



CITY OF KERRVILLE PLANNING & ZONING COMMISSION

AGENDA

REGULAR MEETING, MARCH 21, 2019, 4:30 PM

CITY HALL, COUNCIL CHAMBERS

701 MAIN STREET, KERRVILLE, TEXAS

Regular Members:

Robert Waller, Chair

Garrett Harmon, Vice Chair Thomas David Jones

Tricia Byrom

Rustin Zuber

Alternate Members:

John Brown

William Morgan

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.

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 February 7, 2019 meeting.

3. CONSIDERATION AND FINAL ACTION

3A. Consideration and action concerning a Final Plat of Kerrville Crossing, a subdivision containing approximately 2.506 acres of land consisting of Lot 1, Block 1, Evans Addition, a subdivision in the City of Kerrville, Kerr County, Texas, recorded in Volume 8, page 97 of the plat records of Kerr County, to establish Lots 1-R and 2-R, Block 1 to be addressed as 1205 and 1201 Junction Hwy. (File No. 2018-067)

I hereby certify that this agenda was posted as notice of the meeting on the bulletin board at the City Hall of the City of Kerrville, Texas, and on the City's website on the following date and time: March 15, 2019 at 5:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Shelley McElhannon
Shelley McElhannon, City Secretary

4. PUBLIC HEARING, CONSIDERATION & ACTION

4A. Public hearing, consideration, and action to recommend an ordinance to change the zoning from Gateway District ("GTW") to District 23-N on approximately 4.09 acres, out of the Patrick Fleming Survey No. 666, Abstract No. 145, within the City of Kerrville, Kerr County, Texas; and more commonly known as 2011 Easy Street. (File No. 2019-006)

4B. Public hearing, consideration, and action for the City of Kerrville to annex into its incorporated limits with a zoning classification of Public & Institutional District ("PI") a portion of an approximately 35.05 acre tract of land out of the S. Wallace Survey No. 114, Abstract No. 348, and the S. Wallace Survey No. 113, Abstract No. 347; said portion of the tract located within Kerr County, Texas, and the Extraterritorial Jurisdiction of the City of Kerrville, Texas; consisting of the Property generally located adjacent to State Highway Loop 534. The portion of the tract that is located within the City of Kerrville is currently zoned both E-25 and Residential Cluster ("RC") Zoning Districts, said zoning which is proposed to be amended to Public & Institutional District ("PI"). (File No. 2019-007)

4C. Public hearing, consideration, and action to recommend a resolution to allow a Conditional Use Permit for a Stand-Alone Parking Lot on approximately 0.89 acres of land consisting of all of Lots 369, 370, 371, 372, 373, and portion of Lot 374, Block 52, of the Schreiner 2nd Addition; and more commonly known as 400, 408, 412, and 416 Jefferson Street. (File No. 2019-011)

4D. Public hearing, consideration, and action to recommend an ordinance to change the zoning from Single Family Residential District ("R-1") and Guadalupe River District ("GR") to Guadalupe River District ("GR") on approximately 10.06 acres, out of the Thornton F. Hollis Survey No. 143, Abstract No. 181, within the City of Kerrville, Kerr County, Texas; and more commonly known as 100 Concho. (File No. 2019-019)

5. STAFF REPORT

5A. Consideration and action concerning rescheduling the July 4 Planning & Zoning Commission meeting

6. EXECUTIVE SESSION

At any time during the meeting, the Planning and Zoning Commission may meet in executive session regarding any of the matters posted above for attorney-client consultation in compliance with the Texas Open Meetings Act.

ADJOURNMENT



City of Kerrville Planning Division Report

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

Members Present:

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

City Executive Staff Present:

Drew Paxton, Executive Director of Development Services
Rebecca Pacini, Chief Planning Officer
Mike Hayes, City Attorney
Dorothy Miller, Recording Secretary

CALL TO ORDER:

On February 7, 2019, Crmr. 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.)

Ms. Peggy McKay spoke. She wanted to know why the Chamber of Commerce was advertised in the newspaper twice to be on the Planning and Zoning Commission agenda, but was then pulled. She also wanted to know why the CoC requested a variance when their sign is already up and operational. Crmr. Waller responded, saying the CoC voluntarily removed their variance request as they want to wait to proceed until after the review and upgrade to the sign ordinance. Mr. Paxton added the current operation of the CoC's sign is within the limitations of the sign code, the portion that they are operating is 32 square feet, which is allowed by code.

Walter Koeney spoke on behalf of the CoC and Economic Development Corporation, restating that they are within the limits of the sign code, but had requested a variance to enable them to be able to use the entire sign for the electronic portion of the sign. They are waiting for the updates to the sign code and will resubmit for a variance at that time if it is necessary. They are hoping the codes will be updated to reflect the current technological state of the art for 21st century signage and be fair and consistent with the principles of the Kerrville 2050 plan.

Cmr. Waller reiterated that the CoC's sign was permitted and operating within the regulations of the current sign ordinance. Cmr. Harmon further explained that the overall size of the sign meets code, the electronic portion of the sign, if they use the whole structure, is what they had requested the variance for, so what they are using now is only part of the electronic portion of the sign.

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 January 3, 2019 meeting.

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

3. DISCUSSION ITEMS

- 3A. Discussion item regarding sign code research.

Mr. Paxton discussed the sign code research, saying he looked to see if a code change was more appropriate than a variance and said it was not appropriate now since the code is currently under review. Mr. Paxton stated many cities do not limit the electronic or digital portion of a sign any differently from the total area allowed. Some cities, like Kerrville, limit the electronic message centers to a specific number of square feet. Several cities base the electronic message portion on a percentage of the overall total area of a sign.

Cmr. Waller stated he received a request to alter number 4A to 4B based on the fact that most people present were there for item 4A. Cmr. Byrom moved to rearrange the items; motion was seconded by Cmr. Jones and passed 5-0.

4. PUBLIC HEARING, CONSIDERATION & ACTION

- 4B. Public hearing, consideration, and action to recommend an ordinance to change the zoning from Planned Development District (PDD) to Airport District (AD) on approximately 23.84 acres, and consisting of Lots 1 and 2, Block 1, of the OLH Subdivision (Volume 7, Page 158, recorded February 20, 2002), and Lots 1, 3, and portion of Lot 2, Block 2, of the OLH Subdivision (Volume 8, Page 153, recorded December 21, 2009), within the City of Kerrville, Kerr County, Texas; and more commonly known as 235, 575, 581, and 601 Peterson Farm Road. (File No. 2018-099)

Mr. Paxton presented the findings of fact.

Mr. Waller opened the public hearing at 4:45 p.m.

Mr. Tom Featherstone spoke and asked what the benefits were to changing the zoning from PDD (Planned Development District) to AD (Airport District). Mr. Paxton replied, stating the PDD zoning was for the school and now they are selling a portion of their property. The area that would be outside of the school property is in the flight path and would be zoned AD.

Mr. Bruce Stracke spoke stating he looked at E29 zoning but found it not appropriate for the potential owners. He was asked about the allowance of a cocktail lounge listed on the land use chart; however, by state law, such a business would not be allowed within so many feet of a school. In addition, deed restrictions are being established.

Ms. Kim Lopez spoke, asking if there were plans to develop Split Rock Road. Mr. Stracke responded stating currently there are no plans to develop this road and believes it is a public road.

Hearing no one else speak, Mr. Waller closed the public hearing at 4:51 p.m.

Mr. Harmon moved to approve the zoning change as presented; motion was seconded by Mr. Zuber and passed 5-0.

4A. Public hearing, consideration and action concerning two (2) variance requests in accordance with Article II – Signs of the Code of Ordinance, City of Kerrville, Texas: 1) to allow a freestanding sign to be located on nonresidential property for an establishment that has an existing monument sign; and 2) to allow an electronic sign to exceed the maximum size of 32 square feet by allowing an electronic sign that is 12 feet by 6 feet for a total of 72 square feet, for Calvary Temple Church located at 3000 Loop 534. (File No. 2018-083)

Mr. Paxton presented the findings of fact.

Mr. Waller opened the public hearing at 5:29 p.m.

Pastor Del Way spoke and stated the reason for the variance is because they are constantly offering something different to the community and that they are not the same as other businesses that offer only one service.

Mr. Kenny Bledsoe spoke regarding safety issues. He is in favor of the sign.

Mr. Richard Mosty, representing Dr. Rector, spoke against the sign variance. He also touched on the following:

- Wants Commissioners to not vote in favor of the church but rather on the facts of the code.
- Danger of signage
- Teenage drivers and how they are easily distracted
- Sign put downhill but thinks they have room to put a sign closer to the street
- City report does not show anything remarkable for the variance or any hardship

Mr. Mike Walker spoke, asking if the church was trying to attract attention or trying to provide information. Mr. Walker also touched on the following:

- Wrote first sign ordinance in Kerrville - first ordinance did not allow any flashy signs - ordinances change over time
- Who are we to spoil the nest - no more picturesque city than Kerrville
- Have an obligation to keep our city decorum

- How does this change affect others and does it allow others to do the same?

Mr. Cory Traub spoke regarding the following:

- Antler Stadium – 6'x12' = 72' - how allowed? Not granted a variance, denied November 3, 2011; built in 2012 before new ordinance; ordinance didn't have any language to prohibit the sign
- National Car Sales sign at Main & Sidney Baker - originally denied electronic sign because of downtown core district but not within the downtown core district; this was addressed by City Council
- Company has never requested a sign variance by choice
- If there is a loophole in the ordinance it will be exploited
- There are too many variables to write a permit ordinance
- Unique reasons for the variance -
 - a. 1,000 ft. wide property - dot expansion on road 150 ft. wide - sign 150 ft. off of the road - exceptional circumstance
 - b. Literal enforcement result in unnecessary hardship - 32 sq. ft. sign from road is not legible; allowed two freestanding signs with two separate 32 sq. ft. signs
 - c. Contrary to public interest - congregation not contrary to public interest
 - d. Contrary to Comprehensive Plan - change to ordinance within comp plan therefore changing now would be within only 32% of the sign within what commissioners were saying is enough
 - e. Relieve conditions or circumstance - nothing to deal with the church
 - f. Profitability - church nonprofit
 - g. Repeal any use regulations - property is in ETJ not within the City
 - h. Only affect this sign not all or effect to change in zoning - unique site and ordinance can't cover every situation
 - i. Not a prohibited sign

Cmr. Jones asked how the industry look at variances. A variance is a tool for unique situations that the code cannot address.

Mr. Mike Sigerman spoke, saying the church is not the reason for the variance. He prefers to give time for code review committee to review the sign codes and not make a decision today; every granted variance opens a door by setting precedence; Commissioners need more input to determine what the community wants.

Ms. Elsa Lara spoke, saying the sign will be just like Tivy's sign on Sidney Baker as the Loop develops; thinks students will be fine; Church of Christ sign is different location, small and at a stop sign; Calvary is different; ordinance is outdated. Code currently says that schools cannot post commercial information but they do.

Cmr. Waller agreed with Mr. Traub that there are some reasons to grant the variance. He said the percentage rule is a good option; church sign is 36%.

Cmr. Harmon stated there are many variables and they should allow the code review committee to review the sign ordinance; a larger pool is needed for implications of decision 30-40 years from now; public input on what is appropriate for the sign code; not inclined to grant a sign variance until he has the full public input.

Cmr. Jones concurs with Cmr. Harmon.

Cmr. Byrom said to wait for the code review committee to discuss.

Mr. Zuber said there are too much of a variance that are unique situations; not inclined to approve.

Hearing no one else speak, Mr. Waller closed the public hearing at 6:23 p.m.

Mr. Jones motion to deny with stipulation that it can be brought back waiting the results of the code review committee sign ordinance; motion was seconded by Mr. Harmon and passed 4-1.

