

**City of Kerrville Planning & Zoning Commission Agenda
Thursday, October 2, 2008, 4:30 p.m.**

City Hall City Council Chambers, 800 Junction Highway, Kerrville, TX

The meeting place has wheelchair accessibility and available accessible parking spaces. Please call the City of Kerrville Planning Division at (830) 792-8354 forty-eight hours (72) before the meeting to request accommodations.

Page

1. **4:30 p.m. Call to Order**
Chairperson calls the meeting to order; roll call.

2. **Visitor/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.)

3. **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.
- 3A. **Approve the minutes from the meeting of September 18, 2008.** 2

4. **Public Hearing** 6
- 4A. **Residential Replat: J.A. Tivy Addition** – A replat of Lots 12 and 13, Block 53, J.A. Tivy Addition located at 714 Everett Street. Zoned: RC. Applicant: Roederer Surveying. (File No. 2008-46)
- 4B. **Replat: Bank of the Hills** – A replat of part of Lot 10, Block 2, G Street South and part of G Street South, an abandoned part of a public roadway, located at 1015 Sidney Baker. Zoned: S-33. Applicant: M.W. Cude Engineers. (File No. 2008-47) 7
- 4C. **Replat: Cailloux Center Addition** – A replat of Lots 149-164, Block 20 and Lots A, B, U and parts of Lots C and T, Block 17, J.D. Brown Addition located at the east corner of Main Street and Washington Street. Zoned: PDD and RT. Applicant: Texas Land Boundaries. (File No. 2008-49) 9
- 4D. **Conditional Use Permit (CUP) Request** – Consider a request for a CUP to allow a vehicle maintenance and repair facility on an approximately 0.43 acre tract located at 1321 Broadway. Zoned: C-17. Applicant: Donald Young for Action Automotive. (File No. 2008-48) 10
- 4E. **Planned Development District Site Plan** – Consider a request to amend the Planned Development Site Plan for Ordinance No. 2004-19 as referred therein as Exhibit A and adopted on July 27, 2004 and located at 1433, 1421 and 1381 Junction Highway. Zoned PDD. Applicant: Vordenbaum Engineering Inc. (File No. 2008-51) 18

5. **Staff Reports** 29
- 5A. Future Agenda Items. Applicant: Senior Planner

6. **Adjourn** - The next scheduled meeting is Thursday, October 16, 2008.

Cmr. Hager moved for approval of consent agenda items 3A and 3B; motion was seconded by Cmr. MacDonald and passed 5-0.

4. PUBLIC HEARING

4A. **Residential Replat: J.A. Tivy Addition** – A replat of part of Lots 10 and 11 and Lot 12, Block 74, J.A. Tivy Addition located at 404, 410 and 416 Ross Street. Zoned: R1A. Applicant: Roederer Surveying. (File No. 2008-44)

Mr. Browning presented the findings of fact to the Commission.

Cmr. Phillips opened the public hearing at 4:34 p.m. No one spoke. Cmr. Phillips closed the public hearing at 4:35 p.m.

Cmr. Kessler moved for approval of the replat as submitted; motion was seconded by Cmr. Buell and passed 5-0.

4B. **Replat: Dunn Addition** – A replat of Lot 2, Block 1, Dunn Addition located at 2101 Junction Hwy (SH 27). Zoned: W-2. Applicant: Voelkel Engineering and Surveying. (File No. 2008-45)

Mr. Browning presented the findings of fact to the Commission.

Cmr. Phillips opened the public hearing at 4:38 p.m. No one spoke. Cmr. Phillips closed the public hearing at 4:39 p.m.

Lee Voelkel, Voelkel Engineering, stated that all the recommended items that the City request have been done on the plat.

Cmr. Kessler moved for approval of the replat with staffs recommendations; motion was seconded by Cmr. Buell and passed 5-0.

4C. **Development Site Plan: Songbird Ridge** – A request to amend the development site plan for a twenty-one (21) lot, 2.25 acre duplex development located on the south side of Pinto Trail between Tomahawk Trail and Bow Lane as approved by Resolution No. 010-2008. Zoned: RC. Applicant: Voelkel Engineering and Surveying. (File No. 2008-42)

Mr. Browning presented the findings of fact to the Commission.

Cmr. Phillips opened the public hearing at 4:41 p.m. No one spoke. Cmr. Phillips closed the public hearing at 4:42 p.m.

Cmr. Buell questioned if there is a drainage ditch?

Lee Voelkel stated that behind Lots 18, 19,20 & 21 there is a 40ft wide ditch and it carries drainage and also contains sanitary sewer main and it is City of Kerrville easement. All the water that drains through this project will go into the detention pond and then be release into the ditch so it does not increase any of the water flow.

Susan Trump, 429 West Minister , e-mailed the Commission opposing to the Development Site Plan for Songbird Ridge.

The Commission and Staff stated that this project will help the drainage problem in this area.

Cmr. MacDonald moved to recommend to the City Council approval of the Development Site Plan; motion was seconded by Cmr. Hager and passed 5-0.

4D. Conditional Use Permit (CUP) Request – A request for a CUP to allow a Wireless Telecommunication Facility (WTF) transmitting antenna on a 0.26 acre tract located at 604 Junction Hwy (SH 27). Zoned: W-10. Applicant: Rose Radio Munbilla-Kerrville. (File No. 2008-41)

Mr. Browning presented the findings of fact to the Commission.

Cmr. Phillips opened the public hearing at 4:47 p.m.

Rick Phillips, Manager of the Radio station, explained to the Commission that this is a 35ft tower that will have dish on it and 4ft in diameter. The tower will be mounted in concrete 4ft deep and it will be mounted on the north side of the building.

Cmr Phillips asked Rick if he would have a problem with the C.U.P. resolution reading not to exceed 35ft.

Rick stated that he would not have a problem with the restriction of the tower exceeding 35ft.

Cmr. Phillips closed the public hearing at 4:53 p.m.

Cmr. MacDonald moved to recommend to the City Council approval of the C.U.P; subject to a maximum height of the total structure at 35ft above the ground; motion was seconded by Cmr. Buell and passed 4-1 with Cmr. Hager opposing.

5. Actions/Discussion Items

5A. Preliminary Plat: Songbird Ridge – A twenty-one (21) lot, 2.25 acre duplex development located on the south side of Pinto Trail between Tomahawk Trail and Bow Lane. Zoned: RC. Applicant: Voelkel Engineering and Surveying. (File No. 2008-43)

Mr. Browning presented the findings of fact to the Commission.

Cmr. MacDonald moved to recommend to the City Council approval of the preliminary plan; subject to conditions; motion was seconded by Cmr. Buell and passed 5-0.

6. STAFF REPORTS

6A. Future Agenda Items/Project Update. Applicant: Senior Planner.

