

AGENDA FOR THE KERRVILLE CITY COUNCIL MEETING

TUESDAY, AUGUST 10, 2021, 6:00 P.M.

CITY HALL COUNCIL CHAMBERS

701 MAIN STREET, KERRVILLE, TEXAS

The Community Vision

Kerrville will be a vibrant, welcoming and inclusive community that:

- *Respects and protects the natural environment that surrounds it;*
- *Seeks to attract economic growth and development;*
- *Provides opportunities for prosperity, personal enrichment and intellectual growth for people of all ages; and*
- *Does so while preserving the small-town charm, heritage, arts and culture of the community.*



Kerrville2050



CITY COUNCIL AGENDA
AUGUST 10, 2021, 6:00 PM
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS



Council Meeting Procedures, City Council and City Staff Safety Measures, and Citizen Participation Guidelines

COVID-19 (Coronavirus) provides a unique concern in that gathering members of the public, City Council, 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, or partially, virtual setting (telephonic/videoconference).

Due to the recent increase of Coronavirus positive cases in Kerr County, standard safety protocols will be observed by City Council, City staff, and citizens/visitors attending the meeting. Masks are voluntary and highly encouraged. Six-foot distance seating will be observed and visitor seating will be designated. Visitor overflow will be in the City Hall lobby, where social distancing will also be observed.

Citizens may view and hear City Council meetings on Spectrum Channel 2 or by live-streaming via the City's website (www.kerrvilletx.gov). City Council meetings are recorded and the recordings are posted on the City's website.

Citizens wishing to speak during a meeting shall submit a completed "speaker request form" to the City Secretary before the item is introduced, but are encouraged to submit the form before the meetings begin. Each speaker is limited to four minutes.

Written comments will be accepted for any agenda items, including Public Hearings. You are required to provide your first and last name, address, and identify the item you wish to comment on. Written comments may be emailed to shelley.mcelhannon@kerrvilletx.gov and must be received by 5:00 p.m. the afternoon of the Council meeting. In addition, anyone may email Councilmembers via their City email addresses as specified on the City's website.

Thank you for your participation!

CALL TO ORDER:

INVOCATION AND PLEDGE OF ALLEGIANCE:

Led by Councilmember Judy Eychner.

1 ANNOUNCEMENTS OF COMMUNITY INTEREST:

Announcement of items of community interest, including expressions of thanks, congratulations, or condolences; information regarding holiday schedules; honorary recognitions of city officials, employees, or other citizens; reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by city officials or employees; and announcements involving imminent threats to the public health and safety of the city. No action will be taken.

2 PRESENTATIONS:

2.A. Kerrville Kindness Award presented to Heart of the Hills Board of Directors and volunteers for the 75th Annual Heart of the Hills Golf Tournament held at the Scott Schreiner Golf Course.

3 VISITORS/CITIZENS FORUM:

Any citizen with business not scheduled on the agenda may speak to the City Council. Prior to speaking, each speaker must fill out the speaker request form and give it to the City Secretary. The speaker request form must be submitted to the City Secretary before the item is called or read into record. City Council may not discuss or take any action on an item but may place the issue on a future agenda. Each speaker is limited to four minutes.

4 CONSENT AGENDA:

These items are considered routine and can be approved in one motion unless a Councilmember asks for separate consideration of an item. It is recommended that the City Council approve the following items which will grant the Mayor or City Manager the authority to take all actions necessary for each approval:

4.A. Minutes for the City Council workshop held July 27, 2021.

Attachments:

[20210810_Minutes_Council workshop 7-27-21 4pm.pdf](#)

4.B. Minutes for the City Council, Kerrville Employee Benefit Trust meeting held July 27, 2021.

Attachments:

[20210810_Minutes_EBT FY2022 7-27-21.pdf](#)

4.C. Minutes for the City Council workshop held July 27, 2021.

Attachments:

[20210810_Minutes_Council meeting 7-27-21 6pm.pdf](#)

END OF CONSENT AGENDA.

5 PUBLIC HEARINGS AND RESOLUTIONS:

5.A. Resolution No. 36-2021. A Resolution granting a Conditional Use Permit to authorize a short-term rental unit on the property consisting of approximately 0.16 acres, comprising Lot 12, Block 28, J.A. Tivy Addition, a Subdivision within the City of Kerrville and more commonly known as 1221 Park; said property is located within a Single-Family Residential Zoning District (R-1); and making said permit subject to certain conditions and restrictions contained herein.

Attachments:

[20210810_Resolution_36-2021 CUP 1221 Park Street STR.pdf](#)

[20210810_Letter to Planning Zoning Commission_Leslie Barron.pdf](#)

[20210810_Letter_1221 Park Street STR opposition.pdf](#)

6 PUBLIC HEARING AND ORDINANCES, FIRST READING:

6.A. Ordinance No. 2021-18. An Ordinance amending Chapter 60, Code of Ordinances, City of Kerrville, Texas; Chapter 60 more commonly known as the City's Zoning Code; by changing the zoning of a property known as 3210 Riverside Drive and out of the Wallace Survey No. 112, Abstract No. 360, and within the City of Kerrville, Kerr County, Texas; from a Single-Family Residential Zoning District (R-1) to a General Commercial Zoning District (C-3); providing a cumulative clause; providing for severability; providing an effective date; and ordering publication.

Attachments:

[20210810_Ordinance_2021-18 Zone change 3210 Riverside Drive.pdf](#)

6.B. Ordinance No. 2021-19. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas, such chapter more commonly known as the City's Zoning Code; by changing the zoning of a property known as 501 Florence; consisting of Lot 19 and part of Lot 20, Block 25, Westland Place; within the City of Kerrville, Kerr County, Texas; from a Residential Transition Zoning District (RT) to a Neighborhood Commercial Zoning District (C-1); providing a cumulative clause; providing for severability; providing an effective date; ordering publication; and providing other matters relating to the subject.

Attachments:

[20210810_Ordinance_2021-19 Zone change 501 Florence.pdf](#)

7 INFORMATION AND DISCUSSION:

7.A. Presentation of the Fiscal Year 2022 Proposed Budget.

8 CONSIDERATION AND POSSIBLE ACTION:

8.A. Resolution No. 37-2021. A Resolution setting forth the Ad Valorem (property) tax rate to be considered for adoption for the 2021 tax year; said rate to be the no-new-revenue tax rate; calling a public hearing prior to the adoption of the Fiscal Year 2022 budget as required by both the City's Charter and State Law.

Attachments:

20210810_Resolution_37-2021_Tax_Rate_2021.pdf

9 ITEMS FOR FUTURE AGENDAS:

City Council may suggest items or topics for future agendas.

10 EXECUTIVE SESSION:

City Council may, as permitted by law, adjourn into executive session at any time to discuss any matter listed above if they meet the qualifications in Sections 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding gifts), 551.074 (personnel/officers), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Texas Government Code.

11 ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF ANY:

ADJOURN.



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Kerrville Kindness Award presented to Heart of the Hills Board of Directors and volunteers for the 75th Annual Heart of the Hills Golf Tournament held at the Scott Schreiner Golf Course.

AGENDA DATE OF: August 10, 2021 **DATE SUBMITTED:** Aug 02, 2021

SUBMITTED BY: Ashlea Boyle

EXHIBITS:

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
N/A	N/A	N/A	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	Yes
Key Priority Area	P - Parks / Open Space / River Corridor
Guiding Principle	P8. Provide recreational opportunities for people of all ages and abilities, both residents and tourists

Action Item

SUMMARY STATEMENT:

The 75th Annual Heart of the Hills Golf Tournament took place July 26-30, 2021 at the Scott Schreiner Golf Course. This tournament brings in over 200 golfers from all areas of Texas and surrounding states.

Since its inception, this fundraising tournament has been played at the Scott Schreiner Golf Course in Kerrville, Texas. Roughly 60% of participants come from outside of Kerrville which benefits Kerrville's local economy through hotel / motel occupancy tax and sales tax for area businesses, hotels, restaurants, retail shopping, and other area attractions. In addition to supporting local businesses, the Heart of the Hills Golf Association supports youth golf in the Texas Hill Country.

The success of this tournament is due to the dedicated board of directors that spend countless hours planning and preparing for the tournament each year, which benefits the

local economy to Kerrville and surrounding communities. This board includes: Steve Lynch, Debbie and Ken Minter, Jimmie Peschel, Dale Cloud, Cody Key, Rowdy Key, Ned Brown, and Sam Braswell. The City would like to express sincere gratitude to the board for their dedicated service and hard work that goes into providing this wonderful opportunity for our residents and visitors.

