

**CITY OF KERRVILLE, TEXAS  
RESOLUTION NO. 40-2022**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO  
AUTHORIZE A SHORT-TERM RENTAL UNIT ON THE  
PROPERTY CONSISTING OF LOTS 2 AND 3, BLOCK 2, VIRGIL  
MERRELL 3RD ADDITION; AND MORE COMMONLY KNOWN  
AS 1203 DONNA KAY; 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 1203 Donna Kay 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 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 July 12, 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:** consisting of Lots 2 and 3, Block 2, out of the Virgil Merrell 3<sup>rd</sup> 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:** 1203 Donna Kay, 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.

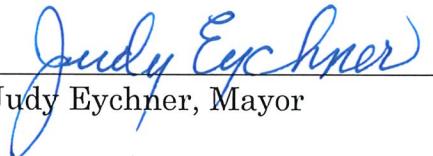
**SECTION THREE.** This Resolution and the CUP granted herein are subject to termination in accordance with the Zoning Code.

**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 12 day of July, A.D., 2022.



Judy Eychner, Mayor

APPROVED AS TO FORM:

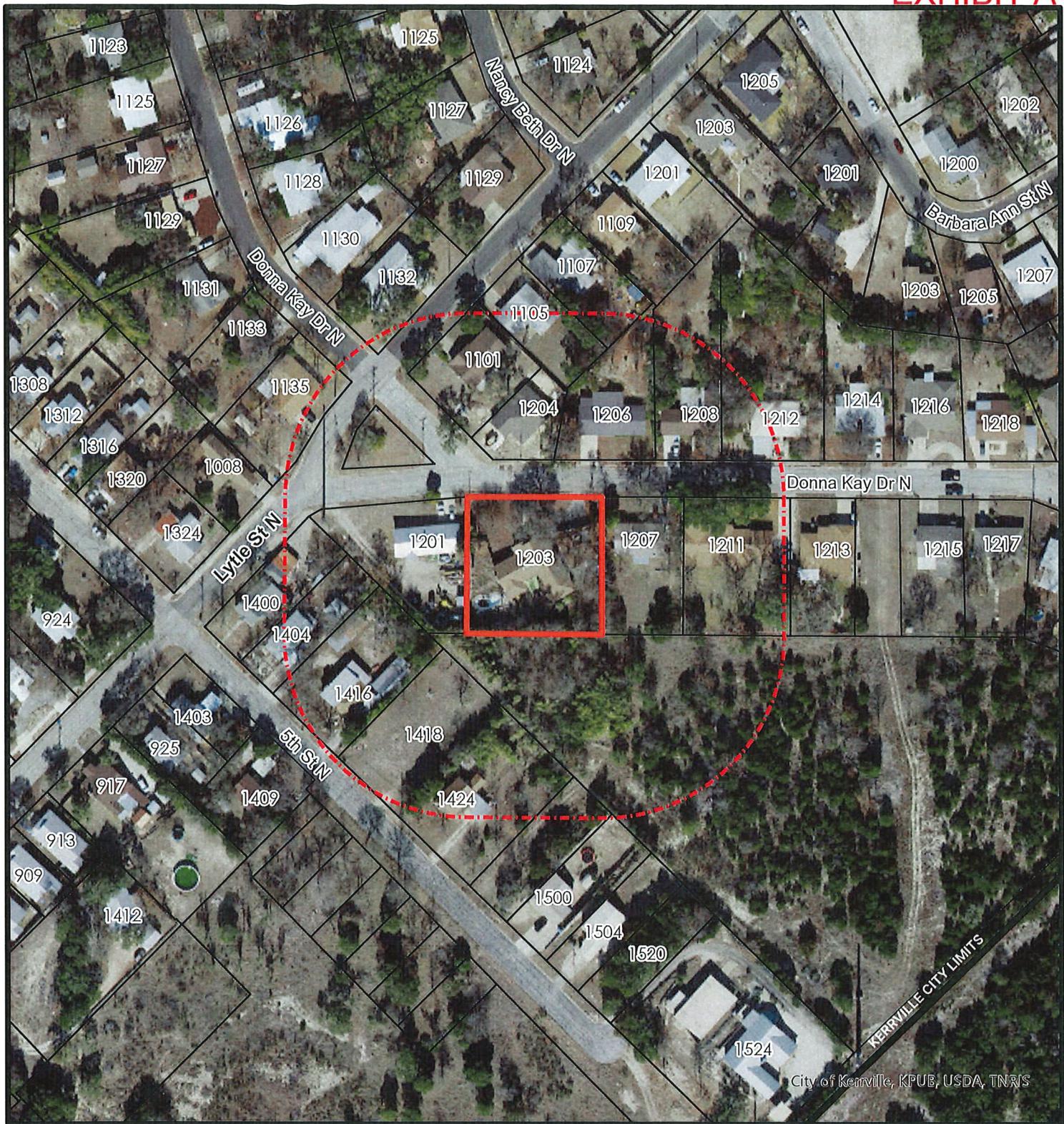


Michael C. Hayes, City Attorney

ATTEST:



Shelley McElhannon, City Secretary



## Location Map

Case # PZ-2022-025

Location:  
1203 Donna Kay Dr

### Legend

200' Notification Area  
Subject Properties



0 50 100 200

Scale In Feet

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

Reso No. 40-2022

**PLAT OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND, LYING AND BEING SITUATED IN THE COUNTY OF KERR, STATE OF TEXAS, AND BEING ALL OF LOTS 2 AND 3, BLOCK 2, OF VIRGIL MERRELL 3RD ADDITION, A SUBDIVISION OF RECORD IN VOLUME 3, PAGE 16, PLAT RECORDS OF KERR COUNTY, TEXAS**

*This tract is subject to a 6 ft. wide utility easement recorded in V. 115, P. 94, Deed Records of Kerr County, Texas as shown hereon; an easement to L.C.R.A. recorded in V. 82, P. 138, Deed Records of Kerr County, Texas; and to a "Blanket Easement" to Lone Star Gas Co. recorded in V. 1, P. 397, Easement Records of Kerr County, Texas.*

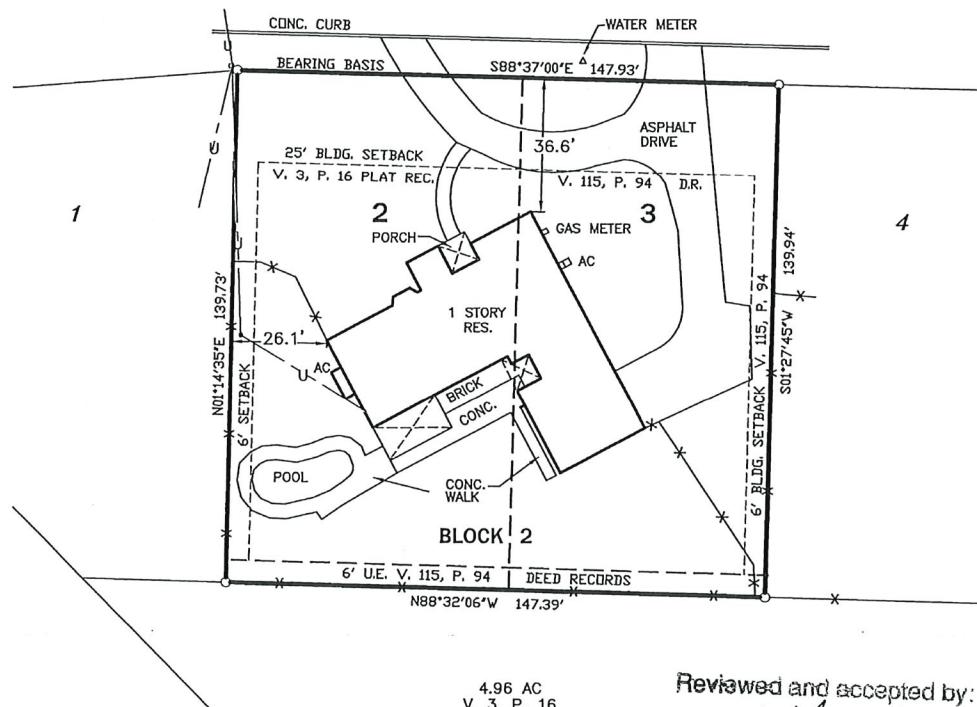


SCALE 1"=40'

Borrower: Asdrubal L. Garcia Peralta and Leslie Rebekah Argil  
1203 Donna Kay Drive  
Kerrville, Texas 78028

— X — FENCELINE  
— U — OVERHEAD UTILITY LINE  
○ FOUND 1/2" IRON STAKE

**DONNA KAY DRIVE**  
(50' R.O.W. V. 3, P. 16 PLAT RECORDS)



Reviewed and accepted by:

THIS PLAT REPRESENTS A SURVEY MADE ON THE GROUND UNDER MY DIRECTION. THERE ARE NO VISIBLE OR APPARENT EASEMENTS OR ENTRAILMENTS EXCEPT AS SHOWN HEREON. THIS TRACT IS NOT LOCATED WITHIN THE 100 YEAR FLOOD BOUNDARY PER F.E.M.A. FLOOD INSURANCE RATE MAP PANEL NO. 48265C0490 F.

DATED THIS THE 30TH DAY OF MAY, 2013

ERIC N. ASHLEY  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4617  
JOB NO. 5042AKC PERALTA, ASDRUBAL.DWG





## SHORT TERM RENTAL CONDITIONAL USE PERMIT GUEST NOTIFICATION

CUP Resolution Number 40-2022

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!*

*Reso No. 40-2022*