

AGENDA FOR THE KERRVILLE CITY COUNCIL MEETING

TUESDAY, MAY 24, 2022, 6:00 P.M.

**CITY HALL COUNCIL CHAMBERS
AND UPSTAIRS CONFERENCE ROOM**

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 MEETING AGENDA
MAY 24, 2022, 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. Taking this into account, standard safety protocols will be observed by City Council, City staff, and citizens/visitors attending the meeting. Masks are voluntary and highly encouraged. Visitor seating will be designated.

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.

Thank you for your participation!

CALL TO ORDER: By Mayor Judy Eychner.

INVOCATION AND PLEDGE OF ALLEGIANCE: Led by Councilmember Roman Garcia.

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 Kerrville Pets Alive.

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. Purchase of library self-check machine, RFID security gates, and mobile digital library assistant wand from sole source vendor Bibliotheca at a total cost of \$66,835.00 to be funded by the Friends of the Library over a five year period.

Attachment:

[20220524_Proposal_SaaS Bibliotheca RFID gate BHML.pdf](#)

4.B. City Council meeting minutes held May 10, 2022.

Attachment:

[20220524_Minutes_City Council meeting 5-10-22 6pm.pdf](#)

- 4.C. City Council special-called meeting minutes held May 17, 2022.

Attachment:

[*20220524_Minutes_CC meeting Canvass of Election 5-17-22 6pm.pdf*](#)

END OF CONSENT AGENDA.

5 PUBLIC HEARING AND ORDINANCES, FIRST READING:

- 5.A. Ordinance No. 2022-22. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas; by changing the zoning of an approximate 36.28 acre tract out of the Nathaniel Hoyt Survey No. 145, Abstract No. 178; more commonly known as 2601 Medina Highway (SH 16 S); from a Residential Estate Zoning District (RE) to a Multifamily Residential Zoning District (R-3); amending the City's Comprehensive Plan to make it consistent with the Zoning Amendment; and providing other matters relating to the subject.

Attachments:

[*20220524_Ord 2022-22 2601 Medina Hwy zone change R3.pdf*](#)

[*20220524_PZ-2022-13_Letter to City re zoning amendment.pdf*](#)

[*20220524_PZ-2022-13_Campbell_Opposed.pdf*](#)

[*20220524_PZ-2022-13_Mangum1_Opposed.pdf*](#)

[*20220524_PZ-2022-13_Mangum2_Opposed.pdf*](#)

[*20220524_PZ-2022-13_Ortega_Opposed.pdf*](#)

[*20220524_PZ-2022-13_Rons_Opposed.pdf*](#)

[*20220524_PZ-2022-13_Stampley_Opposed.pdf*](#)

- 5.B. Ordinance No. 2022-20. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas; by changing the zoning of an approximate 7.08 acre property known as 1600 Junction Highway (SH 27); consisting of part of Lot 1, Block 1, of the Foxworth-Galbraith Subdivision; from a Light Commercial Zoning District (C-2) to a General Commercial Zoning District (C-3); and providing other matters relating to the subject.

Attachment:

[*20220524_Ord 2022-20 1600 Junction Hwy zone change C3.pdf*](#)

- 5.C. Ordinance No. 2022-21. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas; by changing the zoning of a property known as 400 W. Water; consisting of Lot 8, Block 17, Section B, of the Westland Place Addition; from a Single Family Residential with Accessory Dwelling Unit Zoning District (R-1A) to a Residential Transition Zoning District (RT); and providing other matters relating to the subject.

Attachment:

[*20220524_Ord 2022-21 400 W Water zone change RT.pdf*](#)

6 PUBLIC HEARINGS AND RESOLUTIONS:

- 6.A. Resolution No. 27-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property comprising part of Lots 5 and 6, Block 7, Lowry Addition; and more commonly known as 217 Starkey; 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.

Attachments:

[*20220524_Reso 27-2022 CUP 217 Starkey STR.pdf*](#)

[*20220524_PZ-2022-12_Ramirez_Opposed.pdf*](#)

[*20220524_PZ-2022-12_Sides_Opposed.pdf*](#)

[*20220524_Letter to Kerrville City Council_217 Starkey.pdf*](#)

- 6.B. Resolution No. 23-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property comprising Lot 8R, Block 2, A.L. Lewis 2nd Addition; and more commonly known as 321 Cottage; said property is located within a Single-Family Residential Zoning District (R-1); and making said permit subject to conditions and restrictions.

Attachments:

[20220524_Reso 23-2022 CUP 321 Cottage STR.pdf](#)

[20220524_PZ-2022-9_Baker_Opposed.pdf](#)

[20220524_PZ-2022-9_Lindley_Opposed.pdf](#)

- 6.C. Resolution No. 24-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property comprising Lot 29, Block 2, Sendero Ridge Subdivision; and more commonly known as 105 Jasper; said property is located within a Single-Family Residential Zoning District (R-1); and making said permit subject to conditions and restrictions.

Attachments:

[20220524_Reso 24-2022 CUP 105 Jasper STR.pdf](#)

[20220524_PZ-2022-14_Smith_Opposed.pdf](#)

[20220524_PZ-2022-14_Talley_opposed.pdf](#)

- 6.D. Resolution No. 25-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property comprising Lot 20-A, Block 23, Westland Place Addition; and more commonly known as 503 Lucille; 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.

Attachments:

[20220524_Reso 25-2022 CUP 503 Lucille STR.pdf](#)

[20220524_Letter Owner statement 503 Lucille.pdf](#)

- 6.E. Resolution No. 26-2022. A Resolution granting a Conditional Use Permit for a Short-Term Rental Unit on the property comprising Lot 19, Block 8, Lowry Addition; and more commonly known as 213 Palmer; 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.

Attachments:

[20220524_Reso 26-2022 CUP 213 Palmer STR.pdf](#)

[20220524_PZ-2021-35 - Duffy - Opposed - 2022.01.30.pdf](#)

7 CONSIDERATION AND POSSIBLE ACTION:

- 7.A. Amendments to the Restated Interlocal Agreement for the continued existence of a Joint Airport Board to provide management of Kerrville/Kerr County Airport.

Attachment:

[20220510_Interlocal Agreement 2021-53 Joint Airport Board to 5-24-2031.pdf](#)

8 INFORMATION & DISCUSSION:

- 8.A. Financial Report for month ended April 30, 2022.

Attachment:

[20220524_Presentation_Financial Update 4-30-22.pdf](#)

9 BOARD APPOINTMENTS:

- 9.A. Appointments to the Economic Improvement Corporation. (Item eligible for Executive Session 551.074)
- 9.B. Appoint member to the Heart of the Hills Heritage Center Board of Directors.
- 9.C. Appointment of Mayor Pro Tem. (Item eligible for discussion in Executive Session 551.074)

- 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. City Council also reserves the right to meet in executive session on the following issues:

10.A. Appointments to the Economic Improvement Corporation. (551.074)

10.B. Appointment of Mayor Pro Tem. (551.074)

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

12 ITEMS FOR FUTURE AGENDAS: *City Council may suggest items or topics for future agendas.*

ADJOURN.



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

SUBJECT: Kerrville Kindness Award presented to Kerrville Pets Alive.

AGENDA DATE OF: May 24, 2022

DATE SUBMITTED: May 17, 2022

SUBMITTED BY: Shelley McElhannon

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:

A citizen or entity who has impacted the City of Kerrville in a positive way. Recipient: Kerrville Pets Alive.

RECOMMENDED ACTION:

Present award.



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

SUBJECT: Purchase of library self-check machine, RFID security gates, and mobile digital library assistant wand from sole source vendor Bibliotheca at a total cost of \$66,835.00 to be funded by the Friends of the Library over a five year period.

AGENDA DATE OF: May 24, 2022

DATE SUBMITTED: May 09, 2022

SUBMITTED BY: Danielle Brigati

EXHIBITS: [20220524_Proposal_SaaS Bibliotheca RFID gate BHML.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$66,835.00			15-1500-4910

PAYMENT TO BE MADE TO: Bibliotheca

Kerrville 2050 Item?	Yes
Key Priority Area	F - Public Facilities and Services
Guiding Principle	F3. Address long-term technology needs through public-private partnerships to support public safety, information services and the library
Action Item	

SUMMARY STATEMENT:

Technology is an integral part of the services provided to the patrons of the Butt-Holdsworth Memorial Library. Our current circulation and security technology is over ten years old, obsolete and no longer serviceable. This greatly affects our ability to provide reliable and efficient service to our patrons.

The library in collaboration with the Information Technology department worked together to identify solutions to address our current challenges. After examining different solutions, we determined the most cost-effective and scalable solution would be to move to a subscription based model with our current vendor, Bibliotheca for our self-check, security gates and inventory needs.

The benefits of a moving to a subscription based model from a capital expense with

Bibliotheca will allow us fluid interoperability between our current Bibliotheca components and our proposed solution, as well as, provide scalability in the future. The library will also benefit from new releases and upgrades being included as part of the subscription cost. At the end of the subscription, the library will have the opportunity to refresh hardware with a new subscription.

The entire solution will cost \$66,835 paid annually for five year at \$13,367 per year. On April 13, 2022, the library presented the proposal to the Friends of the Library at their monthly board meeting. After reviewing the proposed solution, the Friends of the Library board voted to fund the project at an annual cost of \$13,367 for five years.

The proposed solution ties in with the Library's Department Business Plan under Objective 6: Provide excellent library experience to library patrons and visitors through outstanding customer interactions and service and Objective 7: Develop the library into a leading technology center that will address the needs and wants of the community while cultivating technology literacy for all ages. It also ties in with the IT Department's Business Plan under Objective 3: Provide technology support and solutions to enhance the City's overall service and achieve operational excellence.

A full copy of the proposal, in hard copy format, is available for viewing in the City Secretary Office.

RECOMMENDED ACTION:

Authorize the City Manager to finalize and execute any necessary agreements.

Solution as a Service Pricing

Solution as a Service subscription program

Solutions	Quantity
RFID gate Direct Mount, 2 aisle	1
staffConnect Gate Software	1
De-Install Existing RFID Gate	1
selfCheck™ 1000 freestanding kiosk	1
selfCheck 1000 Return Bin with housing	1
UniFi+ core software licenses up to 5 quickConnect Screensavers	1
libraryConnect™ devices – (1-5 devices)	1
Mobile Inventory Device	1
Mobile Inventory Device Tablet	1
Introduction to RFID Gates and Software	1
Introduction to libraryConnect Devices	1
Introduction to quickConnect™ and System Manager	1
Introduction to uniFi+	1
Onsite set-up and configuration	Included
One Year Warranty: Onsite Maintenance + parts and remote software support	Included
Shipping and Administration	Included

Solution as a Service proposed pricing

This table lists the price for the Solution as a Service subscription by year.

Year	Description	Annual Fee
1	SaaS listed above	\$13,367
2	SaaS listed above	\$13,367
3	SaaS listed above	\$13,367
4	SaaS listed above	\$13,367
5	SaaS listed above	\$13,367
TOTAL		\$66,835

The Bibliotheca Solution as a Service subscription includes:

- All hardware, equipment and devices
- All software needed to operate the devices
- All software enhancements, updates and fixes needed to maintain the devices
- Delivery, installation and warranty protection of all purchased hardware
- Access to Customer Support
- Education Courses for all solutions
- Flexibility to add hardware components or software solutions at any time by prorating costs or creating a new subscription. (Most customers look at making adjustments on the anniversary date.)
- Opportunity for a refresh of the hardware and software solutions at the end of the subscription period, allowing for the replacement of existing devices with a new subscription. (Available only on a five-year or longer term.)

Pricing Terms:

- Bibliotheca will invoice Library for the first year's fees prior to the Order Form effective date. Thereafter, Bibliotheca will invoice Library 45 days in advance, annually or as otherwise defined in the Order Form. Library will pay each of Bibliotheca's invoices within 30 days following the invoice date. All payments will be made in U.S. Dollars. All amounts paid are non-refundable and all amounts payable under an Order Form are non-cancellable.
- The Solution as a Service term commences upon date of first product delivery. Invoicing and payment per terms of the agreement.
- Consumable products not included in Solution as a Service.
- The Solution as a Service term commences upon delivery. Invoicing and payment per terms of the agreement.



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

SUBJECT: City Council meeting minutes held May 10, 2022.

AGENDA DATE OF: May 24, 2022

DATE SUBMITTED: May 12, 2022

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20220524_Minutes_City Council meeting 5-10-22 6pm.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:

City Council meeting minutes held May 10, 2022 at 6:00 p.m., in the City Hall Council Chambers.

RECOMMENDED ACTION:

Approve minutes as presented.

**CITY COUNCIL MINUTES
REGULAR MEETING**

**KERRVILLE, TEXAS
MAY 10, 2022 6:00 PM**

On May 10, 2022 at 6:00 p.m., Mayor Bill Blackburn in City Hall Council Chambers, 701 Main Street, called the Kerrville City Council meeting to order. Councilmember Brenda Hughes 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	Kyle Burow, Director Engineering
Mike Hayes, City Attorney	Stuart Cunyus, Public Info Officer
Michael Hornes, Assistant City Manager	Megan Folkerts, Sr Analyst Manager
Kim Meisner, Assistant City Manager	Guillermo Garcia, Exec Director Innovation
Shelley McElhannon, City Secretary	Eric Maloney, Fire Chief
Stuart Barron, Exec Director PW & Eng	Chris McCall, Police Chief
Julie Behrens, Director of Finance	Drew Paxton, Chief Planner
Stephen Boyd, Assistant Fire Chief	Charvy Tork, Director IT
Ashlea Boyle, Director Parks & Recreation	

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.

Joseph Jenkins, Walker Partners, LLC
Mary Rohrer, Airport Manager

Mayor Blackburn shifted item **2 PRESENTATIONS** forward.

2 PRESENTATIONS:

2A. Proclamation honoring Emergency Medical Services (EMS) Week.

Mayor Blackburn presented a proclamation to the Kerrville Fire Department honoring Emergency Medical Services Week. Representatives from the Fire Department were Fire Chief Eric Maloney, Assistant Fire Chief Stephen Boyd, Lieutenant Joel Bryant, Firefighter/Paramedic Dan Feuge, Driver/Paramedic Myron Fiedler, Firefighter/Paramedic Chase Lindner, Firefighter/Lead Paramedic Lucas Potter, Firefighter/Paramedic Jack Skow, and Battalion Chief Billy Williams.

2B. Kerrville Kindness Award presented to Delayne Sigerman and Kerrville Sisters in Service.

Mayor Blackburn presented the Kerrville Kindness Award to Delayne Sigerman for her volunteer leadership of the Kerrville Homeless Council, and the Kerrville Sisters in Service. Ms. Sigerman recognized Carole Milberger.

2C. Commendation for outgoing Board members of the Parks & Recreation Advisory Board and the Airport Board.

Mayor Blackburn recognized Lynda Ables, Celeste Hamman, and Matthew Thurlow for serving on the Parks & Recreation Advisory Board, and Mark Mosier for serving on the Airport Board. Mark Mosier provided an Airport update.

2D. Commendations for Kerrville Area Youth Leadership Academy (KAYLA) members.

Mayor Blackburn recognized the 2021-2022 KAYLA participants Anne-Elise Barton, Joseph Borecky, Maria Lara, Anna McCoy, Elena Romero, Mariam Taha, and Mira Taha.

1. **ANNOUNCEMENTS OF COMMUNITY INTEREST:** Stuart Cunyus and Councilmember Hughes provided announcements/interests.

2. **PRESENTATIONS:** Shifted Presentation forward before Item 1.

3. **VISITORS FORUM:**

The following person(s) spoke:

- Delayne Sigerman
- Glenn Andrew
- John Harrison
- Pat Murray
- Bruce Stracke

4. **CONSENT AGENDA:**

Shelley McElhannon read the Consent Agenda into record.

Councilmember Judy Eychner made a motion to approve the consent agenda as presented, seconded by Councilmember Kim Clarkson. The motion passed 5-0.

4A. Interlocal Agreement for Cooperative Purchasing Services with Purchasing Cooperative of America (PCA).

4B. City Council meeting minutes held April 26, 2022.

END OF CONSENT AGENDA.

5 **INFORMATION AND DISCUSSION:**

5A. Approve updated Row Hangar Project scope, funding, construction contract, and agenda authorization for the Kerrville-Kerr County Airport.

Shelley McElhannon read item 5A caption into record.

Julie Behrens introduced the item, and Airport Manager Mary Rohrer. Mary Rohrer and Julie Behrens provided information and responded to questions.

Councilmember Roman Garcia made a motion to approve the updated scope of Kerrville-Kerr County Airport project and proposed funding methods, authorize the Kerrville-Kerr County Airport Manager to enter into a construction contract for the project, and authorize the ~~City Manager~~ (correction by Councilmember Garcia) Kerrville-Kerr County Airport

Manager to approve any necessary agreement changed related to project, seconded by Councilmember Hughes. The motion passed 5-0.

5B. Professional Services Agreement with Walker Partners, LLC for the Lois Street Ground Storage Tank Improvements and Methodist Encampment Well Site Improvements projects in the amount of \$231,186.00.

Shelley McElhannon read item 5B caption into record.

Stuart Barron provided information and Stuart Barron and Kyle Burow responded to questions. Joseph Jenkins, Partner with Walker Partners, LLC, was in attendance.

Councilmember Hughes made a motion to authorize the City Manager to finalize and execute the professional services agreement with Walker Partners, LLC, seconded by Councilmember Eychner. The motion passed 5-0.

5C. Change order with M&C Fonseca Construction Co., Inc. for additional channel improvements as part of the Lower Lois Street Drainage project in the amount of \$151,888.

Shelley McElhannon read item 5C caption into record.

Stuart Barron provided information and responded to questions.

Councilmember Clarkson made a motion to authorize the City Manager to execute the change order, seconded by Councilmember Hughes. The motion passed 5-0.

5D. Purchase of two mobile generators from LJ Power, a Buyboard vendor, in the amount of \$165,612; such generators to help ensure emergency operations of the City's water system in accordance with state law.

Shelley McElhannon read item 5D caption into record.

Stuart Barron provided information and responded to questions.

Councilmember Eychner made a motion to authorize the City Manager to negotiate and execute an agreement to purchase two mobile generators, seconded by Councilmember Clarkson. The motion passed 5-0.

5E. Citizen requested agenda item: A discussion of the current "Ethics Policy for Elected and Appointed Officials – City of Kerrville, Texas" as it relates to the Mayor's behavior during Visitor's Forum at City Council meeting April 12, 2022. Requested by citizen George Baroody, sponsored by Councilmember Roman Garcia.

Shelley McElhannon read item 5D caption into record.

Councilmember Garcia provided an introductory statement since he sponsored the item. The following person(s) spoke:

- George Baroody
- Pablo Brinkman
- Glenn Andrew
- William Rector
- Ashley Phillips
- Layng Guerriero
- John Harrison

- Renee Lofaso
 - Bruce Stracke
 - Michael Sigerman
- No City Council action taken.

6 BOARD APPOINTMENT(S):

6A. Appointments to the Economic Improvement Corporation (EIC). (This item is eligible for Executive Session 551.074).

Mayor Blackburn made a motion to postpone this item until the May 24, 2022 City Council meeting, seconded by Councilmember Garcia. The motion passed 5-0.

7 EXECUTIVE SESSION: None.

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

Mayor Blackburn provided statements of leadership.

9 ITEMS FOR FUTURE AGENDAS: None.

ADJOURN. The meeting adjourned at 8:17 p.m.

APPROVED BY COUNCIL: _____

APPROVED:

ATTEST:

Judy Eychner, Mayor

Shelley McElhannon, City Secretary



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

SUBJECT: City Council special-called meeting minutes held May 17, 2022.

AGENDA DATE OF: May 24, 2022

DATE SUBMITTED: May 12, 2022

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20220524_Minutes_CC meeting Canvass of Election 5-17-22 6pm.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:

City Council special-called meeting, Canvass of the Election, minutes held May 17, 2022 at 6:00 p.m., at the Arcadia Theater, 717 Water Street.

RECOMMENDED ACTION:

Approve minutes as presented.

**CITY COUNCIL MINUTES
SPECIAL-CALLED MEETING**

**KERRVILLE, TEXAS
MAY 17, 2022 6:00 PM**

On May 17, 2022 at 6:13 p.m., Mayor Bill Blackburn called the Kerrville City Council special-called meeting, Canvass of the Election, to order at the Arcadia Theater, 717 Water 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	Michael Hornes, Assistant City Manager
Mike Hayes, City Attorney	Kim Meisner, Assistant City Manager
Shelley McElhannon, City Secretary	

1. RESOLUTION(S):

- Resolution No. 21-2022. A Resolution canvassing the returns and declaring the results of the May 7, 2022, City General Election.

