



PLANNING AND ZONING COMMISSION AGENDA
CALLED MEETING - JULY 28, 2022, 4:00 PM
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS



Planning and Zoning Commission – Called Meeting

1 MINUTES

2 CONSIDERATION AND FINAL ACTION

3 PUBLIC HEARING, CONSIDERATION & ACTION

- 3.A. An ordinance to change the zoning from C-2 Light Commercial and RT Residential Transition to Planned Development District on Lot 21R, Block G, Cage Addition; and more commonly known as 820 Sidney Baker Street and 829 Clay Street, Kerrville, TX 78028. (Case No. PZ-2022-35)

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.

6 ADJOURNMENT



**TO BE CONSIDERED BY THE
PLANNING AND ZONING COMMISSION
CITY OF KERRVILLE, TEXAS**



SUBJECT: An ordinance to change the zoning from C-2 Light Commercial and RT Residential Transition to Planned Development District on Lot 21R, Block G, Cage Addition; and more commonly known as 820 Sidney Baker Street and 829 Clay Street, Kerrville, TX 78028. (Case No. PZ-2022-35)

AGENDA DATE OF: July 28, 2022

DATE

SUBMITTED:

SUBMITTED BY: Drew Paxton

EXHIBITS: PZ-2022-35-LocationMap.pdf
829 Clay-820 Sidney Baker_072022 DRAFT ORD.pdf
829 CLAY EXHIBIT B.pdf

Kerrville 2050 Item? No

Key Priority Area

Guiding Principle

Action Item

SUMMARY STATEMENT:

Proposal

An ordinance to change the zoning from C-2 Light Commercial and RT Residential Transition to Planned Development District on Lot 21R, Block G, Cage Addition; and more commonly known as 820 Sidney Baker Street and 829 Clay Street, Kerrville, TX 78028.

Procedural Requirements

The City, in accordance with state law, mailed 23 letters on 7/14/2022 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 7/7/2022. Notice of public hearing signs were also posted on both property frontages.

At the time of drafting this agenda bill, Development Services has received no comments.

Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: C-2 Light Commercial and RT Residential Transition

Existing Land Use: Existing commercial and a vacant tract

Direction: North

Current Zoning: C-2 Light Commercial and RT Residential Transition

Existing Land Uses: Commercial (permitted and non-conforming)

Direction: East

Current Zoning: C-2 Light Commercial

Existing Land Uses: single-family residential

Direction: West

Current Zoning: RT Residential Transition

Existing Land Uses: church

Direction: South

Current Zoning: RT Residential Transition

Existing Land Uses: single family home

Consistency with the Kerrville 2050 Comprehensive Plan ("Comp Plan"):

The subject property is partially within the Strategic Catalyst Area 7 and the balance of the property is located in a Transitional Residential place type area. This catalyst area encapsulates the Sidney Baker Street/Hwy 16 corridor between the Strategic Catalyst Area 6 and Interstate 10. Place types include Transitional Residential, Community

Commercial, and Regional Commercial. The proposed PDD with the various uses as defined fits within the Transitional Residential place type.

Thoroughfare Plan:

The subject property is located on and has access to Sidney Baker Street, an arterial and Clay Street, a local street.

Traffic Impact:

With the conditions contained within the proposed PDD ordinance, traffic impacts should be limited.

Parking:

N/A

Case Summary:

The applicant is requesting a zoning change from C-2 and RT to a PDD to allow for the existing commercial development and a stand-alone parking lot.

Recommendation:

Staff recommends approval of the zoning request.

RECOMMENDED ACTION:

Approve the ordinance.



Location Map

Case # PZ-2022-035

Location:

**820 Sidney Baker St N
& 829 Clay St N**

Legend

200' Notification Area - - - - -
Subject Properties —————



0 50 100 200

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.

DRAFT 7/20/2022

CITY OF KERRVILLE, TEXAS ORDINANCE NO. 2022-____

AN ORDINANCE CREATING A “PLANNED DEVELOPMENT DISTRICT” (ZONING) FOR LIGHT COMMERCIAL USES AND A STAND-ALONE PARKING LOT ON AN APPROXIMATELY 1.49 ACRE PROPERTY, CONSISTING OF LOT 21-R, BLOCK G, B.F. CAGE ADDITION; WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS; AND MORE COMMONLY KNOWN AS 820 SIDNEY BAKER AND 829 CLAY STREET; ADOPTING A CONCEPT PLAN AND CONDITIONS RELATED TO THE DEVELOPMENT AND USE OF SAID LOT; 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 of 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 City’s Zoning Code and Zoning Map should be amended as provided herein;

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 a Light Commercial Zoning District (C-2) and a Residential Transition Zoning District (RT), respectively, 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 PDD subject to the conditions provided herein and the applicable regulations for each use as provided within the Zoning Code:

1) The portion of the Property located at 820 Sidney Baker Street (“Portion A”) – Portion A may only be used for those permitted and conditional uses as allowed in the Light Commercial (C-2) Zoning District as provided within the Zoning Code.

