# 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

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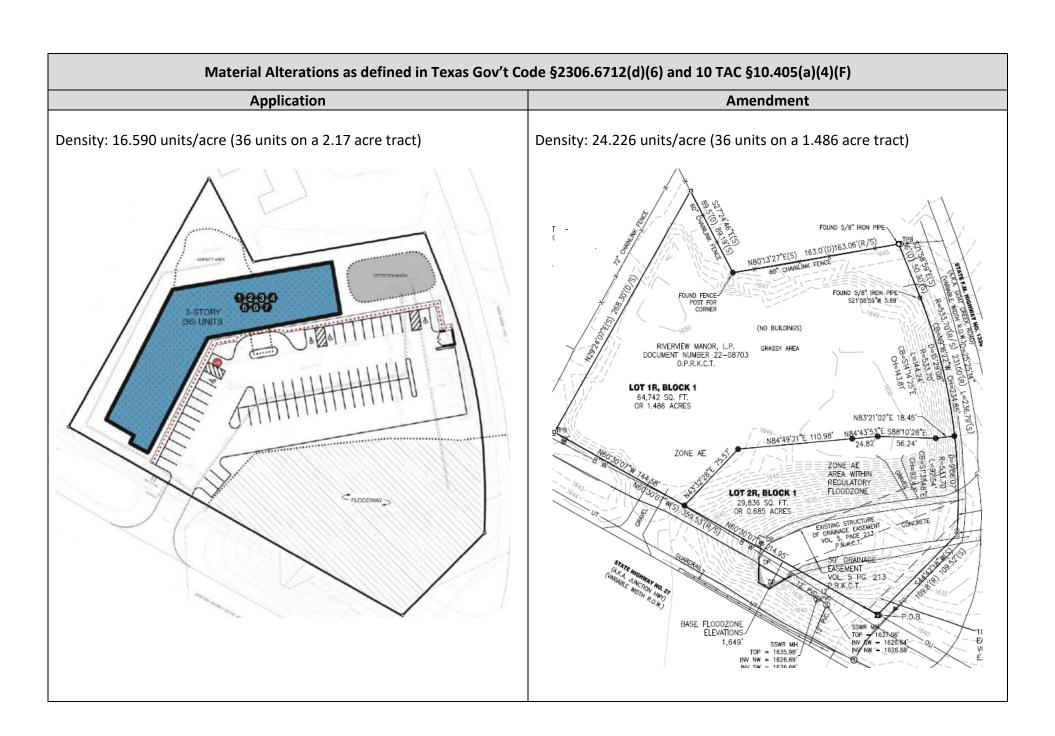
24.226 units per acre, which requires approval by the Board under Tex. Gov't Code §2306.6712 (d)(6) and 10 TAC §10.405(a)(4)(F). The change is a result of a decrease in the Development site acreage from 2.17 to 1.486 acres, a reduction of 0.684 acre (31.52%).

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.





