

CITY OF KERRVILLE PLANNING & ZONING COMMISSION AGENDA
REGULAR MEETING, THURSDAY, JANUARY 15, 2015 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 December 18, 2014 meeting.

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3. PUBLIC HEARINGS AND ACTION

3A. **Public Hearing & Action, Initial Zoning Request and Rezoning Request (PDD) –** Public hearing, consideration, and action concerning a requested rezoning of 6.920 acres from (GR) Guadalupe River District to (PDD) Planned Development District, located at 1107 Junction Highway (Planning File No. 2014-041)

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3B. **Public Hearing & Action, Residential Replat** — Public hearing, consideration, and action concerning a proposed residential replat of lots 4 & 5, Block A of the Comanche Trace Subdivision, Phase 9, consisting of 0.96 acres, located at 3913 Oak Park Drive. (Planning File No. 2014-050)

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3C. **Public Hearing & Action, Final Plat** – Public hearing, consideration, and action concerning a proposed final minor plat and replat of 3.91 acres out of the Samuel Wallace Survey No. 112, Abstract 360, located at the northwest intersection of Legion Drive and Loop 534. (Planning File No. 2014-051)

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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: January 12, 2015 at 8:30 a.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

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Cheryl Brown
Deputy City Secretary, City of Kerrville, Texas

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- 3D. **Public Hearing & Action, Residential Replat** – Public hearing, consideration, and action concerning a proposed residential replat of lots 55 & 56, Block C of the Comanche Trace Subdivision, Phase 11, located at 1080 Pinnacle View Drive. (Planning File No. 2014-053)
- 3E. **Public Hearing & Action, Rezoning and Text Amendment, Downtown Core Designation (DC)** – Public hearing, consideration, and action concerning a staff-initiated rezoning of a block of property bounded by Quinlan St. to the west, and Jefferson St. and Main St. to the north and south, comprising approximately 5.89 acres, from (CBD) Central Business District to (DC) Downtown Core, and an associated amendment of the text of the Zoning Regulations. (Planning File No. 2014-054)

4. **STAFF REPORTS**

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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 830-258-1117 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: January 12, 2015 at 8:30 a.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

3. PUBLIC HEARINGS AND ACTION

- 3A. **Initial Zoning Classification** – Public hearing and recommendation to Council concerning an initial zoning classification of (RM) “Residential Mix” District, for an approximately 3.05 acre tract of land out of the W.H. Crawford Survey No. 653, Abstract No. 123, Kerr County, Texas, located at 421 Roy Street, contingent upon successful annexation. (Planning File No. 2014-033)

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

Cmr. Watterson opened the public hearing for comments at 4:35 p.m. Hearing no one speak, Cmr. Watterson closed the public hearing at 4:36 p.m.

Cmr. Motheral moved to approve the initial zoning classification as presented; motion was seconded by Cmr. Morgan and passed 5-0.

- 3B. **Zoning Code Text Amendments** – Public hearing, consideration, and recommendation to Council on a proposed Zoning Code Text Amendment to amend Article 11-I-3, Article 11-I-4, and Article 11-I-19 of the Zoning Regulations, related to Community Garden land use within the zoning districts of the City and associated site development standards. (Planning File No. 2014-042)

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

Cmr. Watterson opened the public hearing for comments at 4:43 p.m. Hearing no one speak, Cmr. Watterson closed the public hearing at 4:44 p.m.

Cmr. Motheral moved to approve the zoning code text amendment with the recommendation that the city council limit community gardens to a conditional use permitting process for all districts; motion was seconded by Cmr. Morgan and passed 5-0.

4. STAFF REPORTS:

- 4A. Report concerning future agenda items.

January 15, 2015:

- Two rezoning requests
- Three residential replats

4. ADJOURNMENT

This meeting was adjourned at 5:03 p.m.

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

AGENDA ITEM: 3A

FOR AGENDA OF:

January 15, 2015

DESCRIPTION: Public hearing, consideration, and action concerning a requested rezoning of 6.920 acres from (GR) Guadalupe River District to (PDD) Planned Development District, located at 1107 Junction Highway (Planning File No. 2014-041)

APPLICANT(S): Matkin-Hoover Engineering & Surveying

ATTACHMENT(S): Application

SUMMARY STATEMENT

This item concerns a request for Planned Development District zoning for the property located at 1107 Junction Highway, at the corner of SH 27 west and Harper Rd and is bounded to the south by the Guadalupe River. The site contains the “family sports center” facility and is being redeveloped for a mix of uses to include retail, personal services, restaurant, and high density residential.

The adjacent property to the west is zoned GR “Guadalupe River”, as is the subject property. The property across Junction Highway and Harper Rd. is zoned W6. The GR district is intended “to allow the development of business-type uses compatible with the riverside in areas contiguous or in close proximity to the Guadalupe River, which are not otherwise included in other zoning districts.”. The W6 district is intended as a broad commercial use district, and not intended for single family or two-family uses.

The Planned Development district is intended as a district to allow for the integration of uses and the development of a site in which the building and use layout, access, circulation, open space, and parking are coordinated. The PD district allows some flexibility with respect to the standards applicable in other districts, but offers advantages to the end users and community which exceed what would otherwise be provided.

As proposed, the PD designation would permit a very broad mix of uses, to include business and personal services, life care development, custom manufacturing, professional offices, veterinary services (non-livestock), condominium, and multifamily development. The uses are more completely enumerated in the application (attached).

The concept plan (attached) shows the relationship between proposed buildings/uses, the site circulation, the adjacent River Trail, and parking. City Staff and TxDOT have been working with the applicant to ensure that the driveway locations along both Junction Highway and Guadalupe Street are adequate.

The parking for the site is analyzed as follows, based on the concept plan:

Building/Use	Area (sf)	Ratio	Required
Lot 1 – Comm/Retail	7,500	1:250	30
Lot 2 – Bank	7,000	1:250	28
Lot 3 – Comm/Retail	12,500	1:250	50
Lot 4 – Restaurant	3,000	1:100	30
Lot 5 – Condo	96,000	2:1 (dwelling units)	
Lot 6 – Restaurant	2,500	1:100	25
Lot 7 - Restaurant	3,700	1:100	37
TOTAL	36200 (excl. condo)		200

The total parking provided, exclusive of the multifamily requirement, is 206. Therefore, assuming that the condominium structured parking can meet all of the requirement, and assuming that parking may be shared among all tenants, the site has adequate parking. Issues could arise in particular at the restaurant sites, if shared parking is not available.

