



CITY OF KERRVILLE PLANNING & ZONING COMMISSION AGENDA
REGULAR MEETING, THURSDAY, AUGUST 6 at 4:30 P.M.
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS

Planning & Zoning Commission Procedures during the Disaster Declaration

COVID-19 (Coronavirus) provides a unique concern in that gathering members of the public, Planning & Zoning Commission, and City staff within a physical setting constitutes a public health risk. On March 16, 2020, the Texas Governor suspended certain requirements of the Open Meetings Act to permit open meetings to occur in a fully virtual setting (e.g., telephonic or videoconference meeting).

In an effort to avoid and mitigate health risks, and limited occupancy levels in Council Chambers, the Planning & Zoning Commission will convene in a virtual forum and attendance will be limited to only those persons essential to holding the meeting. No member of the public will be admitted into City Hall during this time.

Citizens can provide public comment through Zoom. Zoom telephone numbers are toll free: 1-877-853-5247 or 1-888-788-0099. The Meeting ID is **981 5360 5579#**. (You must enter the pound sign (#) after the Meeting ID.) *See Citizen Participation Guidelines below.

For Public Hearing items a caller seeking to speak on these items may call at any time prior to the item being introduced at the meeting. All callers are encouraged to call between 3:45 p.m. and 4:15 p.m. to be registered by the moderator. A caller must use the "raise your hand" feature on Zoom in order to be called upon for the Public Hearing. On a computer, tablet, or mobile phone click on "Participants" and click on "Raise Hand" button. By landline telephone press *9.

A person may also submit written comments on specific agenda items, to include public hearings, and comments will be read into the meeting record. Comments must include a name, address, and a reference to the relevant item. Comments that do not include such information will not be read. The City must receive all comments by 4:15 p.m., August 6, 2020. Comments may be:

- a. dropped off at the City Hall Utility Payments Drop-Box; or
- b. emailed to planning.division@kerrvilletx.gov.

Citizens may view and hear this Planning and Zoning Commission meeting on Spectrum Channel 2 or by live-streaming via the City's website (www.kerrvilletx.gov).

CALL TO ORDER

1. MINUTES

1A. Approval of the minutes from the July 2, 2020

2. CONSIDERATION AND FINAL ACTION

2A. A Final Plat for the re-platting of Lot 25 (Tract 25) of Kerrville South Ranches No. 1, a subdivision in Kerr County, Texas. (Case 2020-036)

3. PUBLIC HEARING, CONSIDERATION & ACTION

3A. Recommend an ordinance to change the zoning from R-1 Single Family Residential District to C-1 Neighborhood Commercial District on approximately 1.702 acres out of Highpointe at Riverhill Vol. 1562, Page 143, Block 2 (Section One-B), Part of Lot 16; and generally located at 1478 Bandera Highway. (Case 2020-031)

3B. Recommend a resolution to allow a Conditional Use Permit for a Short Term Rental on Lot 16-R, Block 41, J.A Tivy Addition, and more commonly known as 1220 North Street. (Case 2020-033)

3C. Recommend a resolution to allow a Conditional Use Permit for a Short Term Rental on Lot 17, Block 1, Virgil Merrill 6, and more commonly known as 1200 Barbara Ann Street. (Case 2020-034)

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

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: 7/31/2020 at 1:00p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Kesha Franchina

Kesha Franchina, Deputy City Secretary, City of Kerrville, Texas



ALTERNATIVE CITIZEN/PUBLIC PARTICIPATION GUIDELINES (Due to COVID-19 Pandemic Disaster Declaration)



Despite the necessity to restrict public access to Kerrville Planning and Zoning Commission meetings in the interest of public health during the COVID-19 pandemic, citizens and visitors are welcome to participate in Kerrville Planning and Zoning Commission meetings in several alternative ways as outlined below.

Instructions for callers:

Dial one of the following numbers:

877 853 5247 (Toll Free) or

888 788 0099 (Toll Free)

If you cannot get through on one of the numbers due to network congestion, call the other number.

When your call is answered you will hear “**Welcome to Zoom, enter your Meeting ID followed by pound.**” Enter in the Meeting ID below followed by the pound sign (#).

The Meeting ID is **981 5360 5579#**

If the moderator has not started the meeting yet, you will hear “The meeting has not started yet, please hold or call back later.”

Once you have called into the meeting, your microphone will be placed on mute and your call will be placed in the call queue. At this point, you will hear silence on the phone. Do not hang up. The moderator will unmute your microphone as he/she is going down the list. Once the meeting has started, you will be able to listen to proceedings even if your microphone is muted.

The moderator will be accepting calls starting at 3:45 p.m. For items 1A and 2A place your call before 3:45 p.m. in order to participate. Callers seeking to speak on these items and who call after this time will not be allowed to speak. However, for Public Hearing items 3A, 3B and 3C, a caller seeking to speak on these items may call at any time prior to the item being introduced at the meeting. All callers are encouraged to call between 3:45 p.m. and 4:15 p.m. to be registered by the moderator. A caller must use the “raise your hand” feature on Zoom in order to be called upon for the Public Hearing. If a caller is using the Zoom app on a computer, tablet, or mobile phone click on “Participants” and click on “Raise Hand” button. By landline telephone press *9 when requesting to speak.

Instructions for written comments:

Written comments will be accepted for any agenda items, including Public Hearings.

Written comments will be read into record and can be provided in two different ways:

OPTION 1 by hard copy – Comments may be dropped off at the City Hall Utility Payments Drop-Box on the north side of City Hall by 4:15 p.m. the day of the meeting. You are required to provide your first and last name, address, and identify the item you commenting on.

OPTION 2 by email - Comments can be emailed to **planning.division@kerrvilletx.gov** and must be received by 4:15 p.m. the day of the meeting. You are required to provide your first and last name, address, and identify the item you are commenting on.

For either option, please provide **all required information** in order for your comments to be accepted. Thank you for your participation!

