



CITY OF KERRVILLE PLANNING & ZONING COMMISSION AGENDA
REGULAR MEETING, Thursday, March 4, 2021 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 (telephonic/videoconference). The Planning & Zoning Commission will conduct the above referenced meeting as an open public meeting. In an effort to avoid and mitigate health risks and due to limited occupancy levels in Council Chambers, standard safety protocol will be observed.

Standard safety protocol will be observed by the Planning & Zoning Commission, City staff, and citizens/visitors attending the Planning & Zoning Commission meeting at the City Hall Council Chambers. 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 within City Hall and the Council Chambers. The public podium will be sanitized between each public speaker. Six-foot distance seating will be observed and open seating will be designated. Overflow seating will also be provided should Council Chamber seating be full.

Citizens wishing to speak shall submit a completed "Speaker Request Form" to the attending City staff before the Planning & Zoning Commission meeting is called to order, definitely before the item is called or read into record. Each speaker is limited to four minutes.

The Zoom platform will be active during this meeting. Please see the Alternative Citizen/Public Participation Guidelines following the Agenda, below.

Citizens/Public Participants may also submit written comments on specific agenda items, to include public hearings, and written comments will be read into the meeting record. Written comments must include a name, address, and a reference to the relevant item. Written comments that do not include such information will not be read. The City must receive all written comments by 2:45 p.m., on the date of the meeting. Written comments may be:

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

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

CALL TO ORDER

1. MINUTES

1A. Approval of the minutes from February 22, 2021

2. CONSIDERATION & FINAL ACTION

2A. 1450 Ranchero Road – Miles Acres Preliminary & Final Plat (2021-008)

3. PUBLIC HEARING, CONSIDERATION & ACTION

3A. 327 Peterson Farm Road – Zoning Change from R-1 to RM (2020-086)

3B. HCTC Private Utility Easement (2021-005 / PZ-2021-2)

3C. 1517 E Main Street – CUP for Accessory Dwelling Unit (PZ-2021-1)

3D. 716 Barnett Street – Zoning Change from RT to C-1 (PZ-2021-3)

3E. 821 Robinson Avenue – CUP for Short Term Rental (Case PZ-2021-4)

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

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: 2/26/2021 at 4:45 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

Kesha Franchina

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

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

Instructions for Zoom callers: Dial the toll free number: **1-800-832-5611**. If the toll free number is not functioning, call the Zoom alternative back-up numbers **1-346-248-7799** or **1-669-900-6833**.

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 947 9430 5335#

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 Zoom moderator will be accepting calls starting at 3:45 p.m. For items other than Public Hearing items, please place your call before 4:15 p.m. in order to participate. Callers seeking to speak on items that are not Public Hearings and who call after this time will not be allowed to speak. However, for Public Hearing items, a caller seeking to speak on these items may call at any time prior to the item being introduced at the meeting. All callers are encouraged to call between 3:45 p.m. and 4:15 p.m. to be registered by the moderator. A caller must use the “raise your hand” feature on Zoom in order to be called upon for the Public Hearing. 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. Each speaker is limited to four minutes.

NOTE: Zoom is a third party vendor which provides 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.

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 – Written comments may be dropped off at the City Hall Utility Payments Drop-Box on the north side of City Hall by 2:45 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 – Written comments can be emailed to **planning.division@kerrilletx.gov** and must be received by 2:45 p.m. the day of the meeting. You are required to provide your first and last name, address, and identify the item you are commenting on.

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

Agenda Bill

Meeting Minutes

To: Planning & Zoning Commission
Date: 3/4/2021
Agenda Item: 1A, Minutes of February 22, 2021 Commission
Action: Meeting Approve or Approve with Specific Changes
Representative: Staff

CITY OF KERRVILLE, TEXAS
PLANNING AND ZONING COMMISSION

February 22, 2021

Members Present:

Michael Sigerman, Chair
David Jones, Vice-Chair
Shane Bourgeois, Commissioner, *attending via Zoom*
Tricia Byrom, Commissioner
David Lipscomb, Commissioner
Hunter Patterson, Commissioner
Cliff Tuttle, Commissioner

City Staff Present:

Drew Paxton, Director of Planning
Steve Melander, Planner II
Dorothy Miller, Recording Secretary

CALL TO ORDER:

On February 22, 2021, Cmr. Sigerman called the Kerrville Planning and Zoning Commission regular meeting to order at 1:30 p.m. in the City Hall Council Chambers, 701 Main Street, Kerrville, Texas.

1. MINUTES:

1A. Approval of minutes for the January 7, 2021 meeting.

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

2. CONSIDERATION & FINAL ACTION

2A. Comanche Trace Phase 16 Preliminary Plat, generally located near the 1000 block of Comanche Hills. (Case 2021-004)

Mr. Paxton presented the finding of facts.

Cmr. Byrom moved to approve the preliminary plat as presented and with conditions as recommended by staff. Motion was seconded by Cmr. Lipscomb and passed 6-0.

2B. Kerrville Airport Commerce Park Replat (KMM), generally located at 100 Airport Commerce Parkway (Case 2021-006)

Mr. Paxton presented the finding of facts.

Cmr. Byrom moved to approve the replat as presented. Motion was seconded by Cmr. Jones and passed 6-0.

2C. Comanche Trace Phase 7 Final Plat, generally located on Pinnacle Club Drive (Case 2020-061)

Mr. Paxton presented the finding of facts.

Cmr. Tuttle moved to approve the final plat as presented. Motion was seconded by Cmr. Byrom and passed 6-0.

3. PUBLIC HEARING, CONSIDERATION AND ACTION

No public hearings scheduled.

4. STAFF REPORT:

Mr. Paxton presented the staff report. February 9th the 2018 building codes went into effect. The City now requires a permit for any fence over 30 inches tall to conform to zoning code. A front yard fence cannot exceed 30 inches. There is no plan review fee involved with a fence permit and the permit fee is a flat rate of \$80.00.

The next meeting will be March 4, 2021. Currently five public hearing cases will be presented and one plat.

5. EXECUTIVE SESSION

No executive session was taken.

6. ADJOURNMENT

The meeting was adjourned at 1:48 p.m.

APPROVED: _____
Michael Sigerman, Chair _____ Dorothy Miller, Recording Secretary

Date Minutes Approved

Agenda Bill

Case No. 2021-008

To: Planning & Zoning Commission
Date: 3/4/2021
Agenda Item: 2A, Miles Acres Preliminary and Final Plat
Action: Recommend approval of Preliminary and Final Plat
Representative: Lee Voelkel, Voelkel Land Surveying

Proposal

Consideration and final action concerning a Preliminary Plat and Final Plat for the Miles Acres subdivision being all of a certain tract or parcel of land comprising approximately 11.24 acres out of William C. Francis Survey No. 146, Abstract No. 137, and 0.93 acre out of C.C.S.D. & R.G.N.G. Ry. Co. Survey No. 1117, Abstract No. 498, in Kerr County, Texas; and more commonly known as 1450 Rancho Road.

