



**CITY OF KERRVILLE PLANNING & ZONING COMMISSION AGENDA**  
**REGULAR MEETING, Thursday, December 3, 2020 at 4:30 P.M.**  
**CITY HALL COUNCIL CHAMBERS**  
**701 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 observe standard safety protocol for those attending and participating in person. 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. When entering City Hall, 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 Council Chambers. Any persons with a temperature of 100.2 or above will not be allowed entry. Masks are required at all times. The public microphone will be sanitized between each public speaker. Six-foot distance seating will be observed, and open seating will be designated. Once Council Chambers are fully seated, overflow seating will be assigned.

For those wishing to participate in a virtual forum, citizens may provide public comment through Zoom. The Zoom telephone toll free number is: **1-877-853-5247**. If you cannot connect through the toll free number, try one of these alternate numbers: **888-788-0099** or **253-215-8782**. The Meeting ID is **936 8419 8268 #**. 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)).

## **CALL TO ORDER**

### **1. MINUTES**

**1A.** Approval of the minutes from November 5, 2020

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

**2A.** No cases this meeting for Consideration & Final Action

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

**3A.** A resolution to allow a Conditional Use Permit for a Tattoo Shop on Schreiner Subdivision, Block 33, Lot 5, City of Kerrville, Texas; and more commonly known as 215 Water Street. (Case No. 2020-065)

**3B.** An ordinance for annexation and zoning change to R-2 Medium Density Residential on approximately 33.81 acres situated in the Samuel Wallace Survey No. 113, Abstract No. 347, Kerr County, Texas; and more commonly located in the 3200 Block of Loop 534. (Case 2020-070)

**3C.** A resolution to allow a Conditional Use Permit for Short Term Rental Unit on Hillcrest Subdivision, Block 3, Lot 1 and 2, City of Kerrville, Texas; and more commonly known as 900 Tivy Street. (Case No. 2020-071)

**3D.** A resolution for a Conditional Use Permit Amendment (Resolution 03-2019) for a modification to the approved Site Plan on all of Lot 1, Block 1 of the HEB Kerrville #1 Subdivision within the City of Kerrville, Kerr County, Texas; and more commonly known as 212 and 300 Main Street. (Case No. 2020-072)

### **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**

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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: 11/25/2020 at 10:30 a.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

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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 **936 8419 8268 #**

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 item 1A, place your call before 4:15 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 are 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: 12/3/2020  
Agenda Item: 1A, Minutes of November 5, 2020 Commission Meeting  
Action: Approve or Approve with Specific Changes  
Representative: Staff

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

November 5, 2020

**Members Present:**

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

**City Staff Present:**

Guillermo Garcia, Executive Director for Strategic Initiatives  
Drew Paxton, Director of Planning  
Steve Melander, Planner I  
Trina Sanchez, Asst. Director of Building Services  
Donna Bowyer, Code Enforcement Officer  
Kesha Franchina, Deputy City Secretary  
Dorothy Miller, Recording Secretary

**CALL TO ORDER:**

On November 5, 2020, Cmr. Harmon called the Kerrville Planning and Zoning Commission regular meeting to order at 4:31 p.m. in the City Hall Council Chambers, 701 Main Street, Kerrville, Texas.

**1. MINUTES:**

1A. Approval of minutes for the October 1, 2020 meeting.

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

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

**2A.** A final plat of the Quail Meadow subdivision being a certain tract or parcel comprising of 1.23 acres of land out of the Samuel Wallace Survey No. 113, Abstract No. 347 in the City of Kerrville, Kerr County, Texas, generally located west of Meeker Road and east end of Burleson Boulevard, more commonly known as 306 Meeker Road. (Case No. 2020-055)

Mr. Paxton presented the finding of facts.

Cmr. Jones moved to approve a final plat of the Quail Meadow subdivision. Motion was seconded by Cmr. Patterson and passed 6-0.

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

**3A.** A resolution to allow a Conditional Use Permit for Short Term Rental Unit on approximately 0.97 acre out of Samuel Wallace Survey No. 112, Abstract No. 360, City of Kerrville, Texas, and more commonly known as 3030 Riverside Drive. (Case No. 2020-056)

Mr. Paxton presented the finding of facts.

Cmr. Harmon opened the public hearing at 4:38 p.m.

Mr. Paxton read two letters into record, both in favor.

Hearing no one else speak, Cmr. Harmon closed the public hearing at 4:41 p.m.

Cmr. Zuber moved to recommend approval as presented for a resolution to allow a Conditional Use Permit for a Short-term Rental Unit. Motion was seconded by Cmr. Jones and passed 6-0.

**3B.** An ordinance for annexation and zoning change to IM Industrial and Manufacturing on 5.0 acres out of the O.V. Robinson Survey No. 44, Abstract No. 282, Kerr County, Texas, and more commonly known as 5275 Highway 27; and for a zoning change from PDD 16-05 to IM Industrial and Manufacturing on approximately 3.2 acres of Kerrville Airport Commerce Park Phase 1, Block 1, Lot 1, City of Kerrville, Texas, and more commonly known as 100 Airport Commerce Parkway. (Case No. 2020-057)

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. Tuttle moved to recommend approval of an ordinance for annexation and zoning change to IM Industrial and Manufacturing. Motion was seconded by Cmr. Zuber and passed 6-0.

**3C.** An ordinance for a zoning change for a Planned Development District Amendment (PDD 03-16) to include Permanent Cosmetic Shop on Lots 15 and 16, Block 16, Westland Place Subdivision, City of Kerrville, Texas, and more commonly known as 401 W. Water Street. (Case No. 2020-058)

Mr. Paxton presented the finding of facts.

Ms. Bridgett, applicant, introduced herself and was available to answer questions.

Cmr. Harmon opened the public hearing at 4:58 p.m. Hearing no one speak, Cmr. Harmon closed the public hearing at 4:59 p.m.

Cmr. Lipscomb moved to recommend approval of an ordinance for a zoning change for a Planned Development District Amendment (PDD 03-16) to include Permanent Cosmetic Shop. Motion was seconded by Cmr. Zuber and passed 6-0.

**4. STAFF REPORT:**

Mr. Paxton stated staff is working on the rewrite for the subdivision code.

There will be three or four cases presented at the next meeting on December 3, 2020.

