



**CITY OF KERRVILLE PLANNING & ZONING COMMISSION AGENDA**  
**REGULAR MEETING, THURSDAY, JUNE 15, 2017 4:30 P.M.**  
**CITY HALL COUNCIL CHAMBERS**  
**701 MAIN STREET, KERRVILLE, TEXAS**

**CALL TO ORDER**

**1. VISITORS/CITIZENS FORUM:**

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

**2. 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.

2A. Approval of the minutes from the April 6, 2017 meeting. **Pg. 3**

2B. Approval of the minutes from the May 4, 2017 meeting. **Pg. 6**

2C. Approval of the minutes from the June 1, 2017 meeting. **Pg. 8**

**3. CONSIDERATION AND ACTION**

3A. **Consideration and Action, Preliminary Plat** – Consideration and action concerning a preliminary plat for Price Point, Lot 1, a subdivision in Kerr County, containing 3.0 acres of land, more or less, out of the Thomas L. Waddel Survey No. 145, Abstract No. 354, Kerr County, Texas, located on Rimrock Drive. (File No. 2017-031). **Pg. 12**

3B. **Consideration and Action, Preliminary Plat** – Consideration and action concerning a preliminary plat for Tinco Industry Addition, Block One, Lot 1, a subdivision in Kerr County, containing 5.33 acres of land more or less, out of the Rowland Nichols Survey No. 126, Abstract No. 262, Kerr County, Texas, located at the end of Robby Drive. (File No. 2017-038). **Pg. 14**

3C. **Consideration and Action, Final Plat** – Consideration and action concerning a final plat for Bandera Highway Mega Storage Phase 2, Block 1, Lot 1, a subdivision establishing 4.54 acre tract, being in and a part of the William C. Francis Survey No. 146, Abstract No. 137, City of Kerrville, Kerr County, Texas, located at 1225 Bandera Hwy. (File No. 2017-041). **Pg. 16**

3D. **Consideration and Action, Replat** – Consideration and action concerning a replat of a portion of Lots 1-6, Block 9, a portion of H Street, and a portion of Lots 1-5, Block 10, J.A. Tivy's Addition to the City of Kerrville recorded in Volume P, Page 16, Plat Records, Kerr County, Texas, and being all of that certain 0.342 of one acre tract recorded in document No. 16-06322, official public records of Kerr County, Texas, all of that certain 2.404 acre tract recorded in document No. 16-06323, official records of Kerr County, Texas, all of certain 1.357 acre tract recorded in document No. 16-06324, official public records of Kerr County, Texas, and 0.396 of one acre tract being a portion of H Street recorded in document No. 17-01162, official records of Kerr County, Texas, containing 4.135 acres, more or less, in the City of Kerrville, Kerr County, Texas according to the Plat Records of Kerr County, Texas, located at 1709 Water Street. (File No. 2017-026). **Pg. 18**

3E. **Consideration and Action, Conditional Use Permit** – Consideration of a resolution concerning a requested Conditional Use Permit for “vehicle sales/service used” for an approximate 1.69 acre tract, being Lot 1A and a part of Lot 2, Block One, Adams Subdivision, located 1750 Junction Hwy. (File No. 2017-032) **Pg. 21**

#### **4. PUBLIC HEARING AND ACTION**

4A. **Public Hearing & Action, Replat** – Public hearing, consideration, and action concerning a replat of Lots 1 and 2, Sidney Baker Community Plaza and part of Lot 1, Block 1, Keystone Addition, containing 4.128 acres of land, more or less, as recorded in File No. 16-05306 and No. 17-02376, Official Public Records, Kerr County, Texas, located at 1405 & 1407 Sidney Baker Street. (File 2016-037). **Pg. 27**

4B. **Public Hearing & Action, Replat** – Public hearing, consideration, and action concerning a replat of Lots 1, 2, 1-A, 2-A, 19 and part of Cummings Lane, Midway Center, an unrecorded commercial subdivision in Kerr County, containing 2.55 acres of land, more or less, out of the Francisco Martinez Survey No. 123, Abstract No. 247, Kerr County, Texas, located at 2590 Junction Highway. (File No. 2017-035) **Pg. 29**

4C. **Public Hearing & Action, Replat** – Public hearing, consideration, and action concerning a replat of Lots 7, 8, 17 and 18, Block 6, Oaks Heights Addition, a subdivision in Kerr County, containing 3.64 acres of land, more or less, as recorded in Volume 2, Page 92, of the Plat Records of Kerr County, Texas, located at 385 Goat Creek Cut-Off. (File No. 2017-039). **Pg. 31**

4D. **Public Hearing & Action, Annexation and Zoning** – Public hearing, consideration, and action to annex into the incorporated limits of the City of Kerrville and a recommendation for a zoning classification of Planned Development District (PDD) Residential, for an approximately 11.341 acre tract of land generally located east of Comanche Trace Drive, between Comanche Trace Phases 4 and 11. The tract being more particularly described as located in the William Watt Survey No. 65, Abstract No. 364 of Kerr County, Texas and being a portion of the remaining portion of that certain called 1131.78 acre tract in Volume 971, Page 698, Real Property Records of Kerr County, Texas. (File No. 2017-033). **Pg. 33**

#### **5. ITEMS FOR DISCUSSION**

5A. Review and discuss “Home Occupations”, as defined in Article 11-I-3 (57), of the City of Kerrville Zoning Code. **Pg. 36**

#### **6. STAFF REPORTS**

#### **7. ADJOURNMENT**

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The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-258-1117 for further information.

I do hereby certify that this notice of meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time: June 9, 2017 at 4:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

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Cheryl Brown  
Deputy City Secretary, City of Kerrville, Texas



# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 2A  
Hearing Date: June 15, 2017  
Representative: Staff

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## Proposal

Review and approval of the minutes from the April 6, 2017 meeting

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

**April 6, 2017**

### **MEMBERS PRESENT:**

Bob Waller, Chairman  
Garrett Harmon, Vice-Chair  
Don Barnett, Commissioner  
Rustin Zuber, Commissioner, *arrived 4:37 p.m.*  
David Jones, Alternate, *sat in for Cmr. Zuber*  
Marty Lenard, Alternate, *sat in for Cmr. Sigerman*

### **MEMBERS ABSENT:**

Michael Sigerman, Alternate

### **CITY COUNCIL LIASON**

Glenn Andrew (not present)

### **STAFF PRESENT:**

Gordon Browning, Interim City Planner  
Mayor Bonnie White  
Danny Batts, Chief Building Official/Director of Building Services  
Dorothy Miller, Recording Secretary

### **CALL TO ORDER:**

On April 6, 2017, Cmr. Waller called the Kerrville Planning and Zoning Commission regular meeting to order at 4:31 p.m. in the City Hall Council Chambers, 701 Main Street, Kerrville, Texas.

#### **1. VISITORS/CITIZENS FORUM:**

No one spoke.

## **2. 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.

## **3. PUBLIC HEARINGS AND ACTION**

**3A. Public Hearing & Action, Replat** – Public hearing, consideration, and action concerning a request for a replat of Lots 1-4, Vista Hills, a subdivision in Kerr County, containing 9.87 Acres out of the Joseph Josey Survey No. 2, Abstract No. 1094, located at 285 Scenic Hills Road. (File No. 2017-016).

Mr. Browning presented the case and asked Commissioners to render a decision.

Cmr. Waller opened the public hearing at 4:34 p.m. Hearing no one speak, Cmr. Waller closed the public hearing at 4:35 p.m.

Cmr. Harmon moved to approve the replat as presented. Motion was seconded by Cmr. Lenard and passed 5-0.

**3B. Public Hearing & Action, Zoning Text Amendment** – Public hearing, consideration, and action concerning a request for a zoning text amendment to amend Chapter I, “The City of Kerrville Zoning Code”, 11-I-6 Central City Zoning District, to amend the land use table for the “CBD” Central Business District to change use code 312, “Beverage and Tobacco Product Manufacturing” from not permitted to a “P” Permitted Use. (File No. 2017-017).

Mr. Browning presented the case and asked Commissioners to render a decision.

