision that is single family up to now. He also stated that the Commission can add to their recommendation as a part of the development site plan, the requirement that at the time of the building permit that an engineer drainage study be submitted.

Cmr. MacDonald moved to recommend approval of the development site plan, adding that as presented, prior to any building permit an engineering drainage plan be developed and submitted, and subject to the conditions staff has recommended; motion was seconded by Cmr. Buell and passed 4-0.

4C. **Sign Variance Request** – A request for a variance to the Sign Regulations of the City of Kerrville, Section 27.3D(d) to allow four (4) internally lighted signs and Section 27.3D(e) to exclude the requirement of a masonry frame around the proposed monument sign for property located at 1309 Bandera Highway (Guadalupe National Bank). Zoned: GR. Applicant: Peter Lewis Architect and Associates. (File No. 2009-05)
Mr. Browning presented the finding of facts to the Commission.

Peter Lewis, the applicant for Guadalupe National Bank, gave a presentation of the sign variance request and the reasoning for the sign variance.

Cmr. Kessler questioned the total square footage of the sign and the message board underneath.

Peter Lewis, stated that it will be 99 sq ft and the limitation is 100 sq feet.

Kevin Coleman, Director of Development Service, explained to the Commission their role of the sign variance and went over the relevant parts of the sign ordinance
Peter Lewis, , explained to the Commission the lighting planned for the sign.

Cmr. Phillips opened the public hearing at 5:34 p.m. No one spoke. Cmr. Phillips closed the public hearing at 4:35 p.m.

Cmr. Watterson moved for approval of the sign variance as submitted; motion was seconded by Cmr. MacDonald and passed 4-0.

4D. **Zoning Change Request** – Consider a recommendation to the City Council of a request to change the zoning from E-29 and E-30 (East Side District) to a PDD (Planned Development District) on approximately 3.06 acres located at the southwest corner of the Memorial Blvd (SH 27) and Loop 534 intersection. Zoned: E-29 and E-30. Applicant: Vordenbaum Engineering, Inc. (File No. 2009-03)
Mr. Browning presented the finding of facts to the Commission.

Cmr. Kessler opened the public hearing at 5:41 p.m. No one spoke. Cmr. Kessler closed the public hearing at 5:42 p.m.

Harvey Brinkman, Applicant, discussed with the Commission the reason for the zoning change request and the new development, which is not going to be immediate but he does have plans for this area.

Cmr. Buell moved to recommend to City Council the zoning change request; subject with the conditions staff has recommended; motion was seconded by Cmr. MacDonald and passed 4-0.

4E. **Zoning Code Amendment** – Consider a recommendation to the City Council of a request to amend Article 11-I-3, Definitions and Interpretation of Words and Phrases, to broaden the list of permitted uses as defined as a Home Occupation, Article 11-I-3(a)(49). Applicant: City of Kerrville. (File No. 2009-09)

Mr. Browning presented the finding of facts to the Commission.

Mr. Phillips opened the public hearing at 6:11 p.m. No one spoke. Mr. Phillips closed the public hearing at 6:12 p.m.

Staff and the Commission discussed the Zoning Code Amendment concerning opening this up to all of the City of Kerrville.

Bruce Motheral questioned if this could be done through a condition use permit.

Gordon Browning, Senior Planner, stated that is not how the home occupancy section is written.

Mr. Kessler stated that Mr. Mendoza, himself, has nothing to do with the decision today this change opens it up for anyone to do.

Kevin Coleman, Director of Development Service, explained to the Commission what City Council has charge the Planning and Zoning Commission. He also suggest that the most direct way to address this is to add an additional use as a specific listing as a home occupation allowing gunsmithing with specific regulations.

Mr. Kessler expressed his concerns on adding gunsmithing to home occupancy and he also expressed he is opposed to approving this because it opens it up city wide and someone may come in with the wrong intentions. He also stated that Mr. Mendoza could do this at a gunsmith shop instead of him home.

Mr. Buell moved to recommend to City Council the zoning code amendment to add gunsmithing; subject to no retail sales, has to be done in a detached building, no discharge of firearms on site, and will require an approval within 6 month from Bureau of Alcohol, Tobacco, Firearms and Explosives; and no signage; motion was seconded by Mr. Watterson and passed 3-1 with Buell, Watterson, and Allen in favor; .Kessler voted against the motion.

4F. **Zoning Code Amendment** – Consider a recommendation to the City Council of a request to amend Article 11-I-22(b)(5), Planning and Zoning Commission and Board of Adjustment, to reduce the number of consecutive terms a Board of Adjustment member may serve. Applicant: City of Kerrville. (File No. 2009-10)

Mr. Coleman presented the finding of facts to the Commission.

Mr. Phillips opened the public hearing at 6:17 p.m. No one spoke. Mr. Phillips closed the public hearing at 6:18 p.m.

Cmr. MacDonald moved to recommend to City Council the zoning code amendment; subject to the conditions staff has recommended; motion was seconded by Cmr. Watterson and passed 4-0.

5. STAFF REPORTS

5. Future Agenda Items. Applicant: Senior Planner

6 Adjourn – The next scheduled meeting is Thursday, March 19, 2009.

The meeting adjourned at 6:20 p.m.

