

CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 36-2021

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO AUTHORIZE A SHORT-TERM RENTAL UNIT ON THE PROPERTY CONSISTING OF APPROXIMATELY 0.16 ACRES, COMPRISING LOT 12, BLOCK 28, J.A. TIVY ADDITION, A SUBDIVISION WITHIN THE CITY OF KERRVILLE AND MORE COMMONLY KNOWN AS 1221 PARK; SAID PROPERTY IS LOCATED WITHIN A SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT (R-1); AND MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

WHEREAS, the owner of the property known as 1221 Park and graphically depicted 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 authorize a short-term rental unit on the Property, which is located within a Single-Family Residential Zoning District (R-1); 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, the Commission recommends 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 August 10, 2021, 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 Single-Family Residential Zoning District (R-1), to be developed and used for a Short-Term Rental Unit (“STRU”) as that term is defined in and pursuant to the Zoning Code, such use subject to the provisions of this Resolution and other City ordinances and regulations:

Legal Description: approximately 0.16 acres of land, comprising Lot 12, Block 28 of the J.A. Tivy Addition, a

subdivision of Kerr County and the city of Kerrville, and being more specifically described and depicted on the site plan and location map found at **Exhibit A**.

General Description: 1221 Park, Kerrville, TX 78028.

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. 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**.
- B. 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.
- C. Sign:** The Property may not use more than one non-illuminated, on-site sign, in conjunction with the STRU. The sign may either be: (i) flush-mounted to one of the residential structures and may not exceed one-square foot in size; or, (ii) freestanding and placed in the front yard but no closer than 20 feet to any property line and may not exceed six square feet in size and three feet in height. Any such sign shall comply with the City’s Sign Code.
- D. Parking:** The Property must include at a minimum, one off-street parking space per bedroom, plus an additional space for the manager, if living off-site.
- E. Maximum Occupancy:** The Property is subject to a maximum occupancy of ten (10) guests, which may be lower per rules set by the owner or operator.
- F. 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 CUP granted herein are 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.

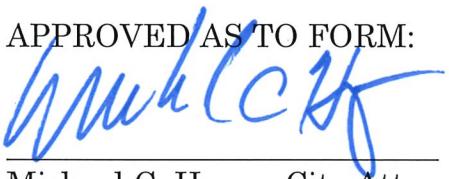
SECTION FIVE. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect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

SECTION SIX. This Resolution is effective upon adoption.

PASSED AND APPROVED ON this the 10 day of August, A.D., 2021.


