

## **AGENDA FOR THE KERRVILLE CITY COUNCIL MEETING**

**TUESDAY, MAY 12, 2020, 6:00 P.M.**

**KERRVILLE CITY HALL, COUNCIL CHAMBERS**

**701 MAIN STREET, KERRVILLE, TEXAS**

### **The Community Vision**

*Kerrville will be a vibrant, welcoming and inclusive community that:*

- *Respects and protects the natural environment that surrounds it;*
- *Seeks to attract economic growth and development;*
- *Provides opportunities for prosperity, personal enrichment and intellectual growth for people of all ages; and*
- *Does so while preserving the small-town charm, heritage, arts and culture of the community.*



Kerrville2050



**KERRVILLE CITY COUNCIL MEETING AGENDA**  
**MAY 12, 2020 6:00 PM**  
**CITY HALL, COUNCIL CHAMBERS**  
**701 MAIN STREET, KERRVILLE, TEXAS**



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***Council Meeting Procedures during the Disaster Declaration***

COVID-19 (Coronavirus) provides a unique concern in that gathering members of the public, City Council, and City staff within a physical setting constitutes a public health risk. On March 16, 2020, the Texas Governor suspended certain requirements of the Open Meetings Act to permit open meetings to occur in a fully virtual setting (e.g., telephonic or videoconference meeting).

*In an effort to avoid and mitigate health risks, and limited occupancy levels in Council Chambers, City Council will convene in a virtual forum and attendance will be limited to only those persons essential to holding the meeting. No member of the public will be admitted into City Hall during this time.*

Citizens can provide public comment through Zoom. Zoom telephone numbers are toll free: **1-877-853-5247** or **1-888-788-0099**. The Meeting ID is **973-0714-5018#**. (You must enter the pound sign (#) after the Meeting ID.) \*See Citizen Participation Guidelines.

A person may also submit written comments on specific agenda items, to include public hearings, and comments will be read into the meeting record. Comments must include a name, address, and a reference to the relevant item. Comments that do not include such information will not be read. The City must receive all comments by 5:45 p.m., May 12, 2020. Comments may be:

- a. dropped off at the City Hall Utility Payments Drop-Box; or
- b. emailed to [shelley.mcelhannon@kerrvilletx.gov](mailto:shelley.mcelhannon@kerrvilletx.gov).

Citizens may view and hear the City Council meetings on Spectrum Channel 2 or by live-streaming via the City's website ([www.kerrvilletx.gov](http://www.kerrvilletx.gov)). City Council meetings are recorded and the recordings are posted on the City's website.

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**CALL TO ORDER:**

*Mayor Bill Blackburn*

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

*Led by Councilmember Gary Cochrane*

**1 CONSENT AGENDA:**

These items are considered routine and can be approved in one motion unless a Councilmember asks for separate consideration of an item. It is recommended that the City Council approve the following items which will grant the Mayor or City Manager the authority to take all actions necessary for each approval:



- 1.A. Construction contract with Wagner Materials & Construction for the 2020 Base Repair project in an amount of \$128,000.00.

Attachments:

[20200512\\_Bid\\_2020 Base Repair\\_Received Bids.pdf](20200512_Bid_2020 Base Repair_Received Bids.pdf)

[20200512\\_Contract\\_2020 Base Repair\\_Change Order #1.pdf](20200512_Contract_2020 Base Repair_Change Order #1.pdf)

1.B. Minutes for the City Council Regular meeting held April 28, 2020.

Attachments:

[20200414\\_Minutes-Regular CC on 4-28-20.pdf](#)

1.C. Minutes for the City Council special-called meeting held May 05, 2020.

Attachments:

[20200512\\_Minutes\\_Special-called 10am on 5-5-20.pdf](#)

**END OF CONSENT AGENDA**

**2 PUBLIC HEARING AND ORDINANCES, FIRST READING:**

2.A. Ordinance No. 2020-08. (Zoning Change Appeal). An Ordinance to change the zoning from R-1 Single-Family Residential District to R-3 Multifamily Residential District, which includes a proposed amendment to the Future Land Use Plan of the City's Comprehensive Plan, on approximately 3.88 acres out of the Hand Survey No. 115, Abstract A0193; and generally located west of Loop 534 and north of Paragon Place. (NOTE: This is an appeal from a vote by the Planning and Zoning Commission).

Attachments:

[20200512\\_Ordinance\\_2020-08 Loop 534 North zone change appeal.pdf](#)

[20200512\\_documents\\_applicants appeal Loop 534 North zone change.pdf](#)

2.B. Ordinance No. 2020-09. An Ordinance amending Ordinance No. 2003-26, which created a Planned Development District for Retail Trade I and Building Construction-Specialist Development on an approximately 1.93 acre tract of land known as the Martin Addition, Block 1, Lots 1-3, out of the Samuel Wallace Survey No. 112, Abstract No. 360; and more commonly known as 3001 Memorial Boulevard (State Highway 27), as located within the City of Kerrville, Kerr County, Texas; by amending the site plan for the property; amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas, which adopted zoning regulations, use districts, and a zoning map, such Chapter more commonly known as the City's Zoning Code as appropriate; providing a cumulative clause; providing for severability; providing an effective date; ordering publication; and providing other matters relating to the subject.

Attachments:

[20200512\\_Ordinance\\_2020-09 3001 Memorial Blvd zone change.pdf](#)

[20200512\\_Concept Plan\\_3001 Memorial Blvd zone change.pdf](#)

2.C. Ordinance No. 2020-10. An Ordinance repealing Ordinance No. 2009-08, which created a Planned Development District on an approximate 3.06 acre tract of land out of the Samuel Wallace Survey No. 112, Abstract No. 360, within the City of Kerrville, Texas; and generally located at the southwest corner of Memorial Boulevard (State Highway 27) and Loop 534 (Veterans Highway) intersection; establishing the zoning on the same property as a General Commercial District (C-3) in accordance with Chapter 60 of the Code of Ordinances, City of Kerrville, Texas, which adopted zoning regulations, use districts, and a zoning map pursuant to the City's Comprehensive Plan; such Chapter more commonly known as the City's Zoning Code; providing a cumulative clause; providing for severability; providing an effective date; ordering publication; and providing other matters relating to the subject.

Attachments:

[20200512\\_Ordinance\\_2020-10 3135 Memorial Blvd zone change.pdf](#)

2.D. Ordinance No. 2020-11. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas, which adopted zoning regulations, use districts, and a zoning map in accordance with the City's Comprehensive Plan, such Chapter more commonly known as the City's Zoning Code; by changing the zoning and classification of a property located on the Northwest corner of and adjacent to the intersection of Harper Road (State Highway

FM 783) and Lois Street, more commonly known as 1104 Lois Street; comprising approximately 3.97 acres; from a Single-family Residential zoning district (R-1) to a Residential Transition zoning district (RT); providing a cumulative clause; providing for severability; providing an effective date; ordering publication; and providing other matters relating to the subject.

Attachments:

[20200512\\_Ordinance\\_2020-11 1104 Lois Street zone change.pdf](#)

[20200512\\_Land Use Table\\_R-1-RT.pdf](#)



2.E. Ordinance No. 2020-12. An Ordinance repealing Ordinance No. 2006-04, which created a Planned Development District on an approximate 7.47 acre tract of land out of the Samuel Wallace Survey No. 112, Abstract No. 360, within the City of Kerrville, Texas; said tract located between Meeker Road and Beech Street; establishing the zoning on this same property as Medium Density Residential District (R-2) in accordance with Chapter 60 of the Code of Ordinances, City of Kerrville, Texas, which adopted zoning regulations, use districts, and a zoning map pursuant to the City's Comprehensive Plan; such Chapter more commonly known as the City's Zoning Code; providing a cumulative clause; providing for severability; providing an effective date; ordering publication; and providing other matters relating to the subject.

Attachments:

[20200512\\_Ordinance\\_2020-12 Meeker Street zone change.pdf](#)

[20200512\\_Conceptual Layout\\_Meeker\\_Project.pdf](#)

**3 CONSIDERATION AND POSSIBLE ACTION:**

3.A. Briefing and possible action as to the City's ongoing preparedness and response to COVID-19 (Coronavirus).

**4 EXECUTIVE SESSION:**

*City Council may, as permitted by law, adjourn into executive session at any time to discuss any matter listed above including if they meet the qualifications in Sections 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding gifts), 551.074 (personnel/officers), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Texas Government Code.*

**5 ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF ANY:**

**ADJOURN.**



## ALTERNATIVE CITIZEN/PUBLIC PARTICIPATION GUIDELINES (Due to COVID-19 Pandemic Disaster Declaration)



**Despite the necessity to restrict public access to Kerrville City Council meetings in the interest of public health during the COVID-19 pandemic, citizens and visitors are welcome to participate in Kerrville City Council meetings in several alternative ways as outlined below.**

### **Instructions for callers:**

Dial one of the following numbers:

877 853 5247 (Toll Free) or

888 788 0099 (Toll Free)

If you cannot get through on one of the numbers due to network congestion, call the other number.

When your call is answered you will hear "**Welcome to Zoom, enter your Meeting ID followed by pound.**" Enter in the Meeting ID below followed by the pound sign (#).

The Meeting ID is **973-0714-5018#**

If the moderator has not started the meeting yet, you will hear "The meeting has not started yet, please hold or call back later."

Once you have called into the meeting, your microphone will be placed on mute and your call will be placed in the call queue. At this point, you will hear silence on the phone. Do not hang up. The moderator will unmute your microphone as he/she is going down the list. Once the meeting has started, you will be able to listen to proceedings even if your microphone is muted.

The moderator will be accepting calls starting at 5:00 p.m.

For items 1A, 1B, 1C, and 3A place your call before 5:45 p.m. in order to participate. Callers seeking to speak on these items and who call after this time will not be allowed.

However, for Public Hearing items 2A, 2B, 2C, 2D, and 2E, a caller seeking to speak on these items may call at any time prior to the item being introduced at the meeting. All callers are encouraged to call between 5:00 p.m. and 5:45 p.m. to be registered by the moderator. A caller must use the "raise your hand" feature on Zoom in order to be called upon for the Public Hearing. On a computer, tablet, or mobile phone click on "Participants" and click on "Raise Hand" button. By landline telephone press \*9.

### **Instructions for written comments:**

Written comments will be accepted for any agenda items, including Public Hearing.

Written comments will be read into record, and can be provided in two different ways:

**OPTION 1 by hard copy** – Comments may be dropped off at the City Hall Utility Payments Drop-Box on the north side of City Hall by 5:45 p.m. the evening of the Council meeting. You are required to provide your first and last name, address, and identify the item you wish to comment on.

**OPTION 2 by email** - Comments can be emailed to **shelley.mcelhannon@kerrvilletx.gov** and must be received by 5:45 p.m. the evening of the Council meeting. You are required to provide your first and last name, address, and identify the item you wish to comment on. In addition, anyone may email Councilmembers via their City email addresses as specified on the City's website.

For either option, provide **all required information** in order for your comments to be accepted. Thank you for your participation!



**TO BE CONSIDERED BY THE CITY COUNCIL  
CITY OF KERRVILLE, TEXAS**

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**SUBJECT:** Construction contract with Wagner Materials & Construction for the 2020 Base Repair project in an amount of \$128,000.00.

**AGENDA DATE OF:** May 12, 2020      **DATE SUBMITTED:** May 05, 2020

**SUBMITTED BY:** Kyle Burow

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**EXHIBITS:** [20200512\\_Bid\\_2020 Base Repair\\_Received Bids.pdf](#)  
[20200512\\_Contract\\_2020 Base Repair\\_Change Order #1.pdf](#)

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<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
\$128,000.00	\$580,351.78	\$1,750,000.00	01-0161-2420

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**PAYMENT TO BE MADE TO:** Wagner Materials & Construction

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<b>Kerrville 2050 Item?</b>	Yes
<b>Key Priority Area</b>	M - Mobility / Transportation
<b>Guiding Principle</b>	M4. Place a high priority on the maintenance of existing streets
<b>Action Item</b>	M4.2 - Continue implementing the plan for street repairs, including a timeline and funding, based on the road conditions data collection and evaluation completed in 2016

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**SUMMARY STATEMENT:**

In 2015, the City of Kerrville hired Fugro to inspect the City of Kerrville's street system and develop a five and ten year prioritized capital improvement plan based on Pavement Condition (PCI). The plan implemented maintenance and rehabilitation practices for the street system through slurry seal, crack seal, overlay, and full reconstruction of streets based on the best repair method for the type of failures found. After four years of implementation, approximately \$6.3 million have been utilized resulting in approximately 128 lane miles having completed maintenance, and bringing the community's overall Pavement Condition Index (PCI) up to 69.1 from the original analysis of 59.7.

As part of the adopted FY19 budget, 6S Engineering, Inc. was hired to update the Pavement Master Plan and reassess the current street conditions and maintenance practices. The 6S Engineering, Inc. team, including Fugro, evaluated the current street

condition assessment gathered for each street segment to analyze the deterioration estimates based on the effectiveness of the current street repair methods and degradation of street segments compared to the initial report, combined multiple street segments to minimize construction costs, and reevaluated the prioritization of streets. The updated prioritization of all streets were based on PCI, Ride Condition Index (RCI), and Roadway Classification (i.e. Collector, Residential). Upon completion of the analysis, 6S Engineering, Inc. developed a 10-year maintenance plan to assist with future budgeting and maintenance methods to be adopted by City Council. The adopted 2019 Pavement Management Plan is the culmination of these efforts, and will influence the pavement management strategy employed for the near-term 2020 paving season and beyond.

The City consulted 6S Engineering, Inc. to develop construction specifications for the 2020 Base Repair project. The scope of this project is to assist City personnel in preparing the roads for the Year 1 slurry seal maintenance method of the updated Pavement Management Plan for approximately 12 lane miles of roadway. The scope of the project includes performing near-term base repairs on the roadway, followed by crack seal to prepare the roads for the slurry seal project to be completed in the September/October time frame. Due to budgetary constraints caused by the national downturn) the base repair components of the bid have been stripped from the original contract and will be completed by in-house City personnel. However, the crack seal component of the original scope cannot be completed by City staff. Award of the crack seal component is recommended in order to maximize the effectiveness and duration of the slurry seal work to be completed over the sealed roadway cracks.

