

AGENDA FOR THE KERRVILLE CITY COUNCIL MEETING

TUESDAY, JULY 11, 2023, 6:00 P.M.

CITY HALL COUNCIL CHAMBERS

701 MAIN STREET, KERRVILLE, TEXAS

The Community Vision

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

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



Kerrville2050



CITY COUNCIL MEETING AGENDA

JULY 11, 2023 6:00 PM

CITY HALL, 701 MAIN STREET, KERRVILLE, TEXAS



Council Meeting Procedures, City Council and City Staff Safety, Citizen Participation Guidelines

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

Citizens wishing to speak during a meeting shall submit a completed "speaker request form" to the City Secretary before the item is introduced, but are encouraged to submit the form before the meeting begins. Each speaker is limited to four minutes.

Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon on this property.

Thank you for your participation!

CALL TO ORDER: Mayor Pro Tem Brenda Hughes

INVOCATION AND PLEDGE OF ALLEGIANCE: Mayor Pro Tem Brenda Hughes

1. **ANNOUNCEMENTS OF COMMUNITY INTEREST:** Announcement of items of community interest, including expressions of thanks, congratulations, or condolences; information regarding holiday schedules; honorary recognitions of city officials, employees, or other citizens; reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by city officials or employees; and announcements involving imminent threats to the public health and safety of the city. No action will be taken.

2. **PRESENTATIONS:**

2.A Masonic Lodge's Community Builder Award, requested by citizen Billy Steele.

3. **VISITORS/CITIZENS FORUM:** Any citizen with business not scheduled on the agenda may speak to the City Council. Prior to speaking, each speaker must fill out the speaker request form and give it to the City Secretary. The speaker request form must be submitted to the City Secretary before the item is called or read into record. City Council may not discuss or take any action on an item but may place the issue on a future agenda. Each speaker is limited to four minutes.

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

4.A Resolution No. 21-2023. A Resolution approving an Airport Planning Study undertaken by the Texas Department of Transportation, which will specify the need and scope for future capital improvement projects at the Airport; said study requires the provision of matching funds from the Joint Airport Board; authorizing the execution of various agreements related to this work; designating the Airport Manager as the owner's (City and County) representative for the work; and authorizing the City Manager to take any other action necessary pursuant to the work.

Attachment: 20230711_Reso 21-2023 Airport Planning Study.pdf

4.B Resolution No. 22-2023. A Resolution terminating the Mayor's Disaster Declarations in response to COVID-19; and repealing Resolution Nos. 06-2020 and 16-2020.

Attachment: 20230711_Reso 22-2023 Terminating Disaster Declaration -Covid.pdf

4.C City Council workshop minutes, June 27, 2023.
Attachment: 20230711_Minutes CC workshop 6-27-23 4pm.pdf

4.D City Council meeting minutes, June 27, 2023.
Attachment: 20230711_Minutes CC meeting 6-27-23 6pm.pdf

END OF CONSENT AGENDA.

5. ORDINANCES, SECOND READING:

5.A Ordinance No. 2023-17, second reading. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas; by changing the zoning of an approximate 15.92 acre property known as 199 Spur 100; from a Residential Mix Zoning District (RM) to a Public and Institutional Zoning District (PI); and providing other matters relating to the subject.
Attachment: 20230711_Ord 2023-17 Zone change 199 Spur 100.pdf

5.B Ordinance No. 2023-18, second reading. An Ordinance annexing a tract of land into the corporate limits of the City of Kerrville, Texas; such property consisting of approximately 111.806 acres and generally located adjacent to and northeast of Lower Turtle Creek Road; such property being used to further the expansion of the Comanche Trace Residential Subdivision; the property more specifically described in the Ordinance and being located within the Extraterritorial Jurisdiction of and adjacent to the City Limits; adopting a service agreement; establishing the zoning for the annexed property as a Medium Density Residential Zoning District (R-2); and providing other matters relating to this subject.

Attachments: 20230711_Ord 2023-18 Annex-Zone Comanche Trace Phase 19.pdf
20230627_Letter_in-favor Dittloff.pdf
20230627_Letter opposed Loporati.pdf

5.C Ordinance No. 2023-19, second reading. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas; by changing the zoning of an approximate 0.75 acre property known as 512 Yorktown; from a Medium Density Residential Zoning District (R-2) to a Light Commercial Zoning District (C-2); and providing other matters relating to the subject.

Attachment: 20230711_Ord 2023-19 Zone-C2 512 Yorktown.pdf

5.D Ordinance No. 2023-20, second reading. An Ordinance amending Chapter 70 "Offenses and Miscellaneous Provisions", Article III "Electioneering at Polling Locations", of the City's Code of Ordinances to revise the Article as to regulations applicable to electioneering on City-owned or City-controlled property; containing a savings and severability clause; providing for penalties not to exceed \$2,000.00; ordering publication; providing an effective date; and providing other matters related to the subject.

Attachment: 20230711_Ord 2023-20 Electioneering at Polling Locations.pdf

5.E Ordinance No. 2023-21, second reading. An Ordinance amending the City's Fiscal Year 2023 (FY2023) budget to allocate funds received by the City as part of the American Rescue Plan Act (ARPA).

Attachment: 20230711_Ord 2023-21 FY23 budget amendment ARPA Public Safety.pdf

6. CONSIDERATION AND POSSIBLE ACTION:

6.A Request for an extension for a Conditional Use Permit approved by Resolution No. 31-2021 for 601 Spur 100.

Attachments: 20230711_Letter to City for CUP extension.pdf
20230711_Reso 31-2021 CUP 601 Spur 100 RV-Trlr Park.pdf

7. BOARD APPOINTMENTS:

7.A Appointment to the Building Board of Adjustment and Appeals. (Item eligible for Executive Session 551.074).

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

8.A Appointment to the Building Board of Adjustment and Appeals (551.074).

9. **ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF ANY.**

10. **ITEMS FOR FUTURE AGENDAS:** *City Council may suggest items or topics for future agendas.*

ADJOURN.



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

SUBJECT: Masonic Lodge's *Community Builder Award*, requested by citizen Billy Steele.

AGENDA DATE OF: July 11, 2023 **DATE SUBMITTED:** June 30, 2023

SUBMITTED BY: Shelley McElhannon, City Secretary

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? Yes

Key Priority Area F - Public Facilities and Services

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

RECOMMENDED ACTION:

Citizen to present award. No action by City Council.



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

SUBJECT: Resolution No. 21-2023. A Resolution approving an Airport Planning Study undertaken by the Texas Department of Transportation, which will specify the need and scope for future capital improvement projects at the Airport; said study requires the provision of matching funds from the Joint Airport Board; authorizing the execution of various agreements related to this work; designating the Airport Manager as the owner's (City and County) representative for the work; and authorizing the City Manager to take any other action necessary pursuant to the work.

AGENDA DATE OF: July 11, 2023

DATE SUBMITTED: June 22, 2023

SUBMITTED BY: Michael Hornes, Assistant City Manager

EXHIBITS:

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
75,000.00	N/A	N/A	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? No

Key Priority Area N/A

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

The Kerrville-Kerr County Airport has been informed the Airport Planning Study has been proposed for commencement in Fall 2023. The total project cost are estimated to be \$250,000 and the Airport sponsors will be responsible for 10% of the total project costs, currently estimated to be \$25,000.

RECOMMENDED ACTION:

Approve Resolution No. 21-2023, authorize the execution of various agreements related to this project, designating the Airport Manager as the project representative, and authorize the City Manager to take any other action necessary for the project.

CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 21-2023

**A RESOLUTION APPROVING AN AIRPORT PLANNING STUDY
UNDERTAKEN BY THE TEXAS DEPARTMENT OF
TRANSPORTATION, WHICH WILL SPECIFY THE NEED AND
SCOPE FOR FUTURE CAPITAL IMPROVEMENT PROJECTS
AT THE AIRPORT; SAID STUDY REQUIRES THE PROVISION
OF MATCHING FUNDS FROM THE JOINT AIRPORT BOARD;
AUTHORIZING THE EXECUTION OF VARIOUS AGREEMENTS
RELATED TO THIS WORK; DESIGNATING THE AIRPORT
MANAGER AS THE OWNER'S (CITY AND COUNTY)
REPRESENTATIVE FOR THE WORK; AND AUTHORIZING THE
CITY MANAGER TO TAKE ANY OTHER ACTION NECESSARY
PURSUANT TO THE WORK**

WHEREAS, the City of Kerrville ("City") and Kerr County ("County") jointly own the real property upon which is located the Kerrville-Kerr County Airport, sometimes referred to as Louis Schreiner Field ("Airport"); and

WHEREAS, the City and County are parties to an Amended and Restated Interlocal Joint Action Agreement dated May 24, 2022 ("Interlocal Agreement") that affirms the creation and continued existence of the Joint Airport Board ("Board"); and

WHEREAS, the City and County seek to request financial assistance from the Texas Department of Transportation ("TxDOT") for an Airport Planning Study that will consider the need and scope for various capital improvement projects at the Airport; and

WHEREAS, total costs for the work to be undertaken by TxDOT is currently estimated to be \$250,000, of which the City and County will be responsible for 10% as a local match, said amount which is currently estimated to be \$25,000 as more specifically detailed in **Exhibit A**;

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

SECTION ONE. City Council authorizes the JAB to seek funding from TxDOT as part of its Aviation Capital Improvements Program ("Program"), which is referenced in **Exhibit A**.

SECTION TWO. City Council authorizes the Board, acting through the Airport Manager, and/or the City Manager, to execute all documents and agreements related to the Program.

SECTION THREE. City Council designates the Airport Manager as the Project Representative in all respects for the Program.

SECTION FOUR. City Council authorizes the City Manager to take any and all other action necessary to approve and complete the Program.

PASSED AND APPROVED ON this the _____ day of
_____, A.D., 2023.

Judy Eychner, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary

AVIATION CAPITAL IMPROVEMENT PROGRAM -- 2023--2025

Locations, Projects, and Costs

FEDERAL & STATE FY 2023

Federal FY 2023 (October 2022 - September 2023)/State FY 2023 (September 2022 - August 2023)

City & Airport	Project Description	Total	Federal	State	Project Costs Local
HONDO					

SOUTH TEXAS RGNL AT HONDO

*sponsor responsible for 100% over \$691,000 Budget

HOUSTON	CONCRE-NORTH HOUSTON RGNL	Project Totals:	\$ 1,123,300	\$ 691,002	\$ 0	\$ 432,298
	Mark Runway 01-19 and taxiways H, R, DD and EE		175,000	157,500	0	17,500
	Engineering and design - pavement maintenance		45,000	40,500	0	4,500
	Construction admin, RPR, testing, contingency		100,000	90,000	0	10,000
	Mark RW 14-32 and taxiways A, F, G, K, and J and associated fillets		200,000	180,000	0	20,000
		Project Totals:	\$ 520,000	\$ 468,000	\$ 0	\$ 52,000

**JACKSONVILLE
CHEROKEE COUNTY**

Engineering and Design S, Parallel TW

KERRVILLE	KERRVILLE MUNI/LOUIS SCHREINER FIELD	Project Totals:	\$ 250,000	\$ 225,000	\$ 0	\$ 25,000
	Airport Planning Study					

SKYLARK FIELD

KOUNTZE/SILSBEE	HAWTHORNE FIELD	Project Totals:	\$ 2,980,000	\$ 2,682,000	\$ 0	\$ 298,000
	Rehabilitate RW 13-31		400,000	360,000	0	40,000
	Rehabilitate parallel & stub TWs		179,000	161,100	0	17,900
	Full Depth Repair North End RW 13-31 (2,500 SY)		250,000	225,000	0	25,000
	Drainage Repair		300,000	270,000	0	30,000

EXHIBIT A

Texas Department of Transportation -- Aviation Division

July 11, 2022



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

SUBJECT: Resolution No. 22-2023. A Resolution terminating the Mayor's Disaster Declarations in response to COVID-19; and repealing Resolution Nos. 06-2020 and 16-2020.

AGENDA DATE OF: July 11, 2023 **DATE SUBMITTED:** June 30, 2023

SUBMITTED BY: Eric Maloney, Fire Chief

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? No

Key Priority Area N/A
Guiding Principle N/A
Action Item N/A

SUMMARY STATEMENT:

Fire Chief Eric Maloney and City Attorney Mike Hayes presented City Council information regarding the Declaration of local state of disaster due to the COVID public health emergency, March 20, 2020. City Council directed City staff to present a Resolution at the July 11, 2023 City Council meeting to repeal the Disaster Declaration.

RECOMMENDED ACTION:

Approve Resolution No. 22-2023.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 22-2023**

**A RESOLUTION TERMINATING THE MAYOR'S
DISASTER DECLARATIONS IN RESPONSE TO
COVID-19; AND REPEALING RESOLUTION NOS.
06-2020 AND 16-2020**

WHEREAS, on March 16, 2020, the City's Mayor at the time, acting in accordance with authority granted to him under the City's Charter and Section 418.108(a) of the Texas Government Code, declared a local state of disaster ("disaster declaration") for the City due to concerns related to the coronavirus disease 2019 (COVID-19); and

WHEREAS, the Mayor, in accordance with state law, revised and reissued the disaster declaration several times; and

WHEREAS, City Council, pursuant to its adoption of Resolution Nos. 06-2020 and 16-2020, consented to the Mayor's declaration and revised declaration respectively; and

WHEREAS, City Council, based upon the Texas Governor's recent action not to continue the state's disaster declaration and input from the City's Emergency Management, finds that the conditions necessitating the disaster declaration are no longer present; and

WHEREAS, City Council hereby finds that the disaster declaration as previously ordered and thereafter consented to by the City Council regarding COVID-19 should be terminated;

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

SECTION ONE. City Council hereby orders the termination of the disaster declarations signed by the City's Mayor with respect to COVID-19.

SECTION TWO. Resolution Nos. 06-2020 and No. 16-2020 are repealed.

SECTION THREE. Pursuant to Section 418.108, Texas Local Government Code, the City Manager or designee shall ensure that this order is given prompt and general publicity and is filed with the City Secretary.

**PASSED AND APPROVED ON this _____ day of
_____, A.D., 2023.**

Judy Eychner, Mayor

APPROVED AS TO FORM:

A blue ink signature of Michael C. Hayes.

Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary



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

SUBJECT: City Council workshop minutes, June 27, 2023.

AGENDA DATE OF: July 11, 2023 **DATE SUBMITTED:** June 5, 2023

SUBMITTED BY: Shelley McElhannon, City Secretary

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? No

Key Priority Area N/A

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

City Council workshop minutes held June 27, 2023 at 4:00 p.m., City Hall.

RECOMMENDED ACTION:

Approve minutes as presented.