The PD application also proposes additional standards for screening, lighting, solid waste areas, and overall signage. It should be noted that the proposal for signage would not comply with the sign regulations, as it presents multiple freestanding signs along SH 27. On the other hand, the applicant contends that this is being done to provide signage for lots which do not have visible frontage, and that overall the plan provides a cohesive sign plan, irrespective of fitting on lot boundaries.

In order to utilize the portions of the property adjacent to the river, fill must be placed in accordance with an engineering study which demonstrates how this can be done without impacting the floodplain.

Thus in summary, staff recommends approval of the concept plan and a PD zoning, provided the following conditions can be met:

1. Sufficient parking to meet the full requirement (less six spaces) for the condominium must be provided within the structured parking for that site development.
2. With the exception of the structured parking, parking must remain shared across the development.
3. A variance from the requirement of the sign regulations is authorized, permitting the signage to be erected as proposed.

RECOMMENDED ACTION

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

MATKIN-HOOVER ENGINEERING & SURVEYING

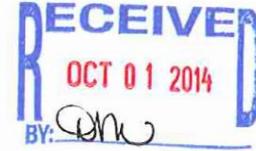
Transmittal

Date: 9/30/2014

Company: City of Kerrville Planning Dept.

Attention: Mr. Jason Lutz

Address: _____



Re: Kerrville Mixed-Use Development – PDD Application

For Approval For Review Please Comment Please Reply For Your Information

ITEMS ATTACHED

Qty:	Description:
1 ea.	Master Application (for PDD) with property owner's signature
1 ea.	PDD Application fee check (\$300)
1 ea.	Concept Plan Checklist
1 ea.	Draft of PDD Ordinance
1 ea.	Metes & Bounds legal description of property (Exhibit A of PDD Document)
20 ea.	Concept Plan (Exhibit B of PDD Document) – full size 24"x36"
1 ea.	Concept Plan (Exhibit B of PDD Document) – 11"x 17"
1 ea.	Concept Plan (Exhibit B of PDD Document) – 8.5" x 11"

PAID
OCT 01 2014
City of Kerrville

● **Comments:**

Please call with any questions.

Thanks.

Sent by: Ken Kolacny, P.E. *KBK*

Job No. 2399.10

TBPE Firm Registration #F-4512

8 Spencer Road Suite 100 Post Office Box 54 Boerne, Texas 78006 Phone 830.249.0600 Fax 830.249.0099

**CITY OF KERRVILLE DEVELOPMENT SERVICES DEPARTMENT
MASTER APPLICATION ***

PROPERTY INFORMATION: (Please PRINT or TYPE for all permits)

Project Address 1107 Junction Highway Nearest Intersection Junction Hwy @ Guadalupe St.
 Minor Plat/Subdivision _____ Lot _____ Block _____
 Zoning Districts GR Comprehensive Plan Designation _____

OWNER/APPLICANT INFORMATION: (Please PRINT or TYPE: For all permits)

Applicant/Authorized Agent Matkin Hoover Engineering & Surveying Phone 830-249-0600 FAX 830-249-0099
 Email Address: kkolacny@matkinhoover.com
 Mailing Address 8 Spencer Road, Suite 100 City Boerne State TX Zip 78006
 Property Owner Paythe, LLC c/o Pete Moore Phone 214-550-1210 FAX _____
 Email Address: pmoore@windridgerealestate.com
 Mailing Address 3890 West Northwest Hwy. #100 City Dallas State TX Zip 75220

Transaction Code: **840.01-6236**

Attach completed checklists for all projects

- | | | | |
|---|---------------|---|-------|
| <input type="checkbox"/> Annexation (2 copies /2 petitions) | <u>No Fee</u> | <input type="checkbox"/> Preliminary Plat (15 copies) | _____ |
| <input type="checkbox"/> Administrative Appeal | \$150 | <input type="checkbox"/> Final Plat (20 copies) | _____ |
| <input type="checkbox"/> Preliminary Site Plan (20 copies) | <u>No Fee</u> | <input type="checkbox"/> Preliminary Minor Plat (20 copies) | _____ |
| <input type="checkbox"/> Final Site Plan (20 copies) | <u>No Fee</u> | <input type="checkbox"/> Final Minor Plat (20 copies) | _____ |
| <input type="checkbox"/> Concept Plan (20 copies) | \$500 | <input type="checkbox"/> Replat (20 copies) | _____ |
- (\$300 + \$20/lot or \$10/acre (which ever is greater))*
(\$150 + \$10/lot)
(\$150 + 10/lot)
(\$150 + 10/lot)
(\$150 + 10/lot)

**For plats in the ETJ:
(Payment due at the time of final plat, \$200.00 per lot)**

- Parkland Fee (East) _____
 08-6242
 Parkland Fee (West) _____
 08-6243

Owner's Affidavit Required for: (Must attach to this Master Application Form)

- | | | | |
|--|--------------|--|-------|
| <input type="checkbox"/> Conditional Use Permit (CUP) Request | _____ | <input type="checkbox"/> Zoning Change Request | _____ |
| 840. 01-6236 \$300 | | 840. 01-6236 \$300 | |
| <input type="checkbox"/> Variance Request | _____ | <input type="checkbox"/> Comp. Plan Amendment Request | _____ |
| 840. 01-6236 \$150 | | 840. 01-6236 \$300 | |
| <input checked="" type="checkbox"/> Planned Development District Request | <u>\$300</u> | <input type="checkbox"/> Specific Use Permit (SUP) Request | _____ |
| 840 .01-6236 \$300 | | 840. 01-6236 \$300 | |

Please provide a basic description of the proposed project: _____
±7 Acre Mixed-Use Development with commercial retail, restaurant, condominiums and river trail

I hereby certify that I am the owner or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit or approval may be revoked.

Owners Signature:  Date: 9/29/14



PLANNED DEVELOPMENT DISTRICT CONCEPT PLAN CHECKLIST

An application for a PDD shall include a concept plan to be considered administratively complete.