The project was placed for advertisement, the bid opening was held and two bids were received, with Wagner Materials & Construction as the apparent low bid. Staff, along with 6S Engineering, Inc. evaluated the contractor and recommend awarding the base bid construction contract and Change Order #1 (Removal of Base Repairs) for a total contract amount of \$128,000.00 to Wagner Materials & Construction.

**RECOMMENDED ACTION:**

Authorize the City Manager to finalize and execute a construction contract.

## Project Name : 2020 Base Repair

**Engineering Number: #20-005**

# **Bid Opening: April 7, 2020**



PROJECT:	City of Kerrville - 2020 Base Repair Project		
OWNER:	City of Kerrville		
CONTRACTOR:	Wagner Materials & Construction		
ENGINEER:	6S Engineering		
CHANGE ORDER NO.	1	CHANGE ORDER DATE:	5/1/2020
Make following additions/deletions or modifications to work described in the Contract Documents:			
	Description of Change		Cost
1	Remove Flexible Pavement Structure Repair		-\$240,000.00
2			
3			
4			
5			
		<b>TOTAL COST OF THIS CHANGE ORDER:</b>	<b>-\$240,000.00</b>
<p><i>The compensation agreed to upon in this change order is full, complete and final payment for all costs the Contractor may incur as a result of or related to this change whether said costs are known, unknown, foreseen or unforeseen at this time, including without limitation, any cost for delay, extended overhead, ripple or impact cost, or any other affect on changed or unchanged work as a result of this Change Order.</i></p>			
Contract Cost and/or Time Impacts:			
Original Contract Amount	\$368,000.00		
Previously Approved Change Order Amount	\$0.00		
Adjusted Contract Amount	\$368,000.00		
Proposed Change Order Amount (this change order)	-\$240,000.00		
Revised Contract Amount	\$128,000.00		
Previous Contract Time	30		
Previous Substantial Completion Date	7/31/2020		
Previous Final Completion Date	8/14/2020		
Net Change in Contract Time			
Revised Contract Time	30		
Revised Substantial Completion Date	7/31/2020		
Revised Final Completion Date	8/14/2020		
Recommended by:			
(Architect/Engineer)			
By	_____ Date _____		
Approved by:			
(Contractor)			
By	_____ Date _____		
Approved by:			
(Owner)			
By	_____ Date _____		



**TO BE CONSIDERED BY THE CITY COUNCIL  
CITY OF KERRVILLE, TEXAS**

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**SUBJECT:** Minutes for the City Council Regular meeting held April 28, 2020.

**AGENDA DATE OF:** May 12, 2020      **DATE SUBMITTED:** Mar 12, 2020

**SUBMITTED BY:** Shelley McElhannon

**EXHIBITS:** [20200414\\_Minutes-Regular CC on 4-28-20.pdf](#)

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<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
0	N/A	N/A	N/A

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**PAYMENT TO BE MADE TO:** N/A

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<b>Kerrville 2050 Item?</b>	No
<b>Key Priority Area</b>	N/A
<b>Guiding Principle</b>	N/A
<b>Action Item</b>	N/A

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**SUMMARY STATEMENT:**

Minutes for the City Council regular meeting held April 28, 2020 at 6:00 p.m.

**RECOMMENDED ACTION:**

Approve minutes as presented.

CITY COUNCIL MINUTES  
REGULAR MEETING

KERRVILLE, TEXAS  
APRIL 28, 2020

On April 28, 2020, at 6:00 p.m. the meeting was called to order by Mayor Bill Blackburn in the City Hall Council Chambers at 701 Main Street. The invocation was offered by Councilmember Delayne Sigerman, followed by the Pledge of Allegiance led by Councilmember Sigerman.

**COUNCILMEMBERS PRESENT:**

Bill Blackburn	Mayor
Judy Eychner	Mayor Pro Tem
Kim Clarkson	Councilmember
Gary Cochrane	Councilmember
Delayne Sigerman	Councilmember

**COUNCILMEMBER ABSENT:** None

**CITY EXECUTIVE STAFF PRESENT:**

Mark McDaniel, City Manager	Martin Greenwell, Multimedia Coordinator
E.A. Hoppe, Deputy City Manager	Kayla McInturff, Deputy City Secretary
Mike Hayes, City Attorney	Dannie Smith, Fire Chief
Shelley McElhannon, City Secretary	
Amy Dozier, Chief Finance Officer	

**VISITORS PRESENT:** No citizens were present physically at the City Council meeting due to the COVID-19 pandemic restrictions; however public participation was engaged through telephone and by email.

**1. CONSENT AGENDA:**

- 1A. Resolution No. 08-2020. A Resolution authorizing the submission of a grant application to the Office of the Governor, Public Safety Office, by the City of Kerrville for the purchase of a Mobile Command Center.
  
- 1B. Minutes for the City Council meeting held April 14, 2020.

Councilmember Gary Cochrane moved to approve items 1A and 1B, as presented. Councilmember Judy Eychner seconded, and the motion passed 5-0.

**END OF CONSENT AGENDA**

**2. INFORMATION AND DISCUSSION:**

- 2A. Financial update for the month ended March 31, 2020.

The title caption was read into record by Kayla McInturff. Amy Dozier presented information and answered questions.

**3. CONSIDERATION AND POSSIBLE ACTION:**

3A. Resolution No. 09-2020. A Resolution authorizing the submission of a grant application to the Office of the Governor, Criminal Justice Division, by the City of Kerrville for eligible COVID-19 related expenses.

The resolution title was read into record by Kayla McInturff. Amy Dozier presented item and answered questions.

Councilmember Cochrane made a motion to approve Resolution No. 09-2020. Councilmember Eychner seconded, and the motion passed 5-0.

3B. Briefing and possible action as to the City's ongoing preparedness and response to COVID-19 (Coronavirus).

Mark McDaniel presented information and responded to questions.

Councilmember Cochrane made a motion to authorize City Manager to re-open the Library on Monday, May 4, 2020. Councilmember Clarkson seconded, and the motion passed 5-0.

Chief Smith presented additional information and responded to questions.

Councilmember Sigerman and Councilmember Eychner provided an update on Kerrville Food Relief, financial assistance, transportation and other essential services.

Councilmember Eychner asked City Staff to create a Resolution to be sent to representatives and Governor's Office, asking to postpone any raised property values on existing values until next year. Council asked for a special called meeting to be scheduled in order to take action on Resolution.

**ADJOURNMENT**

The meeting was adjourned at 7:06 p.m.

APPROVED:

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Bill Blackburn, Mayor

ATTEST:

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Kayla McInturff, Deputy City Secretary

APPROVED BY COUNCIL: \_\_\_\_\_



**TO BE CONSIDERED BY THE CITY COUNCIL  
CITY OF KERRVILLE, TEXAS**

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**SUBJECT:** Minutes for the City Council special-called meeting held May 05, 2020.

**AGENDA DATE OF:** May 12, 2020      **DATE SUBMITTED:** Mar 12, 2020

**SUBMITTED BY:** Shelley McElhannon

**EXHIBITS:** [20200512\\_Minutes\\_Special-called 10am on 5-5-20.pdf](#)

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<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
0	N/A	N/A	N/A

**PAYMENT TO BE MADE TO:** N/A

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<b>Kerrville 2050 Item?</b>	No
<b>Key Priority Area</b>	N/A
<b>Guiding Principle</b>	N/A
<b>Action Item</b>	N/A

**SUMMARY STATEMENT:**

Minutes for the City Council special-called meeting held May 05, 2020 at 10:00 a.m.

**RECOMMENDED ACTION:**

Approve minutes as presented.

CITY COUNCIL MINUTES  
SPECIAL-CALLED MEETING, COUNCIL CHAMBERS

KERRVILLE, TEXAS  
MAY 5, 2020 10:00 AM

**CALL TO ORDER:** On May 5, 2020, at 10:00 a.m., the Kerrville City Council Special-Called meeting was called to order by Mayor Bill Blackburn in the City Hall Council Chambers, 701 Main Street.

**COUNCILMEMBERS PRESENT:**

Bill Blackburn	Mayor
Gary Cochrane	Councilmember Place 1
Kim Clarkson	Councilmember Place 2
Judy Eychner	Councilmember Place 3
Delayne Sigerman	Councilmember Place 4

**COUNCILMEMBER ABSENT:** None

**CITY STAFF PRESENT:**

Mark McDaniel	City Manager
E.A. Hoppe	Deputy City Manager
Mike Hayes	City Attorney
Shelley McElhannon	City Secretary
Amy Dozier	Chief Financial Officer

**VISITORS PRESENT:**

On file in City Secretary's Office for required retention period.

Mayor Blackburn provided meeting procedures during the Disaster Declaration.

**1. CONSIDERATION AND POSSIBLE ACTION:**

1.A. Resolution No. 10-2020. A Resolution requesting that the State of Texas take action to suspend the 2020 appraisals of taxable property and to use the value established for the previous year.

The Resolution caption was read into record by Shelley McElhannon.

Mark McDaniel, Mike Hayes, and Amy Dozier presented information and responded to questions.

Councilmember Judy Eychner made a motion to adopt Resolution No. 10-2020, and Councilmember Delayne Sigerman seconded. The motion passed 5-0. The Resolution will be sent to the Governor Greg Abbott, State Representative Andrew Murr, and State Senator Dawn Buckingham.

Councilmember Kim Clarkson provided details about the "Kerrville Utility Kindness Fund", which assists citizens in paying Kerrville utility bills during the Covid-19 hardship. Criteria is established and customers would have to qualify.

**ADJOURN:**

The meeting was adjourned at 10:44 a.m.

APPROVED BY COUNCIL: \_\_\_\_\_

APPROVED:

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Bill Blackburn, Mayor

ATTEST:

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Shelley McElhannon, City Secretary



**TO BE CONSIDERED BY THE CITY COUNCIL  
CITY OF KERRVILLE, TEXAS**

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**SUBJECT:** Ordinance No. 2020-08. (Zoning Change Appeal). An Ordinance to change the zoning from R-1 Single-Family Residential District to R-3 Multifamily Residential District , which includes a proposed amendment to the Future Land Use Plan of the City's Comprehensive Plan, on approximately 3.88 acres out of the Hand Survey No. 115, Abstract A0193; and generally located west of Loop 534 and north of Paragon Place. (NOTE: This is an appeal from a vote by the Planning and Zoning Commission).

**AGENDA DATE OF:** May 12, 2020      **DATE SUBMITTED:** Apr 28, 2020

**SUBMITTED BY:** Drew Paxton

**EXHIBITS:** [20200512\\_Ordinance\\_2020-08 Loop 534 North zone change appeal.pdf](#)  
[20200512\\_documents\\_applicants appeal Loop 534 North zone change.pdf](#)

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<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
\$0	\$0	\$0	N/A

**PAYMENT TO BE MADE TO:** N/A

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<b>Kerrville 2050 Item?</b>	No
<b>Key Priority Area</b>	N/A
<b>Guiding Principle</b>	N/A
<b>Action Item</b>	N/A

**SUMMARY STATEMENT:**

Proposal

This is an appeal of the Planning and Zoning Commission's denial to change the zoning from R-1 Single-Family Residential District to R-3 Multifamily Residential District , which includes a proposed amendment to the Future Land Use Plan of the City's comprehensive Plan, on approximately 3.88 acres out of the Hand Survey No. 115, Abstract A0193; and generally located west of Loop 534 and north of Paragon Place.

## The Planning and Zoning Commission

On March 5th, the Planning and Zoning Commission held a public hearing for this case. The applicant's representative presented the request for the R-3 Multifamily Residential Zoning on this property, four adjacent property owners spoke in opposition. The P&Z discussed many concerns from the proposed project and adjacent property owners, such as ... drainage, height restrictions, setbacks, land use, ... The Planning and Zoning Commission concluded the discussion with acknowledgment that it is a difficult site for development, the scale of this proposed project would not fit well with the views from the golf course and gateway area of Sidney Baker and Loop 534. The P&Z chairman stated that while R-1 may not be the best use of the property, a multifamily project is too large of a project in this location.

## Staff Analysis and Recommendation as presented to the Planning and Zoning Commission

### Consistency with the Kerrville 2050 Comprehensive Plan:

The property is designated Neighborhood residential within the Future Land Use Plan. Neighborhood Residential is a very common place type that is predominantly single-family housing on detached lots. Home sites are located in platted subdivisions, on residential streets, and with sidewalks. This place type is serviced by at least one provider for every utility. Units are typically larger than those of the Preservation Residential place type. Limited amounts of local retail and services may be appropriate in certain locations as needed to support the primary land use.

The existing surrounding area includes: single family homes and Schreiner Golf Course (designated Preservation Residential).

This request also includes an amendment to the Future Land Use Plan. This zoning request is consistent with both the Transitional Residential. Transitional Residential areas support a variety of housing types in a compact network of complete, walkable streets that are easy to navigate by car, bike, or on foot. Housing types can include small-lot, single-family detached homes, patio homes, townhomes, duplexes, condominiums, or apartments. Limited amounts of local retail and services may be appropriate in certain locations as needed to support the primary land uses.

**Primary Land Use:** Small lot, single-family detached homes, patio homes, townhomes, duplexes, condominiums, apartments.

**Secondary Land Use:** Civic and institutional uses, parks and open space, small amounts of neighborhood-serving retail and office in carefully chosen locations.

The Kerrville 2050 Plan is considered to be a living document and thus is intended to be reviewed and updated from time to time. This includes both "regular reviews in the coming years to see that the plan maintains its relevance and to sustain the commitment of the community that participated so enthusiastically in its creation", as well as review on a case by case level, triggered by rezoning cases such as this.

The Zoning Code references multiple reasons a zoning change may be considered when it is inconsistent with the Comprehensive Plan. In this case, this application represents a new and important opportunity for the community that deserves due consideration and was not known or anticipated at the time of adoption of the plan. At the time of adoption of the Kerrville 2050 Plan Future Land Use Plan and the updated Zoning Code, this property had not been presented to staff for any specific development.