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,

**Brian Kimes** 

Authorized Representative

# Exhibit A Updated ALTA Survey

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S . IN DIRRODUL WETER WELLS SHALL BE FERRITTED ON ANY LOT, OF ANY LOTTED ELLOCATION IN THE SECRETORY OF AN ACCOUNT OF ANY LOTE OF ANY LOT OF AN	PUBLIC RECORDS OF KERR COUNTY, TEXAS.	BEGINNING AND CONTINUING, WITHIN THE METES AND BOUNDS HERDIN RECITED, 2.17 ACRES (94,578 SQ. FT. OF LAND, MORE OR LESS.	FOIR .	OXWORTH-GALBRAITH SUBDIVISION	DATE 04/04/2025
APPROVIL OF SAID DINNER, DEVELOPER, AND/OR SUBDINDERN THE INTEREST OF THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC.		OWNER SURVEYOR PINEPINEW MANAGE I. P. COLE & ACCOUNTED INC.		OF SURVEY NO.122 OF THE P.R. OLIVER SURVEY	Job Number
7. RESTRICTIONS PLACED ON LOT 26. BLOCK 1:  a. LOT 20, BLOCK 1: IS REPERF RESIDENTED AS FLOCKING AND TO SELICISED FOR DRAWNEE PURPOSES ONLY.  b. STRUCTURES, DESTRICT RESIDENCE, OR COMMENCE PURPOSES, SHALL SE SECRETO WHITEN LOT 26, BLOCK 1:  d. THE OWNER OF LOT 26, BLOCK 1: SERVICES FOR ORGANIC PURPOSES, SHALL SE SECRETO WHITEN LOT 26, BLOCK 1:  4. SEL AMONE COMPANY, SERVICES AND DESTRICTION OF LOT 26, BLOCK 1:  5. SEL AMONE COMPANY, SERVICES AND DESTRICTION OF LOT 26, BLOCK 1:  5. SEL AMONE COMPANY, SERVICES AND DESTRICTION OF LOT 26, BLOCK 1:  5. SEL AMONE COMPANY, SERVICES AND DESTRICTION OF LOT 26, BLOCK 1:  5. SEL AMONE COMPANY, SERVICES AND DESTRICTION OF LOT 26, BLOCK 1:  5. SEL AMONE COMPANY, SERVICES AND DESTRICTION OF LOT 26, BLOCK 1:  5. SEL AMONE COMPANY, SERVICES AND DESTRICTION OF LOT 26, BLOCK 1:  5. SEL AMONE COMPANY, SERVICES AND DESTRICTION OF LOT 26, BLOCK 1:  5. SEL AMONE COMPANY, SERVICES AND DESTRICTION OF LOT 26, BLOCK 1:  5. SEL AMONE COMPANY, SERVICES AND DESTRICTION OF LOT 26, BLOCK 1:  5. SEL AMONE COMPANY, SERVICES AND DESTRICTION OF LOT 26, BLOCK 1:  5. SEL AMONE COMPANY, SERVICES AND DESTRICTION OF LOT 26, BLOCK 1:  5. SEL AMONE COMPANY, SERVICES AND DESTRICTION OF LOT 26, BLOCK 1:  5. SEL AMONE COMPANY, SERVICES AND DESTRICTION OF LOT 26, BLOCK 1:  5. SEL AMONE COMPANY, SERVICES AND DESTRICTION OF LOT 26, BLOCK 1:  5. SEL AMONE COMPANY, SERVICES AND DESTRUCTION OF LOT 26, BLOCK 1:  5. SEL AMONE COMPANY, SERVICES AND DESTRUCTION OF LOT 26, BLOCK 1:  5. SEL AMONE COMPANY, SERVICES AND DESTRUCTION OF LOT 26, BLOCK 1:  5. SEL AMONE COMPANY, SERVICES AND DESTRUCTION OF LOT 26, BLOCK 1:  5. SEL AMONE COMPANY, SERVICES AND DESTRUCTION OF LOT 26, BLOCK 1:  5. SEL AMONE COMPANY, SERVICES AND DESTRUCTION OF LOT 26, BLOCK 1:  5. SEL AMONE COMPANY, SERVICES AND DESTRUCTION OF LOT 26, BLOCK 1:  5. SEL AMONE COMPANY, SERVICES AND DESTRUCTION OF LOT 26, BLOCK 1:  5. SEL AMONE COMPANY, SERVICES AND DESTRUCTION OF LOT 26, BLOCK 1:  5. SEL AMONE COMPANY, SERVICES AND DESTRUCTION OF LOT 26, BLOCK 1:	NADENE ALFORD, KERR COUNTY CLERK	### SUPPLINE  ##		ABSTRACT NO. 265	22-003 Sheet Number
C. NO STRUCTURES, EXCEPT THOSE REQUIRED FOR DANIMAGE PURPOSES, SHALL BE EXECTED WITHIN LOT 2R, BLOCK 1.  d. THE DWINER OF LOT ZR, BLOCK 1 S RESPONSIBLE FOR ONGOING MAINTENANCE.  SF JAMON GAMES CREMENTARY MON DIMENTING.		(737) 228-4962 ST. LOUIS, MISSOURI 63103 (972) 624-6000		CITY OF KERRVILLE KERR COUNTY, TEXAS	1 OF
SE SEC MONE OFFICE S CENTRALE MAY DEDICATION		, ,		REAR COUNTY, TEAAS	

Exhibit B Recorded Minor Plat Revision

EXECUTED ON THIS THE GILD DAY OF May 2025.

SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSCRIED AUTHORITY, ON THIS THE 15th DAY OF May ...

Staci monnie NY COMMISSION EXPIRES: 3/8/2029

#### ADDRESSING:

I HEREBY CERTIFY THAT THIS SUBDIVISION PLAT MEETS THE CITY MASTER GRID SYSTEM REGARDING STREET NAMES AND ADDRESSES ASSIGNED BY THE CITY OF RETRIVILE PLANNING DIVISION.

DATED THIS 12 th DAY OF May , 2025.

THE PACTON DIRECTOR OF DEVELOPMENT SERVICES

#### PLAT - STAFF APPROVAL:

I HEREBY CERTIFY THAT THE SUBDIMISION PLATED HEREDN HAS BEEN FOUND TO COWPLY WITH THE SUBDIMISION REGULATIONS OF KERRYLLE, TEXAS AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE KERR COUNTY CLERK.

DATED THIS 12 +" DAY OF Ma. DREW PAXTON, DIRECTOR OF DEVELOPMENT SERVICES

#### PLAT - CITY ENGINEER:

HEREBY CERTIFY THAT THE SUBDIVISION PLATTED HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS F KERRVILLE, TEXAS AND THAT IT IS EXISTING IN AN ACCEPTABLE MANNER AND IS CURRENTLY SERVED BY PUBLIC



## WAIVER FOR DAMAGES:

DATED THIS loth DAY OF May . 2025.



### GENERAL NOTES:

- TOTAL AREA OF PLAT BOUNDARY = 94,578 SQUARE FEET OR 2.17 ACRES
- SELLING A PORTION OF THIS ADDITION BY WETES AND BOUNDS IS A VIOLATION OF CITY ORDINANCE AND STATE LAW AND IS SUBJECT TO FINES AND WITH-POLIDING OF UTILITIES AND BUILDING PERMITS
- AS DETERMINED THROUGH SHAPE FILES PROVIDED BY FBM, SUBJECT TRVCT FALLS IN ZONE "AE"; AREAS DETERMINED TO BE INSIDE THE O.22 MINIAL CHAVE FLOOPILAN PER THE FEDERL EMPRICANCY MANAGEMENT ARBITOT FLOOD INSURNICE RATE MAP FOR KERR COLUNT, TEAS, UNINCORPORATED AREA, ME MANIER RESERVOLOHOF FETCHER DATE OF MAPON 1, 2011.
- NO INDIMOLIAL WATER WELLS SHALL BE PERMITTED ON ANY LOT, OR ANY OTHER LOCATION IN THIS SUBDIVISION.
- SOLD BY CONDOOR OF SE SCHOOLS VIA (SE IN SOLD WAY CONDOOR IN THE SERVICE).

  SOLD BY CONDOOR OF SE SCLOUDED HAVE ON SOLD BY CONDOOR IN SOLD BY CONDOOR SOLD BY CONDOOR SOLD BY CONDOOR IN SOLD BY CONDOOR IN
- RESIDEDIDE, FMCID ON LOT Z. BLOCK 1:

  A TO Z. BLOCK I BERSON TOWNSHIP AS FLOORING AND TO BE USED FOR DRAWAGE PURPOSES ONLY.

  B TO Z. BLOCK I BERSON TOWNSHIP AS FLOORING AND TO BE USED FOR DRAWAGE PURPOSES.

  ON STRUCTURES, DOCKT THOSE DECEMBER OF BUILDING PURPOSES, SHALL BE EXCELLED WITHIN LOT ZR, BLOCK 1.