Agenda Bill

Meeting Minutes

To: Planning & Zoning Commission
Date: 8/6/2020
Agenda Item: 1A, Minutes of July 2, 2020 Commission Meeting
Action: Approve or Approve with Specific Changes
Representative: Staff

CITY OF KERRVILLE, TEXAS PLANNING AND ZONING COMMISSION

July 2, 2020

Members Present:

Garrett Harmon, Chair
Rustin Zuber, Vice-Chair
Tricia Byrom, Commissioner
David Jones, Commissioner
David Lipscomb, Commissioner
Hunter Patterson, Commissioner
Cliff Tuttle, Commissioner

City Staff Present:

Guillermo Garcia, Executive Director
Drew Paxton, Director of Planning
Steve Melander, Planner I
Dorothy Miller, Recording Secretary

CALL TO ORDER:

On July 2, 2020, Cmr. Harmon 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. 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.

1A. Approval of minutes for the June 4, 2020 meeting.

Cmr. Byrom moved to approve the minutes as presented; motion was seconded by Cmr. Jones and passed 7-0.

2. CONSIDERATION AND FINAL ACTION

2A. A Preliminary Plat and Final Plat for the proposed Hidden Creek subdivision being all of a certain tract or parcel of land containing 2.80 acres, more or less, out of Original Patent Surveys in Kerr County, comprised of 2.08 acres out of W.H. Crawford Survey No. 653, Abstract No. 123 and 0.72 acres out of Patrick Fleming Survey No. 666, Abstract No. 145.

Mr. Paxton presented the finding of facts.

Cmr. Byrom moved to approve the preliminary and final plats for the proposed Hidden Creek subdivision; motion was seconded by Cmr. Tuttle and passed 7-0.

3. PUBLIC HEARING, CONSIDERATION & ACTION

3A. Recommend an ordinance to change the zoning from R-1 Single Family Residential District to R-3 Multifamily Residential on approximately 2.21 acres out of Hoyt Survey Number 147, Abstract A0178; and generally located 300 Block of Lakewood Drive. (Case No. 2020-027)

This item was withdrawn by the applicant.

4. STAFF REPORT:

Mr. Paxton presented the staff report. Staff continues to work with their consultant and the Code Review Committee in reviewing the subdivision ordinance.

The next Planning and Zoning meeting will be August 6, 2020.

5. EXECUTIVE SESSION

No executive session was taken.

6. ADJOURNMENT

The meeting was adjourned at 4:41 p.m.

APPROVED:

Garrett Harmon, Chair

Dorothy Miller, Recording Secretary

Date Minutes Approved

Agenda Bill

Case No. 2020-036

To: Planning & Zoning Commission
Date: 8/6/2020
Agenda Item: 2A, Replat of Lot 25 Kerrville South Ranches No. 1
Action: Recommend Approval of a Final Plat
Representative: Lee Voelkel, Voelkel Land Surveying

Proposal

Consideration and final action concerning a Final Plat for the re-platting of Lot 25 (Tract 25) of Kerrville South Ranches No. 1, a subdivision in Kerr County, Texas.

Staff Analysis and Recommendation

The applicant is requesting approval of a Final Plat to subdivide existing Lot 25 into two separate lots, 25-A and 25-B. The existing lot is 6.11 acres and the two resulting lots would be 2.31 acres (Lot 25-A) and 3.80 acres (Lot 25-B). This property is located within the Extraterritorial Jurisdiction (ETJ) and is not serviced by the City of Kerrville utilities. There are two existing homes. Once subdivided, each home would be on its own lot. Currently the two homes share one lot. The Final Plat has been through the Design Review Committee (DRC) process and all comments have been addressed on the attached proposed Final Plat. The County has waived its review and approval of this Plat by Commissioner's Court Order No. 38167.

Consistency with the Kerrville 2050 Comprehensive Plan:

The subject property is located within the ETJ and is not within Kerrville 2050 Comprehensive Plan jurisdiction.

Thoroughfare Plan:

The subject property is located within the ETJ and is not impacted by the Thoroughfare Plan.

Traffic Impact:

No traffic impact anticipated.

Parking:

All parking will remain off street.

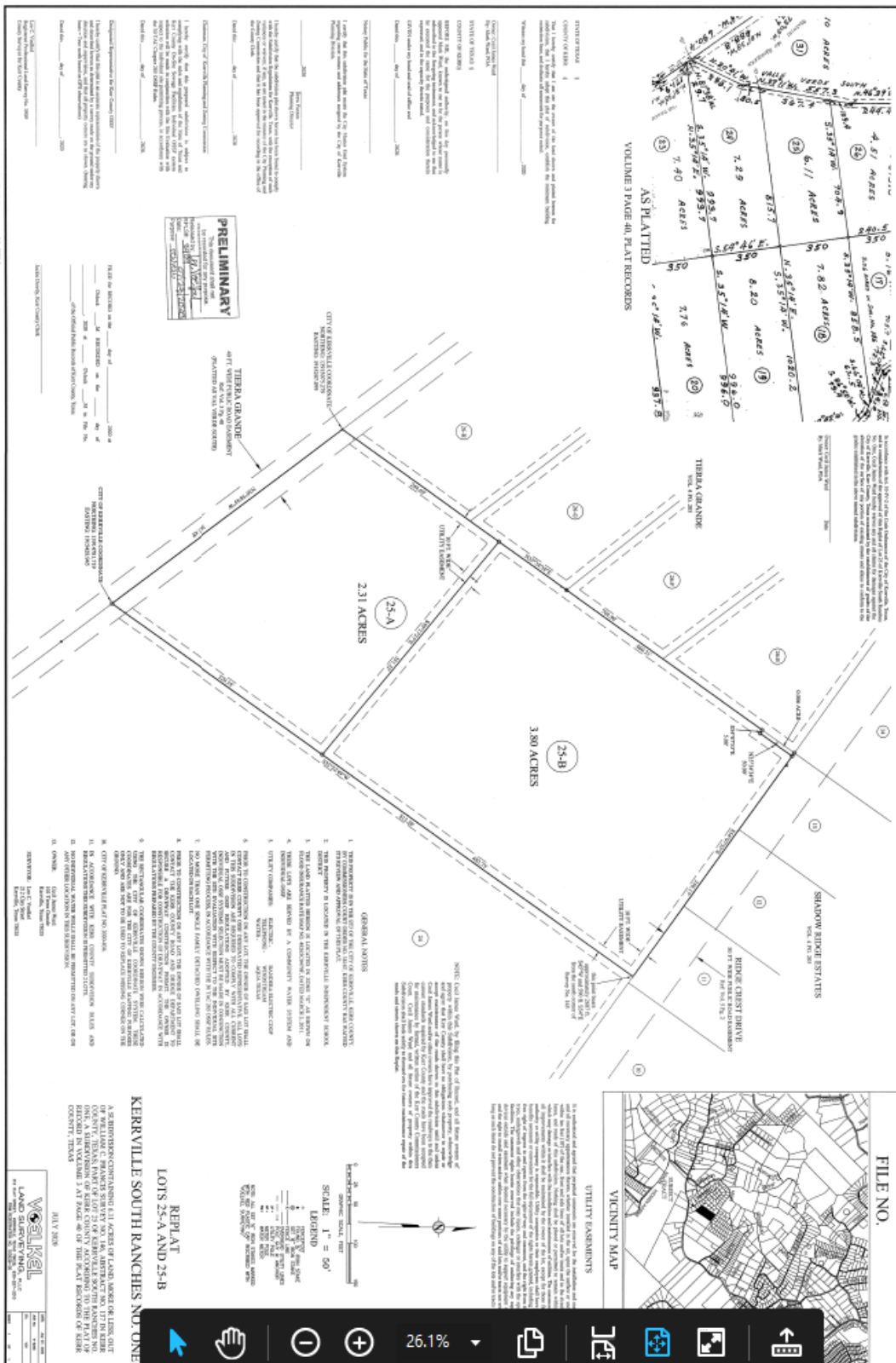
Recommendation:

