

## Legislation Details (With Text)

**File #:** 18-422 **Name:**  
**Type:** Ordinance **Status:** Consent Item Ready  
**File created:** 7/24/2018 **In control:** City Council  
**On agenda:** 8/13/2018 **Final action:**  
**Title:** Approval of the second and final reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family dwelling in the "C-1" Local Business District, for property addressed at 508 E. San Antonio Street.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Aerial Map, 2. Application, 3. Site Plan, 4. Land Use Maps, 5. Notification & Responses, 6. Photo, 7. Ordinance Sections, 8. Ordinance

Date	Ver.	Action By	Action	Result
8/13/2018	1	City Council		

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 to apply a Special Use Permit to allow the short-term rental of a single-family dwelling in the "C-1" Local Business District, for property addressed at 508 E. San Antonio Street.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ-18-018

**Council District:** 5

**Owner/Applicant:** Robert (Matt) and Kerri Kyle  
3 Centre Court  
New Braunfels, TX 78132  
(830) 620-9402  
mkyle@kylelawfirm.com

**Staff Contact:** Holly Mullins, Sr. Planner  
(830) 221-4054  
hmullins@nbtexas.org

**City Council held a public hearing on July 23, 2018 and unanimously approved the first reading of this request with staff's recommended conditions plus an additional condition that the rental agreement and occupant information shall include a statement that occupants are not to back out onto San Antonio Street. (7-0)**

The subject property is located on East San Antonio Street near the intersection of South Union Avenue. The property is approximately 14,000 square feet in area and contains a 2,800 square foot single-family residence built in 1919.

The subject property is zoned "C-1" Local Business District which 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 two-story dwelling has four sleeping areas (bedrooms) allowing for a maximum of 12 adults to occupy the residence. Minimum required off-street parking is one space per sleeping area (4), and the maximum parking is that number plus one (5). The applicant's site plan includes a paved driveway that will accommodate 4 to 5 vehicles. The driveway is long and narrow with parking at the end. Staff created an exhibit (Attachment 3) to demonstrate parking and maneuvering areas that limit the number of vehicles while allowing cars to turn around rather than backing out onto San Antonio Street.

**General Information:**

Size: = 13,983 square feet (0.321 acres)

**Surrounding Zoning and Land Use:**

North - Across San Antonio Street, C-1/ Commercial, Retail

South - R-3/ Multifamily

East - C-1/ Commercial, Restaurant

West - C-1 with SUP/ Single-family residence with short term rental

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

**Floodplain:**

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

**Regional Transportation Plan:**

The subject property has frontage on San Antonio Street, which is classified as a Minor Arterial (up to 120 feet in width). The existing right-of-way is approximately 70 feet wide.

**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-1 in an area of mixed commercial and residential uses. The property is located within Downtown/Main Street, within a few hundred feet of Prince Solms Park and Schlitterbahn, and a short walk to the Downtown Historic District.*);
- 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 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. *(Short-term rental 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 **(four (4) sleeping areas plus four (4) additional adults allows for a maximum total of 12 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 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.

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

Yes	<b>City Plan/Council Priority:</b> <b>2006 Comprehensive Plan</b> <b>Pros and Cons Based on</b> <b>Policies Plan</b>	<b>Pros:</b> Goal 1 Promote manageable growth to achieve a proper balance of economic expansion and environmental quality while maintaining the community's unique qualities. Authorized short term 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, zoning ordinance standards, any conditions placed on the SUP by City Council, and the Short-Term Rental permitting process.
		Goal 63: Objective B. Special zoning regulations and incentives should be created to promote retail, eating and drinking establishments, bed and breakfast, lodging and entertainment. Approval of the SUP would provide lodging in close proximity to parks, downtown, and other visitor attractions.

	<b>Cons:</b> None
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**FISCAL IMPACT:**

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

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on July 3, 2018 and voted unanimously to recommend approval of the applicant's requested SUP with staff recommendations. (8-0-0)

**STAFF RECOMMENDATION:**

Staff recommends approval of the proposed Type 2 SUP to allow the proposed short-term rental of a single-family dwelling at this location. The proposed use of the property will complement the mixed 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 building 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 16 owners of property within 200 feet of the request. The Planning Division has received six responses in favor (#2, 3, 6, 7, 9, 10) and none in objection.

**ATTACHMENTS:**

1. Aerial, Regional Transportation Plan Map
2. Application
3. Site Plan, Floor Plan, Parking Exhibit
4. Land Use Maps (Zoning, Existing and Future Land Use, Short-term Rental)
5. Notification Map and Responses
6. Photograph
7. Ordinance Sections:
  - Sec. 3.3-9 "C-1" Local Business District
  - Sec. 3.6 Special Use Permits
  - Sec. 5.17 Short Term Rentals
8. Minutes from Planning Commission
9. Ordinance