ATTEST:

Jim Kessler, Vice-Chair

Trina Sanchez, Recording Secretary

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

AGENDA ITEM: 4A **FOR AGENDA OF:** April 2, 2009

DESCRIPTION: **Final Plat: The Heights of Kerrville** – Consider a final plat for a sixty-one lot, 308 acre residential development generally located west of Harper Road and northeast of Coronado Drive and a variance request to Article 10-IV-3A (5 and 6) of the Subdivision Regulations. Zoned: ETJ. (File No. 2009-11)

APPLICANT(S): Matkin-Hoover Engineering and Surveying

ATTACHMENT(S): Variance Request, Final Plat

SUMMARY STATEMENT – FINDING OF FACT

Project History/Timeline:

- January 18, 2007 – A concept plan of the Wenzel/Hartman Tract (The Heights of Kerrville) is presented to the Planning and Zoning Commission.
- February 12, 2007 – The Commission hears and approves a request to remove two (2) collector roads from the Thoroughfare Plan. However, based on an “Agreement of Understanding” between the developer and the City, the developer withdrew his request for the amendment and the request was never presented to City Council.
- February 21, 2007 – A waiver to the Subdivision Regulations to allow the installation and use of on-site sewage facilities, septic tanks, is approved by the Commission.
- March 13, 2007 – City Council adopts a Development Agreement for the subject tract, the agreement outlines the timing of annexation, the zoning classification following annexation (R-1), water and waste water services, private street construction and compliance with the Thoroughfare Plan.
- March 15, 2007 – A preliminary plat for a 55 lot, 301 acre single family development, Wenzel Tract, is approved with conditions by the Commission.
- February 19, 2009 – A public hearing is held before the Planning and Zoning Commission and recommendation to Council to amend the Thoroughfare Plan.
- February 24, 2009 – City Council hears a request to amend the “Annexation and Development Agreement By and Between The City of Kerrville, Texas, and Phoenix Summit, Ltd.”
- March 10, 2009 – City Council agrees to amend the “Annexation and Development Agreement By and Between the City of Kerrville, Texas, and Phoenix Summit, Ltd.” as it relates to compliance with the Thoroughfare Plan.
- March 10, 2009 – Public hearing before the City Council and consideration of an ordinance amending the Thoroughfare Plan.
- March 11, 2009 – Final plat and variance request for ‘Las Habras’ reviewed by the Development Review Committee (DRC).
- March 24, 2009 – Second and final ordinance reading amending the Thoroughfare Plan.
- March 27, 2009 – Staff review comments to applicant.

- **April 2, 2009 – Consideration of the final plat and variance request by the Commission.**

Variance:

As part of the review and consideration of the final plat for this development, the applicant is requesting a variance to Article 10-IV-3, Section A, (5 and 6) of the Subdivision Regulations, see attached letter dated March 16, 2009.

Article 10-IV-3, Section A (5 and 6) of the Subdivision Regulations states that;

5. Turn-around (Cul-de-sacs) Minor terminal streets or courts designed to have one end permanently closed (cul-de-sac) shall be no more than six hundred (600) feet long unless necessitated by topography. They shall be provided at the closed end with a turn-around having an outside roadway pavement diameter of at least eighty (80) feet and a street right-of-way diameter of at least one hundred (100) feet.

6. Topographic Restrictions In cases where topography or other physical conditions make a street of the required minimum width/length impractical, the City Planning Commission may modify the above requirements.

Based on the overall low density of this development, the average lot sizes proposed, the limited number of lots served by this cul-de-sac and the natural topography of the site, staff recommends approval of the variance request as presented.

Final Plat:

The applicant is requesting approval of the final plat for The Heights of Kerrville, a 61 lot, 308 acre tract single family residential development. The construction of the subdivision is complete with final inspections under way by the City's Engineering Division.

RECOMMENDED ACTION

Staff recommends approval of the variance request as presented and the final plat with the following conditions;

1. Note #12, sheet 2; change the note to read...'and transmitting public water **and electrical** to and from the City of Kerrville well site,
2. Add note #17 to sheet 2; 'Parkland dedication fees were paid for this development on March 11, 2009.'
3. Add note #18 to sheet 2; 'Lot 61 shall not be developed until such time as City sewer is made available', and
4. Final acceptance of the development.

March 16, 2009

Mr. Gordon Browning
City Planner
City Of Kerrville
800 Junction Highway
Kerrville, Texas 78028

Re: The Heights of Kerrville
Request for Variance

Dear Mr. Browning,

As reflected in the action taken by the Planning and Zoning Commission on March 15, 2007 a variance to Art 10-IV-3, Section (A), 5 & 6 was granted for streets now known as El Regalo, Las Alturas and La Mirada within The Heights of Kerrville Subdivision. At that time the preliminary plat for this subdivision was also approved, and reflected a connection to Harper Road further north than what was designed and constructed. Negotiations with the landowner necessary to make the connection shown on the approved preliminary plat fell through and the currently constructed connection to Harper Road, known as Las Cimas Boulevard, was designed. The realignment of Las Cimas Boulevard required the cul-de-sac, Las Habras, to be extended in order to make connection. This lengthened cul-de-sac now exceeds the city requirement laid forth by Art 10-IV-3, Section (A), 5 & 6.