RECOMMENDED ACTION:

Present award.



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Minutes for the City Council workshop held July 27, 2021.

AGENDA DATE OF: August 10, 2021 **DATE SUBMITTED:** Jul 30, 2021

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20210810_Minutes_Council workshop 7-27-21 4pm.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
0	0	0	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	No
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

Minutes for the City Council workshop held July 27, 2021 at 4:00 p.m. at the City Hall Council Chambers.

RECOMMENDED ACTION:

Approve minutes as presented.

CITY COUNCIL MINUTES

WORKSHOP, CITY HALL COUNCIL CHAMBERS

**JULY 27, 2021 4:00 PM
KERRVILLE, TEXAS**

CALL TO ORDER: On July 27, 2021 at 4:00 p.m., the City Council workshop was called to order by Mayor Bill Blackburn at the City Hall Council Chambers, 701 Main Street.

COUNCILMEMBERS PRESENT:

Bill Blackburn, Mayor
Kim Clarkson, Mayor Pro Tem, Councilmember Place 2
Roman Garcia, Councilmember Place 1
Judy Eychner, Councilmember Place 3
Brenda Hughes, Councilmember Place 4

COUNCILMEMBER ABSENT: None

CITY STAFF PRESENT:

E.A. Hoppe, City Manager Shelley McElhannon, City Secretary
Mike Hayes, City Attorney Kim Meismer, Executive Director General Operations

VISITORS PRESENT: A list of the citizen speakers present during the meeting is on file in the City Secretary's Office for the required retention period.

1. PUBLIC COMMENTS: No person(s) signed up to speak.

2. INFORMATION AND DISCUSSION:

2A. City Council Procedural Rules for Meetings, Kerrville City Council.

Agenda item 2A was requested by Councilmember Kim Clarkson and Councilmember Roman Garcia. Discussion ensued between Council. This item will be placed on a future regular meeting agenda, with revisions to the Procedural Rules.

2B. Frequency of City Council workshops.

Agenda item 2B was requested by Councilmember Garcia. Discussion ensued between Council. No action.

2C. Kerrville Area Youth Leadership Academy – enacting Resolution No. 35-2019.

Agenda item 2C was requested by Councilmember Garcia. Discussion ensued between Council. Kim Meismer provided information and responded to questions. No action.

ADJOURN. The workshop was adjourned at 5:05 p.m.

APPROVED BY COUNCIL:

APPROVED:

ATTEST:

Bill Blackburn, Mayor

Shelley McElhannon, City Secretary



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Minutes for the City Council, Kerrville Employee Benefit Trust meeting held July 27, 2021.

AGENDA DATE OF: August 10, 2021 **DATE SUBMITTED:** Jul 30, 2021

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20210810_Minutes_EBT FY2022.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
0	0	0	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	No
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

Minutes for the City Council, Kerrville Employee Benefit Trust meeting held July 27, 2021 in the City Hall Upstairs Conference Room.

RECOMMENDED ACTION:

Approve minutes as presented.

JULY 27, 2021

CITY OF KERRVILLE, TEXAS EMPLOYEE BENEFITS TRUST

CALL TO ORDER: On July 27, 2021, the City of Kerrville Employee Benefits Trust was called to order at 5:10 p.m. in the City Hall Upstairs Conference Room, 701 Main Street, Kerrville, Texas.

COUNCILMEMBERS/TRUST MEMBERS PRESENT:

Bill Blackburn	Mayor/Chairman
Kim Clarkson	Mayor Pro Tem/Trustee
Judy Eychner	Councilmember/Trustee
Roman Garcia	Councilmember/Trustee
Brenda Hughes	Councilmember/Trustee

COUNCILMEMBERS/TRUST MEMBERS ABSENT: None

CITY EXECUTIVE STAFF PRESENT:

E.A. Hoppe	City Manager
Mike Hayes	City Attorney
Shelley McElhannon	City Secretary
Kim Meismer	Executive Director for General Operations

VISITORS PRESENT: Bob Tracey, Gallagher Benefits Services Consultants

1. CONSIDERATION AND POSSIBLE ACTION:

1.A. Approval of the Fiscal Year 2022 employee benefit plans and rates.

Kim Meismer noted that within Chapter 222.002 of the Texas Insurance Code, there is an annual tax in the amount of 1.75% imposed on insurers for gross premiums received from policyholders. Gross premiums paid by a municipality, county, or hospital district are exempt from the tax being collected by their insurer if the municipality, county, or hospital district establishes either a single entity benefit trust or establishes or participates in a Chapter 172 risk pool. In July 2008, City Council approved a resolution to create the Employee Benefit Trust (EBT). Since the inception of the EBT, the City has saved over \$600,000 utilizing this strategy.

Ms. Meismer noted that Blue Cross Blue Shield (BCBS) offered a final bid of 5% increase over FY2021, with package savings for ancillary benefits and no plan changes for the medical. BCBS has a high satisfaction rate among the City's plan members, and BCBS is well received by the area medical community.

Staff recommended that council, acting as the trustees of the EBT, approve the FY2022 employee benefit plans as presented and authorize the City Manager to sign the contracts with the providers. The employee benefit plan includes the following:

- The city's contribution for employee benefits be budgeted at \$8,815 per employee for FY2022.

- Authorize the use of funds from the Employee Benefit Reserve account, if needed.
- Authorize the city manager to sign the contracts with the following providers:
 - Medical, Dental, Group Life & AD&D, and Short Term Disability; Voluntary Life & AD&D, and Voluntary Short Term Disability: Blue Cross Blue Shield of Texas
 - Vision: VSP
 - Long Term Disability: Lincoln

Trustee Judy Eychner moved to approve the FY2022 plans and rates as presented, and Trustee Roman Garcia seconded. The motion passed 5-0.

ADJOURN.

The City of Kerrville Employee Benefits Trust meeting adjourned at 5:35 p.m.

APPROVED BY CITY COUNCIL AS KERRVILLE EMPLOYEE BENEFITS TRUST BOARD: _____

APPROVED:

Bill Blackburn, Mayor/Chairman

ATTEST:

Shelley McElhannon, City Secretary



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Minutes for the City Council workshop held July 27, 2021.

AGENDA DATE OF: August 10, 2021 **DATE SUBMITTED:** Jul 30, 2021

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20210810_Minutes_Council meeting 7-27-21 6pm.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
0	0	0	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	No
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

Minutes for the City Council meeting held July 27, 2021 at 6:00 p.m. at the City Hall Council Chambers.

RECOMMENDED ACTION:

Approve minutes as presented.

**CITY COUNCIL MINUTES
REGULAR MEETING**

**KERRVILLE, TEXAS
JULY 27, 2021**

On July 27, 2021, at 6:00 p.m. the meeting was called to order by Mayor Bill Blackburn at the City Hall Council Chambers, 701 Main Street. Mayor Blackburn provided the invocation and led the Pledge of Allegiance.

COUNCILMEMBERS PRESENT:

Bill Blackburn	Mayor
Kim Clarkson	Mayor Pro Tem, Councilmember Place 2
Roman Garcia	Councilmember Place 1
Judy Eychner	Councilmember Place 3
Brenda Hughes	Councilmember Place 4

COUNCILMEMBER ABSENT: None

CITY EXECUTIVE STAFF:

E.A. Hoppe, City Manager	Stuart Cunyus, Public Info Officer
Mike Hayes, City Attorney	Curtis Eric Maloney, Fire Chief
Shelley McElhannon, City Secretary	Kim Meismer, Exec Director General Ops
Julie Behrens, Asst Finance Director	Drew Paxton, Chief Planner
Ashlea Boyle, Director Parks & Rec	Curtis Thomason, Asst Chief of Police
Kyle Burow, Director Engineering	

VISITORS PRESENT:

Sharon Constantinides, Chief Appraiser Kerr Central Appraisal District
A list of the citizen speakers present during the meeting is on file in the City Secretary's Office for the required retention period.

1. ANNOUNCEMENTS OF COMMUNITY INTEREST:

Items of interest to the community were presented by Stuart Cunyus, Mayor Blackburn, Councilmember Judy Eychner, and Councilmember Brenda Hughes.

