



**CITY OF KERRVILLE PLANNING & ZONING COMMISSION AGENDA**  
**REGULAR MEETING, Thursday, October 1, 2020 at 4:30 P.M.**  
**CAILLOUX CITY CENTER**  
**910 MAIN STREET, KERRVILLE, TEXAS**

**Planning & Zoning Commission Procedures during the Disaster Declaration and Citizen/Public Participation Guidelines**

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). Due to the reduction of Kerr County Covid cases, the Planning & Zoning Commission will hold future meetings as open public meetings. Meeting locations may change from time-to-time to accommodate the public, so please note the meeting location above.

In an effort to avoid and mitigate health risks, and due to limited occupancy levels in Council Chambers, the Planning & Zoning Commission will convene at the Cailloux City Center, 910 Main Street. For those not wishing to participate in person, the City will also offer a virtual forum for this meeting.

Standard safety protocol will be observed by Planning & Zoning Commission, City staff, and citizens/visitors attending the Planning & Zoning meeting at the Cailloux City Center. When entering the Cailloux City Center you will be required to sanitize hands and wear a mask. Your temperature will be taken at a temperature station with a thermal digital thermometer before entering the theater. Any persons with a temperature of 100.2 or above will not be allowed entry. Masks are required at all times in the Cailloux City Center. The public microphone will be sanitized between each public speaker. Six-foot distance seating will be observed, and open seating will be designated.

For those wishing to participate in a virtual forum, citizens may provide public comment through Zoom. The Zoom telephone toll free number is: **1-800-832-5611**. If you cannot connect through the toll free number, try one of these alternate numbers: **346-248-7799** or **253-215-8782**. The Meeting ID is **971 1779 1603 #**. (You must enter the pound sign (#) after the Meeting ID). See "Alternative Citizen Participation Guidelines" below for further instruction on how to join the meeting virtually or comment through additional alternative methods.

**Please Note:** The City is using a third party vendor to provide the ability for remote participation. Software changes may be beyond what the City can control. If the City is notified of any issues from the third party vendor, the City will notify citizens and provide alternatives for engagement and participation.

Citizens may also 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](http://www.kerrvilletx.gov)).



**CITY OF KERRVILLE PLANNING & ZONING COMMISSION AGENDA**  
**REGULAR MEETING, Thursday, October 1, 2020 at 4:30 P.M.**  
**CAILLOUX CITY CENTER, 910 MAIN STREET, KERRVILLE, TEXAS**

**CALL TO ORDER**

**1. MINUTES**

**1A.** Approval of the minutes from September 3, 2020

**2. CONSIDERATION & FINAL ACTION**

**2A.** No cases pending for Consideration & Final Action.

**3. PUBLIC HEARING, CONSIDERATION & ACTION**

**3A.** A resolution to allow a Conditional Use Permit for an Additional Dwelling Unit and to allow a Conditional Use Permit for Short Term Rental Units on Lots 3 and 4 Waters Edge Retreat; and more commonly known as 3112 Riverside Drive. (Case No. 2020-048)

**3B.** A resolution to allow a Conditional Use Permit for Short Term Rental Unit on the northeast half of Lot 1 Block 7 Lowry Subdivision; and more commonly known as 201 Starkey Street. (Case No. 2020-049)

**3C.** An ordinance to change the zoning from R-2 Medium Density Residential District to RE Residential Estates District and R-2 Medium Density District on approximately 225.69 acres a portion out of Nathaniel Hoyt Survey No. 147, Abstract No. 178 a portion out of John A Southmayd Survey No. 148, Abstract No. 288; and generally located east of Medina Highway and south of Riverhill Boulevard. (Case No. 2020-051)

**3D.** An ordinance to change the zoning from PDD Planned Development District to C-2 Light Commercial District on Lot 3-AR Block 1 Overstreet Park Subdivision; and generally located 1421 Junction Hwy. (Case No. 2020-052)

**4. 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.

**5. ADJOURNMENT**

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The facility is wheelchair accessible, and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-257-8000 for further information.

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: September 25, 2020 at 4:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Shelley McElhannon, City Secretary, City of Kerrville, Texas

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



**Despite the necessity in the past 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 still 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:

**1-800-832-5611** (Toll Free) or

**1-346-248-7799** or

**1-253-215-8782**

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 **971 1779 1603 #**

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, 3C and 3D 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](mailto: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!

