



**CITY OF KERRVILLE PLANNING & ZONING COMMISSION AGENDA**  
**REGULAR MEETING, THURSDAY, JUNE 4, 2020 4:30 P.M.**  
**CITY HALL COUNCIL CHAMBERS**  
**701 MAIN STREET, KERRVILLE, TEXAS**

**Council Meeting Procedures during the Disaster Declaration**

COVID-19 (Coronavirus) provides a unique concern in that gathering members of the public, Planning and Zoning Commission, 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, Planning and Zoning Commission 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 995 9678 9997#. (You must enter the pound sign (#) after the Meeting ID.) \*See Citizen Participation Guidelines.

For Public Hearing items 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 3:45 p.m. and 4:15 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.

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 4:15 p.m., June 4, 2020. Comments may be:

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

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

**CALL TO ORDER**

**1. MINUTES**

**1A. Approval of the minutes from the March 5, 2020 meeting.**

## **2. PUBLIC HEARING, CONSIDERATION & ACTION**

**2A.** A resolution to allow a Conditional Use Permit for a Short-term Rental on approximately 0.14 acres out of the John Young Survey No. 118, Abstract 375; and more commonly known as 300 Guadalupe Street. (Case No. 2020-014)

**2B.** An ordinance to change the zoning from R-2 Medium Density Residential to R-3 Multifamily Residential on Lot 2 and part of lots 3, 4, and 5, Block 1 Riverside Additions; and more commonly known as 333 Guadalupe Street. (Case No. 2020-017)

**2C.** A resolution to allow a Conditional Use Permit for Parking Lot, Stand-Alone and an Automobile Dealership, Used Auto Sales on approximately 6.44 acres out of Waddell Survey, Survey #145, Abstract 354; and more commonly known as 401 Sidney Baker. (Case No. 2020-019)

**2D.** An ordinance to change the zoning from C-2 Light Commercial to C-3 General Commercial, which includes a proposed amendment to the Future Land Use Plan of the City's comprehensive Plan, on approximately 6.812 acres out of the Francis Survey, Survey Number 146, Abstract A0137; and generally located east of Medina Highway (HWY 16) and north of Fairway Drive. (Case No. 2020-020)

## **3. STAFF REPORT**

### **4. Executive Session**

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

## **5. ADJOURNMENT**

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

***Despite the necessity to restrict public access to Planning and Zoning meetings/workshops in the interest of public health during the COVID-19 pandemic, citizens and visitors are welcome to participate in Planning and Zoning meetings and workshops 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 followed by the pound sign (#). The Meeting ID is found on the Meeting Agenda or Workshop Agenda.

If the Zoom 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. You will be queued to speak.

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

Written comments will be accepted for any agenda items. 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 at least 15 minutes before the scheduled Planning and Zoning meeting starts. 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 **[planning.division@kerrvilletx.gov](mailto:planning.division@kerrvilletx.gov)** and must be received at least 15 minutes before the scheduled Planning and Zoning meeting starts. You are required to provide your first and last name, address, and identify the item you wish to comment on.

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



# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Date: May 7, 2020  
Agenda Item: 1A Minutes March 5, 2020 Commission meeting  
Action: Approval, approval with specific changes  
Representative: Staff

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

March 5, 2020

**Members Present:**

Garrett Harmon, Chair  
Rustin Zuber, Vice-Chair  
Tricia Byrom, Commissioner  
David Jones, Commissioner  
David Lipscomb, Commissioner  
Cliff Tuttle, Commissioner  
Hunter Patterson, Commissioner

**City Staff Present:**

Drew Paxton, Director of Planning  
Mike Hayes, City Attorney  
Dorothy Miller, Recording Secretary

**CALL TO ORDER:**

On March 5, 2020, Crmr. Harmon called the Kerrville Planning and Zoning Commission regular meeting to order at 4:30 p.m. in the City Hall Council Chambers, 701 Main Street, Kerrville, Texas.

**1. CONSENT AGENDA:**

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

**1A. Approval of minutes for the February 6, 2020 meeting.**

Crmr. Bryom moved to approve the minutes as presented; motion was seconded by Crmr. Jones and passed 7-0.

## **2. PUBLIC HEARING, CONSIDERATION & ACTION**

**2A.** Public hearing, consideration, and action to recommend 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. (Case No. 2020-005)

Mr. Paxton introduced the case.

Mr. Michael Bates, applicant, presented his case and the reasons for his request.

Mr. Paxton presented the finding of facts.

Cmr. Harmon opened the public hearing at 4:43 p.m.

The following persons spoke:

- Mr. Blair Murray
- Mrs. Sue Pierce
- Mr. Michael Pierce
- Mr. Doug Evans

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

Cmr. Zuber moved to recommend denial for an ordinance to change the zoning from R-1 Single-Family Residential District to R-3 Multifamily Residential District. Motion was seconded by Cmr. Byrom and passed 7-0.

**2B.** Public hearing, consideration, and action to recommend an ordinance 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. (Case No. 2020-007)

Mr. Paxton introduced the case.

Mr. Rick Martin, applicant, presented his case and the reasons for his request.

Mr. Paxton presented the finding of facts.

Cmr. Harmon opened the public hearing at 5:08 p.m.

The following persons spoke:

- Ms. Becky Ayala

Hearing no one else speak, Cmr. Harmon closed the public hearing at 5:10 p.m.

Cmr. Byrom moved to recommend approval for an ordinance to amend the concept plan for Planned Development 03-26. Motion was seconded by Cmr. Lipscomb and passed 7-0.

**2C.** Public hearing, consideration, and action to recommend an ordinance 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. (Case No. 2020-009)

Mr. Paxton introduced the case.

Mr. Harvey Brinkman, applicant, presented his case and reasons for his request.

Mr. Paxton presented the finding of facts.

Cmr. Harmon opened the public hearing at 5:16 p.m.

The following persons spoke:

- Mr. Robert Gonzalez
- Mr. John Davis

Hearing no one speak, Cmr. Harmon closed the public hearing at 5:27 p.m.

Cmr. Byrom moved to recommend approval for an ordinance to change the zoning from PDD (Planned Development District 09-08) to C-3 General Commercial District. Motion was seconded by Cmr. Zuber and passed 6-1.

**2D.** Public hearing, consideration, and action to recommend an ordinance 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. (Case No. 2020-010)

Mr. Paxton introduced the case.

Mr. Guy Syfert, applicant, presented his case and gave reasons for his request.

Mr. Paxton presented the finding of facts.

Cmr. Harmon opened the public hearing at 5:50 p.m.

Hearing no one speak, Cmr. Harmon closed the public hearing at 5:51 p.m.

Cmr. Zuber moved to recommend approval for an ordinance to change the zoning from R-1 Single-family Residential District to RT Residential Transitional District. Motion was seconded by Cmr. Byrom and passed 7-0.

**2E.** 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. (Case No. 2020-011)

Mr. Paxton introduced the case.

Mr. Joe Byers, applicant, presented his case and gave reasons for his request.

Mr. Paxton presented the finding of facts.

Cmr. Harmon opened the public hearing at 5:59 p.m.

The following persons spoke:

- Mr. Terry Kincaid
- Ms. Sheila Sloan
- Mr. Michael Standard
- Ms. Ann Overley

Hearing no one speak, Cmr. Harmon closed the public hearing at 6:14 p.m.

Mr. James Wilson, civil Engineering with (applicant), spoke. Mr. Wilson addressed the flooding concerns mentioned.

Cmr. Byrom moved to recommend **approval** for an ordinance to change the zoning from PDD (Planned Development District 06-04) to R-2 Medium Density Residential District. Motion was seconded by Cmr. Jones and passed 7-0.

### **3. STAFF REPORT:**

Mr. Paxton presented the staff report. The Code Review Committee will be meeting later this month to review the subdivision code. The next Planning and Zoning meeting will be April 2, 2020.

### **4. EXECUTIVE SESSION**

No executive session was taken.

### **5. ADJOURNMENT**

The meeting was adjourned at 6:19 p.m.



# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Date: June 4, 2020  
Agenda Item: 2A  
Action: Public Hearing, Consideration and Action  
Planning File #: 2020-014  
Representative: Cynthia Poynter

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## Proposal

Public hearing, consideration, and action to recommend a resolution to allow a Conditional Use Permit for a Short-term Rental on approximately 0.14 acres out of the John Young Survey No. 118, Abstract 375; and more commonly known as 300 Guadalupe Street.

## Procedural Requirements

Twenty-one (21) letters were mailed May 19, 2020, to adjacent property owners. The public notice was published in the Kerrville Daily Times on May 16, 2020.

## Staff Analysis and Recommendation

**Consistency with the Kerrville 2050 Comprehensive Plan:** The property and surrounding area are designated Transitional Residential (TR). 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.

Since the underlying zoning is not changing the request is consistent with the Kerrville 2050 Comprehensive Plan.

## **Case Summary:**

This is a request to allow as a conditional use, a short term rental unit at 300 Guadalupe Street. In the newly updated zoning code, a short term rental unit is define as follows:

**Short-Term Rental Unit:** a facility, used for the purpose of providing short-term lodging for compensation, architecturally designed to look like a single-family dwelling, occupied concurrently as the residence for the owner, operator, or manager of the property, or providing separate lodging units such as cabins, guest homes, or similar residential-scale structures, with no more than six (6) bedrooms total on the property, and offering meals only to those who receive

lodging, and providing that all bedrooms used as a permanent residence shall count toward the maximum six (6) bedrooms of the short-term rental unit.

The applicant is requesting to operate the short term rental unit as a separate lodging unit and will not live on site.

