



Texas Department of Housing and Community Affairs

Governing Board

Board Action Request

File #: 1027

Agenda Date: 6/12/2025

Agenda #:

Presentation, discussion, and possible action regarding a Material Amendment to the Application for Riverview Manor (HTC #22159/23808, HOME #24505)

RECOMMENDED ACTION

WHEREAS, Riverview Manor (the Development) received a 9% Housing Tax Credit (HTC) award in 2022 with a Force Majeure reallocation in 2023 and Multifamily Direct Loan (MFDL) HOME funds in 2025 to construct 36 units of multifamily housing for the elderly in Kerrville, Kerr County;

WHEREAS, to remove the portion of the property that contains the floodway, Riverview Manor, L.P. (Development Owner or Owner) requests approval to decrease the size of the Development site from 2.17 acres to 1.486 acres, which results in a 46.03% increase in residential density from 16.590 units per acre to 24.226 units per acre;

WHEREAS, Board approval is required for a modification of the residential density of at least 5% as directed in Tex. Gov't Code §2306.6712(d)(6) and 10 TAC §10.405(a)(4)(F), and the Owner has complied with the amendment requirements therein; and

WHEREAS, the requested change does not materially alter the Development in a negative manner, was not reasonably foreseeable or preventable by the Owner at the time of Application, and would not have adversely affected the selection of the Application;

NOW, therefore, it is hereby

RESOLVED, that the requested material amendment of the Application for Riverview Manor is approved as presented at this meeting, and the Executive Director and his designees are each authorized, directed, and empowered to take all necessary action to effectuate the Board's determination.

BACKGROUND

Riverview Manor received a 9% Housing Tax Credit (HTC) award in 2022 with a Force Majeure reallocation of credits in 2023 followed by an award of MFDL HOME funds in 2025 to construct 36 units of multifamily housing for the elderly, of which all units are designated as low-income units, in Kerrville, Kerr County. In a letter dated May 15, 2025, Brian Kimes, the representative for the Owner, requested approval for a material amendment to the Application. The amendment is for a 46.03% increase in the residential density, from 16.590 units per acre to

24.226 units per acre, which requires approval by the Board under Tex. Gov't Code §2306.6712 (d)(6) and 10 TAC §10.405(a)(4)(F). The change is a result of a decrease in the Development site acreage from 2.17 to 1.486 acres, a reduction of 0.684 acre (31.52%).

The original site plan at application included a floodway, which is disallowed by HUD, that was to remain undeveloped. The Board approved an award of HOME funds in March 2025. However, the Owner has indicated that HUD funds are not allowed to be used for developments that contain floodway on the property. To remedy this, the parcel is being split to remove the portion that contains the floodway area. Nothing else about the Development has changed.

The proposed site change was approved by the City of Kerrville, and a Minor Re-Plat was filed on May 12, 2025. The Owner is committed to maintaining the parcel that is in the floodway and it will serve as additional green space. The enclosed table compares the site plan of the Development at Application and the revised site after the amendment.