**5. EXECUTIVE SESSION**

No executive session was taken.

**6. ADJOURNMENT**

The meeting was adjourned at 5:01 p.m.

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

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

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# Agenda Bill

## Case No. 2020-065

To: Planning & Zoning Commission  
Date: 12/3/2020  
Agenda Item: 3A, CUP for Tattoo Shop  
Action: Recommend Approval  
Representative: Danielle Lang, Sweet Dee and Company

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### **Proposal**

Public hearing, consideration and action to recommend a resolution to allow a Conditional Use Permit for a Tattoo Shop on Schreiner Subdivision, Block 33, Lot 5, City of Kerrville, Texas; and more commonly known as 215 Water Street.

### **Procedural Requirements**

12 letters were mailed on 11/19/2020 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 11/12/2020. 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: DAC Downtown Arts and Culture  
Existing Land Use: Vacant Building

Direction: **North**  
Current Zoning: C-3 General Commercial  
Existing Land Uses: Auto Dealership

Direction: **South, West, East**  
Current Zoning: DAC Downtown Arts and Culture  
Existing Land Uses: Various businesses and vacant land

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

The subject property is identified as D Downtown, which allows retail, commercial, condominiums, apartments, offices, hotels, entertainment centers, service and office uses. Because the applicant is not requesting a zoning change and current zoning is consistent with K2050 future land use, the request is consistent with the Kerrville 2050 Comprehensive Plan.

#### **Thoroughfare Plan:**

The subject property is located on a collector street, consistent with the proposed use.

**Traffic Impact:**

No traffic impact is anticipated.

**Parking:**

All off street parking requirements will be met per zoning code.

**Case Summary:**

The applicant is requesting a Conditional Use Permit for a Tattoo Shop that is intended to be part of an overall art studio concept that will also provide art classes and art displays. In order to obtain State certification for the Tattoo Shop portion of the business, the Conditional Use Permit is required in order to meet zoning code.

Required legal and public notices have been sent. No comments, to date, have been received.

**Recommendation:**

Because the request is consistent with the Kerrville 2050 Comprehensive Plan and no change in zoning is being requested, staff recommends approval of the Conditional Use Permit, with the attached conditions.

**Attachments:**

Location Map

Proposed Conditions

# Location Map



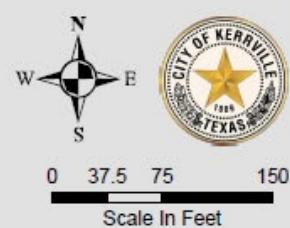
## Location Map

Case # 2020-065

Location:  
215 Water St S

### Legend

200' Notification Area  
Subject Properties



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.

## **Proposed Conditions**

The following conditions are being proposed by staff for the Conditional Use Permit:

1. Must be licensed with the Texas Department of Health Services.
2. Must schedule site inspections with the Drugs and Medical Devices Group as required by the Texas Department of State Health Services.

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# Agenda Bill

## Case No. 2020-070

To: Planning & Zoning Commission  
Date: 12/3/2020  
Agenda Item: 3B, Annexation & Zoning  
Action: Recommend Approval  
Representative: City of Kerrville

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### Proposal

Public hearing consideration and action for an ordinance for annexation and zoning change to R-2 Medium Density Residential on approximately 33.81 acres situated in the Samuel Wallace Survey No. 113, Abstract No. 347, Kerr County, Texas; and more commonly located in the 3200 Block of Loop 534.

### Procedural Requirements

7 letters were mailed 11/19/2020 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 11/12/2020. At the time of drafting this Agenda Bill, no written comments had been received.

### Staff Analysis and Recommendation

The City of Kerrville owns approximately 33 acres of land along Olympic Drive and Loop 534 that backs up to Singing Wind Park. This property has been targeted for housing and is currently under an agreement with a developer to develop a single family workforce housing subdivision. Through this development agreement, the City is requesting annexation and zoning of R-2, Medium Density Residential.

**Consistency with the Kerrville 2050 Comprehensive Plan:** The property and surrounding area are designated as Strategic Catalyst Area (SCA) #8. This property is specifically one of the catalyst properties identified in the SCA for development.

Strategic Catalyst Area 8 calls for Community Commercial place types as most appropriate along the highway corridor. Transitional Residential, Preservation Residential, Neighborhood Residential, and Estate Residential place types are more appropriate as topography becomes hillier and more challenging.

Medium density residential, R-2, is consistent with the Neighborhood Residential place type. The annexation and zoning request for R-2 are both consistent with the Kerrville 2050 Comprehensive Land Use Plan.

**Adjacent Zoning and Land Uses:****Subject Property**

Current Zoning: N/A

Existing Land Uses: Vacant

**Direction: North**

Current Zoning: Public and Institutional

Existing Land Uses: Hal Peterson Middle School (KISD)

**Direction: South**

Current Zoning: Public and Institutional and C-3

Existing Land Uses: Singing Wind Park and Motorcycle, All Terrain Vehicle, Personal Watercraft Dealership

**Direction: East**

Current Zoning: Public and Institutional

Existing Land Uses: Tivy High School (KISD)

**Direction: West**

Current Zoning: Public and Institutional and R-1

Existing Land Uses: Singing Wind Park and Single Family Neighborhood

**Thoroughfare Plan:**

The property is located at the intersection of Olympic Drive (collector) and Loop 534 (principle arterial).

**Traffic Impact:** To be determined.

**Parking:** To be determined.

**Recommendation:**

Based on the consistency with the Kerrville 2050 Comprehensive Plan, staff recommends approval of the annexation and zoning request.

**Attachments:**

Location Map

# Location Map



## Location Map

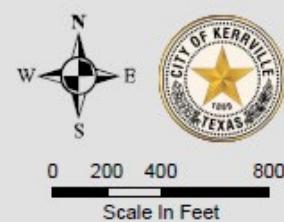
Case # 2020-070

Location:

Kerr CAD #66218, #66219

### Legend

200' Notification Area  
Subject Properties



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.

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# **Agenda Bill**

## **Case No. 2020-071**

To: Planning & Zoning Commission  
Date: 12/3/2020  
Agenda Item: 3C, CUP for a Short Term Rental  
Action: Recommend Approval with Conditions  
Representative: Jennifer Wise, Vacation Rental Manager

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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 Hillcrest Subdivision, Block 3, Lot 1 and 2, City of Kerrville, Texas; and more commonly known as 900 Tivy Street.

