

City of Kerrville Planning & Zoning Commission Agenda

Thursday, November 1, 2007, 4:30 p.m.*

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

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

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

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

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

Chairperson calls the meeting to order; roll call.

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3. Visitor/Citizens' Forum

Any person with business not scheduled on the agenda is encouraged to briefly speak their ideas to the Commission. Please fill out the SPEAKER REQUEST FORM and give it to the Commission's Secretary prior to the meeting. (No formal action can be taken on these items as the Open Meetings Act requires formal action items be posted on an agenda no later than 72 hours before the meeting. If formal action is required, the items will be placed on an agenda for a future meeting.)

4. Consent Agenda

All items listed below in the consent agenda are considered routine or ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a Commissioner or citizen so requests; in which case the item(s) will be removed from the consent agenda and considered separately.

4A. Approve the minutes from the meeting of October 18, 2007.

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4B. Final Plat: Villas at the Park, Phases 2-5 – A replat of part of Lot 1, Block 2, Mesa Park, 3.09 acres for residential development located at Singing Wind Drive and Bridle Path. Zoned: R3. Applicant: Voelkel Engineering & Surveying. (File No. 2007-46)

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5. Public Hearing

5A. Residential Replat: The Homestead at Turtle Creek – A replat of Lots 29 and 67, a 3.0 acre tract located at 29 Saddle Club Drive. Zoned: ETJ. Applicant: Grogan Surveying (File No. 2007-45)

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5B. Replat: B.F. Cage Addition – A replat of Lots 6, 7 and part of 8, Block H, a 0.852 acre tract located at 600 Sidney Baker. Zoned: C 11. Applicant: CEC Civil Engineering Consultants. (File No. 2007-44)

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5C. Zoning Change Request – Consideration of a recommendation to the City Council of a request to change the zoning from R1A (Single Family Residential) and R3 (Multifamily Residential) to a PDD (Planned Development District) to allow a community center on 16.2 acres located generally at the end of George Street southeast of Paschal Street and fronting the south side of Holdsworth Drive. Zoned: R1A and R3. Applicant: Peter W. Lewis Architect and Associates c/o The Salvation Army. (File No. 2007-48)

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- 5D. **Conditional Use Permit (CUP) Request** – Consideration of a recommendation to the City Council of a request for a CUP to allow a Retail Trade I use on a 0.531 acre tract located at 1802 Sidney Baker. Zoned: GTW. Applicant: Peter W. Lewis Architect and Associates c/o Clarlyle Flooring and Paint Center. (File No. 2007-47) 19
- 5E. **Conditional Use Permit (CUP) Request** – Consideration of a recommendation to the City Council of a request for a CUP to allow a Wireless Telecommunication Facility (WTF) transmitting and receiving antennas on a 0.17 acre tract located at 631 Water Street. Zoned: C 18. Applicant: Revolution Broadcast Company of the West. (File No. 2007-49) 27
- 6. Staff Reports** 53
- 6A. Future Agenda Items. Applicant: Senior Planner.
- 6B. Director’s Report. Applicant: Director of Development Services.
- 8. Adjourn** - The next scheduled meeting is Thursday, November 15, 2007.

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

AGENDA ITEM: 4A **FOR AGENDA OF:** November 1, 2007
DESCRIPTION: Approval of the minutes from the meeting of October 18, 2007
APPLICANT(S): Planning and Zoning Commission Secretary
ATTACHMENT(S): Minutes

The Commissions Secretary recommends approval of the proposed minutes

PRE- MEETING:

On October 18, 2007 the Kerrville Planning and Zoning Commission pre-meeting was called to order at 4:24 p.m. in the City Hall Council Chambers, 800 Junction Highway.

MEMBERS PRESENT:

Bruce Motheral, Chairperson
Jim Kessler, Vice Chairperson
Harold Buell, Commissioner
George Hager, Commissioner
Mack Hamilton, Ex-Officio City Councilperson
Andy Phillips, Commissioner (Came in at 4:26 p.m.)

MEMBERS ABSENT:

Paul Hofmann, Ex-Officio City Manager

STAFF PRESENT:

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

1. CALL TO ORDER:

On October 18, 2007, the Kerrville Planning and Zoning Commission regular meeting was called to order at 4:30 p.m. in the City Hall Council Chambers, 800 Junction Highway.

2. VISITOR/CITIZENS FORUM:

No person spoke.

3. CONSENT AGENDA:

3A. Approval of the minutes from the meeting of September 20, 2007

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

4. PUBLIC HEARING

4A. **Residential Replat: The Summit Phase Seven** – A replat of Lots 6A and 7, Block 4, The Summit Phase Seven, located at 2017 Crown Ridge Drive. Zoned: RC. Applicant: Texas Land Boundaries. (File No. 2007-43)

Cmr. Motheral opened the public hearing at 4:31 p.m. No person spoke. Cmr. Motheral closed the public hearing at 4:33 p.m.

Cmr. Phillips moved for approval of the replat as submitted; subject to staff recommendation; motion was seconded by Cmr. Hager and passed 5-0.

5. ACTION ITEMS

5A. **Preliminary Plat Extension** – Consider a request to extend the preliminary plat approval for Town Creek Phase 1, a one (1) lot 4.0 acre tract (road only) for a planned single family development. Zoned: PDD. Applicant: Matkin-Hoover Engineering & Surveying. (File No. 2006-25)

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

Jeffery Carroll, with Matkin – Hoover Engineering explained to the Commission the delay of the development.

Cmr. Kessler moved for the approval of the preliminary-plat; subject to staff recommendations; motion was seconded by Cmr. Buell and passed 5-0.

6. DISCUSSION ITEMS

7A. **A discussion of Section 27, Code of Ordinances, Sign Regulations for the City of Kerrville.**

Cmr. Motheral stated that he is drafting a sign ordinance that is in simple form and suggested that the Commissioners discuss this on the November 15, 2007 meeting.

Cmr. Kessler requested ordinances from other City's be provided for the Commission to review.

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, November 1, 2007.

The meeting adjourned at 4:43 p.m.

ATTEST:

Bruce Motheral, Chairperson

Trina Ramirez, Recording Secretary

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

AGENDA ITEM: 4B **FOR AGENDA OF:** November 1, 2007

DESCRIPTION: **Final Plat: Villas at the Park, Phases 2-5** – A replat of part of Lot 1, Block 2, Mesa Park, 3.09 acres for residential development located at Singing Wind Drive and Bridle Path. Zoned: R3. (File No. 2007-46)

APPLICANT(S): Voelkel Engineering & Surveying

ATTACHMENT(S): Plat

SUMMARY STATEMENT – FINDING OF FACT

Timeline:

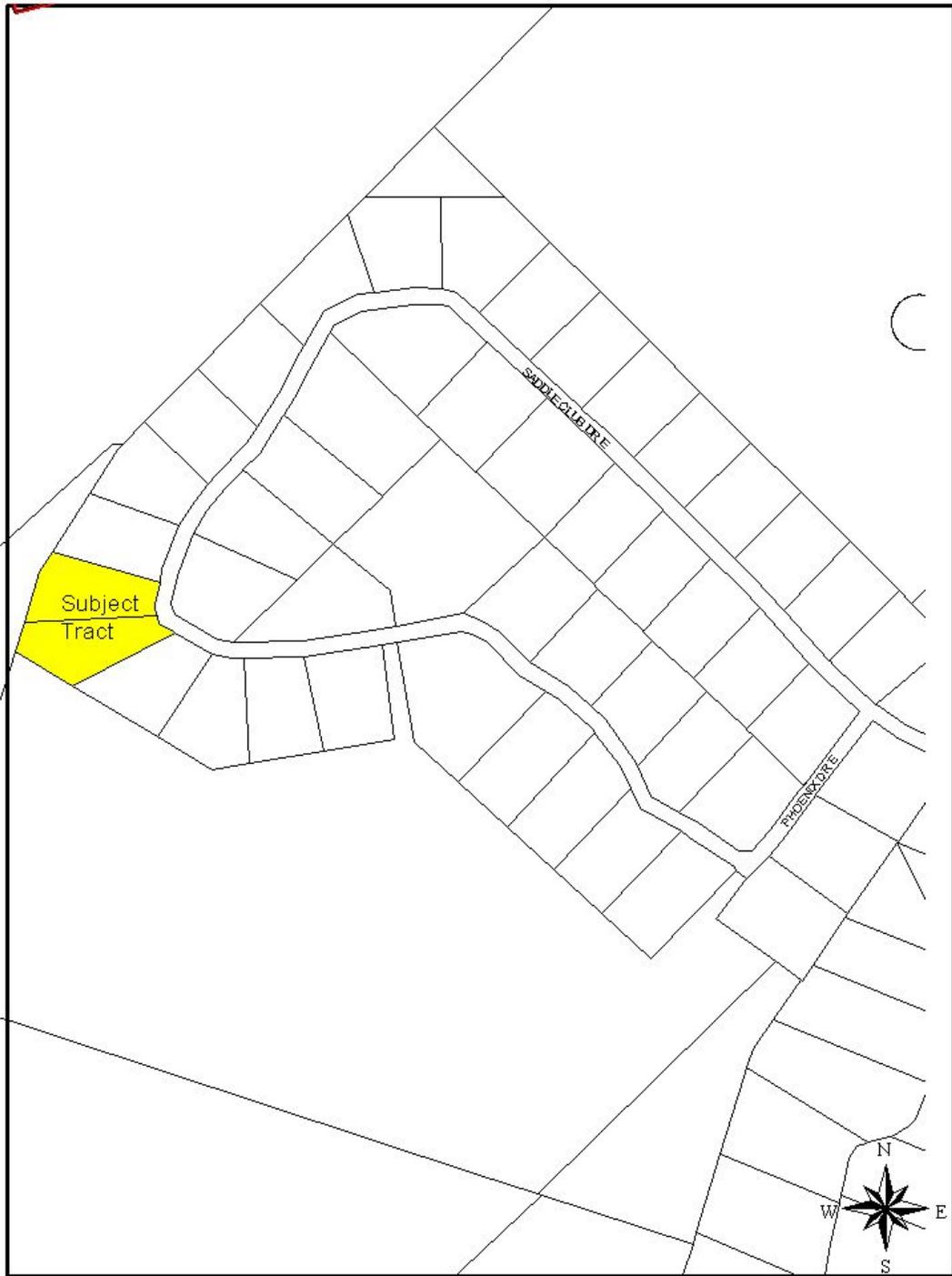
- February 1, 2007 – Commission approves preliminary plat for Villas at the Park.
- October 2, 2007 – Final plat application for Phases 2-5, submitted to the City.
- October 17, 2007 – Development review Committee (DRC) process completed.
- **November 1, 2007 – Consideration of final plat for Phases 2-5 by the Commission.**

Summary:

The final plat for Phases 2-5, Villas at the Park, is consistent with the approved preliminary plat.

RECOMMENDED ACTION

Staff recommends approval of the final plat for Villas at the Park Phases 2-5.



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

AGENDA ITEM: 5B **FOR AGENDA OF:** November 1, 2007

DESCRIPTION: Replat: B.F. Cage Addition – A replat of Lots 6, 7 and part of 8, Block h, a 0.852 acre tract located at 600 Sidney Baker. Zoned: C 11. (File No. 2007-44)

APPLICANT(S): CEC – Civil Engineering Consultants

ATTACHMENT(S): Plat

SUMMARY STATEMENT – FINDING OF FACT

History/Timeline:

- State law requires a public hearing prior to action on all replats.
- October 5, 2007 – Replat accepted for review by City.
- October 17, 2007 – Development Review Committee (DRC) process completed.
- October 19, 2007 – Staff comments returned to applicant.
- November 1, 2007 – **Consideration of replat by Commission.**

Summary:

- A replat into one (1) lot for non-residential redevelopment.
- Existing services will serve redevelopment.
- Proposed replat meets the requirements of the Subdivision Ordinance.

RECOMMENDED ACTION

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

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

AGENDA ITEM: 5C **FOR AGENDA OF:** November 1, 2007

DESCRIPTION: **Zoning Change Request** – Consideration of a recommendation to the City Council of a request to change the zoning from R1A (Single Family Residential District) and R3 (Multifamily Residential District) to a PDD (Planned Development District) to allow a community center on 16.2 acres located generally at the end of George Street southeast of Paschal Street and fronting the south side of Holdsworth Drive. Zoned: R1A and R3. (File No. 2007-48)

APPLICANT(S): Peter W. Lewis Architect and Associates c/o The Salvation Army

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

Project Timeline:

- October 1, 2007 – Application for a Planned Development District submitted to City.
- October 12 & 17, 2007 – In accordance with Statute and local ordinance, notice of the required public hearing was published in The Kerrville Daily Times, notices mailed to all property owners within 200 feet of the subject tract.
- October 17, 2007 – Development Review Committee (DRC) process completed.
- **November 1, 2007 – Public hearing before the Planning and Zoning Commission (P&Z) and consideration of a recommendation to the City Council.**
- November 27, 2007 – Public hearing before the City Council and consideration of an ordinance approving the PDD.
- December 11, 2007 – Second and final ordinance reading approving the PDD.