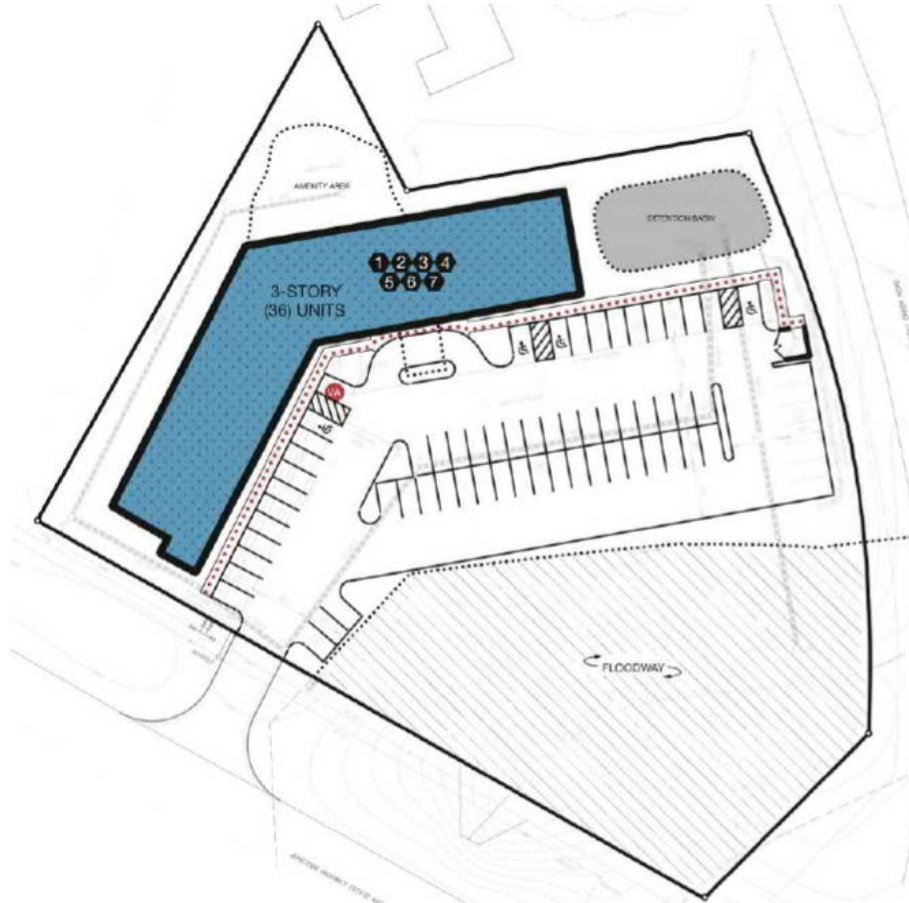
The requested amendment does not materially alter the Development in a negative manner and would not have affected the selection of the Development for the HTC award.

Staff recommends approval of the requested material amendment to the Application.

Material Alterations as defined in Texas Gov't Code §2306.6712(d)(6) and 10 TAC §10.405(a)(4)(F)