7. **Adjourn** – The next scheduled meeting is Thursday, October 2 2008.

The meeting adjourned at 5:01 p.m.

ATTEST:

Andy Phillips, Chair

Trina Ramirez, Recording Secretary

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

AGENDA ITEM: 4A **FOR AGENDA OF:** October 2, 2008

DESCRIPTION: Residential Replat: J.A. Tivy Addition – A replat of Lots 12 and 13, Block 53, J.A. Tivy Addition located at 714 Everett Street. Zoned: RC. (File No. 2008-46)

APPLICANT(S): Roederer Surveying

ATTACHMENT(S): Plat

SUMMARY STATEMENT – FINDING OF FACT

History/Timeline:

- September 2, 2008 – Application for replat submitted and accepted for review.
- September 17, 2008 – Development Review Committee (DRC) review process completed.
- September 26, 2008 – Staff comments to applicant.
- October 2, 2008 – **Consideration of replat by Commission.**

Informational Comments:

- Proposed access easement shall be marked as a fire lane. No parking shall be allowed.
- The proposed access easement shall be constructed of asphalt, concrete or other hard surface as approved by the Fire Marshal, contact that office for approval.

RECOMMENDED ACTION

1. Open the public hearing and receive comments, and
2. Approve the replat subject to the following conditions;
 - A. The proposed access easement must be a minimum of 20-feet in width to its termination point at Lot 12B.
 - B. The access easement across Lot 15A must be established and referenced on the replat prior to filing.
 - C. Correct the owners certificate to reflect the current ownership and lot and block of this replat.

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

AGENDA ITEM: 4B **FOR AGENDA OF:** October 2, 2008

DESCRIPTION: Replat: Bank of the Hills – A replat of Lots 10, Block 2, G Street South and part of G Street South, an abandoned part of a public roadway located at 1015 Sidney Baker. Zoned: S-33. (File No. 2008-47)

APPLICANT(S): M.W. Cude Engineers

ATTACHMENT(S): Plat

SUMMARY STATEMENT – FINDING OF FACT

History/Timeline:

- February 2, 1979 – Final plat for G Street South approved by Commission.
- January 13, 2004 – A portion of G Street South a public right-of-way is abandoned by Ordinance No. 2004-03.
- September 5, 2008 – Replat for Bank of the Hills is submitted for review.
- September 17, 2008 – Development Review Committee (DRC) review process completed.
- September 26, 2008 – Staff comments to applicant.
- **October 2, 2008 – Consideration of replat by Commission.**

Summary/Informational Comments:

- The proposed replat will combine Lot 10 with the abandoned portion of G Street for development.
- The replat will allow development of a bank, staff has reviewed and committed on the construction and engineering plans.
- TxDOT approval of the drive approach will be required prior to development.
- Water service to this tract is by Aqua Texas, sanitary sewer service and fire lines by the City of Kerrville.
- The existing fire lane shown on the plat does not meet City minimums.

RECOMMENDED ACTION

1. Open the public hearing and receive comments, and
2. Approve the replat subject to the following conditions;
 - A. The replat should be titled 'Bank of the Hills, Kerrville South Subdivision, Block 1, Lot 1, a replat of part of Lot 10, Block 2, G Street South and a part of G Street South, an abandoned Part of a public roadway'.
 - B. Remove topographic information from the final plat.
 - C. The existing 'Fire Lane' easement, Vol. 1365, Pg. 37, should be abandoned by separate instrument with the volume and page shown on the final plat.

- D. Show all existing and proposed easements on the final plat with dimensions and labeled by type to include franchise utilities. Label existing easements by stating dedication method within parenthesis, ex. (By Plat). This should include the 10-foot off-site sanitary easement, Vol. 7, Pg. 273.
- E. Provide two (2) corners set to the State Plane Coordinate System (NAD 83) and one (1) corner located with respect to a corner of the original survey.
- F. Provide volume and page for existing 14-foot water line easement shown.
- G. Provide a 10-foot Utility Easement along the southeast property line, per Windstream Communications.
- H. Show right-of-way width for SH 16.
- I. Submit final plat on sheets 24-inches x 36-inches.
- J. Add note; 'Property is zoned S-33, see City of Kerrville Zoning Code for uses and setbacks, and
- K. Any additions and/or alterations to the engineering plans and/or plat as may be required by the City Engineer.

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

AGENDA ITEM: 4C **FOR AGENDA OF:** October 2, 2008

DESCRIPTION: **Replat: Cailloux Center Addition** – A replat of Lots 149-164, Block 20 and Lots A, B, U and parts of Lots C and T, Block 17, J.D. Brown Addition located at the east corner of Main Street and Washington Street. Zoned: PDD and RT. (File No. 2008-49)

APPLICANT(S): Texas Land Boundaries

ATTACHMENT(S): Plat

SUMMARY STATEMENT - FINDING OF FACT

History/Timeline:

- September 5, 2008 – Replat submitted for review.
- September 17, 2008 – Development Review Committee (DRC) review process completed.
- September 26, 2008 – Staff comments to applicant.
- **October 2, 2008 – Consideration of replat by Commission.**

Summary/Informational Comments:

- Replat is being proposed to clearly define ownership and establish platted lots.
- Existing uses are permitted by Zoning Code and/or PDD.
- Atmos Energy states that there is a 4-inch LP main running behind the Cailloux Center from Washington Street to 'old' St. Peter Street, verify and show if necessary.

RECOMMENDED ACTION

1. Open the public hearing and receive comments, and
2. Approve the replat subject to the following conditions;
 - A. The replat should be titled, 'Cailloux Center Addition, Block 1, Lots 1-4'.
 - B. Show all existing and proposed easements on the final plat with dimensions and labeled by type to include franchise utilities. Label existing easements as 'Existing' and provide recording information. Label proposed easements by stating dedication method within parenthesis, ex. (By Plat).
 - C. Correct City's signature block, show as 'City Manager, City of Kerrville'.

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

AGENDA ITEM: 4D **FOR AGENDA OF:** October 2, 2008

DESCRIPTION: **Conditional Use Permit (CUP) Request** – Consideration of a recommendation to the City Council of a request for a CUP to allow a vehicle maintenance and repair facility on an approximately 0.43 acre tract located at 1321 Broadway. Zoned: C-17. (File No. 2008-48)

APPLICANT(S): Donald Young for Action Automotive

ATTACHMENT(S): Location Map, Draft Resolution, Site Plan

SUMMARY STATEMENT – FINDING OF FACT

Project Timeline:

- August 28, 2008 – Application for CUP accepted for processing by the City.
- September 15, 2008 – In accordance with Statute and local ordinance, notice of the required public hearing was published in the Kerrville Daily Times and mailed to all property owners within 200 feet of the subject tract.
- September 17, 2008 – Development Review Committee (DRC) review process completed.
- September 26, 2008 – Staff comments and draft resolution to applicant.
- **October 2, 2008 – Public hearing before the Planning and Zoning Commission (P&Z) and consideration of a recommendation to the City Council.**
- October 28, 2008 – Public hearing before the City Council and consideration of a resolution approving the CUP.