PDD Process:

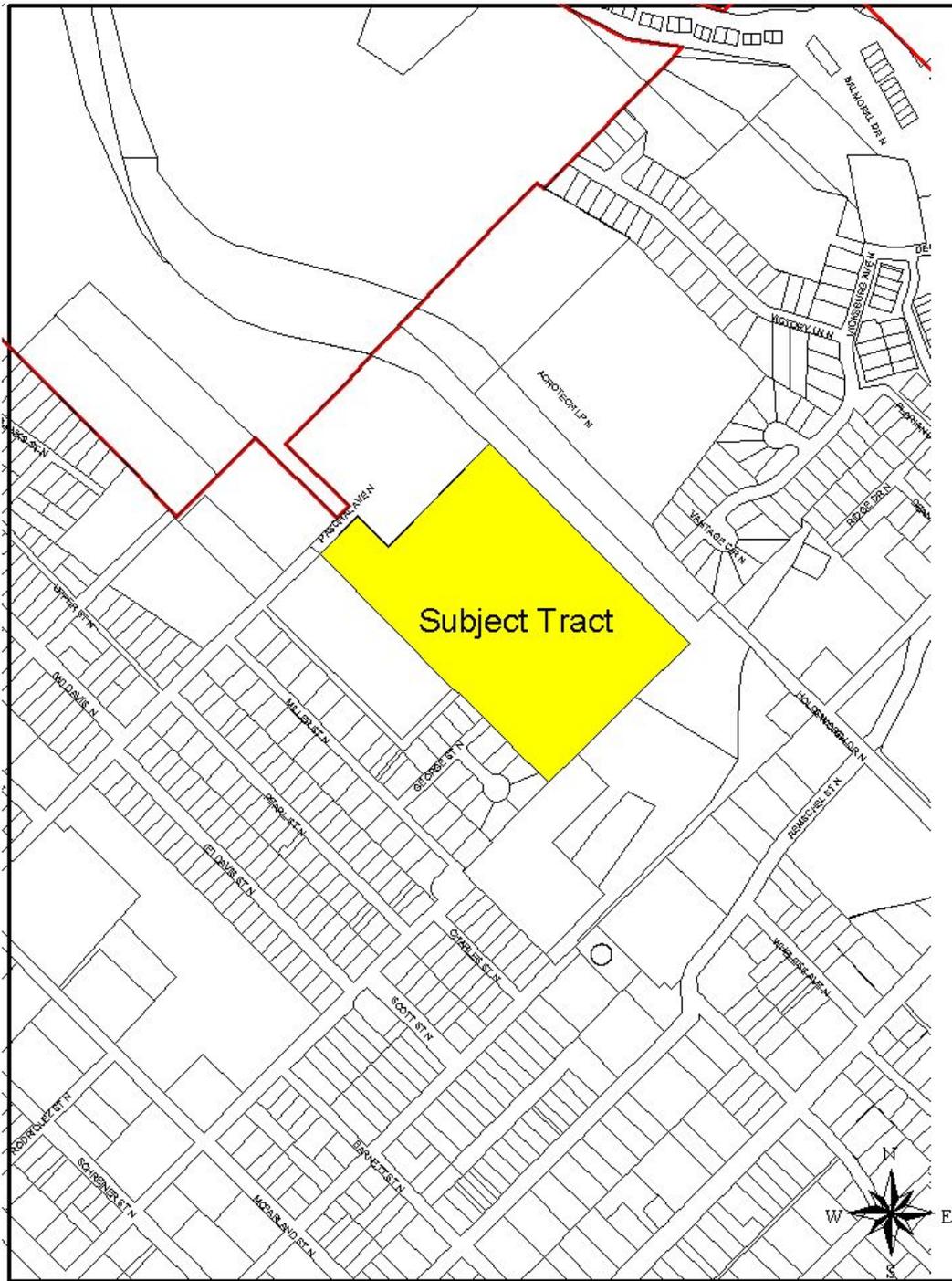
- Article 11-I-15 of the Zoning Code describes Planned Development Districts (PDD) and the process by which they are considered. PDD's are zoning districts that can be considered for permitting land uses not normally allowed in the zoning district in which the property is located. A PDD is governed by a site plan and any other development regulations associated with the a 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 16 acres from R1A and R3 to a PDD to allow a community center more specifically, religious assembly, indoor and outdoor recreation, professional offices, classroom and education facilities. The current R1A and R3 zoning districts allow single family, duplex and multifamily developments.
- As presented on the applicant's concept plan, the proposed development will consist of an approximately 40,000 square foot community center providing the uses listed above, an outdoor swimming pool and water park, four (4) youth baseball fields and a walking trail around the perimeter of the site. Primary access to the facility will be from Holdsworth Drive with a secondary overflow parking lot accessed from Paschal Street.
- Prior to submission of any building and engineering plans for construction, the applicant shall submit a planned development site plan for review and approval per Article 11-I-15 of the Zoning Code.
- Based on the proposed concept plan and uses 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.

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. 2007-**

AN ORDINANCE CREATING A “PLANNED DEVELOPMENT DISTRICT” FOR A COMMUNITY CENTER ON AN APPROXIMATE 16 ACRE TRACT OF LAND OUT OF THE J. C. HAYS SURVEY NO. 117, ABSTRACT NO. 182 AND THE C. SELF SURVEY NO. 626, ABSTRACT NO. 325, WITHIN THE CITY OF KERRVILLE, TEXAS, AND GENERALLY LOCATED AT THE END OF GEORGE STREET SOUTHEAST OF PASCHAL STREET AND FRONTING THE SOUTH SIDE OF HOLDSWORTH DRIVE; ADOPTING A CONCEPT 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 a Community Center 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** (the “Property”), attached hereto and incorporated herein by reference, is hereby removed from the R1A and R3 zoning districts and placed in a newly created “Planned Development District” for a “Community Center.” For purposes of this Ordinance, “Community Center” shall include the following uses as defined by Article 11-I-3: Commercial Recreation; Religious Assembly; Professional Office; Education, Secondary, and College.

SECTION TWO. The Property described in Section One, above, may be developed and used as a community center, subject to the following:

- A. Concept Plan: The development of the property shall be substantially in accordance with the Concept Site Plan found at **Exhibit B**, attached hereto and incorporated herein by reference.

- B. Parking: The Property shall provide a minimum of 200 parking spaces and the design shall be substantially in accordance with that shown on **Exhibit B**. All required parking shall be constructed of asphalt or concrete, marked, and sized in accordance with the City's regulations.
- C. Signage: The location, size, type, and maximum area shall be determined during the site plan approval process in accordance with the City's sign regulation.
- D. Landscaping Regulations: A landscape plan shall be submitted for review and approval as part of the site plan approval process.
- E. Screening: Screening shall be required and in accordance with the regulations in effect at the time individual building permits are submitted to the City.
- F. Trash and Other Solid Waste: 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 or material similar to the building(s) constructed on the Property on the remaining three sides.
- G. Development Regulations:
 1. The development of the Property shall be subject to the City's subdivision regulations, which include submittal and approval of a plat.
 2. No building permit shall be issued for construction of any building to be located in this Planned Development District until a development site plan has been approved by the City, for the property on which the building and all related improvements are to be constructed.

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 Chapter 1, Sec. 1-8, 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., 2007.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the ____ day of _____, A.D., 2007.

Eugene C. Smith, Mayor

ATTEST:

Brenda G. Craig, City Clerk

APPROVED AS TO FORM

Michael C. Hayes, City Attorney

EXHIBIT "A"

Being the "Southwest Part" of 100.40 acres of land conveyed to James E. Mitchell and Swanzy B. Nations from Eva M. Miller by a Warranty deed with vendor's lien executed the 6th day of March, 1973 and recorded in Volume 161 at Page 605 of the Deed Records of Kerr County, Texas; comprising, more or less, 17.93 acres out of J. C. Hays Survey No. 117, Abstract No. 182 and 3.85 acres out of C. Self Survey No. 626, Abstract No. 325, in Kerr County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a 3/4" iron stake believed to occupy the east corner of Jno Young Survey No. 118, Abstract No. 376, the south corner of C. Self Survey No. 626, Abstract No. 325, and lying in the northwest line of J. C. Hays Survey No. 117, Abstract No. 182, in Kerr County, Texas, also in the northeast line of a tract of land conveyed to the City of Kerrville from Eva M. Miller and Charles E. Miller for the extension of Paschal Avenue by a deed dated the 27th day of February, 1965 and recorded in Volume 4 at Page 164 of the Easement Records of Kerr County, Texas;

THENCE, along the northeast end of said Paschal Avenue extension, N. 45° 42' W., 35.47 ft. to a 1/2" iron stake at a fence post for the north corner of said Paschal Avenue extension, which point bears, N. 45° 04' E., 40.37 ft. from the east corner of a four acre tract of land conveyed by E. C. Miller to the most Reverend Robert E. Lucey by deed recorded in Volume 93 at Page 113 of the Deed Records of Kerr County, Texas;

THENCE, along a fence and a line of a 270.32 acre tract of land conveyed to Charles E. Miller by Eva M. Miller in a partition deed dated February 27, 1965 and recorded in Volume 120 at Page 321 of the Deed Records of Kerr County, Texas, N. 45° 35' W., 286.90 ft. to a 3/4" iron stake at a cornerpost;

THENCE, with a fence along a southeasterly line of said Charles E. Miller 270.32 acre tract, N. 44° 52' E., 453.53 ft. to a 5/8" iron stake for the north corner of the herein described tract at the west corner of a 150 ft. wide strip of land conveyed to the Lower Colorado River Authority from Eva M. Miller by a deed dated the 23rd day of December, 1965 and recorded in Volume 122 at Page 638 of the Deed Records of Kerr County, Texas;

THENCE, along the southwest line of said L.C.R.A. 150 ft. wide strip: S. 50° 26' E., 198.1 ft.; and S. 44° 35' E., 1331.65 ft. to an existing iron stake for the east corner of the herein describe tract in the northwest line of a 3.391 acre tract conveyed to L.C.R.A. from Eva M. Miller by a deed dated the 23rd day of December, 1965 and recorded in Volume 122 at Page 639 of the Deed Records of Kerr County, Texas;

THENCE, along the said northwest line of the L.C.R.A., 3.391 acre tract, S. 45° 05' W., 225.2 ft. to a 3/4" metal pipe stake at a fence cornerpost, the west corner of said L.C.R.A., 3.391 acre tract and the north corner of a 9.917 acre tract conveyed to L. H. Purvis from Eva M. Miller by deed dated June 9, 1965, and recorded in Volume 121, Page 241, of the Deed Records of Kerr County, Texas, then continuing along a fence and the northwest line of said L. H. Purvis 9.917 acre tract, S. 45° 05' W. 437.37 feet to a 3/4" iron stake, the east corner of an 8.54 acre tract of land conveyed to Morris G. Morgan from Eva M. Miller by a deed dated June 9, 1969, and recorded in Volume 138, Page 496, of the Deed Records of Kerr County, Texas.

THENCE, along the northeast line of said Morgan Tract: N. 44° 40' W., at 297.51 feet passing an iron stake at the

northeast end of the southeast right-of-way line of George Street, at 1180.04 feet passing a 1/2" iron stake marking the southeast corner of that portion of Paschal Avenue widened to 60 ft. across said Morgan 8.54 acre tract, then continuing for a total distance of 1200.04 ft. to a 1/2" iron stake in the pavement of said Paschal Avenue for the southerly west corner of the herein described tract in the southeast right of way line of the aforementioned extension of Paschal Avenue;

THENCE N. 44° 59' E., 196.71 feet along the southeast right-of-way line of said Paschal Avenue extension to a 5/8" iron stake at its northeast end, a reentrant corner of the herein described tract;

THENCE, along the northeast end of said Paschal Avenue extension, N. 45° 42' W., 4.53 ft. to the PLACE OF BEGINNING, containing 21.78 acres of land, more or less, within these metes and bounds; SAVE AND SUBJECT TO a ten (10) ft. wide easement for the construction, operation and maintenance of a sanitary sewer upon, over and across the hereinabove described tract from the northeast end of George Street to the southwest line of said L.C.R.A., 150 ft. wide strip of land being more particularly described in EXHIBIT "F" of an EASEMENT AGREEMENT between James E. Mitchell and Swanzy B. Nations ("Grantors") and Posso Corporation, executed the 28th day of February, 1980, and recorded in Volume 11 at Page 527 of the Easement Records of Kerr County, Texas; and

SAVE AND SUBJECT TO an electrical easement granted to the Lower Colorado River Authority by Charles E. Miller to Eva M. Miller recorded in Volume 2, Page 513, of the Easement Records of Kerr County, Texas.

SAVE AND EXCEPT THE FOLLOWING DESCRIBED TRACT OF LAND:

A survey of 5.490 Acres of land situated just outside the Corporate Limits of the City of Kerrville, Kerr County, Texas, being 3.850 Acres out of Survey No. 626, Abstract No. 325, C. Self, original Grantee, and 1.640 Acres out of Survey No. 117, Abstract No. 162, J. C. Hays, original Grantee, being a portion of that certain 21.78 Acre Tract of land conveyed by Deed to James E. Mitchell and Swanzy B. Nations from Eva M. Miller, dated March 6, 1973, as recorded in Volume 161 on Page 805 of the Deed Records of Kerr County, Texas, and being more particularly described by metes and bounds as follows:

- BEGINNING: At a 5/8" iron pin found on the Northwest line of said Survey No. 117 and the Southeast line of Paschal Avenue for the lower South corner of said Survey No. 626, an interior corner of said 21.78 Acre Tract of land, and an angle point in the Southwest line of this survey;
- THENCE: Along the upper Southwest line of said 21.78 Acre Tract of land, N 45-54-47 W 35.29 feet to a 1/2" iron pin found by fence post for an angle point and along fence, N 45-35-00 W 296.51 feet to a 5/8" iron pin found by corner post for the upper West corner of said 21.78 Acre Tract of land and the West corner of this survey;
- THENCE: Along the upper Northwest line of said 21.78 Acre Tract of land, N 44-48-25 E-453.53 feet to a 5/8" iron pin found on the Southwest R.O.W. line of a certain Lower Colorado River Authority utility easement for the North corner of said 21.78 Acre Tract of land and the North corner of this survey;
- THENCE: Along the Southwest R.O.W. line of said Lower Colorado River Authority utility easement, and the Northeast line of said 21.78 Acre Tract of land, S 50-33-42 E 198.17 feet to a 5/8" iron pin found for an angle point, and S 44-35-00 E 117.17 feet to a 5/8" iron pin set for the East corner of this survey;
- THENCE: S 45-00-00 W 464.61 feet to a 5/8" iron pin set for the South corner of this survey;
- THENCE: N 45-42-00 W 191.16 feet to the POINT OF BEGINNING.

