



PLANNING AND ZONING COMMISSION AGENDA

THURSDAY, OCTOBER 5, 2023, 4:00 PM

CITY HALL COUNCIL CHAMBERS

701 MAIN STREET, KERRVILLE, TEXAS



1 MINUTES

1.A Approval of Meeting Minutes from September 7, 2023 regular meeting.

Attachments:

[*20230907_PZ Minutes_draft.pdf*](#)

2 CONSIDERATION AND FINAL ACTION

2.A A preliminary plat of Mariposa at Weston Place, a residential subdivision within the City of Kerrville, being 8.57 acres (called 8.56 acres) out of the Samuel Wallace Survey No. 114, Abstract No. 348, described in conveyance document to Habitat for Humanity of Kerr County, recorded in File No. 23-02578 Official Public Records of Kerr County, Texas (Case No. 2023-036).

Attachments:

[*2023-036_Mariposa at Weston Place-Prelim Plat \(Clean\)_2023-09-07.pdf*](#)

[*2023-036_Mariposa at Weston Place-Utility Concept_2023-09-07.pdf*](#)

3 PUBLIC HEARING, CONSIDERATION & ACTION

3.A

An ordinance to change the zoning from R-1A to C-2 on Lots 1-3, Block 25, Westland; and more commonly known as 518 and 520 Lois Street (Case No. PZ-2023-10).

Attachments:

[*PZ-2023-10 & 11_Location Map.pdf*](#)

[*PZ-2023-10_Current Zoning.pdf*](#)

[*PZ-2023-10_K2050 Future Land Use.pdf*](#)

3.B A resolution to allow a Conditional Use Permit for a Building Contractor, General on Lots 1-3, Block 25, Westland; and more commonly known as 518 and 520 Lois Street (Case No. PZ-2023-11).

Attachments:

[*PZ-2023-10 & 11_Location Map.pdf*](#)

[*PZ-2023-11_Current Zoning.pdf*](#)

[*PZ-2023-11_K2050 Future Land Use.pdf*](#)

[*PZ-2023-11_Storage Building Site Plan.pdf*](#)

3.C

An ordinance to amend the Planned Development District, PDD 03-08, Ordinance #2003-08, on approximately 798.7 acres of land generally located northeast of the intersection of State Highway 16 and Interstate Highway 10 (Case No. PZ-2023-12).

Attachments:

[*PZ-2023-12_Location Map.pdf*](#)

[*PDD 2003-08_Whiskey Springs Master Plan.pdf*](#)

[*WHISKEY SPRINGS MASTER PLAN - FINAL - 072623.pdf*](#)

[*PD 2003-08_Amended 2023.08.21.pdf*](#)

3.D

An ordinance to change the zoning from R-1 to RT on 1.71 acres of land out of the Fosgate Survey No. 120, Abstract 138; and more commonly known as 226 Harper Rd N (Case No. PZ-2023-13).

Attachments:

[*PZ-2023-13_Location Map.pdf*](#)

[*PZ-2023-13_Current Zoning.pdf*](#)

[*PZ-2023-13_K2050 Future Zoning.pdf*](#)

4 STAFF REPORT

5 EXECUTIVE SESSION

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

6 ADJOURNMENT



**TO BE CONSIDERED BY THE PLANNING AND ZONING
COMMISSION
CITY OF KERRVILLE, TEXAS**

SUBJECT: Approval of Meeting Minutes from September 7, 2023 regular meeting.

AGENDA DATE OF: October 5, 2023 **DATE SUBMITTED:**

SUBMITTED BY: Steve Melander, City Planner

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:

RECOMMENDED ACTION:

Approve or approve with specific revisions.

ATTACHMENTS:

[20230907_PZ Minutes_draft.pdf](#)

**PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES**

**KERRVILLE, TEXAS
SEPTEMBER 7, 2023**

COMMISSIONERS PRESENT:

Mike Sigerman, Chair
David Lipscomb, Vice-Chair
Tabor McMillian
Kevin Bernhard
Kim Richards

COMMISSIONERS ABSENT:

Abram Bueche
Charles Swallow

EXECUTIVE STAFF PRESENT:

Drew Paxton, Director of Planning and Zoning
Guillermo Garcia, Executive Director for Innovation
Kesha Franchina, Deputy City Secretary

CALL TO ORDER The Planning and Zoning Meeting was called to order by Chair Michael Sigerman at 4:00 pm.

1 MINUTES

1.A Approval of Meeting Minutes from August 3, 2023 regular meeting.

Vice-Chair David Lipscomb motioned to approve the minutes with corrections, seconded by Tabor McMillian. The motion passed 5-0.

2 CONSIDERATION AND FINAL ACTION

2.A A final plat establishing Comanche Trace Phase 12B, a 15.18 acre tract of land located in the William Watt Survey No 65, Abstract No. 364, 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. (Case 2023-030).

Drew Paxton presented the final plat presentation, and responded to questions. Tabor McMillian motioned to approve, seconded by Kim Richards. The motion passed 5-0.

3 PUBLIC HEARING, CONSIDERATION & ACTION

3.A A resolution to allow a Conditional Use Permit for an Independent Living Facility for Seniors on 0.53 acres of land out of Wallace Survey No. 112, Abstract No. 360; and more commonly known as 2916 Memorial Blvd, Kerrville, Texas. (Case No. PZ- 2023-8)

Drew Paxton presented the resolution, requested three conditions be met, and responded to

questions. Rick Perry, owner of property, presented the request and responded to questions. Chair Sigerman opened the Public Hearing at 4:07 pm.

Citizen Speakers were as follows:

- Rick Perry, owner of property
- Delores Gondora
- James Mathieson

Chair Sigerman closed the Public Hearing at 4:12 pm.

Kevin Bernhard motioned to approve the resolution, seconded by Vice-Chair Lipscomb. The motion passed 5-0.

Chair Sigerman requested clarification on the approved motion to include the three conditions be met, Drew Paxton approved.

4 STAFF REPORT

Drew Paxton presented the staff report, update on Stage 4 Water Restrictions, and no new water connections.

Next Planning and Zoning meeting will be held on October 5, 2023.

5 EXECUTIVE SESSION

None

6 ADJOURNMENT

Chair Sigerman adjourned the Planning and Zoning meeting at 4:18 pm.

Minutes Approved: _____

Chair Michael Sigerman: _____

Attest:

Kesha Franchina, Deputy City Secretary: _____



**TO BE CONSIDERED BY THE PLANNING AND ZONING
COMMISSION
CITY OF KERRVILLE, TEXAS**

SUBJECT: A preliminary plat of Mariposa at Weston Place, a residential subdivision within the City of Kerrville, being 8.57 acres (called 8.56 acres) out of the Samuel Wallace Survey No. 114, Abstract No. 348, described in conveyance document to Habitat for Humanity of Kerr County, recorded in File No. 23-02578 Official Public Records of Kerr County, Texas (Case No. 2023-036).

AGENDA DATE OF: October 5, 2023 **DATE SUBMITTED:**

SUBMITTED BY: Steve Melander, City Planner

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:

The applicant is proposing to develop forty-seven (47) single-family residential lots. The development will utilize City water and wastewater. Drainage will be handled through existing drainage ways and through existing and possible future onsite detention. Final utility design will be confirmed and approved during the construction document phase of the project. Roadway connections will be made to Weston Loop, Bow Lane and Bow Drive. A traffic study indicates no significant impact on traffic since this area has always been planned for residential use. The final plat will be presented to the Planning & Zoning Commission for approval prior to recordation and following completion and/or execution of an improvement agreement for any required public utilities. There are no conditions of approval proposed for this preliminary plat approval.

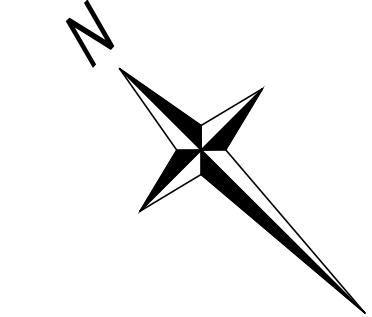
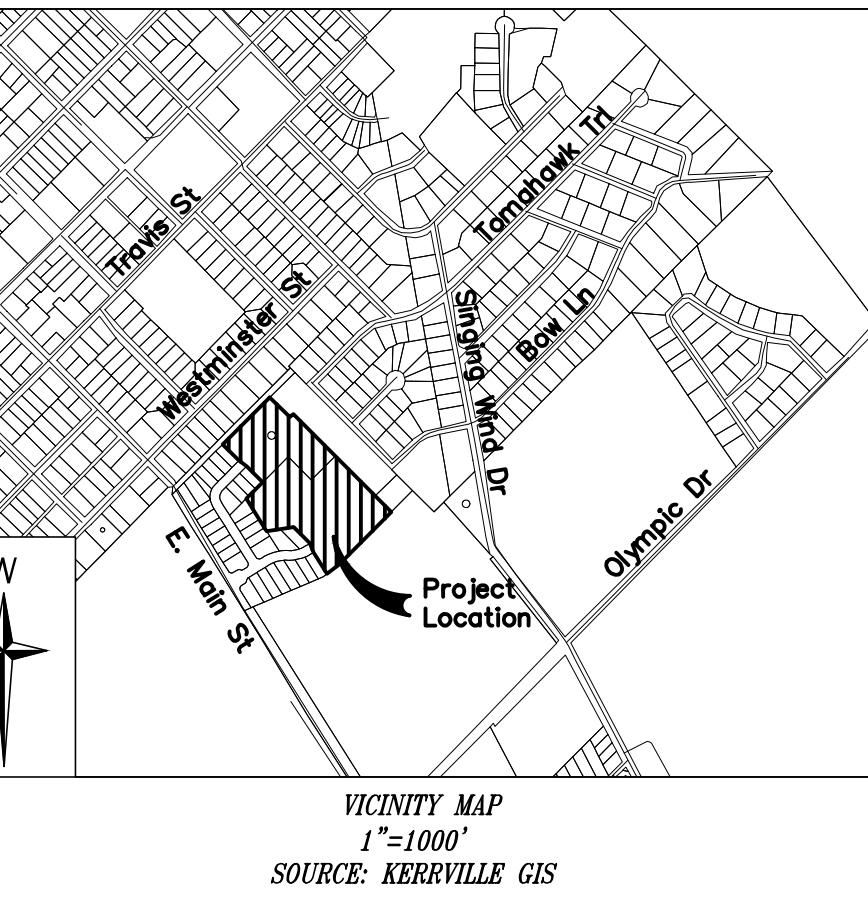
RECOMMENDED ACTION:

Approve the preliminary plat.

ATTACHMENTS:

[2023-036_Mariposa at Weston Place-Prelim Plat \(Clean\)_2023-09-07.pdf](#)

[2023-036_Mariposa at Weston Place-Utility Concept_2023-09-07.pdf](#)



GRID
0 50 100
25 75

SCALE: 1"=50'

1/2" I.R. W/CAP STAMPED "VOELKL"
TEXAS SOUTH CENTRAL STATE PLANE
COORDINATES
N:13924973.16'E:1928504.73'

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	20.28	30.00	38'44"	N25°34'56"E	19.90
C2	175.59	60.00	167'41"	S89°56'48"E	119.31
C3	47.12	30.00	90'00"	N89°56'59"E	42.43
C4	20.39	30.00	38'57"	S25°34'44"E	20.00
C5	15.71	10.00	90'00"	S00°03'01"E	14.14
C6	15.71	10.00	90'00"	S89°59'55"W	14.14
C7	15.12	15.00	57'46"	N73°50'04"E	14.49
C8	15.12	15.00	57'46"	S16°03'55"W	14.49
C9	309.49	60.00	295'32"	S45°03'01"E	64.00
C10	15.71	10.00	90'00"	N89°56'59"E	14.14
C11	15.71	10.00	90'00"	S00°00'05"E	14.14
C12	18.49	175.00	6'03"	S47°58'34"W	18.48
C13	38.00	225.00	9'41"	S50°03'12"W	37.96

STATE OF _____ ~
COUNTY OF _____ ~

IN ACCORDANCE WITH ARTICLE 82-33 (b) OF THE CODE ORDINANCE OF THE CITY OF KERRVILLE, TEXAS, AND IN CONSIDERATION OF THE APPROVAL OF "PLAT OF MARIPOSA AT WESTON HOMEPLACE", THE OWNERS DO HEREBY WAIVE ANY AND ALL CLAIMS FOR DAMAGES AGAINST THE CITY OF KERRVILLE, KERR COUNTY, TEXAS, OCCASIONED BY THE ESTABLISHMENT OF GRADES OR THE ALTERATION OF THE SURFACE OF ANY PORTION OF EXISTING STREETS AND ALLEYS TO CONFORM TO THE GRADES ESTABLISHED IN THE ABOVE NAMED SUBDIVISION.

MARY CAMPANA, EXECUTIVE DIRECTOR
HABITAT FOR HUMANITY KERR COUNTY

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, AND DEDICATE ALL NOTED.

DATED: _____, 2023

MARY CAMPANA, EXECUTIVE DIRECTOR
HABITAT FOR HUMANITY KERR COUNTY

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE AND

DATED THIS _____ DAY OF _____, 2023

DREW PAXTON, DIRECTOR OF PLANNING & DEVELOPMENT
CITY OF KERRVILLE

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS FOR KERRVILLE, TEXAS, WITH THE EXCEPTION OF SUCH VARIANCES, IF ANY AS ARE NOTED IN THE MINUTES OF THE CITY PLANNING COMMISSION AND THAT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE COUNTY CLERK, AND THAT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE COUNTY CLERK.

DATED THIS THE _____ DAY OF _____, 20____

CHAIR, CITY OF KERRVILLE PLANNING & ZONING COMMISSION

I HEREBY CERTIFY THAT THE SUBDIVISION PLATTED HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF KERRVILLE, TEXAS AND THAT IT IS EXISTING IN AN ACCEPTABLE MANNER AND IS CURRENTLY SERVED BY PUBLIC INFRASTRUCTURE.

DATED THIS THE _____ DAY OF _____, 20____

KYLE BUROW, P.E., CITY ENGINEER
CITY OF KERRVILLE

I HEREBY CERTIFY THAT THIS SUBDIVISION PLAT MEETS THE CITY MASTER GRID SYSTEM REGARDING STREET NAMES AND ADDRESSES ASSIGNED BY THE CITY OF KERRVILLE PLANNING DIVISION.

DATED THIS THE _____ DAY OF _____, 20____

JACKIE DOWDY, KERR COUNTY CLERK

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

STATE OF TEXAS ~
COUNTY OF KERR ~

I, GARY MAX BRANDENBURG, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I MADE AN ACTUAL SURVEY ON THE GROUND OF THE HEREON PLATTED LAND THAT THE CORNER MONUMENTS SHOWN HEREON WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, AND PROFESSIONAL DILIGENCE, AND IS CORRECT TO THE BEST OF MY KNOWLEDGE.