The Final Plat is consistent with Zoning Code and the Subdivision Ordinance. Staff recommends approval of the proposed Final Plat.

Attachments:

Proposed Final Plat

8



Agenda Bill

Case No. 2020-031

To: Planning & Zoning Commission
Date: 8/6/2020
Agenda Item: 3A, Zoning Change Request (R-1 to C-1)
Action: Recommend Approval
Representative: Gary Hatch, Owner

Proposal

Public hearing, consideration and action to recommend an ordinance to change the zoning from R-1 Single Family Residential District to C-1 Neighborhood Commercial District on approximately 1.702 acres out of Highpointe at Riverhill Vol. 1562, Page 143, Block 2 (Section One-B), Part of Lot 16; and generally located at 1478 Bandera Highway.

The applicant is proposing a future commercial development accessible only from Bandera Hwy. If a zoning change is approved, this parcel of land will need to be re-platted prior to the issuance of any building permits. This parcel already has a Bandera Hwy address and is not accessible from the Riverhill residential development due to an extremely steep hillside that separates the residential development from this parcel. It is reasonable for this parcel to be rezoned since it is unlikely that anyone would build a single family home directly adjacent to Bandera Hwy in this location, and due to direct highway access, the parcel is prime for commercial development.

Procedural Requirements

11 letters were mailed on 7/23/2020 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 7/16/2020. At the time of drafting this Agenda Bill, no comments had been received.

Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: R-1 Single Family Residential
Existing Land Uses: Vacant Land

Direction: **North**

Current Zoning: C-3 General Commercial
Existing Land Uses: Movie Theater

Direction: **East**

Current Zoning: R-3 Multifamily Residential
Existing Land Uses: Assisted Living and Retirement Communities

Direction: **South and West**

Current Zoning: R-1 Single Family Residential
Existing Land Uses: Single Family Homes

Consistency with the Kerrville 2050 Comprehensive Plan:

The subject property and land directly adjacent to the south and west are designated Neighborhood Residential (NR) in the Kerrville 2050 Comprehensive Plan. Neighborhood Residential designates single family detached homes as the primary land use, however, also allows for carefully chosen locations for retail and commercial uses. This zoning change request would be consistent with the Comprehensive Plan.

Thoroughfare Plan:

The subject property is located on Bandera Hwy, a primary arterial.

Traffic Impact:

Bandera Hwy is already designed along this stretch of roadway to allow for ingress and egress of vehicles from adjacent properties. No traffic impact is anticipated.

Parking:

All parking requirements of the zoning code shall be met, therefore, adequate parking will be provided at the time of site design and construction.

Recommendation:

Because this property has highway frontage and cannot be accessed from the Riverhill single family home development, it is reasonable for this parcel to be rezoned. It is unlikely that anyone would build a single family home directly adjacent to Bandera Hwy along this stretch of roadway, and due to direct highway access, the parcel is prime for commercial development. Based on these circumstances and the consistency with the Kerrville 2050 Plan, staff recommends the rezoning request from R-1 to C-1.

