



**CITY OF KERRVILLE PLANNING & ZONING COMMISSION AGENDA  
REGULAR MEETING, NOVEMBER 1, 2018 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 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 on 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 October 4, 2018 meeting.

**3. PUBLIC HEARING, CONSIDERATION & ACTION**

**3A.** Public hearing, consideration, and action to recommend a resolution to allow a Conditional Use Permit for an Electric Facility (Solar Facility) on approximately 4.465 acres of land out of the Samuel Wallace Survey No. 114, Abstract No. 348 in the City of Kerrville, Kerr County, Texas, and generally located in the 2000 block of Singing Wind Drive. (File No. 2018-068)

**3B.** Public hearing, consideration, and action to recommend an ordinance for a zoning change from "11-C" to Central Business District, "CBD," on approximately 6.79 acres of land consisting of Lots 1 and 2, Block 1, of the H.E.B. Addition, and Lots 300, 301, 302, 348, and 349, Block 48, of the Schreiner 2nd Addition, more commonly known as 212, 220, and 300 Main Street and 217 Jefferson Street. (File No. 2018-073)

**4. STAFF REPORT**

**5. ADJOURNMENT**

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: October 29, 2018 at 12:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

\_\_\_\_\_  
Cheryl Brown  
Interim City Secretary, City of Kerrville, Texas



# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 2A  
Action: Approval, approval with specific changes  
Representative: Staff

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## **Members Present:**

Bob Waller, Chair  
Garrett Harmon, Vice-Chair  
David Jones, Commissioner  
Rustin Zuber, Commissioner  
Jim Brown, Alternate

## **Members Absent:**

Tricia Byrom, Commissioner  
Bill Morgan, Alternate

## **City Executive Staff Present:**

Drew Paxton, Executive Director of Development Services  
Rebecca Pacini, Chief Planning Officer  
E.A. Hoppe, Deputy City Manager  
Mike Hayes, City Attorney  
Kyle Burow, Director of Engineering  
Dorothy Miller, Recording Secretary

## **CALL TO ORDER:**

On October 4, 2018, 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:**

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 Commissioner'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 to 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 minutes for the August 2, 2018 meeting.**

Cmr. Harmon moved to approve the minutes as presented; motion was seconded by Cmr. Jones and passed 4-0, with Cmr. Brown abstaining as he was not a Commissioner at the time of this meeting.

**2B. Approval of the minutes from the August 16, 2018 meeting.**

Cmr. Zuber moved to approve the minutes as presented; motion was seconded by Cmr. Harmon and passed 4-0, with Cmr. Brown abstaining as he was not a Commissioner at the time of this meeting.

**2C. Approval of the minutes from the September 6, 2018 meeting.**

Cmr. Harmon moved to approve the minutes as amended; motion was seconded by Cmr. Brown and passed 5-0.

**3. PUBLIC HEARING, CONSIDERATION AND ACTION**

**3A.** Public hearing, consideration, and action concerning a Development Site Plan for Lots 1-6 Comanche Trace, Phase 13 Addition, a subdivision within the City of Kerrville, Kerr County, Texas, and more commonly known as 3001, 3003, 3005, 3007, 3009, and 3011 Club House Drive. (File No. 2018-066)

Mr. Paxton presented the findings of fact.

Cmr. Waller opened the public hearing at 4:35 p.m. Hearing no one speak, Cmr. Waller closed the public hearing at 4:36 p.m.

Cmr. Harmon moved to recommend approval for the development site plan as presented; motion was seconded by Cmr. Brown and passed 5-0.

**4. CONSIDERATION AND FINAL ACTION**

**4A. Consideration and Final Action, Final Plat** – Consideration and action concerning a Final Plat of Kerrville Sports Complex, a subdivision containing approximately 120.4 acres of land out of the Walter Fosgate Survey No. 120, Abstract No. 138, in the City of Kerrville, Kerr County, Texas, and more commonly known as 111 Home Run Drive and 117 Sweeper Lane. (Case # 2018-070)

Mr. Paxton presented the findings of fact.

Cmr. Zuber moved to approve the final plat as presented; motion was seconded by Cmr. Jones and passed 5-0.