Cmr. Waller opened the public hearing at 4:38 p.m. Hearing no one speak, Cmr. Waller closed the public hearing at 4:39 p.m.

Cmr. Harmon moved to table the Zoning Text Amendment as presented. Motion was seconded by Cmr. Barnett and passed 5-0.

## **4. ITEMS FOR DISCUSSION**

**4A. Review and discuss the City’s “Home Occupation” definition, as defined in Article 11-1-3 (a)(49) of the zoning Code.**

Mr. Browning explained that the Home Occupation is a definition, not part of the enforceable ordinance, therefore the Code Enforcement division cannot enforce violations and take them to court if necessary. Mr. Browning asked the Commissioners to consider revising the ordinance to include enforcement of violations.

Mr. Batts discussed the issues he and his staff have had with home occupations and not being able to enforce violations due to the lack of an ordinance saying, "Thou shall not...". This makes it extremely difficult for Code Enforcement to address citizen's complaints.

Cmr. Harmon moved to direct City Attorney to create an ordinance to provide a means of enforcement for home occupation businesses. Motion was seconded by Cmr. Barnett and passed 5-0.

**4B. Review and discuss the Kerrville Comprehensive Plan, " Link to the Future".**

Mr. Browning stated Commissioners' requested to review and discuss the Kerrville Comprehensive Plan.

Commissioners discussed a cross between "pushing the envelope of overregulation" and developing the city to be aesthetically pleasing. They also discussed their function of reviewing the comprehensive plan periodically instead of waiting for several years to pass or only as needed due to a requested change. They also discussed waiting to proceed until after a new city planner has been hired and giving the new city manager time to review the plan himself.

**5. STAFF REPORTS**

Mr. Browning reported there is nothing scheduled at this time. The next tentative meeting will be April 20, 2017.

**6. ADJOURNMENT**

This meeting was adjourned at 5:11 p.m.



# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 2B  
Hearing Date: June 15, 2017  
Representative: Staff

## Proposal

Review and approval of the minutes from the May 4, 2017 meeting.

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

**May 4, 2017**

### **MEMBERS PRESENT:**

Bob Waller, Chairman  
Garrett Harmon, Vice-Chair  
Don Barnett, Commissioner  
Michael Sigerman, Commissioner  
Rustin Zuber, Commissioner  
David Jones, Alternate  
Marty Lenard, Alternate

### **MEMBERS ABSENT:**

### **CITY COUNCIL LIASON:**

Glenn Andrew (not present)

### **STAFF PRESENT:**

Gordon Browning, Interim City Planner  
Danny Batts, Chief Building Official/Director of Building Services  
Donna Bowyer, Code Enforcement Officer  
Dorothy Miller, Recording Secretary

### **CALL TO ORDER:**

On May 4, 2017, Cmr. Waller called the Kerrville Planning and Zoning Commission regular meeting to order at 4:30 p.m. in the City Hall Council Chambers, 701 Main Street, Kerrville, Texas.

### **1. VISITORS/CITIZENS FORUM:**

Mr. Hoppe introduced Gordon Browning, Interim City Planner. Mr. Browning has had a long municipal career, over 30 years, retired, but spent just over 10 years in Mesquite, about six years with the City of Kerrville, and went into his interim role and has since served in Big Springs, Abilene, and Castorville and now has come back to help the City of Kerrville while they search for a new city planner.

**2. 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.

**2A. Approval of the minutes from the January 19, 2017 meeting**

Cmr. Harmon moved to approve the minutes as presented. Motion was seconded by Cmr. Barnett and passed 5-0.

**2B. Approval of the minutes from the February 2, 2017 meeting**

Cmr. Harmon moved to approve the minutes as presented. Motion was seconded by Cmr. Barnett and passed 5-0.

**2C. Approval of the minutes from the March 2, 2017 meeting**

Cmr. Harmon moved to approve the minutes as amended. Motion was seconded by Cmr. Barnett and passed 5-0.

**3. ITEMS FOR DISCUSSION:**

**3A. Review and discuss “Home Occupations”, as defined in Article 11-I-3 (57), of the City Of Kerrville Zoning Code.**

Staff and commissioners discussed the draft document to amend the home occupation ordinance, including the possibility of registration of businesses, registration fees, and automatic yearly renewal.

**4. STAFF REPORT:**

Mr. Browning stated the next meeting will be Thursday, June 1, 2017. There will be several items presented so he is expecting the meeting to last longer than usual.

**5. ADJOURNMENT:**

This meeting was adjourned at 5:53 p.m.



# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 2C  
Hearing Date: June 15, 2017  
Representative: Staff

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## **Proposal**

Review and approval of the minutes from the June 1, 2017 meeting.

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

**June 1, 2017**

### **MEMBERS PRESENT:**

Bob Waller, Chairman  
Garrett Harmon, Vice-Chair  
Don Barnett, Commissioner  
Michael Sigerman, Commissioner  
David Jones, Alternate  
Marty Lenard, Alternate

### **MEMBERS ABSENT:**

Rustin Zuber, Commissioner

### **STAFF PRESENT:**

Gordon Browning, Interim City Planner  
Dorothy Miller, Recording Secretary

### **CALL TO ORDER:**

On June 1, 2017, Cmr. Waller called the Kerrville Planning and Zoning Commission regular meeting to order at 4:30 p.m. in the City Hall Council Chambers, 701 Main Street, Kerrville, Texas.

#### **1. VISITORS/CITIZENS FORUM:**

No one spoke.

#### **2. 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.

2A. Approval of the minutes from the March 16, 2017 meeting.

Cmr. Barnett moved to approve the minutes as presented. Motion was seconded by Cmr. Harmon and passed 5-0.

3A. **Consideration & Action, Preliminary Plat** – Consideration and action concerning a proposed preliminary plat for Comanche Trace, Phase 13, a subdivision containing 13.4 acres of land, more or less, out of the William Watt Survey No. 65, Abstract No. 364 in the City of Kerrville, Kerr County, Texas, being part of 1131.78 acres conveyed from Crystal Land Company, LLC, to Comanche Trace Ranch and Golf Club, LLLP, by a special warranty deed executed the 17<sup>th</sup> day of September, 1998 and recorded in Volume 9071, Page 698 of the real property records of Kerr, County, Texas. (File No. 2017-030)

Mr. Browning presented the case and asked Commissioners to render a decision.

Cmr. Sigerman moved to approve the preliminary plat. Motion was seconded by Cmr. Barnett and passed 5-0.

#### **4. PUBLIC HEARINGS AND ACTION**

4A. **Public Hearing & Action, Replat** – Public hearing, consideration, and action concerning a request for replat of Lots 2 and 3, Block 3, Kerrville North, a subdivision containing 1.0 acres, more or less, out of the Patrick Fleming Survey No.666, Abstract No. 145 in the City of Kerrville, Kerr County, Texas, according to the plat of record in Volume 3, Page 121, Plat Records of Kerr County, Texas, located at 715 and 719 Alpine Drive. (File No. 2017-020).

Mr. Browning presented the case and asked Commissioners to render a decision.

Cmr. Waller opened the public hearing at 4:39 p.m. Hearing no one speak, Cmr. Waller closed the public hearing at 4:40 p.m.

Cmr. Harmon moved to approve the replat as presented. Motion was seconded by Cmr. Lenard and passed 5-0.

4B. **Public Hearing & Action, Replat** – Public hearing, consideration, and action concerning a request for replat of Lots 6 and 7, Harper Village, a subdivision containing 0.115 acres, more or less, in the City of Kerrville, Kerr County, Texas, according to the plat of record in Volume 4, Page 67, Plat Records of Kerr County, Texas, located at 252 and 254 Old Oaks Path. (File No. 2017-021).

Mr. Browning presented the case and asked Commissioners to render a decision.

Cmr. Waller opened the public hearing at 4:40 p.m. Ms. Margaret Setnan spoke asking if lots 6 and 7 will remain the same. Mr. Gordon and commissioners stated boundary lines will remain the same and will not change. Ms.

Hearing no one else speak, Cmr. Waller closed the public hearing at 4:42 p.m.