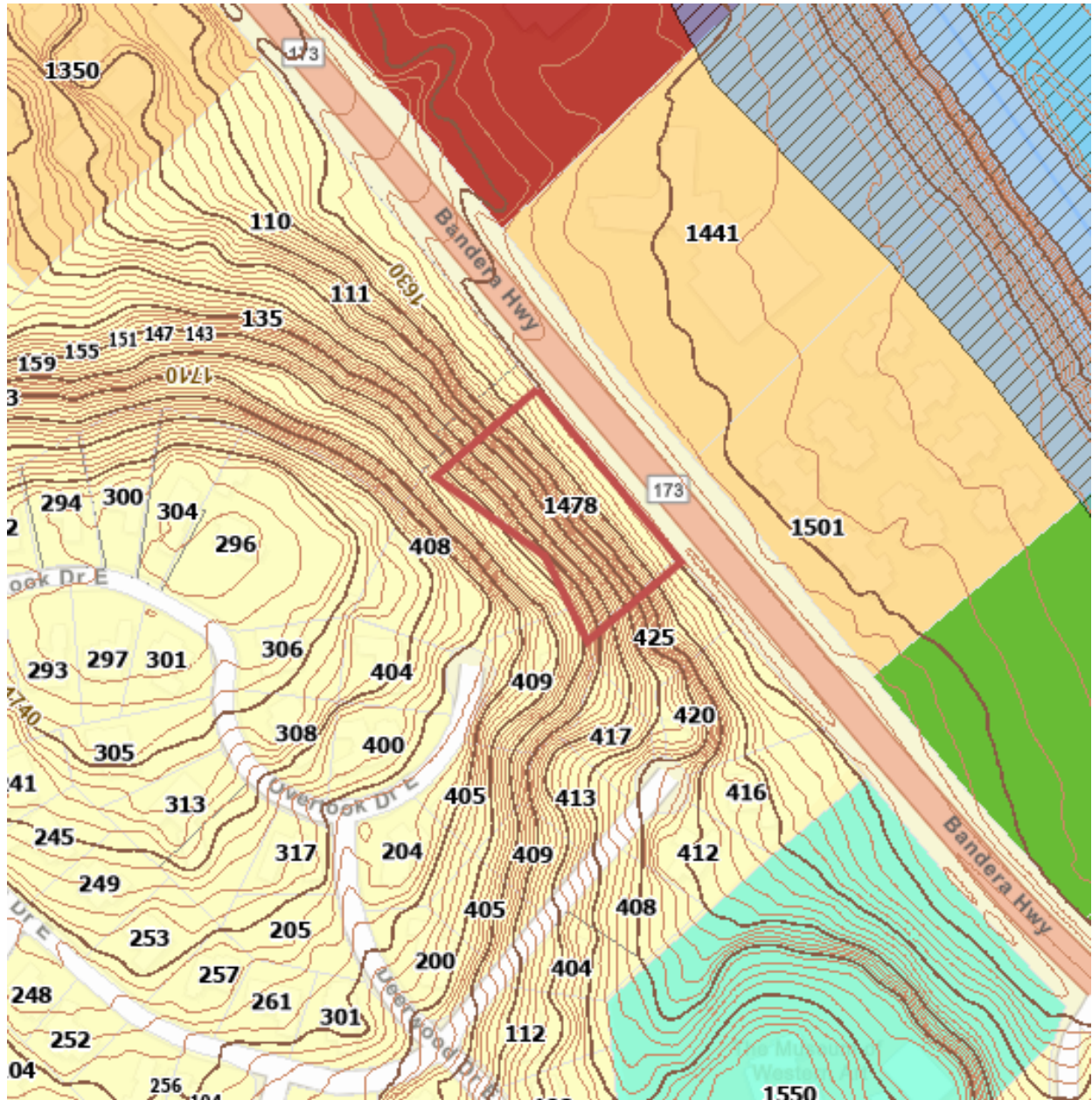
Attachments:

Location Map

Adjacent Property Owner Notification Map

Draft Ordinance

Rezoning Request from R-1 to C-1



Adjacent Property Owner Notification Map

1478 Bandera Hwy

Rezoning Request from R-1 to C-1



D R A F T 7/31/20

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2020-__**

AN ORDINANCE AMENDING CHAPTER 60 OF THE CODE OF ORDINANCES, CITY OF KERRVILLE, TEXAS, WHICH ADOPTED ZONING REGULATIONS, USE DISTRICTS, AND A ZONING MAP IN ACCORDANCE WITH THE CITY'S COMPREHENSIVE PLAN, SUCH CHAPTER MORE COMMONLY KNOWN AS THE CITY'S ZONING CODE; BY CHANGING THE ZONING OF AN 1.702 ACRE PROPERTY ADDRESSED AS 1478 STATE HIGHWAY 173 (BANDERA HWY); AND CONSISTING OF PART OF LOT 16, BLOCK 2 OF THE HIGHPOINTE AT RIVERHILL SUBDIVISION; AND WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS; FROM A SINGLE FAMILY RESIDENTIAL ZONING DISTRICT (R-1) TO A NEIGHBORHOOD COMMERCIAL ZONING DISTRICT (C-1); PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, pursuant to Texas Local Government Code Sections 211.006 and 211.007, notice has been given to all parties in interest and citizens by publication in the official newspaper for the City of Kerrville, Texas ("City"), and otherwise, of a hearing held before the City Council on _____, 2020, which considered a report of the City's Planning and Zoning Commission regarding its recommendations on this Ordinance, the adoption of which will result in the change of a zoning district for the property located at 1478 State Highway 173 and comprising approximately 1.702 acres; such change to result in the removal of the property from a Single Family Residential Zoning District (R-1) to placement within a Neighborhood Commercial Zoning District (C-1); and

WHEREAS, on _____, 2020, City Council held a public hearing on the zoning change referenced above pursuant to the published notice and has considered the application, comments, reports, and recommendations of the Planning and Zoning Commission and staff, public testimony, and other relevant support materials;

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

SECTION ONE. The Zoning Code for the City of Kerrville, Texas, as enacted by City Council and effective October 1, 2019 and included within Chapter 60 of the Code of Ordinances of the City of Kerrville, Texas, and the *Official Zoning Map* be

and the same are hereby amended to designate the following described property zoned as within a **Neighborhood Commercial Zoning District (C-1)**:

Legal Description: Being a certain tract or parcel of land comprising approximately 1.702 acres, consisting of part of Lot 16, Block 2, and out of the Highpointe at Riverhill Subdivision, as filed at Volume 1562, Page 143 of the Kerr County real property records, and within the City of Kerrville, Kerr County, Texas; said tract depicted at **Exhibit A, attached hereto and made a part hereof for all purposes, and hereafter referred to as the "Property."**

Address: 1478 State Highway 173

SECTION TWO. 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 THREE. The provisions of this Ordinance are 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 expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. The terms and provisions of this Ordinance shall be deemed to be severable in that if any portion of this Ordinance is declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

SECTION FIVE. Pursuant to Texas Local Government Code §52.013(a) and Section 3.07 of the City's Charter, 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 SIX. This Ordinance shall become effective immediately upon the expiration of ten days following publication, as provided for by Section 3.07 of the City Charter.

PASSED AND APPROVED ON FIRST READING, this the ____ day of _____, A.D., 2020.

**PASSED AND APPROVED ON SECOND AND FINAL READING, this
the ____ of _____, A.D., 2020.**

Bill Blackburn, Mayor

ATTEST:

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:

Michael C. Hayes, City Attorney

Agenda Bill

Case No. 2020-033

To: Planning & Zoning Commission
Date: 8/6/2020
Agenda Item: 3B, CUP for Short Term Rental
Action: Recommend Approval with Conditions
Representative: Bonifacio Arreola Jr., Owner

Proposal

Public hearing, consideration, and action to recommend a resolution to allow a Conditional Use Permit for a Short Term Rental on Lot 16-R, Block 41, J.A Tivy Addition; and more commonly known as 1220 North Street.