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# Agenda Bill

## Meeting Minutes

To: Planning & Zoning Commission  
Date: 10/1/2020  
Agenda Item: 1A, Minutes of September 3, 2020 Commission Meeting  
Action: Approve or Approve with Specific Changes  
Representative: Staff

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**CITY OF KERRVILLE, TEXAS  
PLANNING AND ZONING COMMISSION**

**September 3, 2020**

**Members Present:**

Garrett Harmon, Chair  
Tricia Byrom, Commissioner  
David Jones, Commissioner  
David Lipscomb, Commissioner  
Cliff Tuttle, Commissioner  
Hunter Patterson, Commissioner

**Members Absent:**

Rustin Zuber, Vice-Chair

**City Staff Present:**

Guillermo Garcia, Executive Director for Strategic Initiatives  
Mike Hayes, City Attorney  
Drew Paxton, Director of Planning  
Steve Melander, Planner I  
Dorothy Miller, Recording Secretary

**CALL TO ORDER:**

On September 3, 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. MINUTES**

**1A. Approval of the minutes from August 20, 2020**

Cmr. Byrom moved to approve the minutes as presented; motion was seconded by Cmr. Jones and passed 6-0.

## **2. CONSIDERATION & FINAL ACTION**

**2A.** A final plat for the re-platting of Bluebell Hills 1, Block 1, Lots 1 through 3 and Lots 5 through 12, and generally located north of Jackson Rd, west of Bluebell Rd and south of Cypress St, and of Bluebell Hills 2, Block 1, Lots 1 through 6 and Westland, Block 64, Lot 1 and 2, and generally located north of Jackson Rd, east of Bluebell Rd and west of Galbraith Ave, subdivisions located in Kerr County, Texas. (Case No. 2020-046)

Mr. Paxton presented the finding of facts.

Cmr. Byrom moved to approve with the conditions as presented a final plat for the re-platting of Bluebell Hills 1, Block 1, Lots 1 through 3 and Lots 5 through 12, and generally located north of Jackson Rd, west of Bluebell Rd and south of Cypress St, and of Bluebell Hills 2, Block 1, Lots 1 through 6 and Westland, Block 64, Lot 1 and 2, and generally located north of Jackson Rd, east of Bluebell Rd and west of Galbraith Ave, subdivisions located in Kerr County, Texas. Motion was seconded by Cmr. Tuttle and passed 6-0.

## **3. PUBLIC HEARING, CONSIDERATION & ACTION**

**3A.** An ordinance to change the zoning from R-1 Single Family Residential District to C-1 Neighborhood Commercial District on approximately 1.93 acres out of original Survey No. 146, Wm C. Francis, Abstract No. 137; including 1.7 acres part of Lot No. 16, Block 2, of Highpointe at Riverhill Section One-B and 0.23 acres of unplatte land, and generally located at 1478 Bandera Highway. (Case No. 2020-031)

Mr. Gary Hatch, applicant, presented his case.

Mr. Paxton presented the finding of facts.

Cmr. Harmon opened the public hearing at 4:42 p.m.

There were no callers for the public hearing. Mr. Paxton read one letter of opposition.

Hearing no one else speak, Cmr. Harmon closed the public hearing at 4:43 p.m.

Cmr. Byrom moved to recommend approval as presented of an ordinance to change the zoning from R-1 Single Family Residential District to C-1 Neighborhood Commercial District on approximately 1.93 acres out of original Survey No. 146, Wm C. Francis, Abstract No. 137; including 1.7 acres part of Lot No. 16, Block 2, of Highpointe at Riverhill Section One-B and 0.23 acres of unplatte land, and generally located at 1478 Bandera Highway. Motion was seconded by Cmr. Tuttle and passed 6-0.

**3B.** An ordinance to change the zoning from R-1 Single Family Residential District to R-2 Medium Density Residential District on Lot 1, Arcadia Falls Estates, and generally located at 2255 Arcadia Falls Lane. (Case No. 2020-043)

Mr. Craig Wallendorf with CAW Consultants presented his case.

Mr. Paxton presented the finding of facts.

Cmr. Harmon opened the public hearing at 4:50 p.m.

Hearing no one speak, Cmr. Harmon closed the public hearing at 4:51 p.m.

Cmr. Byrom moved to recommend approval as presented of an ordinance to change the zoning from R-1 Single Family Residential District to R-2 Medium Density Residential District on Lot 1, Arcadia Falls Estates, and generally located at 2255 Arcadia Falls Lane. Motion was seconded by Cmr. Lipscomb and passed 6-0.