Mr. Byrom asked when the review committee will be looking at the sign code. Mr. Paxton stated early to mid-summer and might be making recommendations to the consultants by early fall.

5. STAFF REPORT:

Mr. Paxton reported the code review committee was planning to meet in a couple of weeks and will be looking at the draft zoning ordinance and that draft will be presented at an open house February 25th and then come to the joint Planning and Zoning / City Council meeting on March 7th. The regular Planning and Zoning meeting will be held March 21st. The joint meeting on March 7th will be held at 4:30 p.m.

Mr. Paxton gave a quick overview of the draft zoning ordinance. Based on the comprehensive plan the code review committee and the staff reviewing that have gone from the 40+ zoning districts we have to 17 or 18 districts, moving to the semi-stacking, semi-accumulative zoning. Residential districts will be relatively accumulative; commercial districts will be accumulative and then our special districts will kind of stand-alone and moving away from the geographical districts that we have now, north, south, east, west, and central city districts since most of those are similar to zoning districts but most of them are isolated to certain parts of the town. The goal was to simplify that and make it a little more user friendly for the development as Kerrville continues to kind of reinvest other than to continue to expand. They will go back with the public comment, the consultants will work in some of those comments, then go back to the code review committee, then back to the Commissioners later this summer.

6. ADJOURNMENT

The meeting was adjourned at 6:32 p.m.



City of Kerrville Planning Division Report

To: Planning & Zoning Commission
Agenda Item: 3A
Action: Consideration and Final Action, Final Plat
Planning File #: 2018-067
Property Owner: Kerrville Crossing RC, LP & Kerrville Crossing Aspen, LP
Representative: Kevin Spraggins, VEI Consulting Engineers
Location: 1201 & 1205 Junction Hwy

Proposal

Consideration and action concerning a Final Plat of Kerrville Crossing, a subdivision containing approximately 2.506 acres of land consisting of Lot 1, Block 1, Evans Addition, a subdivision in the City of Kerrville, Kerr County, Texas, recorded in Volume 8, page 97 of the plat records of Kerr County, to establish Lots 1-R and 2-R, Block 1 to be addressed as 1205 and 1201 Junction Hwy. (File No. 2018-067)

Recommendation

Staff recommends approval.

Attachments

A. Proposed Final Plat



City of Kerrville Planning Division Report

To: Planning & Zoning Commission

Agenda Item: 4A

Action: Public hearing, consideration, and action to recommend an ordinance to change the zoning from Gateway District ("GTW") to District 23-N

Planning File #: 2019-006

Property Owner: Don Nowlin

Representative: Jason Evans

Location: Approximately 4.09 acres, out of the Patrick Fleming Survey No. 666, Abstract No. 145, within the City of Kerrville, Kerr County, Texas; and more commonly known as 2011 Easy Street

Proposal

Public hearing, consideration, and action to recommend an ordinance to change the zoning from Gateway District ("GTW") to District 23-N on approximately 4.09 acres, out of the Patrick Fleming Survey No. 666, Abstract No. 145, within the City of Kerrville, Kerr County, Texas; and more commonly known as 2011 Easy Street. (File No. 2019-006)

Procedural Requirements

12 Notices were mailed March 7th to adjacent property owners. The public notice was published in the Kerrville Daily Times on March 4th.

Staff Analysis

Consistency with the Kerrville 2050 Comprehensive Plan: The property and surrounding area are designated Neighborhood Residential (NR) within the Future Land Use Plan. The primary land use in the NR land use category is single-family detached homes.

The Kerrville 2050 Plan did not review this area or change from the previous land use plan as established with the 2002 Comprehensive Plan. The existing surrounding area includes: vacant land that was recently rezoned for warehousing, distribution, and office use; multifamily units; and a variety of non-residential uses such as a septic service company, single family home with a taxi and limousine service, and manufactured housing. The current zoning is Gateway District, which is not consistent with the Kerrville 2050 Plan. This area has maintained the low density residential designation on the future land use plan, however, there has been little indication that the area will build out with single family homes.

Adjacent Zoning and Land Uses

Subject Property

Current Zoning: Gateway (GTW)

Existing Land Uses: Building construction specialist

Direction: North

Current Zoning: Planned Development District (PDD) 2019-01

Existing Land Uses: Vacant

Direction: East

Current Zoning: Planned Development District (PDD) 2003-05

Existing Land Uses: Home improvement store

Direction: South

Current Zoning: Gateway (GTW)

Existing Land Uses: Multi-Family Residential

Direction: West

Current Zoning: Residential Mix (RM) & Gateway (GTW)

Existing Land Uses: Vacant, Manufactured housing, septic company

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

GTW DISTRICT PERMITTED & CONDITIONAL USE TABLE	
Agricultural Service	C
Bed and Breakfast	P
Business Services I	P
Business Services II	C
Cocktail Lounge	C
Dwelling, Multiple Family	P
Education, Secondary and College	P
Education, Primary	C
Fuel Sales	C
Funeral Services	P
Institutional and Public Use Facilities	P
Life Care Development	P
Manufacturing, Custom	C
Personal Services I	P
Personal Services II	P
Personal Services, Limited	P
Professional Offices	P
Restaurant, General	P
Restaurant, Limited	P
Retail Trade - I	C
Retail Trade - II	C
Retail Trade - III	C
Retail Trade - Limited	P
Tourist/Visitor & Recreation Service	P

Transportation Terminal (Bus/Aviation)	C
Vehicle Maintenance and Repair	C
Vehicle Sales/Service - New	P

The uses which are permitted as a matter of right or permitted upon issuance of a conditional use permit in the N-23 zoning district are indicated by the letters "P" and "C," respectively, in the following table:

N-23 DISTRICT PERMITTED & CONDITIONAL USE TABLE	
Building Construction, General	P
Building Construction, Specialist	P
Business Services I	P
Business Services II	P
Dwelling, Single Family, Detached	P
Manufactured Home or Manufactured Housing	P
Dwelling, Multiple Family	P
Dwelling, Single Family with Apartment	P
Dwelling, RC District Uses (with plat)	P
Funeral Services	C
Institutional and Public Use Facilities	P
Life Care Development	P
Manufacturing and Industrial, Limited	C
Personal Services I	C
Personal Services II	C
Personal Services, Limited	P
Professional Offices	P
Restaurant, Limited	P
Retail Trade - I	C
Retail Trade - Limited	P
Tourist/Visitor & Recreation Service	C
Vehicle Maintenance and Repair	C

Thoroughfare Plan: Leslie Drive is designated 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. Leslie Drive is currently only an undivided two-lane road without curbs or sidewalks. Easy Street is a Local.

Traffic Impact: To be determined

Parking: To be determined

Recommendation

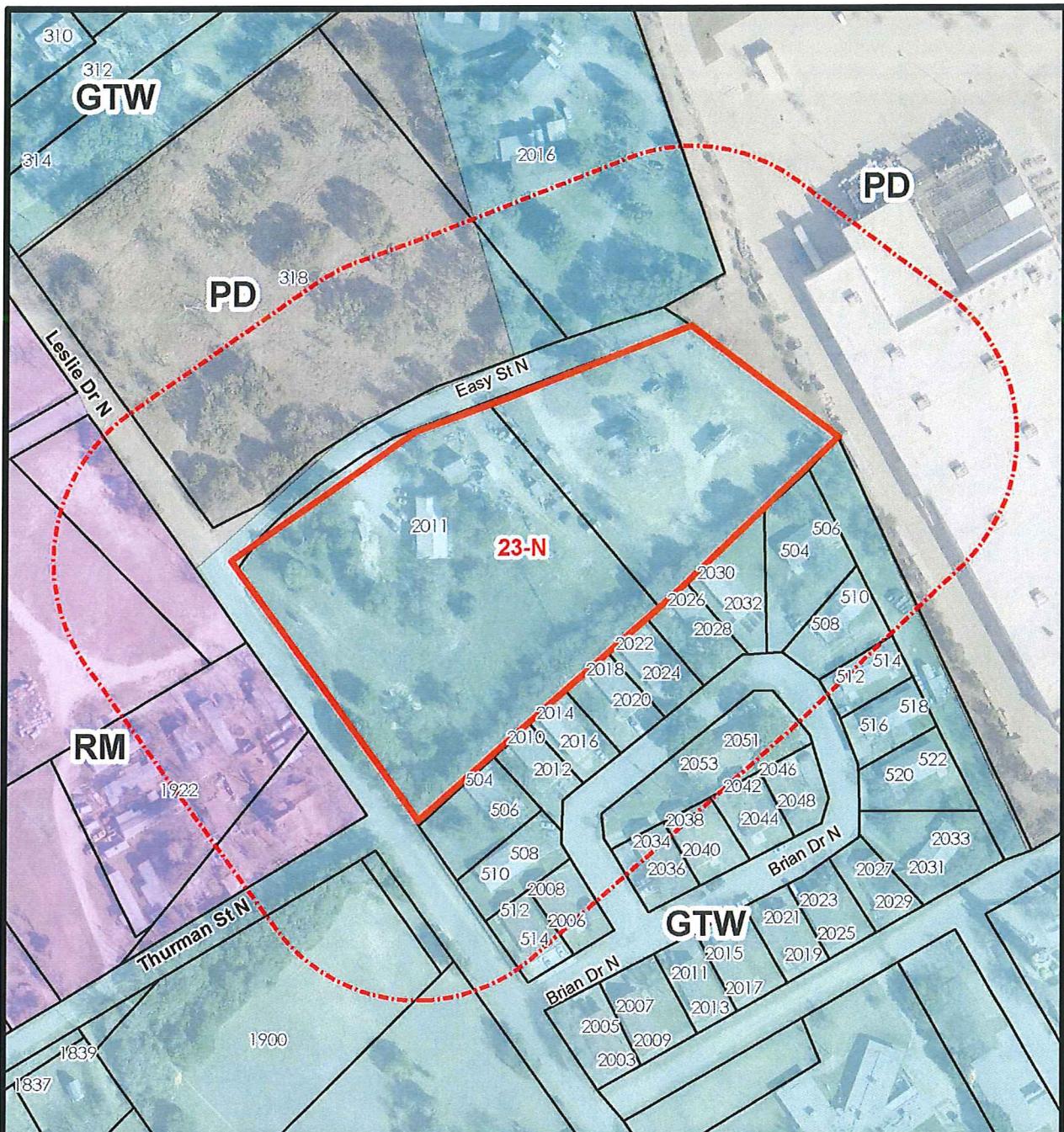
Staff recommends approval.

Attachments

- A. Location Map

- B. Draft City Council Ordinance
- C. Email from Adjacent Property Owner

Attachment A



Location Map

Case # 2019-006

Location:
2011 Easy Street

Legend

200' Notification Area	
Subject Properties	
Current Zoning	
Requested Zoning	



0 70 140 280
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.

Attachment B

D R A F T 3/13/19

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2019-__**

AN ORDINANCE AMENDING THE CITY'S "ZONING CODE" BY CHANGING THE ZONING DISTRICT FOR AN APPROXIMATE 4.09 ACRES, CONSISTING OF TWO TRACTS OUT OF THE PATRICK FLEMING SURVEY NO. 666, ABSTRACT NO. 145, WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS; AND MORE COMMONLY KNOWN AS THE PROPERTY LOCATED AT 2011 EASY STREET; BY REMOVING THE PROPERTY FROM THE GATEWAY ZONING DISTRICT AND PLACING IT WITHIN THE 23-N ZONING DISTRICT; 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 March 21, 2019, 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 2011 Easy Street; such change to result in the removal of the property from the Gateway (GTW) Zoning District to placement within the 23-N Zoning District; and

WHEREAS, such public hearing was held in the Council Chambers beginning at approximately 6:00 p.m. on March 21, 2019, 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 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 23-N Zoning District;

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 2011 Easy Street is changed from the Gateway (GTW) Zoning District to the 23-N Zoning District:

Being two tracts out of the Patrick Fleming Survey, No. 666, Abstract No. 145, within the City of Kerrville, Kerr County, Texas, making up 4.09 acres; and 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. City Council 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., 2019.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the _____ of _____, A.D., 2019.