Cmr. Barnett moved to approve the replat as presented. Motion was seconded by Cmr. Sigerman and passed 5-0.

4C. **Public Hearing & Action, Replat** – Public hearing, consideration, and action concerning a request for replat of a portion of Lots 1-6, Block 9, a portion of H Street, and a portion of Lots 1-5, Block 10, J.A. Tivy's Addition to the City of Kerrville recorded in Volume P, Page 16, Plat Records, Kerr County, Texas, and being all of that certain 0.342 of one acre tract recorded in document No. 16-06322, official public records of Kerr County, Texas, all of that certain 2.404 acre tract recorded in document No. 16-06323, official public records of Kerr County, Texas, all of certain 1.357 acre tract recorded in document No. 16-06324, official public records of Kerr County, Texas, and 0.396 of one acre tract being a portion of H Street recorded in document No. 17-01162, official public records of Kerr County, Texas, containing 4.135 acres, more or less, in the City of Kerrville, Kerr county, Texas, according to the Plat Records of Kerr County, Texas, located at 1709 Water Street. (File No. 2017-026).

Mr. Browning asked for postponement of action per applicant's request; however, a public hearing should still be held.

Cmr. Waller opened the public hearing at 4:46 p.m. Hearing no one speak, Cmr. Waller closed the public hearing at 4:47 p.m.

Cmr. Lenard moved to postpone action until the June 15, 2017 meeting. Motion was seconded by Cmr. Harmon and passed 5-0.

4D. **Public Hearing & Action, Replat** – Public hearing, consideration, and action concerning a request for replat of Lots 97 and 98, Block 20, G. R. Parsons Addition, a subdivision containing 0.41 acres, more or less, out of the John Young Survey No. 118, Abstract No. 376 in the City of Kerrville, Kerr County, Texas, according to the plat of record in Volume P, Page 7, Plat Records of Kerr County, Texas, located at 202 West Davis Street. (File No. 2017-029).

Mr. Browning presented the case and asked Commissioners to render a decision.

Cmr. Waller opened the public hearing at 4:48 p.m. Hearing no one speak, Cmr. Waller closed the public hearing at 4:49 p.m.

Cmr. Sigerman moved to approve the replat as presented. Motion was seconded by Cmr. Lenard and passed 5-0.

4E. **Public Hearing & Action, Conditional Use Permit** – Public hearing and consideration of a resolution concerning a requested Conditional Use Permit for "bed and breakfast" for an approximate 2.07 acre tract situated in the Francisco Martinez Survey No. 123, Abstract No. 247, Kerr County, Texas, located at 2031 Arcadia Loop. (File No. 2017-023).

Mr. Browning asked commissioners to hear items 4E and 4F simultaneously before consideration. He then presented the two cases and asked Commissioners to render a decision.

Cmr. Waller opened the public hearing at 4:49 p.m. Mr. Hal Ridout, applicant, spoke stating his plans and visions for his request for a conditional use permit.

Mr. Charlie MacIlvain and Mr. Brian O'Conner spoke in favor on the conditional use permit.

Hearing no one else speak, Cmr. Waller closed the public hearing at 5:05 p.m.

Mr. Sigerman moved to approve the conditional use permit as presented. Motion was seconded by Mr. Harmon and passed 5-0.

4F. **Public Hearing & Action, Conditional Use Permit** – Public hearing and consideration of a resolution concerning a requested Conditional Use Permit for “bed and breakfast” for an approximate 2.31 acre tract situated in the Francisco Martinez Survey No. 124, Abstract 247, Kerr County, Texas, located at 2021 Arcadia Loop. (File No. 2017-024).

Mr. Browning presented the case and asked Commissioners to render a decision.

Public hearing for this item was held simultaneously with item 4E.

Mr. Barnett moved to approve the conditional use permit as presented. Motion was seconded by Mr. Sigerman and passed 5-0.

4G. **Public Hearing & Action, Conditional Use Permit** – Public hearing and consideration of a resolution concerning a requested Conditional Use Permit for “vehicle sales/service used” for an approximate 1.69 acre tract, being Lot 1A and a part of Lot 2, Block One, Adams Subdivision, located at 1750 Junction Hwy. (File No. 2017-032).

Mr. Browning presented the case and asked Commissioners to render a decision.

Mr. Waller opened the public hearing at 5:09 p.m. Dr. John Sheehan spoke in favor of the conditional use permit. However, he had some concerns regarding drainage.

Ms. Edith Thomas spoke wanting to know the effects of noise level and traffic issues.

Mr. Kirk Storey, applicant, spoke and discussed the scope of his project. He stated there will be no service to cars, only buying and selling.

Mr. Bruce Stracke spoke making a general comment from a commercial standpoint. He addressed impervious cover, which is required by the city, and suggested looking at pervious cover. He also stated there is no tree or grading ordinance in the city, which he also suggested should be looked at.

Hearing no one else speak, Mr. Waller closed the public hearing at 5:36 p.m.

Mr. Harmon moved to postpone action until commissioners have a distance number off of the front property line to apply to the conditional use, to be presented at the June 15, 2017 meeting. Motion was seconded by Mr. Lenard and passed 5-0.

## **5. STAFF REPORTS**

Mr. Browning reported the next meeting will be Thursday, June 15, 2017 at 4:30 p.m.

## **6. ADJOURNMENT**

This meeting was adjourned at 5:39 p.m.



# City of Kerrville Planning Department Report

To: Planning & Zoning Commission

Agenda Item: 3A

Planning File #: 2017-031

Hearing Date: June 15, 2017

Representative: Voelkel Land Surveying, PLLC

Location: Rimrock Drive

Legal Description: A subdivision in Kerr County, containing 3.0 acres of land, more or less, out of the Thomas L. Waddel Survey No. 145, Abstract No. 354, Kerr County, Texas.

Total Acreage: 3.0

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## **Proposal**

A preliminary plat for Price Point, Lot 1.

## **Procedural Requirements**

Notice of this meeting was posted at city hall and on the city's internet website on June 9, 2017 in accordance with Section 551.043(a) of the Texas Government Code.

## **Recommended Action**

Staff recommends that the Commission considers and takes action on the proposal.

## **Staff Analysis and Recommendation: Approval**

Staff recommends approval of the preliminary plat as submitted.





# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 3B  
Planning File #: 2017-038  
Hearing Date: June 15, 2017  
Representative: Domingues & Associates  
Location: Robby Drive  
Legal Description: A subdivision in Kerr County, containing 5.33 acres of land more or less, out of the Rowland Nichols Survey No. 126, Abstract No. 262, Kerr County, Texas.  
Total Acreage: 5.33

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## Proposal

A preliminary plat for Tinco Industry Addition Block One, Lot 1.