Name of Development: Kerrville Mixed-Use Development

Property Location/Address: 1107 Junction Hwy, Kerrville

Proposed Use(s): Commercial, Retail, Restaurant, Condominium

Existing Zoning Classification: GR

Date of Fire Flow Test (Attach Water Flow Report): _____
(Contact the Fire Marshal to schedule test)

Submission of this completed form is part of the Planned Development District (PDD) Application. All items must be "checked off" and included prior to submittal. **AN INCOMPLETE CHECKLIST CONSTITUTES AN INCOMPLETE APPLICATION.**

GENERAL INFORMATION:

- Pre-Application Conference Date: 6/6/14 (Required prior to submittal)
- Filing Fee (\$300) 840. (01-6236)
- Twenty (20) copies of the Concept Plan
- Sheet Size 24" x 36", 1 @ 11" x 17", 1 @ 8 1/2" x 11"
- Vicinity Map
- North Arrow
- Date
- Scale, drawn to a standard engineering scale not less than 1" = 100'
- Project name and Address in title block

PLAN INFORMATION:

- Site, indicating boundaries (property lines), and project phase lines if any
- Location and width of existing and/or proposed public and/or private rights-of-way and easements located on, abutting or intersecting the site
- Adjacent properties with zoning and existing uses identified
- Proposed general land uses and the acreage of each use, including open space; for residential developments, the total number of units and units per acre

- ✓ Existing and proposed structures showing approximate outline and dimensions of perimeter walls, including distances to property lines and other structures
- ✓ Front, side and rear building setback lines
- ✓ Proposed category of use(s) of structures
- ✓ Number of stories in height and feet for each structure
- ✓ Gross floor area for each structure
- ✓ Approximate location of entrances and exists for each structure
- ✓ Proposed development standards for the PDD, if different from the base zoning district for each proposed land use
- ✓ Parking for each use(s)
- ✓ Topographic contours of ten feet (10') or less of the proposed site
- ✓ Show the 100-year floodplain, floodway and any major drainage way(s)
- ✓ Existing and proposed utilities to include water, wastewater, gas, electric, telecommunications and fire hydrants

CONTACT INFORMATION:

Property Owner: Paythe, LLC c/o Pete Moore

Address: 3890 West Northwest Hwy, Suite 100, Dallas, TX 75220

Phone: (214) 550-1210 Fax: _____

Email: pmoore@windridgerealestate.com

Applicant: Matkin Hoover Engineering & Surveying c/o Ken Kolacny, P.E.
(If different from Owner)

Address: 8 Spencer Rd., Suite 100, Boerne, TX 78006

Phone: (830) 249-0600 Fax: (830) 249-0099

Email: kkolacny@matkinhoover.com

CITY OF KERRVILLE, TEXAS
ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING THE ZONING FOR AN APPROXIMATELY 6.920 ACRE TRACT, WHICH CURRENTLY EXISTS WITHIN THE CITY'S CORPORATE LIMITS, BY CREATING A "PLANNED DEVELOPMENT DISTRICT" FOR SAID AREA; 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); ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, said tract of land is currently within the City's corporate limits; and

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 _____, to consider said zoning change for the property described in Section One through the creation of 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 _____, as advertised; and

WHEREAS, having provided all required public notices, held all required public hearings at which people with an interest in the matter were provided an opportunity to be heard, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to approve an ordinance establishing zoning regulations for the area which currently exists within the City's corporate limits;

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

SECTION ONE. That the tract described and referenced herein is more particularly described in **Exhibit "A"**, which is attached hereto and incorporated herein for all purposes, ("Property").

SECTION TWO. That upon the adoption of this Ordinance, the area described in **Exhibit "A"**, shall be and constitute a Planned Development District. The area described in **Exhibit "A"**, attached hereto, shall be subject to the regulations set forth in the Title 11, Chapter I of the City of Kerrville, Texas, Code of Ordinances ("Code"), subject to and as modified by the following use and development regulations and provisions and the following shall be applicable

to the Property and shall control if and to the extent in of the following conflict with the Code and any other regulation or ordinance of the City of Kerrville, Texas:

1. **Planned Development District Areas**: The Planned Development District shall be generally divided into Lots, said Lots being substantially as shown on the Concept Plan (herein so called) attached as **Exhibit B**, which is attached hereto and incorporated herein by reference. References in this Ordinance to Lots shall mean those enumerated areas as indicated on **Exhibit "B"**. Such Lots (sometimes collectively referred to herein as "the Lots")..
2. **Lot Area, Lot Width, and Regulations**: The Lot area, minimum Lot width regulations for Lots are as set forth on the attached Concept Plan and otherwise as provided in the plat thereof and/or as provided in applicable ordinances.
3. **Uses**: The uses allowed for the property described in **Exhibit A**, attached hereto, shall be those uses defined within and permitted by (marked with a "P" in the Code and sections thereof and the following uses shall be permitted within Planned Development District and the following shall be as defined in the Code or if not so defined the following will have the general use and meaning of the following uses and terms::

LAND USES permitted in and for the Planned Development District	
1.	Business Services I and II, including and in addition thereto the following uses:
(i)	bicycle repair shops;
(ii)	cablevision, radio, and television stations;
(iii)	camera repair shops;
(iv)	commercial art, photography, art and graphics;
(v)	employment agencies;
(vi)	gunsmith and locksmith shops;
(vii)	job and vocational training centers;
(viii)	musical instrument, radio and television repair;
(ix)	postal services;
(x)	re-upholstery and furniture repair;
(xi)	Telephone and electric company offices (excluding storage and maintenance yards, but including telecommunications serving centers).
2.	Bed and Breakfast and Cocktail Lounge
3.	Building Construction, General
4.	Education, Primary, Secondary and College
5.	Food Sales with or without alcoholic beverage sales