Bill Blackburn, Mayor

ATTEST:

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:

Michael C. Hayes, City Attorney

Exhibit A

PROPOSED INSURED:

2. The interest in the land covered by this Commitment is: Fee Simple
3. Record title to the land on the Effective Date appears to be vested in:
E. Lamar Hodges, Trustee as per Tract One
William Pitkin Trust, E. Lamar Hodges, Trustee as per Tract Two
4. Legal description of the land:

TRACT ONE:

All that certain tract or parcel of land, lying and being situated in the County of Kerr, State of Texas, and being all of a certain 1.30 acre lot, tract or parcel of land out of Patrick Fleming Survey No. 666, Abstract No. 145, in the City of Kerrville, Kerr County, Texas; part of 4.32 acres of land, more or less, save and except 2 acres of land, a net of 2.32 acres of land conveyed to Wells & Company, Realtors, Inc., from Walter W. Eckstein by a deed dated the 15th day of October, 1976 and recorded in Volume 191 at page 437 of the Deed Records of Kerr County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at an existing 5/8" iron stake at a fence cornerpost, the east corner of the herein described tract and the east corner of said Eckstein to Wells 2.32 acre tract, approximately 445 ft. N. 48°33' E. from a reentrant corner in the southwest line of said Survey No. 666;

THENCE, along the southeast line of said Eckstein to Wells 2.32 acre tract and the northwest line of Leslie Drive Subdivision, S. 48°33' W., 253.05 ft. to a 1/2" iron stake set for the south corner of the herein described tract;

THENCE, upon, over and across said Eckstein to Wells 2.32 acre tract, N. 41°27' W., 288.75 ft. to a 1/2" iron stake set for the west corner of the herein described tract in the southeast right-of-way line of Easy Street, a public street, and the northwest line of said Eckstein to Wells 2.32 acre tract;

THENCE, along the southeast right-of-way line of said Easy Street and the northwest line of said Eckstein to Wells

Exhibit B

G.F. No. 090740F

Continuation of Schedule A

2.32 acre tract, N. 69°51' E., 226.91 ft. to an existing 1 1/2" pipe at a fence cornerpost for the north corner of the herein described tract and the north corner of said Eckstein to Wells 2.32 acre tract;

THENCE, along a fence and the northeast line of said Eckstein to Wells 2.32 acre tract, S. 52°51' E., 210.48 ft. to the PLACE OF BEGINNING, containing 1.30 acres of land within these metes and bounds.

Note: The Company is prohibited from insuring the area or quantity of the land described herein. Therefore, the Company does not represent that the acreage or square footage calculations are correct. References to quantity are for informational purposes only.

TRACT TWO:

All that certain tract or parcel of land, lying and being situated in the County of Kerr, State of Texas, and being all of a certain 2.79 acre lot, tract or parcel of land out of Patrick Fleming Survey No. 666, Abstract No. 145, in the City of Kerrville, Kerr County, Texas; comprising all of that certain 2.0 acres of land conveyed to John Wells, Trustee, from Mamie Rhoden by a Warranty Deed with Vendor's Lien dated the 1st day of July, 1975, and recorded in Volume 180, Page 710, of the Deed Records of Kerr County, Texas, and 0.79 acres out of a conveyance of 4.32 acres, more or less, save and except 2 acres, a net of 2.32 acres of land to Wells and Company, Realtors, Inc., from Walter W. Eckstein by a Deed dated the 15th day of October, 1976, and recorded in Volume 191, Page 437, of the Deed Records of Kerr County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a cornerpost and existing 5/8" iron stake for the south corner of the herein described tract in the northeast right-of-way line of Leslie Drive, a public street, the south corner of TRACT NO. ONE of said Rhoden to Wells conveyance, the west corner of Leslie Drive Subdivision, which point bears, more or less, 25 ft. N. 45° E. and 10 ft. N. 45° W. from the south corner of said Survey No. 666;

THENCE, along the northeast right-of-way line of said Leslie Drive, and the southwest line of said TRACT NO. ONE of the Rhoden to Wells conveyance, N. 35°23' W., 359.72 ft. to its intersection with the southeast right-of-way line of Easy Street, a public street, the west corner of said TRACT NO. ONE of the Rhoden to Wells conveyance;

THENCE, along the southeast right-of-way line of said Easy Street: N. 55°23' E., 242.99 ft. along the northwest line of said TRACT NO. ONE of the Rhoden conveyance to an existing 5/8" iron stake; and N. 69°51' E., 110.32 ft. along the northwest line of said Eckstein to Wells conveyance to a 1/2" iron stake set for the north corner of the herein described tract;

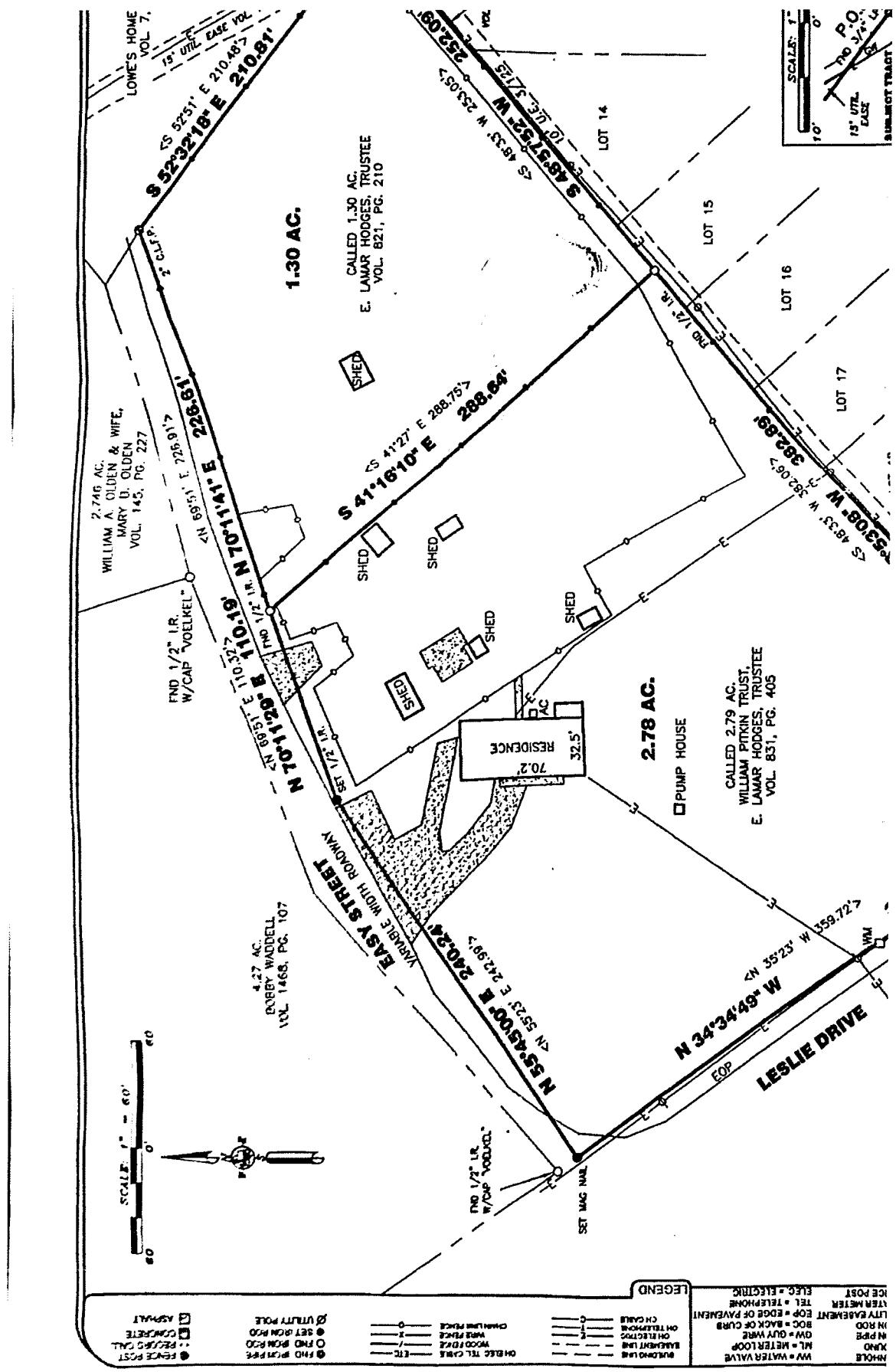
THENCE, S. 41°27' E., 288.75 ft. upon, over and across said Eckstein to Wells conveyance to a 1/2" iron stake set in its southeast line for the east corner of the herein described tract, and in the northwest line of said Leslie Drive Subdivision;

THENCE, S. 48°33' W., along the northwest line of said Leslie Drive Subdivision, at 102.78 ft. passing the south corner of said Eckstein to Wells conveyance, then continuing along the southeast line of TRACT NO. ONE of said Rhoden to Wells conveyance for a total distance of 382.06 ft. this call to the PLACE OF BEGINNING, containing 2.79 acres of land, more or less, within these metes and bounds.

Note: The Company is prohibited from insuring the area or quantity of the land described herein. Therefore, the Company does not represent that the acreage or square footage calculations are correct. References to quantity are for informational purposes only.

Countersigned
Fidelity Abstract & Title Co.

By 
Authorized Counter Signature



Attachment C

From: Ken Wilson <kwilson@bizstx.rr.com>
Sent: Thursday, March 07, 2019 2:44 PM
To: Buildings <Buildings@kerrvilletx.gov>
Cc: 'Busty Underwood' <bunderwood53@gmail.com>
Subject: Case2019-006

Rebecca

I am part owner of Northridge Village Duplex Apartments and president of the management company therefor. The apartments are comprised of 56 units at 516 Brian Drive, which is contiguous to subject property. We are in favor of the proposed development with the following provisos: (1) The hours of construction, and after completion, the hours of operation, do not start before 8am and do not continue after 6pm in consideration of the numerous families and seniors who reside along almost all of the property line. (2) That the development and operation thereof will be visually screened and sound-screened from Northridge Village Duplex Apartments.

Please confirm to me that the preceding paragraph will be given to the members of the Planning and Zoning Commission and to your staff and to the contractors, developers and operators of the proposed development before the meeting, and that the same will be read at the meeting.

Also, I am available to discuss the plans and proposals with you and your staff.

Ken Wilson
Wilson Asset Management, Inc.



City of Kerrville Planning Division Report

To: Planning & Zoning Commission

Agenda Item: 4B

Action: Public hearing, consideration, and action for the City of Kerrville to annex into its incorporated limits with a zoning classification of Public & Institutional District ("PI")

Planning File #: 2019-007

Property Owner: Kerrville Independent School District

Representative: Dr. Mark J. Foust, Superintendent

Location: Approximately 35.05 acre tract of land out of the S. Wallace Survey No. 114, Abstract No. 348, and the S. Wallace Survey No. 113, Abstract No. 347; said portion of the tract located within Kerr County, Texas, and the Extraterritorial Jurisdiction of the City of Kerrville, Texas; consisting of the Property generally located adjacent to State Highway Loop 534

Proposal

Public hearing, consideration, and action for the City of Kerrville to annex into its incorporated limits with a zoning classification of Public & Institutional District ("PI") a portion of an approximately 35.05 acre tract of land out of the S. Wallace Survey No. 114, Abstract No. 348, and the S. Wallace Survey No. 113, Abstract No. 347; said portion of the tract located within Kerr County, Texas, and the Extraterritorial Jurisdiction of the City of Kerrville, Texas; consisting of the Property generally located adjacent to State Highway Loop 534. The portion of the tract that is located within the City of Kerrville is currently zoned both E-25 and Residential Cluster ("RC") Zoning Districts, said zoning which is proposed to be amended to Public & Institutional District ("PI"). (File No. 2019-007)

Procedural Requirements

5 Notices were mailed March 4th to adjacent property owners. The public notice was published in the Kerrville Daily Times on March 4th.

