

AGENDA FOR THE KERRVILLE CITY COUNCIL MEETING

TUESDAY, AUGUST 09, 2022, 6:00 P.M.

CITY HALL COUNCIL CHAMBERS

701 MAIN STREET, KERRVILLE, TEXAS

The Community Vision

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

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



Kerrville2050



CITY COUNCIL MEETING AGENDA

AUGUST 09, 2022, 6:00 PM

CITY HALL COUNCIL CHAMBERS

701 MAIN STREET, KERRVILLE, TEXAS



K
KERRVILLE
2050

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 Place 1 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 Sylvia Fritz Dobbs, David Fritz, and Mini Mart.

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 laptops and docking stations necessary for the operations of the Police Body Cameras not to exceed \$96,792.10, as approved by Council on 7-12-2022.

Attachment:

20220809_Quote_Dell_Laptop- Havis Docking Station Body Cam KPD.pdf

4.B. City of Kerrville Town Hall meeting minutes, July 25, 2022.

Attachment:

20220809_Minutes_Town Hall meeting - STR 6pm.pdf

4.C. City Council workshop minutes, July 26, 2022.

Attachment:

[20220809_Minutes_Council workshop 7-26-22 4pm.pdf](#)

4.D. Employee Benefits Trust meeting minutes, July 26, 2022.

Attachment:

[20220809_Minutes_EBT 7-26-22 515pm.pdf](#)

4.E. City Council meeting minutes, July 26, 2022.

Attachment:

[20220809_Minutes_Council meeting 7-26-22 6pm.pdf](#)

END OF CONSENT AGENDA.

5 PUBLIC HEARINGS AND RESOLUTIONS:

5.A. Resolution No. 44-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting Lot 1, Block 1, Limestone Beach Addition; and more commonly known as 1959 Arcadia Loop S.; said property is located within a Medium Density Residential Zoning District (R-2); and making said permit subject to conditions and restrictions.

Attachment:

[20220809_Reso 44-2022 CUP 1959 Arcadia Loop S STR.pdf](#)

5.B. Resolution No. 45-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of part of Lot 3, Lot 4, of Block 4, Fairview Addition; and more commonly known as 330 Guadalupe; 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.

Attachment:

[20220809_Reso 45-2022 CUP 330 Guadalupe STR.pdf](#)

5.C. Resolution No. 46-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of Lot 1A, of the replat of Lots 1-A and 1-B, Block 81, JA Tivy Addition; and more commonly known as 1229 Jefferson; 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.

Attachment:

[20220809_Reso 46-2022 CUP 1229 Jefferson STR.pdf](#)

5.D. Resolution No. 47-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of Lot 19, Block 1, Meadowview Estates Addition; and more commonly known as 426 Meadowview; said property is located within a Single-Family Residential Zoning District (R-1); and making said permit subject to conditions and restrictions.

Attachments:

[20220809_Reso 47-2022 CUP 426 Meadowview STR.pdf](#)

[20220809_Letter_opposition Sinski.pdf](#)

[20220809_Letter_in favor Lusmann.pdf](#)

5.E. Resolution No. 48-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of Lot 3B, Block 45, Westland Addition; and more commonly known as 410 Circle; said property is located within a Single-Family Residential Zoning District (R-1); and making said permit subject to conditions and restrictions. (Appeal by Applicant)

Attachments:

[20220809_Reso 48-2022 CUP 410 Circle STR.pdf](#)

[20220809_Letter_opposition Olden and resident signatures.pdf](#)

5.F. Resolution No. 49-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of Lot 11-A, Block 5, Village Glen Addition; and more commonly known as 1701 Foothills; said property is located within a Single-Family Residential Zoning District (R-1); and making said permit subject to conditions and restrictions. (Appeal by Applicant)

Attachments:

[20220809_Reso 49-2022 CUP 1701 Foothills STR.pdf](#)

[20220809_Letters_opposition Bennett Candy Esquivel Holden Pattillo Spradling.pdf](#)

[20220809_In-favor_Villerreal Cordova.pdf](#)

6 PUBLIC HEARING AND ORDINANCES, FIRST READING:

6.A. Ordinance No. 2022-23. An Ordinance creating a "Planned Development District" (Zoning) for Light Commercial Uses and a Stand-Alone Parking Lot on an approximately 1.49 acre property, consisting of Lot 21-R, Block G, B.F. Cage Addition; within the City of Kerrville, Kerr County, Texas; and more commonly known as 820 Sidney Baker and the property formerly known as 829 Clay; adopting a concept plan and conditions related to the development and use of said lot; and providing other matters relating to the subject.

Attachments:

[20220809_Ord 2022-23 Zone change PDD 820 Sidney Baker & 829 Clay.pdf](#)

[20220809_Letters_opposition Juarez Reeves Stewart.pdf](#)

6.B. Ordinance No. 2022-24. An ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas; by changing the zoning of an approximate 22.03 acre tract out of the Samuel Wallace Survey No. 113, Abstract No. 347; more commonly known as the North Side of the 2300 Block of E. Main; from a Medium Density Residential Zoning District (R-2) to a Multifamily Residential Zoning District (R-3); and providing other matters relating to the subject. (Appeal by Applicant)

Attachments:

[20220809_Ord 2022-24 Zone change R3 2300 E Main.pdf](#)

[20220809_Letter_opposition Wall.pdf](#)

7 CONSIDERATION AND POSSIBLE ACTION:

7.A. Resolution No. 43-2022. A Resolution setting forth the Ad Valorem (property) tax rate to be considered for adoption for the 2022 tax year; said rate to be \$0.5752 per \$100 of assessed value; and calling a public hearing prior to the adoption of the tax rate and the Fiscal Year 2023 budget.

Attachment:

[20220809_Reso 43-2022 Ad Valorem Tax Rate 2022 and Adopt Tax Rate FY23.pdf](#)

7.B. Resolution No. 50-2022. A Resolution approving negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp., regarding the Company's 2022 Rate Review Mechanism Filing.

Attachment:

[20220809_Reso 50-2022 Atmos Energy RRM filing.pdf](#)

7.C. Professional Service Agreement for Special Districts Consulting and Administrative Services with MuniCap, Inc.

8 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:*

8.A. Workforce Housing development projects. (551.071, 551.072, 551.087)
8.B. Economic Improvement downtown projects. (551.071, 551.072, 551.087)

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

10 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 Sylvia Fritz Dobbs, David Fritz, and Mini Mart.

AGENDA DATE OF: August 9, 2022 **DATE SUBMITTED:** Jul 11, 2022

SUBMITTED BY: Mayor Judy Eychner

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: Sylvia Fritz Dobbs, David Fritz, and Mini Mart.

RECOMMENDED ACTION:

Present award.



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

SUBJECT: Purchase of laptops and docking stations necessary for the operations of the Police Body Cameras not to exceed \$96,792.10, as approved by Council on 7-12-2022.

AGENDA DATE OF: August 9, 2022 **DATE SUBMITTED:** Aug 02, 2022

SUBMITTED BY: Julie Behrens

EXHIBITS: [20220809_Quote_Dell Laptop- Havis Docking Station Body Cam KPD.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$96,792.10	\$0 see notes in summary statement	Total Body Camera Project \$680,320 Approved by Council 7-12-2022 {\$96,792 for laptops & docking stations}	70-7000-1110

PAYMENT TO BE MADE TO: Dell Technologies

Kerrville 2050 Item? Yes

Key Priority Area F - Public Facilities and Services

Guiding Principle F2. Place the highest priority on public safety (police, fire, EMS).

Action Item

SUMMARY STATEMENT:

These laptops and docking stations are part of the Kerrville Police Department's Body Camera Project, presented to and approved by Council on 7-12-2022. Dell Industries is part of the DIR purchasing co-op, contract #C000000006841. The use of this co-op for purchasing is in compliance with the City's purchasing policy and state law. The current lead time on computers is more than three months. Staff requests permission to order the laptops and docking stations needed to complete the installation of the new body cameras now in order to mitigate supply chain issues. A delay in ordering these components will prolong the completion of the project, which has a Department of Justice Grant deadline of March 2023. Should the laptops arrive prior to the receipt of the American Rescue Plan

Act (ARPA) funds, undesignated Community Improvement Project (CIP) funding can be utilized to cover the cost, which would be reimbursed upon receipt of ARPA funds. The Texas Department of Emergency Management (TDEM) has confirmed that ARPA funds will be received by the City prior to the end of FY2022.

RECOMMENDED ACTION:

Approve order and purchase of laptops and docking stations.



A quote for your consideration

Based on your business needs, we put the following quote together to help with your purchase decision. Below is a detailed summary of the quote we've created to help you with your purchase decision.

To proceed with this quote, you may respond to this email, order online through your [Premier page](#), or, if you do not have Premier, use this [Quote to Order](#).

Quote No.	3000113779686.22	Sales Rep	Grant Cain
Total	\$96,792.10	Phone	(800) 456-3355, 6182971
Customer #	530017777163	Email	Grant_Cain@Dell.com
Quoted On	Jun. 29, 2022	Billing To	ACCOUNTS PAYABLE
Expires by	Jul. 29, 2022		KERRVILLE, TEXAS
Contract Name	Texas Department of Information Resources (TX DIR)		701 MAIN ST
Contract Code	C000000006841		KERRVILLE, TX 78028-5301
Customer Agreement #	TX DIR-TSO-3763		
Deal ID	23653035		

Message from your Sales Rep

Please contact me at 512-513-0780 or Grant_Cain@Dell.com if you have any questions or when you're ready to place an order. Thank you for shopping with Dell!

Regards,
Grant Cain

Shipping Group

Shipping To	Shipping Method
DAVEY MICHELSON KERRVILLE, TEXAS 219 CLAY ST KERRVILLE, TX 78028-5302 (830) 258-1292	Standard Delivery

Product	Unit Price	Quantity	Subtotal
Havis DS-DELL-426-3 - Docking station - GigE - for Dell Latitude 12, 14, 5414, 5420, 5424, 7214, 7424	\$640.72	25	\$16,018.00
Dell Latitude 5430 Rugged	\$2,692.47	30	\$80,774.10

Subtotal:	\$96,792.10
Shipping:	\$0.00
Environmental Fee:	\$0.00
Non-Taxable Amount:	\$96,792.10
Taxable Amount:	\$0.00
Estimated Tax:	\$0.00

Total:	\$96,792.10
---------------	--------------------



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

SUBJECT: City of Kerrville Town Hall meeting minutes, July 25, 2022.

AGENDA DATE OF: August 9, 2022 **DATE SUBMITTED:** Jul 29, 2022

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20220809_Minutes_Town Hall meeting - STR 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 of Kerrville Town Hall meeting minutes held July 25, 2022 at 6:00 p.m., at the Dietert Center, 451 Guadalupe Street.

RECOMMENDED ACTION:

Approve minutes as presented.

**CITY OF KERRVILLE TOWN HALL MEETING
DIETERT CENTER, 451 GUADALUPE STREET, KERRVILLE, TEXAS**

JULY 25, 2022 6:00 PM

COUNCILMEMBERS PRESENT:

Judy Eychner, Mayor
Roman Garcia, Councilmember Place 1
Kim Clarkson, Councilmember Place 2
Joe Herring, Jr., Councilmember Place 3
Brenda Hughes, Councilmember Place 4

COUNCIL ABSENT:

None

PLANNING AND ZONING MEMBERS PRESENT:

Michael Sigerman, Chair
Jeff Harris
John Lipscomb
Clifford Tuttle

MEMBERS ABSENT:

Kevin Bernhard
Abram Bueche
Tabor McMillan

CITY STAFF PRESENT:

E.A. Hoppe, City Manager	Guillermo Garcia, Exec Dir Innovation
Mike Hayes, City Attorney	Martin Greenwell, Media Coordinator
Kim Meismer, Assistant City Manager	Chris McCall, Chief of Police
Shelley McElhannon, City Secretary	Steve Melander, Senior Planner
Jacob Bogusch, Accounting Assistant	Drew Paxton, Director Planning
Stuart Cunyus, Public Information Officer	Cody Scott, Finance Compliance Coordinator

1. WELCOME AND PARTICIPATION GUIDELINES:

Mayor Judy Eychner offered a welcome to the public, reviewed the meeting agenda, communicated participation guidelines, and announced general business protocols of conduct into record. Planning and Zoning Chair Michael Sigerman provided information.

2. INFORMATION, DISCUSSION, AND POSSIBLE ACTION:

2.A. Short Term Rentals, to include:

- Zoning
 - Conditional Use Permit
 - Definitions
 - Authorized districts under the Land Use Table
 - Density and distances from each short-term rental

Drew Paxton provided information and responded to questions.

2.B. Public Input Stations: Mayor Eychner provided information.

Town Hall participants contributed individual written comments on topics related to short-term rentals at various stations. Discussion ensued at different stations with City Council, Planning and Zoning Commission, City Staff and Town Hall participants, who provided feedback, asked questions, and commented.

2.C. Public Comments: Mayor Eychner provided information.

The following persons spoke:

• Nikki Caines	• Sharon Mason	• Jack Hampton
• Anna Ramirez	• Dale Gleichweit	• Clay Corder
• Karen Sides	• Errol Candy	• Bill White
• Gail Wright	• Flora McClung	• Nathan Fitch
• Jack Myers	• Pat Pattillo	• Linda Stone

- Jennifer Wise
- Leslie Jones
- Libba Maddry
- Mike Maddry
- Jon Perrin
- Robin Perrin
- Rex Boyland (declined)
- Keri Wilt
- Lisa McGehee
- Danny Martin
- Linda Bullard
- Sean Boerner
- Kathy Urice
- Lise Miller

No action was taken.

ADJOURN. The workshop adjourned at 8:09 p.m.

APPROVED BY COUNCIL: _____ ATTEST:

Judy Eychner, Mayor

Shelley McElhannon, City Secretary



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

SUBJECT: City Council workshop minutes, July 26, 2022.

AGENDA DATE OF: August 9, 2022 **DATE SUBMITTED:** Jul 29, 2022

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20220809_Minutes_Council workshop 7-26-22 4pm.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 workshop minutes held July 26, 2022 at 4:00 p.m., City Hall Council Chambers.

RECOMMENDED ACTION:

Approve minutes as presented.

**CITY COUNCIL WORKSHOP MINUTES
CITY HALL COUNCIL CHAMBERS**

**JULY 26, 2022 4:00 PM
701 MAIN STREET, KERRVILLE, TEXAS**

CALL TO ORDER: On July 26, 2022 at 4:00 p.m., the City Council workshop was called to order by Mayor Judy Eychner at the City Hall Council Chambers, 701 Main Street.

COUNCILMEMBERS PRESENT:

Judy Eychner, Mayor
Kim Clarkson, Mayor Pro Tem, Councilmember Place 2
Roman Garcia, Councilmember Place 1
Joe Herring Jr, Councilmember Place 3
Brenda Hughes, Councilmember Place 4

COUNCILMEMBER ABSENT: None

CITY STAFF PRESENT:

E.A. Hoppe, City Manager	Stuart Barron, Exec Dir Public Works & Engineering
Mike Hayes, City Attorney	Kyle Burow, Director of Engineering
Kim Meismer, Asst City Manager	Zane Brown, Management Intern
Shelley McElhannon, City Secretary	

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.

Maia Dupes, Freese and Nichols	Louis Amstoy, Media
John Neu, Freese and Nichols	Roger Mathews, Media
Ethan Shires, Freese and Nichols	

1. PUBLIC COMMENT: The following person(s) spoke:

- Peggy McKay

2. INFORMATION, DISCUSSION:

2A. Water/Wastewater Master Plan update.

E.A. Hoppe introduced item. E.A. Hoppe, Stuart Barron, and Ethan Shires provided information and responded to questions.

ADJOURN. The workshop adjourned at 5:23 p.m.

APPROVED BY COUNCIL: _____

ATTEST:

Judy Eychner, Mayor

Shelley McElhannon, City Secretary



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

SUBJECT: Employee Benefits Trust meeting minutes, July 26, 2022.

AGENDA DATE OF: August 9, 2022 **DATE SUBMITTED:** Jul 29, 2022

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20220809_Minutes_EBT 7-26-22 515pm.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:

Employee Benefits Trust meeting minutes held July 26, 2022 at 5:15 p.m., City Hall Upstairs Conference Room.

RECOMMENDED ACTION:

Approve minutes as presented.