Consistent with the action taken previously, we herby request the following variance to the City of Kerrville Subdivision Regulations per Art. 10-IV-3, Section (G) "Variances."

Art. 10-IV-3, Section (A), 5 & 6 - The geometry and natural topography of the site do not allow for strict compliance with the regulation sited above. Due to topographic restrictions, we herby request approval of an approximately 800 foot long cul-de-sac road, known as Las Habras, serving five lots (Lots 31-35) as shown on the Final Plat. Please note that turn-arounds are provided at the end of each dead end cul-de-sac street and because of the low density of this development, the numbers of lots on each dead end street are minimal.

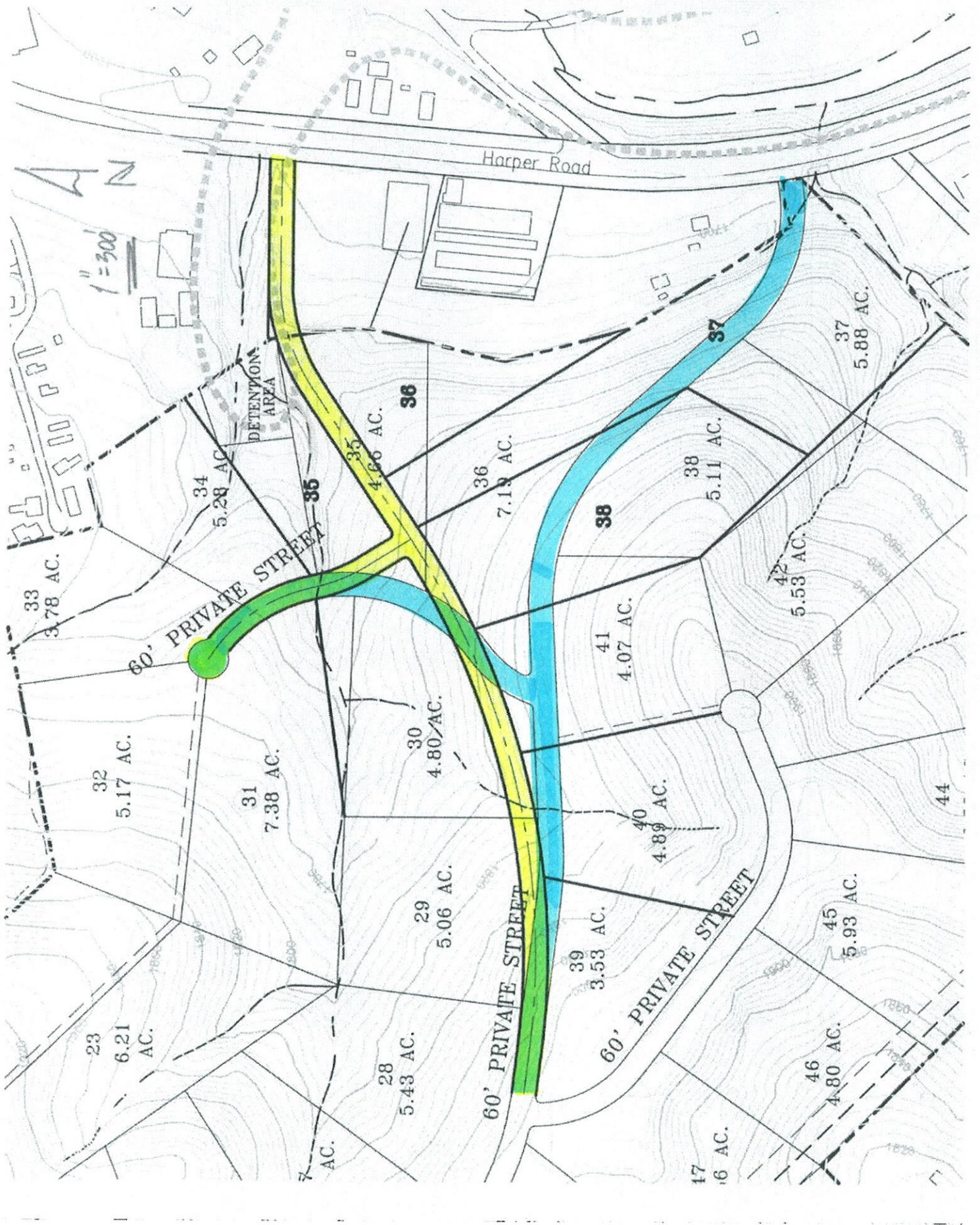
We believe that the variance being requested is necessary for the preservation of the natural topography and they will have no significant detrimental impact to the public health, safety or welfare and will not be injurious to other property in the area.

Thank you for your consideration in this matter. If you have any questions, please feel free to call me at the office or on my cell phone.

