

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 03-2022**

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO AUTHORIZE A SHORT-TERM RENTAL UNIT ON THE PROPERTY COMPRISING A PART OF LOTS 21 AND 22, BLOCK 8, LOWRY ADDITION; AND MORE COMMONLY KNOWN AS 400 LOWRY STREET S.; SAID PROPERTY IS LOCATED WITHIN A SINGLE-FAMILY RESIDENTIAL WITH ACCESSORY DWELLING UNIT ZONING DISTRICT (R-1A); AND MAKING SAID PERMIT SUBJECT TO CONDITIONS AND RESTRICTIONS

WHEREAS, the owner of the property known as 820 Robinson Avenue and graphically depicted on the location map and site plan found 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 with Accessory Dwelling Unit Zoning District (R-1A); 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, has recommended 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 January 11, 2022, 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 with Accessory Dwelling Unit Zoning District (R-1A), 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: comprising part of Lots 21 and 22, Block 8, Lowry Addition, a subdivision of Kerr County and

the city of Kerrville, and being depicted on the location map and survey plat found at **Exhibit A**.

General Description: 400 Lowry Street S., 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 (1) 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 11 day of January A.D., 2022.


Bill Blackburn, Mayor

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney

ATTEST:


Shelley McElhannon, City Secretary



USGS, TNRS, City of Kerrville, City of Kerrville, KPUB, USDA, TNRS

Location Map

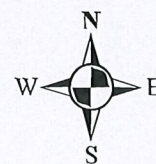
Case # PZ-2021-28

Location:
400 Lowry St

Exhibit A

Legend

200' Notification Area - - - - -
Subject Properties _ _ _ _ _



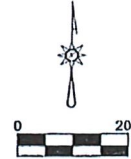
0 75 150 300

Scale In Feet

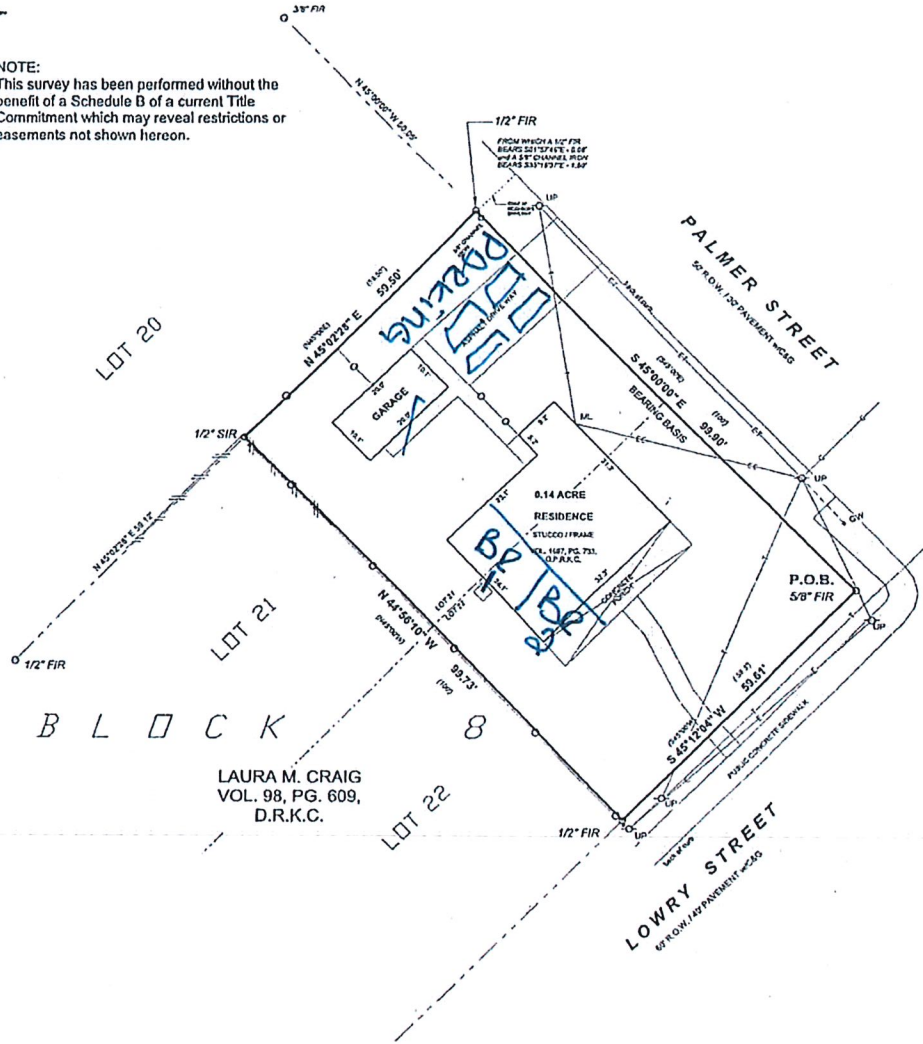
EXHIBIT A

LEGEND OF ABBREVIATIONS

D.R.K.C. = Deed Records of Kerr County, E.R.K.C. = Easement Records of Kerr County
 R.P.R.K.C. = Real Property Records of Kerr County, U.E. = Utility Easement, L.S. = Light Standard
 P.R.K.C. = Plat Records of Kerr County, P.O.B. = Point of Beginning, R.O.W. = Right of Way
 B.S.B.L. = Building Set Back Line, U.P. = Utility Pole, G.W. = Guy Wire, M.L. = Motor Loop
 W.M. = Water Meter, F.H. = Fire Hydrant, A/C = Air Conditioner, -W. = Water line
 -E. = Electric Line, -T. = Telephone Line, -C. = TV Cable, -x. = Field Fence, -D. = Plastic Fence
 -o. = Chain Link Fence, -//. = Board Fence, U.G.E. = Underground Electric
 U.G.C. = Underground Cable Television, U.G.T. = Underground Telephone, -G. = Natural Gas Line
 M.H. = Manhole, B.M. = Elevation Benchmark, -S. = Sanitary Sewer, W.V. = Water Valve
 F.I.R. = Found Iron rod, S.I.R. = Set Iron rod, F.C.P. = Fence corner post, C/O = Septic Cleanout
 F.I.P. = Found iron pipe, F.P. = Fence Post, G.M. = Gas Meter, C & G = Curb and Gutter
 F60dN = Found 60d Nail, S60dN = Set 60d Nail, F.R.R.S. = Found Railroad Spike
 Record bearings and distances are shown in parentheses.



NOTE:
 This survey has been performed without the benefit of a Schedule B of a current Title Commitment which may reveal restrictions or easements not shown hereon.



NOTE:
 THIS PLAT OF SURVEY IS A COMPANION TO A FIELD NOTE DESCRIPTION DATED THE 23rd DAY OF FEBRUARY 2009.

Plat of Survey of 0.14 acre composed of the northeast portions of Lots 21 and 22, Block 8 of the Lowry Addition, a subdivision of record in Volume 28, Page 113 through 118 of the Deed Records of Kerr County, Texas.