Staff Analysis and Recommendation

The applicant is requesting approval of a Preliminary Plat and Final Plat for the proposed Miles Acres subdivision consisting of for (4) residential lots. This subdivision is located both within the ETJ and the County, so City approval is required due to ETJ overlap. There are no City utilities or public improvements required for this subdivision. Both the City and County have reviewed and commented on the attached plat. The property has no zoning since it is all located either within the ETJ or County.

Consistency with the Kerrville 2050 Comprehensive Plan: The property and surrounding area are all located within the County and not subject to the Kerrville 2050 Comprehensive Plan.

Thoroughfare Plan: The property is not impacted by the thoroughfare plan.

Traffic Impact: No traffic impact anticipated.

Parking: All parking is subject to County regulations.

Recommendation: The Preliminary Plat and Final Plat are consistent with Zoning Code and Subdivision Ordinance requirements. Staff recommends approval of the Preliminary Plat and Final Plat.

Attachments:

Proposed Plat

Agenda Bill

Case No. 2020-086

To: Planning & Zoning Commission
Date: 3/4/2021
Agenda Item: 3A, Zoning Change Request (R-1 to RM)
Suggested Action: Recommend Approval
Representative: Rodney Buxton

Proposal

Public hearing, consideration, and action to recommend an ordinance to change the zoning from R-1 Single Family District, to RM Residential Mix District, on approximately 3.12 acres out of Crook Survey No. 71, Abstract A0114; and generally located at 327 Peterson Farm Road.

Procedural Requirements

7 letters were mailed on 2/19/2021 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 2/11/2021. At the time of drafting this Agenda Bill, no comments had been received.

Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

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

Direction: North

Current Zoning: County/ETJ
Existing Land Uses: Vacant Land and Single Family Residential

Direction: South

Current Zoning: AD Airport District
Existing Land Uses: Mooney International

Direction: West

Current Zoning: County/ETJ
Existing Land Uses: Vacant Land

Direction: East

Current Zoning: PDD 2010-03 (Formerly Proposed USDA Site)
Existing Land Uses: Vacant Land (City Property)

Consistency with the Kerrville 2050 Comprehensive Plan:

The subject property is currently zoned R-1 Single Family Residential and is identified in the Kerrville 2050 Comprehensive Plan as Strategic Catalyst Area 11 (SCA 11). The airport and SH 27 are the key features of SCA 11, which is generally bounded by the Guadalupe River to the west, Creekwood Road to the north, the fringes of the Kerrville Municipal Airport to the east, and the southeastern most limits of the city's ETJ to the south. Although new residential development is discouraged near or adjacent to the airport, this existing property has always had a residential use. The request to change zoning from one residential use (R-1) to another residential use (RM) does not change the existing use of the property and is therefore consistent with K2050.

Thoroughfare Plan:

The subject property is located on a local street.

Traffic Impact:

No traffic impact is anticipated.

Parking:

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

Case Summary:

The property is currently zone R-1 Single Family Residential and has an existing residence on the property. The property owner would like to add a manufactured home as second home for family use. R-1 zoning does not allow the addition of a manufactured home. The RM Residential Mix zoning would allow the proposed manufactured home, thus the request for the zoning change. A future plat will be required for the subdivision of the lot into multiple lots to accommodate a second home.

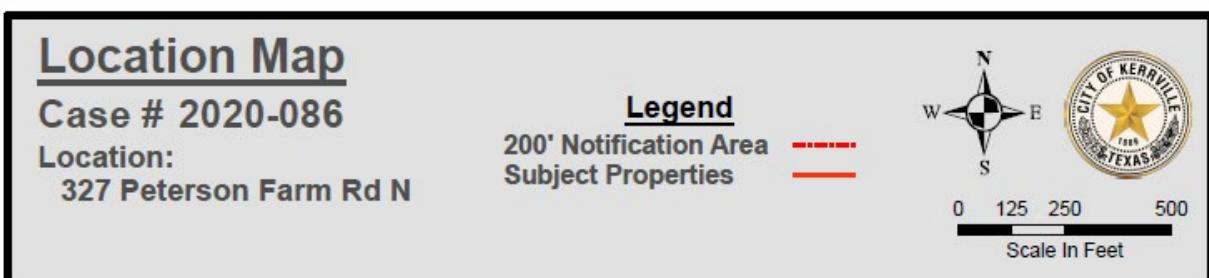
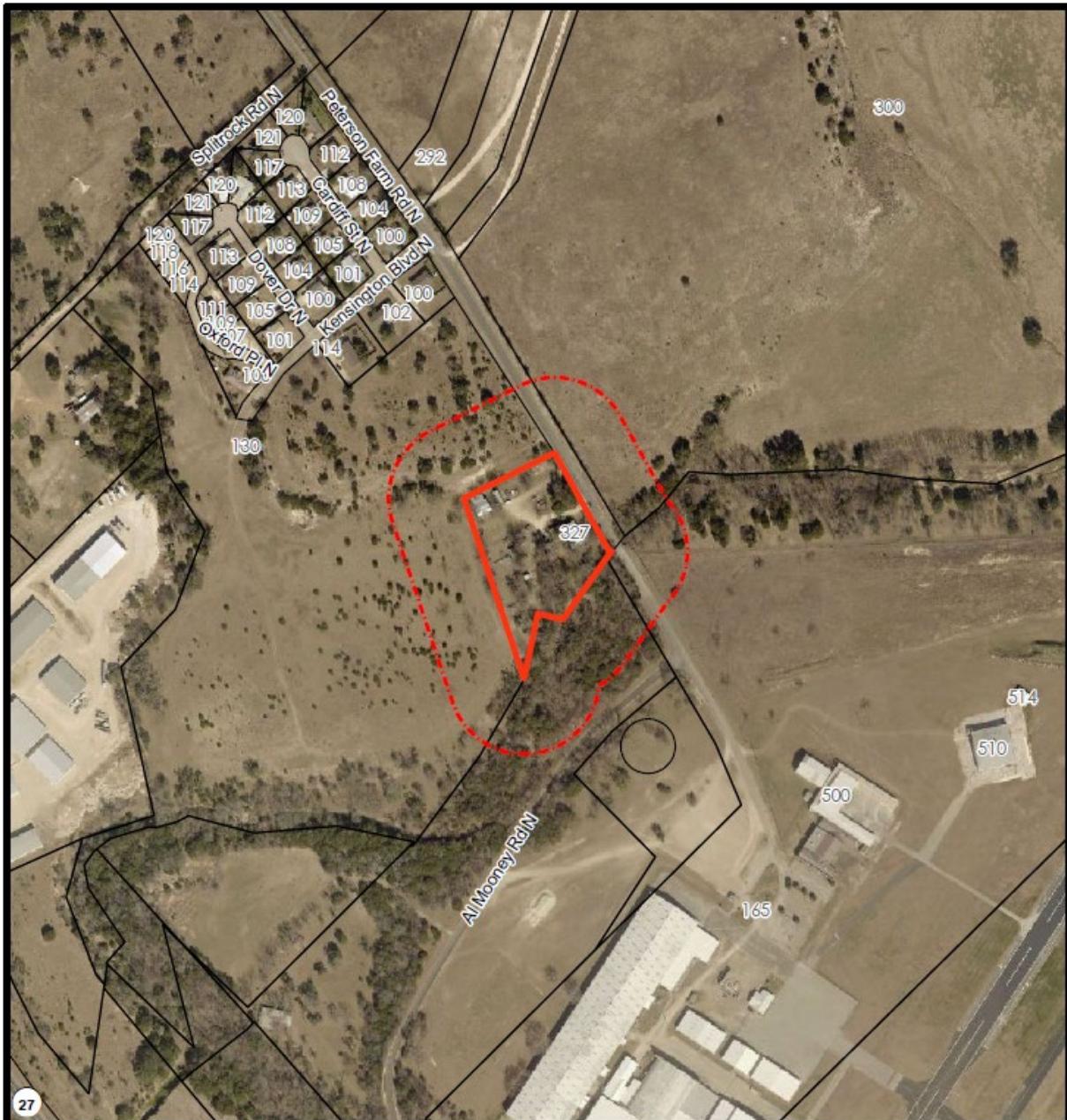
Recommendation:

Because the applicant is only proposing a zoning change from one residential use to another to allow for the addition of a second home on the property for family use, it seems reasonable to grant this zoning change request. Based on these circumstances and the fact that all other zoning and building codes will be met, staff recommends the zoning change request.

Attachments:

Location Map

Location Map



Agenda Bill

Case No. PZ-2021-2 / 2021-005

To: Planning & Zoning Commission
Date: 3/4/2021
Agenda Item: 3B, HCTC Private Utility Easement (2021-005 / PZ-2021-2)
Action: Approve the Resolution
Representative: Jared Martin – Wellborn Engineering and Surveying

Proposal

Public hearing, consideration and action to recommend a Conditional Use Permit for Utility, Private or Franchise on approximately 30' (thirty foot) x 15' (fifteen foot) utility easement, located at the south corner of Highway 173 (Bandera Highway) and Loop 534 (Veterans Highway) intersection, out of a 517.2 acre tract within the Southmayd Survey No. 145, Abstract No. 288; and more commonly known as Kerrville Schreiner Park, 2385 Bandera Highway.

The request is for a conditional use permit to allow the installation of broadband communications equipment. The zoning code requires a CUP for any private utility installation.

Procedural Requirements

Six letters were mailed on 2/19/2021 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 2/11/2021. At the time of drafting this Agenda Bill, no public comments had been received.

Staff Analysis and Recommendation

Consistency with the Kerrville 2050 Comprehensive Plan: The property and surrounding area are designated as Strategic Catalyst Area 10. This is the southernmost arc of the SH 173 corridor in Kerrville. It runs parallel to the Guadalupe River to the east. **Allowable Place Types:** Rural Living, Estate Residential, Professional Services, Agriculture and Outdoor Tourism **Place Type Distinctions:** Professional Services place types are appropriate around or near the highway. Estate Residential and Rural Living housing are most appropriate southwest of SH 173. Agriculture and Outdoor Tourism uses are best suited to the River corridor.

This private utility installation would help support future and existing uses in this catalyst area and elsewhere across the City of Kerrville.

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: PI

Existing Land Uses: Kerrville Schreiner Park

Direction: North

Current Zoning: C-2

Existing Land Uses: Restaurant

Direction: South, East, and West

Current Zoning: PI

Existing Land Uses: Kerrville Schreiner Park

Thoroughfare Plan: There should be no impact on the thoroughfare system.

Traffic Impact: There should be no traffic impact.

Parking: N/A

Recommendation: *(For CUP, include recommended conditions of approval)*

Staff recommends approval of the CUP for Utility, Private or Franchise with the following conditions:

1. The installation is tied to the proposed site plan.
2. Any fencing shall comply with 60-52 (d)(4)(a). No structure in excess of 30 inches in height may exist between the front wall of any building and the front property line, except that ornamental fencing up to six feet in height is permitted. Ornamental (wrought iron style) fencing does not include chain link fencing, which is prohibited. No element of the fence may create a visibility obstruction or otherwise interfere with pedestrian or vehicular circulation.

Attachments:

Site Plan

Exhibit A – Legal Description

Exhibit B – Location Plat

HCTC Easement Specifications

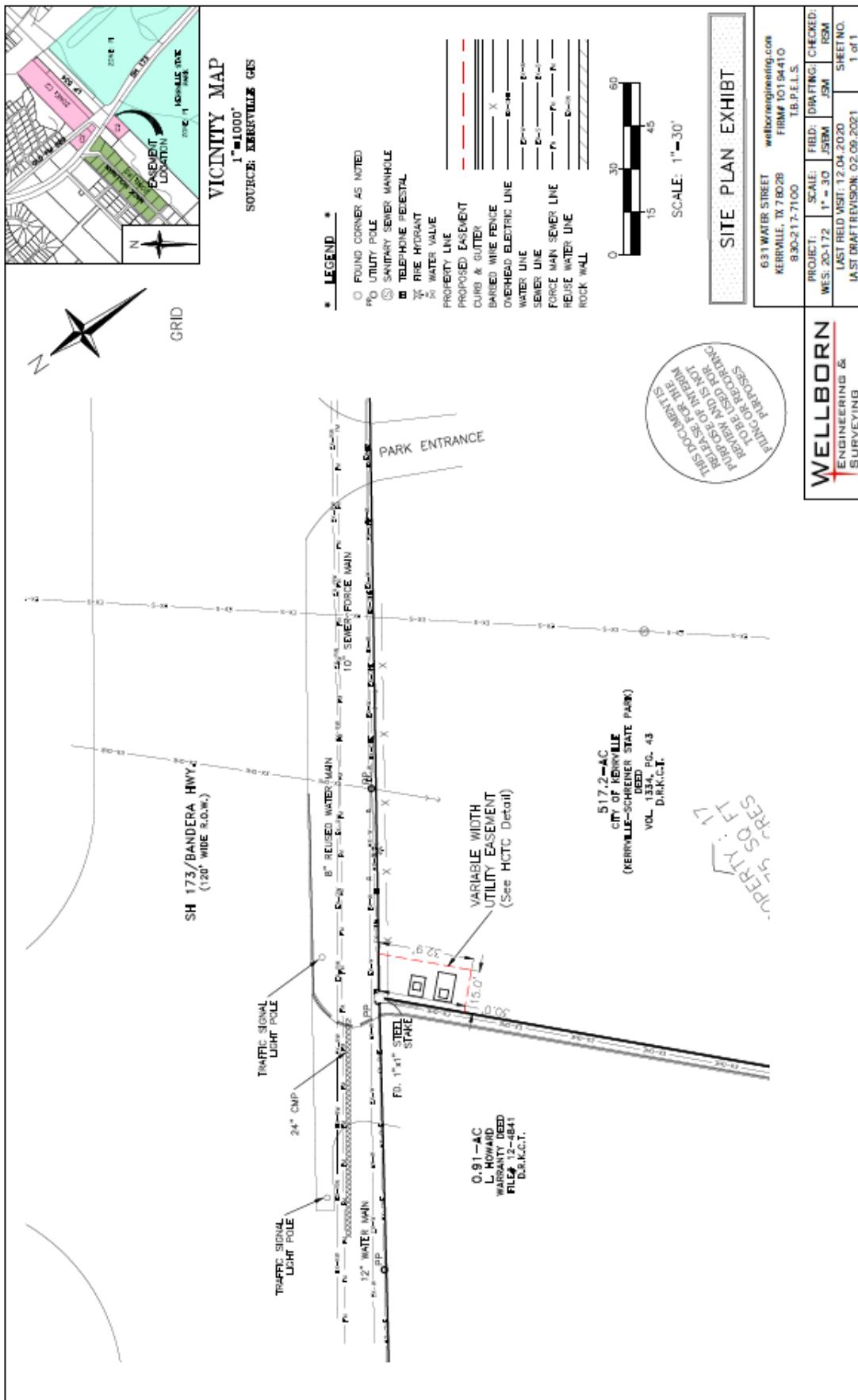


EXHIBIT "A"

UTILITY EASEMENT

BEING WITHIN A 517.2 ACRE (CALLED 500 ACRE) TRACT
KNOWN AS THE "KERRVILLE-SCHREINER PARK"

Being all of a certain tract or parcel of land containing 0.011 acres more or less, out of the John A. Southmayd Survey No. 148, Abstract No. 288 in Kerr County, Texas; said tract being within a 517.2 acre (called 500 acre) tract conveyed to the City of Kerrville by Deed as recorded in Volume 1334, Page 43, Deed Records of Kerr County, Texas; more particularly described by its metes and bounds as follows:

(NOTE: The following courses are based on an RTK/GNSS survey conducted on the ground, N.A.D.83 datum, Texas State Plane Coordinates, S. Central Zone reduced to horizontal ground distances expressed in U.S. Survey feet. Where record or deed courses differ from the surveyed values, the record value is shown in parenthesis)

BEGINNING at a 1 inch square steel stake found in the south Right-of-Way line of State Highway No. 173 known as "Bandera Highway" marking the northwest corner of the herein described easement identical to the northwest corner of said 517.2 acre tract, and northeast corner of a 0.91 acre tract to L. Howard by Warranty Deed recorded in file No. 12-4841, Deed Records of Kerr County, Texas from which point a 1/2 inch steel rod purportedly marking the northwest corner of said Survey 0.91 acre tract bears N56°28'17"W, 193.89 feet;

THENCE southeasterly and running parallel more or less approximately 3 feet north of a wire fence line between said Right-of-Way and the herein described parcel S55°54'36"E, 15.28 feet, to a 5/8 inch diameter steel rod with plastic cap stamped "WES RPLS 5907" set firmly in the ground adjacent to said fence line marking the northeast corner of the herein described easement;

THENCE southwesterly over and across open land, S45°04'10"W, at approximately 3 feet crossing said wire fence, in total 32.91 feet to a 5/8 inch diameter steel rod with plastic cap stamped "WES RPLS 5907" set firmly in the ground marking the southeast corner of the herein described easement;

THENCE northwesterly continuing across open land, N44°55'50"W, 15.0 feet to a chiseled "X" in a stone wall, at a point of intersection with the east line a said 0.91 acre tract for the southwest corner of the herein described easement;

THENCE northeasterly along said stone wall and east line of said 0.91 acre tract, N45°04'10"E, 30.0 feet, to the POINT of BEGINNING containing 471.83 square feet or 0.011 acres more or less.

Based upon a survey conducted on the ground
Under my direction and supervision December 4, 2020



Dated: 2/9/2021

R. Scott McClintock, Sr.
Registered Professional Land Surveyor
State of Texas
Registration No. 5907



WELLBORN
ENGINEERING &
SURVEYING

TBPLS FIRM NO. 10194410
PHONE: 830.217.7100
WWW.WELLBORNENGINEERING.COM

631 WATER STREET
KERRVILLE, TX 78028

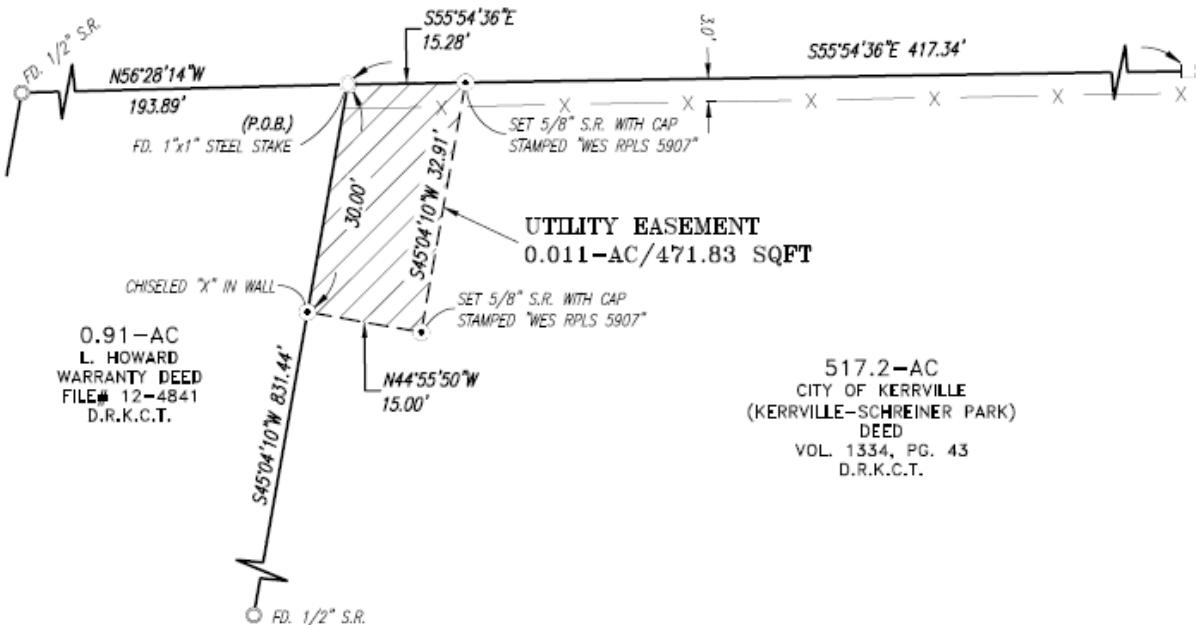
EASEMENT: CITY OF KERRVILLE TO HOTO

PG. [1]

*** EXHIBIT B ***

SH 173/BANDERA HWY.
(120' WIDE R.O.W.)