**CITY COUNCIL WORKSHOP MINUTES
CITY HALL COUNCIL CHAMBERS**

**JUNE 27, 2023 4:00 PM
701 MAIN STREET, KERRVILLE, TEXAS**

CALL TO ORDER: On June 27, 2023 at 4:00 p.m., the City Council workshop was called to order by Mayor Judy Eychner at the City Hall Council Chambers, 701 Main Street.

COUNCILMEMBERS PRESENT:

Judy Eychner, Mayor
Brenda Hughes, Mayor Pro Tem, Council Place 4
Roman Garcia, Council Place 1
Jeff Harris, Council Place 2
Joe Herring Jr, Council Place 3

COUNCILMEMBERS ABSENT:

Jonathan Lamb, Sergeant Police Dept
Eric Maloney, Fire Chief
Chris McCall, Police Chief
Drew Paxton, Director of Planning

CITY STAFF PRESENT:

Kim Meismer, Interim City Manager
Mike Hayes, City Attorney
Michael Hornes, Asst City Manager
Shelley McElhannon, City Secretary
Misty Gordon, EMS Coordinator

VISITOR(S) PRESENT: A list of the citizen speakers present during the meeting is on file in the City Secretary's Office for the required retention period.

1. PUBLIC COMMENT: None

Mayor Eychner made a motion City Council adjourn into closed executive session under 551.076 and 551.089 (deliberation regarding security devices or security audits), seconded by Councilmember Brenda Hughes. The motion passed 5-0.

Mayor Eychner recessed the workshop and convened closed executive session at 4:00 p.m.

2. EXECUTIVE SESSION:

2A. Active Shooter Incident Management training (551.076, 551.089)

2.B. Stop the Bleed (551.076, 551.089)

The closed executive session adjourned, and Council returned to open session at 5:30 p.m. No action taken during executive session.

3. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION IF ANY: None.

4. DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION:

4.A. Grading Permit presentation.

Drew Paxton provided information and responded to questions.

ADJOURN. The workshop adjourned at 5:41 p.m.

APPROVED BY COUNCIL: _____

ATTEST:

Judy Eychner, Mayor

Shelley McElhannon, City Secretary



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

SUBJECT: City Council meeting minutes, June 27, 2023.

AGENDA DATE OF: July 11, 2023 **DATE SUBMITTED:** June 30, 2023

SUBMITTED BY: Shelley McElhannon, City Secretary

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? No

Key Priority Area N/A

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

City Council meeting minutes held June 27, 2023 at 6:00 p.m., City Hall.

RECOMMENDED ACTION:

Approve minutes as presented.

**CITY COUNCIL MINUTES
REGULAR MEETING**

**KERRVILLE, TEXAS
JUNE 27, 2023 6:00 PM**

On June 27, 2023 at 6:00 p.m., Mayor Judy Eychner called the Kerrville City Council meeting to order in City Hall Council Chambers, 701 Main Street. Councilmember Jeff Harris provided the invocation and led the Pledge of Allegiance.

COUNCILMEMBERS PRESENT:

Judy Eychner, Mayor
Brenda Hughes, Mayor Pro Tem/Councilmember Place 4
Roman Garcia, Councilmember Place 1
Jeff Harris, Councilmember Place 2 Elect
Joe Herring, Jr., Councilmember Place 3

COUNCILMEMBER ABSENT:

None

CITY EXECUTIVE STAFF:

Kim Meismer, Interim City Manager
Mike Hayes, City Attorney
Michael Hornes, Asst City Manager
Shelley McElhannon, City Secretary
Julie Behrens, Director of Finance
Jacob Bogusch, Finance Coordinator
Ashlea Boyle, Director of Parks & Rec

Stuart Cunyus, Public Information Officer
Guillermo Garcia, Exec Director Innovation
Eric Maloney, Fire Chief
Chris McCall, Police Chief
Drew Paxton, Director of Planning/Zoning
Trina Rodriguez, Asst Director Finance
Trina Sanchez, Asst Director Bldg Services

VISITORS PRESENT: A list of the citizen speakers present during the meeting is on file in the City Secretary's Office for the required retention period.

1. ANNOUNCEMENTS OF COMMUNITY INTEREST:

Announcements of Community Interest provided by Stuart Cunyus and Mayor Eychner.

2. PRESENTATION(S):

2A. Commendations for outgoing Board members of the Economic Improvement Corporation.

Mayor Eychner recognized Gregg Richards and Danny Almond service on the Economic Improvement Corporation board.

2.B Proclamation recognizing July 2023 as National Park and Recreation Month.

Mayor Eychner presented a proclamation recognizing July 2023 as National Park and Recreation month. Director of Parks & Recreation Ashlea Boyle along with Parks & Recreation staff Deidre Flores, Rosa Ledesma, and Jackie Van Heughton, and Parks & Recreation Advisory Board member David Bartels received the proclamation.

3. VISITORS FORUM:

Shelley McElhannon advised Mayor Eychner that five speakers had signed up to speak during the forum. Mayor Eychner announced each speaker be limited to two minutes. The following person(s) spoke:

- Kristin Mudry (did not appear when name was called)
- Lilly Beard
- Peggy McKay
- George Eychner

- Bruce Stracke

4. CONSENT AGENDA:

Shelley McElhannon noted an amendment to item 4B page 1 item 3 Visitors Forum insert citing "Rule 5.3 in the Procedural Rules". To read as: At 6:10 p.m., Councilmember Garcia called "point of order" citing Rule 5.3 in the Procedural Rules stating a speaker time can be extended but not reduced. Councilmember Joe Herring, Jr. made a motion to approve the Consent Agenda with amendment, seconded by Councilmember Brenda Hughes. The motion passed 5-0.

4A. Community Challenge Grant Memorandum (MOU) between the AARP and the City of Kerrville. (Mayor Eychner thanked the Senior Service Advisory Committee).

4B. City Council meeting minutes, June 13, 2023. (amendment to minutes page 1 item 3 Visitors Forum insert citing "Rule 5.3 in the Procedural Rules". To read as: At 6:10 p.m., Councilmember Garcia called "point of order" citing Rule 5.3 in the Procedural Rules stating a speaker time can be extended but not reduced.)

4C. City Council workshop minutes, June 20, 2023.

END OF CONSENT AGENDA.

5. PUBLIC HEARING AND ORDINANCES, FIRST READING:

5A. Ordinance No. 2023-17. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas; by changing the zoning of an approximate 15.92 acre property known as 199 Spur 100; from a Residential Mix Zoning District (RM) to a Public and Institutional Zoning District (PI); and providing other matters relating to the subject.

Shelley McElhannon read Ordinance No. 2023-17 caption into record.

Drew Paxton provided information and responded to questions.

Mayor Eychner opened the public hearing at 6:26 p.m.

No one spoke.

Mayor Eychner closed the public hearing at 6:26 p.m.

Councilmember Hughes made a motion to approve Ordinance No. 2023-17 on first reading, seconded by Councilmember Harris. The motion passed 5-0.

5B. Ordinance No. 2023-18. An Ordinance annexing a tract of land into the corporate limits of the City of Kerrville, Texas; such property consisting of approximately 111.806 acres and generally located adjacent to and northeast of Lower Turtle Creek Road; such property being used to further the expansion of the Comanche Trace Residential Subdivision; the property more specifically described in the Ordinance and being located within the Extraterritorial Jurisdiction of and adjacent to the City Limits; adopting a service agreement; establishing the zoning for the annexed property as a Medium Density Residential Zoning District (R-2); and providing other matters relating to this subject.

Shelley McElhannon read Ordinance No. 2023-18 caption into record.

Drew Paxton provided information and responded to questions.

Mayor Eychner opened the public hearing at 6:28 p.m.

The following person(s) spoke:

- Jerry Wolff

- Bruce Stracke
- Peggy McKay

Mayor Eychner closed the public hearing at 6:36 p.m.

Councilmember Harris made a motion to approve Ordinance No. 2023-18 on first reading, seconded by Councilmember Hughes. The motion passed 5-0.

5C. Ordinance No. 2023-19. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas; by changing the zoning of an approximate 0.75 acre property known as 512 Yorktown; from a Medium Density Residential Zoning District (R-2) to a Light Commercial Zoning District (C-2); and providing other matters relating to the subject.

Shelley McElhannon read Ordinance No. 2023-19 caption into record.

Drew Paxton and Mike Hayes provided information and responded to questions.

Mayor Eychner opened the public hearing at 6:44 p.m.

No person spoke.

Mayor Eychner closed the public hearing at 6:44 p.m.

Councilmember Herring made a motion to adopt Ordinance No. 2023-19 on first reading, seconded by Councilmember Harris. The motion passed 5-0.

6. INFORMATION & DISCUSSION:

6A. Monthly Financial Report for month-ended May 31, 2023.

Julie Behrens provided information.

7. ORDINANCES, FIRST READING:

7.A Ordinance No. 2023-21. An Ordinance amending the City's FY2023 budget to allocate funds from the American Rescue Plan Act (ARPA) to purchase Public Safety vehicles and equipment.

Shelley McElhannon read Ordinance No. 2023-21 caption into record.

Julie Behrens provided information and responded to questions.

The following person(s) spoke:

- George Baroody

Councilmember Hughes made a motion to approve Ordinance No. 2023-21 on first reading and authorize staff to proceed with purchase of vehicles and equipment outlined in Attachment A, seconded by Councilmember Herring. The motion passed 5-0.

7.B Ordinance No. 2023-20. An Ordinance amending Chapter 70 "Offenses and Miscellaneous Provisions", Article III "Electioneering at Polling Locations", of the City's Code of Ordinances to revise the Article as to regulations applicable to electioneering on City-owned or City-controlled property; containing a savings and severability clause; providing for penalties not to exceed \$2,000.00; ordering publication; providing an effective date; and providing other matters related to the subject.

Shelley McElhannon read Ordinance No. 2023-21 caption into record.

Discussion ensued among City Council. Mike Hayes provided information and responded to questions.

The following person(s) spoke:

- George Baroody
- Bruce Stracke

Amendment 1: Councilmember Herring recommended the eighth “Whereas” (page 2), to replace ~~City staff~~ with City Council. No objections given.

Amendment 2: On page 3, Section 70-43, item 2 leave the 240 feet boundary and designate the tents shall be staged at the property’s eastern side/east end of the parking area along the fence from Jefferson Street to the Fellowship Hall, however based on unforeseeable conditions the City Manager has the authority to announce another location on the property if needed. No candidate or candidate representative vehicles or trailers are located in the tent staging area.

Amendment 3: Councilmember Herring directed staff provide a map with boundary lines drawn around the tent staging area on the property. Also, the map should indicate the 240 foot radius encircling the whole Cailloux.

Councilmember Harris made a motion to approve Ordinance No. 2023-20 first reading, with the (above) amendments/modifications, seconded by Councilmember Hughes. The motion passed 4-1 with Mayor Eychner, Councilmember Harris, Councilmember Herring, and Councilmember Hughes voting in favor, and Councilmember Garcia opposed.

8. CONSIDERATION AND POSSIBLE ACTION:

8.A Resolution No. 19-2023. A Resolution providing for the appointment of two alternate judges to assist the Presiding Judge of the City of Kerrville Municipal Court. (Item eligible for Executive Session 551.074).

Mike Hayes provided information and responded to questions.

Councilmember Hughes made a motion to approve Resolution No. 19-2023, seconded by Councilmember Herring. The motion passed 5-0.

8.B Discuss the City’s Declaration of local state of disaster due to the COVID public health emergency, March 20, 2020.

Chief Eric Maloney and Mike Hayes provided information and responded to questions.

City Council consensus for City staff to present a Resolution at the July 11, 2023 City Council meeting to repeal the Disaster Declaration.

9. BOARD APPOINTMENTS:

9A. Appointment to the Building Board of Adjustment and Appeals. (Item eligible for Executive Session 551.074).

Councilmember Garcia and Councilmember Harris tabled the BBAA appointment until the July 11, 2023 City Council meeting.

9B. Appointment to the Planning and Zoning Commission. (Item eligible for Executive Session).

Councilmember Hughes made a motion to appoint Charles Swallow to the Planning and Zoning Commission, seconded by Councilmember Harris. The motion passed 5-0.

9C. Appointment to the Zoning Board of Adjustment. (Item eligible for Executive Session).

Councilmember Hughes made a motion to appoint Lynn Niles as a regular member to the Zoning Board of Adjustment, seconded by Councilmember Harris. The motion passed 5-0.

Councilmember Garcia made a motion to convene closed Executive Session for item 10E under 551.071 (consultation with attorney) and 551.087 (deliberation regarding economic development negotiations), seconded by Councilmember Hughes. The motion passed 5-0. The open meeting recessed, and closed Executive Session convened at 8:02 p.m.

10. EXECUTIVE SESSION:

10.A Appointment of Associate Municipal Court Judges. (551.074)

10.B Appointment to the Building Board of Adjustment and Appeals. (551.074)

10.C Appointment to the Planning & Zoning Commission. (551.074)

10.D Appointment(s) to the Zoning Board of Adjustment. (551.074)

10.E Economic Development projects: Project Mount Saddle, Project Winridge (551.071, 551.087)

The closed Executive Session adjourned and the open meeting re-convened at 9:01 p.m. Items 10A, 10B, 10C, and 10D were not discussed in Executive Session. No action was taken during Executive Session.

11. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF ANY. None

12. ITEM(S) FOR FUTURE AGENDAS: None

ADJOURN. The meeting adjourned at 9:01 p.m.

APPROVED BY COUNCIL: _____

APPROVED:

ATTEST:

Judy Eychner, Mayor

Shelley McElhannon, City Secretary



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

SUBJECT: Ordinance No. 2023-17, second reading. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas; by changing the zoning of an approximate 15.92 acre property known as 199 Spur 100; from a Residential Mix Zoning District (RM) to a Public and Institutional Zoning District (PI); and providing other matters relating to the subject.

AGENDA DATE OF: July 11, 2023

DATE SUBMITTED: June 30, 2023

SUBMITTED BY: Drew Paxton, Planning Director

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? No

Key Priority Area N/A

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

Proposal: An ordinance to change the zoning from RM (Residential Mix) to PI (Public and Institutional) on a 15.92 acre tract of land situated in Kerr County, Texas; being comprised of approximately 1.02 acres in the Thomas N. Minter Survey No. 110, Abstract No. 248 and 14.90 acres in the Samuel Wallace Survey No. 111, Abstract No. 359, Kerr County, Texas; being that same tract called 15.51 acres having been conveyed from John Bradley Roberson and Corrine M. Roberson to Brian McCarty and Maria McCarty by an Assumption Warranty Deed Executed the 28th day of September, 2001, recorded in Volume 1148, Page 610, Real Property Records Of Kerr County, Texas; and more commonly known as 199 Spur 100 N. (Case No. PZ-2023-3)

Procedural Requirements: The City, in accordance with state law, mailed 7 letters on 4/25/2023 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 4/20/2023. An information sign was also posted on the property frontage. At the time of drafting this agenda bill, no public comments had been received.

