

CITY OF KERRVILLE PLANNING & ZONING COMMISSION AGENDA
REGULAR MEETING, THURSDAY, MARCH 12, 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 February 5, 2015 meeting.

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)

3B. **Public Hearing & Action, Text Amendment, Downtown Core Designation (DC) –**
Public hearing, consideration, and action concerning proposed text amendments to the City of Kerrville's adopted zoning code regarding parking restrictions within the Central Business District (Planning File No. 2014-054)

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: March 6, 2015 at 3:30 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

3C. <u>Public Hearing & Action, Text Amendment, Community Gardens</u> – Public hearing, consideration, and recommendation to Council on a proposed text amendment to the City of Kerrville’s adopted zoning code by adding the definition “Community Gardens” to Article 11-I-3 Definitions, revising Article 11-I-4 to add “Community Garden” as a use that is permitted within any zoning district, and revising Article 11-I-19 Special Development Regulations to include site development standards.(Planning File No. 2014-042)	24
4. <u>CONSIDERATION AND ACTION</u>	26
4A. <u>Consideration & Action, Final Plat</u> – Consideration and action concerning a final plat of the Village on the Guadalupe Subdivision, located at 1107 Junction Highway. (Planning File No. 2015-013)	27
5. <u>STAFF REPORTS</u>	27
6. <u>ADJOURNMENT</u>	27

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: March 6, 2015 at 3:30 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

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

3. PUBLIC HEARINGS AND ACTION:

3A. **Public Hearing & Action, Residential Replat** Public hearing, consideration, and action concerning a proposed residential replat of lots 32-37 of the Comanche Trace Subdivision, Phase 8, containing 0.909 acres, located at 2085 Toscano Way. (Planning File No. 2015-001)

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

Cmr. Watterson opened the public hearing 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 residential replat as presented. Motion was seconded by Cmr. Morgan and passed 5-0.

3B. **Public Hearing & Action, Residential Replat**

Public Hearing & Action, Residential Replat Public hearing, consideration, and action concerning a proposed residential replat of lots 42, 43 and 44 of the Comanche Trace Subdivision, Phase 8, containing 0.455 acres, located at 2121 Toscano Way. (Planning File No. 2015-002)

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

Cmr. Watterson opened the public hearing at 4:37 p.m. Hearing no one speak, Cmr. Watterson closed the public hearing at 4:38 p.m.

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

4A. **Consideration & Action, Preliminary Plat –** Consideration and action concerning a preliminary plat of the Green Hills Center, located at 1002 Junction Highway. (Planning File No. 2014-055)

Mr. Stewart presented the findings of fact and asked Commissioners to render a decision. Mr. Stewart stated he has a preliminary plat and the purpose of the preliminary plat to allow us to make sure that the availability of utilities is coordinated for a site that's going to have, maybe some phasing associated with it with public improvements that are going to come into play at various phases of the development. Mr. Stewart stated that preliminary plat allows the city to have a level of comfort that all the lots are going to eventually have the service that they need and it gives the developer the comfort of knowing the city is okay with his concept and we agree on how this can be phased in. Mr. Stewart stated that's the basic idea behind a preliminary plat and wanted to make

sure everyone knew what's involved. Mr. Stewart stated in this particular case they're looking at a fast food national chain restaurant going in on the corner right at Harper Road and Junction Highway. Mr. Stewart stated it's an existing pharmacy building and that pharmacy is going to move out to make way for the fast food restaurant. Mr. Stewart stated there is a public improvement, a sanitary sewer improvement, that's associated with this project and it's going to be extended basically from the current line at Ox Drive, just north of the highway, across the parking lot essentially over to the new restaurant building. Mr. Stewart stated that's the public improvement that's going into place. Mr. Stewart presented a slide showing the property is being configured into two lots right away. They are under the same ownership at the moment but having that sewer line shown makes it clear that's where the sewer's going to go and we understand that for redevelopment there's going to be a sewer line there and that's the basic idea of it. Mr. Stewart stated our recommendation is for approval of the plat, that he had originally put in the staff report based on inclusion of the second lot and they've provided that, now since that comment was made they provided both. Mr. Stewart stated the only remaining comment is that it reflect the revised total acreage, so we have the 4.961 and the 4.963 acres and he's going to ask them to do that math for him when they bring in the final preliminary plat for us to keep in our files as approved.