#### **4. EXECUTIVE SESSION**

No executive session was taken.

#### **5. ADJOURNMENT**

The meeting was adjourned at 4:54 p.m.

APPROVED: \_\_\_\_\_  
Garrett Harmon, Chair \_\_\_\_\_ Dorothy Miller, Recording Secretary

\_\_\_\_\_  
Date Minutes Approved

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# Agenda Bill

## Case No. 2020-048

To: Planning & Zoning Commission  
Date: 10/1/2020  
Agenda Item: 3A, CUP for Second Unit and Short Term Rentals  
Action: Recommend Approval with Conditions  
Representative: Jonathan Meyer

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### **Proposal**

Public hearing, consideration, and action to recommend a resolution to allow a Conditional Use Permit for an Additional Dwelling Unit and to allow a Conditional Use Permit for Short Term Rental Units on Lots 3 and 4 Waters Edge Retreat; and more commonly known as 3112 Riverside Drive.

### **Procedural Requirements**

9 letters were mailed on 9/17/2020 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 9/10/2020. 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 Use: Vacant Land

Direction: **North, South, West**  
Current Zoning: R-1 Single Family Residential  
Existing Land Uses: Single Family Residences

Direction: **East**  
Current Zoning: PD 09-08  
Existing Land Uses: Commercial

#### **Consistency with the Kerrville 2050 Comprehensive Plan:**

The subject property and surrounding area are designated Transitional Residential (TR) and Community Commercial (CC) in the Kerrville 2050 Comprehensive Plan. Transitional Residential allows for small lot single family homes, single family detached homes, patio homes, townhomes, duplexes, condominiums and apartments. Community Commercial, primarily along Memorial Blvd, allows for retail and commercial uses. 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. Parking requirements will be met during the final site design and approval process. If only the CUP for Additional Dwelling Unit is approved, two (2) spaces per dwelling unit required.

**Case Summary:**

The applicant is proposing to build a primary residential dwelling unit and an accessory dwelling unit and use both as Short Term Rentals.

The subject property is located within an R-1 zoning district. As such, the addition of an accessory dwelling unit, or second dwelling, requires a Conditional Use Permit. Short Term Rental units within R-1 also require a Conditional Use Permit.

An accessory dwelling unit is defined in the zoning code as follows:

**Dwelling Unit, Accessory:** A room or set of rooms attached or detached to a building on the same lot as the single-family dwelling, established by permit and including a functioning kitchen and bathroom, and operates as a separate but secondary dwelling unit.

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.

Proposed CUP conditions have been drafted for consideration to address staff comments and any comments submitted by adjacent property owners and other interested citizens.

**Recommendation:**

Because both Conditional Use Permit requests are consistent with the Kerrville 2050 Comprehensive Plan, will meet all zoning regulations, and there is direct access to the river from the property as the primary local amenity, staff recommends approval with consideration and inclusion of the attached Proposed CUP Conditions.