### **Procedural Requirements**

26 letters were mailed on 11/19/2020 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 11/12/2020. At the time of drafting this Agenda Bill, no comments had been received from the mailings or published notice.

### **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 is designated Neighborhood Residential (NR) as are the properties to the north, south and east. The primary land use for Neighborhood Residential is single-family detached homes. Properties to the west are designated Transitional Residential (TR). Transitional Residential allows for small lot single family homes, single family detached homes, patio homes, townhomes, duplexes, condominiums and apartments. Because 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 collector 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 four (4) bedrooms and no onsite manager so five (5) off street parking spaces are required. The applicant has identified five (5) available off street parking spaces on the attached Site Plan. Parking requirements will 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 driving proximity (less than two miles) to the proposed Short Term Rental: Golden Antler Boutique; Arcadia Theater; Grape Juice Restaurant; Kerr Arts & Culture Center; Cailloux Theater; Scott Schreiner Municipal Golf Course; Francisco's Restaurant; Nobili Tea; Basement Brewers of Texas; Rails Café; Pint & Plow Brewing Co.; Kerrville Farmer's Market; Louise Hays Park; Broken Stone Pizza; Downtown Parking Garage.

**Recommendation:**

The subject property had been vacant for close to a year prior to purchase by the current owner. Current owner has renovated and continues to renovate the property. Although no written comments have been received in regard to the legal notice or mailed letters, several surrounding property owners have called to say that the renovations have improved the neighborhood and that they are in support of the CUP.

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

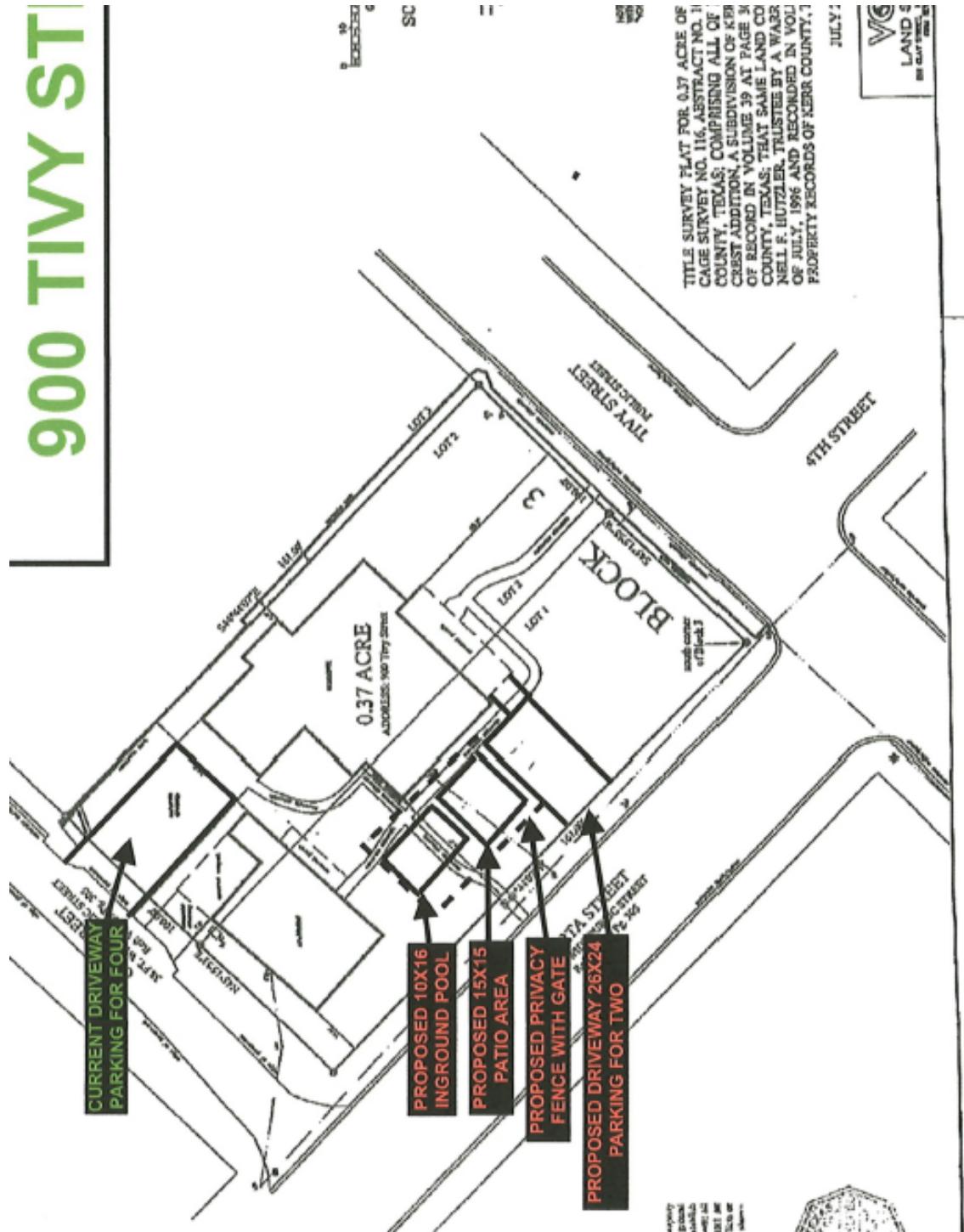
Proposed CUP Conditions

Guest Notification

Additional Applicant Information

# Site Plan

**Note:** The property requires five (5) off-street parking spaces and will provide six (6) off-street parking spaces.



# Proposed CUP Conditions

## Short Term Rental

- 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. Notification shown on following page.
- 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 its short term rental unit (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 not exceed six square feet in size and three feet in height. Any such sign shall comply with the City’s Sign Code.
- D. Minimum Off-Street Parking:** One space per bedroom, plus parking required for the manager, if living off-site.
- E. 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!*

## **Additional Applicant Information**

1. Letter from Applicant to Planning & Zoning Commission dated 10/29/20
2. Letter provided by Applicant in favor of CUP requested dated 10/28/20
3. Exterior property photos
4. Interior property photos
5. Nearby amenities map and list