GRID
SCALE: 1"=20'



*** SURVEYOR'S CERTIFICATION ***

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THIS EXHIBIT CORRECTLY REPRESENTS A SURVEY MADE UPON THE GROUND OF THIS PROPERTY IN THE MONTH OF DECEMBER, 2020, UNDER MY DIRECTION AND SUPERVISION, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

R.Scott McClintock, Sr., R.P.L.S.
Registration No. 5907

DATED: FEBRUARY 9, 2020

* LEGEND *

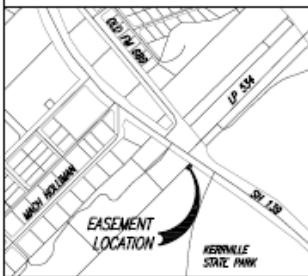
- SET CORNER AS NOTED
- FOUND CORNER AS NOTED
- FOUND CONCRETE TXDOT MONUMENT

PROPERTY LINE

WIRE FENCE LINE X

EASEMENT LINE

VARIABLE WIDTH EASEMENT



PROJECT: WES: 20-172	SCALE: 1" = 20'	SHEET NO. 1 of 1
engineering.com 0194410 E.L.S.	WELLBORN ENGINEERING & SURVEYING	

VICINITY MAP
1"=2000'
SOURCE: KERRVILLE GIS

631 WATER STREET wellbornengineering.com
KERRVILLE, TX 78028 FIRM# 10194410
830-217-7100 T.B.P.E.L.S.

WELLBORN
ENGINEERING &
SURVEYING

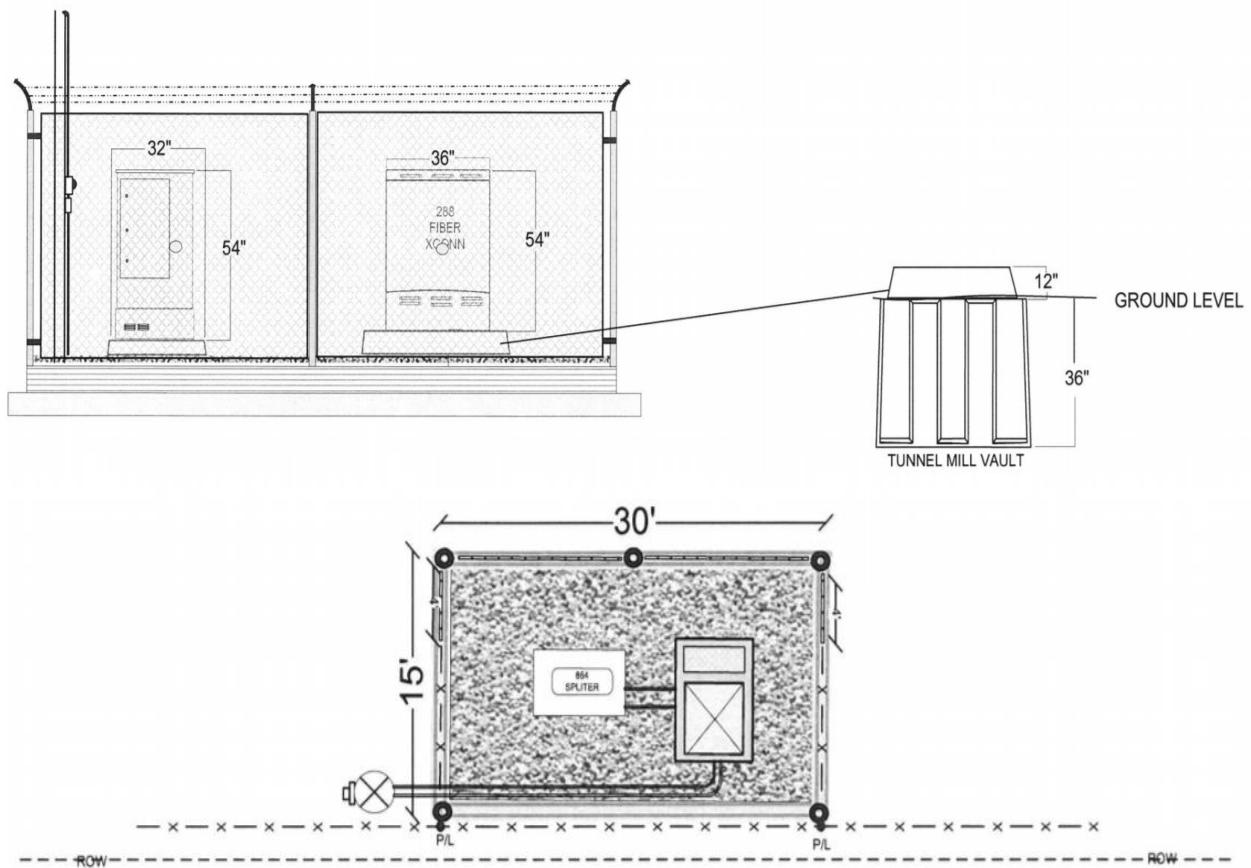


EASEMENT SPECIFICATIONS

Hill Country Telephone Cooperative, Inc. is inquiring for an easement at 2385 Bandera Hwy E in Kerrville for broadband equipment to be installed. The area captured in Red below is the targeted area. This rectangular block could either be length way along Hwy 173 or along the property line bordering 2262 Bandera Hwy E as depicted below.