DATED THIS THE _____ DAY OF _____, 2023

GARY MAX BRANDENBURG, RPLS 5164

STATE OF TEXAS ~
COUNTY OF KERR ~

FILED FOR RECORD ON THE _____ DAY OF _____, 20____ A.D., AT _____
O'CLOCK M. RECORDED ON THIS _____ DAY OF _____ IN FILE NO. _____
OF THE OFFICIAL PUBLIC RECORDS OF KERR COUNTY, TEXAS.

JACKIE DOWDY, KERR COUNTY CLERK

* SURVEYORS NOTES *

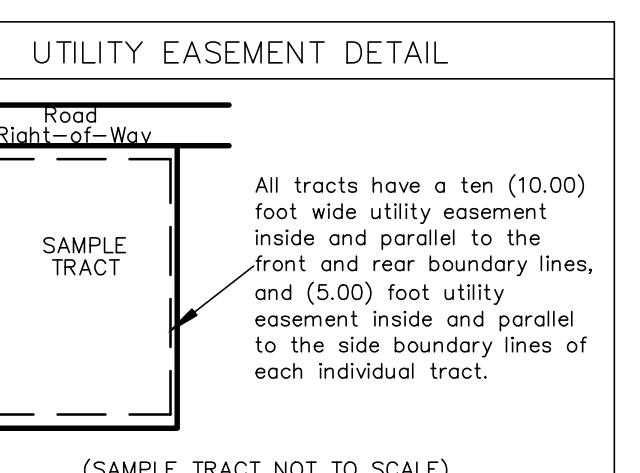
1. THE BASIS OF BEARING FOR THIS SURVEY IS GRID NORTH, BASED ON GNSS RTK OBSERVATIONS REFERENCED TO N.A.D. 83, TEXAS STATE PLANE COORDINATES SOUTH CENTRAL ZONE ADJUSTED TO HORIZONTAL GROUND DISTANCES EXPRESSED IN U.S. SURVEY FEET. SCALE = 1.0001369272
2. THIS SURVEY MEETS OR EXCEEDS TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS MINIMUM STANDARDS.
3. WHERE SURVEYED OR COMPUTED COORDINATES DIFFER FROM THOSE OF RECORD, THE RECORD COURSE IS EXPRESSED IN PARENTHESIS. I.E. 1680.61' (COURSE VALUE PER DEED FILE NO. 23-02578)
4. THIS PROPERTY LIES COMPLETELY WITHIN THE CITY OF KERRVILLE CITY LIMITS.
5. THE FULLY DEVELOPED, CONCENTRATED STORM WATER RUNOFF RESULTING FROM THE ONE HUNDRED (100) YEAR FREQUENCY STORM IS CONTAINED WITHIN THE DRAINAGE EASEMENTS SHOWN AND/OR PUBLIC RIGHTS-OF-WAY DEDICATED BY THIS PLAT.
6. THE CURRENT ZONING FOR THIS TRACT IS "R2" MEDIUM DENSITY RESIDENTIAL.
7. BUILDING SETBACKS SHALL BE IN ACCORDANCE WITH THE CITY OF KERRVILLE ZONING CODE.
8. BY GRAPHIC IDENTIFICATION THESE PARCELS DO NOT APPEAR TO BE LOCATED IN A SPECIAL FLOOD HAZARD AREA. REFERENCE FIRM PANEL 48265C0470F AND 48265C0490F BOTH EFFECTIVE 3/3/2011.
9. A 5/8" DIAMETER STEEL ROD WITH PLASTIC CAP STAMPED "WES #10194410" WILL BE PLACED AT ALL OBLITERATED EXTERIOR BOUNDARY CORNERS AND AT EACH BOUNDARY POINT OF THE INDIVIDUAL LOTS.
10. PARKLAND DEDICATION TO COMPLY WITH CITY OF KERRVILLE ORDINANCE 2022-01.
11. ALL UTILITIES SHALL BE PLACED UNDERGROUND PER SUBDIVISION CODE SECTION 82-62, UTILITY PLACEMENT.

* LEGEND *

- FOUND 1/2" I.R. UNLESS OTHERWISE NOTED
- FOUND 1/2" I.R. W/CAP STAMPED "VOELKL"
- ◎ FOUND COTTON GIN SPINDLE
- SET 1/8" I.R. W/CAP STAMPED "WES 10194410"
- BOUNDARY LINE
- - - LOT LINE
- - - EASEMENT LINE

UTILITY EASEMENT NOTE:

GRANTORS HEREBY RETAIN PERPETUAL EASEMENTS FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES AND ALL NECESSARY APPURTENANCES THERETO, WHETHER INSTALLED IN THE AIR, UPON THE SURFACE OR UNDERGROUND, ALONG AND WITHIN FIVE FEET (5') OF THE SIDES AND TEN FEET (10') OF THE FRONT AND BACK LINES OF ALL TRACTS, AND WITH THE AUTHORITY TO PLACE, CONSTRUCT, OPERATE, MAINTAIN, RELOCATE AND REPLACE THEREON A UTILITY DISTRIBUTION LINE OR SYSTEM. THE EASEMENT RIGHTS HEREIN RESERVED INCLUDE THE PRIVILEGE OF ANCHORING ANY SUPPORT CABLES OR OTHER DEVICES OUTSIDE SAID EASEMENT WHEN DEEMED NECESSARY BY THE UTILITY TO SUPPORT EQUIPMENT WITHIN SAID EASEMENT AND THE RIGHT TO INSTALL WIRES AND /OR CABLES OVER SOME PORTIONS OF SAID TRACTS NOT WITHIN SAID EASEMENT SO LONG AS SUCH ITEMS DO NOT PREVENT THE CONSTRUCTION OF BUILDINGS ON ANY OF THE TRACTS OF THIS SUBDIVISION OUTSIDE THE EASEMENT. NOTHING SHALL BE PLACED OR PERMITTED TO REMAIN WITHIN THE EASEMENT AREAS WHICH MAY DAMAGE OR INTERFERE WITH INSTALLATION AND MAINTENANCE OF UTILITIES. THE EASEMENT AREA OF EACH TRACT AND ALL IMPROVEMENTS WITHIN IT SHALL BE MAINTAINED BY THE OWNER OF THE TRACT EXCEPT FOR THOSE IMPROVEMENTS FOR WHICH AN AUTHORITY OR UTILITY COMPANY IS RESPONSIBLE. UTILITY COMPANIES OR THEIR EMPLOYEES SHALL HAVE ALL OF THE RIGHTS AND BENEFITS NECESSARY OR CONVENIENT FOR THE FULL ENJOYMENT OF THE RIGHTS HEREIN GRANTED, INCLUDING BUT NOT LIMITED TO THE FREE RIGHT OF INGRESS TO AND EGRESS FROM SAID RIGHT-OF-WAY AND EASEMENT, AND THE RIGHT FROM TIME TO TIME TO CUT AND TRIM ALL TREES, UNDERGROWTH AND OTHER OBSTRUCTIONS THAT MAY INJURE, ENDANGER OR INTERFERE WITH THE OPERATION OF SAID UTILITY INSTALLATION.



All tracts have a ten (10.00) foot wide utility easement inside and parallel to the front and rear boundary lines, and (5.00) foot utility easement inside and parallel to the side boundary lines of each individual tract.

PRELIMINARY PLAT OF
MARIPOSA AT WESTON PLACE
A RESIDENTIAL SUBDIVISION WITHIN THE CITY OF KERRVILLE

BEING 8.57 ACRES (CALLED 8.56 ACRES) OUT OF THE SAMUEL WALTERS SURVEY NO. 114, ABSTRACT NO. 348 DESCRIBED IN CONVEYANCE DOCUMENT TO HABITAT FOR HUMANITY KERR COUNTY, RECORDED IN FILE NO. 23-02578 OFFICIAL PUBLIC RECORDS OF KERR COUNTY, TEXAS

G31 WATER STREET
wellbornengineering.com
KERRVILLE, TX 78028
FIRM# 10194410
T.P.E.L.S.

PROJECT: G31
SCALE: 1"=50'
FIELD: CMSP
DRAFTING: BM
CHECKED: GMB

LAST FIELD VISIT: 08.31.2023
LAST DRAFT REVISION: 09.07.2023
SHEET NO. 1 of 1

WELLBORN
ENGINEERING &
SURVEYING



**TO BE CONSIDERED BY THE PLANNING AND ZONING
COMMISSION
CITY OF KERRVILLE, TEXAS**

SUBJECT:

An ordinance to change the zoning from R-1A to C-2 on Lots 1-3, Block 25, Westland; and more commonly known as 518 and 520 Lois Street (Case No. PZ-2023-10).

AGENDA DATE OF: October 5, 2023 **DATE SUBMITTED:**

SUBMITTED BY: Steve Melander, City Planner

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-1A to C-2 on Lots 1-3, Block 25, Westland; and more commonly known as 518 and 520 Lois St. (Case No. PZ-2023-10)

This property has historically been used as the location for a general contractor business, including office and garage. The current zoning of R-1A does not support this commercial use so the current use is considered nonconforming. Applicant would like to build a new storage building to support the existing business. In order for the issuance of a building permit to occur, the property needs to be rezoned so that it is no longer nonconforming and can support the existing contractor business, including the addition of a new storage building. By rezoning to C-2, a general building contractor business would be allowed with a Conditional Use Permit, and a building permit could be issued for the storage building.

Procedural Requirements

The City, in accordance with state law, mailed 26 letters on 9/21/2023 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 9/14/2023. In addition, public hearing notification signs were posted on the property frontage on 9/22/23. At the time of drafting this agenda bill, no public comments have been received.

Staff Analysis and Recommendation

Consistency with the Kerrville 2050 Comprehensive Plan: The property is designated as Strategic Catalyst Area 4 (SCA 4). The allowable place types for SCA 4 are Community Commercial, Regional Commercial and Heavy Commercial/Light Industrial. As such, and based on the existing surrounding commercial zoning, the request for C-2 Light Commercial zoning is consistent with the K2050 Plan.

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: R-1A Single-Family Residential w/Accessory Dwelling Unit

Existing Land Uses: Residential

Direction: North

Current Zoning: R-1A Single-Family Residential w/Accessory Dwelling Unit

Existing Land Uses: Residential

Direction: South

Current Zoning: C-2 Light Commercial / Junction Hwy

Existing Land Uses: Commercial

Direction: West

Current Zoning: R-1 Single Family Residential

Existing Land Uses: Residential

Direction: East

Current Zoning: C-1 Neighborhood Commercial

Existing Land Uses: Veterinary Hospital

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

Traffic Impact: No traffic impact is anticipated.

Parking: To be determined and consistent with zoning regulations.

Recommendation: Based on the consistency with the Kerrville 2050 Plan, adjacent land uses, and the fact that this has historically been a general contractor business, staff recommends the case for approval.

RECOMMENDED ACTION:

Approve the ordinance.

ATTACHMENTS:

[*PZ-2023-10 & 11_Location Map.pdf*](#)
[*PZ-2023-10_Current Zoning.pdf*](#)
[*PZ-2023-10_K2050 Future Land Use.pdf*](#)



Location Map

Case # PZ-2023-10 and PZ-2023-11

Location:

518 and 520 Lois Street

Legend

- Subject Properties
- 200 Feet Notification Area



0 50 100 200

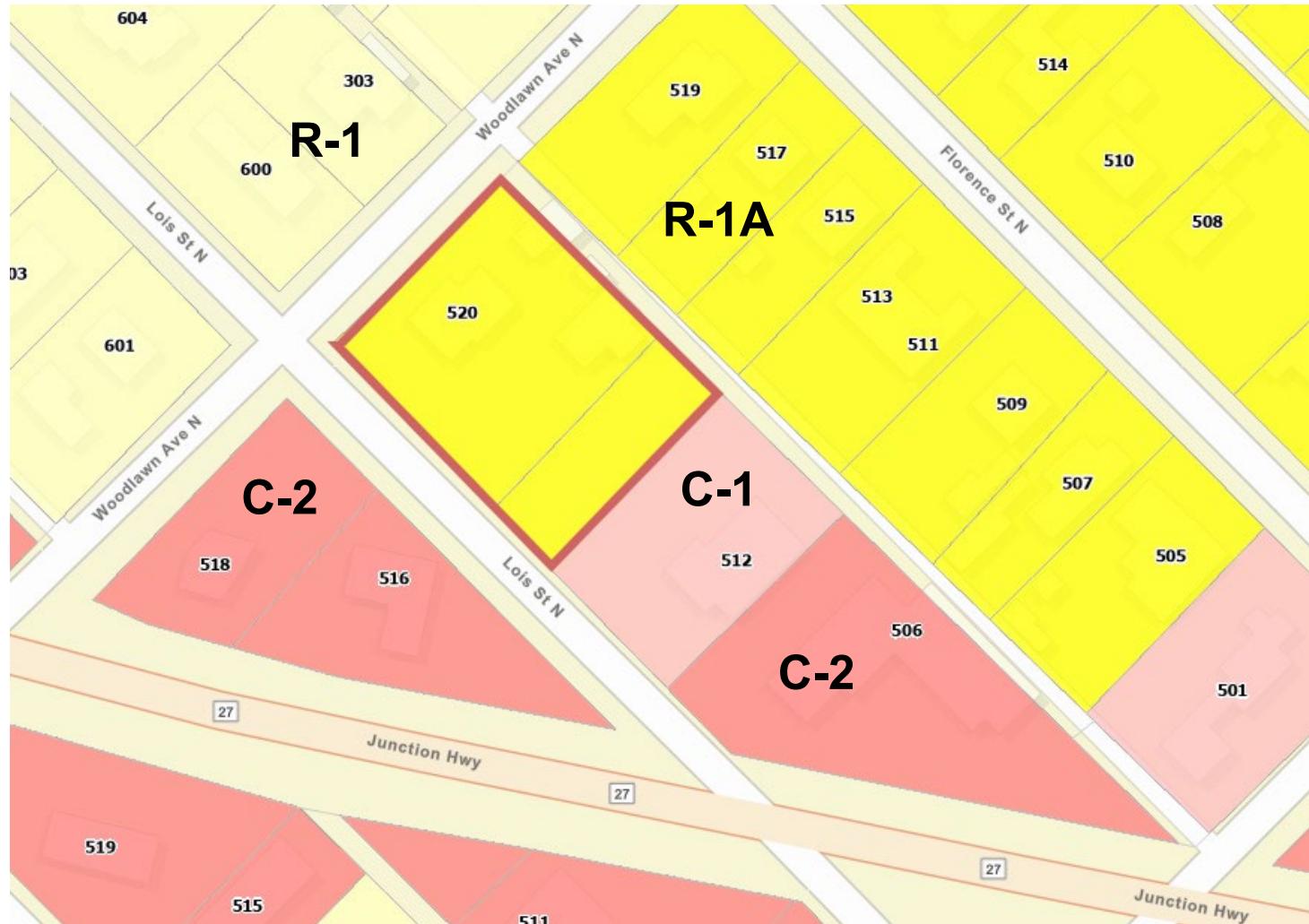


Scale In Feet

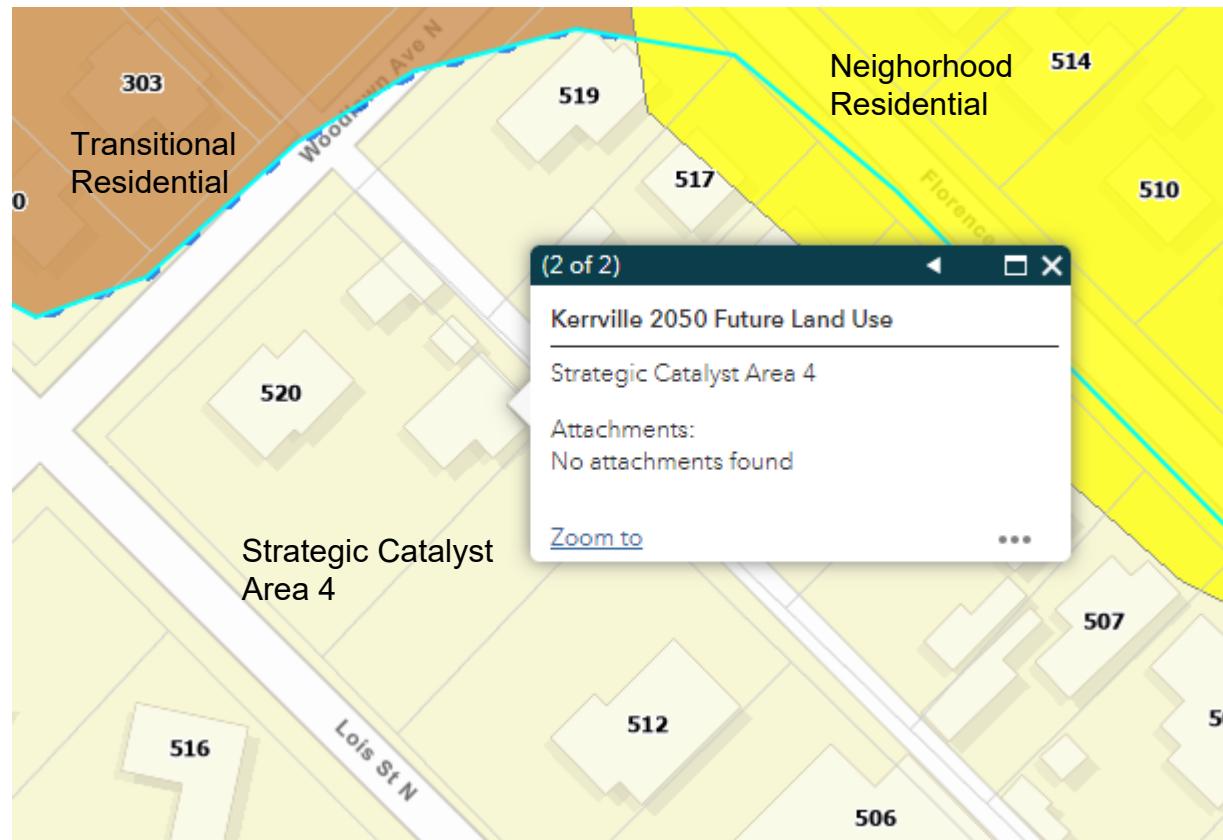
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only approximate relative locations.

09/14/2023

Current Zoning



K2050 Future Land Use Strategic Catalyst Area 4





TO BE CONSIDERED BY THE PLANNING AND ZONING COMMISSION CITY OF KERRVILLE, TEXAS

SUBJECT: A resolution to allow a Conditional Use Permit for a Building Contractor, General on Lots 1-3, Block 25, Westland; and more commonly known as 518 and 520 Lois Street (Case No. PZ-2023-11).

AGENDA DATE OF: October 5, 2023 **DATE SUBMITTED:**

SUBMITTED BY: Steve Melander, City Planner

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

A resolution to allow a Conditional Use Permit for a Building Contractor, General on Lots 1-3, Block 25, Westland; and more commonly known as 518 and 520 Lois St. (Case No. PZ-2023-11)

The applicant has been operating a general contractor business from this location for years. Due to current zoning, the use is considered nonconforming. The applicant, in an effort to support the existing business with construction of a new storage building, is bringing the property into compliance with current zoning regulations, see Case No. PZ-2023-10, a zone change request from R-1A to C-2. With approval of the zone change and approval of this CUP request, the current business will be in compliance with current zoning regulations and a building permit can be issued for the storage building.

Procedural Requirements

The City, in accordance with state law, mailed 26 letters on 9/21/2023 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 9/14/2023. In addition, public hearing notification signs were posted on the property frontage on 9/22/23. At the time of drafting this agenda bill, no public comments have been received.

Staff Analysis and Recommendation

Consistency with the Kerrville 2050 Comprehensive Plan: The property is designated as Strategic Catalyst Area 4 (SCA 4). The allowable place types for SCA 4 are Community Commercial, Regional Commercial and Heavy Commercial/Light Industrial. As such, and based on the existing surrounding commercial zoning, the request for C-2 Light Commercial zoning is consistent with the K2050 Plan.

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: R-1A Single-Family Residential w/Accessory Dwelling Unit

Existing Land Uses: Residential

Direction: North

Current Zoning: R-1A Single-Family Residential w/Accessory Dwelling Unit

Existing Land Uses: Residential

Direction: South

Current Zoning: C-2 Light Commercial / Junction Hwy

Existing Land Uses: Commercial

Direction: West

Current Zoning: R-1 Single Family Residential

Existing Land Uses: Residential

Direction: East

Current Zoning: C-1 Neighborhood Commercial

Existing Land Uses: Veterinary Hospital

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

Traffic Impact: No traffic impact is anticipated.

Parking: To be determined and consistent with zoning regulations.

Recommendation: Because the Conditional Use Permit request is consistent with the Kerrville 2050 Comprehensive Plan and will also comply with current zoning, if the request for C-2 zoning is approved, staff recommends approval with consideration and inclusion of the following proposed conditions:

Building Contractor, General – Conditions of Approval

1. **Site Plan:** The development and use of the Property shall conform to the site plan.

40. **Minimum Parking:** The project shall provide off-street parking consistent with the parking requirements for Building Contractor (all types), Section 60-104 Table 2, Item No. 40.

RECOMMENDED ACTION:

Approve the resolution.

ATTACHMENTS:

[PZ-2023-10 & 11_Location Map.pdf](#)
[PZ-2023-11_Current Zoning.pdf](#)
[PZ-2023-11_K2050 Future Land Use.pdf](#)

PZ-2023-11_Storage Building Site Plan.pdf



Location Map

Case # PZ-2023-10 and PZ-2023-11

Location:

518 and 520 Lois Street

Legend

- Subject Properties
- 200 Feet Notification Area



0 50 100 200

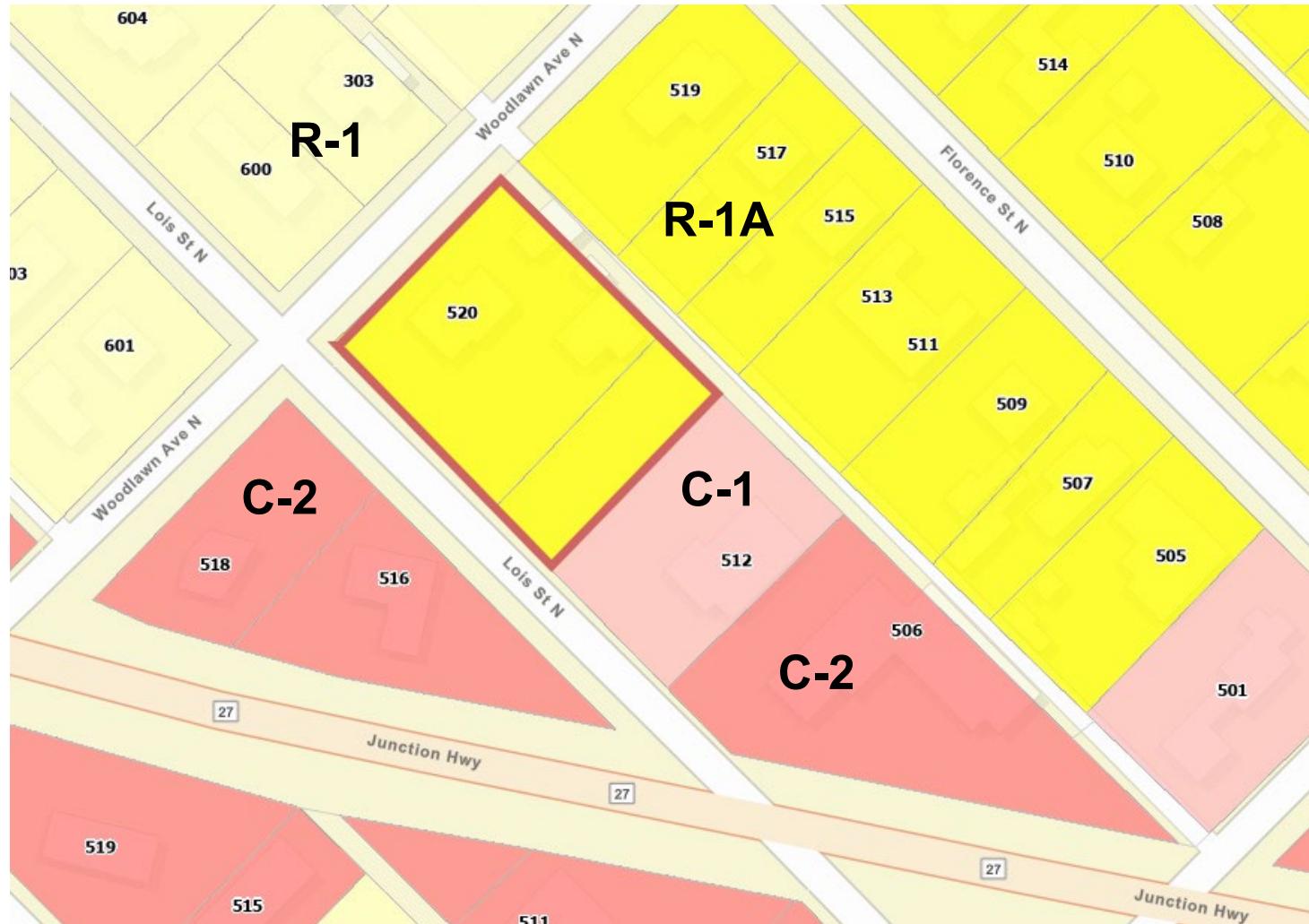
Scale In Feet



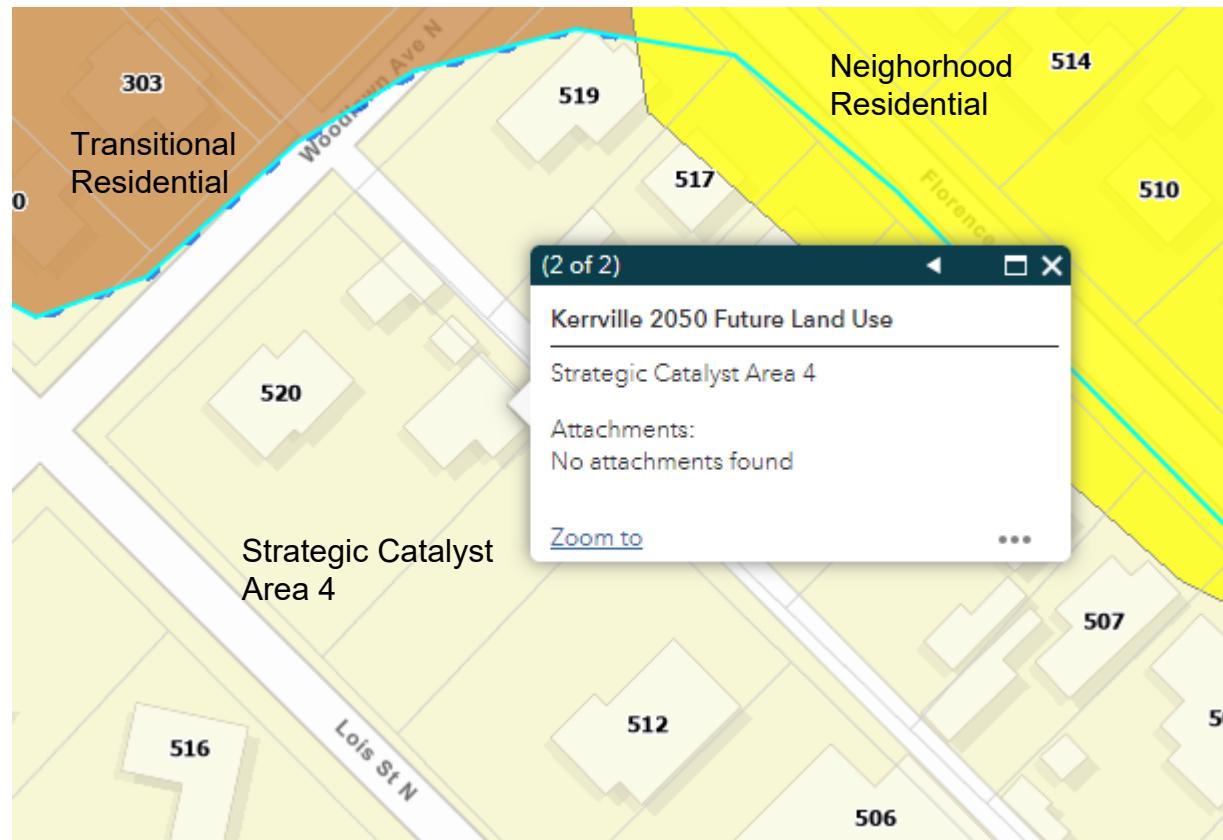
09/14/2023

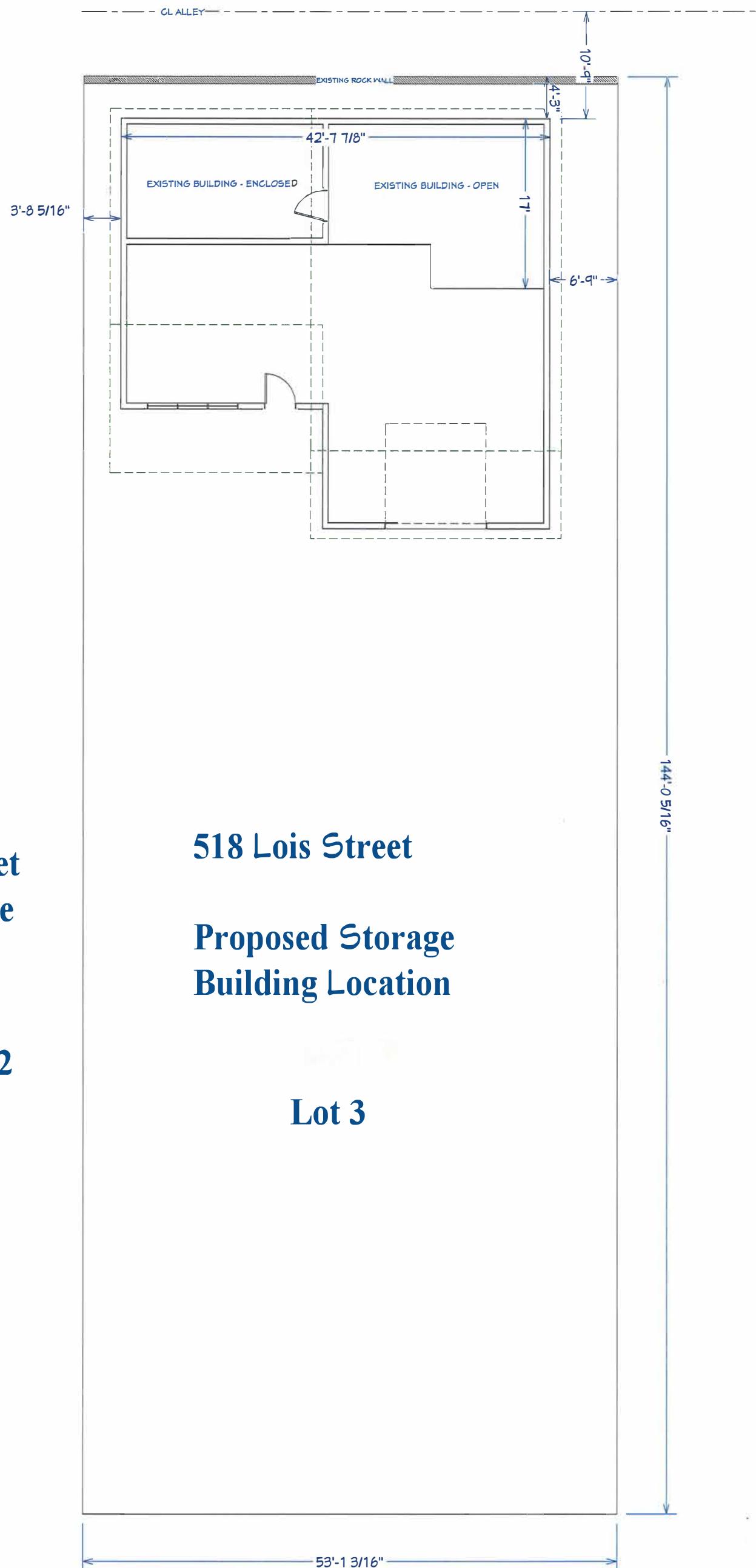
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only approximate relative locations.

Current Zoning



K2050 Future Land Use Strategic Catalyst Area 4





520 Lois Street
Business Office

518 Lois Street

Proposed Storage Building Location

Lot 1 and Lot 2

Lot 3

LOIS STREET

DRAWINGS PROVIDED BY:
Hager Custom Homes

**520 LOIS ST. WAREHOUSE
WESTLAND BLK 25 LOT 3**

PLOT PLAN

REVISION TABLE			
NUMBER	DATE	REVISED BY	DESCRIPTION

DATE:	7/20/2023
SCALE:	3/16" = 1'
SHEET:	



**TO BE CONSIDERED BY THE PLANNING AND ZONING
COMMISSION
CITY OF KERRVILLE, TEXAS**

SUBJECT:

An ordinance to amend the Planned Development District, PDD 03-08, Ordinance #2003-08, on approximately 798.7 acres of land generally located northeast of the intersection of State Highway 16 and Interstate Highway 10 (Case No. PZ-2023-12).

AGENDA DATE OF: October 5, 2023 **DATE SUBMITTED:**

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

Amend the Planned Development District 2003-08 to re-arrange some commercial areas and residential lot sizes from the original PDD Concept Plan. The amendment also modernizes some of the development requirements to align with the current zoning code.

Procedural Requirements

The City, in accordance with state law, mailed 27 letters on 9/21/2023 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 9/14/2023. In addition, public hearing notification signs were posted on the property frontage on 9/22/23. At the time of drafting this agenda bill, no public comments have been received.

Staff Analysis and Recommendation

Consistency with the Kerrville 2050 Comprehensive Plan: A portion of the property and surrounding area are within Strategic Catalyst Area #6 which focuses on the Interstate Highway 10 and State Highway 16 intersection. Since the amendment does not make any substantial changes to the land uses or the concept plan, the request is consistent with the Kerrville 2050 Plan.

Summary:

As stated, the proposed amendment is largely consistent with the previously approved PDD, 2003-08. The overall density of the development is commensurate with the original concept plan. The new concept plan blends the various residential lot sizes throughout the development rather than isolating each lot size in individual blocks. The golf course design is more aligned with the actual topography. The commercial sites have been adjusted, although the overall acreage of the commercial is similar, with only a minor addition of 4.43 acres within the neighborhood. A portion of the large acre lots have been removed and replaced with multi-family, however, the total number of units remains the same.

The land use table has been updated from the previous zoning code reference to the current zoning code. The setbacks and screening requirements have also been updated to the current code standards. The signage standards also reference the current sign code with the exception that the hotel site is allowed one off-premise sign on the nearby commercial site that does not count against the commercial site's signage. The developer will bring a final sign package back to the Planning and Zoning Commission for final approval.

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: PDD 2003-08

Existing Land Uses: Vacant land

Direction: North

Current Zoning: N/A

Existing Land Uses: Residential

Direction: South

Current Zoning: N/A

Existing Land Uses: I-10 and vacant land

Direction: East

Current Zoning: N/A

Existing Land Uses: Vacant land

Direction: West

Current Zoning: PDD 20-05

Existing Land Uses: USDA Facility

Thoroughfare Plan:

The property has access to Highway 16, Fredericksburg Road, a principal arterial.

Traffic Impact: To be determined

Parking: To be determined

Recommendation: Based on the consistency with the Kerrville 2050 Plan and the similar density and land uses in the original PDD, staff recommends approval of the case.

RECOMMENDED ACTION:

Approve the ordinance.

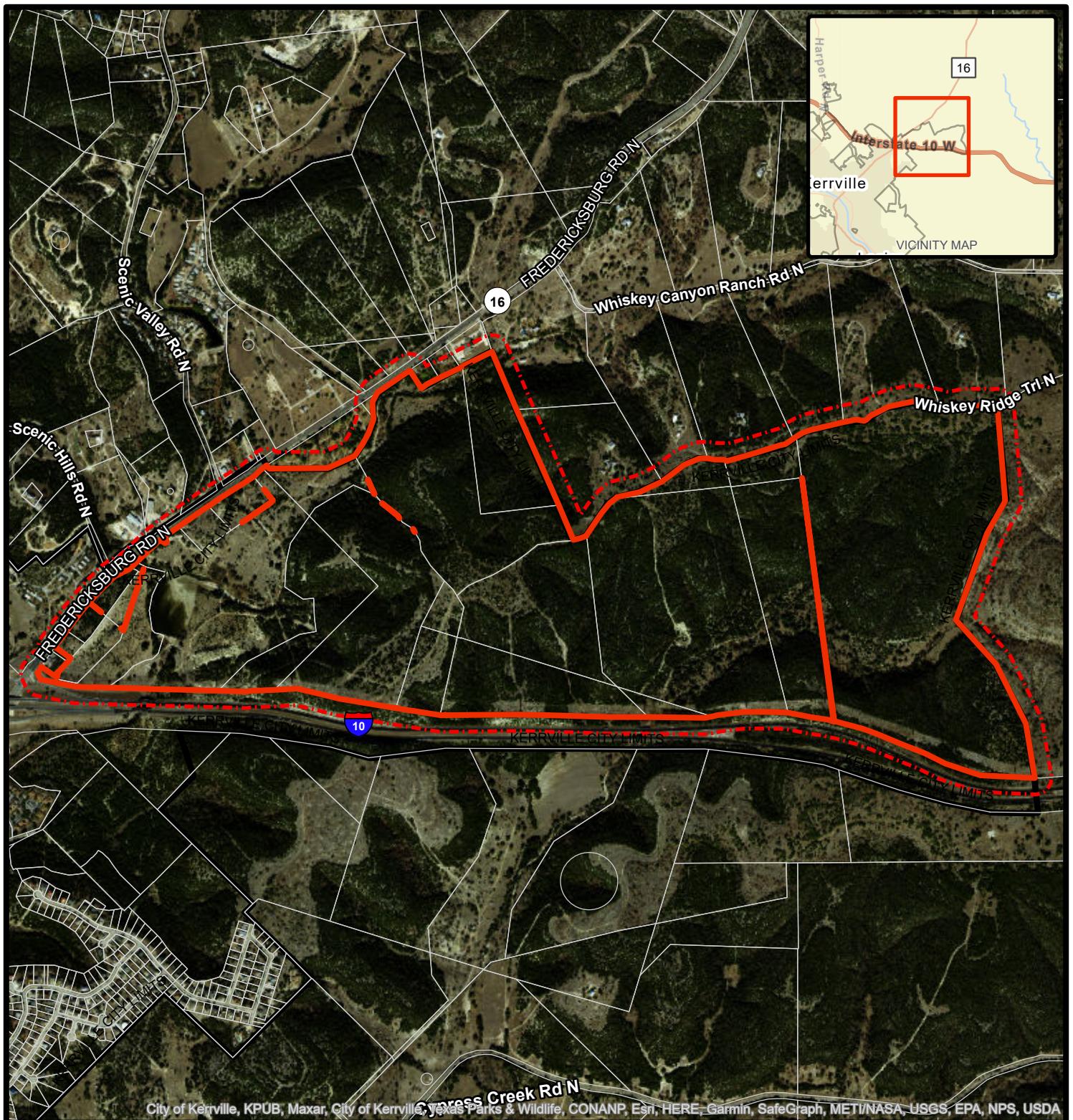
ATTACHMENTS:

[*PZ-2023-12_Location Map.pdf*](#)

[*PDD 2003-08_Whiskey Springs Master Plan.pdf*](#)

[*WHISKEY SPRINGS MASTER PLAN - FINAL - 072623.pdf*](#)

[*PD 2003-08_Amended 2023.08.21.pdf*](#)



Location Map

Case # PZ-2023-12

Location:

Whiskey Springs

Legend

- Subject Properties
- 200 Feet Notification Area



09/14/2023

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.



PROPERTY SUMMARY

AREA	DESIGNATION	LOT SIZE	LOT COUNT	ACRES
1R	RESIDENTIAL	40'X100'	41	5.09
2R	RESIDENTIAL	40'X100'	88	11.61
3A-R	RESIDENTIAL	90'X150'	14	5.75
3B-R	RESIDENTIAL	90'X150'	9	3.42
3C-R	RESIDENTIAL	90'X150'	31	12.13
4R	RESIDENTIAL	90'X150'	75	30.58
5R	RESIDENTIAL	100'X200'	57	32.80
6A-R	RESIDENTIAL	150'X300'	20	21.42
6B-R	RESIDENTIAL	300'X400'	33	102.28
6C-R	RESIDENTIAL	-	-	69.1
SUBTOTAL RESIDENTIAL				294.18
1C	COMMERCIAL	-	-	27.50
2C	COMMERCIAL	-	-	2.68
3A-C	COMMERCIAL	-	-	9.15
3B-C	COMMERCIAL	-	-	1.80
4C	COMMERCIAL	-	-	17.7
SUBTOTAL COMMERCIAL				58.83
SUBTOTAL RESIDENTIAL				294.18
GOLF COURSE				257.99
INFRASTRUCTURE				27.1
EXISTING RESEVOIR				9.67
HCC				23.8
OPEN SPACE				128.51
TOTAL				800.08 AC

WHISKEY SPRINGS
KERRVILLE, TEXAS

ENTERED
FEB 17 2003

MASTER PLAN

DATE: 02-13-03
SCALE: 1"=400'-0"



von Hagge
von HAGGE, SMELEK and BARIL
A CORPORATION

GOLF COURSE ARCHITECTS
& LAND PLANNERS
17823 THEISS MAIL ROUTE
SPRING, TEXAS 77379 U.S.A
VOICE (281) 376-8282 FAX (281) 251-4151
www.vonhagge.com

MASTER PLAN



WILLIAM DALE BEDDO SIGNATURE DESIGN

WHISKEY SPRINGS

KERRVILLE, TEXAS

MAP DATE: JULY 26, 2023

EXHIBIT B

PARCEL SUMMARY

AREA	DESIGNATION	LOT COUNT	ACRES
1.1	COMMERCIAL	—	9.99
1.2	COMMERCIAL	—	11.41
2	COMMERCIAL	—	18.05
3	COMMERCIAL	—	14.92
4	RESIDENTIAL	63	24.61
5	HOTEL	—	2.30
6	HOTEL	—	21.45
7	RESIDENTIAL	41	18.81
8	RESIDENTIAL	84	12.82
9	RESIDENTIAL	68	33.72
10	RESIDENTIAL	32	34.07
11	RESIDENTIAL	58	99.07
12	RESIDENTIAL	33	22.69
13	RESIDENTIAL	15	8.76
14	COMMERCIAL	—	4.43
15	RESIDENTIAL	17	6.48
16	RESIDENTIAL	10	8.55
17	RESIDENTIAL	17	8.64

PROPERTY SUMMARY

AREA	DESIGNATION	LOT COUNT	ACRES
RESIDENTIAL		368	278.22
COMMERCIAL		—	58.80
HOTEL			21.45
GOLF COURSE			249.11
INFRASTRUCTURE			56.52
EXISTING RESERVOIR			7.47
OPEN SPACE			128.51
TOTAL			800.08

LOT SIZE SUMMARY

LOT SIZE	LOT COUNT
FOUNDERS	10 LOTS
1/3 ACRE	217 LOTS (INCLUDES CABINS)
1/2 ACRE	64 LOTS
1 ACRE	35 LOTS
2 ACRES +	42 LOTS
LOT TOTAL	368 LOTS
MULTI-FAMILY	70 UNITS

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

(update as necessary) ~~AN ORDINANCE CREATING A "PLANNED DEVELOPMENT DISTRICT" ON APPROXIMATELY 798.7 ACRE TRACTS OF LAND, KERR COUNTY, TEXAS, GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF STATE HIGHWAY 16 AND INTERSTATE HIGHWAY 10; MAKING SAID DISTRICT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ESTABLISHING A PENALTY OR FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); AND ORDERING PUBLICATION~~

~~WHEREAS, notice has been given to all parties in interest and citizens by publication in the official newspaper and otherwise, of a hearing to be held before the City Council on March 25, 2003, to consider an amendment to the zoning regulations and map changing the zoning classification of the property described in Section One hereof from "GTW" Gateway District, District 38 N, and the "R-1" Single Family Residential District to a "Planned Development District"; and~~

~~WHEREAS, such public hearing was held in the Council Chambers beginning on or after 6:30 p.m. on said March 25, 2003, as advertised; and~~

~~WHEREAS, after a full hearing, at which all parties in interest and citizens were given an opportunity to be heard; and after receiving and considering the recommendations of the Planning and Zoning Commission; and after considering among other things, the character of the property involved and the surrounding area and its peculiar suitability for particular uses; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality, the Council finds it to be in the best interest of the health, safety, morals and general welfare of the City of Kerrville to amend the zoning regulations accordingly;~~