Adjacent Zoning and Land Uses

Subject Property

Current Zoning: R-1

Existing Land Uses: vacant

Direction: North

Current Zoning: PI and R-3

Existing Land Uses: Schreiner Golf Course and vacant

Direction: South

Current Zoning: R-1 and R-2

Existing Land Uses: Single family homes and townhomes

Direction: East

Current Zoning: R-1

Existing Land Uses: church

Direction: West

Current Zoning: PI

Existing Land Uses: Schreiner Golf Course

Thoroughfare Plan: With the property accessing from Loop 534, there should be minimal impact on the thoroughfare system.

Traffic Impact: To be determined with the final project design.

Parking: To be determined, required as per the zoning code.

Recommendation:

Based on the location of the parcel, adjacent to Loop 534 and the golf course, the Transitional Residential place type is fitting, similar to other properties fronting the Loop to the north. With the Transitional Residential place type, the R-3 Multifamily zoning district

request is appropriate. Dependent upon the consideration of the amendment to the Future Land Use Plan and based on the policies within the comprehensive plan, staff recommends approval of zoning change.

The Planning and Zoning Commission recommended denial of the case with a unanimous vote on March 5, 2020.

Pursuant to Section 60-65 (7) of the City of Kerrville Zoning Code, following the P&Z's recommendation to deny the case, the applicant submitted a request for an appeal on March 13, 2020.

As per Section 60-65 (8) Action by City Council, after the close of the public hearing, the receipt of the final report of the Commission, and any additional information and recommendations provided by the Director, City Council may take one of the following actions:

- a. Deny the application;
- b. Approve an ordinance adopting the zoning changes requested by the applicant;
- c. Approve an ordinance adopting the zoning changes as recommended by the Commission; or
- d. Approve an ordinance adopting the zoning change as determined by Council.

**RECOMMENDED ACTION:**

The Planning and Zoning Commission recommends denial of this zoning change.

**CITY OF KERRVILLE, TEXAS**  
**ORDINANCE NO. 2020-08**

**AN ORDINANCE AMENDING CHAPTER 60 OF THE CODE OF ORDINANCES, CITY OF KERRVILLE, TEXAS, WHICH ADOPTED ZONING REGULATIONS, USE DISTRICTS, AND A ZONING MAP IN ACCORDANCE WITH THE CITY'S COMPREHENSIVE PLAN, SUCH CHAPTER MORE COMMONLY KNOWN AS THE CITY'S ZONING CODE; BY CHANGING THE ZONING AND CLASSIFICATION OF A PROPERTY GENERALLY LOCATED WEST OF AND ADJACENT TO LOOP 534 NORTH (VETERANS HIGHWAY) AND NORTH OF ITS INTERSECTION WITH CYPRESS CREEK ROAD (FM 1341); COMPRISING APPROXIMATELY 3.88 ACRES; FROM A SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT (R-1) TO A MULTIFAMILY RESIDENTIAL ZONING DISTRICT (R-3); AMENDING THE COMPREHENSIVE PLAN (KERRVILLE 2050) TO MAKE IT CONSISTENT WITH SUCH AMENDMENT; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; 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 held before the City Council on May 12, 2020, 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 property generally located west of and adjacent to Loop 534 North and north of its intersection with Cypress Creek Road; such change to result in the removal of the property from a Single-Family Residential Zoning District (R-1) to placement within a Multifamily Residential Zoning District (R-3); and

**WHEREAS**, on May 12, 2020, City Council held a public hearing on the zoning change referenced above pursuant to the published notice and has considered the application, comments, reports, and recommendations of the Planning and Zoning Commission and staff, public testimony, and other relevant support materials;

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

**SECTION ONE.** The Zoning Code for the City of Kerrville, Texas, as enacted by City Council and effective October 1, 2019 and included within Chapter 60 of the

Code of Ordinances of the City of Kerrville, Texas, and the *Official Zoning Map* be and the same are hereby amended to designate the following described property zoned as a Multifamily Residential Zoning District (R-3):

**Legal Description:** Being all of a certain tract or parcel of land comprising approximately 3.88 acres out of Hand Survey No. 115, Abstract No. 193, within the City of Kerrville, Kerr County, Texas; said tract being more particularly described and depicted at Exhibit A, attached hereto and made a part hereof for all purposes, and hereafter referred to as the "Property."

**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 the City's Zoning Code.

**SECTION THREE.** The City Manager or designee is authorized and directed to amend the City's Comprehensive Plan (*Kerrville 2050*), together with its *Future Land Use Map*, as necessary to make it consistent with the amendment(s) to the Zoning Code authorized by this Ordinance, to include changing the designation of the Property on said map to "Transitional Residential."

**SECTION FOUR.** 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 FIVE.** The terms and provisions of this Ordinance shall be deemed to be severable in that if any portion of this Ordinance is declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

**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 3.07 of the City Charter.

PASSED AND APPROVED ON FIRST READING, this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2020.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the \_\_\_\_\_ of \_\_\_\_\_, A.D., 2020.

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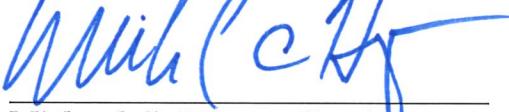
Bill Blackburn, Mayor

ATTEST:

---

Shelley McElhannon, City Secretary

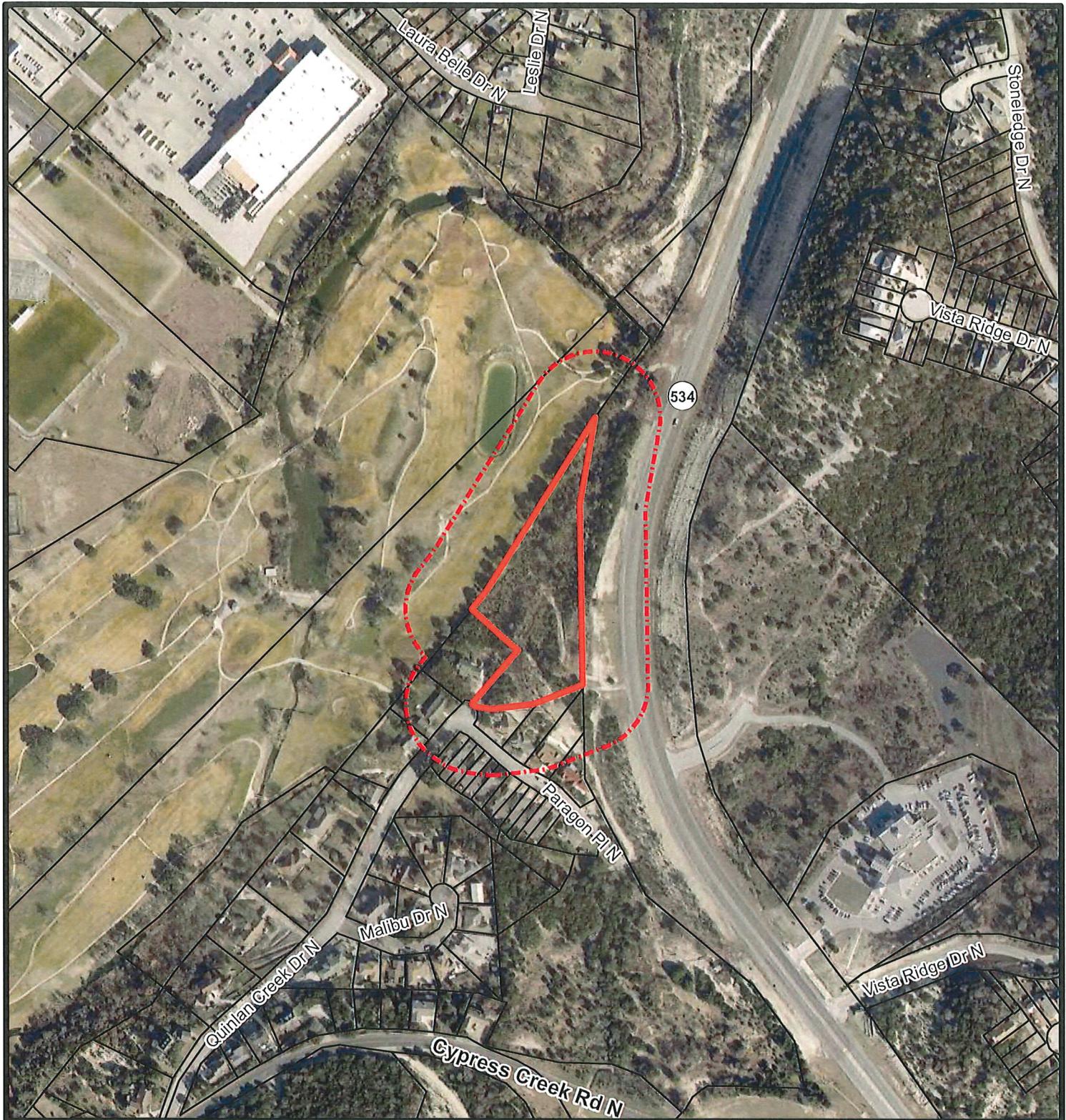
APPROVED AS TO FORM:



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Michael C. Hayes, City Attorney

# **EXHIBIT A**



## Location Map

Case # 2020-005

Location:

ABS A0193 HAND,  
SUR 115, ACRES 3.87

Legend  
200' Notification Area  
Subject Properties



0 125 250 500

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.

# **APPLICANT'S APPEAL**

## **DOCUMENTS**

March 13<sup>th</sup>, 2020

## Appeal Letter for Don Raybourns Rezoning of Property

This is an appeal letter with regards to the judgment on the rezoning rejection from R1 zoning to R3 zoning, that occurred on March 5<sup>th</sup>, 2020 at the Kerrville city hall on Don Raybourns property, property ID 14840.

The decision to reject the proposed rezoning of the property was based on the boards opinion that the project would not be suitable or appealing to view from the golf course or from any view they could conceive of. They didn't think midrise buildings were appropriate.

As we understood it, the entire meeting was not to get approval on a particular building development or set of mid-rise buildings, but to show that potentially down the road, we may want to develop something of higher density that fits in with the style of the beautiful city of Kerrville. Our presentation was not set in stone on any of the "general examples" of the buildings, but rather to just show that the property is a *transitional property* from R1 to R3 properties to the north. We feel the board focused too much on proposed developments which was not the intended purpose of the meeting. We would like to appeal on the grounds that we believe the board rejected the rezoning due to their fears of a development that has yet to even be explicitly proposed. We merely want the ability to try to propose said future developments with the R3 zoning.

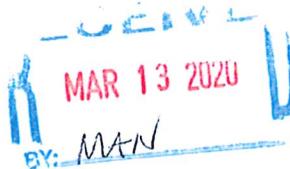
The property in question is located just north of Paragon Pl, sandwiched between the City Golf Course on its west, and Loop 534(Veterans Hwy) to its east.

The reason we feel aggrieved by the decision is that we feel the board did not sufficiently focus on the merits of the property to be rezoned, but rather focused on proposed building development, which we believe was an unfair focus for our application to rezone.

Thank you very much

Don Raybourn

Submitted by Michael Bates on Don Raybourns behalf



To: DREW PAXTON, PLANNING DIRECTOR (830)896-0517  
From: DON RAYBOURN  
(719) 873-2014  
marindon@msn.com

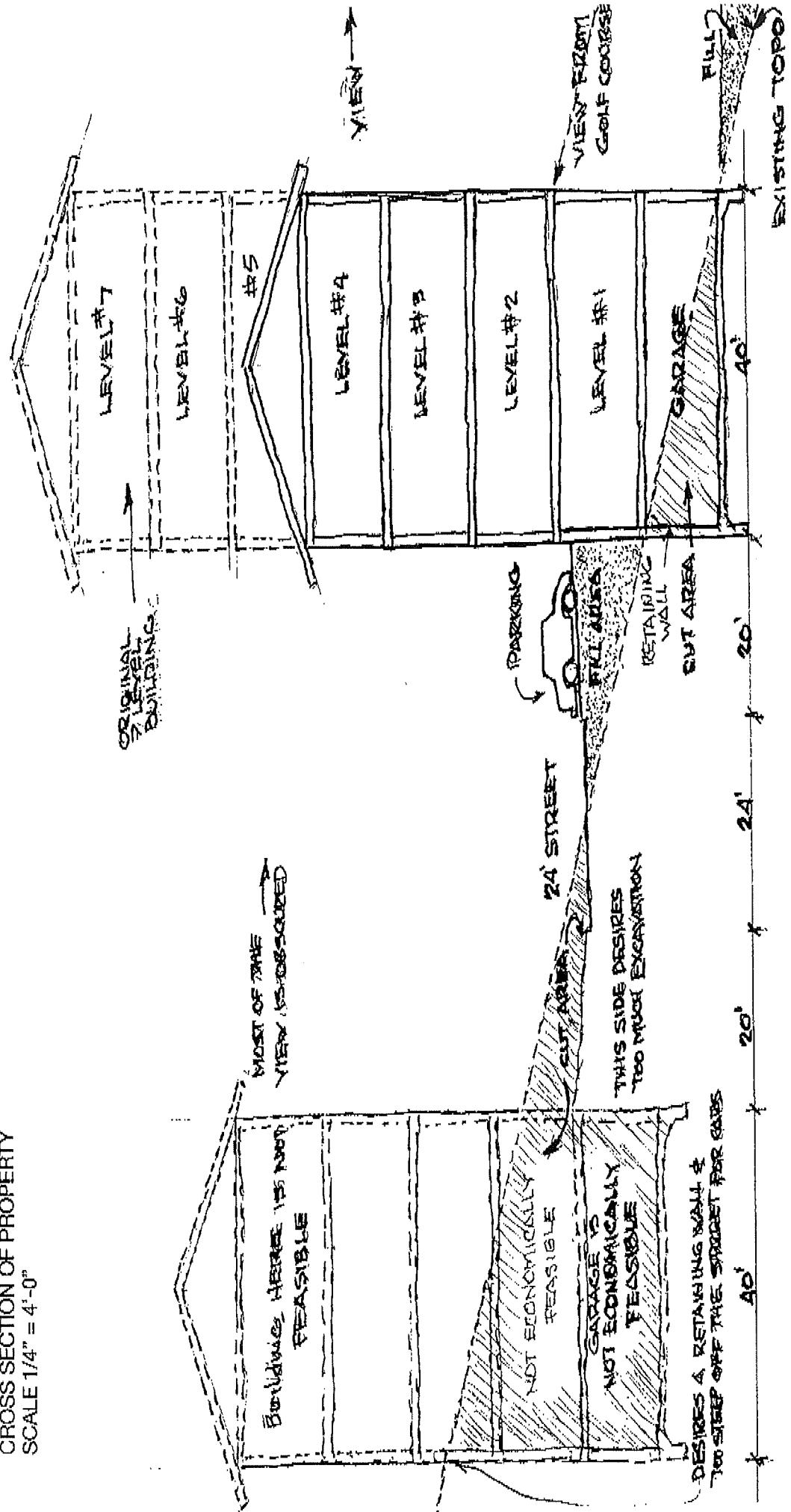
SENT: 2 PAGES + this cover  
(DRAWINGS + PLAT)