2. VISITORS FORUM:

The following persons spoke:

- Delayne Sigerman
- Sandra Yarbrough
- Bethany Puccio
- George Baroody
- George Hammerlein
- Bruce Stracke

3. CONSENT AGENDA:

Councilmember Roman Garcia requested to pull items 3A, 3B, and 3D. Councilmember Garcia made a motion to approve Consent items 3C, 3E, and 3F, and Councilmember Hughes seconded. The motion passed 5-0.

3C. Minutes for the City Council workshop held July 13, 2021.

3E. Minutes for the Kerrville City Council and Kerrville Convention and Visitors Bureau annual budget meeting held July 15, 2021.

3F. Minutes for the City Council workshop held July 20, 2021.

END OF CONSENT AGENDA.

3A. Construction Agreement with Viking Construction, Inc. for 2021 Slurry Seal project (street repairs) in the amount of \$267,949.00.

Kyle Burow provided information. Kyle Burow and E.A. Hoppe responded to questions. Councilmember Garcia moved to approve item 3A and authorize the City Manager to execute the contract, and Councilmember Hughes seconded. The motion passed 5-0.

3B. Purchase and installation of artificial turf in select areas at the Kerrville Sports Complex, with Tarkett USA, Inc., in the amount of \$125,481.29.

Ashlea Boyle provided information and responded to questions. Councilmember Hughes moved to authorize the City Manager to finalize and execute the contract, and Councilmember Eychner seconded. The motion passed 5-0.

3D. Minutes for the City Council meeting held July 13, 2021.

Councilmember Garcia moved to amend the minutes on page four, paragraph six, item 7A: add the vote "*The motion passed 5-0*". The motion to amend the minutes was seconded by Councilmember Hughes, and the motion passed 5-0.

4. ORDINANCES, SECOND READING:

4A. Ordinance No. 2021-16, second reading. An Ordinance amending Ordinance No. 2020-19, which created a Planned Development District (PDD) pursuant to Chapter 60 of the Code of Ordinances, City of Kerrville, Texas, such chapter more commonly known as the City's Zoning Code; by changing the zoning and classification of a portion of the property, such property being Lot 2-A, Block 1, Martin Addition, a Subdivision within the City of Kerrville, Texas, and more commonly known as 3008 Riverside Drive; from being part of the PDD to a Single-Family Residential (R-1) Zoning District.

Shelley McElhannon read Ordinance No. 2021-16 caption into record.

Councilmember Eychner moved to approve Ordinance No. 2021-16 on second reading, and Councilmember Garcia seconded. The motion passed 5-0.

4B. Ordinance No. 2021-17, second reading. An Ordinance annexing an approximate 5.556 acre tract of land, said tract out of the James H. Cocke Survey No. 144, Abstract No. 95; the Thomas L. Waddell Survey No. 145, Abstract No. 354; and a portion that exists as part of Lehmann Dr. N., a Kerr county road; into the corporate limits of the City of Kerrville, Texas; said tract being located the extraterritorial jurisdiction of the City of Kerrville, Texas, Kerr County, Texas; and more commonly known as 160 and 170 Lehmann Drive; further describing the property to be annexed; adopting a service agreement for the property annexed; and establishing the zoning for the property annexed.

Shelley McElhannon read Ordinance No. 2021-17 caption into record.

E.A. Hoppe provided information.

Councilmember Eychner moved to approve Ordinance No. 2021-17 on second reading, and Councilmember Hughes seconded. The motion passed 5-0.

5. CONSIDERATION AND POSSIBLE ACTION:

5A. Resolution No. 35-2021. A Resolution providing for the City's approval or disapproval of the Kerr Central Appraisal District's Fiscal Year 2022 budget.

Shelley McElhannon read Resolution No. 35-2021 caption into record.

Sharon Constantinides provided information and responded to questions.

Councilmember Eychner moved to approve Resolution No. 35-2021 to approve the Kerr Central Appraisal District's Fiscal Year 2022 budget, and Councilmember Garcia seconded. The motion passed 5-0.

5B. Resolution No. 34-2021. A Resolution authorizing the transfer of the ownership of funds from the City of Kerrville to the City of Kerrville Employee Benefit Trust to pay for employee related group benefits for Fiscal Year 2022.

Shelley McElhannon read Resolution No. 34-2021 caption into record.

Kim Meismer provided information and responded to questions.

Councilmember Eychner moved to approve Resolution No. 34-2021 authorizing the transfer of ownership of funds from the City of Kerrville to the City of Kerrville's Employee Benefit Trust to pay for employee related group benefits for Fiscal Year 2022 in an amount not to exceed \$8,815 per employee. Councilmember Hughes seconded, and the motion passed 5-0.

5C. Review of Declaration of local state of disaster due to a public health emergency, March 20, 2020.

E.A. Hoppe advised no changes to the Declaration, and responded to questions.

6. INFORMATION AND DISCUSSION:

6A. Financial update through June 30, 2021.

Julie Behrens provided information and responded to questions.

7. ITEMS FOR FUTURE AGENDAS:

- Legislative update at a regular Council meeting in September requested by Councilmember Garcia, and seconded by Mayor Blackburn. The item for future agenda passed 4-1, with Councilmember Garcia, Councilmember Kim Clarkson, Mayor Blackburn, and Councilmember Hughes voting in favor, and Councilmember Eychner voting opposed.

8. EXECUTIVE SESSION: N/A

9. ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION: N/A

ADJOURN. The meeting adjourned at 7:08 p.m.

APPROVED BY COUNCIL: _____

APPROVED:

ATTEST:

Bill Blackburn, Mayor

Shelley McElhannon, City Secretary



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Resolution No. 36-2021. A Resolution granting a Conditional Use Permit to authorize a short-term rental unit on the property consisting of approximately 0.16 acres, comprising Lot 12, Block 28, J.A. Tivy Addition, a Subdivision within the City of Kerrville and more commonly known as 1221 Park; said property is located within a Single-Family Residential Zoning District (R-1); and making said permit subject to certain conditions and restrictions contained herein.

AGENDA DATE OF: August 10, 2021 **DATE SUBMITTED:** Jul 30, 2021

SUBMITTED BY: Drew Paxton

EXHIBITS: [20210810_Resolution_36-2021 CUP 1221 Park Street STR.pdf](#)
[20210810_Letter to Planning Zoning Commission_Leslie Barron.pdf](#)
[20210810_Letter_1221 Park Street STR opposition.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$0	\$0	\$0	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	No
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

Proposal

Public hearing, consideration, and action to recommend a resolution to allow a Conditional Use Permit for Short Term Rental Unit on Lot 12, Block 28, J.A. Tivy Addition; and more commonly known as 1221 Park Street.

Case Summary:

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

additional information provided by the applicant:

"When I purchased this home in October 2020, it was the realization of a long-time dream to have a second home in my hometown. I was born and raised in Kerrville and am a proud graduate of Nimitz Elementary School, Tivy High School, and Schreiner University. After I finished college in 2003, I attended grad school at Texas A&M and then moved to Washington, DC in 2005. While my husband and I plan to remain in DC for our jobs for the foreseeable future, I am thrilled that I am now able to regain my connection to my hometown in this way. My family and I intend to use the home approximately 6 – 8 weeks out of the year, and would like to open our home so that others may enjoy it while we are not there. Therefore, we hope to use the home as a vacation rental.

I believe Kerrville truly is the heart of the hill country, so I am excited to share with our future guests all of our favorite places, restaurants, and things to do – all of which are within walking distance or a short bike ride from our home. Specifically, we intend to encourage our guests to visit the river trail (and take advantage of the kayak and canoe rentals located right on Broadway), Mary's Tacos (best tacos in town!), Monroe's Grill, the new beer garden located near the Schreiner campus, and of course, the downtown area where we love to grab coffee at Pax, lunch at Francisco's, and take-home family dinners from Cartewheels'. There is also a gorgeous mural on the backside of the Gun and Pawn shop on Broadway we'd like to show off to our guests, and there's an adorable "Zen Room" where we'll send guests who want to get in some personal wellness time. All of this is within a 15-minute walk from our home, and we will make sure our house guests know about these things and more which are right outside their doorstep.

Taking care of the environment is also important to us and we will remind all our guests "Don't Mess with Texas!" To that end, we will encourage our guests to recycle, provide filtered water in a pitcher vs. plastic water bottles, encourage our guests to reuse bath towels and wash clothing with cold water, and provide reusable shopping bags so that our guests don't need to use plastic bags. We believe the river is an asset and we will work hard to ensure our guests help to keep it -- and the rest of Kerrville, for that matter -- pristine.