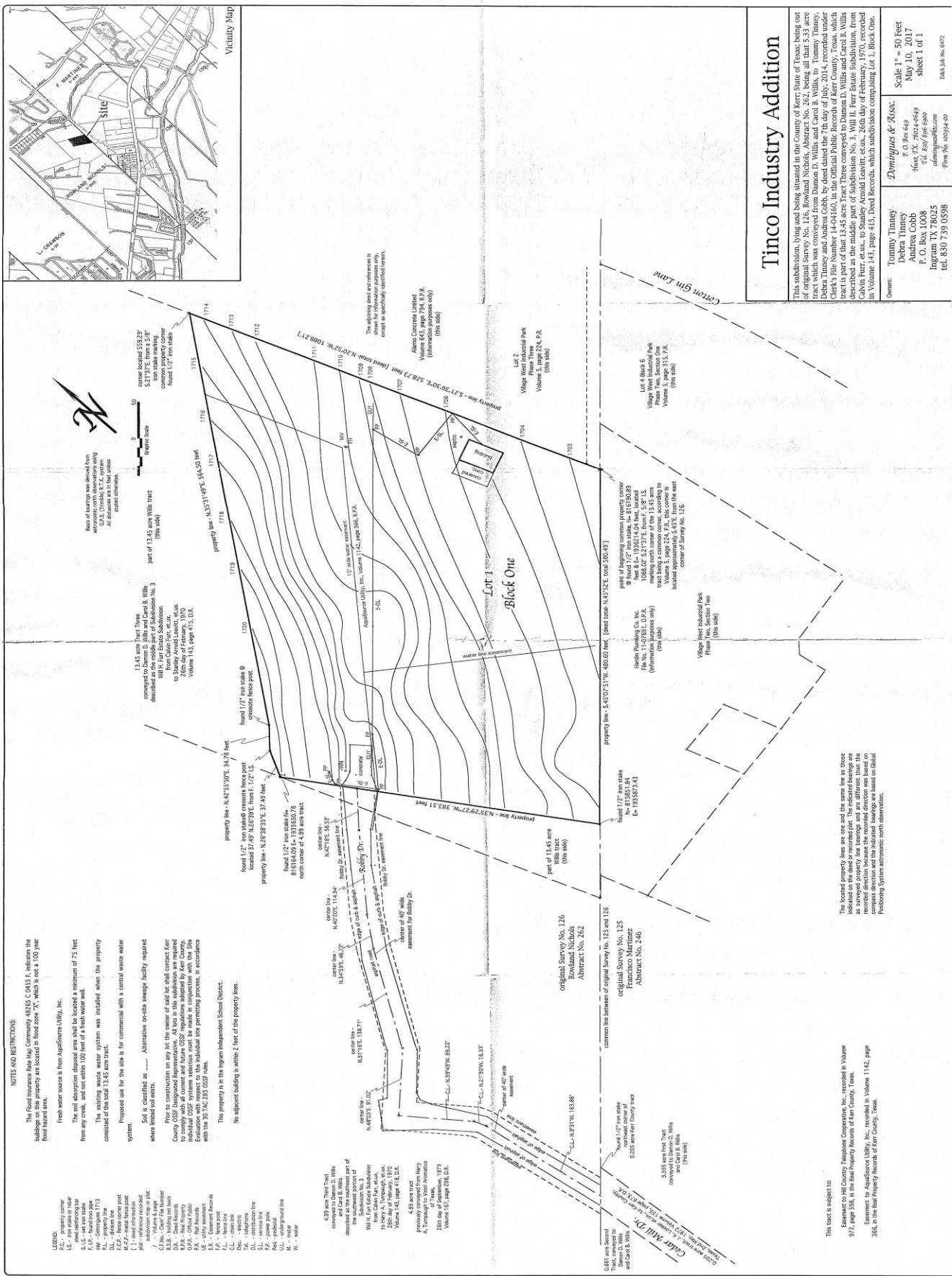
## Procedural Requirements

Notice of this meeting was posted at city hall and on the city's internet website on June 9, 2017 in accordance with Section 551.043(a) of the Texas Government Code.

## Staff Analysis and Recommendation: Approval

Staff recommends approval of the preliminary plat, subject to;

1. Remove buildings/structures and topo from the final plat,
2. Show width and dimensions for all existing and/or proposed easements,
3. Show Robby Drive pavement section width,
4. Add all necessary /required signatures for plat recording, City and County, and
5. If known, provide County review schedule and Commissioner's Court date.



Tinco Industry Addition

This subdivision, lying and being situated in the County of Kent, State of Texas being out of original Survey No. 126, Rowland Nichols, Abstract No. 262, being all that 5.35 acre tract which was conveyed from Damon by D. Wills and Carol B. Wills, to Tommy Tunney, Debra Tunney and Andrew Cobb, by deed dated the 1st day of July, 2014, recorded under Clerk's Number 14-04160, in the Official Public Records of Kent County, Texas, which tract is part of that 14.35 acre tract. Three conveyed to Damon D. Wills and Carol B. Wills.

described as the middle part of Subdivision No. 3, Will H. Fair Estate Subdivision, from the corner of Main Street and 14th Street, to the 15th Street corner, with the exception of the 1/2 block one-half mile west of the intersection of Main Street and 14th Street, in the City of Ingram, Texas, in Volume 145, Block 155, Bexar County, Texas.

Preliminary - printed for review purposes only this document shall not be recorded for any purpose  
tel. 830 739 0598 Firm No. 100934-00 D&A Job No. 64172



# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 3C  
Planning File #: 2017-041  
Hearing Date: June 15, 2017  
Representative: Gary Max Brandenburg Land Surveying  
Location: 1225 Bandera Hwy  
Legal Description: 4.54 acre tract, more or less, being part of the William C. Francis Survey No. 146, Abstract No. 137, City of Kerrville, Texas.  
Total Acreage: 4.54

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## Proposal

A final plat for Bandera Highway Mega Storage Phase 2, Block 1, Lot 1.

## Procedural Requirements

Notice of this meeting was posted at city hall and on the city's internet website on June 9, 2017 in accordance with Section 551.043(a) of the Texas Government Code.

## Recommended Action

Staff recommends that the Commission considers and takes action on the proposal.

## Staff Analysis and Recommendation: Approval

### **1. Requirements and Guidelines:**

The proposal has met all of the requirements and guidelines in accordance with Article 10-IV of the City of Kerrville Subdivision Ordinance.





# City of Kerrville Planning Department Report

To: Planning & Zoning Commission

Planning File #: 2017-026

Agenda Item: 3D

Hearing Date: June 15, 2017

Representative: Jeff Boerner (M.D.S. Land Surveying Co., Inc.)

Location: 1709 Water Street

Legal Description: A portion of Lots 1-6, Block 9, a portion of H Street, and a portion of Lots 1-5, Block 10, J.A. Tivy's Addition to the City of Kerrville recorded in Volume P, Page 16, Plat Records, Kerr County, Texas, and being all of that certain 0.342 of one acre tract recorded in document No. 16-06322, official records of Kerr County, Texas, all of that certain 2.404 acre tract recorded in document No. 16-06323, official public records of Kerr County, Texas, all of certain 1.357 acre tract recorded in document No. 16-06324, official public records of Kerr County, Texas, and a 0.396 of one acre tract being a portion of H Street recorded in document No. 17-01162, official records of Kerr County, Texas, containing 4.135 acres, more or less, in the City of Kerrville, Kerr County, Texas, according to the Plat Records of Kerr County, Texas.

Total Acreage: 4.135

## Proposal

A replat of a portion of Lots 1-6, Block 9, Lots 1-5, Block 10, J.A. Tivy's Addition and a portion of H Street.

## Procedural Requirements

The application was published in The Hill Country Community Journal, an official newspaper of general circulation on May 17, 2017. Notices were sent to property owners within two hundred (200) feet of the subject property on May 22, 2017. Additionally, notice of this meeting was posted at city hall and on the city's internet website on June 9, 2017 in accordance with Section 551.043(a) of the Texas Government Code.

The Commission held the public hearing for this item at their June 1<sup>st</sup> meeting and postponed action on the item at Staff's request.

## Recommended Action

Staff recommends that the Commission considers and takes action on the proposal.

## Notices Mailed

**Owners of Property within 200 feet: 15**

**Staff Analysis and Recommendation: Approval**

**1. Requirements and Guidelines:**

The proposal has met all of the requirements and guidelines in accordance with Article 10-IV of the City of Kerrville Subdivision Ordinance.

**RIVER TRAIL CABINS**

CREATING LOT 1, BLOCK 1, BEING A REPEAT OF A POSITION OF LOTS 1-6, BLOCK 9, A PORTION OF LOTS 1-5, BLOCK 10, AND A PORTION OF "H" STREET, J.A. TIVY'S ADDITION TO THE CITY OF KERRVILLE, TEXAS, VOLUME P, PAGE 16, PLAT RECORDED IN KERR COUNTY, TEXAS, FOR RECORDING IN THE OFFICE OF THE COUNTY CLERK.

MAIL 2002

CITY PLANNER

SCALE: 1" = 60'

CITY SURVEYOR

CERTIFICATE OF APPROVAL FOR RECORDING  
I HEREBY CERTIFY THAT THE SUBDIVISION PLAT, SIGNATURED AND FOUND TO CONFORM WITH THE SUBDIVISION REGULATIONS FOR KERRVILLE, TEXAS, IN THAT NO PART OF SUCH SUBDIVISION, AND AS IT IS APPROVED FOR RECORDING IN THE OFFICE OF THE COUNTY CLERK, HAS BEEN APPROVED.