TO: DREW PAXTON, PLANNING DIRECTOR  
FROM: DON H. RAYBOURN  
86 DEER RUN  
SOUTH FORK, CO 81154  
EMAIL: marindon @ msn.com  
(719) 873-2014

DATE: APRIL 3, 2020

SUBJECT: CASE #2020-005 (3.88 AC on Loop 534)

CROSS SECTION OF PROPERTY  
SCALE 1/4" = 4'-0"



TO: DREW PAXTON, PLANNING DIRECTOR  
FROM: DON H. RAYBOURN  
85 DEER RUN  
SOUTH FORK, CO 81154  
EMAIL [marindon @ msn.com](mailto:marindon@msn.com)  
(719) 873-2014

IS OF KERR COUNTY, TEXAS

DATE: APRIL 3, 2020

SUBJECT: CASE #2020-005 (3.88 AC on Loop 534)

CLASS SECTION OF PROPERTY

SCALE 1/4" = 4'-0"

SCALE: 1" = 100'

## LEGEND

- found YI" iron stake
- iron stake
- M face anglepads
- concrete right-of-way marker

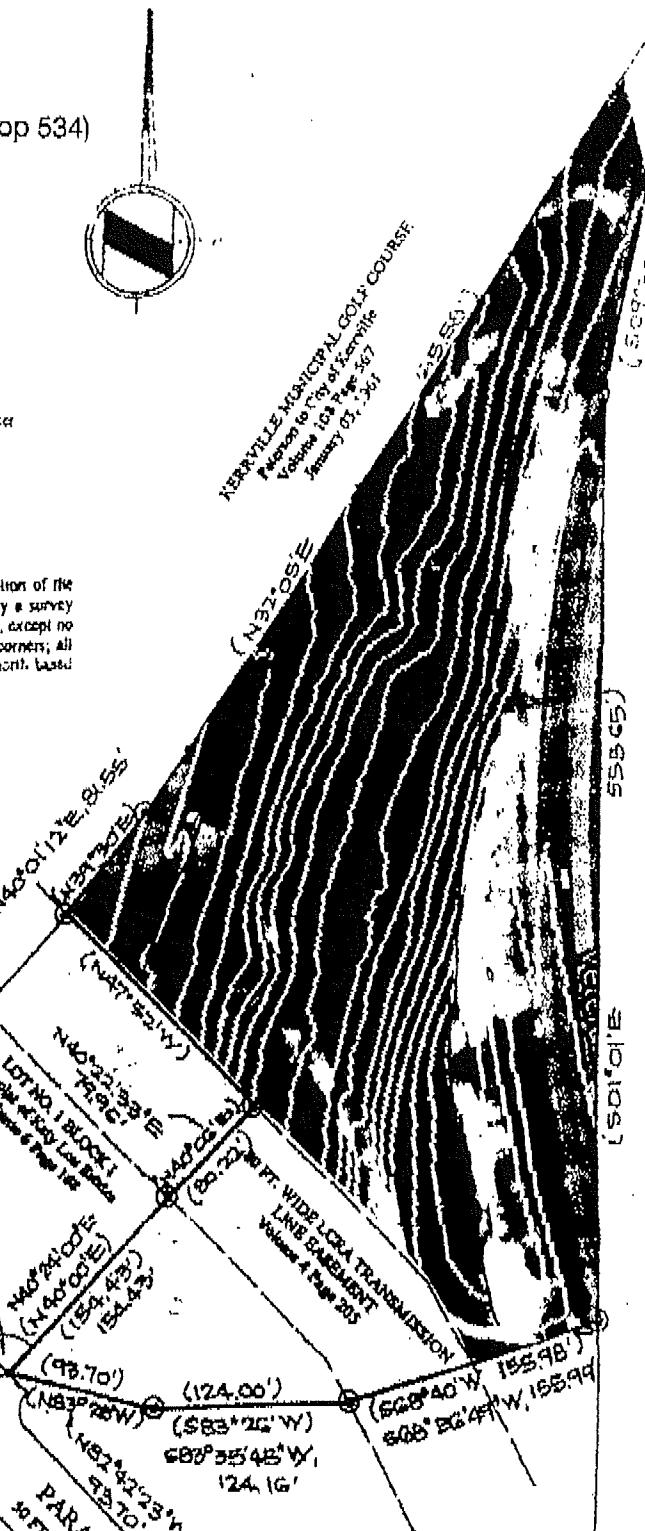
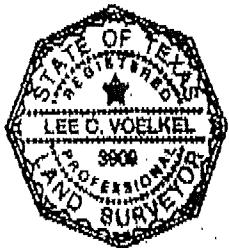
NOTE: Record calls are shown  
in parentheses.

I hereby certify that this plan is an accurate representation of the property shown and described herein as determined by a survey made on the ground under my direction and supervision, except no survey was made to reestablish Patent Survey lines or corners; all property contours are as shown (bearing lines "True north" based on GPS observations.)

Date Surveyed: April 27, 2001  
May 3, 2001

Dated this 3<sup>rd</sup> day of May, 2001

*W.C. Vaithi*  
W.C. Vaithi  
Registered Professional Land Surveyor No. 1909



1866 ACROSS  
Carries to University National Bank  
Volume 397 Page 541  
October 13, 1986

STATE HIGHWAY LOOP NO. 534

**From:** [Marilyn Caldwell](#)  
**To:** [Drew Paxton](#)  
**Cc:** [Marilyn Caldwell](#)  
**Subject:** Presentation for rezoning of Don Raybourn property  
**Date:** Monday, April 6, 2020 4:51:51 PM  
**Attachments:** [R3 Zoning Presentation.pdf](#)

---

**EXTERNAL EMAIL:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

April 6, 2020

Mr. Paxton,

As I said in my first email, I researched my files in order to be as factual as possible, studied the YouTube video of the commissioners hearing and wrote a few pages chronicling my side of the situation. I am emailing this to you as well as faxing you a plat showing the topography together with a rough drawn cross section of my property. I would like you to make copies for each council person and if possible provide each of them a copy of what I am sending you. Ideally, they should first view the YouTube video of my commissioners zoning hearing and then read that which I sent you... which is my presentation of the facts!

If at all possible would you please try to get my appeal to the council without delay. I have no more time to waste on this fiasco. Seriously, I could sure use the down time during the virus shutdown to prepare plans, have them engineered, and collect bids. Bidding and starting this project just as the economy gets moving again could provide a substantial savings in the cost of my project.

As I said in my first email sent to you, my presentation encompasses all of my thoughts and views on this subject and if anyone or anything is needed other than what I am sending you I will put you or them in touch with my attorney. Please keep me informed as to what needs to be done in a time frame so he is am able to comply.

Thanks,

Don Raybourn

## R3 Appeal Presentation

The world, our nation, this state, your city and everyone of us appear to be in uncharted waters. I appreciate your time for reading my appeal. Anything you can do to expedite the rezoning of my property to R3 will also be appreciated. I realize the world is in turmoil but you need to know my turmoil concerning this little piece of land has been festering for over three and one half years.

It may help you understand why I want you to zone my property R3 if you knew that I invested nearly a hundred thousand dollars and the best part of four years of my life in this fiasco. All I am trying to do is get the highest and best use out of my property!

This appeal letter will make more sense if you first view the YouTube video of my Planning and Zoning Commission hearing of my request for R3 zoning on my property.

Now that you have viewed the video I would like to assure the council that I'm not the Yankee carpetbagger who it would seem my Kerrville neighbors and the planning and zoning commission must have believed me to be. I have no desire to facilitate anyone stealing from my neighbors nor do I wish to destroy and/or deface your city with any ugly buildings.

I am a Texan... born, bred and schooled in Texas. I spent my childhood in San Antonio. I dropped out of college trying to become a golf pro, and instead, was drafted and served two years during the Korean conflict. After that I went back to college, got married, had kids, built houses and dabbled in real estate.

I developed Lake Country Subdivision in Boerne, built homes and lived there for over twenty years. I have designed and built a few hundred homes in and around San Antonio and was in on the land planning and developing of two subdivisions in the Alamo city.

One of these was Castle Hills Estates! It may be of interest to know that Boss Peterson, the same Peterson that gave Kerrville the land for your municipal golf course, the man who provided Kerrville with its first hospital and at the time owned all the GM auto dealerships in Kerrville, as well as the Kerrville Bus Company... provided the funds for us to develop Castle Hills Estates.

I assure you... I am not trying to injure or take anything from Kerrville or any of its people, I'm trying to give you something to improve your city and help your people. For the small amount of time I have left on this earth, I would like to live

in Kerrville on my land... and God willing play golf every day. Even though I was only a golf pro for a short time and never good enough to get on the tour... I love to play golf and always wanted to live on the edge of a golf course.

I am a millionaire, not a multi millionaire! Thanks to inflation that isn't saying much. In the last couple of years macular degeneration has taken its toll. I no longer drive a vehicle and only read regular print if the light is perfect. I am not a voracious reader and never was, but with a little help via magnification I have thoroughly read your regulations concerning my land.

I studied both the new R3 regulations and the old RC regulations. My land was zoned RC when I purchased it. Also, before I purchased my land I met with and talked to almost everyone in Kerrville's planning department which had anything to do with building and developing... At that time no red flags were waved by anyone!

I believe in buying local and engaged Lee Voelkel as my surveyor and Mike Wellborn a local engineer who was once employed in Kerrville's planning department. I spent considerable time and money only to discover my site could not be economically developed with existing zoning and regulations. Upon learning this problem, I consulted with people in planning and was led to believe they would upgrade my zoning so that I could build condos.

I have been trying to build on this land for the best part of four years. Over this time Kerrville has had four land use directors. Every time a change took place I was lost in the shuffle and back to ground zero... this has required an ungodly amount of time and considerable money, neither of which I have in abundance to waste.

All that I am asking the council to do is listen to the knowledgeable people you placed in your planning department and read what knowledgeable people wrote in your regulations. Unless I've become too blind to understand the English language, my property is the poster child for a property which should be zoned R3. There are numerous statements in your regulations that support this finding. The most important is in the first paragraph (1) Purpose: "Property zoned R3 should have direct access to and/or frontage on a major arterial or collector street. Development in the R3 district may provide a suitable transition between lower density residential uses and higher-intensity commercial areas." My property does exactly what the quotation above says. The quote is taken from your R3 regulations as written on page 80 of 186.

I cannot give you an exact quote and location because my eyes will no longer tolerate reading over a hundred pages of regulations, but I remember reading

more than one passage which indicated that properties having unusually challenging conditions (i.e. topography, shape, etc.) should be given variances and special consideration.

At my zoning hearing on March 5, 2020, Mr. Paxton tried to explain to everyone in the room that regulations mitigate most of the fears voiced in that hearing.

My desire and vision for developing my site incorporates a gated development for older people, including my better half and myself. The condos I plan to build will only have two bedrooms. My site's only access will be via Loop 534. My property and the Paragon subdivision are extremely well buffered from each other. Regulations require me to build a privacy fence between our properties, there is an eighty foot wide power easement between these properties, and I will leave about a half acre of my land which is on the south side of the easement undeveloped. Additionally, there is fifty feet of elevation in topography to further buffer these two properties. Considering the proposed utilization of my land and what Kerrville's regulations imply, there is no logical reason for not giving my property R3 zoning. These properties are adequately buffered from each other, the situation dovetails with your regulations and I have more to lose than anyone if I am wrong.

An examination of my property or a plat of my property showing the topography will reveal a topography and shape which qualifies for variances. In addition to this, my site has a soil condition which promises to be expensive to deal with. As the quotation says, my property has direct access to an arterial street and it is a suitable transition between the lower density residential on the south and the higher-intensity which is the zoning on my property's north.

Further, my property and what I plan to build on it will not be seen from any direction other than the golf course. It is about as buffered from any residential property as a site can get.

Based on the property taxes which have been levied on my land, if you allow me to build fifty condos like I envision, Kerrville would have at least two hundred thousand dollars more each year in property taxes. Also, fifty retired couples living in those condos might double that income to Kerrville each year.

You may be wondering what is in this for me. As I said, playing golf every day as long as I am able and enjoying the view. I plan to have a profit from building and selling these condos. If there is, it will go to my seven children. Also, this project would keep three of my sons and one grandson employed for a few years. All are experienced in construction and the older two are accomplished

home builders and cabinet makers who know how to use the tools of the trade... like my father and me!

The main problem that I face is time! I have very little to waste and I need to get this project far enough down the road that my sons and grandson can take it and run with it. Please grant my property R3 zoning and let me get to work.

**According to my neighbors in Paragon Subdivision and the zoning commission the only complaints with zoning my property R3 were the following.**

**Developing my property will depreciate their property.** It is not logical a gated community of new condos for older people will depreciate an older similarly priced subdivision housing mostly older people.

**The power company caused minor flooding on a few properties.** There is nothing I will do in building my condos which will cause flooding in the Paragon subdivision... Kerrville has regulations preventing that from ever happening.

**Zoning R3 might cause traffic in their subdivision.** I will develop a gated community with its only access via Loop 534 at the north end of my property.

**What we do will cause crime in their subdivision.** I cannot conceive of criminals coming through a gated development in order to get to an older subdivision when all a thief must do is walk into their area off Loop 534 or across the golf course.

**Developing my property will cause noise in their neighborhood.** Obviously, there will be some construction noise. However, this noise is not much worse than the traffic noise on Loop 534. Also, the distance between us, my sites topography and a fence I must build will mitigate construction noise to a large extent. Further, people choosing to live in a city with vacant land next to them must know that at some juncture someone will utilize that property.