Cmr. Motheral stated he had a question. He said since he has property across the street, he didn't know whether he needed to recuse himself, but he said the sewer line in Ox is borderline being big enough and it has stopped up a number of times as is and he doesn't know whether Engineering has looked at this or not. Mr. Stewart stated Engineering has looked at it and they are currently reviewing the sewer line extension that's running across the lots, that's under review right now for details, but it's his understanding they're satisfied with that main extension that will be of sufficient size. Mr. Stewart stated he doesn't know that they haven't expressed a need to upgrade it downstream of the property. Mr. Motheral asked if the current drug building is sewered down the same line or is it sewered to the front. Mr. Stewart stated he believes it's sewered possibly to Harper Road, but he doesn't know that for certain. Mr. Motheral told Mr. Stewart to ask Engineering to please take a look at it because he knows that line down there has stopped up a number of times. Councilman Stork stated the last thing we want in Kerrville is to have a national chain come in and have infrastructure problems so that would be a good idea to have Engineering look at that.

Cmr. Morgan asked if there's any way they could request that they not take down that old growth oak tree in front. He stated it's a beautiful oak tree and that it needs trimming but it would be a disaster to take it down. Mr. Stewart stated he hasn't seen their development site plan come in yet so he doesn't know if the tree is going to be impacted, but we can ask them. Mr. Morgan stated it's right at the front of the lot, right on the road. Mr. Stewart stated they may be able to incorporate it in their plan. Mr. Stewart stated if it is intended to be impacted we can ask them to change their plan, but since we don't have an ordinance in place for tree preservation that prohibits people from cutting down trees then we don't really have any enforcement ability to require them to do that. Mr. Stewart stated we can work with them if we see that it's going to be an impact. Cmr. Morgan stated he thinks it would be worthy of mention because it is a

beautiful tree and it has to be well over 100 years old. A member of the audience stated he has no intention of taking it down. Cmr. Motheral stated he had heard the same thing and stated Cmr. Morgan is right, it needs to be asked of them.

Cmr. Morgan moved to approve the preliminary plat as written and presented, including negotiating with the tree and checking on the sewer. Mr. Stewart stated he would take this as direction to staff. Motion was seconded by Cmr. Harmon. Cmr. Watterson restated the motion, stating they have a motion to accept the approval of the plat contingent upon conclusion of a second lot and update the description reflecting total acreage; we also have included we've liked to have Engineering look at the sewer to make sure it's adequate and working properly and we would also like to include asking the new tenant if they'd be willing to save the tree if that was not in their original plans. Motion passed 5-0.

4B. **Consideration & Action, Replat** – Consideration and action concerning a replat of a part of Lot 569 and Lot 569-1/2, Block 55 of the Charles Schreiner's Second Addition and Lot 573R of same, containing 1.38 acres more or less. (Planning File No. 2014-056)

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

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

4C. **Consideration & Action, Preliminary Plat** – Consideration and action concerning a preliminary plat of the Village on the Guadalupe Subdivision, located at 1107 Junction Highway. (Planning File No. 2015-003)

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

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

5. STAFF REPORTS:

Mr. Stewart reported there will be parking regulation changes in the CBD and two replats presented at the next Planning and Zoning Commission meeting that is scheduled for February 19, 2015.

6. 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:

March 12, 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): Dieter Werner, Director of Engineering and Planning

ATTACHMENT(S): Application, Concept Plan, and Area Map

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

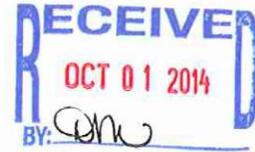
Transmittal

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

- Annexation (2 copies /2 petitions) No Fee
- Administrative Appeal \$150
- Preliminary Site Plan (20 copies) No Fee
- Final Site Plan (20 copies) No Fee
- Concept Plan (20 copies) \$500

Attach completed checklists for all projects

- Preliminary Plat (15 copies) _____
 \$300 + \$20/lot or \$10/acre (which ever is greater)
- Final Plat (20 copies) _____
 \$150 + \$10/lot
- Preliminary Minor Plat (20 copies) _____
 \$150 + 10/lot
- Final Minor Plat (20 copies) _____
 \$150 + 10/lot
- Replat (20 copies) _____
 \$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)*

- Conditional Use Permit (CUP) Request _____
 840. 01-6236 \$300
- Variance Request _____
 840. 01-6236 \$150
- Planned Development District Request \$300
- Zoning Change Request _____
 840. 01-6236 \$300
- Comp. Plan Amendment Request _____
 840. 01-6236 \$300
- Specific Use Permit (SUP) Request _____
 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

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°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°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°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°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°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°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.

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

104

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.

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.
Matkin Hoover Engineering and Surveying



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

AGENDA ITEM: 3B

FOR AGENDA OF:

March 12, 2015

DESCRIPTION: Public hearing, consideration, and action concerning proposed text amendments to the City of Kerrville's adopted zoning code regarding parking restrictions within the Central Business District (Planning File No. 2014-054)

APPLICANT(S): Dieter Werner, Director of Engineering and Planning

ATTACHMENT(S): None

SUMMARY STATEMENT

Staff initially presented a potential amendment to the Downtown Core district boundary, in response to concerns over off-street parking requirements and redevelopment of adjacent areas to complement the Downtown Core.

