

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 23-2024**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO
AUTHORIZE AN AUTOMOBILE SERVICE AND REPAIR,
MINOR ON THE PROPERTY LOCATED AT 209 SIDNEY BAKER
S. (HWY 16); THE PROPERTY LOCATED WITHIN A LIGHT
COMMERCIAL ZONING DISTRICT (C-2); AND MAKING THE
PERMIT SUBJECT TO CERTAIN CONDITIONS AND
RESTRICTIONS**

WHEREAS, the owner of the property depicted in the location map in **Exhibit A** (the “Property”), as attached, is requesting approval of a Conditional Use Permit (“CUP”) to allow the Property, which is located within a Light Commercial Zoning District (C-2) to be used for an automobile service and repair, minor, as that term is defined in Section 60-17 of the City’s Code of Ordinances; and

WHEREAS, an automobile service and repair, minor is normally authorized “by right” within a Light Commercial Zoning District (C-2); however, where such use will be located within 500 feet of the 100-year flood plain, such use must be authorized through the granting of a CUP by City Council; and

WHEREAS, the City Planning and Zoning Commission (the “Commission”), in compliance with state law and the Zoning Code of the City of Kerrville, Texas (Chapter 60, Code of Ordinances) (“Zoning Code”), and in particular, the procedures for obtaining a CUP; having given the requisite notices by United States mail, publication, and otherwise; and after holding a public hearing and affording a full and fair hearing to all property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof; has recommended that City Council grant the CUP applied for and referenced herein, subject to the special conditions and restrictions set out hereinafter and applied to the Property; and

WHEREAS, City Council, in compliance with state law and the Zoning Code, and likewise having given the requisite notices and holding a public hearing on June 11, 2024, finds that the health, safety, and general welfare will be best served by the granting of the CUP as recommended by the Commission on the Property;

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

SECTION ONE. A Conditional Use Permit is granted to permit the Property described as follows, and located within a Light Commercial Zoning District (C-2), to be developed and used for an automobile service and repair, minor as that term is defined in the Zoning Code, and such use is subject to the provisions of this Resolution and other City ordinances and regulations:

Legal Description: .80 acres located within the City of Kerrville, Kerr County, Texas, and being Lot 1-A (replat), Block 1, out of the South City subdivision; and being depicted on the location map at **Exhibit A**.

Address: 209 Sidney Baker S. (HWY 16).

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

- A. Site Plan:** The development shall be consistent with the proposed site plan for the automobile service and repair, major such site plan attached as **Exhibit B**.
- B. Development Requirements:** the owner or operator shall comply with Section 60-60(4) of the Zoning Code, to include performing all maintenance within the interior bays of the maintenance facility and not storing vehicle parts or supplies, including tires and petroleum products, outside.
- C. Mitigation Plan:** Prior to receiving a certificate of occupancy or equivalent permit from the City to begin operations, the owner or operator of the Property shall submit a spill prevention control, countermeasure, and spill contingency which is consistent with industry standards to the City for its approval.
- D. Other Zoning Regulations:** The regulations set forth in this Resolution are in addition to those set forth in the Zoning Code, as may be amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in the Zoning Code, the provisions of this Resolution will prevail.

SECTION THREE. This Resolution and CUP is subject to termination in accordance with the Zoning Code.

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

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

SECTION SIX. This Resolution is effective upon adoption.

PASSED AND APPROVED ON this the 11 day of June, A.D., 2024.

Joe Herring Jr.
Joe Herring Jr., Mayor

APPROVED AS TO FORM:

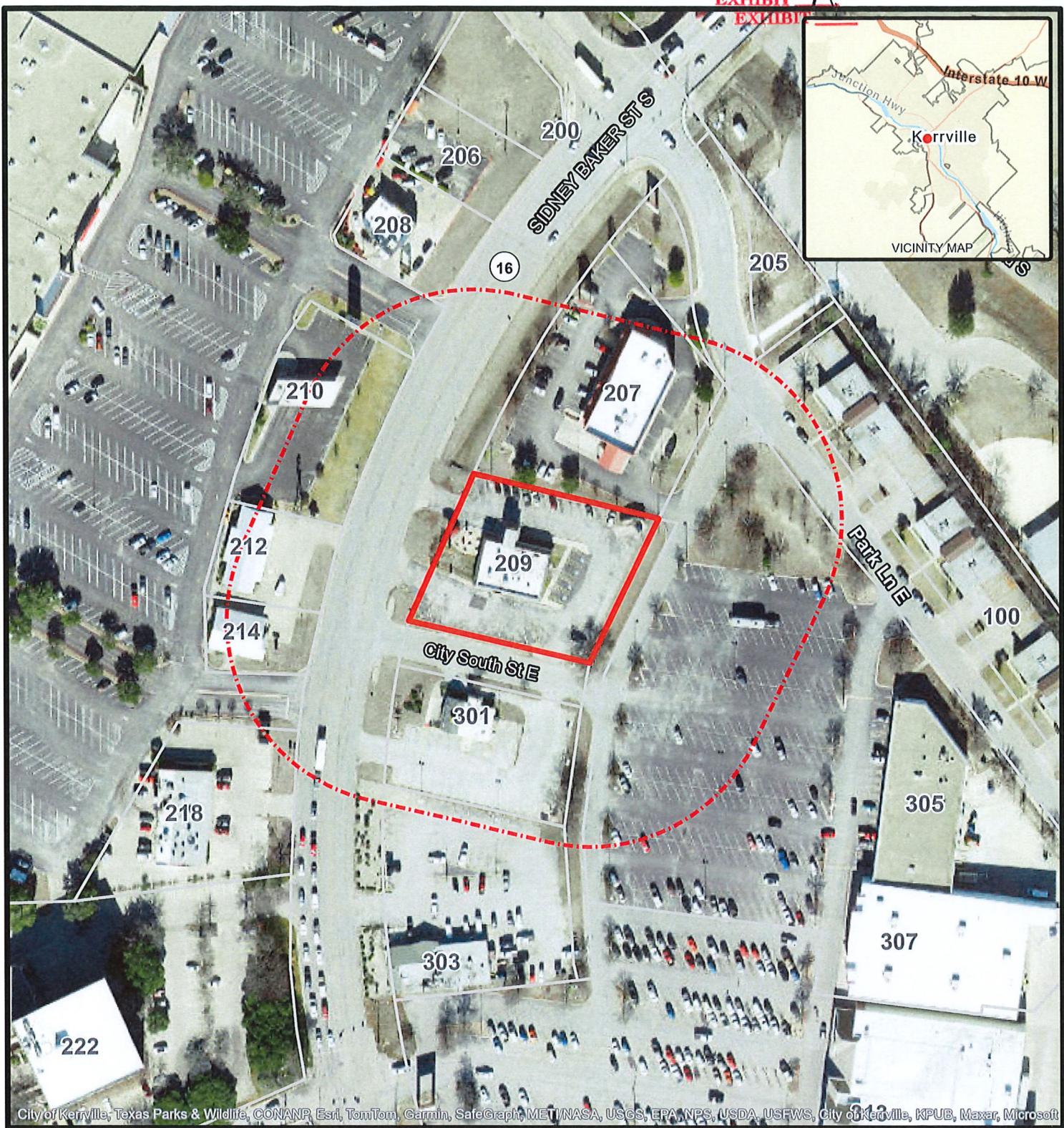
Michael C. Hayes

Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon

Shelley McElhannon, City Secretary



City of Kerrville, Texas Parks & Wildlife, COONAP, Esri, TomTom, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA, USFWS, City of Kerrville, KPUB, Maxar, Microsoft

Location Map

Case #PZ-2024-11

Location:

209 Sidney Baker St S

Legend

- Subject Properties
- 200 Feet Notification Area



0 50 100 200

Scale In Feet



04/16/2024

GENERAL SITE NOTES:

NOTE: PROPOSED USE DOES NOT REQUIRE ANY TYPE OF STATE OR FEDERAL LICENSE OR PERMIT TO OPERATE

2-3 GENERAL COMMERCIAL
USE, PARKING FOR ADJACENT
SUPPLY/MAFAC/T (H/F) SHOPPING
CENTRE