**5. STAFF REPORT:**

Mr. Paxton reported yesterday afternoon was the kickoff for the Code Review Committee the City's consultant, Kimley-Horn. Mr. Mark Bowers met with the Committee yesterday and gave

an orientation of what their project is going to be and looking at a timeline over the next nine to twelve months. The first big item is the zoning ordinance review and amendment overhaul. They will also be looking at subdivision ordinances and regulations as well as a list of other smaller ordinances to review all based off the comprehensive plan. There are approximately 20 to 30 different implementation items they will be reviewing during that next year process. Staff has set aside the second meeting for Planning and Zoning Commission as a workshop to give Commissioners updates throughout the process and may have some public meetings through P&Z and the Code Review Committee during those workshops. The goal for this project, different from the comprehensive plan is, as the Code Review Committee finishing one project it will go through the adoption process as they continue on their next piece rather than collecting all the items and approve all of them at the end. Staff expects to see the zoning code adoption go before P&Z and City Council in February/March. Subdivision regulations will kick off around that same time for review coming further on in the year for adoption.

## **6. ADJOURNMENT**

The meeting was adjourned at 4:51 p.m.



## City of Kerrville Planning Department Report

To: Planning & Zoning Commission

Agenda Item: 3A

Action: Public hearing, consideration, and action to recommend a resolution to allow a Conditional Use Permit for an Electric Facility (Solar Facility)

Planning File #: 2018-068

Property Owner: Schreiner University

Representative: Conor Goodson, RES Distributed, LLC

Location: Approximately 4.465 acres of land out of the Samuel Wallace Survey No. 114, Abstract No. 348 in the City of Kerrville, Kerr County, Texas, and generally located in the 2000 block of Singing Wind Drive

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### **Proposal**

Public hearing, consideration, and action to recommend a resolution to allow a Conditional Use Permit for an Electric Facility (Solar Facility) on approximately 4.465 acres of land out of the Samuel Wallace Survey No. 114, Abstract No. 348 in the City of Kerrville, Kerr County, Texas, and generally located in the 2000 block of Singing Wind Drive. (File No. 2018-068)

The proposed KPUB Solar 2 – Schreiner University Solar Energy Project will be a ground mounted solar project equipped with a single-axis tracking system including string inverters, transformers and other ancillary equipment. The schedule in-service date is 2019. The expected operational lifetime of the project is over 25 years.

The conditional use permit is being sought is in accordance with Article 11-I-13(d), Conditional Uses Permitted in Any Zone with a Conditional Use Permit, (2) Electric power plants, transmission and distribution substations and electric facilities.

### **Procedural Requirements**

Notices were mailed October 18<sup>th</sup> to adjacent property owners. The public notice was published in the Kerrville Daily Times on October 15<sup>th</sup>.

### **Staff Analysis**

**Consistency with the Kerrville 2050 Comprehensive Plan:** The request is consistent with the Kerrville 2050 Comprehensive Plan. The development of a solar facility in

particular is consistent with Guiding Principle E6, “*Support access to the infrastructure necessary to accommodate the future growth of housing and business (e.g., water, wastewater, power, communications, roads).*” Additionally, energy is one of the target industries identified in the plan. The subject property is located within Strategic Catalyst Area 9 characterized by Schreiner University and its surrounding area.

## Adjacent Zoning and Land Uses

### Subject Property

**Current Zoning:** Public and Institutional (PI)

**Existing Land Uses:** Vacant

### Direction: North

**Current Zoning:** Residential Cluster (RC)

**Existing Land Uses:** Vacant, Church, and Single Family Detached Dwellings

### Direction: East

**Current Zoning:** Planned Development (PD) and (R-1)

**Existing Land Uses:** Church and Tom Daniels Elementary School

### Direction: South

**Current Zoning:** Public and Institutional (PI)

**Existing Land Uses:** Single Family Detached Dwelling

### Direction: West

**Current Zoning:** Public and Institutional (PI) and Residential Cluster (RC)

**Existing Land Uses:** Vacant and Public and Institutional Use

The uses which are permitted as a matter of right or permitted upon issuance of a conditional use permit in the Public and Institutional zoning districts are indicated by the letters "P" and "C," respectively, in the following table:

PI DISTRICT PERMITTED & CONDITIONAL USE TABLE	
Bed and Breakfast	P
Dwelling, Multiple Family	C
Education, Secondary and College	P
Education, Primary	P
Institutional and Public Use Facilities	P
Personal Services I	C
Professional Offices	C
Tourist/Visitor & Recreation Service	P

**Thoroughfare Plan:** Singing Wind Drive is designated as a Collector. A typical collector in Kerrville is a two-lane divided roadway with a center turn lane; however, in constrained areas, a two-lane undivided roadway may be appropriate so that a portion of the right-of-way could be used for pedestrian space or on-street parking.