Shelley McElhannon read Resolution No. 21-2022 caption into record.

Councilmember Kim Clarkson made to approve Resolution No. 21-2022, seconded by Councilmember Brenda Hughes. The motion passed 5-0.

- Resolution No. 22-2022. A Resolution canvassing the returns and declaring the results of a Bond Election; and other matters in connection therewith.

Shelley McElhannon read Resolution No. 22-2022 caption into record.

Councilmember Hughes made to approve Resolution No. 22-2022, seconded by Councilmember Judy Eychner. The motion passed 5-0.

2. STATEMENTS BY OUT-GOING COUNCILMEMBER(S):

Mayor Bill Blackburn provided outgoing statements, and exited the bench.

3. OATHS OF OFFICE GIVEN BY THE HONORABLE STEPHEN B. ABLES, PRESIDING JUDGE, SIXTH ADMINISTRATIVE JUDICIAL REGION:

Mayor Judy Eychner
Councilmember Place 3 Joe Herring, Jr.
Councilmember Place 4 Brenda Hughes

4. CERTIFICATES OF ELECTION SIGNED AND ISSUED BY MAYOR JUDY EYCHNER:

Judy Eychner, Mayor
Joe Herring, Jr., Councilmember Place 3
Brenda Hughes, Councilmember Place 4

5. STATEMENTS BY ELECTED COUNCIL:

Joe Herring, Jr., Councilmember Place 3

Brenda Hughes, Councilmember Place 4

Judy Eychner, Mayor

ADJOURN. The meeting adjourned at 6:30 p.m.

APPROVED BY COUNCIL: _____

APPROVED:

ATTEST:

Judy Eychner, Mayor

Shelley McElhannon, City Secretary



**TO BE CONSIDERED BY THE
PLANNING AND ZONING COMMISSION
CITY OF KERRVILLE, TEXAS**



SUBJECT: Ordinance No. 2022-22. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas; by changing the zoning of an approximate 36.28 acre tract out of the Nathaniel Hoyt Survey No. 145, Abstract No. 178; more commonly known as 2601 Medina Highway (SH 16 S); from a Residential Estate Zoning District (RE) to a Multifamily Residential Zoning District (R-3); amending the City's Comprehensive Plan to make it consistent with the Zoning Amendment; and providing other matters relating to the subject.

AGENDA DATE OF: May 24, 2022

DATE

May 13, 2022

SUBMITTED:

SUBMITTED BY: Drew Paxton

EXHIBITS: [20220524_Ord 2022-22 2601 Medina Hwy zone change R3.pdf](#)
[20220524_PZ-2022-13_Letter to City re zoning amendment.pdf](#)
[20220524_PZ-2022-13_Campbell_Opposed.pdf](#)
[20220524_PZ-2022-13_Mangum1_Opposed.pdf](#)
[20220524_PZ-2022-13_Mangum2_Opposed.pdf](#)
[20220524_PZ-2022-13_Ortega_Opposed.pdf](#)
[20220524_PZ-2022-13_Rons_Opposed.pdf](#)
[20220524_PZ-2022-13_Stampley_Opposed.pdf](#)

Kerrville 2050 Item? Yes

Key Priority Area H - Housing

Guiding Principle H1. Provide a diverse range of housing options to meet the needs and desires of all age groups, income levels, and lifestyles

Action Item

SUMMARY STATEMENT:

Proposal: An ordinance to change the zoning from RE Residential Estate District to R3 Multifamily Residential District on a 36.28 acre parcel being a portion of the Nathaniel Hoyt Survey No. 145, Abstract No. 178, being a portion of 168.47 acres according to the Special Warranty Deed with Vendor's Lien filed in Document No. 21-04751, Official Public Records of Kerr County, Texas; and more commonly known as 2601 Medina Hwy, Kerrville, TX 78028. (Case No. PZ-2022-13)

Procedural Requirements: The City, in accordance with state law, mailed 15 letters on 2/22/2022 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 3/17/2022.

At the time of drafting this agenda bill, Development Services has received the attached comments.

Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: RE Residential Estates

Existing Land Use: Vacant Land

Direction: East, & South

Current Zoning: RE Residential Estates

Existing Land Uses: vacant land

Direction: North & West

Current Zoning: N/A

Existing Land Uses: vacant ETJ land

Consistency with the Kerrville 2050 Comprehensive Plan ("Comp Plan"): The subject property is designated as Estate Residential. The request for R-3 is a minor change to the Future Land Use Plan. Many areas for the future land use plan outside of the strategic catalyst areas were carried over from the previous land use plan. In the past discussions, this area has been reviewed as one large development including the more diverse topographic areas. However, the property has been broken up into small parcels. With this portion of the property having highway frontage, the change from Estate Residential to Transitional Residential is consistent with the objectives and intent of the policies of the comprehensive plan.

Thoroughfare Plan: The subject property is located on Medina Highway/Hwy 16 (a primary arterial), as required for multi-family developments.

Traffic Impact: Future traffic impacts will be reviewed through the TIA Worksheet through the development and subdivision of this property.

Parking: All off-street parking requirements will be met through final project design and approval.

Case Summary: The applicant is requesting a zoning change from RE to R-3 Multifamily Residential.

Recommendation: Including the change to the Future Land Use Plan, consistent with the objectives of the Kerrville 2050 Plan, staff recommends the zoning request.

On April 7th, the Planning and Zoning Commission recommended the case for approval with a unanimous vote.

RECOMMENDED ACTION:

Approve Ordinance No. 2022-22 on first reading.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2022-22**

AN ORDINANCE AMENDING CHAPTER 60 OF THE CODE OF ORDINANCES, CITY OF KERRVILLE, TEXAS; BY CHANGING THE ZONING OF AN APPROXIMATE 36.28 ACRE TRACT OUT OF THE NATHANIEL HOYT SURVEY NO. 145, ABSTRACT NO. 178; MORE COMMONLY KNOWN AS 2601 MEDINA HIGHWAY (SH 16 S.); FROM A RESIDENTIAL ESTATE ZONING DISTRICT (RE) TO A MULTIFAMILY RESIDENTIAL ZONING DISTRICT (R-3); AMENDING THE CITY'S COMPREHENSIVE PLAN TO MAKE IT CONSISTENT WITH THIS ZONING AMENDMENT; 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 May 24, 2022, 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 a the property commonly known as 2601 Medina Highway (SH 16 S.) and comprising approximately 36.28 acres; such change to result in the removal of the property from a Residential Estate Zoning District (RE) to placement within a Multifamily Residential Zoning District (R-3); and

WHEREAS, on May 24, 2022, 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 Multifamily Residential Zoning District (R-3):

Legal Description: Being a 36.28 acre tract out of the Nathaniel Hoyt Survey No. 145, Abstract No. 178, and being a portion of a 168.47 acre tract according to the document filed as Document No. 21-04751, of the Official Public Records of Kerr County, Texas; said property

depicted at Exhibit A, attached hereto and made a part hereof for all purposes, and hereafter referred to as the "Property."

Address: 2601 Medina Highway (SH 16 S.), Kerrville, Texas 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 City Manager or designee is authorized and directed to amend the City's Comprehensive Plan (Kerrville 2050), together with its Future Land Use Map, as necessary to make it consistent with the amendment(s) to the Zoning Code authorized by this Ordinance.

SECTION FOUR. 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 FIVE. 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 SIX. 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 SEVEN. 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., 2022.

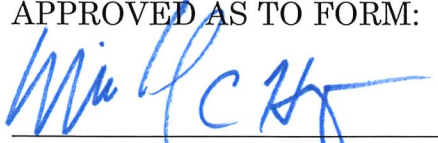
PASSED AND APPROVED ON SECOND AND FINAL READING, this the ____ of _____, A.D., 2022.

ATTEST:

Judy Eychner, Mayor

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney



Location Map

Case # PZ-2022-13

Location:
2601 Medina Highway

Legend

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



0 150 300 600
Scale In Feet



GREGORY A. RICHARDS, P.C.
ATTORNEY

280 Thompson Drive
Kerrville, Texas 78028
P: 830-257-8080
F: 830-896-8489
Info@GregRichardsLaw.com



March 30, 2022

Drew Paxton
City Planning Director
City of Kerrville
Via: email only to Drew.Paxton@kerrvilletx.gov

Re: Request for Zoning Change
36.28 acres (+/-) south of Riverhill on Tx. Hwy. 16

Dear Drew:

I represent Trophy Properties, LLC, who has applied for a zoning change for 36.28 +/- acres south of Riverhill. The property is currently owned by Medina River Estates, LLC, and is part of the 225.76 acre property that was the subject of the zoning change and development agreement that we worked on in 2020. The property is currently zoned RE. You may be aware that Medina River Estates, LLC sold 55 acres of the 225.76 acre tract to Riverhill Estates, LLC. The 55 acres is immediately adjacent to the Riverhill subdivision, is zoned RE, and provides a significant buffer to the remainder of the property. There remains 168.47 acres owned by Medina River Estates, LLC. My client's application is to have about 36.28 of the 168.47 acres rezoned to R3 (Multi-family Residential) as shown on the attached drawing. The remainder of the property will continue with the RE zoning and will be developed in accordance with that designation. The attached drawing shows the proposed configuration of the 36.28 acres.

My understanding is that this matter is set to be presented to Planning and Zoning on April 7, 2022. Please include this letter and the attachments in the packet for P&Z. I would also like to present this matter to P&Z during the meeting.

Re-Zoning this 36.28 acre tract as R3 is appropriate for the following reasons:

1. Workforce housing is desperately needed in Kerrville. All of the 36.28 acres will be developed to provide workforce housing. As many as 366 multi-family units are planned for the property.
2. The property is adjacent to existing city utilities, which cuts down on the infrastructure development costs. This is critical to being able to bring these homes to the market at an affordable price.
3. The property is close to the City center and provides good access to the City's major employers.

4. The property will utilize new access off of Hwy 16. It will not connect into the Riverhill subdivision, which was a significant concern in prior discussions about developing the property.
5. No City financial participation is being requested.
6. The proposed development is consistent with the 2050 plan to bring more workforce housing to the City.

It is critical for our community to retain and attract quality nurses, entrepreneurs, fire fighters, EMS, and Police, our teachers, construction professionals and our young families to serve our community. If they are going to work here, they need to live here. Right now, these key members of our community are finding that most existing and newly constructed housing is simply priced beyond their reach. When people can afford to live closer to their jobs, the entire community reaps the benefits. We end up with a more diverse population, we provide the opportunity for families to live and grow in one place over time, and our economy strengthens by helping employers attract and retain essential workers.

Please let me know if you have any questions or need additional information.

Sincerely,

Gregory A. Richards, P.C.

By: *Gregory A. Richards*

CC: Jay Parker – via email to j@parkerholdings.com

Dominique Garrison – via email to d@parkerholdings.com

Mike Wellborn – via email to mikew@wellbornengineering.com

From: [Tyler Campbell](#)
To: [Planning Division](#)
Subject: Case PZ-2022-13 opposition
Date: Tuesday, April 5, 2022 3:06:54 PM
Attachments: [Riverhill apartment issues.docx](#)
[Riverhill apartment map.pdf](#)
[smime.p7s](#)
[ATT00001.txt](#)
[ATT00002.htm](#)

Kerrville Planing and Zoning Commission:

Case PZ-2002-13 opposition protest

My name is Tyler Campbell. I am the adjacent land owner of the 55 acres to the 36 acre proposed development on Highway 16 that is looking to change the zoning from RE1 to R3. I also live in the Riverhill neighborhood. I adamantly oppose the rezoning of the 36 acres. We have already been down this road once with Vintage Heights. The attorney for the developer stated that there is a 55 acre buffer. That is not true. Not even a third of the 55 acres adjoins this proposed development. There is only a distance of 670 ft. from the back of Riverhill to the 36 acres that is a buffer. Currently there is a preliminary plat approval for Brinks Crossing Subdivision that is 200 acres across Highway 16 from the 36 acres. There are 25 acres blocked off for multi-family apartments. I do not know the exact amount of apartments they plan on building but 25 acres can hold a lot. Also there are 133 single family home sites in the development along with another 23 bigger tracts. That alone is going to increase the traffic on Highway 16 and amount of people cutting through Riverhill Blvd. The 36 acres is a half mile south down highway 16 and is a one lane highway each direction with speed limits up to 60 mph. There is a very small turn lane into the proposed 36 acres that can hold approximately three cars. With 366 planned apartments, that is not sustainable or safe. That would be one of the most dangerous and catastrophic intersections in Kerrville. Not to mention cars coming from the south are coming around a blind turn going 60 plus mph. People will get killed if they make a wrong decision on when to turn. The backed up traffic with both developments will cause major traffic jams on highway 16 up to Ranchero Road which will force people to take alternate routing on Riverhill Blvd. You're taking a safe neighborhood street now and making it unsafe with the amount of daily traffic that will commence.

Also I have listed five new subdivisions that are going in for work force housing that does not include the 36 acres. There will be over 400 new single family lots available along with a lot of new apartments with the Brinks development. There is not a need to change the zoning from RE1 to R3. The attorney keeps implying the apartments are for work force housing, but young professionals/first responders who want to make a career and live in Kerrville are going to want to buy a house and put their equity in that. Not give their equity away with renting apartments. That only favors the developer. The cost of renting a newer two bedroom apartment is more expensive than paying a mortgage on a house that costs 230K. We need houses in Kerrville, not apartments.

I have attached a document with my concerns dealing with traffic, safety, and current projected housing. I have also attached a diagram showing the location and distance with the 36 acres and Brinks Crossing. You will see how close these developments are next to each other and the amount of daily traffic issues it would cause.

I want to again express my opposition that the zoning change from RE1 to R3 is not necessary

and a huge safety issue. I request to leave the zoning as is.

Tyler Campbell
817-454-3173



New Subdivision in Kerrville:

Brinks Crossing Subdivision-Camp Meeting Creek Rd.

Preliminary plat has been approved

203 acres approximately

Block 1 is 25 acres of mixed use multi-family housing (apartments, condos, town homes)

Block 2 has 133 single family lots

Block 3 has 23 lots sized from 1 to 13 acres

- With 25 acres of preapproved multi-family housing, why the need to add 36 acres of new multi-family housing a half mile down the road. The traffic congestion that will increase not only on highway 16 but cutting through Riverhill Blvd will be enormous.

Blue Bell Estates Phase Two- Holdsworth Dr.- 43 lots

Weston Homeplace Phase Two - 45 lots

Lots of Hunter Hill- Jackson Rd.-12 lots

Lennar Homes next to the new Junior High- 145 lots

These are the new subdivisions going into Kerrville right now. There are 401 new lots available for work force housing, which does not include the 25 acres of multi-family housing in the Brinks Crossing Subdivision Block 1. They are planning for a lot of apartments to go into this space. There are more subdivisions that on the way as well. There is not an immediate need to change the zoning, especially with planned apartments going in right across the street from the 36 acre proposal. If people are wanting work force housing and wanting to make careers in Kerrville, they are going to want to purchase homes and not live in apartments. The going rates for newer two bedroom apartments in Kerrville right now are starting around 1,500. I would not call that affordable.

With two new huge housing developments that are almost caddy corner to each other on highway 16, this is a recipe for disaster traffic and safety wise. Where the planned turnoff on Highway 16 into the 36 acre proposed multi-family units are, this is a one lane highway each direction that has a turn lane which can only hold approximately three vehicles. You have cars coming from both directions going 55-60 mph. Is the city/state planning on extending this highway to a two-lane road on each side? With 366 apartments going in, there is no way that is feasible to accommodate that many new units. The amount of traffic that will be cutting through Riverhill Blvd to go to the new Junior High and High School every day will be enormous.

From: [Ty Mangum](#)
To: [Planning Division](#)
Subject: Re: Case PZ-2022-13
Date: Wednesday, April 6, 2022 4:30:07 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 address is.

111 Friar Tuck Way E
Kerrville TX 78028

Get [Outlook for iOS](#)

From: Ty Mangum
Sent: Wednesday, April 6, 2022 1:09:32 PM
To: planning.division@kerrvilletx.gov <planning.division@kerrvilletx.gov>
Subject: Case PZ-2022-13

To whom it may concern,

I am AGAINST case PZ-2022-13, as well as my wife, Brianna Mangum.

Sincerely,

Mr. and Mrs. Ty Mangum

From: [Debbye](#)
To: [Planning Division](#)
Subject: Rezoning Case PZ-2022-13
Date: Wednesday, April 6, 2022 1:24:26 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.

In the above-referenced zoning hearing, we respectfully request that changing the zoning to multi-family be denied. We cannot attend the meeting but hope the vote is against this zoning change!

We are residents of River Hill subdivision and strongly believe this would definitely lower property values.

Thank you.

Joe and Debbye Mangum
509 Winged Foot Lane
Kerrville TX 78028

From: [Hank Ortega](#)
To: [Bill White](#)
Cc: [Planning Division](#)
Subject: Case PZ-2022-13 - Important Zoning Meeting Affecting Riverhill
Date: Tuesday, April 5, 2022 8:15:25 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.

I am against a zoning change for the area noted, south of River Hill. Perhaps the City wasn't paying attention the last time this subject raised its ugly head.

Traffic to the two schools, as predicted has already become far worse. River Hills has become a cut-across on a road that was never meant to sustain that load. Adding several hundred of multi family residences will simply triple the problem. As a result of the new Middle School being added, a bus route has been added to Spring Mill Dr, a decidedly narrow street, that already has insufficient width to handle the many gardener and other service trucks that pass.

The previous development of that area had enough problems to cause the developer to abandon the project. Now comes the new development which hopes to add seriously WORSE problems with triple the traffic and cheap (not affordable) multi-family dwellings.

This is a serious assault on property values of a quality neighborhood.

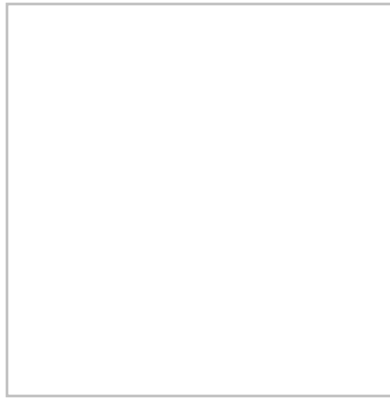
The city is exhibiting a narrow view and is inconsiderate of the surrounding neighbors to even consider a zoning change of this type.

Henry J Ortega
104 Spring Mill Dr
Kerrville TX 78028

Begin forwarded message:

On Tuesday, April 5, 2022, 3:09 PM, Bill White
<aporboard@gmail.com> wrote:

[View this email in your browser](#)



Zoning Request Change Alert

On the agenda for the Planning and Zoning Commission meeting on Thursday, April 7th at 4:30 PM in the City Council Chambers is the following item: I apologize for this short notice, but public notice of this item has only recently been posted.

“3.I. Zoning Change, RE to R-3, 2601 Medina Hwy (Case PZ-2022-13) An ordinance to change the zoning from RE Residential Estate District to R3 Multi-family Residential District on a 36.28 acre parcel being a portion of the Nathaniel Hoyt Survey No. 145, Abstract No. 178, being a portion of 168.47 acres according to the Special Warranty Deed with Vendor's Lien filed in Document No. 21-04751, Official Public Records of Kerr County, Texas; and more commonly known as 2601 Medina Hwy, Kerrville, TX 78028.”

Details of the proposal can be found at the link below under “Agenda and Packet”:

<https://kerrvilletx.gov/968/Planning-and-Zoning>

The area in question is a portion of the 225.76 acres of

land just south of the Riverhill subdivision that was originally proposed for Vintage Heights. Since that development was abandoned the 55 acres adjacent to Riverhill was sold and 168.47 remains owned by the Vintage Heights developer, Medina River Estates. The majority is zoned RE with a smaller portion on the southern end R-2. The change requested is for 36.28 of the remaining property (that abuts the 55 acres) to be rezoned to R3 (Multifamily residential).

Note: The redesignation to R-3 allows the development of multiple apartments or condominiums on a single lot of up to three floors. The documents submitted call for up to 366 multi-family units for the property.

The first step in this process is on April 7th. After hearing the presentation along with the recommendation of the Kerrville Planning & Development (which we assume will be in favor) and individual citizens, the Planning & Zoning Commission will vote on one of three actions. Accept, Reject or neither, if a tie vote. From there the request moves to City Council for review and action at two meetings.