6. Institution Public Assembly Life Care Development
7. Manufacturing, Custom
8. Personal Care Facility
9. Personal Services I including without limitation and in addition thereto the following:
(i) beauty parlors and/or barber shops
(ii) health or fitness studios/salons and massage therapy;
(iii) pet (grooming) services;
(iv) portrait photography studios;
(v) repair services of personal items such as shoes, watches, and jewelry;
(vi) schools primarily engaged in instructional or informational classes related to art, dance, gymnastics, cheerleading, trampoline and tumbling, or martial arts;
(vii) seamstress and/or tailor shops;
(viii) Day care centers (general)
10. Personal Services – Limited including without limitation and in addition thereto the following veterinary services for the treatment of animals, pets and livestock
but limited to the treatment of small, domesticated pets only and such use does not include the treatment of livestock or other farm animals; also, boarding services may not be offered unless directly related to the temporary medical treatment of small, domesticated pets, such as post-operation recovery.
11. Professional Offices: (Including Financial Institutions)
12. Tourist/Visitor and Recreation Services:
13. Restaurant, General and Limited:
14. Retail Trade –I, II and Limited including but not limited to the following and in addition the following:
(i) hardware, paint, glass, and wallpaper stores;
(ii) lawn and garden supply, nurseries and landscaping;
(iii) department, variety and general merchandise stores;
(iv) food sales including beer and wine sales;
(v) specialty clothing and shoe stores;
(vi) Furniture, floor covering, upholstery and curtain stores.
(vii) sales of new household appliances;
(viii) drug stores;
(ix) sporting goods stores;
(x) toy, gift and novelty shops;
(xi) stationery stores;
(xii) book sales;
(xiii) camera and photographic supply;
(xiv) luggage and leather goods sales;
(xv) sewing, needlework establishments;

(xvi) mail order and direct sale establishments;
(xvii) tobacco products sale;
(xviii) florists;
15. Condominiums: including without limitation residential, R-1, RT and R-3 and multi-family, single family, and apartment dwelling and uses
16. Medical Office
17. Parks and Recreation, Public and./or Private Ownership
18. Dwelling – Multiple Family
19. Music Venue
20. Life Care Development

4. **Screening of Outdoor Display and Storage Areas:** The screening of outdoor display and outdoor storage areas required by Paragraph 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;
 - 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 6 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 6 feet in height.
- e. Screening shall be not less than 3 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.

5. **Exterior Lighting:** All exterior lighting fixtures in the Areas shall:

- a. be no greater than 40 feet in height; and
- b. be installed and maintained in such a manner as to not allow direct light on adjacent residential (including multi-family) areas outside of the Commercial Areas; toward this end, said fixtures shall be vertical lamp, flat lens or a cut-off type, where said cut off fixtures shall not allow direct light above the horizontal plane.

6. **Trash and Other Solid Waste:** Screening devices or other equipment designed to prevent trash and other solid waste from leaving the Areas during rain events shall be installed in all drainage channels and around dumpsters and other solid waste collection areas located in the Areas. Such devices and equipment shall be cleaned and maintained regularly in order that surface water may drain from the Areas as required by the drainage plan approved by the City Engineer as part of the platting process. Solid waste collection bins and dumpsters shall be equipped with lids and screened with a gate with an opaque screen on one side and masonry material finished to look substantially like the principal building to which it is adjacent on the remaining three sides.
7. **Grading Permit:** Clearing, grading, fill, retaining walls, excavation, or any activity precedent to development of open, vacant, or unimproved land shall be in accordance with and as set forth in the Concept Plan and the CLOMR, attached hereto as Exhibit "C" and made a part hereof for all purposes, and shall not occur until the developer has obtained a City permit related to said activities, if any; provided that all such grading, fill, walls, excavation and activities shall be permitted if in accordance with said Concept Plan and CLOMR and shall be allowed and deemed in compliance with applicable flowage easement(s), including without limitation the Easement recorded in Volume 11, Page 828 Official Public Records, Kerr County, Texas is hereby approved and permitted, that river trail shall be extended and constructed by City and that retaining walls and fill in river trail area and land in flowage easement are approved.
8. **Signs:** Signage shall be in accordance with Exhibit "B", attached hereto, and signage type, location and number shall be allowed as shown thereon including monument signs and free standing signs shown thereon and otherwise in accordance with the existing sign regulations to the extent not in conflict with Exhibit "B"
9. **Compliance With Subdivision Regulations:** No building permit shall be issued for any development within the Commercial Areas until the City has approved the appropriate plat(s) in accordance with the City's regulations related to subdivision development in effect at the time of said development.
10. **Attached Concept Plan:** The Concept Plan attached to this Ordinance at **Exhibit B** shall be used 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 constitute and be construed as constituting, approval of the lot layout, street locations, parking (including shared parking and reciprocal parking), street lengths, site plan, site work and facilities, and general circulation plan shown on **Exhibit B**. Further, the inclusion of **Exhibit B** as part of this Ordinance shall constitute and be construed as constituting the approval of the City and any waiver or variance to any provision of Title 10, Chapter IV of the Code of Ordinances or any other Code provision.

11. **References to Present Zoning Code Regulations:** All references within this Ordinance to Article 11-I-1, *et al.* shall be found in the Code.

SECTION THREE. The provisions of this Ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. The Council of the City of Kerrville, Texas, hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION FIVE. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Article 1-I-9 of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00).

SECTION SIX. In accordance with Section 3.07 of the City Charter and Texas Local Government Code §52.013(a), the City Clerk is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

PASSED AND APPROVED ON FIRST READING, this the __ day of _____, A.D., ____.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the _____ day of _____, A.D., ____.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM

City Attorney

EXHIBIT "A"

MATKIN HOOVER

ENGINEERING & SURVEYING

8 Spencer Road, Suite 100, Boerne, Texas 78006
Phone: 830-249-0600 FAX: 830-249-0099

Field Notes for an approximate 6.920 Acre Tract of Land

BEING AN APPROXIMATE 6.920 ACRE TRACT OF LAND, LOCATED IN THE WALTER FOSGATE SURVEY NO. 120, ABSTRACT NO. 138, KERR COUNTY, TEXAS, SAID APPROXIMATE 6.920 ACRE TRACT BEING ALL OF A CALLED 0.97 ACRE TRACT OF LAND, RECORDED IN VOLUME 1776, PAGES 319-324, OFFICIAL PUBLIC RECORDS, KERR COUNTY, TEXAS, ALL OF LOT 1 AND LOT 2, BLOCK 1, GUADALUPE CENTER SUBDIVISION, RECORDED VOLUME 4, PAGE 266, PLAT RECORDS, KERR COUNTY, TEXAS, AND ALL OF A CALLED 0.75 ACRE TRACT OF LAND, RECORDED IN VOLUME 1441, PAGES 29-33, OFFICIAL PUBLIC RECORDS, KERR COUNTY, TEXAS. SAID APPROXIMATE 6.920 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at a the north corner of the above mentioned 0.97 acre tract, and for the north corner of the herein described tract;