**CONDITIONAL USE PERMIT APPLICATION**

**900 TIVY STREET | KERRVILLE, TX**

**4 BED | 3 BATH | 2,137SF**

**10/29/20**

**CITY OF KERRVILLE  
PLANNING AND ZONING COMMISSION  
200 SIDNEY BAKER ST  
KERRVILLE, TX 78028**

**RE: 900 TIVY STREET**

**Dear Director Paxton and the Honorable Commissioners of the Planning and Zoning Commission,**

Thank you in advance for your consideration of the conditional use permit application on 900 Tivy Street in Kerrville. My name is Jennifer Wise, and I'm the owner/operator of Southern Charm Vacation Rentals LLC. I am submitting this application along with a letter at the request of the homeowner, Mr. Ian Brandl. He purchased this home in late summer 2020 and wishes to use the property as a luxury short term rental. I'm also a licensed Realtor® with Century 21 the Hills Realty in Kerrville and it was my pleasure to represent Mr. Brandl during the transaction. The property's central location and close proximity to downtown amenities were the biggest attraction for him in choosing this particular home. The extensive renovations performed on the main home by previous owner, Les Sherman, were done very well and would be a major contributing factor to the success of the property as a short term rental. Should this approval for conditional use be granted, Mr. Brandl plans to immediately invest in additional updates - specifically, a custom inground pool, outdoor open patio area with surrounding privacy fencing and adjacent concrete driveway with sidewalk to access existing covered front porch (see site plan included). He will also have the interior professionally staged & furnished. I've spoken to both Steve Riggs and Steve Melander about the preliminary requirements for the outdoor improvement project and look forward to working with the P&Z department during the permitting and construction phase, should the conditional use be granted.

I've been managing luxury vacation rentals in Kerrville since 2015. Upon acquiring our first account (2845 Medina Hwy "Luna Vista") in 2015, I had the privilege to sit down and discuss developing a portfolio of local properties with our City Manager at the time, Todd Parton. I requested this meeting to get his opinion on whether residential properties being offered to both tourists and locals alike, as short term rentals would serve a community need. He informed me that, on any given weekend, the 1,000+ hotel rooms at the time were

usually booked solid. He viewed this as an indication there was a need for additional accommodations, and was excited to see someone interested in addressing that need. I asked him if he felt that offering a comfortable, "home-like" alternative to traditional hotel rooms would do well and he said "absolutely".

Since then, I've had the opportunity to work with some amazing investors in managing short term rentals (inside the city limits, within the ETJ and up to 15 minutes from downtown Kerrville). Since our very first STR, we have complied with local and state regulations to collect, report and pay lodging taxes to each entity. Over the years, we have collected and paid tens of thousands of dollars in lodging taxes to the city of Kerrville. We believe that their reinvestment of these funds back into the tourism element of the community benefits all citizens, especially the business owners in our beautiful historic downtown. On many occasions, even locals have rented our properties to house visiting family and friends, as their personal home may not have enough space to accommodate the group.

All of our investor's properties have enjoyed steady year-round bookings. We also offer and have provided professional staging for these properties. The properties range in size from 2 bed, 1 bath cottages to large 5 bed, 4 bath estates. We contract with local companies to provide the professional cleaning, pool and spa care and the maintenance required to keep these homes in excellent operating condition. We view our team as a family and love supporting local small businesses in the process! Our guests are given white glove treatment from their initial inquiry to their departure, including a 24hrs/day, 7 day/week call service for questions, troubleshooting and maintenance requests. We personally handle all guest calls in order to provide immediate response times and offer first-hand knowledge of the properties when they have questions about features. We have worked tirelessly to maintain a 5 star review history for each property and contribute that to the collective efforts of our team and contractors. Very important to us is also the preservation of the property's condition as well as maintaining good relationships with the neighboring homeowners. We contact the surrounding neighbors (if any) to reassure them of the commitment we have to respect their privacy and feelings. Our guests are given thorough instructions on expected behavior during their stay with a lengthy list of house rules. They agree to these rules and sign a 5 page agreement prior to arrival. Quiet hours of 10pm to 8am are given to all properties, regardless of location. We have never received a call from a neighbor, regarding a disruptive group, and we hope to keep it that way.

We've been thankful to host the most amazing families and groups over the past 6 years and enjoy watching them return. We believe that one common element all our properties share, and that keeps guests coming back year over year, is that they offer a sense of being "home". This helps guests feel like they truly belong, both in the neighborhoods which they're located in and the community itself. Only one of our Kerrville properties is located within such close proximity to amenities as 900 Tivy Street is, yet guests love them all! Why? Because the majority of our guests (over 80% of them) come from major metropolitan areas like

Houston, DFW, California etc. These guests often commute to work and can drive an hour or more just to get there. Considering that, it's no wonder guests have left reviews that even our properties furthest from downtown are "so close" and "such a short drive" to all the fun attractions and amenities that brought them to visit the area in the first place. They want to escape the hustle and bustle of chaotic city life. Our guests not only enjoy the local amenities here, such as the downtown area, city parks and trails, but also driving to neighboring towns - Fredericksburg, Bandera and Boerne.

A large percentage of our guests are families and friends that travel in groups of 8 or more. To these booking parties, finding a home that can accommodate them comfortably is difficult. All but one of our properties offers 4 bedrooms or more. We anticipate that 900 Tivy Street will offer these groups a beautiful in-town option with plenty of space for everyone! We receive several calls a year from homeowners or investors to discuss managing their properties. Rarely do these properties have the magic formula we feel is needed to make a successful STR - but 900 Tivy Street has it in SPADES! As a licensed Realtor® and through the experience of hosting hundreds of guests, I've seen that a common reason folks stay in a short term rental is to "try out the town" to see if they'd want to purchase a home and move here. Staying in a property located in a residential neighborhood and even somewhat distant from "tourist amenities" can give them the insider look needed to help make that decision. For your consideration, please see the letter included in this packet from Mrs. Denise Prince. Her and her husband were return out-of-state guests at our properties and purchased a home here earlier this year, based on the experience they had.