**Traffic Impact:** Traffic to the site will be less than one trip per day on average for property maintenance.

**Parking:** No parking is required as no office or occupied structure is proposed to be built on the site.

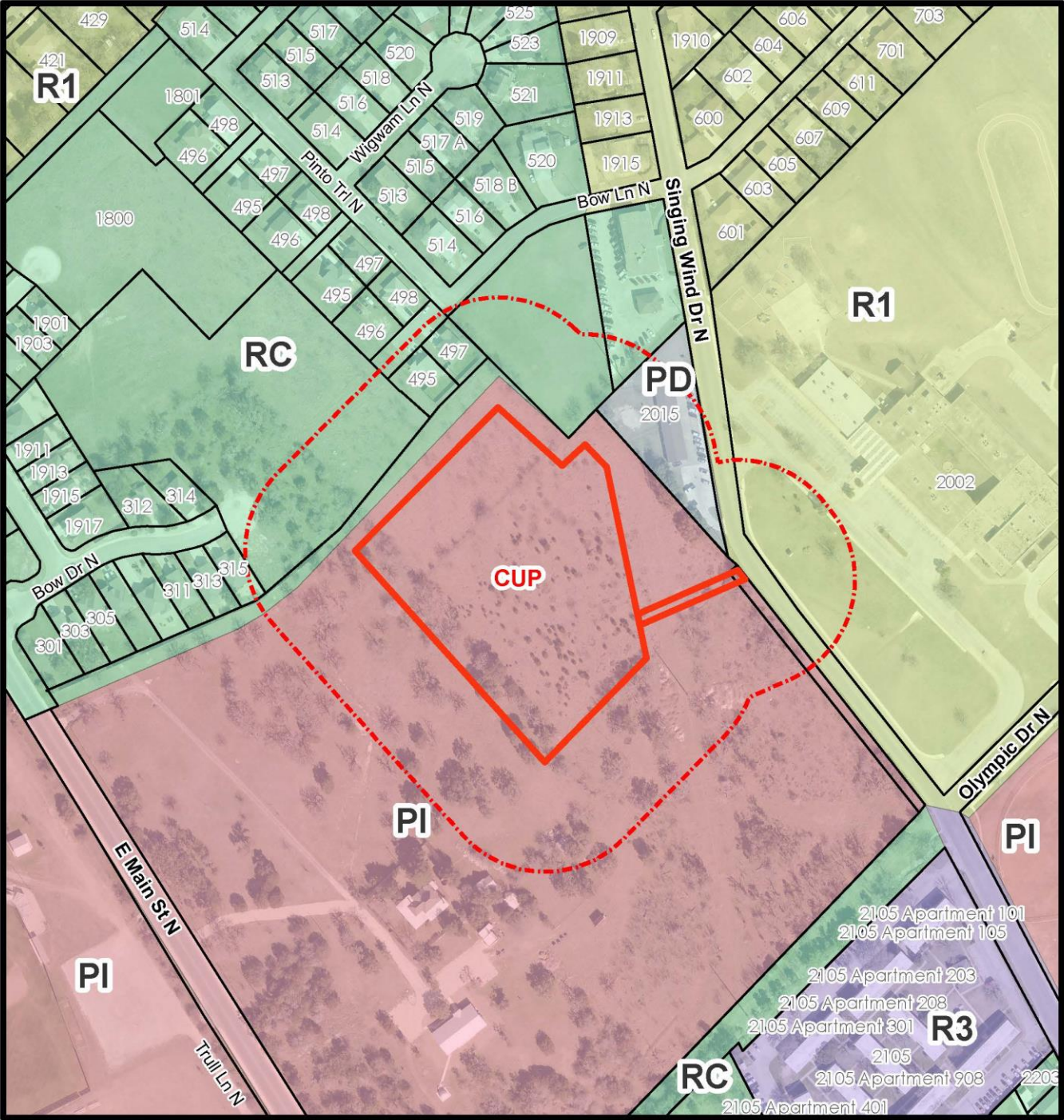
**Recommendation**

Staff recommends approval.

**Attachments**

- A. Location Map
- B. Concept Plan
- C. Draft City Council Resolution





**Location Map**

**Case # 2018-068**

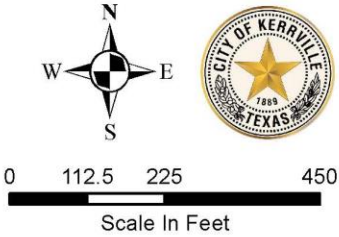
**Location:**  
**2000 Block of Singing Wind**

- Legend**

  - 200' Notification Area
  - Subject Properties
  - Current Zoning
  - Requested Zoning
- (Dashed Red Line)

— (Solid Red Line)

**TEXT**  
**(TEXT)**



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.