Thence, South $60^{\circ}30'19''$ East, with the northeast boundary line of the called 0.97 acre tract, a distance of 178.70 feet to the north corner of Lot 1, Guadalupe Center Subdivision, the east corner of the called 0.97 acre tract, and for an angle point of the herein described tract;

Thence, South $60^{\circ}19'11''$ East, with the northeast boundary line of Lot 1, Guadalupe Center Subdivision, a distance of 231.83 feet to the east corner of Lot 1, and for the east corner of the herein described tract;

Thence, South $43^{\circ}11'03''$ West, with the southeast boundary line of Lot 1, Guadalupe Center Subdivision, a distance of 430.66 feet to the east corner of Lot 2, Guadalupe Center Subdivision, the south corner of Lot 1, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

Thence, with multiple boundary lines of Lot 2, Guadalupe Center Subdivision the following eleven courses and distances:

South $45^{\circ}25'20''$ West, a distance of 202.81 feet to an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

South $02^{\circ}42'10''$ East, a distance of 21.95 feet to an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

South $86^{\circ}49'39''$ West, a distance of 159.76 feet to an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

North 43°57'22" West, a distance of 53.09 feet to an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

North 52°34'01" West, a distance of 72.04 feet to an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

South 87°43'39" West, a distance of 170.97 feet to an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

North 50°40'21" West, a distance of 59.78 feet to an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

North 00°37'22" East, a distance of 30.35 feet to an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

North 42°24'50" East, a distance of 40.20 feet to an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

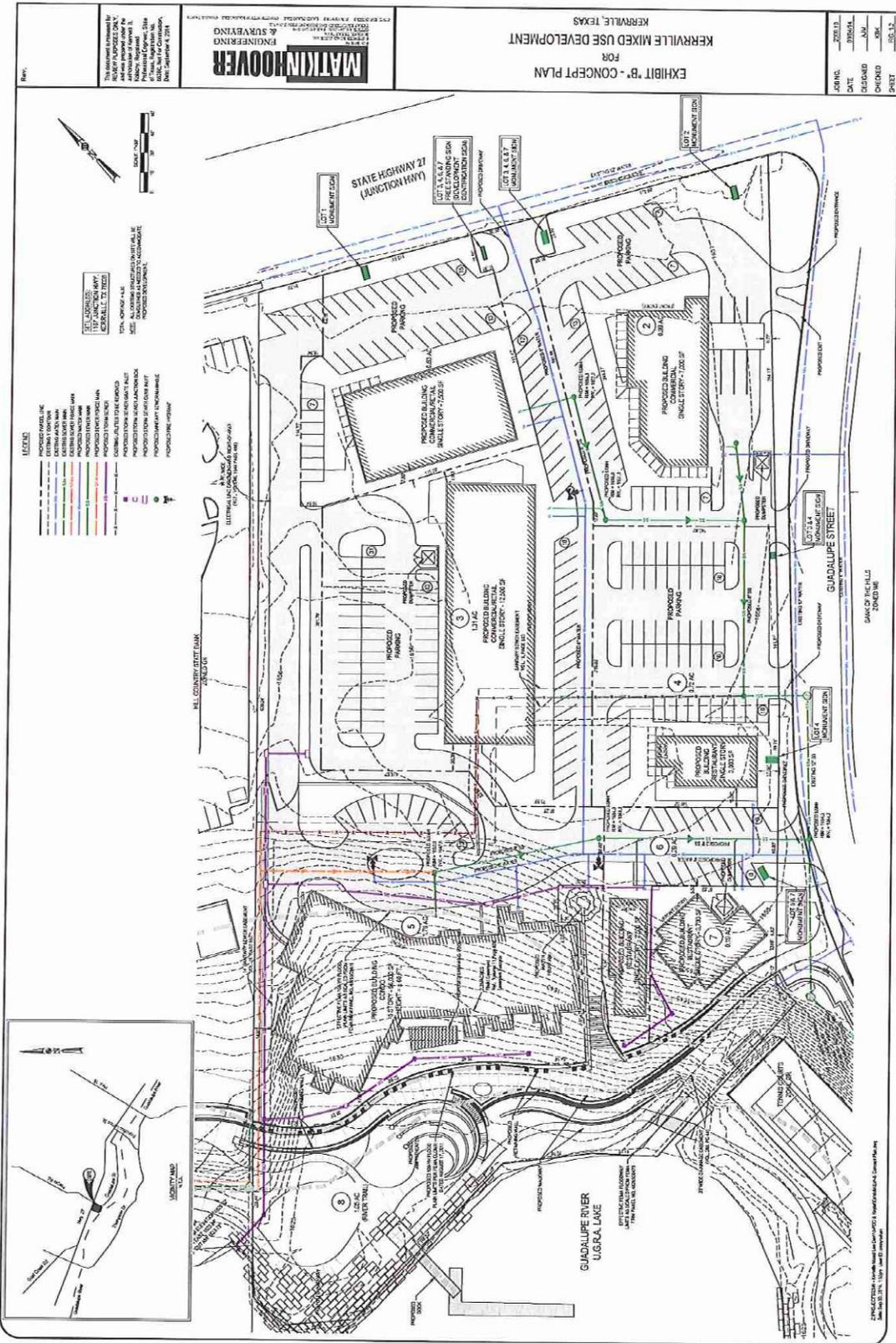
North 45°01'26" East, a distance of 130.76 feet to an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

North 45°00'00" East, a distance of 190.89 feet to the west corner of the above mentioned 0.75 acre tract, an angle point of Lot 2, Guadalupe Center Subdivision, and for an angle point of the herein described tract;

Thence, North 45°06'00" East, with the northwest boundary line of the called 0.75 acre tract, a distance of 194.60 feet to the west corner of the called 0.97 acre tract, the north corner of the called 0.75 acre tract, and for an angle point of the herein described tract;

Thence, North 44°29'37" East, with the northwest boundary line of the called 0.97 acre tract, a distance of 220.80 feet to the POINT OF BEGINNING and containing approximately 6.920 acres of land.

Note: This metes and bounds description is based on preamble referenced field notes and plat descriptions, and does not close per the recorded documents. This metes and bounds description is not based on a boundary survey and may not be used for transfer of title or any recording purposes.