Procedural Requirements

29 letters were mailed on 7/23/2020 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 7/16/2020. At the time of drafting this Agenda Bill, no comments had been received.

Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: R-1A Single Family Residential with Accessory Dwelling Unit
Existing Land Uses: Single Family Residence

Direction: North, South, West and East

Current Zoning: R-1A Single Family Residential with Accessory Dwelling Unit
Existing Land Uses: Single Family Residences

Consistency with the Kerrville 2050 Comprehensive Plan:

The subject property and surrounding area are designated Neighborhood Residential (NR) in the Kerrville 2050 Comprehensive Plan. Neighborhood Residential designates single family detached homes as the primary land use. Since the underlying zoning is not changing, the request is consistent with the Kerrville 2050 Comprehensive Plan.

Thoroughfare Plan:

The subject property is located on a residential street.

Traffic Impact:

No traffic impact is anticipated.

Parking:

A Short Term Rental requires one (1) off street parking space per bedroom and one (1) additional off street parking space for a manager that does not live onsite. Since this home has one (1) bedroom and no onsite manager, two (2) off street parking spaces are required. Because the existing driveway for this residence can accommodate more than two vehicles, the

parking requirement can be easily met.

Case Summary:

The subject property is located within an R-1A zoning district. A Short Term Rental Unit is a conditional use within R-1A and requires a public hearing and Conditional Use Permit. A Short Term Rental is defined in the zoning code as follows:

Short-Term Rental Unit: a facility, used for the purpose of providing short-term lodging for compensation, architecturally designed to look like a single-family dwelling, occupied concurrently as the residence for the owner, operator, or manager of the property, or providing separate lodging units such as cabins, guest homes, or similar residential-scale structures, with no more than six (6) bedrooms total on the property, and offering meals only to those who receive lodging, and providing that all bedrooms used as a permanent residence shall count toward the maximum six (6) bedrooms of the short-term rental unit.

This proposed short term rental unit has one (1) bedroom, will have no onsite manager and requires two (2) off street parking spaces. All off street parking can be accommodated onsite. Proposed CUP conditions have been drafted for consideration to address staff comments and comments submitted by adjacent property owners and other interested citizens.

Recommendation:

Staff recommends approval of the Conditional Use Permit with consideration and inclusion of the attached Proposed CUP Conditions. Note that the attached Proposed CUP Conditions are staff recommendations only. Please refer to the draft CUP for proposed CUP language.


Attachments:

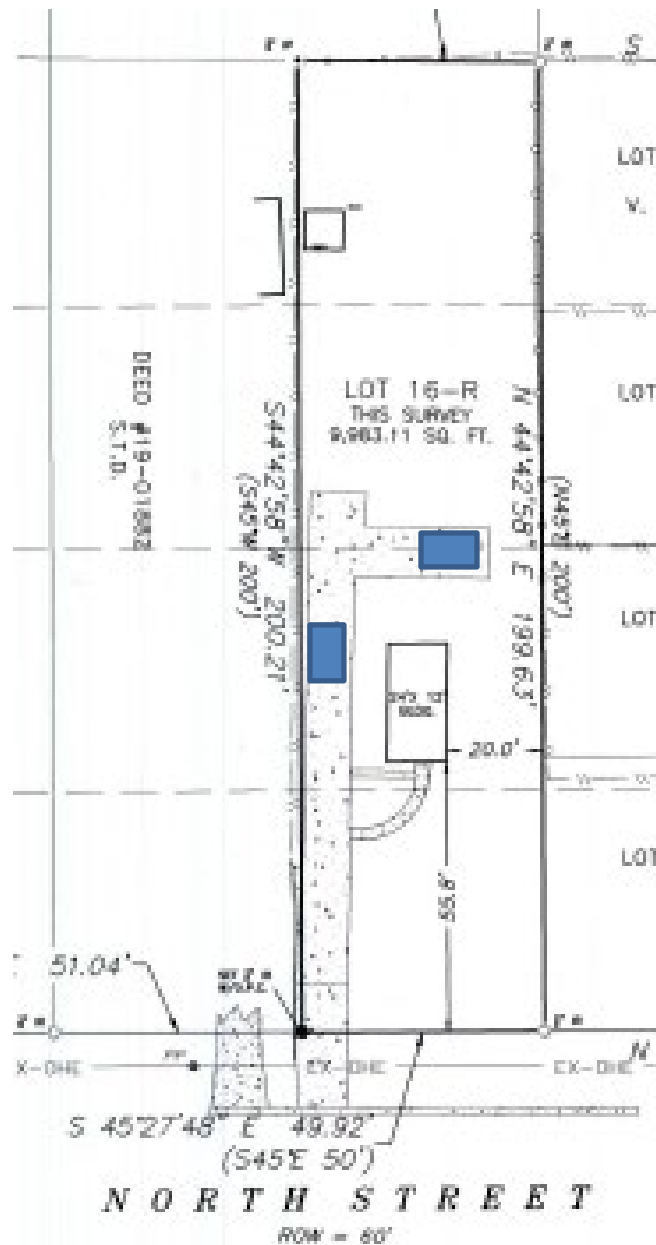
Site Plan
Proposed CUP Conditions
Guest Notification
Adjacent Property Owner Notification Map
Draft Resolution

Site Plan

1220 North Street

Short Term Rental

 Location of off street parking (two spaces required)



**Proposed CUP Conditions
for
Short Term Rental**

Case 2020-033

1220 North Street

Note: The following proposed conditions are staff recommendations only. Please refer to the draft resolution for proposed CUP language:

- A. Site Plan:** The development and use of the Property shall conform to the site plan, attached as Exhibit B.
- B. Guest Notification:** The owner or operator of the Property shall post a “guest notification” in a conspicuous place within the rental unit on the Property, said notification attached as Exhibit C.
- C. Occupancy Taxes:** The owner or operator of the Property shall comply with the City’s occupancy tax requirements as found within Ch. 94, Division III, of the City’s Code of Ordinances.
- 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.



