



# CITY OF KERRVILLE PLANNING & ZONING COMMISSION

## AGENDA

REGULAR MEETING, MAY 2, 2019, 4:30 PM  
CITY HALL, COUNCIL CHAMBERS  
701 MAIN STREET, KERRVILLE, TEXAS

**Regular Members:**

Robert Waller, Chair	
Garrett Harmon, Vice Chair	David Jones
Tricia Byrom	Rustin Zuber

**Alternate Members:**

Jim Brown	Bill Morgan
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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.

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### **CALL TO ORDER**

#### **1. CONSENT AGENDA**

1A. Approval of the minutes from the March 21, 2019 meeting.

#### **2. CONSIDERATION AND FINAL ACTION**

2A. Consideration and action concerning a Final Plat of The Landing, a subdivision containing approximately 58.739 acres of land out of the Joseph S. Anderson Survey No. 141, Abstract No. 2, and the J. S. Sayder Survey No. 142, Abstract No. 290, within the City of Kerrville, Kerr County, Texas, generally located north of the intersection of Thompson Dr (Highway 98) and James Rd. (File No. 2019-017)

#### **3. PUBLIC HEARING, CONSIDERATION & ACTION**

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 hereby certify that this agenda was posted as notice of the meeting on the bulletin board at the City Hall of the City of Kerrville, Texas, and on the City's website on the following date and time: April 26, 2019 at 1:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

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Cheryl Brown  
Cheryl Brown, Deputy City Secretary  
City of Kerrville, Texas

- 3A.** Public hearing, consideration, and action to recommend an ordinance to change the zoning from District 7-W to Planned Development District (PDD) on approximately 58.74 acres of land out of the Joseph S. Anderson Survey No. 141, Abstract No. 2, and the J. S. Sayder Survey No. 142, Abstract No. 290, within the City of Kerrville, Kerr County, Texas; and generally located north of the intersection of Thompson Dr (Highway 98) and James Rd. (File No. 2019-021)
- 3B.** Public hearing, consideration, and action to recommend a resolution to allow a Conditional Use Permit for a Stand-Alone Parking Lot on approximately 0.89 acres of land consisting of all of Lots 369, 370, 371, 372, 373, and portion of Lot 374, Block 52, of the Schreiner 2nd Addition; and more commonly known as 400, 408, 412, and 416 Jefferson Street. (File No. 2019-011)

**4. STAFF REPORT**

**5. EXECUTIVE SESSION**

At any time during the meeting, the Planning and Zoning Commission may meet in executive session regarding any of the matters posted above for attorney-client consultation in compliance with the Texas Open Meetings Act.

**ADJOURNMENT**



# City of Kerrville Planning Division Report

To: Planning & Zoning Commission  
Agenda Item: 1A  
Action: Approval, approval with specific changes  
Representative: Staff

## **Members Present:**

Bob Waller, Chair  
Garrett Harmon, Vice-Chair  
Tricia Byrom, Commissioner  
David Jones, Commissioner  
Rustin Zuber, Commissioner  
Jim Brown, Alternate  
Bill Morgan, Alternate

## **City Executive Staff Present:**

Drew Paxton, Executive Director of Development Services  
Rebecca Pacini, Chief Planning Officer  
Mike Hayes, City Attorney  
Dorothy Miller, Recording Secretary

## **CALL TO ORDER:**

On March 21, 2019, Cmr. Waller called the Kerrville Planning and Zoning Commission regular meeting to order at 4:30 p.m. in the City Hall Council Chambers, 701 Main Street, Kerrville, Texas.

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

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 Commissioner'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 to 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.)

No one spoke.

### **2. CONSENT AGENDA:**

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

2A. Approval of minutes for the February 7, 2019 meeting.

Mr. Byrom moved to approve the minutes as amended; motion was seconded by Mr. Jones and passed 5-0.

### **3. CONSIDERATION AND FINAL ACTION**

**3A.** Consideration and action concerning a Final Plat of Kerrville Crossing, a subdivision containing approximately 2.506 acres of land consisting of Lot 1, Block 1, Evans Addition, a subdivision in the City of Kerrville, Kerr County, Texas, recorded in Volume 8, page 97 of the plat records of Kerr County, to establish Lots 1-R and 2-R, Block 1 to be addressed as 1205 and 1201 Junction Hwy. (File No. 2018-067)

Mr. Paxton presented the findings of fact.

Mr. Byrom moved to approve the final plat as presented; motion was seconded by Mr. Zuber and passed 5-0.

### **4. PUBLIC HEARING, CONSIDERATION & ACTION**

**4A.** Public hearing, consideration, and action to recommend an ordinance to change the zoning from Gateway District ("GTW") to District 23-N on approximately 4.09 acres, out of the Patrick Fleming Survey No. 666, Abstract No. 145, within the City of Kerrville, Kerr County, Texas; and more commonly known as 2011 Easy Street. (File No. 2019-006)

Mr. Paxton presented the findings of fact.

Mr. Waller opened the public hearing at 4:48 p.m. Hearing no one speak, Mr. Waller closed the public hearing at 4:49 p.m.

Mr. Harmon moved to recommend approval of the zoning change as presented; motion was seconded by Mr. Byrom and passed 5-0.

**4B.** Public hearing, consideration, and action for the City of Kerrville to annex into its incorporated limits with a zoning classification of Public & Institutional District ("PI") a portion of an approximately 35.05 acre tract of land out of the S. Wallace Survey No. 114, Abstract No. 348, and the S. Wallace Survey No. 113, Abstract No. 347; said portion of the tract located within Kerr County, Texas, and the Extraterritorial Jurisdiction of the City of Kerrville, Texas; consisting of the Property generally located adjacent to State Highway Loop 534. The portion of the tract that is located within the City of Kerrville is currently zoned both E-25 and Residential Cluster ("RC") Zoning Districts, said zoning which is proposed to be amended to Public & Institutional District ("PI"). (File No. 2019-007)

Mr. Paxton presented the findings of fact.

Mr. Waller opened the public hearing at 4:56 p.m. Hearing no one speak, Mr. Waller closed the public hearing at 4:57 p.m.

Mr. Zuber moved to recommend approval of the zoning change as presented; motion was seconded by Mr. Harmon and passed 5-0.

**4C.** Public hearing, consideration, and action to recommend a resolution to allow a Conditional Use Permit for a Stand-Alone Parking Lot on approximately 0.89 acres of land

consisting of all of Lots 369, 370, 371, 372, 373, and portion of Lot 374, Block 52, of the Schreiner 2nd Addition; and more commonly known as 400, 408, 412, and 416 Jefferson Street. (File No. 2019-011)

Item 4C was postponed by applicant request.

**4D.** Public hearing, consideration, and action to recommend an ordinance to change the zoning from Single Family Residential District ("R-1") and Guadalupe River District ("GR") to Guadalupe River District ("GR") on approximately 10.06 acres, out of the Thornton F. Hollis Survey No. 143, Abstract No. 181, within the City of Kerrville, Kerr County, Texas; and more commonly known as 100 Concho. (File No. 2019-019)

Mr. Paxton presented the findings of fact.

Cmr. Waller opened the public hearing at 5:00 p.m.

Harvey Brinkman asked about the future of the Guadalupe River zoning district in the new Zoning Code.

Mr. Paxton explained there will not be a Guadalupe River zoning district in the new Zoning Code but a proposed Guadalupe River overlay which will offer protection for the river. He also said staff will work with Mr. Brinkman and his investors on what that recommendation is going to be.

Hearing no one else speak, Cmr. Waller closed the public hearing at 5:07 p.m.

Cmr. Harmon moved to recommend approval of the zoning change as presented; motion was seconded by Cmr. Byrom and passed 5-0.

#### **5. STAFF REPORT:**

Mr. Paxton reported that the July meeting will need to be rescheduled. Commissioners discussed potential dates of July 11<sup>th</sup> or the 18<sup>th</sup>. Commissioners recommended July 18<sup>th</sup> for the rescheduled July meeting.

#### **6. ADJOURNMENT**

The meeting was adjourned at 5:11 p.m.



# City of Kerrville Planning Division Report

To: Planning & Zoning Commission  
Agenda Item: 2A  
Action: Consideration and Final Action, Final Plat  
Planning File #: 2019-017  
Property Owner: Granger McDonald, Thompson Drive Partners, LLC  
Representative: Ken Kolacny, PE, Matkin Hoover Engineering & Surveying  
Location: North of the intersection of Thompson Dr (Highway 98) and James Rd

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## Proposal

Consideration and action concerning a Final Plat of The Landing, a subdivision containing approximately 58.739 acres of land out of the Joseph S. Anderson Survey No. 141, Abstract No. 2, and the J. S. Sayder Survey No. 142, Abstract No. 290, within the City of Kerrville, Kerr County, Texas, generally located north of the intersection of Thompson Dr (Highway 98) and James Rd. (File No. 2019-017)

## Recommendation

Staff recommends approval.