Bill Blackburn, Mayor

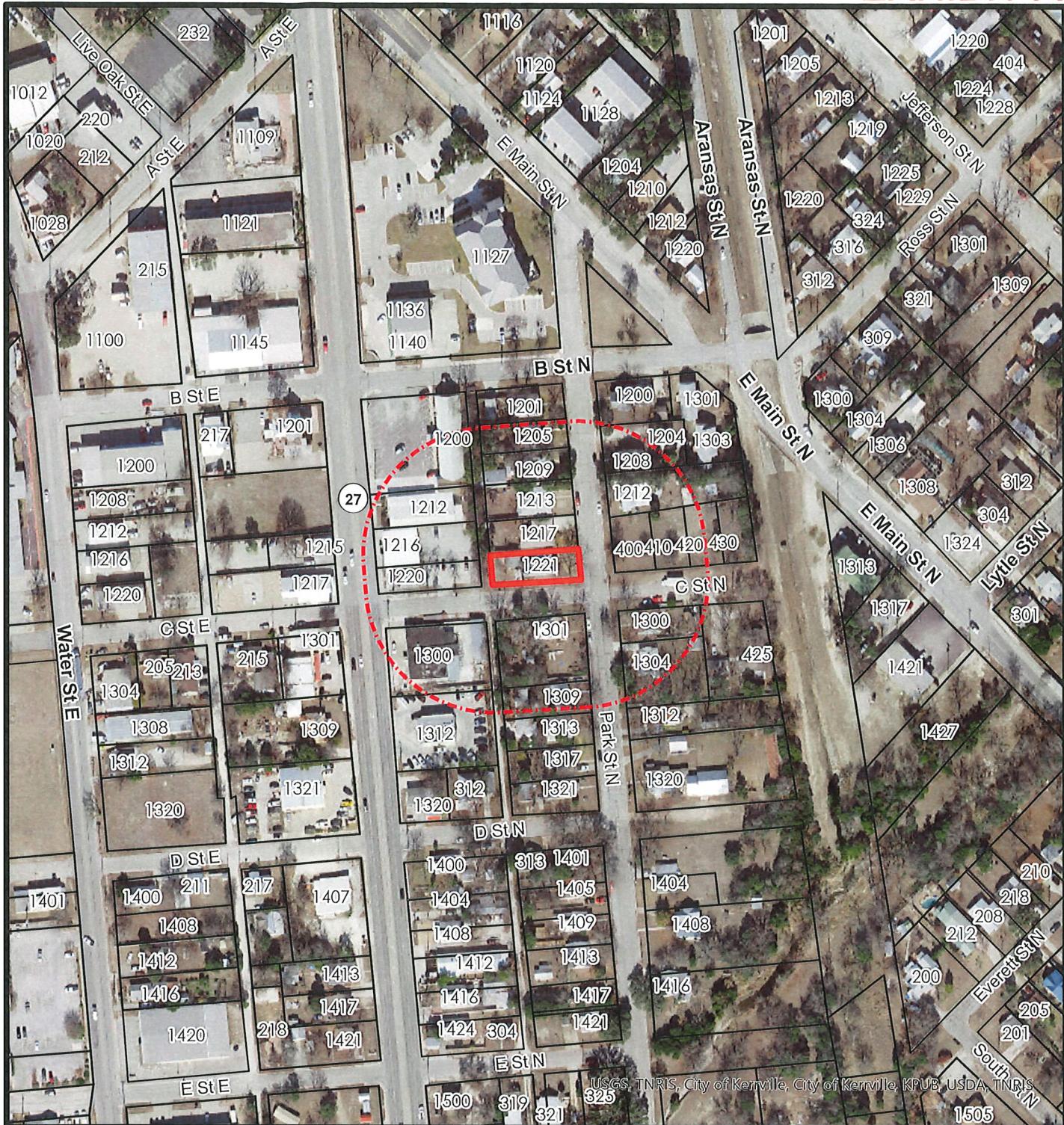
APPROVED AS TO FORM:


Michael C. Hayes, City Attorney

ATTEST:


Shelley McElhannon, City Secretary

EXHIBIT A



Location Map

Case # PZ-2021-14

Location:
1221 Park Street

Legend

200' Notification Area
Subject Properties



0 75 150 300

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.

Reso 36-2021



SHORT TERM RENTAL CONDITIONAL USE PERMIT GUEST NOTIFICATION

CUP Resolution Number 36-2021

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. Place trash and recycling in the appropriate containers.

As per the Conditional Use Permit, the **maximum occupancy is ten (10) guests**. The Short Term Rental owner may have other occupancy restrictions for fewer guests, however, in no case shall guest occupancy exceed ten (10) guests.

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!

Reso 36-2021

1221 Park Street Letter from Applicant to P&Z Commission and Neighbors

June 30, 2021

To Whom It May Concern:

I appreciate the opportunity to share my hopes and plans for my family's home located at 1221 Park Street and, hopefully, address any questions or concerns. I'd like to begin by sharing a little about myself. I was born and raised in Kerrville and grew up in a quiet neighborhood just off Ranchero Road. I am a graduate of Nimitz Elementary School, Peterson Middle School, Tivy High School, and Schreiner University. While work took me to Washington, DC after I finished graduate school at Texas A&M, Kerrville is, and will always be, my home.