  THE OWNER OF LOT ZR, BLOCK 1 IS RESPONSIBLE FOR ORIGINAL MANIFORMACE.

  SEE AND/OR OWNERS CRETEFIELD BY DECEMBER 1.
- CITY OF KERRALLE PLAT FLE NO. 2025-015.



LEGEND

SET IRON ROD W/CAP

FOUND IRON ROD

FOUND NAIL

STATE OF MISSOURI 8

I CREMY THE FOLLOWING ON BEHALF OF THE SUBMISHION OWNER, DEVILOPER AND SUBMISHES (1) THIS SUBMISHION FOR A THOSE AND A THOSE AND A THOSE AND A THOSE AND A THIS COUNTY OF THE ACT OF THE PARTY OF THE ACT OF THE ACT



#### COUNTY OF ST. CHARLES 5

GIVEN LABOR MY HAND AND SEAL OF OFFICE ON THE <u>IG</u> the OF <u>PAPY!</u>
NOTION FOR THE SAME OF MISSOURI



#### COUNTY CLERK'S RECORDING ACKNOWLEDGEMENT

FILED FOR RECORD ON THE 12th DAY OF NO. 2025 AT 3:53 O'CLOCK P.M.

RECORDED ON THE  $12^{4h}$  day of Mas, 2028 at 3:54 o'clock P.m. in file record no. 25-92.794 of the official public records of Kerr county, texas.





### SURVEYOR'S DESCRIPTION:

RIVERVIEW MANOR, L.P. DOCUMENT NUMBER 22-08703 O.P.R.K.C.T.

BASE FLOODZONE ELEVATIONS 1,649

LOT 1R, BLOCK 1 64,742 SQ. FT. OR 1.486 ACRES

THEMICE MORTH 80 DEGREES 13 MINUTES 27 SECONDS DAST, ALONG THE SOUTH LINE OF SAID 0.59 ACRE. TRACT AND MORTH LINE OF THE HIBBON DESCRIBED TRACT, A DISSINACE OF 163,09 FEET TO A 5/5 INCH. ROWN PEET CHORE OF CONSECT OF SAID SAIDER TRACTAL OF HIB HIBBON DESCRIBED TRACT AND LIBBON IN THE WAST ROOM. LINE OF SAIDE FANN-TO-MANGET ROAD NO. 1338 (ALSO MORNE AS CONT. CREEK ROAD - ACCULATE OWNORMED WORDS TO ACCULATE OWNORMED WORDS TO

THENCE SOUTH 21 DEGREES 22 MINUTES 19 SECONDS EAST, ALONG SAID R.O.W. LINE OF F.M. ROAD NO 1336, AND EAST LINE OF SAID LDT 1, BLOCK 1 AND THE HEREN DESCRIBED TRACT, A DISTANCE OF 50.30 FEET TO THE PORTN OF COMMUNICE OF A CUNKE TO THE RIGHT WITH A RADIAGE STS.33.70 FEET:

RINEPAGN MANDR, LP.
77.33 FORSTHI BOULENARD, SURE 1600
C(737) 228-4562

(737) 228-4562

ST. LOUS, MISSING 35103
ST. LOUS, SOUR 35103
ST. (972) 524-6500



FILE NO. 25-02794

LOCATION MAP

ZONE AE CAREA WITHIN

BASE FLOODZONE .

1,649.3

REGULATORY FLOODZONE

TAX CERTIFICATES FILE NO. 25-02793

N83"21'02"E 18.45'-

1849 10.96 N84'43'51'E 58810'28'E) N84'43'51'E 58810'28'E) 24.82 56.24'

RONNIE N. AND SANDRA K. MUSGROVE CALLED 0.58 ACRE VOLUME 873, PAGE 8761 0.P.R.K.C.T.

## 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

HIGHWAY TX 78028 1600 JUNCTION | KERRVILLE, T

MINOR

1600

HECKED BY DLJ/TDW WWWG SCALE

1" = 50" 04/04/2025

22-0031

1 OF 1

# **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.



**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.

Noden Ayres

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