**CITY OF KERRVILLE, TEXAS, EMPLOYEE BENEFITS TRUST MEETING
JULY 26, 2022**

CALL TO ORDER: On July 26, 2022, the City of Kerrville Employee Benefits Trust was called to order at 5:27 p.m. in the City Hall Upstairs Conference Room, 701 Main Street, Kerrville, Texas.

COUNCILMEMBERS/TRUST MEMBERS PRESENT:

Judy Eychner	Mayor/Chair
Kim Clarkson	Mayor Pro Tem/Trustee
Roman Garcia	Councilmember/Trustee
Joe Herring, Jr.	Councilmember/Trustee
Brenda Hughes	Councilmember/Trustee

COUNCILMEMBERS/TRUST MEMBERS ABSENT: None

CITY EXECUTIVE STAFF PRESENT:

E.A. Hoppe, City Manager	Kim Meismer, Assistant City Manager
Mike Hayes, City Attorney	Chad Hierholzer, Human Resource Coordinator
Shelley McElhannon, City Secretary	

VISITORS PRESENT: None

1. CONSIDERATION AND POSSIBLE ACTION:

1.A. Approval of the Fiscal Year 2023 employee benefit plans and rates.

Kim Meismer noted that within Chapter 222.002 of the Texas Insurance Code, there is an annual tax in the amount of 1.75% imposed on insurers for gross premiums received from policyholders. Gross premiums paid by a municipality, county, or hospital district are exempt from the tax being collected by their insurer if the municipality, county, or hospital district establishes either a single entity benefit trust or establishes or participates in a Chapter 172 risk pool. In July 2008, City Council approved a resolution to create the Employee Benefit Trust (EBT). Since the inception of the EBT, the City has saved over \$650,000 utilizing this strategy.

Ms. Meismer noted that Blue Cross Blue Shield (BCBS) offered a final bid of 5% increase over FY2022, with no plan changes; including dental, vision, life/AD&D, vol life/AD&D, and short term disability. BCBS has a high satisfaction rate among the City's plan members, and BCBS is well received by the area medical community. If approved, this will be the City's 10th year with BCBS.

Staff recommended Council, acting as Trustees of the EBT, approve the FY2023 employee benefit plans as presented and authorize the City Manager to sign the contracts with the providers. The employee benefit plan includes the following:

- The city's contribution for employee benefits be budgeted at \$9,107 per employee for FY2023.
- Authorize the use of funds from the Employee Benefit Reserve account, if needed.

- Authorize the city manager to sign the contracts with the following providers:
 - Medical, Dental, Group Life & AD&D, and Short Term Disability; Voluntary Life & AD&D, and Voluntary Short Term Disability: Blue Cross Blue Shield of Texas
 - Vision: VSP
 - Long Term Disability: Lincoln

Trustee Roman Garcia moved that Council (acting as the Trustees of the Employee Benefit Trust) approve the FY2023 employee benefit plans as presented and authorize the City Manager to sign the contracts with providers, and Trustee Brenda Hughes seconded. The motion passed 5-0.

ADJOURN.

The City of Kerrville Employee Benefits Trust meeting adjourned at 5:42 p.m.

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

APPROVED:

Judy Eychner, Mayor/Chairman

ATTEST:

Shelley McElhannon, City Secretary



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

SUBJECT: City Council meeting minutes, July 26, 2022.

AGENDA DATE OF: August 9, 2022 **DATE SUBMITTED:** Jul 29, 2022

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20220809_Minutes_Council meeting 7-26-22 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 July 26, 2022 at 6:00 p.m., City Hall Council Chambers.

RECOMMENDED ACTION:

Approve minutes as presented.

**CITY COUNCIL MINUTES
REGULAR MEETING**

**KERRVILLE, TEXAS
JULY 26, 2022 6:00 PM**

On July 26, 2022 at 6:00 p.m., Mayor Judy Eychner called the Kerrville City Council meeting to order in City Hall Council Chambers, 701 Main Street. Councilmember Brenda Hughes provided the invocation and led the Pledge of Allegiance.

COUNCILMEMBERS PRESENT:

Judy Eychner	Mayor
Kim Clarkson	Mayor Pro Tem, Councilmember Place 2
Roman Garcia	Councilmember Place 1
Joe Herring, Jr.	Councilmember Place 3
Brenda Hughes	Councilmember Place 4

COUNCILMEMBER ABSENT: None

CITY EXECUTIVE STAFF:

E.A. Hoppe, City Manager	Zane Brown, Management Intern
Mike Hayes, City Attorney	Kyle Burow, Director Engineering
Kim Meismer, Assistant City Manager	Stuart Cunyus, Public Information Officer
Shelley McElhannon, City Secretary	Guillermo Garcia, Exec Dir Innovation
Stuart Barron, Exec Director PW/Eng	Rosa Ledesma, Parks & Recreation Manager
Julie Behrens, Director of Finance	Eric Maloney, Fire Chief
Ashlea Boyle, Director Parks & Recreation	Chris McCall, Police Chief

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.

John Neu, Freese and Nichols

1. ANNOUNCEMENTS OF COMMUNITY INTEREST: Announcements of Community Interest provided by Stuart Cunyus, Councilmember Roman Garcia, and Mayor Eychner.

2. PRESENTATIONS:

2A. Recognition of the Parks and Recreation Department's Competitive Lifeguard Team achievements.

Mayor Eychner and Ashlea Boyle recognized the Parks and Recreation Department's Competitive Lifeguard Team achievements, represented by Bailee Boggess, Cayden Brown, Ethan Leija, Jesus Guzman, and Department Manager Rosa Ledesma.

Shelley McElhannon read general business protocols of conduct into record.

3. VISITORS FORUM: The following persons spoke:

- Brad Barnett
- Karen Guerriero

4. CONSENT AGENDA:

Councilmember Garcia made a motion to approve the consent agenda items 4A, 4B, 4C, and 4D, seconded by Councilmember Kim Clarkson. The motion passed 5-0.

- 4A. City Council workshop minutes, July 12, 2022.
- 4B. City Council meeting minutes, July 12, 2022.
- 4C. City Council workshop minutes, July 19, 2022.
- 4D. City Council and Kerrville Convention and Visitors Bureau annual meeting July 21, 2022.

END OF CONSENT AGENDA.

5 CONSIDERATION AND POSSIBLE ACTION:

- 5A. Resolution No. 42-2022. A Resolution authorizing the transfer of the ownership of funds from the City of Kerrville to the City of Kerrville Employee Benefit Trust to pay for employee related group benefits for Fiscal Year 2023.

Shelley McElhannon read Resolution No. 42-2022 caption into record.
Kim Meismer provided information and responded to questions.

Councilmember Hughes made a motion to adopt Resolution No. 42-2022 approving the transfer of funds from the City of Kerrville to the City of Kerrville Benefit Trust to pay for Fiscal Year 2023 employee benefits in an amount not to exceed \$9,107 per employee, seconded by Councilmember Garcia. The motion passed 5-0.

- 5B. Interlocal Agreement between Kerrville Independent School District and the City of Kerrville for Provision of School Resource Officers.

Shelley McElhannon read Item 5B caption into record.
Chief Chris McCall provided information and responded to questions.

Councilmember Garcia made a motion to authorize the City Manager to finalize and execute the Interlocal Agreement between K.I.S.D. and the City of Kerrville for provision of School Resource Officers, seconded by Councilmember Joe Herring, Jr. The motion passed 5-0.

- 5C. Professional Service Agreement with Freese and Nichols, Inc. to serve as Owner Representative for the Public Safety Facility.

Shelley McElhannon read Item 5C caption into record.
Stuart Barron, John Neu, and E.A. Hoppe provided information and responded to questions.

Councilmember Hughes made a motion to authorize the City Manager to finalize and execute a Professional Service Agreement for the scope of service as presented, seconded by Councilmember Herring. The motion passed 5-0.

- 5D. Lease Schedule and Master Lease Agreement with John Deere Financial for a 60 month lease in the amount of \$266,854 for six pieces of maintenance equipment for the Scott Schreiner Golf Course.

Shelley McElhannon read Item 5D caption into record.
Ashlea Boyle provided information and responded to questions.

Councilmember Garcia made a motion to authorize the City Manager to finalize and execute the lease agreement, seconded by Councilmember Clarkson. The motion passed 5-0.

6 INFORMATION & DISCUSSION:

6A. Financial Report for month ended June 30, 2022.

Shelley McElhannon read Item 6A caption into record.

Julie Behrens and E.A. Hoppe provided information and responded to questions.

7 EXECUTIVE SESSION: None

8 ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF ANY: None

9 ITEM(S) FOR FUTURE AGENDAS:

- Councilmember Garcia – amend the 2008 Declaration of Trust by delegating the City Secretary to the Secretary officer position of the Employees Benefit Trust Board, seconded by Councilmember Herring.

ADJOURN. The meeting adjourned at 7:07 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: Resolution No. 44-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting Lot 1, Block 1, Limestone Beach Addition; and more commonly known as 1959 Arcadia Loop S.; said property is located within a Medium Density Residential Zoning District (R-2); and making said permit subject to conditions and restrictions.

AGENDA DATE OF: August 9, 2022

DATE

Jul 29, 2022

SUBMITTED:

SUBMITTED BY: Drew Paxton

EXHIBITS: [20220809_Reso 44-2022 CUP 1959 Arcadia Loop S STR.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 1, Block 1, Limestone Beach; and more commonly known as 1959 Arcadia Loop, Kerrville, TX 78028.

Procedural Requirements: The City, in accordance with state law, mailed 9 letters on 6/23/2022 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 6/16/2022. In addition, an informational sign was posted at the front of the property on 6/27/2022. 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-2 Medium Density Residential

Existing Land Use: Single family residence

Direction: North, South, West, East

Current Zoning: R-2 Medium Density Residential

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) and Strategic Catalyst Area 4 (SCA 4). 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 5 bedrooms and no onsite manager so 6 off-street parking spaces are required. The applicant has identified 8 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-2 zoning district. As such, a Short Term Rental requires a Conditional Use Permit.

The applicant has provided the following statement regarding the proposed Short Term Rental: We are proposing a short term rental permit for a Duplex Property at 1959 Arcadia Loop. (A unit has 2 bedrooms/B unit has 3 bedrooms). This is river front property that has full access to the Guadalupe River. It is within walking distance to LaFours Restaurant and Lakehouse Restaurant via Arcadia Loop Road and the paved path under the Thompson Drive bridge. We believe this property will be a popular rental and allow families to enjoy the Guadalupe River.

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 July 28th, the Planning & Zoning approved this case.

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. 44-2022.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 44-2022**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO
AUTHORIZE A SHORT-TERM RENTAL UNIT ON THE
PROPERTY CONSISTING LOT 1, BLOCK 1, LIMESTONE
BEACH ADDITION; AND MORE COMMONLY KNOWN AS 1959
ARCADIA LOOP S.; SAID PROPERTY IS LOCATED WITHIN A
MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT (R-2);
AND MAKING SAID PERMIT SUBJECT TO CONDITIONS AND
RESTRICTIONS**

WHEREAS, the owner of the property known as 1959 Arcadia Loop S. 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 Medium Density Residential Zoning District (R-2); 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 August 9, 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 Medium Density Residential Zoning District (R-2), 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 Lot 1, Block 1, Limestone Beach Addition, and depicted on the location map and site plan found at **Exhibit A**.

Address: 1959 Arcadia Loop S., Kerrville, TX 78028.

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

- A. **Guest Notification:** The owner or operator of the Property shall post a “guest notification” in a conspicuous place within the 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.

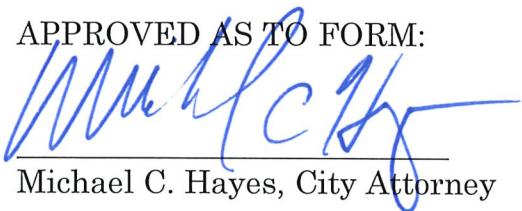
SECTION FIVE. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect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

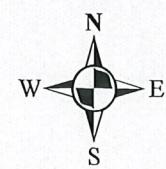


Location Map

Case # PZ-2022-029

Location:
1959 Arcadia Loop

Legend
200' Notification Area
Subject Properties



0 100 200 400

Scale In Feet

Case PZ-2022-29

CUP for Short Term Rental Request

Site Plan with Parking: 5 bedrooms requires 6 off-street parking spaces; 8 spaces identified





SHORT TERM RENTAL CONDITIONAL USE PERMIT GUEST NOTIFICATION

CUP Resolution Number 44-2022

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



SUBJECT: Resolution No. 45-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of part of Lot 3, Lot 4, of Block 4, Fairview Addition; and more commonly known as 330 Guadalupe; 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: August 9, 2022 **DATE** Jul 29, 2022
SUBMITTED:

SUBMITTED BY: Drew Paxton

EXHIBITS: [20220809_Reso 45-2022 CUP 330 Guadalupe STR.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 3 and Part of Lot 4, Block 4, Fairview; and more commonly known as 330 Guadalupe St, Kerrville, TX 78028. (Case No. PZ-2022-31)

Procedural Requirements: The City, in accordance with state law, mailed 22 letters on 6/23/2022 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 6/16/2022. In addition, an informational sign was posted at the front of the property on 6/27/2022. 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

Existing Land Use: single-family home

Direction: North, East, and West

Current Zoning: R-1A

Existing Land Uses: single-family homes

Direction: South

Current Zoning: R-2 and R-3

Existing Land Uses: single-family homes and multifamily apartments

Consistency with the Kerrville 2050 Comprehensive Plan: The subject property and surrounding area 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 2 bedroom and no onsite manager so 3 off-street parking spaces are required. The property has ample room to be able to provide the required parking.

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.

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 July 28th, the Planning & Zoning voted approval on this case.

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. 45-2022.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 45-2022**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO
AUTHORIZE A SHORT-TERM RENTAL UNIT ON THE
PROPERTY CONSISTING OF PART OF LOT 3, LOT 4, OF
BLOCK 4, FAIRVIEW ADDITION; AND MORE COMMONLY
KNOWN AS 330 GUADALUPE; 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 330 Guadalupe and depicted on the location map and land title survey 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 August 9, 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: consisting of part of Lot 3, Lot 4, of Block 4, out of the Fairview Addition, and being depicted

on the location map and land title survey found at **Exhibit A.**

Address: 330 Guadalupe, 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.

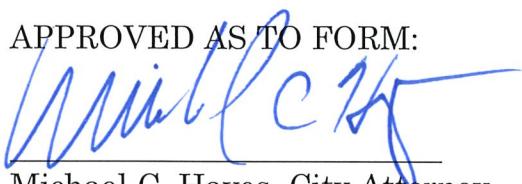
SECTION FIVE. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect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



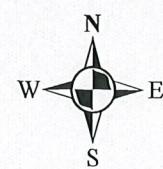
Location Map

Case # PZ-2022-031

Location:
330 Guadalupe St

Legend

200' Notification Area
Subject Properties



0 50 100 200

Scale In Feet



SHORT TERM RENTAL CONDITIONAL USE PERMIT GUEST NOTIFICATION

CUP Resolution Number 45-2022

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



SUBJECT: Resolution No. 46-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of Lot 1A, of the replat of Lots 1-A and 1-B, Block 81, JA Tivy Addition; and more commonly known as 1229 Jefferson; 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: August 9, 2022 **DATE** Jul 29, 2022
SUBMITTED:

SUBMITTED BY: Drew Paxton

EXHIBITS: [20220809_Reso 46-2022 CUP 1229 Jefferson STR.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 property on parts of Lot 1A, Block 81, JA Tivy Addition (Coppock Subdivision Replat); and more commonly known as 1229 Jefferson St, Kerrville, TX 78028.

Procedural Requirements: The City, in accordance with state law, mailed 19 letters on 6/23/2022 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 6/16/2022. In addition, an informational sign was posted at the front of the property on 6/27/2022. 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 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 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 provided the following statement regarding the proposed Short Term Rental: I am requesting a CUP for a short-term rental at this address. This is a 2 bedroom, 1 bathroom house. There is already off-street parking for two vehicles, and it will be very easy to extend to create a third spot. It is an incredibly charming cottage-style house. There are no plans for any major construction/remodel projects, as there is minimal work that needs to be done to have it ready for guests. This rental will be priced in a manner that it will attract mature and responsible visitors. I will keep the property kept up well and incredibly clean, as that lends to the nature of a successful short term rental business. It is also in a great location: it is 0.5 miles to the Schreiner entrance and access to the river trail, without crossing any major roads, and it is 0.7 miles to downtown, at the intersection of Sidney Baker St. and Water St.