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

AGENDA ITEM: 5D **FOR AGENDA OF:** November 1, 2007

DESCRIPTION: **Conditional Use Permit (CUP) Request** – Consideration of a recommendation to the City Council of a request for a CUP to allow a Retail Trade I use on 0.531 acres at 1802 Sidney Baker. Zoned: GTW. (File No. 2007-47)

APPLICANT(S): Peter W. Lewis Architect and Associates c/o Clarlyle Flooring & Paint Center

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

Project Timeline:

- October 1, 2007 – Application for Conditional Use Permit (CUP) submitted to City.
- October 12 & 17, 2007 – 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.
- October 17, 2007 – Development Review Committee (DRC) process completed.
- **November 1, 2007 – Public hearing before the Planning and Zoning Commission (P&Z) and consideration of a recommendation to the City Council.**
- November 27, 2007 – Public hearing before the City Council and consideration of a resolution approving the CUP.

CUP Process/Summary:

- Per the Zoning Code, the “Retail Trade I” use in the GTW district requires the approval of a CUP by the City Council. Retail Trade I is defined as a retail use in a building greater than 3,000 square feet but less than 50,000 square feet.
- As presented on the site plan, the applicant proposes to construct a new 3,200 square foot retail building, Clarlyle Flooring & Paint Center. Access to the site will be from existing drive approaches, two (2) from Roy Street and one (1) from Sidney Baker (SH 16). The existing ‘Clarlyle Paint & Paint Center’ pole sign (100 square feet, 30 feet in height) will remain.
- 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 conditions in the resolution.



**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. -2007**

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR AN APPROXIMATE 0.531 ACRE TRACT OF LAND, OUT OF THE B. F. CAGE SURVEY NO. 116, ABSTRACT NO. 106, WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS, OTHERWISE KNOWN AS 1802 SIDNEY BAKER STREET, AND LOCATED WITHIN THE GATEWAY (GTW) ZONING DISTRICT; BY PERMITTING SAID PROPERTY TO BE USED FOR RETAIL TRADE I PURPOSES; AND MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS

WHEREAS, the Kerrville Planning and Zoning Commission and the Kerrville City Council, 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 City's Code of Ordinances and the official zoning map adopted thereby, have given the requisite notices by mail, publication and otherwise; and after holding 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, the Kerrville City Council finds that the health, safety and general welfare will be best served by the granting of a Conditional Use Permit, subject to the special conditions and restrictions as provided on the property described in Section One;

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 the purposes of Retail Trade I, as is 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 ordinance and regulations:

Lot 3 out of the Roy Street Estates Subdivision, which is approximately 0.531 acres out of the B.F. Cage Survey No. 116, Abstract No. 106, located within the City of Kerrville, Kerr County, Texas, as recorded in Volume 4, Page 264 of the Real Property Records of Kerr County, Texas, and more commonly known as 606 Roy Street.

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 Retail Trade I purposes and shall be subject to the following additional regulations:

- A. Conditional Use Permit Plan: The development of the Property shall conform in all respects with the Conditional Use Permit Plan, which may be found on **Exhibit A**, and as attached hereto and incorporated herein by reference.
- 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. All freestanding signs shall comply with the following:
 - a. The existing freestanding pole sign may remain at its current location.
 - b. Any new or replacement signs shall not obstruct the view of traffic on the public right-of-way, or entering or exiting the site, as determined by the City Engineer.
 2. Wall signs shall comply with the following:
 - a. Wall signs may be installed only on the principal building that it identifies, and not on adjacent fences, wing walls, or other similar structures;
 - b. The maximum coverage of a sign shall not exceed twenty percent (20%) of the wall area on which it is attached; and
 - c. The size of the letters, symbols, and other graphics on the sign shall not exceed a height of four feet (4.0').
 3. Roof signs shall be 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 streets.
- D. Landscaping Requirements: The development of the Property shall comply with the following:
1. Any plant materials planted on the Property shall 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) shall 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, supplies, inventory and equipment, shall be prohibited.
- F. 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 superseded. 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 superseded, the provisions of this Resolution shall prevail.
- 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.
- H. Visibility Triangles: Visibility Triangles shall be established and maintained pursuant to existing City regulations for the entrance to the Property from State Highway 16.
- I. Building Location and Orientation: The location of the building shall be as indicated on **Exhibit A** and the building shall be oriented so that the elevation of the building facing State Highway 16 does not contain loading areas or employee service, or delivery entrances; provided, however, an emergency exit door may be located on the elevation facing State Highway 16 so long as the color of the door is substantially the same as the trim color of the building.
- J. Location of Loading Areas: Except for materials and supplies being delivered to customers, all loading and unloading of materials, supplies, and inventory shall occur on the side of the building facing away from State Highway 16 unless such loading area is screened from public view from State Highway 16 by a masonry screening wall not less than eight feet (8.0') high constructed of the same materials as the building it serves, but in no case shall such loading and unloading areas be on the side of the building facing State Highway 16.
- K. Sidewalks: Pursuant to the City's ordinance, a waiver is hereby granted from the construction of a sidewalk. The construction of a sidewalk across the entire length of the Property adjacent to State Highway 16 is hereby conditionally waived due to the Texas Department of Transportation's intent to construct such a sidewalk within the next year. However, where such a sidewalk is not constructed on or before January 1, 2008, said sidewalk shall be constructed by the owner and/or operator of the Property at that time in accordance with the City's then existing specifications.

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 ON this the ____ day of _____, A.D., 2007.

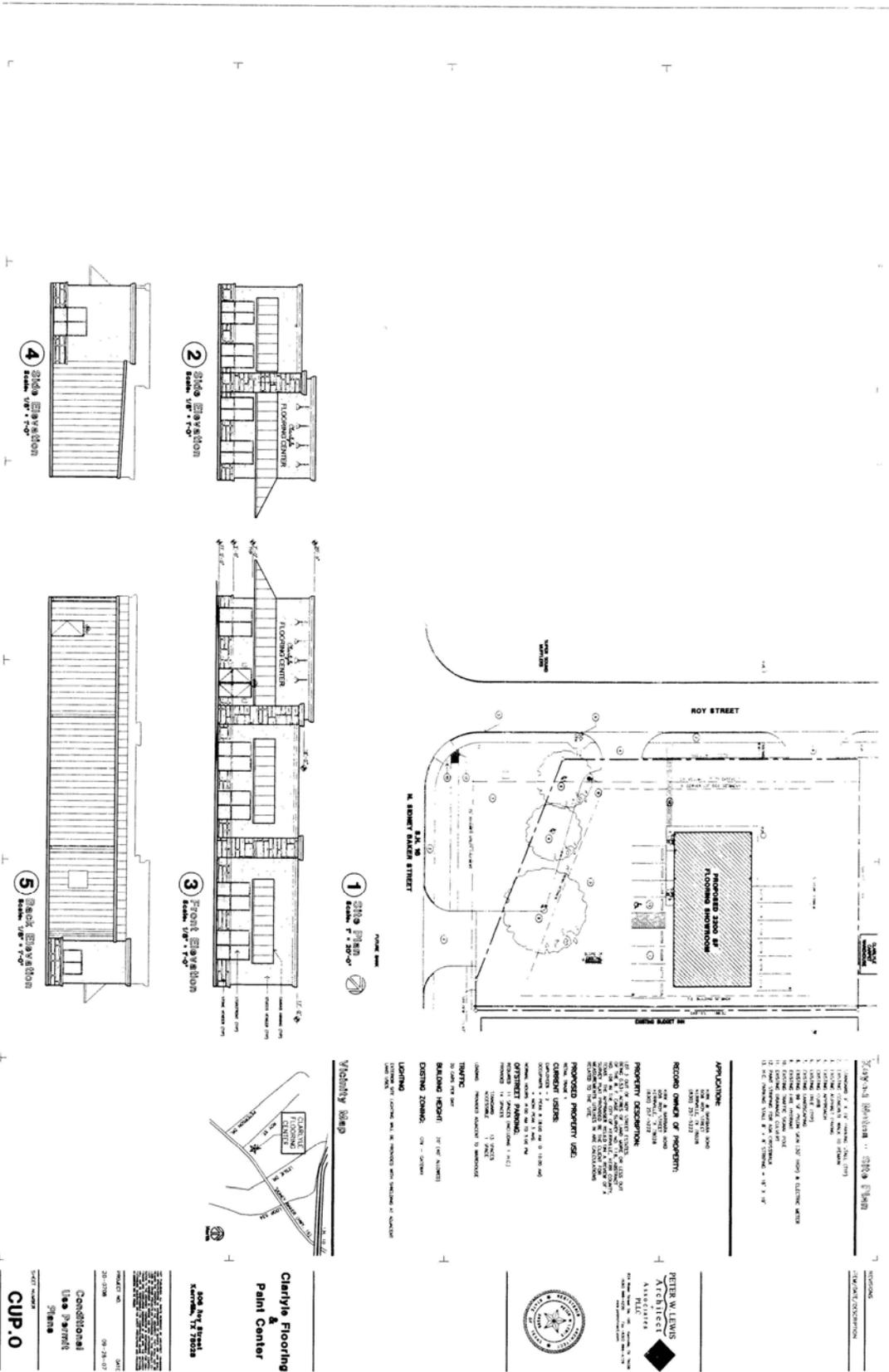
Eugene C. Smith, Mayor

ATTEST:

Brenda G. Craig, City Clerk

APPROVED AS TO FORM:

Michael C. Hayes, City Attorney



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

AGENDA ITEM: 5E **FOR AGENDA OF:** November 1, 2007

DESCRIPTION: **Conditional Use Permit (CUP) Request** – Consideration of a recommendation to the City Council of a CUP request to allow a Wireless Telecommunication Facility (WTF) transmitting and receiving antennas on a 0.17 acre tract located at 631 Water Street. Zoned: C 18. (File No. 2007-49)

APPLICANT(S): Revolution Broadcast Company of the West

ATTACHMENT(S): Location Map, Applicant's Request

Project Timeline:

- October 1, 2007 – Application for Conditional Use Permit (CUP) submitted to the City.
- October 12 & 17, 2007 – 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 500 feet of the subject tract.
- October 17, 2007 – Development Review Committee (DRC) process completed.
- **November 1, 2007 – Public hearing before the Planning and Zoning Commission (P&Z) and consideration of a recommendation to the City Council.**
- November 27, 2007 – Public hearing before the City Council and action on the requested CUP.

CUP Process/Summary:

- Per the Zoning Code, a Wireless Telecommunication Facility (WTF) use in the C 18 District is an allowed land use only by Conditional Use Permit (CUP). A Wireless Telecommunication Facility (WTF) refers to a structure designed and constructed to support one or more antennas used by commercial wireless telecommunication or broadcasting facilities and including all appurtenant devices attached to it.
- As presented in the applicant's application and support materials, the applicant proposes to relocate its radio broadcast business from 2125 Sidney Baker to 631 Water Street. Relocation will require the installation of two (2) antennas, one (1) transmitting and one (1) receiving. The radio station use is a permitted use in the C 18 District.
- As stated above, the installation of wireless telecommunication facility antennas require the approval, by Council, of a conditional use permit. In addition to the requirements for a CUP, the Wireless Telecommunication

Facility ordinance sets out additional submittal, notification and review criteria for the approval of CUP for a Wireless Telecommunication Facility. The following additional factors shall be considered by the Planning and Zoning Commission and City Council when determining whether to grant a CUP for a Wireless telecommunication Facility:

1. Height of the proposed tower.
 2. Proximity of the tower to residential structures and residential districts boundaries.
 3. Nature of uses on adjacent and near by properties.
 4. Surrounding topography, tree cover and foliage.
 5. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 6. Proposed ingress and egress to the tower and its site.
 7. Availability of suitable existing towers, support structures or alternative technologies not requiring the use of towers or structures.
- Staff has reviewed the applicant's request pursuant to the development requirements and the CUP review criteria and recommends that the request be denied for the following reasons:
 1. Setbacks: The proposed satellite antenna structure is proposed to be 10 feet from the adjacent property line, see attached site plan.
 2. Proximity to Adjacent Structures: The satellite antenna structure is proposed to be 5 feet from the existing building.
 - The proposed request meets all other applicable development and review criteria for the requested use. In addition, the applicant has addressed each of the development requirements, including the two (2) listed above in their support material as part of their application.

RECOMMENDED ACTION

1. Open the public hearing and receive comments, and
2. Recommend to the City Council denial of the CUP request as submitted.