Sincerely,
Matkin-Hoover Engineering & Surveying



Matt McCormick, P.E.
Project Manager



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

AGENDA ITEM: 4B **FOR AGENDA OF:** April 2, 2009

DESCRIPTION: **Final Plat: Fox Ridge** – Consider a final plat for a seven (7) lot, 11.03 acre single family development generally located at the intersection of Rim Rock Road and Blue Sky Lane. Zoned: ETJ. (File No. 2009-11)

APPLICANT(S): Guadalupe Survey Company

ATTACHMENT(S): Plat

SUMMARY STATEMENT – FINDING OF FACT

The Planning and Zoning Commission approved the preliminary plat for this development at their December 4, 2008 meeting. At that same meeting the Commission denied the applicant's request for a waiver to Article 10-IV-4 (A)(e) of the City's Subdivision regulations, Water Supply System.

History/Timeline:

- September 4, 2008 – A concept plan for "Eagle Ridge" is reviewed by the Commission.
- October 24, 2008 – The preliminary plat for "Fox Ridge" is submitted for review and consideration.
- November 5, 2008 – Development Review Committee (DRC) review process for the preliminary plat is completed.
- November 10, 2008 – Preliminary plat consideration postponed to the December 4, 2008 Commission meeting, by agreement of staff and applicant.
- November 17, 2008 – A waiver to Article 10-IV-4 (A)(e), Water Supply System, of the City's Subdivision Regulations is received by staff.
- November 19, 2008 – Development Review Committee (DRC) review and discussion of the waiver request.
- November 25, 2008 – Staff comments to applicant.
- December 4, 2008 – Preliminary plat approved with conditions, waiver to Article 10-IV-4 (A)(e), Water Supply System denied.
- February 25, 2009 – Final plat submitted for review and consideration.
- March 18, 2009 – Development Review Committee (DRC) review of final plat completed.
- March 27, 2009 – Staff comments to applicant.
- April 2, 2009 – **Consideration of final plat by Commission.**

Summary:

- The final plat under consideration is for a seven (7) lot single family development in the City's ETJ.
- The water provider for this area is Aqua Texas, Inc.
- Waste water disposal will be by private OSSF, as approved by the Kerr County Environmental Health Department.
- The plat has been reviewed and accepted by the appropriate County departments.

RECOMMENDED ACTION

Staff recommends approval of the final plat with the following conditions;

1. Show 'Building Setback Line' at the rear of the lots as a "No Build Line and Drainage Easement",
2. Provide a letter from the water purveyor stating that they are able and ready to provide water service to this development via their existing water system, and
3. Drainage improvements as required by the City Engineer and County Engineer must be constructed prior to plat recording and building construction.

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

AGENDA ITEM: 5A **FOR AGENDA OF:** April 2, 2009

DESCRIPTION: **Residential Replat: The Summit, Phase Twelve** – Consider a replat of Lots 7 and 10, Block 6, The Summit, Phase Twelve, located at 1803 Summit Spur. Zoned: RC. (File No. 2009-13)

APPLICANT(S): Voelkel Land Surveying

ATTACHMENT(S): Location Map, Plat

SUMMARY STATEMENT – FINDING OF FACT

History/Timeline:

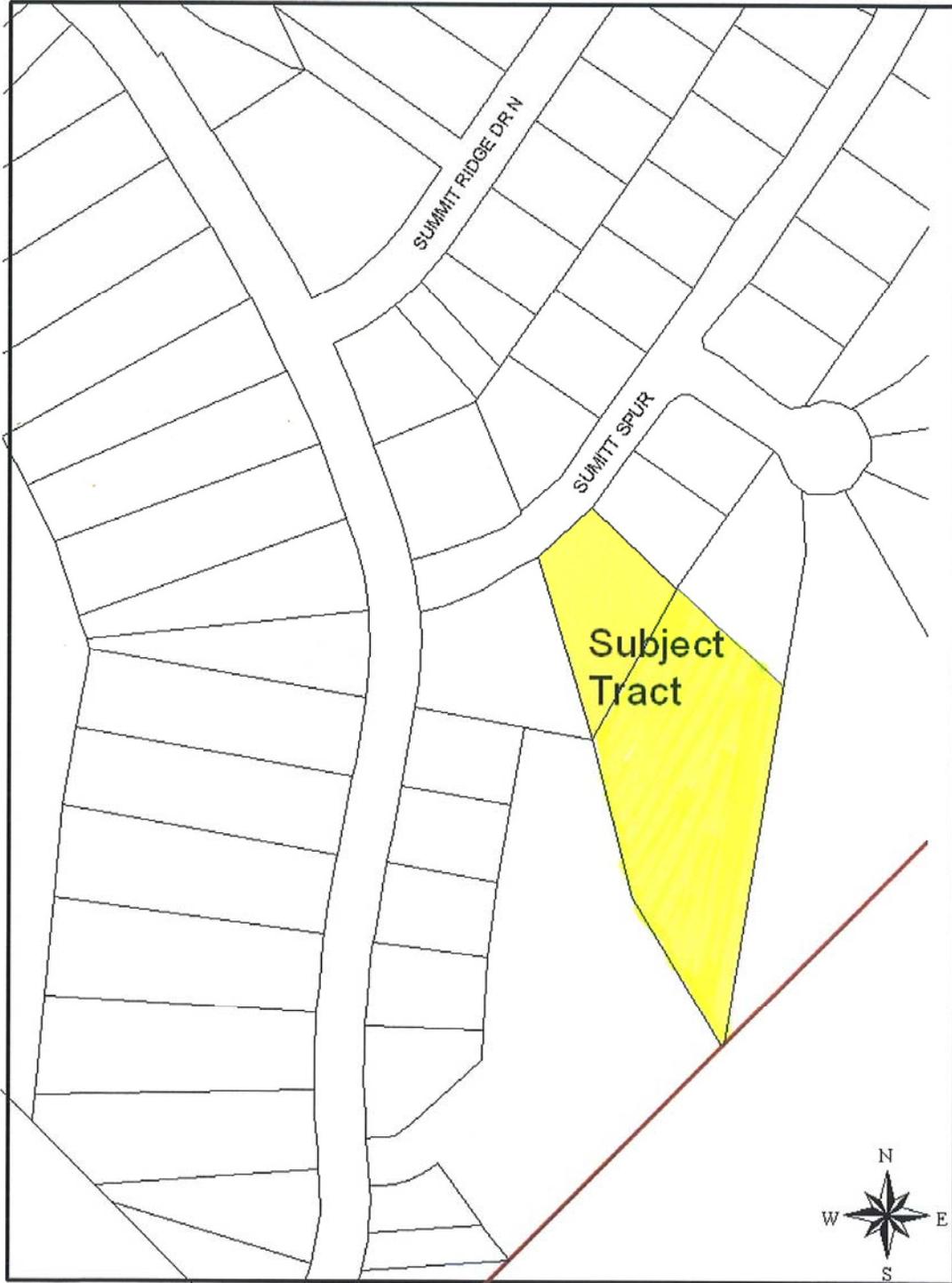
- April 22, 2003 – Final plat for The Summit, Phase Twelve is approved by the City.
- March 2, 2009 – Replat of Lots 7 and 10, Block 6 submitted for review and approval.
- March 18, 2009 – Development Review Committee (DRC) review process completed.
- March 19, 2009 – Notice of required public hearing published in The Kerrville Daily Times and mailed to property owners within 200-feet of the replat.
- March 27, 2009 – Staff comments to applicant.
- **April 2, 2009 – Consideration of replat by Commission.**

Summary:

- Replat reconfigures Lots 7 and 10, Lot 7 will become larger, Lot 10 will be reduced. Both replatted lots meet minimum lot standards.
- Municipal services exist to serve both lots.

RECOMMENDED ACTION

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



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

AGENDA ITEM: 6A **FOR AGENDA OF:** April 2, 2009

DESCRIPTION: Action Item: Review and approval of related checklist from the Development Site Plan Procedure and Application packet.

APPLICANT(S): City of Kerrville

ATTACHMENT(S): Resolution No. 033-2009, Development Site Plan Procedure and Application packet.

At their March 10, 2009 meeting, City Council adopted Resolution No. 033-2009, establishing the requirement for the submittal and approval of a development Site Plan for all non-residential developments over 0.5 (1/2) acres.

Staff is proposing the attached Development Site Plan Review and Procedure packet for the Commission's review and approval. The packet contains the procedure Development Site Plans will be reviewed by, a submittal schedule, application and submittal checklist.

Council directed staff to bring the application's checklist to the Planning and Zoning Commission for approval. The balance of the packet is attached for information.

Staff will begin administering the process once the checklist is approved by the Commission.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 033 -2009**

**A RESOLUTION ADOPTING A DEVELOPMENT SITE PLAN POLICY
AND PROCEDURE FOR NON-SINGLE FAMILY RESIDENTIAL
DEVELOPMENTS**

WHEREAS, City Council created the Development Services Community Advisory Team (“DSCAT”) to develop practices and procedures to enhance communication between the City’s Development Services Department and users of the Department; and

WHEREAS, DSCAT met periodically since September 2008, and initially focused on improving the City’s permit process for commercial projects; and

WHEREAS, based upon its discussions, DSCAT proposes changes that will require the submittal, review, and approval of a Development Site Plan for any commercial development (non-single family residential development) on property greater than a particular size; and

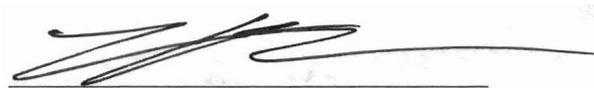
WHEREAS, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to adopt the Development Site Plan Policy and Procedure as proposed by DSCAT; and

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

SECTION ONE. The Development Site Plan Policy and Procedure for Non-Single Family Residential Developments is adopted, the provisions of which are as set forth in **Exhibit A**.

SECTION TWO. The City’s Fee Schedule, as adopted by Resolution No. 090-2008, is amended by adding a fee for the administration of Development Site Plans. The Council finds that such fee is estimated to encompass the approximate costs of City personnel and other resources that will be utilized with respect to reviewing and processing Development Site Plans in accordance with the Policy and Procedure adopted in Section One, above.