**People in our condos will be able to look down on their homes.** This will not happen! Regulations require me to set back so that does not happen and with only three and a half stories above the ground this is highly unlikely.

**Their neighborhood is mostly retired people.** Our development is also for retired people.

**Mid rise buildings are too high.** I have tried to comply by mitigating this issue with a compromise.

**Some commissioners don't like the looks of a high rise building.** If you read further and examine the cross section you will see that I did my best to mitigate this issue.

Thanks to my site's topography the only kind of development on this site other than mid rise condos might be three story row homes or duplexes crammed right against each other like those found up East in most large cities. The problem with this is the market in Kerrville is older people who can't or don't want to negotiate stairs. Elevators are not economically feasible with three floors, even if the buildings are duplexes and an elevator is shared. Building row homes would confine the market to young adults with and without kids of which Kerrville has very few and even if there were enough young people to supply this market, my neighbors in Paragon Place may not care to have less affluent young people with kids for neighbors.

The following compromise may prove to be economically feasible for me and it may be the only logical development solution for this site which addresses everyone's concerns.

There are two factors a successful developer must have in order to invest time and money into any venture... One is a market for the product and the other is a profit in the venture! There is a market for condos designed for older people in Kerrville... and my site is an excellent location to build these condos. If I am awarded R3 zoning on this property I will invest more of my time and money studying whether the buildings described in the next paragraph will supply the profit which can offset my risk.

My original study involved six or seven story buildings with a couple of condos on each floor and a parking garage in the basement. In lieu of those buildings, allow me to build four floors with four condos on each floor and parking in the basement. This should allow me to build one less building.

For those of you who are unfamiliar with construction let me explain a few economics in building. Each time another floor is added a saving is involved. Every time a wall is common to another usable room or shared with another condo there is a saving. Normally exterior walls cost more money than interior walls. Location of plumbing, electric, heating, placement of doors, windows, and height of ceiling all cost or save money.

The topography of my property eliminates developing this site like a normal piece of land. A quick study of the cross section of this site should give you an idea of some of the problems in developing this property. Notice the areas marked cut and fill and how the cut and fill requires retaining walls. When factoring in that the cuts are likely to be in limestone, this renders the uphill side of the street economically suspect if not impossible to profitably develop. When longer streets are required and single family homes are involved this situation is magnified and becomes less economically feasible. The only logical way to build on this property is to keep the project compact.

The topography of the golf course falls away from my property about sixty to seventy feet. There is a row of trees ranging from fifteen to twenty feet high along my property line. It is unlikely that anyone playing golf or is on the other side of the course will be able to see the first two stories of any building... my proposal would only expose three stories from this direction.

My property was zoned RC when purchased. I believe my comments above should lead the Council to agree that my unique and challenging property should have been zoned R3. Instead it was rezoned R1 which took value from my property. I did not receive notice of that rezoning. I was not allowed to participate in that rezoning process. If Kerrville continues to zone my property R1, then the value of my property has been effectively taken by Kerrville's regulations, without procedural or substantive due process. Zoning my property R3 is the most logical method of rectifying this mistake; however, if you find this to be impossible, there are a couple of other options which can solve this problem... one of them is the city might buy my property and do with it as they wish.

Thank you for your consideration,

Don H. Raybourn



**TO BE CONSIDERED BY THE CITY COUNCIL  
CITY OF KERRVILLE, TEXAS**

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**SUBJECT:** Ordinance No. 2020-09. An Ordinance amending Ordinance No. 2003-26, which created a Planned Development District for Retail Trade I and Building Construction-Specialist Development on an approximately 1.93 acre tract of land known as the Martin Addition, Block 1, Lots 1-3, out of the Samuel Wallace Survey No. 112, Abstract No. 360; and more commonly known as 3001 Memorial Boulevard (State Highway 27), as located within the City of Kerrville, Kerr County, Texas; by amending the site plan for the property; amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas, which adopted zoning regulations, use districts, and a zoning map, such Chapter more commonly known as the City's Zoning Code as appropriate; providing a cumulative clause; providing for severability; providing an effective date; ordering publication; and providing other matters relating to the subject.

**AGENDA DATE OF:** May 12, 2020      **DATE SUBMITTED:** Apr 28, 2020

**SUBMITTED BY:** Drew Paxton

**EXHIBITS:** [20200512\\_Ordinance\\_2020-09 3001 Memorial Blvd zone change.pdf](#)  
[20200512\\_Concept Plan\\_3001 Memorial Blvd zone change.pdf](#)

---

<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
\$0	\$0	\$0	N/A

**PAYMENT TO BE MADE TO:** N/A

---

<b>Kerrville 2050 Item?</b>	No
<b>Key Priority Area</b>	N/A
<b>Guiding Principle</b>	N/A
<b>Action Item</b>	N/A

**SUMMARY STATEMENT:**

Proposal

This is a request to amend the concept plan for Planned Development 03-26, on Lots 1, 2 & 3, Block 1, Martin Addition; and generally located 3001-3019 Memorial Blvd.

## Staff Analysis and Recommendation

**Consistency with the Kerrville 2050 Comprehensive Plan:** The property and the surrounding area are designated as Community Commercial. Community Commercial development is characterized by small, free-standing buildings containing one or more service-sector businesses. Unlike larger centers that may attract customers from throughout the region, Community Commercial place types provide services for area neighborhoods and, to a lesser extent, the city. Goods are often smaller and services are experience-oriented. Business types may include restaurants, local retail, small offices, banks, venues, and other retail and service uses.

The Kerrville 2050 Plan encourages the reinvestment into existing properties within the current city limits. The existing land use and PDD are primarily consistent with the Kerrville 2050 Plan.

### Adjacent Zoning and Land Uses

#### Subject Property

Current Zoning: PD Planned Development

Existing Land Uses: Landscaping service business

Direction: North

Current Zoning: C-2 Light Commercial

Existing Land Uses: various retail and commercial service businesses

Direction: South

Current Zoning: R-1 Single-Family Residential

Existing Land Uses: single family homes

Direction: East

Current Zoning: C-2 Light Commercial

Existing Land Uses: multifamily

Direction: West

Current Zoning: C-2 Light Commercial

Existing Land Uses: single family home

**Thoroughfare Plan:** With existing connection and frontage to an arterial street, Memorial Boulevard, there should be no additional impact on the thoroughfare system.

**Traffic Impact:** With existing connection and frontage to an arterial street, Memorial Boulevard, there should be no additional impact on traffic.

Parking: Based on similar uses in the zoning code, the project would require an additional 3 parking spaces. This will be reviewed and confirmed through the building permitting process.

Recommendation:

The Planning and Zoning Commission approved the case with a unanimous vote on March 5, 2020.

**RECOMMENDED ACTION:**

Approve Ordinance No. 2020-09.

**CITY OF KERRVILLE, TEXAS**  
**ORDINANCE NO. 2020-09**

**AN ORDINANCE AMENDING ORDINANCE NO. 2003-26, WHICH  
CREATED A PLANNED DEVELOPMENT DISTRICT FOR  
RETAIL TRADE I AND BUILDING CONSTRUCTION-  
SPECIALIST DEVELOPMENT ON AN APPROXIMATELY 1.93  
ACRE TRACT OF LAND KNOWN AS THE MARTIN ADDITION,  
BLOCK 1, LOTS 1-3, OUT OF THE SAMUEL WALLACE SURVEY  
NO. 112, ABSTRACT NO. 360; AND MORE COMMONLY KNOWN  
AS 3001 MEMORIAL BOULEVARD (STATE HIGHWAY 27), AS  
LOCATED WITHIN THE CITY OF KERRVILLE, KERR COUNTY,  
TEXAS; BY AMENDING THE SITE PLAN FOR THE PROPERTY;  
AMENDING CHAPTER 60 OF THE CODE OF ORDINANCES,  
CITY OF KERRVILLE, TEXAS, WHICH ADOPTED ZONING  
REGULATIONS, USE DISTRICTS, AND A ZONING MAP, SUCH  
CHAPTER MORE COMMONLY KNOWN AS THE CITY'S  
ZONING CODE AS APPROPRIATE; PROVIDING A  
CUMULATIVE CLAUSE; PROVIDING FOR SEVERABILITY;  
PROVIDING AN EFFECTIVE DATE; 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 held before the City Council on May 12, 2020, 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 an amendment to Ordinance 2003-26, as adopted on or about December 9, 2003, said amendment to change the Site Plan and other requirements adopted as part of Ordinance 2003-26; and

**WHEREAS**, Ordinance No. 2003-26 and the uses it authorized for the "Property", as defined below, while still applicable to the Property, are no longer used by the City, as the City has adopted a new Zoning Code, which is found within Chapter 60 of the City's Code of Ordinances; and

**WHEREAS**, on May 12, 2020, City Council held a public hearing on the zoning change referenced above pursuant to the published notice and has considered the application, comments, reports, and recommendations of the Planning and Zoning Commission and staff, public testimony, and other relevant support materials;

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

**SECTION ONE.** Ordinance No. 2003-26, as enacted by City Council on or about December 9, 2003 is hereby amended by adopting a revised Site Plan, which is attached as **Exhibit A**, as applicable to the Planned Development (Zoning) District (PDD) and eliminating the requirement that the Property comply with a Landscape Plan, Façade Plan, or that the building elevations are of a similar quality, color, texture, or architectural style, all of which applies to the following described property:

**Legal Description:** Being all of a certain tract or parcel of land comprising approximately 1.93 acres out of Samuel Wallace Survey No. 112, Abstract No. 360, and known as the Martin Addition, Block 1, Lot 1 through 3, as recorded in Volume 7, Page 173 of the Kerr County Plat Records, and located within the City of Kerrville, Kerr County, Texas, referred to herein as the "Property." Note that following the adoption of Ordinance No. 2003-26, the owner of the Property replatted the property into three lots.

**General Description:** 3001 Memorial Boulevard (State Highway 27)

**SECTION TWO.** The City Manager or designee is authorized and directed to amend the City's *Official Zoning Map* to reflect this amendment, as appropriate, and to take other actions contemplated by and in accordance with the City's Zoning Code.

**SECTION THREE.** The City Manager or designee is authorized and directed to amend the City's Comprehensive Plan (*Kerrville 2050*), together with its *Future Land Use Map*, as necessary to make it consistent with the amendment(s) to the Zoning Code authorized by this Ordinance.

**SECTION FOUR.** 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 FIVE.** The terms and provisions of this Ordinance shall be deemed to be severable in that if any portion of this Ordinance is declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

**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 3.07 of the City Charter.

**PASSED AND APPROVED ON FIRST READING**, this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2020.

**PASSED AND APPROVED ON SECOND AND FINAL READING**, this the \_\_\_\_\_ of \_\_\_\_\_, A.D., 2020.

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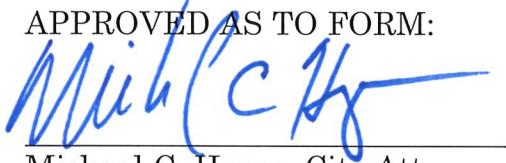
Bill Blackburn, Mayor

ATTEST:

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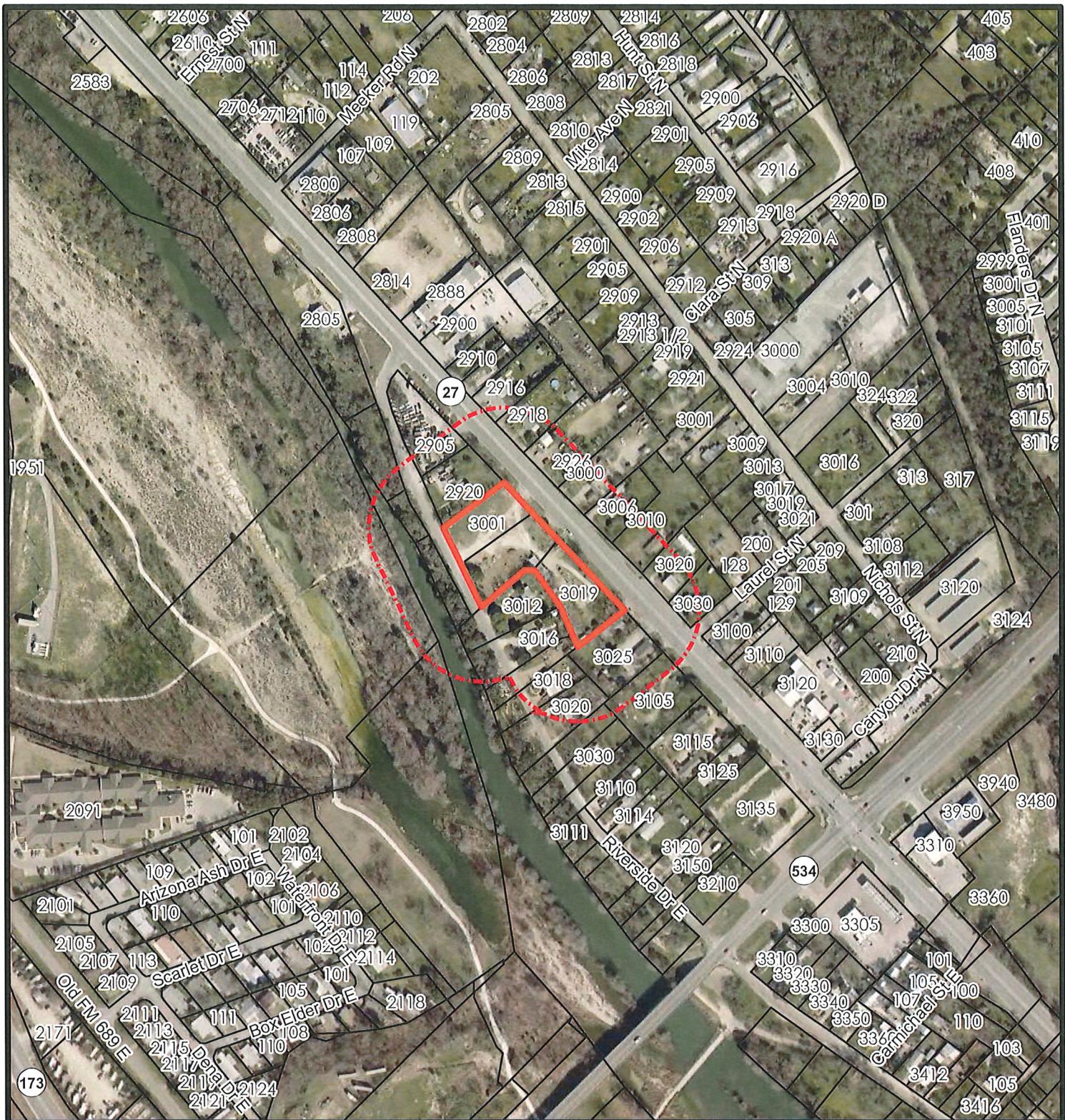
Shelley McElhannon, City Secretary