Note: Should the Commission and/or Council feel, following the applicant's presentation, that the request could be approved as submitted and directs a resolution to that effect, staff would recommend that the following items be considered:

- Approval consist of only the two (2) antennas shown in the request.
- That there location, height, size be as shown on the site plan and support materials presented.

- That the satellite dish and support structure be painted to match the color of the building and the support structure for the roof mounted antenna be painted to match the color of the roof.
- That the satellite antenna support structure be protected by metal bollards.
- That no signs be attached to either antenna or support structure.





REVOLUTION BROADCAST CORP. OF THE WEST

2125 Sidney Baker North, 2nd Floor

Kerrville, Texas 78028

830 896-1230

830 792-4142 FAX

October 18, 2007

To The City of Kerrville:

On behalf of Revolution Broadcast Company of the West, we express our most earnest excitement to the possibility of moving into the Downtown area. Our hope, is to compliment what is extremely attractive about Downtown Kerrville and unite our visions of community.

We look forward to working together on this project.

Respectfully,

A handwritten signature in black ink, appearing to read 'Marti Ashcraft', with a long horizontal line extending to the right.

Marti Ashcraft
Operations Manager

REQUIREMENTS FOR CONDITIONAL USE PERMIT (CUP) REQUEST

Revolution Broadcast Company of the West

1. Applicant:
Revolution Broadcast Company of the West
Contacts: Marti Ashcraft, Operations Manager
Tommy E. Jenkins, Chief Engineer
2125 Sidney Baker
Kerrville, Texas 78028
830-896-1230
2. Legal description of property: 631 Water Street, Kerr County, Kerrville, Texas
Being all of a certain tract or parcel of land containing 0.17 acre (7267 sq.ft.), more or less, out of B.F. Cage Survey No. 116, Abstract No. 106 in the City of Kerrville, Kerr County, Texas; part of Block 23 of the J. D. Brown's Addition to the City of Kerrville; part of a certain 0.251 acre tract conveyed from Bessie Mae Lehmann Magee to Lavern D. Harris.
3. Statement of proposed use.
Revolution Broadcast Company of the West has entered into a rental agreement with Jimmy Perkins, owner of property located at 631 Water Street. We will operate a radio broadcast business involving six (6) stations: KRVL 94.3 FM Kerrville, KERV 1230 AM Kerrville, KOOK 93.5 FM Junction, KMBL 1450 AM Junction, KHOS 92.1 FM Sonora, and KYXX 94.3 FM Ozona. In order to complete this business move, it requires the installation of two pieces of equipment outside the building. 1) ABC Satellite Receiver Dish ten feet (10') in diameter, and 2) Studio Transmitter Link (STL) paraflector antenna to be mounted to the roof of the building. Both pieces of equipment are necessary to be on location. The satellite dish receives tones and closures directly from the satellite that is imperative to bring news to our listeners and thus, honoring our contract with ABC. The STL will send our broadcast signal across the Guadalupe River to a receiver located on Sheppard Rees Road, that will in turn, send that signal to our main transmitter location.
4. Site Plan. Please see Site Plan including Part I and Part II.
 - a. Site Plan for installation of ABC satellite and support structure is positioned in such a way as to prevent the elimination of the existing limited parking location in the rear section of the project property.
 - b. The load / unloading, service and utility areas will not be disrupted with the installation of either pieces of equipment.
 - c. The project property is located on the corner of Water Street and Sidney Baker. The only property contiguous to the project property, is located West of the building and is currently vacant.
 - d. The location and dimensions of boundaries, easements, and building

setbacks are located within the written survey included in this package as Exhibit "P".

- e. Location of existing and proposed:
 1. There is currently no buildings or improvements in the proposed location of the satellite support structure. There will be no interference with any building or improvements once the support structure and satellite dish is installed. The STL will be installed on the roof line of the project property located at 631 Water Street. No change to the existing building is required. There will be no interference, disruption or changes made to the building for this project.
 2. No drainage structures or watercourse will be changed nor will they be affected by the proposed project. There is currently a downspout located on the Southwestern part of the building, however, the watercourse is away from the proposed location of construction and will have no effect.
 3. No exterior lighting fixtures will be affected by the installation of either piece of equipment referred to in this project.
 4. There are no landscaped areas around or near the proposed construction area. The entire back part of the project property is an asphalt parking area.
- f. The proposed installation of the equipment will have no restrictive access to pedestrians, vehicular access and circulation between the property and adjacent properties, and current uses of nearby parcels. There are no proposed off-site improvements in this request.
5. No exterior changes are proposed in this request. However, a photograph of the proposed construction site is included in the package as Exhibit "F".
6. Performance characteristics and effects of the proposed use:
 - a. There is expected to be no additionally generated changes or increase in traffic patterns generated by the installation of this equipment. However, when the stations are moved into the front part of the building, there will be additional cars parked in the back parking area.
 - b. There may be up to ten (10) additional employees at one time in the rented part of the building located at 631 Water Street. Most employees work in allotted shift times depending on their on-air shifts.
 - c. The regular business hours for the radio station will be Weekdays between 8 am and 5 pm.
7. The ABC satellite dish is not regulated by any state or federal entity. However, the STL is regulated by the FCC. Please see attached copy of license included in this package labeled Exhibit "G".
8. There are no existing similar uses within 1,000 feet of the subject property. It appears that the hospital uses an antenna and a grid parabolic dish. However, there will be no interference with their use and ours due to the fact that each unit is frequency allocated.
9. The project property does not have a slope greater than 15%, therefore no runoff

plan is required with this request.

10. There is no known existing water well at project property location.

CONDITIONAL USE PERMIT (CUP) REQUEST

Revolution Broadcast Company of the West
KRVL 94.3

PROPOSED USE STATEMENT

Revolution Broadcast Company of the West, currently located at 2125 Sidney Baker in Kerrville, will be relocating to 631 Water Street, in Kerrville.

The purpose of the application for Conditional Use Permit (CUP) has two parts.

1. To relocate our ABC News satellite dish to the new location. It is necessary to have this dish on premise as to receive closure tones directly from that satellite. These tones will not be heard through any other form of transmission, therefore, it must be on site. The location of the satellite dish will be in the parking lot directly behind the building located at 631 Water Street.
2. To relocate our STL (Studio Transmitter Link) to the new location. It will be mounted on the rear roofline via a mast no higher than twelve feet (12') tall. The purpose of this transmitter link, is to send our broadcast signal across the river to a tower located on Sheppard Rees Road.

CONDITIONAL USE PERMIT (CUP) REQUEST

SITE PLAN

Part I

Install satellite dish support structure approximately eleven (11') off the West property line, toward Sidney Baker and approximately five feet (5') south of the project building. See Exhibit "A" and "B". This structure will support a ten foot (10') diameter satellite dish to receive ABC news feeds. A picture of the existing satellite dish and support structure is attached in Exhibit "C".

Construction consists of a circular ground opening no larger than three feet (3') in diameter and approximately eleven feet (11') deep. The pipe will measure four and one half inches (4 1/2) in diameter and approximately twenty two feet long (22') with footings at the bottom of the ground opening. The remaining opening and the pipe will be filled with concrete.

The satellite structure and dish height is positioned in such a way to save the already limited parking for the project facility. This will not limit pedestrian and vehicular access

Part II

Attach mast consisting of three legs and one vertical pole ten foot (10') in height. This mast will support a paraflector antenna that measures sixteen and three quarter inches in height (16 3/4") and forty five and three eights inches (45 3/8") in length. The purpose of this equipment is to send our broadcast signal over the tree line to a receiver across the river to a tower located on Sheppard Rees Road. The mast will be located at the part of the roof line that is directly North of the rear slope. See example of mast structure in attached Exhibit "D" and picture of actual paraflector in Exhibit "E".

CONDITIONAL USE PERMIT (CUP) REQUEST

SITE PLAN REVIEW

1. A wireless telecommunications facility plan is not applicable. This structure is not a “towered” communication source, but simply a support structure. This support structure will consist of a steel pipe approximately four and one half inches (4 1/2”) in diameter. This pipe will be filled with concrete and will support a ten foot (10’) satellite dish.
2. Alternative assessment is not feasible due to no existing towers or any other support structure located within the geographic area required to meet the applicant’s engineering requirement. This satellite dish requires on site location due to the closures received directly from satellite.
3. The Southwestern corner of the *building* at project site is the best possible location for this satellite dish, due to the following: Northeastern and Northwestern corners of property are directly on the streets of Water and Sidney Baker; Southeastern corner is located directly on Sidney Baker Street; Southwestern corner of property is in a tree line and would hamper line-of-site required for the satellite dish; the location and height of the proposed location of satellite dish conserves the limited parking in the back of the project location building.
4. The purpose of this satellite receiver is for downlink only. There will be no RF (radio frequency) emissions, therefore, no FCC compliance certification is required.
5. Environmental Assessment is not required. No land will be disturbed or waterways disrupted in the proposed placing of the satellite dish. A single hole will be dug and pipe installed, along with a short trench taking the cables directly to the building.
6. Tower lease statement. This is not a multi-use tower, strictly a support structure for ABC News feed satellite dish.

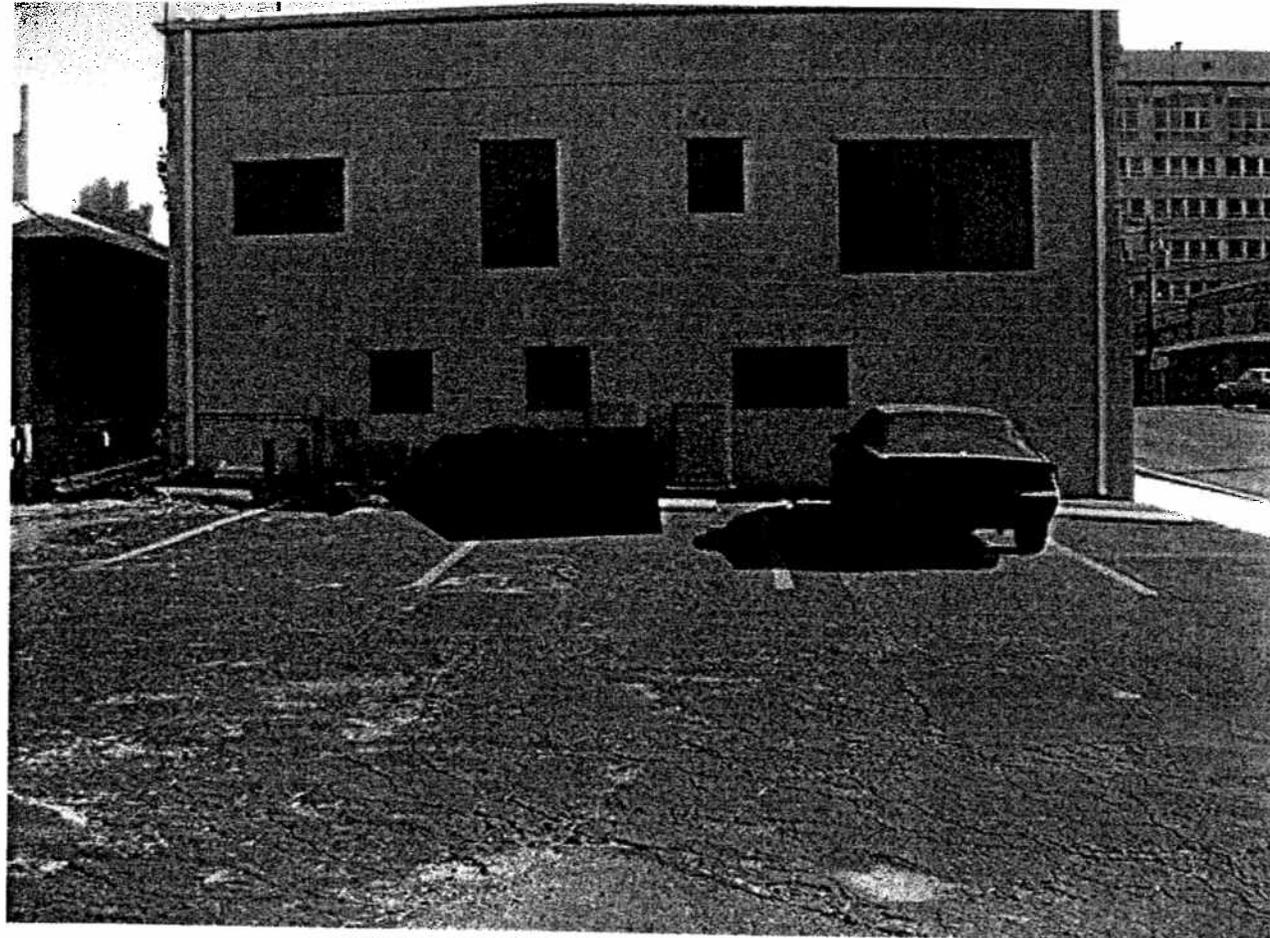


Exhibit "A"