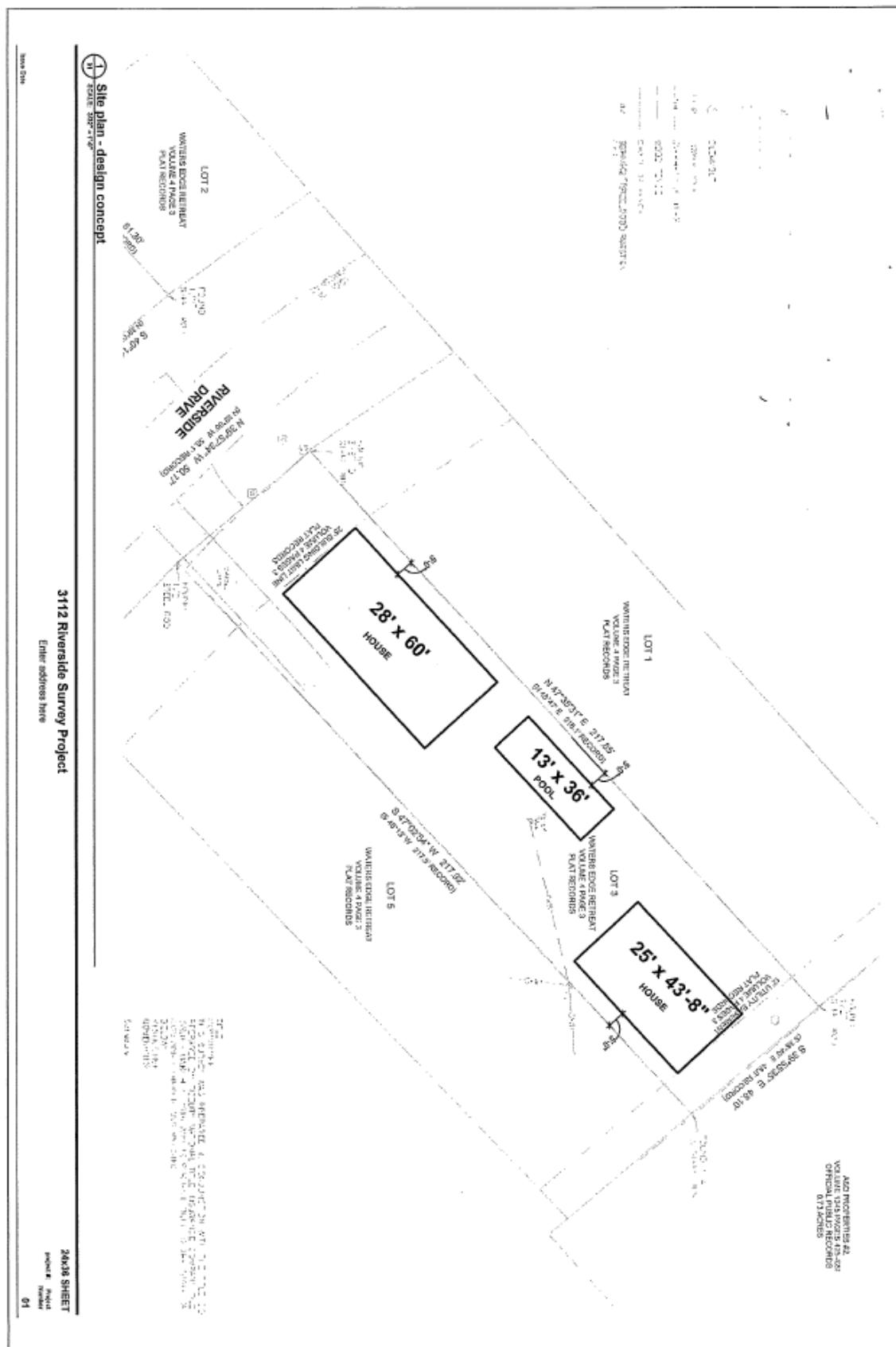
**Attachments:**

Site Plan

Proposed CUP Conditions

Guest Notification

## Site Plan



# Proposed CUP Conditions

## Accessory Dwelling Unit

- A. Site Plan:** The development and use of the Property shall conform to the site plan.
- B. Maximum Building Height:** Thirty five (35) feet for detached structure containing accessory dwelling unit.
- C. Maximum Area of Accessory Dwelling Unit:** One half of the total floor area of the main dwelling unit; floor area of the house excludes the area of any attached garage. Maximum fifty (50%) percent of the rear yard area, bounded by the side property lines, the rear wall of the main building, and the rear property line.
- D. Minimum Parking:** Without Short Term Rental CUP: Two (2) parking spaces per dwelling unit (four (4) spaces total for the main dwelling and an accessory dwelling unit). With Short Term Rental CUP: One space per bedroom, plus parking required for the manager, if living off-site.

## Short Term Rental

- A. Site Plan:** The development and use of the Property shall conform to the site plan.
- 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. Notification shown on following page.
- 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. Minimum Parking:** One space per bedroom, plus parking required for the manager, if living off-site. Example: If six (6) bedrooms are being rented and there is no onsite manager, that would require a total of seven (7) off street parking spaces.
- E. Maximum Number of Bedrooms:** No more than six 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 bedrooms of the short-term rental units.
- 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.



# 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 have any questions regarding this notification, please contact the short term rental management.

Thank you!

*This Guest Notification shall 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!*

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# Agenda Bill

## Case No. 2020-049

To: Planning & Zoning Commission  
Date: 10/1/2020  
Agenda Item: 3B, CUP for a Short Term Rental  
Action: Recommend Approval with Conditions  
Representative: Patrick Wilt

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### **Proposal**

Public hearing, consideration, and action to recommend a resolution to allow a Conditional Use Permit for Short Term Rental Unit on the northeast half of Lot 1 Block 7 Lowry Subdivision; and more commonly known as 201 Starkey Street.