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 July 28th, the Planning & Zoning voted approval of this case.

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. 46-2022.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 46-2022**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO
AUTHORIZE A SHORT-TERM RENTAL UNIT ON THE
PROPERTY CONSISTING OF LOT 1-A, OF THE REPLAT OF
LOTS 1-A AND 1-B, BLOCK 81, JA TIVY ADDITION; AND MORE
COMMONLY KNOWN AS 1229 JEFFERSON; 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 1229 Jefferson and depicted on the location map and survey 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 August 9, 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: consisting of Lot 1-A of the replat of Lots 1-A and 1-B, Block 81, out of the JA Tivy Addition,

and being depicted on the location map and site plan found at **Exhibit A**.

Address: 1229 Jefferson, 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.

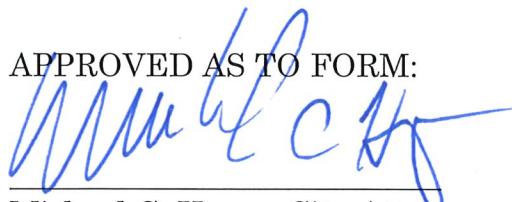
SECTION FIVE. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect 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-2022-028

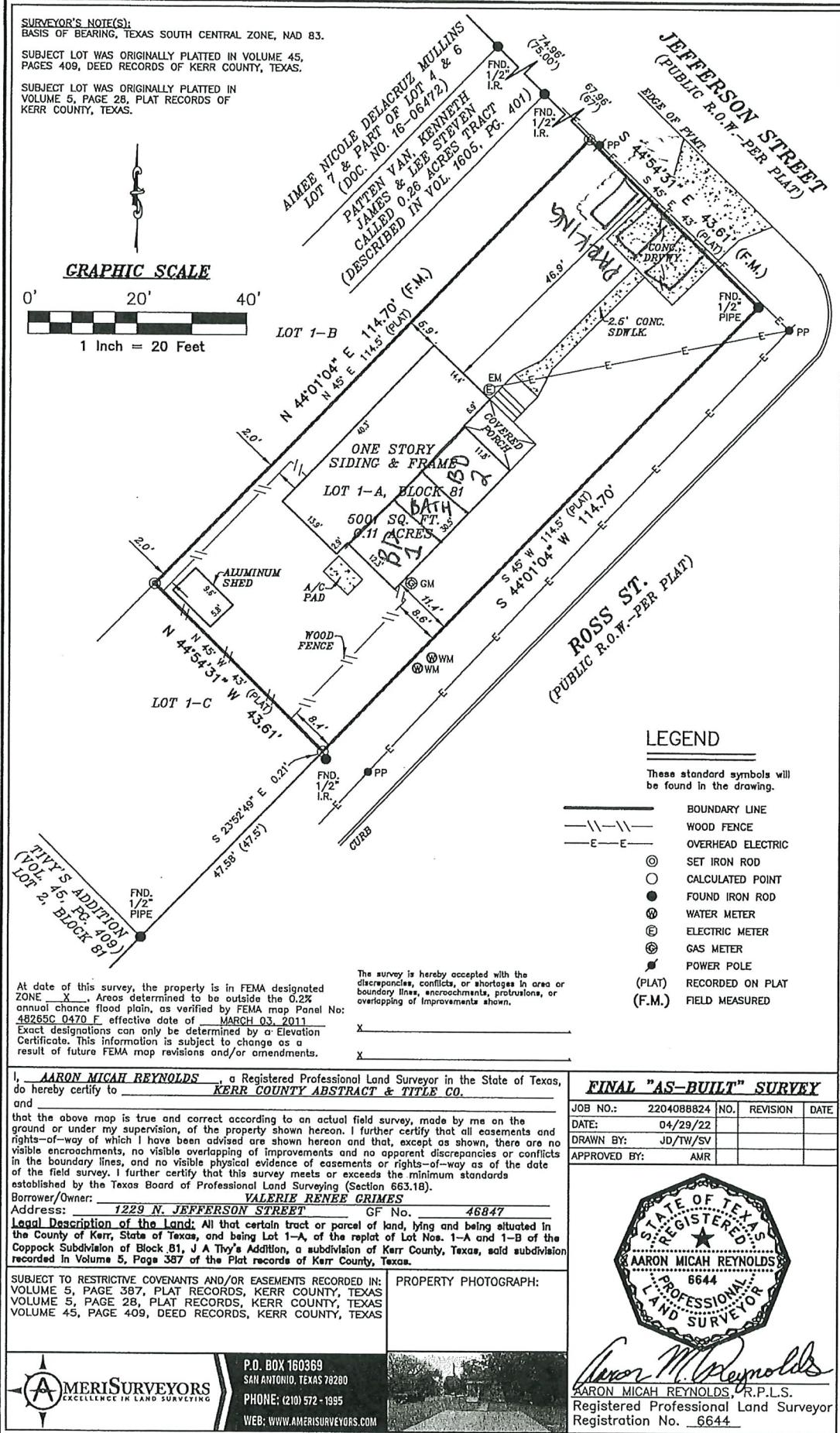
Location:
1229 Jefferson St

Legend
200' Notification Area
Subject Properties



0 50 100 200

Scale In Feet





SHORT TERM RENTAL CONDITIONAL USE PERMIT GUEST NOTIFICATION

CUP Resolution Number 46-2022

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



SUBJECT: Resolution No. 47-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of Lot 19, Block 1, Meadowview Estates Addition; and more commonly known as 426 Meadowview; 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: August 9, 2022

DATE

Jul 29, 2022

SUBMITTED:

SUBMITTED BY: Drew Paxton

EXHIBITS: [20220809_Reso 47-2022 CUP 426 Meadowview STR.pdf](#)

[20220809_Letter_opposition Sinski.pdf](#)

[20220809_Letter_in favor Lusmann.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 1, Meadow View Estates; and more commonly known as 426 Meadowview Ln, Kerrville, TX 78028. (Case No. PZ-2022-32)

Procedural Requirements: The City, in accordance with state law, mailed 14 letters on 6/23/2022 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 6/16/2022. In addition, an informational sign was posted at the front of the property on 6/27/2022. 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

Current Zoning: PDD for multifamily

Existing Land Uses: multifamily development

Direction: South, East, and West

Current Zoning: R-1 Single Family Residential

Existing Land Use: single-family residences

Consistency with the Kerrville 2050 Comprehensive Plan: The subject property and surrounding area 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 2 bedrooms and no onsite manager so 3 off-street parking spaces are required. The applicant has identified 2 existing available off-street parking spaces and will need to install 1 additional space to meet 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.

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 July 28th, the Planning & Zoning voted approval of this case.

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. 47-2022.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 47-2022**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO
AUTHORIZE A SHORT-TERM RENTAL UNIT ON THE
PROPERTY CONSISTING OF LOT 19, BLOCK 1, MEADOWVIEW
ESTATES ADDITION; AND MORE COMMONLY KNOWN AS 426
MEADOWVIEW; 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 426 Meadowview 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 August 9, 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 Lot 19, Block 1, Meadowview Estates Addition, and being depicted on the location map and site plan found at **Exhibit A**.

Address: 426 Meadowview, 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.

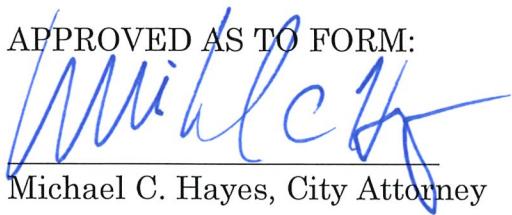
SECTION FIVE. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect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

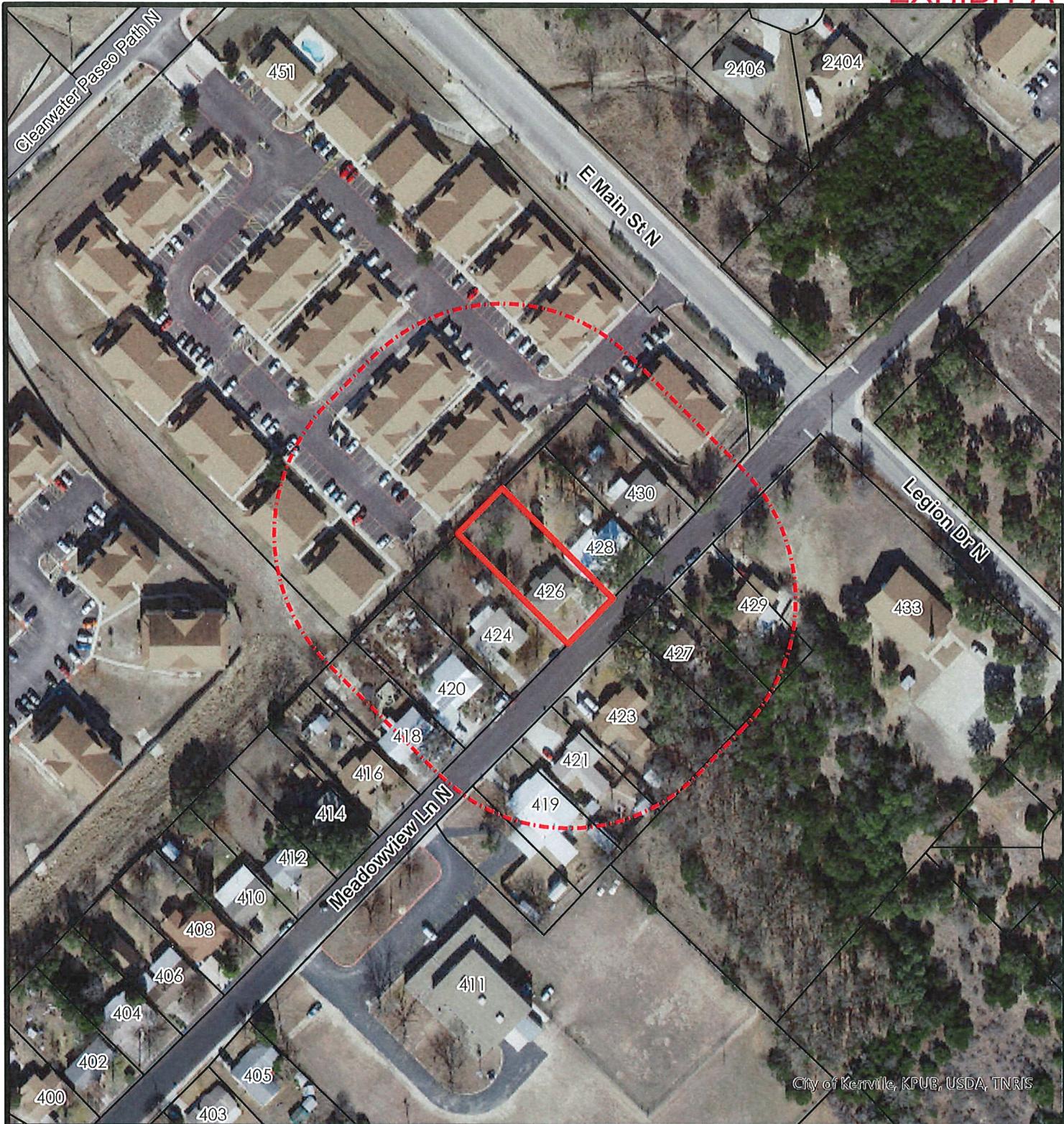
APPROVED AS TO FORM:

A blue ink signature of Michael C. Hayes.

Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary

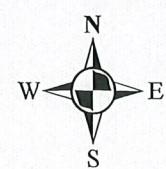


Location Map

Case # PZ-2022-032

Location:
426 Meadowview Ln

Legend
200' Notification Area
Subject Properties



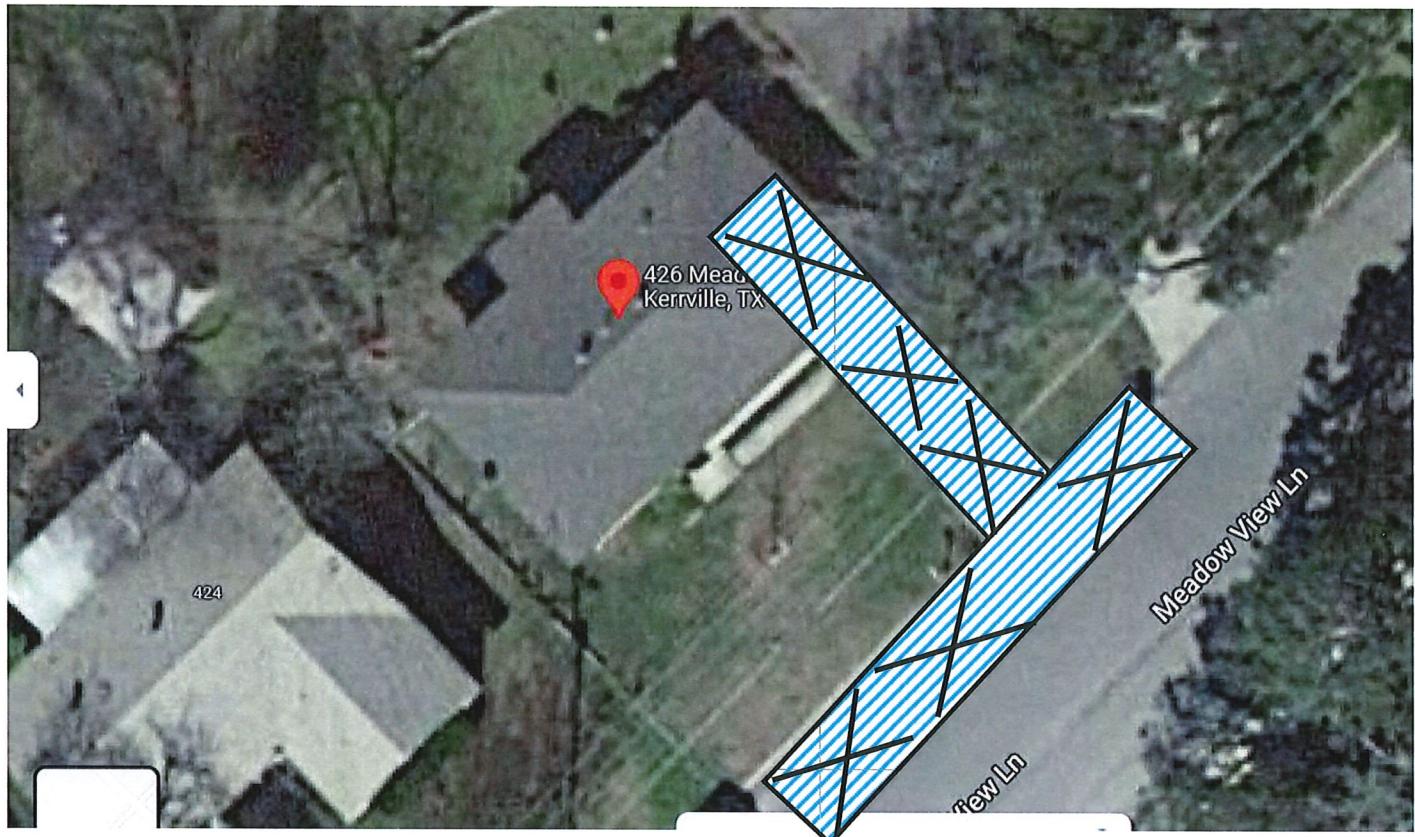
0 50 100 200

Scale In Feet

SITE PLAN

426 Meadowview Lane

Kerrville, TX 78028



Parking available



1 Vehicle

**House is 2
bedroom 1 bath.**



SHORT TERM RENTAL CONDITIONAL USE PERMIT GUEST NOTIFICATION

CUP Resolution Number 47-2022

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: [Drew Paxton](#)

Subject: P & Z zoning for short term rentals July 2022

Date: Monday, July 4, 2022 7:49:40 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.

July 4, 2022

Hello,

I just found out via the Kerr County Lead that a house at 426 Meadowview Lane is being considered for short-term rental.

I did see a sign out in front of the house, but I could not read it as I drove by.

I'm surprised I did not get a letter about this house.

I live at 406 Meadowview Lane, 9 houses away.

I want to go on record saying that I oppose this change to short-term rental because of increased traffic and noise on my street,

And the change will probably affect the valuation of my house in some way.