At the Commission public hearing, there was considerable discussion about the appropriateness of a DC district change, and the Commission expressed a desire to address

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 is 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 designated 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 parking restrictions designated for the Downtown Core designation to include all of the Central Business District.

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)

RECOMMENDED ACTION

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

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

AGENDA ITEM: 3C

FOR AGENDA OF:

March 12, 2015

DESCRIPTION: 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.

APPLICANT(S): Dieter Werner, Director of Engineering and Planning

ATTACHMENT(S): None

SUMMARY STATEMENT

The current zoning regulations do not contain guidance on “community gardens” as a use, nor regarding accessory uses which usually accompany such principal use. Based upon recent inquiries about the feasibility of community garden use, with respect to the zoning regulations, Staff has initiated this text amendment to be able to address this use.

As proposed, the amendment to the regulations would define a “community garden”, permit this use within all districts, and apply a set of site development standards. Specifically, the amendments are as follows:

Art. 11-1-3 DEFINITIONS AND INTERPRETATION OF WORDS AND PHRASES

Add the following definition.

a) Definitions: *For purposes of this Chapter, the following words and phrases shall have the following meanings unless the context otherwise clearly indicates a different meaning:*

Community Gardens: *a single piece of land gardened collectively by a group of people for the growing and harvesting of food crops and/or non-food, ornamental crops, such as flowers. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.*

Art. 11-1-4 ZONING DISTRICTS-GENERALLY

Add the following land use to be permitted in any zone.

(f) Uses Permitted in Any Zone: *The following uses are permitted in any zoning district of the City:*

“Community Gardens”.

Art. 11-I-19 SUPPLEMENTARY DEVELOPMENT REQUIREMENTS

Add the following site development regulations.

H. Community Gardens: *a single piece of land gardened collectively by a group of people for the growing and harvesting of food crops and/or non-food, ornamental crops, such as flowers. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members and shall be subject to the following site development regulations:*

1. *can be publicly or privately held;*
2. *may be placed on a roof structure provided that all applicable building and fire codes are in compliance;*
3. *lighting shall be shielded so that substantially all directly emitted light falls within the property.*
4. *shall only be utilized for gardening purposes and not utilized as a storage lot for equipment or materials not associated with the garden;*
5. *compost piles abutting adjacent properties shall not be visible from adjacent property (shielded from view by shrubbery or an enclosure);*
6. *shall be managed to prevent the harborage of rodents and pests.*
7. *shall be maintained to prevent odors.*
8. *the site shall be designed and maintained to prevent water from irrigation and/or other activities and/or fertilizer from draining onto adjacent property.*
9. *trash areas shall be provided and screened on at least three (3) sides from public view;*
10. *commercial waste disposal shall be required for the site;*
11. *parking spaces shall be constructed in accordance with the City of Kerrville’s parking standards and required based on one (1) space per 4,000 square ft;*
12. *an accessory structures such as greenhouses, sheds, farmstands, or other similar structures may be placed on the property without the presence of an associated primary structure;*
13. *an accessory structure must adhere to the primary structure setback requirements for the zoning district or land use;*
14. *may only be utilized for the storage of equipment and materials required for the operation of a community garden;*
15. *must be removed from the property upon the cessation of the community garden*

Amending the text of the zoning ordinance requires that the Planning and Zoning Commission hold a public hearing on the matter, and in consideration of public testimony and the Comprehensive Plan, that the Commission makes a recommendation to the Council.

RECOMMENDED ACTION

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

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

AGENDA ITEM: 4A

FOR AGENDA OF:

March 12, 2015

DESCRIPTION: Consideration and action concerning a final plat of the Village on the Guadalupe Subdivision, located at 1107 Junction Highway. (Planning File No. 2015-013)

APPLICANT(S): Dieter Werner, Director of Engineering and Planning

ATTACHMENT(S): Subdivision Plat

SUMMARY STATEMENT

The purpose of the final plat is to coordinate the availability of public infrastructure and phasing of public improvements to ensure a legal lot configuration that meets all city and state subdivision requirements.

In this case, the owner intends to develop a mixed use project, to include restaurants, condominiums, retail, and personal service uses. There is an active Planned Development District application associated with this plat. The final plat, however, is necessary to allow the corner lot to be developed first.

There are associated with this plat public sanitary sewer and water main extensions.

Staff has requested that the access easement serving both lots 1 and 2 should be designated as a public utility easement in addition to the mutual access easement.

RECOMMENDED ACTION

Staff recommends approval of the plat.