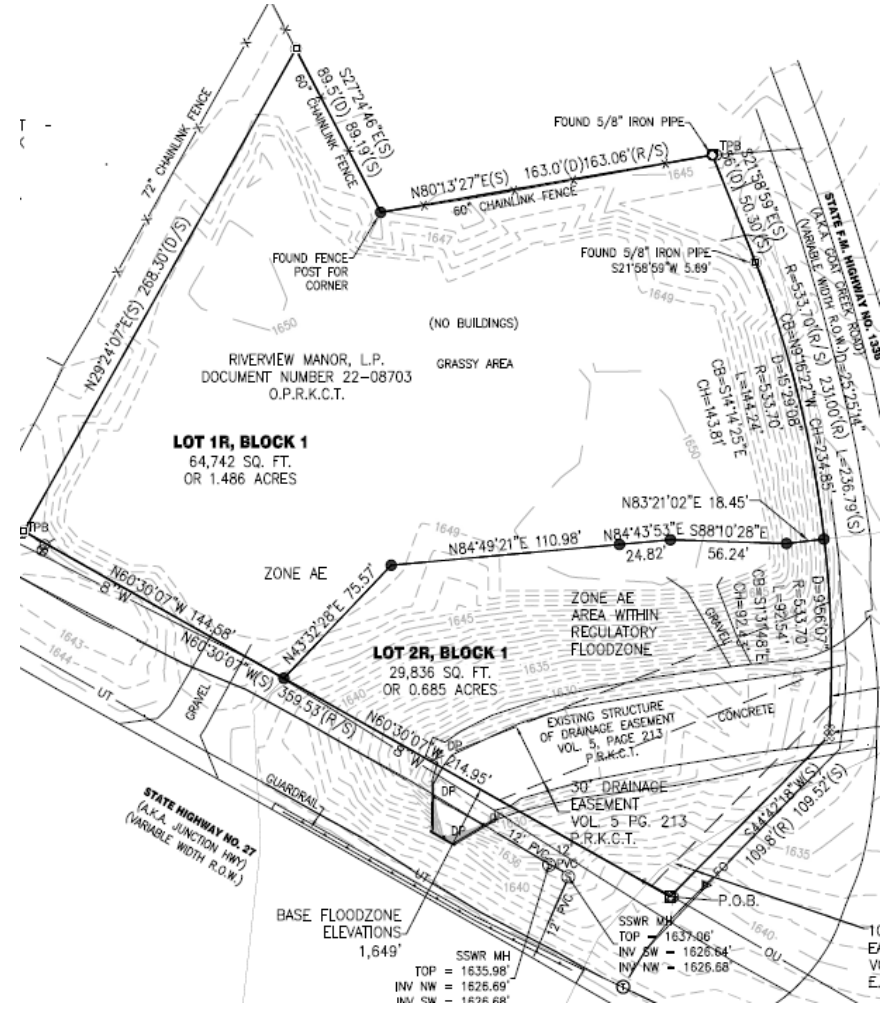
Application

Density: 16.590 units/acre (36 units on a 2.17 acre tract)



Amendment

Density: 24.226 units/acre (36 units on a 1.486 acre tract)





JES DEV CO, INC

May 15, 2025

Mr. Rosalio Banuelos
Director of Multifamily Asset Management
Texas Department of Community Affairs
221 East 11th Street
Austin, TX 78701

Re: Material Amendment Regarding a Change in Density for Riverview Manor,
Kerrville, Kerr County, TDHCA# 22159/23808

Dear Mr. Banuelos:

We are writing to request a material amendment change in density for Riverview Manor, TDHCA #22159/23808932. Riverview Manor, L.P. was approved by the TDHCA board to receive an award of MFDL-HOME funds under the NOFA 2024-2 in March of 2025, but HUD funds are not allowed to be used for developments that contain floodway on the property. To remedy this, we are splitting the parcel to remove the portion of the property that contains the floodway. The way the parcel is split is shown in Exhibit A. There was no intention or plan to develop any portion of the property that contained the floodway, but the floodway area is now being separated to allow us to use the previously approved MFDL-HOME funds. The total size of the original site was 2.171 acres, but once 0.685 acres of floodway is removed, the size of the remaining buildable acreage will be 1.486 acres. There will continue to be the same 36 total units as originally proposed, so the density has increased from 16.6 units per acre to 24.2 units per acre. The increased density is still allowable under Kerrville zoning requirements. The density increased by 46%, which is greater than the 15% threshold allowable by staff, thus we are seeking TDHCA board approval. Nothing about the development has changed, except for the density of the parcel that the building is being constructed on.

We have received approval to split the parcel with the City of Kerrville and separate the developable portion of the lot from the portion of the lot with floodway. The City handled this as a minor plat amendment and the approval process has been completed administratively. The recorded minor replat has been included in Exhibit B. We have

committed to maintaining the parcel that is in the floodway and it will serve as additional green space for the residents of Riverview Manor.

Please let us know if you need any additional information at this time.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Kimes", written in a cursive style.

Brian Kimes
Authorized Representative

Exhibit A

Updated ALTA Survey

[illegible]

MY COMMISSION EXPIRES:

DREW PAXTON, DIRECTOR OF DEVELOPMENT SERVICES

DREW PAXTON, DIRECTOR OF DEVELOPMENT SERVICES

KYLE BUROW, CITY ENGINEER

OWNER'S SIGNATURE _____

OWNER'S TITLE

B. CITY OF KERRVILLE PLAT FILE NO. 2025-015

COUNTY OF ST. CHARLES (

TERRY D. WESTERMAN, REGISTERED PROFESSIONAL LAND SURVEYOR

COUNTY OF ST. CHARLES, MISSOURI

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED TERRY D. WESTERMAN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THE _____ DAY OF _____, 2025