STAFF ANALYSIS AND RECOMMENDATION:

Consistency with the Kerrville 2050 Comprehensive Plan: The property is designated as Agriculture and Outdoor Tourism. However, since this use is a Public and Institutional Use, it is appropriate in all place types as it serves to entire community. The addition of the Animal Control & Shelter facility will benefit Kerr County and Kerrville.

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: RM

Existing Land Uses: Vacant

Direction: North, South, East, and West

Current Zoning: PI (Public and Institutional)

Existing Land Uses: Kerr County Road & Bridge, cemeteries, and VA Hospital

Thoroughfare Plan: There should be little to no impact on the thoroughfare system.

Traffic Impact: To be determined.

Parking: To be determined and consistent with zoning regulations.

Recommendation: Based on the consistency with the Kerrville 2050 Plan and adjacent land uses, staff recommends the case for approval.

On May 11th, the Planning and Zoning Commission (P&Z) recommended the case for approval with a unanimous vote. The P&Z also recommended that Kerr County, through their development plans, be sensitive to the Freedoms Path apartments and the adjacent cemeteries with regards to visual screening and screening potential noise from the facilities. On June 27, 2023, City Council unanimously approved Ordinance No. 2023-17 on first reading.

RECOMMENDED ACTION:

Approve Ordinance No. 2023-17 on second reading.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2023-17**

**AN ORDINANCE AMENDING CHAPTER 60 OF THE CODE OF
ORDINANCES, CITY OF KERRVILLE, TEXAS; BY CHANGING
THE ZONING OF AN APPROXIMATE 15.92 ACRE PROPERTY
KNOWN AS 199 SPUR 100; FROM A RESIDENTIAL MIX ZONING
DISTRICT (RM) TO A PUBLIC AND INSTITUTIONAL ZONING
DISTRICT (PI); 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 27, 2023, which considered a report of the City’s Planning and Zoning Commission regarding its recommendations on this Ordinance, the adoption of which will result in the change of a zoning district for the property known as 199 Spur 100 and comprising approximately 15.92 acres; such change to result in the removal of the property from a Residential Mix Zoning District (RM) to placement within a Public and Institutional Zoning District (PI); and

WHEREAS, on June 27, 2023, City Council held a public hearing on this zoning change 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, Chapter 60 of the Code of Ordinances of the City of Kerrville, Texas (the “Zoning Code”), and the *Official Zoning Map* are amended to designate the following described property as zoned within a Public and Institutional Zoning District (PI):

Legal Description: A 15.92 acre tract comprised of approximately 1.02 acres out of the Thomas N. Minter Survey No. 110, Abstract No. 248, and 14.90 acres out of the Samuel Wallace Survey No. 111, Abstract No. 359, Kerr County, Texas; said property depicted at **Exhibit A**, attached hereto and made a part hereof for all purposes, and hereafter referred to as the “Property.”

Address: 199 Spur 100, Kerrville, Texas 78028.

SECTION TWO. The City Manager 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 Zoning Code.

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

SECTION FOUR. 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 FIVE. 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 SIX. 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 27 day of June, A.D., 2023.

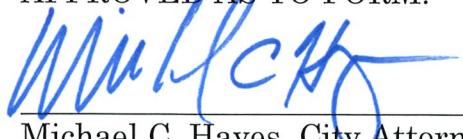
PASSED AND APPROVED ON SECOND AND FINAL READING, this the _____ of _____, A.D., 2023.

ATTEST:

Judy Eychner, Mayor

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney



Location Map

PZ-2023-3

Location:

199 Spur 100 - Zoning Change Request (RM to PI)

Legend

- Subject Properties (Red Solid Line)
- 200 Feet Notification Area (Red Dashed Line)

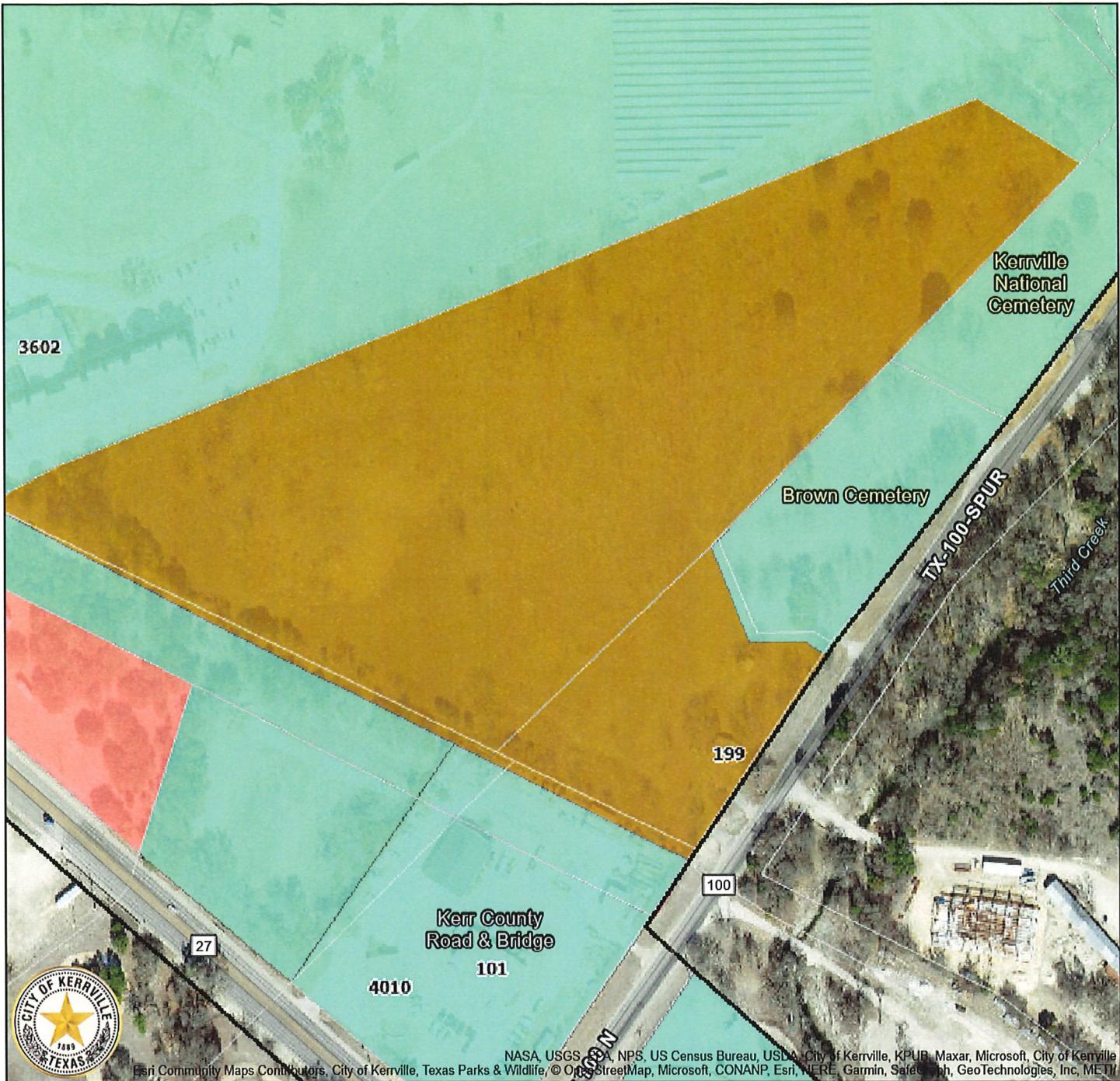


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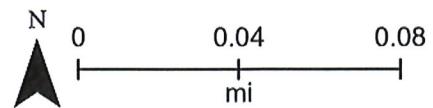
Scale In Feet



04/20/2023



PZ-2023-3 Zoning Map



05/03/2023 11:48 AM

Development Services

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



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

SUBJECT: Ordinance No. 2023-18, second reading. An Ordinance annexing a tract of land into the corporate limits of the City of Kerrville, Texas; such property consisting of approximately 111.806 acres and generally located adjacent to and northeast of Lower Turtle Creek Road; such property being used to further the expansion of the Comanche Trace Residential Subdivision; the property more specifically described in the Ordinance and being located within the Extraterritorial Jurisdiction of and adjacent to the City Limits; adopting a service agreement; establishing the zoning for the annexed property as a Medium Density Residential Zoning District (R-2); and providing other matters relating to this subject.

AGENDA DATE OF: July 11, 2023

DATE SUBMITTED: June 30, 2023

SUBMITTED BY: Drew Paxton, Planning Director

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? Yes

Key Priority Area H - Housing

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

Proposal: An ordinance to annex into the City of Kerrville's incorporated limits with a zoning classification of R-2 (Medium Density Residential) 111.806 acre tract of land, located in the William Watt Survey No. 64, Abs 363, and the William T Crook Survey No. 63, ABS 116, Kerr County, Texas; and generally located near the intersection of Comanche Trace Drive and Lower Turtle Creek Road. (Case No. PZ-2023-4)

Procedural Requirements: The City, in accordance with state law, mailed 27 letters on 4/25/2023 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 4/20/2023. An informational sign was also posted on the property frontage. At the time of drafting this agenda bill, no public comments had been received.

STAFF ANALYSIS AND RECOMMENDATION:

Consistency with the Kerrville 2050 Comprehensive Plan: The property is designated as Estate Residential. The remainder of Comanche Trace is designated as Preservation Residential which is a balance of clustered homes and open space, such as the golf course. The existing neighborhood outside of the city limits is designated as Estate Residential. This existing neighborhood has a range of lot sizes, from $\frac{1}{2}$ acre to 2.5 acres. Since this is an extension of the existing development, and the property is capable of being served by water and sewer, staff recommends the Land Use Plan be amended to Preservation Residential.

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: None.

Existing Land Uses: Vacant

Direction: North, East, and South

Current Zoning: N/A; ETJ

Existing Land Uses: Residential

Direction: West

Current Zoning: R-1 and R-2

Existing Land Uses: Residential

Thoroughfare Plan: There should be no impact to the thoroughfare plan as these phases connect to an existing collector (Comanche Trace Drive) and an existing arterial (Lower Turtle Creek Road).

Traffic Impact: To be determined.

Parking: To be determined.

Recommendation: Based on the consistency with the existing development and the recommended amendment to the Kerrville 2050 Comprehensive Plan, staff recommends the case for approval.

On May 11th, the Planning and Zoning Commission recommended the case for approval with a unanimous vote.

On June 27, 2023, City Council unanimously approved Ordinance No. 2023-18 on first reading.

RECOMMENDED ACTION:

Approve Ordinance No. 2023-18 on second reading.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2023-18**

AN ORDINANCE ANNEXING A TRACT OF LAND INTO THE CORPORATE LIMITS OF THE CITY OF KERRVILLE, TEXAS; SUCH PROPERTY CONSISTING OF APPROXIMATELY 111.806 ACRES AND GENERALLY LOCATED ADJACENT TO AND NORTHEAST OF LOWER TURTLE CREEK ROAD; SUCH PROPERTY BEING USED TO FURTHER THE EXPANSION OF THE COMANCHE TRACE RESIDENTIAL SUBDIVISION; THE PROPERTY MORE SPECIFICALLY DESCRIBED IN THIS ORDINANCE AND BEING LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF AND ADJACENT TO THE CITY LIMITS; ADOPTING A SERVICE AGREEMENT; ESTABLISHING THE ZONING FOR THE ANNEXED PROPERTY AS A MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT (R-2); AND PROVIDING OTHER MATTERS RELATING TO THIS SUBJECT

WHEREAS, an owner of land has requested annexation of its property by the City of Kerrville, Texas (“City”), pursuant to Local Government Code Section 43.0671; and

WHEREAS, the land to be annexed makes up approximately 111.806 acres, as more specifically described below (the “Property”); and

WHEREAS, the Property lies within the extraterritorial jurisdiction of the City and adjacent to the City’s limits; and

WHEREAS, in conjunction with the approval of this Ordinance, City Council also approves a service agreement for the Property in accordance with Section 43.0672 of the Texas Local Government Code; and

WHEREAS, Section 60-37 of the City’s Zoning Code creates procedures for initial zoning of newly annexed areas; and

WHEREAS, having provided all required public notices, held all required public hearings at which persons with an interest in the matter were provided an opportunity to be heard, and complying with other requirements in Section 43.0673 of the Texas Local Government Code, City Council finds it to be in the public interest to adopt this Ordinance annexing the Property, to

approve a service agreement as required by state law, and to establish zoning regulations for the Property;

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

SECTION ONE. FINDINGS. City Council finds and declares the facts and recitations contained in the preamble of this Ordinance true and correct.

SECTION TWO. ANNEXATION. The property described and depicted in **Exhibit A** (the “Property”) is annexed and incorporated into the corporate limits of the City of Kerrville, Texas, for all legal purposes.

SECTION THREE. AMENDMENT TO CITY BOUNDARY. City Council authorizes and directs the City Manager to amend the City’s official boundary map in accordance with this annexation.

SECTION FOUR. PETITION FOR ANNEXATION. The petition for annexation concerning the Property is attached as **Exhibit B** and incorporated herein by reference, said petition, which triggered the process specified in Subchapter C-3, Chapter 43, Texas Local Government Code, authorizing the annexation of the Property.

SECTION FIVE. AGREEMENT REGARDING SERVICES. Pursuant to Section 43.0672 of the Texas Local Government Code, the City has negotiated and hereby enters into a Service Agreement (the “Agreement”) with the owner of land for the provision of services in the area. The Agreement is attached to this Ordinance as **Exhibit C** and by this reference is incorporated into it. Upon annexation of the Property, the City shall provide the Property with the municipal services set forth in the Agreement pursuant to the schedule set forth therein, such services making up the City’s full municipal services. The City shall have no obligation to provide services to the Property not listed in the Agreement.

SECTION SIX. ZONING. Upon the adoption of this Ordinance, and in accordance with Section 60-37 of the City’s Zoning Code, the Property will be zoned as a Medium Density Residential Zoning District (R-2), which will authorize such property to be used in ways consistent with the land uses specified in that district.

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

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

SECTION NINE. PENALTY. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Article 1-1-7 of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00).

SECTION TEN. PUBLICATION OF ORDINANCE. In accordance with Section 3.07 of the City Charter and Texas Local Government Code §52.013(a), the City Secretary is hereby authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

SECTION ELEVEN. POST ANNEXATION ACTIONS. The City Manager shall provide a certified copy of this Ordinance to the Texas Secretary of State, Kerr County, and Kerr Central Appraisal District and any other entity as may be required.