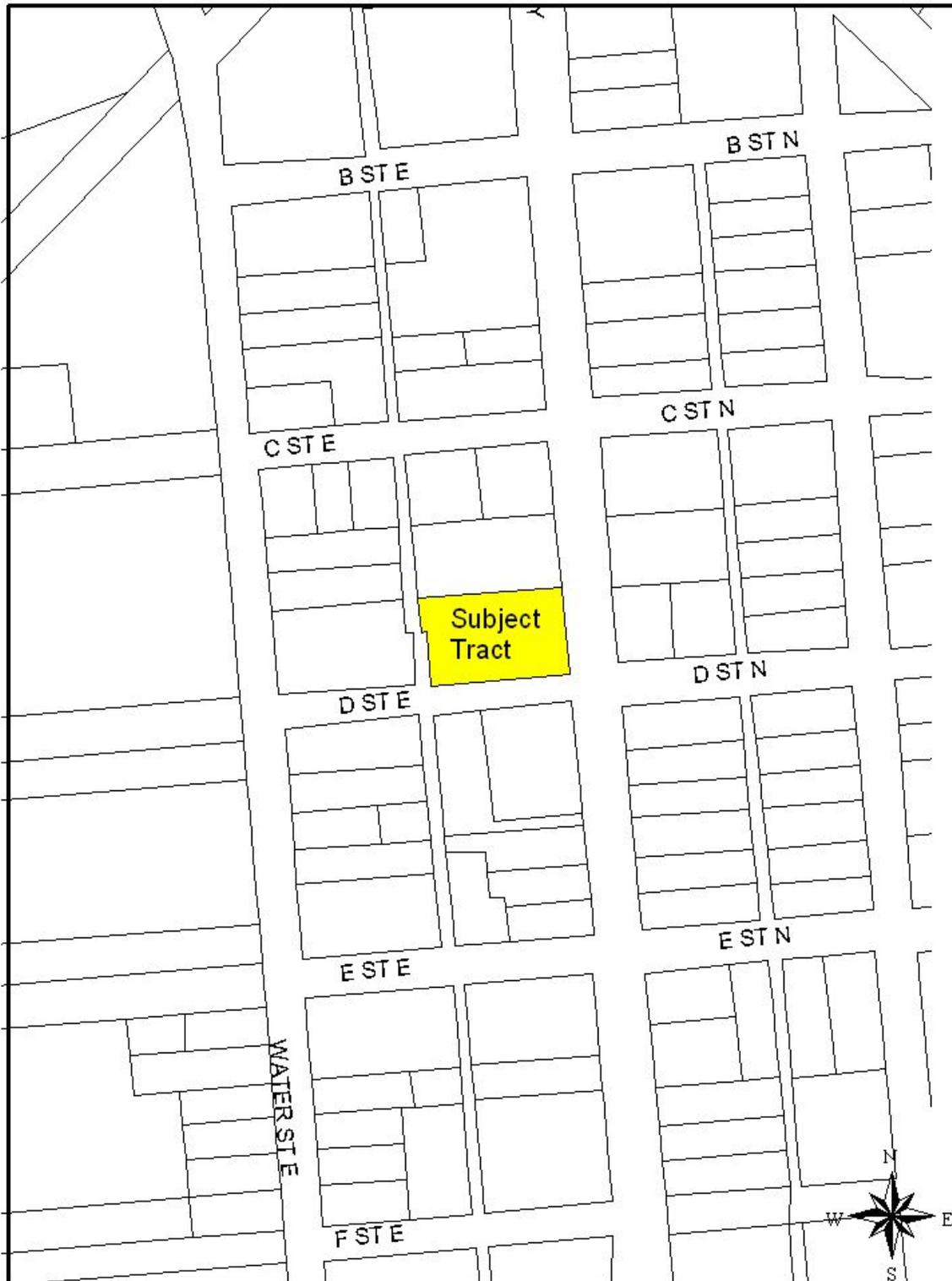
CUP Process/Summary:

- Per the Zoning Code, a vehicle maintenance and repair facility use in the C-17 (Central City) District requires the approval of a CUP (Conditional Use Permit) by the City Council. Vehicle maintenance and repair is defined as a business primarily engaged in the repair of used cars, boats, motorcycles, recreational vehicles, campers, motor homes, farm implements/vehicles, trucks or trailers. The applicant has indicated that the primary use of this facility will be auto repair.
- As presented on the site plan, the applicant proposes to construct a new automotive repair facility at 1321 Broadway. The proposed use at this location requires a conditional use permit (CUP). As this area of the City begins a renewal in development, enhanced development standards should be encouraged to ensure sustainable development.
- Per the Zoning Code, the P&Z and/or City Council may impose additional requirements and conditions of approval as are needed to ensure that a use requested by a CUP is compatible and complementary to adjacent properties.

- Staff recommends approval of the CUP as requested subject to the conditions in the draft resolution.

RECOMMENDED ACTION

1. Open the public hearing and receive comments, and
2. Recommend to the City Council approval of the CUP subject to the conditions outlined in the resolution.



**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. -2008**

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR AN APPROXIMATE 0.43 ACRE TRACT OF LAND, BEING LOTS 1 AND 2 AND BLOCK 17, J. A. TIVY ADDITION, WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS, OTHERWISE KNOWN AS 1321 BROADWAY, AND LOCATED WITHIN THE C-17 (CENTRAL CITY) DISTRICT; BY PERMITTING SAID PROPERTY TO BE USED FOR A VEHICLE MAINTENANCE AND REPAIR FACILITY; AND MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS

WHEREAS, the City Planning and Zoning Commission and the City Council of the City of Kerrville, Texas, in compliance with the City Charter and state law with reference to the granting of conditional use permits under Title 11, Chapter I of the Code of Ordinances of the City of Kerrville, Texas, and the official zoning map adopted thereby, having given the requisite notices by United States mail, publication and otherwise; and after holding due hearings and affording a full and fair hearing to all of the property owners generally, and particularly to those interested persons situated in the affected area and in the vicinity thereof, the City Council of the City of Kerrville, Texas, finds that the health, safety and general welfare will be best served by the granting of a Conditional Use Permit, set out hereinafter, subject to the special conditions and restrictions set out hereinafter on the property described in Section One hereof;

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

SECTION ONE. A Conditional Use Permit is granted to permit the property described below to be used for a Vehicle Maintenance and Repair Facility, as currently defined in Article 11-I-3 of the Code of Ordinances of the City of Kerrville, Texas, subject to the provisions of this Resolution and other applicable City ordinances and regulations:

Lots 1 and 2, Block 17, J. A. Tivy Addition, which is approximately 0.43 acres, located within the City of Kerrville, Kerr County, Texas, as recorded in Volume P, Page 16 of the Real Property Records of Kerr County, Texas, and more commonly known as 1321 Broadway.