SHORT TERM RENTAL CONDITIONAL USE PERMIT GUEST NOTIFICATION

CUP Resolution Number _____

This short term rental has been permitted by the City of Kerrville as a conditional use under the above referenced resolution within a residential neighborhood and requires all guests to be aware of the following:

Because this short term rental is located within a residential neighborhood, proper etiquette should be observed at all times. The conditional use permit was issued in an effort **“to preserve the health, safety, and general welfare of adjacent property and its occupants and to protect such property and occupants from excessive noise, vibration, dust, dirt smoke, fumes, gas, odor, traffic, explosion, glare, surface water drainage, offensive view, or other undesirable hazardous conditions....”**

As a guest, please be aware of the proximity of your neighbors and be respectful of their right to privacy, a quiet environment, and unobstructed access to their property. Loud music, loud parties and excessive noise should be avoided. Parking should be limited to onsite parking spaces provided by short term rental management.

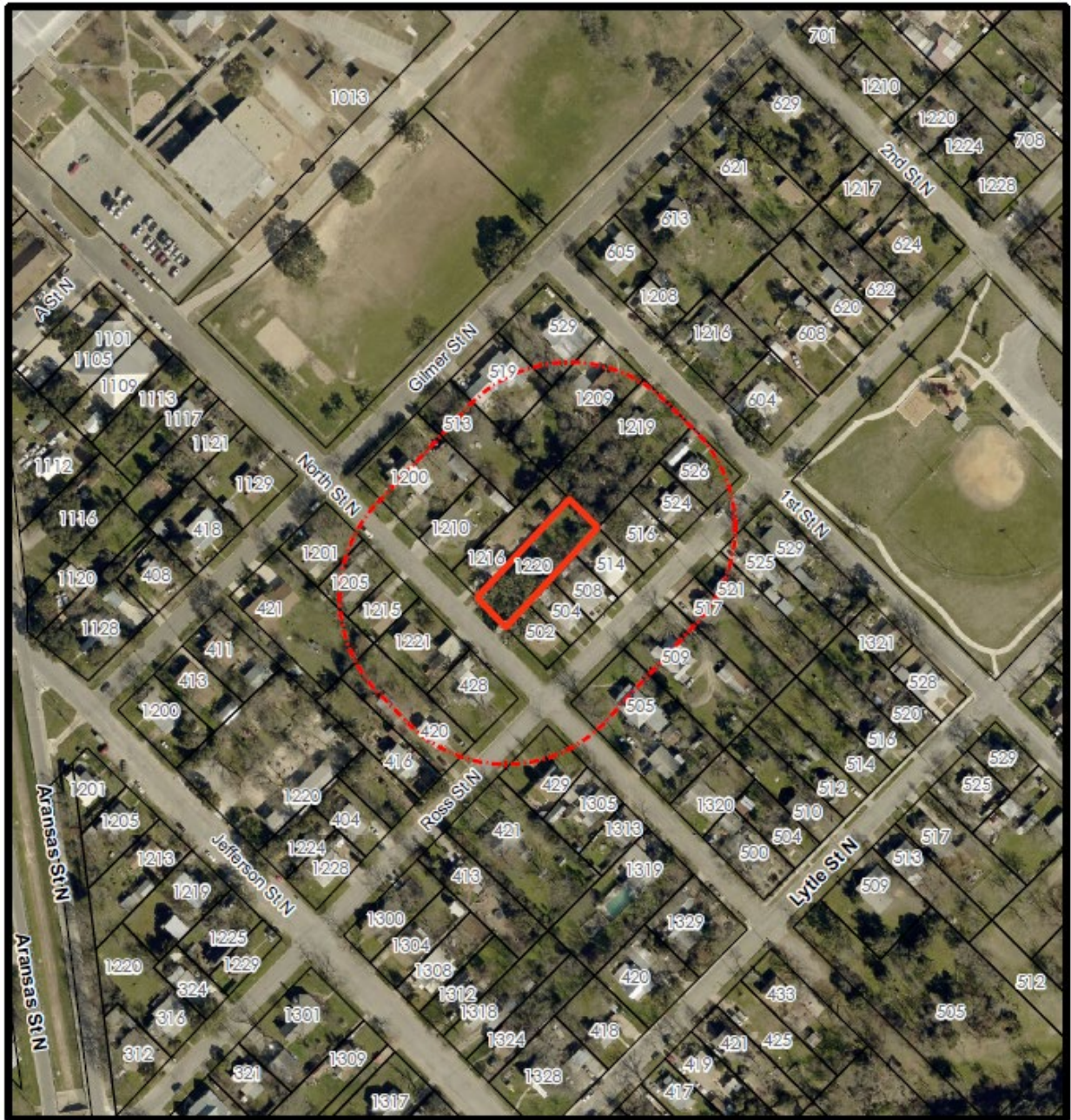
If you should have any questions regarding this notification, please contact the short term rental management.

Thank you!

This Guest Notification should be posted by short term rental management in a location clearly visible by all guests and provided with check-in information. Posting of duplicate copies of this Guest Notification within each guest room is highly encouraged to clearly communicate the importance of proper etiquette within a residential neighborhood. Thank you!

Adjacent Property Owner Notification Map

1220 North Street
Short Term Rental



**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. ____-2020**

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO AUTHORIZE A SHORT-TERM RENTAL UNIT ON THE PROPERTY CONSISTING OF LOT 16-R, BLOCK 41 J.A. TIVY ADDITION, A SUBDIVISION WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS; ADDRESSED AS 1220 NORTH STREET; SAID PROPERTY IS LOCATED WITHIN THE R-1A ZONING DISTRICT; AND MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

WHEREAS, the owner of the property addressed as 1220 North Street and graphically depicted on the site plan at **Exhibit A** (the "Property"), said exhibit being attached hereto and made a part hereof for all purposes, is requesting approval of a Conditional Use Permit (CUP) to allow a short-term rental unit on the Property, which is located within the R-1A Single-Family Residential with Accessory Dwelling Unit Zoning District; and

WHEREAS, the City Planning and Zoning Commission and the City Council of the City of Kerrville, Texas, in compliance with state law and the Zoning Code of the City of Kerrville, Texas (Chapter 60, Code of Ordinances), and in particular, the approval of Conditional Use Permits, and the official zoning map; 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 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;

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, and located within the R1-A Single-Family Residential with Accessory Dwelling Unit Zoning District, to be developed and used for a Short-Term Rental Unit 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: Lot 16-R, Block 41, J.A. Tivy Addition, a subdivision within the City of Kerrville, Kerr County, Texas, and being graphically depicted on the site plan at **Exhibit A**.

