

## Legislation Details (With Text)

<b>File #:</b>	18-258	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Consent Item Ready
<b>File created:</b>	4/23/2018	<b>In control:</b>	City Council
<b>On agenda:</b>	5/14/2018	<b>Final action:</b>	
<b>Title:</b>	Approval of the second and final reading of an ordinance regarding the proposed rezoning request to apply a Special Use Permit to allow the short-term rental of a single family dwelling in the "C-2" Central Business District, on a portion of Lot 5, City Block 2017, addressed at 162 Meusebach Street.		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Aerial and Regional Transportation Plan Map, 2. Application, 3. Site Plan and Floor Plan, 4. Zoning and Land Use Maps, 5. Notification List, Map and Responses, 6. Photographs, 7. Zoning Ordinance Sections 3.3-8, 3.6 and 5.17, 8. Draft Planning Commission Minutes, 9. Ordinance		

Date	Ver.	Action By	Action	Result
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Presenter

*Stacy Snell, Planning and Community Development Assistant Director*  
*ssnell@nbtexas.org*

**SUBJECT:**

Approval of the second and final reading of an ordinance regarding the proposed rezoning request to apply a Special Use Permit to allow the short-term rental of a single family dwelling in the "C-2" Central Business District, on a portion of Lot 5, City Block 2017, addressed at 162 Meusebach Street.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ-18-004

**Council District:** 5

**Owner/Applicant:** Hayes & Reno Inc. (Sondra Reno)  
421 Forest Trail  
New Braunfels, TX 76132  
(830) 629-1353

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

**City Council held a public hearing to consider the first reading of this requested rezoning on March 23, 2018 and unanimously approved the request.**

The subject property is situated on the east side of Meusebach Street, between Seguin and Market

Avenues, and is zoned “C-2” Central Business District. Meusebach Street is a low traffic volume local neighborhood street and railroad tracks occupy a portion of the right-of-way.

The subject property is approximately 17,000 square feet in area (0.4 acre) and contains a 1,472 square foot single-family residence constructed in 1910. A majority of the property is currently utilized as a non-conforming gravel parking area for tube rental shuttle vehicles associated with Texas Tubes.

The C-2 District 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 (STR) Permit will also be required along with annual fire inspections.

The applicant has indicated the one-story dwelling has two sleeping areas (2 bedrooms) allowing for a maximum of 8 adults to occupy the residence pursuant to the Zoning Ordinance standards for STRs.

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 two with a maximum of three paved parking spaces. The applicant is proposing to utilize the three existing gravel parking spaces located in front of the house along Meusebach Street for the required parking. Occupants of the short-term rental will not be allowed to park on the portion of the property that is utilized for shuttle vehicle parking as that would then exceed the maximum allowed number of spaces for the proposed short-term rental.

***General Information:***

Size: = 0.4 of an acre

***Surrounding Zoning and Land Use:***

North - C-2 / Chuck’s Tubes and General Store, single-family residence

South - C-2 / Single-family residence, St. Josephs Anglican Church

East - C-2 / Single-family residence

West - Across Meusebach Street, C-4 / Duplex

***Comprehensive Plan / Future Land Use Designation***

Residential, Low-Density

***Floodplain:***

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

***Regional Transportation Plan:***

The subject property has frontage on Meusebach Street, which is classified as a local street. The current right-of-way width of Meusebach Street meets or exceeds 65 feet and no additional right-of-way dedication or mitigation measures will be required with short-term rental of the subject property.

***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 located in the C-2 District in an area of mixed commercial and residential use with short-term rental use nearby (454, 476 & 486 N. Market Ave.). The subject property is within easy walking distance to Downtown and the Comal River*);
- 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 (*It does not appear there would be any 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 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 existing single-family structure will remain consistent with the Future Land Use designation of the subject site as Residential Low Density.*)

Supplemental standards for short-term rentals are outlined in the Zoning Ordinance and include:

- a 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;
- 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.

**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  <b>Pros and Cons Based on Policies Plan</b></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 visitor dollars spent within the community. Impacts to neighbors are managed through the SUP and permitting process. <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 existence of other short-term rentals in the downtown and river recreation 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, entertainment and tourist businesses. <b>Cons:</b> None.</p>
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#### **FISCAL IMPACT:**

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

#### **COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on April 3, 2018, and recommended approval of the request with staff recommendations (8-0-0).

#### **STAFF RECOMMENDATION:**

Staff recommends approval of the request. The proposed use of the property will complement the mixed uses in the area while maintaining a residential appearance in this uniquely situated neighborhood. The proposal would also meet Objectives of the City's Comprehensive Plan. Staff's recommendation includes the following conditions:

1. **Parking.** The tenant information will state that occupants may park only in the designated area between the residence and Meusebach Street. Signage on the subject property will clearly indicate where occupant parking is prohibited.
2. The existing residential character and appearance of the building must be maintained.

#### **Notification:**

Public hearing notices were sent to 17 owners of property within 200 feet of the subject property. The Planning Division has received three responses in favor from numbers 1, 2 and 12; and none opposed.

#### **Attachments:**

1. Aerial, Regional Transportation Plan Map
2. Application
3. Site Plan and Floor Plan
4. Zoning and Land Use Maps

5. Notification List, Map and Responses
6. Photographs
7. Zoning Ordinance Sections 3.3-8, 3.6 & 5.17
8. Excerpt from the Planning Commission Meeting Minutes of April 3, 2018
9. Ordinance