Hereafter referred to as “the Property.”

SECTION TWO. In addition to the use and development regulations currently applicable to the Property, the Property may be used and developed for a Vehicle Maintenance and Repair Facility and shall be subject to the following additional regulations:

- A. Site Plan and Elevation:** The development of the Property shall conform substantially with the site plan and elevations, which may be found in **Exhibits A and B**, and any additional development requirements as outlined herein.

B. **Signs:** The design, installation, location, operation and maintenance of signs shall comply with the City's ordinances regulating signs existing at the time of installation, subject to the following;

1. Only the following signs shall be permitted on the Property:

a. One free standing sign which:

- (1) has a sign area of not greater than twenty-four (24) square feet;
- (2) does not exceed six (6) feet in height above the ground; and
- (3) is not internally illuminated.

b. Wall signs which:

- (1) may be installed only on the principal building that it identifies, and not on adjacent fences, wing walls, or other similar structures;
- (2) the maximum coverage of a sign shall not exceed twenty percent (20%) of the wall area on which it is attached; and
- (3) the size of the letters, symbols, and other graphics on the sign shall not exceed a height of four feet (4.0').

2. Roof signs are prohibited.

C. **Exterior Lighting:** Any exterior lighting shall be located, shielded and aimed in such a manner so as not to allow light to directly fall onto adjacent properties or streets.

D. **Landscaping Requirements:** The development and use of the Property shall comply with the following landscaping requirements:

1. Any plant materials planted on the Property shall be on the list of recommended plants set forth in the most recent edition of **Recommended Plants for the Kerrville Area** published by the City at the time of planting; provided, however, no variety of St. Augustine Grass (*Stenotaphrum Secundatum* (Water) Kuntze) may be planted at any location on the Property after the effective date of this Resolution.

2. A seven and one-half (7.5) foot wide landscape area shall be planted, parallel to and behind the sidewalk along Broadway and D Street. Along Broadway plantings shall consist of a continuous line of non-deciduous shrubs or bushes, no less than two (2) feet in height at maturity.

3. All landscaping, whether required herein or not, shall be maintained at all times in a healthy growing condition.

E. **Outside Storage:** The outside storage of any materials, equipment, or vehicles waiting for repair shall be behind the security fencing shown on the site plan.

- F. **Building Location and Orientation:** The location of the building shall be as indicated on **Exhibits A and B**.
- G. **Parking:** The design and number of parking spaces shall be in accordance with the City's regulations in effect at the time building permits are submitted to the City. All required parking spaces shall be constructed of asphalt or concrete and shall be marked and kept available for customers and employees.
- H. **Visibility Triangles:** Visibility triangles shall be established and maintained pursuant to existing City regulations for the entrance to the Property from Broadway and D Street.
- I. **Trash and Other Solid Waste:** Solid waste collection bins and dumpsters shall be located behind the security fencing and at no time shall be located closer to the street than the face of the building.
- J. **Replatting:** The development of the Property shall be subject to the City's subdivision regulations, which includes submittal and approval of a replat of the Property.
- K. **Sidewalks:** A five foot (5.0') wide sidewalk, constructed in conformance with City specifications, shall be required across the entire length of the Property adjacent to Broadway and D Street, save and except driveway areas.
- L. **Other Zoning Regulations:** The regulations set forth in this Resolution are in addition to those set forth in Title 11, Chapter I of the Code of Ordinances of the City of Kerrville, as amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in Title 11, Chapter I of the Code of Ordinances of the City of Kerrville, as amended or superseded, the provisions of this Resolution shall prevail.

SECTION THREE. This Resolution and the Conditional Use Permit granted herein shall be subject to termination in accordance with Article 11-I-13 of the Code of Ordinances of the City of Kerrville, Texas.

PASSED AND APPROVED ON this the _____ day of _____ A.D., 2008.

 Todd A. Bock, Mayor

APPROVED AS TO FORM:

ATTEST:

 Michael C. Hayes, City Attorney

 Brenda G. Craig, City Secretary

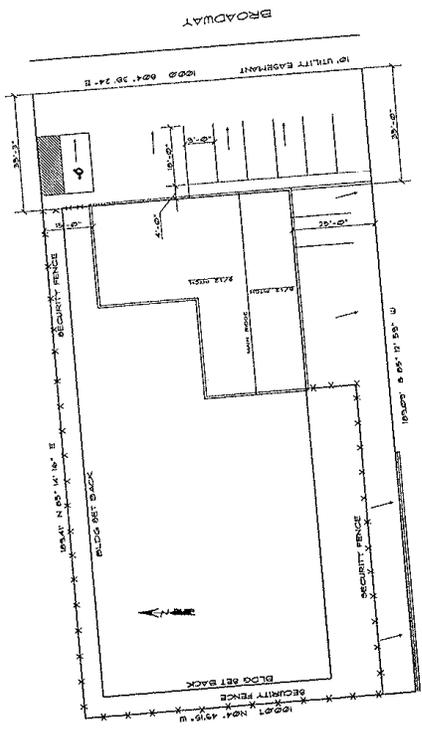
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A+ ACTION AUTOMOTIVE
 140 N MAIN OAKS, KERRVILLE, TEXAS 78028
 800-782-5882

B+B DRAFTING & DESIGN
 140 N MAIN OAKS, KERRVILLE, TEXAS 78028
 800-782-5882

SECTION 1
 DRAWING NO. 18-0000
 ISSUE DATE 02/14/18
 SCALE 1" = 20'-0"
 JOB NO. 18-0000

PAGE: **A1**



1 SITE PLAN
 SCALE: 1" = 20'-0"

DIMENSION NOTICE:
 ALL DIMENSIONS SHOWN ON THESE DRAWINGS SHALL HAVE PREFERENCE OVER ROAD RIGHT-OF-WAY DIMENSIONS. THE DIMENSIONS SHOWN ON THESE DRAWINGS SHALL BE USED TO LOCATE THE BUILDING AND ALL OTHER STRUCTURES TO BE CONSTRUCTED UNLESS OTHERWISE NOTED.