Doug Holmes and I will attend the P&Z meeting, and we encourage any potentially impacted residents to also attend. For those unable, please forward us your input by Wednesday, April 6th. We will keep you posted as this moves forward. You may also contact the Kerrville Planning Division at: 830-258-1514 or email planning.division@kerrvilletx.gov (Case No. PZ-2022-13) to

express your views.

Bill White President



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You are receiving this email because you are a member of the
Association of Riverhill Property Owners.

Our mailing address is:

APOR Board
PO Box 293895
Kerrville, TX 78029-3895

[Add us to your address book](#)

Want to change how you receive these emails?
You can [update your preferences](#) or [unsubscribe from this list](#).



From: [Tracy Rons](#)
To: [Planning Division](#)
Subject: Public Hearing on Case #PZ-2022-13
Date: Wednesday, April 6, 2022 7:51:02 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.

To Whom It May Concern,

Please accept this e-mail as notice of **opposition** of the planned re-zoning of of the property at 2601 Medina Highway, Kerrville, TX from RE Residential Estate District to R3 Multifamily Residential District.

We are a property owners at:

213 Riverhill Boulevard
Kerrville, Texas 78028

Again, we respectfully ask that you vote **NO** to the proposed redistricting in case # PZ-2022-13.

Thank you,
Tracy and Emona Rons
830-370-1265

From: [Scott Stampley](#)
To: [Planning Division](#)
Subject: RE: Case PZ-2022-13
Date: Thursday, April 7, 2022 10:09:32 AM
Attachments: [image002.png](#)
[image003.png](#)
[image008.png](#)

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.

To Whom it may concern,

I am a homeowner on Castle Pines that backs up to the land that is trying to be Turned into multi-unit zoning. I bought this house 1 year ago and one of the main Reasons was of the beautiful view we have when we go in our backyard. Riverhills Subdivision is a staple of the Kerrville community and well known for its wonderful People and top notch golf course. As we all know, Riverhills Blvd. is heavily used as a cut thru for people who want a short cut. What the rest Of the public fails to see is those same people speed thru our neighborhood and have no respect for the residents who live here. Building a multi unit behind us would only add to our problem because No matter what they say or tell us, Those people would use the Bld. To Cut thru to the loop. I write you today to highly oppose the re zoning Of the 36 acres and keep it residential zoning.

Thank you,
The Stampleys
107 Castle Pines

Scott Stampley
Loan Officer
5113 Southwest Pkwy, Suite 195
Austin, Tx.
78735
O- (409) 679-8601
NMLS #1950643 | Company NMLS #3274
Equal Housing Lender

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**TO BE CONSIDERED BY THE
PLANNING AND ZONING COMMISSION
CITY OF KERRVILLE, TEXAS**



SUBJECT: Ordinance No. 2022-20. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas; by changing the zoning of an approximate 7.08 acre property known as 1600 Junction Highway (SH 27); consisting of part of Lot 1, Block 1, of the Foxworth-Galbraith Subdivision; from a Light Commercial Zoning District (C-2) to a General Commercial Zoning District (C-3); and providing other matters relating to the subject.

AGENDA DATE OF: May 24, 2022

DATE

May 13, 2022

SUBMITTED:

SUBMITTED BY: Drew Paxton

EXHIBITS: [20220524_Ord 2022-20 1600 Junction Hwy zone change C3.pdf](#)

Kerrville 2050 Item? Yes

Key Priority Area H - Housing

Guiding Principle H1. Provide a diverse range of housing options to meet the needs and desires of all age groups, income levels, and lifestyles

Action Item H3.3 - Seek to attract senior living options for individuals requiring varying levels of assistance and care

SUMMARY STATEMENT:

Proposal: An ordinance to change the zoning from C-2 Light Commercial District to C-3 General Commercial District on parts of Lot 1, Block 1, Foxworth-Galbraith Lumber Co; and more commonly known as 1600 Junction Hwy, Kerrville, TX 78028. (Case No. PZ-2022-10)

Procedural Requirements: The City, in accordance with state law, mailed 12 letters on 2/22/2022 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 3/17/2022.

At the time of drafting this agenda bill, Development Services has received no comments.

Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: C-2 Light Commercial

Existing Land Use: Vacant Land

Direction: North

Current Zoning: C-2 Light Commercial

Existing Land Uses: Single-family residential

Direction: East & South

Current Zoning: C-2 Light Commercial

Existing Land Uses: multi-family residential

Direction: West

Current Zoning: C-3 General Commercial

Existing Land Uses: Lumber yard

Consistency with the Kerrville 2050 Comprehensive Plan ("Comp Plan"): The subject property is within the Strategic Catalyst Area 4. This catalyst area is largely commercial corridor. The regional commercial place type includes apartments. The surrounding area is designated as Neighborhood Residential. Based on the catalyst area and place types, the request is consistent with the Kerrville 2050 Future Land Use Plan.

Thoroughfare Plan: The subject property is located on and has access to Junction Highway (a primary arterial) and Goat Creek Road (a primary arterial), as required for multi-family developments.

Traffic Impact: Future traffic impacts will be reviewed through the TIA Worksheet through the development and subdivision of this property.

Parking: All off-street parking requirements will be met through the final project design and approval.

Case Summary: The applicant is requesting a zoning change from C-2 Light Commercial to C-3 General Commercial to allow for an apartment complex. This project is currently undergoing the application process for a TDHCA tax credit.

Recommendation: Because the request is consistent with the adjacent development and the objectives of the Kerrville 2050 Plan, the staff recommends annexation and the zoning request.

On April 7th, the Planning and Zoning Commission recommended the case for approval with a unanimous vote.

RECOMMENDED ACTION:

Approve Ordinance No. 2022-20.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2022-20**

AN ORDINANCE AMENDING CHAPTER 60 OF THE CODE OF ORDINANCES, CITY OF KERRVILLE, TEXAS; BY CHANGING THE ZONING OF AN APPROXIMATE 7.08 ACRE PROPERTY KNOWN AS 1600 JUNCTION HIGHWAY (SH 27); CONSISTING OF PART OF LOT 1, BLOCK 1, OF THE FOXWORTH-GALBRAITH SUBDIVISION; FROM A LIGHT COMMERCIAL ZONING DISTRICT (C-2) TO A GENERAL COMMERCIAL ZONING DISTRICT (C-3); 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 May 24, 2022, 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 known as 1600 Junction Highway (SH 27) and comprising approximately 7.08 acres; such change to result in the removal of the property from a Light Commercial Zoning District (C-2) to placement within a General Commercial Zoning District (C-3); and

WHEREAS, on May 24, 2022, 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 General Commercial Zoning District (C-3):

Legal Description: Being a 7.08 acre tract, making up part of Lot 1, Block 8, Foxworth-Galbraith Subdivision; a subdivision within the City of Kerrville, Kerr County, Texas; said property depicted at Exhibit A, attached hereto and made a part hereof for all purposes, and hereafter referred to as the "Property."

Address: 1600 Junction Highway (SH 27), Kerrville,
Texas 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., 2022.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the ____ of _____, A.D., 2022.

ATTEST:

Judy Eychner, Mayor

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

T:\Legal\DEVELOPMENT SERVICES (Planning)\Zoning\ORD\1600 Junction Highway_C-2 to C-3_033122.docx



Location Map

Case # PZ-2022-10

Location:
1600 Junction Highway

Legend

200' Notification Area - - - - -
Subject Properties —————



0 50 100 200
Scale In Feet



**TO BE CONSIDERED BY THE
PLANNING AND ZONING COMMISSION
CITY OF KERRVILLE, TEXAS**



SUBJECT: Ordinance No. 2022-21. An Ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas; by changing the zoning of a property known as 400 W. Water; consisting of Lot 8, Block 17, Section B, of the Westland Place Addition; from a Single Family Residential with Accessory Dwelling Unit Zoning District (R-1A) to a Residential Transition Zoning District (RT); and providing other matters relating to the subject.

AGENDA DATE OF: May 24, 2022

DATE

May 13, 2022

SUBMITTED:

SUBMITTED BY: Drew Paxton

EXHIBITS: [20220524_Ord 2022-21 400 W Water zone change RT.pdf](#)

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-1A Single Family Residential with an Accessory Dwelling Unit District to RT Residential Transition on Lot 8, Block 17, Section B Westland Place Addition; and more commonly known as 400 W Water St N, Kerrville, TX 78028. (Case No. PZ-2022-11)

Procedural Requirements: The City, in accordance with state law, mailed 24 letters on 2/22/2022 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 3/17/2022.

At the time of drafting this agenda bill, Development Services has received no comments.

Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: R-1A Single-family residential with accessory dwelling unit

Existing Land Use: single family residential

Direction: North & West

Current Zoning: R-1A Single-family residential with accessory dwelling unit

Existing Land Uses: Single-family residential

Direction: East

Current Zoning: RT Residential Transition

Existing Land Uses: Single-family residential

Direction: South

Current Zoning: PD 20-27

Existing Land Uses: beauty salon

Consistency with the Kerrville 2050 Comprehensive Plan ("Comp Plan"): The subject property is designated as Neighborhood Residential with Community Commercial adjacent to the south closer to Junction Highway.

Thoroughfare Plan: The subject property is located on West Water Street, a local level street.

Traffic Impact: There is limited traffic impact anticipated with the adjacent RT developed area along W Water Street.

Parking: All off-street parking requirements will be met through final project design and approval.

Case Summary: The applicant is requesting a change in zoning from R-1A to RT Residential Transition to convert the house to an office building.

Recommendation: Because the request is consistent with the adjacent development and the objectives of the Kerrville 2050 Plan, staff recommends annexation and the zoning request.

On April 7th, the Planning and Zoning Commission recommended the case for approval with a unanimous vote.

RECOMMENDED ACTION:

Approve Ordinance No. 2022-21.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2022-21**

AN ORDINANCE AMENDING CHAPTER 60 OF THE CODE OF ORDINANCES, CITY OF KERRVILLE, TEXAS; BY CHANGING THE ZONING OF A PROPERTY KNOWN AS 400 W. WATER; CONSISTING OF LOT 8, BLOCK 17, SECTION B, OF THE WESTLAND PLACE ADDITION; FROM A SINGLE FAMILY RESIDENTIAL WITH ACCESSORY DWELLING UNIT ZONING DISTRICT (R-1A) TO A RESIDENTIAL TRANSITION ZONING DISTRICT (RT); 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 May 24, 2022, 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 a the property known as 400 W. Water; such change to result in the removal of the property from a Single Family Residential with Accessory Dwelling Unit Zoning District (R-1A) to placement within a Residential Transition Zoning District (RT); and

WHEREAS, on May 24, 2022, 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 Residential Transition Zoning District (RT):

Legal Description: Being Lot 8, Block 17, Section B of the Westland Plan Addition, a subdivision within the City of Kerrville, Kerr County, Texas; said property depicted at Exhibit A, attached hereto and made a part hereof for all purposes, and hereafter referred to as the "Property."

Address: 400 W. Water, Kerrville, Texas 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.

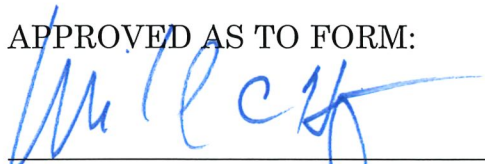
SECTION FIVE. Pursuant to Texas Local Government Code §52.013(a) and Section 3.07 of the City's Charter, the City Secretary is hereby authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by the law as an alternative method of 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., 2022.

PASSED AND APPROVED ON SECOND AND FINAL READING, this the ____ of _____, A.D., 2022.

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

Judy Eychner, Mayor

ATTEST:

Shelley McElhannon, City Secretary



Location Map

Case # PZ-2022-11

Location:
400 W Water Street

Legend

200' Notification Area ---
Subject Properties —



0 50 100 200
Scale In Feet



**TO BE CONSIDERED BY THE
PLANNING AND ZONING COMMISSION
CITY OF KERRVILLE, TEXAS**



SUBJECT: Resolution No. 27-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property comprising part of Lots 5 and 6, Block 7, Lowry Addition; and more commonly known as 217 Starkey; 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.

AGENDA DATE OF: May 24, 2022

DATE

May 13, 2022

SUBMITTED:

SUBMITTED BY: Drew Paxton

EXHIBITS: [20220524_Reso 27-2022 CUP 217 Starkey STR.pdf](#)
[20220524_PZ-2022-12_Ramirez_Opposed.pdf](#)
[20220524_PZ-2022-12_Sides_Opposed.pdf](#)
[20220524_Letter to Kerrville City Council_217 Starkey.pdf](#)

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

SUMMARY STATEMENT:

Proposal: A resolution to allow a Conditional Use Permit for a Short Term Rental on parts of Lots 5 and 6, Block 7, Lowry Addition; and more commonly known as 217 Starkey St S, Kerrville, TX 78028.

Procedural Requirements: The City, in accordance with state law, mailed 36 letters on 3/24/2022 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 3/17/2022. At the time of drafting this Agenda Bill, two comments have been received.

Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: R-1A Single-family residential with accessory dwelling unit

Existing Land Use: Single family residence

Direction: North, South, West, East

Current Zoning: R-1A Single-family residential with accessory dwelling unit

Existing Land Uses: Single family residences

Consistency with the Kerrville 2050 Comprehensive Plan: The subject property and surrounding residential areas are designated as Transitional Residential (TR). Since the underlying zoning is not changing for the subject property, the request is consistent with the Kerrville 2050 Comprehensive Plan.

Thoroughfare Plan: The subject property is located on a residential street.

Traffic Impact: No traffic impact is anticipated.

Parking: A Short Term Rental requires one off-street parking space per bedroom and one additional off-street parking space for a manager, if the manager does not live onsite. This property has 2 bedrooms and no onsite manager so 3 off-street parking spaces are required. The applicant has identified 3 available off-street parking spaces, meeting the off-street parking requirement.

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

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

The applicant has identified the following amenities as in close proximity to the proposed Short Term Rental: Kerrville River Trail, Nature Center, Historic Downtown Kerrville with Shops, Coffee, Restaurants and more, The Arcadia Theater, Turtle Creek Winery, Pint & Plow Brewery, Murals, the Library, Kerr Arts & Cultural Center, Guadalupe Park and Dam, Kerrville Lake, Louis Hayes Park, Cailloux Theater, Kerrville-Schreiner State Park.

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 following Proposed CUP Conditions.

On April 7th, the Planning and Zoning Commission motion for recommendation failed with a 3-4 vote.

Proposed CUP Conditions for 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. Local Contact: The owner or operator of the Property shall provide the City with contact information for a local representative, within approximately two hours distance.

C. Occupancy Taxes: The owner or operator of the Property shall comply with the City's occupancy tax requirements as found within Ch. 94, Division III, of the City's Code of Ordinances.

D. 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.

E. Minimum Off-Street Parking: One space per bedroom, plus parking required for the manager, if living off-site.

F. 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.

G. 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.

RECOMMENDED ACTION:

Approve Resolution No. 27-2022.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 27-2022**

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO AUTHORIZE A SHORT-TERM RENTAL UNIT ON THE PROPERTY COMPRISING PART OF LOTS 5 AND 6, BLOCK 7, LOWRY ADDITION; AND MORE COMMONLY KNOWN AS 217 STARKEY; 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 217 Starkey and depicted on the location map and survey plat 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 May 24, 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 Lots 5 and 6, Block 7, out of the 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**.

Address: 217 Starkey, 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 STRU on the Property, said notification which is attached as **Exhibit B**.
- B. **Local Contact:** The owner or operator of the Property shall provide the City’s Director of Development Services (“Director”), with contact information for a local representative, which may include themselves. The local representative must be able to respond to a City employee or guest of the STRU within two hours after being notified of an emergency. Should a change occur to the contact information, the owner or operator of the Property shall update the Director in writing with the new information within three business days of any such change.
- C. **Occupancy Taxes:** The owner or operator of the Property shall comply with the City’s occupancy tax requirements as found within Ch. 94, Division III, of the City’s Code of Ordinances.
- D. **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.
- E. **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.
- F. **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.
- G. **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., 2022.

Judy Eychner, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary

Location:
217 Starkey Street

Legend

200' Notification Area 

Subject Properties

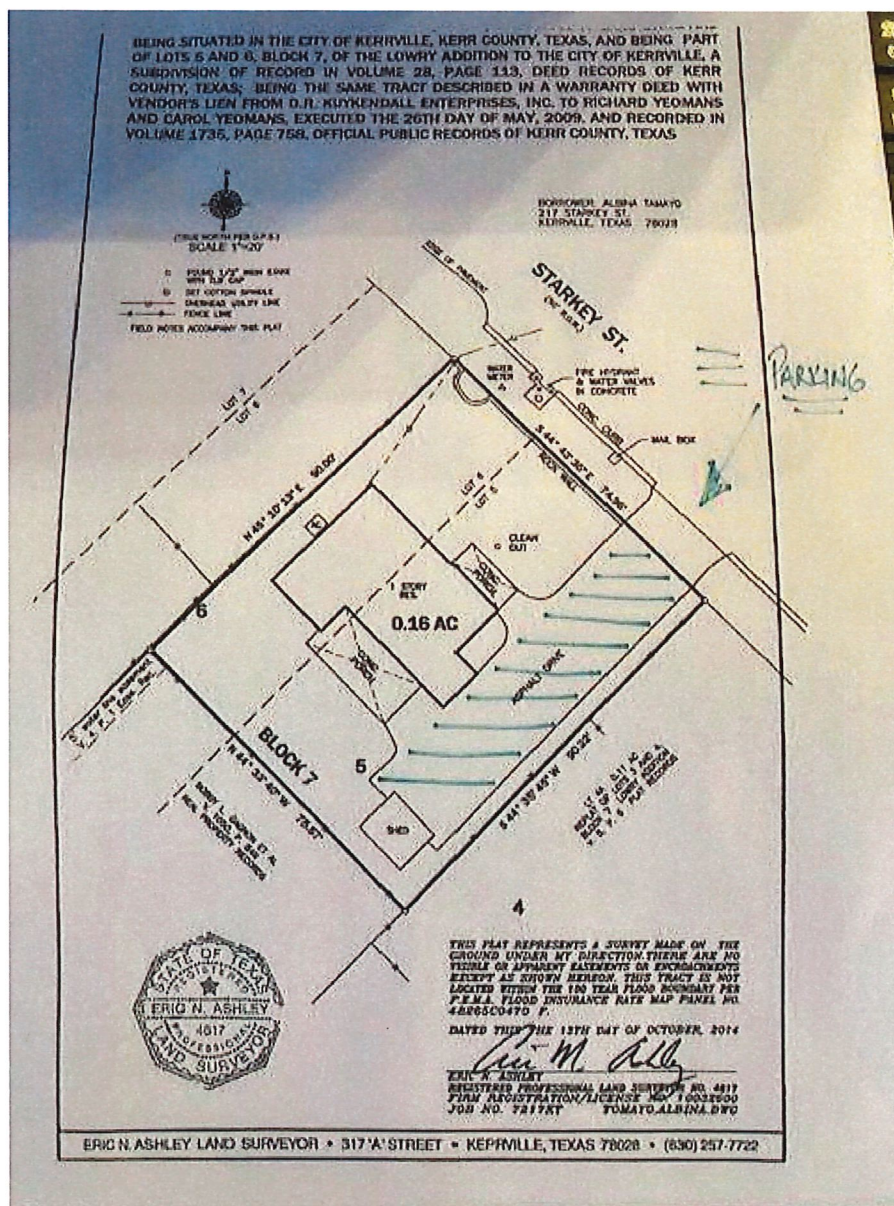


0 50 100 200

Scale In Feet

217 Starkey Street

2 Bedrooms





SHORT TERM RENTAL CONDITIONAL USE PERMIT GUEST NOTIFICATION

CUP Resolution Number 27-2022

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.

Name: _____

Contact Number: _____

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!

From: [anna ramirez](#)
To: [Planning Division](#)
Cc: annaramirez@yahoo.com
Subject: PZ-2022-12 - 217 Starkey St.
Date: Thursday, April 7, 2022 9:29:36 AM

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.

