



**CITY OF KERRVILLE PLANNING & ZONING COMMISSION AGENDA**  
**REGULAR MEETING, THURSDAY, August 6, 2015 4:30 P.M.**  
**CITY HALL COUNCIL CHAMBERS**  
**701 MAIN STREET, KERRVILLE, TEXAS**

**CALL TO ORDER**

**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 July 16, 2015 meeting. **Pg. 2**

**3. PUBLIC HEARINGS AND ACTION**

3A. **Public Hearing & Action, Zoning Request –** Public hearing, consideration, and action concerning a requested zoning change from a (CBD) Central Business District to a (CBD-C) Central Business District with a conditional use permit for a Gasoline Station with a Convenience Store for an approximate .495 acres tract. Legal Description Lots 598-599, Block 9, Schreiner's Second Addition, located at 528 Main Street. (File No. 2015-033). **Pg. 4**

3B. **Public Hearing & Action, Zoning Text Amendment –** Public hearing, consideration, and action concerning a requested zoning text amendment to amend Chapter I, "The City of Kerrville Zoning Code" Article 11-1-10(f)(4) "RT" Residential Transition District to amend development regulations pertaining to Building Limit, Building Appearance, Off-Street Parking, Front Yard Requirement, Sign Restrictions, Churches and Schools. (File No. 2015-030). **Pg. 9**

3C. **Public Hearing & Action, Zoning Text Amendment –** Public hearing, consideration, and action concerning a requested zoning text amendment to amend Chapter I, "The City of Kerrville Zoning Code" 11-1-6 Central City Zoning Districts, to amend the land use table for the "CBD" Central Business District to change "Death Care Services" and "Printing" from a "C" Conditional Use Permit to a "P" Permitted Use. (File No. 2015-037). **Pg. 13**

**4. STAFF REPORTS**

**5. ADJOURNMENT**

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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 830-257-8000 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: July 31, 2015 at 3:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Cheryl Brown  
Deputy City Secretary, City of Kerrville, Texas

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# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 2A  
Hearing Date: July 16, 2015  
Representative: Staff

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## **Proposal**

Approval of the minutes from the July 16, 2015 Planning & Zoning Commission meeting.

### **MEMBERS PRESENT:**

David Watterson, Chairman  
Bob Waller, Vice Chairman  
Garrett Harmon, Commissioner  
Bill Morgan, Commissioner  
Bruce Motheral, Commissioner  
Doyle Malone, Alternate

### **MEMBERS ABSENT:**

Rustin Zuber, Alternate

### **CITY COUNCIL LIASON**

Bonnie White (present)

### **STAFF PRESENT:**

Trent Robertson, City Planner

### **CALL TO ORDER:**

On July 16, 2015, Cmr. Watterson called the Kerrville Planning and Zoning Commission regular meeting to order at 4:30 p.m. in the City Hall Council Chambers, 701 Main Street, Kerrville, Texas.

### **1. VISITORS/CITIZENS FORUM:**

No one spoke.

### **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 June 4, 2015 meeting.

Cmr. Waller moved to approve the minutes as presented. Motion was seconded by Cmr. Harmon and passed 5-0.

2B. Approval of the minutes from the July 2, 2015 meeting.

Cmr. Morgan moved to approve the minutes as presented. Motion was seconded by Cmr. Waller and passed 5-0.

### **3. PUBLIC HEARINGS AND ACTION**

3A. **Public Hearing & Action, Residential Replat** – Public hearing, consideration, and action concerning a request for replat of Lots 16 & 17, Block B, Section 8, Comanche Trace Phase 1 comprising of 1.96 acres into Lot 16A, Block B, Section 8, Comanche Trace Phase 1, located at 3517 Trail Head Drive. (File No. 2015-031).

Mr. Robertson presented the findings of fact and asked Commissioners to render a decision.

Cmr. Watterson opened the public hearing at 4:34 p.m. Hearing no one speak, Cmr. Watterson closed the public hearing at 4:35 p.m.

Cmr. Motheral moved to approve the residential plat. Motion was seconded by Cmr. Morgan and passed 5-0.

3B. **Public Hearing & Action, Replat** – Public hearing, consideration, and action concerning a request for replat of part of Lot 1 and all of Lot 2, Block 39, J.A. Tivy Addition comprising of .62 acres into Lots 2A & 2B, Block 39, J.A. Tivy Addition, located at 1019, 1023, 1025 North Street. (File No. 2015-034).