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

~~SECTION ONE. That the property described in Exhibit "A," which is attached hereto and incorporated herein for all purposes, is hereby removed from the "GTW" Gateway District, District 38 N, and the "R-1" Single Family Residential District and placed in a newly created "Planned Development District" in accordance with Article 11-1-15 of the Code of Ordinances of the City of Kerrville, Texas:~~

SECTION TWO. That upon the adoption of this Ordinance, the area described in **Exhibit "A"** shall be and constitute a Planned Development District, which, in addition to the regulations set forth in the Title 11, Chapter I of the Code of Ordinances, shall be subject to the following use and development regulations:

A. **Planned Development District Areas:** The Planned Development District shall be generally divided into ~~18~~ 17 areas for purposes of establishing the use and

development regulations for each tract, said divisions being substantially as shown on **Exhibit "B,"** attached hereto and incorporated herein by reference. References in this Ordinance to "**Area #R**," "**Area #C**," "**Parcel #**" or other specified areas, shall mean those enumerated area as indicated on **Exhibit "B."**"

B. **Residential Area Development Regulations:** Parcels, 4, 7, 8, 9, 10, 11, 12, 13, 15, & 17 (sometimes collectively referred to herein as "the Residential Areas") shall be developed in accordance with the following regulations:

- 1. Permitted and Conditional Uses:** The Residential Areas may only be developed and used for the following purposes:
 - a. All of the Residential Areas may be developed with Dwellings, Single Family Detached **and/or zero-lot line Dwellings.** **All** residential areas may have a mix of lot sizes as per the Concept Plan.
 - b. Parcel 8 may include multi-family residential as per the Concept Plan. **Areas 1R and 2R may be developed with zero-lot line Dwellings, Single Family Detached.**
 - c. **Areas 6A-R, 6B-R, and 6C-R Lots 1 acre or more** may be developed with Dwellings, Single Family Detached with one **attached or** detached apartment subject to the following conditions:
 - i. The apartment may not be larger than one-half the floor area of the main house, excluding the area of any garage or carport attached to the apartment;
 - ii. The property shall be developed with three (3) or more off-street parking spaces; and
 - iii. The apartment shall comply with the provisions of Paragraph B.2, below, as if it were the main structure and not an accessory building.
 - d. Property within the Residential Areas may be developed with an Elementary School **upon approval of a Conditional Use Permit pursuant to Art. 11 I 13 of the Code of Ordinances.**
 - e. **Notwithstanding the prohibitions of Article 11 I 4 (g.) of the Code of Ordinances, p** Pedestrian and golf cart access to the Golf Course Area may emanate from and cross properties developed in the Residential Areas.
- 2. Lot Area, Lot Width, Building Height, and Setback Regulations:** No lot in the Residential Areas shall exceed 4.5 acres in area unless such lot is developed in such a manner as to be served by public water and sanitary sewer. The minimum lot area, minimum lot width, maximum building

height, and minimum building setback for properties located in the Residential Areas shall be in accordance with the following table:

Development Standard	All Residential Areas			
	1R & 2R	3A-R, 3B-R, 3C-R & 4R	5R	6A-R, 6B-R, & 6C-R
Minimum Lot Area (square feet)	4,000	13,500	20,000	43,560
Minimum Lot Width (linear feet)	Zero-lot line development = 40	80	100	150
	Not zero-lot line development = 50			
Maximum Building Height (linear feet)	40	50	50	50
Front Yard Setback (linear feet)	First Floor = 15	30 25	35 25	45 25
	Above First Floor = 20			
Front Yard Setback of garage entry (linear feet)	Front entry garage = 20	30 25	35 25	45 25
	Side entry garage = 15 20			
Rear Yard Setback (linear feet)	15	30 25	35 25	45 25
Side Yard Setback-not a corner lot or zero lot line development (linear feet)	5	15 5	15 5	17 5
Side Yard Setback- corner lot other than zero lot line development (linear feet)	15	25	25	25
Side Yard Setback for non-zero lot line side of zero lot line development (linear feet)	Corner lot = 10	N/A	N/A	N/A
	Not corner lot = 15			

3. **Garage Regulations:** Garages constructed in the Residential Areas, whether attached or detached from the main dwelling, shall be constructed in accordance with the following regulations:

- The exterior walls of the garage visible from a public street shall be constructed of the same materials as the facade of the main dwelling unit visible from the public street.
- The wall of a side entry garage that faces the front yard of the property shall be constructed with at least one window with an

area of not less than 15 square feet and a length or width of not less than 3 feet.

- c. The driveway of all one-car and two-car side entry garages shall be constructed with a backing/turning area that extends not less than 20 feet perpendicular from the garage door and at least the width of the garage door. In the event the garage is constructed with two garage doors, the width of the backing/turning area shall be at least equal to the distance of the left edge of the furthest left-hand garage door to the right edge of the furthest right-hand garage door.
 - d. The driveway and backing/turning area of all garages for three or more cars shall not be less than the driveway and backing/turning area required of garages for two cars.
4. **Landscaping:** Landscaping of properties in the Residential Areas shall comply all landscaping regulations for residential properties adopted by the City and in effect at the time of filing of the application for a building permit for the property being developed **and comply with the following regulations:**

 - a. Planting materials planted within the Commercial Areas as described in **Exhibit “B,”** shall be on the list of recommended plants set forth in the most recent edition of **Recommended Plants for the Kerrville Area** published by the City at the time of planting; provided, however, no variety of St. Augustine Grass (*Stenotaphrum secundatum* (Walter) Kuntze) may be planted at any location within the property described in **Exhibit “B,”** above, after the effective date of this Ordinance.
 - b. Landscaping shall be waterwise or xeriscape landscaping. Lots less than 1 acre shall be limited to 50% turf grass. Lots 1 acre or more shall be limited to 30% turf grass. Preservation of the native landscape is encouraged.

5. **Manufactured Housing:** Manufactured housing shall not be installed within the Residential Areas.

C. **Commercial Area Development Regulations:** **Parcels 1.1, 1.2, 2, 3, 5, 6, 14 Areas 1C, 2C, 3A-C, 3B-C and 4C** (sometimes collectively referred to herein as “the Commercial Areas”) shall be developed in accordance with the following regulations:

1. **Lot Area, Lot Width, and Building Height:** The minimum lot area, minimum lot width, and maximum building height for properties located in the Commercial Areas shall be as follows:

- a. The minimum lot sizes shall not be less than 30,700 square feet in area.
- b. The lot width along the frontage of a lot other than a corner lot shall not be less than 50 feet.
- c. The lot width along the frontage of a corner lot shall not be less than 175 feet.
- d. The maximum building height shall not be greater than 50 feet measured from the finished grade at the front yard building setback.

2. **Special Height Regulations:** Notwithstanding Paragraph C.1., above, buildings constructed in **Parcel 5 and 6 Area 4C** and used for hotel or professional office purposes may be constructed with a maximum height of 75 feet.
3. **Setback Regulations:** The Commercial Areas shall be developed with the following minimum building setbacks:
 - a. Front Yard Setback = **50** **25** feet.
 - b. Rear Yard Setback = 10 feet.
 - c. Side Yard Setback (not a corner lot) = **10** **5** feet.
 - d. Side Yard Setback (corner lot) = **50** **15** feet.
4. **Lot Coverage:** The maximum coverage of any lot with buildings shall be 50% of the area of the lot.
5. **Floor Area Ratio:** The maximum floor area ratio for properties in the Commercial Areas shall be 0.8:1. For purpose of this Paragraph C.5., the phrase “floor area ratio” shall be the ratio of the gross floor area of a building or buildings in relation to the gross land area of the site. The floor area ratio (FAR) shall be expressed as the gross floor area, being the first integer, followed by the gross land area, expressed as a constant of 1, being the second integer.
6. **Landscaping Regulations:** When development site plans are submitted, property developed within the Commercial Areas shall comply with the following minimum landscaping regulations:
 - a. Planting materials planted within the Commercial Areas as described in **Exhibit “B,”** shall be on the list of recommended plants set forth in the most recent edition of **Recommended Plants for the Kerrville Area** published by the City at the time of planting; provided, however, no variety of St. Augustine Grass (*Stenotaphrum secundatum* (Walter) Kuntze) may be planted at any location within the property described in **Exhibit “B,”** above, after the effective date of this Ordinance.
 - b. A seven-foot wide landscaping area shall be planted within each building setback on property developed within the Commercial Areas at the time of development of a building or parking lot on the

property.

- c. The interior of each parking lot located in the Commercial Areas shall include one ornamental or hardwood tree for every twenty parking spaces, which may include both trees existing at the time of development and newly planted trees.
- d. One tree with a trunk caliper of not less than three inches shall be planted within the landscaped edge described in Paragraph C.6.ba., above, for each 250 square feet of landscaped area. For purpose of this Paragraph C.6.d., the area of the landscape edge shall not include the width of streets and driveway areas that intersect the landscape edge.
- e. Ten shrubs shall be planted for each 250 square feet of landscaped edge where the landscape edge abuts a parking lot or drive.
- f. A landscaped area of not less than 900 square feet shall be located at the corner of a corner lot adjacent to an intersection of public and/or private streets. This landscaped area shall be provided within an area measured a minimum distance of 40 feet from the projected corner of the intersection on both sides of the lot as shown on **Exhibit "B"**.

7. **~~Development Site Plan Required: No building permit shall be issued for property in the Commercial Areas unless and until the City's Planning and Zoning Commission and the City Council have approved a development site plan for the property for which such permit is sought in accordance with Art. 11-1-15(c.)(9) of the Code of Ordinances. In addition to the elements required by Art. 11-1-15(c.)(9), the development site plan shall include both a detailed landscape plan that meets the standards of the provisions herein and is prepared by a licensed landscape architect and a detailed irrigation plan which complies with all state and local laws and regulations and is prepared by a licensed irrigator. Each development site plan shall be adopted as and shall constitute an amendment to this Ordinance.~~**

8. **Permitted and Conditional Uses:** The uses that are permitted as a matter of right or permitted upon issuance of a conditional use permit in the Commercial Areas are indicated by the letters "P" and "C", respectively, in the [Land Use Table Adopted by Ord 2022-28](#), as listed in the C-3 Zoning District. [following table](#):

- a. Parcel 5 and 6 shall be limited to a Hotel, Conference Center, and associated uses.

LAND USES	1C	2C	3A-C & 3B-C	4C
Business Services I —only the following uses:				

i. bicycle repair shops	P	P	P	P
ii. camera repair shops	P	P	P	P
iii. commercial art, photography, art and graphics	P	P	P	P
iv. employment agencies		P	P	P
v. gunsmith and locksmith shops	P		P	P
vi. private postal services (non-federal)	P	P	P	P
vii. reupholstery and furniture repair	P		P	P
viii. telephone and electric company offices (excluding storage and maintenance yards, but including telecommunications servicing centers).	P	P	P	P
Business Services II—only the following uses:				
i. appliance sales and repair, new	P	P	P	P
ii. blue printing and photocopying services	P	P	P	P
iii. building cleaning services		P	P	P
iv. commercial testing laboratories (not exceeding 5000 square feet in floor area)		P	P	P
v. disinfecting and exterminating services		P	P	P
vi. laundry/dry cleaning services	P	P	P	P
vii. photofinishing laboratories (not exceeding 5000 square feet in floor area)	P	P	P	P
viii. protective services/monitoring centers, nongovernmental	P		P	P
ix. sign painting and outdoor advertising services		P	P	P
x. swimming pool cleaning and maintenance		P		
Education, College (Limited to institutions providing post high-school education)			P	
Hospital Services			P	P
Institution/Public Assembly (Limited to private conference/convention facilities)			P	P
Life Care Development—only the following uses:				
i. independent living in single family units			C	
ii. community recreation			C	
iii. offices associated with the sales, rental, and organization of the community			C	
Personal Services I	P	P	P	P
LAND USES	1C	2C	3A-C & 3B-C	4C

Personal Services II—only the following uses:				
i. guidance services	P		P	P
ii. mini storage			E	
iii. veterinary services			P	P
Personal Services Limited	P	P	P	P
Professional Offices	P	P	P	P
Restaurant, General	P	P	P	P
Restaurant, Limited	P	P	P	P
Retail Trade I—only the following uses:				
i. all businesses defined as Retail Trade, Limited	P	P	P	P
ii. sales or rental of new or used merchandise, except used appliances	P	P	P	P
Retail Trade II	P	P	P	P
Retail Trade III	P			P
Retail Trade Limited	P	P	P	P
Tourist/Visitor & Recreation Services—only the following uses:				
i. Hotels and motels			P	P
ii. General restaurants constructed as ancillary uses to hotels or motels, except that they may not include drive through windows.			P	P
iii. Indoor commercial recreation, fitness or education facilities and services, does not include gun ranges	P		P	P
iv. Cocktail lounges that are secondary uses in hotels or motels			P	P

9. **Fuel Sales:** One new retail fuel sales business (not including bulk fuel sales) may be located and operated on property in Area 1C or Area 2C, only but not both. In the event a new retail fuel sales business is constructed, such fuel sales business shall be constructed and developed in accordance with the following:

- a. All drainage inlets shall be constructed not less than one foot above the Base Flood Elevation as determined by the most current Flood Insurance Rate Map adopted by the Federal Emergency Management Agency.
- b. An employee of the fuel sales business shall be on-duty and physically present on the business premises at all times when:

- i. the fuel sales business is open for sale of fuel to customers; and
- ii. fuel delivery trucks are dispensing fuel into the facility's fuel storage tanks.

c. Fuel stored on the business premises shall be placed in underground storage tanks ("UST") designed, installed, operated, maintained, and monitored in compliance with the following:

- i. In general, every UST installed shall be designed, installed, operated, maintained, and monitored in accordance with the provisions of Title 30, Chapter 334 of the Texas Administrative Code, as amended from time to time by the Texas Commission on Environmental Quality ("TCEQ") and/or its successor agency.
- ii. Each UST and associated piping system shall be designed to provide for secondary containment in accordance with 30 T.A.C. §334.45(d), including, but not limited to:
 - (a) double-wall tanks as described in 30 T.A.C. §334.45(d)(3)(A); and
 - (b) double-wall piping as described in 30 T.A.C. §334.45(d)(4)(A).
- iii. Notwithstanding the provisions of 30 T.A.C. §334.53, the installation and reuse of used tanks is prohibited.
- iv. To the extent that such installation standards exceed the standards set forth in 30 T.A.C. §334.46, the installation standards established on the UST installation plans shall be in accordance with the standards of the Petroleum Equipment Institute and the American Petroleum Institute for UST's and related piping systems.
- v. All installation plans shall bear the certification of a Texas registered professional engineer experienced in the design and installation of UST's and piping systems in the State of Texas.
- vi. Except to the extent required to test any release detection equipment, no delivery of fuel shall be made to any UST until release detection methods described in and required by 30 T.A.C. §334.50 have been installed and/or

implemented, which methods shall include at least the following:

- (a) automatic tank gauging and inventory control (30 T.A.C. §334.50(d)(4));
- (b) vapor monitoring (30 T.A.C. §334.50(d)(5));
- (c) groundwater monitoring (30 T.A.C. §334.50(d)(6));
- (d) interstitial monitoring (30 T.A.C. §334.50(d)(7)); and
- (e) any additional release detection method presently or in the future required by the TCEQ, the United States Environmental Protection Agency (U.S.E.P.A.) or their successor agencies.

d. Fuel dispensing equipment shall be designed and installed as follows:

- i. All fuel dispensing hoses and pumps shall include a redundant system of automatic flow cut-off valves to stop the above-ground or underground release of fuel in the event of damage to the dispensing hose or the pump including, but not limited to, the actual shearing off of pipes connected to the UST supplying the pump.
- ii. All fuel pumps shall be located over a catchment basin or sump that can collect and return released fuel within the area of the pump island.
- iii. All fuel pump islands shall be constructed to include metal or concrete posts or barricades designed to prevent low speed collisions with the pumps by vehicles pulling up to use the pumps.
- iv. The fuel pump station shall be designed to allow both an automatic and manual shutdown of the entire facility in the event of an accident that could result in an uncontrolled release of fuel.

e. A copy of any report to the TCEQ regarding a release of fuel shall be provided to the City Manager concurrently with delivery of the report to the TCEQ.

f. Prior to delivery of any fuel to the new retail fuel service business:

- i. A 25,000 gallon underground containment tank substantially similar in design approved by the Director of Public Works shall be installed downstream and in line with storm sewer inlets on the property where the business is located such that an uncontrolled release of fuel on the surface will drain first to said containment tank;
- ii. A filter system designed to remove petroleum products from surface water runoff shall be installed in storm water drainage inlets that would receive surface water runoff from the property where the fuel sales business is located. Said inserts shall be regularly maintained in accordance with the manufacturer's recommended maintenance program.
- g. The property on which the new fuel sales business is located shall be designed so that surface drainage does not flow or discharge into Quinlan Creek.
- h. To the extent of any conflict between this Ordinance and federal or state law or regulation, the most stringent requirement shall prevail.