2) The portion of the Property located at 829 Clay Street (“Portion B”) – Portion B may only be used for a Stand-Alone Parking Lot (“Parking Lot”), defined as parking surface or series of surfaces used or intended to be

used for the parking or circulation of vehicles for which a fee may or may not be charged, and for no other purpose or use. Parking on the Parking Lot shall only be for the benefit of employees, customers, and others that are actively using Portion A.

- B. Prohibited Uses:** Any use not specifically allowed in Portion A or Portion B as specified within subsections A.1) and 2) 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** ("Concept Plan"). The Concept Plan indicates Portion A and Portion B. Minor modifications to number and alignment of buildings, building areas and footprints, open spaces, and pedestrian access shown on the Concept Plan may be made so long as the general alignment of building areas and lot layout are substantially maintained and the location and boundary of the lot is not altered.
- D. Setbacks:** Parking spaces on Portion B shall maintain a setback of a minimum of 15 feet (15.0') from the Property line adjacent to Clay Street. This open space area shall be landscaped and permanently maintained with healthy, growing landscaping, but with such landscaping not impairing sight distances for vehicles exiting Portion B.
- E. Parking:** The design, number of parking spaces, and aisle dimensions shall comply with the Concept Plan. All required parking shall be marked and kept available for customers, employees, and others using the Property. No parking may occur in front of any building on Portion B or within the setback. The Parking Lot and driveway between Portion A and Portion B shall be used to provide only for vehicular access traveling only from Portion A to Portion B. Vehicles are prohibited from using Portion B to access Sidney Baker Street from Portion A, though a vehicle may enter or exit the Parking Lot. The Property owner shall install signage to notify all drivers of this regulated use as described in Section Two H.
- F. Parking Lighting:** All outside pole lights shall be of a full cut-off 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. Up-lighting is prohibited.
- G. Parking Lot and Travel Lane Surface:** The vehicle traveling lanes and parking spaces shall be asphalt or concrete 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.

H. Signage: The design, installation, location, and maintenance of signs shall comply with City sign regulations existing at the time of permitting for the sign, except for the signs required by this subsection.

1) Required Signs for Portion B:

a) Three signs shall be required for Portion B in order to notify drivers of the regulated use:

i. One Sign Stating “Do Not Enter” located near the access from Portion A to Portion B, facing towards Portion B.

ii. Two signs stating “Parking for Customers of 820 Sidney Baker Business Only”, with one located near the access from Portion A to Portion B, facing towards Portion B; and one located near the access to Portion B from Clay Street, facing Clay Street.

b) Signs required by subsection H.1):

i. Shall not exceed six square feet in area;

ii. Shall not exceed six feet in height;

iii. Shall not be placed closer than five feet to any property or right-of-way line; and

iv. Shall be permanently mounted or installed;

2. Any additional sign applied for Portion B shall meet the sign regulations for the Residential Transition (RT) Zoning District. The signs required by subsection 2(H)(1) do not count towards the total number of signs otherwise allowed by City ordinances.

I. 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.

J. Screening: Screening shall be required along the northeast and southwest property lines of Portion B from the 15-foot setback line to the rear property line, if the property sharing the property line is being used for a residential use, otherwise screening is optional. Where screening is required, it is subject to the following:

1. Any fence constructed from the 15-foot setback line to the rear of Portion B shall be a minimum of 6 feet tall.
2. If any fence is constructed from the front Property line of Portion B to the 15-foot setback line, it shall not exceed 30 inches in height.
3. Vegetative screening is permissible to substitute or supplement any fencing used to screen so long any vegetative screening from the 15-foot setback line to the rear of Portion B is a minimum of 6 feet tall and is of a dense hedge or plant material.

K. 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 material finished to look substantially like the adjacent building(s) on the remaining three sides.

L. 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 except on a temporary basis for construction-related purposes.

M. Vested Rights: The Concept Plan constitutes a “permit” as defined in Chapter 245, Texas Local Government Code, as amended, that is deemed filed with the City on the effective date of this ordinance.

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 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., 2022.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the ____ day of _____, A.D., 2022.

Judy Eychner, Mayor

APPROVED AS TO FORM:

ATTEST:

Michael C. Hayes, City Attorney

Shelley McElhannon, City Secretary