### **Procedural Requirements**

23 letters were mailed on 9/17/2020 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 9/10/2020. 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  
Existing Land Use: Single Family Residence

##### **Direction: North, South, West, East**

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

#### **Consistency with the Kerrville 2050 Comprehensive Plan:**

The subject property and surrounding area are designated Transitional Residential (TR), Community Commercial (CC), Park and Open Space (PO), and Downtown (D) in the Kerrville 2050 Comprehensive Plan. Transitional Residential allows for small lot single family homes, single family detached homes, patio homes, townhomes, duplexes, condominiums and apartments. Community Commercial, primarily north of this location and closer to W Main St and Junction Hwy, allows for retail and commercial uses. Park and Open Space for this location are near Lowry Park, the Riverside Nature Center and other Guadalupe River amenities. This location is also in walking distance to the Downtown District, where allowable uses include retail, commercial, condominiums, apartments, offices, hotels, entertainment centers, service and office uses. Since the underlying zoning is not changing for the subject property, 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. This rental has two (2) bedrooms and no onsite manager so three (3) off street parking spaces are required. The applicant has identified three (3) available off street parking spaces on the attached Site Plan. Parking requirements can be met.

**Case Summary:**

The applicant is proposing to use an existing home as a Short Term Rental.

The subject property is located within an R-1A zoning district. As such, a Short Term Rental requires a 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.

Required legal and public notices have been sent. Proposed CUP conditions have been drafted for consideration to address staff comments and any comments submitted by adjacent property owners and other interested citizens.

The applicant has identified the following amenities as in close proximity to the proposed Short Term Rental: Lowry Park Trailhead (River Trail); Riverside Nature Center; Grape Juice Restaurant; Guadalupe River; Arcadia Theater; Historic Downtown Kerrville; Kerrville Farmer's Market; Kerrville Urban Trail System; Pint & Plow Brewery; Louis Hays Park; Kerr Arts & Culture Center; Cailloux Theater; and the H.E. Butt Public Library.

**Recommendation:**

Because the Conditional Use Permit request is consistent with the Kerrville 2050 Comprehensive Plan, will meet all zoning regulations, and there are numerous amenities in close proximity to this proposed Short Term Rental location, staff recommends approval with consideration and inclusion of the attached Proposed CUP Conditions.