**D R A F T 10/26/18**

**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. \_\_\_\_-2018**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR AN APPROXIMATE 4.372 ACRES, PART OF THE SAMUEL WALLACE SURVEY NO. 114, ABSTRACT NO. 348, AND WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS; AND BEING A PORTION OF A 31.40 ACRE TRACT CONVEYED AS TRACT 1 TO SCHREINER UNIVERSITY; AND MORE COMMONLY KNOWN AS PART OF THE SCHREINER UNIVERSITY CAMPUS, AND LOCATED IN THE 2000 BLOCK OF SINGING WIND DRIVE; SAID PROPERTY IS LOCATED WITHIN THE PUBLIC AND INSTITUTIONAL (PI) ZONING DISTRICT; BY PERMITTING SAID PROPERTY TO BE USED FOR AN ELECTRIC FACILITY (SOLAR) AND TRANSMISSION AND DISTRIBUTION SUBSTATION; AND MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN**

**WHEREAS**, the City Planning and Zoning Commission and the City Council of the City of Kerrville, Texas, in compliance with the City Charter and state law with reference to the granting of conditional use permits under Title 11, Chapter I of the Zoning Code of the City of Kerrville, Texas, and the official zoning map adopted thereby; having given the requisite notices by United States mail, publication, and otherwise; and after holding due public 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, 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 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.** A Conditional Use Permit is granted to permit the property described below to be developed and used for an electric facility (solar) and transmission and distribution substation, pursuant to Article 11-1-13 of the Zoning Code of the City of Kerrville, Texas ("Zoning Code"), and such use is subject to the provisions of this Resolution and other applicable City ordinances and regulations:

**Being 4.372 acres of land lying in and being situated out of the Samuel Wallace Survey No. 114, Abstract No. 348, within the City of Kerrville, Kerr County, Texas and being a portion of that certain 31.40 acre tract conveyed as Tract 1 to Schreiner University by deed recorded as Document No. 12-00668 of the Official Public Records of Kerr County, Texas; said 4.372 acres of land being more particularly described in Exhibit A, attached**



# DRAFT 10/26/18

hereto and made a part hereof for all purposes.

Hereafter referred to as “the Property.”

**SECTION TWO.** In addition to the development and use regulations currently applicable to the Property, development and use of the Property is subject to the following additional conditions:

- A. **Development Site Plan:** The development and use of the Property must conform to an approved development site plan consistent with the concept plan submitted as part of the Conditional Use Permit, attached as **Exhibit B**.
- B. **Platting:** An administratively complete application for a subdivision plat of the Property must be submitted to the City for approval before the issuance of any building permit.
- C. **Other Zoning Regulations:** The regulations set forth in this Resolution are in addition to those set forth in the Zoning Code, as amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in the Zoning Code, as amended or superseded, the provisions of this Resolution will prevail.

**SECTION THREE.** This Resolution and the Conditional Use Permit granted herein is subject to termination in accordance with Article 11-I-13 of the Zoning Code.

**PASSED AND APPROVED ON this the \_\_\_\_ day of \_\_\_\_\_, A.D., 2018.**

ATTEST:

\_\_\_\_\_  
Bill Blackburn, Mayor

\_\_\_\_\_  
Cheryl Brown, Interim City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael C. Hayes, City Attorney

T:\Legal\DEVELOPMENT SERVICES (Planning)\Zoning\CUP\2000 block Singing Wind\_electric facility (solar)\_102618.docx



# City of Kerrville Planning Department Report

To: Planning & Zoning Commission

Agenda Item: 3B

Action: Public hearing, consideration, and action to recommend an ordinance for a zoning change from "11-C" to Central Business District, "CBD"

Planning File #: 2018-073

Property Owner: H-E-B, LP

Representative: Chance Kutac, Stantec Consulting Services Inc.