Dear P&Z,

My name is Anna Ramirez. I purchased the home at 208 Starkey in the summer of 2020. I fell in love with the neighborhood because it was quiet and 2 blocks from the river. I could not wait for my grandchildren to come visit so that they could ride their bikes and enjoy the neighborhood. Now I have to worry because Short Term Rental #3 is coming in across from my house. This is the 3rd STR within 200 feet of my house and I am concerned for multiple reasons:

1. STR's do not fit into the fabric of this neighborhood. While I understand the need for rental properties in all neighborhoods, short term rentals do nothing but artificially increase rental rates and decrease property values. This in turn decreases the amount of taxes that a city can derive from a property. There should be balance in the approach to STRs which limits the number per street and neighborhood to mitigate the risk to the homeowners and the city of degrading values. Who wants to buy a family home on a street with multiple STRs?
2. STRS's also bring in more traffic, noise and parking issues. Starkey is a short street and not very wide. STRs tend to bring in 3-4 cars per unit and they don't have sufficient parking. STR tenants park in front of my house which makes it dangerous for me to get in and out of my driveway due to obstructed view and it leaves no options for my guests to park. Parking on both sides of the street also makes it impossible for 2 cars to pass each other safely. The street wasn't designed to sustain STR needs for parking or traffic.
3. STR's take away from the Long Term Rental housing inventory which makes it hard for families to rent a home and even then STRs artificially inflate rental rates.
4. With all the excessive cars and traffic in and out of the street it simply does not allow homeowners on Starkey the quiet enjoyment of their home. I am a retired widow and I moved to Kerrville because of the beauty of this city and the quiet nature of the surroundings. Multiple STRs on this street have diminished the very reason why I moved here.

Where do we draw the line? I believe 2 STRs is one too many and we need to stop #3 from coming in. The city needs to consider a STR zoning district to mitigate the inherent risks of STRs or place limitations on them in existing neighborhoods.

Thank you,

Anna Ramirez
208 Starkey
Kerrville, Tx.

Anna Ramirez annaramire@yahoo.com

From: [Karen Sides](#)
To: [Planning Division](#)
Subject: PZ-2022-12 - Protest of STR Approval for 217 Starkey St.
Date: Wednesday, April 6, 2022 7:59:39 PM
Attachments: [STR Protest - 217 Starkey St..docx](#)

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.

Greetings - I would like to share thoughts behind my protest of approving 217 Starkey St. rezoning to a STR. See letter below., also attached. Thank you for your consideration. - Karen Sides

April 6, 2022

Letter to the Planning and Zoning Commission of Kerrville, Texas and to the City Council

My name is Karen Sides and I live on Starkey St. in Kerrville, Texas. I am writing to inform you of my concerns about a third STR request on Starkey St. property and my desire to protest its approval. Starkey is a very short and narrow street of 9 houses, nestled between residential streets in the Lowry/Guadalupe Street area. Currently, there are two STRs on this street and now a third home that is directly across the street from me, 217 Starkey St., is going up before the Planning and Zoning Commission for rezoning. Upon the Commission's recommendation, the request will then be forwarded to the City Council for final approval to be a STR. **If approved that will be 30% of a residential street being used to support a private for-profit business.** This greatly diminishes the quality of life for the long-term residents of this neighborhood and removes direly needed affordable housing from the Kerrville market.

Diminishment of Quality of Life

The long-term residents of Starkey St. have enjoyed a wonderful neighborhood atmosphere for many years. Living in a neighborhood is about knowing your neighbors. You care about things like the elderly person a few doors down who needs you to check in on them, or the neighbor who is dealing with an illness and needs you to pick up medicine for them. In a neighborhood you help each other out. You break bread together. You value your community.

Starkey St. has a strong sense of community. We are an asset to the city as a healthy, viable, and affordable neighborhood. Starkey long-term residents provide a sense of security and safety for each other. Approval of yet another STR on Starkey St. will compromise this sense of community. When you live in the midst of revolving doors of strangers coming and going throughout your neighborhood at all hours of day and night, you lose any sense of community. The neighborhood breaks down to the point that the healthy residential street you once had devolves into a street of 24/7 commerce. Certainly not a place you want to raise your family, but Starkey St. is on the verge of that happening.

Loss of Affordable Housing

When an STR opens, a home is lost. In a small city that has a dire shortage of affordable housing, approving an STR causes harm to the neighborhood and to the entire city. A home is taken off the

market and if previously it was a rental, a family is evicted with each STR approval in a residential neighborhood. In other words, creating an STR takes away a home which is needed to meet the needs of current residents.

It does not make sense to take homes off the market to benefit a few people while harming neighborhoods. In a 2019 article in the Harvard Business Review entitled “When Airbnb Listings in a City Increase, so do Rent Prices”, the authors observed that, “because of Airbnb, absentee landlords are moving their properties out of the long-term rental and for-sale markets and into the short-term rental market.” The authors noted that as absentee landlords reduce the housing supply, it increases the housing cost for local renters:

(I)n aggregate, the growth in home-sharing through Airbnb contributes to about one-fifth [or 20%] of the average annual increase in U.S. rents and about one-seventh [or 14%] of the average annual increase in U.S. housing prices.

I can only wonder why, as a city, we would make decisions that would take already out of control rent prices even higher. I don't know why we would take direly needed housing off the market. I am unable to imagine why we would diminish our healthy and vibrant neighborhoods when there is no pressing reason to do so and when we have not established any plans to mitigate the damage.

I realize that the decision may have already been made to approve the 217 Starkey St. STR request since the new owners of the home presented an eviction notice to the current resident a few days ago. Still, I am hopeful that it is not too late to stop the approval. Also, I strongly suggest we study the impact and challenges of STRs to a far greater extent to ensure that going forward we mitigate the harmful aspects of them in our neighborhoods. A number of municipalities dealing with similar issues put into place temporary STR moratoriums in order to address these issues. I would benefit the residents of Kerrville to do the same.

Thank you for your kind consideration.

Kind regards, Karen

Karen Sides
216 Starkey St.
Kerrville, TX 78028

May 6, 2022

Patrick & Keri Wilt
398 Cave Springs Drive
Hunt, Texas 78024

RE: Appeal Support for Case PZ-2022-12 - CUP for STR - 217 Starkey

To the Members of the Kerrville City Council,

On 4/11/22, the required notice was sent to Drew Paxton & Steve Melander for our request to appeal the P&Z board's decision to not recommend our CUP application to city council for Case PZ-2022-12 - CUP for STR - 217 Starkey.

Our ask today is that you would consider granting a Conditional Use Permit for short term rental at 217 Starkey Street based on the facts below:

- **ALL PERMIT REQUIREMENTS FULFILLED:** We have fulfilled all requirements for this permit.
 - Application Fee Paid.
 - Site Plan Provided. 2 Bedroom, 2 Bath
 - Provision of more than required Off Street Parking spaces. 3 required, 7 provided
 - Proof of proximity to Tourist Amenities.
 - Agree to and have a history of complying with all required CUP regulations, including the posting of the guest notification letter inside the home.
- **APPROVAL RECOMMENDED BY PLANNING DIRECTOR:** Based on the current city requirements and ordinances, Case PZ-2022-12 - CUP for STR - 217 Starkey was recommended to the P&Z board for APPROVAL by Drew Paxton and the planning department.
- **USE FITS WITH 2050 COMPREHENSIVE PLANS FOR THIS NEIGHBORHOOD:** The 2050 Comprehensive Plan envisions this entire neighborhood as RESIDENTIAL TRANSITIONAL and has labeled it as such. Currently STRs are allowed and flourishing in RT zones, most of which are located on streets adjacent to the core commercial districts. Starkey street is similarly located right on the edge of the central business district and is currently surrounded by mixed use zones ranging from R1a, R2, C1, and R3.
- **THERE ARE NO CURRENT ORDINANCES THAT LIMIT THE NUMBER OF STR's IN AN AREA:** P&Z board chair Mr. Sigerman informed all those in attendance at the April P&Z meeting about this fact. And several streets in Kerrville currently have multiple STR's with no complaints or issues.
- **RECENT APPROVAL OF SIMILAR PROPERTIES IN OUR NEIGHBORHOOD:** In the April P&Z meeting, 213 Palmer was recommended and approved by the P&Z board, which is just one street over from our 217 Starkey. Same requirements were fulfilled, yet different outcomes.
- **MITIGATION OF CONCERN ABOUT PARKING ON STARKEY STREET:** With our provision of 7 large on-property parking spaces at 217 Starkey, the CUP request in question, parking for our 4 guests should NOT be a concern.

Over the last year and a half of hosting our vacations rentals at 201 & 205 Starkey Street, all neighbors have our cell phone numbers, there have been no complaints, and we received only one request from Anna Ramirez in early January to have a guest's car moved, which we did promptly. In the April 2022 P&Z Meeting, where neighbors Anna Ramirez and Karen Sides both opposed our request for the CUP Permit for 217 Starkey, both neighbors mentioned that parking has been a concern at our current rentals. Both of those houses are on the opposite end of the street from our proposed STR at 217 and the road there does strangely narrow a bit.

After meeting and talking more with each of them, we have taken the following actions to help mitigate their concerns at 201 & 205:

- **STRONGER LANGUAGE:** We have added stronger language and more prominent messaging to guests about parking in their check-in package, via SMS, and email.
- **ADDING NEW PARKING SPACES:** In an effort to help keep cars off of Starkey Street, we are investing in the construction of additional parking spaces at 201 Starkey on the Lowry side of the home for guest vehicles.
- **CONTINUING POLICY OF OPEN COMMUNICATION:** We continue to encourage all neighbors to text us with any concerns and will resolve any issues promptly.
- **PARKING IS A NON-ISSUE AT PROPERTY IN QUESTION:** To restate for emphasis, our appeal is for 217 Starkey Street, and with our provision of 7 large on-property parking spaces at 217 Starkey, parking for our maximum occupancy of 4 guests should NOT be a concern.
- **LOCATION, LOCATION, LOCATION:** 217 Starkey is perfectly located for a short term rental, just around the corner from the start of Kerrville River Trail, the Guadalupe River and mere blocks from our Historic Downtown filled with coffee shops, cafes, and shopping. And it is centrally located for guests to enjoy tourism favorites and amenities such as local wineries, breweries, James Avery, The Arcadia Theater, art galleries, The Cailloux Theater, the Downtown Farmers Market, Grape Juice and more, all within walking distance or a short drive.

As you know, public discussions about short term rental are often filled with emotion and fear, yet today we ask that you vote based on the facts provided and in accordance with the current city permit requirements and zoning ordinances.

Thank you for your time and consideration. If you have any further questions, we will be in attendance for the city council meeting or you can reach us directly through the contacts below.

Sincerely,

Patrick and Keri Wilt

830-329-6986 patrick@grapejuiceonline.com , 830-343-7259 yourhost@welltendedlifeproperties.com

Grape Juice and Well-Tended Life Properties

WWW.GRAPEJUICEONLINE.COM AND WWW.WELLTENDEDLIFEPROPERTIES.COM



**TO BE CONSIDERED BY THE
PLANNING AND ZONING COMMISSION
CITY OF KERRVILLE, TEXAS**



SUBJECT: Resolution No. 23-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property comprising Lot 8R, Block 2, A.L. Lewis 2nd Addition; and more commonly known as 321 Cottage; said property is located within a Single-Family Residential Zoning District (R-1); and making said permit subject to conditions and restrictions.

AGENDA DATE OF: May 24, 2022

DATE

May 13, 2022

SUBMITTED:

SUBMITTED BY: Drew Paxton

EXHIBITS: [20220524_Reso 23-2022 CUP 321 Cottage STR.pdf](#)
[20220524_PZ-2022-9_Baker_Opposed.pdf](#)
[20220524_PZ-2022-9_Lindley_Opposed.pdf](#)

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

SUMMARY STATEMENT:

Proposal: A resolution to allow a Conditional Use Permit for a Short Term Rental on Lot 8R, Block 2, Lewis Addition; and more commonly known as 321 Cottage St N, Kerrville, TX 78028.

Procedural Requirements: The City, in accordance with state law, mailed 25 letters on 3/24/2022 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 3/17/2022. At the time of drafting this Agenda Bill, comments have been received.

Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: R-1A Single-family residential with accessory dwelling unit

Existing Land Use: Single family residence

Direction: North, South, West, East

Current Zoning: R-1A Single-family residential with accessory dwelling unit

Existing Land Uses: Single family residences

Consistency with the Kerrville 2050 Comprehensive Plan: The subject property and surrounding residential areas are designated as Neighborhood Residential (NR). Since the underlying zoning is not changing for the subject property, the request is consistent with the Kerrville 2050 Comprehensive Plan.

Thoroughfare Plan: The subject property is located on a residential street.

Traffic Impact: No traffic impact is anticipated.

Parking: A Short Term Rental requires one off-street parking space per bedroom and one additional off-street parking space for a manager, if the manager does not live onsite. This property has 3 bedrooms and no onsite manager so 4 off-street parking spaces are required. The applicant has identified 4 available off-street parking spaces, meeting the off-street parking requirement.

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

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

The applicant has identified the following amenities as in close proximity to the proposed Short Term Rental: Less than a mile to Riverside Nature Center and the river trail. It's right at a mile to downtown restaurants, shopping and galleries. It's a quick 5 min drive to D-BAT Kerrville Sports Complex.

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 following Proposed CUP Conditions.

On April 7th, the Planning and Zoning Commission recommended the case for approval with a unanimous vote.

Proposed CUP Conditions for 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. Local Contact: The owner or operator of the Property shall provide the City with

contact information for a local representative, within approximately two hours distance.

C. Occupancy Taxes: The owner or operator of the Property shall comply with the City's occupancy tax requirements as found within Ch. 94, Division III, of the City's Code of Ordinances.

D. 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.

E. Minimum Off-Street Parking: One space per bedroom, plus parking required for the manager, if living off-site.

F. 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.

G. 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.

RECOMMENDED ACTION:

Approve Resolution No. 23-2022.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 23-2022**

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO AUTHORIZE A SHORT-TERM RENTAL UNIT ON THE PROPERTY COMPRISING LOT 8R, BLOCK 2, A.L. LEWIS 2ND ADDITION; AND MORE COMMONLY KNOWN AS 321 COTTAGE; SAID PROPERTY IS LOCATED WITHIN A SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT (R-1); AND MAKING SAID PERMIT SUBJECT TO CONDITIONS AND RESTRICTIONS

WHEREAS, the owner of the property known as 321 Cottage and depicted on the location map and survey plat 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 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, 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 May 24, 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 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: comprising Lot 8R, Block 2, out of the A.L. Lewis 2nd 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**.

Address: 321 Cottage, 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 STRU on the Property, said notification which is attached as **Exhibit B**.
- B. **Local Contact:** The owner or operator of the Property shall provide the City’s Director of Development Services (“Director”), with contact information for a local representative, which may include themselves. The local representative must be able to respond to a City employee or guest of the STRU within two hours after being notified of an emergency. Should a change occur to the contact information, the owner or operator of the Property shall update the Director in writing with the new information within three business days of any such change.
- C. **Occupancy Taxes:** The owner or operator of the Property shall comply with the City’s occupancy tax requirements as found within Ch. 94, Division III, of the City’s Code of Ordinances.
- D. **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.
- E. **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.
- F. **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.
- G. **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.

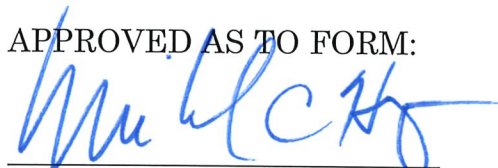
SECTION FIVE. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect 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., 2022.

Judy Eychner, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary



Location Map

Case # PZ-2022-9

Location:

321 Cottage Street

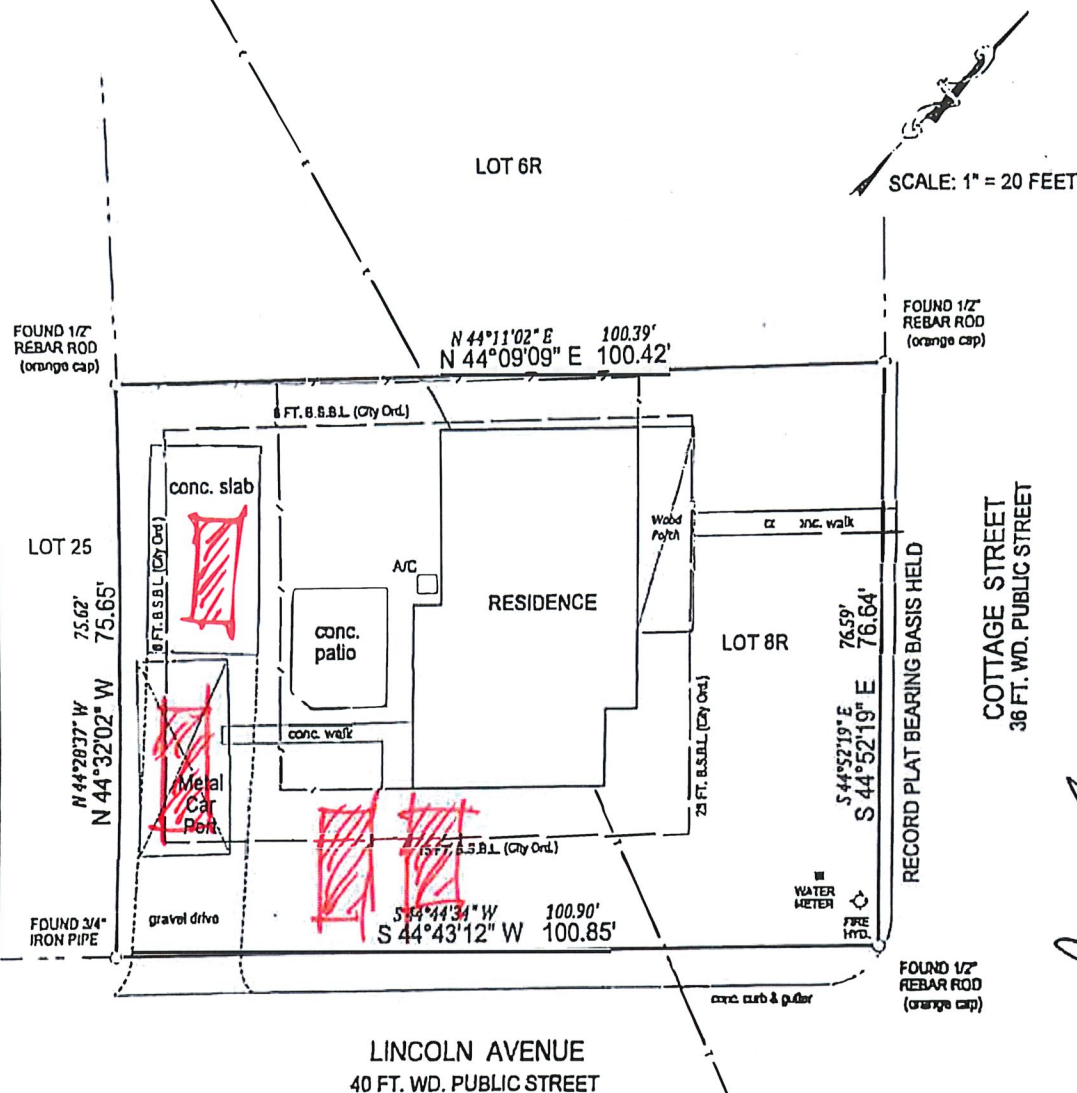
Legend

200' Notification Area
Subject Properties



0 50 100 200
Scale In Feet

SURVEY PLAT OF LOT 8R, BLOCK 2, A. L. LEWIS 2ND ADDITION, A SUBDIVISION OF KERR COUNTY, TEXAS ACCORDING TO THE PLAT RECORDED IN DOCUMENT NO. 20-04161, OFFICIAL PUBLIC RECORDS OF KERR COUNTY, TEXAS; BEING A REPLAT FOR A PORTION OF A PLAT RECORDED IN VOLUME 1, PAGE 43, PLAT RECORDS OF KERR COUNTY, TEXAS.



SUBJECT TO:

RESTRICTIONS AND MATTERS IN:

PLAT NO. 20-04161 O.P.R.K.C. TX
VOL. 81, PG. 252 D.R.K.C. TX
VOL. 1, PG. 43 P.R.K.C. TX

NOTES:

RECORD PLAT/DEED CALLS SHOWN IN SMALLER
ITALIC TYPE NEAR MEASURED CALLS.

JOB NO. GMB-687

CLIENT HSB

BORROWERS:
AMBER CARPENTER and
JAMES WARREN CARPENTER IV

PROPERTY ADDRESS:
321 COTTAGE STREET
KERRVILLE, TEXAS 78028

TITLE CO.
KERR COUNTY ABSTRACT

G. F. NO. 44280

FEMA F.I.R.M. NO. 48285C0470F

PANEL DATE 03/03/2011

FLOOD ZONE X - SHADED

DRAWN BY GMB

I, Gary Max Brandenburg, Registered Professional Land Surveyor No. 5184
hereby certify that this plat represents a survey made on the ground under my
direct supervision and direction on February 4, 2021. That all visible improvements,
easements, utilities, discrepancies in boundaries, set-backs and restrictive
covenants are shown and/or cited hereon.