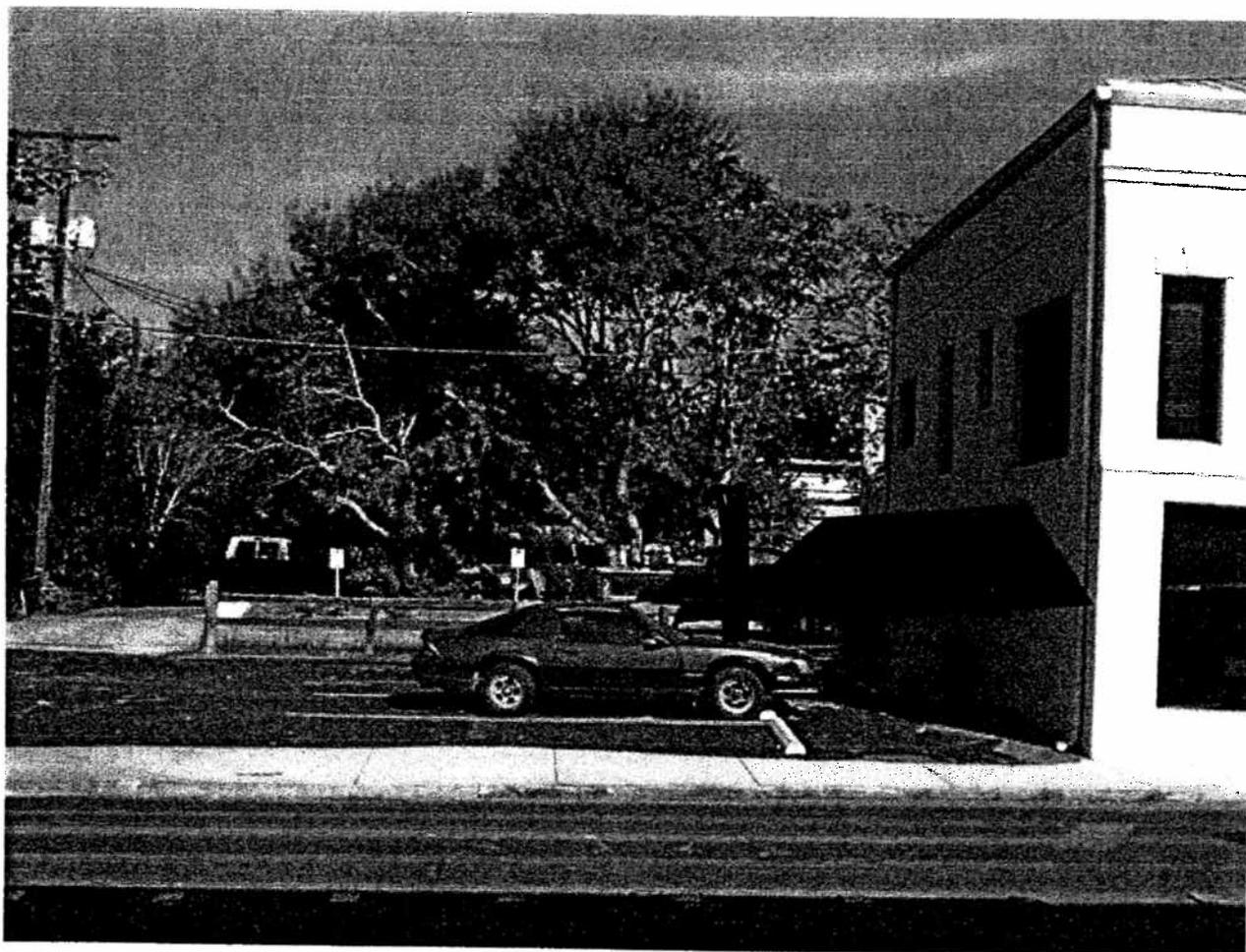
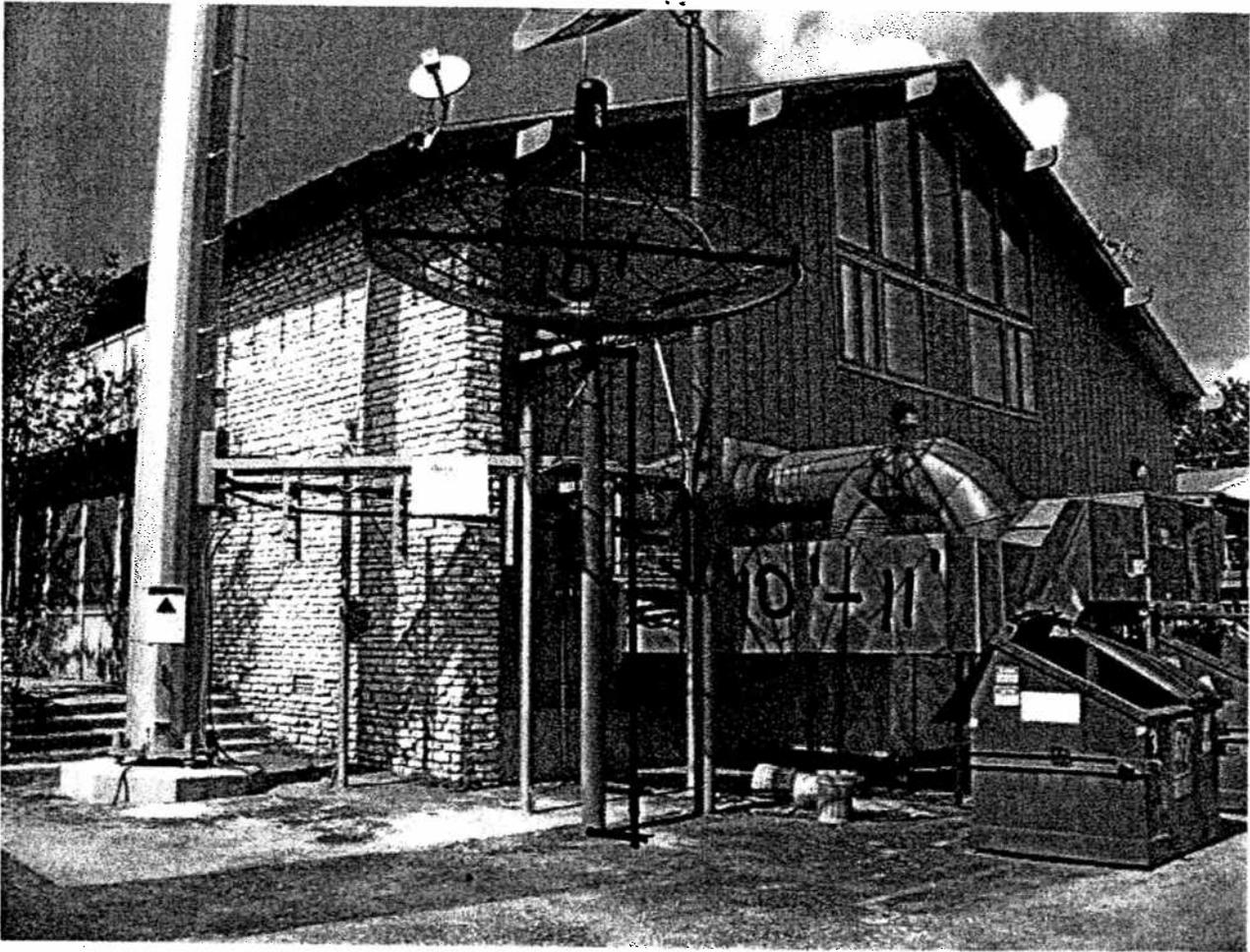


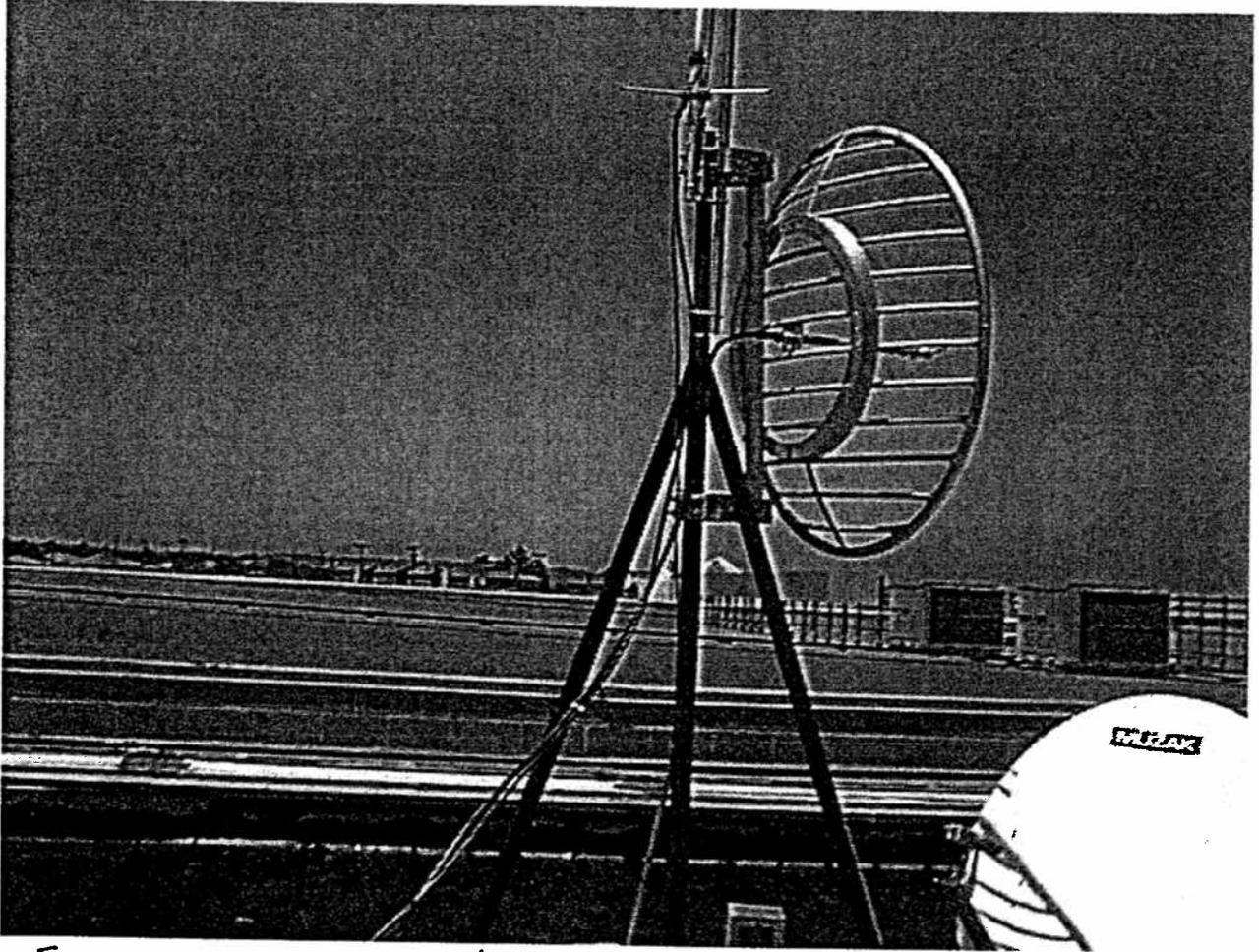
Exhibit "B"

Exhibit "C"



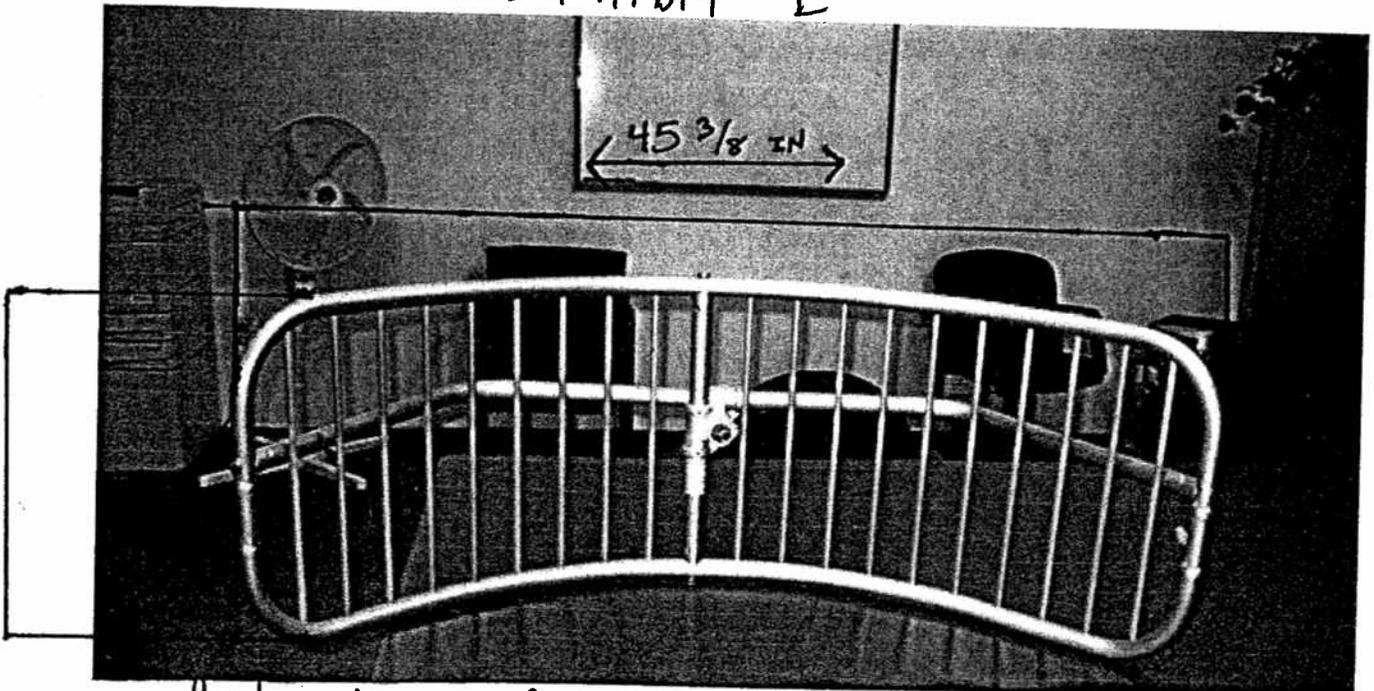
Existing Satellite dish with support structure.