Location: Approximately 6.79 acres of land consisting of Lots 1 and 2, Block 1, of the H.E.B. Addition, and Lots 300, 301, 302, 348, and 349, Block 48, of the Schreiner 2nd Addition, more commonly known as 212, 220, and 300 Main Street and 217 Jefferson Street

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## **Proposal**

Public hearing, consideration, and action to recommend an ordinance for a zoning change from "11-C" to Central Business District, "CBD," on approximately 6.79 acres of land consisting of Lots 1 and 2, Block 1, of the H.E.B. Addition, and Lots 300, 301, 302, 348, and 349, Block 48, of the Schreiner 2nd Addition, more commonly known as 212, 220, and 300 Main Street and 217 Jefferson Street. (File No. 2018-073)

The requested zoning change is necessary for planned improvements to the current store, H-E-B #1, at 300 Main Street. H-E-B proposes to construct a new store east of the existing store that is currently zoned CBD. The proposed zoning change is to have only one zoning district rather than have split zoning with two different districts.

## **Procedural Requirements**

Notices were mailed October 18<sup>th</sup> to adjacent property owners. The public notice was published in the Kerrville Daily Times on October 15<sup>th</sup>.

## **Staff Analysis**

**Consistency with the Kerrville 2050 Comprehensive Plan:** The request is consistent with the Kerrville 2050 Comprehensive Plan. The subject property is located within Strategic Catalyst Area 1 which comprises the downtown core and central business district. *"There should be a strong focus on redevelopment and catalyzing a renewed public interest in the area."*

## Adjacent Zoning and Land Uses

### Subject Property

**Current Zoning:** 11-C

**Existing Land Uses:** Supermarket, gas station, and barber shop

### Direction: Northwest

**Current Zoning:** 11-C

**Existing Land Uses:** Vacant retail structures and Retail

### Direction: Northeast

**Current Zoning:** 11-C

**Existing Land Uses:** Single Family Detached Dwellings, Professional Office, Parking Lot, and Personal Services

### Direction: Southeast

**Current Zoning:** Central Business District (CBD)

**Existing Land Uses:** Parking lot and Vacant retail structure

### Direction: Southwest

**Current Zoning:** 11-C

**Existing Land Uses:** Vehicle Sales/Services New and Used

The uses which are permitted as a matter of right or permitted upon issuance of a conditional use permit in the 11-C and CBD zoning districts are indicated by the letters "P" and "C," respectively, in the following tables:

<b>11-C DISTRICT PERMITTED &amp; CONDITIONAL USE TABLE</b>	
Bed and Breakfast	P
Business Services I	P
Business Services II	P
Cocktail Lounge	C
Detention Facilities	C
Dwelling, Single Family, Detached	C
Dwelling, Multiple Family	P
Dwelling, Single Family with Apartment	C
Education, Secondary and College	C
Education, Primary	C
Funeral Services	P
Life Care Development	C
Manufacturing, Custom	P
Personal Services I	P
Personal Services II	P
Personal Services, Limited	P
Professional Offices	P
Restaurant, General	P
Restaurant, Limited	P
Retail Trade - I	P
Retail Trade - II	C
Retail Trade - Limited	P

<b>11-C DISTRICT PERMITTED &amp; CONDITIONAL USE TABLE</b>	
Tourist/Visitor & Recreation Service	P
Transportation Terminal (Bus/Aviation)	C
Vehicle Maintenance and Repair	C
Vehicle Sales/Service Used	C
Vehicle Sales/Service - New	P

<b>CBD DISTRICT PERMITTED &amp; CONDITIONAL USE TABLE</b>	
Printing	P
Quick Printing	P
New Car Dealers	C
Used Car Dealers	C
Automotive Parts, Accessories, and Tire Stores (Retail Only)	P
Furniture and Home Furnishings Stores	P
Electronics and Appliance Stores	P
Nursery, Garden Stores	P
Hardware Stores	P
Food and Beverage Stores	P
Health and Personal Care Stores	P
Gasoline Stations (w/Dev. Stnds.)	C
Gasoline Stations with Convenience Stores (w/Dev. Stnds.)	C
Clothing and Clothing Accessories Stores	P
Jewelry , Luggage and Leather Goods Store	P
Sporting Goods, Hobby, Book, and Music Stores	P
General Merchandise Stores	P
Miscellaneous Store Retailers	P
Used Merchandise Stores (w/o Drop-off)	P
Non-store Retailers	C
Scenic and Sightseeing Transportation	P
Postal Service	P
Couriers and Messengers (Retail and Drop- off Only)	P
Publishing Industries (except Internet)	C
Motion Picture and Sound Recording Industries	P
Motion Picture Theaters (except Drive-Ins)	P
Broadcasting (except Internet) - (w/o towers)	P
Telecommunications (w/o towers)	P
Data Processing, Hosting and Related Services	P
Other Information Services	P
Monetary Authorities-Central Bank	P
Credit Intermediation and Related Activities	P
All Other Non-depository Credit Intermediation (Pawnshops)	P
Securities, Commodity Contracts, and Other Financial Investments and Related Activities	P
Insurance Carriers and Related Activities	P
Agencies, Brokerages, and Other Insurance Related Activities	P
Funds, Trusts, and Other Financial Vehicles	P
Real Estate	P
Lessors of Nonresidential Buildings (except Mini-warehouses)	P



