

Legislation Text

File #: 18-320, Version: 1

Presenter

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SUBJECT:

Public hearing and consideration of the 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-3" Commercial District, on Lot 8, City Block 1073, addressed at 123 W. Merriweather Street.

BACKGROUND / RATIONALE:

Case No.: PZ-18-011

Council District: 6

Owner/Applicant: Tony and Judy Dickerson
301 Main Plaza
PMP 366
New Braunfels, TX 78130
(512) 431-8078

Staff Contact: Matt Greene, Planner
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The subject property is located on the south side Merriweather Street, between South Castell and South Seguin Avenues, and is presently zoned "C-3" Commercial District. The subject property is 9,445 square feet in area and contains a 1,144 square-foot single-family residence constructed in 1966.

C-3 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 (STR). If the SUP is approved, an administrative Short-Term Rental Permit will also be required along with annual fire inspections.

The subject neighborhood was part of the City's "appropriate zoning" efforts, and meetings with the neighborhood were held in 2011/2012. At that time, residents of this neighborhood declined the City's offer to rezone their neighborhood from the current commercial zoning to a residential zoning district stating they wanted to "keep their options open". Therefore, the City did not pursue rezoning the area to a residential zoning district.

The applicant indicates the one-story dwelling on the subject site has three sleeping areas (3 bedrooms). New Braunfels' Zoning Ordinance standards limits occupancy of an STR unit to 2 adults per sleeping area plus 4 additional adults. Although the subject structure would qualify for a maximum of 10 adults, the applicant states she will limit the maximum adult occupancy to 6.

The minimum required off-street parking for an STR is one space per sleeping area, and the maximum is the number of sleeping areas plus one. This property would require a minimum of 3 with a maximum of 4 paved parking spaces. The applicant is proposing to utilize the existing gravel parking spaces located in front of the house as the required parking. The gravel parking area is large enough to accommodate 3 to 4 vehicles.

General Information:

Size: = 9,445 square feet

Surrounding Zoning and Land Use:

North - Across Merriweather St., C-3 / Retail, bar and parking lot

South - C-3 / Chiropractor's office

East - C-3 / Single-family residence

West - C-3/ 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:

Merriweather Street is identified as a 50-foot wide Local Street on the 2012 Regional Transportation Plan. The current right-of-way width of Merriweather meets or exceeds 50 feet and no additional right-of-way dedication will be required with use of the property as an STR.

Improvement(s):

Single-family residence

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-3" Commercial District within an area of mixed-uses and is one block from IH 35, Seguin Avenue and Castell 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 properties within the general vicinity as the property would be*

required to comply with the STR standards 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 an STR will be subject to the 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 STR 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 **(three (3) sleeping areas plus four (4) additional adults allows for a maximum total of 10 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 three (3) spaces and a maximum of four (4) 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.

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

√	Yes	<p>City Plan/Council Priority: 2006 Comprehensive Plan <i>Pros and Cons Based on Policies Plan</i></p>	<p>Pros: <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.</p> <p>Goal 10: Objective D. <i>Respond to changing market trends, consumer preferences, economic realities, and design technology relating to housing types and densities.</i> The requested STR would be consistent with other STRs in and near the downtown area.</p> <p>Goal 63: Objective B. <i>Special zoning regulations and incentives should be created to promote retail, eating and drinking establishments, bed and breakfast, lodging and entertainment.</i> The requested SUP would provide lodging in relatively close proximity to dining, drinking and entertainment businesses located downtown. Cons: None.</p>
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FISCAL IMPACT:

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

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on June 5, 2018, and recommended denial of the applicant's request (4-2-0), Commissioners Tubb and Nolte in opposition.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed Type 2 SUP to allow an STR in a single-family dwelling as submitted for this location, including the existing unpaved gravel parking area. The gravel parking is accessed via a paved driveway approach recently added in conjunction with City roadway improvements to Merriweather Street. The gravel parking is existing and will blend with the characteristics of the neighborhood as there are mixtures of paved and unpaved parking on this block of Merriweather Street. The proposed use of the property will complement the mixed uses in the area while maintaining a single family residential appearance. The proposal also meets Objectives of the City's Comprehensive Plan. Staff's recommendation of approval 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.
3. The occupancy of the short-term rental unit is limited to 6 adults total, as intended by the applicant.

Notification:

Public hearing notices were sent to 13 owners of property within 200 feet of the request. The Planning Division has received no responses in favor and 2 opposed from numbers 7 and 12. The

applicant has provided a response addressing the neighbor's concerns that is part of Attachment 6.

ATTACHMENTS:

1. Aerial Maps
2. Application
3. Site Plan and Floor Plan
4. Zoning Map and Land Use Maps
5. Short Term Rental Vicinity Map
6. Notification List, Notification Map and Notification Responses
7. Photographs
8. Sec. 3.3-9 "C-3" Commercial District, Sec. 3.6 Special Use Permits, Sec. 5.17 Short Term Rentals
9. Excerpt from the June 5, 2018 Planning Commission Regular Meeting
10. Ordinance