Exhibit "D"



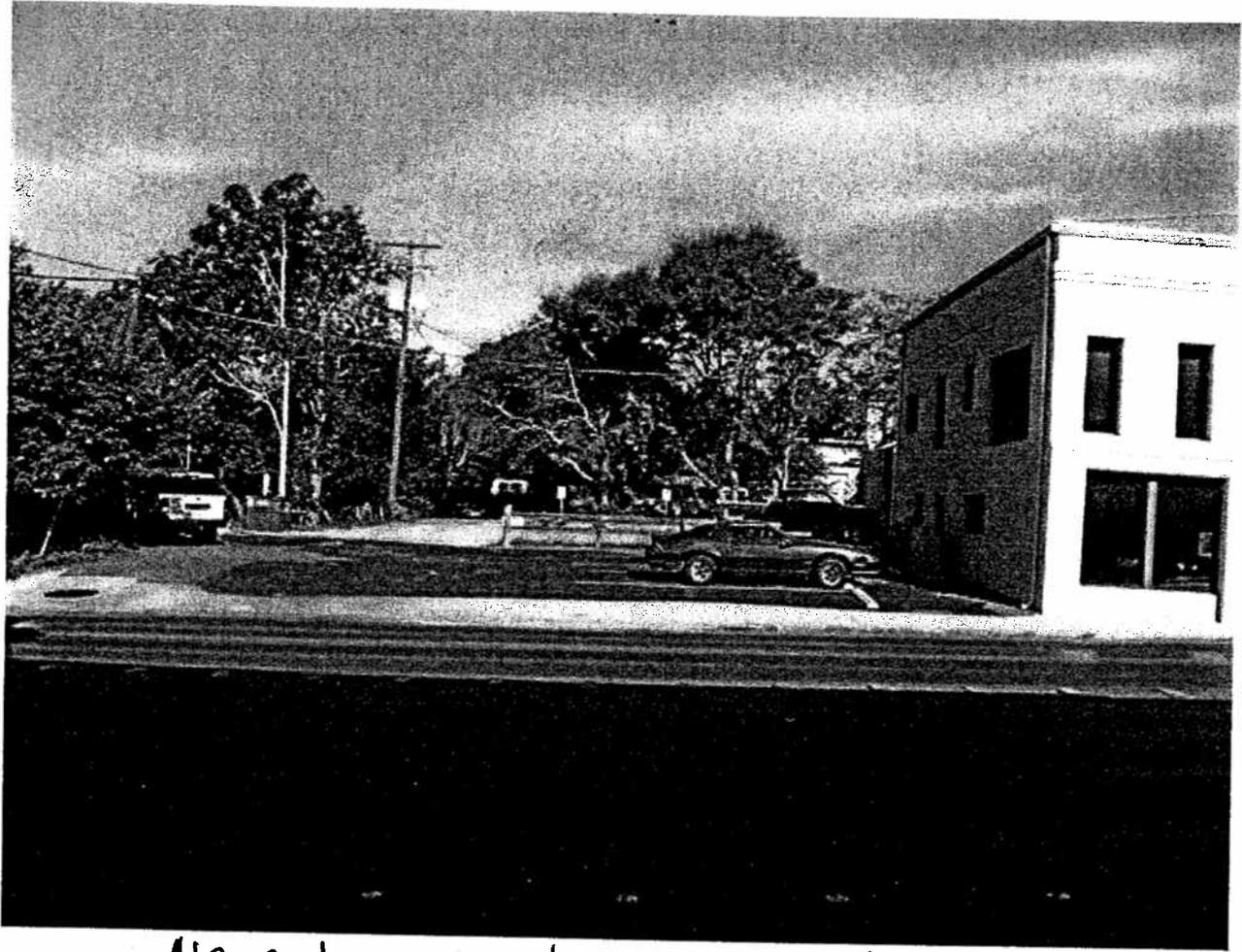
Example of 3 legged mast for paraflector support.

Exhibit "E"



Actual paraflector to be used at site.

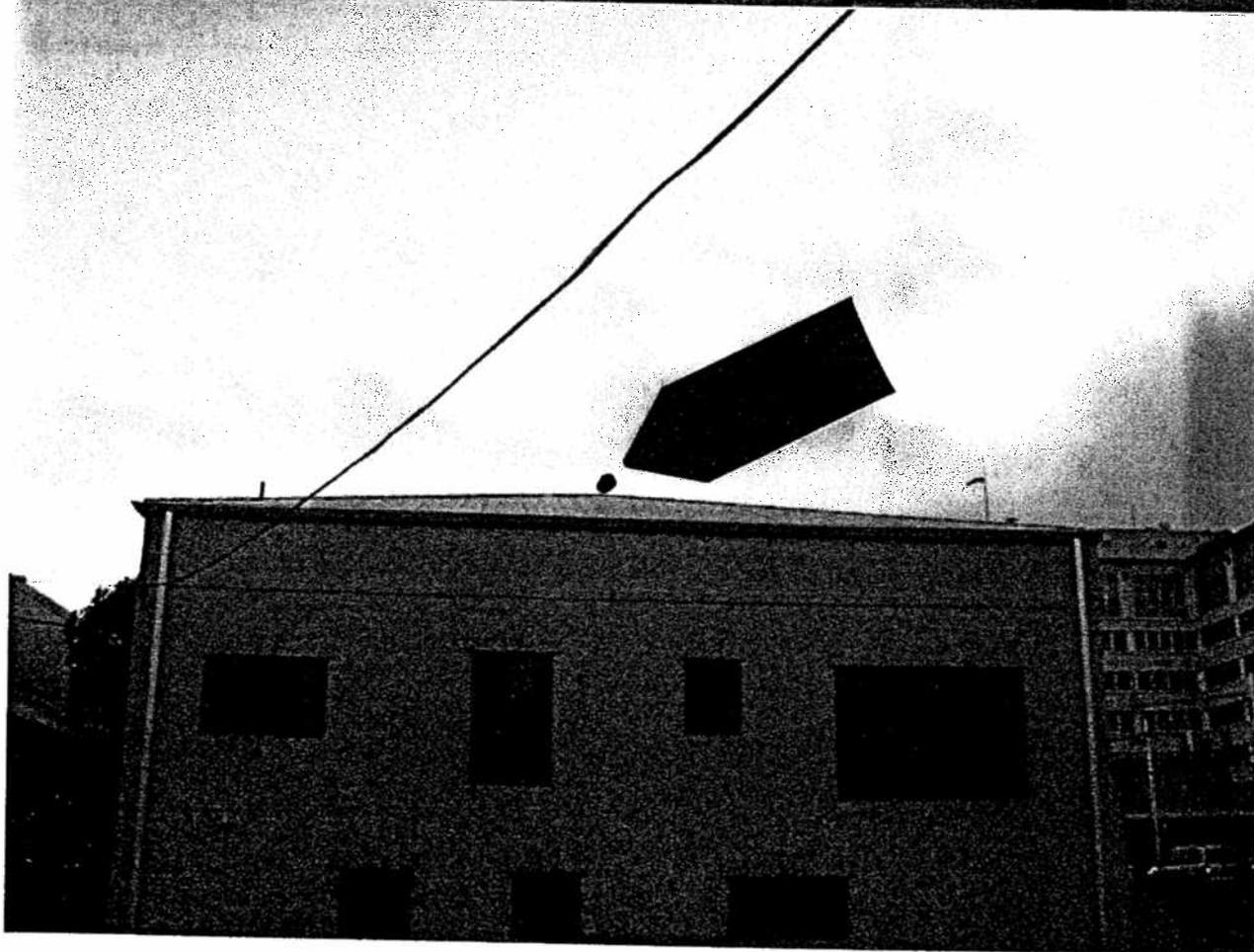
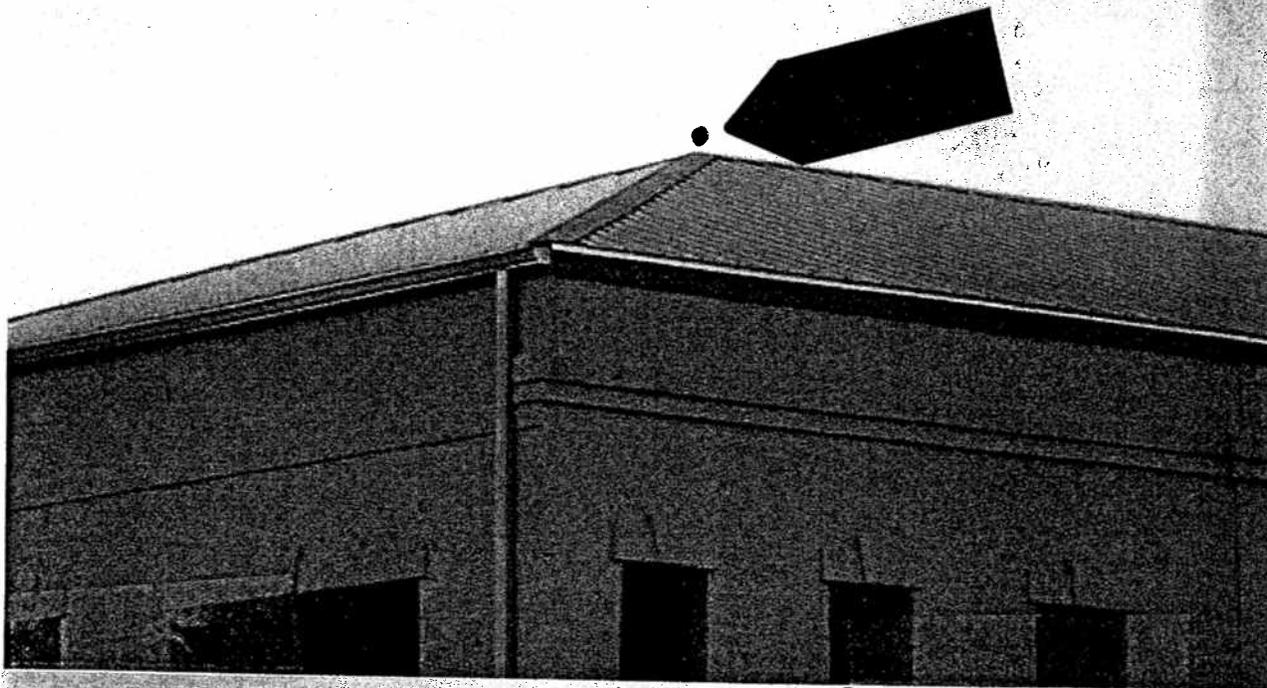
Exhibit "F"



No exterior changes needed
to building.

Exhibit "H"

Proposed site for STL:



I. PROPERTY

Being all of a certain tract or parcel of land containing 0.17 acre (7267 sq. ft.), more or less, out of B.F. Cage Survey No. 116, Abstract No. 106 in the City of Kerrville, Kerr County, Texas; part of Block 23 of the J.D. Brown's Addition to the City of Kerrville; part of a certain 0.251 acre tract conveyed from Bessie Mae Lehmann Magee to Lavern D. Harris,

et. ux., by a Warranty Deed With Vendor's Lien executed the 9th day of February, 1966 and recorded in Volume 123 at Page 175 of the Deed Records of Kerr County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a building corner at the intersection of the northwest right-of-way line of Sidney Baker Street, an eighty (80) ft. wide public street and the southwest right-of-way line of Water Street, a seventy (70) ft. wide public street for the east corner of the herein described tract, said 0.251 acre tract and said Block 23;

THENCE, along the southeast wall of said building with the southeast line of 0.251 acre tract and northwest right-of-way line of Sidney Baker Street S. 44° 41' W., at 99.9 ft. passing the south corner of said building, then continuing for a total distance of 165.17 ft. P-K nail set in concrete for the south corner of the herein described tract, the east corner of a certain 0.08 acre tract heretofore conveyed out of 0.251 acre tract from Lavern and Faye Harris Partners, Ltd. to the City of Kerrville by a Gift Deed executed the 11th day of July, 1995 and recorded in Volume 807 at Page 169 of the Real Property Records of Kerr County, Texas;

THENCE, upon, over and across said 0.251 acre tract with the northeast line of said 0.08 acre tract N. 45° 15' W., 44.00 ft. to a 1/2" iron stake set in the northwest line of 0.251 acre tract, the southeast line of a certain 0.316 acre tract conveyed from W. J. Jonas, Sr., et. ux., to William G. Fair, et. ux., by an Assumption Deed executed the 10th day of January, 1973 and recorded in Volume 160 at Page 837 of the Deed Records of Kerr County, Texas for the west corner of the herein described tract, the north corner of 0.08 acre tract;

THENCE, with the common line between said 0.251 and 0.316 acre tracts N. 44° 41' E., at 65.2 ft. passing the west corner of said building, then continuing with the northwest wall of building at 98.7 ft. passing the southeast corner of a building on said 0.316 acre tract; then continuing between the walls of said buildings for a total distance of 165.17 ft. to the common building corner in the said southwest right-of-way line of Water Street for the north corner of the herein described tract and said 0.251 acre tract, the east corner of said 0.316 acre tract;

THENCE, along the northeast line of said building with the northeast line of said 0.251 acre tract and southwest right-of-way line of Water Street S. 45° 15' E., 44.00 ft. to the PLACE OF BEGINNING.