## **Adjacent Zoning and Land Uses**

### **Subject Property**

**Current Zoning:** R-1A

**Existing Land Uses:** Single family residence

### **Direction: North**

**Current Zoning:** R-1A

**Existing Land Uses:** single family residential

### **Direction: South**

**Current Zoning:** R-2

**Existing Land Uses:** Single family residential and short term rentals

### **Direction: East**

**Current Zoning:** R-1A

**Existing Land Uses:** Single family residential

### **Direction: West**

**Current Zoning:** R-1A

**Existing Land Uses:** Single family residential

**Thoroughfare Plan:** There should be no impact on the thoroughfare plan.

**Traffic Impact:** There should be little to no impact on traffic in the area.

**Parking:** Required one (1) space per bedroom, plus parking required for the manager, if living off-site.

## **Recommendation**

### **Proposed Conditions:**

Staff recommends the following conditions for consideration along with the approval of the Conditional Use Permit:

1. The Short Term Rental Unit shall follow all regulations in Zoning Code, including parking requirements
2. The owner shall post the attached guest notification along with check in information in the home.
3. The owner or operator of the Property shall comply with the City's occupancy tax requirements as found within Ch. 94, Division III, of the City's Code of Ordinances.

## **Attachments**

**Map**

**Site Plan**



## Location Map

Case # 2020-014

Location:  
300 Guadalupe St

### Legend

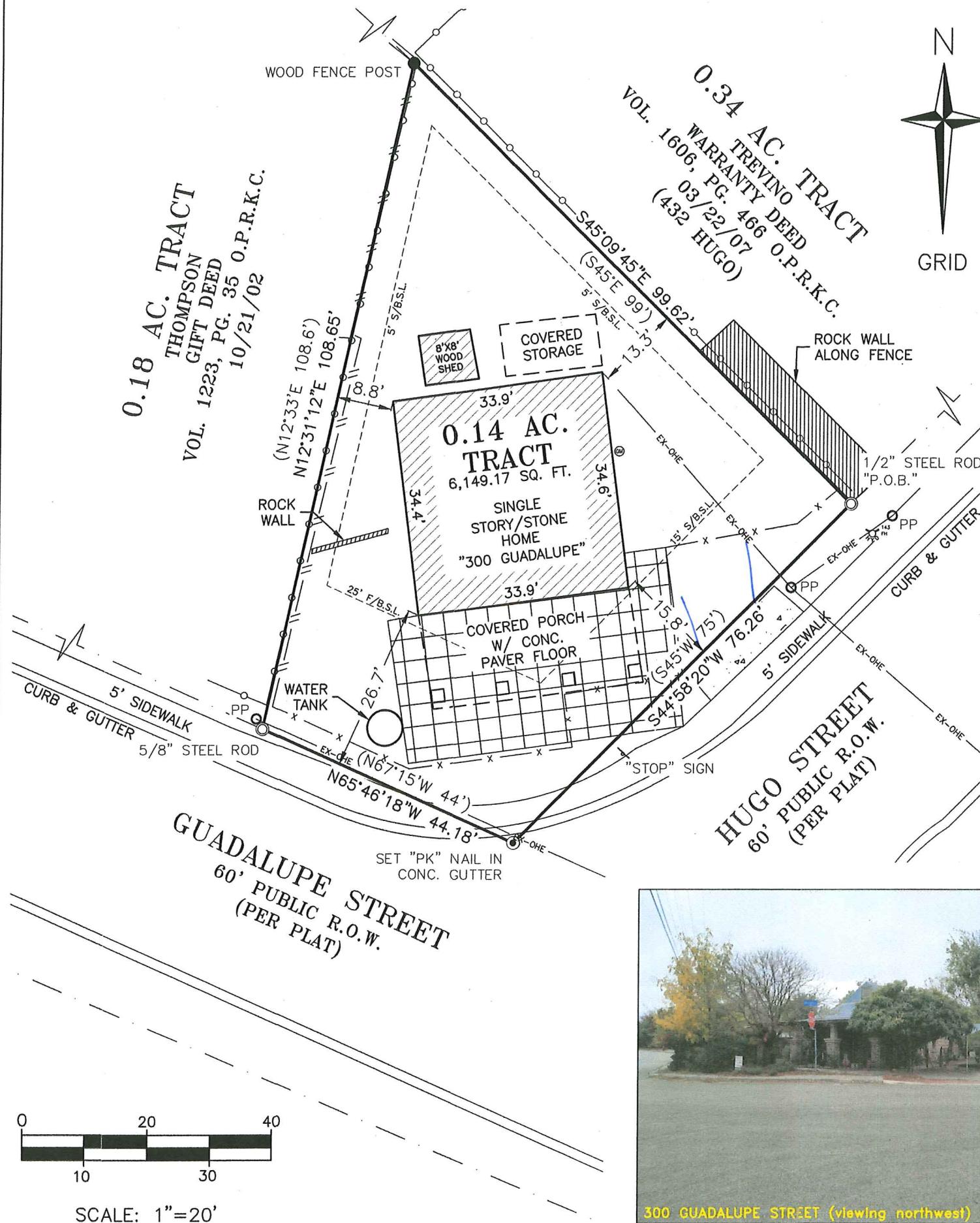
200' Notification Area  
Subject Properties



0 50 100 200

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.



\* NOTES

1. THE BASIS OF BEARING FOR THIS SURVEY IS GRID NORTH, BASED UPON RTK/GNSS OBSERVATIONS. REFERENCED TO N.A.D. 83, TEXAS STATE PLANE COORDINATES, SOUTH CENTRAL ZONE. CORRECTED TO HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET.
2. THIS SURVEY MEETS OR EXCEEDS THE TEXAS BOARD OF PROFESSIONAL ENGINEERS & LAND SURVEYING MINIMUM STANDARDS FOR LAND TITLE SURVEYS.
3. ALL DISTANCES TO STRUCTURES ARE TAKEN PERPENDICULAR FROM LOT LINES.
4. THIS TRACT LIES WITHIN THE BOUNDARIES OF A FLOOD HAZARD ARE DESIGNATED AS "ZONE X" AS APPROXIMATELY SHOWN ON F.E.M.A. FLOOD INSURANCE RATE MAP (FIRM) #48265C0470F EFFECTIVE DATE MARCH 3, 2011. THIS IS AN AREA OF 0.2% CHANCE OF FLOOD HAZARD.
5. WHERE SURVEYED OR COMPUTED COURSES DIFFER FROM THOSE OF RECORD, THE RECORD COURSE IS EXPRESSED IN PARENTHESIS, I/E, 1680.61' (1680.00').
6. THIS SURVEY WAS PREPARED FOR KERR COUNTY ABSTRACT & TITLE COMPANY 712 EARL GARRETT KERRVILLE, TX 78021 AND SHOULD ONLY BE USED FOR A SINGLE PROPERTY TRANSACTION.
7. THIS SURVEY WAS PERFORMED FOR A SINGLE CONVEYANCE OF THE SUBJECT PROPERTY FOR THE EXCLUSIVE USE OF THE PARTIES OF THE SAID TRANSACTION AND IS NOT INTENDED FOR USE BY OTHER PARTIES IN THE FUTURE. USE OF THIS PRODUCT BY OTHERS WITHOUT THE WRITTEN AUTHORIZATION OF THE SURVEYOR IS A VIOLATION OF U.S. COPYRIGHT LAW.

THIS SURVEY WAS CONDUCTED ACCORDING TO INFORMATION PROVIDED IN COMMITMENT FOR TITLE INSURANCE FILE NUMBER GF 42258 EFFECTIVE 11/12/2019.

BUYER(S): CYNTHIA A. POYNTE

THIS PLAT CERTIFICATION EXPIRES DECEMBER 20, 2019

BASED ON A FIELD SURVEY CONDUCTED ON THE GROUND  
NOVEMBER 14, 2019

\* LEGEND

- FOUND CORNER AS NOTED
- FOUND FENCE POST AS CORNER
- SET CORNER AS NOTED
- PP ○ UTILITY POLE
- GM GAS METER

(COURSE VALUE PER DEED V.897, PG. 693 D.R.K.C.T.)

PROPERTY LINE 

ADJOINER LINE 

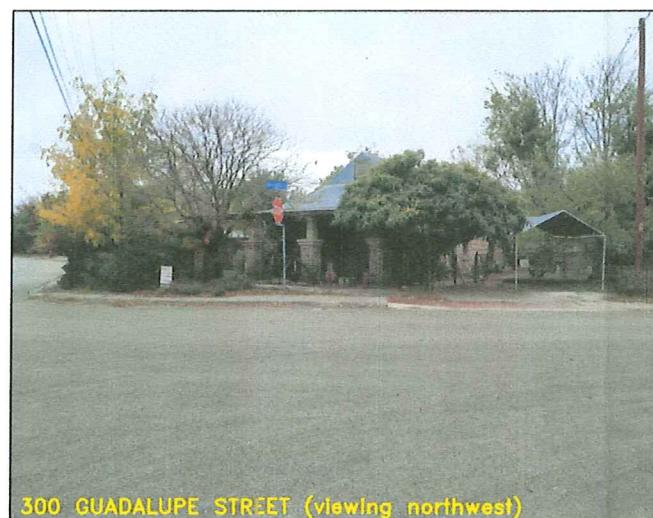
BUILDING SETBACK LINE 

CHAIN LINK FENCE LINE 

METAL FENCE LINE 

WOOD FENCE LINE 

OVERHEAD ELECTRIC 



SCALE: 1"=20



631 WATER STREET wellbornengineering.com  
KERRVILLE, TX 78028 FIRM# 10194410  
830-217-7100 T.B.P.L.S.  
PROJECT: SCALE: FIELD: DRAFTING: CHECK  
6: 19-121 1" = 20' CBC JSM RS  
LAST FIELD VISIT: 11.20.2019 SHEET NO.  
LAST DRAFT REVISION: 11.20.2019 1 of 1

# D R A F T 5/28/20

## CITY OF KERRVILLE, TEXAS RESOLUTION NO. \_\_\_-2020

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO AUTHORIZE A SHORT-TERM RENTAL UNIT ON THE PROPERTY CONSISTING OF AN APPROXIMATE 0.14 ACRE TRACT OUT OF THE JOHN YOUNG SURVEY NO. 118, ABSTRACT 375, WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS; KNOWN AS 300 GUADALUPE STREET; SAID PROPERTY IS LOCATED WITHIN THE R-1A ZONING DISTRICT; AND MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

**WHEREAS**, the owner of the property described in **Exhibit A**, and graphically depicted in the vicinity map in **Exhibit B** (the “Property”), both exhibits being attached hereto and made a part hereof for all purposes, is requesting approval of a Conditional Use Permit (CUP) to allow a short-term rental unit on an approximate 0.14-acre tract of land located within the R-1A Zoning District; and

**WHEREAS**, the City Planning and Zoning Commission and the City Council of the City of Kerrville, Texas, in compliance with state law and the Zoning Code of the City of Kerrville, Texas (Chapter 60, Code of Ordinances), and in particular, the approval of Conditional Use Permits, and the official zoning map; having given the requisite notices by United States mail, publication, and otherwise; and after holding due public hearings and affording a full and fair hearing to all of property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, City Council, finds that the health, safety, and general welfare will be best served by the granting of a Conditional Use Permit, subject to the special conditions and restrictions set out hereinafter on the Property;

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

**SECTION ONE.** A Conditional Use Permit is granted to permit the property described below, and located within the R1-A Zoning District, to be developed and used for a Short-Term Rental Unit as that term is defined in and pursuant to the City’s Zoning Code (Chapter 60, Article XI), and such use is subject to the provisions of this Resolution and other City ordinances and regulations:

**Legal Description:** Being an approximate 0.14 acre tract of land lying and being situated within the City of Kerrville, Kerr County, Texas, and being out of the John Young Survey No. 118, Abstract No. 375; said tract being more particularly described in **Exhibit A** and graphically depicted on the vicinity map in **Exhibit B**, attached hereto and made a part hereof for all purposes.

