

## Legislation Text

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**File #:** 19-255, **Version:** 1

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Presenter

*Christopher J. Looney, Planning and Community Development Director  
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**SUBJECT:**

Public hearing and first reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family residence in the "C-2" General Business District, addressed at 352 W. Mill Street.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ-19-004

**Council District:** 1

**Applicant/Owner:** Leslie Lammers and Tom Tumlinson  
480 W. Mill Street  
New Braunfels, TX 78130  
(830) 715-9300  
ljlammers@yahoo.com

**Staff Contact:** Matthew Simmont  
(830) 221-4058  
msimmont@nbtexas.org

**Background/rationale:**

The subject property is located on the west side of W. Mill Street, approximately 125 feet north of the intersection of W. Mill Street and N. Academy Avenue. The property is approximately 10,000 square feet in area and, according to the appraisal district, contains a 1,518 square foot house built in 1900.

The property is zoned "C-2" General Business District which allows rental or occupancy for less than one month. However, the structure is a single-family dwelling which requires 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 is also required prior to first rental, along with annual fire inspections.

The submitted floor plan indicates the existing structure is a four-bedroom, two-bath dwelling, with a kitchen and entry hall. This will allow a maximum occupancy of 12 adults (two per sleeping area plus an additional four). 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. The proposed use on this property will require a minimum of 4 with a maximum of 5 parking spaces. The applicant is proposing to utilize an area with 4 parking spaces that is to be paved with asphalt or asphalt with chip seal.

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 **(four (4) sleeping areas plus four (4) additional adults allows for a maximum total of 12 adults occupying this property)**;
- 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 four (4) spaces and a maximum of five (5) spaces)**;
- adherence to the City's adopted building codes regarding life safety issues;
- compliance with City codes related to conduct on premises;
- 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.

**General Information:**

*Surrounding Zoning and Land Use:*

North - C-2 / Single-Family Residence

South - C-2 / Single-Family Residence

East - Across W. Mill St., C-2 / Commercial

West - C-2 / Single-Family Residence

*Request Due To Notice of Violation:*

No

*Floodplain:*

No portion of the property is located within the 1% chance (100-year) floodplain.

*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 in an area of mixed commercial and residential uses. The property is approximately three blocks from Main Plaza with immediate access to many downtown shops, restaurants, The Brauntex Theatre, Railroad Museum, Sts. Peter and Paul Catholic Church, and other venues and attractions. The Downtown Historic District is one block away, and the Mill Street Historic District begins at Academy Avenue);*
- 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 areas designated for similar development - see attached short term rental map. 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 outlined in the Zoning Ordinance and noted above. 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 property is located within the New Braunfels Sub-Area and is near a Scenic River Corridor, Downtown, and existing Civic and Outdoor Recreation Centers.)*

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

|                                                              |                                                                                                                                                                                                                                     |
|--------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>City Plan/Council Priority:</b><br>Envision New Braunfels | <b>Action 1.14</b> Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions. <b>Action 3.3</b> Balance commercial centers with stable neighborhoods. |
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**FISCAL IMPACT:**

If approved, the property will be subject to local and state hotel occupancy tax (HOT). The property owner will be responsible for remitting the local portion to the City.

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on April 2, 2019 and recommended approval (6-2-0), Commissioners Laskowski and Gibson opposed.

**STAFF RECOMMENDATION:**

Staff recommends approval. The proposed use of the property will complement the mixed uses in the area while maintaining a residential appearance. The proposal would allow a flexible lodging option within walking distance of Downtown and nearby shops, venues and attractions. Staff's recommendation includes the following conditions:

1. The applicant will complete construction of the proposed paved driveway and parking areas.
2. The residential character of the property must be maintained.
3. The property will remain 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 16 owners of property within 200 feet of the request. The City has received three responses (#1, 3 & 5) in favor and one in objection (#14).

**Attachments:**

1. Aerial Map
2. Site Plan and Floor Plan
3. Land Use Maps (Zoning, Existing Land Use, Existing Centers, Future Land Use Plan)
4. Short-term Rental Vicinity Map
5. Notification List, Map and Responses
6. Photographs
7. Zoning Ordinance Sections:
  - a. Sec. 3.6 Special Use Permits
  - b. Sec. 5.17 Short Term Rentals
8. Planning Commission Meeting Draft Minutes
9. Ordinance