Residents of Meadowview Lane are quiet and don't want/need strangers popping in and out of houses on our street.

I know residents of that part of the street are 50 years old and older, and I'm sure they don't want people who are partying & being loud.

Also, right behind this house at 426 Meadowview, are apartments for persons age 55 and older, and I'm sure they do not want loud strangers in their back yards.

Meadowview Lane not near a good part of the Guadalupe River Trail, it is more than a mile away. We are not near downtown, it is over 3 miles away.

It is not near any summer camp at all, so parents visiting kids would have to travel for 30 minutes or more. The only restaurant within 2 miles is the new Whataburger.

I can't imagine someone coming into Kerrville for a night or a weekend or a few days and choosing a house on Meadowview Lane.

This is a busy through street too, with lots of traffic, and even in my house, my windows rattle as trucks go by.

I have stayed at some AirBnB type houses & they have been near recreational or shopping areas in other cities, and this house at 426 Meadowview Lane, Kerrville, Texas, is meant to be a residential house or long-term rental, not short-term.

Why didn't we receive a letter about this zoning committee meeting??? Every resident/owner of Meadowview Lane should have been notified.

Also residents of the apartments on Main Street should have been notified, since noise levels will affect them too.

Thank you

Jane Polk Sinski

406 Meadowview Lane

Kerrville, Texas 78028

7/6/22

CASE PZ-2022-32

LINDA LIESMANN

419 MEADOWVIEW LANE

KERRVILLE TEXAS 78028

I am in favor of this proposal.

I have been out of town and with the holiday Monday, I was not sure the mail would get to you in time. I have ask my sister who lives at 424 Meadowview Lane to hand deliver it to you.

Thank you

Linda Liesmann



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



SUBJECT: Resolution No. 48-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of Lot 3B, Block 45, Westland Addition; and more commonly known as 410 Circle; said property is located within a Single-Family Residential Zoning District (R-1); and making said permit subject to conditions and restrictions. (Appeal by Applicant)

AGENDA DATE OF: August 9, 2022

DATE

Jul 29, 2022

SUBMITTED:

SUBMITTED BY: Drew Paxton

EXHIBITS: [20220809_Reso 48-2022 CUP 410 Circle STR.pdf](#)
[20220809_Letter_opposition Olden and resident signatures.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 3B, Block 45, Westland; and more commonly known as 410 Circle Ave, Kerrville, TX 78028.

Procedural Requirements: The City, in accordance with state law, mailed 24 letters on 6/23/2022 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 6/16/2022. In addition, an informational sign was posted at the front of the property on 6/27/2022. At the time of drafting this Agenda Bill, one comment has been received, and the comment includes 11 signature of opposition.

Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: R-1 Single Family Residential

Existing Land Use: Single family residence

Direction: North, South, West

Current Zoning: R-1 Single Family Residential

Existing Land Uses: Single family residences

Direction: 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-1 zoning district. As such, a Short Term Rental requires a Conditional Use Permit.

The applicant has provided the following statement regarding the proposed Short Term Rental: I am purchasing the home and would like to use it as a short-term rental property until I retire, when I will use it more regularly.

Local Amenities for My Guests @ 410 Circle Ave

- Bikes will be provided for renters to use in town
- Directions will be provided for riding safely to:
- River trail – Lowry Park Trailhead
- Pint & Plow Brewery
- Basement Brewers of Texas
- Rails Café & Sweeter Side of Rails

- Grape Juice restaurant and wine shop
- The Bubble Tea factory
- Mamacita's Restaurant
- Information will be provided on:
 - River paddling (rental via Kerrville Kayak & Canoe)
 - Best swimming spots in the Guadalupe
 - Schreiner Park and the mountain biking trails
 - Riverside Nature Center on Francisco Lemos Street
 - Local antiquing spots near Water St downtown
 - Downtown farmer's market
 - Downtown shopping options
 - Cailloux Theater
 - Hill Country Arts Foundation
 - Local Art Galleries, including Kerr Art & Cultural Center
 - James Avery factory store

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.

On July 28th, the Planning & Zoning voted 3-3 on this case. A tie vote equates to a refusal of the application.

RECOMMENDED ACTION:

Approve Resolution No. 48-2022.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 48-2022**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO
AUTHORIZE A SHORT-TERM RENTAL UNIT ON THE
PROPERTY CONSISTING OF LOT 3B, BLOCK 45, WESTLAND
ADDITION; AND MORE COMMONLY KNOWN AS 410 CIRCLE;
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 410 Circle 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 August 9, 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 Lot 3B, Block 45, Westland Addition, and depicted on the location map and site plan found at **Exhibit A**.

Address: 410 Circle, 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.

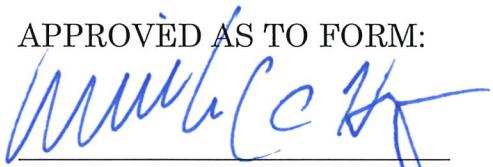
SECTION FIVE. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect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



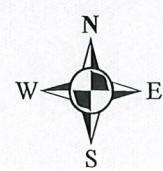
Location Map

Case # PZ-2022-027

Location:
410 Circle Ave

Legend

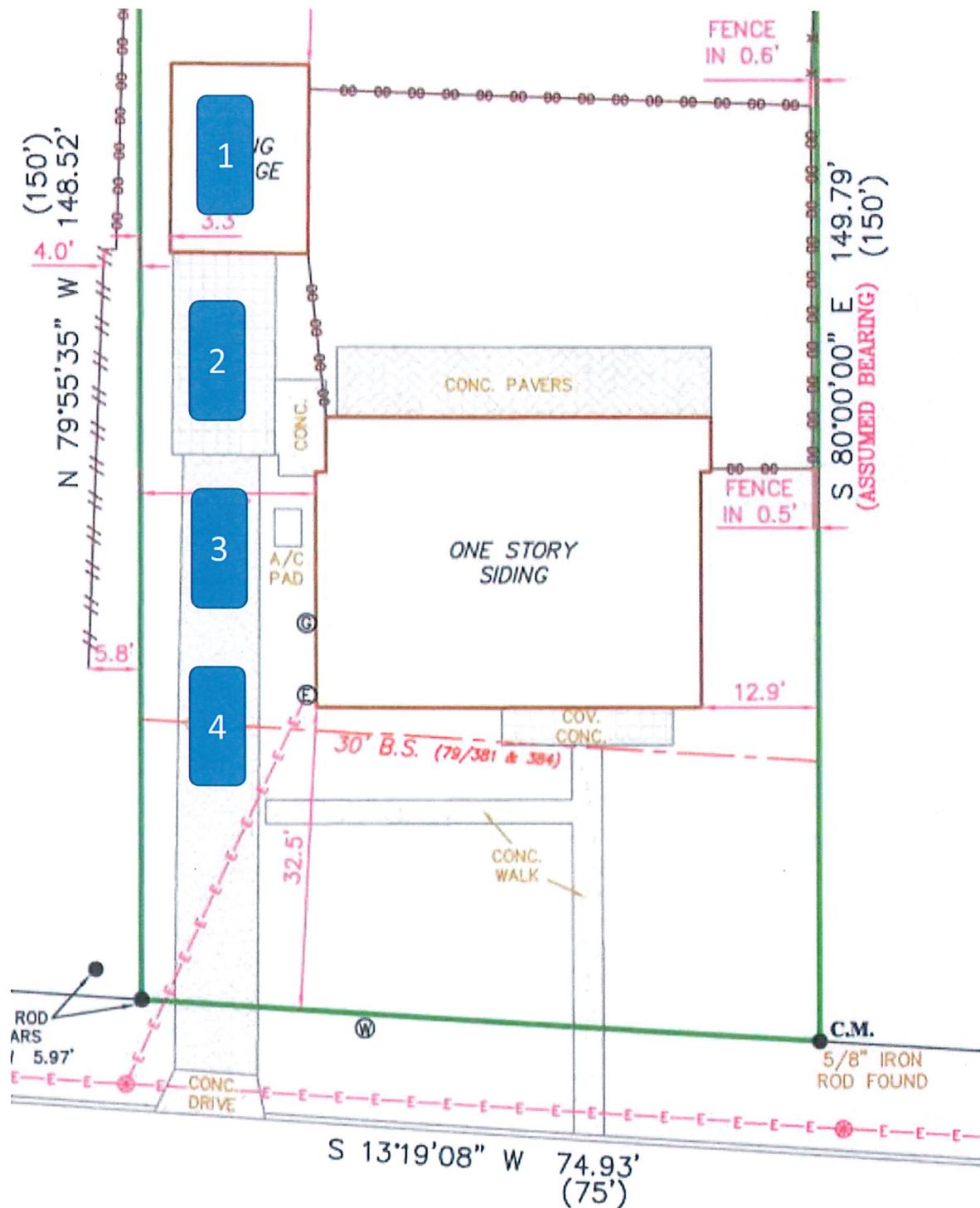
200' Notification Area
Subject Properties



0 50 100 200

Scale In Feet

410 Circle Ave, 3 bdrm Short-Term Rental with 4 parking spaces



CIRCLE AVENUE
(50' R.O.W.)



SHORT TERM RENTAL CONDITIONAL USE PERMIT GUEST NOTIFICATION

CUP Resolution Number 48-2022

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: [Planning Division](#)
Cc: [Steve Melander](#)
Subject: Case PZ-2022-27 - Planning and Zoning Commission
Date: Saturday, July 2, 2022 10:24:57 AM
Attachments: [Planning and Zoning Commission Case PZ-2022-27 page 2.pdf](#)
[Planning and Zoning Commission Case PZ-2022-27.pdf](#)

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.

Mary N. Olden
404 Circle Ave
Kerrville, TX 78028

The PDF files are signatures from residents who oppose the resolution to allow a Conditional Use Permit for a Short Term Rental on Lot 3B, Block 45, Westland; and more commonly known as 410 Circle Ave, Kerrville, TX 78028.

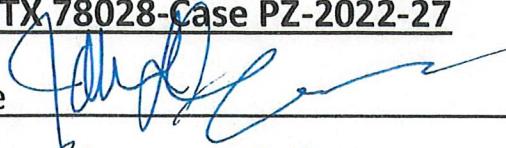
Sent from [Mail](#) for Windows 10

Petition to Oppose Conditional Use Permit on Lot 3B,Block

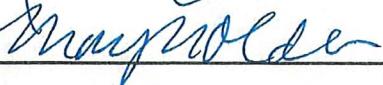
45,Westland;and more commonly known as 410 Circle

Ave,Kerrville,TX 78028-Case PZ-2022-27

400 Circle Ave


John West

404 Circle Ave


Mary N. Olden

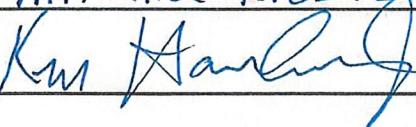
Circle Ave

414 Circle Ave


Antonio Rios.E.

Antonio Elizondo

416 Circle Ave


Ken Harding

Ken Harding

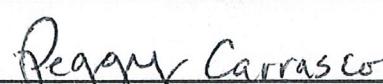
Circle Ave

415 Circle Ave


Robert Chidester

Robert Chidester

419 Circle Ave


Peggy Carrasco

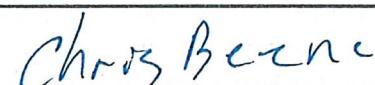
Peggy Carrasco

Pershing

Pershing

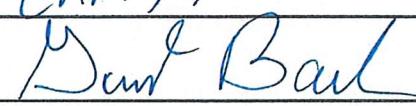
Pershing

510 Stonewall


Chris Beene

Audrey Ben-David

509 Stonewall


Dwight Baehre

Grant Baehre

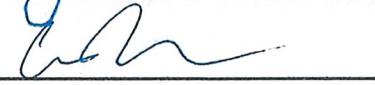
512 Circle Ave


Janet Carter

Janet Carter

~~618~~ 618

618 W Main


Cameron/Amanda Miller

Cameron/Amanda Miller

Jackson Rd

Jackson Rd

415 Jackson Rd

W Main

J Pope

Jennifer Pope



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



SUBJECT: Resolution No. 49-2022. A Resolution granting a Conditional Use Permit to authorize a Short-Term Rental Unit on the property consisting of Lot 11-A, Block 5, Village Glen Addition; and more commonly known as 1701 Foothills; said property is located within a Single-Family Residential Zoning District (R-1); and making said permit subject to conditions and restrictions. (Appeal by Applicant)

AGENDA DATE OF: August 9, 2022

DATE

Jul 29, 2022

SUBMITTED:

SUBMITTED BY: Drew Paxton

EXHIBITS: [20220809_Reso 49-2022 CUP 1701 Foothills STR.pdf](#)

[20220809_Letters_opposition Bennett Candy Esquivel Holden Pattillo Spradling.pdf](#)

[20220809_In-favor_Villerreal Cordova.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 Lot 11-A, Block 5, Village Glen; and more commonly known as 1701 Foothills Dr, Kerrville, TX 78028.

Procedural Requirements: The City, in accordance with state law, mailed 22 letters on 6/23/2022 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 6/16/2022. In addition, an informational sign was posted at the front of the property on 6/27/2022. At the time of drafting this Agenda Bill, seven comments (6 in opposition, 1 in favor) 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 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 5 bedrooms and no onsite manager so 6 off-street parking spaces are required. The applicant has identified 7 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 provided the following statement regarding the proposed Short Term Rental: We are requesting to utilize our property to host with Airbnb 1). We have 5 bedrooms and a very long and wide paved driveway which can accommodate at least 7 vehicles. 2). I think Kerrville (Care-ville as Siri pronounces it) is a perfect spot for Family Reunions and vacations. Being in the Texas Hill Country and the friendly folks here just adds to the charm. We are located in NW Kerrville and within driving distance of the following amenities and attractions:

- 3 minute drive and 8 minute walk to Elm Creek Park.
- 12 minute drive to The Museum of Western Art
- 10 minute drive to James Avery Artisan Jewelry
- 8 minute drive to The Coming King Sculpture Prayer Garden
- 10 minute drive to Kerrville-Schreiner Park and the hike and bike trail and other amenities therein.
- The many festivals Kerrville has throughout the year
- 8 minute drive to The Riverside Nature Center
- 12 minute drive to The Cafe on the Ridge and its lovely plant nursery.
- 7 minute drive to Pint & Plow, a local Kerrville favorite!
- 15 minute walk and 3 minute drive to The Guadalupe!

Thank you for your kind consideration of our venture. We look forward to hosting many friends and families here at our home in Kerrville so they can enjoy such a great town and launching out point in the Texas Hill Country!

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.

On July 28th, the Planning & Zoning voted 3-3 on this case. A tie vote equates to a refusal of the application.

RECOMMENDED ACTION:

Approve Resolution No. 49-2022.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 49-2022**

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO
AUTHORIZE A SHORT-TERM RENTAL UNIT ON THE
PROPERTY CONSISTING OF LOT 11-A, BLOCK 5, VILLAGE
GLEN ADDITION; AND MORE COMMONLY KNOWN AS 1701
FOOTHILLS; 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 1701 Foothills 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 August 9, 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 Lot 11-A, Block 5, Village Glen Addition, and depicted on the location map and site plan found at **Exhibit A**.

Address: 1701 Foothills, 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.