It is true that there is no place like home, and that is especially true when Kerrville is your home. Kerrville is a truly special place: the community spirit, down to earth vibe, and family values put our town in a category of its own. Additionally, nearly my entire family resides right here in Kerrville, making this a truly meaningful place for me on the most personal of levels.

For these reasons, it has been a long-time dream of mine to have a home of my own here. In October of last year, after many years of saving and planning, my husband and I were finally able to make this dream come true. We purchased this home because of the charm and friendly feel of the neighborhood, its closeness to several of my family member's homes, and its walkability to places we love to frequent. We are overjoyed to be part of the Kerrville community and Park Street in this way. While the pandemic prevented us from spending time here until recently, we are thrilled to now be able to settle in, put our personal touch on our home, and hopefully get to know our new neighbors.

Looking forward, while we will remain primarily in Washington, DC due to our work commitments, our family intends to spend as much time here as we can and **will occupy the home 8 – 10 weeks per year**. One day, we would like to make this our retirement home. When we are not here, we would love to be able to share with others both our home and all that Kerrville has to offer. We also believe it is better for the home and its ongoing care for it to not be vacant for long stretches of time.

As my family and I intend to use and make memories in this home for many years to come, **it is our #1 goal to ensure that our guests take care of and are respectful of the home, our neighbors, and our community**. We have invested a considerable amount in restoring the home to its original glory, including (so far) completing two bathroom renovations and fully rewiring the home to bring it up to code. Hence, we are keen to preserve and maintain both the house and the character of the neighborhood. To achieve this, we will require our guests to follow these house rules at the time of booking:

- We will establish "quiet hours" between 10:00 pm and 8:00 am (and can adjust this as needed).
- The home will be set up with sleeping space for 5 guests; therefore, we will limit occupancy to a max of 5 guests.
- We will require all guests to park off street to be respectful of street parking availability for our neighbors. Our home is three bedrooms, and we have off-street parking for 4+ cars.
- We will have a strict no-party rule. No exceptions.
- Guests will be required to properly dispose of trash in the bins provided.

Reso 31e-2021

- Minimum age to book the property will be 25 years of age.
- No smoking permitted on the property.
- We will encourage our guests to be respectful and friendly to our neighbors, and to follow all local traffic laws and speed limits.

We will be more than happy to provide a copy of our “welcome guide” and house rules to all our neighbors upon request, and to make our neighbors aware of any changes to our house rules.

Additionally, here are some additional measures we are taking to ensure the home and property grounds remain in good condition, and that we minimize any potential inconvenience to our neighbors:

- We will post reminders of our house rules throughout the home.
- We will require a minimum of a 2-night stay, which will help to reduce guest turnover.
- Our home will be professionally set-up and launched by **Dwell Well**, a highly experienced vacation rental consultancy.
- The nightly rate will be at a higher price point which will attract a higher clientele who will respect the integrity of the neighborhood and our home.
- We are more than happy to provide our contact information, as well as the contact information of our management company, to our neighbors should issues arise so we can address them in a timely manner.
- We will have the exterior and interior of the home professionally maintained.
- We are open to periodically meeting with our neighbors to hear their feedback and discuss any concerns. It is my sincere hope that we can do this by forging a neighborly friendship and maintaining ongoing contact with one another.

We also hope that, by making improvements to our home and maintaining it to a high standard, we will help add value and equity to each of the homes around ours.

Finally, I believe offering a well-run vacation rental is a great way to show off our amazing community and introduce people to our beautiful town. There are a number of locally owned and run coffee shops and restaurants, as well as unique and fun activities, all within a short walk or bike ride from our home. We are fully committed to promoting local businesses and will encourage our guests, through our welcome guide and personal recommendations, to patron these wonderful places!

Kerrville’s East End District is perhaps one of the most exciting and unique places to be a part of, and we are thrilled that we have an opportunity to experience living here and share it with others. I hope this information helps to clarify our plans, address any concerns, and reinforce that our primary intent is to keep our home in great condition maintain the integrity of the neighborhood.