**PASSED AND APPROVED ON FIRST READING, this the 27
day of June A.D., 2023.**

**PASSED AND APPROVED ON SECOND READING, this the
____ day of _____ A.D., 2023.**

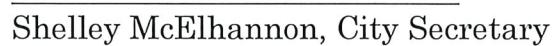
Judy Eychner, Mayor

APPROVED AS TO FORM:

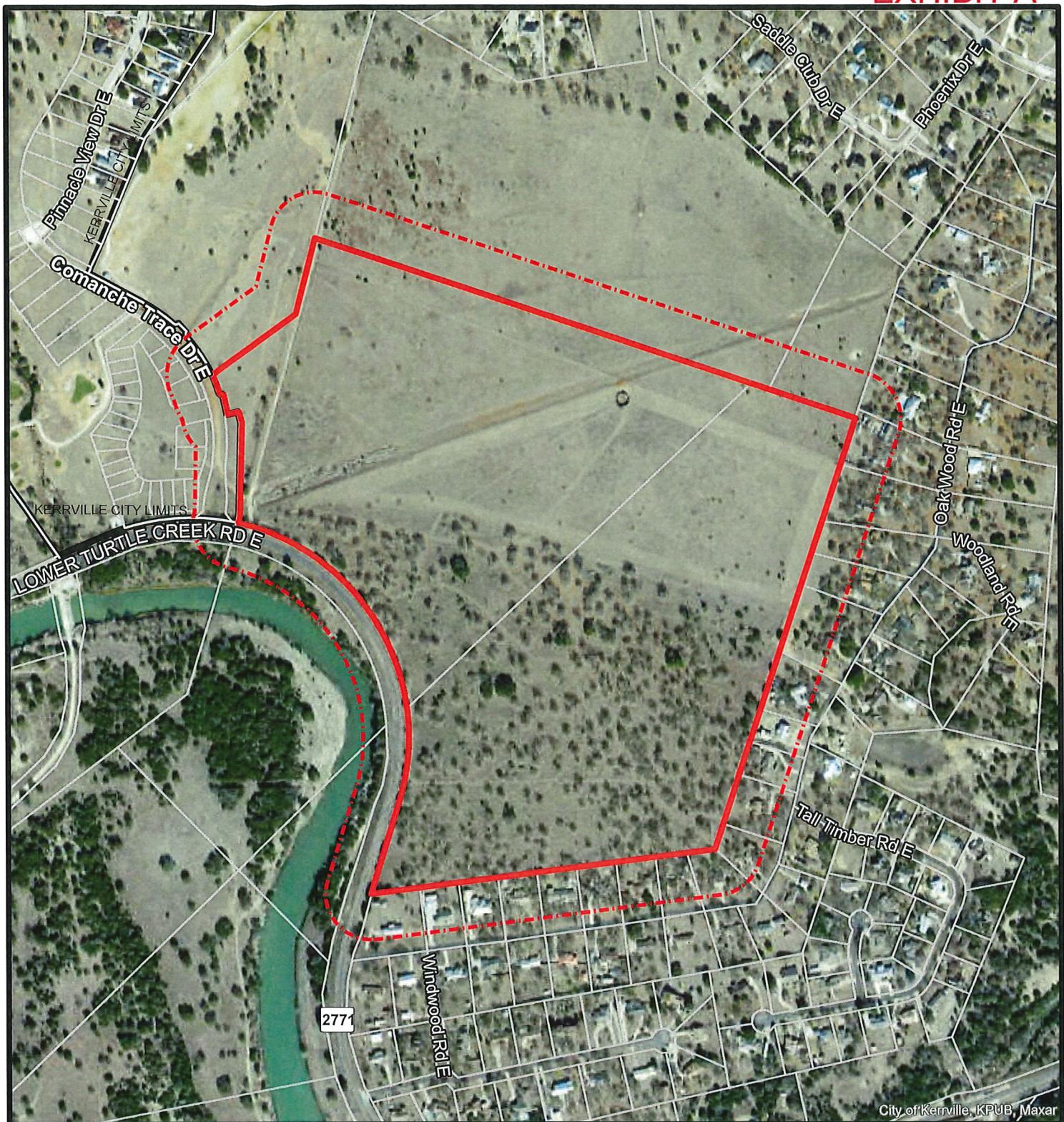


Michael C. Hayes, City Attorney

ATTEST:



Shelley McElhannon, City Secretary



Location Map

PZ-2023-4

Location:

Comanche Trace Phase 19 - Annexation & Zoning

Legend

- Subject Properties
- - - 200 Feet Notification Area

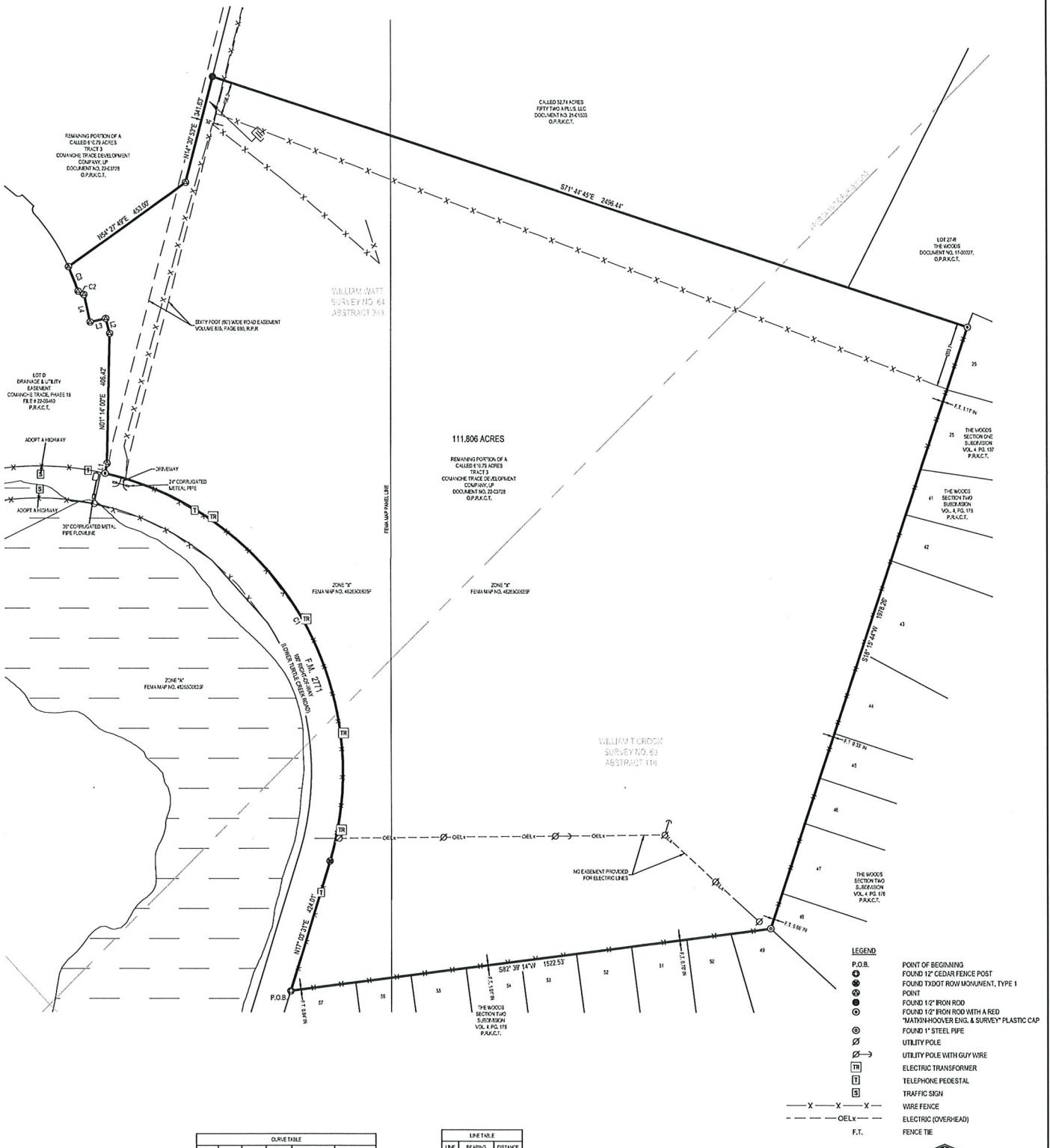
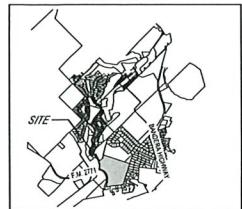


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Scale In Feet

EXHIBIT OF
A 111.806 ACRE TRACT OF LAND, LOCATED IN THE WILLIAM WATT SURVEY NO. 64, ABSTRACT 363, AND THE WILLIAM T CROOK SURVEY NO. 63, ABSTRACT 116 KERR COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 610.79 ACRE TRACT OF LAND AS DESCRIBED OF RECORD IN DOCUMENT NO. 22-03728 OF THE OFFICIAL PUBLIC RECORDS OF KERR COUNTY, TEXAS.

EXHIBIT A



CURVE TABLE				
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING
C1	155.13	1573.59	94°24'05"	NE ^o 17 47W
C2	15.07	232.6	85°45'45"	NE ^o 2 45W
C3	680.00	82.47	6°58'44"	NE ^o 17 56W

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N12° 08' 11"E	31.51
L2	N14° 39' 41"W	48.17
L3	S77° 11' 36"W	50.25
L4	N12° 36' 12"W	68.32

MATKIN HOOVER
LAND SURVEYING
ENGINEERING & SURVEYING
1000 E. 10TH ST., SUITE 200
FORT WORTH, TEXAS 76102
(817) 335-1441, FAX: (817) 335-1004
1000 E. 10TH ST., SUITE 100
AUSTIN, TEXAS 78701
(512) 467-1200, FAX: (512) 467-1201

AUSTIN, TEXAS SURVEYING & ENGINEERING FIRM & SURVEYING
AUSTIN, TEXAS SURVEYING & ENGINEERING FIRM & SURVEYING

KYLE L. PRESSLER DATE: MARD
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6528
KYLE.PRESSLER@MATION-HOWER.COM
JOB NO. 17-4039 111.606 ACRES - ANNEXATION

FIELD NOTES FOR A 111.806 ACRE TRACT OF LAND

A **111.806 acre** tract of land, located in the William Watt Survey No. 64, Abstract 363, and the William T Crook Survey No. 63, Abstract 116, Kerr County, Texas, and being a portion of a called 610.79 acre tract of land as described of record in Document No. 22-03728 of the Official Public Records of Kerr County, Texas. Said **111.806 acre** tract being more particularly described by metes and bounds as follows:

BEGINNING at a found 12" cedar fence post in the east right-of-way line of F.M. 2771, a 100' wide right-of-way as shown on the Texas Department of Transportation (TxDOT) Right-of-Way (ROW) Map, CSJ No. 856-2-1, at the northwest corner of Lot 57 of The Woods Section Two Subdivision of record in Volume 4, Page 176 of the Plat Records of Kerr County, Texas, for the most southerly corner of said 610.79 acre tract and the tract described herein;

THENCE: With the easterly and northerly right-of-way line of said F.M. 2771, and the southerly line of said 610.79 acre tract, the following two (2) courses:

1. N **17° 03' 31"** E, a distance of **424.01 feet** to a found TxDOT ROW monument, Type I, for a point of curvature, and
2. With a non-tangent curve to the left having a radius of **955.13** an arc length of **1573.69** a delta angle of **094° 24' 05"** and a chord bears, N **30° 13' 40"** W, a distance of **1401.63 feet** to a found 1/2" iron rod with a red plastic cap stamped "Matkin Hoover Eng & Surveying" at the southeast corner of Lot D of the Comanche Trace, Phase 18 Subdivision of record in File No. 22-09460 of the Plat Records of Kerr County, Texas, and for the southwest corner of the tract described herein;

THENCE: Departing said right-of-way line and with the easterly lines of said Comanche Trace, Phase 18 Subdivision, the following seven (7) courses:

1. N **12° 08' 11"** E, a distance of **31.51 feet** to a point for angle,
2. N **01° 14' 00"** E, a distance of **406.42 feet** to a point for angle,
3. N **14° 39' 41"** W, a distance of **48.17 feet** to a point for interior corner,
4. S **77° 11' 08"** W, a distance of **50.28 feet** to a point for exterior corner,
5. N **12° 36' 12"** W, a distance of **88.02 feet** to a point of curvature,
6. With a non-tangent curve to the right having a radius of **15.00** an arc length of **23.24** a delta angle of **084° 45' 48"** and a chord bears, N **62° 24' 48"** W, a distance of **20.98 feet** to a point of reverse curvature, and
7. With a non-tangent curve to the left having a radius of **680.00 feet** an arc length of **82.43** a delta angle of **006° 56' 44"** and a chord bears, N **21° 30' 16"** W, a distance of **82.38 feet** to a point of non-tangency and for the most westerly corner of the tract described herein,

THENCE: Into said 610.79 acre tract, the following two (2) courses:

1. N **54° 27' 49"** E, a distance of **453.00 feet** to a point for angle, and
2. N **14° 30' 53"** E, a distance of **341.63 feet** to a found 1/2" iron rod for an interior corner of said 610.79 acre tract and for the northwest corner of the tract described herein;

THENCE: S **71° 44' 45"** E, with the easterly lines of said 610.79 acre tract and the westerly lines Lot 27-R of The Woods Subdivision of record in Document No. 17-00227 of the Official Public Records of Kerr County, Texas, a distance of **2496.44 feet** to a found 1/2" iron rod with a red plastic cap stamped "Matkin Hoover Eng & Surveying" at the southeast corner of said Lot 27-R, in the west line of Lot 26 of The Woods Section One Subdivision of record in Volume 4, Page 137 of the Plat Records of Kerr County, Texas, for an easterly corner of said 610.79 acre tract and the tract described herein;

THENCE: With the west line of said Woods Section One Subdivision, the west and north lines of The Woods Section Two Subdivision of record in Volume 4, Page 176 of the Plat Records of Kerr County, Texas, and the east and south lines of said 610.79 acre tract, the following two (2) courses:

1. S $18^{\circ} 15' 44''$ W, a distance of **1978.26 feet** to a found 1" iron pipe for the southeast corner of said 610.79 acre tract and the tract described herein, and
2. S $82^{\circ} 39' 14''$ W, a distance of **1522.53 feet** to the **POINT OF BEGINNING** and containing **111.806 acres** of land situated in Kerr County, Texas.

Note: The basis of bearing was established using the Trimble VRS Network, NAD (83), Texas State Plane Coordinate System, South Central Zone, 4204, US Survey Foot, Grid. A survey plat was prepared by a separate document. "This document was prepared under 22 Texas Administrative Code § 138.95, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the reconfiguration of the boundary of the political subdivision for which it was prepared."