I also believe in preserving what is wonderful about Kerrville and its neighborhoods, which for me means a quiet, low key, and super friendly and down-to-earth vibe. To achieve this, we will encourage our guests to honor our "house rules" and recommendations. This includes observing "quiet hours" at night, requiring pets be brought inside at night and when unattended, prohibiting parties, prohibiting smoking on the premises, and limiting occupancy of the home to a maximum of 5 overnight guests. This home is a major investment for my family and I, and we intend to treat it and maintain it as such. And of course, we will encourage all of our guests to say hi (or howdy!) to our neighbors!

Many people may see purchasing a second home in one's hometown as a sentimental gesture; however, I see it a little differently. Yes, owning this home is meaningful to me and represents a connection to my past. But, Kerrville also has a very bright FUTURE. It is

exciting to be a part of that future and, importantly, to be able to share that excitement and joy with others. #KerrvilleForward”

Procedural Requirements

22 letters were mailed on 6/17/2021 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 6/10/2021. At the time of drafting this City Council Agenda Bill, five comments had been received from adjacent property owners in opposition.

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, East

Current Zoning: R-1 Single Family Residential

Existing Land Uses: Single Family Residences

Direction: West

Current Zoning: MU Mixed Use

Existing Land Uses: Small Businesses; Church

Consistency with the Kerrville 2050 Comprehensive Plan:

The subject property and surrounding area are designated Entertainment - Mixed Use (EMU) in the Kerrville 2050 Comprehensive Plan. EMU primary uses allow for retail, commercial, offices, hotels, entertainment centers, and services. Secondary uses allow for condominiums, apartments, workforce housing, civic and institutional. Since the underlying zoning is not changing and a short term rental would be consistent with secondary uses, 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

three (3) bedrooms and no onsite manager so four (4) off street parking spaces are required. The applicant has identified four (4) available off street parking spaces. Parking requirements can be met.

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.

Recommendation:

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

Proposed CUP Conditions for a 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.

On July 1st, the Planning and Zoning Commission recommended the case for approval with a unanimous vote.

RECOMMENDED ACTION:

Approve Resolution No. 36-2021.

CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 36-2021

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

WHEREAS, the owner of the property known as 1221 Park and graphically depicted at **Exhibit A** (the “Property”), said exhibit being attached hereto and made a part hereof for all purposes, is requesting approval of a Conditional Use Permit (“CUP”) to authorize a short-term rental unit on the Property, which is located within a Single-Family Residential Zoning District (R-1); and

WHEREAS, the City Planning and Zoning Commission (the “Commission”), in compliance with state law and the Zoning Code of the City of Kerrville, Texas (Chapter 60, Code of Ordinances) (“Zoning Code”), and in particular, the procedures for obtaining a CUP; having given the requisite notices by United States mail, publication, and otherwise; and after holding a public hearing and affording a full and fair hearing to all property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Commission recommends that City Council grant the CUP applied for and referenced herein, subject to the special conditions and restrictions set out hereinafter and applied to the Property; and

WHEREAS, City Council, in compliance with state law and the Zoning Code, and likewise having given the requisite notices and holding a public hearing on August 10, 2021, finds that the health, safety, and general welfare will be best served by the granting of the CUP as recommended by the Commission and referenced herein on the Property;

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

SECTION ONE. A Conditional Use Permit is granted to permit the Property described as follows, and located within a Single-Family Residential Zoning District (R-1), to be developed and used for a Short-Term Rental Unit (“STRU”) as that term is defined in and pursuant to the Zoning Code, such use subject to the provisions of this Resolution and other City ordinances and regulations:

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

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

General Description: 1221 Park, Kerrville, TX 78028.

SECTION TWO. In addition to the development and use regulations currently applicable to the Property, development and use of the Property is subject to the following additional conditions:

- A. Guest Notification:** The owner or operator of the Property shall post a “guest notification” in a conspicuous place within the rental unit on the Property, said notification attached as **Exhibit B**.
- B. Occupancy Taxes:** The owner or operator of the Property shall comply with the City’s occupancy tax requirements as found within Ch. 94, Division III, of the City’s Code of Ordinances.
- C. Sign:** The Property may not use more than one non-illuminated, on-site sign, in conjunction with the STRU. The sign may either be: (i) flush-mounted to one of the residential structures and may not exceed one-square foot in size; or, (ii) freestanding and placed in the front yard but no closer than 20 feet to any property line and may not exceed six square feet in size and three feet in height. Any such sign shall comply with the City’s Sign Code.
- D. Parking:** The Property must include at a minimum, one off-street parking space per bedroom, plus an additional space for the manager, if living off-site.
- E. Maximum Occupancy:** The Property is subject to a maximum occupancy of ten (10) guests, which may be lower per rules set by the owner or operator.
- F. Other Zoning Regulations:** The regulations set forth in this Resolution are in addition to those set forth in the Zoning Code, as may be amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in the Zoning Code, the provisions of this Resolution will prevail.

SECTION THREE. This Resolution and the CUP granted herein are subject to termination in accordance with the Zoning Code.

SECTION FOUR. City Council finds and determines that its adoption of this Resolution promotes the health, safety, and general welfare of the public and is a proper valid exercise of the City's police powers.

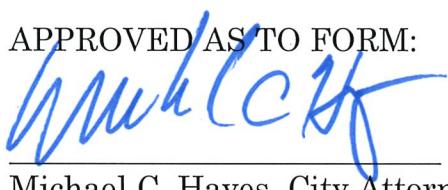
SECTION FIVE. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect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

SECTION SIX. This Resolution is effective upon adoption.

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

Bill Blackburn, Mayor

APPROVED AS TO FORM:

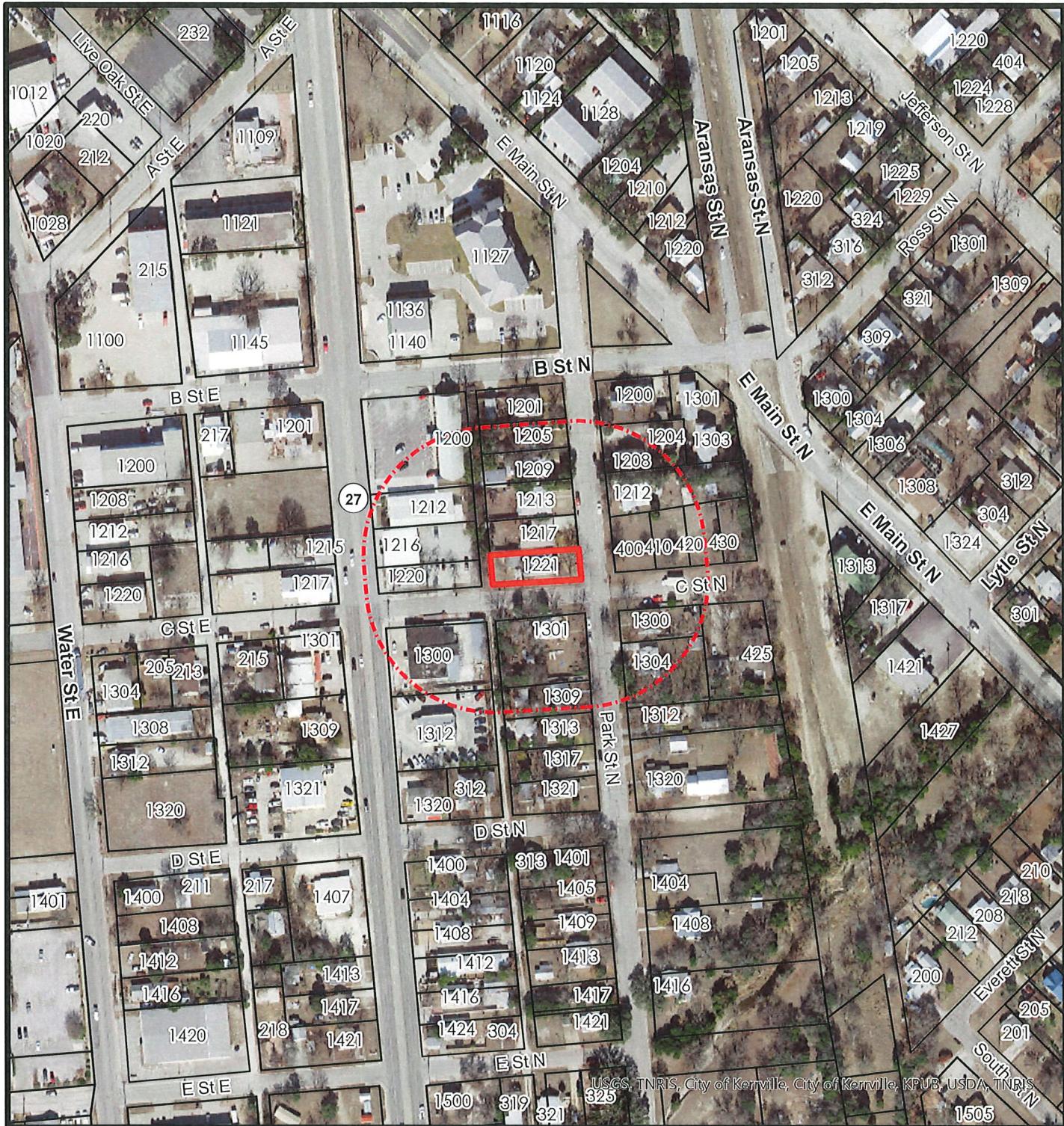


Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary

EXHIBIT A



Location Map

Case # PZ-2021-14

Location:
1221 Park Street

Legend

200' Notification Area
Subject Properties



0 75 150 300

Scale In Feet

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only approximate relative locations.