II. EXCEPTIONS

- a. All terms and conditions of party Wall Contract and Easement dated February 18, 1966, by and between Lavern D. Harris and Faye C. Harris and W.J. Jonas, Sr. and wife, Lela Jonas recorded in Volume 123, Page 219, Deed Records of Kerr County, Texas.
- b. Twenty foot (20') easement in that certain Deed dated March 27, 1957, from C.N. Parsons, et al to Henry Lewis, recorded in Volume 101, Page 262, Deed records of Kerr County, Texas.

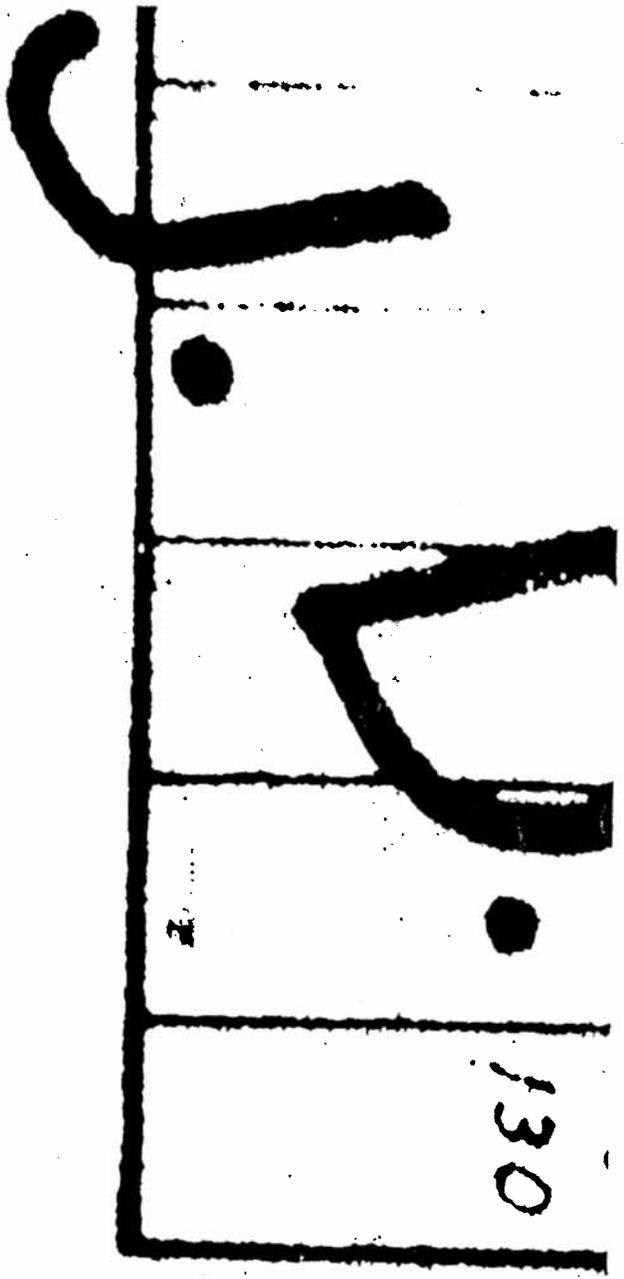
Provisions herein which restrict the sale, rental or use of the described property because of color or race is invalid and unenforceable under Federal Law. THE STATE OF TEXAS } COUNTY OF KERR } I hereby certify that this instrument was FILED in the File Number Sequence on the date and at the time stamped hereon by me and was duly RECORDED in the Official Public Records of Kerr County, Texas on

SEP 21 2006

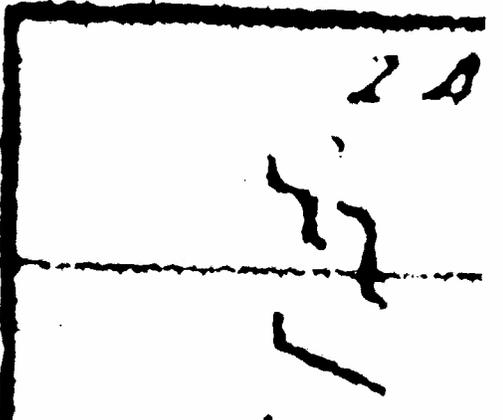


Janet Pieper
COUNTY CLERK, KERR COUNTY, TEXAS

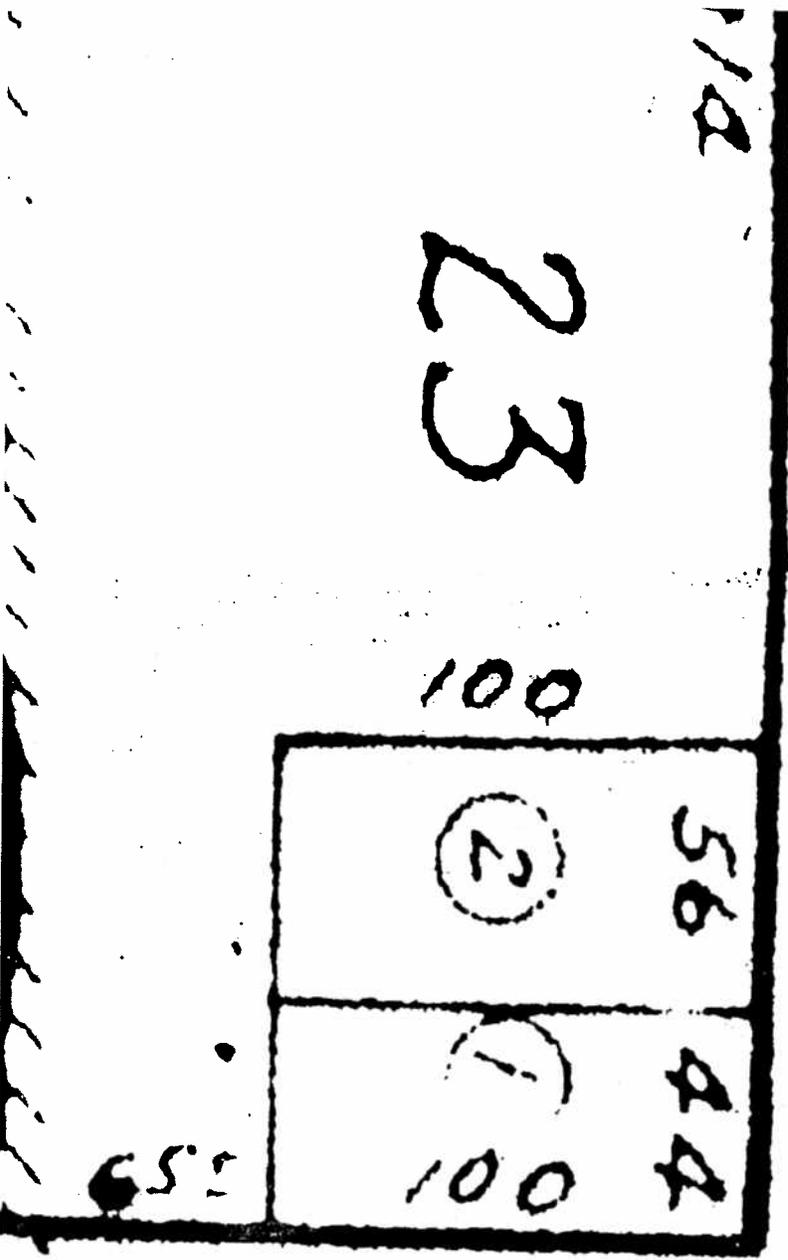
RECORDER'S NOTE
AT TIME OF RECORDATION INSTRUMENT FOUND
TO BE INADEQUATE FOR BEST PHOTOGRAPHIC
REPRODUCTION DUE TO THE DEPTH & DARKNESS OF
PRINT, COLOR OF PRINT OR INK, BACKGROUND OF
PAPER, ILLEGIBILITY, CARBON OR PHOTO COPY ETC.



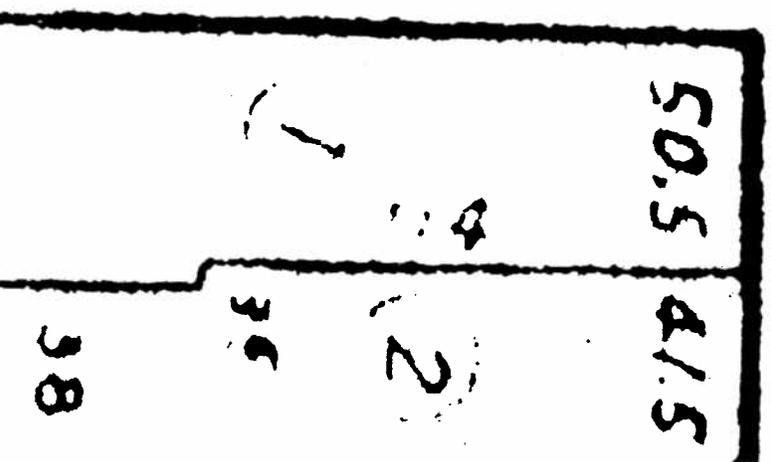
SID.



631 Water St.
Project Location



Sidney Baker



① Top View of Site

② Rear View of Building with Paraflector

□ = 5ft

①

Satellite Structure site

From the Paraflector
to Edge of Building



Site Plan

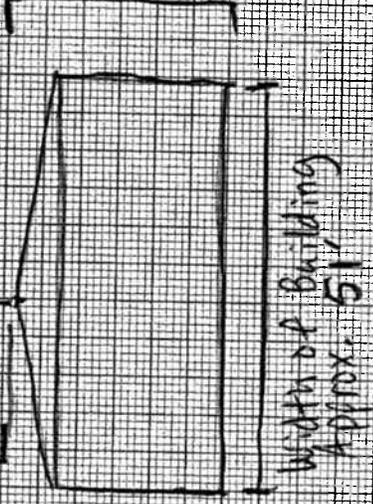
②

Approximate Overall Height of Building with Antenna Mast 37'

Approximate Height of Antenna Mast 12'

Paraflector Antenna

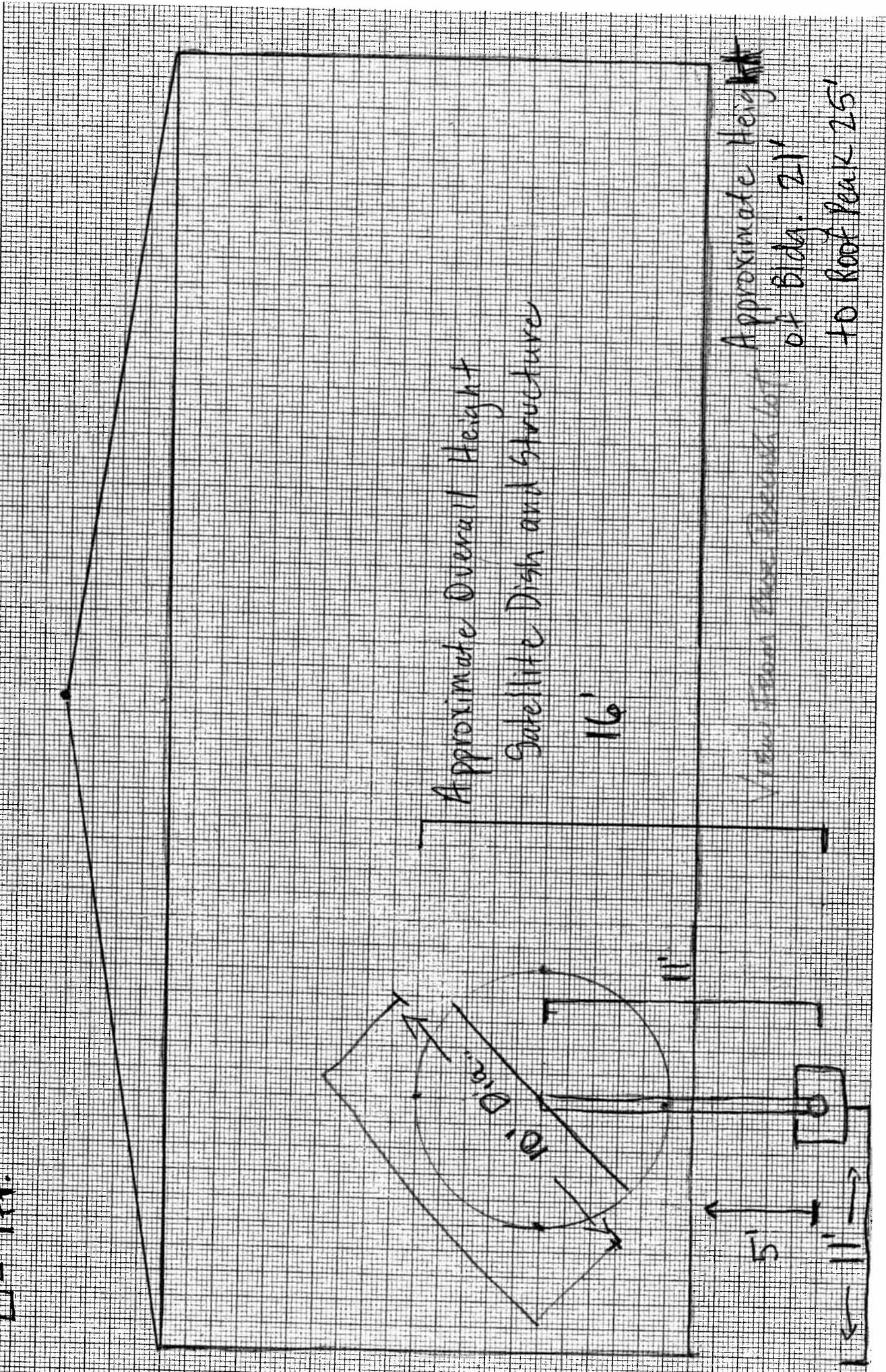
Roof Peak from ground level approx. 25'



Elevated view from

Rear View of Site for Satellite Dish

□ = 1 ft.