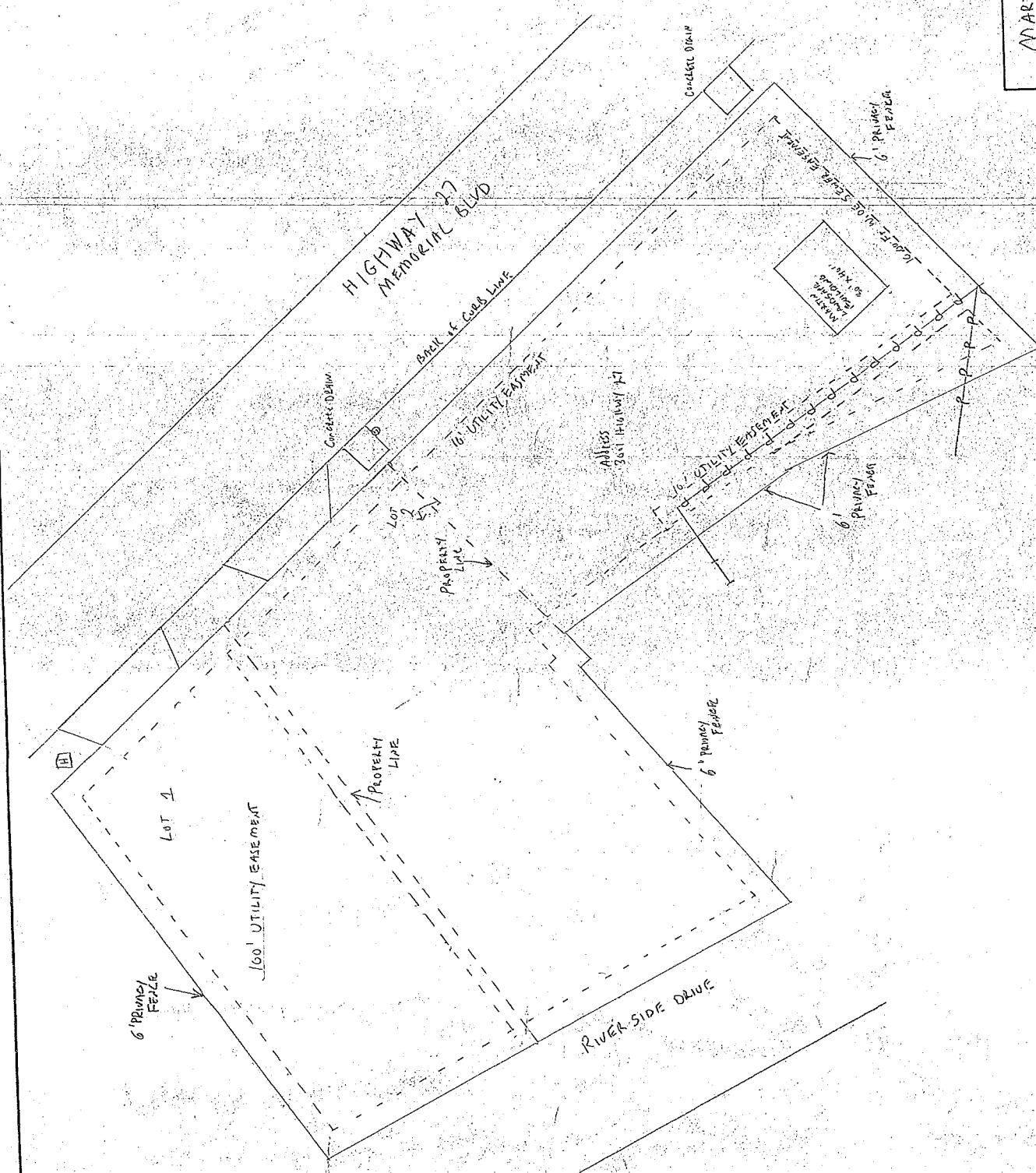
APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

# **EXHIBIT A**





MARTIN ADDITION		DRAWN BY	DRAWING NUMBER
SCALE: $1/2 = 30'$	APPROVED BY:		
DATE: 3/20/01		REVISED	
3001 INTERMURALT BLD			



**TO BE CONSIDERED BY THE CITY COUNCIL  
CITY OF KERRVILLE, TEXAS**

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**SUBJECT:** Ordinance No. 2020-10. An Ordinance repealing Ordinance No. 2009-08, which created a Planned Development District on an approximate 3.06 acre tract of land out of the Samuel Wallace Survey No. 112, Abstract No. 360, within the City of Kerrville, Texas; and generally located at the southwest corner of Memorial Boulevard (State Highway 27) and Loop 534 (Veterans Highway) intersection; establishing the zoning on the same property as a General Commercial District (C-3) in accordance with Chapter 60 of the Code of Ordinances, City of Kerrville, Texas, which adopted zoning regulations, use districts, and a zoning map pursuant to the City's Comprehensive Plan; such Chapter more commonly known as the City's Zoning Code; providing a cumulative clause; providing for severability; providing an effective date; ordering publication; and providing other matters relating to the subject.

**AGENDA DATE OF:** May 12, 2020

**DATE SUBMITTED:** Apr 28, 2020

**SUBMITTED BY:** Drew Paxton

**EXHIBITS:** [20200512\\_Ordinance\\_2020-10 3135 Memorial Blvd zone change.pdf](#)

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<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
\$0	\$0	\$0	N/A

**PAYMENT TO BE MADE TO:** N/A

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<b>Kerrville 2050 Item?</b>	No
<b>Key Priority Area</b>	N/A
<b>Guiding Principle</b>	N/A
<b>Action Item</b>	N/A

**SUMMARY STATEMENT:**

Proposal:

This is a request to change the zoning from PDD (Planned Development District 09-08) to C-3 General Commercial District on approximately 3.06 acres of land out of the Samuel Wallace Survey No. 112 Abstract A0360; and generally located at 3105, 3115, 3125, and 3135 Memorial Blvd.

### Staff Analysis and Recommendation:

**Consistency with the Kerrville 2050 Comprehensive Plan:** The property and surrounding area are designated as Community Commercial. Community Commercial development is characterized by small, free-standing buildings containing one or more service-sector businesses. Unlike larger centers that may attract customers from throughout the region, Community Commercial place types provide services for area neighborhoods and, to a lesser extent, the city. Goods are often smaller and services are experience-oriented. Business types may include restaurants, local retail, small offices, banks, venues, and other retail and service uses.

The Kerrville 2050 Plan encourages the reinvestment into existing properties and infill properties within the current city limits. The request for C-3 zoning at the intersection of two primary arterials is consistent with the policies in the Kerrville 2050 Plan.

### Adjacent Zoning and Land Uses

#### Subject Property

Current Zoning: PD Planned Development

Existing Land Uses: multifamily and vacant

Direction: North

Current Zoning: C-3 General Commercial

Existing Land Uses: agriculture supply store and trailer dealership

Direction: South

Current Zoning: R-1 Single-Family Residential

Existing Land Uses: single family homes

Direction: East

Current Zoning: C-2 Light Commercial

Existing Land Uses: convenience store with fuel sales

Direction: West

Current Zoning: C-2 and Planned Development

Existing Land Uses: multifamily and landscaping service business

**Thoroughfare Plan:** With existing access and frontage on two primary arterial streets, there should be little impact on the thoroughfare system.

Traffic Impact: To be determined with proposed project.

Parking: To be determined with the proposed project.

There are some land use restrictions from any flood plain area, however these limitations are increased for Nimitz Lake Impoundment Area. Below is a summary of the river/flood plain related protections from Section 60-60 Supplementary Development Requirements.

This requirement impacts the following uses:

Fuel Sales, Retail/Gasoline Sales and Truck Stop and Fueling Station

Automobile Service and Repair, Major or Minor and Automobile Parts Store

Car Wash

These uses are prohibited within one hundred feet (100.0') of the 100-year flood plain. In addition, where such use is within five hundred feet (500.0') of the 100-year flood plain or within one thousand feet (1,000.0') of the Nimitz Lake Impoundment Area, such use will require the adoption of a Conditional Use Permit pursuant to this Code. The calculation of these distances shall be based on the approved Federal Emergency Management Agency (FEMA) map in place at the time of development and the distance shall be measured from the closest point of the flood plain or impoundment area to the closest point on the property line of the tract containing the car wash facility.

Recommendation:

The Planning and Zoning Commission approved the case with a 6-1 vote on March 5, 2020.

**RECOMMENDED ACTION:**

Approve Ordinance No. 2020-10 as presented.

**CITY OF KERRVILLE, TEXAS**  
**ORDINANCE NO. 2020-10**

**AN ORDINANCE REPEALING ORDINANCE NO. 2009-08, WHICH CREATED A PLANNED DEVELOPMENT DISTRICT ON AN APPROXIMATE 3.06 ACRE TRACT OF LAND OUT OF THE SAMUEL WALLACE SURVEY NO. 112, ABSTRACT NO. 360, WITHIN THE CITY OF KERRVILLE, TEXAS; AND GENERALLY LOCATED AT THE SOUTHWEST CORNER OF MEMORIAL BOULEVARD (STATE HIGHWAY 27) AND LOOP 534 (VETERANS HIGHWAY) INTERSECTION; ESTABLISHING THE ZONING ON THIS SAME PROPERTY AS A GENERAL COMMERCIAL DISTRICT (C-3) IN ACCORDANCE WITH CHAPTER 60 OF THE CODE OF ORDINANCES, CITY OF KERRVILLE, TEXAS, WHICH ADOPTED ZONING REGULATIONS, USE DISTRICTS, AND A ZONING MAP PURSUANT TO THE CITY'S COMPREHENSIVE PLAN; SUCH CHAPTER MORE COMMONLY KNOWN AS THE CITY'S ZONING CODE; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; 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 held before the City Council on May 12, 2020, 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 property generally located at the southwest corner of Memorial Boulevard (State Highway 27) and Loop 534 (Veterans Highway) intersection; such change to result in the zoning applicable to the property changing from a Planned Development (Zoning) District (PDD) to placement within a General Commercial Zoning District (C-3); and

**WHEREAS**, on May 12, 2020, City Council held a public hearing on the zoning change referenced above pursuant to the published notice and has considered the application, comments, reports, and recommendations of the Planning and Zoning Commission and staff, public testimony, and other relevant support materials;

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

**SECTION ONE.** The Zoning Code for the City of Kerrville, Texas, as enacted by City Council and effective October 1, 2019 and included within Chapter 60 of the

Code of Ordinances of the City of Kerrville, Texas, and the *Official Zoning Map* be and the same are hereby amended to designate the following described property zoned as a General Commercial Zoning District (C-3):

**Legal Description:** Being all of a certain tract or parcel of land comprising approximately 3.06 acres out of the Samuel Wallace Survey No. 112, Abstract No. 360, within the City of Kerrville, Kerr County, Texas; said tract being more specifically described and depicted at Exhibit A, attached hereto and made a part hereof for all purposes, and hereafter referred to as the "Property."

**General Description:** 3105, 3115, 3125, and 3135 Memorial Boulevard.

**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 the City's Zoning Code.

**SECTION THREE.** The City Manager or designee is authorized and directed to amend the City's Comprehensive Plan (*Kerrville 2050*), together with its *Future Land Use Map*, as necessary to make it consistent with the amendment(s) to the Zoning Code authorized by this Ordinance.