EXHIBIT B



SHORT TERM RENTAL CONDITIONAL USE PERMIT GUEST NOTIFICATION

CUP Resolution Number 36-2021

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

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

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

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

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

Thank you!

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

MANSFIELD SURVEYING
P.O. BOX 3111
BANDERA, TX 78003
830-588-2786

	Line Table	Distance
1.1	S 04°44'48"E	413.93'

SURVEY PREPARED FOR:
Kerrville Title Co.
GF No. 2020322
Refridgerator Per Commitment
Vol. P, Pg. 10, DR
Easements per Commitment
Vol. 58, Pg. 247, DR
Vol. 58, Pg. 244, DR

1221 PARK STREET N
KERRVILLE, TX 78028

Estoppel by Acknowledgment

✓

Deed Records

✓

Land Surveyor

✓

South Central Zone 5, NAD 83

✓

SURVEY PLAT

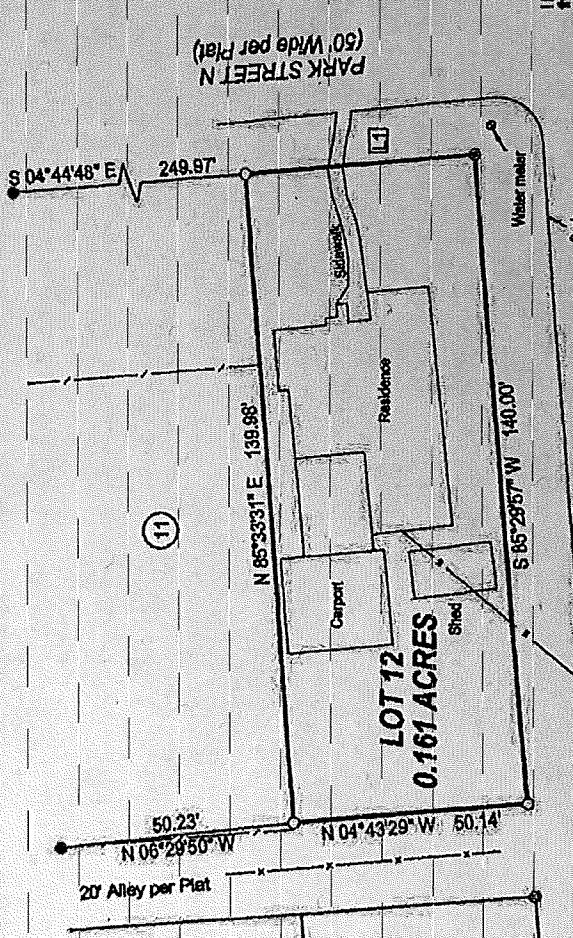
LOT 12, BLOCK 28

J.A. TIVY ADDITION

TO THE CITY OF KERRVILLE

KERR COUNTY, TEXAS

VOLUME P, PAGE 16, PLAT RECORDS



LEGEND

- Iron rod (find)
- ◎ Iron pipe (find)
- Iron rod (set)
- 8d Nail (find)
- Power line
- Wood fence
- Wire fence
- DR - Deed Records
- Kerr Co., TX

NOTE:
All bearings are from GPS observations based
on Texas State Plane Coordinate System,
South Central Zone 5, NAD 83.

C STREET N
(50' Wide per Plat)

Scale 1" = 30'
September 22, 2020
By Mansfield - RPLS No. 5278 FIRM No. 4019356

I hereby certify that this survey was made on the ground and that

the plan correctly represents the facts found at the time of the survey,
and that to the best of my knowledge, there are no hidden encroachments
of improvements, watercourses, rights of way, boundary line conflicts,
or encroachments shown as shown herein.

R

✓

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

June 30, 2021

To Whom It May Concern:

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

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

June 27, 2021

Regarding Case # PZ-2021-14

Dear Kerrville Planning and Zoning Commission,

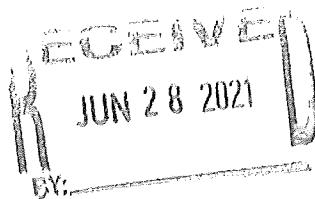
Regarding case PZ-2021-14, or 1221 Park St., please be advised that I, as property owner of

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

Thank you for your kind attention,

Printed name: Juan A Lozano

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



June 27, 2021

Regarding Case # PZ-2021-14

Dear Kerrville Planning and Zoning Commission,

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

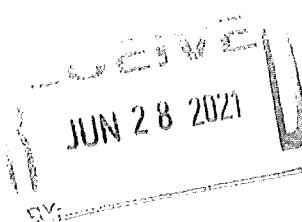
1209 Park Street, Kerrville, TX, 78028, am opposed to the proposed variance and would like to be on public record as such.

Thank you for your kind attention,

Printed name: Susan M McClintock

Signature: Susan M McClintock

Date: 6-27-2021



June 27, 2021

Regarding Case # PZ-2021-14

Dear Kerrville Planning and Zoning Commission,

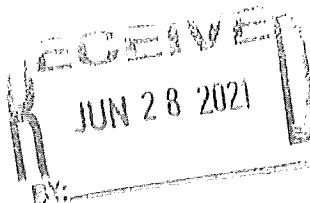
Regarding case PZ-2021-14, or 1221 Park St., please be advised that I, as property owner of
1301 Park Street, Kerrville, TX, 78028, am opposed to the proposed variance and
would like to be on public record as such.

Thank you for your kind attention,

Printed name: RUDOLPH ROSAS

Signature: Rudolph R Rosas

Date: 27 Jun 2021



June 27, 2021

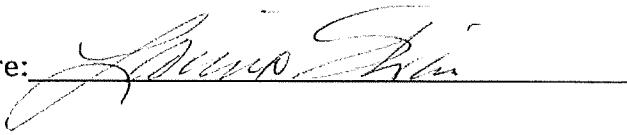
Regarding Case # PZ-2021-14

Dear Kerrville Planning and Zoning Commission,

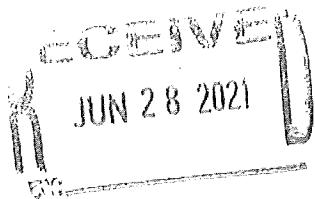
Regarding case PZ-2021-14, or 1221 Park St., please be advised that I, as property owner of 1304 Park Street, Kerrville, TX, 78028, am **opposed** to the proposed variance and would like to be on public record as such.

Thank you for your kind attention,

Printed name: Laurie Strain

Signature: 

Date: 6/27/21



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

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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

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

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

Thank you so much for your time and assistance,

Lauri Strain

Sent from my iPhone



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Ordinance No. 2021-18. An Ordinance amending Chapter 60, Code of Ordinances, City of Kerrville, Texas; Chapter 60 more commonly known as the City's Zoning Code; by changing the zoning of a property known as 3210 Riverside Drive and out of the Wallace Survey No. 112, Abstract No. 360, and within the City of Kerrville, Kerr County, Texas; from a Single-Family Residential Zoning District (R-1) to a General Commercial Zoning District (C-3); providing a cumulative clause; providing for severability; providing an effective date; and ordering publication.