Staff Analysis

Consistency with the Kerrville 2050 Comprehensive Plan: The property is located in Strategic Catalyst Area 8 which is characterized by Loop 534 and anchored by Tivy High School. Allowable place types include community commercial uses closer to the loop and surrounding residential uses.

Adjacent Zoning and Land Uses

Subject Property

Current Zoning: Outside City Limits, East District 25 (E-25), & Residential Cluster (RC)

Existing Land Uses: Vacant

Direction: North

Current Zoning: East District 25 (E-25) & Residential Cluster (RC)

Existing Land Uses: Vacant

Direction: East

Current Zoning: East District 26 (E-26)

Existing Land Uses: Vacant & Tivy High School

Direction: South

Current Zoning: Outside City Limits & Residential Cluster (RC)

Existing Land Uses: Vacant

Direction: West

Current Zoning: Outside City Limits

Existing Land Uses: Vacant

The uses which are permitted as a matter of right or permitted upon issuance of a conditional use permit in the E-25 and RC zoning district are indicated by the letters "P" and "C," respectively, in the following table:

E-25 DISTRICT PERMITTED & CONDITIONAL USE TABLE	
Building Construction, Specialist	P
Business Services I	P
Business Services II	P
Cocktail Lounge	P
Dwelling, Multiple Family	P
Education, Secondary and College	C
Education, Primary	P
Funeral Services	P
Institutional and Public Use Facilities	P
Manufacturing, Custom	P
Manufacturing and Industrial, Limited	C
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 - Limited	P
Tourist/Visitor & Recreation Service	P
Vehicle Sales/Service New	C

RC DISTRICT PERMITTED & CONDITIONAL USE TABLE	
Bed and Breakfast	C
Dwelling, Single Family, Detached	P
Dwelling, Single Family with Apartment	C
Dwelling, RC District Uses (with plat)	P
Education, Primary	C

The uses which are permitted as a matter of right or permitted upon issuance of a conditional use permit in the PI zoning district 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: State Highway Loop 534 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.

Two Collectors are proposed along the southern border and through this property, one of which is the future extension of Olympic Drive. Collectors provide the necessary connectivity through and between residential neighborhoods and support circulation in nonresidential activity centers. 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: To be determined

Parking: To be determined

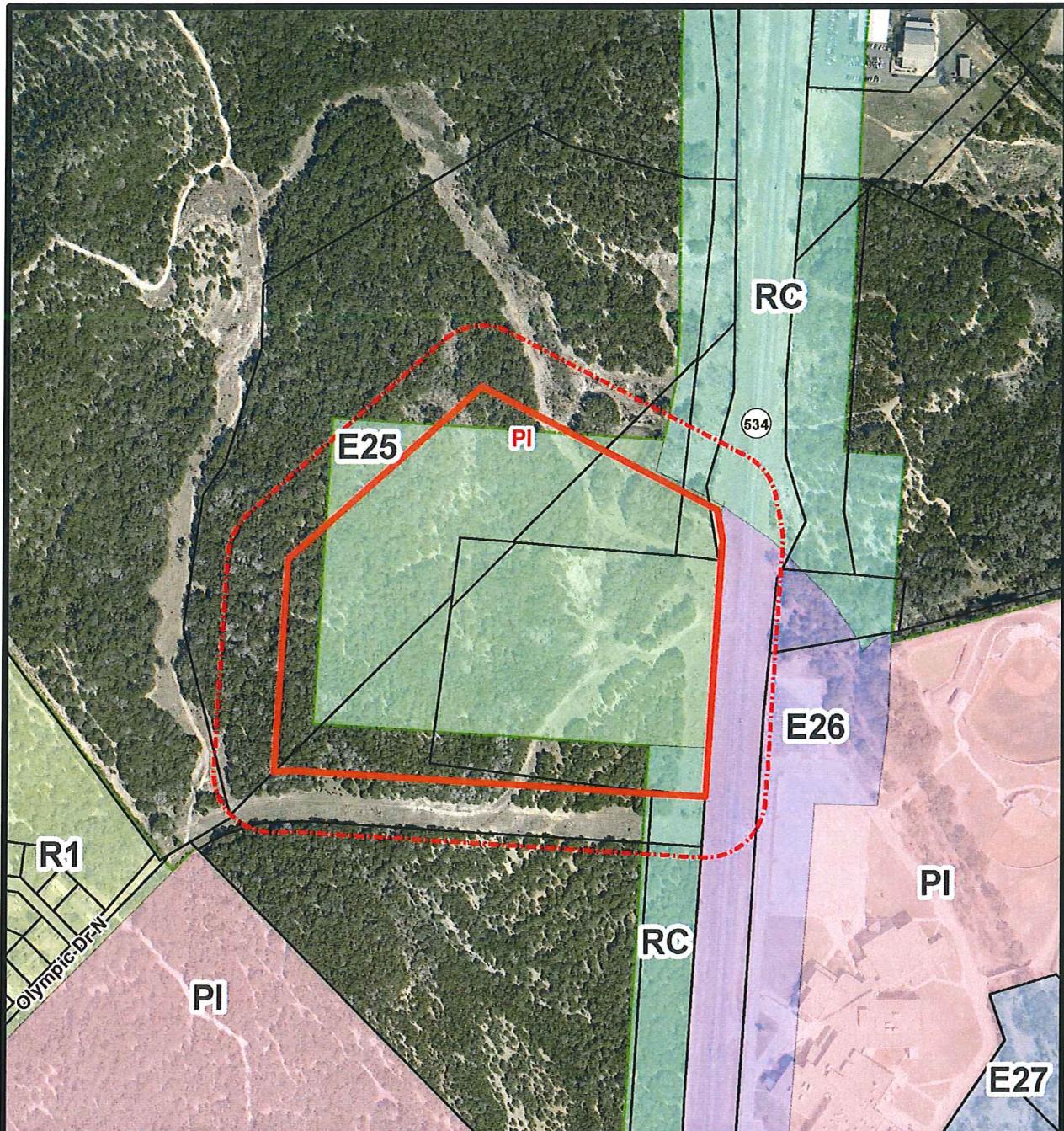
Recommendation

Staff recommends approval.

Attachments

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

Attachment A



Location Map

Case # 2019-007

Location:
State Hwy Loop 534

Legend

**200' Notification Area
Subject Properties
Current Zoning
Requested Zoning
Municipal Boundary**



0 205 410 820

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.

Attachment B

D R A F T 3/14/19

CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2019-__

AN ORDINANCE ANNEXING A PORTION OF AN APPROXIMATE 35.05 ACRE TRACT OF LAND OUT OF THE S. WALLACE SURVEY NO. 113, ABSTRACT NO. 347, INTO THE CORPORATE LIMITS OF THE CITY OF KERRVILLE, TEXAS; SAID TRACT BEING LOCATED WITHIN KERR COUNTY, TEXAS, AND THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF KERRVILLE, TEXAS; AND GENERALLY LOCATED ADJACENT TO LOOP 534 (VETERANS HIGHWAY); FURTHER DESCRIBING THE PROPERTY TO BE ANNEXED; ADOPTING A SERVICE PLAN FOR THE PROPERTY ANNEXED; AND ESTABLISHING THE ZONING BOTH FOR THE PROPERTY ANNEXED AND THE ENTIRE TRACT

WHEREAS, pursuant to Texas Local Government Code Section 43.028, the owner of the property described in Section One, below, previously petitioned the City to annex the property into the corporate limits of the City of Kerrville, Texas; and

WHEREAS, having provided all required public notices, held all required public hearings at which persons with an interest in the matter were provided an opportunity to be heard, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to approve an ordinance annexing the subject property, adopt a service plan as required by state law, and establish zoning regulations for the property;

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

SECTION ONE. The property described and depicted in **Exhibit A** is annexed and incorporated into the corporate limits of the City of Kerrville, Texas, for all legal purposes.

SECTION TWO. The petition for annexation concerning the property described in Section One, above, is attached as **Exhibit B** and incorporated herein by reference.

SECTION THREE. The service plan regarding the provision of public services, as set forth in **Exhibit C**, attached hereto and incorporated herein by reference, is hereby adopted for the property described in Section One, above, as required by Texas Local Government Code §43.056.

SECTION FOUR. Upon the adoption of this Ordinance, the property described in Section One, above, will be zoned as a Public and Institutional Zoning District ("PI"). In addition, the portions of the property that are currently within the City and that are zoned either Residential Cluster ("RC") or E-25 are rezoned into a Public and Institutional Zoning District ("PI").

SECTION FIVE. The provisions of this Ordinance are to be cumulative of all Ordinances or parts of Ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION SIX. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. The Council of the City of Kerrville, Texas, hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION SEVEN. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Article 1-1-7 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 EIGHT. In accordance with Section 3.07 of the City Charter and Texas Local Government Code §52.013(a), 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 NINE. In accordance with Section 43.028(d) of the Texas Local Government Code, the City Secretary is directed to file a certified copy of this Ordinance together with a copy of the petition requesting annexation with the Kerr County Clerk.

PASSED AND APPROVED ON FIRST READING, this the _____
day of _____ A.D., 2018.

PASSED AND APPROVED ON SECOND READING, this the
day of _____ A.D., 2018.

Bill Blackburn, Mayor

APPROVED AS TO FORM:

ATTEST:

Michael C. Hayes, City Attorney

Cheryl Brown, Interim City Secretary

Exhibit A

MDS

LAND SURVEYING COMPANY, INC.

Boundary ♦ Topographic ♦ Construction

729 Sidney Baker Street, Suite "B"

Kerrville, Texas 78028

Phone: 830-816-1818

Email: mdsinc@gvtc.com Firm no. 10019600

FIELD NOTES FOR A 35.05 ACRE TRACT

BEING A 35.05 ACRE TRACT OF LAND LOCATED IN THE S. WALLACE SURVEY NO. 114, ABSTRACT NO. 348, AND THE S. WALLACE SURVEY NO. 113, ABSTRACT NO. 347, KERR COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN TRACT RECORDED IN VOLUME 71, PAGE 573, DEED RECORDS OF KERR COUNTY, TEXAS. SAID 35.05 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

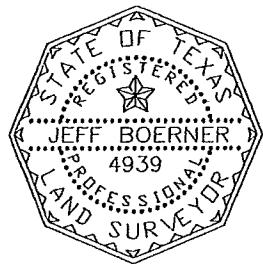
BEGINNING at a $\frac{1}{2}$ " rebar found in the west right-of-way line of State Loop 534, at the southeast corner of the herein described tract, said point being the northeast corner of a called 3.07 acre dedication to the City of Kerrville, recorded in Volume 1077, Page 339, Official Public Records of Kerr County, Texas;

- (1) **Thence**, departing the west right-of-way line of State Loop 534, with the north line of the called 3.07 acre dedication, the south boundary line of the herein described tract, the following 2 (two) courses and distances:
 - a. **N 86° 22' 46" W, 1338.00'** to a $\frac{1}{2}$ " rebar found for the point of curvature of a curve to the left;
 - b. with the arc of said curve to the left, with a radius of 640.49', a central angle of 08° 58' 57", an arc length of 100.41', and a chord which bears **S 89° 07' 46" W, a distance of 100.31'** to a $\frac{1}{2}$ " with "MDS" cap set for southwest corner;
- (2) **Thence**, departing the north line of the called 3.07 acre dedication, with the west, northwest, and north boundary lines of the herein described tract, the following 3 (three) courses and distances:
 - a. **N 03° 37' 14" E, 697.79'** to a $\frac{1}{2}$ " rebar with "MDS" cap set for angle;
 - b. **N 48° 37' 14" E, 855.68'** to a $\frac{1}{2}$ " rebar with "MDS" cap set for corner;
 - c. **S 62° 48' 15" E, 881.82'** to a $\frac{1}{2}$ " rebar with "MDS" cap set for northeast corner in the west right-of-way line of State Loop 534;

(3) **Thence, with the west right-of-way line of State Loop 534, the east boundary line of the herein described tract, the following 2 (two) courses and distances:**

- a. **S 10° 17' 01" E, 103.08'** to a TxDOT, Type 1, concrete marker found for angle;
- b. **S 03° 37' 27" W, 842.25'** to the **PLACE OF BEGINNING** and containing **35.05** acres of land, more or less.