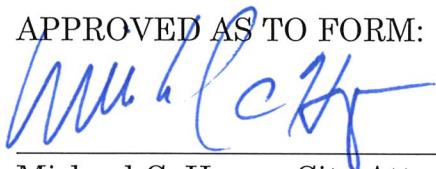
SECTION FIVE. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect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

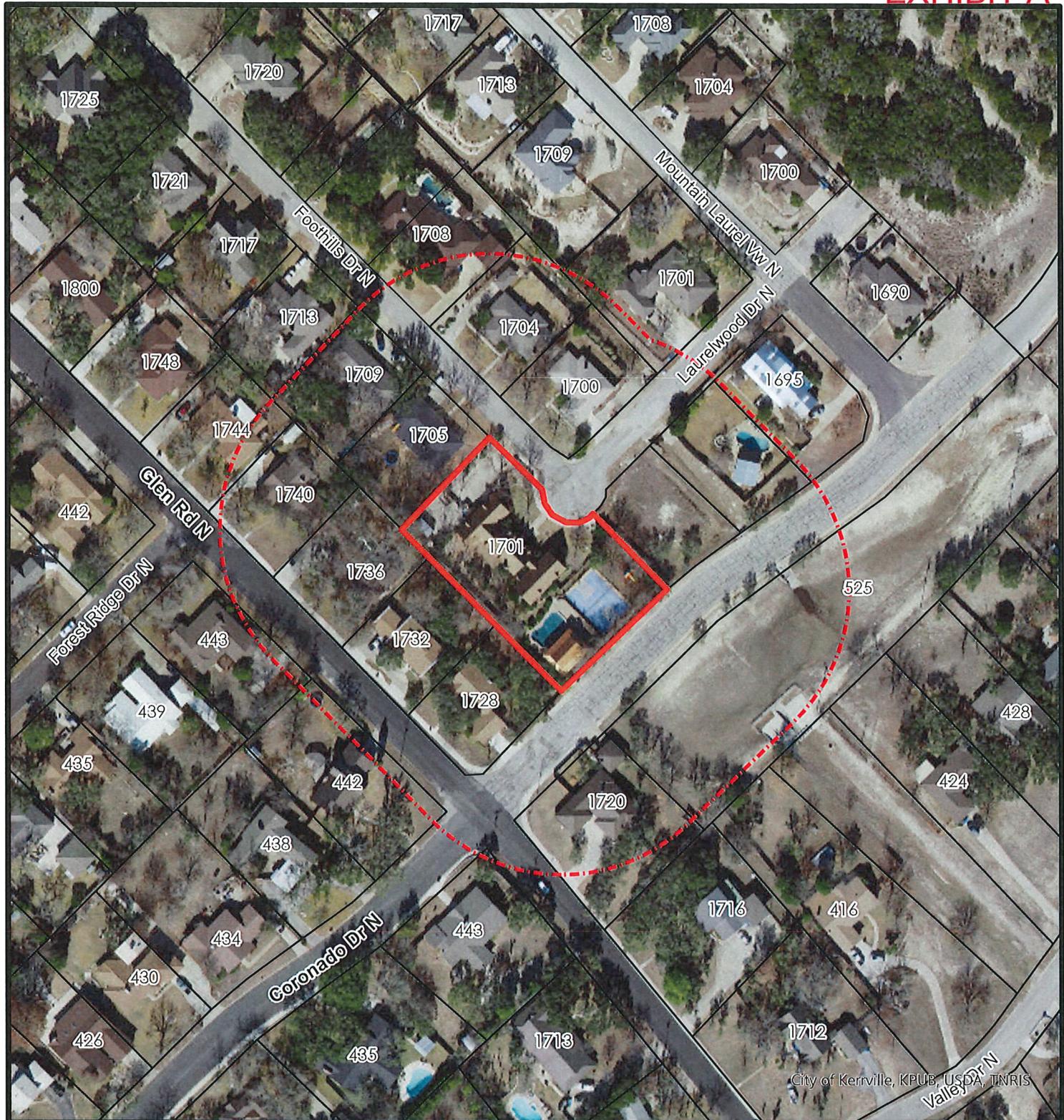
APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary



Location Map

Case # PZ-2022-030

Location:
1701 Foothills Dr

Legend
200' Notification Area
Subject Properties

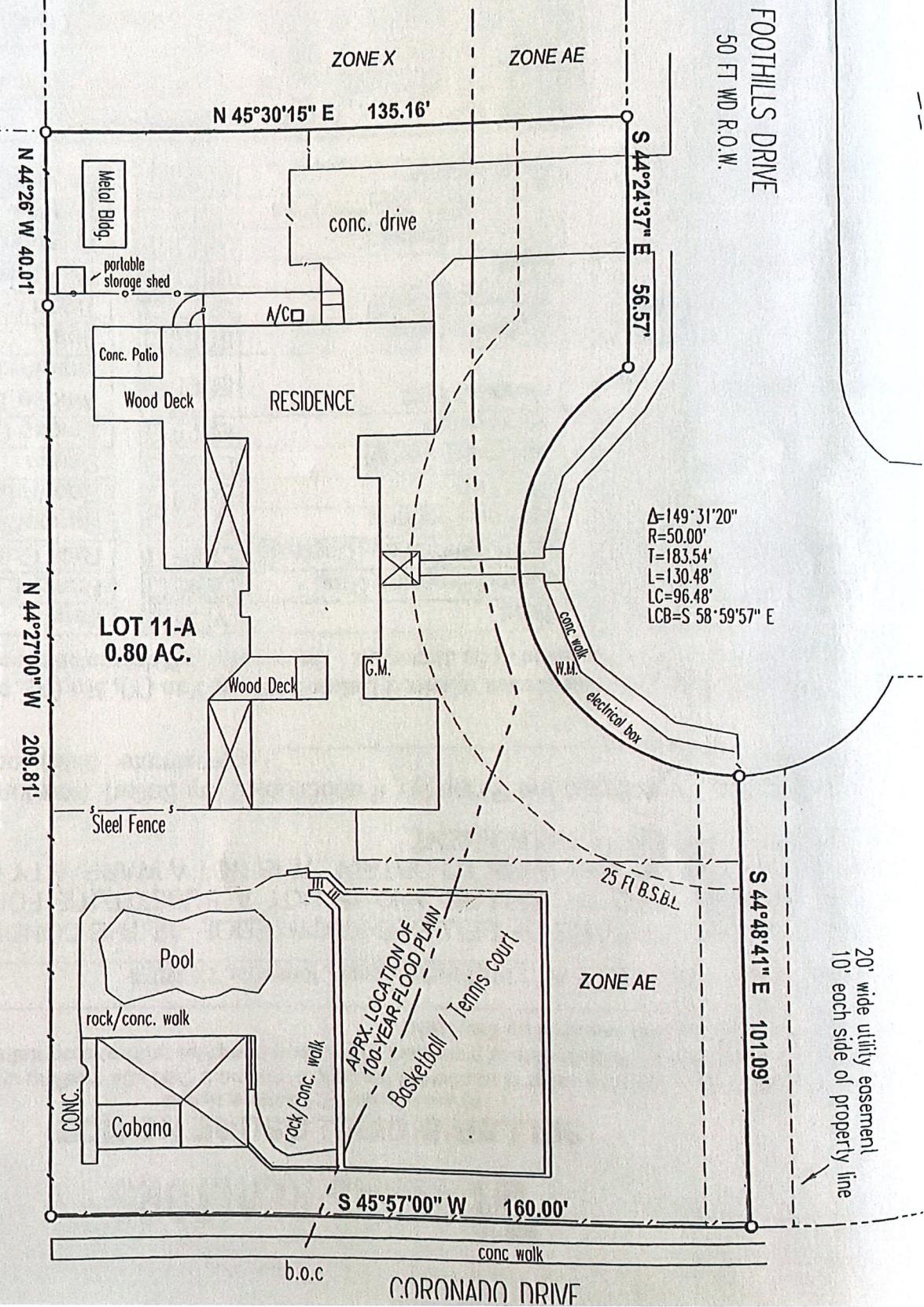


0 50 100 200

Scale In Feet

FOREST WEST
SUBDIVISION
VOL. 4, PG. 49

BLOCK 5
LOT 8





SHORT TERM RENTAL CONDITIONAL USE PERMIT GUEST NOTIFICATION

CUP Resolution Number 49-2022

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: [Drew Paxton](#)
Cc: planningdivision@kerrvilletx.gov
Subject: STR Consideration for Case # PZ-2022-30 1701 Foothills Drive, Kerrville, TX
Date: Wednesday, July 6, 2022 3:52:59 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.

Drew,

It has come to my attention that one of my neighbors, the Maddoy's are considering turning their home into a STR. I am totally opposed to this on our nice, quiet, somewhat reserve, sleepy little street. I ran a vacation rental company down at the coast. It was a bit different as the neighborhoods were "like-minded" as to STR's. Foothills Drive is not.

While being in the property management of STR's, a lot of "extra" is brought into the neighborhood. Extra people peering around the neighborhood, walking into garages, people getting drunk & rowdy, loud music, etc, do I need to go on?

We specifically bought in this neighborhood due to the nice quiet atmosphere. Turning that nice home into a STR is not a good idea for the neighborhood. I live at 1713 Foothills, and I 100% oppose it. I pay a high premium in property taxes in the city. I should not have to be inconvenienced with the "parties & events" or my property value go down due to the trash it will bring to my neighborhood. I would be there in person to protest against it, but I have a doctor appt at 4pm.

Thanks and have a great day!

Becky Bennett
Safety Cop - Owner

Texas Traffic Control
DBE/SBE/WBE/HUB



To: [Planning Division](#)
Subject: Case PZ-2022-30
Date: Wednesday, July 6, 2022 2:32:02 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.

DATE: 6 July 2022

TO: City of Kerrville
Planning and Zoning Commission

RE: Case No. PZ-2022-30

FROM: Susan and Errol Candy
Residence: 659 Windy Ridge Road
Fredericksburg, TX 78624 Property Owned: 1700 Foothills Drive
Kerrville, TX 78028

To the Commissioners and City Council Members:

Allow us to state for the record that Susan and Errol Candy are adamantly opposed to the proposed request for permitting the Conditional Use Permit for operating a Short Term Rental at 1701 Foothills Drive, which is directly across the street from our property.

We own the house at 1700 Foothills Drive, in the Village Glen subdivision. Since November 2019, this has been the home of Mrs. Dorothy Blair, Susan's 90- year old mother. Mrs. Blair is living independently in this house; we purchased it exclusively for her use.

The appeal of Village Glen subdivision, as it currently exists, is a quiet neighborhood, low vehicular traffic, well-maintained homes and yards, friendly and helpful neighbors, and what so far has been a low/no crime area. These positive features of a stable residential neighborhood are under threat because the owners of the house at 1701 Foothills Drive have applied for a Conditional Use Permit to operate a commercial Short Term Rental.

When homeowners buy in residential areas they expect to have certain rights to a safe and quiet environment. An STR operating in the house across the street from ours infringes on these property rights, and opens the proverbial 'Pandora's Box' of future STRs operating commercial concerns in what is zoned as R-1 residential neighborhood. Do property rights of STR owners/investors take priority over property rights of thousands of homeowners who invested in what they believed was a residential community?

Families have loyalty to their neighborhood, to the city where they work and take recreation, to the school districts, to the civic responsibilities, to the volunteer needs of the area. Short-term visitors moving through STRs don't share the long term commitments to a residential neighborhood and the community; they are transient occupants, vacationers, and travelers without a stake in the foundation of a stable residential environment. Equally as concerning are the well-documented problems due to STRs operating in residential areas: increased traffic congestion and parking problems, trash build-up and litter, crime, noise at all hours of the day/nights, intrusive outdoor lighting and the strain on law enforcement and city services as they are called upon to mitigate these problems. Would anyone on the P&Z Commission, or City Council members want to live adjacent to a full time vacation rental/party house venue?

Fredericksburg is a prime case of the disruption created by an unregulated proliferation of STRs that have steadily engulfed entire neighborhoods. Single-family homes coming on the market are frequently advertised as "STR"

properties and are quickly bought by absentee investors and real estate concerns, driving up housing costs, property taxes, and thus fragmenting the once stable residential neighborhoods. All this, added to an existing workforce housing problem.

Not only do we ask that the CUP for STR be denied for 1701 Foothills Drive, we urge the City of Kerrville to stand by its citizens and preserve the integrity of residential areas by putting an immediate moratorium on any future STRs requested in R-1 zoned neighborhoods until sensible city ordinances can be crafted, with public input, to protect the stable residential neighborhoods from commercial concerns like STRs.

Many thanks in advance for your consideration of our viewpoint.

Sincerely,

Susan and Errol Candy

--
This email has been checked for viruses by AVG.
<https://www.avg.com>

07/05/2022

Case Number PZ-2022-30

Development Services Department

My name is Juanita Esquivel. My address is 1708 Foothills Drive Kerrville TX 78028.

The purpose of this letter is to submit my opposition for the proposed request on the short term rentals on 1701 Foothills Drive Kerrville TX 78028.

One of the main priorities I had when moving from Houston in 2017, was to find a nice home in a quiet, peaceful neighborhood. I ultimately found that in the purchase of my home on Foothills Drive.

My main concerns are the noise, extra traffic, and the possibility of property taxes raising.



A handwritten signature in black ink that reads "Juanita Esquivel". Below the signature, there is a small, handwritten date "7/3/22".

To: [Planning Division](#)
Subject: case #PZ-2022-030
Date: Thursday, July 7, 2022 7:27:44 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 name is Allie Holden, and I live at 1709 Mountain Laurel. I just saw this notice re short term rental @1701 Foothills Dr., and while I realize I'm sending a response late, I would still like to voice my opposition to this proposal. Thank you.

To: [Drew Paxton](#); [Mike Hayes](#); [Mike Hayes](#)
Subject: P & Z Short Term Rental Applications
Date: Sunday, June 26, 2022 10:45:44 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 Mr. Paxton,

I live at 1695 Mountain Laurel, Kerrville, Texas within the City of Kerrville. My family has lived at this address since 1998. I just learned of a pending application for approval to operate a Short Term Rental ("STR") at 1701 Foothills. I was told this information was in the Kerrville Daily Times and will come before the P & Z in the next several days/weeks although I did not see it myself. I called you this week and left you a voice mail message but have heard back from you yet.

I believe this is the residence of Mike and Libba Madry. With the exception of there being a vacant lot between us, I am a next-door neighbor. While the Madry's are wonderful people and have been excellent neighbors, I am opposed to them operating a STR at this address. I am writing to you as the P & Z City of Kerrville Staff Member to request you notify P & Z of my opposition. This is a family neighborhood and is deed restricted to single family residences. An STR at this address is out of place and will negatively impact this neighborhood. I am all in favor of the important rights of property owners to do as they please with their property so long as the exercise of those rights does not negatively impact the rights of any other property owners.

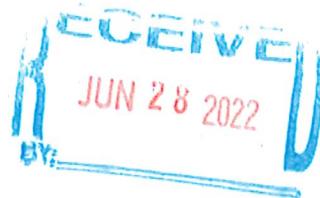
I have not had the opportunity to discuss this directly with the Madry's and am emailing you with some urgency as we are traveling out of the country at this time and will be unable to attend the P & Z meeting. Please present my opposition to the P & Z commission members. Thank you.

Pat Pattillo
Sheri Pattillo

Sent from my iPad

June 21, 2022

Planning & Zoning Commission
City of Kerrville
701 Main Street
Kerrville, TX 78028



Attention: Mr. Drew Paxton,

I am a resident of Kerrville, and am writing you regarding the Short-Term Rental application of the residents at 1701 Foothills Drive.

I reside at 1725 Foothills and am greatly concerned about this application.

Village Glen is a 2-street subdivision – one is Foothills and the other is Mountain Laurel. I am not sure that you realize all there is about this area so I will give you some information.

It is a 30- year -old area with well- maintained homes occupied by mostly middle aged to older retired residents. A check with the Appraisal District will give you information as to value. Many have resided here for 20 years or more. On my block there are 4 widows of long residence. It is a well regarded fact that it is a very quiet neighborhood with no known amenities appealing to outsiders, such as the river, parks, or water features.

Two of my questions as to why these residents would want to offer this home for a STR are: are they planning on moving or are they planning on living in it and offering to rent it as well?

At the time of the last sale of this house it was offered at \$1,200,000, comparable to the ones in Comanche Trace or Riverhill. Mr. Siegerman may find these STR's are not just remodeled older homes. I appreciate his efforts to design rules to make them more controllable. They are certainly needed.

It goes without saying that I hope the Planning & Zoning Commission will deny it

Mr. Paxton, several years ago I served on the Planning & Zoning Commission and I know how the system works, but I am not physically able to be present at the meeting. I hope this will convey my opinion and feelings sufficiently. I appreciate your efforts in our behalf.

Ruth Spradling

RECEIVED

AUG 04 2022

BY: mg

DATE: August 2, 2022

TO: MAYOR Eychner, COUNCIL PERSONS: Clarkson, Garcia, Herring and Hughes

FROM: Ruth Spradling – 1725 Foothills Drive, Kerrville

SUBJECT: Short Term Rental Appeal, Agenda Item August 9, 2022

– 1701 Foothills Drive, Kerrville

I am a 30-year resident of Kerrville, having lived 25 years on Foothills Drive. I have served my time at City Council meetings and on City committees. Unfortunately, I am now not physically able to attend the council meetings and would like this letter to convey my thoughts and concerns to you on the above subject.