AGENDA DATE OF: August 10, 2021 **DATE SUBMITTED:** Jul 30, 2021

SUBMITTED BY: Drew Paxton

EXHIBITS: [20210810_Ordinance_2021-18 Zone change 3210 Riverside Drive.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$0	\$0	\$0	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	No
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

Proposal

An ordinance to change the zoning from R-1 Single Family Residential to C-3 General Commercial on approximately 0.31 acres located within the Wallace Survey No. 112, Abstract No. A0360, Kerr County, Texas; and more commonly known as 3210 Riverside Drive.

Procedural Requirements

Ten letters were mailed 6/17/2021, to adjacent property owners. The public notice was

published in the Kerrville Daily Times on 6/10/2021. At the time of drafting this Agenda Bill, no comments had been received.

Staff Analysis and Recommendation

Consistency with the Kerrville 2050 Comprehensive Plan: The property and surrounding area are designated as Community Commercial. Having frontage on Loop 534 and adjacent to existing C-3 zoning, this request is consistent with the Kerrville 2050 Future Land Use Plan.

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: R-1

Existing Land Uses: single family residential

Direction: North

Current Zoning: C-3

Existing Land Uses: Vacant

Direction: South

Current Zoning: R-1, Guadalupe River, Loop 534 bridge

Existing Land Uses: vacant

Direction: East

Current Zoning: R-1 and C-2

Existing Land Uses: single family homes and convenience store

Direction: West

Current Zoning: C-3 and R-1

Existing Land Uses: vacant land and single family home

Thoroughfare Plan: The property is at the intersection of Riverside Drive and Loop 534. Access to Loop 534 is subject to TxDOT review.

Traffic Impact: To be determined at the time a project is proposed.

Parking: To be determined and subject to all zoning requirements.

Recommendation: Based on the consistency with the Kerrville 2050 Future Land Use Plan, staff recommends the case for approval.

On July 1st, the Planning and Zoning recommended the case for approval with a unanimous vote.

RECOMMENDED ACTION:

Approve Ordinance No. 2021-18, on first reading.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2021-18**

AN ORDINANCE AMENDING CHAPTER 60, CODE OF ORDINANCES, CITY OF KERRVILLE, TEXAS; CHAPTER 60 MORE COMMONLY KNOWN AS THE CITY'S ZONING CODE; BY CHANGING THE ZONING OF A PROPERTY KNOWN AS 3210 RIVERSIDE DRIVE AND OUT OF THE WALLACE SURVEY NO. 112, ABSTRACT NO. 360, AND WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS; FROM A SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT (R-1) TO A GENERAL COMMERCIAL ZONING DISTRICT (C-3); PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND ORDERING PUBLICATION

WHEREAS, pursuant to Texas Local Government Code Sections 211.006 and 211.007, notice has been given to all parties in interest and citizens by publication in the official newspaper for the City of Kerrville, Texas ("City"), and otherwise, of a hearing held before the City Council on August 10, 2021, which considered a report of the City's Planning and Zoning Commission regarding its recommendations on this Ordinance, the adoption of which will result in the change of a zoning district for the property located at 3210 Riverside Drive; such change to result in the removal of the property from a Single-Family Residential Zoning District (R-1) to placement within a General Commercial Zoning District (C-3); and

WHEREAS, on August 10, 2021, City Council held a public hearing on the zoning change referenced above pursuant to the published notice and has considered the application, comments, reports, and recommendations of the Planning and Zoning Commission and staff, public testimony, and other relevant support materials;

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

SECTION ONE. The Zoning Code, Chapter 60 of the Code of Ordinances of the City of Kerrville, Texas, and the *Official Zoning Map* are hereby amended to designate the following described property zoned as within a General Commercial Zoning District (C-3):

Legal Description: Being a certain tract of land, out of the Wallace Survey No. 112, Abstract No. 360, and within the City of Kerrville, Kerr County, Texas; said tract depicted at Exhibit A, attached hereto and made a part hereof for all purposes.

Address: 3210 Riverside Drive, Kerrville, TX 78028.

SECTION TWO. The City Manager, or designee, is authorized and directed to amend the City's *Official Zoning Map* to reflect the change in districts adopted herein and to take other actions contemplated by and in accordance with the City's Zoning Code.

SECTION THREE. The provisions of this Ordinance are cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are expressly repealed to the extent of any such inconsistency or conflict.

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

SECTION FIVE. Pursuant to Texas Local Government Code §52.013(a) and Section 3.07 of the City's Charter, the City Secretary is hereby authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

SECTION SIX. This Ordinance shall become effective immediately upon the expiration of ten days following publication, as provided for by Section 3.07 of the City Charter.

PASSED AND APPROVED ON FIRST READING, this the _____ day of _____, A.D., 2021.

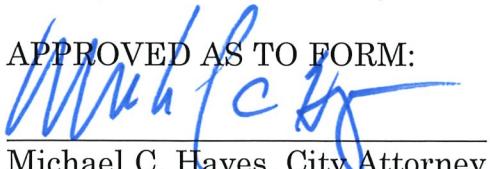
PASSED AND APPROVED ON SECOND AND FINAL READING, this the _____ of _____, A.D., 2021.

Bill Blackburn, Mayor

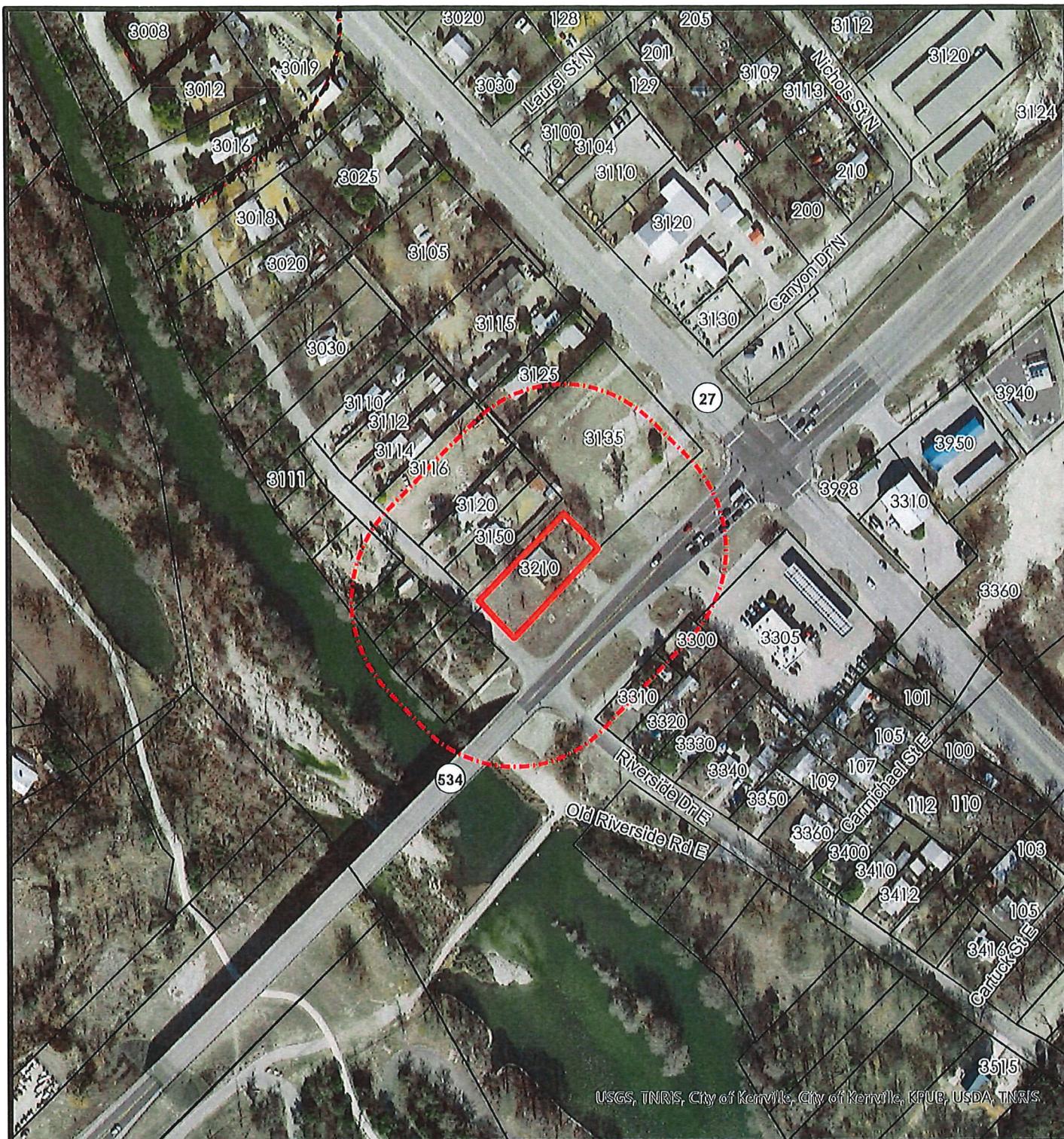
ATTEST:

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney

T:\Legal\DEVELOPMENT SERVICES (Planning)\Zoning\ORD\3210 Riverside Dr_R-1 to C-3_072921.docx



Location Map

Case # PZ-2021-12

Location:
3210 Riverside Drive

Legend
200' Notification Area
Subject Properties



0 75 150 300

Scale In Feet



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Ordinance No. 2021-19. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas, such chapter more commonly known as the City's Zoning Code; by changing the zoning of a property known as 501 Florence; consisting of Lot 19 and part of Lot 20, Block 25, Westland Place; within the City of Kerrville, Kerr County, Texas; from a Residential Transition Zoning District (RT) to a Neighborhood Commercial Zoning District (C-1); providing a cumulative clause; providing for severability; providing an effective date; ordering publication; and providing other matters relating to the subject.

AGENDA DATE OF: August 10, 2021 **DATE SUBMITTED:** Jul 30, 2021

SUBMITTED BY: Drew Paxton

EXHIBITS: [20210810_Ordinance_2021-19 Zone change 501 Florence.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$0	\$0	\$0	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	No
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

Proposal

An ordinance to change the zoning from R-T Residential Transition to C-1 Neighborhood Commercial on Lot 19, Part 20, Block 25, Westland Place; and generally located 501 Florence Street.

Procedural Requirements

29 letters were mailed 6/17/2021 to adjacent property owners. The public notice was

published in the Kerrville Daily Times on 6/10/2021. At the time of drafting this Agenda Bill, no comments had been received.

Staff Analysis and Recommendation

Consistency with the Kerrville 2050 Comprehensive Plan: The property and surrounding area are within the Strategic Catalyst Area 4. SCA 4 is situated along Junction Highway and stretches from Ingram to the center part of Kerrville. The place types range from light industrial on the western end, to Community Commercial on the eastern end and near Nimitz Lake. This request for C-1, Neighborhood Commercial, is consistent with the SCA 4 and the Kerrville 2050 Comprehensive Plan.

Zoning Code:

The Neighborhood Commercial District allows the offering of goods and services of a limited, low-intensity nature to both individuals and businesses. These activities, which include shopping for daily needs and professional services, are typically:

- a. Provided in an office setting;
- b. Sought on a frequent or recurring basis; and
- c. Tend to be located in small buildings, with one or only a few businesses, and on small lots.

C-1 zoning should be located along or at the intersection(s) of arterials and collector streets to provide access to customers and to accommodate the traffic associated with these uses. If properly designed, development and uses in the C-1 district can buffer residential areas from higher-volume roadways or more intense nonresidential uses.

Neighborhood-oriented retail, business and personal service, banks and financial institutions, and office uses such as barber and beauty shops, grocery stores, restaurants, and clothing stores in buildings of a limited size, certain public and institutional uses, and activities allowed subject to the approval of a conditional use permit.

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: RT

Existing Land Uses: Vacant office building

Direction: North

Current Zoning: R-1A

Existing Land Uses: single family residential

Direction: South

Current Zoning: C-2

Existing Land Uses: retail

Direction: East

Current Zoning: C-2 and R-1A

Existing Land Uses: retail and single family residential

Direction: West

Current Zoning: C-2 and R-1A

Existing Land Uses: carwash and single family residential

Thoroughfare Plan: With access to two local neighborhood streets, less than one block from Junction Highway (arterial) there should be little to no impact on the thoroughfare system.

Traffic Impact: With primary access on the local level street, less than one block from Junction Highway, there should be little impact on traffic.

Parking: To be determined and as required by the Zoning Code for the proposed uses.

Recommendation: Based on the consistency with the zoning code and Kerrville 2050 Plan, staff recommends the case for approval.

On July 1st, the Planning and Zoning Commission recommended the case for approval with a unanimous vote.

RECOMMENDED ACTION:

Approve Ordinance No. 2021-19, first reading.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2021-19**

AN ORDINANCE AMENDING CHAPTER 60 OF THE CODE OF ORDINANCES, CITY OF KERRVILLE, TEXAS, SUCH CHAPTER MORE COMMONLY KNOWN AS THE CITY'S ZONING CODE; BY CHANGING THE ZONING OF A PROPERTY KNOWN AS 501 FLORENCE; CONSISTING OF LOT 19 AND PART OF LOT 20, BLOCK 25, WESTLAND PLACE; WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS; FROM A RESIDENTIAL TRANSITION ZONING DISTRICT (RT) TO A NEIGHBORHOOD COMMERCIAL ZONING DISTRICT (C-1); PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, pursuant to Texas Local Government Code Sections 211.006 and 211.007, notice has been given to all parties in interest and citizens by publication in the official newspaper for the City of Kerrville, Texas ("City"), and otherwise, of a hearing held before the City Council on August 10, 2021, which considered a report of the City's Planning and Zoning Commission regarding its recommendations on this Ordinance, the adoption of which will result in the change of a zoning district for the property located at 501 Florence; such change to result in the removal of the property from a Residential Transition Zoning District (RT) to placement within a Neighborhood Commercial Zoning District (C-1); and

WHEREAS, on August 10, 2021, City Council held a public hearing on the zoning change referenced above pursuant to the published notice and has considered the application, comments, reports, and recommendations of the Planning and Zoning Commission and staff, public testimony, and other relevant support materials;

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

SECTION ONE. The Zoning Code for the City of Kerrville, Texas, Chapter 60 of the Code of Ordinances of the City of Kerrville, Texas, and the *Official Zoning Map* are hereby amended to designate the following described property zoned as within a Neighborhood Commercial Zoning District (C-1):

Legal Description: Being a certain tract of land, consisting of Lot 19 and part of Lot 20, Block 25, out of Westland Place, and within the City of Kerrville, Kerr County, Texas; said tract depicted at Exhibit A,

attached hereto and made a part hereof for all purposes.

Address: 501 Florence, Kerrville, TX 78028.

SECTION TWO. The City Manager or designee is authorized and directed to amend the City's *Official Zoning Map* to reflect the change in districts adopted herein and to take other actions contemplated by and in accordance with the City's Zoning Code.

SECTION THREE. The provisions of this Ordinance are cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are expressly repealed to the extent of any such inconsistency or conflict.

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

SECTION FIVE. Pursuant to Texas Local Government Code §52.013(a) and Section 3.07 of the City's Charter, the City Secretary is hereby authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

SECTION SIX. This Ordinance shall become effective immediately upon the expiration of ten days following publication, as provided for by Section 3.07 of the City Charter.

PASSED AND APPROVED ON FIRST READING, this the _____ day of _____, A.D., 2021.

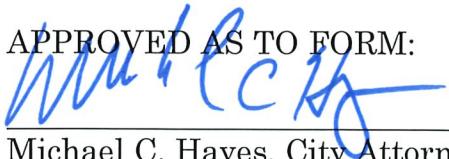
PASSED AND APPROVED ON SECOND AND FINAL READING, this the _____ of _____, A.D., 2021.