**Attachments:**

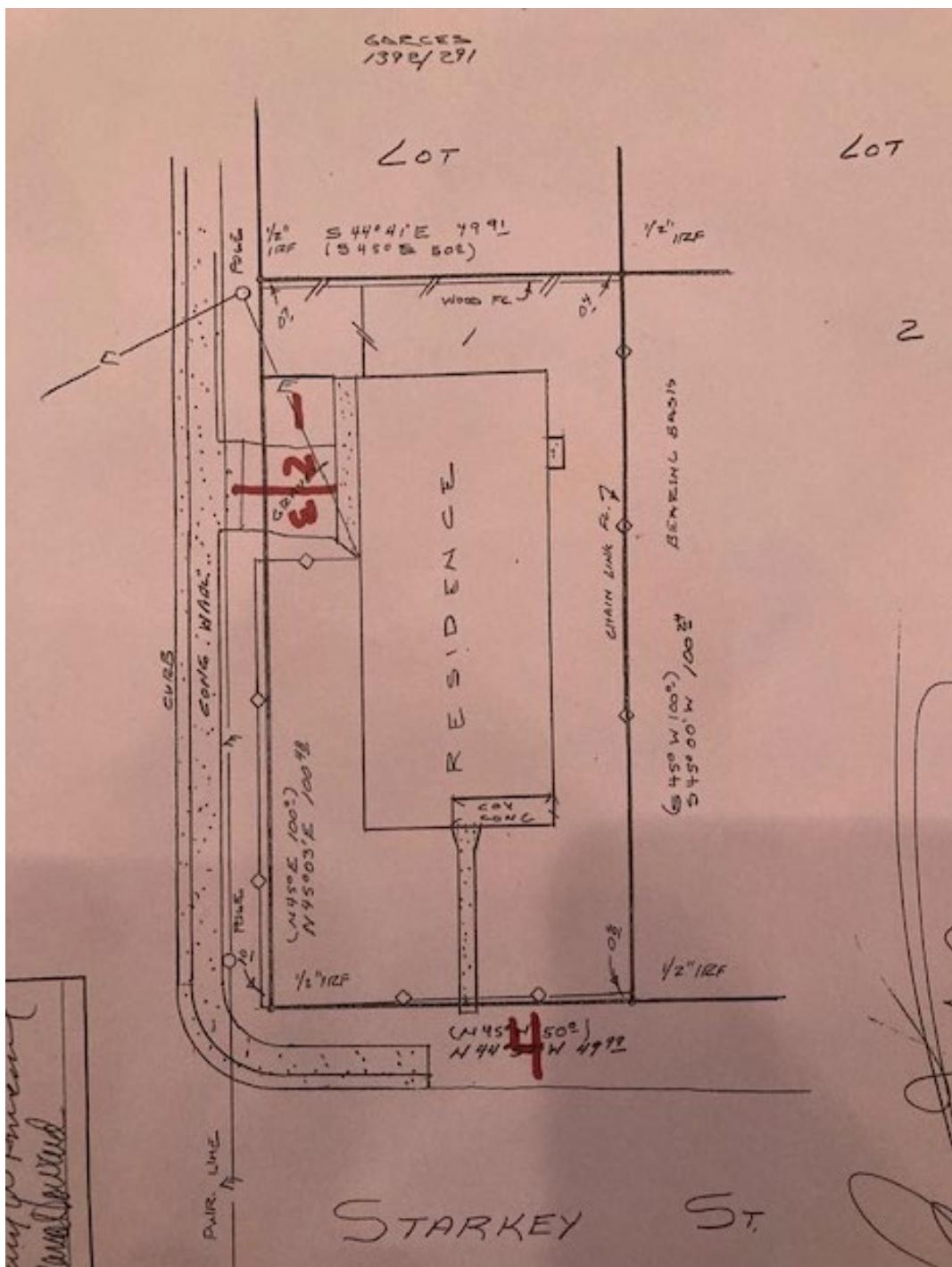
Site Plan

Proposed CUP Conditions

Guest Notification

# Site Plan

**Note:** Existing off street parking is identified in RED as spaces 1, 2 and 3. Applicant has also proposed space 4 as overflow parking. Since this space is not required and located within the public Right-of Way, this forth space does not need to be counted toward Short Term Rental requirements.



# Proposed CUP Conditions

## Short Term Rental

- A. Site Plan:** The development and use of the Property shall conform to the site plan.
- 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. Notification shown on following page.
- 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. Minimum Parking:** One space per bedroom, plus parking required for the manager, if living off-site.
- E. Maximum Number of Bedrooms:** No more than six 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 bedrooms of the short-term rental units.
- 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.



# 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 have any questions regarding this notification, please contact the short term rental management.

Thank you!

*This Guest Notification shall 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!*

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# Agenda Bill

## Case No. 2020-051

To: Planning & Zoning Commission  
Date: 10/1/2020  
Agenda Item: 3C, Zoning Change Request (R-2 to Majority RE, Partial R-2)  
Suggested Action: Recommend Approval  
Representative: Wellborn Engineering, Jared Martin

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### **Proposal**

Public hearing, consideration, and action to recommend an ordinance to change the zoning from R-2 Medium Density Residential District to RE Residential Estates District and R-2 Medium Density District on approximately 225.69 acres a portion out of Nathaniel Hoyt Survey No. 147, Abstract No. 178 a portion out of John A Southmayd Survey No. 148, Abstract No. 288; and generally located east of Medina Highway and south of Riverhill Boulevard.

### **Procedural Requirements**

56 letters were mailed on 9/17/2020 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 9/10/2020. 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-2 Medium Density Residential  
Existing Land Uses: Vacant Land

##### **Direction: North**

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

##### **Direction: South**

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

##### **Direction: West**

Current Zoning: County/ETJ  
Existing Land Uses: Large Lot Single Family Detached Homes

##### **Direction: East**

Current Zoning: PI Public and Institutional  
Existing Land Uses: Kerrville-Schreiner Park

**Consistency with the Kerrville 2050 Comprehensive Plan:**

The subject property is currently zoned R-2 Medium Density Residential which is most consistent with Transitional Residential (TR) within the Kerrville 2050 Comprehensive Plan. Transitional Residential allows for small lot homes, single family detached homes, patio homes, townhomes, duplexes, condominiums and apartments. Directly north of the subject property are K2050 zoning designations for Preservation Residential (PR), designating the primary land use as single family detached homes, patio homes, townhomes, and other single-family attached dwellings, along with Neighborhood Residential (NR), allowing primarily single-family detached homes. Land directly west of the subject property is designated as Estate Residential (ER), consisting primarily of large lot single family housing, and to the south, land designated for Agriculture & Outdoor Tourism (AOT), with primary uses of agriculture, outdoor tourism such as camping, hunting, and other nature based recreational activities, as well as single family detached homes. The request for RE Residential Estate zoning on a majority of the property and to retain R-2 zoning on a portion of the property furthest away from existing and future single family residential homes is consistent with the Kerrville 2050 Plan.

