

**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. 18-2022**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO AUTHORIZE AN AUTOMOBILE SERVICE AND REPAIR, MAJOR, AS THAT USE IS DEFINED WITHIN THE ZONING CODE (CHAPTER 60, CODE OF ORDINANCES) OF THE CITY OF KERRVILLE, TEXAS; ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF STATE LOOP 534 AND LANDFILL ROAD N.; AND COMPRISING AN APPROXIMATE 3 ACRE TRACT OF LAND OUT OF THE SAM L. WALLACE NO. 112, ABSTRACT NO. 360; SAID PROPERTY IS LOCATED WITHIN A GENERAL COMMERCIAL ZONING DISTRICT (C-3); AND MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS**

**WHEREAS**, the owner of the property depicted in the location map in **Exhibit A** (the "Property"), being attached hereto and made a part hereof for all purposes, is requesting approval of a Conditional Use Permit ("CUP") to allow the Property located within a General Commercial Zoning District (C-3) to be used for an automobile service and repair, major, as that term is defined in Section 60-17 of the City's Code of Ordinances; and

**WHEREAS**, an automobile service and repair, major is normally authorized "by right" within a General Commercial Zoning District (C-3); however, where such use will be located within 500 feet of the 100-year flood plain, such use must be authorized through the granting of a CUP by City Council; and

**WHEREAS**, the City Planning and Zoning Commission (the "Commission"), in compliance with state law and the Zoning Code of the City of Kerrville, Texas (Chapter 60, Code of Ordinances) ("Zoning Code"), and in particular, the procedures for obtaining a CUP; having given the requisite notices by United States mail, publication, and otherwise; and after holding a public hearing and affording a full and fair hearing to all property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, has recommended that City Council grant the CUP applied for and referenced herein, subject to the special conditions and restrictions set out hereinafter and applied to the Property; and

**WHEREAS**, City Council, in compliance with state law and the Zoning Code, and likewise having given the requisite notices and holding a public hearing on April 26, 2022, finds that the health, safety, and general welfare will be best served by the granting of the CUP as recommended by the Commission and referenced herein on the Property;

**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 as follows, and located within a General Commercial Zoning District (C-3),

to be developed and used for an automobile service and repair, major as that term is defined in and pursuant to the City's Zoning Code (Chapter 60, Article XI), and such use is subject to the provisions of this Resolution and other City ordinances and regulations:

**Legal Description:** Being property lying and being situated within the City of Kerrville, Kerr County, Texas, and being an approximate 3.0 acre tract out of the Sam L. Wallace Survey No. 112, Abstract No. 360; and being depicted on the location map at **Exhibit A**.

**General Description:** Northeast of the intersection of State Loop 534 and Landfill Road N.

**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. Site Plan:** The development shall be consistent with the proposed site plan for the automobile service and repair, major such site plan attached as **Exhibit B**.
- B. Interior Maintenance Only:** All maintenance shall be performed within the interior bays of the maintenance facility.
- C. Outdoor Storage:** The outdoor storage of vehicle parts or supplies, including tires and petroleum products, is prohibited.
- D. Other Zoning Regulations:** The regulations set forth in this Resolution are in addition to those set forth in the Zoning Code, as may be amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in the Zoning Code, the provisions of this Resolution will prevail.

**SECTION THREE.** This Resolution and CUP granted herein is subject to termination in accordance with the Zoning Code.

**SECTION FOUR.** City Council finds and determines that its adoption of this Resolution promotes the health, safety, and general welfare of the public and is a proper valid exercise of the City's police powers.

**SECTION FIVE.** If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION SIX. This Resolution is effective upon adoption.

PASSED AND APPROVED ON this the 26 day of April, A.D.,  
2022.

  
Bill Blackburn, Mayor

APPROVED AS TO FORM:

  
Michael C. Hayes, City Attorney

ATTEST:

  
Shelley McElhannon, City Secretary



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.



EXHIBIT B