Sincerely,

Leslie A. Barron
(571)228-0441
1221 Park Street

Reso 36-2021

June 27, 2021

Regarding Case # PZ-2021-14

Dear Kerrville Planning and Zoning Commission,

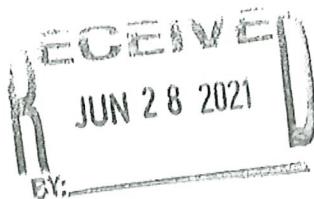
Regarding case PZ-2021-14, or 1221 Park St., please be advised that I, as property owner of

1300 Park Street, Kerrville, TX, 78028, am opposed to the proposed variance and would like to be on public record as such.

Thank you for your kind attention,

Printed name: Juan A Lozano

Signature: Juan A Lozano Date: 6-27-21



Reso 36-2021

June 27, 2021

Regarding Case # PZ-2021-14

Dear Kerrville Planning and Zoning Commission,

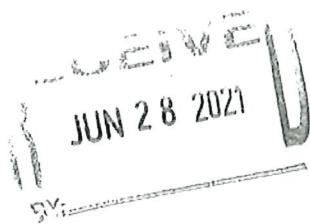
Regarding case PZ-2021-14, or 1221 Park St., please be advised that I, as property owner of
1209 Park Street, Kerrville, TX, 78028, am opposed to the proposed variance and
would like to be on public record as such.

Thank you for your kind attention,

Printed name: Susan M McClintock

Signature: Susan M McClintock

Date: 6-27- - 2021



Reso 36-2021

June 27, 2021

Regarding Case # PZ-2021-14

Dear Kerrville Planning and Zoning Commission,

Regarding case PZ-2021-14, or 1221 Park St., please be advised that I, as property owner of
1301 Park Street, Kerrville, TX, 78028, am opposed to the proposed variance and
would like to be on public record as such.

Thank you for your kind attention,

Printed name: RUDOLPH ROSAS

Signature: Rudolph R. Rosas

Date: 27 Jun 2021



Reso 36-2021

June 27, 2021

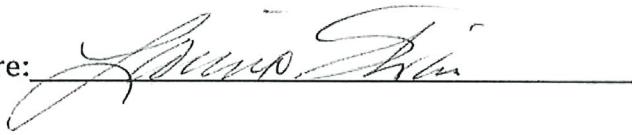
Regarding Case # PZ-2021-14

Dear Kerrville Planning and Zoning Commission,

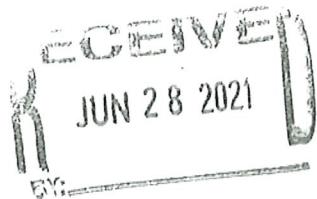
Regarding case PZ-2021-14, or 1221 Park St., please be advised that I, as property owner of 1304 Park Street, Kerrville, TX, 78028, am opposed to the proposed variance and would like to be on public record as such.

Thank you for your kind attention,

Printed name: Laurie Strain

Signature: 

Date: 6/27/21



Reso 36-2021

From: Laurie Str
To: Steve Melander
Cc: Drew Paxton
Subject: Re: July 1 property variance hearing PZ-2021-14
Date: Wednesday, June 30, 2021 2:41:16 PM

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.

My objections (and of many of my neighbors) are as follows:

1. We are a long-established, quiet residential neighborhood, where we all know and rely on each other. We watch out for each others' homes. This includes the long-term renters, as well. Short term rentals do not provide continuity of the kind of safe, community oriented neighborhood we would like to preserve.
2. Kerrville is in desperate need of family housing. The property would be better used in the interest of the community as a long term rental.
3. I moved to Kerrville from Port Aransas. I have seen first-hand what short term rentals do to neighborhoods. I do not believe that this variance would be of benefit to anyone other than the owner of the property, and purely at the expense of our neighborhood.

My hope here is to respectfully explain the main objections. I hope I have done so.
If my comments can be read at the hearing, I give full permission to do so.

Thank you so much for your time and assistance,

Lauri Strain

Sent from my iPhone

Reso 36-2021