## Attachments

- A. Proposed Final Plat





# City of Kerrville Planning Division Report

To: Planning & Zoning Commission

Agenda Item: 3A

Action: Public hearing, consideration, and action to recommend an ordinance to change the zoning from District 7-W to Planned Development District (PDD)

Planning File #: 2019-021

Property Owner: Thompson Drive Partners, LLC

Representative: Steve Schulte

Location: Approximately 58.74 acres of land out of the Joseph S. Anderson Survey No. 141, Abstract No. 2, and the J. S. Sayder Survey No. 142, Abstract No. 290, within the City of Kerrville, Kerr County, Texas; and generally located north of the intersection of Thompson Dr (Highway 98) and James Rd

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## Proposal

Public hearing, consideration, and action to recommend an ordinance to change the zoning from District 7-W to Planned Development District (PDD) on approximately 58.74 acres of land out of the Joseph S. Anderson Survey No. 141, Abstract No. 2, and the J. S. Sayder Survey No. 142, Abstract No. 290, within the City of Kerrville, Kerr County, Texas; and generally located north of the intersection of Thompson Dr (Highway 98) and James Rd. (File No. 2019-021)

## Procedural Requirements

15 Notices were mailed April 17<sup>th</sup> to adjacent property owners. The public notice was published in the Kerrville Daily Times on April 15<sup>th</sup>.

## Staff Analysis

**Consistency with the Kerrville 2050 Comprehensive Plan:** The property is located in Strategic Catalyst Area 3. The vision for this area is one that facilitates the creation of mixed-use, riverfront developments along its key corridor, Thompson Drive. Development should be oriented towards the River and engaged with adjacent businesses and structures. Entertainment/Mixed-Use and some Transitional Residential place types are appropriate around the lake.

## **Adjacent Zoning and Land Uses**

### **Subject Property**

**Current Zoning:** West District 7 (7-W)

**Existing Land Uses:** Single-family residential and vacant

**Direction: Northwest**

**Current Zoning:** Not applicable, outside of the City limits

**Existing Land Uses:** Single-family residential

**Direction: Northeast**

**Current Zoning:** Guadalupe River District (GR)

**Existing Land Uses:** Home improvement store

**Direction: Southeast**

**Current Zoning:** West District 7 (7-W)

**Existing Land Uses:** Agricultural

**Direction: Southwest**

**Current Zoning:** Not applicable, outside of the City limits

**Existing Land Uses:** Single-family residential

The uses which are permitted as a matter of right or permitted upon issuance of a conditional use permit in the 7-W zoning district are indicated by the letters "P" and "C," respectively, in the following table:

<b>7-W DISTRICT PERMITTED &amp; CONDITIONAL USE TABLE</b>	
Agricultural - General	C
Bed and Breakfast	P
Dwelling, Multiple Family	P
Dwelling, RC District Uses (with plat)	P
Education, Secondary and College	C
Education, Primary	C
Institutional and Public Use Facilities	C
Life Care Development	P
Manufacturing, Custom	P
Personal Services I	C
Personal Services, Limited	C
Restaurant, General	C
Restaurant, Limited	C
Retail Trade - Limited	C
Tourist/Visitor & Recreation Service	C

The change in zoning is being sought in order to establish a Planned Development District with the following uses as defined in the Zoning Code, Art. 11-I-3:

<b>THE LANDING PLANNED DEVELOPMENT DISTRICT USE TABLE</b>
Custom Manufacturing
Greenbelt
Private Park
Professional Office
Public Park
"R-3" Multifamily Residential

THE LANDING PLANNED DEVELOPMENT DISTRICT USE TABLE	
Restaurant, General	
Retail Trade II	

**Thoroughfare Plan:** Thompson Drive (Highway 98) is designated a Secondary Arterial. Secondary arterials primarily serve local trips of moderate length, support circulation and access in localized areas with higher traffic volumes, and connect to the principal arterials. Kerrville's standard cross section for a secondary arterial is a four-lane undivided roadway. In higher activity areas, the City may consider an alternate design with two through lanes and a center two-way left-turn lane. This also provides the option of allocating right-of-way width for other uses such as bike lanes, pedestrian facilities, and/or on-street parking. The current cross-section of Thompson Drive is a four lane divided roadway with a center turn lane and medians.

**Traffic Impact:** To be determined

**Parking:** To be determined

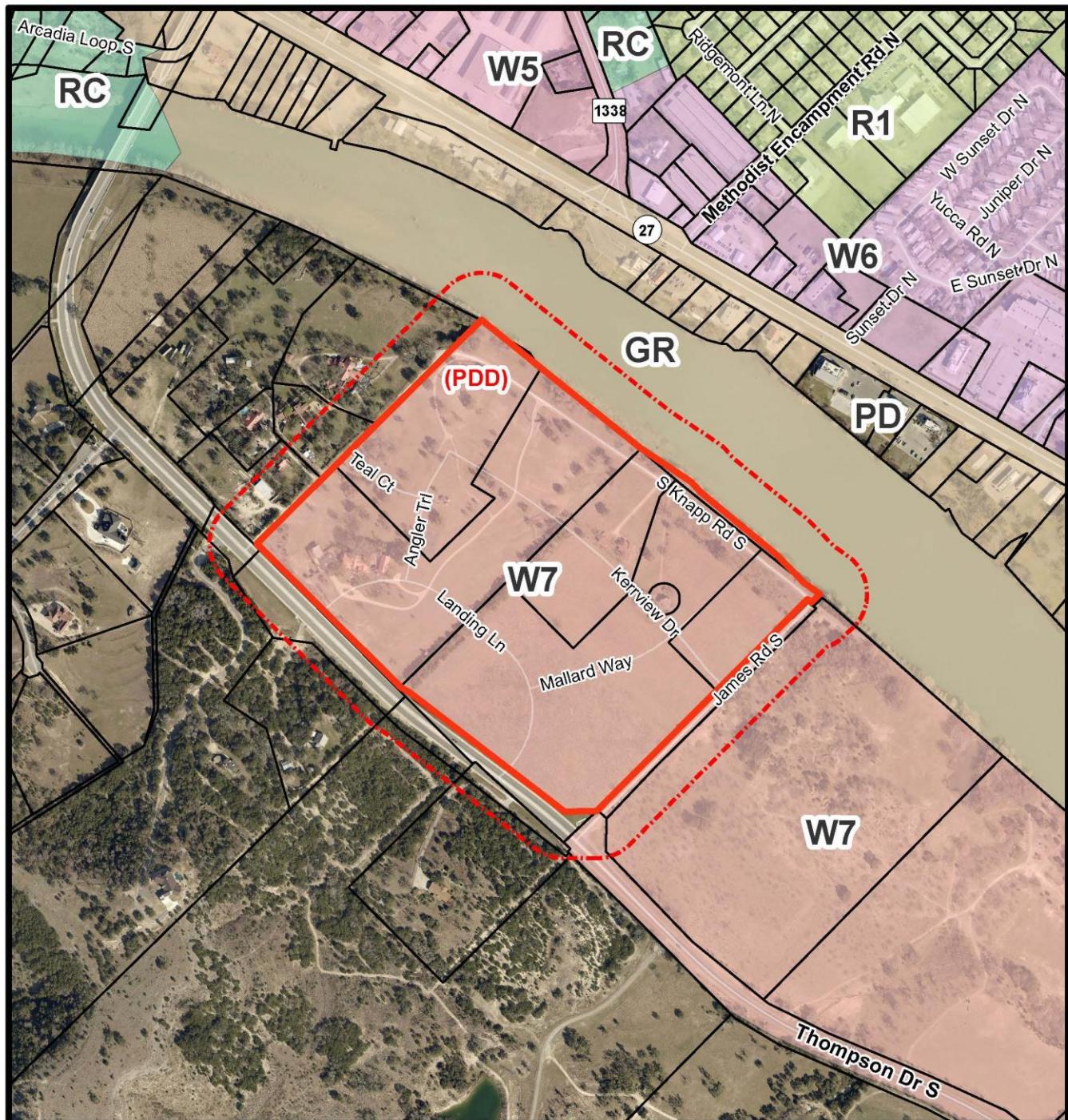
### **Recommendation**

Staff recommends approval.

### **Attachments**

- A. Location Map
- B. Draft City Council Ordinance
  - Exhibit A. Metes and bounds description
  - Exhibit B. Concept Plan
- C. Written Response

# Attachment A



## Location Map

Case # 2019-021

Location:  
Thompson Dr

### Legend

200' Notification Area  
Subject Properties  
Current Zoning  
Requested Zoning

TEXT  
(TEXT)



0 200 400 800  
Scale In Feet

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only approximate relative locations.