Note: This description is based on an on the ground survey performed in June of 2018. The basis of bearings was derived from the Texas State Plane Coordinate System, South Central Zone. A survey plat with same date accompanies this description.



A handwritten signature in black ink, appearing to read "J. Boerner".

Jeff Boerner RPLS # 4939
Date: 01-14-2019 Job No. 18-135-00

Exhibit B

CITY OF KERRVILLE, TEXAS RESOLUTION NO. 06-2019

A RESOLUTION GRANTING A PETITION REQUESTING THE VOLUNTARY ANNEXATION OF AN APPROXIMATE 35.05 ACRE TRACT OF LAND OUT OF THE S. WALLACE SURVEY NO. 114, ABSTRACT NO. 348, AND THE S. WALLACE SURVEY NO. 113, ABSTRACT NO. 347, SAID TRACT LOCATED WITHIN KERR COUNTY, TEXAS, AND THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF KERRVILLE, TEXAS; CONSISTING OF PROPERTY LYING ADJACENT TO STATE HIGHWAY LOOP 534; AND ORDERING THE PREPARATION OF AN ANNEXATION ORDINANCE

WHEREAS, on January 25, 2019, the Kerrville Independent School District, acting through its superintendent, as owner of an approximate 35.05 acre tract of land out of the S. Wallace Survey No. 114, Abstract No. 348, and the S. Wallace Survey No. 113, Abstract No. 347, said tract located within Kerr County, Texas, and the extraterritorial jurisdiction of the City of Kerrville, Texas, and lying adjacent to State Highway Loop 534 (Veterans Highway) (the "Property"), submitted a written petition to the City requesting the voluntary annexation of the Property pursuant to Section 43.028 of the Texas Local Government Code; and

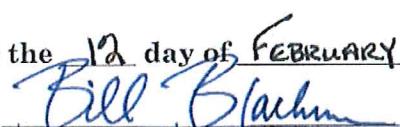
WHEREAS, having considered the petition, City Council finds it to be in the public interest to grant said petition and to initiate the annexation process, which includes the preparation of an ordinance annexing the Property;

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

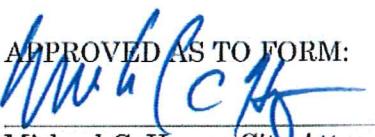
SECTION ONE. The petition requesting the voluntary annexation of the Property, as more fully described in the petition attached as **Exhibit A**, is granted.

SECTION TWO. The City Manager is directed to initiate the annexation process under the authority of the City's Charter and Chapter 43 of the Texas Local Government Code and to prepare an ordinance annexing the Property described in the above-referenced petition.

PASSED AND APPROVED ON this the 12 day of FEBRUARY, A.D., 2019.


Bill Blackburn, Mayor

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney

ATTEST:

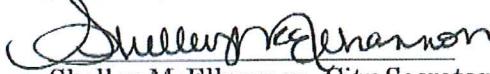

Shelley McElhannon, City Secretary

EXHIBIT "A"

PETITION REQUESTING ANNEXATION TO THE CORPORATE LIMITS OF THE CITY
OF KERRVILLE, TEXAS, OF TEXAS ACRES OUT OF THE No. 114, 113 Survey,
Abstract Number 348, 347, KERR COUNTY TEXAS

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF KERRVILLE,
TEXAS:

Kerrville Independent School District is the sole owner of an approximately 35.05 acre tract of land located adjacent to the incorporated limits of the City of Kerrville which is out of the Survey No. 114, 113 Abstract No. 348, 347 Kerr County, Texas, and is more particularly described as follows:

SEE EXHIBIT "A".

In accordance with Texas Local Government Code §43.028, Dr. Mark J. Foust hereby respectfully requests and petitions that the above-described property be annexed into the Incorporated limits of the City of Kerrville, Texas.

SUBMITTED THIS 25 day of January 2019

By: Mark J. Forst
Legally authorized signature

ACKNOWLEDGEMENT

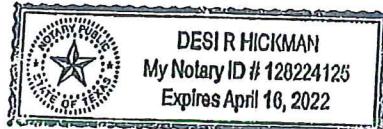
THE STATE OF TEXAS
COUNTY OF KERR

This instrument was acknowledged before me on the 25 day of January, 2019
by Desi R. Hickman for and on behalf of
Kerrville ISD.

Deni R. Hickman
NOTARY PUBLIC, STATE OF TEXAS

Printed Name: Desi R. Hickman

My Commission Expires: April 16, 2022



RESOLUTION 062019

NOTES

1. BASIS OF BEARING WAS ESTABLISHED FROM TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83 (12).
2. FIELD SURVEY COMPLETED 05-25-2018.
3. ONLY APPARENT UTILITIES WERE LOCATED AND NO ATTEMPT HAS BEEN MADE AS A PART OF THIS BOUNDARY SURVEY TO OBTAIN OR SHOW DATA CONCERNING EXISTENCE, SIZE, DEPTH, CAPACITY, OR LOCATION OF ANY UTILITY OR MUNICIPAL / PUBLIC SERVICE FACILITY. FOR INFORMATION REGARDING THESE UTILITIES OR FACILITIES, PLEASE CONTACT THE APPROPRIATE AGENCIES.
4. EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS NOTURE VISIBLE AT THE SURVEY, THE EXISTENCE OF BUILDING SETBACK LINES, RESTRICTIONS, SUBDIVISIONS, SUBDIVISION RESTRICTIONS, ZONING OR OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
5. A FIELD NOTE DESCRIPTION WITH SAME DATE ACCOMPANIES THIS SURVEY.

LEGEND

- ⑤ SANITARY SEWER MANHOLE
- X— WIRE FENCE
- ① FND TXDOT TYPE 1 CONCRETE MARKER
- 1/2" REBAR FOUND
- 1/2" REBAR SET WITH "MDS" CAP
- POB POINT OF BEGINNING
- POD FIRE HYDRANT
- () RECORD INFORMATION

REMAINING PORTION OF A
CALLED 269.34 ACRE TRACT
SURVEYED BY OTHERS

S. WALLACE
SURVEY NO. 114
ABSTRACT NO. 348

SCALE: 1" = 200'

N43° 37' 14"E 657.79' (no R/W)

N43° 37' 14"E 855.69' (no R/W)

SS2° 46' 15"E 881.82' (no R/W)

FROM PRIVATE SURVEY LINE

35.05 ACRES

S. WALLACE
SURVEY NO. 113
ABSTRACT NO. 347

N43° 37' 27"W 642.25' (no R/W)

N43° 37' 27"W 1338.00' (no R/W)

CALLED 3.07 ACRES
80' DEDICATION TO THE
CITY OF KERRVILLE
VOLUME 1077, PAGE 339
OFFICIAL PUBLIC RECORDS

R=640.49'
L=100.41'
Δ=8'58"57'
CB=S89° 07' 46"W
CH=100.31'

STATE LOOP 534
VARIABLE WIDTH ROADWAY
PC 221
RD 2 DEED RECORDS

S10° 17' 01"E
103.08' (no R/W)

POB
TRAFFIC SIGNAL BOX
TRAFFIC SIGNAL BOX

CITY OF KERRVILLE
CALLED 33.81 ACRES
VOLUME 1077, PAGE 351
OFFICIAL PUBLIC RECORDS

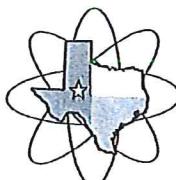
THE UNDERSIGNED
HAS REVIEWED & RECEIVED
COPY OF THE SURVEY

Mark J. [Signature]

DATE: 1/25/19

PLAT SHOWING: A 35.05 ACRE TRACT
OF LAND LOCATED IN THE S. WALLACE
SURVEY NO. 114, ABSTRACT NO. 348,
AND THE S. WALLACE SURVEY NO.
113, ABSTRACT NO. 347, KERR
COUNTY, TEXAS, AND BEING A
PORTION OF THAT CERTAIN TRACT
RECORDED IN VOLUME 71, PAGE 573,
DEED RECORDS OF KERR COUNTY,
TEXAS.

M.D.S. LAND SURVEYING CO., INC.
8 SPENCER ROAD
BOERNE, TEXAS 78006
PHONE: (830) 816-1818
EMAIL: mdsinc@gvtc.com



STATE OF TEXAS
COUNTY OF KERRVILLE
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE
GROUND, UNDER MY SUPERVISION, THIS 111 DAY OF
JANUARY, 2019, THAT THIS PLAT CORRECTLY REPRESENTS
THE FACTS FOUND AT THE TIME OF THIS SURVEY AND THAT
THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS OF
BUILDINGS ON ADJOINING PROPERTY AND THAT ALL
BUILDINGS AND PROPERTY LOCATED ON THIS PROPERTY
EXCEPT AS SHOWN ABOVE.

Jeff Boren
REGISTERED PROFESSIONAL LAND SURVEYOR
4939

TEXAS REGISTRATION NO. 100 # 18-135-00

RESOLUTION Dle-2019

MDS

LAND SURVEYING COMPANY, INC.