I, Charles Digges, a Registered Professional Land Surveyor, certify that an on the ground survey has been performed under my supervision on February 18, 2009. Improvements and easements visible apparent on the site are shown hereon. Discrepancies in boundary lines, if any, are shown hereon. Only plats containing my seal in black ink and my signature in blue ink are to be considered original and authorized for use.

Charles Digges
 Charles Digges, Registered Professional Land Surveyor
 Texas Registration No. 4061



FILE NAME		
09021701.TRV		
SCALE	DATE	DRAWN BY
20 FV/in	2-24-2009	RLB
JOB	REVISION	SHEET
09021701	1/1	1/1

GUADALUPE SURVEY COMPANY
 217A West Water Street, Kerrville, Texas, 78028 Ph# (830) 895 1808 Fax# (830) 896 3534

FIELD NOTE DESCRIPTION
0.14 ACRE

Being a tract of land containing 0.14 acre composed of the northeast portions of Lots 21 and 22 of Block 8 of the Lowry Addition to the City of Kerrville, a subdivision of record in Volume 28, Pages 113 through 118 of the Deed Records of Kerr County, Texas; being the same property of record in Volume 1697, Page 733 of the Official Public Records of Kerr County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a $\frac{1}{8}$ " iron rod found for the east corner of said Block 8, of said Lot 22, and of the subject tract; said iron rod located at the intersection of the southwest right of way line of Palmer Street, a 50 foot wide public roadway and the northwest right of line of Lowry Street, a 60 foot wide public roadway;


THENCE with the northwest right of way line of said Lowry Street, with the southeast line of said Block 8 and of said Lot 22, S.45°12'04"W., a distance of 59.61 feet to a $\frac{1}{2}$ " iron rod found near a chain link fence post for the south corner of the subject tract; said iron rod being the east corner of a certain tract of land conveyed to Laura M. Craig by deed of record in Volume 98, Page 609 of the Deed Records of Kerr County, Texas;

THENCE through the interior of said Block 8, and said Lots 22 and 21, respectively, with the northeast line of said Craig tract, and with a fence, N.44°56'10"W., a distance of 99.73 feet to a $\frac{1}{2}$ " iron rod set for the west corner of the subject tract; said iron rod located in the common line of said Lot 21 and Lot 20 of said Block 8 and at a three way fence intersection;

THENCE continuing through the interior of said Block 8, with said common line of said Lots 20 and 21, and partially with a fence, N.45°02'28"E., a distance of 59.50 feet to a $\frac{1}{2}$ " iron rod found for the north corner of the subject tract; said iron rod located in the southwest right of way line of the aforementioned Palmer Street and the northeast line of said Block 8, and being the common northeast corner of said Lots 20 and 21;

THENCE with the southwest right of way line of said Palmer Street, and with the northeast line of said Block 8 and of said Lot 21 and 22, respectively, S.45°00'00"E., (*Bearing Basis*) a distance of 99.90 feet to the POINT of BEGINNING, and containing 0.14 acre within these metes and bounds.

Prepared this the 23rd day of February 2009, and being a companion to a Plat of Survey dated February 19, 2009.


Charles Digges, R.P.L.S.
Texas Registration No. 4061
09021701@mas/duc/rik





SHORT TERM RENTAL CONDITIONAL USE PERMIT GUEST NOTIFICATION

CUP Resolution Number 03-2022

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!