Mr. Robertson presented the findings of fact and asked Commissioners to render a decision.

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

Cmr. Morgan moved to approve the replat amendment. Motion was seconded by Cmr. Waller and passed 5-0.

### **4. STAFF REPORTS:**

Mr. Robertson reported three items will be presented at the August 6, 2015 meeting, including a zoning change, request and text amendments.

### **5. ADJOURNMENT:**

This meeting was adjourned at 4:43 p.m.  
at 4:58 p.m.



# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 3A  
Planning File #: 2015-033  
Hearing Date: August 6, 2015  
Representative: Michael Garrott  
Location: 528 Main Street  
Legal Description: Lots 598-599, Block 9, Schreiner's Second Addition  
Total Acreage: .495

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## **Proposal**

Requested zoning change from (CBD) Central Business District to (CBD-C) Central Business District with a conditional use permit for a Gasoline Station with a Convenience Store

## **Procedural Requirements**

The application was published in The Hill Country Community Journal, an official newspaper of general circulation on July 22, 2015. Notices were sent to property owners within two hundred (200) feet of the subject property on July 27, 2015. Additionally, notice of this meeting was posted at city hall and on the city's internet website on July 31, 2015, in accordance with Section 551.043(a) of the Texas Government Code.

## **Recommended Action**

Staff recommends that the Commission hold the required public hearing to receive public comments and make a recommendation to the Council.

## **Notices Mailed**

**Owners of Property within 200 feet: 13**

## **Topography**

The subject property is relatively flat with little vegetation.

## **Adjacent Zoning and Land Uses**

**Direction:** North, West and East

**Current Base Zoning:** "CBD"

**Current Land Uses:** Retail Center, Professional Offices and Banks

**Direction:** North, West and East

**Current Base Zoning:** "DC"

**Current Land Uses:** Bank and Retail

## **Transportation**

**Thoroughfare:** Highway 27/Main Street

**Existing Character:** One lane in each direction with partial sidewalks

**Proposed Changes:** None known

**Thoroughfare:** Clay Street

**Existing Character:** Two lanes and a designated turn lane in each direction with sidewalks

**Proposed Changes:** None known

**Parking Information:** Gasoline Sales- Parking as required for each specified use; Retail Sales- One (1) space per 250 square feet.

Minimum vehicle spaces: 3

In accordance with Article 11-I-20 of the Zoning Code:

**“Downtown Core and Central Business District Property:** If the building is located in the Downtown Core or the Central Business District, as said terms are defined within Article 11-I-3, and the new use does not require an enlargement of that encompassed by the exterior walls of the building, the new use may commence without adding the off-street parking which would otherwise be required by this section.”

## **Staff Analysis and Recommendation: Approval with conditions**

### **1. Consistency:**

The property's land use designation is Central Business District. The requested “CBD-C” Central Business District with a Conditional Use Permit for a Gasoline Station with a Convenience Store is consistent with the adopted land use designation.

### **2. Adverse Impacts on Neighboring Lands:**

Staff has found no evidence of likely adverse impacts on neighboring lands in relation to the request for the conditional use permit. The requested conditional use permit will allow the subject property to expand the existing car wash on site and enclose the chemicals and mechanisms that control the car wash.

### **2. Suitability as Presently Zoned:**

The existing “CBD” zoning district is consistent with the surrounding area. The requested Conditional Use Permit will allow for the subject property’s existing legal non-conforming use to be permitted. Additionally, the Conditional Use Permit will allow for the expansion of the existing car wash on site. The surrounding area will not be impacted due to the nature of the permit and the existing conditions of the site being minimally changed or altered. The proposed changes will help enhance the site and encourage positive growth.

### **3. Health, Safety and Welfare:**

Staff has found no indication of likely adverse effects on the public health, safety, or welfare.

### **4. Size of Tract:**

The subject property is approximately .495 acres in size, which should be able to reasonably accommodate the proposed conditional use permit.

**5. Other Factors:**

Meets and abides to all requirements in accordance with Chapter I, "The City of Kerrville Zoning Code" Article 11-1-13 Conditional Use Permits and Article 11-1-19 Supplementary Development Requirements.