10. *Outdoor Storage and Display Regulations:* The storage and display of materials, supplies, inventory and equipment on the exterior of a building on property located in the Commercial Areas shall be subject to the following:

- a. Except as set forth in Paragraph C.10.e., below, all materials, supplies, inventory and equipment placed on the exterior of a building shall be screened from the view of adjacent public streets and alleys and from adjacent properties;
- b. No materials, supplies, inventory or equipment shall be kept or stored:
 - i. within any front, side, or rear yard setback;
 - ii. within any parking spaces, fire lanes, circulation aisles, or customer pick-up lanes;
 - iii. within any areas that creates a visibility obstruction or otherwise interferes with pedestrian or vehicular circulation;
 - iv. on any roof structure; or

- v. any other location outside of the areas indicated on an approved site plan.
- c. The vehicle and pedestrian traveling lanes within storage areas exterior to any building shall be asphalt or concrete in order to:
 - i. prevent mud, dirt, or other loose materials from being removed from the property and tracked onto the public rights-of-way by vehicles traveling from the storage areas; and
 - ii. prevent dirt and/or dust from becoming airborne to such an extent that the dirt and/or dust travels to adjacent properties.
- d. Unless federal, state, or local law or regulation prohibits their storage within a building, fertilizers, petroleum products, and materials classified as hazardous materials shall not be stored on the exterior of any building. Fertilizers, chemicals, bulk soil and mulch, petroleum products, and materials classified as hazardous materials that are kept on the exterior of the building shall be stored in such a manner that storm water cannot directly or indirectly come in contact with such products or materials while being stored.
- e. Notwithstanding anything to the contrary in Paragraphs C.10.a. through C.10.d., above, materials, supplies, inventory, and equipment may be stored and displayed on the exterior of the building without screening, but only if said items:
 - i. are placed in an area not more than five feet from the building face on which the main customer entrance is located and do not exceed four feet in height; or
 - ii. are placed on a fuel pump island and do not exceed three feet in height above the driving surface for vehicles; or
 - iii. are self-propelled vehicles used by the owner or lessee of the property in the operation of the business located on the property, which vehicles are not made available for retail or wholesale purchase by said owner or lessee.
- f. Materials, supplies, inventory, and equipment shall not at any time be stored in temporary cargo containers located on the exterior of any building within the Commercial Areas.

11. Screening of Outdoor Display and Storage Areas: The screening of outdoor display and outdoor storage areas required by Paragraph C.10., above, shall be in accordance with the following:

- a. The screening shall be one of the following constructions:
 - i. masonry materials similar in design to the main building; or
 - ii. chain link or ornamental fencing in combination with a landscape screen or other masonry treatment; or
 - iii. a solid, evergreen shrub landscape screen without a fence or wall.
- b. Evergreen shrubs used for a landscaped screen shall be placed to create at least a six-foot tall solid screen at its installation and maintained in a healthy, growing condition.
- c. Screening fences shall not be constructed of wood fencing or chain link with slats.
- d. No screening fence shall be less than six feet in height.
- e. Screening shall be not less than three feet taller than the materials, supplies, inventory or equipment being stored within the screened area, but shall in no case be taller than the closest adjacent wall of the building excluding parapets and gables.

12. Screening of Property: The owner or developer of property located in the Commercial Areas to be developed ~~with uses in Use Categories 3 through 9, inclusive, as defined in Article 11-117(a.) of the Code of Ordinances~~, shall construct and maintain a screening wall or fence along the boundary of the property that is [consistent with 60-51\(c\)\(6\):](#)

- a. ~~abutting property located in the Residential Areas; or~~
- b. ~~abutting property which is developed with a use in a more restrictive use category, regardless of whether:~~
 - i. ~~the property being developed and the abutting property are in the same or different zoning districts; or~~
 - ii. ~~the less restrictive use will occur in a newly constructed building or in an existing building previously used for purposes in a more restrictive use category; or~~
 - iii. ~~developed with a use in a less restrictive use category than the abutting property and the owner or developer desires to~~

~~expand such less restrictive use by more than fifty percent of the building or storage area on the property.~~

13. Type of Screening Required: For purposes of Paragraph C.12., above, the following table will determine whether Type "A" or Type "B" Screening shall be constructed when screening is required:

More Restrictive Use Categories	Less Restrictive Use Required to Establish Screening								
	1	2	3	4	5	6	7	8	9
1			A	A	A	B	B	B	B
2			A	A	A	A	B	B	B
3				A	A	A	A	B	B
4					A	A	A	A	B
5						A	A	A	A
6							A	A	A
7								A	A
8									A
9									A

14. Type "A" and Type "B" Screening Defined: For purposes of Paragraph C.13. above, the phrases "Type 'A' Screening" and "Type 'B' Screening" shall have the same meaning as set forth in Article 11-1-18 of the Code of Ordinances.

15. Screening on Site Plan: In the event of a conflict between the location and/or construction of screening on an approved development site plan and screening that would otherwise be required by operation of Paragraphs C.12. and C.13. above, the screening requirements set forth on the approved development site plan shall be controlling.

D. Golf Course Area: The area marked "GC" on Exhibit "B," hereto, (hereafter referred to herein as the "Golf Course Area") may be developed for purpose of operating an 18-hole golf course (not to include miniature golf) with related ancillary uses, subject to the following:

1. Audubon Certification: All golf course and golf related ancillary facilities shall be designed, operated and maintained in accordance with the standards of the Audubon International Signature Program (AISP) of the Audubon Cooperative Sanctuary System (ACCS), the educational division of Audubon International as endorsed by the United States Golf Association. The golf course operator shall obtain membership in the

above referenced association prior to opening the golf course to the public or members for use and maintain said membership after commencing operations.

In the event that AISP ceases to exist, the golf course operator shall continue to operate all golf course and golf related ancillary facilities in accordance with the standards in existence at the time of the dissolution

2. Ancillary Uses: The following ancillary buildings and uses shall be allowed in the Golf Course Area subject to the following:

- a. A clubhouse may be located in the area of the Golf Course Area marked "Clubhouse Area", subject to the following:
 - i. The clubhouse shall be designed to include dining facilities for on premises consumption of food and alcoholic beverages, ball room(s), conference facilities, lockers, showers, reception room(s) and a health club.
 - ii. The clubhouse shall not be used as a catering facility for off-premises events or customers, except that the clubhouse kitchen may be used to service events occurring at the hotel and conference center constructed in the Hotel Area. In no case, however, will the clubhouse kitchen be deemed to satisfy the requirements of Paragraphs E.5.c.ii. or E.5.c.iii., below.
- b. A pro shop shall be constructed in the Clubhouse Area, either as a separate building or as part of the clubhouse, subject to the following:
 - i. ~~The pro shop shall be constructed concurrently with the construction of the golf course.~~
 - ii. ~~Play on the golf course may not commence until a certificate of occupancy has been obtained from the City for the pro shop.~~
 - iii. If built as a separate structure, the construction of the pro shop shall comply with the building standards set forth in Paragraph F., below.
 - iv. The pro shop may ~~not~~ be operated from a temporary structure, ~~manufactured home, modular/industrialized home, trailer, or any facility or structure of any construction~~ located on property not within the Clubhouse Area. Said temporary structure shall be subject to all building and development codes for temporary structures and permitted by the City.

- c. The pro shop shall only be used for:
 - i. The taking of tee times and/or reservations for the use of the golf course and other sports facilities located in the Golf Course and Hotel Areas.
 - ii. The rental of golf carts for use during play on the golf course.
 - iii. The retail sale of clothing, equipment, and supplies for sporting activities that are available in the Golf Course and Hotel Areas.
 - iv. Offices for personnel employed in the operation of the golf course and other sports facilities located in the Golf Course and Hotel Areas.
 - v. Locker rooms and shower facilities to be used by people using the golf course and other sports facilities located in the Golf Course and Hotel Areas.
- d. Any indoor or outdoor recreational and fitness facilities such as, tennis courts, paddle ball, racquet ball, hand ball, and/or squash courts, swimming pool and wading pool, and fishing facilities that are operated as part of and ancillary to the golf course operation shall be constructed within the Clubhouse Area only.

3. **Golf Course Maintenance and Storage Buildings:** Buildings used for the storage, repair, and maintenance of golf carts, golf course maintenance equipment, and the storage of supplies and materials used in the operation of the golf course and other sports facilities located in the Golf Course Area are allowed in the Golf Course Area subject to the following:

- a. All such buildings and facilities shall be located not less than 100 feet from any property line or public or private street.
- b. All materials, supplies, inventory and equipment placed on the exterior of a building shall be screened from the view of adjacent public or private streets and alleys and from adjacent properties with an opaque screening wall or fence not less than six foot high.
- c. Such buildings may be of all metal construction; however, except for doorway areas, the sides of such buildings visible from a public or private street or adjacent residential property shall be screened with:
 - i. a solid evergreen hedge that will grow to a height of not less than five feet tall within two years after planting; or
 - ii. with an opaque screening wall or fence not less than six foot high.

- d. Buildings where fertilizers, petroleum products, and materials classified as hazardous materials are stored or used shall be located in areas that will not negatively impact ground water aquifers, surface waters, wetlands and other sensitive environmental areas in the event of a discharge of such materials.
- e. Bulk soil, mulch, fertilizers, petroleum products, and materials classified as hazardous materials shall be stored in such a manner that storm water cannot directly or indirectly be exposed to such products or materials while being stored.
- f. Unless federal, state, or local law or regulation prohibits their storage within a building, fertilizers, petroleum products, and materials classified as hazardous materials shall not be stored on the exterior of any building.

4. **Cart Path Crossings:** Any golf cart path crossing of a public or private street shall be marked according to the most current update of the *Texas Manual on Uniform Traffic Control Devices for Streets and Highways* published by the Texas Department of Transportation. In addition:

- a. Signs warning of a golf cart path crossing of a public or private street in a non-residential area shall also be equipped with flashing warning lights; and
- b. Signs shall be installed on the golf cart path advising golf cart drivers to yield the right-of-way to vehicle, bicycle and pedestrian traffic.

5. **Outdoor Lighting:** Outdoor lights installed in the Golf Course Area shall [comply with Chapter 26, Article X – Outdoor Lighting of the Code of Ordinances and shall](#) be located, shielded, and aimed so as not to allow an unshielded light or illumination source to cause glare or direct light to be viewed from any street or adjacent properties. Outdoor lights for golf course driving ranges shall not be used during the period beginning at 10:00 p.m. and ending at 6:00 a.m. the following morning.

6. **Location of Greens and Tees:** All golf course tees shall be located at a minimum distance of 25 feet from the property line. All golf course greens shall be located at a minimum distance of 75 feet from the property line where such property is located adjacent to a public street. The practice putting green shall be located at a minimum distance of 10 feet from the property line where such property is located adjacent to a public street.

7. **Golf Course and Landscaped areas:** All landscaped areas, including the golf course, shall not be irrigated with potable water.

8. **Landscaping Requirements:** The landscaping in the Clubhouse Area of the Golf Course Area shall comply with the following:

- a. [Planting materials planted within the Commercial Areas as](#)

described in **Exhibit “B,”** shall be on the list of recommended plants set forth in the most recent edition of **Recommended Plants for the Kerrville Area** published by the City at the time of planting; provided, however, no variety of St. Augustine Grass (*Stenotaphrum secundatum* (Walter) Kuntze) may be planted at any location within the property described in **Exhibit “B,”** above, after the effective date of this Ordinance.

- b. Landscaping shall be waterwise or xeriscape landscaping.
- c. A landscaped edge not less than 25 feet wide, exclusive of street rights-of-way, shall be planted along every street within the Clubhouse Area.
- d. One tree with a trunk caliper of not less than three inches shall be planted within the landscaped edge described in Paragraph D.7.a., above, for each 500 square feet of landscaped area. For purpose of this Paragraph D.7.b., the area of the landscape edge shall not include the width of streets and driveway areas that intersect the landscape edge.
- e. Ten shrubs shall be planted for each 500 square feet of landscaped edge where the landscape edge abuts a parking lot or drive.
- f. A berm may be placed within the landscaped edge in lieu of the planting of shrubs as described in Paragraph D.7.c., above, provided that:
 - i. The top of the berm is not less than 18 inches nor more than 40 inches above the average grade of the adjacent street and parking lot curbs;
 - ii. The slope of the berm does not exceed a 3 to 1 grade;
 - iii. The berm shall be planted with grass, groundcover, or other landscaping; and
 - iv. The berm does not create a visual obstruction for vehicle or pedestrian traffic on the adjacent streets, sidewalks, or parking lot.
- g. Notwithstanding Paragraphs D.7.c. and d., above, if a parking lot is located 50 feet or more from the street right-of-way, no shrubs or berms are required to be located in the abutting landscaped edge.
- h. A landscaped area of not less than 900 square feet shall be located at the corner of a corner lot adjacent to an intersection of public and/or private streets. This landscaped area shall be provided within an area measured a minimum distance of 40 feet from the projected

corner of the intersection on both sides of the lot as shown on **Exhibit “B”**.