Over the last few years, we've been excited to see a rise in short term rentals being offered in the area. Our belief is that "rising tides raise all ships" and that this will have a positive effect on all short term rental properties. As the community continues to grow, developing more local amenities for residents and tourists to enjoy, the short term rental properties available will offer a cozy place for them to rest their head! I've shared the history of our company, the success stories of our investors, and the experience of just one of our guests with you in hopes that the commission will approve the conditional use permit for 900 Tivy Street. We feel it would make the perfect luxury vacation rental, add charm to the neighborhood and be a small but potentially valuable contribution to our town's already growing tourism industry!

Thank you for your consideration,

Jennifer Wise | Mobile 830.377.0481  
Southern Charm Vacation Rentals LLC  
PO BOX 295427 | Kerrville TX 78029

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10/28/20

City of Kerrville  
Planning and Zoning Commission  
200 Sidney Baker Street North  
Kerrville, TX 78028

RE: 900 Tivy St., Kerrville, TX 78028

Dear Director Paxton and the Honorable Commissioners of the Planning and Zoning Commission,

My husband and I are writing this letter to you with regards to the application for a conditional use permit for the above referenced property. Jennifer Wise explained that your commission is reviewing the application and asked that we share our experiences with renting short-term rentals in the Kerrville area.

Because my husband and I have spent quite a bit of time in Texas related to our employment and some family on my side, we both wanted to move to Texas for an environment less stressful than southern California. We happened upon Kerrville in 2016 and were intrigued with the town.

A couple of years later we decided to return to Kerrville and rent a home so we could relax and unwind as well as see what it would be like to "live" in the area. We met Jennifer as she was the host for Luna Vista which is a short-term rental located just outside the city limits on Medina Highway. It was wonderful. The views were breathtaking. The ambiance warm, welcoming and relaxing. We stayed for almost two weeks including having my family from Minneapolis and Palm Springs join us for a few days to enjoy Thanksgiving together. The ability to unwind and spend some quiet time with my husband and then the family was such a blessing.

During that first trip, we did all the things that you would do if you were living in Kerrville. We had a mani/pedi at Hannah's (which, by the way was better than anything around our CA home). We visited the Main Street barber shop for haircuts for the guys. We shopped at both H.E.Bs in town and enjoyed being able to stay in and cook at home. We also tried many of the local restaurants. We even attended church services. In each of these activities we were warmly welcomed and given all kinds of advice about what it was like to live in Kerrville. But the highlight of that trip was bundling up and taking our folding chairs downtown to watch the Christmas parade. Friends from the Austin area came to see us and enjoy the parade. Afterward, we went back to Luna and enjoyed playing games and having hot chocolate.

After that first trip, we rented a short-term rental in Fredericksburg several blocks off Main Street. While we enjoyed Fredericksburg, it was not the town for us. The rental location, while close to the main part of the town, was not convenient to walk to the

amenities. But we had a wonderful time in this residential neighborhood, sitting in the rockers on the front porch and talking to the neighbors as they walked by. The owners of the home also came by to check on us as they lived very nearby. The ability to interact with the people in the neighborhood was wonderful.

Since the Fredericksburg trip we have rented short term rentals three other times in the Kerrville area. All have been outside the downtown/civic center area. We stayed in a home in the Scenic Hills area, a home out Harper Highway and then back to Luna Vista. We thoroughly enjoyed each of these short-term rentals. Jennifer was the host for Luna Vista and the Harper home. The service that she provided was phenomenal. The homes were lit up when we arrived, smelled wonderful and had music playing. The ability to settle into plush couches and chairs after driving (or flying) such a long distance was wonderful. Each location, while out of the city limits, did not stop my husband from making early morning runs to every Kolaches bakery in town until we found our favorite. The other short-term rental was owned by a couple who lived just up the road and were also available if needed. They too, had made the home welcoming and inviting by having the lights on and a basket of home baked goodies to get us through the first night. We have also stayed in some of the local hotels, which do not allow for the ability to cook and relax that are afforded by the short-term rental homes.

The outcome to all these visits to Kerrville is that we bought a home out Medina Highway just past Luna Vista. We have been fortunate to work with the wonderful people at Texas Hill Country Bank; the Carpenters, local general contractors, who are in the process of remodeling our soon to be home and many other people from the area. We now attend our church services online with our Kerrville church family. Our goal is to move full time to Kerrville after the first of the year. All of this because we had such fantastic experiences with each trip we made starting with Luna Vista where we could rest, relax and unwind away from the downtown area, but within a short drive to all the amenities Kerrville has to offer.

We would encourage the commission to allow the conditional use permit for this property in the residential neighborhood located somewhat outside the downtown area with its amenities. Staying in homes outside the downtown area enabled us to be very sure that Kerrville is the place we will be calling home.

Thank you for considering this letter. Please feel free to contact us if you have any questions.

Sincerely,



Denise Prince  
Cell# (714) 585-3807  
(Our current location)  
4545 Pepperwood Ave.  
Long Beach, CA 90808



Andrew Prince  
Cell# (562) 212-6591  
(Our soon to be location)  
121 Deer Park Lane  
Kerrville, TX 78083