CERTIFICATE OF APPROVAL OF STREETS AND UTILITIES  
I HEREBY CERTIFY THAT THE STREETS, UTILITIES AND PUBLIC IMPROVEMENTS INSTALLED IN THIS SUBDIVISION ARE MANUFACTURED AND CONFORM TO CITY OF KERRVILLE STANDARD SPECIFICATIONS IN THE SUBDIVISION ENDED.

MAY, 2012

CITY SURVEYOR

STATE OF TEXAS  
COUNTY OF KERR

THAT HOD PROPERTIES LTD., THE OWNER OF THE PROPERTY, SIGNING AND DESCRIBING THE SAME, AND SWORN AND SAYS, THAT THE SAME IS BEING SUBDIVIDED AND LOCATED AS FOLLOWS: ALL ASSESSMENTS FOR THE PURPOSES NOTED, ARE PROPOSED TO BE ASSESSED IN THE NAME AND CAN NOT DAMAGE AGAINST THE CITY OF KERRVILLE, PROVIDED BY THE ACT OF THE CITY OF KERRVILLE, ANY PORTION OF EXISTING STREETS OR ALLEYS TO CONFORM TO THE GRADE ESTABLISHED IN THE SUBDIVISION.

2017

JAMES T. TIVY

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, LARRY FORD, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE SAME, FOR THE PURPOSES AND CONSIDERATION OF THE EXPRESSED AND DECLARED HEREIN STATED, OATH, UNDER MY HAND AND SEAL, OF THIS, THE DAY OF

NOTARY PUBLIC FOR THE STATE OF TEXAS

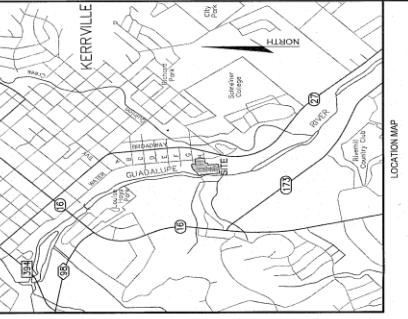
2017

STATE OF TEXAS  
KERR COUNTY

RECORDING POSITION OF  
PETER JAMES TIVY'S TRACT  
DOCUMENT NO. 14-2081  
RE 12, Pg. 1, P.R.

1.037 ACRES  
DOC. NO. 14-2034  
0.25

100' x 100' u



LOCATION MAP



PLAT MAP

NOTES  
1. THIS IS A REPEAT OF A POSITION OF LOTS 1-6, BLOCK 9, A PORTION OF LOTS 1-5, BLOCK 10, AND A PORTION OF "H" STREET, J.A. TIVY'S ADDITION TO THE CITY OF KERRVILLE, TEXAS, VOLUME P, PAGE 16, PLAT RECORDED IN KERR COUNTY, TEXAS, FOR RECORDING IN THE OFFICE OF THE COUNTY CLERK.

REGISTERED PROFESSIONAL LAND SURVEYOR'S CERTIFICATE  
THAT I, JEFF BEINER, SP01, #393, DO HEREBY CERTIFY THAT THE  
SUBDIVISION PLAT, SIGNATURED AND SWORN TO ME IN ACTUAL  
POSSESSION OF THE CITY OF KERRVILLE, TEXAS, FOR RECORDING  
IN THE OFFICE OF THE COUNTY CLERK, IS IN ACCORDANCE  
WITH THE SUBDIVISION ORDINANCE OF THE CITY OF KERRVILLE, TEXAS.  
RECORDED IN THE OFFICE OF THE CITY OF KERRVILLE, TEXAS,  
ON THE 17<sup>th</sup> DAY OF MAY, 2017, AT 00:00 C.S.T.  
IN DOCUMENT NO. 14-2082.  
RECORDED IN THE OFFICE OF THE CITY OF KERRVILLE, TEXAS,  
ON THE 17<sup>th</sup> DAY OF MAY, 2017, AT 00:00 C.S.T.  
IN DOCUMENT NO. 14-2082.  
RECORDED IN THE OFFICE OF THE CITY OF KERRVILLE, TEXAS,  
ON THE 17<sup>th</sup> DAY OF MAY, 2017, AT 00:00 C.S.T.  
IN DOCUMENT NO. 14-2082.

MAY, 2017

JEFF BEINER, SP01, #393

MS LAND SURVEYING, CO., INC.

6 SPENCER ROAD

PO BOX 1000

POE, TEXAS 78061-1000

PHONE: (830) 622-1518

FAX: (830) 622-1519

EMAIL: JEFF@MSLANDSURVEYING.COM

WEBSITE: [MSLANDSURVEYING.COM](http://MSLANDSURVEYING.COM)

ISSUE DATE: 2017-05-17

RECORDED DATE: 2017-05-17

RECORDED BY: REBECCA BROWN

RECORDED IN: KERR COUNTY, TEXAS



# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 3E  
Hearing Date: June 15, 2017  
Representative: Kirk Storey  
Location: 1750 Junction Hwy  
Legal Description: Lot 1A and a part of Lot 2, Block One, Adams Subdivision  
Total Acreage: 1.69

## Proposal

A request for a conditional use permit for “vehicle sales/services used” for an approximate 1.69 acre tract located at 1750 Junction Hwy.

## Procedural Requirements

The application was published in The Hill Country Community Journal, an official newspaper of general circulation on May 17, 2017. Notices were sent to property owners within two hundred (200) feet of the subject property on May 22, 2017. Additionally, notice of this meeting was posted at city hall and on the city’s internet website on June 9, 2017 in accordance with Section 551.043(a) of the Texas Government Code.

The Commission held the public hearing for this request at their June 1<sup>st</sup> regular meeting. Issues addressed by neighboring property owners concerned the natural tree line separating this property and the residential property at the rear and increased traffic noise from Junction highway (SH 27). No one spoke in opposition to the request.

## Recommended Action

Staff recommends that the Commission hold the required public hearing to receive public comments and make a recommendation to the City Council.

## Notices Mailed

**Owners of Property within 200 feet: 20**

## Adjacent Zoning and Land Uses

**Direction:** North

**Current Base Zoning:** R-1

**Current Land Uses:** Residential

**Direction:** East and West

**Current Base Zoning:** 4-W  
**Current Land Uses:** Vacant, Office

### **Transportation**

**Thoroughfare:** Junction Hwy (State Highway 27)

**Existing Character:** Two lanes in each direction

**Proposed Changes:** None Known

### **Staff Analysis and Recommendation: Approval**

#### **1. Consistency:**

The property's land use designation is General Commercial. The existing base zoning district, District 4-W, is not being amended at this time.

#### **2. Adverse Impacts on Neighboring Lands:**

The applicant has been operating the use, used vehicle sales, at this location for some time. The requested CUP will make the use legal in the current zoning district. No additional impact to the commercial area should be caused as a result of this CUP. The proposed CUP will not require the construction of any new structures.

#### **3. Suitability as Presently Zoned:**

The subject property currently allows by right uses that involve or require outdoor storage or display as part of their use, i.e., automotive towing services, car washes, mini-storage, businesses engaged in the sale of storage buildings, etc. The requested CUP would have minimal impact on the surrounding area. Any future growth beyond that shown on the submitted materials will require an amendment to the CUP through a public hearing process before the Planning and Zoning Commission and City Council.

#### **4. Health, Safety and Welfare:**

Staff has found no indication of likely adverse effects on the public health, safety, or welfare.