Foothills is in the Village Glen neighborhood and zoned R-1. I would like to make the following 3 points:

If a neighborhood is zoned R-1, those who live there have chosen to live in a single -family neighborhood, not one with a short- term rental and outsiders coming and going. Some feel very protective of this privilege.

When a neighborhood has Homeowner's Deed Restrictions, which Village Glen has, these deed restrictions should be upheld and supported by the City.

When the residents who are seeking the STR move on, and they will, the property will forever be zoned for a SRT, opening the way for others who might chose to do the same thing.

When you allow a short - term rental to a property you are negating the above.

Before you go to council to vote on this issue, I urgently ask you to drive the streets and neighborhood, to see if you think this is "bed & breakfast territory". It would seem that none of the homes in this area have anything to offer outsiders.

I would appreciate your voting to deny this appeal.

My suggestion to the residents of 1701 Foothills would be to seek God and allow Him to provide a better alternative for their financial problems, rather than disturbing the peace and quiet.

I would be happy to discuss this with any of you. Thanks for your hard work.

Regards,

Ruth Spradling

To whom it may concern

We wanted to let you know that my husband and I are in favor of a short-term rental for The Maddry's at 1701 Foothills. We just recently sold our home and due to the shortage of rentals in Kerrville, we were able to stay in an STR while we waited to move into our apartment. We also have 3 wonderful children and 5 beautiful grandchildren and love it when we can stay together under one roof when we get to visit each other. We would so enjoy staying in an STR like the Maddry's with our family since our families are living in different parts of Texas. We believe that STRs can be very beneficial to Kerrville and visiting families. Please reconsider allowing STRs in R-1 areas so families can have a home away from home.

Thank you,

Marty and Cindy Villarreal

Date; August 3, 2022

To: Andrew Paxton AICP
Executive Director of Development Services

From: Mike Cordova

Re: Short Term Rental Application at 1701 Foothills Drive

Dear Mr. Paxton:

This is in regard to the Short Term Rental application submitted for 1701 Foothills Drive, in Kerrville. First off, I reside at 1708 Foothills drive which is just a rocks throw from 1701 where the current property owners, Mr. Mike and Ms. Elizabeth Maddry, live. We have found them to be very friendly, responsible and great neighbors. As the saying goes you can pick your house but you can't pick your neighbors and yes, we would like to keep the Maddrys as neighbors. We know they wouldn't be going thru the burden of leasing there home which means leaving their beautiful home and valuables to strangers, unless they had to.

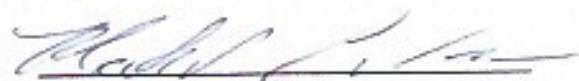
The Maddrys have promised that the Lessees will be under contract to comply with all current city ordinances along with their own requirements with a stiff deposit to help enforce the rules. They have committed to running background checks on their potential tenants which is beneficial to them and us nearby neighbors. There is plenty of parking space in the driveway so tenants should not have vehicles on the street for the most part.

We believe the Maddrys will do their part to keep the neighborhood a safe, secure and peaceful neighborhood. I will also have access to the Madrigals cell phones and will call them immediately should there be anything I hear or see that may be out of order. And no, this is not a burden on me. I have apartments and rental property in Houston and know when people are involved, issues arise.

City of Kerrville's part (For consideration); STR should be on a 3-5 year permitted basis. Any more than two legitimate complaints can revoke a permit. Proper spacing between STRs should be required, Etc...

I can be reached at (713) 351-9133 should you have any questions or additional information be necessary.

Regards,



Michael Cordova



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



SUBJECT: Ordinance No. 2022-23. An Ordinance creating a "Planned Development District" (Zoning) for Light Commercial Uses and a Stand-Alone Parking Lot on an approximately 1.49 acre property, consisting of Lot 21-R, Block G, B.F. Cage Addition; within the City of Kerrville, Kerr County, Texas; and more commonly known as 820 Sidney Baker and the property formerly known as 829 Clay; adopting a concept plan and conditions related to the development and use of said lot; and providing other matters relating to the subject.

AGENDA DATE OF: August 9, 2022

DATE

Aug 01, 2022

SUBMITTED:

SUBMITTED BY: Drew Paxton

EXHIBITS: [20220809_Ord 2022-23 Zone change PDD 820 Sidney Baker & 829 Clay.pdf](#)
[20220809_Letters_opposition Juarez Reeves Stewart.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 C-2 Light Commercial and RT Residential Transition to Planned Development District on Lot 21R, Block G, Cage Addition; and more commonly known as 820 Sidney Baker Street and 829 Clay Street, Kerrville, TX 78028.

Procedural Requirements: The City, in accordance with state law, mailed 23 letters on 7/14/2022 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 7/7/2022. Notice of public hearing signs were also posted on both property frontages.

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

Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: C-2 Light Commercial and RT Residential Transition

Existing Land Use: Existing commercial and a vacant tract

Direction: North

Current Zoning: C-2 Light Commercial and RT Residential Transition

Existing Land Uses: Commercial (permitted and non-conforming)

Direction: East

Current Zoning: C-2 Light Commercial

Existing Land Uses: single-family residential

Direction: West

Current Zoning: RT Residential Transition

Existing Land Uses: church

Direction: South

Current Zoning: RT Residential Transition

Existing Land Uses: single family home

Consistency with the Kerrville 2050 Comprehensive Plan (“Comp Plan”): The subject property is partially within the Strategic Catalyst Area 7 and the balance of the property is located in a Transitional Residential place type area. This catalyst area encapsulates the Sidney Baker Street/Hwy 16 corridor between the Strategic Catalyst Area 6 and Interstate 10. Place types include Transitional Residential, Community Commercial, and Regional Commercial. The proposed PDD with the various uses as defined fits within the Transitional Residential place type.

Thoroughfare Plan: The subject property is located on and has access to Sidney Baker Street, an arterial and Clay Street, a local street.

Traffic Impact: With the conditions contained within the proposed PDD ordinance, traffic impacts should be limited.

Parking: N/A

Case Summary: The applicant is requesting a zoning change from C-2 and RT to a PDD to allow for the existing commercial development and a stand-alone parking lot.

Recommendation: Staff recommends approval of the zoning request.

On July 28th, the Planning and Zoning Commission recommended the Planned Development District with amended conditions with a unanimous vote.

The P&Z recommended the following amendments:

1. No vehicular access shall be allowed to and from Clay Street. All traffic shall access from the Sidney Baker Street property. A gate for emergency access may be installed if required by the Fire Marshal. Such gate to remain cloaked at all times, subject to emergencies.
2. The screening fence shall be required across the front of the Clay Street lot, with a 15' setback.
3. Solid waste collection bins and dumpsters are prohibited.

RECOMMENDED ACTION:

Approve Ordinance No. 2022-23.

D R A F T 8/1/2022

CITY OF KERRVILLE, TEXAS ORDINANCE NO. 2022-23

AN ORDINANCE CREATING A “PLANNED DEVELOPMENT DISTRICT” (ZONING) FOR LIGHT COMMERCIAL USES AND A STAND-ALONE PARKING LOT ON AN APPROXIMATELY 1.49 ACRE PROPERTY, CONSISTING OF LOT 21-R, BLOCK G, B.F. CAGE ADDITION; WITHIN THE CITY OF KERRVILLE, KERR COUNTY, TEXAS; AND MORE COMMONLY KNOWN AS 820 SIDNEY BAKER AND THE PROPERTY FORMERLY KNOWN AS 829 CLAY; ADOPTING A CONCEPT PLAN AND CONDITIONS RELATED TO THE DEVELOPMENT AND USE OF SAID LOT; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, the Planning and Zoning Commission of the City of Kerrville, Texas and the governing body of the City of Kerrville, in compliance with the laws of the State of Texas and the ordinances of the City Kerrville, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body, in the exercise of the legislative discretion, has concluded that the City’s Zoning Code and Zoning Map should be amended as provided herein;

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

SECTION ONE. The property described in **Exhibit A** (the “Property”) is removed from a Light Commercial Zoning District (C-2) and a Residential Transition Zoning District (RT), respectively, and placed within a newly created Planned Development District (“PDD”) for development and use as provided herein.

SECTION TWO. The Property may be developed and used but only in accordance with the following conditions:

A. Permitted Uses: The following uses are permitted within the PDD subject to the conditions provided herein and the applicable regulations for each use as provided within the Zoning Code:

1) The portion of the Property located at 820 Sidney Baker Street (“Portion A”) – Portion A may only be used for those permitted and conditional uses as allowed in the Light Commercial (C-2) Zoning District as provided within the Zoning Code.

2) The portion of the Property formerly addressed as 829 Clay Street (“Portion B”) – Portion B may only be used for a Stand-Alone

Parking Lot (“Parking Lot”), defined as parking surface or series of surfaces used or intended to be used for the parking or circulation of vehicles for which a fee may or may not be charged, and for no other purpose or use. Parking on the Parking Lot shall only be for the benefit of employees, customers, and others that are actively using Portion A.

Because Portion A and Portion B now exist as a single lot, the dividing line between each, for purposes of this PDD will consist of the western edge of the concrete driveway behind the building on Portion A, such line as indicated on the Concept Plan attached as **Exhibit B**.

- B. Prohibited Uses:** Any use not specifically allowed in Portion A or Portion B as specified within subsections A.1) and 2) is expressly prohibited.
- C. Concept Plan:** The development and use of the Property shall be substantially in accordance with the Concept Plan. Minor modifications to number and alignment of buildings, building areas and footprints, open spaces, and pedestrian access shown on the Concept Plan may be made so long as the general alignment of building areas and lot layout are substantially maintained and the location and boundary of the lot is not altered.
- D. Setbacks:** Parking spaces on Portion B shall maintain a setback of a minimum of 15 feet (15.0') from the Property line adjacent to Clay Street. This open space area shall be landscaped and permanently maintained with healthy, growing landscaping, but with such landscaping not impairing sight distances for vehicles exiting Portion B.
- E. Parking:** The design, number of parking spaces, and aisle dimensions shall comply with the Concept Plan. All required parking shall be marked and kept available for customers, employees, and others using the Property. No parking may occur in front of any building which may be constructed on Portion B or within the setback. The Parking Lot and driveway between Portion A and Portion B shall be used to provide for vehicular access traveling between the two areas. Vehicles are prohibited from entering or exiting from Portion B from or onto Clay Street. The Property owner shall install a gate or similar barrier to prevent such ingress or egress, which shall include a mechanism allowing for emergency access in accordance with the City’s fire code. In addition, the Property owner shall install signage to notify all drivers of this regulated use as described in Section Two H.

F. Parking Lighting: All outside pole lights shall be of a full cut-off design and shall be located, shielded, and aimed in such a manner so as not to allow light to directly fall on adjacent roadways and/or properties. Up-lighting is prohibited.

G. Parking Lot and Travel Lane Surface: The vehicle traveling lanes and parking spaces shall be asphalt or concrete in order to prevent mud, dirt, or other loose materials from being removed from the Property and tracked onto the public rights-of-way by vehicles traveling from the Property.

H. Signage: The design, installation, location, and maintenance of signs shall comply with City sign regulations existing at the time of permitting for the sign, except for the signs required by this subsection.

1) Required Signs for Portion B:

a) Three signs shall be required for Portion B in order to notify drivers of the regulated use:

i. One Sign Stating “Do Not Enter” located near the access from Portion A to Portion B, facing towards Portion B.

ii. Two signs stating “Parking for Customers of 820 Sidney Baker Business Only”, with one located near the access from Portion A to Portion B, facing towards Portion B; and one located near the access to Portion B from Clay Street, facing Clay Street.

b) Signs required by subsection H.1):

i. Shall not exceed six square feet in area;

ii. Shall not exceed six feet in height;

iii. Shall not be placed closer than five feet to any property or right-of-way line; and

iv. Shall be permanently mounted or installed;

2. Any additional sign applied for Portion B shall meet the sign regulations for the Residential Transition (RT) Zoning District. The signs required by

subsection 2(H)(1) do not count towards the total number of signs otherwise allowed by City ordinances.

I. Landscaping Regulations: Landscaping shall be installed in accordance with the following:

1. Planting materials planted on the Property shall be from the list of recommended plants set forth in the most recent edition of *Recommended Plants for the Kerrville Area* published by the City at the time of planting.
2. All landscaping shall be maintained in a healthy, growing condition.

J. Screening: Screening shall be required along the northeast and southwest property lines of Portion B from the 15-foot setback line to the rear property line, if the property sharing the property line is being used for a residential use, otherwise screening is optional. Where screening is required, it is subject to the following:

1. Any fence constructed from the 15-foot setback line to the rear of Portion B shall be a minimum of 6 feet tall.
2. If any fence is constructed from the front Property line of Portion B to the 15-foot setback line, it shall not exceed 30 inches in height.
3. Vegetative screening is permissible to substitute or supplement any fencing used to screen so long any vegetative screening from the 15-foot setback line to the rear of Portion B is a minimum of 6 feet tall and is of a dense hedge or plant material.

K. Trash and Other Solid Waste: Solid waste collection bins and dumpsters shall be equipped with lids and screened with a gate with an opaque screen on one side and material finished to look substantially like the adjacent building(s) on the remaining three sides.

L. Outdoor Storage and Display: The outdoor storage of any materials, supplies, inventory, and/or equipment, whether in cargo containers or similar containers or buildings, is prohibited except on a temporary basis for construction-related purposes.

M. Vested Rights: The Concept Plan constitutes a “permit” as defined in Chapter 245, Texas Local Government Code, as amended, that is deemed filed with the City on the effective date of this ordinance.

SECTION THREE. 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 FOUR. The provisions of this Ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided however, to the extent of any irreconcilable conflict with the provisions of this Ordinance and other ordinances of the City of Kerrville governing the use and development of the Property and which are not expressly amended by this Ordinance, the provisions of this Ordinance shall be controlling.

SECTION FIVE. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION SIX. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Section 1-7, Chapter 1 of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00).

SECTION SEVEN. In accordance with Section 3.07 of the City Charter and Texas Local Government Code §52.013(a), 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 EIGHT. This Ordinance shall become effective immediately upon the expiration of ten days following publication, as provided for by Section 3.07b. 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 _____ 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-2022-035

Location:

**820 Sidney Baker St N
& 829 Clay St N**

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.

EXHIBIT B



EXHIBIT B



From: [Drew Paxton](#); [Steve Melander](#); [Planning Division](#)
To: [Drew Paxton](#); [Steve Melander](#)
Subject: RE:Case PZ-2022-35
Date: Tuesday, July 26, 2022 2:37:31 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.

Kerrville Planning & Zoning Commission, 7/25/2022

RE: CASE: PZ-2022-35

We would like to express our deepest concerns with the ordinance/zoning change slated for 820 Sidney Baker St. and 829 Clay St. We want to acknowledge the efforts of the commission and the City of Kerrville in their litigation efforts to maintain the residential area intact and protected. While you may have to approve the change, we are adamantly opposed to granting the property owner “carte blanche” to do whatever he wants. It is well within the powers of the City to create and implement Covenants, to limit unintended use or permissions for a property owner(s). The fact is now this change will affect the residents of Clay St, Myrta St. and Barnett St. with increased traffic flow. And lower quality-of-life for the residents, not to mention the wildlife they are fortunate enough to have and currently enjoy. You know, all the good things that life in a small town is supposed to have. We ask you to mitigate it, by setting forth guidelines and common-sense restrictions on how traffic will ingress or egress to Clay St. This would be reasonable considering the City of Kerrville’s pledge to support neighborhoods in the “2050 plan”.

Secondly, the jump from RT-Residential Transition to PD-Planned Development District is an excessive zoning designation for a proposed parking lot. It also goes completely against Kerrville’s 2050 plan that was approved by this Commission! There has never been (and none in the 2050 plan) PD-Planned Development zones in the immediate area and therefore should be considered as excessive. We ask for a C1-Residential commercial designation as it would be more appropriate. At the very least it should be considered.

Lastly, it appears that the property owner has already removed the fencing from the property line that borders 820 Sidney Baker St. and 829 Clay St., and allowed parking on the unpaved portion of the lot. If this is a harbinger of how he “operates”, it doesn’t bode well for the families that have lived on Clay St. long before his building existed. You can give an inch, without giving a mile. Thank you for your consideration.