- i. The interior of each parking lot located in the Clubhouse Area shall include one ornamental or hardwood tree with a trunk caliper of not less than three inches for every twenty parking spaces, which may include both trees existing at the time of development and newly planted trees.
9. **Setback Regulations:** Except for storage and materials buildings as set forth in Paragraph D.3., above, the Golf Course Area shall be developed with the following minimum building setbacks:
 - a. Front Yard Setback = ~~50~~ 25 feet.
 - b. Rear Yard Setback = 10 feet.
 - c. Side Yard Setback (not a corner lot) = ~~10~~ 5 feet.
 - d. Side Yard Setback (corner lot) = ~~50~~ 15 feet.
10. **Lot Coverage:** Buildings shall not cover more than 40% of the area of any lot.
11. **Floor Area Ratio:** The maximum floor area ratio for properties in the Golf Course Area shall be 0.8:1. For purpose of this Paragraph D.10., the phrase “floor area ratio” shall be the ratio of the gross floor area of a building or buildings in relation to the gross land area of the site. The floor area ratio (FAR) shall be expressed as the gross floor area, being the first integer, followed by the gross land area, expressed as a constant of 1, being the second integer.
12. ~~No building permit shall be issued for property in the Golf Course Area unless and until the City’s Planning and Zoning Commission and the City Council have approved a development site plan for the property for which such permit is sought in accordance with Art.11 I-15(e.)(9) of the Code of Ordinances. In addition to the elements required by Art. 11 I-15(e.)(9), the development site plan shall include a detailed landscape plan and a detailed irrigation plan that meets the standards of the provisions herein, prepared by a licensed landscape architect and a licensed irrigator. Each development site plan shall be adopted as and shall constitute an amendment to this Ordinance.~~

E. **Hotel Area:** The area marked “HCC” on **Exhibit “B,”** hereto (hereafter called the “Hotel Area”) may be developed for purpose of operating a hotel and conference center subject to the following:

1. ~~Development Site Plan Required: No building permit shall be issued for property in the Hotel Area unless and until the City’s Planning and Zoning Commission and City Council have approved a development site plan for the property for which such permit is sought in accordance with Art. 11 I-15(e.)(9) of the Code of Ordinances. In addition to the elements required~~

~~by Art. 11-1-15(c.)(9), the development site plan shall include both a detailed landscape plan that meets the standards of the provisions herein and is prepared by a licensed landscape architect and a detailed irrigation plan which complies with all state and local laws and regulations and is prepared by a licensed irrigator. Each development site plan shall be adopted as and shall constitute an amendment to this Ordinance.~~

2. **Maximum Building Height:** The height of any building located in the Hotel Area shall not exceed 75 feet as measured from the finished grade at the front yard building setback, except that above-grade parking shall not exceed two levels above the finished grade not to exceed 30 feet.
3. **Building Setback:** No building constructed in the Hotel Area shall be constructed closer to any property line or the boundary of the Hotel Area than the greater of the following:
 - a. 50 feet; or
 - b. A distance equal to the height of the building multiplied by three less twenty-five.
4. **Landscaping Requirements:** The landscape plan(s) approved for property developed in the Hotel Area pursuant to by Paragraph E.1., above, shall comply with the same requirements set forth in Paragraph D.7., above.
5. **Minimum Hotel Size and Amenities:** The hotel constructed in the Hotel Area shall comply with the following minimum requirements:
 - a. The number of guest rooms shall be equal to or greater than 233.
 - b. The hotel facility shall be developed with a conference center containing not less than 25,000 square feet of air-conditioned multi-use space.
 - c. The following amenities shall be provided and available to guests of the hotel and conference center:
 - i. Concierge services shall be available to selected guests;
 - ii. On-site kitchen services capable of providing hotel guests with room service as well as supporting conference center events hosting at least 200 people;
 - iii. On-site full service restaurant;
 - iv. ~~Multimedia equipment shall be available on-site to multiple parties to include audio amplification, video (all formats), data (including dial up), telephone conferencing, and projection devices (including, but not limited to, overhead, photographic slides, and personal computer projection~~

~~systems) with large projection screens.~~

6. **Recreational Facilities:** The following outdoor recreational and fitness facilities that require construction of a structure or pad may be constructed in the Hotel Area and operated as part of and ancillary to the hotel/conference center:
 - a. tennis courts;
 - b. paddle ball;
 - c. basketball courts;
 - d. swimming pools;
 - e. jogging track.

None of the above recreational facilities shall be used and operated in the Hotel Area unless and until the hotel and conference center described in Paragraph E.5., above has been issued a certificate of occupancy by the City. This Paragraph shall not be construed as prohibiting the construction of indoor recreational facilities that are operated in association with and ancillary to an existing Hotel/Conference Center, nor shall this paragraph be construed as prohibiting the development of other outdoor recreational activities that do not require the construction of a structure or pad site, such as horseshoe pits and croquet courses.

- F. **Building Design and Materials:** Except as set forth in Paragraph D.3. above, all buildings constructed in the Commercial Areas, the Golf Course Area, and the Hotel Area shall conform to the following:

1. Seventy-five percent (75%) of any exposed exterior wall visible from a public or private street or parking area used by the public shall consist of glass, stone, clay-fired brick or tile or a combination of these materials.
2. All exterior building materials made of glass shall have a maximum visible reflectance of 20%.
3. Roof materials shall be of a neutral color that contains non-reflective material.
4. An exterior finish consisting of concrete, concrete block and/or tile, or stucco consistent in color with the remainder of the building may be used on exterior walls not visible from public thoroughfares, including, the walls of service courts or other facilities that are secluded from view by the specific design of a building or a group of buildings.
5. Roof mounted mechanical units visible from a point of 5.5 feet above any property line shall be screened with a parapet wall, mansard roof or alternative architectural element complies with the following:

- a. The height of the screening element shall be equal to or greater than the height of the mechanical unit(s) but in no case more than five feet above the roof on a one-story or two-story building or more than 13 feet above the roof of a building of three or more stories.
- b. A mechanical unit that is taller than the maximum permitted height of the screening feature shall be set back from the screen five feet plus two feet for each foot it exceeds the height of the screen.

G. Rainwater Catchment: Each building with a roof area larger than 15,000 square feet shall be constructed with a rainwater catchment and storage system designed to collect rainwater runoff from the roof structure of the building and store said rainwater for later use in irrigating landscaping on the property or other purposes for which non-potable water may be used.

H. Signs: The design, installation, location, operation, and maintenance of signs installed in the Commercial Areas, Golf Course Area, and Hotel Area shall comply with the City's ordinances regulating signs existing at the time of installation, ~~except as follows:~~

1. ~~Area 1C:~~

- a. ~~Freestanding signs shall comply with the following design standards:~~
 - i. ~~State Highway 16 frontage~~
 - (a) ~~Freestanding multi-tenant sign.~~
 - (i) ~~One freestanding multi-tenant sign only.~~
 - (ii) ~~Sign height shall not exceed 20 feet above the adjacent street curb.~~
 - (iii) ~~Sign area on each sign face shall not exceed 175 square feet.~~
 - (iv) ~~Copy area on each sign face shall not exceed 150 square feet.~~
 - (v) ~~The copy area of the signs may be back lit, but not internally lit.~~
 - (vi) ~~The sign shall be anchored in masonry, rock or other material similar to the front façade of the building constructed on the property for which it is located, and it shall be framed on all four sides by at least six inches of masonry, rock, or other material similar to the front façade of the building constructed on~~

~~the property on which the sign is located.~~

(vii) ~~Distance between freestanding multi-tenant sign and all other signs shall be no closer than seventy (70.0') feet from any other freestanding sign.~~

(b) ~~Free standing single tenant sign.~~

(i) ~~One free standing single tenant or use sign per tenant or user.~~

(ii) ~~Sign height shall be eight feet above the adjacent street curb.~~

(iii) ~~Sign area on each sign face shall not exceed 90 square feet.~~

(iv) ~~Copy area on each sign face shall not exceed 70 square feet.~~

(v) ~~The copy area of the sign may be backlit, but not internally lit.~~

(vi) ~~The sign shall be anchored in masonry, rock or other material similar to the front façade of the building constructed on the property for which it is located, and it shall be framed on all four sides by at least six inches of masonry, rock, or other material similar to the front façade of the building constructed on the property on which the sign is located.~~

(vii) ~~Distance between freestanding single-tenant sign and all other signs shall be no closer than sixty (60.0') feet from any other freestanding sign.~~

(c) ~~Wall signs.~~

- (i) ~~Wall signs may be installed only on the principal building that it identifies, and not on adjacent fencees or wing walls.~~
- (ii) ~~The maximum coverage of the sign shall not exceed 20% of the wall area on which it is attached.~~
- (iii) ~~The size of the letters, symbols, and other graphics on the sign shall not exceed a height of three feet.~~

ii. Interstate 10 frontage:

- (a) ~~Freestanding multi-tenant sign.~~
 - (i) ~~One freestanding multi-tenant sign only.~~
 - (ii) ~~Sign height shall not exceed 40 feet above the adjacent street curb.~~
 - (iii) ~~Sign area on each sign face shall not exceed 200 square feet.~~
 - (iv) ~~Copy area on each sign face shall not exceed 180 square feet.~~
 - (v) ~~The copy area of the sign may be backlit, but not internally lit.~~
 - (vi) ~~The sign shall be anchored in masonry, rock or other material similar to the front façade of the building constructed on the property for which it is located, and it shall be framed on all four sides by at least six inches of masonry, rock, or other material similar to the front façade of the building constructed on the property on which the sign is located.~~
 - (vii) ~~Distance between freestanding multi-tenant sign and all other signs shall be no closer than seventy (70.0') feet from any other freestanding sign.~~

iii. Interior Road frontage:

- (a) ~~Freestanding single tenant sign.~~

- (i) ~~One freestanding multi-tenant or freestanding single tenant or use sign per tenant or user.~~
- (ii) ~~Sign height shall be eight feet above the adjacent street curb.~~
- (iii) ~~Sign area on each sign face shall not exceed 90 square feet.~~
- (iv) ~~Copy area on each sign face shall not exceed 70 square feet.~~
- (v) ~~The copy area of the sign may be backlit, but not internally lit.~~
- (vi) ~~The sign shall be anchored in masonry, rock or other material similar to the front façade of the building constructed on the property for which it is located, and it shall be framed on all four sides by at least six inches of masonry, rock, or other material similar to the front façade of the building constructed on the property on which the sign is located.~~
- (vii) ~~Distance between freestanding single tenant sign and all other signs shall be no closer than sixty (60.0') feet from any other freestanding sign.~~
- (b) ~~Roof signs are prohibited.~~
- (c) ~~Directional signs shall comply with the following:~~
 - (i) ~~The height of the sign shall not exceed 4 feet above the adjacent street grade;~~
 - (ii) ~~The area of each sign face shall not exceed 25 square feet; and~~
 - (iii) ~~No letter, symbol or other graphic on the sign shall exceed 12 inches in height.~~
- (d) ~~A fuel sales business that constructs a canopy over its fuel pumps may place only one sign on each side of the canopy subject to the following:~~

- (i) ~~The content of the sign shall be limited to the name and trademark of the fuel sales business or its franchiser.~~
- (ii) ~~The sign on the canopy shall not extend above the top of the canopy.~~
- (iii) ~~The total coverage of the sign shall not exceed 30% of the canopy side to which it is attached.~~
- (iv) ~~The maximum height of the letters, symbols or other graphies contained in the sign shall not exceed 16 inches.~~

2. ~~Areas 2C, 3A-C, and 3B-C:~~

- a. ~~One freestanding multi-tenant sign or one freestanding single tenant or use sign per tenant or user.~~
- b. ~~Sign height shall be eight feet above the adjacent street curb.~~
- c. ~~Sign area on each sign face shall not exceed 90 square feet.~~
- d. ~~Copy area on each sign face shall not exceed 70 square feet.~~
- e. ~~The copy area of the sign may be backlit, but not internally lit.~~
- f. ~~The sign shall be anchored in masonry, rock or other material similar to the front façade of the building constructed on the property for which it is located, and it shall be framed on all four sides by at least six inches of masonry, rock, or other material similar to the front façade of the building constructed on the property on which the sign is located.~~
- g. ~~Distance between freestanding single tenant sign and all other signs shall be no closer than sixty feet from any other freestanding sign.~~
- h. ~~Wall signs may be installed only on the principal building that it identifies, and not on adjacent fences or wing walls.~~
- i. ~~The maximum coverage of the sign shall not exceed 20% of the wall area on which it is attached.~~
- ii. ~~The size of the letters, symbols, and other graphies on the sign shall not exceed a height of three feet.~~

- i. ~~Roof signs are prohibited.~~
- j. ~~Directional signs shall comply with the following:~~
 - i. ~~The height of the sign shall not exceed 4 feet above the adjacent street grade;~~
 - ii. ~~The area of each sign face shall not exceed 25 square feet; and~~
 - iii. ~~No letter, symbol or other graphic on the sign shall exceed 12 inches in height.~~

3. ~~Area 4C:~~

- a. ~~Interior Road frontage:~~
 - i. ~~One freestanding multi-tenant sign or one freestanding single tenant or use sign allowed per tenant or user.~~
 - ii. ~~Sign height shall be eight feet above the adjacent street curb.~~
 - iii. ~~Sign area on each sign face shall not exceed 90 square feet.~~
 - iv. ~~Copy area on each sign face shall not exceed 70 square feet.~~
 - v. ~~The copy area of the sign may be backlit, but not internally lit.~~
 - vi. ~~The sign shall be anchored in masonry, rock or other material similar to the front façade of the building constructed on the property for which it is located, and it shall be framed on all four sides by at least six inches of masonry, rock, or other material similar to the front façade of the building constructed on the property on which the sign is located.~~
 - vii. ~~Distance between freestanding single tenant sign and all other signs shall be no closer than sixty (60.0') feet from any other freestanding sign.~~
 - viii. ~~Wall signs may be installed only on the principal building that it identifies, and not on adjacent fences or wing walls.~~
 - (a) ~~The maximum coverage of the sign shall not exceed 20% of the wall area on which it is attached.~~

(b) ~~The size of the letters, symbols, and other graphics on the sign shall not exceed a height of three feet.~~

b. ~~Interstate 10 frontage:~~

i. ~~Freestanding multi-tenant sign:~~

(a) ~~One freestanding multi-tenant sign only.~~

(b) ~~Sign height shall not exceed 40 feet above the adjacent street curb.~~

(c) ~~Sign area on each sign face shall not exceed 200 square feet.~~

(d) ~~Copy area on each sign face shall not exceed 180 square feet.~~

(e) ~~The copy area of the sign may be backlit, but not internally lit.~~

(f) ~~The sign shall be anchored in masonry, rock or other material similar to the front façade of the building constructed on the property for which it is located, and it shall be framed on all four sides by at least six inches of masonry, rock, or other material similar to the front façade of the building constructed on the property on which the sign is located.~~

(g) ~~Distance between freestanding multi-tenant sign and all other signs shall be no closer than seventy (70.0') feet from any other freestanding sign.~~

ii. ~~Roof signs are prohibited.~~

iii. ~~Directional signs shall comply with the following:~~

(a) ~~The height of the sign shall not exceed 4 feet above the adjacent street grade;~~