Job # 17-4029 111.806 ac

Date: March 29, 2023

EXHIBIT B

PETITION REQUESTING ANNEXATION TO THE CORPORATE LIMITS OF THE CITY OF KERRVILLE, TEXAS, OF TEXAS ACRES OUT OF THE WILLIAM WATT NO. 64 SURVEY, ABSTRACT NUMBER 363, AND THE WILLIAM T CROOK NO. 63 SURVEY, ABSTRACT NUMBER 116, KERR COUNTY TEXAS

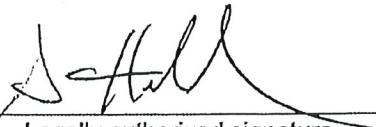
TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF KERRVILLE, TEXAS:

Comanche Trace Development Company, LP Is the sole owner of an approximately 111.8 acre tract of land located adjacent to the incorporated limits of the City of Kerrville which is more particularly described as follows:

SEE ATTACHED SURVEY AND METES & BOUNDS DESCRIPTION.

In accordance with Texas Local Government Code §43.028, Comanche Trace Development Company, LP hereby respectfully requests and petitions that the above-described property be annexed into the incorporated limits of the City of Kerrville, Texas.

SUBMITTED THIS 05 day of APRIL, 2023

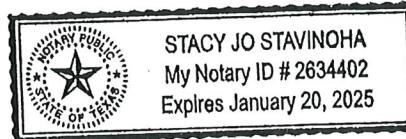
By: 
Legally authorized signature

ACKNOWLEDGEMENT

THE STATE OF TEXAS

§
§
§

COUNTY OF KERR



This instrument was acknowledged before me on the 5 day of April,
by Steven Held for and on behalf of Comanche Trace Development
Company, LP.

NOTARY PUBLIC, STATE OF TEXAS

Printed Name: Stacy Stavino
My Commission Expires: 1-20-2025

EXHIBIT C

SERVICES AGREEMENT

This Services Agreement (the "Agreement") is entered into between the **CITY OF KERRVILLE, TX**, a Texas Home-Rule Municipal Corporation (the "City") and _____ (the "Owner(s)"). The City and the Owner are collectively referred to as the Parties.

WHEREAS, pursuant to a lawfully submitted petition for annexation from Owner, City intends to institute annexation proceedings for a tract(s) of land described more fully hereinafter (referred to herein as the "Subject Property"); and,

WHEREAS, *Section 43.0672 of the Tex. Loc. Gov't Code* requires a written agreement for the provision of services in the area first be entered into between City and Owner of the Subject Property; and,

WHEREAS, City and Owner agree each will benefit from the City's development restrictions and zoning requirements, as well as other municipal services provided by City which are good and valuable consideration for the Owner to request annexation and for the Parties to enter into this Agreement for City to provide the listed services upon annexation and in accordance with this Agreement; and,

WHEREAS, it is found that the statutory requirements have been satisfied and City is authorized by *Chapter 43, Tex. Loc. Gov't. Code*, to annex the Subject Property into the City;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Parties hereto agree as follows:

Section 1. Property Description. The legal description of the Subject Property is as set forth in **Exhibit A**, attached hereto and incorporated herein.

Section 2. Services. City will provide the services listed and specified in **Exhibit B**, attached hereto and incorporated herein, for the Subject Property on the effective date of annexation of the Subject Property.

Section 3. Owner's Obligations. Owner shall not file for approval a subdivision plat, site plan, or related development document with City for the Subject Property or portion thereof; or construct, or allow to be constructed, any building or structure on the Subject Property or portion thereof until City has approved and adopted the ordinance annexing such property.

Section 4. Term. The term of this Agreement (the "Term") is ten (10) years from the Effective Date.

Section 5. Vested Rights Claims. This Agreement is not a permit for the purposes of Chapter 245, Texas Local Government Code.

Section 6. Authorization. All parties and officers signing this Agreement warrant to be duly authorized to execute this Agreement.

Section 7. Covenant Running with the Land. This Agreement shall run with the Subject Property, and this Agreement may be recorded in the Official Public Records of Kerr County, Texas. Owner and City acknowledge and agree that this Agreement is binding upon City and Owner and their respective successors, executors, heirs, and assigns, as applicable, for the term of this Agreement.

Section 8. Severability. If any provision of this Agreement is held by a court of competent and final jurisdiction to be invalid or unenforceable for any reason, then the remainder of the Agreement shall be deemed to be valid and enforceable as if the invalid portion had not been included.

Section 9. Amendment and Modifications. This Agreement may be amended or modified only in a written instrument that is executed by both City and Owner after it has been authorized by the City Council.

Section 10. Gender, Number, and Headings. Words of any gender used in this Agreement shall be held and construed to include any other gender, and words in the singular number shall be held to include the plural, unless the context otherwise requires. The headings and section numbers are for convenience only and shall not be considered in interpreting or construing this Agreement.

Section 11. Governmental Immunity; Defenses. Nothing in this Agreement shall be deemed to waive, modify, or amend any legal defense available at law or in equity to either City or Owner, including governmental immunity, nor to create any legal rights or claims on behalf of any third party.

Section 12. Enforcement; Waiver. This Agreement may be enforced by Owner or the City by any proceeding at law or in equity. Failure to do so shall not be deemed a waiver to enforce the provisions of this Agreement thereafter.

Section 13. Effect of Future Laws. No subsequent change in the law regarding annexation shall affect the enforceability of this Agreement.

Section 14. Venue and Applicable Law. Venue for this Agreement shall be in Kerr County, Texas. This Agreement shall be construed under and in accordance with the laws of the State of Texas.

Section 15. Counterparts. This Agreement may be separately executed in individual counterparts and, upon execution, shall constitute one and same instrument.

Section 16. Effective Date. This Agreement shall be in full force and effect as of the date of approval of this Agreement by the City Council, from and after its execution by the parties.

Section 17. Sections to Survive Termination. This Agreement shall survive its termination to the extent necessary for the implementation of the provisions related to water service to the Subject Property by the City.

EXECUTED this _____ day of _____, 2023.

COMANCHE TRACE
DEVELOPMENT COMPANY,
L.P.

Steven Held,

STATE OF TEXAS
COUNTY OF KERR

This instrument was acknowledged before me on the _____ day of _____, 2023, by Steven Held, the _____, of Comanche Trace Development Company, LP.

Notary Public, State of Texas

CITY OF KERRVILLE, TX

Kimberly Meismer, Interim City Manager

This instrument was acknowledged before me on the _____ day of _____, 2023, by Kim Meismer, City Manager, City of Kerrville, Texas.

Notary Public, State of Texas

Upon Recording, Return to:
City of Kerrville, Texas
City Secretary
City Hall, 701 Main Street
Kerrville, Texas 78028

EXHIBIT A
Property Description
(NOTE: not included here; see Ex. A to Ord.)

EXHIBIT B
ANNEXATION SERVICE PLAN

- I. INTRODUCTION:** This Service Plan for the extension of municipal services to the area to be annexed was developed in accordance with state law. Municipal facilities and services to the annexed area will be provided or made available on behalf of the City of Kerrville, Texas (“City”) at the levels and schedule specified below.
- II. UNIFORM LEVEL OF SERVICES:** The City shall provide services by any of the methods by which it extends the services to any other area of the municipality, based upon differing characteristics of topography, land use, and population density, which may be considered a sufficient basis for providing differing levels of service.
- III. SPECIFIC FINDINGS:** City Council finds and determines that this Service Plan, as provided below, will provide full municipal services to the annexed area both adequate to serve the annexed area and commensurate with the levels of services provided in other parts of the City with the same or similar topography, land use, and population density, and it will not provide a lower level of service in the annexed area than were in existence at the time immediately preceding the effective date of annexation.

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
Code Enforcement	The provisions of Code Enforcement services, including the application and enforcement of building, electrical, plumbing, and other related code requirements adopted by the City shall be made immediately to the area upon annexation. The adoption of zoning plan shall be in accordance with the procedures of the City's Zoning Code.	Immediately following annexation, zoning to be concurrent with annexation
Fire Protection and Emergency Medical Services (EMS)	Fire protection and emergency medical services will be provided to the annexed area. The City will serve the annexed area from existing fire stations closest to the area of annexation. Emergency dispatch assignment of Fire Services resources to the annexed area would be the same as currently provided in areas of similar land use and population within the City.	Immediately following annexation

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
Fire Prevention	The services of the City's Fire Marshall shall be provided to the area.	Immediately following annexation.
Library	Residents of the area, if any, will continue to be entitled to utilize the City's Library facilities.	Immediately following annexation.
Parks and Recreation Facilities	The City will maintain park and recreation facilities located within the annexed area, if any, on the effective date of annexation on the same basis and at the same level as similar facilities are maintained throughout the City.	Immediately following annexation
Police Protection	Police Services will provide protection and law enforcement services to the annexed area. The level of service will be at the same level as currently provided in areas of similar land use and population within the City. These services include the following: 1) regular patrol of the area, 2) handling of complaints and incidents, 3) traffic enforcement, and 4) special units, such as criminal investigations, narcotics, crime prevention, neighborhood services, and special weapons and tactics.	Immediately following annexation
Maintenance of Existing Roads & Streets	<p>The City's Public Works Department will maintain existing roads and streets, drainage, and regulatory signs on the effective date of annexation. The same basis and level of services currently provided throughout the City will be adhered to as follows:</p> <p>1. Emergency maintenance of streets to include repair of hazardous potholes, ice and snow monitoring of major thoroughfares necessary for traffic flow.</p>	Immediately following annexation

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
	<p>2. Routine maintenance of public streets and rights-of-way performed within the City.</p> <p>3. Street sweeping services may occur based upon need and funding.</p> <p>4. Installation and maintenance of traffic signs, street markings, and other traffic control devices as the need is established by appropriate study and traffic standards. Private streets, including ingress/egress easements, access easements, common areas, common driveways and anything else which has not been specifically dedicated and accepted as public right-of-way, will not be maintained by the City. Public streets will be included in the City's preventive maintenance program. Preventive maintenance projects are prioritized and scheduled based on a variety of factors, including surface condition, transversibility, age, traffic volume, density of dwellings per block, adjacent street conditions, and available funding. Any necessary rehabilitation or reconstruction will be considered on a citywide priority basis.</p>	
Solid Waste Collection	Solid Waste collection to the annexed area will be provided on the same basis and at the same level as provided throughout the City, in accordance with applicable law.	Immediately following annexation
Traffic Engineering	Traffic control devices and street markers shall be installed where deemed necessary by the City street department, except as provided by the Texas Department of Transportation.	Immediately following annexation

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
Water Service	<p>The City will provide for the maintenance of City-owned public water lines within the annexed area provided that the area is within the City's Certificate of Convenience and Necessity area as determined by the Public Utility Commission (PUC) beginning on the effective date of the annexation. Water service is provided at the same level as currently provided in areas of similar topography, land use, and population within the City. The City's policy that water extensions are the responsibility of the developer of property will be applied in this area.</p>	As the property develops
Wastewater Service	<p>The City will provide for the maintenance of sanitary sewer lines within the annexed area beginning on the effective date of the annexation. Sanitary sewer service is provided at the same level as currently provided in areas of similar topography, land use, and population within the City. The City's policy that sanitary sewer extensions are the responsibility of the developer of property will be applied to this area. Maintenance of all parts of the sewer system will begin as those parts are put into service. The sewer system will be maintained with the same frequency and level of effort as comparable parts of the system in other parts of the City.</p>	As the property develops
Provision for Other City Services	<p>Other City services that may be provided by the City such as planning, inspection, animal control, municipal court, and general administration will be made available on the same basis and at the same level as provided throughout the City.</p>	Immediately following annexation

Todd and Marilyn Dittloff

310 Oak Wood Rd
Kerrville, Texas 78028



May 5, 2023

Drew Paxton, AICP
City of Kerrville
Development Services Department
200 Sidney Baker St.
Kerrville, Texas 78028

RE: Planning and Zoning Commission Case PZ-2023-4

Dear Mr. Paxton:

Thank you for the notice we received concerning the hearing of the Planning and Zoning Commission regarding case PZ-2023-4. As your records show, we are indeed property owners within 200 feet of the proposed annexation. We know that Kerrville is growing and that housing is a critical issue affecting us all. Whether or not this proposed annexation will contribute to solving the housing issue is not so much our concern as what kind of restrictions or rules there might be on our property when and if it butts up to the city limits. If we are assured there will be no new restrictions or rules then we are not opposed. If, on the other hand, there will be new rules, regulations, etc., we are opposed. Unfortunately we will be out of town for the Thursday, May 11 meeting, but we trust that some of our neighbors will be present, expressing the same or similar concerns.

For the record, we are the property owners of lot 42 (310 Oak Wood Rd) in the Woods Subdivision. Our names are Todd and Marilyn Dittloff.

Thank you for the opportunity to express our concerns.

Sincerely,

Todd Dittloff
Marilyn Dittloff

Todd and Marilyn Dittloff

From: [Stacie Leporati](#)
To: [Planning Division](#)
Subject: Thurs May 11th, PZ-2023-4
Date: Tuesday, May 9, 2023 9:04:58 AM

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.

PZ-2023-4 - Comanche Trace Phase 19 - Annexation & Zoning

Stacie Leporati

<416 Oak Wood Road, Kerrville, TX 78028>

Opposition of the proposal.

Hello,

We moved into the woods 2 and a half years ago. Our property backs up to a wooded area which is up for annexation for Comanche Trace's Phase 19. My largest concern is the wildlife that frequent that wooded area.

I would like to know what will be done to protect the hundreds of animals that call that area their home; the deer, fox, rabbits and snakes, just to name a few.

See attached photo.

Thank you,
Stacie Leporati





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

SUBJECT: Ordinance No. 2023-19, second reading. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas; by changing the zoning of an approximate 0.75 acre property known as 512 Yorktown; from a Medium Density Residential Zoning District (R-2) to a Light Commercial Zoning District (C-2); and providing other matters relating to the subject.

AGENDA DATE OF: July 11, 2023

DATE SUBMITTED: June 30, 2023

SUBMITTED BY: Drew Paxton, Planning Director

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? No

Key Priority Area N/A

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

Proposal: An ordinance to change the zoning from R-2 Medium Density Residential to C-2 Light Commercial on ABS A0106 Cage Addition, Survey 116, Acres .75; and more commonly known as 512 Yorktown Blvd. (Case No. PZ-2023-5)

Procedural Requirements: The City, in accordance with state law, mailed 12 letters on 4/25/2023 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 4/20/2023. An information sign was also posted on the property frontage. At the time of drafting this agenda bill, no public comments had been received.

Staff Analysis and Recommendation: During the 2019 zoning code and map overhaul, this property was, in staff's opinion, mistakenly zoned R-2. The zoning in 2002 was changed to a Planned Development District that never came to fruition. This property was included in the corridor rezoning for the Gateway District. The property was then part of a Conditional Use Permit for the automotive (truck and RV) repair shop in 2010. This lot was not developed with the repair shop. It is not clear how it was identified as R-2 in the overall zoning in 2019.