GENERAL STRUCTURAL DISCLAIMER:
 THE INFORMATION AND DESIGNATIONS ON THESE DRAWINGS ARE FOR GENERAL INFORMATION ONLY. THE DESIGNER HAS NOT CONDUCTED A VISUAL INSPECTION OF THE SITE OR THE EXISTING CONDITIONS. THE DESIGNER HAS NOT CONDUCTED A VISUAL INSPECTION OF THE EXISTING CONDITIONS. THE DESIGNER HAS NOT CONDUCTED A VISUAL INSPECTION OF THE EXISTING CONDITIONS.

NOTE:
 SITE PLAN / BLDGS. LOCATED ON THIS DRAWING ARE THE ACTUAL LOCATION OF RESIDENCE. THE BUILDER SHALL COORDINATE ALL UTILITIES BASED ON EXISTING GRADE CONDITIONS AND THE LOCATION OF TREES.

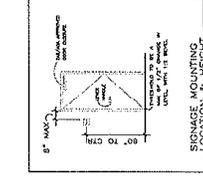
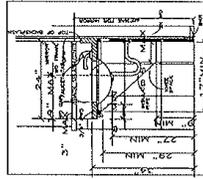
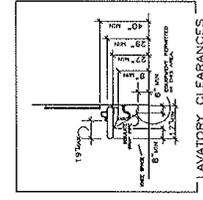
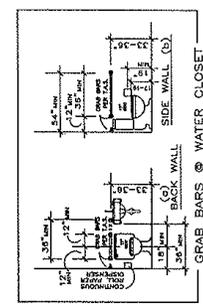
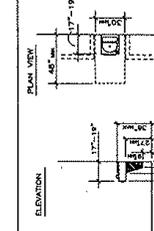
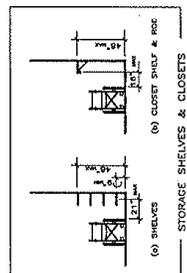
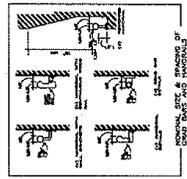


EXHIBIT A

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

AGENDA ITEM: 4E **FOR AGENDA OF:** October 2, 2008

DESCRIPTION: **Planned Development District Site Plan** – Consider a request to amend the Planned Development Site Plan for Ordinance No. 2004-19 as referred therein as Exhibit A and adopted on July 27, 2004 and located at 1433, 1421 and 1381 Junction Highway. Zoned: PDD. (File No. 2008-51)

APPLICANT(S): Vordenbaum Engineering Inc.

ATTACHMENT(S): Site Plan, Ordinance No. 2004-19, Draft Ordinance

The applicant is proposing to amend the Planned Development District Site Plan referred in Ordinance No. 2004-19 as Exhibit A and adopted by City Council on July 27, 2004. Section Two, (A) of the ordinance states, 'Except as otherwise specifically set forth in the ordinance, the development shall conform in all respects to the site plan, attached hereto as Exhibit A, and incorporated herein as reference'. A copy of Ordinance No. 2004-19 is attached for your review. No other portion of the ordinance is being amended.

The property under consideration is defined as Lots 2-4, Overstreet Park as platted in April 1996. The site plan developed with the Planned Development District proposed a 4 lot, 4 building development with joint access and parking, 2 points of access to SH 27 (Junction Highway) approved at the time by TxDOT. Since the approval of the Planned Development District ordinance, Starbucks developed separately using one of the access points to SH 27.

The amended site plan submitted proposes a restaurant (Fuddruckers) and a retail building on 2 lots with joint access and parking. Each lot provides the minimum required parking per the Zoning Code for the use shown. As required by the ordinance the site plan shows the pedestrian access easement across the river frontage of the development. All other conditions of Ordinance No. 2004-19 remain in effect.

As you can see, the applicant has submitted two (2) site plans, titled Option 1 and Option 2. During the review of the amended site plan, staff and TxDOT recommended the continuation of the joint access easement between Lot 1 (Starbucks) and Lot 2. Option 2 shows that access point at the location of the platted easement. Option 1 shows an access point at the rear (back) of the property which allows for, we believe, better circulation between the two lots. Option 1 however, will require the consent and approval of the property owner of Lot 1 as well as a replat to establish the access easement. Therefore, staff and the applicant is requesting that the Commission review and consider both options with the understanding that only one site plan will be attached to the ordinance presented to Council. This will allow the applicant time (approximately 3 weeks) to contact the owner of Lot 1 and obtain there approval.

Informational Comments:

- A replat of Lots 2-4, Overstreet Park will be required prior to issuance of a building permit.

City of Kerrville Planning & GIS Division – www.kerrville.org/planning

- The owner/developer must show on the replat, a public access easement across the river frontage of each lot as described in the ordinance. Staff has also requested trail easements along the 'exterior' lot lines of this development for construction of the City's River Trail project.
- A Development Site Plan must be approved by the Planning and Zoning Commission prior to the issuance of a building permit.
- All required construction and building plans must be approved prior to the issuance of a building permit.

RECOMMENDED ACTION

1. Open the public hearing and receive comments, and
2. Recommend to the City Council approval of an amended site plan for Ordinance No. 2004-19.



CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2004- 19

AN ORDINANCE CREATING A "PLANNED DEVELOPMENT DISTRICT" ON AN APPROXIMATELY 3.77 ACRE TRACT OF LAND, LOCATED ON LOTS 1 THROUGH 4, INCLUSIVE, BLOCK 1, OF THE OVERSTREET PARK SUBDIVISION AND GENERALLY KNOWN AS 1355, 1381, 1421 AND 1433 STATE (JUNCTION) HIGHWAY 27, WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS, TO ALLOW THE USES PROVIDED FOR WITHIN THE "GR" GUADALUPE RIVER DISTRICT, SUBJECT TO PARKING REGULATIONS; ADOPTING A SITE PLAN AND CONDITIONS RELATED TO THE DEVELOPMENT OF SAID DISTRICT; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; ESTABLISHING A PENALTY OR FINE NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

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 July 13, 2004, to consider an amendment to the zoning regulations by creating a Planned Development District, which will establish additional parking regulations for the property described in Section One hereof, and adopting a site plan for said Planned Development District, as set out in Article 11-I-15 of the Code of Ordinances of the City of Kerrville, Texas; and

WHEREAS, such public hearing was held in the Council Chambers beginning on or after 6:30 p.m. on said July 13, 2004, as advertised; and

WHEREAS, after a full hearing, at which all parties in interest and citizens were given an opportunity to be heard; and after receiving and considering the recommendations of the Planning and Zoning Commission; and after considering among other things, the character of the property involved and the surrounding area and its peculiar suitability for particular uses; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality, the Council finds it to be in the best interest of the health, safety, morals and general welfare of the City of Kerrville to amend the zoning regulations accordingly;

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

SECTION ONE. That the below described property be, and it is, hereby removed from Zoning District "GR" Guadalupe River and placed in a newly created "Planned Development District":

Approved by City Council
Date: July 27, 2004
Volume 35 Page 284

Being an approximately 3.77 acre tract of land, consisting of Lots 1 through 4, Block 1, Overstreet Park Subdivision, a subdivision within the City of Kerrville, Kerr County, Texas, as recorded in Volume 6, Page 287 of the Kerr County Real Property Records, and known generally as 1355, 1381, 1421 and 1433 State (Junction) Highway 27.