(b) ~~The area of each sign face shall not exceed 25 square feet; and~~

(c) ~~No letter, symbol or other graphic on the sign shall exceed 12 inches in height.~~

4. ~~Hotel Area:~~

- a. ~~Off premises sign allowed in Area 1C only.~~
- b. ~~One freestanding on premises sign only.~~
- c. ~~Sign height shall be a maximum of eight feet above the adjacent street curb.~~
- d. ~~Sign area on each sign face shall not exceed 90 square feet.~~
- e. ~~Copy area on each sign face shall not exceed 70 square feet.~~
- f. ~~The copy area of the sign may be backlit, but not internally lit.~~
- g. ~~The sign shall be anchored in masonry, rock or other material similar to the front façade of the building constructed on the property for which it is located, and it shall be framed on all four sides by at least six inches of masonry, rock, or other material similar to the front façade of the building constructed on the property on which the sign is located.~~
- h. ~~Wall signs may be installed only on the principal building that it identifies, and not on adjacent fences or wing walls.~~
 - i. ~~The maximum coverage of the sign shall not exceed 20% of the wall area on which it is attached.~~
 - ii. ~~The size of the letters, symbols, and other graphics on the sign shall not exceed a height of three feet.~~
 - iii. ~~Roof signs are prohibited.~~
- j. ~~Directional signs shall comply with the following:~~
 - i. ~~The height of the sign shall not exceed 4 feet above the adjacent street grade.~~
 - ii. ~~The area of each sign face shall not exceed 25 square feet; and~~
 - iii. ~~No letter, symbol or other graphic on the sign shall exceed 12 inches in height.~~

I. Sign Plan: ~~In the event of a conflict between a sign plan approved by the City Council in the same manner as an amendment to this Ordinance and Section H., above, and/or the City's current sign regulations, the provisions of the approved sign plan shall prevail unless otherwise expressly stated in the ordinance or~~

~~resolution approving said sign plan. A sign plan may be approved concurrently with or separately from the development site plan.~~

J. Open Space Area: The area marked “OS” on **Exhibit “B,”** hereto (hereafter referred to as “Open Space Area”) may be used for passive recreational uses such as hike/bike trails, picnic area, nature conservancy, birding trails, or other similar and related activities. Construction within the Open Space Area shall comply with the following:

1. Hike/bike trails:
 - a. be not less than six feet wide;
 - b. comply with the applicable accessibility requirements promulgated or adopted by the Texas Department of Licensing and Regulation or its successor agency pursuant to the Architectural Barriers Act (Tex. Rev. Civ. Stat. Art. 9102, as amended); and
 - c. if developed with lighting, lights shall **comply with Chapter 26 of the Code of Ordinances and** be low intensity and located, shielded, and aimed so as not to allow an unshielded light or illumination source to cause glare or direct light to be viewed from any street or adjacent properties.
2. A structure not exceeding 5,000 square feet may be constructed in the Open Space Area and used in the operation of a nature conservancy, including, but not limited to, classrooms, curating museum, library, laboratories, or other related activities.
3. Notwithstanding the provisions of this Paragraph J., Developer shall have the right to construct private walking paths, which, due to topography or terrain, measure less than six feet wide.

K. Determination of Height: For purposes of this Ordinance, when determining the height of a building, the height of the highest point of any roof mounted structure or equipment, water cooling towers, gables, and communication dishes, towers, or antennae shall be included in the determination, except to the extent that regulation of the location and height of communication dishes, towers, or antennae are pre-empted by federal law or regulation. To the extent that this Paragraph **K L**, conflicts with **Chapter 60 Art. 11-1-3(a.)(47)**, this paragraph shall control.

L. Attached Site Plan: The site plan attached to this Ordinance shall be used solely for the purpose of setting forth the boundaries of the various land use areas described in this Ordinance. The inclusion of **Exhibit “B”** as part of this Ordinance shall not constitute, nor be construed as constituting, approval of the lot layout, street locations, street lengths, or general circulation plan shown on **Exhibit “B”**. Furthermore, the inclusion of **Exhibit “B”** as part of this Ordinance shall not constitute, not be construed as constituting, the approval of any waiver or variance

to any provision of [Chapter 82](#) of the Code of Ordinances.

M. References to Present Zoning Code Regulations: All references within this Ordinance to [Chapter 60](#) of the City's Code of Ordinances ~~may be found at Exhibit "C" which is attached hereto and incorporated herein for all purposes.~~



TO BE CONSIDERED BY THE PLANNING AND ZONING COMMISSION CITY OF KERRVILLE, TEXAS

SUBJECT:

An ordinance to change the zoning from R-1 to RT on 1.71 acres of land out of the Fosgate Survey No. 120, Abstract 138; and more commonly known as 226 Harper Rd N (Case No. PZ-2023-13).

AGENDA DATE OF: October 5, 2023 **DATE SUBMITTED:**

SUBMITTED BY: Steve Melander, City Planner

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-1 to RT on 1.71 acres of land out of the Fosgate Survey No. 120, Abstract 138; and more commonly known as 226 Harper Rd N. (Case No. PZ-2023-13)

The applicant is requesting a zoning change from R-1 Single-Family Residential to RT Residential Transition to accommodate a business office use. There is currently RT zoning in close proximity to this property and a boarding home located next door. The property also fronts Harper Road, identified as a primary arterial in the thoroughfare plan, which lends itself to a business office use.

Procedural Requirements

The City, in accordance with state law, mailed 20 letters on 9/21/2023 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 9/14/2023. In addition, a public hearing notification sign was posted on the property frontage on 9/22/23. 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 Neighborhood Residential (NR). The place types for NR allows small amounts of neighborhood-serving retail and office in carefully chosen locations. Because a boarding home and RT zoning currently exist adjacent to this property, and because the property is fronting a primary arterial (Harper Road), the request for RT zoning appears to be consistent with the K2050 Plan.

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: R-1 Single-Family Residential

Existing Land Uses: Residential

Direction: North

Current Zoning: R-1 Single-Family Residential

Existing Land Uses: Residential

Direction: South

Current Zoning: R-1 Single-Family Residential / RT Residential Transition

Existing Land Uses: Boarding Home / Professional Office

Direction: West

Current Zoning: R-1 Single-Family Residential

Existing Land Uses: Residential

Direction: East

Current Zoning: R-2 Medium Density Residential / Harper Road

Existing Land Uses: Residential

Thoroughfare Plan: There should be no impact on the thoroughfare system. This property is fronting Harper Road, a primary arterial.

Traffic Impact: No traffic impact is anticipated.

Parking: To be determined and consistent with zoning regulations once a final site plan has been submitted for review and approval.

Recommendation: Based on consistency with the Kerrville 2050 Plan, adjacent land uses, frontage on a primary arterial, and that fact that the underlying zoning still remains residential, staff recommends the case for approval.

RECOMMENDED ACTION:

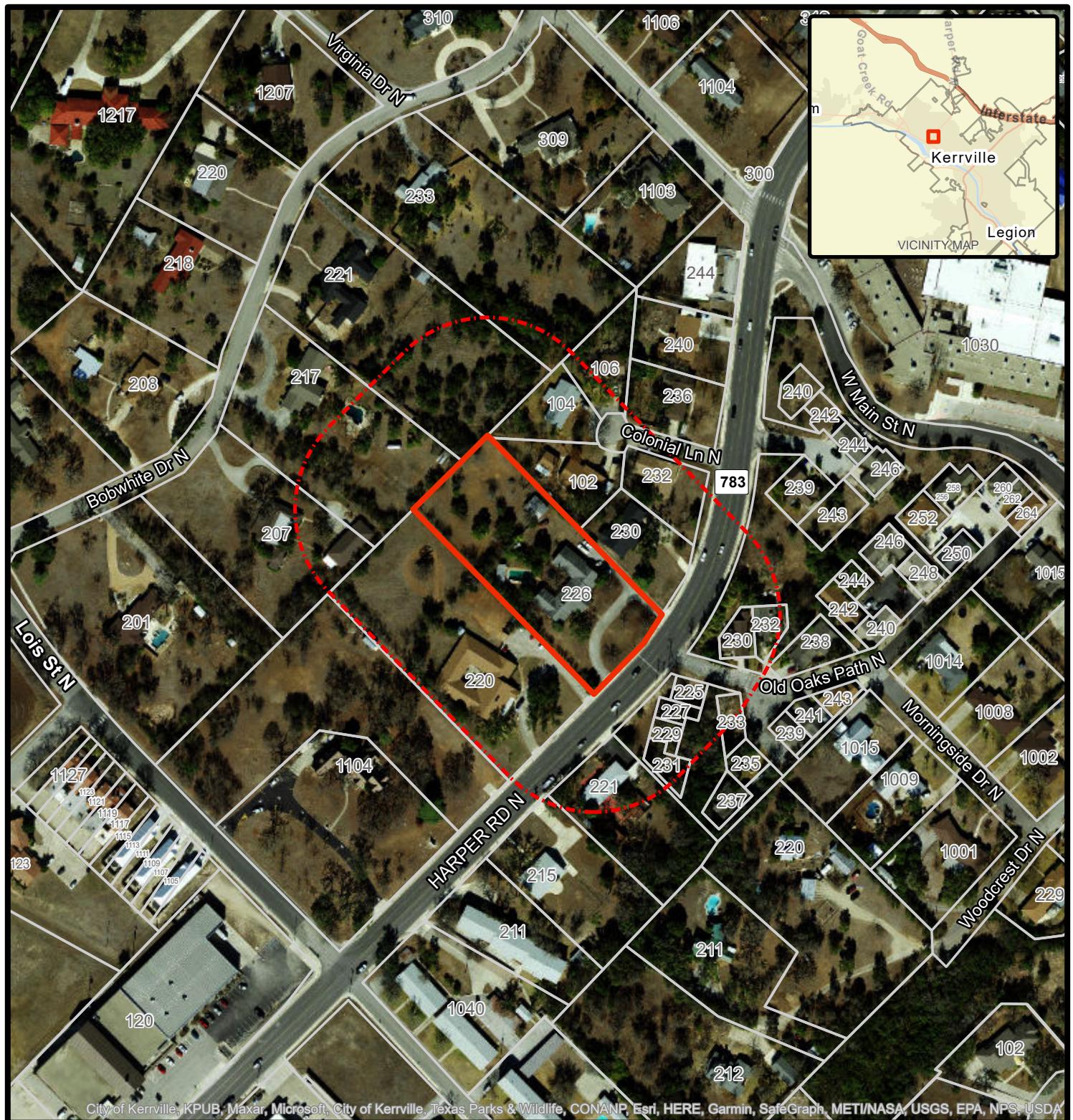
Approve the ordinance.

ATTACHMENTS:

[*PZ-2023-13_Location Map.pdf*](#)

[*PZ-2023-13_Current Zoning.pdf*](#)

[*PZ-2023-13_K2050 Future Zoning.pdf*](#)



Location Map

Case # PZ-2023-13

Location:

226 Harper Rd N

Legend

- Subject Properties
- 200 Feet Notification Area



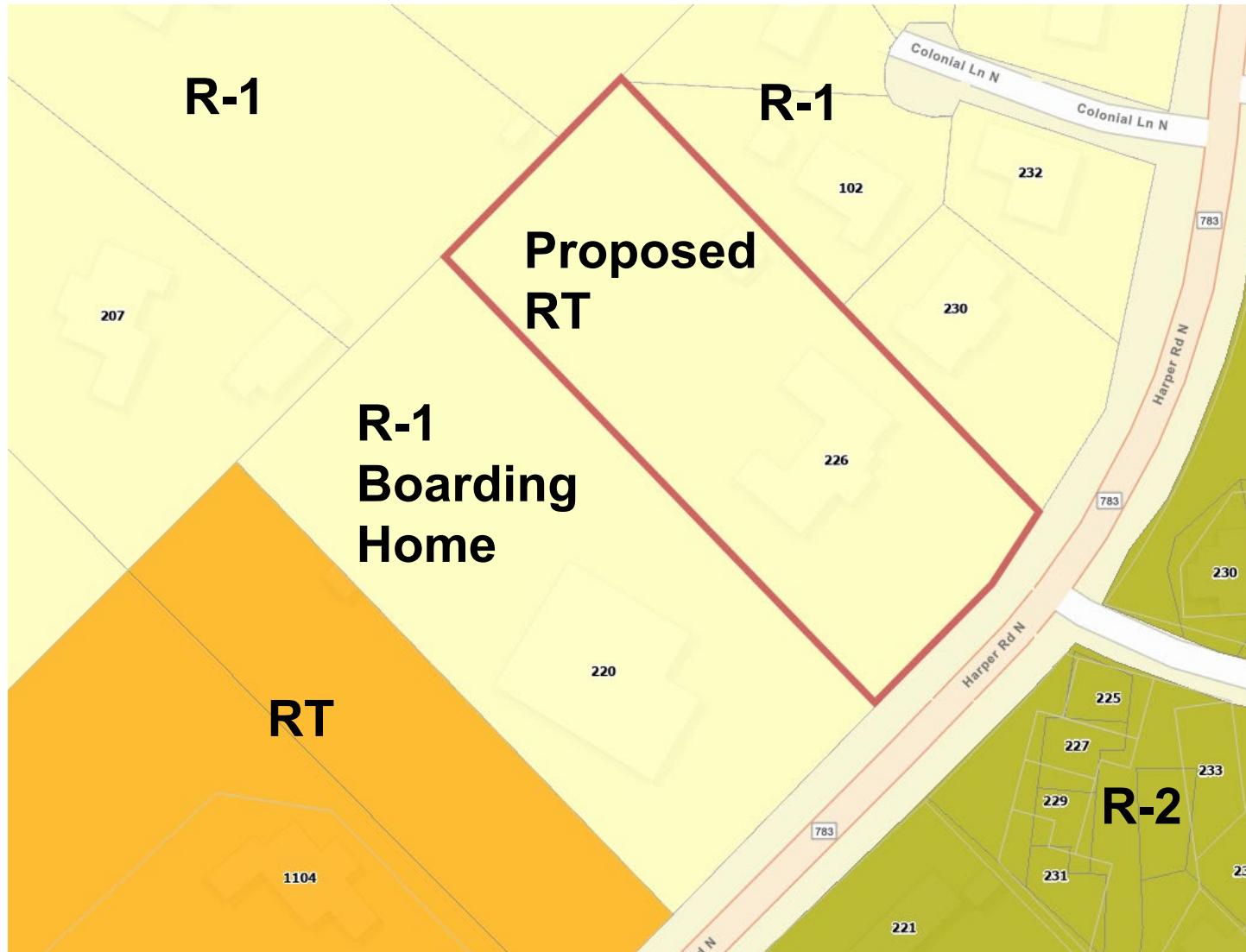
0 75 150 300

Scale In Feet

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

09/14/2023

Current Zoning



K2050 Plan Future Zoning

Neighborhood Residential (NR)

Allows: Small amounts of neighborhood-serving retail and office in carefully chosen locations.