CONDITIONS FOR CONDITIONAL USE PERMIT (CUP)

A) SETBACK REQUIREMENTS:

- 1) The ABC Satellite structure project does not follow the setback requirement as set forth in the City Ordinance, being the one hundred ten (110) percent of the total height. The ordinance was evidently created to protect surrounding buildings and property. Great measures will be taken to prevent this, outside the setback requirements. The total length of the support structure pipe will be approximately twenty-two feet (22') in length. At one end, holes will be drilled into the pipe and rebar inserted through it, to provide a footer for the structure. A hole will be dug to accommodate eleven feet (11') of that pipe, including room for the footer approximately three feet (3') in diameter. That hole, and the entire twenty-two foot (22') length of the pipe, will then be filled with concrete. It would take a terrible force to push that structure eleven feet out of the ground and onto the adjoining property or building. Most likely, whatever comes into contact with the structure packing any force, will receive more damage than the structure.
- 2) The STL antenna that will be mounted on a mast, not to exceed twelve feet (12'), to the peak of the roof meets the one hundred ten percent (110%) requirement, however, because it will be mounted on a peaked roof; the possibility of it sliding down the roof and falling into traffic or onto the property next door are concerns. In the site plan, we did not clarify the three legged mount. Not only will the three legs of the mounting bracket be bolted to the roof, there will also be a support pole that goes directly through the roof and secured to the building structure. In the event any one of the mounting brackets come loose, it will still be secured directly to the structure of the building.

B) PROXIMITY TO ADJACENT STRUCTURES: Covered in "A" above.

C) HEIGHT:

- 1) The ABC Satellite structure complies with the one hundred twenty feet (120') height requirement. The approximate overall height will be approximately sixteen feet (16').
- 2) The STL antenna structure complies with the one hundred twenty feet (120') height requirement. The approximate overall height of the building including maximum height of STL mast will be no more than thirty-seven feet (37').

D) DESIGN FOR CO-LOCATION:

Neither structure, ABC Satellite nor STL antenna, will have the ability to have co-location options. These are single purpose structures, unlike traditional telecommunication towers that are several hundred feet in height and have the capability to add additional users.

E) FENCING:

We are requesting that we not fence the area around the ABC Satellite structure for three reasons: 1) Due to the limited parking in that area, fencing

around the satellite dish would require at least a twelve foot by eight foot area to be enclosed. This would dramatically effect the parking provided to this facility, 2) The aesthetics of an eight foot fence would draw more attention to the area than the satellite dish alone, and 3) Unlike a telecommunications tower, there is no high voltage involved in the use of a satellite receiver. We are requesting that a minimum of three pilings be placed around the base of the structure that would prevent a vehicle from running into the pipe support while attempting to pull into a parking spot.

F)

AESTHETIC STANDARDS:

- 1) Our current ABC satellite dish and support pole are painted to match our current building. Likewise, when the support pole is installed and the satellite dish are moved to the new location, it will be painted to match to color of the building on the corner of Water Street and Sidney Baker.
- 2) The STL mast will be painted to match the color of the roof (silver) as to draw as little attention as possible. However, the antenna itself will remain its current color of gold, as seen in color picture Exhibit "E".

Due to the proposed location of the satellite dish and STL antenna, it will rarely be seen by traffic heading south on Highway 16 toward the Guadalupe River. In a line of sight view of the back of the project building, facing North from the traffic light located at Thompson Drive and Sidney Baker, the entire back side of the building is unseen due to the tree line. The satellite dish and STL antenna will become visible approximately one hundred twenty-five feet (125') before the end of the bridge heading North on Sidney Baker. It will remain visible for an approximate total of one hundred ninety-five feet (195') before passing the building. See attached Exhibits "H" and "I". Hopefully, the flow of traffic will be watching the traffic light at the corner of Sidney Baker and Water Street, just a short fifty feet from that point. Even when traffic lines up waiting on the light, it should draw little attention due to the matching paint with the building.

G)

MAINTENANCE: Revolution Broadcast Company of the West will ensure the City of Kerrville, that every effort will be made to keep the installed equipment and all support structures from entering a state of disrepair.

H)

LIGHTING: There should be no need for additional lighting for this project.

I)

SIGNAGE: No signage will be used in this project.

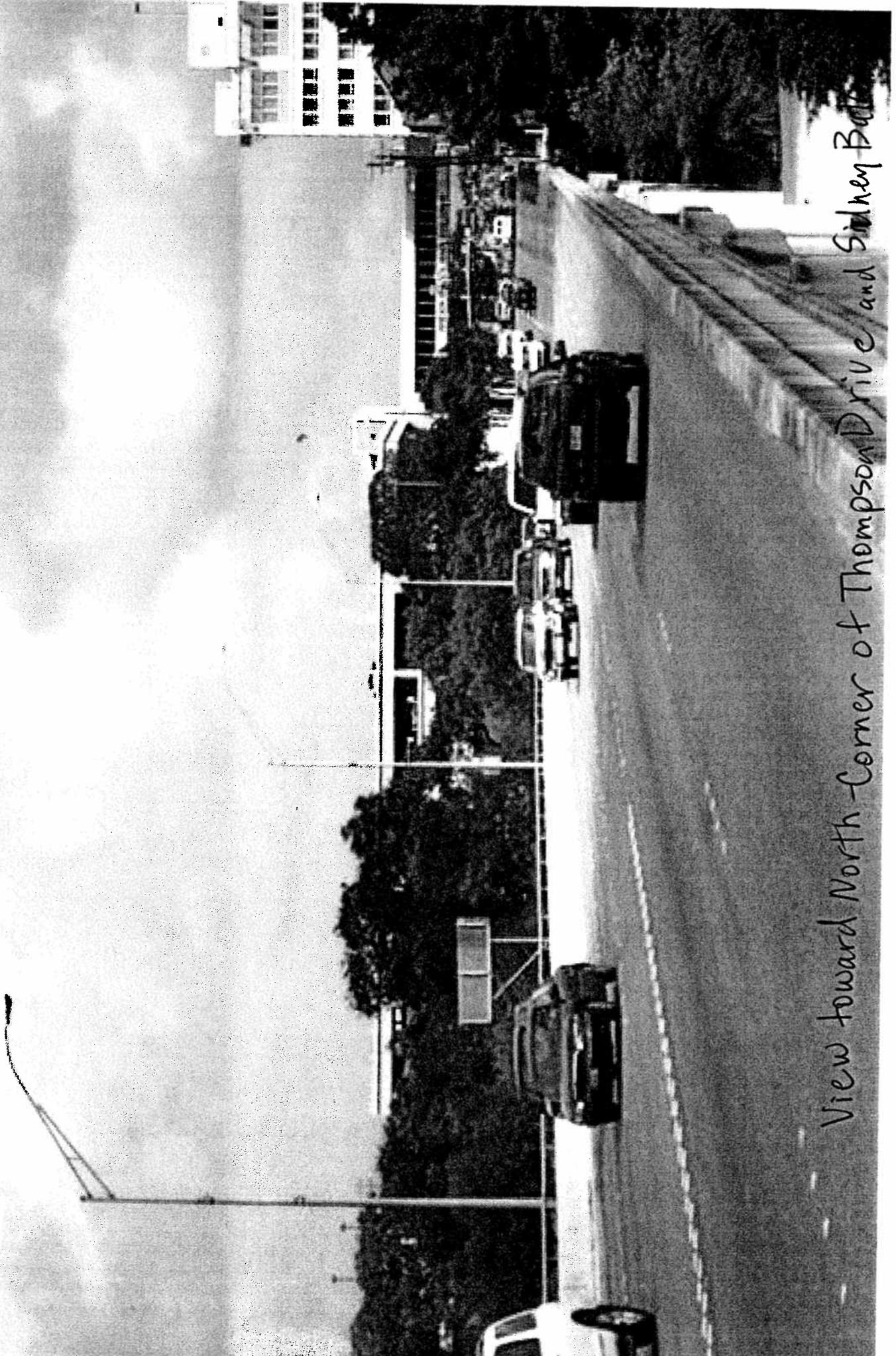
J)

HISTORIC PROPERTIES: This project should have no adverse impact on the historic designation of this property.

K)

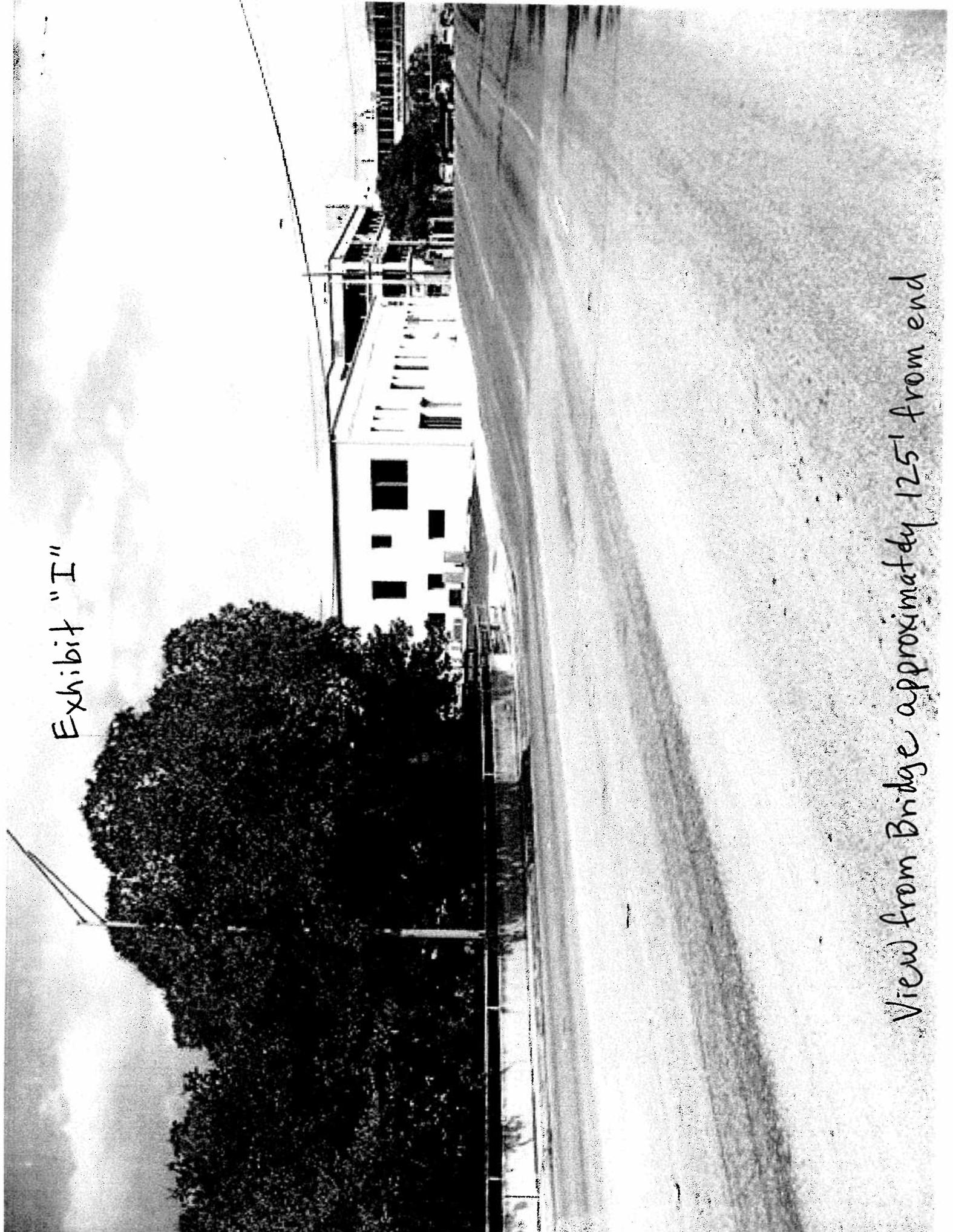
STEALTH TECHNOLOGY DESIGN: Not applicable.

Exhibit "H"



View toward North-Corner of Thompson Drive and Sidney Ball

Exhibit "I"



View from Bridge approximately 125' from end

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

AGENDA ITEM: 6A **FOR AGENDA OF:** November 1, 2007

DESCRIPTION: Future Agenda Items

APPLICANT(S): Gordon Browning, Senior Planner

ATTACHMENT(S):

The following items are scheduled for the Commission's November 15, 2007 meeting;

Sign Variance: A variance to the Sign Regulations for an off-premise sign located on the south side of Thompson Drive west of Sheppard Rees Road.

Continue the discussion of the Sign Regulations.