## D R A F T 4/23/19

CITY OF KERRVILLE, TEXAS  
ORDINANCE NO. **2019-**

AN ORDINANCE CREATING A “PLANNED DEVELOPMENT DISTRICT” FOR R-3 (MULTIFAMILY), RETAIL TRADE I, RETAIL TRADE II, PROFESSIONAL OFFICE, RESTAURANT (GENERAL), AND CUSTOM MANUFACTURING ON AN APPROXIMATELY 58.74 ACRE TRACT OF LAND OUT OF THE JOSEPH S. ANDERSON SURVEY NO. 141, ABSTRACT NO. 2 AND THE J.S. SAYDER SURVEY NO. 142, ABSTRACT NO. 290; WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS; AND MORE GENERALLY LOCATED NORTH OF THE INTERSECTION OF THOMPSON DRIVE (SPUR 98) AND JAMES ROAD; ADOPTING A CONCEPT 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, the Planning and Zoning Commission of the City of Kerrville, Texas and the governing body of the City of Kerrville, in compliance with the laws of the State of Texas and the ordinances of the City Kerrville, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body, in the exercise of the legislative discretion, has concluded that the Zoning Ordinance and Zoning Map should be amended;

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

SECTION ONE. The property described in **Exhibit A** (the “Property”) is removed from Zoning District 7-W and placed within a newly created Planned Development District (“PDD”) for development and use as provided herein.

SECTION TWO. The Property may be developed and used but only in accordance with the following conditions:

- A. **Permitted Uses:** The following uses are permitted within the Planned Development District subject to the conditions provided herein and the applicable regulations for each use as provided within the Zoning Code: R-3 (multifamily), Retail Trade I, Retail Trade II, Professional Office, Restaurant (General), and Custom Manufacturing. All uses of the Property

shall be permitted only in the location shown on the Concept Plan, attached as **Exhibit B**. Should a desired alteration or change in use represent a substantial departure from this approved plan, then such may be allowed only after resubmittal of the amended plan to the City, and the same approval process applicable to amendments to zoning ordinances.

**B. Prohibited Uses:** Any use not specifically allowed in Section A is expressly prohibited.

**C. Concept Plan:** The development and use of the Property shall be substantially in accordance with the Concept Plan attached as **Exhibit B**, hereafter referred to as the “Concept Plan”. Minor modifications to streets, number and alignment of buildings, building areas and footprints, open spaces, and pedestrian access shown on the Concept Plan may be made at the time of Site Plan approval, as specified in Section D, below, so long as the general alignment of streets, building areas, and lot layouts are substantially maintained and the location and boundaries of the lots are not altered.

**D. Development Site Plan:** Prior to the City’s acceptance of any civil construction or building plans, a Development Site Plan shall be submitted pursuant to City regulations.

**E. Floodplain Improvements and Maintenance:** The floodplain area is to be dedicated to the City at the time of final plat. Prior to approval of a final plat for any portion of the Property, the owner and/or developer of the property must enter into an agreement(s) with the City setting for the terms and conditions relating to the responsibility for:

1. Development and maintenance standards for the flood plain and all improvements located within the floodplain;
2. Trail and trailhead improvements; and
3. Land acquisition necessary to complete recreational trail.

**F. Density:** As applied to the development of R-3 (multifamily) uses, the number of units per lot and the number of units per acre are limited to the specific amounts specified on the Concept Plan.

G. **Setbacks and Height**: The Property shall be developed with the minimum setbacks from the Property lines and limited to a maximum height of sixty feet (60.0'), both of which are as specified on the Concept Plan.

H. **Lot Coverage**: The maximum building gross floor areas will comply with the square footage specified on the Concept Plan.

I. **Open Spaces**: All landscaped open spaces within the Property, such as the "green belt" specified on the Concept Plan and Lot 902, as specified on the "final plat", shall be maintained and managed by a Property Owners Association (POA) and open to the general public.

J. **Parking**: The design, number of parking spaces, and aisle dimensions shall comply with the City regulations in effect at the time individual building permits are submitted to the City unless as specified on the Concept Plan. All required parking spaces shall be constructed of asphalt or concrete and shall be marked and kept available for residents, customers, and employees.

K. **Parking Lot Lighting**: 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 on adjacent roadways and/or properties.

L. **Parking Lot and Travel Lane Surface**: The vehicle and pedestrian traveling lanes and storage areas shall be asphalt, concrete, or such other surface in order to prevent mud, dirt, or other loose materials from being removed from the property and tracked onto the public rights-of-way by vehicles traveling from the property.

M. **Sidewalks**: The construction of sidewalks shall be required and constructed in accordance with City regulations in effect at the time building permits are submitted.

N. **Signage**: The design, installation, location, and maintenance of signs shall comply with City sign regulations existing at the time of permitting for the sign.

O. **Landscaping Regulations**: Landscaping shall be installed in accordance with the following:

1. Planting materials planted on the Property shall be from 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.
2. All landscaping shall be maintained in a healthy, growing condition.

**P. Screening:** Screening shall be required in accordance with City regulations in effect at the time individual building permits are submitted to the City.

**Q. Trash and Other Solid Waste:** 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 adjacent building(s) on the remaining three sides.

**R. Outdoor Storage and Display:** The outdoor storage of any materials, supplies, inventory, and/or equipment, whether in cargo containers or similar containers or buildings, is prohibited.

**S. Platting:** The development of this property shall be subject to the City's Subdivision Regulations.

**T. Floodplain Improvements and Maintenance:** The floodplain area is to be dedicated to the City at the time of final plat. Prior to approval of a final plat for any portion of the Property, the owner and/or developer of the property must enter into an agreement(s) with the City setting for the terms and conditions relating to the responsibility for:

1. Development and maintenance standards for the flood plain and all improvements located within the floodplain;
2. Trail and trailhead improvements; and
3. Land acquisition necessary for recreational trail.

**SECTION THREE.** The City Manager or designee is authorized and directed to amend the City's official zoning map to reflect the change in districts adopted herein and to take other actions contemplated by and in accordance with Section 11-I-4(c) of the City's Zoning Code.

**SECTION FOUR.** 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, to the extent of any irreconcilable conflict with the provisions of this Ordinance and other ordinances of the City of Kerrville governing the use and development of the Property and which are not expressly amended by this Ordinance, the provisions of this Ordinance shall be controlling.

**SECTION FIVE.** 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. City Council 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 SIX.** The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Section 1-7, Chapter 1 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 SEVEN.** In accordance with Section 3.07 of the City Charter and Texas Local Government Code §52.013(a), the City Secretary 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.

**SECTION EIGHT.** This Ordinance shall become effective immediately upon the expiration of ten days following publication, as provided for by Section 3.07b. of the City Charter.

**PASSED AND APPROVED ON FIRST READING, this the \_\_\_\_ day of \_\_\_\_\_, A.D., 2019.**

**PASSED AND APPROVED ON SECOND AND FINAL READING, this the \_\_\_\_ day of \_\_\_\_\_, A.D., 2019.**

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Bill Blackburn, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael C. Hayes, City Attorney

ATTEST:

\_\_\_\_\_  
Shelley McElhannon, City Secretary

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# Exhibit A

## MATKIN HOOVER ENGINEERING & SURVEYING

8 SPENCER ROAD, SUITE 100, BOERNE, TEXAS 78006  
PHONE: 830-249-0600 FAX: 830-249-0099  
TEXAS REGISTERED SURVEYING FIRM F-10024000

### FIELD NOTES FOR A 58.74 ACRE TRACT OF LAND

A 58.74 ACRE TRACT OF LAND OUT OF THE JOSEPH S. ANDERSON SURVEY NO. 141, ABSTRACT NO. 2, AND THE J. S. SAYDER SURVEY NO. 142, ABSTRACT NO. 290, KERR COUNTY, TEXAS, AND BEING A PORTION OF THE CALLED 27.52 ACRE TRACT RECORDED IN DOCUMENT NO. 18-01649, OFFICIAL PUBLIC RECORDS OF KERR COUNTY, TEXAS, ALL OF THE CALLED 21.16 ACRE TRACT DESIGNATED AS "TRACT ONE", ALL OF THE CALLED 6.03 ACRE TRACT DESIGNATED AS "TRACT TWO", RECORDED IN DOCUMENT NO. 12-00573, OFFICIAL PUBLIC RECORDS OF KERR COUNTY, TEXAS, AND ALL OF THE CALLED 4.01 ACRE TRACT RECORDED IN DOCUMENT NO. 12-00575, OFFICIAL PUBLIC RECORDS OF KERR COUNTY, TEXAS. SAID 59.09 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**Beginning** at a point in the northeast right-of-way line of State Spur No. 98 (Thompson Drive), the southwest boundary line of the called 27.52 acre tract, said point bears S 45°04'05" E, a distance of 12.30' from a  $\frac{1}{2}$ " iron rod with red plastic cap stamped "Cude" found at the west corner of the called 27.52 acre tract, the south corner of Lot 1, Block 1, Thistle Hill House Subdivision No. 1, recorded in Volume 6, Page 186, Plat Records of Kerr County, Texas;

