

## Legislation Details (With Text)

**File #:** 18-310      **Name:**

**Type:** Ordinance      **Status:** Individual Item Ready

**File created:** 5/22/2018      **In control:** City Council

**On agenda:** 6/11/2018      **Final action:**

**Title:** Discuss and consider approval of the second and final reading of an ordinance regarding the proposed rezoning to apply a Type 2 Special Use Permit to allow the short-term rental of a single-family residence in the "C-2" Central Business District, addressed at 657 South Castell Avenue.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Aerial Maps, 2. Application, 3. Site Plan and Floor Plan, 4. Zoning and Land Use Maps, 5. Short Term Rental Vicinity Map, 6. Notification List, Map and Responses, 7. Photograph of Subject Property, 8. Sec. 3.3-8 "C-2" Central Business District, 9. Sec. 3.6 Special Use Permits, 10. Sec. 5.17 Short Term Rentals, 11. Draft Minutes for the May 1, 2018 Planning Commission Meeting, 12. Ordinance

Date	Ver.	Action By	Action	Result
6/11/2018	1	City Council		

Presenter

*Christopher J. Looney, Planning and Community Development Director*  
*clooney@nbtexas.org*

**SUBJECT:**

Discuss and consider approval of the second and final reading of an ordinance regarding the proposed rezoning to apply a Type 2 Special Use Permit to allow the short-term rental of a single-family residence in the "C-2" Central Business District, addressed at 657 South Castell Avenue.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ-18-008

**Council District:** 6

**Owner/Applicant:** Kydell Investments, LLC (Sherry Schneider)  
3338 Westmeyer Rd.  
New Braunfels, TX  
(830) 743-0648

**Staff Contact:** Matt Greene, Planner  
(830) 221-4053  
mgreene@nbtexas.org

**City Council held a public hearing on May 29, 2018, and approved the first reading of the ordinance with staff recommendations (5-1).**

The subject property is located on the north side of South Castell Avenue, between Jahn and Elm Streets. The subject property is 15,280 square feet in area, is zoned C-2, and contains an 802 square-foot single family residence constructed in 1945.

The “C-2” Central Business District zoning allows rental or occupancy for less than one month. However, the structure on the subject property is a single-family dwelling requiring approval of a Special Use Permit (SUP) before it can be used as a short-term rental. If the SUP is approved, an administrative Short-Term Rental Permit will also be required along with annual fire inspections.

The applicant indicates the one-story dwelling has two sleeping areas (1 bedroom and a living room). Minimum required off-street parking for a short-term rental is one space per sleeping area, and the maximum is the number of sleeping areas plus one. This property would require a minimum of 2 with a maximum of 3 paved parking spaces. The site plan shows a paved driveway that can accommodate up to 3 vehicles.

**General Information:**

Size: = 15,280 square feet

*Surrounding Zoning and Land Use:*

North - C-2 / Office building

South - Across S. Castell Ave., M-1 / Office building

East - C-2 / Single family residence (also owned by applicant)

West - C-2 / Single family residence

*Comprehensive Plan / Future Land Use Designation:*

Commercial

*Floodplain:*

No portion of the property is located within the 100-year floodplain.

*Regional Transportation Plan:*

South Castell Avenue is identified as a 65-foot wide Major Collector on the 2012 Regional Transportation Plan. The current right-of-way width of South Castell Avenue meets or exceeds 65 feet and no additional right-of-way dedication will be required with use of the property as a short-term rental.