Jerry and Santa Juarez

To: [Drew Paxton](#); [Steve Melander](#)
Subject: Letter of protest regarding the upcoming public hearing on July 28
Date: Thursday, July 21, 2022 9:46:59 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 Sir,

Regarding the public hearing coming up July 28 for the Planning and Zoning commission to consider changing the zoning which will affect the Clay Street neighborhood:

A local man purchased a home at 829 Clay St, which backs up to his business facing Sidney Baker St. After moving the house, he requested to turn this lot into a parking lot for his restaurant, (which is against zoning) and he was denied on two requests. I attended those meetings and appreciated the response on this matter from the Planning and Zoning commission.

It is my understanding this businessman also wants through traffic from Sidney Baker to Clay St. In my opinion, this situation shows a lack of respect for the neighborhood where he chooses to run his business.

I believe the city of Kerrville spent quite a bit of money defending its decision to deny this man a conditional use permit for the parking lot in a law suit. The city lost and now this man will be allowed to have his parking lot next to a home on Clay St and across from other homes - homes with children and elderly and pets. The parking lot is bad enough but now he is to be allowed through traffic from Sidney Baker to Clay St, which will further denigrate the neighborhood. Clay St has a shopping center with through traffic from Sidney Baker onto Clay St and this was against zoning but allowed years ago. I remember this was discussed in one of the previous meetings on this issue. Now we are allowing something else that is bad for the residents of Clay St. Parking lots bring more than parked cars. They bring cars “cutting through” the shopping center to

avoid a stop light, they bring dumpsters and trash trucks beeping and backing up to empty the dumpster at early hours of the morning, people walking through the lot that are not there for the shopping or dining, people parking there and hanging out at 2 AM, people using the dumpster if it is not locked, the dumpster being left open when overstuffed with trash which then blows all over residents yards. I know because I deal with these issues all the time with the shopping center and parking area by our home. There too It has worsened since a fence section was removed allowing access from the shopping center into the back of our property and a vacant lot next door. Yes that is a different issue but the problems affecting homeowners are much the same.

The value of a neighborhood is in the people - those who invested in the neighborhood and spent years paying off a home mortgage and raising children there and now choose to spend their golden years there. This request to change the zoning can bring increased traffic, safety issues, noise, lack of green space, light pollution, a view of light poles; None of this is welcome in a neighborhood that seeks merely to exist peacefully.

I thought Kerrville's long range plan included developing residential areas in town. Why then no protection for one already in existence? Granted the lot is currently an eye sore - the center section of the fence was removed months ago, forcing residents to stare at the back of the commercial building. I thought the fence was supposed to be in place to block, or soften the view in a transitional zoning area.

Now he has removed most of the fence, I suppose in anticipation of his parking lot. Cars have been parking in the grassy lot and I have observed cars entering and exiting the lot from Clay St.

In town residential neighborhoods must deal with traffic noise from nearby busy streets and the sound of live music that can be heard over one's television and air conditioner. These things come with living in town. But the residents deserve protection from encroachment.

I'm sure the owner is sorry he bought a lot that was not zoned for his desired use but why should his mistake affect the neighborhood?

What happens if another business on Sidney Baker wants to expand behind them and is able to purchase a lot on Clay Street? Can they expand their business and parking onto Clay St too? After all, one person got by with it. I appreciate the city's efforts to fight this issue to protect this quiet neighborhood street from further commercial encroachment; that means something to me.

Thank you

JuLee Reeves
853 Clay St
Kerrville Tx 78028

From: [Drew Paxton](#)
To: [Drew Paxton](#)
Subject: Zoning Meeting July 28, 2022 Protest
Date: Thursday, July 28, 2022 7:47:02 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 Responsible City Official:

Why in the hell are you as a city official once again entertaining the intrusive, intimidating and harassing behavior of a businessman (who last time I checked) isn't a resident of Kerrville and whose ulterior motives are well known, selfish and only designed to increase his profits on the backs of the very elderly residents who were the very first, or descendants of the very first, citizens of Kerrville?

Once again Mr. Motheral is at it again in front of the city trying to bully his way to build a parking lot with a primary entrance onto Clay Street. He has the gall to attempt to force his way no matter that there have been numerous official city decisions against his empire building efforts. Additionally, the opinions of the long-time residents have been made in the negative again, and again, and again.

I am a longtime resident of Kerrville and retired here after a 30-year career in the U.S. Army. My mother has lived here all of her life in the house at the top of Clay Street. This home was built in the late 1800's at the time Kerrville first became a city when my great grandfather was Kerrville's first medical doctor. The old joke in our family is that half the residents of Kerrville back then were born on our antique dining room table!

Although in disrepair, this house is mere feet from where Mr. Motheral intends to build his parking lot to provide access to his restaurant and commercial strip on Sidney Baker street (and we are sure this is just the start). My mother is on a fixed income and without the city's intervention does not have the financial means to either fight Mr. Motheral or move elsewhere. She intends to live in this house until her last day on earth and I want to make her life as comfortable as possible.

Please do your job as a trustee and steward of the values of what Kerrville espouses and stand up for the most vulnerable, long-time residents of Kerrville who built this city and made it what it is today and who actually live here.

Just say no to Mr. Motheral's request to "commercialize" Clay Street.

Thank you.

Respectfully,
Bill Stewart
Colonel, U.S. Army Retired



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



SUBJECT: Ordinance No. 2022-24. An ordinance amending Chapter 60 of the Code of Ordinances, City of Kerrville, Texas; by changing the zoning of an approximate 22.03 acre tract out of the Samuel Wallace Survey No. 113, Abstract No. 347; more commonly known as the North Side of the 2300 Block of E. Main; from a Medium Density Residential Zoning District (R-2) to a Multifamily Residential Zoning District (R-3); and providing other matters relating to the subject. (Appeal by Applicant)

AGENDA DATE OF: August 9, 2022 **DATE** Jul 29, 2022
SUBMITTED:

SUBMITTED BY: Drew Paxton

EXHIBITS: [20220809_Ord 2022-24 Zone change R3 2300 E Main.pdf](#)
[20220809_Letter_opposition Wall.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-2 Medium Density Residential to R-3 Multifamily Residential on approximately 22.03 acres tract of land out of the Samuel Wallace Survey No. 113, Abstract No. 347, in the city of Kerrville, Kerr County, Texas; part of a certain 54.206 acre tract conveyed from Four States Financial Corporation to Hervey Square; and more commonly known as 2300 block of East Main Street.

Procedural Requirements: The City, in accordance with state law, mailed 43 letters on 6/23/2022 to adjacent property owners. The City published a similar notice in the Kerrville Daily Times on 6/16/2022.

At the time of drafting this agenda bill, Development Services has received one comment.

Staff Analysis and Recommendation:

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: R-2 Medium Density Residential

Existing Land Use: Vacant Land

Direction: North

Current Zoning: PI, Public and Institutional

Existing Land Uses: Schreiner University property

Direction: East

Current Zoning: R-1 Single Family Residential

Existing Land Uses: single-family residential

Direction: West

Current Zoning: R-3 and PI

Existing Land Uses: vacant land (R-3) Atmos Energy Office (PI)

Direction: South

Current Zoning: PDD for multifamily residential

Existing Land Uses: apartments

Consistency with the Kerrville 2050 Comprehensive Plan (“Comp Plan”): The subject property is within the Strategic Catalyst Area 9 and is identified as a future investment site. This catalyst area is focused on Schreiner University and the future development and reinvestment in the surrounding area. The primary place types for this catalyst area are Neighborhood Residential and Transitional Residential. The Transitional Residential place type is primarily multifamily development. 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 East Main Street, a collector street, as required for multifamily 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 R-2 to R-3 to allow for multifamily development.

Recommendation: Because the request is consistent with the Kerrville 2050 Future Land Use Plan, the staff recommends approval of the zoning request.

On July 28th, the Planning & Zoning voted 3-3 on this case. A tie vote equates to a refusal of the application.

RECOMMENDED ACTION:

Approve Ordinance No. 2022-24.

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

**AN ORDINANCE AMENDING CHAPTER 60 OF THE CODE OF
ORDINANCES, CITY OF KERRVILLE, TEXAS; BY CHANGING
THE ZONING OF AN APPROXIMATE 22.03 ACRE TRACT OUT
OF THE SAMUEL WALLACE SURVEY NO. 113, ABSTRACT NO.
347; MORE COMMONLY KNOWN AS THE NORTH SIDE OF THE
2300 BLOCK OF E. MAIN; FROM A MEDIUM DENSITY
RESIDENTIAL ZONING DISTRICT (R-2) TO A MULTIFAMILY
RESIDENTIAL ZONING DISTRICT (R-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 August 9, 2022, which considered a report of the City’s Planning and Zoning Commission regarding its recommendations on this Ordinance, a change in zoning which will result in the property commonly known as the north side of the 2300 block of E. Main and comprising approximately 23.03 acres; such change to result in the removal of the property from a Medium Density Residential Zoning District (R-2) to placement within a Multifamily Residential Zoning District (R-3); and

WHEREAS, on August 9, 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 23.03 acre tract out of the Samuel Wallace Survey No. 113, Abstract No. 347, and being a portion of a 54.206 acre tract; said property depicted at **Exhibit A**, attached hereto and made a part hereof for all purposes, and hereafter referred to as the “Property.”

Common Description: the north side of the 2300 block of E. Main, 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.

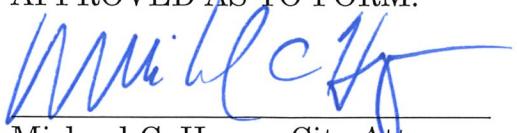
PASSED AND APPROVED ON SECOND AND FINAL READING, this the _____ of _____, A.D., 2022.

ATTEST:

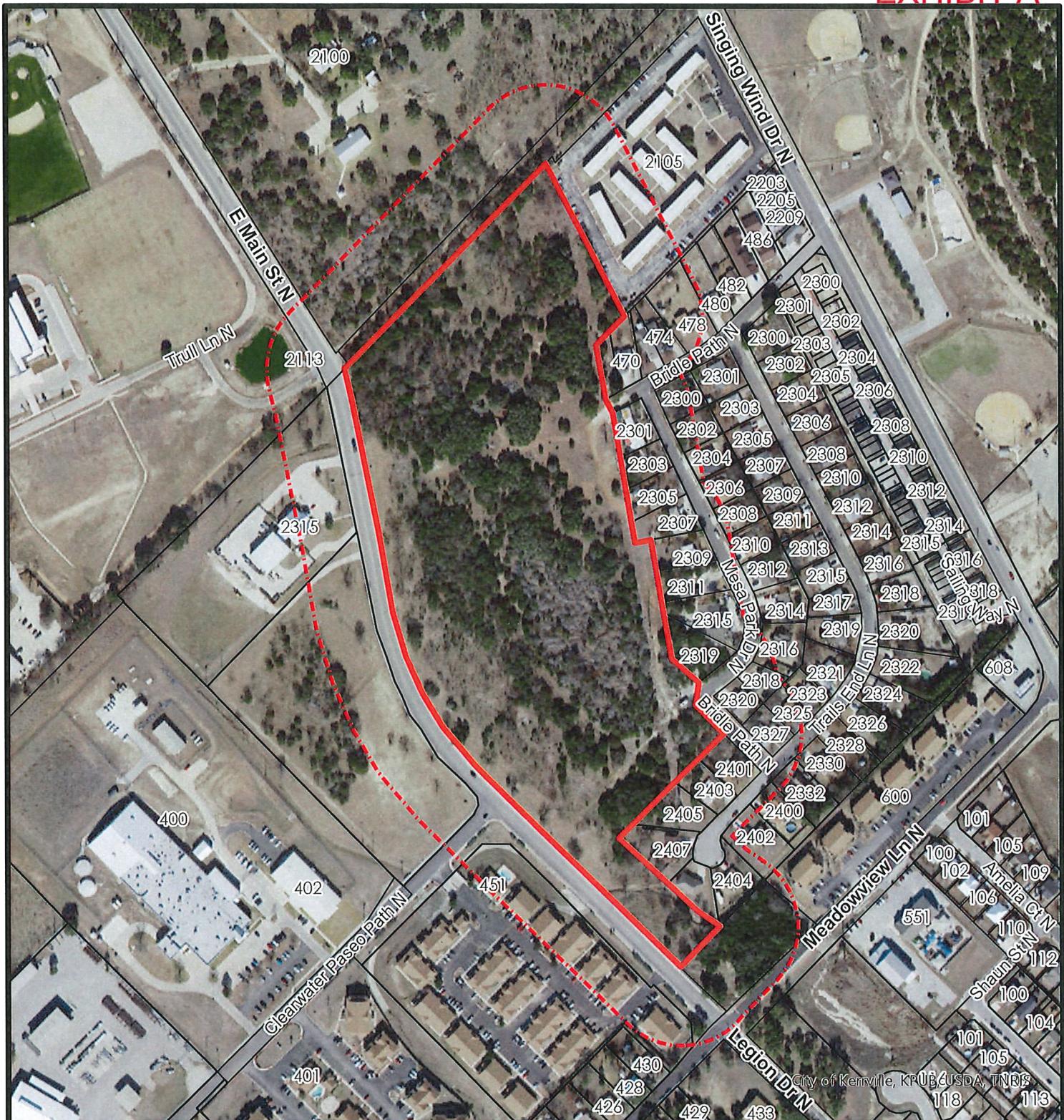
Judy Eychner, Mayor

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read "Michael C. Hayes".

Michael C. Hayes, City Attorney



Location Map

Case # PZ-2022-033

Location:
Kerr CAD Property ID #17053

Legend

200' Notification Area Subject Properties



0 125 250 500

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.

To: [Planning Division](#)
Subject: Public Hearing CASE PZ-2022-33
Date: Thursday, June 30, 2022 9:36:16 PM

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

I am in opposition to this proposal. It not only will affect the wildlife but also destroy too many trees behind my property.

Jo Alice Wall
2301 Mesa Park Drive



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

SUBJECT: Resolution No. 43-2022. A Resolution setting forth the Ad Valorem (property) tax rate to be considered for adoption for the 2022 tax year; said rate to be \$0.5752 per \$100 of assessed value; and calling a public hearing prior to the adoption of the tax rate and the Fiscal Year 2023 budget.

AGENDA DATE OF: August 9, 2022 **DATE SUBMITTED:** Aug 02, 2022

SUBMITTED BY: Julie Behrens

EXHIBITS: [20220809_Reso 43-2022 Ad Valorem Tax Rate 2022 and Adopt Tax Rate FY23.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

The FY2023 Proposed Budget was filed on July 31, 2022 in compliance with the City Charter and State Law. Copies are available for public viewing in the City Secretary's Office in City Hall at 701 Main Street, Kerrville, TX between 8 am and 5 pm Monday through Friday, the Butt-Holdsworth Memorial Library at 505 Water Street, during regular business hours, and on the City's website at www.kerrvilletx.gov.

A total ad valorem tax rate of \$0.5752 per \$100 assessed value is being proposed for FY2023. The debt portion (I&S) of the rate is \$0.1411 which is higher than the current I&S rate of \$0.0735 due to voter-approved debt issuance for the Public Safety Facility. The Maintenance & Operations (M&O) portion of the rate is \$0.4341, which is lower than the FY2022 rate of \$0.4358.

RECOMMENDED ACTION:

Approve Resolution No. 43-2022.

D R A F T 08/04/22

CITY OF KERRVILLE, TEXAS RESOLUTION NO. 43-2022

A RESOLUTION SETTING FORTH THE AD VALOREM (PROPERTY) TAX RATE TO BE CONSIDERED FOR ADOPTION FOR THE 2022 TAX YEAR; SAID RATE TO BE \$0.5752 PER \$100 OF ASSESSED VALUE; AND CALLING A PUBLIC HEARING PRIOR TO THE ADOPTION OF THE TAX RATE AND THE FISCAL YEAR 2023 BUDGET

WHEREAS, Chapter 26 of the Texas Tax Code sets out the procedural requirements for the adoption of a city's ad valorem (property) tax rate; and

WHEREAS, where a city's proposed tax rate exceeds the no-new-revenue tax rate, as defined in Section 26.04 of the Texas Tax Code, several additional procedural actions must occur to include notice and the holding of a public hearing; and

WHEREAS, the proposed tax rate for the City of Kerrville, Texas ("City") for its 2022-23 fiscal year is \$0.5752 per \$100 assessed value, which exceeds the no-new-revenue tax rate; and

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

WHEREAS, City Council now establishes the date for the public hearings on the adoption of the proposed fiscal year 2023 budget and approving the tax rate;

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

SECTION ONE. Tax Rate; Public Hearing. The City Manager and City Attorney are directed to prepare an ordinance for consideration by City Council, which if adopted, will adopt and impose a total ad valorem (property) tax rate for the tax year 2022 at a rate of \$0.5752 per \$100 assessed value, which is higher than the \$0.5093 tax rate for the previous year. The rate is higher than the no-new-revenue tax rate of \$0.4611 and equal to the voter-approval rate of \$0.5752 as calculated by Chapter 26, Texas Tax Code. This proposed tax rate is currently scheduled to be adopted by passage of an ordinance, the second and final reading of which is scheduled to occur on September 13, 2022. The first reading of the ordinance, scheduled to occur on August 23, 2022, shall include a public hearing, which shall occur sometime after 6:00 p.m. at City Hall, 701 Main Street.