**(1) Thence**, departing the northeast right-of-way line of State Spur No. 98 (Thompson Drive), over and across the called 27.52 acre tract the following three (3) courses and distances:

- a. **N 45° 06' 40" E, a distance of 380.08'** to a point for angle;
- b. **N 45° 06' 47" E, a distance of 336.45'** to a point for angle;
- c. **N 45° 06' 23" E, a distance of 627.25'** to a point for corner in the northeast boundary line of the called 27.52 acre tract, the southwest boundary line of Upper Guadalupe River Authority (UGRA) and recorded in Volume 218, Page 849, Deed Records, Kerr County, Texas, said point being near the 1622' contour line of the Guadalupe River (Kerrville Lake), said point bears S 51° 01' 14" E, a distance of 10.95' from a calculated point in the southeast boundary line of a called 7.85 acre tract of land recorded in Document No. 12-8067, Official Public Records of Kerr County, Texas, the north corner of the called 27.52 acre tract and the west corner of the called 0.5 acre tract;

**(2) Thence**, along the meanders of the 1622' contour line, the northeast boundary line of the called 27.52 acre tract, the called 6.03 acre tract, the called 21.16 acre tract, and the called

4.01 acre tract, the southwest meander line of the Guadalupe River (Kerrville Lake), the following courses and distances:

- a. S 51° 01' 14" E, 330.07' to a point for angle;
- b. S 51° 14' 22" E, 535.10' to a point for angle;
- c. S 56° 26' 37" E, 261.88' to a point for angle;
- d. S 40° 47' 22" E, 57.54' to a point for angle;
- e. S 50° 32' 38" E, 342.61' to a point for angle;
- f. S 50° 32' 38" E, 72.99' to a point for angle;
- g. S 44° 36' 51" E, 165.42' to a point for angle;
- h. S 54° 03' 44" E, 84.53' to a point for corner at the east corner of the called 4.01 acre tract;

(3) **Thence, S 46° 39' 46" W**, along the southeast boundary line of the called 4.01 acre tract, **a distance of 51.20'** to a cotton spindle set for corner in the centerline of Knapp Road at the east corner of a 20' wide strip (portion of James Road) which is part of a called 5.98 acre tract recorded in Volume 212, Page 558, Deed Records of Kerr County, Texas;

(4) **Thence, N 45° 04' 29" W**, along a southwest boundary line of the called 4.01 acre tract, the centerline of Knapp Road, the northeast line of the 20' wide strip (portion of James Road), **a distance of 20.00'** to a cotton spindle found for interior corner at an interior corner of the called 4.01 acre tract and at the north corner of the 20' wide strip (portion of James Road), in the northwest line of James Road;

(5) **Thence, S 44° 55' 31" W**, along the northwest line of the 20' wide strip (portion of James Road), the northwest line of James Road, the southeast boundary line of the called 4.01 acre tract, **a distance of 539.81'** to a  $\frac{1}{2}$ " iron rod found for angle at the south corner of the called 4.01 acre tract, the east corner of the called 21.16 acre tract;

(6) **Thence**, continuing along the northwest line of the 20' wide strip (portion of James Road), the northwest line of James Road, the southeast boundary line of the called 21.16 acre tract, the following courses and distances:

- a. S 44° 54' 29" W, 725.61' to a Texas Department of Transportation (TxDot) Type 1 concrete marker found for angle;

- b. **S 46° 17' 03" W, 4.81'** to a  $\frac{1}{2}$ " iron rod found for angle at the east end of a cutback line at the intersection of the northwest line of the 20' wide strip (portion of James Road), the northwest line of James Road, with the northeast right-of-way line of State Spur No. 98;

**(7) Thence, S 89° 56' 21" W, along said cutback line, a distance of 135.09'** to a  $\frac{1}{2}$ " iron rod found for angle;

**(8) Thence, along the northeast right-of-way line of State Spur No. 98, the following courses and distances:**

- a. **N 52° 27' 24" W, 828.91'** to a  $\frac{1}{2}$ " iron rod found for angle;
- b. **N 61° 11' 52" W, 38.67'** to a TxDot Type 2 concrete marker found for angle;
- c. **N 45° 04' 50" W, at 21.53'** pass the surveyed south corner of the called 27.52 acre tract, **a total distance of 865.17'** to the **POINT OF BEGINNING** and containing **58.74 acres** of land, more or less.

Note: This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

## Exhibit B

## Attachment C

**From:** J. E. Johnson  
**Sent:** Thursday, April 25, 2019 10:11 AM  
**To:** Rebecca Pacini  
**Subject:** Thompson Landing LLP

**Expires:** Tuesday, October 22, 2019 12:00 AM

**EXTERNAL EMAIL:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Rebecca Pacini  
Development Department  
City of Kerrville Texas

Greetings Ms. Pacini,

As I understand from a recent visit with Mr. Kyle Burow, among your many responsibilities, you are charged with reviewing all engineering plats in regard to their accuracy and adherence with all Federal, State and local codes.

If I am mistaken, please forward this communication to the appropriate party.

My wife is the owner of a small tract of land that abuts the Thompson Landing project now in its final stages of consideration. Among these considerations is the changing of the zoning from W7 to PPD.

You may have seen that we are copied in correspondence between the developer and the City. My wife family has owned this acreage for over 60 years and are very aware of the area's topology. We have managed our private drive for much of this time period. Thus, we are privileged to receive the most current utilities and street plat now under consideration.

In reviewing this plat, we noticed that topographical information has been included and such information brings to light no design as to how storm water runoff is being handled appears.

In presentations to the City Council and to Planning and Zoning, as well as to Drew Paxton, the subject of storm water runoff has been deferred to the MacDonald Companies. Their response has been that once a lot has been sold, the buyer will be responsible to follow the Ordinances and drainage requirements of Planning and Zoning.

To me this seem to "pass the buck" so to speak, and does not necessarily address the issues with storm water runoff and its effect on the river and the City water supply.

At odds is this. By our very rough calculations, this area is approximately 2.5011 acre feet of storm water runoff at worst case

for raw land. This value is considering the rate of rain fall of 4 inches per hour upon pervious grass covered land.

Drainage area does not include the addition of impervious areas of streets, sidewalks and structures which we believe would

increase the 815,000 gallons of runoff considerably. This water would drain to Lot 14 and onto our property in such volumes as to destroy our private drive and wash considerable silt into the river.

Our attempts to purchase Lot 14 were rebuked as we are not interested in developing this lot for the foreseeable future and  
saw it as a method to keep a greenspace and slow down the velocity of runoff.

If you would be so kind as to keep this in mind as you complete your work on the utilities and street engineering drawings now  
in final consideration for presentation to Planning and Zoning and City Council.

Until this matter has a suitable answer, we will protest the approval of those plans.

Currently, we are still involved in acceptance of a contract to deed to us a strip of land owned adjacent to us and Thompson Drive LLP development in return to our complete acceptance of and prohibition to full compliance with the desires of the developer.

Further, we would allow the abandonment of the current route of ingress and egress down the County Road know as Knapp Road  
and accept an easement onto Teal Court as shown in the current Plat.

We will look forward to any reply you may have on this matter.

We remain,

Sincerely,

J. E and Bonnie Johnson  
1524 Knapp Road  
Kerrville, Texas



# City of Kerrville Planning Division Report

To: Planning & Zoning Commission

Agenda Item: 3B

Action: Public hearing, consideration, and action to recommend a resolution to allow a Conditional Use Permit for a Stand-Alone Parking Lot

Planning File #: 2019-011

Property Owner: Bobby C. Keller

Representative: Chance Kutac, Stantec Consulting Services, Inc.

Location: Approximately 0.89 acres of land consisting of all of Lots 369, 370, 371, 372, 373, and portion of Lot 374, Block 52, of the Schreiner 2nd Addition; and more commonly known as 400, 408, 412, and 416 Jefferson Street

---

## Proposal

Public hearing, consideration, and action to recommend a resolution to allow a Conditional Use Permit for a Stand-Alone Parking Lot on approximately 0.89 acres of land consisting of all of Lots 369, 370, 371, 372, 373, and portion of Lot 374, Block 52, of the Schreiner 2nd Addition; and more commonly known as 400, 408, 412, and 416 Jefferson Street. (File No. 2019-011)

## Procedural Requirements

23 Notices were mailed April 17<sup>th</sup> to adjacent property owners. The public notice was published in the Kerrville Daily Times on April 15<sup>th</sup>.