<b>CBD DISTRICT PERMITTED &amp; CONDITIONAL USE TABLE</b>	
Passenger Car Rental and Leasing	C
Consumer Electronics and Appliances Rental	P
Formal Wear and Costume Rental	P
Video Tape and Disc Rental	P
Other Consumer Goods Rental	P
General Rental Centers	C
Office Machinery and Equipment Rental and Leasing	P
Professional, Scientific, and Technical Services	P
Other Specialized Design Services	P
Veterinary Services (w/o kennels)	C
Management of Companies and Enterprises	P
Administrative and Support Services	P
Business Service Center	P
Elementary and Secondary Schools	P
Junior Colleges	P
Colleges, Universities and Professional Schools	P
Business Schools and Computer and Management Training	P
Technical and Trade Schools (Classroom Only)	P
Other Schools and Instruction (Classroom Only)	P
Educational Support Services	P
Ambulatory Health Care Services	P
Offices of Physicians	P
Offices of Dentists	P
Offices of Other Health Practitioners	P
Outpatient Care Centers	P
Other Outpatient Care Centers	P
Medical and Diagnostic Laboratories	P
Home Health Care Services	P
Other Ambulatory Health Care Services (except air ambulance)	P
All Other Ambulatory Health Care Services	P
Hospitals	C
General Medical and Surgical Hospitals	C
Psychiatric and Substance Abuse Hospitals	C
Specialty (except Psychiatric and Substance Abuse) Hospitals	C
Nursing Care Facilities	P
Residential Mental Retardation, Mental Health and Substance Abuse Facilities	C
Community Care Facilities for the Elderly (w/o Nursing Care)	P
Other Residential Care Facilities	P
Social Assistance (Office only)	P
Individual and Family Services	P
Community Food and Housing, and Emergency and Other Relief Services	P
Vocational Rehabilitation Services	P
Child Day Care Services (Includes Adult)	P
Performing Arts, Spectator Sports, and Related Industries (except spectator sports)	P
Performing Arts Companies	P
Spectator Sports	C
Promoters of Performing Arts, Sports, and Similar Events	P

CBD DISTRICT PERMITTED & CONDITIONAL USE TABLE	
Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures	P
Independent Artists, Writers, and Performers	P
Museums, Historical Sites, and Similar Institutions (w/o Zoos)	P
Amusement, Gambling, and Recreation Industries	C
Hotel/Motel	P
Bed-and-Breakfast Inns	P
Food Services and Drinking Places	P
Limited - Services Eating Places (w/Dev. Stnds.)	P
Mobile Food Services	P
Automotive Repair and Maintenance	C
Automotive Oil Change and Lubrication Shops	C
Car Washes	C
Electronic and Precision Equipment Repair and Maintenance (Minor)	P
Personal and Household Goods - Repair and Maintenance	P
Personal Care Services	P
Death Care Services	P
Coin-Operated Laundries and Drycleaners	P
Other Personal Services	P
Pet Care Services (except veterinary/kennels)	P
Parking Lots and Garages (by fee)	P
Religious, Grant-making, Civic, Professional, and Similar Organizations	P
Religious Organizations	P
Grant-making and Giving Services	P
Social Advocacy Organizations	P
Civic and Social Organizations	P
Business, Professional, Labor, Political, and Similar Organizations	P
Private Households	P
Executive, Legislative, and Other General Government Support	P
Justice, Public Order, and Safety Activities	P
Administration of Human Resource Programs	P
Administration of Environmental Quality Programs	P
Administration of Housing Programs, Urban Planning, and Community Development	P
Administration of Economic Programs	P
Space Research and Technology	C
National Security and International Affairs	C
Single Family	P
Duplex	P
Multi-Family	P
Upper Story Residential (Loft Apartments)	P
Accessory Uses & Structures	P

**Thoroughfare Plan:** Main Street is designated as a Primary or Principal Arterial. Principal arterials typically serve as the highest traffic volume corridors, prioritizing longer-distance trips and providing connectivity between surrounding communities and major activity centers within Kerrville. A typical principal arterial is a four-lane divided roadway with a raised median, which can accommodate turning traffic at intersections and

regulates access to the adjacent development. In rural and constrained areas or where there is a high volume of left-turning vehicles, the roadway may be undivided with a center turn lane at intersections. Hays Street, Jefferson Street, and Francisco Lemos, are not designated on the Thoroughfare Plan.