Boundary • Topographic • Construction

729 Sidney Baker Street, Suite "B"

Kerrville, Texas 78028

Phone: 830-816-1818

Email: mdsinc@gvfc.com Firm no. 10019600

FIELD NOTES FOR A 35.05 ACRE TRACT

BEING A 35.05 ACRE TRACT OF LAND LOCATED IN THE S. WALLACE SURVEY NO. 114, ABSTRACT NO. 348, AND THE S. WALLACE SURVEY NO. 113, ABSTRACT NO. 347, KERR COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN TRACT RECORDED IN VOLUME 71, PAGE 573, DEED RECORDS OF KERR COUNTY, TEXAS. SAID 35.05 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

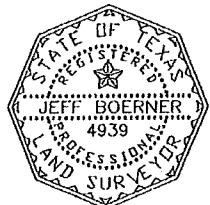
BEGINNING at a $\frac{1}{2}$ " rebar found in the west right-of-way line of State Loop 534, at the southeast corner of the herein described tract, said point being the northeast corner of a called 3.07 acre dedication to the City of Kerrville, recorded in Volume 1077, Page 339, Official Public Records of Kerr County, Texas;

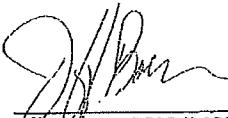
- (1) **Thence**, departing the west right-of-way line of State Loop 534, with the north line of the called 3.07 acre dedication, the south boundary line of the herein described tract, the following 2 (two) courses and distances:
 - a. N $86^{\circ} 22' 46''$ W, 1338.00' to a $\frac{1}{2}$ " rebar found for the point of curvature of a curve to the left;
 - b. with the arc of said curve to the left, with a radius of 640.49', a central angle of $08^{\circ} 58' 57''$, an arc length of 100.41', and a chord which bears S $89^{\circ} 07' 46''$ W, a distance of 100.31' to a $\frac{1}{2}$ " with "MDS" cap set for southwest corner;
- (2) **Thence**, departing the north line of the called 3.07 acre dedication, with the west, northwest, and north boundary lines of the herein described tract, the following 3 (three) courses and distances:
 - a. N $03^{\circ} 37' 14''$ E, 697.79' to a $\frac{1}{2}$ " rebar with "MDS" cap set for angle;
 - b. N $48^{\circ} 37' 14''$ E, 855.68' to a $\frac{1}{2}$ " rebar with "MDS" cap set for corner;
 - c. S $62^{\circ} 48' 15''$ E, 881.82' to a $\frac{1}{2}$ " rebar with "MDS" cap set for northeast corner in the west right-of-way line of State Loop 534;

(3) Thence, with the west right-of-way line of State Loop 534, the east boundary line of the herein described tract, the following 2 (two) courses and distances:

- a. S $10^{\circ} 17' 01''$ E, 103.08' to a TxDOT, Type 1, concrete marker found for angle;
- b. S $03^{\circ} 37' 27''$ W, 842.25' to the PLACE OF BEGINNING and containing 35.05 acres of land, more or less.

Note: This description is based on an on the ground survey performed in June of 2018. The basis of bearings was derived from the Texas State Plane Coordinate System, South Central Zone. A survey plat with same date accompanies this description.




Jeff Boerner RPLS # 4939
Date: 01-14-2019 Job No. 18-135-00



City of Kerrville Planning Division Report

To: Planning & Zoning Commission

Agenda Item: 4C

Action: Public hearing, consideration, and action to recommend a resolution to allow a Conditional Use Permit for a Stand-Alone Parking Lot

Planning File #: 2019-011

Property Owner: Bobby C. Keller

Representative: Chance Kutac, Stantec Consulting Services, Inc.

Location: Approximately 0.89 acres of land consisting of all of Lots 369, 370, 371, 372, 373, and portion of Lot 374, Block 52, of the Schreiner 2nd Addition; and more commonly known as 400, 408, 412, and 416 Jefferson Street

Proposal

Public hearing, consideration, and action to recommend a resolution to allow a Conditional Use Permit for a Stand-Alone Parking Lot on approximately 0.89 acres of land consisting of all of Lots 369, 370, 371, 372, 373, and portion of Lot 374, Block 52, of the Schreiner 2nd Addition; and more commonly known as 400, 408, 412, and 416 Jefferson Street. (File No. 2019-011)

Procedural Requirements

23 Notices were mailed March 4th to adjacent property owners. The public notice was published in the Kerrville Daily Times on March 4th.

Staff Analysis

Consistency with the Kerrville 2050 Comprehensive Plan: The property and surrounding area are located within Strategic Catalyst Area 1. This area comprises the downtown core and central business district. The plan states, "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: Central Business District (CBD)

Existing Land Uses: Former auto repair & parking

Direction: North

Current Zoning: Central District 19 (C-19)

Existing Land Uses: Building construction specialists & showroom

Direction: East

Current Zoning: Central Business District (CBD)

Existing Land Uses: Custom manufacturing, personal services, & retail

Direction: South

Current Zoning: Central Business District (CBD)

Existing Land Uses: Parking stand-alone, single family residential, and business services

Direction: West

Current Zoning: Central District 11

Existing Land Uses: Professional office

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

CBD DISTRICT PERMITTED & CONDITIONAL USE TABLE	
Parking Lot, Stand Alone	C
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

CBD DISTRICT PERMITTED & CONDITIONAL USE TABLE	
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
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

CBD DISTRICT PERMITTED & CONDITIONAL USE TABLE	
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
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
Parking Structure	C

Thoroughfare Plan: Jefferson Street is not designated on the Thoroughfare Plan.

Traffic Impact: To be determined

Parking: To be determined

Recommendation

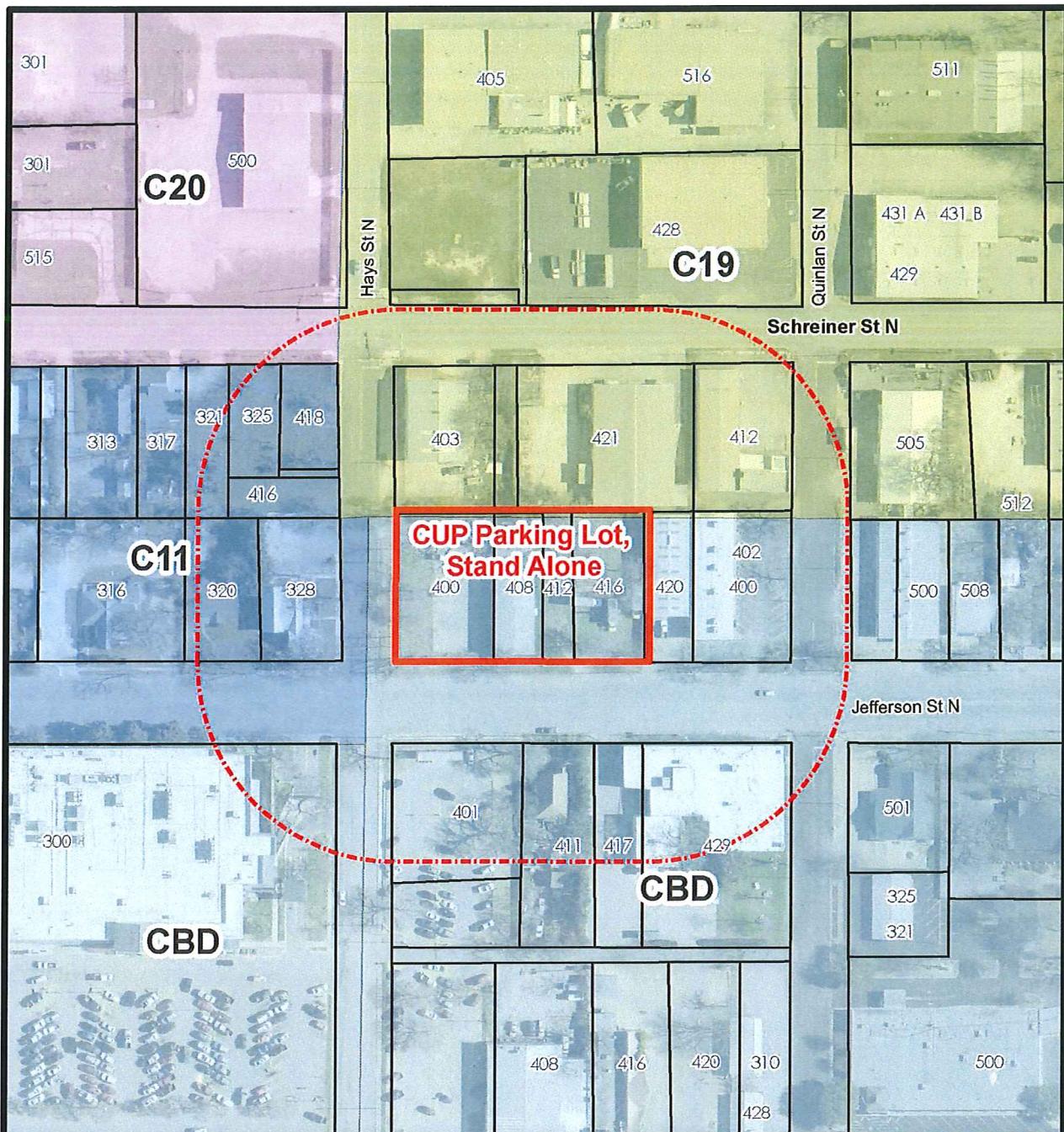
Staff recommends approval with the following conditions:

- Pedestrian amenities to include a five foot sidewalk abutting the subject property along Jefferson Street and Hays Street and a high-visibility crosswalk across Jefferson at the intersection of Hays and Jefferson;
- All exterior lighting fixtures shall employ a permanent cutoff angle of ninety degrees or less and be positioned so as not to emit light above the horizontal plane of the fixture;
- All healthy or non-diseased and native non-invasive existing trees shall be preserved unless the removal is necessary to provide utilities or pedestrian or vehicular access driveways not parking;
- The parking area shall be screened from view of the public right-of-way to a minimum height of three (3) feet by dense native vegetation and a fence/wall;
- Landscaped screening shall not interfere with the clear vision area located at intersections and driveways; and
- Planted screens are encouraged to utilize native plant species that vary in height and density.

Attachments

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

Attachment A



Location Map

Case # 2019-011

Location:

400, 408, 412, & 416 Jefferson

Legend

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



0 62.5 125 250
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.

Attachment B

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. ___-2019**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT
FOR AN APPROXIMATE 0.89 ACRE, CONSISTING OF LOTS
369 THROUGH 373 AND A PORTION OF LOT 374, BLOCK 52,
OF THE SCHREINER 2ND ADDITION, A SUBDIVISION WITHIN
THE CITY OF KERRVILLE, KERR COUNTY, TEXAS; AND
MORE COMMONLY KNOWN AS 400, 408, 412, AND 416
JEFFERSON STREET; SAID PROPERTY IS LOCATED WITHIN
CENTRAL BUSINESS (CBD) ZONING DISTRICT; BY
PERMITTING SAID PROPERTY TO BE USED FOR A STAND
ALONE PARKING LOT; 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 a stand alone parking plot, 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 a 0.8938 acre tract located within the City of Kerrville, Kerr County, Texas. Being Lots 369, 370, 371, 372, and 373 and the northwesterly seven feet (7.0') of Lot 374, Block 52, Chas. Schreiner's 2nd Addition, a subdivision of the Kerr County, Texas, according to the plat of said subdivision recorded in Volume S, Page 147, deed records of Kerr County, Texas; said 0.8938 acres being more particularly described in Exhibit A, attached hereto and made a part hereof for all purposes.

DRAFT 3/14/19

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. **Concept Plan:** The development and use of the Property must conform to the concept plan, attached as **Exhibit B**.
- B. **Pedestrian Accommodations:** A five foot (5') sidewalk shall be installed abutting the subject property along Jefferson Street and Hays Street, which ties into a high-visibility crosswalk across Jefferson at the intersection of Hays and Jefferson.
- C. **Exterior Lighting:** All exterior lighting fixtures must employ a permanent cutoff angle of ninety degrees or less and be positioned so as not to emit light above the horizontal plane of the fixture.
- D. **Landscaping:** The parking area must be screened from view of the public right-of-way to a minimum height of three feet (3') by dense native vegetation and/or a fence/wall. Landscaped screening may not interfere with the clear vision area located at intersections and driveways. Planted screens are encouraged to utilize native plant species that vary in height and density. All healthy or non-diseased and native non-invasive existing trees must be preserved unless the removal is necessary to provide utilities or pedestrian or vehicular access driveways, but not parking.