## Staff Analysis

**Consistency with the Kerrville 2050 Comprehensive Plan:** The property and surrounding area are located within Strategic Catalyst Area 1. This area comprises the downtown core and central business district. The plan states, "There should be a strong focus on redevelopment and catalyzing a renewed public interest in the area."

## Adjacent Zoning and Land Uses

### Subject Property

**Current Zoning:** Central Business District (CBD)

**Existing Land Uses:** Former auto repair & parking

**Direction:** North

**Current Zoning:** Central District 19 (C-19)

**Existing Land Uses:** Building construction specialists & showroom

**Direction: East****Current Zoning:** Central Business District (CBD)**Existing Land Uses:** Custom manufacturing, personal services, & retail**Direction: South****Current Zoning:** Central Business District (CBD)**Existing Land Uses:** Parking stand-alone, single family residential, and business services**Direction: West****Current Zoning:** Central District 11**Existing Land Uses:** Professional office

The uses which are permitted as a matter of right or permitted upon issuance of a conditional use permit in the CBD zoning district are indicated by the letters "P" and "C," respectively, in the following table:

<b>CBD DISTRICT PERMITTED &amp; CONDITIONAL USE TABLE</b>	
Parking Lot, Stand Alone	C
Printing	P
Quick Printing	P
New Car Dealers	C
Used Car Dealers	C
Automotive Parts, Accessories, and Tire Stores (Retail Only)	P
Furniture and Home Furnishings Stores	P
Electronics and Appliance Stores	P
Nursery, Garden Stores	P
Hardware Stores	P
Food and Beverage Stores	P
Health and Personal Care Stores	P
Gasoline Stations (w/Dev. Stnds.)	C
Gasoline Stations with Convenience Stores (w/Dev. Stnds.)	C
Clothing and Clothing Accessories Stores	P
Jewelry , Luggage and Leather Goods Store	P
Sporting Goods, Hobby, Book, and Music Stores	P
General Merchandise Stores	P
Miscellaneous Store Retailers	P
Used Merchandise Stores (w/o Drop-off)	P
Non-store Retailers	C
Scenic and Sightseeing Transportation	P
Postal Service	P
Couriers and Messengers (Retail and Drop- off Only)	P
Publishing Industries (except Internet)	C
Motion Picture and Sound Recording Industries	P
Motion Picture Theaters (except Drive-Ins)	P
Broadcasting (except Internet) - (w/o towers)	P
Telecommunications (w/o towers)	P
Data Processing, Hosting and Related Services	P
Other Information Services	P
Monetary Authorities-Central Bank	P
Credit Intermediation and Related Activities	P

CBD DISTRICT PERMITTED & CONDITIONAL USE TABLE	
All Other Non-depository Credit Intermediation (Pawnshops)	P
Securities, Commodity Contracts, and Other Financial Investments and Related Activities	P
Insurance Carriers and Related Activities	P
Agencies, Brokerages, and Other Insurance Related Activities	P
Funds, Trusts, and Other Financial Vehicles	P
Real Estate	P
Lessors of Nonresidential Buildings (except Mini-warehouses)	P
Passenger Car Rental and Leasing	C
Consumer Electronics and Appliances Rental	P
Formal Wear and Costume Rental	P
Video Tape and Disc Rental	P
Other Consumer Goods Rental	P
General Rental Centers	C
Office Machinery and Equipment Rental and Leasing	P
Professional, Scientific, and Technical Services	P
Other Specialized Design Services	P
Veterinary Services (w/o kennels)	C
Management of Companies and Enterprises	P
Administrative and Support Services	P
Business Service Center	P
Elementary and Secondary Schools	P
Junior Colleges	P
Colleges, Universities and Professional Schools	P
Business Schools and Computer and Management Training	P
Technical and Trade Schools (Classroom Only)	P
Other Schools and Instruction (Classroom Only)	P
Educational Support Services	P
Ambulatory Health Care Services	P
Offices of Physicians	P
Offices of Dentists	P
Offices of Other Health Practitioners	P
Outpatient Care Centers	P
Other Outpatient Care Centers	P
Medical and Diagnostic Laboratories	P
Home Health Care Services	P
Other Ambulatory Health Care Services (except air ambulance)	P
All Other Ambulatory Health Care Services	P
Hospitals	C
General Medical and Surgical Hospitals	C
Psychiatric and Substance Abuse Hospitals	C
Specialty (except Psychiatric and Substance Abuse) Hospitals	C
Nursing Care Facilities	P
Residential Mental Retardation, Mental Health and Substance Abuse Facilities	C
Community Care Facilities for the Elderly (w/o Nursing Care)	P
Other Residential Care Facilities	P
Social Assistance (Office only)	P
Individual and Family Services	P
Community Food and Housing, and Emergency and Other Relief Services	P

CBD DISTRICT PERMITTED & CONDITIONAL USE TABLE	
Vocational Rehabilitation Services	P
Child Day Care Services (Includes Adult)	P
Performing Arts, Spectator Sports, and Related Industries (except spectator sports)	P
Performing Arts Companies	P
Spectator Sports	C
Promoters of Performing Arts, Sports, and Similar Events	P
Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures	P
Independent Artists, Writers, and Performers	P
Museums, Historical Sites, and Similar Institutions (w/o Zoos)	P
Amusement, Gambling, and Recreation Industries	C
Hotel/Motel	P
Bed-and-Breakfast Inns	P
Food Services and Drinking Places	P
Limited - Services Eating Places (w/Dev. Stnds.)	P
Mobile Food Services	P
Automotive Repair and Maintenance	C
Automotive Oil Change and Lubrication Shops	C
Car Washes	C
Electronic and Precision Equipment Repair and Maintenance (Minor)	P
Personal and Household Goods - Repair and Maintenance	P
Personal Care Services	P
Death Care Services	P
Coin-Operated Laundries and Drycleaners	P
Other Personal Services	P
Pet Care Services (except veterinary/kennels)	P
Parking Lots and Garages (by fee)	P
Religious, Grant-making, Civic, Professional, and Similar Organizations	P
Religious Organizations	P
Grant-making and Giving Services	P
Social Advocacy Organizations	P
Civic and Social Organizations	P
Business, Professional, Labor, Political, and Similar Organizations	P
Private Households	P
Executive, Legislative, and Other General Government Support	P
Justice, Public Order, and Safety Activities	P
Administration of Human Resource Programs	P
Administration of Environmental Quality Programs	P
Administration of Housing Programs, Urban Planning, and Community Development	P
Administration of Economic Programs	P
Space Research and Technology	C
National Security and International Affairs	C
Single Family	P
Duplex	P
Multi-Family	P
Upper Story Residential (Loft Apartments)	P
Accessory Uses & Structures	P
Parking Structure	C