PASSED AND APPROVED ON this the 10th day of March A.D., 2009.



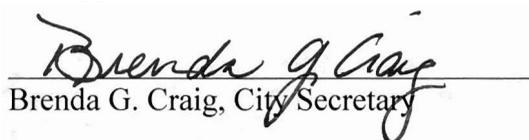
Todd A. Bock, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:



Brenda G. Craig, City Secretary

Exhibit A

DEVELOPMENT SITE PLAN POLICY AND PROCEDURE

DEVELOPMENT SITE PLANS

A development site plan is a required first step prior to any site development and the issuance of a building permit for non-single family residential developments of 0.5 (1/2) acres or larger. Approval of a development site plan by the City shall be required prior to any site development and the issuance of a building permit for all non-single family residential developments as defined by the City's Zoning Code.

The development site plan must comply with all provisions of the zoning district in which it is located, relating to permitted uses and development requirements and standards.

Pre-Application Conference: Prior to the formal submittal of an application, applicants are required to schedule a pre-application conference with the City Planner. The pre-application conference is to review the application for informational purposes only and does not constitute the filing of an application or approval for construction. An application shall not be considered complete until a pre-application conference has been held.

Application: An application shall be submitted, with all requested information and/or attachments, and in such number as required by the City. The City shall provide a checklist specifying the required information and attachments. The City Planner shall have the authority to request any other pertinent information necessary to ensure compliance with this policy and procedure, and shall modify the checklist used and seek approval of the Planning and Zoning Commission of those modifications

Application Fee: A filing fee, as established, shall be included with the application.

Application Deadlines: All applications shall be completed and submitted to the Development Services Department in accordance with a schedule established by the City Planner.

Application Completeness: An application shall be considered submitted only after the City Planner has determined the checklist is complete. If an application is incomplete, the City Planner shall provide notice to the applicant along with an explanation of the application's deficiencies. Incomplete applications will not be processed and/or reviewed.

REVIEW PROCESS

The development site plan review and approval procedures shall be determined based on the size and nature of the project as follows:

Development Review Committee: The City's Development Review Committee shall review and make recommendations on all development site plans.

The Development Review Committee shall have final approval authority to approve nonresidential development site plans for projects of 0.5 (1/2) acres or larger, provided that the development site plan does not require consideration and approval of varied or different requirements and standards than those found elsewhere in the Zoning Code.

An applicant may appeal the determination of the Development Review Committee to the Planning and Zoning Commission pursuant to the appeal procedure described below.

Appeal: A decision of the Development Review Committee may be appealed to the Planning and Zoning Commission by the applicant within ten (10) days after the date of decision by the Development Review Committee. The appeal must be written and must identify the specific reason(s) for and basis of the appeal. The appeal shall be delivered to the Development Services Department either personally within the ten (10) days or by United States mail postmarked within the ten (10) day period.

The Planning and Zoning Commission shall hear the appeal of the applicant at a regular meeting. The Planning and Zoning Commission shall review the action of the Development Review Committee and shall determine only whether or not the Development Review Committee acted within its authority under the policy and procedure set forth herein, and whether the decision of the Development Review Committee was based upon the evidence presented to it which would fairly support the decision made with regard to the appealed issue.

If the Planning and Zoning Commission concludes that the Development Review Committee acted without sufficient evidence, the Planning and Zoning Commission may grant the appeal and modify the site plan accordingly; or, the Planning and Zoning Commission may grant the appeal and resubmit the site plan to Development Review Committee for further action.

DEVELOPMENT SITE PLAN SUBMITTAL REQUIREMENTS

General Information: Twenty (20) copies of the development site plan; vicinity map or adequate reference to intersecting streets to locate specific property, north arrow, date, scale (not less than 1" = 100'), and on sheets 24" x 36" in size.

Site and Adjacent Property Information: Site, indicating boundaries (with bearings and distances) and project phases lines, if any; public and/or private rights-of-way and easements on site or abutting or intersecting the site; adjacent properties with zoning and existing uses identified.

Building Layout: Existing and proposed structures showing approximate outline of perimeter walls, including distances to property lines and other structures; front, side and rear building setback lines; proposed category of use or uses of structures; number of stories in height and feet; gross floor area; location of entrances and exits.

Circulation and Parking: Location, dimensions and proposed construction of all streets, private drives, alleys, parking areas, and drive approaches; streets, drives, and alleys which are adjacent to or dead-end into the site, including the location of existing and proposed median openings and left-turn lanes in boulevard streets; number and dimensions of parking spaces and width of drive approaches and aisles; sidewalks and other facilities for pedestrian circulation; location, width and curve radii for required fire lanes.

Drainage and Utilities Services: Existing and proposed topography reflecting proposed handling of on-site surface drainage; limits of the 100 year floodplain and floodway as shown on current FEMA maps, including location and acreage; proposed improvements and method of maintenance for any drainage channels and storm water detention facilities; existing and proposed sanitary sewer layout; existing and proposed water service layout including fire hydrant locations; proposed locations for solid waste container pads/enclosures.

Screening, Open Space, Recreational Facilities: Location, height, and building materials for any proposed or required walls or fences; height, location, and type of any proposed berm or living screens.

