

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 39-2022**

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO AUTHORIZE A CAR WASH ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF COMMERCE STREET AND STATE HIGHWAY 27 (JUNCTION HIGHWAY); COMPRISING AN APPROXIMATE 3.57 ACRES AND CONSISTING OF LOT 2, BLOCK 1, STARKEY MANOR SUBDIVISION; 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 a car wash, as that term is defined in Section 60-17 of the City’s Code of Ordinances; and

WHEREAS, a car wash 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 July 12, 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 car wash 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 approximately 3.57 acres and consisting of Lot 2, Block 1, Starkey Manor 12 subdivision; and being depicted on the location map at **Exhibit A**.

General Description: Northwest of the intersection of Commerce Street and State Highway 27.

SECTION TWO. Development and use of the Property is subject to the Zoning Code, and in particular, Section 60-60 and the supplementary development requirements required for a car wash.

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 12 day of July, A.D., 2022.



Judy Eychner
Judy Eychner, Mayor

APPROVED AS TO FORM:

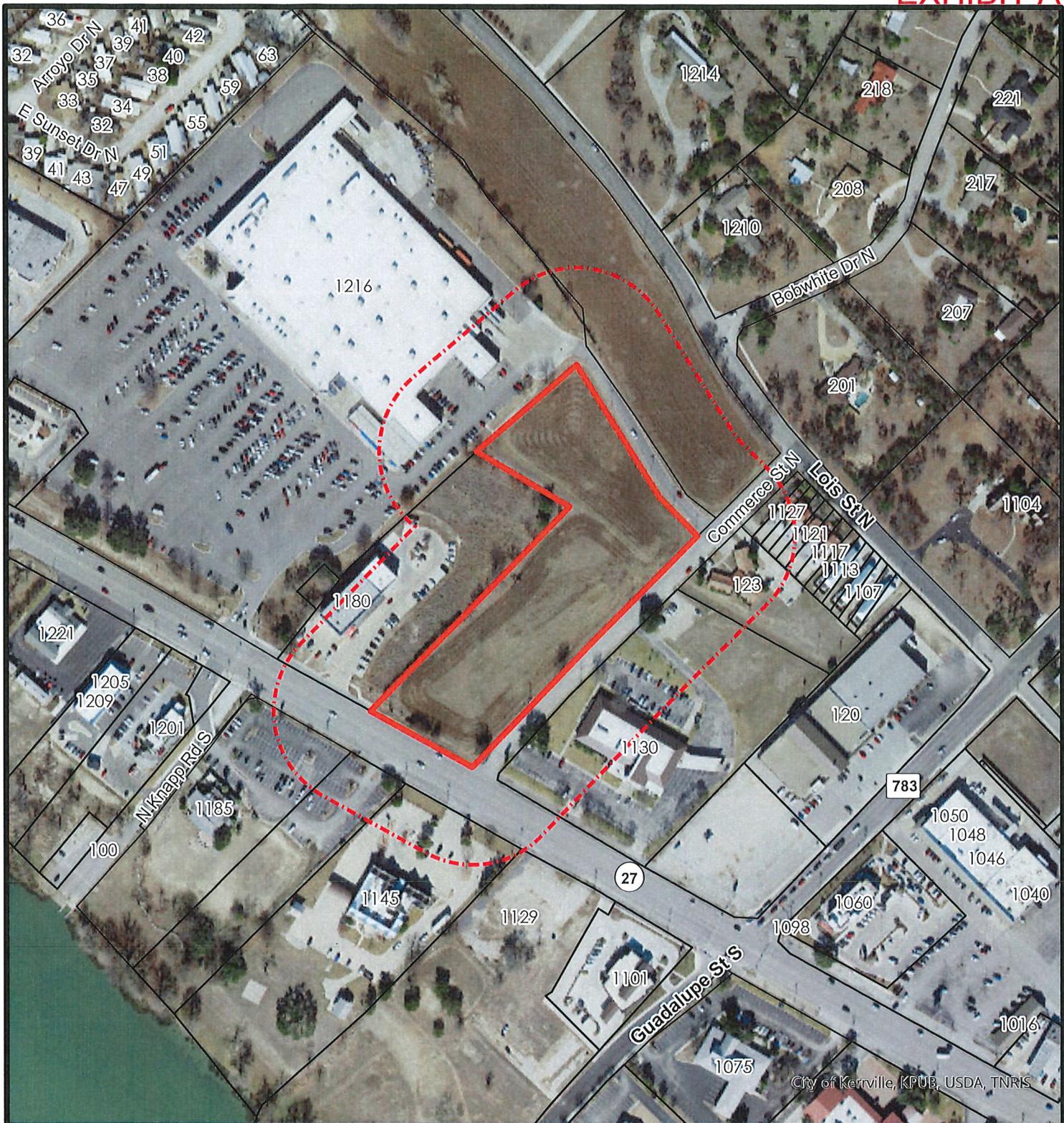


Michael C. Hayes
Michael C. Hayes, City Attorney

ATTEST:



Shelley McElhannon
Shelley McElhannon, City Secretary



Location Map

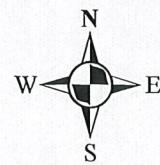
Case # PZ-2022-023

Location:

Property ID #503334

Legend

200' Notification Area Subject Properties



0 100 200 400

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.

surveying purposes. It does not
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COMMERCE / JUNCTIOR DEVELOPMENT PRELIMINARY DRAINAGE PLAN

Hewitt Engineering Inc.
Consulting Engineering Services
16 Baum Street • Kerrville, Texas 78028 • 800 315 8800
TPE Registration No. E-10739 • www.hewitt-inc.com

PD-01
SHEET
CT
04/16/2022
XXXX
B NO.:

INTERIM REVIEW ONLY

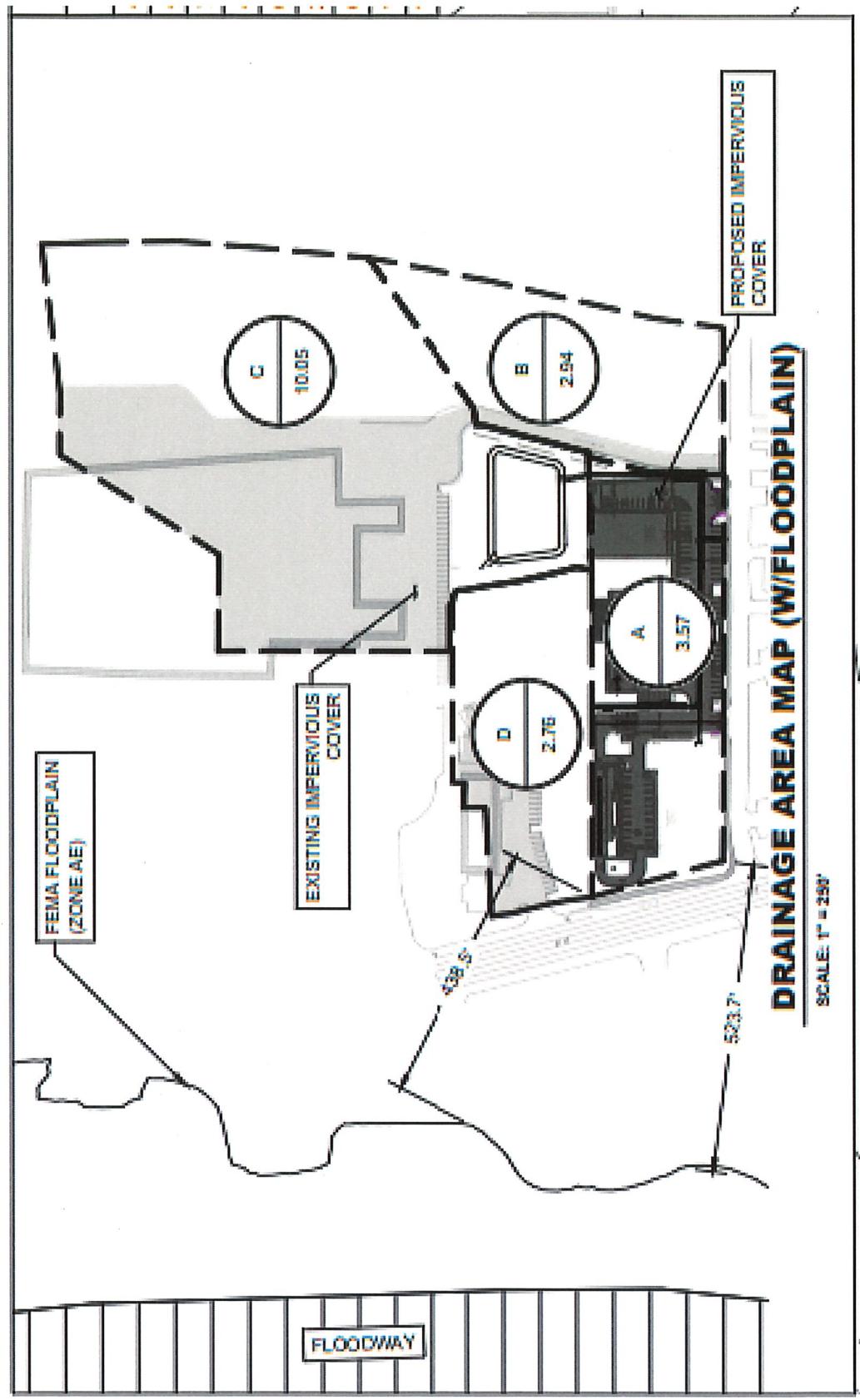
PD-01

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Case PZ-2022-23

Distance to Flood Plain Exhibit

Note: CUP required if car wash is within 500 feet of 100-year flood plain or within 1,000 feet of Nimitz Lake impoundment.



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