**Thoroughfare Plan:** Jefferson Street and Hays Street are not designated on the Thoroughfare Plan.

**Traffic Impact:** To be determined

**Parking:** To be determined

### **Recommendation**

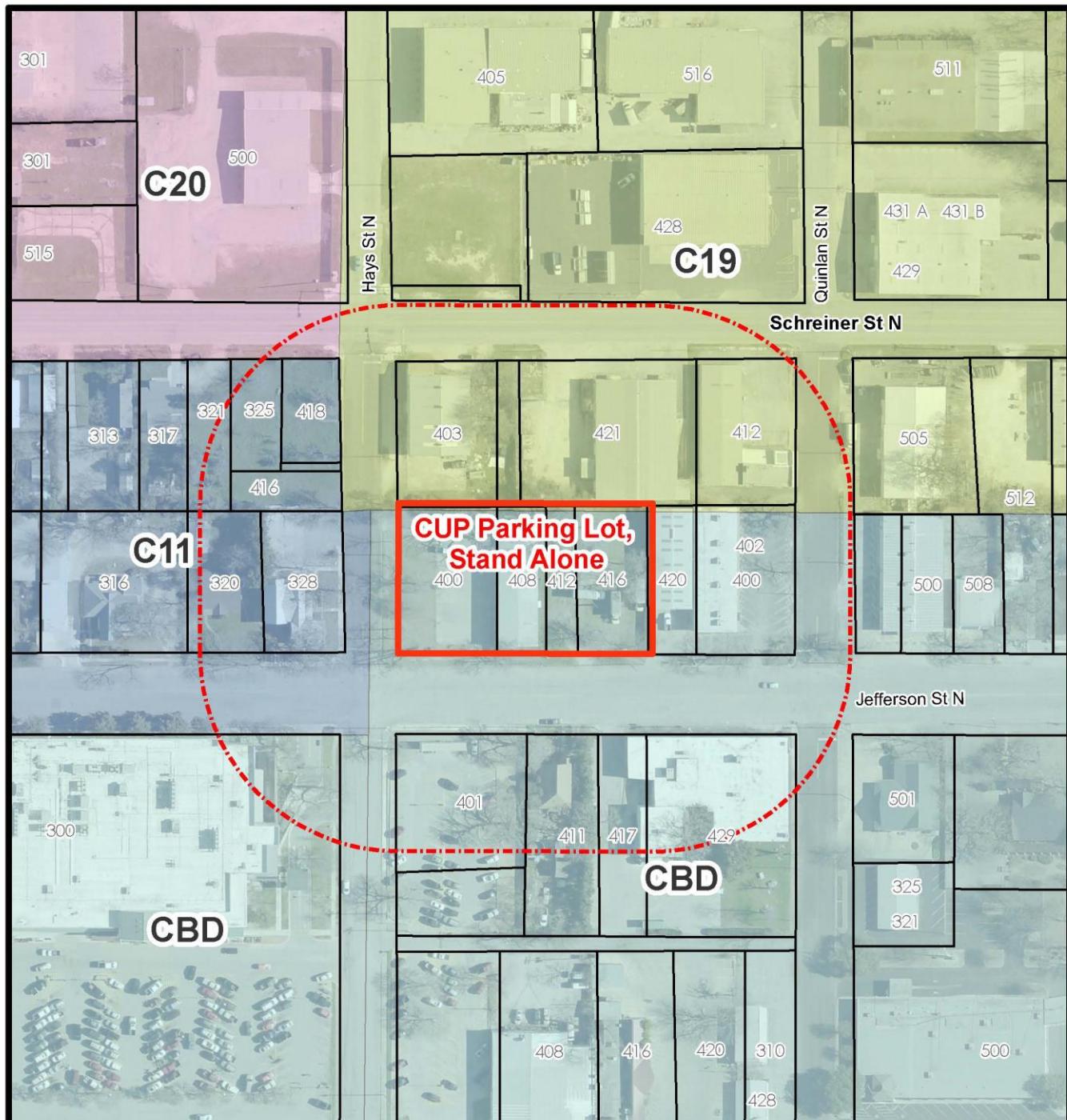
Staff recommends approval with the following conditions:

- **Pedestrian Accommodations:** A five foot (5') sidewalk shall be installed abutting the subject property along Jefferson Street and Hays Street, which ties into a high-visibility crosswalk across Jefferson at the intersection of Hays and Jefferson.
- **Exterior Lighting:** All exterior lighting fixtures must employ a permanent cutoff angle of ninety degrees or less and be positioned so as not to emit light above the horizontal plane of the fixture.
- **Landscaping:** The parking area must be screened from view of the public right-of-way along Hays and Jefferson Streets to a minimum height of three feet (3.0') by dense native vegetation and/or a fence/wall. Landscaped screening may not interfere with the clear vision area located at intersections and driveways. Planted screens are encouraged to utilize native plant species that vary in height and density.
- **Tree Preservation:** One-half of all healthy or non-diseased and native non-invasive existing trees must be preserved unless the removal is necessary to provide utilities or pedestrian or vehicular access driveways, but not parking.

### **Attachments**

- A. Location Map
- B. Draft City Council Resolution
  - Exhibit A. Metes and bounds description
  - Exhibit B. Concept Plan
- C. Tree Preservation Plan
- D. Written Response

# Attachment A



## Location Map

Case # 2019-011

Location:

400, 408, 412, & 416 Jefferson

### Legend

200' Notification Area



Subject Properties



Current Zoning



Requested Zoning

TEXT  
(TEXT)



0 62.5 125 250

Scale In Feet

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only approximate relative locations.

# Attachment B

**DRAFT 4/23/19**

**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO.       -2019**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR AN APPROXIMATE 0.89 ACRE PROPERTY, CONSISTING OF LOTS 369 THROUGH 373 AND A PORTION OF LOT 374, BLOCK 52, OF THE SCHREINER 2<sup>ND</sup> ADDITION, A SUBDIVISION WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS; AND MORE COMMONLY KNOWN AS 400, 408, 412, AND 416 JEFFERSON STREET; SAID PROPERTY IS LOCATED WITHIN CENTRAL BUSINESS (CBD) ZONING DISTRICT; BY PERMITTING SAID PROPERTY TO BE USED FOR A STAND ALONE PARKING LOT; AND MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN**

**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 Zoning Code 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 public 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, City Council, finds that the health, safety, and general welfare will be best served by the granting of a Conditional Use Permit, 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 developed and used for a stand alone parking plot, pursuant to Article 11-1-13 of the Zoning Code of the City of Kerrville, Texas ("Zoning Code"), and such use is subject to the provisions of this Resolution and other applicable City ordinances and regulations:

**Being a 0.8938 acre tract located within the City of Kerrville, Kerr County, Texas. Being Lots 369, 370, 371, 372, and 373 and the northwesterly seven feet (7.0') of Lot 374, Block 52, Chas. Schreiner's 2<sup>nd</sup> Addition, a subdivision of the Kerr County, Texas, according to the plat of said subdivision recorded in Volume S, Page 147, deed records of Kerr County, Texas; said 0.8938 acres being more particularly described in Exhibit A, attached hereto and made a part hereof for all purposes.**

# DRAFT 4/23/19

Hereafter referred to as "the Property."

**SECTION TWO.** In addition to the development and use regulations currently applicable to the Property, development and use of the Property is subject to the following additional conditions:

- A. **Concept Plan:** The development and use of the Property must conform to the concept plan, attached as **Exhibit B**.
- B. **Pedestrian Accommodations:** A five foot (5') sidewalk shall be installed abutting the subject property along Jefferson Street and Hays Street, which ties into a high-visibility crosswalk across Jefferson at the intersection of Hays and Jefferson.
- C. **Exterior Lighting:** All exterior lighting fixtures must employ a permanent cutoff angle of ninety degrees or less and be positioned so as not to emit light above the horizontal plane of the fixture.
- D. **Landscaping:** The parking area must be screened from view of the public right-of-way along Hays and Jefferson Streets to a minimum height of three feet (3.0') by dense native vegetation and/or a fence/wall. Landscaped screening may not interfere with the clear vision area located at intersections and driveways. Planted screens are encouraged to utilize native plant species that vary in height and density.
- E. **Tree Preservation:** One-half of all healthy or non-diseased and native non-invasive existing trees must be preserved unless removal is necessary to provide utilities or pedestrian or vehicular access driveways, but not parking.
- F. **Other Zoning Regulations:** The regulations set forth in this Resolution are in addition to those set forth in the Zoning Code, as amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in the Zoning Code, as amended or superseded, the provisions of this Resolution will prevail.

**SECTION THREE.** This Resolution and the Conditional Use Permit granted herein is subject to termination in accordance with Article 11-I-13 of the Zoning Code.

PASSED AND APPROVED ON this the \_\_\_\_\_ day of \_\_\_\_\_, A.D.,  
2019.

# DRAFT 4/23/19

ATTEST:

---

Bill Blackburn, Mayor

---

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:

---

Michael C. Hayes, City Attorney

# Exhibit A



0.8938 ACRES  
(38,936 SQ. FT.)  
2220-11574 ti\_r2dwg

FN NO. 2223-11574-FN  
February 26, 2019  
JOB NO. 222011574.905

## FIELD NOTE DESCRIPTION

Of a 0.8938-acre tract located in the city of Kerrville, Kerr county, Texas. Being Lots 369, 370, lot 371, lots 372 and 373 and the northwesterly 7 ft. of Lot 374, Block 52, Chas. Schreiner's 2nd Addition, a subdivision of Kerr County, Texas, according to the plat of said subdivision recorded in Volume S, Page 147, deed records of Kerr County, Texas; said 0.8938 acres being more particularly described as follows, with all bearings being referenced to the North American Datum of 1983, Texas coordinate system, south central zone, using a combined scale factor of 1.00013;

**Beginning**, at a found 1/2-inch iron rod in the east intersection corner of Jefferson St. and Hays St. being the most westerly corner of Lot 369, Block 52 of said Chas. Schreiner's 2nd Addition Subdivision, being also the most westerly corner of herein described tract of land;

**Thence**, along the southeasterly right-of-way line of Hays St., N 45° 05' 43" E, a distance of 151.50 feet to a calculated point from which a found pk nail bears s 45°05'43" a distance of 0.23 feet;

**Thence**, S 44° 54' 17" E, a distance of 257.00 feet to a set PK Nail, being also the most easterly corner of herein described tract ;

**Thence**, S 45° 05' 43" W, a distance of 151.50 feet to a set PK Nail in the north R.O.W. line of Jefferson St., being the most southerly corner of herein described tract ;

**Thence**, along the northerly R.O.W. line of Jefferson St. n 44° 54' 17" w, a distance of 257.00 feet to the **Point of Beginning**, containing an area of 0.8938 acres (38,936 sq. ft.) of land, more or less.