Gary Max Brandenburg
Registered Professional Land Surveyor No. 5184



GARY MAX BRANDENBURG LAND SURVEYING
221 CAVE SPRINGS DRIVE, INGRAM, TX. 78025 830 928-8220
gary.brandenburg50@yahoo.com

Texas Board of Professional Land Surveying
1917 S. Interstate 35
Austin, Texas 78741-3702 512 440-7723

THE UNDERSIGNED
HAS REVIEWED & RECEIVED
COPY OF THE SURVEY

DATE: 2/28/21



SHORT TERM RENTAL CONDITIONAL USE PERMIT GUEST NOTIFICATION

CUP Resolution Number 23-2022

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.

Name: _____

Contact Number: _____

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!

From: [Susan Leslie Baker](#)
To: [Planning Division](#)
Subject: CASE PZ-2022-9 321 COTTAGE ST N KERRVILLE, TX 78028
Date: Wednesday, April 6, 2022 9:10:07 AM

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.

To whom it may concern:

I am Susan Baker living at 334 Cottage Street here in Kerrville. I have lived here for 14 years and purchased my home because it was a quiet residential street.

Over the years, the homes which mostly were rentals, have been purchased and being/been renovated, as mine has. I am **OPPOSED** to the above resolution for the simple reason that this is a residential, not a commercial neighborhood.

I do not, as several of my neighbors have indicated, want a short- term rental business in our neighborhood because you would not know at any given time who is residing near you. You would have various people coming and going at any given time.

It is our understanding that the petitioning party also owns the vacant lot next to above contested property and plans to build another short rental property. This would only encourage others in our neighborhood to do the same. We would like to keep our neighborhood as a quiet, owner occupied one.

As I am unable to attend the meeting on Thursday the 7th of April, I am submitting my petition in writing.

Respectfully,

Susan L. Baker
830-955-0302



Development Services Department

Planning | Building Services | Compliance Center

NOTICE OF PUBLIC HEARING PLANNING AND ZONING COMMISSION CASE PZ-2022-9

March 24, 2022

Re: Public hearing, consideration and action to recommend a resolution to allow a Conditional Use Permit for a Short Term Rental on Lot 8R, Block 2, Lewis; and more commonly known as 321 Cottage St N, Kerrville, TX 78028.

Dear Property Owner:

On **Thursday, April 7, 2022 at 4:30 p.m.** in the City Hall Council Chambers at 701 Main Street, the City of Kerrville Planning and Zoning Commission will hold a public hearing to consider the aforementioned request.

Our records indicate that you own property within 200-feet of the subject property. State law and local ordinance require notification to property owners within 200-feet of the subject property. Notification area is outlined with a red dashed line on the enclosed map.

By participating in this hearing you will have the opportunity to express your opinion either in support of or opposition to the proposed request. Only persons who speak at the hearing or submit comments in writing prior to the hearing will be parties of record. In any written response received via email or mail, please include the case number, your name, your property address, and whether you are in favor or in opposition of the proposal.

On the reverse side of this notification, please find a location map for the property under consideration. For additional information regarding this request, please contact the Planning Division office at 830-258-1514 or planning.division@kerrvilletx.gov.

Sincerely,

Drew Paxton, AICP
Planning Director

I OPPOSE THE ABOVE CONDITIONAL
USE PERMIT - IT IS NOT A GOOD
FIT FOR THIS NEIGHBORHOOD.

SARA LINDLEY (OWNER)
331 COTTAGE ST.
KERRVILLE, TX 78028



**TO BE CONSIDERED BY THE
PLANNING AND ZONING COMMISSION
CITY OF KERRVILLE, TEXAS**



SUBJECT: Resolution No. 24-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property comprising Lot 29, Block 2, Sendero Ridge Subdivision; and more commonly known as 105 Jasper; said property is located within a Single-Family Residential Zoning District (R-1); and making said permit subject to conditions and restrictions.

AGENDA DATE OF: May 24, 2022

DATE

May 12, 2022

SUBMITTED:

SUBMITTED BY: Drew Paxton

EXHIBITS: [20220524_Reso 24-2022 CUP 105 Jasper STR.pdf](#)
[20220524_PZ-2022-14_Smith_Opposed.pdf](#)
[20220524_PZ-2022-14_Talley_opposed.pdf](#)

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

SUMMARY STATEMENT:

Proposal: A resolution to allow a Conditional Use Permit for a Short Term Rental on Lot 29, Block 2, Sendero Ridge; and more commonly known as 105 Jasper Ln N, Kerrville, TX 78028.

Procedural Requirements: The City, in accordance with state law, mailed 19 letters on 3/24/2022 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 3/17/2022. At the time of drafting this Agenda Bill, two comments have 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 residential areas are designated as Transitional Residential (TR). Since the underlying zoning is not changing for the subject property, the request is consistent with the Kerrville 2050 Comprehensive Plan.

Thoroughfare Plan: The subject property is located on a residential street.

Traffic Impact: No traffic impact is anticipated.

Parking: A Short Term Rental requires one off-street parking space per bedroom and one additional off-street parking space for a manager, if the manager does not live onsite. This property has 2 bedrooms and no onsite manager so 3 off-street parking spaces are required. The applicant has identified 3 available off-street parking spaces, meeting the off-street parking requirement.

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

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

The applicant has identified the following amenities as in close proximity to the proposed Short Term Rental:

The Coming King Sculpture Prayer Gardens – 520 Benson Dr.

Kerrville Hills Winery – 3600 Frederickburg Rd

Kerrville River Trail (bikes/hiking) – located at Kerrville-Schreiner Park G St.

Turtle Creek Olives & Vine Winery – 211 Earl Garrett St.

Cowboy Steak House – 416 Main St

Stonehenge II – 120 Point Theatre Rd. S Ingram

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 following Proposed CUP Conditions.

On April 7th, the Planning and Zoning Commission recommended the case for approval with a unanimous vote.

Proposed CUP Conditions for 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. Local Contact: The owner or operator of the Property shall provide the City with contact information for a local representative, within approximately two hours distance.
- C. Occupancy Taxes: The owner or operator of the Property shall comply with the City's occupancy tax requirements as found within Ch. 94, Division III, of the City's Code of Ordinances.
- D. 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.
- E. Minimum Off-Street Parking: One space per bedroom, plus parking required for the manager, if living off-site.
- F. 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.
- G. 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.

RECOMMENDED ACTION:

Approve Resolution No. 24-2022.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 24-2022**

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO AUTHORIZE A SHORT-TERM RENTAL UNIT ON THE PROPERTY COMPRISING LOT 29, BLOCK 2, SENDERO RIDGE SUBDIVISION; AND MORE COMMONLY KNOWN AS 105 JASPER; SAID PROPERTY IS LOCATED WITHIN A SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT (R-1); AND MAKING SAID PERMIT SUBJECT TO CONDITIONS AND RESTRICTIONS

WHEREAS, the owner of the property known as 105 Jasper and depicted on the location map 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 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, 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 May 24, 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 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: comprising Lot 29, Block 2, out of the Sendero Ridge Subdivision Unit 1, a subdivision of Kerr County and the City of Kerrville, and being depicted on the location map found at **Exhibit A**.

Address: 105 Jasper, 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 STRU on the Property, said notification which is attached as **Exhibit B**.
- B. **Local Contact:** The owner or operator of the Property shall provide the City’s Director of Development Services (“Director”), with contact information for a local representative, which may include themselves. The local representative must be able to respond to a City employee or guest of the STRU within two hours after being notified of an emergency. Should a change occur to the contact information, the owner or operator of the Property shall update the Director in writing with the new information within three business days of any such change.
- C. **Occupancy Taxes:** The owner or operator of the Property shall comply with the City’s occupancy tax requirements as found within Ch. 94, Division III, of the City’s Code of Ordinances.
- D. **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.
- E. **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.
- F. **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.
- G. **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., 2022.

Judy Eychner, Mayor

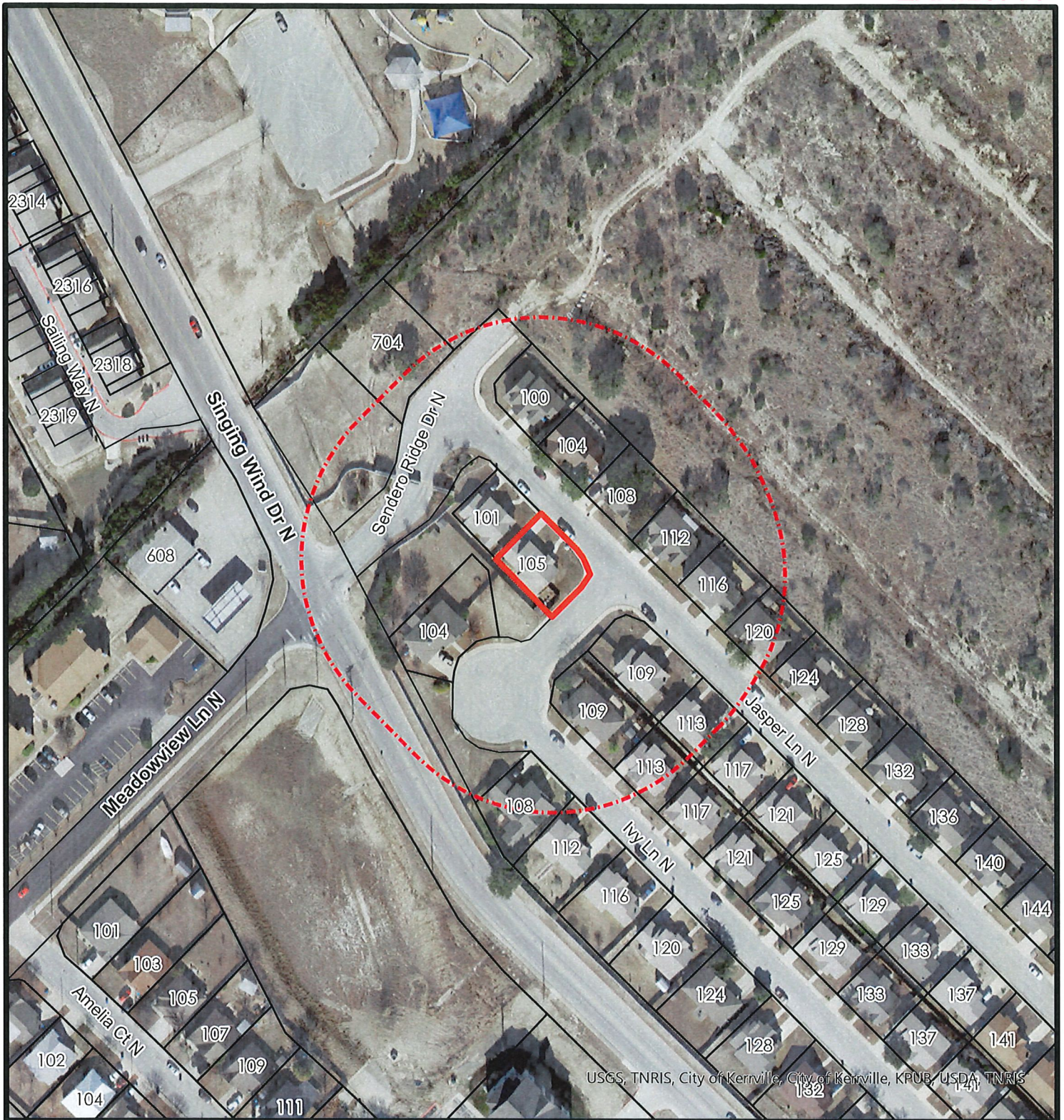
APPROVED AS TO FORM:

ATTEST:



Michael C. Hayes, City Attorney

Shelley McElhannon, City Secretary



Location Map

Case # PZ-2022-14

Location:
105 Jasper Lane

Legend

200' Notification Area -----
Subject Properties ———

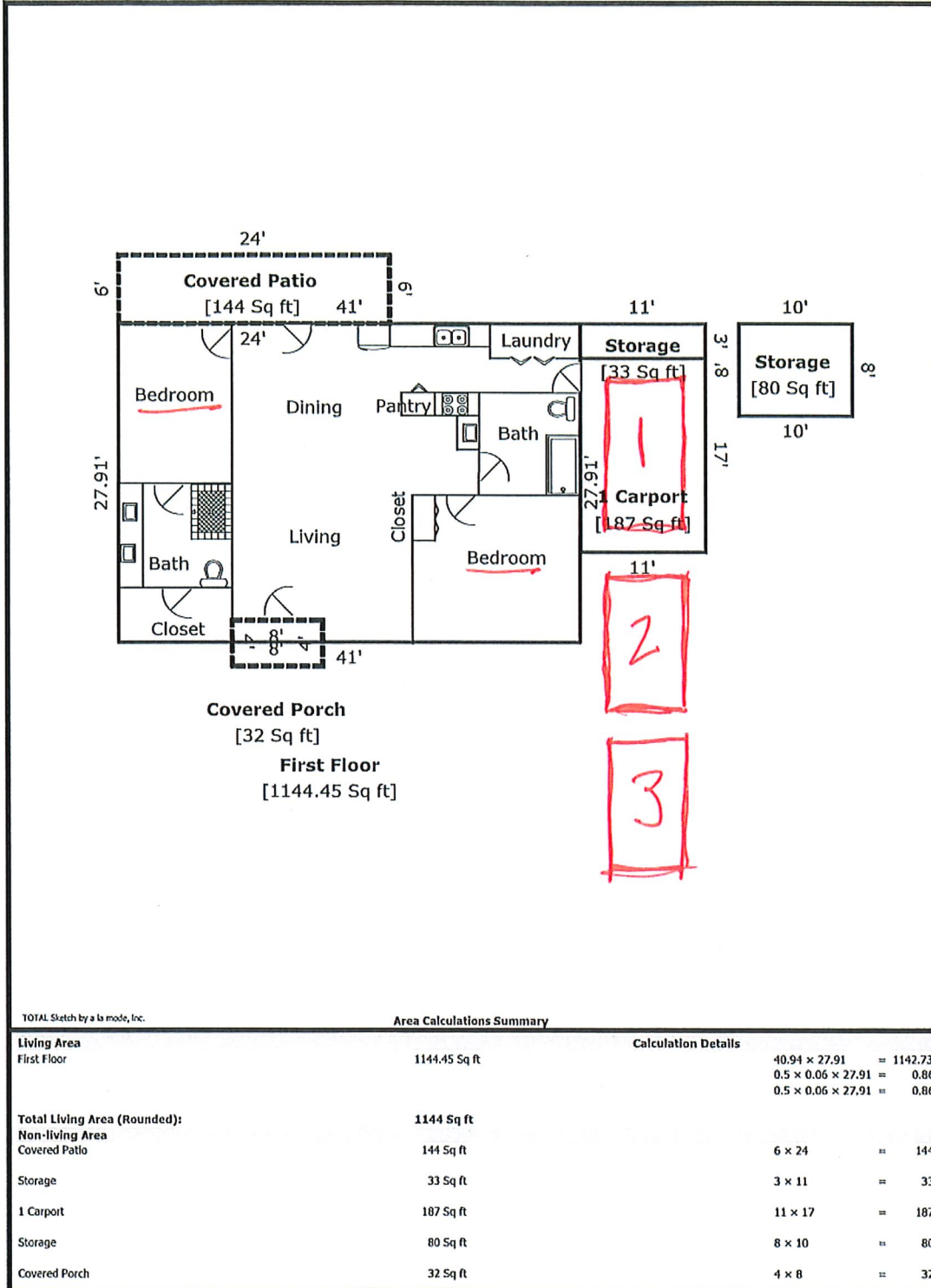


0 50 100 200

Scale In Feet

Building Sketch

Borrower	Artemio & Lupe Hernandez			
Property Address	105 Jasper Ln			
City	Kerrville	County	Kerr	State TX Zip Code 78028
Lender/Client	Valley State Bank			





SHORT TERM RENTAL CONDITIONAL USE PERMIT GUEST NOTIFICATION

CUP Resolution Number 24-2022

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.

Name: _____

Contact Number: _____

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!

City of Kerrville, Tx.

Development Services Department,

REC'D
APR 05 2022
City of Kerrville

This is regarding case PZ-2022-14

on you allowing a Short Term rental
on lot 29, Block 2, Sendero Ridge here
in Kerrville, Tx.

I am submitting a STRONG
disapproval of this becoming true.

This neighborhood is a small neat
community with homeowners that tend
to keep their homes very nice & clean.

There are becoming more & more
rentals in our neighborhood and the
properties are not kept clean, painted
or otherwise making the places look
trashy. As a whole, most renters do
not take care of the properties as a
homeowner, therefore I strongly
disagree with any more becoming rentals.

Opposition

I live on Ivy Lane within 200
feet of this property.

Thank you,
Kathy Smith

109 Ivy Lane Kerrville, Tx.

From: [Steve Talley](#)
To: [Planning Division](#)
Cc: [Drew Paxton](#)
Subject: Comments regarding CASE PZ-2022-14
Date: Tuesday, March 29, 2022 7:55:30 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.

Dear Planning Director,

re: CASE PZ-2022-14

I received your letter announcing the meeting of the Commission on April 7, 2022 regarding consideration of a Conditional Use Permit for a Short Term Rental (STR) on Lot 29, Block 2, Sendero Ridge.

Unfortunately, neither myself or my wife can attend on this date; therefore, I am writing this emailed response.

We are Steve and Ginette Talley and we own 113 Ivy Lane which is within 200 feet of the subject property at 105 Jasper Lane. We have owned the property since 2014.

Your records reflect our ownership as JMJ4, LLC #4 113 Ivy Lane. We are the owners JMJ4, LLC. The purpose of our business is long term residential rental and we have conducted this business since 2008.

In addition to the Kerrville area, we also own property in Fredericksburg and Kyle, Texas. We also own one Short Term Rental in Taos, New Mexico but it is not a part JMJ4, LLC.

Short Term Rentals have become a contentious issue in both Fredericksburg and in Taos, New Mexico. The problems in both locales seem to revolve around the lack of affordable long term residential housing and the perception that short term rentals are the cause of that lack. In Fredericksburg, there appears the addition of dealing with unruly short term renters.

In Texas, our business is solely long term in nature and some of our criteria is that our properties are located in neighborhoods that exhibit a large degree of cleanliness, pride of ownership, stability and safety.

We will go on the board's record as OPPOSED to any resolution allowing a Conditional Use Permit for 105 Jasper Lane for the following reasons:

a. The presence of one or many STRs in a neighborhood affects the permanent resident's (owner occupied) perception of stability and now places the neighborhood in the pretense of "commercialism".

b. In a long term context: The "commercialism" pretense is now translated into rising property values due to future real estate transactions. The Conditional Use Permitted STR in the not too distant future sells to a new investor at a value far above the surrounding dwellings' perceived real

estate value due to its success as an STR. The STR becomes a "comp" giving permission for others to sell their property at an advanced price. Thus, purchase affordability begins to be sacrificed. Properties are no longer attractive to investors like JMJ4. Property values begin to rise and property tax increases are passed on to the renters thus diminishing rental affordability.

c. Without arguing the legal complexities of Article 7 of the Sendero Ridge Subdivision Declaration of Covenants, Conditions and Restrictions, the bottom line is that the Kerr Planning and Zoning Commission is holding the April 7th meeting in order to (possibly) grant an STR permit in a zone of the city where such a permit would not be otherwise allowed. I would view such an allowed "exception" as neglect to adhere to existing laws and/or ordinances resulting in the compromise of the intents of the Sendero Ridge Subdivision Declaration of Covenants, Conditions and Restrictions, regardless if the Commission was acting in state of legal authority.

d. Granting this Conditional Use Permit now gives hope to those who own dwellings in Sendero Ridge Subdivision that they too can obtain a Conditional Use Permit. Now that the Commission has allowed one permit then that precedent is now grounds for not being denied to future petitioners.

We hope you find this useful.

Most Sincerely,
Steve and Ginette Talley



**TO BE CONSIDERED BY THE
PLANNING AND ZONING COMMISSION
CITY OF KERRVILLE, TEXAS**



SUBJECT: Resolution No. 25-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property comprising Lot 20-A, Block 23, Westland Place Addition; and more commonly known as 503 Lucille; 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.

AGENDA DATE OF: May 24, 2022

DATE

May 13, 2022

SUBMITTED:

SUBMITTED BY: Drew Paxton

EXHIBITS: [20220524_Reso 25-2022 CUP 503 Lucille STR.pdf](#)
[20220524_Letter Owner statement 503 Lucille.pdf](#)

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

SUMMARY STATEMENT:

Proposal: A resolution to allow a Conditional Use Permit for a Short term rental on Lot 20-A, Block 23, Westland Addition; and more commonly known as 503 Lucille St S, Kerrville, TX 78028.