THE DEVELOPER HEREBY WARRANTS THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

MATTINHOVER ENGINEERING
 1200 S. RIVER ST. SUITE 100
 KERRVILLE, TEXAS 78601
 TEL: 817.432.1111
 FAX: 817.432.1112
 WWW.MATTINHOVERENGINEERING.COM

EXHIBIT "B" - CONCEPT PLAN
 FOR
 KERRVILLE MIXED USE DEVELOPMENT
 KERRVILLE, TEXAS

DATE	2023.11.13
DESIGNED BY	AM
CHECKED BY	JPC
SHEET	005.12

EXHIBIT "C"



Federal Emergency Management Agency

Washington, D.C. 20472

August 17, 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
Case No.: 11-06-2377R

The Honorable David Wampler
Mayor, City of Kerrville
800 Junction Highway
Kerrville, TX 78028

Community: City of Kerrville, TX
Community No.: 480420

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Dear Mayor Wampler:

This responds to a request that the Department of Homeland Security's Federal Emergency Management Agency (FEMA) comment on the effects that a proposed project would have on the effective Flood Insurance Rate Map (FIRM) and Flood Insurance Study report (FIS) for Kerr County, Texas, and Incorporated Areas (the effective FIRM and FIS report for your community), in accordance with Part 65 of the National Flood Insurance Program (NFIP) regulations. In a letter dated November 23, 2010, Mr. Kenneth Kolacny, P.E., of Matkin Hoover Engineering and Surveying, requested that FEMA evaluate the effects that the proposed development along Guadalupe River from approximately 1,190 feet upstream of Upper Guadalupe River Authority (UGRA) Dam to approximately 2,380 feet upstream of UGRA Dam would have on the flood hazard information shown on the effective FIRM and FIS report. The proposed project along Guadalupe River will consist of placement of fill and excavation from approximately 1,470 feet upstream of UGRA Dam to approximately 2,220 feet upstream of UGRA Dam. The area of the proposed project is shown on Kerr County, Texas, and Incorporated Areas FIRM Number 48265C0470 F, dated March 3, 2011.

All data required to complete our review of this request for a Conditional Letter of Map Revision (CLOMR) were submitted with letters from Mr. Kolacny.

We reviewed the submitted data and the data used to prepare the effective FIRM for your community and determined that the proposed project meets the minimum floodplain management criteria of the NFIP. The submitted existing conditions HEC-RAS hydraulic computer model, dated April 15, 2011, based on updated topographic information, was used as the base conditions model in our review of the proposed conditions model for this CLOMR request. We believe that, if the proposed project is constructed as shown on the "Kerrville Mixed-use Development Flood Plain Exhibit," dated July, 13, 2011, prepared by Matkin Hoover Engineering and Surveying, and the data listed below are received, a revision to the FIRM and FIS report would be warranted.

Our comparison of existing conditions to the effective flood hazard information revealed that the Base (1-percent-annual chance) Flood Elevations (BFEs) increased and decreased compared to the effective conditions BFEs for Guadalupe River. The maximum increase in BFE, 0.4 foot, occurred approximately 2,350 feet upstream of UGRA Dam. The maximum decrease in BFE, 0.6 foot, occurred approximately 1,930 feet upstream of UGRA Dam.

As a result of the proposed project, the BFEs will decrease compared to the existing conditions BFEs for Guadalupe River. The maximum decrease in BFE for the project area, 0.01 foot, will occur approximately 2,350 feet upstream of UGRA Dam.

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As a result of the proposed project and updated topographic information, the BFEs will increase and decrease compared to the effective conditions BFEs for Guadalupe River. The maximum increase in BFE, 0.4 foot will occur approximately 2,350 feet upstream of UGRA Dam. The maximum decrease in BFE, 0.6 foot, will occur approximately 1,930 feet upstream of UGRA Dam.

As a result of the proposed project and updated topographic information, the width of the Special Flood Hazard Area (SFHA), the area that would be inundated by the base flood, will decrease compared to the effective SFHA width along Guadalupe River. The maximum decrease in SFHA width, approximately 190 feet, will occur approximately 2,160 feet upstream of UGRA Dam.

As a result of the proposed project, the regulatory floodway width will decrease compared to the effective regulatory floodway width along Guadalupe River. The maximum decrease in regulatory floodway width, approximately 40 feet, will occur approximately 1,590 feet upstream of UGRA Dam.

Upon completion of the project, your community may submit the data listed below and request that we make a final determination on revising the effective FIRM and FIS report.

- Detailed application and certification forms, which were used in processing this request, must be used for requesting final revisions to the maps. Therefore, when the map revision request for the area covered by this letter is submitted, Form 1, entitled "Overview and Concurrence Form," must be included.
- The detailed application and certification forms listed below may be required if as-built conditions differ from the proposed plans. If required, please submit new forms or annotated copies of the previously submitted forms showing the revised information.

Form 2, entitled "Riverine Hydrology and Hydraulics Form"

Form 3, entitled "Riverine Structures Form"

Hydraulic analyses, for as-built conditions, of the base flood; the 10-percent-, 2-percent-, and 0.2-percent-annual-chance floods; and the regulatory floodway must be submitted with Form 2.

- As-built plans, certified by a registered Professional Engineer, of all proposed project elements.
- A topographic work map showing the revised floodplain and floodway boundaries must be submitted.
- A copy of the annotated FIRM, at the scale of the effective FIRM, showing the revised base floodplain and floodway boundary delineations and a clear tie-in with the effective delineations at the upstream and downstream ends of the revised reach.
- A copy of the public notice distributed by your community stating its intent to revise the regulatory floodway for Guadalupe River, or a statement by your community that it has notified all affected property owners and affected adjacent jurisdictions.

Effective January 13, 2010, FEMA revised the fee schedule for reviewing and processing requests for conditional and final modifications to published flood information and maps. In accordance with this schedule, the current fee for this map revision request is \$5,000 and must be received before we can begin processing the request. Please note, however, that the fee schedule is subject to change, and requesters are required to submit the fee in effect at the time of the submittal. Payment of this fee shall be made in the form of a check or money order, made payable in U.S. funds to the National Flood Insurance Program, or by credit card (Visa or MasterCard only).

The payment, along with the revision application, must be forwarded to the following address:

FEMA LOMC Clearinghouse
7390 Coca Cola Drive, Suite 204
Hanover, MD 21076

After receiving appropriate documentation to show that the project has been completed, FEMA will initiate a revision to the FIRM and FIS report.

