

## Legislation Text

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File #: 18-379, Version: 1

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Presenter

*Stacy Snell, Planning and Community Development Assistant 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 a bed and breakfast facility in the "R-2" Single-Family and Two-Family District on 0.21 acres, on property addressed at 286 S. Market Avenue.

**BACKGROUND / RATIONALE:**

Case No.: PZ-18-015

Council District: 5

Owner/Applicant: Christina Lisk  
286 S. Market Ave.  
New Braunfels TX, 78130

Staff Contact: Matthew Simmont, Planner  
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The subject property is located on the northwest corner of the intersection of S. Market Avenue and Napoleon Street. The property is approximately 9,900 square feet in area and is occupied by a 977 square foot single-family residence built in 1895 and a 340 square foot accessory dwelling unit built in 1920. The City's Historic Preservation Officer has noted that the property is likely eligible for historic designation.

This request is to allow the property owner to operate a bed & breakfast in an existing house in the R-2 zoning district. Bed & Breakfasts (B&Bs) are specifically defined in the zoning ordinance. An important distinction of a bed & breakfast is the requirement for the facility to be owner-occupied in residential zoning districts. The applicant intends to occupy either the residence or the accessory dwelling and rent the other to B&B guests as needed.

The house contains two bedrooms and the accessory dwelling unit contains one bedroom. The zoning ordinance requires one paved parking space per guest room plus one for the owner, for a total of three spaces. There is sufficient paved parking to meet this requirement as there are 4 existing parking spaces. Parking along the street in the neighborhood is restricted to permit holders during the summer season.

**General Information:**

Size: = 9,900 square feet (0.218 acres)

**Surrounding Zoning and Land Use:**

North - Across S. Market Ave., C-4 / Single Family residence  
South - R-2 / Single Family residence  
East - Across Napoleon St., R-2 / Single Family residence  
West - R-2 / Single Family residence

**Comprehensive Plan / Future Land Use Designation**

Low Density Residential

**Floodplain:**

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

**Regional Transportation Plan:**

The subject property has frontage on S. Market Avenue and Napoleon Street, both classified as local streets. The current right-of-way width of both streets meets or exceeds 50 feet and no additional right-of-way dedication or mitigation measures will be required with the bed & breakfast use of the subject property.

**Improvement(s):**

Residential structure and accessory dwelling unit

**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 R-2 in a neighborhood situated between the Comal River and W. San Antonio Street. The property is approximately ½ mile from Prince Solms Park and Schlitterbahn.*);
- 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 impact on other areas designated for similar development.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare. (*The use of this property as a bed & breakfast will be subject to the supplemental standards stipulated in Section 5.6 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. (*Bed & breakfast use is consistent with the Future Land Use designation of the subject site as Low Density Residential.*)

Supplemental standards for bed and breakfasts are attached and include:

- the facility must be owner-occupied in residential zoning districts;
- one paved parking space per guest room plus one for the owner;
- annual health and safety inspections are required;
- only overnight guests may be served meals, limited to a continental-type breakfast of pre-packaged food unless the facility meets all requirements for commercial food service; and
- weddings, parties and other functions are not permitted unless approved by the Planning and Community Development Department.

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

√	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 overnight rentals contribute to economic expansion through the collection of occupancy tax and visitor dollars spent within the community. Impacts to neighbors are managed through the SUP and development standards for B&amp;B’s. <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 parks, downtown, and other visitor attractions. <b>Cons:</b> None</p>
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**FISCAL IMPACT:**

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

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on July 3, 2018 and recommended approval with staff’s recommendations (8-0-0) with Commissioner Tubb absent.

**STAFF RECOMMENDATION:**

Staff recommends approval of the proposed Special Use Permit for a Bed & Breakfast at this location. The proposed use of the property will complement the uses in the area while maintaining a residential appearance. 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 buildings must be maintained.
2. 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 22 owners of property within 200 feet of the request. The Planning Division has received one response in favor (#21) and two responses (#’s 10 & 19) in

opposition to the rezoning request.

**Attachments:**

1. Aerial and Regional Transportation Plan Map
2. Application
3. Site Plan
4. Land Use Maps
  - Zoning
  - Existing Land Use
  - Future Land Use Plan
  - Short Term Rental Vicinity and Parking By Permit Area Map
5. Notification List, Notification Map and Notification Responses
6. Photographs
7. Zoning Ordinance Sections:
  - Sec. 3.3-2 "R-2" Single-Family and Two-Family District
  - Sec. 3.6 Special Use Permits
  - Sec. 5.6 Bed & Breakfast Facilities
8. Planning Commission Meeting Draft Minutes
9. Ordinance