**SECTION FOUR.** 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. Ordinance No. 2009-08 is repealed.

**SECTION FIVE.** The terms and provisions of this Ordinance shall be deemed to be severable in that if any portion of this Ordinance is declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

**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 3.07 of the City Charter.

**PASSED AND APPROVED ON FIRST READING, this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2020.**

**PASSED AND APPROVED ON SECOND AND FINAL READING, this the \_\_\_\_\_ of \_\_\_\_\_, A.D., 2020.**

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Bill Blackburn, Mayor

ATTEST:

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Shelley McElhannon, City Secretary

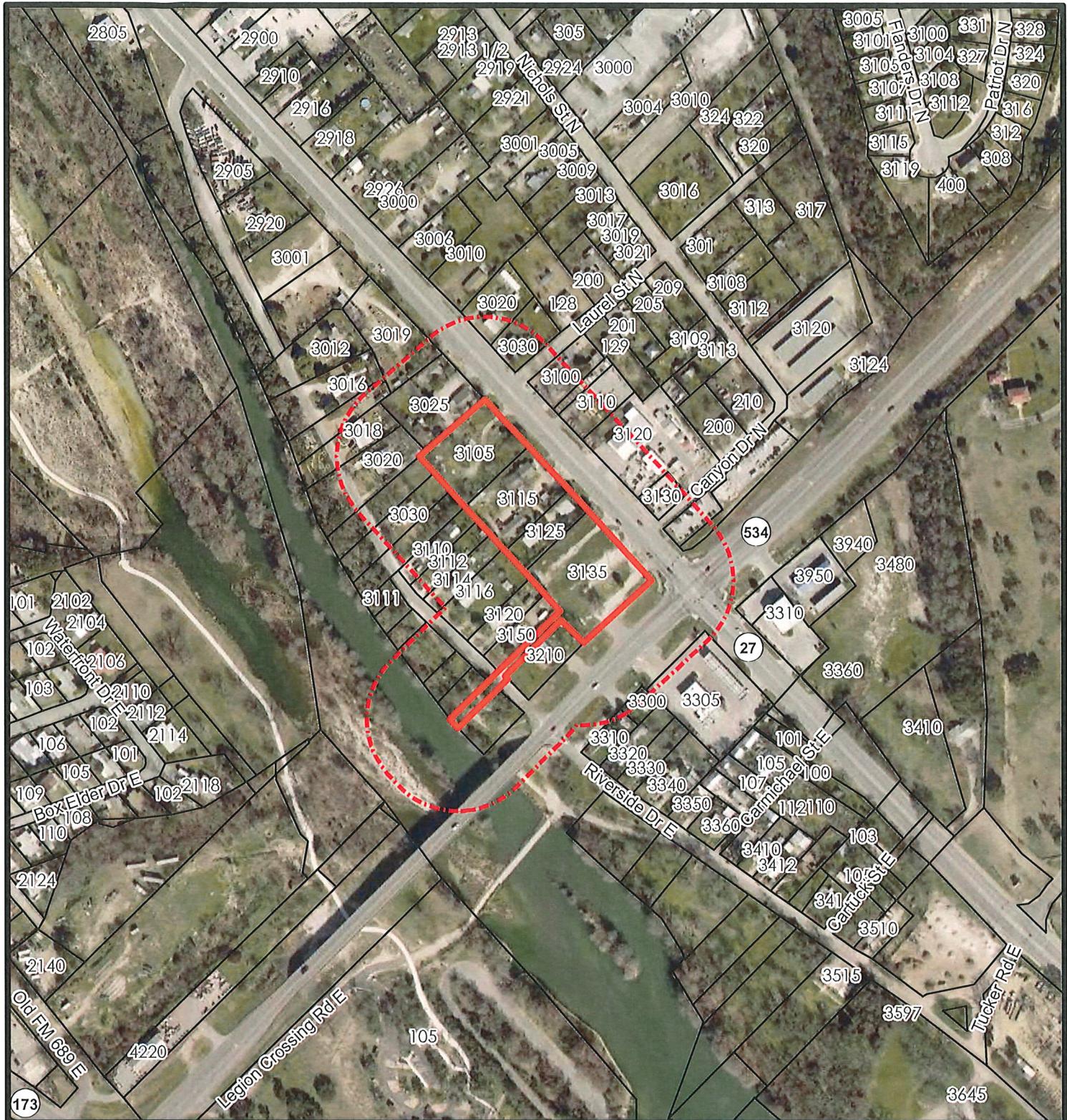
APPROVED AS TO FORM:

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Michael C. Hayes, City Attorney

# **EXHIBIT A**



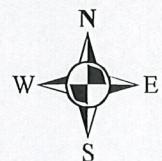
## Location Map

Case # 2020-009

**Location:**  
3105-3135 Memorial Blvd

### Legend

## 200' Notification Area Subject Properties



0 125 250 500

Scale In Feet



**TO BE CONSIDERED BY THE CITY COUNCIL  
CITY OF KERRVILLE, TEXAS**

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**SUBJECT:** Ordinance No. 2020-11. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas, which adopted zoning regulations, use districts, and a zoning map in accordance with the City's Comprehensive Plan, such Chapter more commonly known as the City's Zoning Code; by changing the zoning and classification of a property located on the Northwest corner of and adjacent to the intersection of Harper Road (State Highway FM 783) and Lois Street, more commonly known as 1104 Lois Street; comprising approximately 3.97 acres; from a Single-family Residential zoning district (R-1) to a Residential Transition zoning district (RT); providing a cumulative clause; providing for severability; providing an effective date; ordering publication; and providing other matters relating to the subject.

**AGENDA DATE OF:** May 12, 2020

**DATE SUBMITTED:** Apr 28, 2020

**SUBMITTED BY:** Drew Paxton

**EXHIBITS:** [20200512\\_Ordinance\\_2020-11 1104 Lois Street zone change.pdf](#)  
[20200512\\_Land Use Table\\_R-1-RT.pdf](#)

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<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
\$0	\$0	\$0	N/A

**PAYMENT TO BE MADE TO:** N/A

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<b>Kerrville 2050 Item?</b>	No
<b>Key Priority Area</b>	N/A
<b>Guiding Principle</b>	N/A
<b>Action Item</b>	N/A

**SUMMARY STATEMENT:**

Proposal:

This is a request to change the zoning from R-1 Single-family Residential District to RT Residential Transitional District on approximately 3.97 acres out of the Walter Fosgate Survey No. 120, Abstract 138; and generally located at 1104 Lois Street.

### Staff Analysis and Recommendation:

**Consistency with the Kerrville 2050 Comprehensive Plan:** The property and surrounding area are designated Neighborhood Residential within the Future Land Use Plan. Neighborhood Residential is a very common place type that is predominantly single-family housing on detached lots. Home sites are located in platted subdivisions, on residential streets, and with sidewalks. This place type is serviced by at least one provider for every utility. Units are typically larger than those of the Preservation Residential place type. Limited amounts of local retail and services may be appropriate in certain locations as needed to support the primary land use.

**Primary Land Use:** Single-family detached homes.

**Secondary Land Use:** Civic and institutional uses, parks, open space, small amounts of neighborhood serving retail and office in carefully chosen locations.

The Kerrville 2050 Plan encourages the reinvestment into existing properties and infill properties within the current city limits. The request for RT, Residential Transitional zoning in this location, at the intersection of a collector street (Lois Street) and a principle arterial, is a good location for office or retail as allowed in the RT District and is therefore consistent with the Kerrville 2050 Plan.

### Adjacent Zoning and Land Uses

#### Subject Property

Current Zoning: R-1 Single-Family Residential

Existing Land Uses: single family home

Direction: North

Current Zoning: R-1 Single-Family Residential

Existing Land Uses: single family homes

Direction: South

Current Zoning: C-3 General Commercial; R-2

Medium Density Residential

Existing Land Uses: Town-homes

Direction: East

Current Zoning: R-3 Multifamily Residential

Existing Land Uses: apartments

Direction: West

Current Zoning: R-1 Single-Family Residential

Existing Land Uses: single family homes

Thoroughfare Plan: Located at the intersection of a collector and principle arterial, this parcel already serves as a transitional buffer to the neighborhood north and west. The zoning change to RT should have little impact on the thoroughfare system.

Traffic Impact: To be determined with the future proposed uses. Generally, with access to a collector and arterial, there should be limited impact on traffic.

Parking: To be determined.

Recommendation:

The Planning and Zoning Commission approved the case with a unanimous vote on March 5, 2020.

**RECOMMENDED ACTION:**

Approve Ordinance No. 2020-11 as presented.

**CITY OF KERRVILLE, TEXAS**  
**ORDINANCE NO. 2020-11**

**AN ORDINANCE AMENDING CHAPTER 60 OF THE CODE OF ORDINANCES, CITY OF KERRVILLE, TEXAS, WHICH ADOPTED ZONING REGULATIONS, USE DISTRICTS, AND A ZONING MAP IN ACCORDANCE WITH THE CITY'S COMPREHENSIVE PLAN, SUCH CHAPTER MORE COMMONLY KNOWN AS THE CITY'S ZONING CODE; BY CHANGING THE ZONING AND CLASSIFICATION OF A PROPERTY LOCATED ON THE NORTHWEST CORNER OF AND ADJACENT TO THE INTERSECTION OF HARPER ROAD (STATE HIGHWAY FM 783) AND LOIS STREET, MORE COMMONLY KNOWN AS 1104 LOIS STREET; COMPRISING APPROXIMATELY 3.97 ACRES; FROM A SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT (R-1) TO A RESIDENTIAL TRANSITION ZONING DISTRICT (RT); PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; 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 held before the City Council on May 12, 2020, 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 property generally located west of and adjacent to Loop 534 North and north of its intersection with Cypress Creek Road; such change to result in the removal of the property from a Single-Family Residential Zoning District (R-1) to placement within a Residential Transition Zoning District (RT); and

**WHEREAS**, on May 12, 2020, City Council held a public hearing on the zoning change referenced above pursuant to the published notice and has considered the application, comments, reports, and recommendations of the Planning and Zoning Commission and staff, public testimony, and other relevant support materials;

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

**SECTION ONE.** The Zoning Code for the City of Kerrville, Texas, as enacted by City Council and effective October 1, 2019 and included within Chapter 60 of the Code of Ordinances of the City of Kerrville, Texas, and the *Official Zoning Map* be

and the same are hereby amended to designate the following described property zoned as a Residential Transition Zoning District (RT):

**Legal Description:** Being all of a certain tract or parcel of land comprising approximately 3.97 acres out of the Walter Fosgate Survey No. 120, Abstract No. 138, within the City of Kerrville, Kerr County, Texas; said tract being more particularly described and depicted at Exhibit A, attached hereto and made a part hereof for all purposes, and hereafter referred to as the "Property."

**General Description:** 1104 Lois Street

**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 the City's Zoning Code.

**SECTION THREE.** The City Manager or designee is authorized and directed to amend the City's Comprehensive Plan (*Kerrville 2050*), together with its *Future Land Use Map*, as necessary to make it consistent with the amendment(s) to the Zoning Code authorized by this Ordinance.

**SECTION FOUR.** 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 FIVE.** The terms and provisions of this Ordinance shall be deemed to be severable in that if any portion of this Ordinance is declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

**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 3.07 of the City Charter.

PASSED AND APPROVED ON FIRST READING, this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2020.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the \_\_\_\_\_ of \_\_\_\_\_, A.D., 2020.

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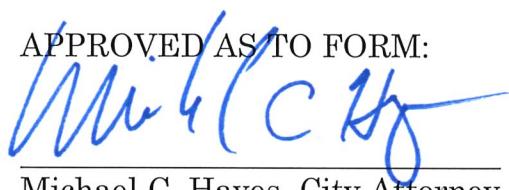
Bill Blackburn, Mayor

ATTEST:

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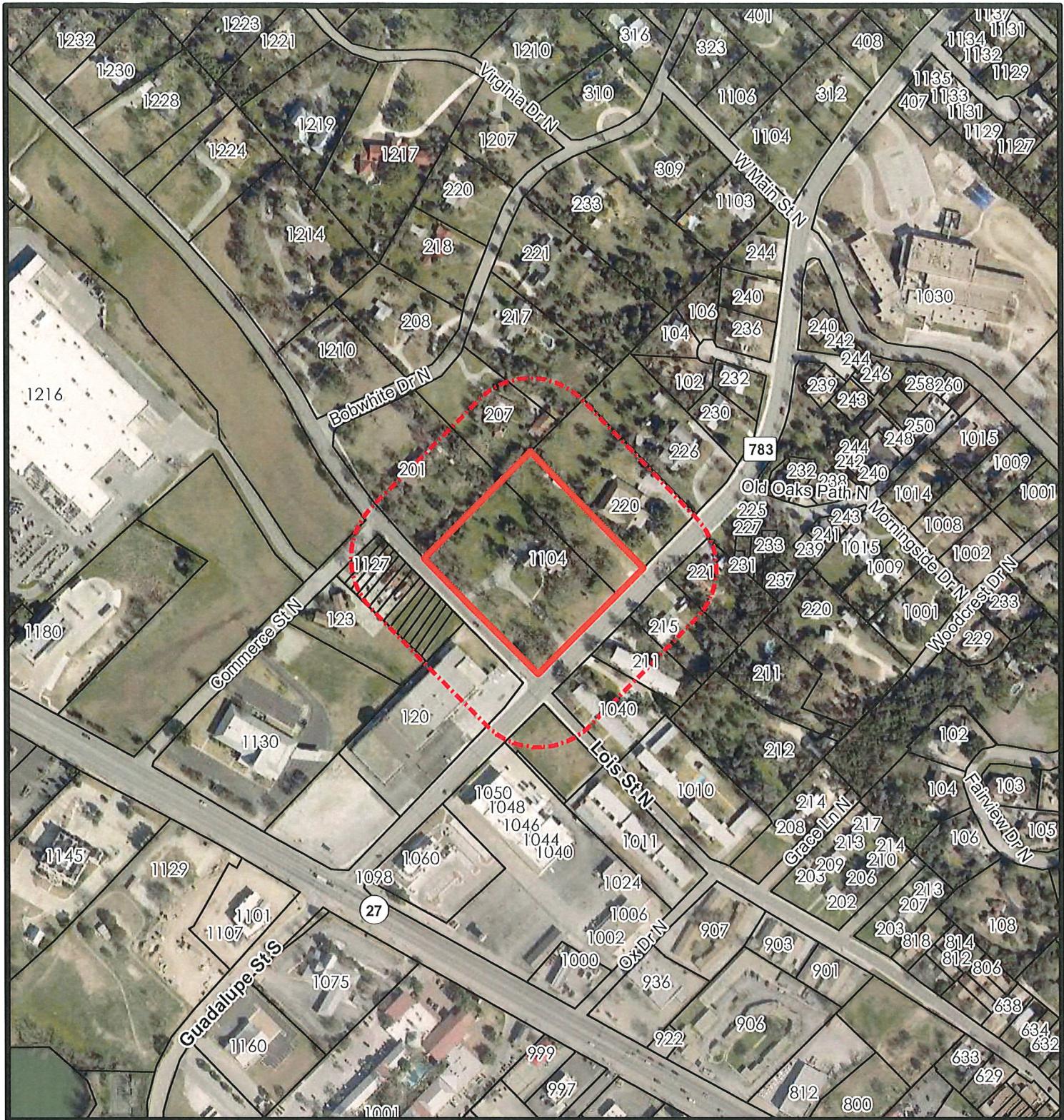
Shelley McElhannon, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

# EXHIBIT A



## Location Map

Case # 2020-010

Location:  
1104 Lois St N

### Legend

200' Notification Area  
Subject Properties



0 125 250 500

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.