**Thoroughfare Plan:**

The subject property is located adjacent to Medina Hwy (Hwy 16), a primary arterial.

**Traffic Impact:**

No traffic impact is anticipated. Safe property ingress and egress will be designed and incorporated into the project as development plans are designed and approved.

**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.

**Case Summary:**

Current property zoning is R-2 medium density residential. In general, R-2 allows for single-family detached homes, patio homes, townhomes, duplexes, certain public and institutional uses, and activities allowed subject to the approval of a Conditional Use Permit. The applicant is requesting to rezone a majority of the property to RE Residential Estate, where the minimum lot size is one acre, thus significantly reducing the density of any future housing developments. The portion of the site requested to remain R-2 Medium Density residential is proposed for the south end of the property, where it would be located furthest away from existing single family detached homes.

**Recommendation:**

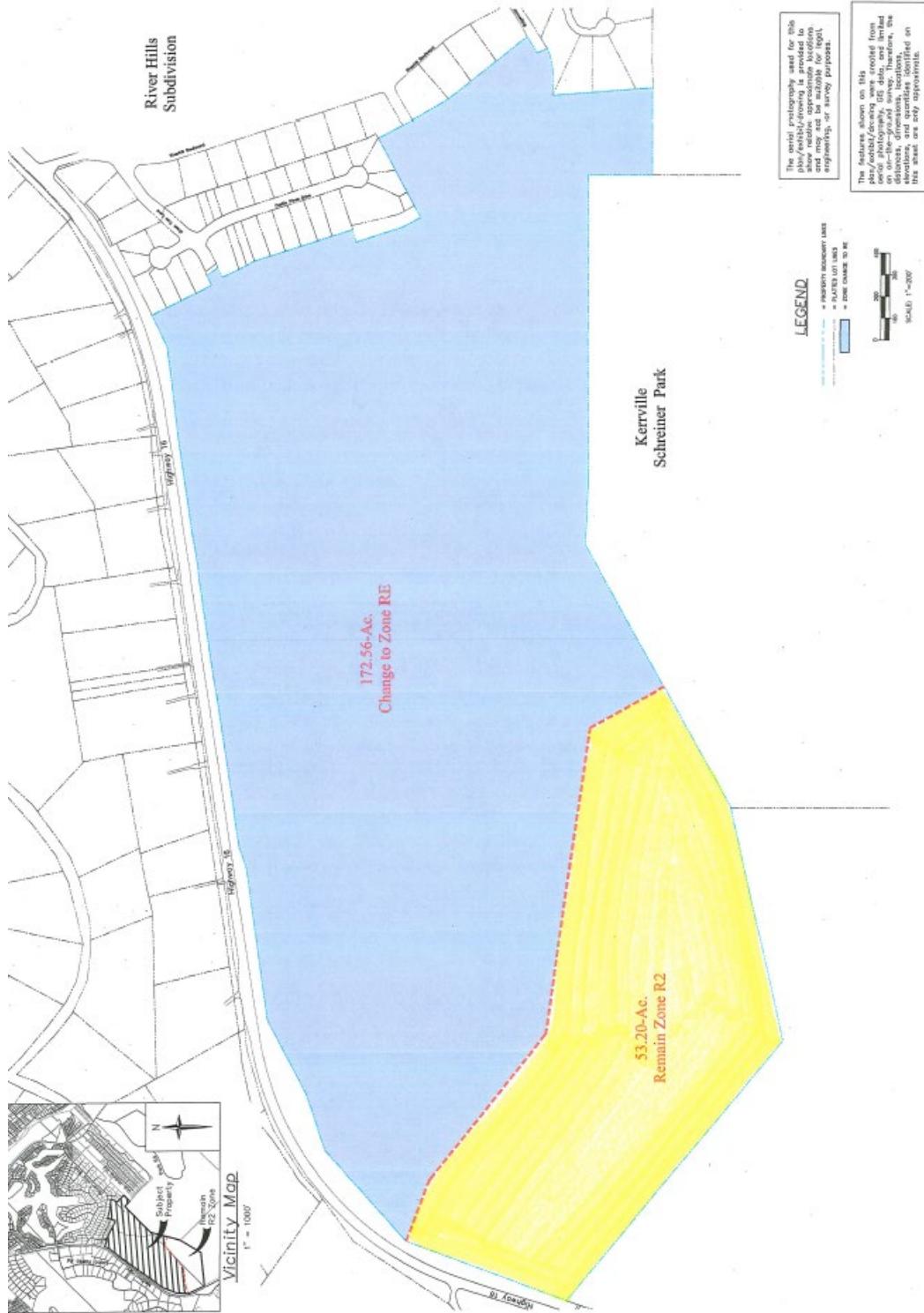
Because applicant is proposing to reduce overall housing density and the request is consistent with current zoning and future K2050 zoning, it seems reasonable to grant this zoning change request. Based on these circumstances and the consistency with the Kerrville 2050 Plan, staff recommends the zoning change request.