SECTION TWO. In addition to the same use and development regulations specified within the "GR" Guadalupe River Zoning District, as amended, the property described in Section One, above, shall be subject to the following:

- A. Except as otherwise specifically set forth in this Ordinance, the development shall conform in all respects to the Site Plan, attached hereto as **Exhibit A**, and incorporated herein by reference.
- B. A five-foot (5') sidewalk shall be installed along the property adjacent to the public right-of-way in accordance with the City's ordinances requiring same.
- C. The design, installation, location, operation, and maintenance of signs shall comply with City's ordinances regulating signs existing at the time of installation.
- D. All outside pole lights shall be of a "shoe box" design and shall be located, shielded, and aimed in such a manner so as not to allow light to directly fall onto adjacent properties. Such lights shall not be placed within the flood easement located on each of the lots.
- E. The outside storage of any materials, supplies, inventory, and equipment, whether contained in cargo containers or other similar containers, is prohibited.
- F. All trash dumpsters shall be fully screened with a wood and/or masonry screening fence not less than two feet (2.0') taller than the dumpsters to be located within the area; said screening fences to be equipped with gates that open to allow proper disposal. Such dumpsters shall not be placed within the flood easement located on each of the lots.
- G. The design and number of parking spaces shall be in accordance with the regulations in effect at the time individual building permits are submitted to the City. However, parking areas may be placed within the flood easement and along the area of the lots closest to the river as shown in **Exhibit A**.
- H. Should the property be subdivided in any manner, platting shall occur in accordance with the Subdivision Regulations in effect at the time of the subdivision.

- I. No building permit shall be issued unless and until the City Planning and Zoning Commission approves a development site plan for the property for which a building permit is sought. In addition to the elements required by this Ordinance, the development site plan shall include any other items required at the time of development.
- J. Where platting is required or, before the City issues any type of development permit, the owner of the property described in Section One, above, shall dedicate to the public a public access easement across the river frontage of each lot. The use of such easement shall be limited to pedestrians and non-motorized vehicles.
- K. Unless specifically addressed herein, this Ordinance does not exempt the property owner and/or developer from any other ordinance or requirement related to the development of the property described in Section One that is in effect at the time of development of the individual lots.

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 City 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 that general penalty provision contained in Title 1, Chapter I of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense.

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.

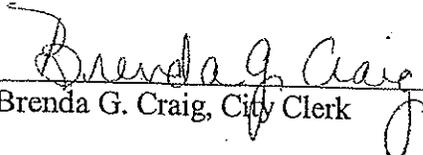
PASSED AND APPROVED ON FIRST READING, this the 13th day of July, 2004.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the 27th day
of July, 2004.



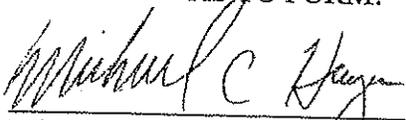
Stephen F. Fine, Mayor

ATTEST:



Brenda G. Craig, City Clerk

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2008-_____**

AN ORDINANCE AMENDING ORDINANCE NO. 2004-19 WHICH CREATED A "PLANNED DEVELOPMENT DISTRICT" ON AN APPROXIMATE 3.77 ACRE TRACT OF LAND, LOCATED ON LOTS 1 THROUGH 4, INCLUSIVE, BLOCK 1 OF THE OVERSTREET PARK SUBDIVISION AND GENERALLY KNOWN AS 1355, 1381, 1421, AND 1433 STATE (JUNCTION) HIGHWAY 27, WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS, SAID AMENDMENT TO THE SITE PLAN THAT WAS MADE A PART OF THE ORDINANCE

WHEREAS, on July 27, 2004, the City Council of the City of Kerrville, Texas, approved Ordinance No. 2004-19 to create a "Planned Development District" on an approximate 3.77 acre tract of land, located on Lots 1 through 4, inclusive, Block 1, of the Overstreet Park Subdivision and generally known as 1355, 1381, 1421 and 1433 State (Junction) Highway 27, within the City of Kerrville, Kerr County, Texas, to allow the uses provided for within the "GR" Guadalupe River district, subject to a site plan and other conditions related to the development of the district; and

WHEREAS, an applicant has requested to amend the site plan to revise the parking areas and access points and the revised site plan will also show the pedestrian access easement across the river frontage of the property for use as part of the River Trail; and

WHEREAS, the City Council of the City of Kerrville, Texas, finds it to be in the public interest to amend Ordinance 2004-19 with the changes to the site plan as described;

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

SECTION ONE. Ordinance No. 2004-19 is amended by amending the Site Plan with the amended Site Plan attached as **Exhibit A**.

SECTION TWO. Except as amended by this Ordinance, the provisions of Ordinance No. 2004-19 shall remain in full force and effect.

PASSED AND APPROVED ON this the _____ day of _____ A.D., 2008.

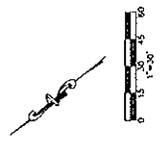
Todd A. Bock, Mayor

APPROVED AS TO FORM:

ATTEST:

Michael C. Hayes, City Attorney

Brenda G. Craig, City Secretary

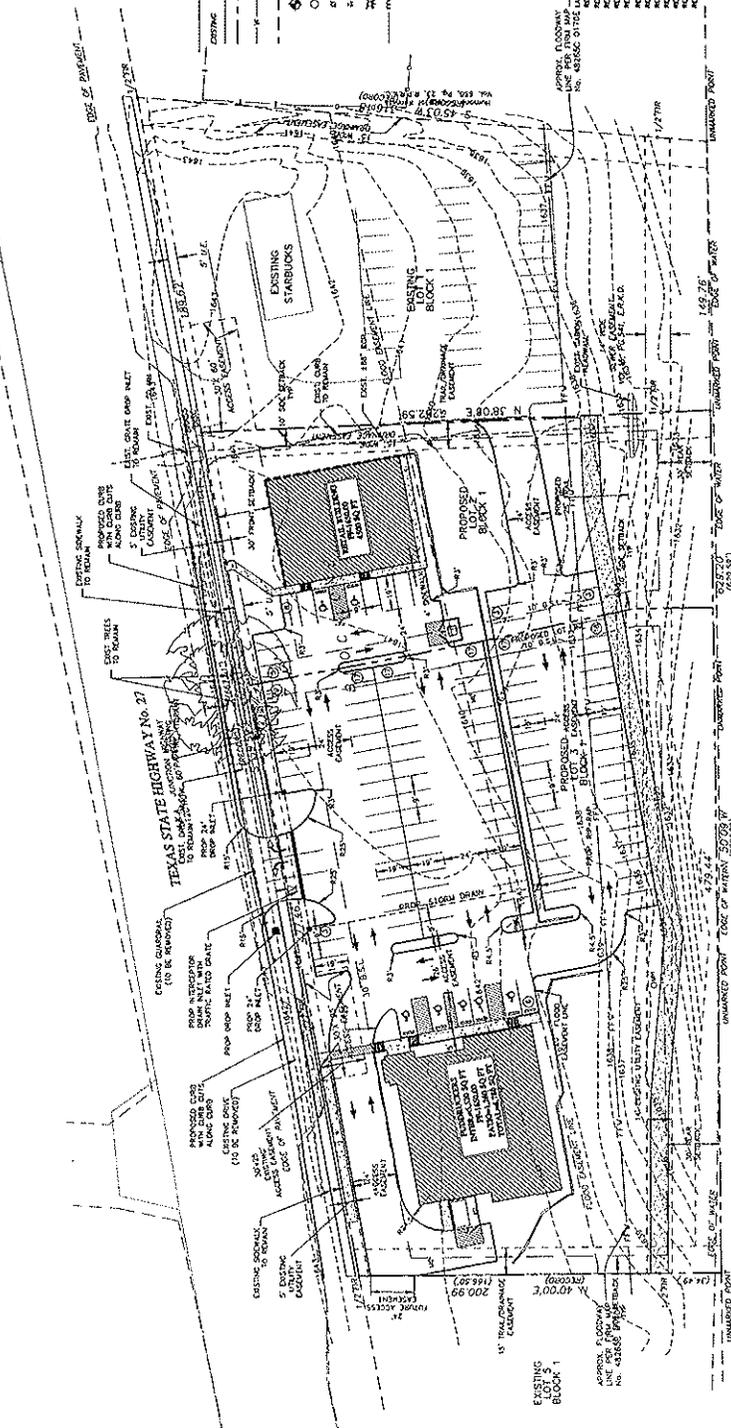


LEGEND

EXISTING		PROPOSED	
---	EXISTING PROPERTY LINE	---	PROPOSED TRAIL QUARTER
---	EXISTING WATER LINE	---	PROPOSED STALL COUNT
---	EXISTING SEWER LINE	---	PROPOSED RETAINING WALL
---	BOUNDARY	---	PROPOSED PAVING
---	EXISTING MANHOLE	---	PROPOSED EXTERIOR FINISHING
---	EXISTING STUMP PILE	---	PROPOSED WATER METER
---	EXISTING FIRE MILE	---	
---	NEW FLOODWAY LINE	---	

SUMMARY TABLE

NO.	DESCRIPTION	AREA (SQ. FT.)	NO. OF STALLS
1	RESTAURANT BUILDING AREA (TOTAL)	1,700 sq. ft. / 1,500 sq. ft.	18
2	RESTAURANT PAVING AREAS REQUIRED (1' PER 100 SQ. FT. OF PAVING AREA)	1,700 sq. ft. / 1,500 sq. ft.	18
3	RESTAURANT UNPAVED AREAS REQUIRED	1,700 sq. ft. / 1,500 sq. ft.	18
4	RESTAURANT UNPAVED TRAIL QUARTERS	1,700 sq. ft. / 1,500 sq. ft.	18
5	RESTAURANT UNPAVED DRIVEWAYS	1,700 sq. ft. / 1,500 sq. ft.	18
6	RESTAURANT UNPAVED SIDEWALKS	1,700 sq. ft. / 1,500 sq. ft.	18
7	RESTAURANT UNPAVED BIKEWAYS	1,700 sq. ft. / 1,500 sq. ft.	18
8	RESTAURANT UNPAVED TRAIL QUARTERS	1,700 sq. ft. / 1,500 sq. ft.	18
9	RESTAURANT UNPAVED DRIVEWAYS	1,700 sq. ft. / 1,500 sq. ft.	18
10	RESTAURANT UNPAVED SIDEWALKS	1,700 sq. ft. / 1,500 sq. ft.	18
11	RESTAURANT UNPAVED BIKEWAYS	1,700 sq. ft. / 1,500 sq. ft.	18
12	RESTAURANT UNPAVED TRAIL QUARTERS	1,700 sq. ft. / 1,500 sq. ft.	18
13	RESTAURANT UNPAVED DRIVEWAYS	1,700 sq. ft. / 1,500 sq. ft.	18
14	RESTAURANT UNPAVED SIDEWALKS	1,700 sq. ft. / 1,500 sq. ft.	18
15	RESTAURANT UNPAVED BIKEWAYS	1,700 sq. ft. / 1,500 sq. ft.	18
16	RESTAURANT UNPAVED TRAIL QUARTERS	1,700 sq. ft. / 1,500 sq. ft.	18
17	RESTAURANT UNPAVED DRIVEWAYS	1,700 sq. ft. / 1,500 sq. ft.	18
18	RESTAURANT UNPAVED SIDEWALKS	1,700 sq. ft. / 1,500 sq. ft.	18
19	RESTAURANT UNPAVED BIKEWAYS	1,700 sq. ft. / 1,500 sq. ft.	18
20	RESTAURANT UNPAVED TRAIL QUARTERS	1,700 sq. ft. / 1,500 sq. ft.	18



NOTES:

1. DEVELOPE FROM HANDMADE PLANNING AREA TO BUILDING ENTRANCES MUST COMPLY WITH ALL CITY ORDINANCES.
2. DIMENSIONS ARE MEASURED FACE TO FACE OF CURB UNLESS OTHERWISE NOTED.
3. FIRE LANE SHALL BE MARKED PER CITY STANDARDS.
4. INTERIOR SIGN SETBACKS ARE 10' FROM AND SIGN SETBACKS ARE 30'.

STR. PLAN
R.K.K.