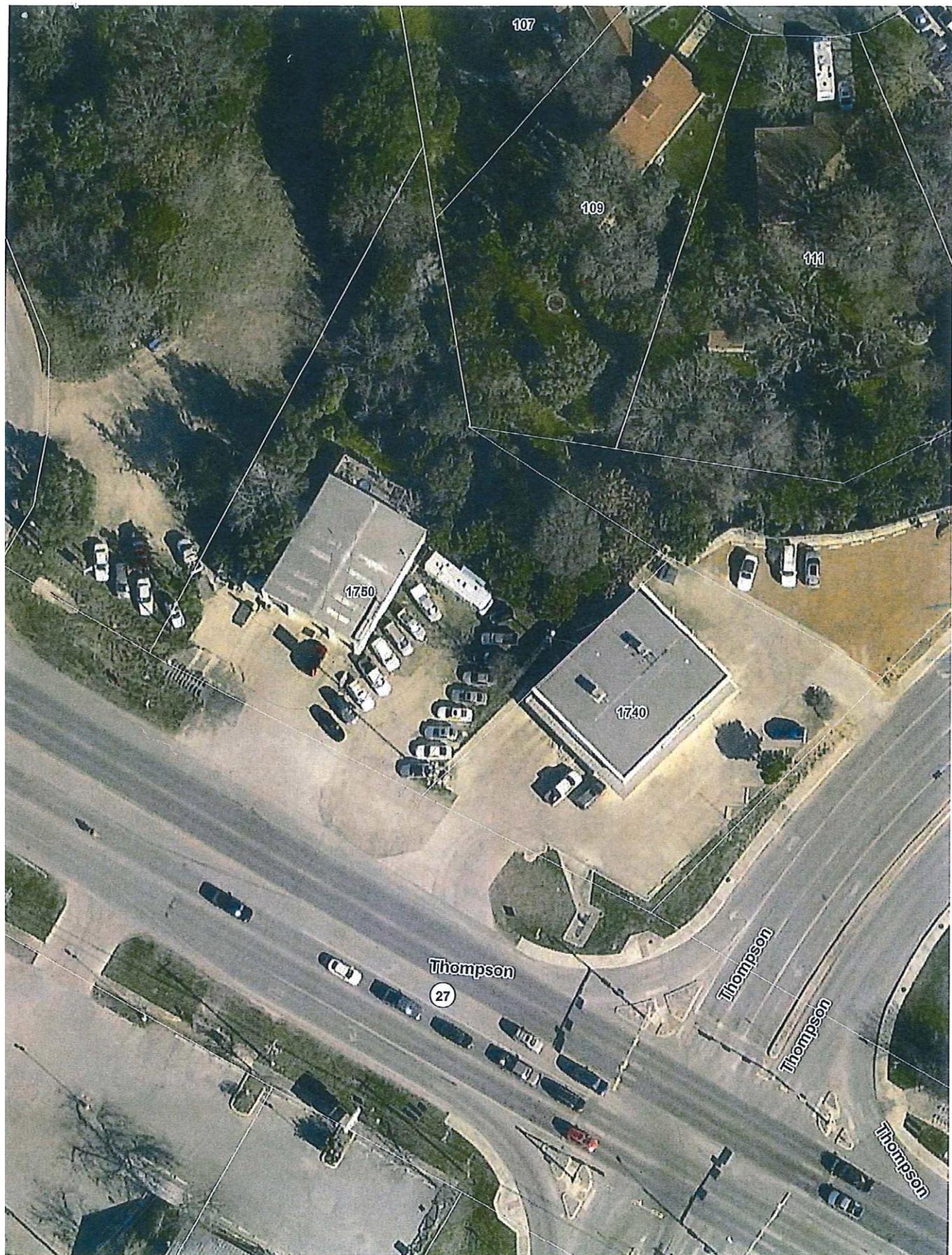
#### **5. Size of Tract:**

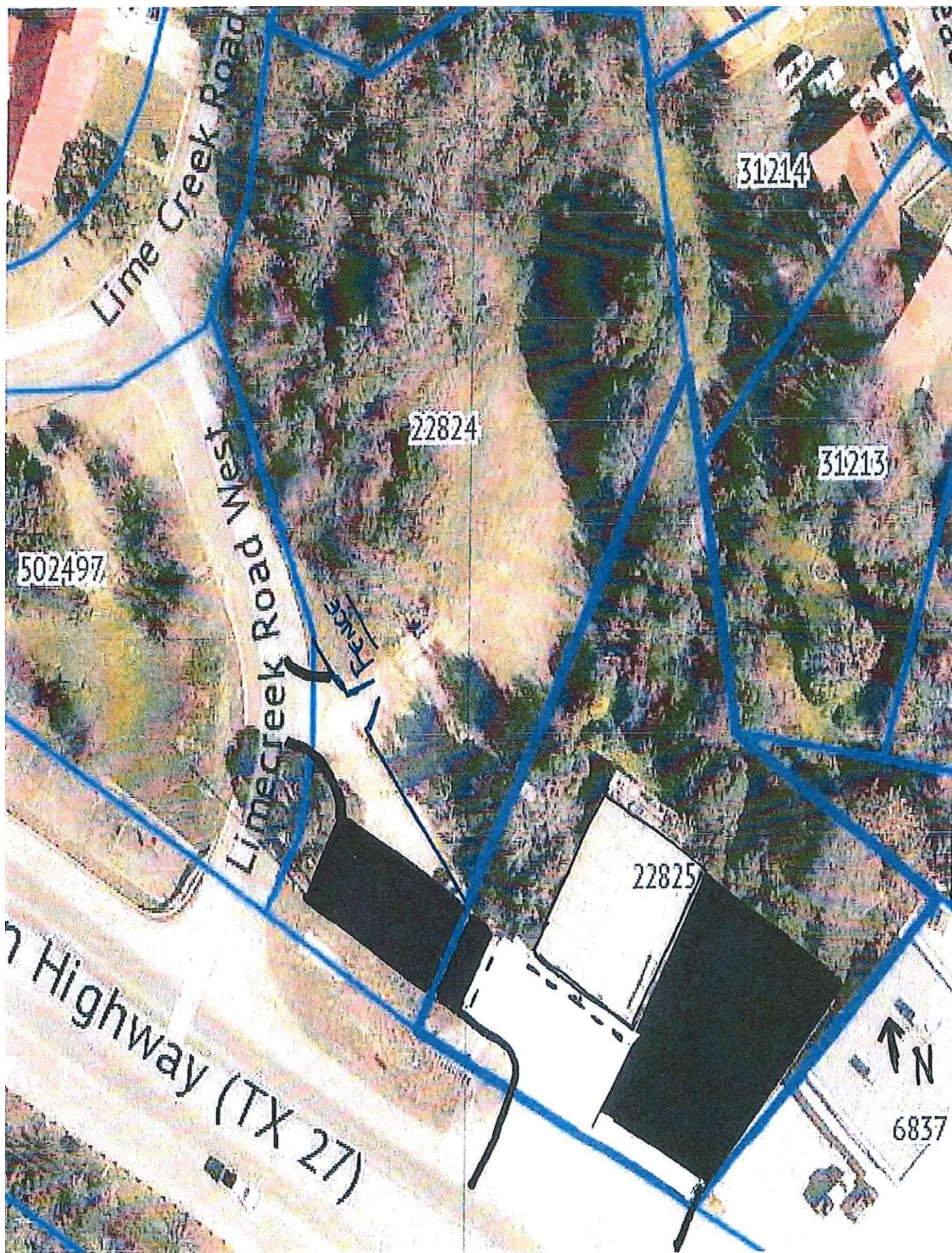
The subject property is approximately 1.69 acres in size, which should be able to reasonably accommodate the proposed "vehicle sales/service used", as proposed.

#### **6. Other Factors:**

Meets and abides to all requirements in accordance with Chapter I, "The City of Kerrville Zoning Code" Article 11-I-13, Conditional Use Permits,

If the Commission agrees Staff recommends; Approval of a conditional use permit for vehicle sales used, in the area depicted in Exhibit A, attached, approximately 25,838 square feet. All parking areas shall be placed in accordance with the City of Kerrville Zoning Code.