A handwritten signature in blue ink that reads "Alberto Jonathan Perez".

2-26-2019

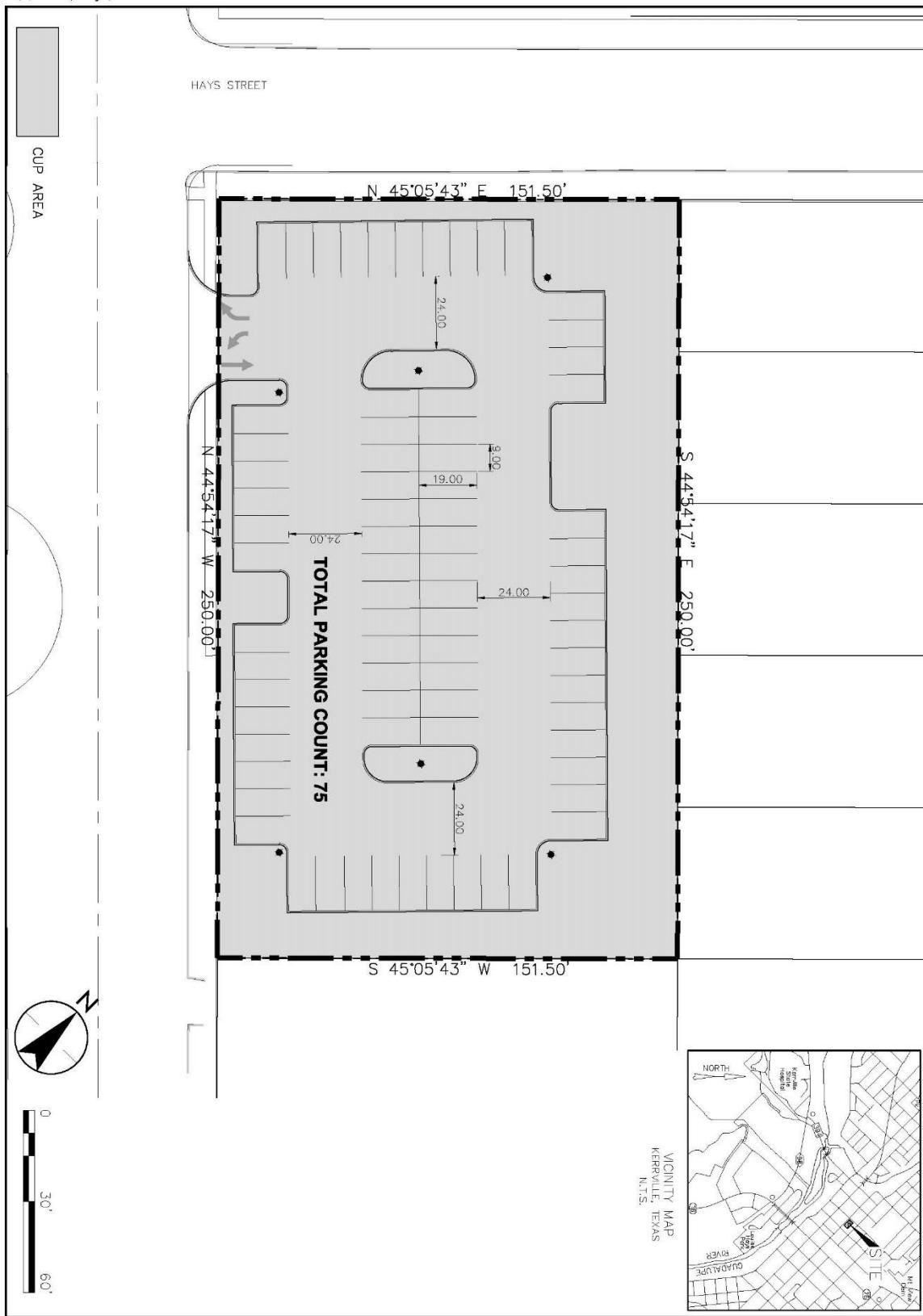
DATE

Alberto Jonathan Perez  
Registered Professional Land Surveyor  
Texas Registration Number 6572  
Stantec Consulting Services, Inc.  
70 NE Loop 410, Suite 1100  
San Antonio, Texas 78216  
210/525-9090  
TBPLS Firm No.: 10194228



# Exhibit B

Y:\2223\active\2223\0812\chv\drawing\exhibits\20190201\_CUP\2223\0812\08116\_CUP.dwg  
2019\04\25 4:02 PM by: Covington, Blanca



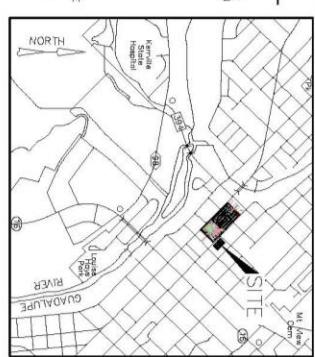
KERRVILLE #1

CONDITIONAL USE PERMIT EXHIBIT  
4/25/2019

 **Stantec**  
70 NE Loop 410 Suite 1100  
San Antonio, Texas 78216  
TBPE#6324 TBPLS#10194228  
[www.stantec.com](http://www.stantec.com)

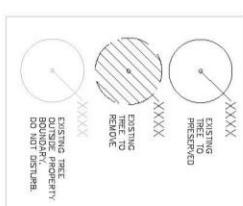
TREE PROTECTION NOTES

1. A ROOT PROTECTION ZONE WILL BE ESTABLISHED AROUND EACH TREE OR ANY VEGETATION TO BE PRESERVED TO MEET THE REQUIREMENTS OF THE CITY OF BIRMINGHAM, THE STATE OF ALABAMA, OR STATE PRESERVATION ORDINANCES. THE RADICAL EXCAVATING OUTSIDE OF THE TRUNK OF THE TREE A DISTANCE OF ONE (1) NEAR FOOT FOR EACH INCH DIAMETER, OR A BREAST HEIGHT (.5') OF THE TRUNK, IN THE CASE OF A SMALL DIAMETER TREE, WILL HAVE A 10 FOOT RADIAL ROOT PROTECTION ZONE.
2. NO WORK SHALL BE DONE BEYOND THE PROTECTION FENCING PRESCRIBED. EXCAVATING SHALL BE INSTRUCTED AND PREPARED BY THE CONTRACTOR DURING CONSTRUCTION. THE FENCING WILL BE A MINIMUM OF 4 FEET HIGH.
3. ALL ROOTS CLEANER THAN ONE-INCH IN DIAMETER ARE TO BE CUT CLEANLY AND NO WOUNDS BURNT WITHIN 30 MINUTES.
4. EXPOSED ROOTS SHALL BE COVERED AT THE END OF THE WORK DAY USING TECHNIQUES SUCH AS COVERING WITH SOIL, MULCH OR METAL BURPAC.
5. NO EQUIPMENT, VEHICLES OR MATERIALS SHALL BE OPERATED OR STORED WITHIN THE ROOT PROTECTION ZONE, AND NO CLEAR-OUTS AWARE, BUT NOT LIMITED TO, THE ZONE, SHALL BE IN OR NEARBY TO THE ROOT PROTECTION ZONE.
6. NO GRADE CHANGE MORE THAN 3° IS ALLOWED WITHIN THE ROOT PROTECTION ZONE.
7. ROOTS OR BRANCHES IN CONTACT WITH CONSTRUCTION SHALL BE CUT OUT AND ACCORDING TO PROPER PRACTICES TO PREVENT DAMAGE OR INJURY. PILING WHICH IS 20 FEET OR MORE IN LENGTH SHALL NOT BE INJECTED WITH 20 ANTS.
8. ANY TREE REMOVAL SHALL BE APPROVED BY THE CITY ARBORIST (CITY PLANT).
9. TREES WHICH ARE DAMAGED OR LOST DUE TO THE CONTRACTOR'S NEGLIGENCE DURING CONSTRUCTION SHALL BE MITIGATED.
10. TREES MUST BE MAINTAINED IN GOOD HEALTH THROUGHOUT THE CONSTRUCTION PROCESS. MAINTENANCE MAY INCLUDE, BUT NOT LIMITED TO, THE ROOT PROTECTION ZONE OR ANY MISHANDLING.