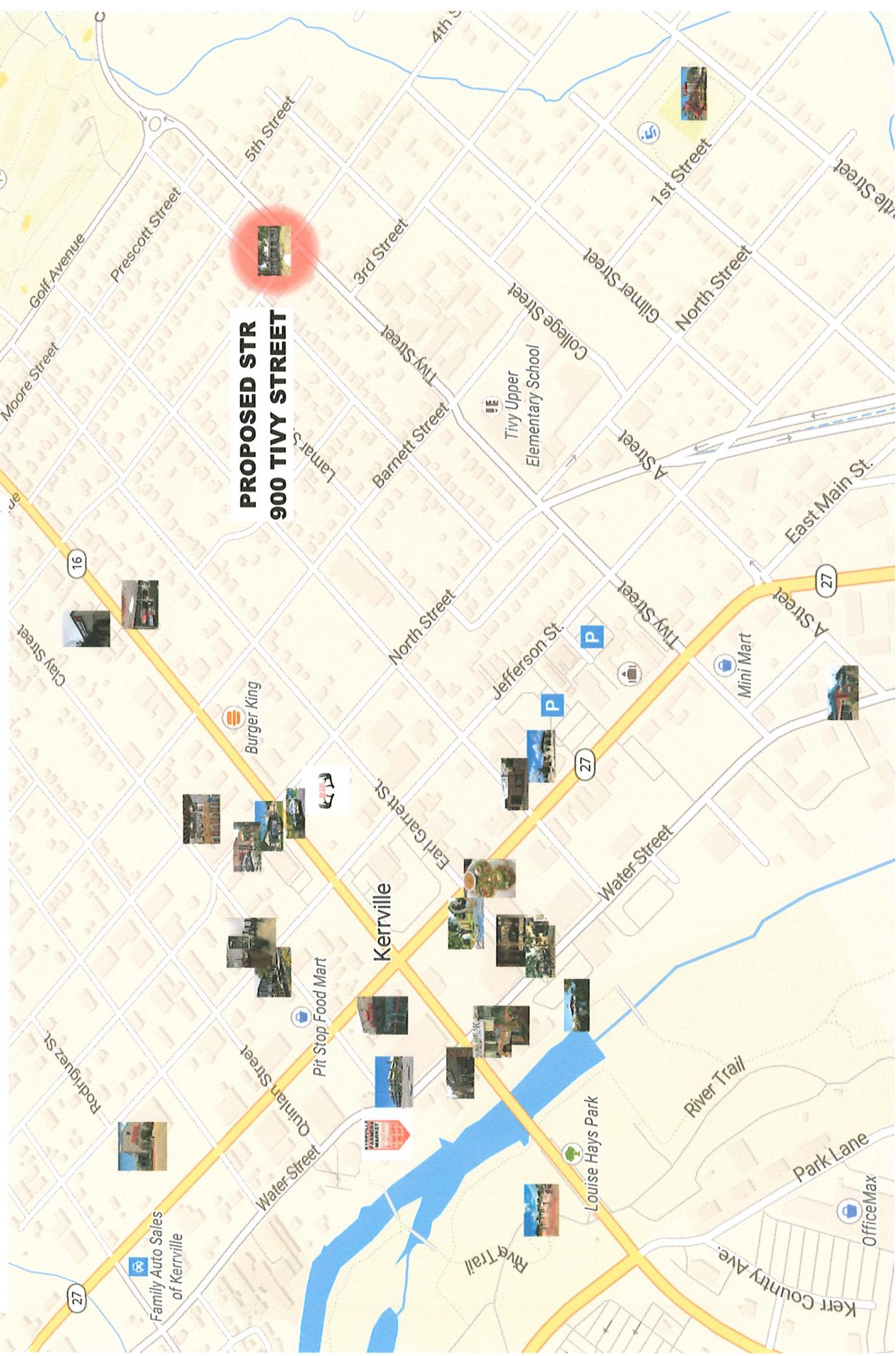
# **900 TIVY STREET - EXTERIOR PHOTOS**



# **900 TIVY STREET - INTERIOR PHOTOS**



# NEARBY AMENITIES



 The Golden Antler Boutique  
501 Main St C, Kerrville, TX 78028, USA

**2 min drive (1.1 miles)**

 The Arcadia Live  
717 Water St, Kerrville, TX 78028, USA

**2 min drive (1 mile)**

 Vk Garage Theater  
305 Washington St, Kerrville, TX 78028, USA

**1 min drive (0.7 miles)**

 Big Lots  
1305 Sidney Baker St J, Kerrville, TX 78028, USA

**1 min drive (0.8 miles)**

 600 Lytle St  
600 Lytle St, Kerrville, TX 78028, USA

**2 min drive (0.6 miles)**

 Grape Juice  
623 Water St, Kerrville, TX 78028, USA

**2 min drive (1 mile)**

 Kerr Arts & Cultural Center Inc.  
228 Earl Garrett St, Kerrville, TX 78028, USA

**1 min drive (0.8 miles)**

 Cailloux Theater  
910 Main St, Kerrville, TX 78028, USA

**1 min drive (0.7 miles)**

 Kerrville Police Department  
429 Sidney Baker St, Kerrville, TX 78028, USA

**1 min drive (0.8 miles)**

 Scott Schreiner Municipal Golf  
1 Country Club Dr, Kerrville, TX 78028, USA

**1 min drive (0.6 miles)**

 Soaring Dragon Chinese Restaurant  
820 Sidney Baker St H, Kerrville, TX 78028, USA

**1 min drive (0.6 miles)**

 Francisco's Restaurant  
201 Earl Garrett St, Kerrville, TX 78028, USA

**2 min drive (0.9 miles)**

 NobiliTea  
528 Jefferson St, Kerrville, TX 78028, USA

**2 min drive (1 mile)**

 Basement Brewers of Texas  
521 Clay St, Kerrville, TX 78028, USA

**2 min drive (0.9 miles)**

 Rails Cafe  
615 E Schreiner St, Kerrville, TX 78028, USA

**1 min drive (0.8 miles)**

	Pint & Plow Brewing Co 332 Clay St, Kerrville, TX 78028, USA	<b>2 min drive (1.1 miles)</b>
	H-E-B 300 Main St, Kerrville, TX 78028, USA	<b>2 min drive (1.3 miles)</b>
	Kerrville Farmers Market 529 Water St, Kerrville, TX 78028, USA	<b>2 min drive (1.1 miles)</b>
	Boardwalk Water Pavilion 805 Water St, Kerrville, TX 78028, USA	<b>2 min drive (0.8 miles)</b>
	Kerr County Meat Market 418 Earl Garrett St, Kerrville, TX 78028, USA	<b>1 min drive (0.7 miles)</b>
	Daily Donuts 603 Main St #A, Kerrville, TX 78028, USA	<b>2 min drive (1 mile)</b>
	Rita's Famous Tacos 209 Earl Garrett St, Kerrville, TX 78028, USA	<b>2 min drive (0.9 miles)</b>
	El Sol De Mexico 1028 Water St, Kerrville, TX 78028, USA	<b>1 min drive (0.7 miles)</b>
	Antojitos 809 Main St, Kerrville, TX 78028, USA	<b>1 min drive (0.8 miles)</b>
	Louise Hays Park 202 Thompson Dr, Kerrville, TX 78028, USA	<b>3 min drive (1.3 miles)</b>
	Taco to Go 428 Sidney Baker St, Kerrville, TX 78028, USA	<b>1 min drive (0.8 miles)</b>
	Broken Stone Pizza Co 809 Sidney Baker St, Kerrville, TX 78028, USA	<b>1 min drive (0.6 miles)</b>
	Free Downtown Parking Garage 201 Clay St, Kerrville, TX 78028, USA	<b>2 min drive (1.1 miles)</b>

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# Agenda Bill

## Case No. 2020-072

To: Planning & Zoning Commission  
Date: 12/3/2020  
Agenda Item: 3D, CUP Amendment to Approved Site Plan  
Action: Recommend Approval  
Representative: Chance Kutac – Stantec (HEB Fuel Station & Car Wash)

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### **Proposal**

Public hearing, consideration and action to recommend a resolution for a Conditional Use Permit Amendment (Resolution 03-2019) for a modification to the approved Site Plan on all of Lot 1, Block 1 of the HEB Kerrville #1 Subdivision within the City of Kerrville, Kerr County, Texas; and more commonly known as 212 and 300 Main Street.