**General Location:** 300 Guadalupe Street, Kerrville, Texas

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

- A. Concept Plan:** The development and use of the Property shall conform to the concept plan, attached as **Exhibit B**.
- B. Guest Notification:** The owner or operator of the Property shall post a “guest notification” in a conspicuous place within the rental unit on the Property, said notification attached as **Exhibit C**.
- C. Occupancy Taxes:** The owner or operator of the Property shall comply with the City’s occupancy tax requirements as found within Ch. 94, Division III, of the City’s Code of Ordinances.
- D. Other Zoning Regulations:** The regulations set forth in this Resolution are in addition to those set forth in the Zoning Code, as may be amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in the Zoning Code, the provisions of this Resolution will prevail.

**SECTION THREE.** This Resolution and the Conditional Use Permit granted herein is subject to termination in accordance with the Zoning Code.

**SECTION FOUR.** City Council finds and determines that its adoption of this Resolution promotes the health, safety, and general welfare of the public and is a proper valid exercise of the City’s police powers.

**SECTION FIVE.** If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION SIX.** This Resolution is effective upon adoption.

*(Signatures to follow)*

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

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Bill Blackburn, Mayor

APPROVED AS TO FORM:

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Michael C. Hayes, City Attorney

ATTEST:

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Shelley McElhannon, City Secretary



## SHORT TERM RENTAL CONDITIONAL USE PERMIT GUEST NOTIFICATION

CUP Resolution Number \_\_\_\_\_

This guest house (short term rental) has been permitted by the City of Kerrville as a conditional use within a residential neighborhood and requires all guests to be aware of the following:

Because this guest house is located within a residential neighborhood, proper etiquette should be observed at all times. The conditional use permit was issued in an effort **“to preserve the health, safety, and general welfare of adjacent property and its occupants and to protect such property and occupants from excessive noise, vibration, dust, dirt smoke, fumes, gas, odor, traffic, explosion, glare, surface water drainage, offensive view, or other undesirable hazardous conditions....”**

As a guest, please be aware of the proximity of your neighbors and be respectful of their right to privacy, a quiet environment, and unobstructed access to their property. Loud music, loud parties and excessive noise should be avoided. Parking should be limited to onsite parking spaces provided by guest house management.

If you should have any questions regarding this notification, please contact guest house management.

Thank you!

*This Guest Notification should be posted by short term rental management in a location clearly visible by all guests at check-in. Posting of duplicate copies of the Guest Notification within each guest room is highly encouraged to clearly communicate the importance of proper etiquette within a residential neighborhood.*

**From:** [Buildings](#)  
**To:** [Dorothy Miller](#); [Drew Paxton](#); [Mary Ann Noah](#)  
**Subject:** FW: Kerrville-zoning change response for 333 Guadalupe-Opposed  
**Date:** Monday, March 23, 2020 11:46:00 AM  
**Attachments:** [image001.jpg](#)  
[image002.png](#)

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**From:** Lee Kay  
**Sent:** Friday, March 20, 2020 2:39 PM  
**To:** Buildings  
**Cc:** [suekapa3@gmail.com](mailto:suekapa3@gmail.com)  
**Subject:** RE: Kerrville-zoning change response for 333 Guadalupe-Opposed

**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.

Thank you.

**From:** Buildings <[Buildings@kerrilletx.gov](mailto:Buildings@kerrilletx.gov)>  
**Sent:** Friday, March 20, 2020 1:42 PM  
**To:** 'Lee Kay' <[leek.start@gmail.com](mailto:leek.start@gmail.com)>  
**Cc:** [suekapa3@gmail.com](mailto:suekapa3@gmail.com)  
**Subject:** RE: Kerrville-zoning change response for 333 Guadalupe-Opposed

Good afternoon,

I have received your letter of opposition and it will be submitted to the Planning and Zoning Commissioners for their review.

Thank you and have a blessed day! ☺



*Dorothy Miller*

**Administrative Assistant**  
**Development Services**

**CONFIDENTIALITY NOTICE:** This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain information that is Protected Private Information, privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient be advised that any unauthorized use, disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you are not the intended recipient, please immediately contact the sender by reply e-mail and destroy all copies of the original message.

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**From:** Lee Kay <[leek.start@gmail.com](mailto:leek.start@gmail.com)>  
**Sent:** Thursday, March 19, 2020 3:49 PM  
**To:** Buildings <[Buildings@kerrilletx.gov](mailto:Buildings@kerrilletx.gov)>  
**Cc:** [suekapa3@gmail.com](mailto:suekapa3@gmail.com); 'Lee Kay' <[leek.start@gmail.com](mailto:leek.start@gmail.com)>  
**Subject:** Kerrville-zoning change response for 333 Guadalupe-Opposed

**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.

To: Drew Paxton-Director of Planning

Dear Sir,

Attached is our letter outlining our opposition to the proposed zoning change from R2 to R3 for

Lot 2 and parts of 3,4,5 Block 1 Riverside Additions---known as 333 Guadalupe st.  
We plan to be at the meeting to raise our objections.  
Thank you,  
Sue and Lee Kapetanakis  
361-249-0038

DISCLAIMER: This email (plus any attachments) is a public record of the City of Kerrville and is subject to public disclosure under the Texas Public Information Act. This email is also subject to the State Retention Schedule.

**From:** [Kathy Nichols](#)  
**To:** [Buildings](#)  
**Subject:** Case 2020-014  
**Date:** Tuesday, March 24, 2020 12:14:36 PM

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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.

We will not be at the P & Z meeting on April 2nd.

However, we would both like to voice our strong support in favor of a short term rental at 300 Guadalupe Street. We are grateful for the improvements that have been made to this property and urge the City to take action with the two vacant properties nearby- one on Hugo and one on East Shady Drive. Both are neglected properties in total disarray.

Thank you.

Kathy Nichols

Wanda Lich

**From:** [Sallie A](#)  
**To:** [Planning Division](#)  
**Subject:** notice of public hearing case 2020-014  
**Date:** Saturday, May 23, 2020 12:53:40 PM

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**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.

Drew Paxton planning director

I continue to be even more opposed to any short term rental properties in our immediate area even more than my opposition submitted March 25 .

The parking along both sides of Hugo Street has been dangerous especially as this property is on a stop sign corner with no sidewalks where multiple construction and personal vehicles have caused blockages which has been dangerous to vehicle and foot traffic.

The noise has been annoying from loud music in vehicles and construction noise often starting before 7:30 am and short term rental occupants are not always considerate of close properties in the area another reason for my opposition.

I also do not understand why the driveway and house number with lighting as well is on Hugo street when the address is NOT on Hugo but on Guadalupe. We do not have sidewalks on Hugo which makes it even more irritating.

I was asked for my opinion and am expressing it as opposed to any short term rentals  
Sallie Angel



Virus-free. [www.avast.com](http://www.avast.com)

**From:** [Kathy King](#)  
**To:** [Planning Division](#)  
**Subject:** Case #2020-014  
**Date:** Saturday, May 23, 2020 5:25:59 PM

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**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.

Kenneth and Kathy King  
224 Guadalupe St.

In Favor

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# Agenda Bill

## Case No. 2020-017

To: Planning & Zoning Commission  
Date: 5/29/2020  
Agenda Item: 2B  
Action: Recommend ordinance for approval  
Representative: Marion Gray

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### **Proposal**

Request to change the zoning from R-2 Medium Density Residential to R-3 Multifamily Residential on Lot 2 and part of lots 3, 4, and 5, Block 1 Riverside Additions; and more commonly known as 333 Guadalupe Street.

### **Procedural Requirements**

17 letters were mailed Tuesday, May 19, 2020, to adjacent property owners. The public notice was published in the Kerrville Daily Times on Saturday, May 16, 2020.

### **Staff Analysis and Recommendation**

**Consistency with the Kerrville 2050 Comprehensive Plan:** The property and surrounding area are designated Transitional Residential (TR). 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.

**Indicators & Assumptions:** Densities are typically six to 40 units per acre.

A small portion of this neighborhood was zoned R-3 under the previous zoning, including this lot. The applicant started their due diligence under the previous zoning, however, the project had not moved forward with any applications prior to the zoning change. As indicated by the Transitional Residential designation on the Future Land Use Plan, a variety of housing types is recommended for this area, including multifamily.

Based on the Transitional Residential place type in the Future Land Use Plan, the request for R-3 zoning is consistent with the Kerrville 2050 Comprehensive Plan.

### **Adjacent Zoning and Land Uses:**

Subject Property

Current Zoning: R-2

Existing Land Uses: Single family home

Direction: North

Current Zoning: R-1A

Existing Land Uses: single family residential

Direction: South

Current Zoning: R-2

Existing Land Uses: Guadalupe River

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:** The property fronts a collector and should not have any significant impact on the thoroughfare system.