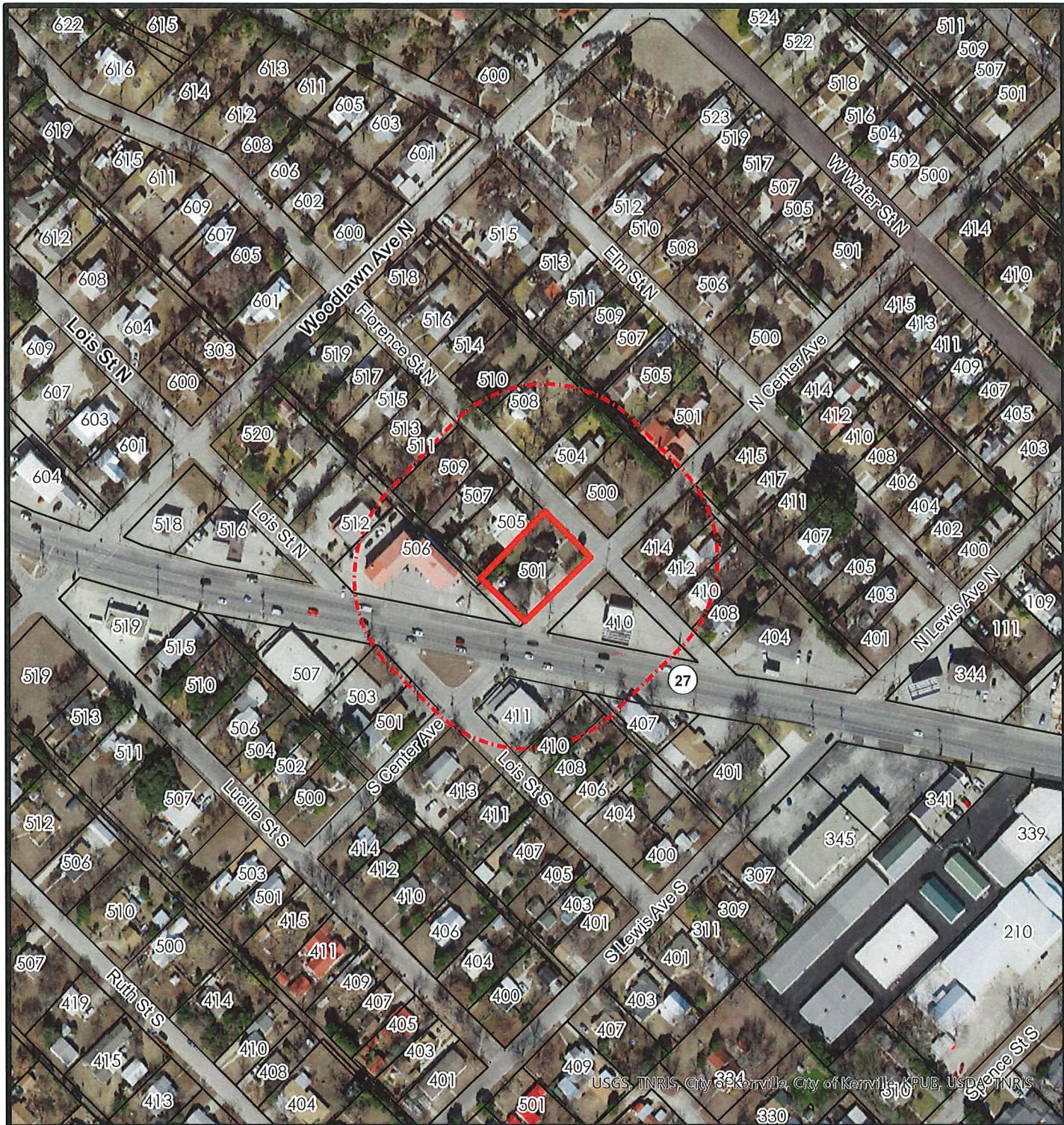
Bill Blackburn, Mayor

ATTEST:

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney



Location Map

Case # PZ-2021-13

Location:
501 Florence Street

Legend
200' Notification Area
Subject Properties



0 75 150 300
Scale In Feet



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Presentation of the Fiscal Year 2022 Proposed Budget.

AGENDA DATE OF: August 10, 2021 **DATE SUBMITTED:** Jul 30, 2021

SUBMITTED BY: EA Hoppe

EXHIBITS:

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
N/A	N/A	N/A	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	No
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

As required by the City's Charter, the annual proposed budget for Fiscal Year 2022 (FY2022), that was officially filed on July 30, 2021, will be presented.

RECOMMENDED ACTION:

None at this time. Action will follow with ordinances presented on August 24, 2021 and September 14, 2021.



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Resolution No. 37-2021. A Resolution setting forth the Ad Valorem (property) tax rate to be considered for adoption for the 2021 tax year; said rate to be \$0.5093 per \$100 of assessed value; calling a public hearing prior to the adoption of the Fiscal Year 2022 budget as required by both the City's Charter and State Law.

AGENDA DATE OF: August 10, 2021 **DATE SUBMITTED:** Jul 30, 2021

SUBMITTED BY: Julie Behrens

EXHIBITS: [20210810_Resolution_37-2021 Tax Rate 2021.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
N/A	N/A	N/A	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	No
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

The FY2022 Proposed Budget includes revenues of \$71,956,982 and expenditures of \$79,131,548. Local Government Code and the City Charter require a public hearing for the proposed budget. The public hearing is scheduled for Tuesday, August 24, 2021 at 6 pm at 701 Main Street, Kerrville, Texas. Additionally, the Charter requires that the City publish a general summary of the budget and a notice stating the times and places where copies of the budget are available for inspection by the public and the time and place for a public hearing on the budget. A sample of the proposed public hearing notice is attached. The FY2022 Proposed Budget was filed on July 30, 2021 with the City Secretary. Copies are available for public viewing in the City Secretary's Office in City Hall at 701 Main Street, Kerrville, TX between 8 am and 5 pm Monday through Friday, the Butt-Holdsworth Memorial Library at 505 Water Street, during regular business hours, and on the City's

website at www.kerrvilletx.gov.

Ad Valorem Tax Rate

The proposed total ad valorem tax rate of \$0.5093 per \$100 assessed value is lower than the \$0.5116 tax rate for the previous year. The rate is higher than the no-new-revenue tax rate \$0.4868 and lower than the voter-approval rate of \$0.5315.

RECOMMENDED ACTION:

Approve resolution No. 37-2021 setting the proposed tax rate of \$0.5093 for the FY2022 budget.

CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 37-2021

A RESOLUTION SETTING FORTH THE AD VALOREM (PROPERTY) TAX RATE TO BE CONSIDERED FOR ADOPTION FOR THE 2021 TAX YEAR; SAID RATE TO BE \$0.5093 PER \$100 OF ASSESSED VALUE; CALLING A PUBLIC HEARING PRIOR TO THE ADOPTION OF THE FISCAL YEAR 2022 BUDGET AS REQUIRED BY BOTH THE CITY'S CHARTER AND STATE LAW

WHEREAS, Section 26.061 of the Texas Tax Code sets out the procedural requirements for the adoption of a city's tax rate, where the proposed total ad valorem tax rate of \$0.5093 per \$100 assessed value is lower than the \$0.5116 tax rate for the previous year. The rate is higher than the no-new-revenue tax rate of \$0.4868 and lower than the voter-approval rate of \$0.5315 as calculated pursuant to Chapter 26, Texas Tax Code; and

WHEREAS, City Council is considering the adoption of an ad valorem tax rate of \$0.5093 per \$100 assessed value is lower than the \$0.5116 tax rate for the previous year. The rate is higher than the no-new-revenue tax rate of \$0.4868 and lower than the voter-approval rate of \$0.5315; and

WHEREAS, pursuant to the Section 8.03 of the City Charter and Section 102.006 of the Texas Local Government Code, City Council must hold a public hearing regarding the City's proposed budget; and

WHEREAS, City Council now establishes the date for a public hearing on the adoption of the proposed fiscal year 2022 budget;

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

SECTION ONE. Tax Rate. The City Manager and City Attorney are directed to prepare an ordinance for consideration by City Council, which if adopted, will adopt and impose a total ad valorem (property) tax rate for the tax year 2021 at a rate of \$0.5093 per \$100 assessed value is lower than the \$0.5116 tax rate for the previous year. The rate is higher than the no-new-revenue tax rate of \$0.4868 and lower than the voter-approval rate of \$0.5315 as calculated by Chapter 26, Texas Tax Code. This proposed tax rate is currently scheduled to be adopted by passage of an ordinance, the second and final reading of which is scheduled to occur on September 14, 2021.

SECTION TWO. Publication of Budget. In accordance with Section 8.04 of the City Charter, the City Secretary is directed to publish a general summary of

the budget and a notice stating the time and places where this message and full budget are available for public inspection.

SECTION THREE. Public Hearing for Budget. Pursuant to Section 8.03 of the City Charter and Chapter 102, Texas Local Government Code, a public hearing on the proposed budget is scheduled for 6:00 p.m. on August 24, 2021, at City Hall, 701 Main Street.

SECTION FOUR. Notices. The City Secretary is directed to provide notice of the above specified public hearing for the budget and to take other actions in accordance with state law, including Section 26.061, Texas Tax Code, and the City's Charter.

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

Bill Blackburn, Mayor

ATTEST:

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:

Michael C. Hayes, City Attorney