Procedural Requirements: The City, in accordance with state law, mailed 26 letters on 3/24/2022 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 3/17/2022. 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 unit

Existing Land Use: Single family residence

Direction: North, South, West, East

Current Zoning: R-1A Single-family residential with accessory dwelling unit

Existing Land Uses: Single family residences

Consistency with the Kerrville 2050 Comprehensive Plan: The subject property and surrounding residential areas are designated as Transitional Residential. Since the underlying zoning is not changing for the subject property, the request is consistent with the Kerrville 2050 Comprehensive Plan.

Thoroughfare Plan: The subject property is located on a residential street.

Traffic Impact: No traffic impact is anticipated.

Parking: A Short Term Rental requires one off-street parking space per bedroom and one additional off-street parking space for a manager, if the manager does not live onsite. This property has 3 bedrooms and no onsite manager so 4 off-street parking spaces are required. The applicant has identified 4 available off-street parking spaces, meeting the off-street parking requirement.

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

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

The applicant has identified the following amenities as in close proximity to the proposed Short Term Rental: Local nearby attractions that make this location ideal for an STR include walking distance to the Kerrville River Trail, downtown attractions, shopping, restaurants, coffee shops, and the newly remodeled Arcadia, Nimitz Lake, a short drive (or bike ride along the trail) to Louise Hayes Park, and the new Schreiner Beer Garden. This location is centrally located for easy day trips to local wineries, breweries, art exhibits such as Stonehenge II, Kerrville Folk Festival, golf tournaments at the numerous surrounding courses, Kerrville Triathlon and other athletic events.

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

On April 7th, the Planning and Zoning Commission recommended the case for approval with a unanimous vote.

Proposed CUP Conditions for 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. Local Contact: The owner or operator of the Property shall provide the City with contact information for a local representative, within approximately two hours distance.

C. Occupancy Taxes: The owner or operator of the Property shall comply with the City's occupancy tax requirements as found within Ch. 94, Division III, of the City's Code of Ordinances.

D. 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.

E. Minimum Off-Street Parking: One space per bedroom, plus parking required for the manager, if living off-site.

F. 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.

G. 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.

RECOMMENDED ACTION:

Approve Resolution No. 25-2022.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 25-2022**

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO AUTHORIZE A SHORT-TERM RENTAL UNIT ON THE PROPERTY COMPRISING LOT 20-A, BLOCK 23, WESTLAND PLACE ADDITION; AND MORE COMMONLY KNOWN AS 503 LUCILLE; 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 503 Lucille and 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 May 24, 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-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: comprising Lot 20-A, Block 23, out of the Westland Place Addition, a subdivision of Kerr County and the City of Kerrville, and being depicted on the location

map and site plan found at **Exhibit A**.

Address: 503 Lucille, 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 STRU on the Property, said notification which is attached as **Exhibit B**.
- B. **Local Contact:** The owner or operator of the Property shall provide the City’s Director of Development Services (“Director”), with contact information for a local representative, which may include themselves. The local representative must be able to respond to a City employee or guest of the STRU within two hours after being notified of an emergency. Should a change occur to the contact information, the owner or operator of the Property shall update the Director in writing with the new information within three business days of any such change.
- C. **Occupancy Taxes:** The owner or operator of the Property shall comply with the City’s occupancy tax requirements as found within Ch. 94, Division III, of the City’s Code of Ordinances.
- D. **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.
- E. **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.
- F. **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.
- G. **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., 2022.

Judy Eychner, Mayor

APPROVED AS TO FORM:

ATTEST:



Michael C. Hayes, City Attorney

Shelley McElhannon, City Secretary



Location Map

Case # PZ-2022-7

Location:
503 Lucille Street

Legend

200' Notification Area
Subject Properties



0 50 100 200

Scale In Feet

NORTH



JOB #:	21-507-00	SURVEYORS:	JB/LK
DATE:	10-19-2021	SHEET 1 OF 1	



SHORT TERM RENTAL CONDITIONAL USE PERMIT GUEST NOTIFICATION

CUP Resolution Number 25-2022

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.

Name: _____

Contact Number: _____

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!

To whom it may concern:

We are inquiring about permitting 503 Lucille St. for a short term rental property. The house is located in a residential area, however with the influx of tourism and visitors to our community, and the proximity of the neighborhood to attractions in town, the location has become ideal for short term rental. There is only one other rental located within a 3 block radius of 503 Lucille, so the long term wouldn't be overrun with visitors in and out of the neighborhood.

The home is a 3 bedroom, 2 bath, that has been completely renovated, which adds value and curb appeal to the neighborhood. The entire backyard is enclosed with a privacy fence, newly added covered patio, and landscaping to start this week to add additional curb appeal. Landscaping will include xeriscaping and native plants to conserve water and reduce waste. The property contains enough off street parking for 6 cars comfortably, but can accommodate up to 8. This eliminates overflow into on street parking. The garage can also accommodate one vehicle, if the need arises.

Local nearby attractions that make this location ideal for an STR include walking distance to the Kerrville River Trail, downtown attractions, shopping, restaurants, coffee shops, and the newly remodeled Arcadia, Nimitz Lake, a short drive (or bike ride along the trail) to Louise Hayes Park, and the new Schreiner Beer Garden. This location is centrally located for easy day trips to local wineries, breweries, art exhibits such as Stonehenge II, Kerrville Folk Festival, golf tournaments at the numerous surrounding courses, Kerrville Triathlon and other athletic events.

Please consider our cute property to add to the places to stay in our great community. The house is perfect for families and friend groups alike.

Best,

Michelle & Blair Casey

361-920-0995

361-935-0992



**TO BE CONSIDERED BY THE
PLANNING AND ZONING COMMISSION
CITY OF KERRVILLE, TEXAS**



SUBJECT: Resolution No. 26-2022. A Resolution granting a Conditional Use Permit for a Short-Term Rental Unit on the property comprising Lot 19, Block 8, Lowry Addition; and more commonly known as 213 Palmer; 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.

AGENDA DATE OF: May 24, 2022

DATE

May 13, 2022

SUBMITTED:

SUBMITTED BY: Drew Paxton

EXHIBITS: [20220524_Reso 26-2022 CUP 213 Palmer STR.pdf](#)
[20220524_PZ-2021-35 - Duffy - Opposed - 2022.01.30.pdf](#)

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

SUMMARY STATEMENT:

Proposal: A resolution to allow a Conditional Use Permit for a Short Term Rental on Lot 19, Block 8, Lowry Addition; and more commonly known as 213 Palmer Street S, Kerrville, TX 78028.

Procedural Requirements: The City, in accordance with state law, mailed 29 letters on 1/20/2022 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 1/13/2022. At the time of drafting this Agenda Bill, one comment has been received.

Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: R-1A Single-family residential with accessory dwelling unit

Existing Land Use: Single Family Residence

Direction: North, South, West, East

Current Zoning: R-1A Single-family residential with accessory dwelling unit

Existing Land Uses: Single Family Residences

Consistency with the Kerrville 2050 Comprehensive Plan: The subject property and surrounding residential areas are designated as Transitional Residential. Since the underlying zoning is not changing for the subject property, the request is consistent with the Kerrville 2050 Comprehensive Plan.

Thoroughfare Plan: The subject property is located on a residential street.

Traffic Impact: No traffic impact is anticipated.

Parking: A Short Term Rental requires one off street parking space per bedroom and one additional off street parking space for a manager, if the manager does not live onsite. This property has 3 bedrooms and no onsite manager so 4 off-street parking spaces are required. The applicant has identified four available off-street parking spaces, meeting the off-street parking requirement.

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

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

The applicant has identified the following amenities as in close proximity to the proposed Short Term Rental: This location is within walking distance to the Kerrville River Trail, Louise Hays Park, Arcadia Live!, the Downtown Farmers Market, and the entire downtown district for shopping, dining, and entertainment.

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

On April 7th, the Planning and Zoning Commission recommended the case for approval with a unanimous vote.

Proposed CUP Conditions for 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. Local Contact: The owner or operator of the Property shall provide the City with contact information for a local representative, within approximately a two hour distance.

C. Occupancy Taxes: The owner or operator of the Property shall comply with the City's occupancy tax requirements as found within Ch. 94, Division III, of the City's Code of Ordinances.

D. 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.

E. Minimum Off-Street Parking: One space per bedroom, plus parking required for the manager, if living off-site.

F. 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.

G. 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.

RECOMMENDED ACTION:

Approve Resolution No. 26-2022.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 26-2022**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO
AUTHORIZE A SHORT-TERM RENTAL UNIT ON THE
PROPERTY COMPRISING LOT 19, BLOCK 8, LOWRY
ADDITION; AND MORE COMMONLY KNOWN AS 213 PALMER;
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 213 Palmer and depicted on the location map and survey plat 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 May 24, 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-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: comprising Lot 19, Block 8, out of the Lowry Addition, a subdivision of Kerr County and the City of Kerrville, and being depicted on the location map and

site plan found at **Exhibit A**.

Address: 213 Palmer, 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 STRU on the Property, said notification which is attached as **Exhibit B**.
- B. **Local Contact:** The owner or operator of the Property shall provide the City’s Director of Development Services (“Director”), with contact information for a local representative, which may include themselves. The local representative must be able to respond to a City employee or guest of the STRU within two hours after being notified of an emergency. Should a change occur to the contact information, the owner or operator of the Property shall update the Director in writing with the new information within three business days of any such change.
- C. **Occupancy Taxes:** The owner or operator of the Property shall comply with the City’s occupancy tax requirements as found within Ch. 94, Division III, of the City’s Code of Ordinances.
- D. **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.
- E. **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.
- F. **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.
- G. **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., 2022.

Judy Eychner, Mayor

APPROVED AS TO FORM:

ATTEST:



Michael C. Hayes, City Attorney

Shelley McElhannon, City Secretary



USGS, TNRI, City of Kerrville, City of Kerrville, KPUB, USDA, TNRI

Location Map

Case # PZ-2021-35

Location:
213 Palmer St

Legend

200' Notification Area -----
Subject Properties ———



0 75 150 300

Scale In Feet

MANSFIELD SURVEYING
P.O. BOX 3111
BANDERA, TX 78003
830-688-2786

SURVEY PREPARED FOR:
Kerr Co. Asbt & Title Co.
GF No. 44612

SURVEY PLAT

LOT 19, BLOCK 8
LOWRY ADDITION

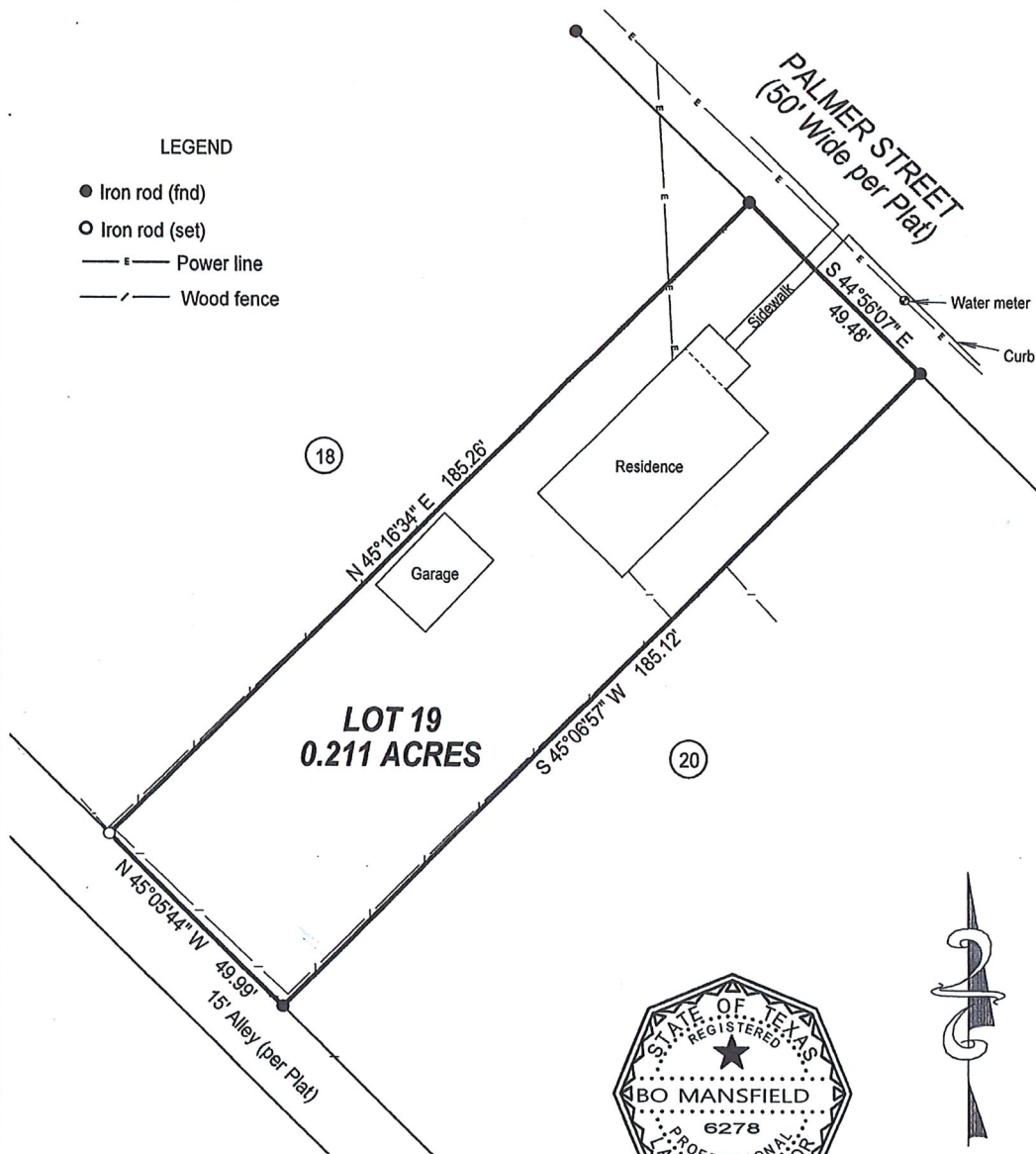
KERR COUNTY, TEXAS

VOLUME 28, PAGE 113, PLAT RECORDS

213 PALMER STREET
KERRVILLE, TX 78028

LEGEND

- Iron rod (fnd)
- Iron rod (set)
- Power line
- / — Wood fence




Scale 1" = 30'

April 8, 2021

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

I hereby certify that this survey was made on the ground and that
this plat correctly represents the facts found at the time of the survey,
and that to the best of my knowledge there are no visible overlapping
of improvements, visible easements of rights of way, boundary line conflicts,
or encroachments except as shown hereon.


Bo Mansfield RPLS No. 6278 FIRM No. 10193736



SHORT TERM RENTAL CONDITIONAL USE PERMIT GUEST NOTIFICATION

CUP Resolution Number 26-2022

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.

Name: _____

Contact Number: _____

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!

From: [William Duffy](#)
To: [Planning Division](#)
Subject: NO WAY!!! CASE # PZ-2021-35
Date: Saturday, January 29, 2022 7:38:38 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.

I am planning to build a new home across the alley from the proposed new facility. The new facility will lower land value, create nuisances and generally cause trouble. My wife and I are against this proposal.

Sincerely, William Duffy



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

SUBJECT: Amendments to the Restated Interlocal Agreement for the continued existence of a Joint Airport Board to provide management of Kerrville/Kerr County Airport.

AGENDA DATE OF: May 24, 2022

DATE SUBMITTED: May 03, 2022

SUBMITTED BY: Julie Behrens

EXHIBITS: [20220510_Interlocal Agreement 2021-53 Joint Airport Board to 5-24-2031.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
----------------------------------	---	-------------------------	------------------------

PAYMENT TO BE MADE TO:

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

SUMMARY STATEMENT:

Kerr County has requested a number of changes to the Interlocal Agreement between the City and the County pertinent to the KERV Airport, and the operation of its Board. Staff will further brief the Council on Tuesday, after the County Commissioner's meeting on Monday, May 23rd.

RECOMMENDED ACTION:

Review and discuss.

Court Order # 38731

**RESTATED INTERLOCAL AGREEMENT FOR THE
CONTINUED EXISTENCE OF A
JOINT AIRPORT BOARD TO PROVIDE MANAGEMENT
OF KERRVILLE/KERR COUNTY AIRPORT**

This amended and restated Joint Action Agreement ("Agreement"), pursuant to Chapter 22 of the Texas Transportation Code ("Code"), is entered into between Kerr County, Texas, acting through its Commissioners Court ("County"); and the City of Kerrville, Texas, acting through its City Council ("City"); and also referred to individually as "Party", or collectively as "Parties", on the Effective Date, as designated below.

WHEREAS, County and City jointly own the real property upon which is located the Kerrville/Kerr County Airport, sometimes referred to as Louis Schreiner Field ("Airport"); and,

WHEREAS, County and City find that it is in the best interests of the citizens of County and City for the Airport to continue to be managed by a Joint Airport Board pursuant to the Code; and

WHEREAS, County and City are desirous of the continuous operation of the Airport in an effective manner;

NOW, THEREFORE, in consideration of these promises, covenants, and agreements, the Parties agree as follows:

1. **Duration of Agreement**: This Agreement is effective as of the Effective Date and remains in effect for ten (10) years from that date (specific date to be noted by Parties) or until terminated as described in Section 8 below. Pursuant to adoption of this Agreement, the previous agreement between the Parties, dated August 22, 2016, is hereby terminated.

2. **Proportionate Interest in Airport Property**: Each Party owns an equal, undivided interest in the real property as depicted in **Exhibit A**, along with all structures, fixtures, and other assets purchased or otherwise acquired by the Airport Board.

3. **Joint Airport Board**: The Parties affirm the creation and continued existence of the Joint Airport Board ("Board"). The Board shall consist and operate as follows:

(a) **Membership**. The Board shall be comprised of five members. The approval by each Party is required to constitute an appointment to the Board.

(b) **Period of Service**. Each Board member is eligible to serve a five (5) year term. Each member may continue to serve in this capacity until their successor is appointed and is duly qualified. No member may serve more than one (1) full term on the Board without having at least one (1) full year off the Board between terms. Service for a full term will be considered to have occurred when a member serves more than 3/5th of any five (5) year term (*i.e.*, 36 months).

Contract 2021-53

In an effort to increase efficiency and promote good governance through continuity of the Board, the positions of the Board are staggered. This will be initially accomplished as follows and as shown on **Exhibit B**:

- 1) **Place 1** – Period of service to expire May 31, 2023;
- 2) **Place 2** –Period of service to expire May 31, 2024;
- 3) **Place 3** –Period of service to expire May 31, 2025;
- 4) **Place 4** – Period of service to expire May 31, 2021;
- 5) **Place 5** –Period of service to expire May 31, 2022;

Upon the death of any member or should any member resign or for any reason become unable to serve, a replacement to fill the vacancy for the unexpired term shall be appointed in the same manner as provided below.

(c) Appointment. The process for appointment by action of each Party shall be as designated below:

- 1) The Board shall recommend persons to the County and City for consideration of appointment. The Board shall submit the names of such persons to each Party at least 60 days prior to the end of the particular place's term. In the event that a candidate recommended by the Board is not appointed by either Party, the Board shall recommend an alternative candidate. In the event that this second candidate is not appointed by either Party, the Board shall select another candidate who will be automatically appointed to the Board without the approval of the Parties.
- 2) It is deemed desirable that all Board members possess and will contribute a balance of expertise in business, financial, aviation, or management training and experience. Appointments shall be made on or before June 1 of each year.
- 3) Replacement of members shall be in the same manner and under the same qualification as described above.
- 4) A Board member has no vested right or property interest in his/her membership. Any Board member may be removed by a majority vote of each Party, for any reason. In addition, the Board may recommend to the County and City that a Board member be removed.
- 5) If a Board member is appointed as a replacement for a vacated position, such member shall be eligible for appointment to a full term, but only if their service for the replacement term was less than 3/5th the time of a five (5) year term (*i.e.*, 36 months).

(d) Oath. Following appointment, each Board member shall qualify for office by taking the required oath of office before the County Judge.

(e) Officers. The Board shall appoint a President and Vice President who shall be selected from the Board's membership. The term for the President shall be for two years.

(f) Compensation. Service on the Board is without compensation. However, each Board member is entitled to reimbursement for necessary expenses incurred in the performance of his/her duties as a Board member, pursuant to a written Board policy.

(g) Authority, Powers, and Duties. The Board shall have the following authority, powers and duties:

1) The Board may exercise on behalf of the Parties any power possessed by either Party and those specifically provided by the Kerrville/Kerr County Airport Code ("Airport Code") dated June 27, 2018 as exists and may be amended from time to time, including the power to lease property and facilities, and to buy and sell goods as an incident to the operation of the Airport.