*Improvements:*

Single family dwelling

*Determination Factors:*

In making a decision on zoning, the following factors are to be considered:

- Whether the permitted uses will be appropriate in the immediate area and their relationship to the area and to the City as a whole (*The subject property is zoned C-2 within a transitional area of mixed-uses 2 blocks southwest from the redevelopment area included within the draft Castell Avenue Visioning Plan.*);
- Whether the change is in accord with any existing or proposed public schools, streets, water

supply, sanitary sewers, and other utilities to the area (*There do not appear to be any conflicts with these elements.*);

- How other areas designated for similar development will be affected (*There should be no negative effects on other properties designated for similar development within the general vicinity as the area has been steadily converting to non-residential uses in recent years, and Staff's recommendation includes maintaining the residential appearance of the structure.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare. (*The use of this property as a short-term rental will be subject to the supplemental standards as required in Section 5.17 of the Zoning Ordinance. These standards help to ensure that proper measures are in place to protect public health and to encourage appropriate use of the property.*); and
- Whether the request is consistent with the Comprehensive Plan. (*The proposed use of the property is consistent with the Future Land Use designation of the subject site as Commercial.*)

Supplemental standards for short term rentals are attached, and include:

- an administrative Short-Term Rental Permit and annual inspections are required, in addition to the SUP;
- a maximum of two (2) adults per sleeping area plus an additional four (4) adults per residence **(two (2) sleeping areas plus four (4) additional adults allows for a maximum total of 8 adults)** ;
- display of a short-term rental decal;
- a minimum of one (1) off-street parking space per sleeping area, not including a garage, and not to exceed the number of sleeping areas plus one (1) **(minimum of two (2) spaces and a maximum of three (3) spaces)** ;
- adherence to the City's adopted building codes regarding life safety issues;
- compliance with City codes related to conduct on premises including the prohibition of excessive noise or other disturbance outside the short-term rental between the hours of 10:00 pm and 8:00 am;
- signage in compliance with the current Sign Ordinance (no monument or freestanding pole signs; attached signage is not regulated); and
- required tenant information posted indoors and attached to the rental agreement including quiet hours, parking limitations and emergency information.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

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√	Yes	<p><b>City Plan/Council Priority:</b>                  2006 Comprehensive Plan  <i>Pros and Cons Based on Policies Plan</i></p>	<p><b>Pros:</b> <i>Goal 1 Promote manageable growth to achieve a proper balance of economic expansion and environmental quality while maintaining the community's unique qualities.</i> Authorized short-term rentals contribute to economic expansion through the collection of occupancy tax and visitor dollars spent within the community. Impacts are managed through the SUP and Short-Term Rental Permit process. Short-term rental can be viewed as a transition use between commercial uses and residences and can facilitate the continued upkeep of existing housing stock. <b>Goal 10: Objective D.</b> <i>Respond to changing market trends, consumer preferences, economic realities, and design technology relating to housing types and densities.</i> The approval of this SUP would be in keeping with the approval of other short-term rentals in the downtown area. <b>Goal 63: Objective B.</b> <i>Special zoning regulations and incentives should be created to promote retail, eating and drinking establishments, bed and breakfast, lodging and entertainment.</i> Approval of the SUP would provide lodging in close proximity to dining, drinking and entertainment businesses located downtown.</p>
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**FISCAL IMPACT:**

If approved, the property will be subject to local and state hotel occupancy tax (HOT).

**COMMITTEE RECOMMENDATION:**

At their May 1, 2018 meeting, the Planning Commission unanimously recommended approval of this rezoning request with Staff recommended conditions (7-0-0).

**STAFF RECOMMENDATION:**

Staff recommends approval. The proposed use of the property will complement the transitional mixed uses in the area while maintaining a residential appearance as the other non-residential uses along South Castell Avenue have done. The proposal also meets Objectives of the City's Comprehensive Plan. Staff's recommendation includes the following conditions:

1. The existing residential character and appearance of the building must be maintained.
2. The SUP will be in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP.

**Notification:**

Public hearing notices were sent to 17 owners of property within 200 feet of the request. The Planning Division has received 1 response in favor from number 13 and two opposed from numbers 5 and 12.

**ATTACHMENTS:**

1. Aerial Maps
2. Application
3. Site Plan
4. Floor Plan
5. Zoning Map
6. Existing Land Use Map
7. Future Land Use Plan Map
8. Short Term Rental Vicinity Map
9. Notification List and Map
10. Photograph
11. Sec. 3.3-8 "C-2" Central Business District
12. Sec. 3.6 Special Use Permits
13. Sec. 5.17 Short Term Rentals
14. Ordinance