**Attachments:**

Proposed Land Use Designation Map

# Proposed Land Use Designation Map

**Note:** Blue area designates proposed Residential Estate zoning. Yellow area designates the current R-2 zoning to remain R-2.



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# Agenda Bill

## Case No. 2020-052

To: Planning & Zoning Commission  
Date: 10/1/2020  
Agenda Item: 3D, Zoning Change Request (PDD 2004-19 to C-2)  
Suggested Action: Recommend Approval  
Representative: Robert Frazier

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### **Proposal**

Public hearing, consideration, and action to recommend an ordinance to change the zoning from PDD Planned Development District to C-2 Light Commercial District on Lot 3-AR Block 1 Overstreet Park Subdivision; and generally located 1421 Junction Hwy.

### **Procedural Requirements**

11 letters were mailed on 9/17/2020 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 9/10/2020. 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: PDD 2004-19

Existing Land Uses: Former Fuddruckers Restaurant

##### **Direction: North**

Current Zoning: C-2 Light Commercial, C-3 General Commercial, R-2 Medium Density Residential

Existing Land Uses: Retail, Used Cars, Office, Medium Density Housing

##### **Direction: South**

Current Zoning: N/A

Existing Land Uses: Nimitz Lake

##### **Direction: West**

Current Zoning: C-2 Light Commercial

Existing Land Uses: Restaurant, Car Wash, Oil Change, Laundromat

##### **Direction: East**

Current Zoning: PDD 2004-19, C-2 Light Commercial

Existing Land Uses: Retail, Starbucks, Fast Food

**Consistency with the Kerrville 2050 Comprehensive Plan:**

The subject property is located within Strategic Catalyst Area 3 (SCA 3) of the Kerrville 2050 Comprehensive Plan. The focus of SCA 3 is on mixed use, riverfront developments. Applicant is proposing a restaurant and brewery that will utilize the existing building with restaurant service overlooking Nimitz Lake from an existing deck. The brewery is not allowed under the current Planned Development District (PD 2004-19), however, the K2050 comprehensive plan encourages this type of development along the riverfront. The intended use, and thus the zoning change, is consistent with the Kerrville 2050 Comprehensive Plan.

**Thoroughfare Plan:**

The subject property is located adjacent to Junction Hwy (Hwy 27), a primary arterial.

**Traffic Impact:**

No traffic impact is anticipated. Safe property ingress and egress already exist at this location.

**Parking:**

All parking requirements of the zoning code shall be met. As having been a previous restaurant, adequate parking already exists.

**Case Summary:**

Applicant has purchased the former Fuddruckers building and parking lot and is planning a restaurant and brewery. The current Planned Development District does not allow for the brewery use, so the applicant has requested a zoning change from PD 2004-19 to C-2 Light Commercial, where a microbrewery is permitted.

Surrounding current uses along Junction Hwy (Hwy 27) are primarily C-2 Light Commercial and C-3 General Commercial. This zoning change request would be consistent with current zoning. Additionally, the K2050 Strategic Catalyst Area 3 guidelines encourage this type of development along the riverfront.

Having already been used as a restaurant in the past, there is adequate parking and safe ingress and egress to and from Junction Hwy (Hwy 27) are also already in place.

**Recommendation:**

Because the requested zoning change is consistent with current zoning and future K2050 Strategic Catalyst Area 3 recommendations, it seems reasonable to grant this zoning change request. Based on these circumstances and the consistency with the Kerrville 2050 Plan, staff recommends the zoning change request.

**Attachments:**

Location and Current Zoning Map

# Location and Current Zoning Map