2) The Board is not authorized to impose a property tax, sell bonds, or otherwise enter into other debt instruments, dispose of Airport property, or exercise the power of eminent domain without the prior written consent of each Party.

3) The Board, following the prior written consent of each Party, has the authority to apply for and to execute grant funding agreements.

4) The Board may improve, equip, maintain, operate, manage, regulate, and protect the Airport.

5) The Board may realign, alter, acquire, abandon, or close a portion of a roadway or alleyway without a showing of paramount importance if the portions to be realigned, altered, abandoned, or closed are in the geographical boundaries of the Airport at the time of or after the realignment, alteration, acquisition, abandonment, or closing.

6) The Board shall have the responsibility and be in charge of the property, improvements, and other assets of the Airport and shall be in charge of the disbursement of Airport funds for Airport purposes, and pursuant to the approved Board Budget. The Board shall also cause records to be kept of any and all revenues and disbursements.

7) The Board shall maintain two funds for accounting purposes. One fund will consist of all accounts and transactions relative to Airport operations and the other fund will consist of all capital items relative to the Airport. The Board shall adopt Financial Management Policies, which it shall then periodically review.

8) The Board shall have an audit of the financial affairs of the Board and its operation of the Airport conducted each year by an independent accountant and shall furnish the audit to each Party no later than February 28 of each year.

9) The Board shall ensure that records regarding the operation of the Airport including the minutes of the Board meetings, are maintained, retained, and made available for public review in accordance with the Texas Public Information Act. Records shall be maintained at the Airport.

10) The Board shall hire and employ an Airport Manager ("Manager") and such other employees as are necessary for the operation of the Airport. The Board shall develop a written job description for the Manager and shall review Manager's performance annually.

11) The Board, through its Manager and any other employees, shall be responsible for the day-to-day management of the Airport. The Board is authorized to enter into contracts with other public or private entities, where funding has been approved through the annual budget process. However, where any such contract exceeds \$75,000.00, both Parties must approve the contract to include contracts for professional services, such as planning, engineering, and architectural services. The Board shall comply with state procurement laws.

12) The Board may adopt resolutions, rules, and orders for the operation of the Airport. The Board shall comply with the Airport Code and other federal, state laws and local laws in all respects, including those laws regarding governmental purchasing applicable to the Board.

13) The Board may lease Airport property and may adopt fees and rental rates with respect to the use of Airport services or use of Airport property. Revenues for such fees and rates shall be included within the Board Budget. The Board is prohibited from giving, leasing, or otherwise allowing the use of any part of the Airport that would violate Art. III, §52(a) of the Texas Constitution, which prohibits the gratuitous donation of public money or anything of value in aid of an individual, association, or corporation.

14) The Parties acknowledge that the Airport property is within the City's limits and is subject to the City's regulations and that land adjacent to the Airport but outside of the City limits is subject to the adoption, administration, and enforcement by the County. The Board shall use its best efforts to monitor and consider appropriate zoning for the Airport and the immediately surrounding areas whose use may impact Airport operations.

15) The Board adopts Kerr County policies and procedures for the purchase of goods and services and for the accounting of the Airport's finances, each in accordance with state law.

16) The Board, with input from the Parties, shall, from time to time, verify that the Airport, its operations, and the Board are all adequately insured, to include its employees, contractors, subcontractors, property, and any other relevant interests against liability or loss arising from its operation of the Airport for damages to the person or property of others, worker's compensation, director's and officers' liability and employees' liability. Based upon such analysis, the County shall procure insurance, to include liability insurance and property insurance. The Board shall include the cost of such coverage within the Board Budget as an operation expense.

(h) Meetings. The Board shall meet on dates and times as agreed upon by the Board, which schedule may be changed from time to time; however in no event shall the Board meet less frequently than once per calendar quarter. The President of the Board or any two Board members shall have the authority to call a meeting. All such meetings of the Board shall be held in accordance with the Texas Open Meetings Act and three members of the Board shall constitute a quorum of the Board. The Board shall make its own rules of order, by-laws, set the time and place for regular meetings, and shall keep minutes of its meetings.

(i) Fiscal year. The Board shall observe a fiscal year that begins each October 1 and ends September 30.

(j) Litigation. The Board shall not enter into litigation of any kind without prior approval from both Parties. However, the Board may provide an appropriate response to a lawsuit or claim filed against it in an effort to protect its rights and defenses prior to any approval from both Parties.

4. Board Budget: The Board is responsible for the operations and needs of the Airport and shall develop a budget for Airport operations ("Board Budget") to be approved by both Parties. The Board Budget shall consist of revenues and expenses related to maintenance and operations. In addition, the Board shall include as an addendum to the Board Budget a description and discussion of, at a minimum, proposed capital improvements looking forward 5 years. The Board shall submit and present the Board Budget to the County and the City for approval. Should either Party not approve the Board Budget, the previous year's Board Budget shall be automatically adopted for the upcoming year.

(a) Submission Required: The Board shall submit the Board Budget to both Parties not later than June 1 of each year for Parties' consideration no later than September 30 of each year. Prior to June 1, the Airport Manager shall coordinate with the appropriate budget personnel of each Party, the City Manager and County Judge or designees, to ensure consistency with funding availability and revenue forecasts.

(b) Content and Format. The Board Budget shall substantially conform to the format and line item content as specified and depicted in **Exhibit C** and in accordance with the following:

1. Where expenses exceed revenues, the Board shall seek contributions from the Parties as provided in Section 5, below.
2. In no case shall contingency funds exceed 10% of the annual amount budgeted for expenses.

(c) Excess Spending. The Board shall not spend nor incur obligations which at any time will exceed the Board Budget approved and adopted by the County and City for that current fiscal year, except for an emergency expenditure, which is declared by the Board President. An "emergency expenditure" is defined as an expenditure necessary for the immediate preservation of the public peace, property, health, or safety. Prior to or immediately following such expenditure, the Board President shall notify the County Judge and Mayor in writing of the declared emergency expenditure.

(d) Movement between Funds. Concerning expenses, the Board is authorized to move budgeted funds between individual line items. However, in no event shall the individual budgeted funds being moved exceed 10% of the total Board Budget for that fiscal year period.

(e) Airport Revenues. The Board shall use revenues generated by operation of the Airport only for Airport purposes.

5. County and City Funding: To assure the objective of the continuation of efficient Airport operations, each Party is obligated to the other Party to contribute funds as follows:

(a) Maintenance and Operations. The County and City shall each fund on a fiscal year basis one-half (1/2) of expenses in excess of revenues.

(b) Capital Improvements. The County and City shall be equally responsible for capital improvements budget. On an annual basis as part of the draft Board Budget review process, both Parties must review proposed capital improvement projects. As such, the Board shall work with the City and County to establish a Capital Fund for Airport economic development purposes, which is different from the capital improvements addendum that the Board is required to submit as part of its budget.

(c) Schedule of Payments. Pursuant to the Board Budget and the amount of each Party's contributions, each Party shall forward no less than 12 equal monthly payments to the Board in the amount of 1/12th of their total contribution on or before the 15th day of each month, or to be paid in one single amount as determined by the Parties, or as needed.

6. Airport Annual Meeting: Annually, the Board shall meet with the Parties to present updates to the Airport Strategic Plan, including but not limited to information regarding the operations of the Airport and its finances.

7. Amendment: This Agreement may only be amended by written agreement of the Parties.

8. Termination of Agreement: Either Party may terminate the Agreement for any reason by giving the other Party no less than three hundred and sixty (360) days written notice.

9. Notices: Any notice required or permitted to be given pursuant to this Agreement or under the laws of this state shall be given in writing and may be given via the United States Postal Service, certified mail, or commercial courier service, addressed to the applicable Party at the address set forth below:

City: City of Kerrville
Attention: City Manager
City Hall
701 Main Street
Kerrville, TX 78028

County: County of Kerr
Attention: County Judge
Kerr County Courthouse
700 Main Street
Kerrville, TX 78028

Board: Joint Airport Board
Attention: President
Kerrville/Kerr County Airport
1877 Airport Loop Road
Kerrville, TX 78028

10. Governing Law and Venue: This Agreement and all of the transactions contemplated herein shall be governed by and construed in accordance with the laws of the State of Texas. Venue for any cause of action shall be in a court of competent jurisdiction in Kerr County, Texas.

11. Severability: If any provision of this Agreement is invalid or unenforceable, this Agreement shall be considered severable as to such provision, and the remainder of this Agreement shall remain valid and binding as though such invalid or unenforceable provision was not included.

12. Captions: Section headings are inserted herein only as a matter of convenience and for reference, and in no way defines, limits, or describes the scope or intent to any provision.

13. Use of Language: Words of any gender used in this Agreement shall be held and construed to include any other gender, and words in the singular shall be held to include the plural, unless the context otherwise requires.

14. Entire Agreement: This Agreement embodies the entire agreement between the Parties, and supersedes all prior agreements and understandings, whether written or oral, and all contemporaneous oral agreements and understandings relating to the subject matter. This Agreement shall not be amended, discharged or extended, except by written instrument

executed by the Parties. The Parties agree that no representations or warranties shall be binding upon either Party unless expressed in writing in the Agreement.

15. Multiple Counterparts: This Agreement may be executed in multiple counterparts, each of which constitutes an original.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be legally executed this 25 day of may, 2021 ("Effective Date").

CITY OF KERRVILLE



Bill Blackburn
Bill Blackburn, Mayor

ATTEST:

Shelly McElhannon
Shelly McElhannon, City Secretary

APPROVED AS TO FORM:

Michael C. Hayes
Michael C. Hayes, City Attorney

COUNTY OF KERR, TEXAS

By: Rob Kelly
Rob Kelly, County Judge



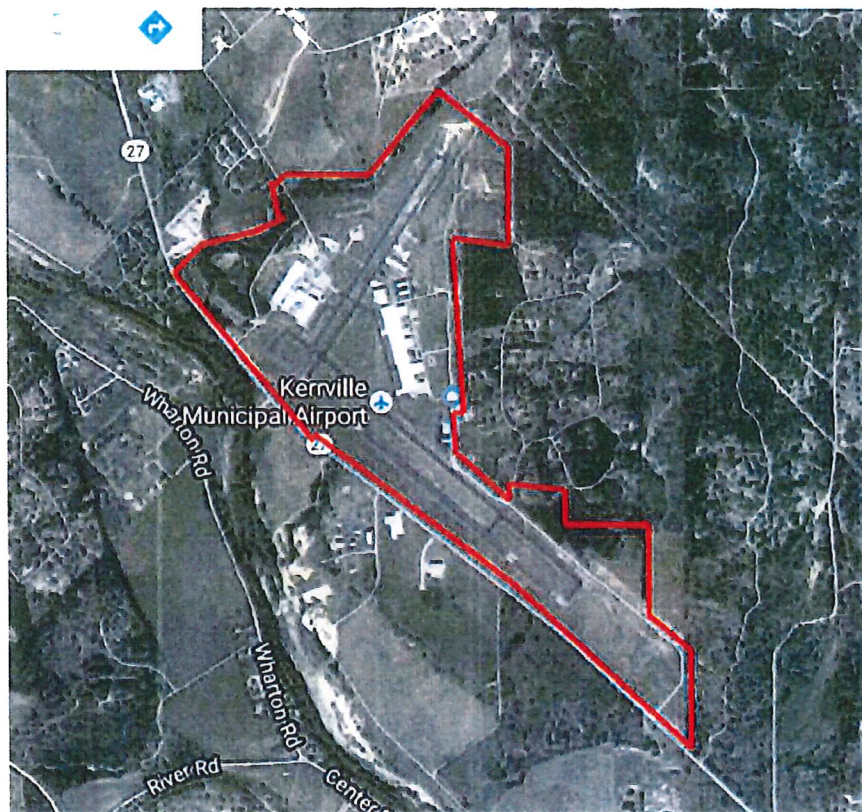
ATTEST:

Jackie Dowdy
Jackie Dowdy, County Clerk

APPROVED AS TO FORM:

Heather Stebbins
Heather Stebbins, County Attorney

EXHIBIT A
Property Depiction



Contract 2021-53

EXHIBIT B
Joint Airport Board Member Terms

Place 1	Current Term to expire 5/31/2023	5 Year Term	
Place 2	Current Term to expire 5/31/2024	5 Year Term	
Place 3	Current Term to expire 5/31/2025	5 year Term	
Place 4	Current Term to expire 5/31/2021	5 Year Term	
Place 5	Current Term to expire 5/31/2022	5 Year term	

Contract 2021-53

EXHIBIT C Budget Format Example

Page 1 of 4

KERRVILLE KERR COUNTY JOINT AIRPORT BOARD BUDGET FOR FY 20__-20__

	2016 Actual	2017 Actual	2018 Actual	2019 Actual	2020 Actual	2021 Budget	PROPOSED BUDGET
47-AIRPORT							
INTERGOVERNMENTAL REVENUE							
47-300-602 KERR COUNTY	0	0	0	0	0	1	0
47-300-603 KERRVILLE	0	0	0	0	0	0	0
47-300-604 GRANTS	0	0	0	0	0	0	0
TOTAL INTERGOVERNMENTAL REVENUE	0	0	0	0	0	1	0
LEASE/RENTAL INCOME							
47-325-301 AIRPORT LAND LEASES						1	
47-325-401 AIRPORT LAND AND STRUCTURES							
47-325-601 1815 AIRPORT LOOP HANGAR and OFFICES							
47-325-602 TERMINAL LEASES							
47-325-603 T-HANGAR LEASES							
47-325-604 VEHICLE RENTAL SURCHARGE							
47-325-605 T-HANGAR STORAGE FACILITY LEASES							
47-325-625 PARKING LOT LEASES							
TOTAL LEASE/RENTAL INCOME	0	0	0	0	0	1	0
FUEL SALES - AVIATION							
47-350-601 FUEL FLOWAGE FEES			0			1	
47-350-602 OTHER							
TOTAL FUEL SALES	0	0	0	0	0	1	0
PROCEEDS							
47-370-260 SURPLUS PROPERTY SALE						1	
47-370-975 INSURANCE PROCEEDS							
47-370-980 APPROPRIATED FUND BALANCE							
INTEREST INCOME							
47-380-601 INTEREST INCOME	0	0	0	0	0	0	1
TOTAL INTEREST INCOME	0	0	0	0	0	0	1
47-390-610 TRANSFER IN	0	0	0	0	0	4	
TOTAL TRANSFER IN	0	0	0	0	0	4	0
** TOTAL REVENUES **	0	0	0	0	0	8	0

Contract 2021-53

EXHIBIT C **Budget Format Example**

Page 2 of 4

KERRVILLE-KERR COUNTY JOINT AIRPORT BOARD **BUDGET FOR FY 20__-20__**

Expenses	2016 Actual	2017 Actual	2018 Actual	2019 Actual	2020 Actual	2021 Budget	PROPOSED BUDGET
47-AIRPORT							
SALARIES & BENEFITS							
47-700-101 AIRPORT MANAGER						2	
47-700-102 OFFICE PERSONNEL							
47-700-104 AIRPORT MAINTENANCE STAFF							
47-700-205 OVERTIME							
47-700-201 FICA							
47-700-202 GROUP INSURANCE							
47-700-203 RETIREMENT							
47-700-204 WORKMAN'S COMP							
47-700-206 BASIC INSURANCE							
SUBTOTAL SALARIES & BENEFITS	0	0	0	0	0	2	0
EXPENSES							
47-800-008 PROFESSIONAL DEVELOPMENT						2	
47-800-101 SUPPLIES							
47-800-101 OFFICE SUPPLIES and EQUIPMENT						2	
47-800-102 SMALL TOOLS AND EQUIPMENT							
47-800-104 FUEL							
47-800-105 JANITORIAL SERVICES							
47-800-110 LANDSCAPING							
47-800-112 WEARING APPAREL							
MAINTENANCE							
47-800-200 MOWING						2	
47-800-201 BUILDINGS AND STRUCTURES REPAIRS							
47-800-202 BUILDINGS AND STRUCTURES MAINTENANCE							
47-800-203 VEHICLE MAINTENANCE							
47-800-205 AIRSIDE MAINTENANCE							
47-800-215 STORM DAMAGE REPAIRS							
SUBTOTAL- Prof Dev, Supplies, Repairs and Maint, Other	0	0	0	0	0	6	0

Contract 2021-53

EXHIBIT C Budget Format Example

Page 3 of 4

KERRVILLE-KERR COUNTY JOINT AIRPORT BOARD							
BUDGET FOR FY 20__-20__							
Expenses (continued)	2016	2017	2018	2019	2020	2021	PROPOSED
	Actual	Actual	Actual	Actual	Actual	Budget	BUDGET
OTHER							
47-800-302 PROPERTY INSURANCE (County)							
47-800-303 LIABILITY INSURANCE (City)							
47-800-305 OFFICE EQUIPMENT RENTAL							
47-800-307 MARKETING							
47-800-311 LEGAL SERVICES							
47-800-312 PROFESSIONAL SERVICES							
UTILITIES							
47-800-401 CELL PHONES							
47-800-404 WATER & SEWER							
47-800-406 LIGHT AND POWER							
47-800-503 DUES AND SUBSCRIPTIONS							
RESERVE AND CONTINGENCY							
47-800-508 RESERVE FOR CAPITAL							
47-800-512 CONTINGENCY II							
TERMINAL EXPENSES							
47-801-300 PHONE SERVICE							
47-801-301 LIGHT & POWER							
47-801-302 PROPANE GAS							
47-801-303 WATER & SEWER							
SUBTOTAL- Other, Utilities, Reserve and Contingency, Terminal	0	0	0	0	0	0	0
*** TOTAL EXPENSES ***	0	0	0	0	0	0	0
REVENUE OVER/(UNDER) EXPENDITURES							
DIFF TOTAL REVENUES Less TOTAL EXPENSES:							\$ -

Contract 2021-53

EXHIBIT C **Budget Format Example**

Page 4 of 4

KERRVILLE-KERR COUNTY JOINT AIRPORT BOARD BUDGET FOR FY 20__20__						
Revenues	2016 Actual	2017 Actual	2018 Actual	2019 Actual	2020 Actual	2021 Budget
48 - AIRPORT CAPITAL						PROPOSED BUDGET
Reimbursement:						
48-350-100 REIMBURSEMENT FM TX DOT						
48-350-200 TX DOT REIMB T-HANGARS						
TOTAL Reimbursement						
Intergovernmental:						
48-351-100 KERR COUNTY RAMP GRANT M						
48-351-101 CITY OF KVILLE RAMP GRANT						
48-351-102 KERR COUNTY PROJECT MATCH						
48-351-103 CITY OF KERRVILLE PROJECT MATCH						
TOTAL Intergovernmental						
Interest:						
48-360-100 INTEREST EARNINGS						
TOTAL Transfers In						
Transfers In						
48-500-115 TRANSFER IN						
TOTAL Transfers In						
TOTAL REVENUES						

Contract 2021-53



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

SUBJECT: Financial Report for month ended April 30, 2022.

AGENDA DATE OF: May 24, 2022

DATE SUBMITTED: Apr 04, 2022

SUBMITTED BY: Julie Behrens

EXHIBITS: [20220524_Presentation_Financial Update 4-30-22.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:

RECOMMENDED ACTION:

Report. No Council action.



Financial Update

City Council Meeting
May 24, 2022



1



General Fund Summary

On May 7th voters approved Prop A - \$45M General Obligation Bond for expenses related to land acquisition, construction of a Public Safety Facility, and furniture, fixtures, and equipment.

