

**CITY OF KERRVILLE PLANNING & ZONING COMMISSION AGENDA**  
**REGULAR MEETING, THURSDAY, FEBRUARY 6, 2014 4:30 P.M.**  
**CITY HALL COUNCIL CHAMBERS**  
**701 MAIN STREET, KERRVILLE, TEXAS**

**CALL TO ORDER**

**Pg.**

**1. VISITORS/CITIZENS FORUM:**

Any person with business not scheduled on the agenda is encouraged to briefly speak their ideas to the Commission. Please fill out the SPEAKER REQUEST FORM and give it to the Commission's Secretary prior to the meeting. The number of speakers will be limited to the first ten speakers and each speaker is limited to three minutes. (No formal action can be taken on these items as the Open Meetings Act requires formal action items be posted on an agenda no later than 72 hours before the meeting. If formal action is required, the items will be placed on an agenda for a future meeting.)

**2. CONSENT AGENDA:**

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

2A. Approval of the minutes from the January 29, 2014 meeting.

**2**

**3. PUBLIC HEARINGS AND ACTION:**

**3A. Conditional Use Permit** - Public hearing, consideration, and action concerning a conditional use permit to allow the land use of "Restaurant, General", which would permit the retail sale of alcoholic beverages for on-premises consumption, for Lots 21, 22, 23, and 24, Block G of the B.F. Cage Addition Subdivision, located at 820 Sidney Baker St. North.

**4**

Owner: Bruce Motheral  
Applicant: Peggy Shen  
Zoned: N-21  
Planning File: 2014-002

**4. STAFF REPORTS**

**6**

**5. ADJOURNMENT**

**6**

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The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-258-1117 for further information.

I do hereby certify that this notice of meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time: \_\_\_at\_\_\_\_\_and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

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Deputy City Secretary, City of Kerrville, Texas

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Cmr. Morgan moved to approve the minutes as presented; motion was seconded by Cmr. Harmon and passed 4-0.

**3. PUBLIC HEARINGS AND ACTION:**

**3A. Replat** - Public hearing, consideration, and action concerning a proposed replat of Lots 23 & 24, Phase 1, Section 8, Block B, of the Comanche Trace Subdivision, located at 3540 Trail Head Drive.

Owner: Danny & Ariana Almond  
Applicant: Mike Grogan  
Zoned: PD 99-26  
Planning File: 2014-001

Mr. Lutz presented the findings of fact and recommended approval of the replat with the conditions listed by staff.

Cmr. Watterson opened the public hearing at 4:36 p.m. Hearing no one speak, Cmr. Watterson closed the floor at 4:37 p.m.

Cmr. Harmon moved to approve the replat as presented and with the conditions listed by staff; motion was second by Cmr. Morgan and passed 4-0.

**4. STAFF REPORTS:**

4A. Report concerning future agenda items.

Mr. Lutz reported the next meeting will be Thursday, February 6, 2014 to discuss the following:

- A Conditional Use Permit to allow "Restaurant, General" at 820 Sidney Baker. This would permit the retail sale of alcoholic beverages for on-premises consumption.

**5. ADJOURNMENT**

This meeting was adjourned at 4:40 p.m.

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

**AGENDA ITEM:** 3A                                      **FOR AGENDA OF:** February 6, 2014

**DESCRIPTION:** Public hearing, consideration, and action concerning a conditional use permit to allow the land use of “Restaurant, General”, which would permit the retail sale of alcoholic beverages for on-premises consumption for Lots 21, 22, 23, and 24, Block G of the B.F. Cage Addition Subdivision, located at 820 Sidney Baker St. North.

**APPLICANT(S):** Peggy Shen

**ATTACHMENT(S):** Location Map

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**Summary:**

The applicant is seeking this conditional use permit to allow “Restaurant, General” at 820 Sidney Baker. This would permit the retail sale of alcoholic beverages for on-premises consumption.

The definitions for the two types of restaurants permitted by the zoning code are as follows:

**Restaurant, General (Requires a CUP):** A building or part thereof used in the on-site preparation and retail sale of food and beverages. A General Restaurant is permitted to provide live entertainment and the retail sale of alcoholic beverages for on-premises consumption, provided such alcoholic beverage sales constitute less than fifty percent of the gross revenue of the restaurant. Limited Restaurants are included within the scope of this definition.

**Restaurant, Limited (Permitted by Right):** A building or part thereof used in the preparation and retail sale for on-premise consumption of food and beverages, excluding the sale of alcoholic beverages and restaurants with drive-through service.

Currently the N-21 zoning district only allows “Restaurant, General” with a conditional use permit. After reviewing the location, There are several sites with the same land use within 1,000 ft. Included in this land use are restaurants with a drive through facility. The sites are as follows:

1. Wing King (Alcohol Sales)
2. Valentinos (Alcohol Sales)
3. Donut Palace (Drive Through)
4. McDonalds (Drive Through)
5. Jack in the Box (Drive Through)
6. Taco Bell (Drive Through)

At the time this packet was distributed 15 land owners within 200’ were notified and no official protests were received.

**RECOMMENDED ACTION**

1. Open the public hearing, and render a decision.



**P&Z Case #2014-002    Conditional Use Permit    Location Map**



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.

0    50    100    200 Feet



1 inch = 100 feet



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

**AGENDA ITEM:**       4   **FOR AGENDA OF:**       February 6, 2014

**DESCRIPTION:**       Future agenda items

**APPLICANT(S):**       City staff

**ATTACHMENT(S):**

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Regular P&Z Meeting on February 20, 2014 at 4:30 p.m.

- No cases at this time. Staff will update at the meeting.

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

**AGENDA ITEM:**       5   **FOR AGENDA OF:**       February 6, 2014

**DESCRIPTION:**       Adjournment