NOTARY PUBLIC IN AND FOR THE STATE OF MISSOURI

FILED FOR RECORD ON THE _____ DAY OF _____, 2025 AT _____

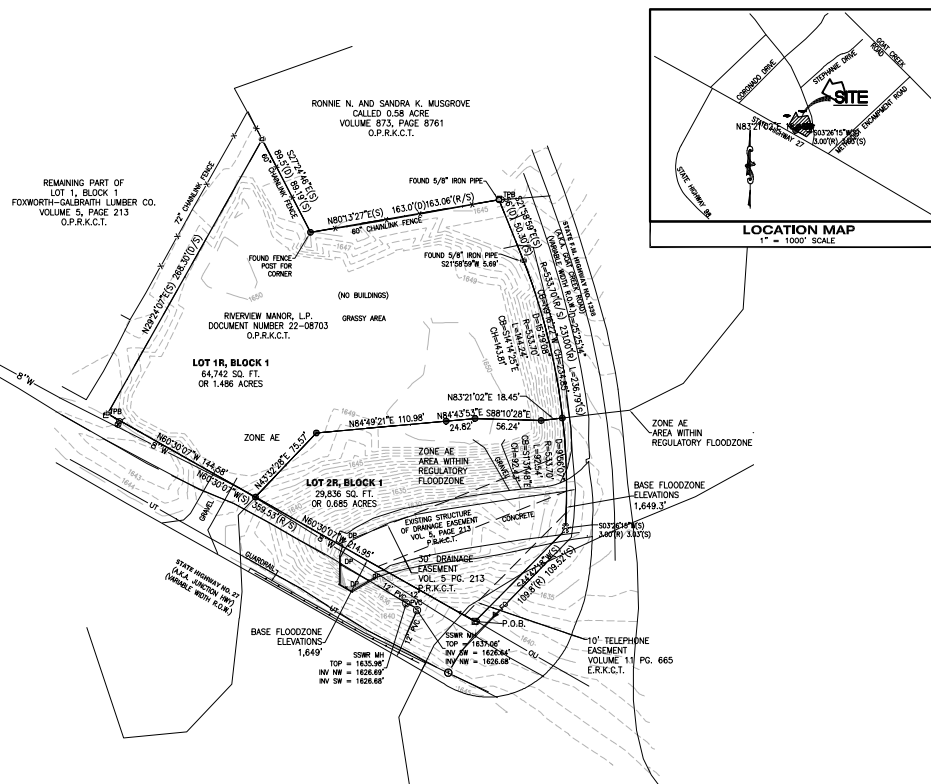
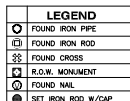
FILED FOR RECORD ON THE _____ DAY OF _____, 2025 AT _____

_____ O'clock _____ M.

RECORDED ON THE _____ DAY OF _____, 2025 AT _____

BOOK _____, PAGE _____, IN THE RECORD NO. _____ OF THE OFFICIAL
PUBLIC RECORDS OF KERR COUNTY, TEXAS.

NADENE ALFORD, KERR COUNTY CLERK



BEGINNING AT A CONCRETE MONUMENT FOUND MARKING THE SOUTH CORNER OF SAID LOT 1, BLOCK 1, FOXWORTH-GALBRAITH LUMBER COMPANY, SUBDIVISION, BEING IN THE NORTHEAST RIGHT OF WAY (R.O.W.) LINE OF STATE HIGHWAY NO. 27 (ALSO KNOWN AS JUNCTION HIGHWAY - A CALLED VARIABLE WIDTH

THENCE NORTH 80 DEGREES 30 MINUTES 07 SECONDS WEST, ALONG SAID R.O.W. OF STATE HIGHWAY NO 27, AND SOUTHWEST LINE OF SAID LOT 1, BLOCK 1 AND THE HEREIN DESCRIBED TRACT, A DISTANCE OF 369.53 FEET TO A 5/8 INCH IRON ROD STAMPED "CYLE 10183821" SET (TYPICAL) END CORNER;

THENCE NORTH 29 DEGREES 24 MINUTES 07 SECONDS EAST, DEPARTING SAID STATE HIGHWAY NO. 27 AND ALONG THE NORTHWESTERLY LINE OF THE HERIN DESCRIBED SUBJECT TRACT, A DISTANCE OF 268.30 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE MOST NORTHERLY CORNER OF SUBJECT TRACT, AND BEING IN THE SOUTHWESTLY LINE OF A CALLED 0.69 ACRE TRACT, HEREBY REFERRED TO AS THE "MAYO AND CAMPA" TRACT.