**Traffic Impact:** To be determined

**Parking:** To be determined based on final plans, subject to all parking regulations in the Zoning Code

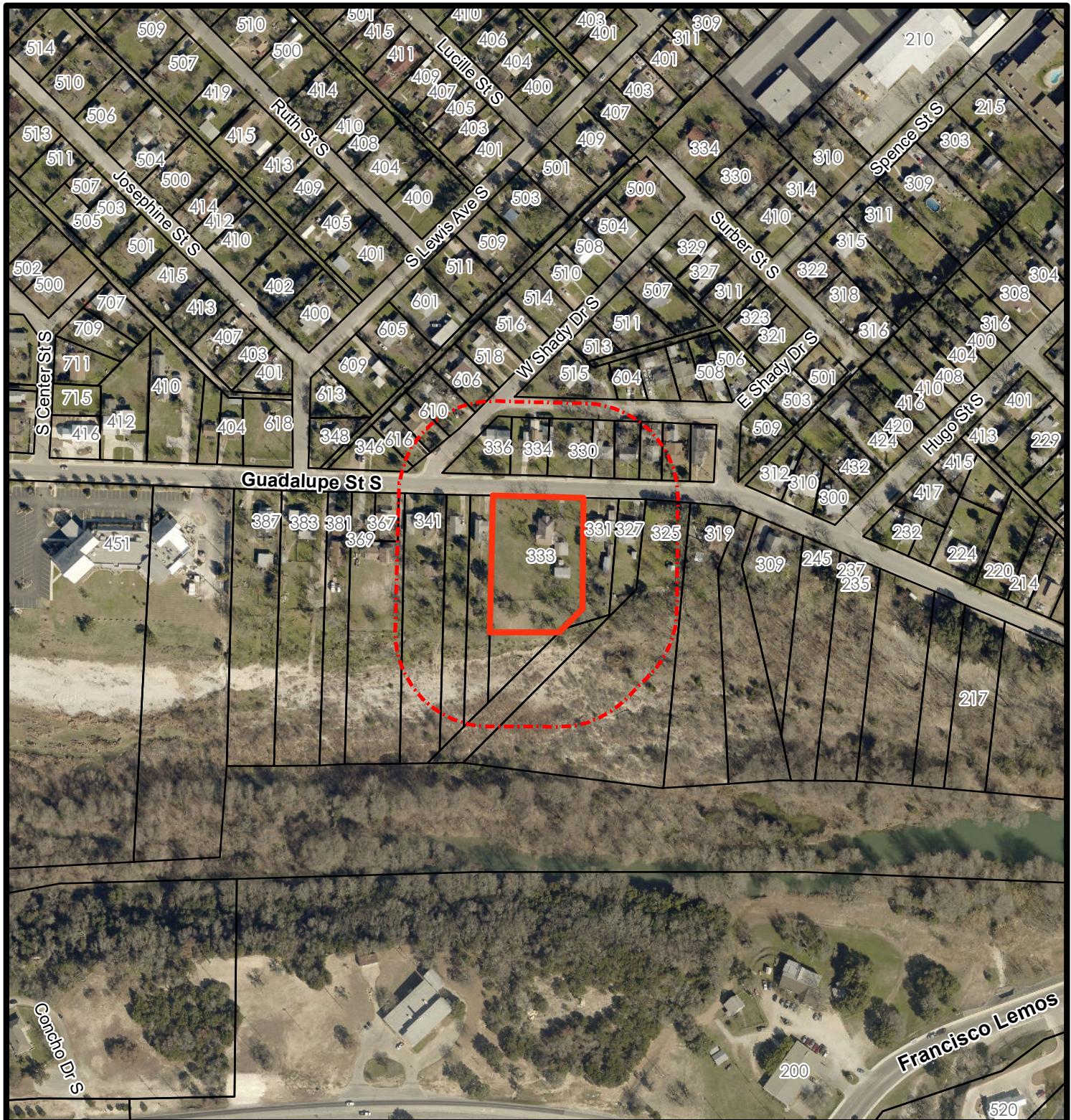
**Recommendation:**

Based on the policies within the Kerrville 2050 Plan, staff recommends approval.

**Attachments:**

**Map**

**Proposed Site Plan**



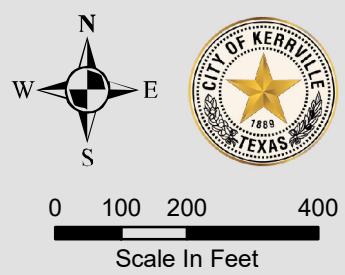
## Location Map

**Case # 2020-017**

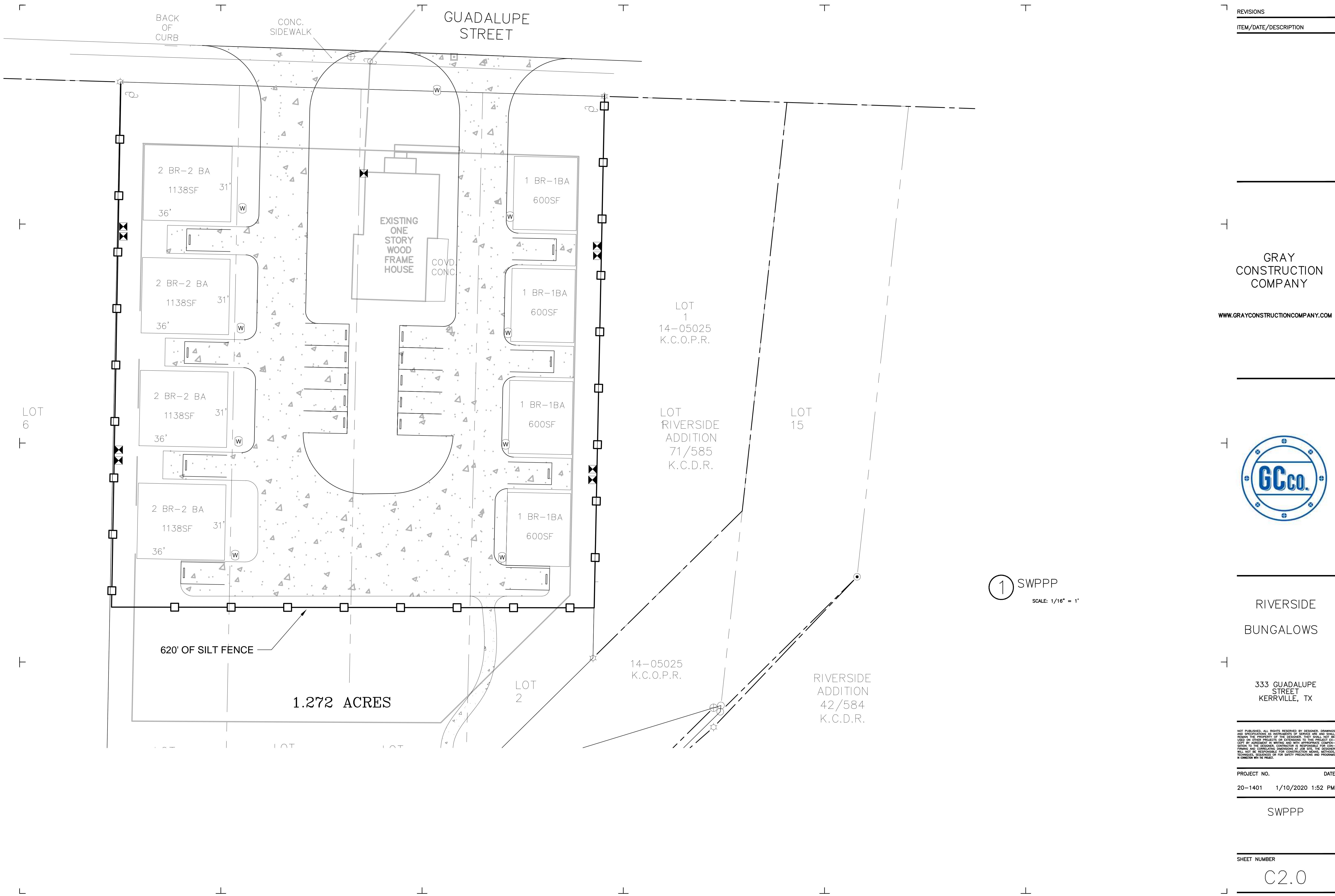
**Location:**  
**333 Guadalupe St S**

## Legend

## 200' Notification Area Subject Properties



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



**D R A F T 5/29/20**

**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 AN APPROXIMATE 1.27 ACRE TRACT, CONSISTING OF LOT 2 AND PART OF LOTS 3-5, BLOCK 1, RIVERSIDE ADDITION; AND MORE COMMONLY KNOWN AS 333 GUADALUPE STREET; FROM A MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT (R-2) 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 June \_\_, 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 at 333 Guadalupe Street (Lot 1 and Part of Lots 3-5, Block 1, Riverside Addition); such change to result in the removal of the property from a Medium Density Residential Zoning District (R-2) to placement within a Multifamily Residential Zoning District (R-3); and

**WHEREAS**, on June \_\_, 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 1.27 acres, and consisting of Lot 1 and Part of Lots 3-5, Block 1, Riverside Addition, within the City of Kerrville, Kerr County, Texas; said property 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:

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Shelley McElhannon, City Secretary

APPROVED AS TO FORM:

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Michael C. Hayes, City Attorney

**From:** [Lee Kay](#)  
**To:** [Buildings](#)  
**Cc:** [suekapa3@gmail.com](mailto:suekapa3@gmail.com); ["Lee Kay"](#)  
**Subject:** Kerrville-zoning change response for 333 Guadalupe-Opposed  
**Date:** Thursday, March 19, 2020 3:49:18 PM  
**Attachments:** [Kerrville-zoning change.pdf](#)

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**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.

To: Drew Paxton-Director of Planning

Dear Sir,

Attached is our letter outlining our opposition to the proposed zoning change from R2 to R3 for Lot 2 and parts of 3,4,5 Block 1 Riverside Additions---known as 333 Guadalupe st.