LAND USES	Residential District	
	R-1	R-T
Accessory Building or Structure	P	P
Amenity Center	P <sub>2</sub>	
Artisan's/Craftsman's Workshop		P
Assisted Living Facility		C <sub>2A</sub>
Barber or Beauty Shop		P
Boarding Home Facility	P <sub>5</sub>	P <sub>5</sub>
Building Contractor, Temporary Field Office	P <sub>6</sub>	P <sub>6</sub>
Caretaker's Residence	P	P
Cemetery	C	C
Church, Temple, Mosque, or Place of Worship	P	P
Civic, Fraternal, Philanthropic, Charitable, or Nonprofit Organization		P
College or University, Public	P	P
Community Garden	P <sub>8</sub>	P <sub>8</sub>
Community Home	P <sub>8A</sub>	P <sub>8A</sub>
Country Club	C	
Day Care Services, Adult		C <sub>10</sub>
Day Care Services, Children		C <sub>10</sub>
Dormitory, sorority or fraternity house		P
Dwelling, Duplex		P
Dwelling, Live/Work		P
Dwelling, Multifamily		C
Dwelling, Patio Home (Zero Lot Line Home)		
Dwelling, Single-Family Detached	P	P
Dwelling, Single-Family Detached with Accessory Dwelling Unit	C	P
Dwelling, Small-Lot Single-Family Detached		
Dwelling, Townhome		
Golf Course	C	
Guest House	P	P
Guidance Services		C
Halfway House	P <sub>5</sub>	P <sub>5</sub>
Home Occupation	P <sub>12</sub>	P <sub>12</sub>
Independent Living Facility for Seniors		C
Modular Home	P	P
Museum		P
Nursing Home		C
Office, General (Business or Professional)		P
Office, Medical		P
Pet and Pet Supply Sales		P
Pet Grooming		P

LAND USES	Residential Distr	
	R-1	R-T
Photography Studio		P
Public or Institutional Facility or Use	P	P
Recreational Skills Classes		C
Rectory/Parsonage	P	P
Residential Care Service	P <sub>5</sub>	P <sub>5</sub>
School, Private, Elementary	C	C
School, Private, Intermediate and Secondary	C	C
School, Public, Elementary	P	P
School, Public, Intermediate and Secondary	P	P
Short-term Rental Unit	C	P
Special Care Facility		C
Utility, Local	P	P
Utility, Private or Franchise	C	C
Utility, Public	P	P



**TO BE CONSIDERED BY THE CITY COUNCIL  
CITY OF KERRVILLE, TEXAS**

---

**SUBJECT:** Ordinance No. 2020-12. An Ordinance repealing Ordinance No. 2006-04, which created a Planned Development District on an approximate 7.47 acre tract of land out of the Samuel Wallace Survey No. 112, Abstract No. 360, within the City of Kerrville, Texas; said tract located between Meeker Road and Beech Street; establishing the zoning on this same property as Medium Density Residential District (R-2) in accordance with Chapter 60 of the Code of Ordinances, City of Kerrville, Texas, which adopted zoning regulations, use districts, and a zoning map pursuant to the City's Comprehensive Plan; such Chapter more commonly known as the City's Zoning Code; providing a cumulative clause; providing for severability; providing an effective date; ordering publication; and providing other matters relating to the subject.

**AGENDA DATE OF:** May 12, 2020

**DATE SUBMITTED:** Apr 28, 2020

**SUBMITTED BY:** Drew Paxton

**EXHIBITS:** [20200512\\_Ordinance\\_2020-12 Meeker Street zone change.pdf](#)  
[20200512\\_Conceptual Layout\\_Meeker\\_Project.pdf](#)

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<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
\$0	\$0	\$0	N/A

**PAYMENT TO BE MADE TO:** N/A

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<b>Kerrville 2050 Item?</b>	Yes
<b>Key Priority Area</b>	H - Housing
<b>Guiding Principle</b>	H1. Provide a diverse range of housing options to meet the needs and desires of all age groups, income levels, and lifestyles

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**Action Item**

**SUMMARY STATEMENT:**

Proposal:

Public hearing, consideration, and action to recommend an ordinance to change the zoning from PDD (Planned Development District 06-04) to R-2 Medium Density Residential District on approximately 7.629 of land out of the Samuel Wallace Survey Number 112, Abstract No. 360; and generally located east of Meeker Road and south of Poplar Street.

### Staff Analysis and Recommendation:

**Consistency with the Kerrville 2050 Comprehensive Plan:** The property and surrounding area are designated as Transitional Residential within the Future Land Use Plan. Transitional Residential areas support a variety of housing types in a compact network of complete, walkable streets that are easy to navigate by car, bike, or on foot. Housing types can include small-lot, single-family detached homes, patio homes, townhomes, duplexes, condominiums, or apartments. Limited amounts of local retail and services may be appropriate in certain locations as needed to support the primary land uses.

**Primary Land Use:** Small lot, single-family detached homes, patio homes, townhomes, duplexes, condominiums, apartments.

**Secondary Land Use:** Civic and institutional uses, parks and open space, small amounts of neighborhood-serving retail and office in carefully chosen locations.

The Kerrville 2050 Plan encourages the reinvestment into existing properties and infill properties within the current city limits. The request for R-2 Medium Density Residential is consistent with the policies contained within the Kerrville 2050 Plan, the Future Land Use Plan, and the zoning of the surrounding neighborhoods.

### Adjacent Zoning and Land Uses

#### Subject Property

Current Zoning: PDD

Existing Land Uses: vacant

Direction: North

Current Zoning: R-2

Existing Land Uses: Single family homes

Direction: South

Current Zoning: R-2

Existing Land Uses: Single family homes and manufactured homes

Direction: East

Current Zoning: R-2

Existing Land Uses: Single family homes

Direction: West

Current Zoning: R-2

Existing Land Uses: Single family homes

Thoroughfare Plan: For a residential project within an existing neighborhood, there should be no impact on the Thoroughfare Plan.

Traffic Impact: With the addition of new homes there will be some additional traffic, but nothing outside of a normal traffic generation within a neighborhood.

Parking: Each lot developed will be required adequate parking as per the zoning code.

Recommendation:

The Planning and Zoning Commission approve the case with a unanimous vote on March 5, 2020.

**RECOMMENDED ACTION:**

Approve Ordinance No. 2020-12 as presented.

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2020-12**

**AN ORDINANCE REPEALING ORDINANCE NO. 2006-04, WHICH CREATED A PLANNED DEVELOPMENT DISTRICT ON AN APPROXIMATE 7.47 ACRE TRACT OF LAND OUT OF THE SAMUEL WALLACE SURVEY NO. 112, ABSTRACT NO. 360, WITHIN THE CITY OF KERRVILLE, TEXAS; SAID TRACT LOCATED BETWEEN MEEKER ROAD AND BEECH STREET; ESTABLISHING THE ZONING ON THIS SAME PROPERTY AS MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2) IN ACCORDANCE WITH CHAPTER 60 OF THE CODE OF ORDINANCES, CITY OF KERRVILLE, TEXAS, WHICH ADOPTED ZONING REGULATIONS, USE DISTRICTS, AND A ZONING MAP PURSUANT TO THE CITY'S COMPREHENSIVE PLAN; SUCH CHAPTER MORE COMMONLY KNOWN AS THE CITY'S ZONING CODE; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; 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 held before the City Council on May 12, 2020, 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 property located between Meeker Road and Beech Street; such change to result in the zoning applicable to the property changing from a Planned Development (Zoning) District (PDD) to placement within a Medium Density Residential Zoning District (R-2); and

**WHEREAS**, on May 12, 2020, City Council held a public hearing on the zoning change referenced above pursuant to the published notice and has considered the application, comments, reports, and recommendations of the Planning and Zoning Commission and staff, public testimony, and other relevant support materials;

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

**SECTION ONE.** The Zoning Code for the City of Kerrville, Texas, as enacted by City Council and effective October 1, 2019 and included within Chapter 60 of the Code of Ordinances of the City of Kerrville, Texas, and the *Official Zoning Map* be

and the same are hereby amended to designate the following described property zoned as a Medium Density Residential Zoning District (R-2):

**Legal Description:** Being all of a certain tract or parcel of land comprising approximately 7.47 acres out of the Samuel Wallace Survey No. 112, Abstract No. 360, within the City of Kerrville, Kerr County, Texas; said tract being more specifically described and depicted at Exhibit A, attached hereto and made a part hereof for all purposes, and hereafter referred to as the "Property."

**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 the City's Zoning Code.

**SECTION THREE.** The City Manager or designee is authorized and directed to amend the City's Comprehensive Plan (*Kerrville 2050*), together with its *Future Land Use Map*, as necessary to make it consistent with the amendment(s) to the Zoning Code authorized by this Ordinance.

**SECTION FOUR.** 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. Ordinance No. 2006-04 is repealed.

**SECTION FIVE.** The terms and provisions of this Ordinance shall be deemed to be severable in that if any portion of this Ordinance is declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

**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 3.07 of the City Charter.

PASSED AND APPROVED ON FIRST READING, this the \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 2020.

PASSED AND APPROVED ON SECOND AND FINAL READING, this  
the \_\_\_\_\_ of \_\_\_\_\_, A.D., 2020.

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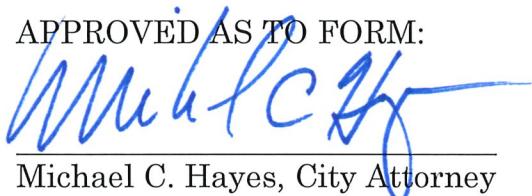
Bill Blackburn, Mayor

ATTEST:

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Shelley McElhannon, City Secretary

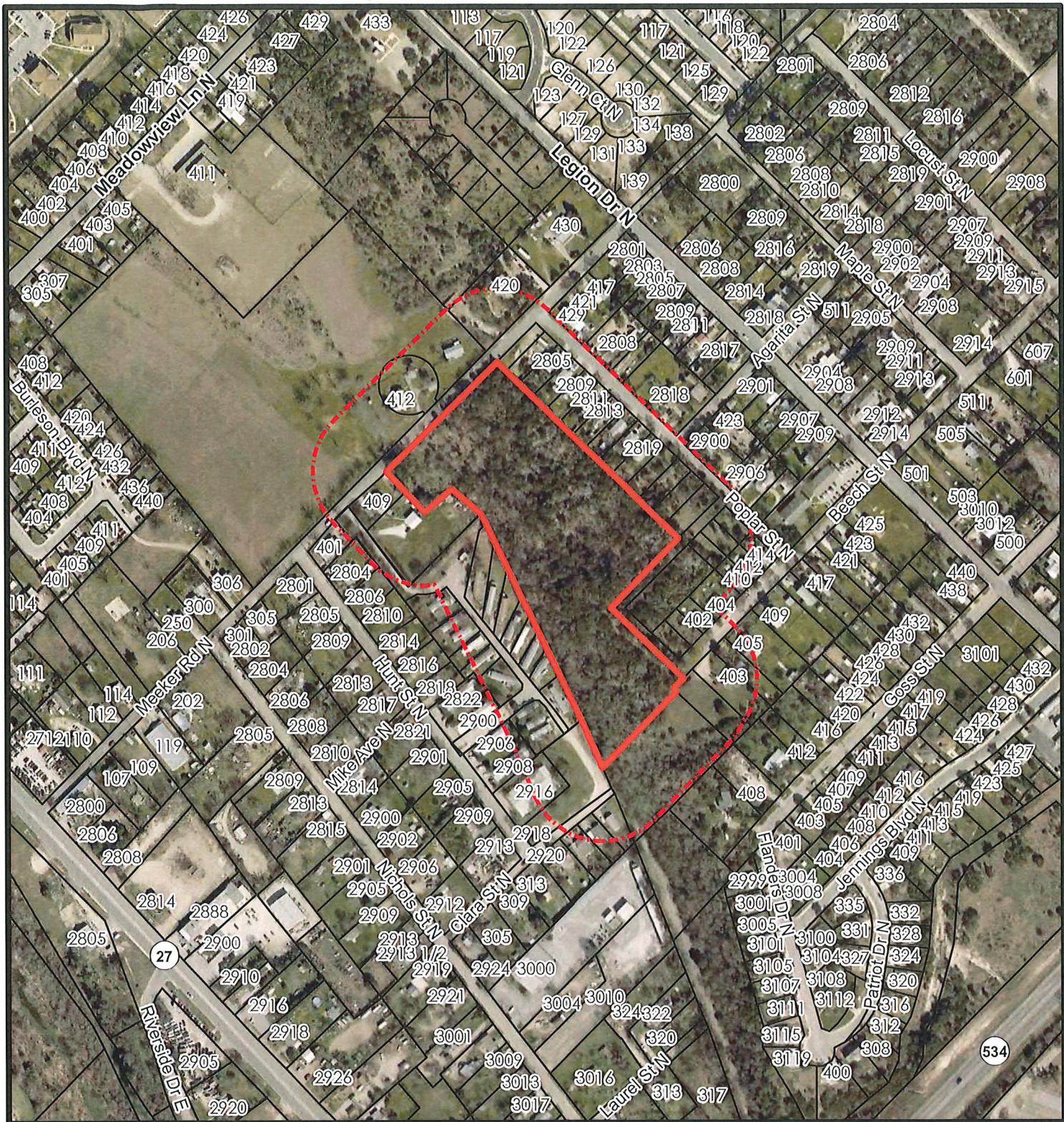
APPROVED AS TO FORM:



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Michael C. Hayes, City Attorney

# **EXHIBIT A**



## Location Map

Case # 2020-011

**Location:**

**ABS A0360 Wallace,  
SUR 112, ACRES 7.47**

### Legend

## 200' Notification Area Subject Properties



0 125 250 500

### 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.





**TO BE CONSIDERED BY THE CITY COUNCIL  
CITY OF KERRVILLE, TEXAS**

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**SUBJECT:** Briefing and possible action as to the City's ongoing preparedness and response to COVID-19 (Coronavirus).

**AGENDA DATE OF:** May 12, 2020      **DATE SUBMITTED:** Mar 19, 2020

**SUBMITTED BY:** Shelley McElhannon

**EXHIBITS:**

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<b>Expenditure Required:</b>	<b>Remaining Budget Balance in Account:</b>	<b>Amount Budgeted:</b>	<b>Account Number:</b>
N/A	N/A	N/A	N/A

**PAYMENT TO BE MADE TO:** N/A

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<b>Kerrville 2050 Item?</b>	No
<b>Key Priority Area</b>	N/A
<b>Guiding Principle</b>	N/A
<b>Action Item</b>	N/A

**SUMMARY STATEMENT:**

On-going responsiveness to changing conditions and situations.

**RECOMMENDED ACTION:**

Actions for the preparedness and response to COVID-19 (Coronavirus) circumstances.