City staff, in conjunction with the current owner, is bringing this application to the P&Z for consideration to correct this mapping error.

Consistency with the Kerrville 2050 Comprehensive Plan: The property and surrounding area are part of the Strategic Catalyst Area #7 (SCA #7) which encompasses the areas between Interstate 10 and Downtown Kerrville. This area has many established regional and community commercial developments. This request is consistent with the SCA #7 and the Kerrville 2050 Plan.

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: R-2

Existing Land Uses: Vacant land

Direction: North

Current Zoning: R-2

Existing Land Uses: Residential

Direction: South

Current Zoning: PI

Existing Land Uses: High School stadium

Direction: East

Current Zoning: C-2

Existing Land Uses: Vacant land

Direction: West

Current Zoning: C-2

Existing Land Uses: Automotive/RV repair shop

Thoroughfare Plan: There should be minimal impact to the thoroughfare system. Yorktown Boulevard is a local street that has a signaled intersection at Sidney Baker Street (major arterial).

Traffic Impact: To be determined.

Parking: To be determined.

Recommendation: Based on the consistency with the Strategic Catalyst Area in the Kerrville 2050 Comprehensive Plan and the adjacent zoning, staff recommends approval of the case.

On May 11th, the Planning and Zoning Commission recommended the case for approval with a unanimous vote.

On June 27, 2023, City Council unanimously approved Ordinance No. 2023-19 on first reading.

RECOMMENDED ACTION:

Approve Ordinance No. 2023-19 on second reading.

CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2023-19

**AN ORDINANCE AMENDING CHAPTER 60 OF THE CODE OF
ORDINANCES, CITY OF KERRVILLE, TEXAS; BY CHANGING
THE ZONING OF AN APPROXIMATE 0.75 ACRE PROPERTY
KNOWN AS 512 YORKTOWN; FROM A MEDIUM DENSITY
RESIDENTIAL ZONING DISTRICT (R-2) TO A LIGHT
COMMERCIAL ZONING DISTRICT (C-2); 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 27, 2023, which considered a report of the City’s Planning and Zoning Commission regarding its recommendations on this Ordinance, the adoption of which will result in the change of a zoning district for the property located at 512 Yorktown Blvd.; such change to result in the removal of the property from a Medium Density Residential Zoning District (R-2) to placement within a Light Commercial Zoning District (C-2); and

WHEREAS, on June 27, 2023, 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, Chapter 60 of the Code of Ordinances of the City of Kerrville, Texas, and the *Official Zoning Map* are hereby amended to designate the following described property zoned as within a Light Commercial Zoning District (C-2):

Legal Description: A 0.75 acre tract out of the Cage Survey No. 116, Abstract No. 106, and within the City of Kerrville, Kerr County, Texas; said property depicted at **Exhibit A**, attached hereto and made a part hereof for all purposes.

Address: 512 Yorktown Blvd., Kerrville, TX 78028.

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

SECTION FOUR. 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 FIVE. 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 SIX. 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 27 day of June, A.D., 2023.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the _____ of _____, A.D., 2023.

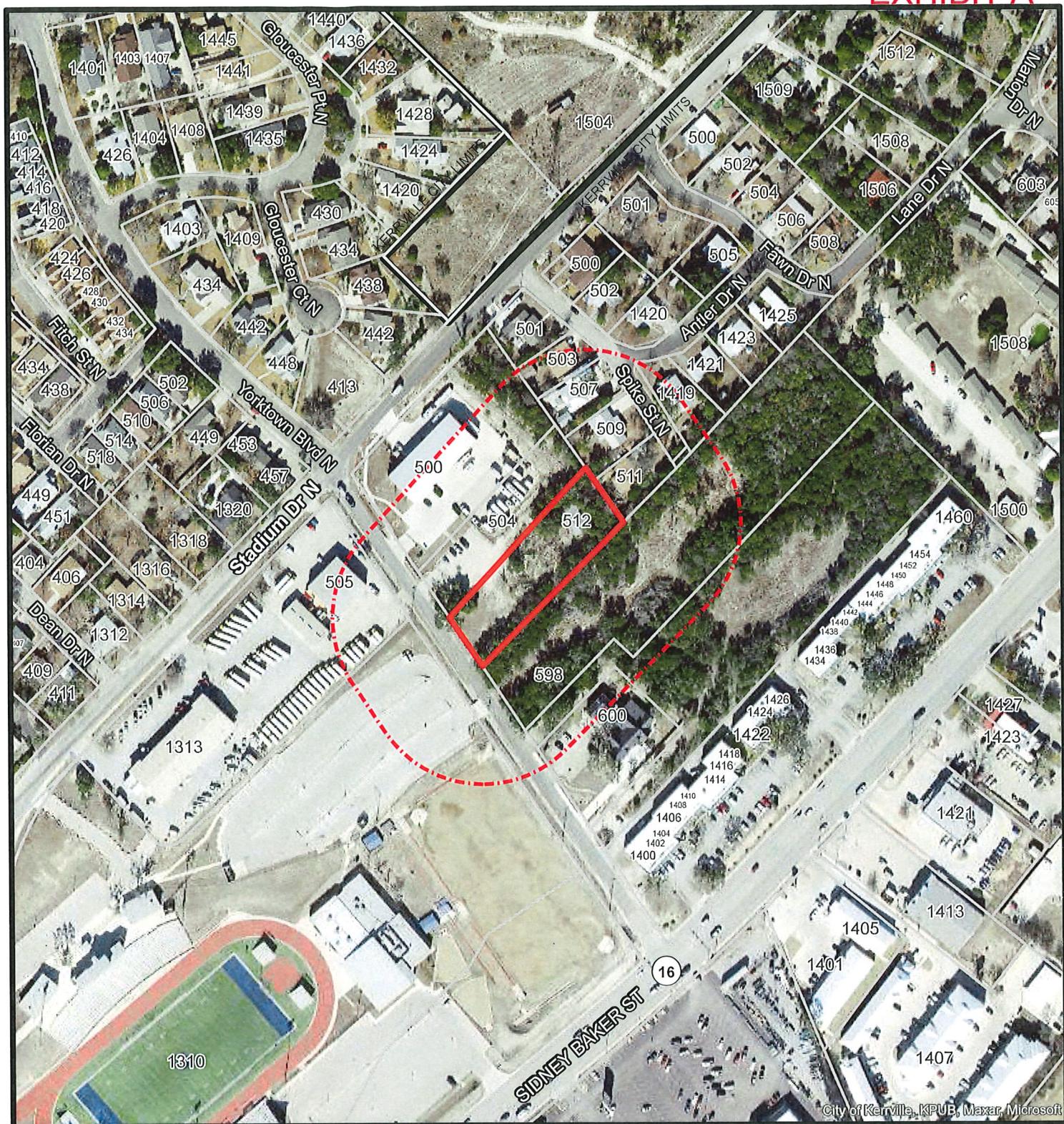
ATTEST:

Judy Eychner, Mayor

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney



Location Map

PZ-2023-5

Location:

512 Yorktown Blvd - Zoning Correction - R2 to C2

Legend

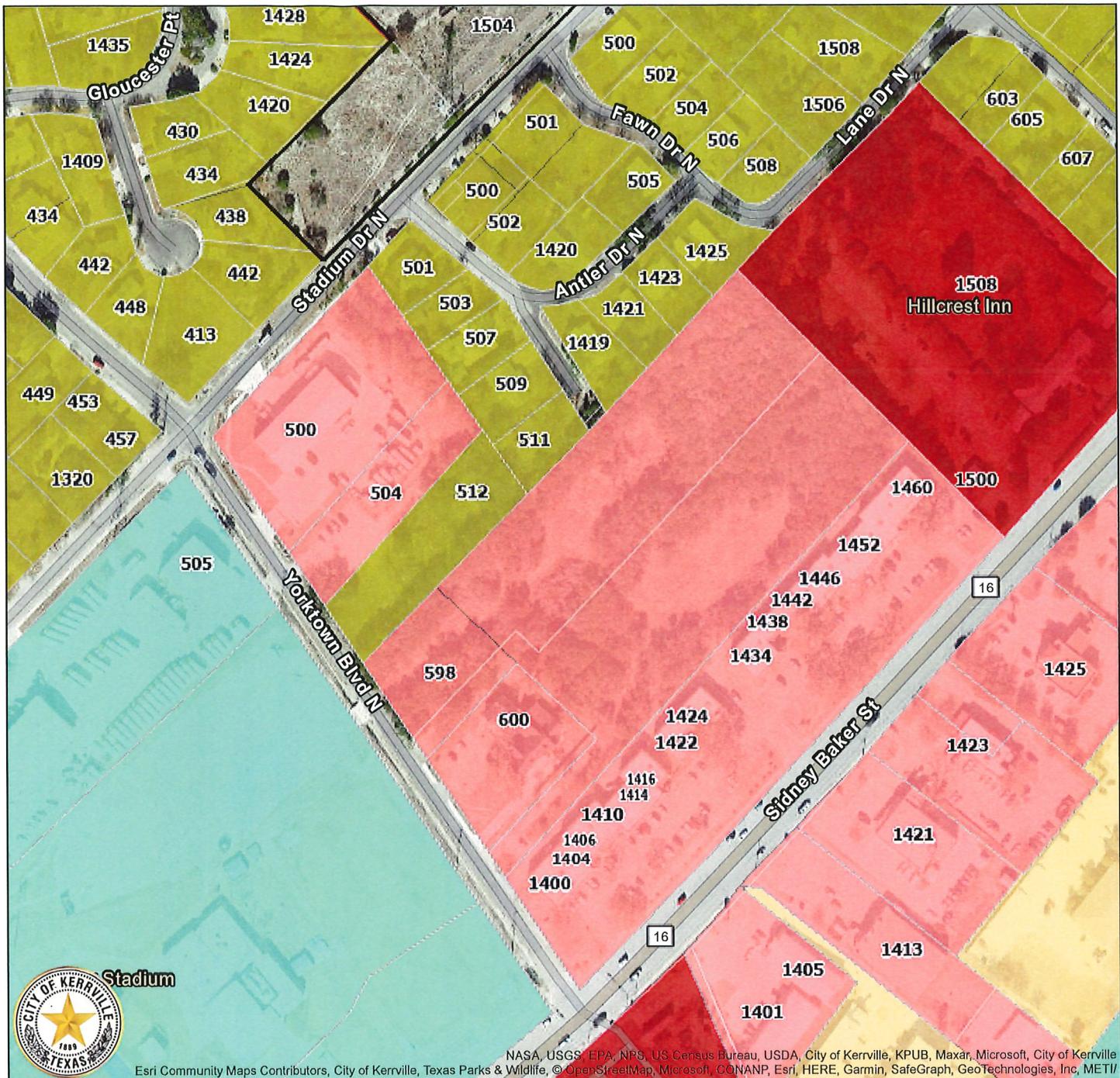
- Subject Properties
- 200 Feet Notification Area



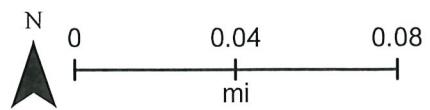
0 75 150 300

Scale In Feet

EXHIBIT A



PZ-2023-5 - Zoning Map



05/03/2023 11:01 AM

Development Services

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



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

SUBJECT: Ordinance No. 2023-20, second reading. An Ordinance amending Chapter 70 "Offenses and Miscellaneous Provisions", Article III "Electioneering at Polling Locations", of the City's Code of Ordinances to revise the Article as to regulations applicable to electioneering on City-owned or City-controlled property; containing a savings and severability clause; providing for penalties not to exceed \$2,000.00; ordering publication; providing an effective date; and providing other matters related to the subject.

AGENDA DATE OF: July 11, 2023

DATE SUBMITTED: June 30, 2023

SUBMITTED BY: Shelley McElhannon, City Secretary

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? No

Key Priority Area N/A

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

The Electioneering rules, policies, and procedures were discussed at the June 13, 2023 City Council meeting. Staff was directed to create amendments to the Electioneering rules, policies, and procedures regarding Electioneering locations, signs, materials, activities on City owned or controlled property being used as a polling place during voting the voting period (days/times).

Reasonable electioneering regulations have been approved.

On June 27, 2023, City Council approved Ordinance No. 2023-20 on first reading with amendments by a 4-1 vote; with Mayor Eychner, Councilmember Harris, Councilmember Herring, and Councilmember Hughes voting in favor, and Councilmember Garcia opposed.

RECOMMENDED ACTION:

Approve Ordinance No. 2023-20 on second reading.

D R A F T 6/28/23

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2023-20**

AN ORDINANCE AMENDING CHAPTER 70 “OFFENSES AND MISCELLANEOUS PROVISIONS”, ARTICLE III “ELECTIONEERING AT POLLING LOCATIONS”, OF THE CITY’S CODE OF ORDINANCES TO REVISE THIS ARTICLE AS TO REGULATIONS APPLICABLE TO ELECTIONEERING ON CITY-OWNED OR CITY-CONTROLLED PROPERTY; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES NOT TO EXCEED \$2,000.00; ORDERING PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT

WHEREAS, City Council seeks to provide for the orderly use of City property and other property where City elections may be held; and

WHEREAS, Chapter 61 of the Texas Election Code (the “Code”) provides regulations as to the conduct of elections; and

WHEREAS, Section 61.003 of the Code requires a public entity that owns or controls a public building used as a polling place to allow electioneering on the premises subject any reasonable regulations concerning the time, place, and manner of such activities; and

WHEREAS, the City, in conjunction with the election services that it receives pursuant to a contract with Tax Assessor/Collector with Kerr County, uses the Kathleen C. Cailloux City Center for the Performing Arts (“Auditorium”) as its polling place for most City elections; and

WHEREAS, Section 61.003 of the Code defines “electioneering” to include the posting, use, or distribution of political signs or literature; and

WHEREAS, besides using the Auditorium as its polling place, the City uses or allows uses of the Auditorium for other purposes and for which the City must maintain and ensure adequate and safe parking and access for all users; and

WHEREAS, because electioneering includes the posting of signs, in order to operate the Auditorium in a safe and effective manner and to further the general health, safety, and welfare of the community, City Council finds that electioneering

signs and literature should not be present outside of the time for voting except for a limited period to put up and remove the signs and that the signs should not be attached to improvements and landscaping; and

WHEREAS, City ~~staff~~-Council also believes that the size of electioneering signs should be limited and that such signs should be set back from the public roadway in order not to impact traffic safety or to increase visual clutter; and

WHEREAS, City Council finds it to be in the best interest of the health, safety, morals, and general welfare of the City of Kerrville, Texas, to amend the City's electioneering regulations to address concerns that may result from election activities conducted on public property, including traffic safety, visual clutter, and property damage;

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

SECTION ONE. Chapter 70 "Offenses and Miscellaneous Provisions", Article III "Electioneering at Polling Locations" is amended with deletions indicated by red, strikeout (~~deleted~~) and additions indicated by blue, underline (addition) as follows:

"ARTICLE III. ELECTIONEERING AT POLLING LOCATIONS

•
•
•

Sec. 70-42. Definitions.