We plan to be at the meeting to raise our objections.

Thank you,

Sue and Lee Kapetanakis

361-249-0038

Dorothy Sue Kelly Kapetanakis

& Lee Kapetanakis

327 Guadalupe St. Kerrville, TX 78028

To: Drew Paxton

Director of Planning

Development Services Dept.

200 Sidney Baker St. Kerrville, TX 78028

Re: Public Hearing regarding converting 333 Guadalupe St. to R3 Multi Family Residential

Dear Sirs,

We are the owners of 327 Guadalupe and are strongly against this zoning change for the following reasons:

1-We recently bought the property about one year and a half ago and improved it extensively inside and out. When we bought it we did so in part because it was zoned as single family residential. We plan to retire there and build a larger single family home on the property overlooking the river one day. We never thought or were advised that our street and neighborhood might change to a multi family one. Had we known that we would not have bought there. We believe that the best use for the real estate on that part of Guadalupe is single family residential.

2-The beauty of that street is that it is near or on the river and Riverwalk. It's a quiet, residential neighborhood with kids and families enjoying the river and the new park and allowing multiple units on lot 333 would totally change the nature and essence of the neighborhood and area.

3-The optimal use of that neighborhood is as single family residential—with larger more expensive homes being built there eventually-as they can be on or near the waterfront. Riverfront property is hard to find anywhere and little property like it exists in Kerrville for single family residences. There is ample land available for multi family residences –even on the river—on the other side of Sidney Baker—where it's a more commercial type area. To destroy the essence and character of this quiet residential neighborhood by allowing multi family housing there—and especially what appears to be lower income rental multi family—is NOT the best and most effective use of the land nor of the City's interests and resources. Kerrville is known as a quiet town home to many retirees and increasingly to younger couples with families who want to leave the big city. Eliminating premium residential areas that are in transition from lower to middle and upper income -on the Riverwalk--would be a mistake for the city. It would also harm the appeal of the new Riverwalk and park by destroying the quiet residential feeling along the Riverwalk-something that tourist visitors and residents love and come to Kerrville for.

4- The lot next to ours has a new single family home on it, and our own home was extensively redone as a single family home. More of that type of development will follow increasing the tax roll valuations while maintaining the family character of the neighborhood and not taxing city utilities and resources.

5—Parking and traffic would be a major problem as Guadalupe street is a desirable street to drive by the river on—and street parking is not encouraged , much used or greatly available. Allowing multi-family dwellings on this lot would harm the traffic flow and parking situation in the neighborhood. And its not just for this lot variance. If you give it for one you have to give for more in future and that will create a parking and traffic flow nightmare.

For all these reasons we are against this zoning change and will be at the meeting to speak out against it.

Sincerely,

*LE SK*

Sue and Lee Kapetanakis

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# Agenda Bill

## Case No. 2020-019

To: Planning & Zoning Commission  
Date: 6/4/2020  
Agenda Item: 2C  
Action: Recommend Approval of CUP with Conditions  
Representative: Wellborn Engineering

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### **Proposal**

Public hearing, consideration, and action to recommend a resolution to allow a Conditional Use Permit for Parking Lot, Stand-Alone and an Automobile Dealership, Used Auto Sales on approximately 6.44 acres out of Waddell Survey, Survey #145, Abstract 354; and more commonly known as 401 Sidney Baker.

### **Procedural Requirements**

Twelve (12) letters were mailed May 19, 2020 to adjacent property owners. The public notice was published in the Kerrville Daily Times on May 16, 2020. At the time of drafting this Agenda Bill, no public comments have been received.

### **Staff Analysis and Recommendation**

The applicant is requesting a conditional use permit allowing the property to be used for a parking lot under the conditional use, "Parking Lot, Stand-Alone" and later developed for the conditional use, "Automobile Dealership, Used Auto Sales." The property is zoned C-2 Light Commercial District where both requested uses are listed as conditional within the Land Use Table. Customer proposes to develop the project in two phases: Phase 1 as the stand-alone parking lot; Phase 2 as the used automobile dealership. The property is currently not platted and in addition to the CUP would require a preliminary plat, construction drawings and final plat as part of the overall approval process. Per zoning code, the Phase 1 parking lot shall commence within 180 days of the CUP effective date and be allowed to operate for up to two (2) years from CUP effective date, at which time permits would need to be obtained for construction of the Phase 2 used automobile dealership. If approved, CUP conditions have been drafted for both Phase 1 and Phase 2 of the proposed project.

The staff recommended CUP conditions are consistent with current code requirements as well as consistent with the intent of the Kerrville 2050 Comprehensive Plan. These conditions address site grading & drainage, clean storm water runoff, safe pedestrian travel, public right-of-way improvements, tree preservation, landscaping and overall project appearance as the proposed project is located on a major entryway into the City center. Although some of the proposed conditions are not yet official policy, they have been included to be consistent with the intent of the Kerrville 2050 Comprehensive Plan.

**Consistency with the Kerrville 2050 Comprehensive Plan:** The property and surrounding area are designated as Strategic Plan Area 2 which recommends a strong commercial presence along the SH 16 corridor. The proposed conditional uses are fully consistent with the 2050 Comprehensive Plan when incorporating the proposed conditions into the overall project design.

**Adjacent Zoning and Land Uses:**

**Subject Property**

Current Zoning: C-2 Light Commercial

Existing Land Uses: Vacant Land

**Direction: North**

Current Zoning: PI Public and Institutional

Existing Land Uses: Texas Department of Motor Vehicles

**Direction: South**

Current Zoning: MU Mixed Use

Existing Land Uses: LDB Corporate Office (for sale)

**Direction: East**

Current Zoning: C-3 General Commercial

Existing Land Uses: Ken Stoepel Ford Dealership

**Direction: West**

Current Zoning: R-2 Medium Density Residential

Existing Land Uses: Single Family Residential Homes

**Thoroughfare Plan:** The property is located at the corner of Lehmann Drive and SH 16 (Sidney Baker Street). Lehmann Drive is designated as a Collector and SH 16 a Primary Arterial. One curb cut is proposed on Lehmann Drive and the use of an existing access point is proposed on SH 16.

**Traffic Impact:** High traffic volumes are not anticipated by the proposed uses. Ingress and egress on Lehmann Drive should not cause traffic impacts. Because SH 16 is a primary arterial, staff has recommended that the applicant coordinate with TxDOT to confirm that the existing access point location and proposed design onto SH 16 are acceptable to TxDOT.

**Parking:** Adequate parking is included in the proposed project site plan.

**Recommendation:** Staff recommends approval of the Conditional Use Permit with the following conditions:

- A. **Commencement of Stand-alone Parking Lot:** Stand-alone parking lot use shall commence within 180 days of the CUP effective date. If use does not commence, the CUP shall terminate and become null and void unless arrangements to extend the CUP have been made prior to CUP termination.
- B. **Term of Use of Stand-alone Parking Lot:** Stand-alone parking lot use shall be allowed for up to two (2) years from CUP effective date, at which time permits shall be obtained for construction of the Phase 2 used automobile dealership. If Phase 2 construction does not commence within two (2) years of CUP effective date, the CUP shall terminate and become null and void unless arrangements to extend the CUP have been made prior to CUP termination.
- C. **CUP Site Plan:** The development and use of the property must conform to the site plan, attached as **Exhibit B**.
- D. **Platting and Improvement Plans:** If installing any underground utilities with Phase 1 that will be connected to City of Kerrville water, sanitary sewer or storm drain systems,

the property will need to be platted and improvement plans approved prior to Phase 1 construction in compliance with the City's Subdivision Regulations. Customer must also coordinate with the appropriate dry utility companies to ensure installation requirements and compliance.

E. **Phase 1 Site Improvements (Stand-alone Parking Lot):** Phase 1 site improvements, based on the Phase 1 site plan, shall include, however, not be limited to the following:

- i. **Site Grading & Drainage:** Appropriate site grading and drainage, including a Storm Water Pollution Prevention Plan, implementing Best Management Practices as required by the State of Texas. During construction, public streets shall remain free of dirt and debris from project site activities and streets cleaned as necessary, or if reasonably requested by City staff.
- ii. **Detention Basin / Storm Culvert:** Detention basin, appropriately sized and located, to detain diverted hillside runoff. Include adequately sized storm culvert for Lehmann Drive site entrance. Plan should clearly indicate direction of runoff flow from basin to ultimate discharge point from the property. Obtain permission from TxDOT to discharge into their storm drain facilities. If basin is more than eighteen (18) inches in depth, or an alternate depth dictated by accepted current design standards, provide a four foot high fence and basin maintenance access gate to prevent public access into the basin area. Chain link fencing is not allowed.
- iii. **Bioswales:** Due to proximity of project site to the river, provide bioswales adjacent to the parking lot to collect and filter parking lot storm water runoff. Bioswales should be located between the parking lot and perimeter sidewalk, unless an alternate design is proposed by developer and approved by City Planning Director and City Engineer. Bioswales can be installed in lieu of other street frontage landscape requirements along parking lot perimeter. Bioswale design is at the discretion of the developer and shall be approved by the Planning Director and City Engineer. Bioswale installation shall be completed, as necessary, with each individual project phase.
- iv. **Pedestrian Accommodations:** Provide safe pedestrian access from current Stoepel Ford new auto sales location to the CUP stand-alone parking lot / future used auto sales location. The two affiliated business locations may require pedestrian travel from one location to the other. Obtain permission from TxDOT to install the remainder of sidewalk that will connect the new pedestrian traffic pedestal and ADA ramp on the west side of SH 16 (Sidney Baker St) to the northwest corner of Lehmann Drive and SH 16 (Sidney Baker St). The new sidewalk shall be installed with Phase 1 of the project and completed prior to use of stand-alone parking lot.
- v. **Public ROW Improvements:** Curb, gutter and sidewalk, per City of Kerrville Standards and/or TxDOT Standards, shall be installed along entire property frontage on both Lehmann Drive and SH 16 (Sidney Baker St). Broken curb shall be removed and replaced and missing curb installed, and asphalt patched in these locations, as necessary. This CUP condition may be deferred by developer to installation of Phase 2 improvements and shall be completed prior to occupancy of Phase 2 used car building/sales office.
- vi. **Parking Lot and Vehicle Travel Lane Surfacing:** The parking lot and vehicle travel surfacing shall be asphalt, concrete or such other surfacing to prevent mud, dirt, or other loose materials from being removed from the property and tracked onto the public rights-of-way by vehicles traveling from the property.