B. **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.,
2019.

DRAFT 3/14/19

ATTEST:

Bill Blackburn, Mayor

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:

Michael C. Hayes, City Attorney

Exhibit A



0.8938 ACRES
(38,936 SQ. FT.)
2220-11574 ti_r2dwg

FN NO. 2223-11574-FN
February 26, 2019
JOB NO. 222011574.905

FIELD NOTE DESCRIPTION

Of a 0.8938-acre tract located in the city of Kerrville, Kerr county, Texas. Being Lots 369, 370, lot 371, lots 372 and 373 and the northwesterly 7 ft. of Lot 374, Block 52, Chas. Schreiner's 2nd Addition, a subdivision of Kerr County, Texas, according to the plat of said subdivision recorded in Volume S, Page 147, deed records of Kerr County, Texas; said 0.8938 acres being more particularly described as follows, with all bearings being referenced to the North American Datum of 1983, Texas coordinate system, south central zone, using a combined scale factor of 1.00013;

Beginning, at a found 1/2-inch iron rod in the east intersection corner of Jefferson St. and Hays St. being the most westerly corner of Lot 369, Block 52 of said Chas. Schreiner's 2nd Addition Subdivision, being also the most westerly corner of herein described tract of land;

Thence, along the southeasterly right-of-way line of Hays St., N 45° 05' 43" E, a distance of 151.50 feet to a calculated point from which a found pk nail bears s 45°05'43" a distance of 0.23 feet;

Thence, S 44° 54' 17" E, a distance of 257.00 feet to a set PK Nail, being also the most easterly corner of herein described tract ;

Thence, S 45° 05' 43" W, a distance of 151.50 feet to a set PK Nail in the north R.O.W. line of Jefferson St., being the most southerly corner of herein described tract ;

Thence, along the northerly R.O.W. line of Jefferson St. n 44° 54' 17" w, a distance of 257.00 feet to the **Point of Beginning**, containing an area of 0.8938 acres (38,936 sq. ft.) of land, more or less.

A handwritten signature in blue ink that reads "Alberto Jonathan Perez".

2-26-2019

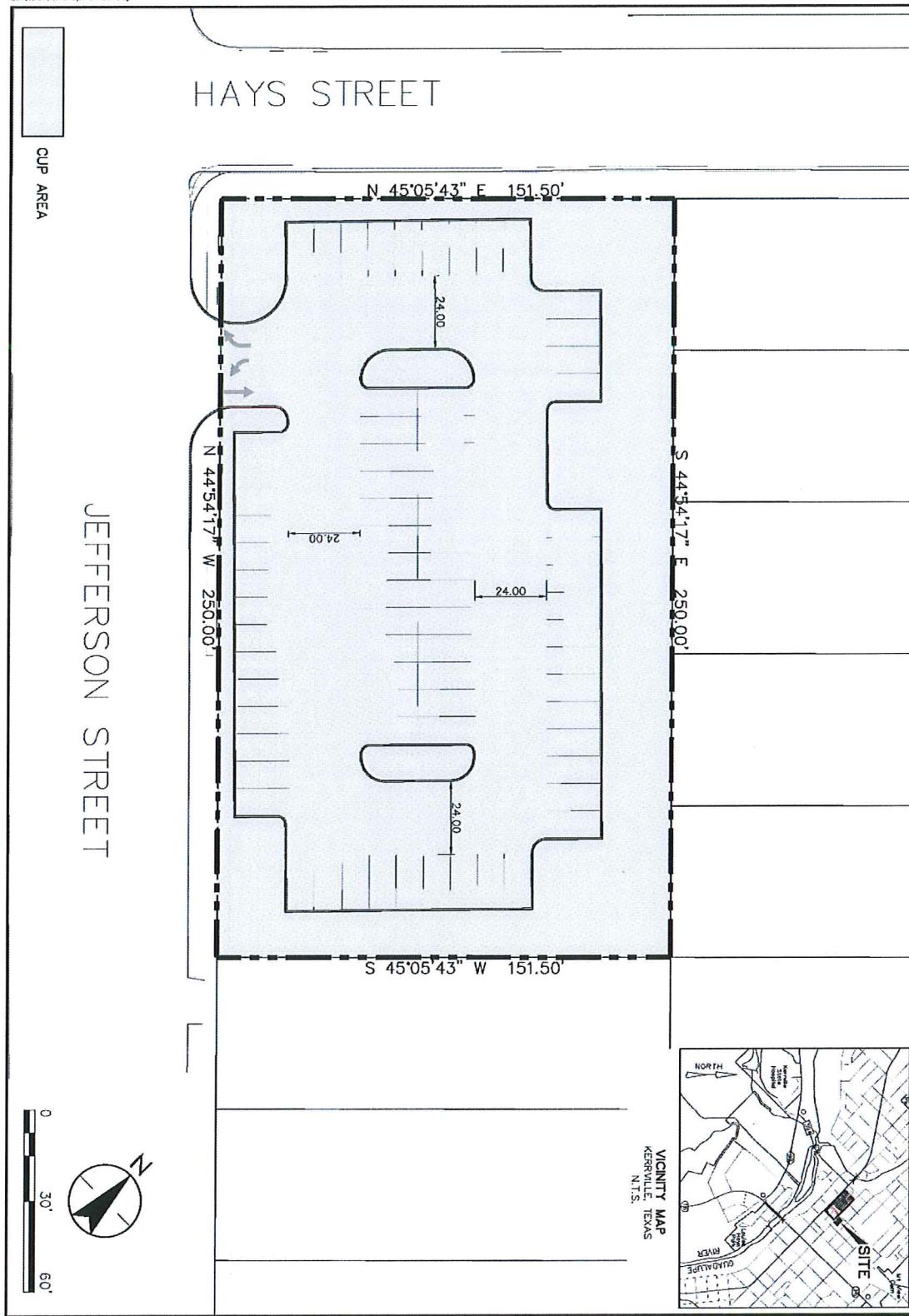
DATE

Alberto Jonathan Perez
Registered Professional Land Surveyor
Texas Registration Number 6572
Stantec Consulting Services, Inc.
70 NE Loop 410, Suite 1100
San Antonio, Texas 78216
210/525-9090
TBPLS Firm No.: 10194228



Exhibit B

V:\Z223\act\19\Z223\0917\clerk\drawings\subdiv\201\K001.CJP\Z223\0917\2014_CJP.cwg
2017\02\01 8:37 AM by: McFarren, Cory



KERRVILLE #1

CONDITIONAL USE PERMIT EXHIBIT
2/1/2019

 **Stantec**
70 NE Loop 410 Suite 1100
San Antonio, Texas 78216
TBPER#6324 TBPLS#10194228
www.stantec.com



City of Kerrville Planning Division Report

To: Planning & Zoning Commission

Agenda Item: 4D

Action: Public hearing, consideration, and action to recommend an ordinance to change the zoning from Single Family Residential District ("R-1") and Guadalupe River District ("GR") to Guadalupe River District ("GR")

Planning File #: 2019-019

Property Owner: Kerrville T-10, LLC

Representative: Kerrville T-10, LLC

Location: Approximately 10.06 acres, out of the Thornton F. Hollis Survey No. 143, Abstract No. 181, within the City of Kerrville, Kerr County, Texas; and more commonly known as 100 Concho

Proposal

Public hearing, consideration, and action to recommend an ordinance to change the zoning from Single Family Residential District ("R-1") and Guadalupe River District ("GR") to Guadalupe River District ("GR") on approximately 10.06 acres, out of the Thornton F. Hollis Survey No. 143, Abstract No. 181, within the City of Kerrville, Kerr County, Texas; and more commonly known as 100 Concho. (File No. 2019-019)

Procedural Requirements

8 Notices were mailed March 4th to adjacent property owners. The public notice was published in the Kerrville Daily Times on March 4th.

Staff Analysis

Consistency with the Kerrville 2050 Comprehensive Plan: The property and surrounding area are located within Strategic Catalyst Area 2. This area is anchored by Peterson Hospital. The plan states, "Enhancing key medical assets while avoiding flood-prone development will be a priority of this area." Allowable place types include: Estate, Neighborhood, Preservation, and Transitional Residential; Professional Services; Entertainment/Mixed Use; Agriculture; and Outdoor Tourism.

Adjacent Zoning and Land Uses

Subject Property

Current Zoning: Single Family Residential District (R-1) & Guadalupe River District (GR)

Existing Land Uses: Single family residential

Direction: North

Current Zoning: West District 8 (W-8) & Planned Development District 2004-18 (PDD 2004-18)

Existing Land Uses: Guadalupe River, multifamily & Dietert Center

Direction: East

Current Zoning: Guadalupe River District (GR)

Existing Land Uses: State Hospital sending & receiving

Direction: South

Current Zoning: Single Family Residential (R-1)

Existing Land Uses: State Hospital

Direction: West

Current Zoning: Single Family Residential (R-1)

Existing Land Uses: Vacant

The uses which are permitted as a matter of right or permitted upon issuance of a conditional use permit in the R-1 zoning district are indicated by the letters "P" and "C," respectively, in the following table:

R-1 DISTRICT PERMITTED & CONDITIONAL USE TABLE	
Bed and Breakfast	C
Dwelling, Single Family, Detached	P
Dwelling, Single Family with Apartment	C
Education, Primary	C

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

GR DISTRICT PERMITTED & CONDITIONAL USE TABLE	
Bed and Breakfast	P
Business Services I	C
Business Services II	C
Cocktail Lounge	C
Dwelling, Multiple Family	P
Education, Secondary and College	P
Education, Primary	C
Funeral Services	C
Institutional and Public Use Facilities	P
Life Care Development	P
Manufacturing, Custom	C
Personal Services I	C
Personal Services II	C
Personal Services, Limited	C
Professional Offices	P
Restaurant, General	P
Restaurant, Limited	P

GR DISTRICT PERMITTED & CONDITIONAL USE TABLE	
Retail Trade - I	C
Retail Trade - Limited	P
Tourist/Visitor & Recreation Service	P
Vehicle Sales/Service Used	C
Vehicle Sales/Service - New	C

Thoroughfare Plan: Thompson Drive is designated as a Secondary. Secondary arterials primarily serve local trips of moderate length, support circulation and access in localized areas with higher traffic volumes, and connect to the principal arterials. Kerrville's standard cross section for a secondary arterial is a four-lane undivided roadway. In higher activity areas, the City may consider an alternate design with two through lanes and a center two-way left-turn lane.