As part of the Conditional Use Permit process, a site plan has been submitted and will be included with the ordinance. The site plan was presented to the (DRC) Development Review Committee and has met all site plan requirements in accordance to Article 11-1-13(f)(1)(xiv) "Procedures for Obtaining a Conditional Use Permit".

The hours of operation will be:

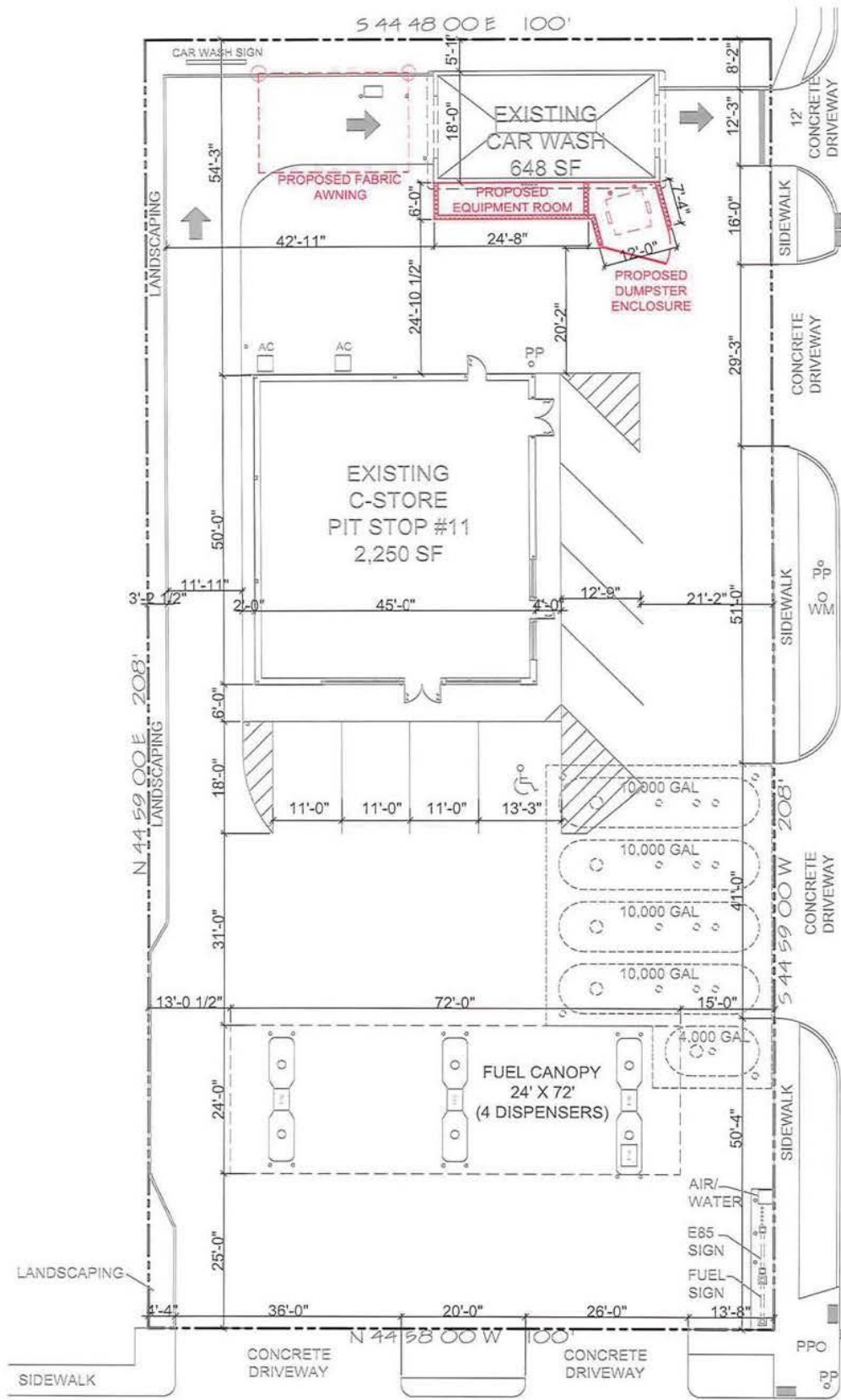
Convenience Store

Monday-Saturday: 6:00 a.m.-11:00 p.m.