- vii. **Tree Preservation/Hillside Preservation:** As much as is practical, preserve large diameter (eighteen (18) inches or greater) healthy or non-diseased and native non-invasive existing trees unless removal is necessary to provide utilities or pedestrian or vehicular access driveways, but not parking. In addition, provide a Hillside Preservation Easement for the duration of the CUP that protects the trees on the undeveloped portion of the site. Trees and vegetation within the Hillside Preservation Easement area shall be maintained to prevent fire, erosion or other hazards. Hillside Preservation Easement shall terminate with expiration of this CUP.
- viii. **Landscaping:** Because the proposed project is located along a major entryway into the City center, provide irrigation and landscaping along both project frontages (SH 16 and Lehmann Drive), similar to what Stoepel Ford has currently along La Casa Drive. In locations where bioswales are installed, additional landscaping is not required. Planting materials shall be from the list of recommended plants set forth in the most recent edition of *Recommended Plants for the Kerrville Area* by the City at the time of planting. All landscaping shall be maintained in a healthy, growing condition and not be allowed to grow so high as to impede safe sight distances at intersections. This CUP condition may be deferred by developer to installation of Phase 2 improvements and shall be completed prior to occupancy of Phase 2 used car building/sales office. Landscaping plan shall be approved by the Planning Director.
- ix. **Sight Distance:** Site plan shows an Elevated Display Area at the corner of Lehmann Drive and SH 16 (Sidney Baker St). Display shall not impede safe sight distances at intersections.
- x. **Parking Lot / Exterior Lighting:** All outside pole lights shall be full cutoff fixtures with the light source fully shielded design and shall be located, shielded and aimed in such a manner so as not to allow light to directly fall on adjacent roadways and/or properties.
- xi. **Signage:** The design, installation, location and maintenance of signs shall comply with City sign regulations existing at the time of sign permitting.
- xii. **Trash and Other Solid Waste:** Solid waste collection bins and dumpsters shall be equipped with lids and screened with a gate with an opaque screen on one side and masonry material finished to look substantially like the adjacent building(s) on the remaining three sides.
- xiii. **Outdoor Storage and Display:** The outdoor storage of any materials, supplies, inventory, and/or equipment, whether in cargo containers or similar containers or buildings, is prohibited. This condition does not apply to inventory vehicles being stored and displayed in the parking lot.

F. **Phase 2 Site Improvements (Automobile Dealership, Used Auto Sales):** In addition to all Phase 1 site conditions, Phase 2 site improvements, based on the Phase 2 site plan, shall include, however, not be limited to the following:

- i. **Phase 1 Deferred Items:** Any deferred items from the Phase 1 site improvement conditions shall be completed with Phase 2 prior to occupancy of the used car building/sales office.
- ii. **TxDOT (Sidney Baker St) Frontage Improvements:** Coordinate with TxDOT to complete the secondary access point onto SH 16 (Sidney Baker St), along with an adequately sized storm culvert running under the access point. Coordinate any remaining improvements with TxDOT, as necessary. If TxDOT does not allow

this secondary access, make accommodations to provide adequate ingress/egress from Lehmann Drive.

iii. **Proposed Retaining Wall Height:** As much as is practical, design the proposed retaining wall to be as short as possible. Because SH 16 (Sidney Baker St) is a major access into the City center, it is preferred that the overall impact of a large retaining wall be minimized. If wall height exceeds five (5) feet, consider stepping the wall or providing landscaping at the base of the wall to minimize the perceived height. This condition is at the discretion of the developer. Retaining walls over four (4) feet in height require structural engineering and permitting.

**G. Other Zoning Regulations:** The regulations set forth in this Resolution are in addition to those set forth in the Zoning Code, as may be amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in the Zoning Code, the provisions of this Resolution will prevail.

**Attachments:**

Map

Site Plan

Proposed pedestrian improvements



## Location Map

Case # 2020-19

Location:  
401 Sidney Baker St S

### Legend

200' Notification Area  
Subject Properties



0 100 200 400

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.



## Proposed Stoepel Ford Pedestrian Connection Across SH 16 (Sidney Baker St) at La Casa Drive to Lehmann Drive

May 18, 2020

**Description:** To promote safe pedestrian travel to and from the existing Stoepel Ford dealership to and from the proposed parking lot / used auto sales facility, the City of Kerrville is proposing the addition of +/- 85 linear feet of sidewalk to connect the ADA ramp on west side of SH 16 going south toward Lehmann Drive.



# **DRAFT 5/29/20**

## **CITY OF KERRVILLE, TEXAS RESOLUTION NO. \_\_\_-2020**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO AUTHORIZE A STAND ALONE PARKING LOT AND EVENTUALLY AN AUTOMOBILE DEALERSHIP, USED AUTO SALES ON A PROPERTY CONSISTING OF 6.44 ACRES OUT OF THE WADDELL SURVEY NO. 145, ABSTRACT NO. 354; WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS; AND LOCATED AT 401 SIDNEY BAKER S. (STATE HIGHWAY 16 S.); SAID PROPERTY IS LOCATED WITHIN A LIGHT COMMERCIAL ZONING DISTRICT (C-2); AND MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN**

**WHEREAS**, the owner or his or her representative (“owner”) of the property described in **Exhibit A**, and graphically depicted in the site plan in **Exhibit B** (the “Property”), both exhibits being attached hereto and made a part hereof for all purposes, is requesting a Conditional Use Permit (CUP) to authorize a stand alone parking lot, to be followed later with an automobile dealership, used auto sales on a 6.44 acre tract of land located within a Light Commercial Zoning District (C-2); and

**WHEREAS**, the City Planning and Zoning Commission and the City Council of the City of Kerrville, Texas, in compliance with the City Charter and state law with reference to the granting of conditional use permits under the Zoning Code of the City of Kerrville, Texas (Chapter 60, Code of Ordinances), and the official zoning map adopted thereby; having given the requisite notices by United States mail, publication, and otherwise; and after holding due public hearings and affording a full and fair hearing to all of the property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, City Council, finds that the health, safety, and general welfare will be best served by the granting of a Conditional Use Permit, subject to the special conditions and restrictions set out hereinafter on the Property;

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

**SECTION ONE.** A Conditional Use Permit is granted to permit the Property to be developed and used for a Parking Lot, Stand Alone (as defined), and to eventually include an Automobile Dealership, Used Auto Sales (as defined), pursuant to the City’s Zoning Code (Chapter 60); and such use is subject to the provisions of this Resolution and other applicable City ordinances and regulations:

**Legal Description:** Being an approximate 6.44 acre tract out of the Waddell Survey No. 145, Abstract No. 354,

# DRAFT 5/29/20

such tract located within the City of Kerrville, Kerr County, Texas, and being more particularly described in **Exhibit A**, attached hereto and made a part hereof for all purposes.

**General Location:** 401 Sidney Baker S. (State Highway 16 S.), Kerrville, Texas 78028

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

- A. **Site Plan:** The development and use of the Property shall conform to the site plan, attached as **Exhibit B**.
- B. **Commencement of Parking Lot, Stand Alone:** the use for the stand-alone parking lot use, to be known as “Phase 1”, shall commence within 180 days of this Resolution’s (CUP) effective date. If Phase 1 does not commence on or before said date, the CUP shall automatically terminate. This timing may be extended, but only through an amendment to this Resolution.
- C. **Term of Use for Parking Lot, Stand Alone:** the stand-alone parking lot use is allowed for up to two (2) years from the CUP effective date. On or before such date, the owner shall obtain the necessary permit(s) for construction of the automobile dealership, used auto sales, to be known as Phase 2, and commence construction. If such construction for Phase 2 does not commence on or before said date, the CUP shall automatically terminate. This timing may be extended, but only through an amendment to this Resolution.
- D. **Platting and Improvement Plans:** where owner seeks to install any underground utilities to be connected to the City’s water, wastewater, or storm drain systems, owner, in conjunction with such work, shall comply with the City’s Subdivision Code, to include platting requirements, which code may be amended. Owner shall also comply with requirements applicable to the connection to and use of other utilities on the Property.
- E. **Phase 1 Site Improvements (Stand-alone Parking Lot):** Phase 1 site improvements, based on the **Phase 1 site plan**, shall include, the following:
  1. *Site Grading and Drainage* – site grading and drainage is required, which shall comply with a Storm Water Pollution Prevention Plan (“Plan”) which implements Best Management Practices as required by the State of Texas. During this work, public streets must remain free of dirt and debris from such activities and streets cleaned as necessary or if reasonably requested by City.