Address: 1220 North Street.

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 shall conform to the concept plan, attached as **Exhibit A**.
- B. Guest Notification:** The owner or operator of the Property shall post a “guest notification” in a conspicuous place within the rental unit on the Property, said notification attached as **Exhibit B**.
- C. Occupancy Taxes:** The owner or operator of the Property shall comply with the City’s occupancy tax requirements as found within Ch. 94, Division III, of the City’s Code of Ordinances.
- 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 the Conditional Use Permit 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 ____ day of _____, A.D.,
2020.**

Bill Blackburn, Mayor

APPROVED AS TO FORM:

ATTEST:

Michael C. Hayes, City Attorney

Shelley McElhannon, City Secretary

Agenda Bill

Case No. 2020-034

To: Planning & Zoning Commission
Date: 8/6/2020
Agenda Item: 3C, CUP for Short Term Rental
Action: Recommend Approval with Conditions
Representative: Jackson Williams, Applicant

Proposal

Public hearing, consideration, and action to recommend a resolution to allow a Conditional Use Permit for a Short Term Rental on Lot 17, Block 1, Virgil Merrill 6, and more commonly known as 1200 Barbara Ann Street.

Procedural Requirements

27 letters were mailed on 7/23/2020 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 7/16/2020. At the time of drafting this Agenda Bill, no comments had been received.

Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: R-1 Single Family Residential
Existing Land Uses: Single Family Residence

Direction: North, South, West and East

Current Zoning: R-1 Single Family Residential
Existing Land Uses: Single Family Residences

Consistency with the Kerrville 2050 Comprehensive Plan:

The subject property and surrounding area are designated Neighborhood Residential (NR) in the Kerrville 2050 Comprehensive Plan. Neighborhood Residential designates single family detached homes as the primary land use. Since the underlying zoning is not changing, the request is consistent with the Kerrville 2050 Comprehensive Plan.

Thoroughfare Plan:

The subject property is located on a residential street.

Traffic Impact:

No traffic impact is anticipated.

Parking:

A Short Term Rental requires one (1) off street parking space per bedroom and one (1) additional off street parking space for a manager that does not live onsite. Since this home has three (3) bedrooms and no onsite manager, four (4) off street parking spaces are required.

Because the existing driveway for this residence can accommodate four (4) vehicles, the parking requirement can be met.

Case Summary:

The subject property is located within an R-1 zoning district. A Short Term Rental Unit is a conditional use within R-1 and requires a public hearing and Conditional Use Permit. A Short Term Rental is defined in the zoning code as follows:

Short-Term Rental Unit: a facility, used for the purpose of providing short-term lodging for compensation, architecturally designed to look like a single-family dwelling, occupied concurrently as the residence for the owner, operator, or manager of the property, or providing separate lodging units such as cabins, guest homes, or similar residential-scale structures, with no more than six (6) bedrooms total on the property, and offering meals only to those who receive lodging, and providing that all bedrooms used as a permanent residence shall count toward the maximum six (6) bedrooms of the short-term rental unit.

This proposed short term rental unit has three (3) bedrooms, will have no onsite manager and requires four (4) off street parking spaces. All off street parking can be accommodated onsite. Proposed CUP conditions have been drafted for consideration to address staff comments and comments submitted by adjacent property owners and other interested citizens.

Recommendation:

Staff recommends approval of the Conditional Use Permit with consideration and inclusion of the attached Proposed CUP Conditions. Note that the attached Proposed CUP Conditions are staff recommendations only. Please refer to the draft CUP for proposed CUP language.

Attachments:

Site Plan
Proposed CUP Conditions
Guest Notification
Adjacent Property Owner Notification Map
Draft Resolution