The basis of this CLOMR is, in whole or in part, a channel-modification project. NFIP regulations, as cited in Paragraph 60.3(b)(7), require that communities assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. This provision is incorporated into your community's existing floodplain management regulations. Consequently, the ultimate responsibility for maintenance of the modified channel rests with your community.

This CLOMR is based on minimum floodplain management criteria established under the NFIP. Your community is responsible for approving all floodplain development and for ensuring all necessary permits required by Federal or State law have been received. State, county, and community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction in the SFHA. If the State, county, or community has adopted more restrictive or comprehensive floodplain management criteria, these criteria take precedence over the minimum NFIP criteria.

If you have any questions regarding floodplain management regulations for your community or the NFIP in general, please contact the Consultation Coordination Officer (CCO) for your community. Information on the CCO for your community may be obtained by calling the Director, Mitigation Division, of FEMA in Denton, Texas, at (940) 898-5127. If you have any questions regarding this CLOMR, please contact the FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA MAP (1-877-336-2627).

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Sincerely,



Michael J. McGinn, Program Specialist
Federal Insurance and Mitigation Administration

For: Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation
Administration

cc: Mr. Bobby Gore
Senior Engineering Technician
City of Kerrville

Mr. Pete Moore, P.E.
Hunter Equity

Mr. Ken Kolacny P.E.
Malkin Hoover Engineering and Surveying

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

AGENDA ITEM: 3B

FOR AGENDA OF:

January 15, 2015

DESCRIPTION: Public hearing, consideration, and action concerning a proposed residential replat of lots 4 & 5, Block A of the Comanche Trace Subdivision, Phase 9, consisting of 0.96 acres, located at 3913 Oak Park Drive. (Planning File No. 2014-050)

APPLICANT(S): Lee Voelkel

ATTACHMENT(S): Locatin Map & Proposed Plat

SUMMARY STATEMENT

The applicant is seeking to consolidate Lots 4 & 5, Block A of the Comanche Trace Subdivision, Phase 9.

Utility Easements have been retained from the original subdivision plat.

The subdivision plat meets all state and local regulations and staff recommends approval.

RECOMMENDED ACTION

1. Open the required public hearing receive comments.
2. Approve the replat as presented.

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

AGENDA ITEM: 3C

FOR AGENDA OF:

January 15, 2015

DESCRIPTION: Public hearing, consideration, and action concerning a proposed final minor plat and replat of 3.91 acres out of the Samuel Wallace Survey No. 112, Abstract 360, located at the northwest intersection of Legion Drive and Loop 534. (Planning File No. 2014-051)

APPLICANT(S): John Sample

ATTACHMENT(S): Location Map & Proposed Plat

SUMMARY STATEMENT

The applicant is seeking to consolidate portions of unplatted, and some platted property and re-divide into four lots. A small remainder (approximately 0.03 ac) of property that was severed during the right-of-way acquisition for Loop 534 is included within the plat and vacates its previous reference.

Based on the zoning map interpretation guidelines provided in Art. 11-I-4(e)(7), Staff has determined that the proposed Lots 1 & 2 are zoned E29 and proposed Lots 3 & 4 are zoned RM. Thus, the subdivision is intended for commercial use along Legion Drive and Loop 534, and residential use along Goss Street at the west. Staff is recommending that some limitations on access to Mesquite St. are made to avoid any commercial traffic moving through the adjacent neighborhood.

The subdivision plat meets all state and local regulations and staff recommends approval, subject to the some minor conditions as follows:

1. Add a note indicating that the wastewater easement shown across Lot 1 is shown in its actual location relative to the existing infrastructure, and reference the prior separate instrument document information.
2. Add a note to restrict commercial access for Lots 1 and 2 to Legion St.
3. Add a note that includes public record information for the 0.03 ac portion to be vacated
4. Change the plat title to reflect "...also being a replat with partial vacation of Block 42 of the Legion Heights Addition" or similar, or provide complete metes & bounds legal description to accompany the plat drawing.

RECOMMENDED ACTION

3. Open the required public hearing receive comments.
4. Approve the replat as presented, subject to staff conditions.

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

AGENDA ITEM: 3D

FOR AGENDA OF:

January 15, 2015

DESCRIPTION: Public hearing, consideration, and action concerning a proposed residential replat of lots 55 & 56, Block C of the Comanche Trace Subdivision, Phase 11, located at 1080 Pinnacle View Drive. (Planning File No. 2014-053)

APPLICANT(S): Lee Voelkel

ATTACHMENT(S): Location Map & Proposed Plat

SUMMARY STATEMENT

The applicant is seeking to consolidate Lots 55 & 56, Block C of the Comanche Trace Subdivision, Phase 11.

Utility Easements have been retained from the original subdivision plat.

The subdivision plat meets all state and local regulations and staff recommends approval, subject to the minor condition of renaming the proposed lot as "Lot 55A", consistent with prior convention.

RECOMMENDED ACTION

1. Open the required public hearing receive comments.
2. Approve the replat as presented.

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

AGENDA ITEM: 3E

FOR AGENDA OF:

January 15, 2015

DESCRIPTION: Public hearing, consideration, and action concerning a staff-initiated rezoning of a block of property bounded by Quinlan St. to the west, and Jefferson St. and Main St. to the north and south, comprising approximately 5.89 acres, from (CBD) Central Business District to (DC) Downtown Core, and an associated amendment of the text of the Zoning Regulations. (Planning File No. 2014-054)

APPLICANT(S): Chris Stewart, AICP, Interim Senior Planner

ATTACHMENT(S): Proposed Area Map

SUMMARY STATEMENT

Recently, a set of inquiries about the redevelopment of the area around Clay St. and Jefferson St. has brought to light some of the challenges associated with redevelopment of the area. As this area at the current periphery of the Downtown Core – but within the Central Business District – developed through the mid-20th century, it reflects a mix of older, architecturally relevant buildings with utilitarian metal buildings. The original lot form did not contemplate much on-site parking, and many lots have been consolidated to provide larger lot areas for development.