# DRAFT 5/29/20

2. *Detention Basin / Storm Culvert*: a detention basin is required, which shall be appropriately sized and located to detain diverted hillside runoff and to include adequately sized storm culvert for Lehmann Drive site entrance. The Plan must clearly indicate direction of runoff flow from basin to ultimate discharge point from the Property. In addition, approval must be obtained from the Texas Department of Transportation (“TxDOT”) where any discharge will go into TxDOT’s storm drain facilities. Where the basin will exceed a certain depth, a four foot (4.0') high fence and basin maintenance access gate must be installed to prevent public access to the basin. Use of chain link fencing is not allowed.
3. *Bioswales*: due to proximity of Property to the river, bioswales must be provided adjacent to the parking lot to collect and filter storm water runoff. The bioswales must be located between the parking lot and perimeter sidewalk, unless an alternate design is proposed by owner and approved by the City Planning Director and City Engineer. Bioswales may be installed in lieu of other street frontage landscape requirements along the parking lot perimeter. Bioswale design is at the discretion of the owner and but must be approved by the Planning Director and City Engineer. Bioswale installation shall be completed, as necessary, with each individual phase.
4. *Pedestrian Access*: pedestrian access must be provided, to include access to Property from the property across Sidney Baker S., which will be owned and used in conjunction with the Property. The existing sidewalk located along Lehmann Drive shall be completed so that it connects to \_\_\_\_\_. All such work and installation may require approval from TxDOT and shall be completed as part of Phase 1 and prior to the commencement of the stand alone parking lot use.
5. *Public ROW Improvements*: curb, gutter, and sidewalk must be installed along entire frontage of Property frontage along both Lehmann Drive and Sidney Baker S. Such work may require approval from City and/or TxDOT. Broken curb shall be removed and replaced and missing curb installed and asphalt patched in these locations, as necessary. This work may be deferred but completed as part of Phase 2 and prior to the commencement of the automobile dealership, used auto sales use.
6. *Parking Lot and Vehicle Travel Lane Surfacing*: the parking lot and vehicle travel lane surfacing must be asphalt, concrete, or such other surfacing to prevent mud, dirt, or other loose materials from being removed from the Property and tracked onto the public rights-of-way by vehicles traveling from the Property.
7. *Tree and Hillside Preservation*: as much as is practical, the large diameter, healthy, non-diseased, and native, non-invasive existing trees must be preserved

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unless removal is necessary to provide utilities or pedestrian or vehicular access, but not solely as part of the parking use. A Hillside Preservation Easement that protects the trees on the undeveloped portion of the Property shall be provided to City for at least the duration of the CUP. The trees and vegetation within the easement must thereafter be maintained to prevent fire, erosion, or other hazards.

8. *Landscaping*: as the Property is located along a major entryway into the City, landscaping and irrigation must be provided along both street frontages (SH 16 and Lehmann Drive) to the Property. Such landscaping may be similar to what the property located directly across the intersection maintains along La Casa Drive. In locations where bioswales are installed, additional landscaping is not required. Planting materials must be from the list of recommended plants set forth in the most recent edition of *Recommended Plants for the Kerrville Area* by the City at the time of planting. All landscaping must be maintained in a healthy, growing condition and not be allowed to grow so high as to impede safe sight distances at intersections. These requirements may be deferred but completed as part of Phase 2 and prior to the commencement of the automobile dealership, used auto sales use. Prior to installation, a landscaping plan must be submitted to the City's Planning Director for approval.

9. *Sight Distance*: display must not impede safe sight distances at intersections.

10. *Parking Lot / Exterior Lighting*: all outside pole lights must be full cutoff fixtures with the light source fully shielded **design** and located, shielded, and aimed in such a manner so as not to allow light to directly fall on adjacent roadways and/or properties.

11. *Signage*: the design, installation, location, and maintenance of signs shall comply with City's Sign Code (Ch. 92, Code of Ordinances) existing at the time of sign permitting.

12. *Trash and Other Solid Waste*: solid waste collection bins and dumpsters must be equipped with lids and screened with a gate with an opaque screen on one side and masonry material finished to look substantially like the adjacent building(s), **to be built on the Property**, on the remaining three sides.

13. *Outdoor Storage and Display*: the outdoor storage of any materials, supplies, inventory, and/or equipment, whether in cargo containers or similar containers or buildings, is prohibited. This condition does not apply to inventory vehicles being stored and displayed on the Property.

## F. Phase 2 Site Improvements (Automobile Dealership, Used Auto Sales):

# DRAFT 5/29/20

Phase 2 site improvements, based on the site plan, shall include, the following:

1. *Phase 1 Deferred Items:* any deferred items from the Phase 1 site improvement conditions must be completed prior to the automobile dealership, used auto sales use.
2. *Frontage Improvements:* a secondary access point from the Property to SH 16, to include an adequately sized storm water culvert, must be provided but subject to approval from TxDOT. Should TxDOT not allow this secondary access, alternative access must be made from the Property to Lehmann Drive.
3. *Proposed Retaining Wall Height:* as much as is practical, the proposed retaining wall should be as short as possible. Where the wall height will exceed five feet (5.0'), consideration should be given to stepping the wall or providing landscaping at the base of the wall to minimize the perceived height. Retaining walls exceeding four feet (4.0') in height require structural engineering and permitting.

F. **Other Zoning Regulations:** The regulations set forth in this Resolution are in addition to those set forth in the Zoning Code, as amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in the Zoning Code, as amended or superseded, the provisions of this Resolution will prevail.

**SECTION THREE.** This Resolution and the Conditional Use Permit granted herein is subject to termination in accordance with the Zoning Code.

**SECTION FOUR.** City Council finds and determines that its adoption of this Resolution promotes the health, safety, and general welfare of the public and is a proper valid exercise of the City's police powers.

**SECTION FIVE.** If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION SIX.** This Resolution is effective upon adoption.

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

**D R A F T 5/29/20**

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Bill Blackburn, Mayor

APPROVED AS TO FORM:

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Michael C. Hayes, City Attorney

ATTEST:

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Shelley McElhannon, City Secretary



# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Date: June 4, 2020  
Agenda Item: 2D  
Action: Public Hearing, Consideration and Action  
Planning File #: 2020-020  
Representative: Tom McKeon

## Proposal

Public hearing, consideration, and action to recommend an ordinance to change the zoning from C-2 Light Commercial to C-3 General Commercial, which includes a proposed amendment to the Future Land Use Plan of the City's comprehensive Plan, on approximately 6.812 acres out of the Francis Survey, Survey Number 146, Abstract A0137; and generally located east of Medina Highway (HWY 16) and north of Fairway Drive. (Case No. 2020-020)

This request is based on the comparison of the previous zoning S-34 to the current zoning C-2, suggesting that C-3 is more in alignment with S-34 than C-2.

## Procedural Requirements

Twenty (23) letters were mailed May 18, 2020, to adjacent property owners. The public notice was published in the Kerrville Daily Times on May 16, 2020.

## Staff Analysis and Recommendation

**Consistency with the Kerrville 2050 Comprehensive Plan:** The property and surrounding area are designated Neighborhood Residential. 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 C-3 district is designed to accommodate: (a) retail, service, and office uses; (b) activities of an entertainment, recreation, or tourism nature; and, (3) heavier motor vehicle-related uses and other more intense businesses. Properties zoned C-3 should be located along major transportation corridors.

This request is not consistent with the Kerrville 2050 Comprehensive Plan.

**Zoning District Comparison:** The purpose of S-34 in the previous zoning code was to permit the development of small office uses. Single family residential uses are not appropriate for this district except on a conditional basis.

The purpose of the C-2 district (current zoning) is to accommodate a wider array of retail, office, and service uses than property zoned C-2, and will therefore attract customers from across the community and in the area outside the City. Lots on property zoned C-2 may be somewhat larger than those in the C-1 district and buildings may be up to 100,000 square feet in size. This zoning category should be applied along major collectors or arterials to provide convenient access to patrons and to accommodate higher traffic volumes.

The purpose of the C-3 district is to accommodate: (a) retail, service, and office uses; (b) activities of an entertainment, recreation, or tourism nature; and, (c) heavier motor vehicle-related uses and other more intense businesses. Properties zoned C-3 should be located along major transportation corridors. The variety and cumulative nature of the list of C-3 uses reflects the high traffic volumes and visibility of the transportation facilities serving these locations, and thus the potential for these properties to attract customers from a broader region than the C-1 and C-2 districts might, including drawing from areas outside of Kerrville and Kerr County.

In addition to the Neighborhood-oriented uses allowed in C-1 zoning, light commercial uses permitted in C-2 zoning, typical uses in the C-3 district include community-oriented and regional retail and service uses, such as hotels and motels, home improvement centers, mini-storage, heavier automobile uses including dealerships and major service and repair, most building contractor activities, and movie theaters in buildings that may exceed 100,000 square feet in size, certain public and institutional uses, and activities allowed subject to the approval of a Conditional Use Permit.

The comparison list of land uses suggests that C-2 is more closely comparable to S-34 than C-3.

### **Adjacent Zoning and Land Uses**

#### **Subject Property**

**Current Zoning:** C-2

**Existing Land Uses:** vacant land

#### **Direction: North**

**Current Zoning:** R-1

**Existing Land Uses:** single family home

#### **Direction: South**

**Current Zoning:** C-1 Neighborhood Commercial

**Existing Land Uses:** offices

#### **Direction: East**

**Current Zoning:** R-1

**Existing Land Uses:** single family residential

**Direction: West**

**Current Zoning:** Outside the city limits/No zoning in the ETJ

**Existing Land Uses:** commercial

**Thoroughfare Plan:** This tract of land has approximately 770 feet of frontage on Medina Highway/Hwy 16 a principal arterial with one existing curb cut.

**Traffic Impact:** To be determined based on the proposed use of the property.

**Parking:** To be determined based on the proposed use of the property. Any future development is subject to the parking requirements in the Zoning Code.

**Recommendation**

Based on the policies contained within the Kerrville 2050 Comprehensive Plan, staff recommends denial of the request.

However, if the Planning and Zoning Commission recommends the case for approval, please include an amendment to the Kerrville 2050 Future Land Use Plan as a part of the recommendation. The Future Land Use Plan amendment should change this property from Neighborhood Residential (NR) to Regional Commercial (RC) to be consistent with the C-3 General Commercial District request.