## Locomotion Auto Sales

### CUP Additional Information

- 1) Parking has been inserted in the site plan, 5 existing spots for the existing building @ Appliances Plus and 2 additional also existing, for the proposed lot on the east side of the building. In addition there will be 2 dedicated spots on the new asphalt parking lot proposed on the west side of the building. \*\*\*\*\*NEW DIAGRAM ATTACHED
- 2) The proposed site does require a license from the Texas DMV which has been applied for and obtained. Current State License # P129436 for Kirk Storey DBA Locomotion Auto Sales expires April 30<sup>th</sup> 2019. Renewable every 2 years.
- 3) There are NO locations within 1000 feet that have the same or similar uses.
- 4) There is one contiguous property Peterson Urgent Care, medical care facilily.
- 5) Information regarding sale of 05 acres to Terry Napper \*\*\*ATTACHED



## Proposed CUP Area

Case # 2017-032

Location:  
1750 Junction Hwy

**EXHIBIT A**

### Legend

Subject Properties 

Proposed CUP Area 

Lot

Street Right of Way



0 12.5 25 50

Scale In Feet

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only approximate relative locations.



# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 4A  
Planning File #: 2016-037  
Hearing Date: June 15, 2017  
Representative: Pfeiffer Land Surveying  
Location: 1405 and 1407 Sidney Baker  
Legal Description: Sidney Baker Community Plaza, Lots 1 and 2, part of Lot 1, Block 1, Keystone Addition.  
Total Acreage: 4.128

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## Proposal

A replat of Lots 1 and 2, Sidney Baker Community Plaza and part of Lot 1, Block 1, Keystone Addition.

## Procedural Requirements

Notice of this meeting was posted at city hall and on the city's internet website on June 9, 2017 in accordance with Section 551.043(a) of the Texas Government Code.

## Recommended Action

Staff recommends that the Commission considers and takes action on the proposal.

## Staff Analysis and Recommendation: Approval

### **1. Requirements and Guidelines:**

The proposal has met all of the requirements and guidelines in accordance with Article 10-IV of the City of Kerrville Subdivision Ordinance.





# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 4B  
Planning File #: 2017-035  
Hearing Date: June 15, 2017  
Representative: Domingues & Associates  
Location: 2590 Junction Hwy  
Legal Description: Lots 1, 2, 1-A, 2-A, 19 and part of Cummings Lane, Midway Center, an unrecorded commercial subdivision in Kerr County, Texas.  
Total Acreage: 2.55

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## Proposal

A replat of Lots 1, 2, 1-A, 2-A, 19 and part of Cummings Lane, Midway Center.

## Procedural Requirements

Notice of this meeting was posted at city hall and on the city's internet website on June 9, 2017 in accordance with Section 551.043(a) of the Texas Government Code.

## Recommended Action

Staff recommends that the Commission considers and takes action on the proposal.

## Staff Analysis and Recommendation: Approval

### **1. Requirements and Guidelines:**

The proposal has met all of the requirements and guidelines in accordance with Article 10-IV of the City of Kerrville Subdivision Ordinance.





# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 4C  
Planning File #: 2017-039  
Hearing Date: June 15, 2017  
Representative: Voelkel Land Surveying, PLLC  
Location: 385 Goat Creek Cut-Off  
Legal Description: Lots 7, 8, 17, & 18, Block 6, Oaks Heights Addition.  
Total Acreage: 3.64

## **Proposal**

A replat of Lots 7, 8, 17, & 18, Block 6, Oaks Heights Addition.

## **Procedural Requirements**

Notice of this meeting was posted at city hall and on the city's internet website on June 9, 2017 in accordance with Section 551.043(a) of the Texas Government Code.

## **Recommended Action**

Staff recommends that the Commission considers and takes action on the proposal.

## **Staff Analysis and Recommendation: Approval**

### **1. Requirements and Guidelines:**

The proposal has met all of the requirements and guidelines in accordance with Article 10-IV of the City of Kerrville Subdivision Ordinance.





# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 4D  
Planning File #: 2017-033  
Hearing Date: June 15, 2017  
Representative: Matkin-Hoover Engineering  
Location: Comanche Trace Drive, between Phases 4 and 11  
Legal Description: An approximately 11.341 acre tract, more or less, located in the William Watt Survey No. 65, Abstract No. 364, Kerr County, Texas.  
Total Acreage: 11.341

## **Proposal**

A request for annexation and zoning of an 11.341 acre tract, being a portion of a certain 1131.78 acre tract in Volume 971, Page 698, Property Records of Kerr County, Texas. Said tract being part of Comanche Trace Phase 13.

## **Procedural Requirements**

The notice of public hearing was published in The Hill Country Community Journal, an official newspaper of general circulation on May 31, 2017. Additionally, notice of this meeting was posted at city hall and on the city's internet website on June 9, 2017 in accordance with Section 551.043(a) of the Texas Government Code.

## **Recommended Action**

Staff recommends that the Commission hold the required public hearing to receive public comments and make a recommendation to the City Council.

## **Staff Analysis and Recommendation: Approval**

As described above, the subject 11.341 acre tract is part of the 1131.78 acre tract known as Comanche Trace, a golf club and residential community, located in southwest Kerrville. The applicant submitted a preliminary plat for Comanche Trace Phase 13, reviewed and approved by the Commission at their June 6<sup>th</sup> meeting, which per the development agreement between the developer and City acts as a request for voluntary annexation.

In keeping with the residential nature of the development, staff is recommending a zoning classification of Planned Development District – Residential (PDD-Residential), to allow the creation of 28 single family lots. As you can see from the exhibit, Phase 13 also includes six (6) lots and part of Comanche Trace Drive (2.06 acres) previously annexed and zoned.

Staff recommends that the Commission approve and recommend to the City Council the annexation and zoning request of Comanche Trace Phase 13 as submitted.

A PRELIMINARY PLAT ESTABLISHING  
**COMANCHE TRACE, PHASE 13**

BEING 13.40 ACRES OF LAND, MORE OR LESS, OUT OF THE WILLIAM WATT SURVEY NO. 65, ANSTRACT 384, IN KERR COUNTY, TEXAS, AND BEING PART OF 113.78 ACRES CONVEYED FROM CRYSTAL LAND COMPANY, L.L.C., TO OCANACHE TRADE RANCH AND GOLF CLUB, L.L.C., BY A SPECIAL WARRANTY DEED DATED THE 17TH DAY OF SEPTEMBER, 1989, AND RECORDED IN VOLUME 97 AT PAGE 609 OF THE REAL PROPERTY RECORDS OF KERR COUNTY, TEXAS.

CHAIRPERSON

TEXAS INSTITUTE FOR INTELLIGENCE INVESTIGATION  
CONTACT@MATKINDOVER.COM

# MATKIN HOOVER

100 STRICKLER ROAD SUITE 100  
MURKIN, TEXAS 76460  
OFFICE: (208) 349-0600  
FAX: (208) 349-0601

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ENGINEERING  
& SURVEYING

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1000 SHELL ROAD SUITE 100  
MURKIN, TEXAS 76460  
OFFICE: (312) 246-3244



# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 5A  
Planning File #: 2017-027  
Hearing Date: June 15, 2017  
Representative: Staff

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## **Discussion Item: Home Occupation**

Following the discussion at the May 4, 2017 Commission meeting, Staff reviewed the major items of discussion; Registration, Storage, Advertising/Signs, Permitted Home Occupations, Uses Prohibited as Home Occupations and Existing Home Occupations. Proposed changes and/or modifications to the previous sections of the draft are shown in **RED** in this draft.

Please review for further discussion.

## Article 11-I-3 Definitions and Interpretation of Words and Phrases

### Existing:

(57) **Home Occupation:** An occupation, business, or activity occurring in a dwelling unit, or accessory building or garage associated with a dwelling unit, which: (see attached complete definition)

### Proposed:

(57) **Home Occupation:** A home occupation is a business activity conducted in the home or dwelling unit and is further defined in Article 11-I-19 (I), "Home Occupation Regulations".

(57) **Home Occupation:** An occupation/business activity conducted within a home or dwelling unit which is clearly incidental and secondary to the use of the premises for residential purposes and is further defined in Article 11-I-19 (I), "Home Occupation Regulations".