SECTION TWO. Publication of Budget. In accordance with Section 8.04 of the City Charter, the City Secretary is directed to publish a general summary of the budget and a notice stating the time and places where this message and full budget are available for public inspection.

SECTION THREE. Public Hearing for Budget. Pursuant to Section 8.03 of the City Charter and Chapter 102, Texas Local Government Code, a public hearing on the proposed budget is scheduled for 6:00 p.m. on August 23, 2022, at City Hall, 701 Main Street.

SECTION FOUR. Notices. The City Secretary is directed to provide notice of the above specified public hearings and to take other actions in accordance with state law and the City's Charter.

PASSED AND APPROVED ON this the _____ day of _____ A.D., 2022.

Judy Eychner, Mayor

ATTEST:

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:

DRAFT
Michael C. Hayes, City Attorney



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

SUBJECT: Resolution No. 50-2022. A Resolution approving negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp., regarding the Company's 2022 Rate Review Mechanism Filing.

AGENDA DATE OF: August 9, 2022 **DATE SUBMITTED:** Jul 29, 2022

SUBMITTED BY: Mike Hayes

EXHIBITS: [20220809_Reso 50-2022 Atmos Energy RRM filing.pdf](#)

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

PAYMENT TO BE MADE TO: N/A

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

SUMMARY STATEMENT:

The City, along with 181 other Mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC"). In 2007, ACSC and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism ("RRM"), as a substitute for future filings under the GRIP statute.

Since 2007, there have been several modifications to the original RRM Tariff. The most recent iteration of an RRM Tariff was reflected in an ordinance adopted by ACSC members in 2018. On or about April 1, 2022, the Company filed a rate request pursuant to the RRM Tariff adopted by ACSC members. The Company claimed that its cost-of-service in a test year ending December 31, 2021, entitled it to additional

system-wide revenues of \$141.3 million.

Application of the standards set forth in ACSC's RRM Tariff reduces the Company's request to \$115 million, \$83.26 million of which would be applicable to ACSC members. ACSC's consultants concluded that the system-wide deficiency under the RRM regime should be \$95.8 million instead of the claimed \$141.3 million.

The Executive Committee of the ACSC recommends a settlement at \$115 million. The Effective Date for new rates is October 1, 2022. ACSC members should take action approving the settlement before September 30, 2022.

RATE TARIFFS:

Atmos generated rate tariffs attached to the Resolution will generate \$115 million in additional revenues. Atmos also prepared a Proof of Revenues supporting the settlement figures. ACSC consultants have agreed that Atmos' Proof of Revenues is accurate.

BILL IMPACT:

The impact of the settlement on average residential rates is an increase of \$4.60 on a monthly basis, or 6.7 percent. The increase for average commercial usage will be \$14.34 or 4.3 percent. Atmos provided bill impact comparisons containing this figures.

SUMMARY OF ACSC'S OBJECTION TO THE UTILITIES CODE SECTION 104.301 GRIP PROCESS:

ACSC strongly opposed the GRIP process because it constitutes piecemeal ratemaking by ignoring declining expenses and increasing revenues while rewarding the Company for increasing capital investment on an annual basis. The GRIP process does not allow any review of the reasonableness of capital investment and does not allow cities to participate in the Railroad Commission's review of annual GRIP filings or allow recovery of Cities' rate case expenses. The Railroad Commission undertakes a mere administrative review of GRIP filings (instead of a full hearing) and rate increases go into effect without any material adjustments. In ACSC's view, the GRIP process unfairly raises customers' rates without any regulatory oversight. In contrast, the RRM process has allowed for a more comprehensive rate review and annual evaluation of expenses and revenues, as well as capital investment.

RRM SAVINGS OVER GRIP:

While residents outside municipal limits must pay rates governed by GRIP, there are some cities served by Atmos Mid-Tex that chose to remain under GRIP rather than adopt RRM. Additionally, the City of Dallas adopted a variation of RRM which is referred to as DARR. When new rates become effective on October 1, 2022, ACSC residents will maintain an economic monthly advantage over GRIP and DARR rates.

COMPARISON TO OTHER MID-TEX RATES (RESIDENTIAL):

Average Bill	Compared to RRM Cities
RRM Cities: \$73.22	-
*DARR: \$71.96	(\$1.26)
ATM Cities: \$78.72	\$5.50
Environs: \$78.53	\$5.31

Note: *DARR rate is as-filed 1/22/22. Also note that DARR uses a test year ending in September rather than December.

EXPLANATION OF “BE IT RESOLVED” PARAGRAPHS WITHIN THE RESOLUTION:

1. This section approves all findings in the Resolution.
2. This section adopts the RRM rate tariffs and finds the adoption of the new rates to be just, reasonable, and in the public interest.
3. This section makes it clear that Cities may challenge future costs associated with gas leaks like the explosion in North Dallas or the evacuation in Georgetown.
4. This section finds that existing rates are unreasonable. Such finding is a necessary predicate to establishment of new rates. The new tariffs will permit Atmos Mid-Tex to recover an additional \$115 million from ACSC Cities.
5. This section approves an exhibit that establishes a benchmark for pensions and retiree medical benefits to be used in future rate cases or RRM filings.
6. This section requires the Company to reimburse the City for expenses associated with review of the RRM filing, settlement discussions, and adoption of the Resolution/Ordinance approving new rate tariffs.
7. This section repeals any resolution or ordinance that is inconsistent with the Resolution.
8. This section finds that the meeting was conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.
9. This section is a savings clause, which provides that if any section is later found to be unconstitutional or invalid, that finding shall not affect, impair, or invalidate the remaining provisions of this Resolution. This section further directs that the remaining provisions of the Resolution are to be interpreted as if the offending section or clause never existed.
10. This section provides for an effective date upon passage.
11. This section directs that a copy of the signed Resolution be sent to a representative of the Company and legal counsel for ACSC.

CONCLUSION:

The Legislature's GRIP process allowed gas utilities to receive annual rate increases associated with capital investments. The RRM process has proven to result in a more efficient and less costly (both from a consumer rate impact perspective and from a ratemaking perspective) than the GRIP process. Given Atmos Mid-Tex's claim that its historic cost of service should entitle it to recover \$141.3 million in additional system-wide revenues, the RRM settlement at \$115 million for ACSC Cities reflects substantial savings to ACSC Cities. Settlement at \$115 million is fair and reasonable. The ACSC Executive Committee consisting of city employees of 18 ACSC members urges all ACSC members to pass the Resolution/Ordinance before September 30, 2022. New rates become effective October 1, 2022.

RECOMMENDED ACTION:

Adoption of Resolution No. 50-2022.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 50-2022**

A RESOLUTION APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2022 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL

WHEREAS, the City of Kerrville, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and a regulatory authority with an interest in the rates, charges, and services of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of similarly-situated cities served by Atmos Mid-Tex (“ACSC Cities”) that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, ACSC and the Company worked collaboratively to develop a Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program (“GRIP”) process instituted by the Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

WHEREAS, the current RRM tariff was adopted by the City in a rate ordinance in 2018; and

WHEREAS, on about April 1, 2022, Atmos Mid-Tex filed its 2022 RRM rate request with ACSC Cities based on a test year ending December 31, 2021; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2022 RRM filing through its Executive Committee, assisted by ACSC's attorneys and consultants, to resolve issues identified in the Company's RRM filing; and

WHEREAS, the Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$115 million on a system-wide basis with an Effective Date of October 1, 2022; and

WHEREAS, ACSC agrees that Atmos' plant-in-service is reasonable; and

WHEREAS, with the exception of approved plant-in-service, ACSC is not foreclosed from future reasonableness evaluation of costs associated with incidents related to gas leaks; and

WHEREAS, the attached tariffs (**Exhibit A**) implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

WHEREAS, the settlement agreement sets a new benchmark for pensions and retiree medical benefits (**Exhibit B**); and

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications;

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

SECTION ONE. The findings set forth in this Resolution are hereby in all things approved.

SECTION TWO. Without prejudice to future litigation of any issue identified by ACSC, City Council finds that the settled amount of an increase in revenues of \$115 million on a system-wide basis represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2022 RRM filing, is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

SECTION THREE. Despite finding Atmos Mid-Tex's plant-in-service to be reasonable, ACSC is not foreclosed in future cases from evaluating the reasonableness of costs associated with incidents involving leaks of natural gas.

SECTION FOUR. The existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as **Exhibit A**, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$115 on a system-wide basis, over the amount allowed under currently approved rates. Such tariffs are hereby adopted.

SECTION FIVE. The ratemaking treatment for pensions and retiree medical benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on **Exhibit B**, attached hereto and incorporated herein.

SECTION SIX. Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's 2022 RRM filing.

SECTION SEVEN. To the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Resolution, it is hereby repealed.

SECTION EIGHT. The meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

SECTION NINE. If any one or more sections or clauses of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

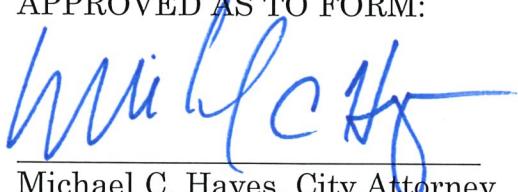
SECTION TEN. Consistent with the City Ordinance that established the RRM process, this Resolution shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after October 1, 2022.

SECTION ELEVEN. A copy of this Resolution shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Thomas Brocato, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

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

EXHIBIT A

MID-TEX DIVISION ATMOS ENERGY CORPORATION

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 21.55 per month
Rider CEE Surcharge	\$ 0.05 per month ¹
Total Customer Charge	\$ 21.60 per month
Commodity Charge – All Ccf	\$0.36223 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharge: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2022.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 63.50 per month
Rider CEE Surcharge	(\$ 0.01) per month ¹
Total Customer Charge	\$ 63.49 per month
Commodity Charge – All Ccf	\$ 0.14137 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹ Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2022.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	I – INDUSTRIAL SALES
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 1,204.50 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.4939 per MMBtu
Next 3,500 MMBtu	\$ 0.3617 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0776 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharge: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	I – INDUSTRIAL SALES
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 1,204.50 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.4939 per MMBtu
Next 3,500 MMBtu	\$ 0.3617 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0776 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharge: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = \frac{R_i \left(HSF_i \times (NDD-ADD) \right)}{(BL_i + (HSF_i \times ADD))}$$

Where

i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification

$WNAF_i$ = Weather Normalization Adjustment Factor for the i^{th} rate schedule or classification expressed in cents per Ccf

R_i = Commodity Charge rate of temperature sensitive sales for the i^{th} schedule or classification.

HSF_i = heat sensitive factor for the i^{th} schedule or classification divided by the average bill count in that class

NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.

ADD = billing cycle actual heating degree days.

BL_i = base load sales for the i^{th} schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the j^{th} customer in i^{th} rate schedule is computed as:

$$WNA_i = WNAF_i \times q_{ij}$$

Where q_{ij} is the relevant sales quantity for the j^{th} customer in i^{th} rate schedule.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT		
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF		
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022		

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>
Abilene	10.58	0.1422	88.85	0.6666
Austin	9.90	0.1372	233.56	0.7819
Dallas	14.17	0.1938	186.38	0.9394
Waco	10.07	0.1308	140.10	0.7170
Wichita Falls	11.43	0.1398	131.57	0.5610

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mtx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and an Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

ATMOS ENERGY CORP., MID-TEX DIVISION
 PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL
 TEST YEAR ENDING DECEMBER 31, 2021

Line No.	Description (a)	Shared Services		Mid-Tex Direct Supplemental Plan		Post- Employment Benefit Plan	Employment Benefit Plan (f)	Adjustment Total (g)
		Pension Account Plan (b)	Post- Employment Benefit Plan (c)	Pension Account Plan (d)	Executive Benefit Plan (e)			
1	Proposed Benefits Benchmark - Fiscal Year 2022 Willis Towers Watson Report as adjusted (1) (2) (3)	\$ 1,715,323	\$ 982,708	\$ 3,137,022	\$ 313,319	\$ (341,412)		
2	Allocation to Mid-Tex	44.72%	44.72%	76.88%	100.00%	76.88%		
3	Proposed Benefits Benchmark Costs Allocated to Mid-Tex (Ln 1 x Ln 2)	\$ 767,038	\$ 439,436	\$ 2,411,882	\$ 313,319	\$ (262,493)		
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%		
5	Proposed Benefits Benchmark Costs to Approve (Ln 3 x Ln 4) (3)	\$ 767,038	\$ 439,436	\$ 2,411,882	\$ 313,319	\$ (262,493)		
6								
7								
8	Summary of Costs to Approve (1):							
9								
10	O&M Expense Factor (WP_F-2.3, Ln 2)	79.88%	79.88%	38.60%	11.00%	38.60%		
11								
12								
13	Total Pension Account Plan	\$ 612,700	\$ 351,016	\$ 931,100	\$ 34,465	\$ (101,335)	\$ 1,543,800	
14	Total Post-Employment Benefit Plan							
15	Total Supplemental Executive Benefit Plan							
16	Total (Ln 13 + Ln 14 + Ln 15)							
17								
18	Notes:							
19	1. Studies not applicable to Mid-Tex or Shared Services are omitted.							
20	2. Mid-Tex is proposing that the Fiscal Year 2022 Willis Towers Watson actuarial amounts shown on WP_F-2.3 and WP_F-2.3.1, be approved by the RRM Cities as the benchmark amounts to be used to calculate the regulatory asset or liability for future periods. The benchmark amount approved by the RRM Cities for future periods includes only the expense amount.							
21	3. SSSU amounts exclude cost centers which do not allocate to Mid-Tex for rate making purposes.							



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

SUBJECT: Professional Service Agreement for Special Districts Consulting and Administrative Services with MuniCap, Inc.

AGENDA DATE OF: August 9, 2022 **DATE SUBMITTED:** Aug 02, 2022

SUBMITTED BY: Michael Hornes

EXHIBITS:

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
None	N/A	N/A	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	Yes
Key Priority Area	E - Economic Development
Guiding Principle	E4. Balance, broaden and diversify the City's tax base, shifting the tax burden away from residential property owners
Action Item	E4.1 - Target strategic growth opportunities that will bring an increase in fiscal revenues (sales and property taxes and water/sewer fees, etc.)

SUMMARY STATEMENT:

MuniCap is a public finance consultant focused on the creation and administration of Special Districts, such as Public Improvement Districts (PIDs), Municipal Utility Districts (MUDs), Municipal Management Districts (MMDs), and Tax Increment Reinvestment Zones (TIRZs) around the state of Texas. These districts help provide funding mechanisms for residential and mixed used development and establish a public-private-partnership between the municipality and developer. Special Districts are a rapidly growing tool that municipalities are utilizing to help capture future growth and provide quality developments and infrastructure for their citizens. MuniCap has assisted in the issuance of over \$9.5 billion in special assessment bonds in 30 states and administers over 300 special districts. Specific to Texas, MuniCap has assisted in the creation of 110 PIDs and administers over 80 PIDs and 31 TIRZs.

MuniCap has worked with cities and developers in Texas since 2004 on various successful public private partnerships through the creation of PIDs, MUDs, MMDs, and TIRZs and is one of the most knowledgeable and experienced firms on special district financing in the state of Texas.

As developers explore the feasibility of utilizing Special Districts for their local projects, MuniCap works on behalf of the City, to review their submissions and make recommendations. The cost of Municap's review is completely borne by the developer, at no cost to the City of Kerrville.

RECOMMENDED ACTION:

Authorize the City Manager to finalize and execute a Professional Services Agreement with MuniCap, Inc. for Consulting and Administrative Services.