As demand for commercial and mixed use property increases in the central business district, the challenge remains to be able to provide parking. In recognition of this, the City of Kerrville has done two things: first, it has built a public parking garage at the corner of Sidney Baker St. and Water St. Secondly, it has recognized that a vibrant downtown core – such as had been originally developed along Main St. and Water St. – is successful and retains the old character of the city not because of the provision of parking, but for the provision of sidewalks and allowing a better pedestrian experience. In creating the downtown core designation in the zoning ordinance, the code does not require the provision of additional parking in order to accommodate a redevelopment.

With these two facts of precedent in mind, Staff believes that it may be in the city’s best interest to consider expanding the Downtown Core designation to include an area as shown in the attached exhibit.

The Downtown Core is currently defined as “a 5-1/2 block area consisting of small specialty shops, restaurants, offices, and tourist, visitor and public uses unique to the city. This area...shall be exempt from the following development standards of the CBD.” The standards for DC are differentiated from the CBD as follows:

- Setbacks (no setbacks)
- Parking (if the use changes and new use does not expand, there is no requirement to add off-street parking)
- Add: the ability to display merchandise on the sidewalk as long as a 36” path remains (subject to city planner review)

The City’s sign regulations also reference the Downtown Core, and it is clear that the intent is to keep

monument signs and wall signs for those businesses, as opposed to freestanding signs. Freestanding signs are prohibited in the DC district.

Thus, the Downtown Core (DC) designation would allow redeveloping properties to take advantage of their existing parking as sufficient, operate within reduced setbacks, and display sidewalk merchandise.

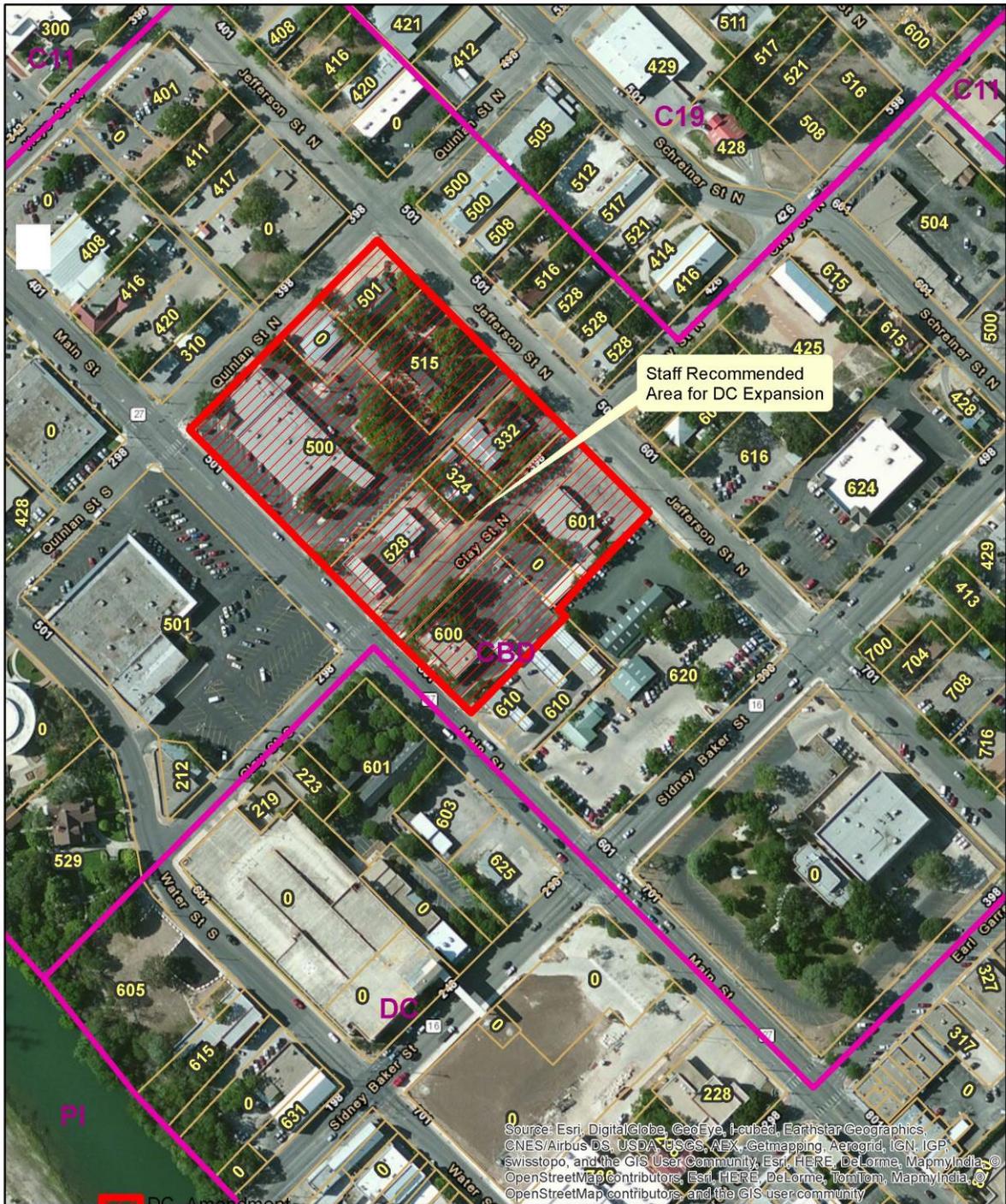
Based upon recent inquiry and a reasonable walking distance (1/2 mile of parking garage) from the public parking garage, staff has identified the area shown in the attached exhibit as a potential expansion area for "DC".

Staff would like the Commission to provide input on this selected area. If a larger area is identified, however, it should be noted that additional notice will need to be done to allow the broader area property owners to give comment.

Some portions of the ordinance text would also need to change, as they distinctly refer to a set area as it exists today. Staff is recommending that those spatial references simply be removed and some language added which indicates the close availability of public parking facilities.

RECOMMENDED ACTION

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



-  DC Amendment
-  Legion Loop 534
-  Zoning Districts
-  Tax Parcels
-  City Limits

CBD Downtown Core Area Zoning Map

200 100 0 200 Feet



Source: Esri, DigitalGlobe, GeoEye, iSat, Earthstar Geographics, CNES/Airbus DS, USDA/USGS, AEX, Getmapping, Aerogrid, IGN, IGP, Swisstopo, and the GIS User Community, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, Esri, HERE, DeLorme, TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS user community

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