## ADJACENT PROPERTY

## EXISTING TREE INVENTORY TABLE



#### EXISTING TREE LABEL

EXISTING TREE INVENTORY TABLE					
Tag #	Species	Caliper Inches	Action	Comments	
4277	Plane-Leaf Mulberry	26	Preserve	Invasive	
4279	Plane-Leaf Mulberry	38	Preserve	Invasive	
4280	Plane-Leaf Mulberry	14	Remove	Invasive	
4281	Plane-Leaf Mulberry	13	Remove	Invasive	
4282	Cape Myrtle	20	Remove		
4284	Post Oak	28	Remove		
4285	Cape Myrtle	9	Remove		
4288	Post Oak	46	Preserve		
4289	Unknown	12	Preserve		
4290	Huckleberry	22	Remove		
4292	Huckleberry	17.5	Preserve		
4293	Post Oak	24	Remove		
4295	Unknown	30	Preserve		
4296	Huckleberry	24	Remove		
4298	Pecan	22	Preserve		
4299	Pecan	28	Preserve		
4300	Pecan	38	Remove		
4301	Huckleberry	20	Preserve		

## KFRRVILLE #1

TREE PRESERVATION PLAN  
4/8/2019

70 NE Loop 410 Suite 1100  
San Antonio, Texas 78216  
TBPE#6324 TBPLS#10194228  
[www.startac.com](http://www.startac.com)

To: Mr. Robert Waller, Chairman  
Kerrville Planning & Zoning Commission  
From: Jeannie S. Berger  
Re: Condition Use Permit for Parking Lot on Block 52, Lots 369, 369 et al. at 400 et al. Jefferson St.  
Date: April 25, 2019

I have recently read the recommendations made by Planning & Zoning at the March 21, 2019 meeting, specifically regarding the following:

All healthy or non-diseased and native non-invasive existing trees shall be preserved unless the removal is necessary to provide utilities or pedestrian or vehicular access driveways not parking.

I am addressing this issue because I have a particular affection for the large post oak tree on Lots 369 and 370 designated as 400 Jefferson Street.

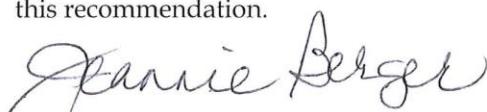
At one time, there was a house located at that address. It was built in 1889, and in 1902 was purchased from the original owner by my great-great grandmother, Mrs. Auguste Grona. She sold the property to my great grandfather, Max Grona, in 1906, who, in turn, sold it to my grandfather, Herman R. Grona five days before he and my grandmother were married in 1912. They lived there the entire 53 years of their marriage, and my mother as well as her two brothers were born in that house.

As a child, I spent many hours there under the watchful eyes of my grandmother, and one of my favorite pastimes was to climb up that post oak and sit on the burl, risking a switching for tearing my clothes clamoring up and down it. It became a familiar and beloved part of my childhood.

Following my grandfather's death, my grandmother sold the property and went to live with my mother in San Antonio. It eventually passed into the possession of Mr. Bobby Keller, the proprietor of American Muffler. Needing additional space for his business, he had the house dismantled and moved from the property, location still unknown, although I have made many efforts to find it.

I visited once with Mr. Keller and mentioned my connection with the property. I also mentioned the tree, and he assured me he took every precaution to preserve it. Although the house is gone, the tree remains and is a part not only of Kerrville's history but of my personal history as well.

After learning that the property was under contract to HEB for a partner parking lot, I contacted Mr. Benjamin Scott, vice president of real estate, and expressed my hope that the tree would not fall to the woodsman's axe. He assured me HEB would make every effort possible to include it in the site plan. After reading the recommendations made by Kerrville Planning & Zoning regarding the preservation of as many native trees as possible, I am even more hopeful, and I sincerely hope that HEB will honor this recommendation.



Contact information:

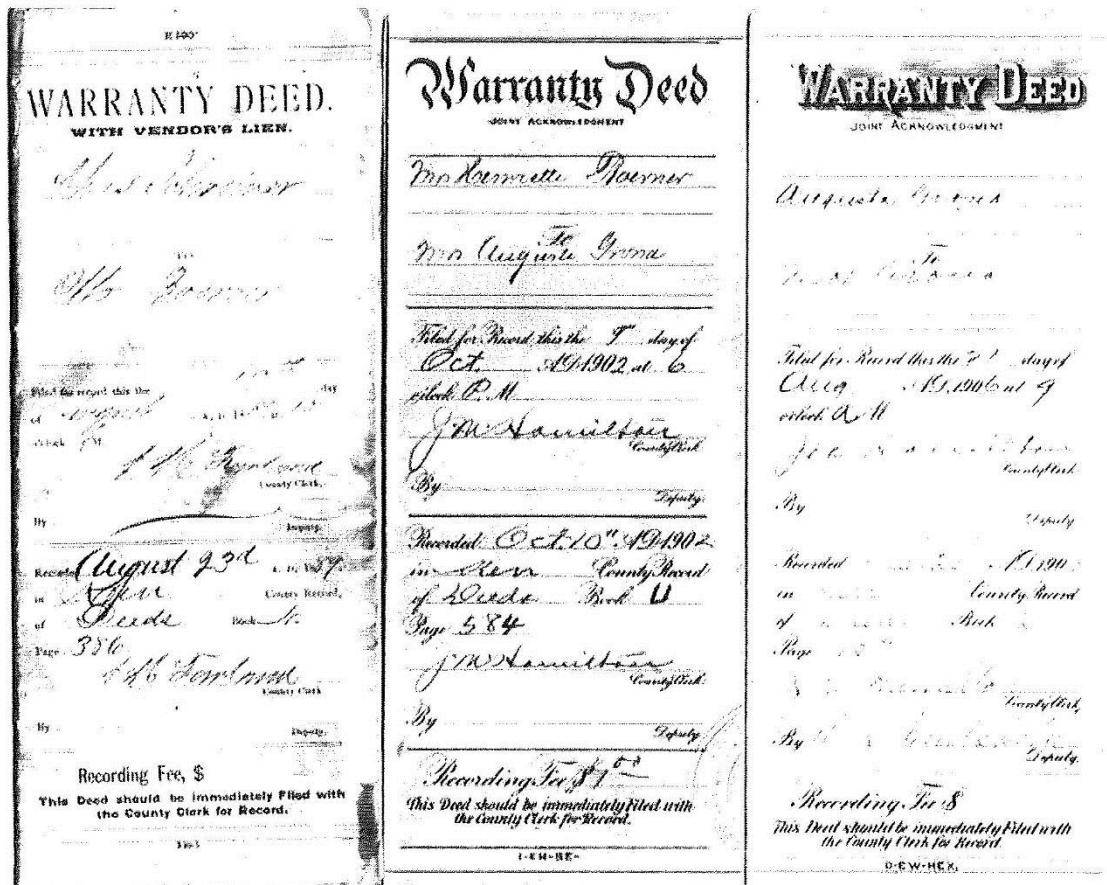
Jeannie Berger  
2106A West Lane, Kerrville 78028  
jsberger@twc.com  
830-496-3386



Enc.



Photo taken by unknown City of Kerrville employee,  
ca. 1930, courtesy of Kerrville Genealogical Society



Covers of Warranty Deeds, Block 52, Lots 369 and 370, Charles Schreiner Second Addition  
Originals in the personal archives of Jeannie Berger

THE STATE OF TEXAS

COUNTY OF KERR.

I KNOW ALL MEN BY THESE PRESENTS: That I, Max Grone, of the County of Kerr, in the State of Texas for and in consideration of the sum of Seven Hundred Fifty (\$750.00) Dollars, to me in hand paid by Herman R. Grone, the receipt of which is hereby acknowledged, have GRANTED? SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY, unto the said Herman R. Grone of the County of Kerr State of Texas all that certain tract or parcel of land, known as town Lots Nos. 369 and 370 in Block No. 52, situated in Chas. Schreiner's Addition to the town of Kerrville, Kerr County, Texas, and being part of original Survey No. 117 in name of J.C. Hays, Reference being made to the deed records of Kerr County for further description.

The above property does not constitute any part of my homestead, the same being Lots Nos. 366-367-368 in Block 53, Kerrville, Texas.

TO HAVE AND TO HOLD, the above described premises together with all and singular, the rights and appurtenances thereto in anywise belonging unto the said Herman R. Grone, his heirs and assigns, forever; and I do hereby bind myself, my heirs, executors and administrators, to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Herman R. Grone, his heirs and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Witness my hand at Kerrville, Texas, this the 23rd day of November, 1912.

Max Grone.

THE STATE OF TEXAS

COUNTY OF KERR.

Before me A.H. Moore, County Clerk in and for said County and State, on this day personally appeared Max Grone known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this the 23rd day of November A.D. 1912.

(SEAL)

A.H. Moore,  
County Clerk, Kerr County, Texas.

Filed for Record 26<sup>th</sup> day of Nov. A.D. 1912 at 5 O'Clock P.M.  
Recorded 29<sup>th</sup> day of Nov. A.D. 1912 at 3:15 O'Clock P.M.