**FUDDRUCKERS/
RETAIL DEVELOPMENT
OPTION 1**
U.S. HIGHWAY 27

OWNER / DEVELOPER
BRANDY PATE
200 HWY. 27 WEST
LAKE JACKSON 77566
(937) 417-6100

ENGINEER
VORDENBAUM
ENGINEERING, INC.
CONTACT: KEVIN W. VORDENBAUM
FREDRICKSBURG, TX 78424
(830) 997-4744
(830) 997-6957

SURVEYOR
GUADALUPE SURVEYING
CONTACT: CHANCE WATZES
1500 W. UNIVERSITY
ARROWVILLE, TX 78203
(830) 895-1608
FILE NO.: 08064

DATE: 09/24/08

SHEET: SP1 (1 of 1)



LEGEND

	EXISTING PROPERTY LINE		PROPOSED TRUCK DUMPSTER
	EXISTING WATER VALVE		PROPOSED STALL COURT
	EXISTING SIDEWALK		PROPOSED RETAINING WALL
	BOUNDARY		PROPOSED BUILDING
	EXISTING MANHOLE		PROPOSED EXTENDED FOOTING
	EXISTING STREET POLE		PROPOSED WATER METER
	EXISTING WATER VALVE		
	EXISTING FIRE HYDRANT		
	FIRE FLOODWAY LINE		

STANDARD TABLE

NO. 1	1/2" AC	48
NO. 2	1/2" AC	48
NO. 3	1/2" AC	48
NO. 4	1/2" AC	48
NO. 5	1/2" AC	48
NO. 6	1/2" AC	48
NO. 7	1/2" AC	48
NO. 8	1/2" AC	48
NO. 9	1/2" AC	48
NO. 10	1/2" AC	48

SITE PLAN FOR

FUDDRUCKERS/ RETAIL DEVELOPMENT OPTION 2

U.S. HIGHWAY 27

OWNER / DEVELOPER
BRANDY PAITE
200 HWY. 27, SUITE 100
LAFAYETTE, LA 70503-7588
(979) 477-6910

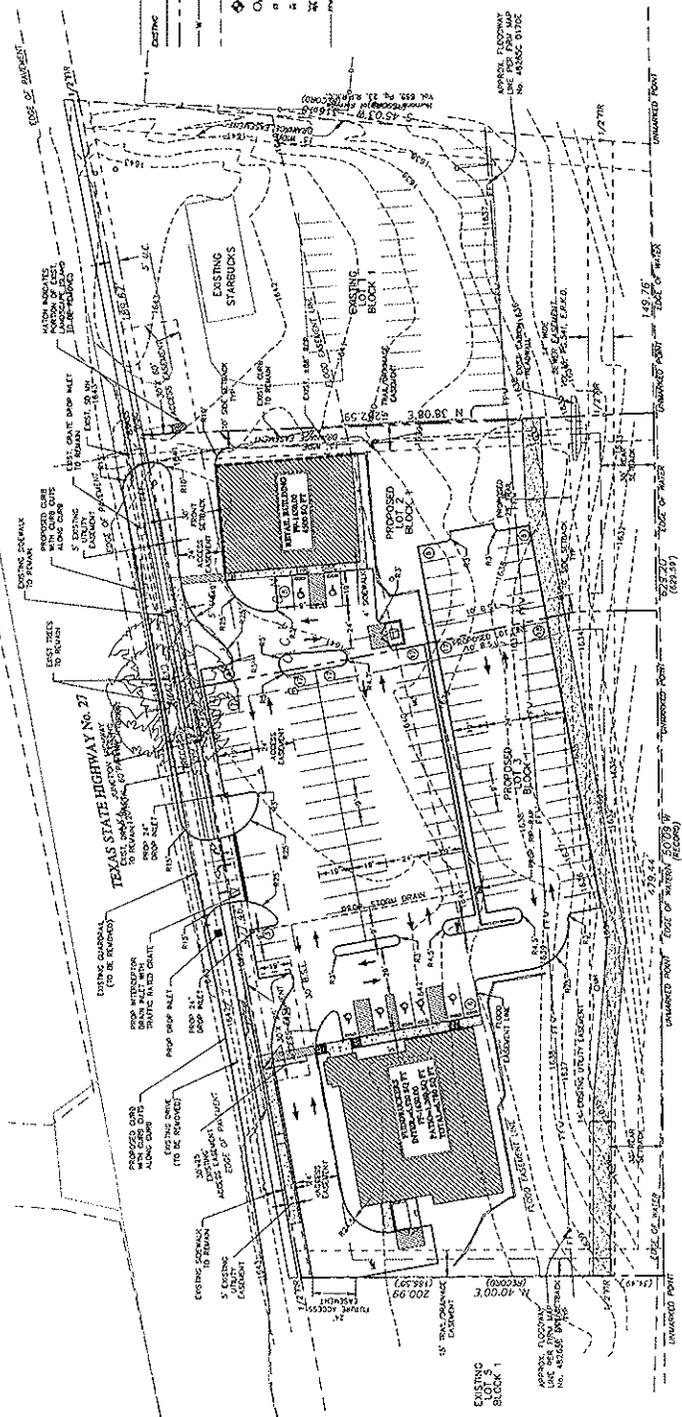
ENGINEER
VORDENBAUM
ENGINEERING, INC.
CONTACT: KEVIN W. SPRAGGS
1000 W. UNIVERSITY BLVD., SUITE 100
FRODO, ARK. 72424
(501) 997-4744
(501) 997-6977

SURVEYOR
GUADALUPE SURVEYING
CONTACT: CHARLES DUNCAN
1000 W. UNIVERSITY BLVD., SUITE 100
FRODO, ARK. 72424
(501) 997-4744
(501) 997-6977

FILE NO: 08064
SHEET: SP2 (of 1)

DATE: 09/24/08

- NOTES:**
1. SIDEWALK FROM HANDICAP PARKING AREA TO BUILDING ENTRANCES MUST COMPLY WITH ALL ADA REQUIREMENTS.
 2. ALL DIMENSIONS ARE MEASURED FACE TO FACE OF CURB UNLESS OTHERWISE NOTED.
 3. PPE LANE SHALL BE MAINTAINED PER CITY STANDARDS.
 4. INTERIOR SIDE SETBACKS ARE 10' FROM FRONT AND REAR SETBACKS ARE 30'.



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

AGENDA ITEM: 5A **FOR AGENDA OF:** October 2, 2008
DESCRIPTION: Future Agenda Items
APPLICANT(S): Gordon Browning, Senior Planner

The following items have been scheduled for the Commission's October 16, 2008 meeting;

Residential Replat: Kerrville Hills Ranch Estates No. 1 – A replat of Lot 17, Kerrville Hills Ranch Estates No. 1 located at 2380 Medina Hwy. Zoned: ETJ. Applicant: Texas Land Boundaries. (File No. 2008-52)

Conditional Use Permit (CUP) Request – Consider a request for a CUP to allow a vehicle sales/service (used) facility on an approximately 2.65 acre tract located at 1815 Junction Hwy. Zoned: W-3. Applicant: Jimmy D. King. (File No. 2008-54)

Planned Development Site Plan – Consider a request to adopt a Planned Development Site Plan for part of Planned Development District No. 2001-20, an approximately 50 acre tract located between SH 27 and Peterson Farm Road, northwest of Splitrock Road. Zoned: PDD. Applicant: PBK. (File No. 2008-53)