Living Units: A table showing type of units by size, number of bedrooms, and number of each type (multifamily projects).

ADMINISTRATIVE ACTION

Upon approval of a development site plan by the Development Review Committee, as set forth herein, and approval of the preliminary plat (if required), application(s) may be made for the permits and certificates necessary for construction. Subsequent to such approval, minor changes to the development site plan may be authorized by the Director of Development Services when such changes will not cause any of the following circumstances to occur:

- A change in the character of the development,
- An increase in the ratio of the gross floor area in structures to the area of any lot,
- An increase in the intensity of use,
- A reduction in the originally approved separations between buildings or required screening,
- An increase in the problems of circulation, safety, and utilities,
- A reduction in the originally approved setbacks from property lines,
- An increase in ground coverage by structures,
- Reduction in the ratio of off-street parking and loading space to the gross floor area in structures,
- Change in the locations, lighting, or orientation of originally approved signs.

EXPIRATION

Approval of any development site plan shall automatically expire three years from the date of approval unless a building permit has been issued and development activity on the tract has begun. When only an initial or partial phase of a project is constructed, the approval of the development site plan for any additional phases shall automatically expire after three years from the date of initial approval unless a building permit has been issued for the additional phases and development activity on the additional phases has begun. Extension of the approval period may be requested at any time prior to expiration or within 60 days after expiration. On or before, six (6) months (180 days) from the scheduled expiration of the Development Site Plan, staff will notify the

applicant/owner that the development site plan will expire unless a request for an extension is submitted for review and approval by the Development Review Committee. When it is determined that no significant changes affecting the site have occurred, the City Planner may, after recommendation by the Development Review Committee, extend the approval.



DEVELOPMENT SITE PLAN REVIEW PROCEDURE

A **Development Site Plan** is a required first step prior to any site development and the issuance of a building permit for non-single family residential developments of 0.5 (1/2) acres or larger. Approval of a **Development Site Plan** by the City shall be required prior to any site development and the issuance of a building permit for all non-single family residential developments as defined by the City's Zoning Code.

The **Development Site Plan** must comply with all provisions of the zoning district in which it is located, relating to permitted uses and development requirements and standards.

Prior to the submittal of an application, applicant's are required to schedule a pre-application conference with the City Planner.

COMPLETE APPLICATION REQUIRED:

The applicant shall submit the following information to begin the development site plan review process. Each and every item is considered an essential part of the development site plan application and is necessary to ensure a proper review of the proposed development. Once submitted, the application will be reviewed for completeness. If the application is incomplete, the applicant will be notified and the application returned.

INCOMPLETE APPLICATIONS WILL NOT BE REVIEWED.

A complete development site plan application, consisting of the following documents, shall be submitted to the Planning Division Office following the submittal schedule attached.

1. A complete 'Development Site Plan Application'
2. Twenty (20) copies of the proposed 'Development Site Plan'
3. A complete 'Development Site Plan Checklist'
4. A filing fee of \$200

REVIEW PROCESS:

Once a complete application is received, the Planning Division will distribute the site plan and any support data to the Development Review Committee (DRC) for review and comment. Comments from the review may require the submittal of additional information or the revision of the site plan. The City Planner will compile and submit the review comments to the applicant and schedule the applicant for a DRC meeting.

RESUBMISSION AND APPROVAL:

The applicant shall make any corrections or changes to the site plan and return it to the Planning Division. The following items shall be submitted with the revised site plan;

1. Five (5) copies of the revised 'Development Site Plan'
2. A site plan revision letter stating how DRC comments were addresses and identify any other changes made to the plan.

The City Planner will review the resubmission for compliance with the comments made during the review. When complete, the City Planner will approve the 'Development Site Plan' and notify the applicant. At that point, Civil Construction and Building Plans may be submitted to the City for review. A copy of the 'Development Site Plan' stamped "APPROVED" must be attached to all constructions plans submitted to the City for review.



**THE CITY OF
KERRVILLE, TEXAS**

Deadlines for Submissions of Application
and Scheduling of Development Site Plans
(Application must be submitted by 5:00 p.m.)

Development Site Plan Submittal Date:	Development Review Committee Meeting Date:
February 11, 2009	March 4, 2009
February 18, 2009	March 11, 2009
February 25, 2009	March 18, 2009
March 4, 2009	March 25, 2009
March 11, 2009	April 1, 2009
March 18, 2009	April 8, 2009
March 25, 2009	April 15, 2009
April 1, 2009	April 22, 2009
April 8, 2009	April 29, 2009
April 15, 2009	May 6, 2009
April 22, 2009	May 13, 2009
April 29, 2009	May 20, 2009
May 6, 2009	May 27, 2009
May 13, 2009	June 3, 2009
May 20, 2009	June 10, 2009
May 27, 2009	June 17, 2009
June 3, 2009	June 24, 2009
June 10, 2009	July 1, 2009
June 17, 2009	July 8, 2009
June 24, 2009	July 15, 2009
July 1, 2009	July 22, 2009
July 8, 2009	July 29, 2009
July 15, 2009	August 5, 2009
July 22, 2009	August 12, 2009
July 29, 2009	August 19, 2009
August 5, 2009	August 26, 2009
August 12, 2009	September 2, 2009
August 19, 2009	September 9, 2009
August 26, 2009	September 16, 2009
September 2, 2009	September 23, 2009
September 9, 2009	September 30, 2009
September 16, 2009	October 7, 2009
September 23, 2009	October 14, 2009
September 30, 2009	October 21, 2009
October 7, 2009	October 28, 2009
October 14, 2009	November 4, 2009
October 21, 2009	November 11, 2009
October 28, 2009	November 18, 2009
November 4, 2009	November 25, 2009
November 11, 2009	December 2, 2009
November 18, 2009	December 9, 2009
November 25, 2009	December 16, 2009
December 2, 2009	December 23, 2009
December 9, 2009	December 30, 2009
December 16, 2009	January 6, 2009
December 23, 2009	January 13, 2009
December 30, 2009	January 20, 2009