THENCE SOUTH 27 DEGREES 24 MINUTES 46 SECONDS EAST, ALONG THE NORTHEAST LINE OF THE HEREIN DESCRIBED TRACT AND SOUTHWEST LINE OF SAID MUSGROVE TRACT, A DISTANCE OF 89.19 FEET TO A

THENCE NORTH 80 DEGREES 13 MINUTES 27 SECONDS EAST, ALONG THE SOUTH LINE OF SAID 0.58 ACRE TRACT AND NORTH LINE OF THE HEREN DESCRIBED TRACT, A DISTANCE OF 163.06 FEET TO A 5/8 INCH IRON PIPE FOUND FOR CORNER OF SAID 0.58 ACRE TRACT AND THE HEREN DESCRIBED TRACT AND BEING

THENCE SOUTH 21 DEGREES 22 MINUTES 19 SECONDS EAST, ALONG SAID R.O.W. LINE OF F.M. ROAD NO 1784, 4.10, FIRST LINE OF CORNER LOC. 1, BLOCK 4, MAP 701, ADDITIONAL PROVISIONS, TRACT 4, PART 1000 AC. 60.70

THENCE SOUTHEASTERLY CONTINUING ALONG SAID R.O.W. LINE AND THE ARC OF SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 236.79 FEET WITH A CENTRAL (DELTA) ANGLE OF 25 DEGREES 25 MINUTES 19

THENCE SOUTH 03 DEGREES 26 MINUTES 15 SECONDS WEST, CONTINUING ALONG SAID WEST R.O.W. LINE OF E.M. ROAD NO. 1338 AND EAST LINE OF THE HERIN DESCRIBED TRACT, A DISTANCE OF 3.03 FEET TO

THENCE SOUTH 44 DEGREES 42 MINUTES 18 SECONDS WEST, CONTINUING ALONG SAID R.O.W. OF F.M. ROAD NO. 1338 AND HEREIN DESCRIBED TRACT, A DISTANCE OF 109.52 FEET TO THE POINT OF BEGINNING AND CONTINUING WITHIN THE METES AND BOUNDS HEREIN RECYCLED 2.17 ACRES (04.67% OF

OWNER SURVEYOR

7733 FORSYTH BOULEVARD, SUITE 1600
CLAYTON, MO 63015
(737) 228-4962

(9/2) 624-6000

MINOR RE-PLAT

LOT 1R & LOT 2R, BLOCK 1
HI-HO ADDITION
2.17 ACRE TRACT
BEING PART OF LOT 1, BLOCK 1
FOXWORTH-GALBRAITH SUBDIVISION
OF SURVEY NO.122 OF THE P.R.
OLIVER SURVEY
ABSTRACT NO. 265
CITY OF KERRVILLE
KERR COUNTY, TEXAS

FILED AND RECORDED

Instrument Number: 25-02794

Recording Fee: 80.00

Number of Pages: 2

Filing and Recording Date: 5/12/2025 3:54:44 PM

I hereby certify that this instrument was FILED on the date and times stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Kerr County, Texas.



A handwritten signature in cursive script, reading "Nadene Alford", is written over a horizontal line.

Nadene Alford, Clerk
Kerr County, Texas

NOTICE: It is a crime to intentionally or knowingly file a fraudulent court record or instrument with the Clerk.

DO NOT DESTROY - Warning, this document is part of the Official Public Record.