**Traffic Impact:** To be determined

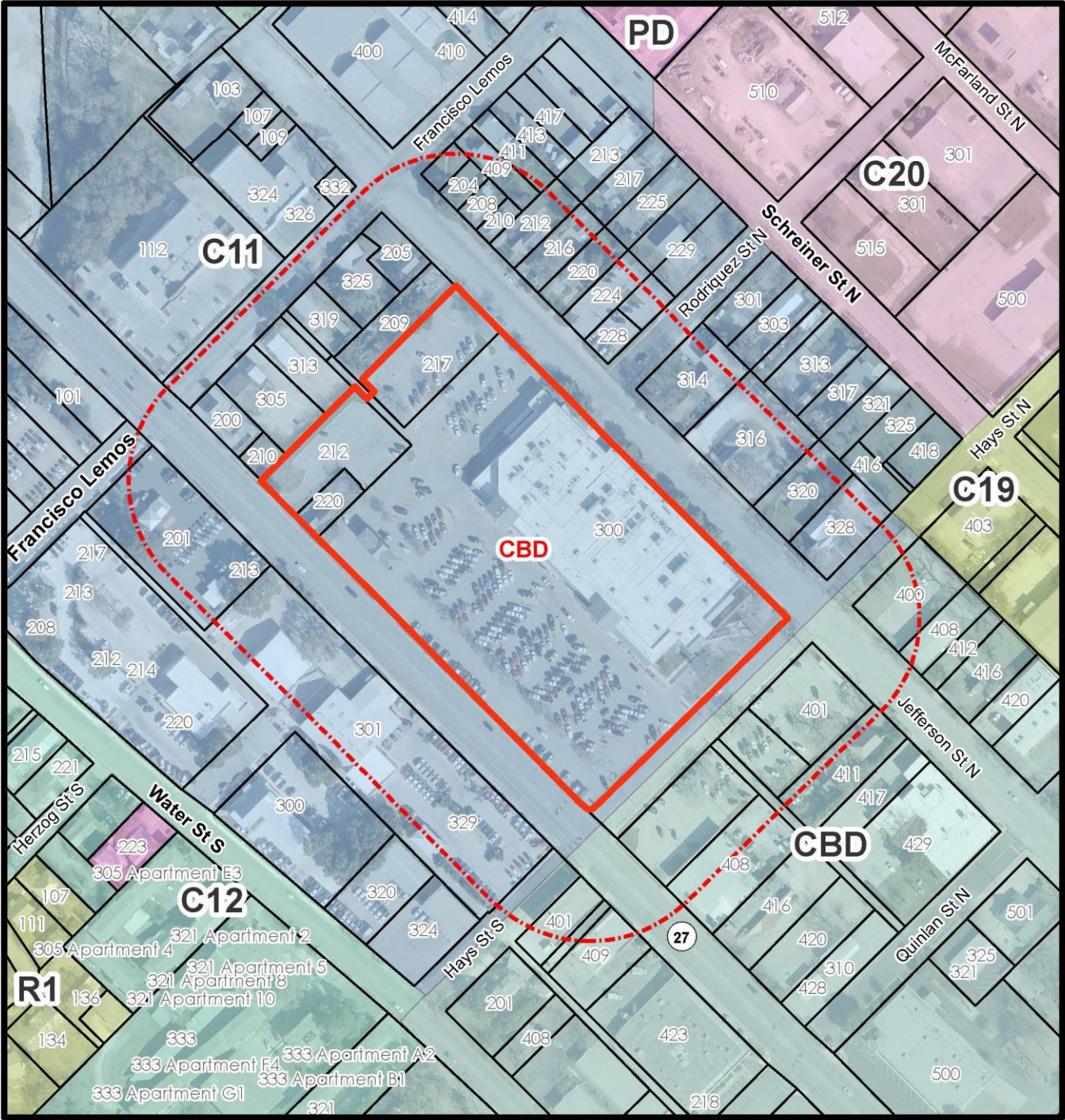
**Parking:** To be determined

**Recommendation**

Staff recommends approval.