The following words, terms, and phrases, when used in this Article, have the meanings ascribed to them in this section:

Kathleen C. Cailloux City Center for the Performing Arts ("Auditorium") means the building and its grounds, including parking areas, owned by the City and at times used as a polling place for the City's and other elections and located at 910 Main Street, Kerrville, Texas.

Electioneering means the posting, use, or distribution of political signs or literature, including the use of tents, chairs, booths, tables, or other furniture or devices to post, use, or distribute political signs or literature.

Polling place means a City-owned or controlled public property that is being used as an election polling place.

Voting period means the period each day beginning the hour the polls are open for voting and ending when the polls close or the last voter has voted, whichever is later.

Sec. 70-43. Regulations and Exceptions.

- (a) The following regulations apply to electioneering at a polling place during the voting period:
 - (1) It is unlawful for a person to leave an electioneering sign or literature at a polling place other than during the voting period and for thirty minutes before and after the voting period.
 - (2) It is unlawful for a person to engage in electioneering on driveways at a polling place. This restriction does not apply to areas specifically designated for such activities or to electioneering signs that are attached to vehicles that are lawfully parked at the polling place. In addition and where an election is occurring at the Auditorium, each candidate or a supporter of a measure may set up and use one (1) tent or a temporary shade structure within an area designated by the City Manager for electioneering. Such activities may only occur in an area that is beyond 240 feet from an outside door through which a voter may enter a building in which a polling place is located. The City Manager shall communicate the boundaries of this area to the candidates and others inclined to make use of this area for electioneering and thereafter, physically and clearly mark the area's boundaries. This area will generally be located in the northeast end of the parking area for the Auditorium, such area to begin where the parking area intersects Jefferson St. and continues along the Auditorium's property line in a southwest direction until this portion of the parking area ends. No vehicles or trailers may park within this area. Should conditions at the Auditorium, such as construction activities, prevent the use of this area, the City Manager is authorized to designate a comparable area. Upon making this decision, the City Manager shall notify the City Council.
 - (3) It is unlawful for a person to disrupt, or attempt to disrupt, the voting process by accosting, harassing, or intimidating any person traveling to or from the building used as the polling place.
 - (34) It is unlawful for a person to attach, place, or otherwise affix an electioneering sign, literature, or material to any building, tree, shrub, pole, or other improvement at the polling place. In addition, it is unlawful for a person to install such a sign using posts in ways that may damage underground utility or irrigation lines. "Posts" include wooden, metal, rebar, or plastic stakes.
 - (45) It is unlawful for a person to place an electioneering sign that is larger than eighteen (18) inches by twenty four (24) inches within ten (10) feet of the a public walkway or roadway right-of-way adjacent to the polling place, which includes any sidewalk.

(6) It is unlawful for a person to place a sign in a way that obstructs the free passage of vehicles or persons or obstructs or interferes with the visibility of traffic.

(7) It is unlawful for any person to place a sign within one hundred (100) feet of an outside door through which a voter may enter a building in which a polling place is located.

(8) It is unlawful for a person to place an electioneering sign at a polling place that exceeds thirty-six (36) square feet, exceeds eight (8) feet in height, including any supporting poles, and which uses lights ~~or any moving elements~~.

(9) No more than ten (10) signs regarding a candidate, measure, or political party may be used, placed, ~~held~~, or erected at the polling place, to include signs affixed to vehicles, which the owner or operator shall remain on the premises. "Signs" include banners, ground signs, hand-held signs, magnetic signs greater than 36 square inches, billboard-type signs, and posters.

(10) It is unlawful for a person, within 1,000 feet of a building in which a polling place is located, to operate a sound amplification device or a vehicle with a loudspeaker while the device or loudspeaker is being used for the purpose of a) making a political speech; or b) electioneering for or against any candidate, measure, or political party.

(11) Out of the ten (10) signs referenced above, no more than 4 (four) signs may be held by any person(s). A person(s) holding a sign(s) may not impede the progress of vehicles or persons, nor use a public walkway or the public right-of-way adjacent to the polling place, including sidewalks.

(12) In addition to ~~imposing seeking~~ a criminal penalty, the City Manager or designee may, without notice, remove ~~and dispose of and provide for temporary storage of~~ electioneering sign(s) located in violation of this section. Thereafter, the City Manager or designee shall attempt to contact the sign owner and arrange a time during normal work hours for the owner or representative to pick-up the sign. If the owner fails to pick up the sign(s) within five (5) business days, the City shall dispose of the signs.

(13) The authority to conduct electioneering on public property under this Article is limited to the polling place and only for the voting period, such that at the end of the voting period, all signs and vehicles must be removed.

(b) The regulations set forth in (a) above do not apply to any City authorized signs, materials, or other messages on property the City owns or controls."

SECTION FOUR. The City Secretary is authorized and directed to send this Ordinance to the publisher of the City's Code of Ordinances and the publisher is authorized to amend said Code to reflect the amendments adopted herein, to correct

any typographical errors, and to index, format, number, and letter the paragraphs to the existing Code, as appropriate.

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

SECTION SEVEN. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Section 1-8, or its successor section, of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00).

SECTION EIGHT. 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 law as an alternative method of publication.

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

PASSED AND APPROVED ON FIRST READING, this the 27 day of June A.D., 2023.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the day of , A.D., 2023.

Judy Eychner, Mayor

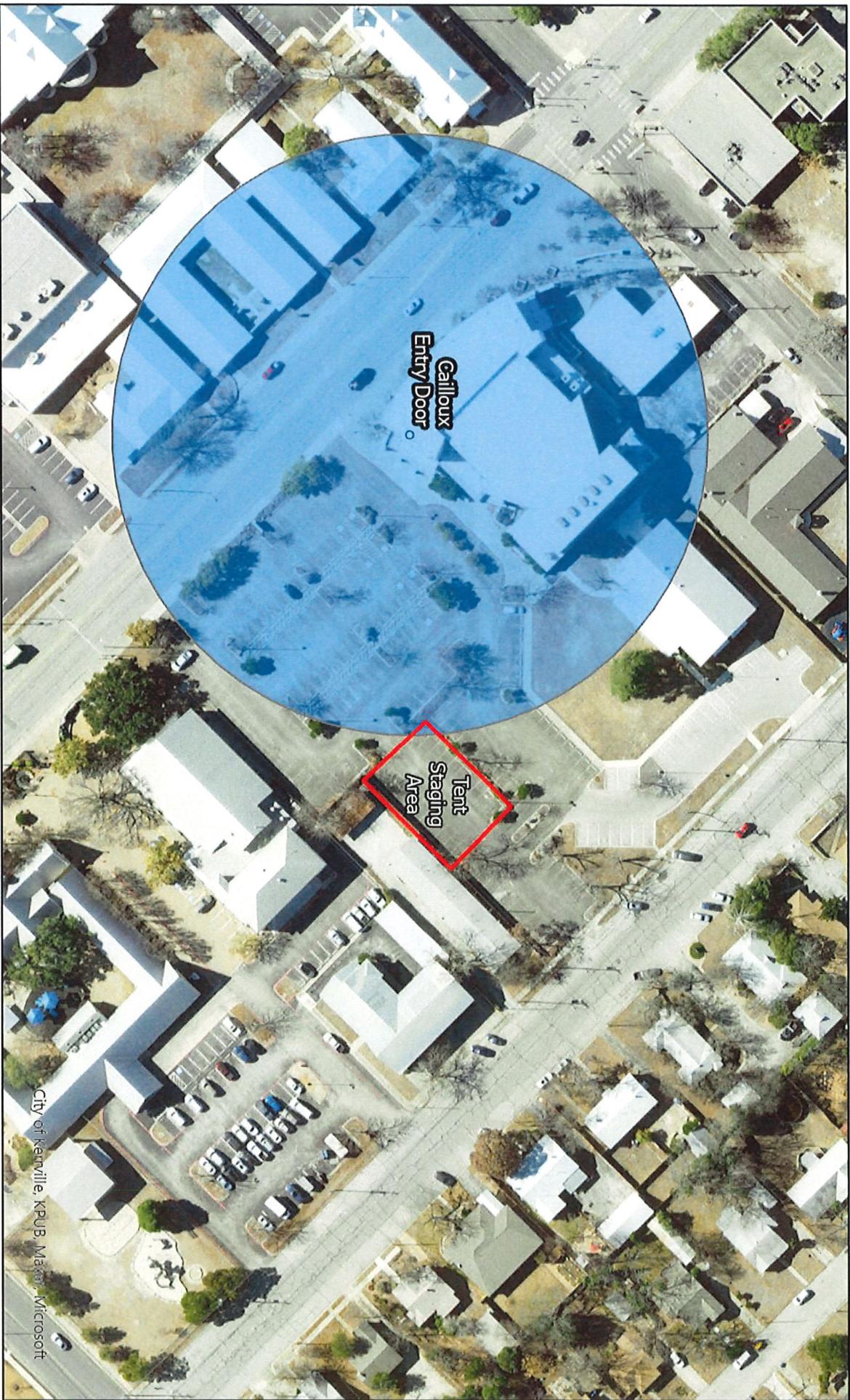
ATTEST:

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:

Michael C. Hayes, City Attorney

240 Foot Buffer from Cailloux Front Door





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

SUBJECT: Ordinance No. 2023-21, second reading. An Ordinance amending the City's Fiscal Year 2023 (FY2023) budget to allocate funds received by the City as part of the American Rescue Plan Act (ARPA).

AGENDA DATE OF: July 11, 2023

DATE SUBMITTED: June 30, 2023

SUBMITTED BY: Julie Behrens, Director of Finance

EXHIBITS:

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$2,456,650	\$2,489,286	NA - AMENDMENT MULTIPLE - SEE WILL ALLOCATE ATTACHMENT A FUNDS	

PAYMENT TO BE MADE TO: MULTIPLE - TBD

Kerrville 2050 Item? Yes

Key Priority Area F - Public Facilities and Services

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

The City received funds from the Department of the Treasury State & Local Fiscal Recovery Funds as part of the American Rescue Plan Act (ARPA). Funds not yet allocated are held in the Grant Fund "Unearned Revenue" account, per accounting standards with grant-type funds. City staff and Council have made the identification, long-term planning, and replacement of aging assets and infrastructure a high priority. Kerrville 2050 identifies Public Safety as the City's top priority. The first tranche of ARPA funding was expended on the Public Safety Communication Project along with a supplement to another grant to allow for the purchase and installation of Police Body and In-Car Camera system. Staff recommends that funding from the second tranche of ARPA funds be allocated to replace aging Police vehicles (approximately 15). Specific vehicles are not identified as staff is continuing to work through the best pricing options in order to be able to replace as many vehicles as possible with available funds. Fire-EMS allocation includes three new ambulances (2 encumbered from FY2022 & FY2023 budgets and 1 scheduled to be budgeted in FY2024), 1 Fire Admin vehicle, 1 Battalion Chief Truck, 2 stretchers and 2 lifepaks (cardiac monitors) for ambulances (all of which are scheduled to be replaced). Total expenditure required: \$2,456,650. The purchase of Public Safety vehicles and equipment is an allowable use of

ARPA funds as outlined by the U.S. Department of Treasury within the Final Rule, pages 259-260 "...Government services include but are not limited to...the provision of police, fire, and other public safety services". Purchases must be encumbered by December of 2024 in order to be in compliance with ARPA requirements. Within this request, staff recommends Council approve the allocation of ARPA funds for replacement of items in FY2023 and authorize staff to move forward with the purchase of vehicles and equipment listed. Use of ARPA funds for the purchase of items described will provide some relief for the City's General Asset Replacement Fund by freeing up Asset Replacement Funds to be allocated to other assets. Utilizing this lump sum to replace Public Safety vehicles and equipment will also partially accelerate much - needed replacement of aging assets in an amount the City's annual budget cannot support.

On June 27, 2023, City Council unanimously approved Ordinance No. 2023-21 on first reading.

RECOMMENDED ACTION:

Approve Ordinance No. 2023-21 on second reading and authorize staff to move proceed with purchase of vehicles and equipment outlined in Attachment A.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2023-21**

**AN ORDINANCE AMENDING THE CITY'S FISCAL
YEAR 2023 (FY2023) BUDGET TO ALLOCATE
FUNDS RECEIVED BY THE CITY AS PART OF THE
AMERICAN RESCUE PLAN ACT (ARPA)**

WHEREAS, Ordinance No. 2022-25, approved by City Council upon second reading on September 13, 2022, adopted the Fiscal Year 2023 ("FY2023") budget for the City of Kerrville, Texas; and

WHEREAS, the City received funding pursuant to the American Rescue Plan Act ("ARPA"), the expenditures for which were not allocated; and

WHEREAS, pursuant to regulations issued pursuant to ARPA, the City is authorized to use the funding for the purchase of public safety assets among other eligible uses and as such, it is recommended that Council, pursuant to the adoption of this Ordinance, allocate ARPA funds for this purpose; and

WHEREAS, City Council finds that amending the FY2023 budget as provided herein is in the best interest of the citizens of the City of Kerrville;

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

SECTION ONE. In accordance with Section 8.06 of the City Charter, the Official Budget for Fiscal Year 2023 is amended as set forth in **Attachment A**.

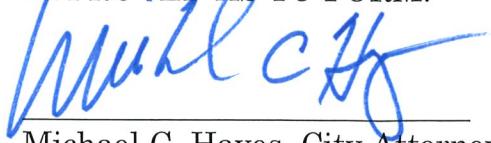
SECTION TWO. In accordance with Section 102.009, Texas Local Government Code, the City Manager or designee shall provide for a filing of a true copy of this amendment in the office of the Kerr County Clerk.

____ PASSED AND APPROVED ON FIRST READING, this the 27 day of June, A.D., 2023.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the _____ day of _____, A.D., 2023.

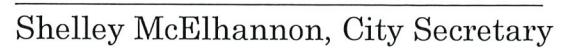
Judy Eychner, Mayor

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read "Michael C. Hayes".

Michael C. Hayes, City Attorney

ATTEST:

A handwritten signature in blue ink, appearing to read "Shelley McElhannon".