Next Steps

June/July

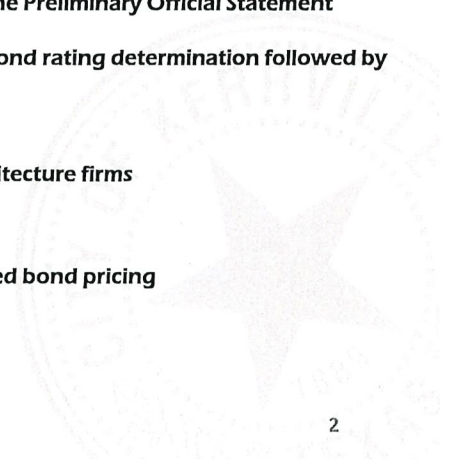
- Staff work with Hilltop Securities and bond counsel to draft the Preliminary Official Statement (POS) for bond issuance
- Staff will prepare & deliver support documents to S & P for bond rating determination followed by a conference call with S & P
- Staff will make underwriter selection
- Complete land purchase
- Engage in process of selecting engineering, design, and architecture firms

August

- Receive bond rating from S & P
- Hilltop Securities will post POS on i-deal website for negotiated bond pricing
- Council will approve ordinance and conduct bond sale

September

- Funds will be received on or about Sept. 15th



2

General Fund Summary

General Fund Revenues as of April 30, 2022

Property Tax: (includes current year, prior year, and penalty & interest)

Budget: \$10,720,382

Current Collections: \$10,360,180

- **As of April 30, 2022 property tax revenues are 97% collected**
 - **Budget 98% collection**

• **Sales Tax:**

Budget: \$9,339,787

Current Collections: \$5,392,148

- **Maintaining average increase of 14% over FY2021 through April 2022**
 - **Categories with highest increases: Retail, Wholesale Trade, Manufacturing, Food Service**
 - **Single rate payors also continue to grow**
 - **May sales tax has been received – 1% increase of FY2021**

3

General Fund Summary

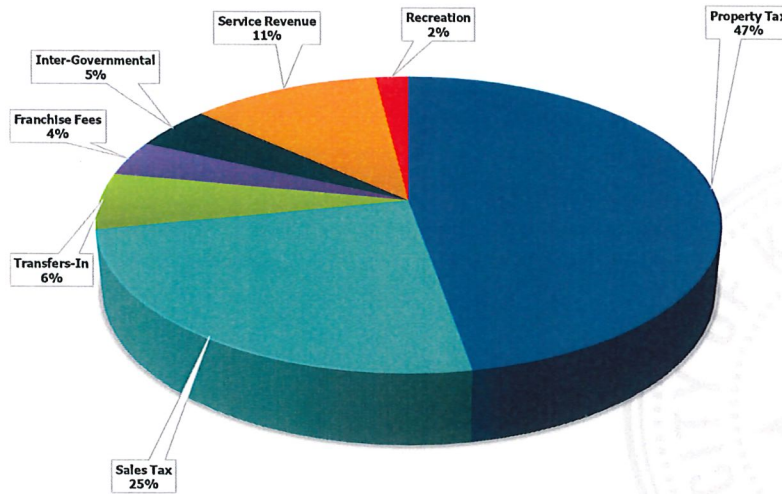
Overview of Revenues as of April 30, 2022

General Fund	FY2022 Budget	Y-T-D FY2022 Budget Estimate	Y-T-D FY2022 Actual	Better or Worse than YTD Budget	Y-T-D FY2021 Actual	Change from YTD FY2021
Taxes						
Property Tax	\$ 10,720,382	\$ 10,194,808	\$10,360,180	\$ 165,372	\$ 9,816,112	\$ 544,068
Sales Tax	9,339,787	5,083,166	5,392,148	308,982	4,721,766	670,382
Franchise Fees	1,959,200	823,319	849,087	25,768	802,331	46,756
Total Taxes	\$ 22,019,369	\$ 16,101,293	\$16,601,415	\$ 500,122	\$15,340,209	\$ 1,261,206
Permits & Fees	40,495	26,152	18,235	(7,917)	12,951	5,284
Inter-Governmental	1,489,052	994,364	1,045,165	50,801	866,410	178,755
Service Revenue	3,997,854	2,125,399	2,511,347	385,948	2,083,133	428,214
Recreation	656,975	344,170	427,483	83,313	468,756	(41,273)
Fines & Forfeitures	476,550	299,013	227,519	(71,494)	216,190	11,329
Grants & Donations	29,500	18,510	23,481	4,971	49,362	(25,881)
Interest & Misc.	223,961	140,525	156,047	15,522	187,575	(31,528)
Transfers-In	2,276,116	1,346,484	1,346,484	-	1,491,068	(144,584)
Total General Fund Revenue:	\$ 31,209,872	\$ 21,390,083	\$22,357,176	\$ 967,093	20,715,654	\$ 1,641,522

- **Permits & Fees (primarily Municipal Court)**
 - **Slightly behind budget but better than last year**
- **Services better than budget due to EMS revenues**
- **Overall fund \$1.6m ahead of FY2021 revenues primarily due to growth in property & sales tax, & EMS**

General Fund Summary

Revenues By Category



General Fund Summary

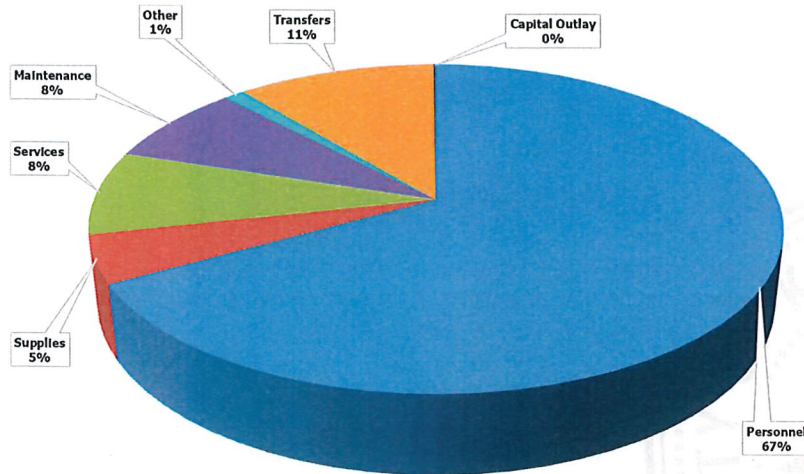
Overview of Expenses as of April 30, 2022

General Fund	FY2022 Budget	Y-T-D FY2022 Budget Estimate	Y-T-D FY2022 Actual	Better or Worse than YTD Budget	Y-T-D FY2021 Actual	Change from YTD FY2021
Expenses						
Personnel	\$ 22,325,032	\$ 12,502,018	\$12,885,682	\$ (383,664)	\$11,320,175	\$ 1,565,506
Supplies	1,463,957	761,257	899,240	(137,983)	691,183	208,057
Maintenance	3,640,372	1,820,186	1,527,600	292,586	1,490,374	37,226
Services	2,464,581	1,454,103	1,591,432	(137,330)	1,431,672	159,760
Other	531,480	201,962	226,753	(24,791)	171,598	55,155
Capital Outlay	110,600	68,572	13,282	55,290	12,441	840
Transfers-Out	2,204,114	2,116,614	2,116,614	-	191,711	1,924,903
Total General Fund Expenses	\$ 32,740,134	\$ 18,924,712	\$19,260,603	\$ (335,891)	\$15,309,154	\$ 3,951,449

- Behind YTD budget estimate: personnel, supply, and services categories
 - Personnel: 3 pay periods were posted in April due to timing of the end of pay periods
 - Gas: \$55K higher in this fund than last year-to-date & inflationary factors in supplies as a whole
 - Services: Other professional services & consulting fees related to the bond process, property tax collection commission, EMS billing, & liability insurance are drivers in this category
- Better than budget in maintenance – paving is kicking off

General Fund Summary

Expenses By Category



- Personnel is budgeted at 70.5% of overall general fund expenses
- Supplies budgeted at 4.8%
- Services budgeted at 8.2%

Water Fund Summary

Water Fund Revenues

Water Sales:

Budget: \$6,665,813

Current Sales: \$3,384,180 (through April billing – March consumption)

Currently slightly behind FY2022 ESTIMATED budget-to-date but ahead last year

Sewer Sales:

Budget: \$5,992,747

Current Sales : \$3,566,409

Currently ahead of FY2022 ESTIMATED budget-to-date and ahead of last year

Water Fund Summary

Overview of Revenues as of April 30, 2022

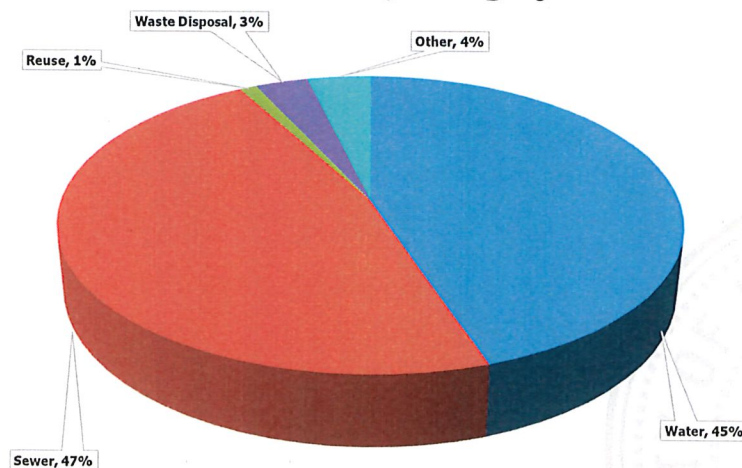
Water Fund	Current FY2022 Budget	Year to Date FY2022 Budget	Y-T-D FY2022 Actual	Better or Worse than YTD Budget	Y-T-D FY2021 Actual	Change from YTD FY2021
Revenues						
Water Sales	\$ 6,665,813	\$ 3,399,565	\$ 3,384,180	\$ (15,385)	\$ 3,357,928	\$ 26,252
Sewer Sales	5,992,747	3,455,224	3,566,409	111,185	3,420,741	145,668
Reuse Sales	155,021	65,662	77,593	11,931	94,206	(16,613)
Waste Disposal Fees	450,000	248,879	240,359	(8,520)	259,117	(18,758)
Other	442,180	306,955	291,095	(15,860)	276,017	15,078
Total Revenues	\$ 13,705,761	\$ 7,476,284	\$ 7,559,636	\$ 83,352	7,408,009	151,627

Notes:

- Water sales slightly behind YTD budget estimate but finally showing a little gain over last year
- Total fund revenues have made up some ground and are running ahead of YTD budget estimate and ahead of last year - \$83K better than budget

Water Fund Summary

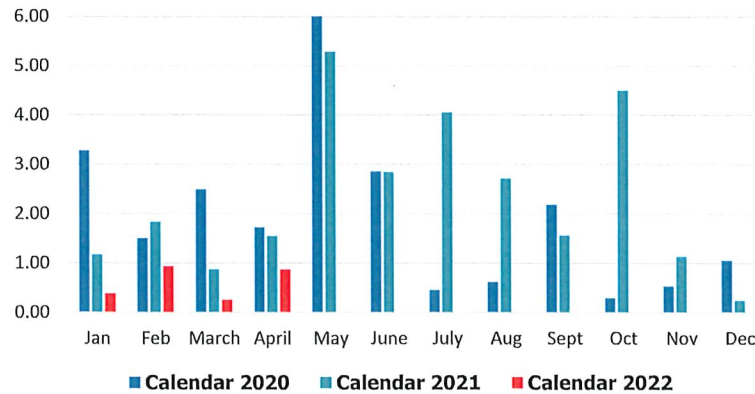
Revenues By Category



- Exactly the same percentages as last month
- Water Revenues are budgeted at 49.8% of total Water Fund Revenues
- Sewer Revenues are budgeted at 43.7% of total Water Fund Revenues

Water Fund Summary

Rainfall Totals in Inches



Source: ars.usda.gov

Water Fund Summary

Overview of Expenses as of April 30, 2022

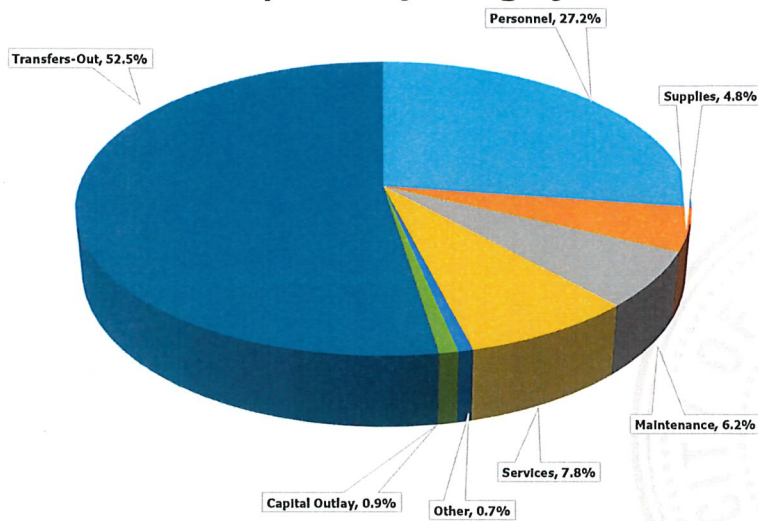
Water Fund	Current FY2022 Budget	Year to Date FY2022 Budget	Y-T-D FY2022 Actual	Better or Worse than YTD Budget	Y-T-D FY2021 Actual	Change from YTD FY2021
Expenses						
Personnel	\$ 3,655,737	\$ 2,156,885	\$ 2,123,569	\$ 33,316	\$ 1,977,304	\$ 146,265
Supplies	824,367	486,377	373,017	113,360	335,107	37,910
Maintenance	972,357	573,690	482,601	91,090	361,558	121,042
Services	1,088,446	642,183	609,504	32,679	605,540	3,964
Other	314,371	185,479	53,631	131,848	197,941	(144,310)
Capital Outlay	125,200	73,868	67,587	6,281	101,571	(33,984)
Transfers-Out	6,847,233	4,094,517	4,094,517	-	4,502,767	(408,250)
Total WF Expenses	\$ 13,827,711	\$ 8,212,999	\$ 7,804,425	\$ 408,574	\$ 8,081,787	\$ (277,362)

Notes:

- Better than budget in most categories
 - Large portion of supplies & maintenance is driven by the amount of water produced
 - Supply shortages also contributing factor
- Overall fund better than YTD estimate and better than last year.

Water Fund Summary

Expenses By Category



- Transfer % is higher than budgeted % due to timing of transfers and the recent budget amendment
- All other categories are closely aligned with budget

Golf Fund Overview

Overview as of April 30, 2022

Golf Fund	Current FY2022 Budget	Year to Date FY2022 Budget	Y-T-D FY2022 Actual	Better or Worse than YTD Budget	Y-T-D FY2021 Actual	Change from YTD FY2021
Revenues	\$ 1,015,083	\$ 538,578	\$ 633,259	\$ 94,681	\$ 572,952	\$ 60,307
Expenses	1,057,517	572,925	473,125	99,800	517,480	(44,356)
Net	\$ (42,434)	\$ (34,347)	\$ 160,134	\$ (5,120)	\$ 55,471	\$ 104,663

Notes:

- Golf continues to show growth with revenues 11% ahead of FY2021
- Revenues \$94,681 better than YTD budget estimate
- Supply chain issues making expenses better than budget

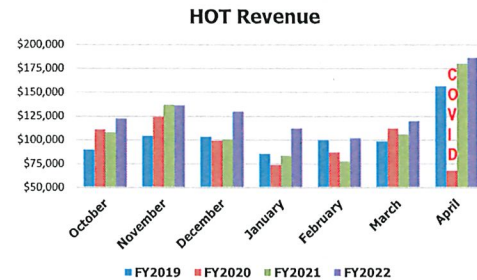
HOT Fund Summary

Overview as of April 30, 2022

Hotel Occupancy Tax Fund	Current FY2022 Budget	Year to Date FY2022 Budget	Y-T-D FY2022 Actual	Better or Worse than YTD Budget	Y-T-D FY2021 Actual	Change from YTD FY2021
Revenues	\$ 1,555,258	\$ 777,629	\$ 919,553	\$ 141,924	\$ 793,575	125,978
Expenses	1,605,258	722,366	652,308	(70,058)	555,138	97,170
Net	\$ (50,000)	\$ 55,263	\$ 267,245	\$ 71,866	\$ 238,437	\$ 28,808

Notes:

- April revenues= March stays
- 18% YTD ahead of FY2021
- Completed 3 hotel audits in May 2022
 - Per ordinance, both hotels & STR subject to audit



Development Services Fund

Overview as of April 30, 2022

Development Services Fund	Current FY2022 Budget	Year to Date FY2022 Budget	Y-T-D FY2022 Actual	Better or Worse than YTD Budget	Y-T-D FY2021 Actual	Change from YTD FY2021
Revenues						
Permits & Fees	\$ 888,973	\$ 496,343	\$ 407,890	\$ (88,453)	\$ 274,060	\$ 133,830
Transfer In	147,895	86,272	86,272	-	158,818	(72,546)
Total Revenue	\$ 1,036,868	\$ 582,615	\$ 494,162	\$ (88,453)	\$ 432,879	\$ 61,284
Expenditures	1,061,068	618,956.43	586,688	32,269	537,127	(49,561)
Net	\$ (24,200)	\$ (36,341)	\$ (92,526)	\$ (56,184)	\$ (104,249)	\$ 11,723

Notes:

- Revenues from Permits & Fees behind estimated budget-to-date but ahead of last year
- Expenses better than estimated budget-to-date

Finance Calendar

May	Departments meet with budget committee
June/July	Work through bond issuance and credit rating process
June 16th	Council budget workshop
July 19th	Council budget workshop
July 25th	Receive certified property tax roll from KCAD
July 25th +/-	S & P conference call
July 31st	File FY2023 Proposed Budget
August 4th	Receive S & P rating
August 9th	Presentation of FY2023 Proposed Budget
	Resolution to set proposed tax rate for FY2023
August 15th	Post Preliminary Official Statement (POS) for negotiated bond pricing
Mid-August	Begin preliminary audit work
August 23rd	Ordinance to issue General Obligation Bonds
	Conduct bond sale
	Public hearing / first reading - budget & tax rate ordinances
September 15th	Deliver bonds to underwriters / City receive bond funds

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Council Questions or Comments?

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

SUBJECT: Appointments to the Economic Improvement Corporation. (Item eligible for Executive Session 551.074).

AGENDA DATE OF: May 24, 2022

DATE SUBMITTED: May 20, 2022

SUBMITTED BY: Shelley McElhannon

EXHIBITS:

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:

Three terms expire June 1, 2022. Five applications have been received: Kyle Bond, Gary Cochrane (reappointment), Justin Ferrell, Travis Lindner, and Allan Perry.

RECOMMENDED ACTION:

Appoint members.



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

SUBJECT: Appoint member to the Heart of the Hills Heritage Center Board of Directors.

AGENDA DATE OF: May 24, 2022

DATE SUBMITTED: May 12, 2022

SUBMITTED BY: Kim Meisner

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	D - Downtown Revitalization
Guiding Principle	D2. Foster a Downtown that tells the community's history/story/lore by preserving and enhancing historic features and a sense of place, celebrating and connecting Downtown to the Guadalupe River and developing a brand and a unified identity for Downtown
Action Item	D2.7 - Consider funding a Downtown heritage center

SUMMARY STATEMENT:

Contract No. 2021-07 A.C. Schreiner House Development and Management Agreement; Section 5.27 City appointment of Hill County Heritage Center (HHHC) Director:

HHHC shall amend its bylaws to require that no fewer than one director of the HHHC Board of Directors shall be appointed by City Council and shall have the full rights and privileges, including voting, of any member of the Board of Directors.

The appointment may be a citizen or a member of the City Council. The appointee shall represent the City.

1. BOARD OF DIRECTORS

To the extent not limited or prohibited by law, the Certificate of Formation or these Bylaws,

the powers of the Corporation shall be exercised by or under the authority of, and the business and affairs of the Corporation shall be managed under the direction of the Board of Directors of the Corporation. Directors need not be residents of the State of Texas or members of the Corporation unless the Certificate of Formation or these Bylaws so require.

2. NUMBER AND ELECTION OF DIRECTORS

The Board of Directors shall be composed of no fewer than five and no more than eleven members. It is to be self-perpetuating Board. The Board nominates its own members and the directors are selected to serve on the Board by a 75% approval of the existing Board. There will be three exceptions to this process: the Chair of the Kerr County Historical Commission (or designee), the President of the Friends of the Kerr County Historical Commission (or designee) and a member appointed by the Kerrville City Council will have a permanent seat and be counted as active directors as part of the five to eleven members. Other directors will serve three (3) year terms and may serve no more than three consecutive terms. A director may be re-elected after a minimum of one-year absence from the Board. Terms will be staggered so that no more than three directors are up for re-election each year.

RECOMMENDED ACTION:

Appointment.



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

SUBJECT: Appointment of Mayor Pro Tem. (Item eligible for discussion in Executive Session 551.074)

AGENDA DATE OF: May 24, 2022

DATE SUBMITTED: May 12, 2022

SUBMITTED BY: Shelley McElhannon

EXHIBITS:

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:

In accordance with the City Charter, Section 3.02, following the canvass of the general election, the City Council shall choose one of its members, other than the Mayor, to serve as Mayor Pro Tem. The current Mayor Pro Tem is Councilmember Kim Clarkson.

RECOMMENDED ACTION:

Appoint Mayor Pro Tem.