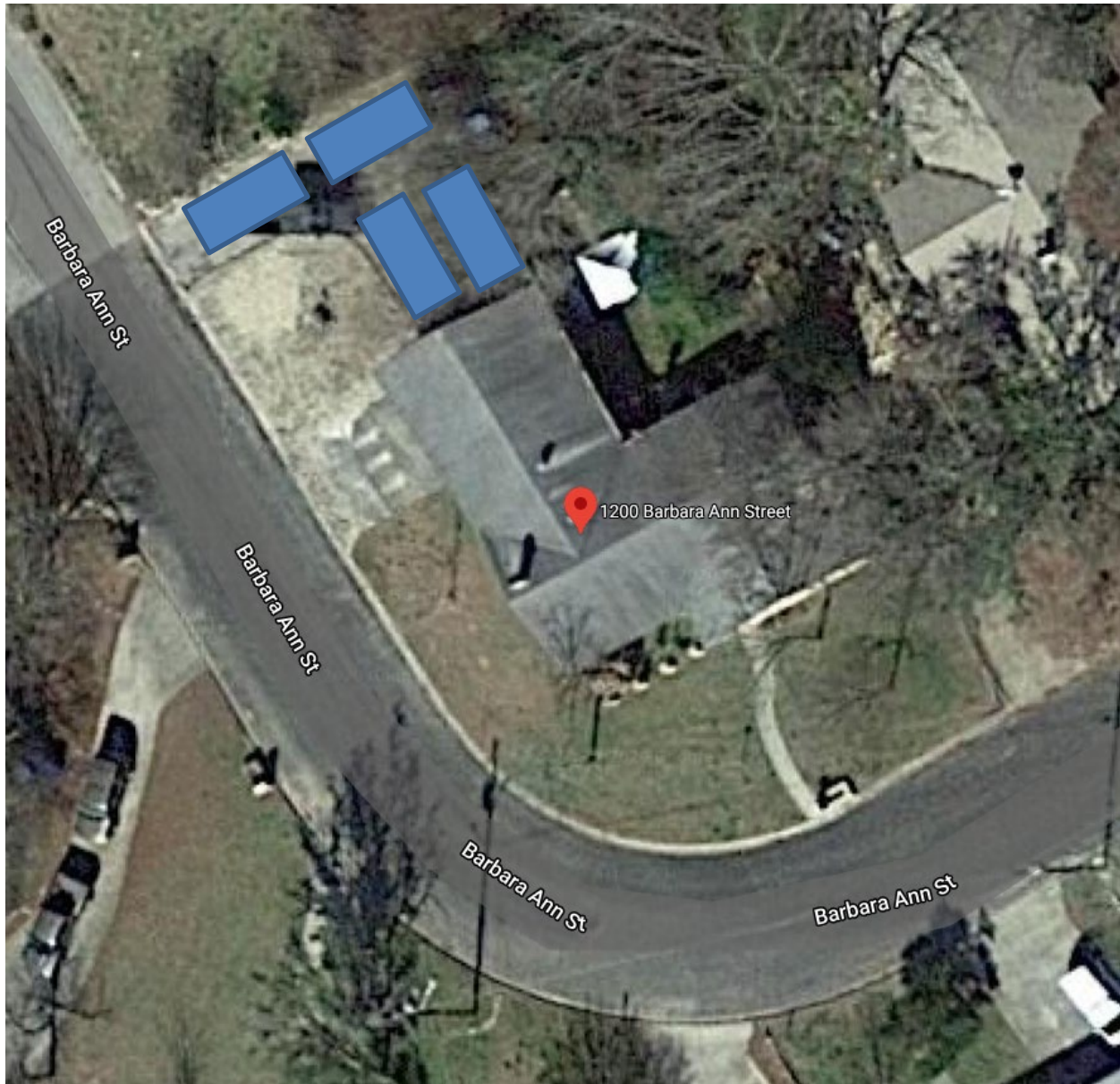
Site Plan

1200 Barbara Ann Street

Short Term Rental



Location of off street parking (four spaces required)



**Proposed CUP Conditions
for
Short Term Rental**

Case 2020-034

1200 Barbara Ann Street

Note: The following proposed conditions are staff recommendations only. Please refer to the draft resolution for proposed CUP language:

- A. Site Plan:** The development and use of the Property shall conform to the site plan, attached as Exhibit B.
- B. Guest Notification:** The owner or operator of the Property shall post a “guest notification” in a conspicuous place within the rental unit on the Property, said notification attached as Exhibit C.
- C. Occupancy Taxes:** The owner or operator of the Property shall comply with the City’s occupancy tax requirements as found within Ch. 94, Division III, of the City’s Code of Ordinances.
- 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.



SHORT TERM RENTAL CONDITIONAL USE PERMIT GUEST NOTIFICATION

CUP Resolution Number _____

This short term rental has been permitted by the City of Kerrville as a conditional use under the above referenced resolution within a residential neighborhood and requires all guests to be aware of the following:

Because this short term rental is located within a residential neighborhood, proper etiquette should be observed at all times. The conditional use permit was issued in an effort **“to preserve the health, safety, and general welfare of adjacent property and its occupants and to protect such property and occupants from excessive noise, vibration, dust, dirt smoke, fumes, gas, odor, traffic, explosion, glare, surface water drainage, offensive view, or other undesirable hazardous conditions....”**

As a guest, please be aware of the proximity of your neighbors and be respectful of their right to privacy, a quiet environment, and unobstructed access to their property. Loud music, loud parties and excessive noise should be avoided. Parking should be limited to onsite parking spaces provided by short term rental management.

If you should have any questions regarding this notification, please contact the short term rental management.

Thank you!

This Guest Notification should be posted by short term rental management in a location clearly visible by all guests and provided with check-in information. Posting of duplicate copies of this Guest Notification within each guest room is highly encouraged to clearly communicate the importance of proper etiquette within a residential neighborhood. Thank you!

Adjacent Property Owner Notification Map

1200 Barbara Ann Street
Short Term Rental



**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. ____-2020**

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO AUTHORIZE A SHORT-TERM RENTAL UNIT ON THE PROPERTY CONSISTING OF LOT 17, BLOCK 1 OF THE VIRGIL MERRILL 6 ADDITION, A SUBDIVISION WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS; ADDRESSED AS 1200 BARBARA ANN STREET; SAID PROPERTY IS LOCATED WITHIN THE R-1 SINGLE FAMILY ZONING DISTRICT; AND MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

WHEREAS, the owner of the property addressed as 1200 Barbara Ann Street and graphically depicted on the site plan at **Exhibit A** (the “Property”), said exhibit being attached hereto and made a part hereof for all purposes, is requesting approval of a Conditional Use Permit (CUP) to allow a short-term rental unit on the Property, which is located within the R-1 Single Family Zoning District; and

WHEREAS, the City Planning and Zoning Commission and the City Council of the City of Kerrville, Texas, in compliance with state law and the Zoning Code of the City of Kerrville, Texas (Chapter 60, Code of Ordinances), and in particular, the approval of Conditional Use Permits, and the official zoning map; 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 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;

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, and located within the R-1 Single Family Zoning District, to be developed and used for a Short-Term Rental Unit 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: Lot 17, Block 1, Virgil Merrill 6 Addition, a subdivision within the City of Kerrville, Kerr County, Texas, and being graphically depicted on the site plan at **Exhibit A**.

Address: 1200 Barbara Ann Street.

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 shall conform to the site plan, attached as **Exhibit A**.
- B. Guest Notification:** The owner or operator of the Property shall post a “guest notification” in a conspicuous place within the rental unit on the Property, said notification attached as **Exhibit B**.
- C. Occupancy Taxes:** The owner or operator of the Property shall comply with the City’s occupancy tax requirements as found within Ch. 94, Division III, of the City’s Code of Ordinances.
- 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 the Conditional Use Permit 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 ____ day of _____, A.D.,
2020.**

Bill Blackburn, Mayor

APPROVED AS TO FORM:

ATTEST:

Michael C. Hayes, City Attorney

Shelley McElhannon, City Secretary