**Attachments**

- A. Location Map
- B. Draft City Council Ordinance



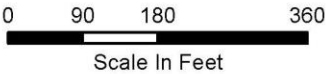
**Location Map**

**Case # 2018-073**

**Location:**  
**212, 220, and 300 Main Street**  
**and 217 Jefferson Street**

**Legend**

- 200' Notification Area
  - Subject Properties
  - Current Zoning
  - Requested Zoning
- ---  
TEXT  
(TEXT)



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.



**D R A F T 10/26/18**

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2018-\_\_**

**AN ORDINANCE AMENDING THE CITY'S "ZONING CODE" BY CHANGING THE ZONING DISTRICT FOR AN APPROXIMATE 6.790 ACRES, CONSISTING OF LOTS 1 AND 2, H.E.B. ADDITION AND PORTIONS OF LOTS 300-302 AND LOTS 348-349, BLOCK 48 OF THE SCHREINER 2<sup>ND</sup> ADDITION, SUBDIVISIONS WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS; AND MORE COMMONLY KNOWN AS THE PROPERTY LOCATED AT 300 MAIN STREET (STATE HWY. 27); BY REMOVING THE PROPERTY FROM THE 11-C ZONING DISTRICT AND PLACING IT WITHIN THE CENTRAL BUSINESS ZONING DISTRICT (CBD); CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO THOUSAND DOLLARS (\$2000.00); ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT**

**WHEREAS**, pursuant to Texas Local Government Code Sections 211.006 and 211.007, notice has been given to all parties in interest and citizens by publication in the official newspaper for the City of Kerrville, Texas ("City"), and otherwise, of a hearing which was held before the City Council on November 13, 2018, which considered a report of the City's Planning and Zoning Commission regarding its recommendations on an ordinance, the adoption of which will result in the change of a zoning district for the property generally located at 300 Main Street, and between the intersections of Main Street and Hays Street and Main Street and Francisco Lemos Street; such change to result in the removal of the property from the 11-C Zoning District to placement within the Central Business Zoning District (CBD); and

**WHEREAS**, such public hearing was held in the Council Chambers beginning at approximately 6:00 p.m. on November 13, 2018, as advertised; and

**WHEREAS**, after a full hearing, at which all parties in interest and citizens were given an opportunity to be heard; and after receiving and considering the recommendations of the Planning and Zoning Commission and City staff; and after considering among other things, the character of the various areas of the City and the suitability of particular uses in each area; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City, the Council finds it to be in the best interest of the health, safety, morals, and general

# **D R A F T 10/26/18**

welfare of the City of Kerrville, Texas, to amend the City's Zoning Code to change the zoning district for the property described below by placing it within the Central Business Zoning District (CBD);

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

**SECTION ONE.** The zoning district for the following property generally located at 300 Main Street is changed from the 11-C Zoning District to the Central Business Zoning District (CBD):

**Being 6.790 acres situated in the city of Kerrville, Kerr County, Texas, and consisting of Lots 1 and 2, Block 1, H.E.B. Addition according to the plat thereof recorded in Volume 6, Page 120 of the Plat Records of Kerr County, Texas, together with portions of Lots 300 thru 302 and Lots 348-349, Block 48 of the Schreiner 2nd Addition, as conveyed to CC Butt Grocery Company in the following deeds of record of the Official Public Records of Kerr County, Texas: Volume 13, Page 206; Volume 13, Page 8553; Volume 883, Page 479; Volume 883, Page 667; and Volume 886, Page 120; said 6.790 acres being more particularly described and depicted at Exhibits A and B, attached hereto and made a part hereof for all purposes.**

**SECTION TWO.** The City Manager or designee is authorized and directed to amend the City's official zoning map to reflect the change in districts adopted herein and to take other actions contemplated by and in accordance with Section 11-I-4(c) of the City's Zoning Code.

**SECTION THREE.** The provisions of this Ordinance are 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 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



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of the City of Kerrville, Texas, 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 Section 1-7, Chapter 1 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.** Pursuant to Texas Local Government Code §52.013(a) and Section 3.07 of the City's Charter, the City Secretary 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.

**SECTION SEVEN.** This Ordinance shall become effective immediately upon the expiration of ten days following publication, as provided for by Section 3.07b. of the City Charter.

**PASSED AND APPROVED ON FIRST READING, this the \_\_\_\_ day of \_\_\_\_\_, A.D., 2018.**

**PASSED AND APPROVED ON SECOND AND FINAL READING, this the \_\_\_\_ of \_\_\_\_\_, A.D., 2018.**

\_\_\_\_\_  
Bill Blackburn, Mayor

ATTEST:

\_\_\_\_\_  
Cheryl Brown, Interim City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael C. Hayes, City Attorney

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