

**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. 16-2025**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT  
TO AUTHORIZE A DAY CARE SERVICES, CHILDREN ON  
THE PROPERTY LOCATED AT 851 CLAY; THE PROPERTY  
LOCATED WITHIN A RESIDENTIAL TRANSITION ZONING  
DISTRICT (RT); AND MAKING THE PERMIT SUBJECT TO  
CERTAIN CONDITIONS AND RESTRICTIONS**

**WHEREAS**, the owner of the property depicted in the location map in **Exhibit A** (Property), as attached, is requesting approval of a Conditional Use Permit (CUP) to allow the Property, which is located within a Residential Transition Zoning District (RT) to be used for day care services, children, as that term is defined in Section 60-17 of the City's Code of Ordinances; 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 August 12, 2025, 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 Residential Transition Zoning District (RT), to be developed and used for day care services, children 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:** Approximately .46 acres located within the City of Kerrville, Kerr County, Texas, and being a portion of Lot 13, Block G, out of the Cage Addition; and being depicted on the location map at **Exhibit A**.

**Address:** 851 Clay, Kerrville, Texas 78028.

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

**A. Site Plan:** The development shall be consistent with a site plan attached as **Exhibit B**.

**B. Development Requirements:**

1. Use is limited to an outdoor playground, to include the installation and maintenance of a fence in compliance with Section 60-60(3) of the Zoning Code.
2. The playground may be no greater than 40 feet (east/west) by 60 feet (north/south) as depicted on **Exhibit B**.
3. A walkway appropriate for children and their safety shall be provided between the two properties as depicted in **Exhibit B**.
4. Vehicular access to the Property from Clay St. is prohibited.
5. The owner and/or operator of the day care services, children, shall comply with Texas law, to include those provisions found within the Texas Human Resources Code.

**C. 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, to include the definition of “day care services, children” (Section 60-17). 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 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 12 day of August,  
**A.D., 2025.**

  
Joe Herring Jr., Mayor

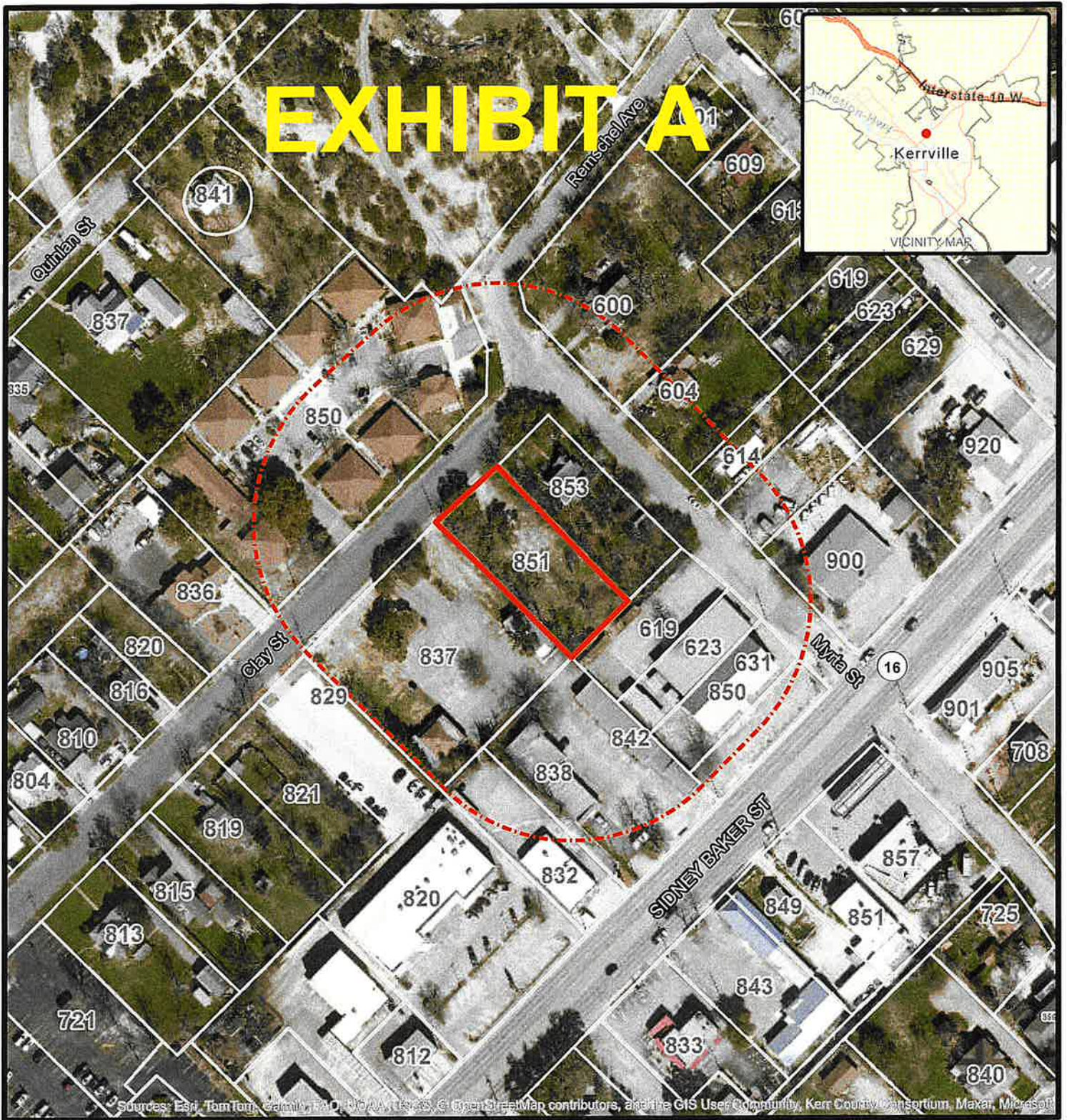
**APPROVED AS TO FORM:**

  
Michael C. Hayes, City Attorney

**ATTEST:**

  
Shelley McElhannon, City Secretary







Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Kerr County Consortium, Maxar, Microsoft

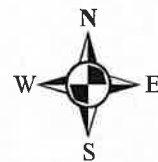
## Location Map

Location:

851 Clay Street

### Legend

-  Subject Properties
-  200 Feet Notification Area



0 50 100 200  
Scale In Feet

06/12/2025



# EXHIBIT B