DEVELOPMENT SITE PLAN APPLICATION FOR REVIEW

A complete Development Site Plan Review application shall consist of the completed "Development Site Plan Application for Review" form, completed "Development Site Plan Checklist", payment of the application fee (\$200) and the site plan.

PROPERTY INFORMATION:

Name of Development: _____

Address/Location: _____

Zoning District(s): _____

Proposed Use: _____

Acreage/Size of Development: _____

OWNER/APPLICANT INFORMATION:

Property Owner: _____

Address: _____

Contact Information: Phone _____, Fax _____, Email _____

Applicant (If different from Owner): _____

Address: _____

Contact Information: Phone _____, Fax _____, Email _____

Primary Point of Contact: _____

I hereby certify that I am the owner or authorized agent for the owner for purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the submittal may be revoked.

Signature: _____ Date: _____



DEVELOPMENT SITE PLAN SUBMITTAL CHECKLIST

Name of Development: _____

Property Location: _____

Proposed Use: _____

Existing Zoning Designation: _____

Submission of the completed form is part of the Development Site Plan Application. All items must be “checked off” and included prior to submittal. If the applicant deems an item to be “Not Applicable” to the proposed development, it shall be marked as “NA” with an explanation. The explanation for the “NA” item must be stated in a separate document.

AN INCOMPLETE CHECKLIST CONSTITUTES AN INCOMPLETE APPLICATION.

GENERAL INFORMATION:

- ___ Pre-Application Conference Date: _____
- ___ Filing Fee (\$200)
- ___ Twenty (20) copies of the Development Site Plan
- ___ Sheet Size 24” x 36”
- ___ Vicinity Map
- ___ North Arrow
- ___ Date
- ___ Scale, drawn to a standard engineering scale not less than 1” – 100’

SITE INFORMATION:

- ___ Site, indicating boundaries (with bearings and distances) and project phase lines if any
- ___ Location and width of existing and/or proposed public and/or private rights-of-way and easements located on, abutting or intersecting the site
- ___ Adjacent properties with zoning and existing uses identified
- ___ Plat name with lot and block (if applicable)
- ___ Existing and proposed structures showing approximate outline and dimensions of perimeter walls, including distances to property lines and other structures
- ___ Front, side and rear building setback lines
- ___ Proposed category of use or uses of structures
- ___ Number of stories in height and feet for each structure
- ___ Gross floor area for each structure
- ___ Approximate location of entrances and exits for each structure

- ___ Location, width, curve radii, of existing and proposed construction of all streets, alleys, parking areas, fire lanes and drive approaches
- ___ Location of all streets, drives and alleys which are adjacent to or dead-end into a site, including the location of existing and proposed median openings and turn lanes
- ___ Number, location and dimensions of regular and handicapped parking spaces and width of drive aisles
- ___ Location and width of sidewalks, handicapped ramps and other pedestrian facilities
- ___ Existing and proposed topography reflecting proposed handling of on-site surface drainage
- ___ Limits of the 100 year floodplain and floodway as shown on current FEMA maps, including location and acreage
- ___ Proposed improvements and method of maintenance for any drainage channels and storm water detention facilities
- ___ Existing and proposed sanitary sewer layout, showing point of connection to municipal lines
- ___ Existing and proposed water service layout including existing and proposed fire hydrants, and showing connection to municipal lines
- ___ Proposed location(s) of solid waste container pads and enclosures
- ___ Location, height and building materials for any proposed or required screening walls or fences
- ___ Location, height and type of any proposed or required berm or living screen
- ___ A table showing type of units by size, number of bedrooms and number of each type (for multifamily projects only)

**CITY OF KERRVILLE
DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

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

AGENDA ITEM: 7A **FOR AGENDA OF:** April 2, 2009

DESCRIPTION: Future Agenda Items

APPLICANT(S): Gordon Browning, Senior Planner

ATTACHMENT(S):

The following item has **tentatively** been scheduled for the Commission's April 16, 2009 meeting.

Zoning Change Request: Consider a zoning change request from W-2 to PDD (Planned Development District) on approximately 3.3 acres located at 2330 Junction Highway. Applicant: Dan Kuykendall. (File No. 2009-14)