Traffic Impact: To be determined

Parking: To be determined

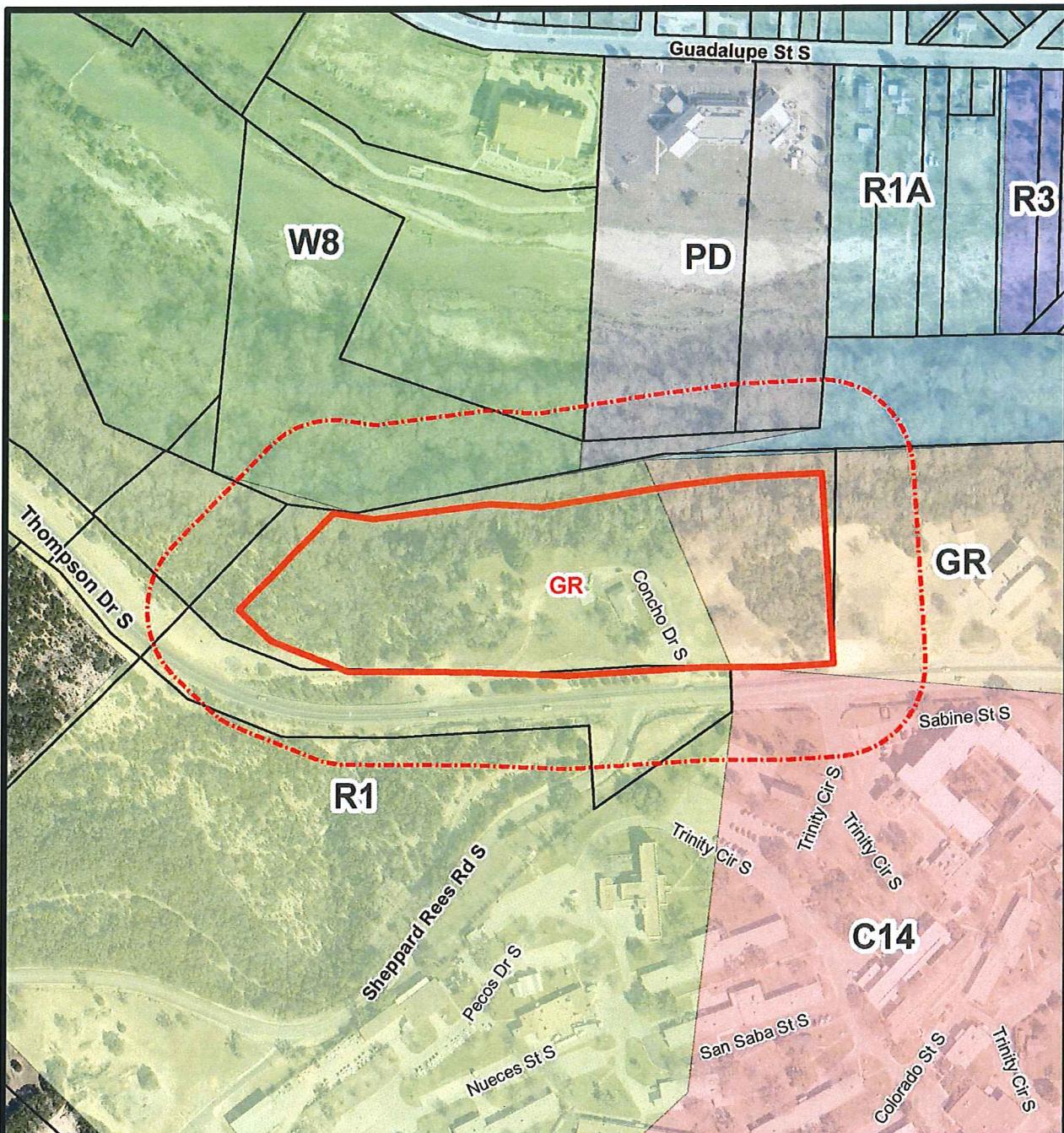
Recommendation

Staff recommends approval.

Attachments

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

Attachment A



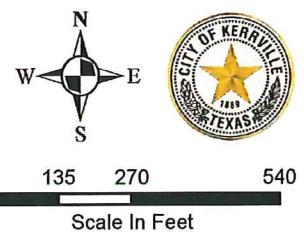
Location Map

Case # 2019-019

Location:
100 Concho

Legend

200' Notification Area 
 Subject Properties 
 Current Zoning TEXT
 Requested Zoning (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.

Attachment B

D R A F T 3/14/19

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2019-__**

AN ORDINANCE AMENDING THE CITY'S "ZONING CODE" BY CHANGING THE ZONING DISTRICT FOR A PORTION OF A 10.06 ACRE TRACT OUT OF THE THORNTON F. HOLLIS SURVEY NO. 143, ABSTRACT NO. 181, WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS, AND MORE COMMONLY KNOWN AS 100 CONCHO DRIVE; BY REMOVING THE AREA FROM AN R-1 RESIDENTIAL ZONING DISTRICT AND PLACING IT WITHIN THE GUADALUPE RIVER ZONING DISTRICT; 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 April ___, 2019, 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 a portion of the property more commonly known as 100 Concho Drive; such change to result in the removal of the property from an R-1 Residential Zoning District to placement within the Guadalupe River ("GR") Zoning District; and

WHEREAS, a public hearing was held in the Council Chambers beginning at approximately 6:00 p.m. on April ___, 2019, 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 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 removing it from an R-1 Residential Zoning District and placing it within the Guadalupe River ("GR") Zoning District;

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

SECTION ONE. The zoning district for the property commonly known as 100 Concho Drive, is changed from an R-1 Residential Zoning District to the Guadalupe River ("GR") Zoning District, said property also being described as follows:

A portion of the 10.06 acre tract of land out of the Thornton F. Hollis Survey No. 143, Abstract No. 181, within the City of Kerrville, Kerr County, Texas; and being a portion of that certain 621 acre tract of land described in deed of record in Volume 60, Page 388 of the deed records of Kerr County, Texas; said 10.06 acre tract being more particularly described and depicted at Exhibit A, attached hereto and made a part hereof for all purposes (the "Property").

The other portion of the Property not subject to this zoning change is located within the Guadalupe River Zoning District. Thus, upon final adoption of this Ordinance, the entire 10.06 acre tract of land will be zoned Guadalupe River.

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 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., 2019.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the _____ of _____, A.D., 2019.

Bill Blackburn, Mayor

ATTEST:

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:

Michael C. Hayes, City Attorney



10.06 ACRES
MARCH 21, 2007
JOB NO. 50689-01.94

FN NO. 50689-01-1R
50689-01.ti.dwg

FIELD NOTE DESCRIPTION

OF A 10.06 ACRE TRACT OF LAND OUT OF THE THORNTON F. HOLLIS SURVEY NO. 143, ABSTRACT NO. 181, KERR COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 621 ACRE TRACT OF LAND DESCRIBED IN DEED OF RECORD IN VOLUME 60, PAGE 388 OF THE DEED RECORDS OF KERR COUNTY, TEXAS; SAID 10.06 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH ALL BEARINGS BEING REFERENCED TO THE NORTH AMERICAN DATUM 1983, TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, U.S. SURVEY FEET; SURFACE DISTANCES MAY BE CONVERTED TO GRID BY DIVIDING BY A COMBINED SCALE FACTOR OF 1.000130:

COMMENCING, AT A FOUND TXDOT CONCRETE MONUMENT IN THE NORTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 248, (SPUR 98), THOMPSON DRIVE (VOLUME 219, PAGE 569, DEED RECORDS KERR COUNTY, TEXAS), BEING THE CENTER LINE STATION OF 41+80.70;

THENCE, S 86° 32' 53" W, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY NO. 248, (SPUR 98), THOMPSON DRIVE, A DISTANCE OF 339.59 FEET TO A SET $\frac{1}{2}$ INCH IRON ROD WITH BPI CAP, HAVING A TEXAS STATE PLANE GRID COORDINATE OF (N = 13,928,567.93, E = 1,918,650.26), FOR THE POINT OF BEGINNING AND THE SOUTHEASTERLY CORNER OF HEREIN DESCRIBED TRACT;

THENCE, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY NO. 248, (SPUR 980), THOMPSON DRIVE AND THE SOUTHERLY LINES OF THE HEREIN DESCRIBED TRACT AS FOLLOWS (THE FOLLOWING RECORD BEARINGS ARE TAKEN FROM VOLUME 219, PAGE 569, D.R.K.C.T.):

S 86° 32' 53" W, A DISTANCE OF 119.11 FEET TO A SET $\frac{1}{2}$ INCH IRON ROD WITH BPI CAP;

N 89° 54' 52" W, (N 89° 41' 13"), A DISTANCE OF 161.16 (160.91) FEET TO A FOUND TXDOT CONCRETE MONUMENT;

S 86° 35' 39" W, (S 86° 45' 00"), A DISTANCE OF 300.35 FEET (300.00) TO A FOUND TXDOT CONCRETE MONUMENT;

EXHIBIT A

Page 1 of 3

PAGE 2 OF 3

N 87° 46' 38" W (N 87° 32' 22" W), A DISTANCE OF 200.39 FEET (201.00 FEET), TO A SET $\frac{1}{2}$ INCH IRON ROD WITH BPI CAP;

N 89° 37' 30" W (N 89° 22' 24" W), A DISTANCE OF 276.76 FEET (276.81 FEET), TO A FOUND TXDOT CONCRETE MONUMENT;

N 68° 17' 27" W (N 68° 06' 19" W), A DISTANCE OF 180.09 FEET (179.87 FEET), TO A FOUND TXDOT CONCRETE MONUMENT;

N 46° 49' 53" W (N 46° 42' 14" W), A DISTANCE OF 97.05 FEET (98.08 FEET) TO A SET $\frac{1}{2}$ INCH IRON ROD WITH BPI CAP, AT THE BASE OF AN OLD FENCE CORNER POST, FOR THE SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT AND FOR THE MOST SOUTHEASTERLY CORNER OF THE HOWE FAMILY LIVING TRUST, AS RECORDED IN VOLUME 590, PAGE 606 OF THE DEED RECORDS OF KERR COUNTY, TEXAS, FROM WHICH A FOUND $\frac{1}{2}$ INCH IRON ROD BEARS N 46° 49' 53" W, A DISTANCE OF 1.05 FEET;

THENCE, N 44° 47' 12" E, (N 44° 50' E, V.60, PG.388), ALONG AN EXISTING OLD MESH AND BARB WIRE FENCE, BEING THE SOUTHEAST LINE OF SAID HOWE FAMILY LIVING TRUST TRACT AND THE NORTHWEST LINE OF SAID 621 ACRE TRACT, A DISTANCE OF 291.60 FEET TO A POINT ON THE SOUTHERLY BANK OF GUADALUPE RIVER FOR THE NORTHWESTERLY CORNER OF HEREIN DESCRIBED TRACT; SAID POINT ALSO BEING THE SAME AS THAT CALLED FOR NORTHWEST CORNER, (SOUTH BANK OF THE GUADALUPE RIVER) OF SAID 621 ACRES RECORDED IN VOLUME 60, PAGE 388 OF THE DEED RECORDS KERR COUNTY, TEXAS;

THENCE, ALONG AND WITH THE MEANDERS OF THE SOUTHERLY BANK OF THE GUADALUPE RIVER, THE FOLLOWING COURSES:

S 81° 56' 37" E, A DISTANCE OF 88.36 FEET TO A POINT FOR CORNER;

N 82° 48' 07" E, A DISTANCE OF 254.48 FEET TO A POINT FOR CORNER;

S 86° 26' 50" E, A DISTANCE OF 113.47 FEET TO A POINT FOR CORNER;

N 81° 02' 00" E, A DISTANCE OF 280.86 FEET TO A POINT FOR CORNER;

Page 2 of 3

PAGE 3 OF 3

N 82° 47' 09" E, A DISTANCE OF 163.29 FEET TO A POINT FOR CORNER;

N 87° 29' 46" E, A DISTANCE OF 170.06 FEET TO A POINT FOR THE NORTHEASTERLY CORNER OF HEREIN DESCRIBED TRACT;

THENCE, S 03° 46' 32" E, EXTENDING INTO SAID 621 ACRE TRACT, A DISTANCE OF 409.85 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 10.06 ACRES OF LAND, MORE OR LESS.

NOTE: Basis of Bearings are referenced to the North American Datum 1983, Texas Coordinate System, South Central Zone by GPS Observation, holding Fredericksburg CORS Station TXFR and San Antonio CORS Station TXAN for directional control:

TXAN

Lat: N 29° 29' 28.34309"
Long: W 098° 34' 35.88078"

TXFR

Lat: N 30° 14' 45.49656"
Long: W 098° 50' 48.42812"

Hal B. Lane 3/21/07
HAL B. LANE III
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NUMBER 4690
BURY & PARTNERS, INC.
ENGINEERS AND SURVEYORS
922 ISOM ROAD, SUITE #100
SAN ANTONIO, TEXAS 78216



page 3 of 3



City of Kerrville Planning Division Report

To: Planning & Zoning Commission
Agenda Item: 5A
Action: Consideration and action concerning rescheduling the July 4 Planning & Zoning Commission meeting
Representative: Staff

Proposal

Reschedule the July 4 Planning & Zoning Commission meeting to July 11 or July 18 due to regular meeting date falling on a federal holiday.

Recommendation

Staff recommends approval.