ATTACHMENT A
 FY2023 Budget Amendment
 June 27, 2023
 Grant Fund

Account	Account Name	Description	Debit	Credit
1. JOURNAL ENTRY				
85-23000	Unearned Revenue - Grants	Move ARPA Funds from "Unearned Revenue" to appropriate revenue account	2,456,650	
85-6713	Police Grants	ARPA - Police Asset Replacement		1,275,000
85-6730	Fire-EMS Grants	ARPA - Fire/EMS Asset Replacement		1,181,650
TOTAL GRANT FUND REVENUE RECLASS			2,456,650	2,456,650
2. BUDGET ADJUSTMENT				
85-8513-5200	Vehicles - Police	ARPA - replacement / purchase of Police Vehicles		1,275,000
85-8521-5200	Vehicles - Fire-EMS	ARPA - replacement of Fire Admin vehicle		35,000
85-8521-5200	Vehicles - Fire-EMS	ARPA - replacement of 3 ambulances		911,650
85-8521-5200	Vehicles - Fire-EMS	ARPA - replacement of Battalion Chief Truck		75,000
85-8521-5300	Machinery, Tools, & Equipment	ARPA - replacement of 2 stretchers & 2 cardiac monitors for Fire-EMS		160,000
TOTAL GRANT FUND EXPENDITURE BUDGET INCREASE			\$	2,456,650

American Rescue Plan Act (ARPA) RESOURCES:

Coronavirus State and Local Fiscal Recovery Funds - Department of the Treasury

www.govinfo.gov/content/pkg/FR-2022-01-Final Rule
<https://home.treasury.gov/system/files/131/Final%20Rule%20Overview>
<https://home.treasury.gov/system/files/131/Frequently%20Asked%20Questions>



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

SUBJECT: Request for an extension for a Conditional Use Permit approved by Resolution No. 31-2021 for 601 Spur 100.

AGENDA DATE OF: July 11, 2023 **DATE SUBMITTED:** June 30, 2023

SUBMITTED BY: Drew Paxton, Planning Director

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? No

Key Priority Area N/A

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

Pursuant to Section 60-94 of the zoning code, the owner has requested an extension for the approved CUP for 601 Spur 100. This CUP was approved in July of 2021 and is nearing expiration (**Section 60-90.2**). See the attached request letter for details.

Sec. 60-90. - Termination of conditional use permit. A conditional use permit shall terminate and become null and void as follows:

2) Failure to commence actual use within two years of new construction or renovation.

Sec. 60-94. - Application for extension of deadlines.

A person to whom a conditional use permit is issued may request an extension of time to commence the use for which the permit was issued by submitting a written request to the department not later than 15 days prior to the date the period for commencement of actual use ends. City council, on a showing of good cause by the applicant, may grant an extension for such time as it deems reasonable and in the best interest of the public.

RECOMMENDED ACTION:

Approve the CUP Extension.

May 16, 2023

Planning and Zoning, City of Kerrville

Drew Paxton, Steve Melander

RE: CUP Extension adoption date 07/13/2021, PZ-2021-6, 601 Spur 100, Kerrville Texas 78028

To Whom it May Concern,

We, as the owners of the property humbly request an extension of our Conditional Use Permit pertaining to the permitted use/development of an RV Park as we need the extra time of approximately 18 months. Our property is currently for sale and are actively entertaining another buyer for the property so the CUP can travel with the land if sold. We realize our letter is preliminary in the stages going forward as we have a few months prior to a request for extension and would be happy to issue another letter of a written request for extension, we feel more comfortable having this current letter in your file in order to be compliant at this time. Due to extreme swings in the current market, it has taken longer than expected to sell our property and have made price adjustments in order to maintain attraction to current prospects. Our Realtor, Lisa McGehee is our representative should you need to address any issues. She will be representing us at the Council Meeting set forth, just keep us posted on our upcoming presentation.

Yours Truly,
[Redacted] by:

DEBORAH A OHLMANN

[Redacted] by: E...



75B36456681141E...

Deborah Ohlmann

Syd Ohlmann

CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 31-2021

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO
AUTHORIZE RECREATIONAL VEHICLE OR TRAILER PARK
ON PROPERTY CONSISTING OF LOT 2-R, BLOCK 1, FREEMAN
FRITTS ADDITION, A SUBDIVISION WITHIN THE CITY OF
KERRVILLE, KERR COUNTY, TEXAS; AND MORE COMMONLY
KNOWN AS 601 SPUR 100; SAID PROPERTY IS LOCATED
WITHIN A RESIDENTIAL MIX (RM) ZONING DISTRICT; AND
MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS
AND RESTRICTIONS CONTAINED HEREIN**

WHEREAS, the owner of the property graphically depicted in the location map in **Exhibit A** (the “Property”), being attached hereto and made a part hereof for all purposes, is requesting approval of a Conditional Use Permit (CUP) to allow the Property located within a Residential Mix (RM) Zoning District to be used for a recreational or trailer park; 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 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 a Residential Mix (RM) Zoning District, to be developed and used for a recreational vehicle or trailer park, 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 Lot 2-R, Block 1, of the Freeman Fritts subdivision, a subdivision of record located within the City of Kerrville, Kerr County, Texas; said Property being depicted at **Exhibit A**, attached hereto and made a part hereof for all purposes.

Address: 601 Spur 100, Kerrville, TX 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. Inspections:** The operator shall allow and comply with all applicable inspections, to include acquiring building permits from the City.
- C. Parking:** All parking requirements of the Zoning Code shall be met as development plans are finalized and must be approved prior to construction.
- D. Fencing:** fencing shall comply with the City's Zoning Code.
- E. 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.

PASSED AND APPROVED ON this the 13 day of July, A.D., 2021.


Bill Blackburn, Mayor

APPROVED AS TO FORM:

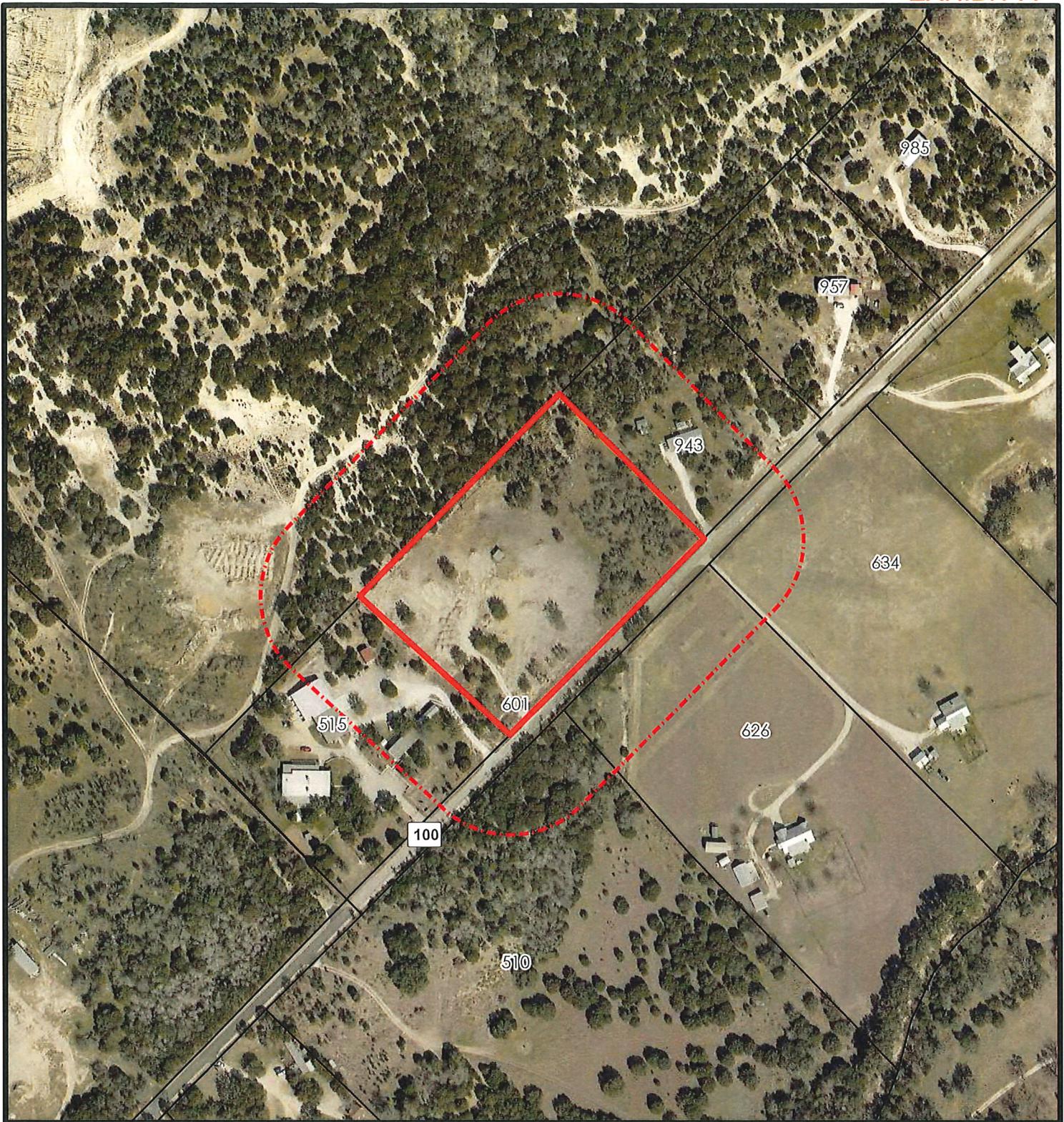


Michael C. Hayes, City Attorney

ATTEST:



Shelley McElhannon, City Secretary



Location Map

Case # PZ-2021-6

Location:
601 Spur 100

Legend

200' Notification Area
Subject Properties



0 100 200 400

Scale In Feet

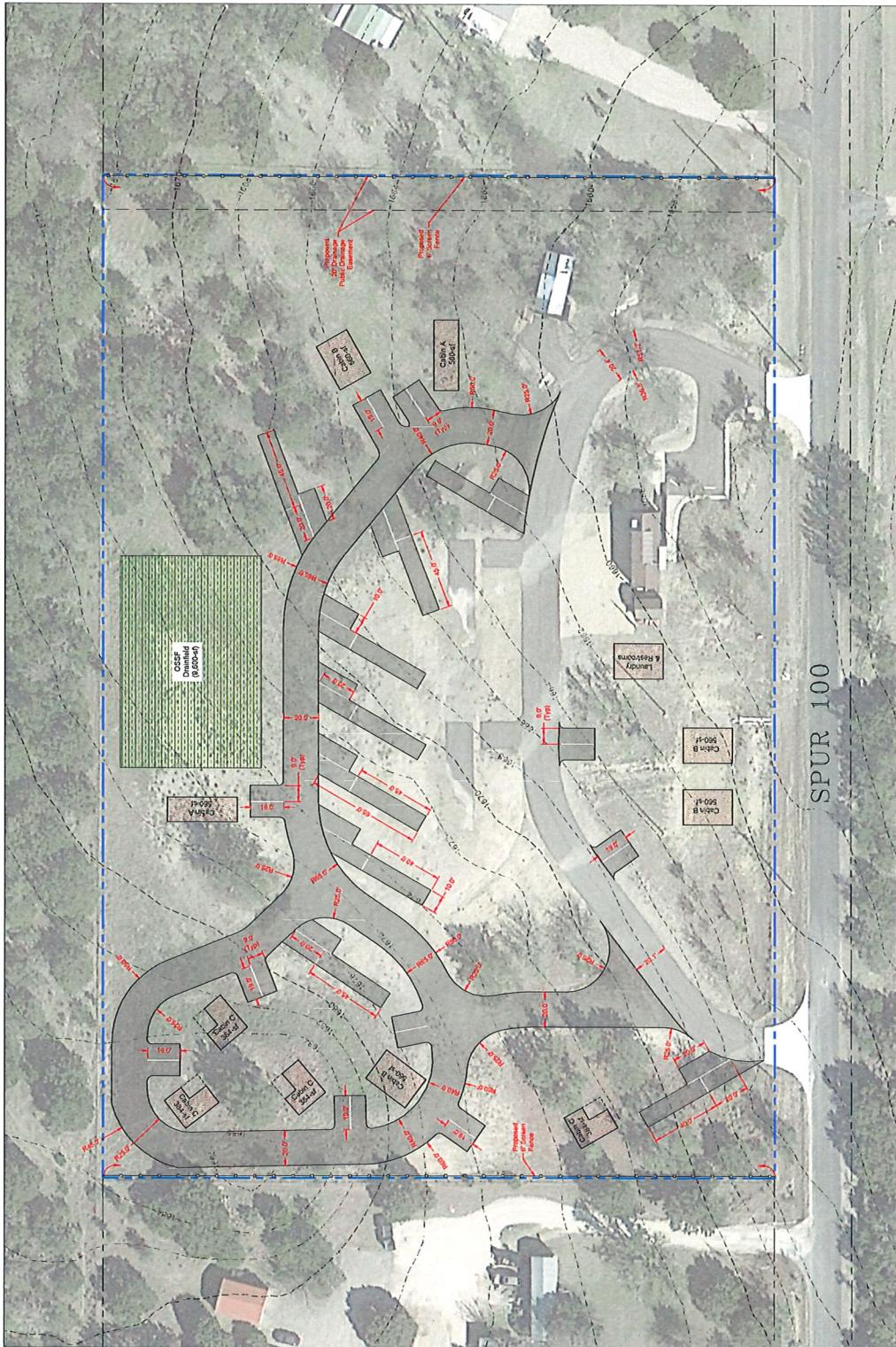


WELLBORN
Engineering &
Surveying

631 Water Street
Kerrville, TX 78028
Phone: 830-251-7100
Fax: 830-251-5761
Email: info@wellbornengineering.com
Licenses # 20050
Michael Wallen, PE

Diamond Spur
Concept Plan
for
Kerrville, Texas
601 Spur 100 N
Concept Plan
Date: 06/24/2012
Prepared by - Accepted by
CP-A

0 30 60
15 45
SCALE: 1"=30'



LEGEND

- PROPERTY BOUNDARY LINES
- PLATTED LOT LINES
- PROPOSED BUILDING
- PROPOSED ASPHALT PAVEMENT
- PROPOSED SCREEN FENCE

The features shown on this plan/exhibit/drawing were created from aerial photography, LiDAR data from TNRIS, and/or GIS data. The existing conditions including boundary lines were not field verified and may not be accurate. The data on this plan/exhibit/drawing is for planning and conceptual purposes only and is not to be used for legal, engineering, or survey purposes.

Sheet No. CP-A



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

SUBJECT: Appointment to the Building Board of Adjustment and Appeals. (Item eligible for Executive Session 551.074).

AGENDA DATE OF: July 11, 2023 **DATE SUBMITTED:** June 30, 2023

SUBMITTED BY: Shelley McElhannon, City Secretary

EXHIBITS:

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

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item? No

Key Priority Area N/A

Guiding Principle N/A

Action Item N/A

SUMMARY STATEMENT:

Two alternate member vacancies exist.

One application has been received: Wayne Uecker.

The interview team is Councilmember Garcia and Councilmember Harris.

Drew Paxton is staff liaison.

RECOMMENDED ACTION:

Appoint member(s).