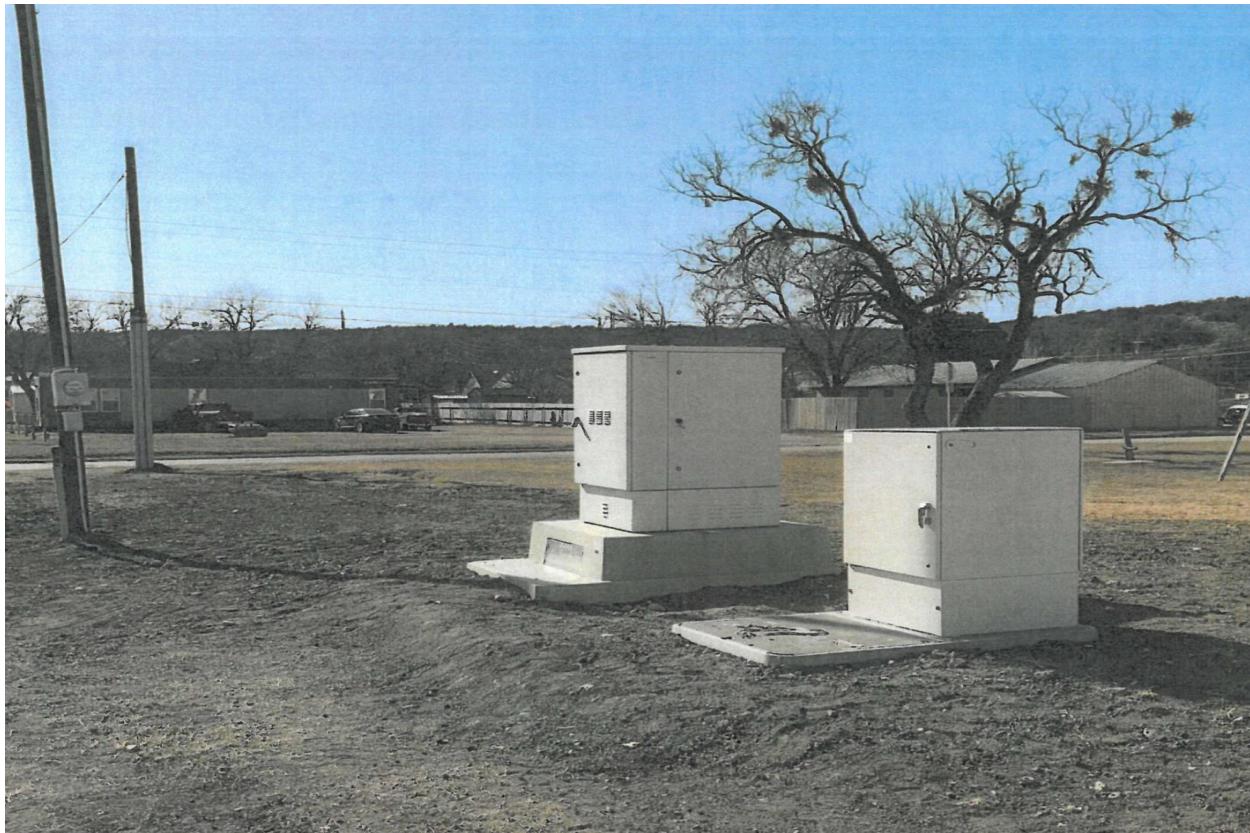
Typical easements specifications:





EASEMENT SPECIFICATIONS

Below is an example of a typical easement in process of Construction:



Same location post Construction (fencing is optional):



Agenda Bill

Case No. PZ-2021-1

To: Planning & Zoning Commission
Date: 3/4/2021
Agenda Item: 3C, CUP for an Accessory Dwelling Unit
Action: Recommend Approval
Representative: Kristin Phillips

Proposal

Public hearing, consideration, and action to recommend a resolution to allow a Conditional Use Permit for an Accessory Dwelling Unit on parts of Lot 2 and Lot 3, Block 84, JA Tivy Addition; and more commonly known as 1517 East Main Street.

Procedural Requirements

26 letters were mailed on 2/19/2021 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 2/11/2021. 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: Single Family Residence

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

Consistency with the Kerrville 2050 Comprehensive Plan:

The subject property and surrounding area are designated Neighborhood Residential (NR) in the Kerrville 2050 Comprehensive Plan. Neighborhood Residential primarily allows for single family detached homes. 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:

Approval of the CUP for Additional Dwelling Unit requires two (2) additional off-street parking spaces. Applicant has identified these locations on the attached site plan.

Case Summary:

The applicant is proposing to construct an additional dwelling unit within an existing home by remodeling areas of the home that are currently not functional.

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.

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.

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:

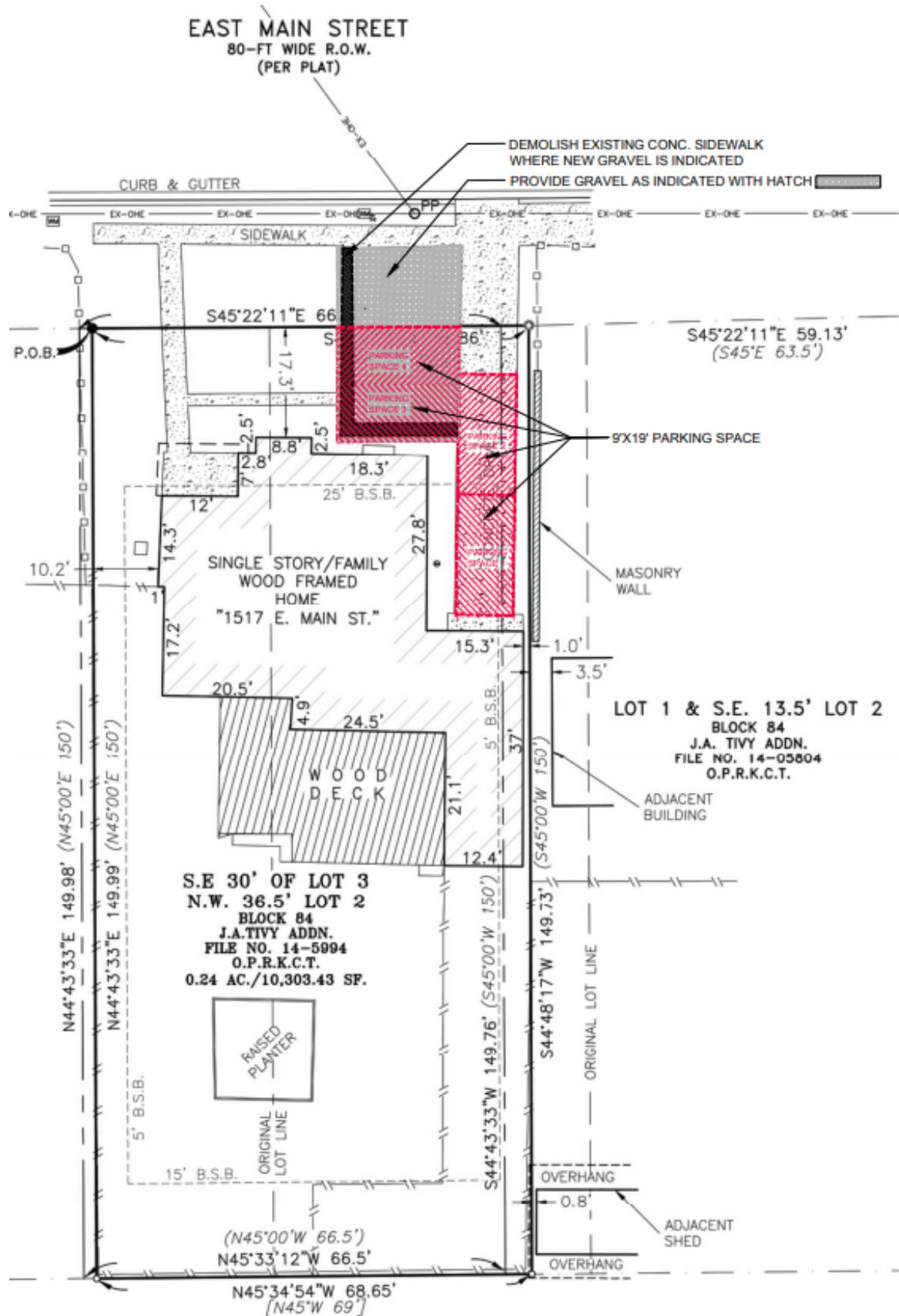
Because the Conditional Use Permit request is consistent with the Kerrville 2050 Comprehensive Plan, will meet all zoning regulations, including off-street parking requirements, and does not change the existing zoning district, staff recommends approval with consideration and inclusion of the attached Proposed CUP Conditions.