### New Article 11-I-19 (I) – Home Occupation Regulations:

## ARTICLE 11-I-19 SUPPLEMENTAL DEVELOPMENT REQUIREMENTS

### I. Home Occupation

#### A. GENERAL PROVISIONS:

##### 1. SCOPE.

- a. These regulations shall apply in the City's residential Zoning Districts as defined in Article 11-I-10, "Residential Zoning Districts".
- b. These regulations shall not apply to:
  - i. A community home that meets the qualifications imposed under Texas Human Resources Code to be authorized in any district zoned as residential; or
  - ii. Cottage food production operations which fall under the purview of Texas Local Government Code Chapter 211, Subchapter C.

**Note:** The aforementioned exemptions shall not exempt a community home and/or cottage food production operations from applicable development, building and operation codes and regulations of the City.

2. PURPOSE. The purpose of this section is to insure the continuance of the residential character of the City's Residential Districts by permitting only low-intensity home occupations that are clearly incidental and secondary to the primary residential use of the property and that are conducted in a limited manner which creates little exterior indication of the activity and which does not create a nuisance or otherwise adversely

impact the health, safety or welfare of the neighborhood or interfere with their neighbors' peaceful and quite enjoyment of the home and domicile.

3. **REGISTRATION REQUIRED.** Prior to conducting a home occupation, the operator shall register the home occupation by submittal of a completed home occupation registration application form to the Development Services Office.
  - a. The application may be obtained from the Development Services Department and shall, at a minimum, include the following information:
    - i. The address where the home occupation activity will be conducted.
    - ii. The names of the individuals who will be involved in the home occupation activity.
    - iii. A description of the nature and extent of the proposed home occupation activity.
    - iv. The applicant's sworn or affirmed statement that the applicant understands these regulations and that the home occupation activity shall be conducted in compliance with the standards of operation set out in these regulations.
  - b. If the home occupant activity is approved, the form shall clearly state the date of such approval.

**REGISTRATION REQUIRED:** All home occupations shall be required to register upon forms prepared by the City Planner for the purpose and shall include a description of the nature and extent of the activity. The applicant shall sign the form verifying that the activity will be conducted in compliance with the standards of operation set out below. Approval of a home occupation shall be limited to one year, from the date of approval. However, such approval shall be automatically renewed annually unless the applicant provides written notice to the Development Services Department that the home occupation has been discontinued.

*(If the Commission agrees with the new #3 as listed above, #4 EXPIRATION, can be deleted.)*

4. **EXPIRATION.** Approval of a home occupation shall be limited to one year, from the date of approval. However, such approval shall be automatically renewed annually unless the applicant provides written notice to the Development Services Department that the home occupation has been discontinued.

#### **B. STANDARDS OF OPERATION:**

All home occupations shall comply with the following performance standards and limitations, except as specifically stated.

The standards set forth below are to minimize the annoyance and inconvenience to neighboring property owners within residential areas. These standards are intended to allow reasonable and comfortable enjoyment of adjacent and nearby property by their owners and by occupants of neighboring residential dwellings, while providing opportunities for the pursuit of home-based businesses.

All home occupations shall also be subject to any and all provisions of local, state and/or federal regulations and laws that govern such uses.

## 1. EMPLOYEES

No one other than an occupant of the residence shall be engaged in the home occupation.

*(Does the Commission want to consider allowing persons from outside the residence to be engaged in the home occupation.)*

## 2. SPACE AND LOCATION

The maximum area used for the home occupation shall not exceed 25% of the living area of the residence, including storage areas.

## 3. STORAGE

- a. Storage shall be enclosed within the residence, which includes an attached garage.
- b. If, outside storage is required in conjunction with a home occupation, such storage shall not be visible from the public right-of-way.

**Storage shall be enclosed within the residence, attached garage or permitted accessory building. Outside storage in conjunction with a home occupation shall be prohibited.**

## 4. ALTERATIONS

No exterior alterations to the dwelling, such as the creation of a separate entrance, which changes the residential appearance or character shall be permitted.

## 5. EQUIPMENT

The installation, storage or use of any equipment or machinery not normally found in a household or general office shall be prohibited.

## 6. SALES AND DISPLAY

Direct, on-site sales, retail or wholesale and/or the display of goods or products on the premises shall be prohibited.

## 7. NUISANCES

The creation of any noise, odors, vibrations, glare, fumes or electrical interference which is detectable outside the structure shall be prohibited.

## 8. DELIVERIES

No deliveries related to the home occupation shall be permitted by vehicles of more than two (2) axles.

## 9. TRAFFIC

Home occupations shall not involve the regular visits of clients, employees or any other persons to the residence to the conduct of the home occupation.

## 10. ADVERTISING/SIGNS

The home occupation shall not be advertised by any sign on the premises. No advertising shall be placed in any media which contains the address of the property or otherwise encourages clients to visit the residence.

**Home occupations may have one (1) non-illuminated sign, the sign may be flush mounted to the residence and shall not exceed one square foot in size or may be place in the front yard, no closer than 20 feet to the property line and shall not exceed six (6) square feet in size and three (3) feet in height. The sign may indicate the name of the occupant and the permitted home occupation.**

### C. PERMITTED HOME OCCUPATIONS:

The following uses shall require registration as stated above, provided that full compliance with the standards of operation are followed, except as modified herein.

1. Home office's conducting traditional office functions for off-site activities as well as professional offices, provided client contacts/consultations are conducted off-site.
2. Individual tutoring or lessons in art, dance, music or similar activities are permitted, provided that a maximum of five (5) students per day shall be permitted at the residence.
3. Counseling and therapy services are permitted provided that a maximum of five (5) clients per day shall be permitted at the residence.
4. Author, artist, artisan or sculptor studios are permitted provided that full compliance with all standards of operation stated above are met.
5. Dressmaker, seamstress or tailor services are permitted provided that a maximum of five (5) clients per day shall be permitted at the residence.
6. Repair of small electrical appliances, cameras, watches, clocks and/or other small items are permitted, provided that the item can be carried by one person and that full compliance with all standards of operation stated above are met.
7. Uses involving small scale/item assembling such as arts and craft items.

### D. USES PROHIBITED AS HOME OCCUPATIONS:

Except as specifically authorized, the following uses are prohibited as home occupations;

1. On-site retail or wholesale sales of any kind where customers visit the residence.
2. Vehicle repair and service of any type, to include boats and recreational vehicles.
3. Uses involving the breeding, boarding **or kenneling** of animals.
4. Repair services for large appliances, furniture, lawn mowers or similar engine repair.
5. Uses involving manufacturing and/or assembling.
6. Uses involving the sale of fire arms, ammunition or explosives.
7. **Medical offices and/or clinics.**
8. **Barber and/or beauty shops including nail salons.**
9. **Uses performed or operated in an accessory building (excluding storage in conjunction with a permitted home occupation).**

### E. ADMINISTRATION:

The City Planner shall make all determinations as to whether any aspect of a proposed home occupation complies with the requirements of these regulations. However, whenever the City

Planner deems it to be warranted the City Planner may submit an application for a home occupation activity request to the Planning and Zoning Commission and City Council for review under the requirements regarding a Conditional Use Permit (Article 11-I-13). In such instance, the applicant shall be required to pay all applicable fees associated with a Conditional Use Permit application.

**F. EXISTING HOME OCCUPATIONS:**

Any home occupation that was legally in existence, and not operating in violation of any local, state or federal law or regulation, as of the effective date of these regulations but, that is not in full conformity with these regulations shall be deemed a legal nonconforming use and may continue in accordance with Article 11-I-16 (Non-Conforming Uses) of the Zoning Code.

**This exception does not include the following uses; vehicle repair and service of any type, repair services for large appliances, uses involving the sale/repair of firearms, ammunition and/or explosives.**

Non-Conforming home occupation operators shall be required to prove the continuation of the lawful non-conforming use. Proof may be established by the registration of the non-conforming use by submittal to the City Planner, and approved by the City Planner, of a home occupation registration application within 90 days of the effective date of these regulations. Failure to register a non-conforming use shall cause a presumption that the use is not legally non-conforming and the City Planner may take action to require the discontinuance of such use, provided that the non-conforming use operator may appeal the City Planner's action to the Board of Adjustment so long as such appeal is taken within the time period prescribed in the Zoning Code for appeals of administrative decisions.