**Attachments**

**Map**

**Land Use Table Comparison Chart**



## Location Map

**Case # 2020-020**

**Location:  
Property ID #47912**

## Legend

## 200' Notification Area Subject Properties



0 75 150 300

### 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.

New Land Uses	C2	C3	S34
Accessory Building or Structure	P	P	
Agricultural Services			
Agriculture, General			
Airport			
Alcoholic Beverage Sales for Off-Premise Consumption	P	P	C
Amateur Radio Antenna			
Ambulance Service, Private		P	
Ambulatory Surgical Center	P	P	
Amenity Center			
Amusement Center, Indoor	P	P	
Amusement Center, Outdoor	C	P	
Antenna			
Antique Store	P	P	C
Appliance Repair/Sale, Used Appliances	P	P	C
Appliance Store	P	P	C
Art Studio/Gallery	P	P	C
Artisan's/Craftsman's Workshop	P	P	C
Assisted Living Facility	C	P	P
Automated Teller Machine (ATM)	P	P	C
Automobile Dealership, New Auto Sales		P	
Automobile Dealership, Used Auto Sales	C	P	
Automobile Parts Store	P	P	
Automobile Rental or Leasing	P	P	
Automobile Service and Repair, Major		P	
Automobile Service and Repair, Minor	P	P	
Automobile Towing/Wrecker Service		C	C
Automotive Body Shop		C	
Bail Bonding Agency	P	P	C
Bank or Financial Institution	P	P	P
Bar or Cocktail Lounge	P	P	
Barber or Beauty Shop	P	P	P
Bicycle and Bicycle Accessory Sales and Repair	P	P	C
Boarding Home Facility	P	P	
Boat (Marine) Dealership		P	
Book Store	P	P	C
Brewpub	P	P	
Building Contractor, General	C	P	
Building Contractor, Maintenance and Repair	C	P	
Building Contractor, Temporary Field Office	P3	P3	
Building Contractor, Trade Specialist	C	P	
Building Contractor's Storage Yard			
Cabinetmaking Shop	C	P	
Car Title Loan Business		C	C
Car Wash, Full-Service or Self-Service	P4	P4	C
Caretaker's Residence	C	P	

Cemetery	C	C	
Check Cashing Business		C	C
Church, Temple, Mosque, or Other Place of Worship	P	P	
Civic, Fraternal, Philanthropic, Charitable, or Nonprofit Organization	P	P	
Clothing and Apparel Store	P	P	C
College or University, Private	P	P	
College or University, Public	P	P	
Community Garden	P	P	
Community Home			
Concrete/Asphalt Batch Plant, Permanent			
Continuing Care Facility	C	P	
Convenience Store with Fuel Sales	P4	P4	
Convenience Store without Fuel Sales	P	P	C
Country Club			
Dance Hall/Event Center		P	
Day Care Services, Adult	P	P	P
Day Care Services, Children	P	P	P
Department or General Merchandise Store	P	P	C
Detention Facility			
Dinner Theatre	P	P	
Distillery		P	
Dormitory, sorority or fraternity house	P	P	
Driving Instruction School	P	P	C
Drug Store	P	P	C
Dwelling, Duplex			P
Dwelling, Live/Work	P	P	C
Dwelling, Multifamily		P	P
Dwelling, Patio Home (Zero Lot Line Home)			C
Dwelling, Single-Family Detached			C
Dwelling, Single-Family with Accessory Dwelling Unit			
Swelling, Small Lot Single Family Detached			
Dwelling, Townhome			C
Electronic Sales/Service	P	P	C
Equipment Rental, Heavy, No Outdoor Storage		P	
Equipment Rental, Heavy, With Outdoor Storage			
Equipment Rental, Light, No Outdoor Storage	P	P	
Equipment Rental, Light, With Outdoor Storage		P	
Fabric Store	P	P	C
Fabrication Processes			
Fair/Rodeo Grounds or Exhibition Hall or Arena		C	
Farm Supply Store, Retail		P	C
Farmers' Market	P	P	C
Feed, Grain, or Hay Storage and Sale, Bulk/Wholesale			C
Fine Arts Classes	P	P	P
Fitness Center	P	P	P
Flea Market, Indoor		P	C

Flea Market, Outdoor/Open Air Market		C	C
Florist	P	P	C
Food Processing, Manufacturing			
Food Processing, Craft	P	P	
Food Truck Park	C	C	C
Fuel (Gasoline/Propane) Sales, Retail	P4	P4	
Fuel Sales, Bulk			
Funeral Services	P	P	
Furniture Repair and Sale, Used	P	P	C
Furniture, Home Furnishings, and Home Decorating and Decor Store	P	P	C
Garden Center/Nursery With Outside Storage	P	P	C
Garden Center/Nursery, without Outside Storage	P	P	C
Golf Course			
Grocery Store	P	P	C
Guest House			
Guidance Services	P	P	
Gunsmith and Locksmith Shop	P	P	C
Halfway	P	P	
Hardware Store	P	P	C
Home Improvement Center		P	C
Home Occupation			
Homeless Shelter			
Hospital		P	
Hotel (See also, Motel)		P	
Independent Living Facility For Elderly/Seniors	C	P	P
Jewelry Store	P	P	P
Job and Vocational Training Center	P	P	C
Junkyard			
Kennel, 12 or More Animals, Indoor or Outdoor Pens		P	
Kennel, Up to 11 Animals, Indoor Pens	P	P	C
Landscape Nursery, Commercial/Wholesale			C
Laundromat	P	P	C
Laundry/Dry Cleaning Drop-Off/Pick-Up Station	P	P	C
Laundry/Dry Cleaning Plant	C	P	C
Limousine/Taxi Service		P	
Livestock Sales, Wholesale			
Luggage and Leather Goods Store	P	P	C
Lumber Yard		P	
Machine Shop			
Mailing Service	P	P	C
Manufactured Home or Manufactured Housing			
Manufactured Housing Sales		C6	
Manufacturing, Assembly			
Manufacturing, General			
Micro Brewery	P	P	
Mining and Mineral Extraction			

Mini-Storage	P	P	C
Minor Emergency/Urgent Care Medical Clinic	P	P	
Modular Home			C
Motel		P	
Motor Freight/Trucking Company			
Motorcycle, All Terrain Vehicle, Personal Watercraft Dealership		P	
Movie Theater		P	C
Museum	P	P	
Musical Instrument Sales and Repair	P	P	C
Newspaper		P	C
Nursing/Convalescent Home or Long-Term Care Facility	C	P	P
Office, General (Business or Professional)	P	P	P
Office, Medical	P	P	P
Office Furniture, Equipment, and Supply Store	P	P	
Outside Storage of Equipment and Materials as a Primary Use			
Parking Lot or Structure, Accessory	P	P	
Parking Lot, Stand-Alone	C	P	
Parking Structure		P	
Pawnshop, with outside storage		P	
Pawnshop, No outside storage	P	P	C
Payday Loan Business		C	C
Pet and Pet Supply Sales	P	P	P
Pet Grooming	P	P	P
Photography Studio	P	P	P
Photography/Camera Supply Store	P	P	C
Portable Building Sales			
Print Shop	P	P	C
Public or Institutional Facility or Use	P	P	
Radio or Television Station or Broadcasting Studio with Tower		P	C
Radio or Television Station or Broadcasting Studio without Tower	P	P	C
Recreational Skills Classes	P	P	
Recreational Vehicle Dealership		P	
Recreational Vehicle or Trailer Park		C	
Rectory/Parsonage	P	P	
Repair Shop, Household Items	P	P	C
Repair Shop, Personal Items	P	P	
Research and Development Lab		P	C
Residential Care Service	P	P	
Restaurant, Food and Beverage Shop	P	P	P
Restaurant, General, With Drive-Thru or Drive-In Service	P	P	P
Restaurant, General, Without Drive-Thru Service	P	P	P
Salvage, Reclamation, Recycling of Materials			
Sand, Gravel, or Stone Extraction			
Sand, Gravel, or Stone Storage and Sales			
School, Private, Elementary	C	C	C
School, Private, Intermediate and Secondary	C	C	

School, Public, Elementary	P	P	C
School, Public, Intermediate and Secondary	P	P	
Second-hand/Used Goods Store With Outside Storage		P	C
Second-hand/Used Goods Store, No Outside Storage	P	P	C
Security Service	P	P	C
Security Systems Installation and Monitoring Company	P	P	C
Sexually Oriented Business			
Short-term Rental Unit			
Showroom, in Conjunction with Warehousing and Distribution			C
Showroom, without Warehousing and Distribution	P	P	C
Smoke Shop	P	P	C
Solar Energy Facility	C	C	
Special Care Facility	C	P	
Sporting Goods Store	P	P	C
Stables, Commercial			
Stables, Private			
Stationery Store	P	P	C
Tailor, Seamstress, or Needlework Shop	P	P	C
Tattoo or Permanent Cosmetics Shop, Body Piercing	P	P	P
Taxidermy Shop	C	P	C
Toy, Gift, Hobby, and Novelty Shop	P	P	C
Transportation Terminal, Bus/Aviation		C	
Truck Stop and Fueling Station		C4	
Utility, Local	P	P	
Utility, Private or Franchise	C	C	
Utility, Public	P	P	
Veterinary Service, Large Animal, Indoor or Outdoor Pens			C
Veterinary Services, Small Animal, Indoor Pens	P	P	C
Warehousing and Distribution		C	
Welding Shop			C
Wholesaling		C	
Wind Energy System, Small			
Winery	P	P	
Wireless Telecommunications Facilities			
<b>Total number of Permitted Uses</b>	<b>102</b>	<b>144</b>	<b>21</b>
<b>Total number of Conditional Uses</b>	<b>21</b>	<b>17</b>	<b>78</b>

**D R A F T 5/29/20**

**CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. 2020-\_\_\_\_**

**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 OF A PROPERTY GENERALLY LOCATED NORTH OF THE INTERSECTION OF STATE HIGHWAY 16 S. AND FAIRWAY DRIVE; COMPRISING 6.812 ACRES AND OUT OF THE WILLIAM C. FRANCIS SURVEY NO. 146, ABSTRACT NO. 137 AND WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS; FROM A LIGHT COMMERCIAL ZONING DISTRICT (C-2) TO A GENERAL COMMERCIAL ZONING DISTRICT (C-3); 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 \_\_\_\_\_, 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 north of the intersection of State Highway 16 S. and Fairway Drive and comprising approximately 6.812 acres; such change to result in the removal of the property from a Light Commercial Zoning District (C-2) to placement within a General Commercial Zoning District (C-3); and

**WHEREAS**, on \_\_\_\_\_, 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 within a General Commercial Zoning District (C-3):

**Legal Description:** Being all of a certain tract or parcel of land comprising approximately 6.812 acres out of the William C. Francis Survey No. 146, Abstract No. 137, 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 Location:** The property north of the intersection of State Highway 16 N. and Fairway Drive

**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:

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Michael C. Hayes, City Attorney