### **Procedural Requirements**

17 letters were mailed on 11/19/2020 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 11/12/2020. At the time of drafting this Agenda Bill, no written comments had been received.

### **Staff Analysis and Recommendation**

#### **Adjacent Zoning and Land Uses:**

##### **Subject Property**

Current Zoning: DAC Downtown Arts and Culture (CUP 03-2019)

Existing Land Use: Parking Lot

##### **Direction: North, West**

Current Zoning: C-2 Light Commercial

Existing Land Uses: Residential, Retail and Vacant Buildings

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

Current Zoning: C-3 General Commercial

Existing Land Uses: Auto Dealership

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

Current Zoning: DAC Downtown Arts and Culture

Existing Land Uses: HEB Parking Lot and New HEB Store

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

The subject property is identified as Strategic Catalyst Area (SCA) 1 in the Kerrville 2050 Comprehensive Plan and is comprised of the downtown core and central business district. Allowable place types are transitional residential with a focus on downtown development and redevelopment. Because the applicant is not requesting a zoning change, current zoning is consistent with K2050 future land use, and the proposed CUP amendment is supporting downtown redevelopment, the request is consistent with the Kerrville 2050 Comprehensive Plan.

**Thoroughfare Plan:**

The subject property is located on a primary arterial, consistent with the proposed use.

**Traffic Impact:**

No traffic impact is anticipated since existing use is not changing.

**Parking:**

All off street parking requirements are being met per zoning code.

**Case Summary:**

The applicant is requesting a Conditional Use Permit Amendment to an approved Site Plan for a proposed fuel station and car wash. Applicant is proposing to purchase additional property at the east corner of Main Street and Francisco Lemos Street to relocate an already approved fuel station and car wash, further to the west, in order to provide more off street parking for the new HEB store. The property to be purchased is zoned C-2 Light Commercial, which already allows the fuel station and car wash, so no additional Conditional Use Permit is required. Since the existing CUP Site Plan would require the fuel station and car wash to be built under the existing plan, the site plan is being amended. After redesign, the only remaining facility within the Downtown Arts and Culture District will be the fuel tanks, and possibly some eave overhangs from the new fuel station structures. Please see the attached Existing CUP Site Plan and Proposed CUP Site Plan for reference.

Required legal and public notices have been sent. No comments, to date, have been received.

**Recommendation:**

Because the request is consistent with the Kerrville 2050 Comprehensive Plan, no change in zoning is being requested, and this proposal will increase the amount of parking for the new HEB facility, staff recommends approval of the Conditional Use Permit site plan amendment. No additional conditions are being proposed by staff.

**Attachments:**

Location Map

Existing CUP Site Plan

Proposed CUP Site Plan

# Location Map

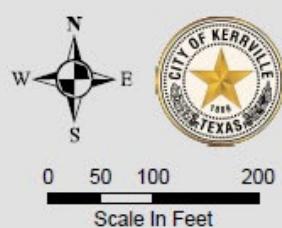


## Location Map

Case # 2020-072

Location:  
212 Main St N

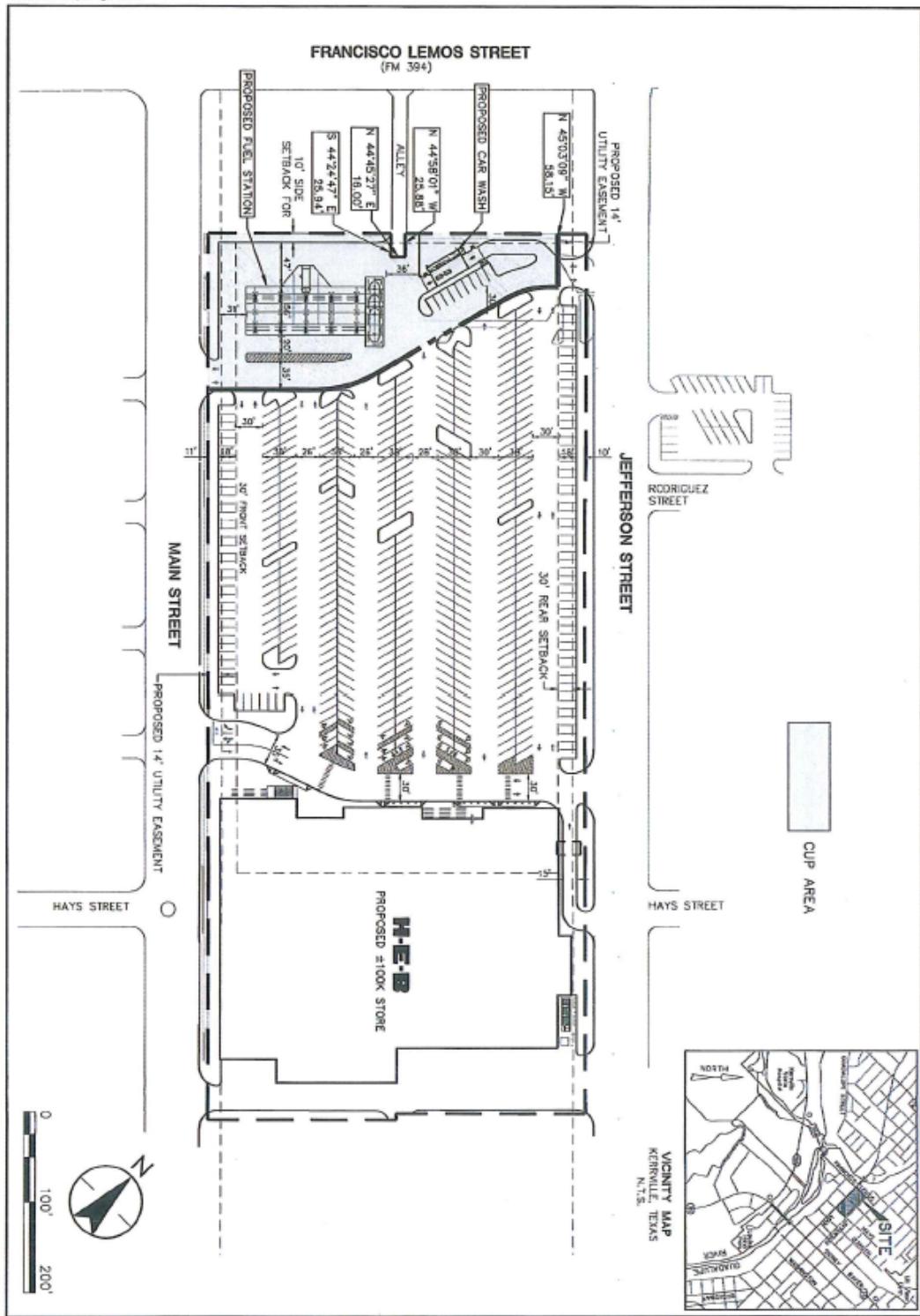
Legend  
200' Notification Area   
Subject Properties