Attachments:

Site Plan

Proposed CUP Conditions

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:** Two (2) parking spaces per dwelling unit (four (4) spaces total for the main dwelling and an accessory dwelling unit).

Agenda Bill

Case No. PZ-2021-3

To: Planning & Zoning Commission
Date: 3/4/2021
Agenda Item: 3D, Zoning Change Request (RT to C-1)
Suggested Action: Recommend Approval
Representative: John Hewitt

Proposal

Public hearing, consideration, and action to recommend an ordinance to change the zoning from RT Residential Transition District to C-1 Neighborhood Commercial District on parts of Lot 5, Lot 6, and Lot 7, Block F, Cage Addition; and generally located 716 Barnett Street.

Procedural Requirements

18 letters were mailed on 2/19/2021 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 2/11/2021. 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: RT Residential Transition
Existing Land Uses: Office Building

Direction: **North**
Current Zoning: C-2 Light Commercial
Existing Land Uses: Retail, Office and Restaurants

Direction: **South, East**
Current Zoning: RT Residential Transition
Existing Land Uses: Office and Residential

Direction: **West**
Current Zoning: DAC Downtown Arts and Culture
Existing Land Uses: Retail, Office and Restaurants

Consistency with the Kerrville 2050 Comprehensive Plan:

The subject property is located within Strategic Catalyst Area 1 (SCA 1) of the Kerrville 2050 Comprehensive Plan. The focus of SCA 1 is on the downtown core and central business district and comprises a dense cluster of amenities, infrastructure, and employment within a roughly 0.4-square-mile area. Allowable place types are transitional

residential and downtown focused development. Because the request to change from RT zoning to C-1 zoning supports the intent of SCA 1 and downtown development, the zoning change is consistent with the Kerrville 2050 Comprehensive Plan.

Thoroughfare Plan:

The subject property is located on a side street directly adjacent to Sidney Baker Street.

Traffic Impact:

No traffic impact is anticipated.

Parking:

All parking requirements of the zoning code shall be met as development plans are finalized and will be approved prior to construction.

Case Summary:

Applicant is requesting a zoning change from RT Residential Transition to C-1 Neighborhood Commercial to allow for a commercial kitchen to be installed for the purposes of supporting a catering business. Commercial kitchens are currently not allowed in the RT district, so the request for C-1 is necessary to support applicant's business goals.

Surrounding current uses are RT Residential Transition, C-2 Light Commercial, and DAC Downtown Arts and Culture. The zoning change request of C-1 Neighborhood Commercial would be consistent with current surrounding zoning. Additionally, the K2050 Strategic Catalyst Area 1 guidelines encourage businesses that support the downtown core and downtown development.

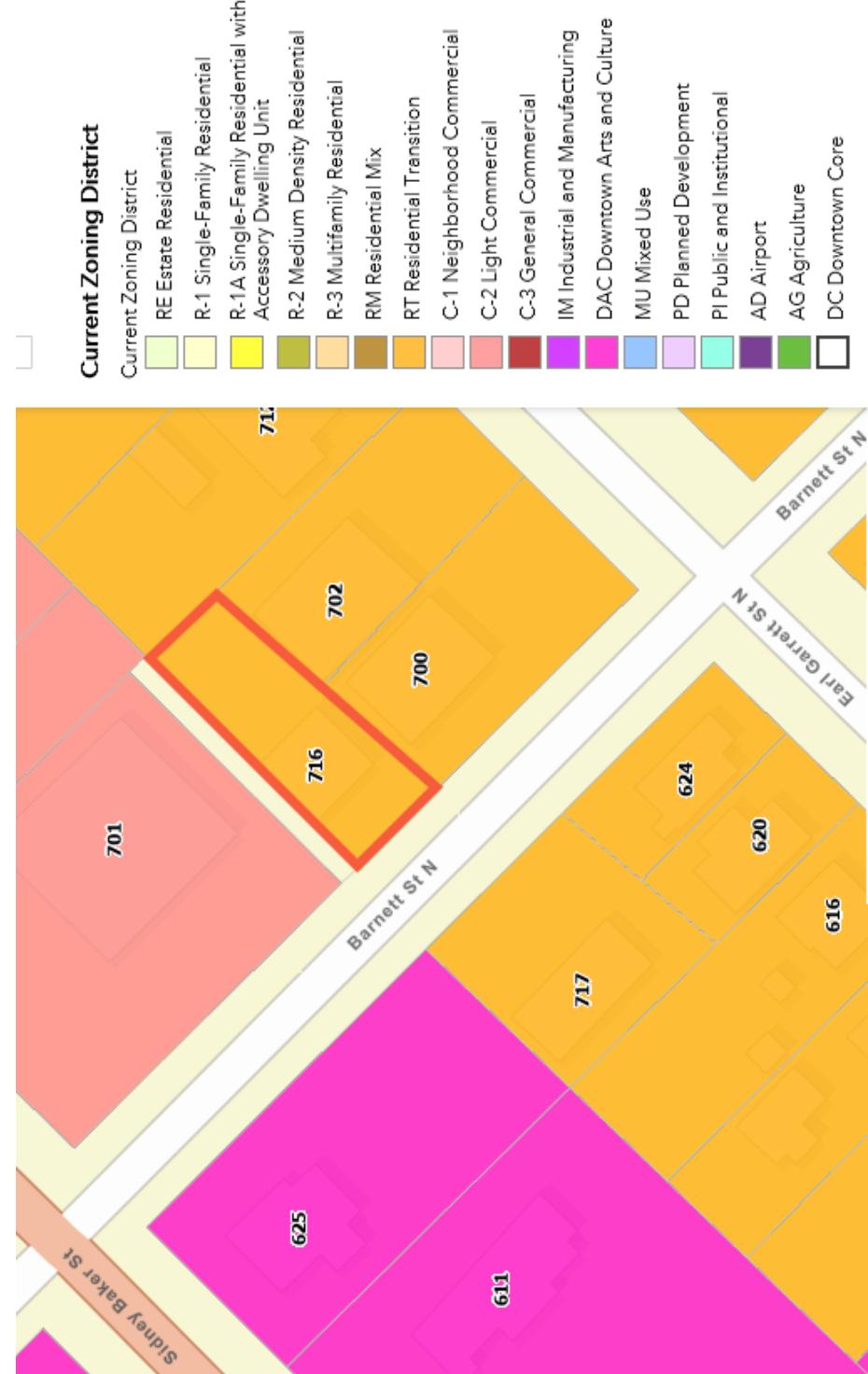
Recommendation:

Because the requested zoning change is consistent with current zoning and future K2050 Strategic Catalyst Area 1 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



Agenda Bill

Case No. PZ-2021-4

To: Planning & Zoning Commission
Date: 3/4/2021
Agenda Item: 3E, CUP for a Short Term Rental
Action: Recommend Approval with Conditions
Representative: Thomas Kent, Finish Line Investments LLC

Proposal

Public hearing, consideration and action to recommend a resolution to allow a Conditional Use Permit on Lot 8, Block 1, Schreiner High School Addition; and more commonly known as 821 Robinson Avenue.

Procedural Requirements

28 letters were mailed on 2/19/2021 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 2/11/2021. 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) 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. 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 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 property has a long driveway on the right side of the house that can easily accommodate the three (3) required off street parking spaces.

Case Summary:

The applicant is proposing to use an existing home as a non-owner occupied 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, non-owner occupied, is defined as follows:

A facility, located in a residential zoning district, used for the purpose of providing short-term lodging (less than thirty days) for compensation, architecturally designed to look like a single-family dwelling, which may also be 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.

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 following amenities are 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.

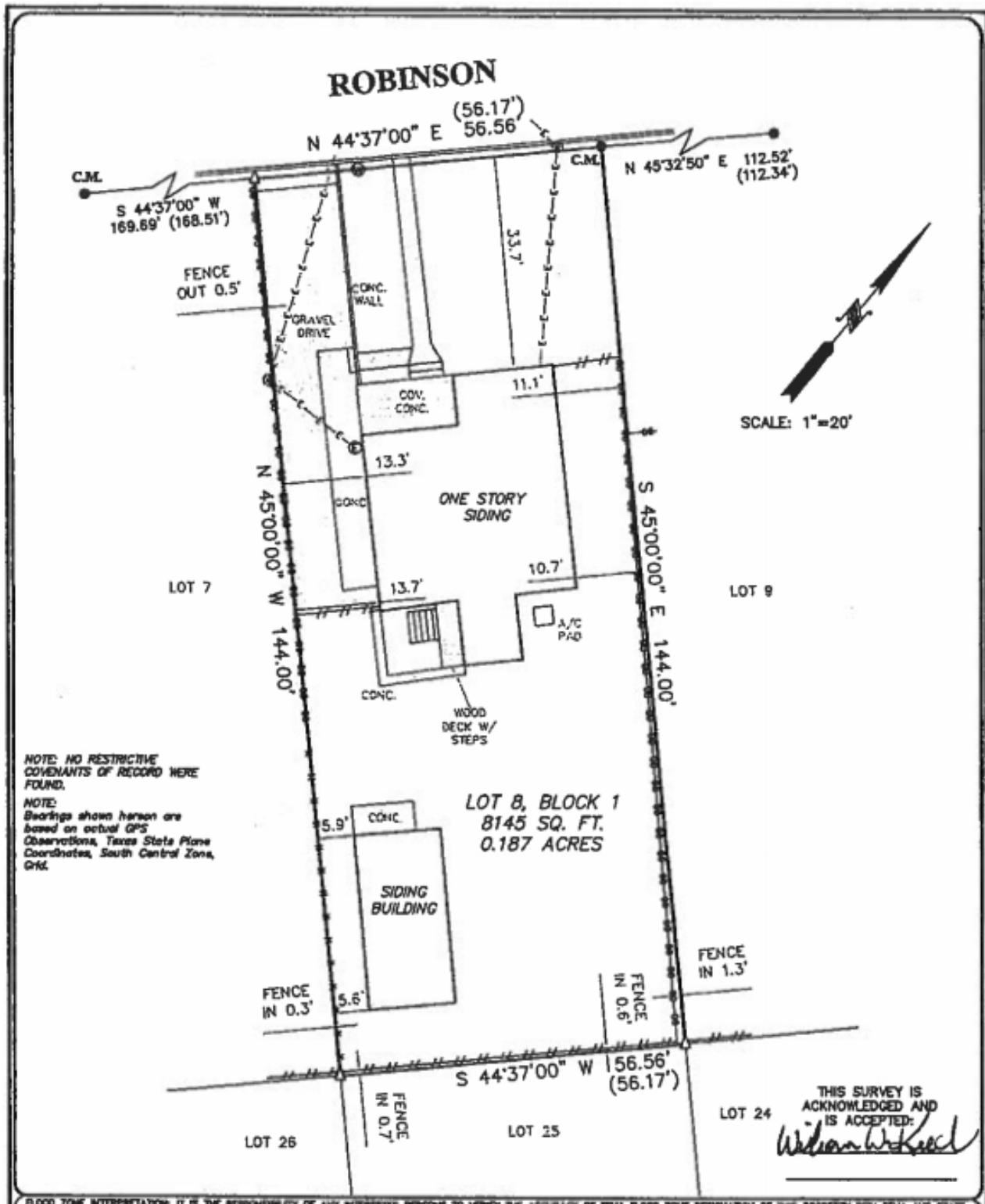
Recommendation:

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 relatively 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



Proposed CUP Conditions

Short Term Rental

- A. Guest Notification:** The owner or operator of the Property shall post “Guest Notification” in a conspicuous place within the rental unit on the Property. Guest Notification is shown on the 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. 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 exceeding 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. Maximum Occupancy:** The maximum occupancy for any Short Term Rental is ten (10) guests. Short term rental owner / operator may set occupancy limits at less than ten (10) guests, however, in no case shall occupancy limits exceed ten (10) guests.
- 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. 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!