Sunday: 7:00 a.m.-11:00 p.m.

Gas Pumps and Carwash

Monday-Sunday: 12:00 a.m.-11:59 p.m.



CLAY STREET  
(60' ROW)

MAIN STREET  
(80' ROW)

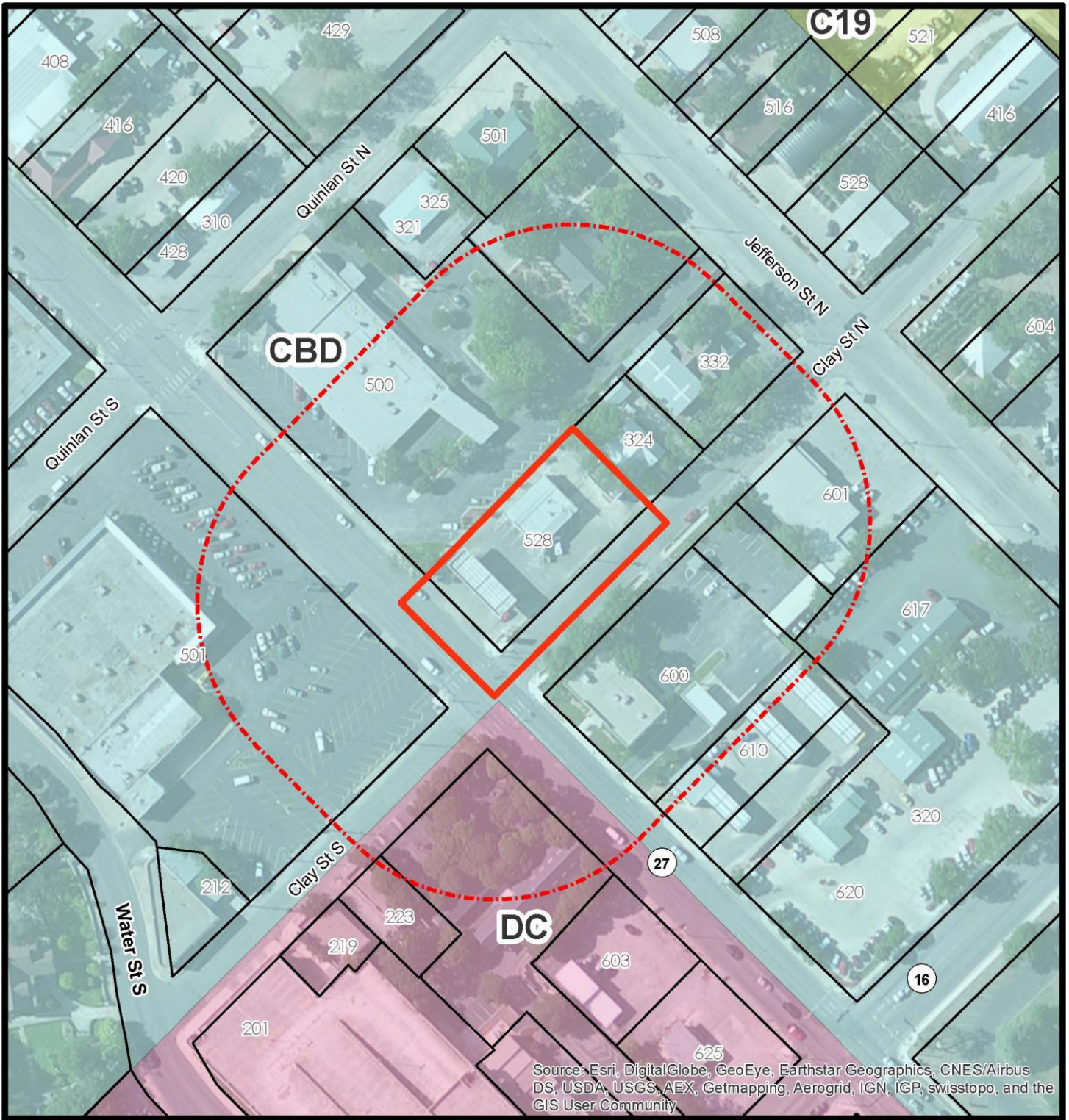


**PIT STOP #11  
KERRVILLE**

SCALE: 1/16" = 1'-0"  
DATE: JUNE 12, 2015  
EXISTING PARKING: 8 SPACES

**PROPOSED  
SITE PLAN**





# Zoning Case Location Map

**Case 2015-033**

Location:  
528 Main St

## Legend

- 200' Notification Area - - - - -
- Subject Properties ▭
- Current Zoning TEXT



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.





# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 3B  
Planning File #: 2015-030  
Hearing Date: August 6, 2015  
Representative: City Staff  
Location: City Wide  
Legal Description: NA  
Total Acreage: NA

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## **Proposal**

Zoning text amendment to amend Chapter I, "The City of Kerrville Zoning Code" Article 11-1-10(f) "RT" Residential Transition District to specify and change development regulations pertaining to churches and schools.

## **Procedural Requirements**

The application was published in The Hill Country Community Journal, an official newspaper of general circulation on July 22, 2015. Additionally, notice of this meeting was posted at city hall and on the city's internet website on July 31, 2015, in accordance with Section 551.043(a) of the Texas Government Code.

## **Recommended Action**

Staff recommends that the Commission hold the required public hearing to receive public comments and make a recommendation to the Council.

## **Staff Analysis and Recommendation: Approval**

### **1. Intent and Purpose of the "RT" Zoning District:**

In accordance with Chapter I Article 11-1-10(f) of the City of Kerrville Zoning Code "The "RT" Residential Transition District is specifically designed to be a transition zone between single family areas and commercial properties...". The purpose of the "RT" zoning district is to lessen the impact of potential commercial uses in an area that also accommodates to residential uses.

### **2. Current Ordinance:**

The current "RT" zoning regulations for non- residential uses are as follows:

- (f) **"RT" - Residential Transition District:** In addition to other regulations set forth in the Zoning Code, property located in the "RT"- Residential Transition Zone shall be developed in accordance with the following regulations:

:

- (3) **Development Regulations for Non-Residential Uses:** Non-residential uses located in a "RT" Residential Transition Zone shall be developed in accordance with the following regulations:
- (i) **Building Area:** The gross floor area of the building may not exceed 3,000 square feet;
  - (ii) **Building Appearance:** The building shall be designed to appear as a residence, with:
    - a a wood, rock, or brick exterior;
    - b a roof constructed of materials and with a similar pitch to other residences in the adjoining neighborhood; and
    - c a front door and window(s) on the side of the building facing the lot front.
  - (iii) **Off-Street Parking:** All off-street parking shall be located on the side or in the rear of the building;
  - (iv) **Front Yard Required:** The building must comply with the residential front yard setback requirements for the zoning district and have an unpaved front yard;
  - (v) **Sign Restrictions:** Only the following signs shall be permitted:
    - a One free standing sign which:
      - 1 has a sign area of not greater than twenty-four square feet;
      - 2 does not exceed six (6) feet in height above the ground; and
      - 3 is not internally illuminated; and,
    - b One wall sign or projecting sign which:
      - 1 has a sign area not greater than twenty-four square feet; and
      - 2 is not internally illuminated.
- (4) **Churches and Schools:** Churches and schools are excepted from the development regulations set forth in subsections 11-I-10(f)(3)(i),(ii) above, and shall comply with the following:
- (i) **Building Appearance:** The building shall be constructed with:
    - a a wood, rock, brick exterior, stucco, or cement fiber board;

- b a roof consisting of materials and with a similar pitch to other residences in the adjoining neighborhood; and
- c a front door and window(s) on the side of the building facing the lot front.”

### 3. Proposed Amendments to the Ordinance:

The proposed amendments to the “RT” zoning regulations for non- residential uses is underlined (added) as follows:

- (f) **"RT" - Residential Transition District:** In addition to other regulations set forth in the Zoning Code, property located in the "RT"- Residential Transition Zone shall be developed in accordance with the following regulations:
  - ⋮
  - (3) **Development Regulations for Non-Residential Uses:** Non-residential uses located in a "RT" Residential Transition Zone shall be developed in accordance with the following regulations:
    - (i) **Building Area:** The gross floor area of the building may not exceed 3,000 square feet;
    - (ii) **Building Appearance:** The building shall be designed to appear as a residence, with:
      - a a wood, rock, or brick exterior;
      - b a roof constructed of materials and with a similar pitch to other residences in the adjoining neighborhood; and
      - c a front door and window(s) on the side of the building facing the lot front.
    - (iii) **Off-Street Parking:** All off-street parking shall be located on the side or in the rear of the building;
    - (iv) **Front Yard Required:** The building must comply with the residential front yard setback requirements for the zoning district and have an unpaved front yard;
    - (v) **Sign Restrictions:** Only the following signs shall be permitted:
      - a One free standing sign which:
        - 1 has a sign area of not greater than twenty-four square feet;
        - 2 does not exceed six (6) feet in height above the ground; and
        - 3 is not internally illuminated; and,

**b** One wall sign or projecting sign which:

**1** has a sign area not greater than twenty-four square feet; and

**2** is not internally illuminated.

**(4) Churches and Schools:** Churches and schools are excepted from the development regulations set forth in [subsections 11-I-10\(f\)\(3\)\(i\)-\(v\)](#), above, and shall comply with the following:

**(i) Building Appearance:** The building shall be constructed with:

**a** a wood, [masonry exterior](#), stucco, or cement fiber board;

**b** a roof consisting of materials and with a similar pitch to other residences in the adjoining neighborhood; and

**c** a front door and window(s) on the side of the building facing the lot front.”

#### **4. Purpose for the Amendment:**

In order to review the existing ordinance that was recently passed approved by City Council (June 23, 2015) and determine if any additional amendments are necessary per City Council’s request.



# City of Kerrville Planning Department Report

To: Planning & Zoning Commission  
Agenda Item: 3C  
Planning File #: 2015-037  
Hearing Date: August 6, 2015  
Representative: City Staff  
Location: City Wide  
Legal Description: NA  
Total Acreage: NA

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## **Proposal**

Zoning text amendment to amend Chapter I, "The City of Kerrville Zoning Code" 11-1-6 Central City Zoning Districts, to amend the land use table for the "CBD" Central Business District to change "Death Care Services" and "Printing" from a "C" Conditional Use Permit to a "P" Permitted Use.

## **Procedural Requirements**

The application was published in The Hill Country Community Journal, an official newspaper of general circulation on July 22, 2015. Additionally, notice of this meeting was posted at city hall and on the city's internet website on July 31, 2015, in accordance with Section 551.043(a) of the Texas Government Code.

## **Recommended Action**

Staff recommends that the Commission hold the required public hearing to receive public comments and make a recommendation to the Council.

## **Staff Analysis and Recommendation: Approval**

### **1. Intent and Purpose of the "CBD" Zoning District:**

In accordance with Chapter I Article 11-1-6 (11) of the City of Kerrville Zoning Code "The Central Business District is the City's original downtown area. The district is established to promote a variety of uses and services commonly found in a downtown, pedestrian-friendly environment. Any development and/or redevelopment within this district should be conducted with goal of complimenting the culture, heritage, and history associated with the City's downtown area." The purpose of the "CBD" zoning district is to encourage development that will enhance, maintain, and promote the future growth of the central city.



**2. Current Ordinance:**

The current “CBD” Zoning District land use table is as follows:

NAICS Code	USE DESCRIPTION	NC	LC	RC	CBD	LI	I	AD	PI	PKNG. STND.	SPECIAL CONDITIONS
32311	Printing				C					11	
8122	Death Care Services				C					7	

**3. Proposed Amendments to the Ordinance:**

The proposed amendments to the “CBD” Zoning Districts land use table is underlined ([added](#)) as follows:

NAICS Code	USE DESCRIPTION	NC	LC	RC	CBD	LI	I	AD	PI	PKNG. STND.	SPECIAL CONDITIONS
32311	Printing				<u>P</u>					11	
8122	Death Care Services				<u>P</u>					7	

**4. Purpose for the Amendment:**

When the City Council adopted Ordinance 2011-09 on May 10, 2011 various properties became a non-conforming use (i.e. Grimes Funeral Home and Herring Printing). In order to allow these uses by right an amendment to the existing zoning ordinance is required. Concerned citizens submitted letters requesting the existing zoning ordinance be amended allowing “Printing” and “Death Care Services” to be permitted by right. On July 21, 2015, the requested amendment was brought before City Council for direction. City Council directed staff to create an ordinance showing the requested amendments and present them through the public hearing process.