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.

## Existing CUP Site Plan

(shaded area shows existing CUP facility location)



## KERRVILLE #1

CONDITIONAL USE PERMIT EXHIBIT  
11-30-2018

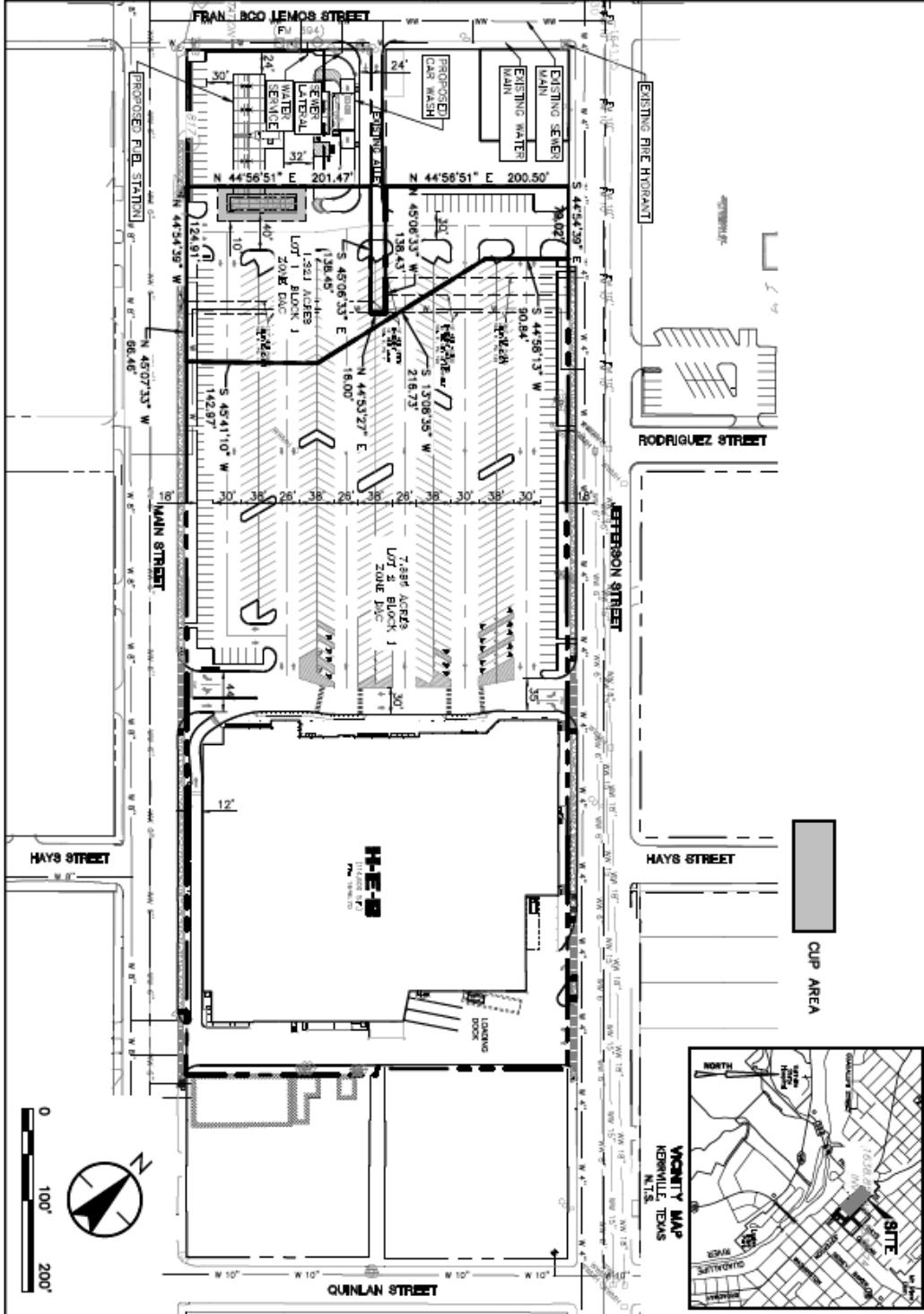


70 NE Loop 410 Suite 1100  
San Antonio, Texas 78216  
TPIPE#6324 TSP1SA#0194228  
[www.tloninc.com](http://www.tloninc.com)

## **Proposed CUP Site Plan**

(shaded area shows proposed CUP facility area)

### ANSWER



HEB KERRVILLE - FUEL STATION

CONDITIONAL USE PERMIT EXHIBIT

11/03/2020



70 NE Loop 410 Suite 1100  
San Antonio, Texas 78216  
TBPE#6324 TBPL#10194228  
[www.tanitec.com](http://www.tanitec.com)