

Legislation Details (With Text)

File #:	18-490	Name:	
Type:	Ordinance	Status:	Consent Item Ready
File created:	8/20/2018	In control:	City Council
On agenda:	9/10/2018	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 a bed and breakfast in the "R-2" Single-Family and Two-Family District on approximately 0.32 acres, on property addressed at 612 E. Common Street.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. PZ-18-021 Aerial Map, 2. Application, 3. Site Plan and Floor Plan, 4. Land Use Maps, 5. Notification List, Map and Responses, 6. Photographs, 7. Zoning Ordinance Sections 3.3-2, 3.6 and 5.6, 8. Planning Commission Meeting Draft Minutes, 9. Ordinance		
Date	Ver.	Action By	Action
			Result

Presenter

Stacy Snell, Planning and Community Development Assistant Director
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SUBJECT:

Approval of the second and final reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow a bed and breakfast in the "R-2" Single-Family and Two-Family District on approximately 0.32 acres, on property addressed at 612 E. Common Street.

BACKGROUND / RATIONALE:

Case No.: PZ-18-021

Council District: 5

Owner/Applicant: Kathryn Welch
612 E. Common Street
New Braunfels TX, 78130

Staff Contact: Matthew Simmont, Planner
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City Council held a public hearing to consider the first reading of this requested rezoning on August 27, 2018, and unanimously approved (7-0) the applicant's request with staff's recommended conditions and the additional requirement that a concrete apron be constructed at the driveway from the edge of pavement to the property line.

The subject property is located on the southeast corner of the intersection of E. Common Street and S. Grant Street. The property is approximately 14,000 square feet in area and is occupied by a 1,458 square foot single-family residence that was built in 1925, with a 400 square foot detached garage built in 1925.

This request is to allow the property owner to operate a bed & breakfast in an existing house in the R-2 district. An important distinction of a bed & breakfast in New Braunfels' zoning ordinance is the requirement that the facility be owner-occupied in residential zoning districts. The applicant intends to occupy the residence and to rent a portion of the residence to overnight guests.

The house contains two bedrooms and the proposed rental portion of the residence contains a living area and a loft sleeping area. The applicant has also indicated that guests will have access to a separate private restroom.

The ordinance requires one off-street parking space per guest room plus one for the owner, for a total of two spaces. Off-street parking currently includes a gravel area adjacent to the garage that accommodates two vehicles and is accessible through a gate. With the Special Use Permit (SUP), the applicant is requesting the parking be allowed to remain gravel, rather than paved with concrete or asphalt as required in New Braunfels' adopted codes.

The existing garage, currently used for storage, does not meet the current garage setback requirement of 20 feet and is considered legally non-conforming. The garage appears to have been constructed on the property line and there is no driveway in front of it outside the street right-of-way. It appears that residents of the property have historically utilized the area in front of the garage for parking as they believed it to be on-site parking when in fact it is within the street right-of-way. Legally non-conforming structures are allowed to remain and parking on the street is not prohibited in this area, but parking on the street or in the right-of-way cannot be counted to satisfy the off-street parking requirement in the adopted ordinance.

General Information:

Size: = 14,000 square feet (0.32 acres)

Surrounding Zoning and Land Use:

North - Across E. Common St., R-2 / Single-family residence
South - R-2 / Single-family residence
East - R-2 / Single-family residence
West - Across S. Grant Ave., R-2 / Single-family residence

Comprehensive Plan / Future Land Use Designation

Low Density Residential
Transitional Mixed-Use Corridor

Floodplain:

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

Regional Transportation Plan:

E. Common St. is identified as a 150-foot wide Principal Arterial on the 2012 Regional Transportation Plan. The current right-of-way width of E. Common St. is approximately 80 feet. No right-of-way dedication or mitigation measures will be required with B&B use of the subject property.

The subject property also has frontage on S. Grant Ave., classified as a local street. The current right-of-way width of S. Grant Ave. is approximately 80 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 detached garage

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 located between the Guadalupe River and the Comal River. The property is less than a block away from the Comal County Fairgrounds and the Library, and less than a mile away from many City parks (Prince Solms, Landa, River Acres and Cypress Bend), Schlitterbahn and the Tube Chute. There is one Short Term Rental and no B&B's operating in the general area (Attachment 5);*
- 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 as required in Section 5.6 of the Zoning Ordinance. These standards help to ensure that proper measures are in place to protect public health and safety 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 and Common Street's designation as a Transitional Mixed Use Corridor.)*

Supplemental standards for bed and breakfast facilities are attached and include:

- a. the facility must be owner-occupied in residential zoning districts;
- b. one paved parking space per guest room plus one for the owner;
- c. annual health and safety inspections are required;
- d. 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
- e. 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:

v	Yes	City Plan/Council Priority: <i>Envision New Braunfels Pros and Cons Based on Policies Plan</i>	Action 1.14 <i>Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions.</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&B's. Action 3.3 <i>Balance commercial centers with stable neighborhoods.</i> Approval of the SUP would provide neighborhood-friendly lodging in close proximity to the Fairgrounds, library, parks, downtown, and other visitor attractions. The property is a corner lot with easy access from an arterial roadway which will limit vehicular access through the neighborhood.
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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 August 7, 2018 and recommended approval with staff's recommendations (6-0-0) with Commissioner Sonier and Chair Edwards absent.

STAFF RECOMMENDATION:

Staff recommends approval of the applicant's request. The proposed use of the property will complement the uses in the area while maintaining a residential appearance. Its location on a corner lot with direct access to an arterial roadway will limit impacts to the residential neighborhood. 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 18 owners of property within 200 feet of the request. The Planning Division has received two responses (#'s 3 & 15) in favor and none opposed to the proposed B&B.

Attachments:

1. Aerial and Regional Transportation Plan Map
2. Application
3. Site Plan and Floor Plan
4. Land Use Maps
 - Zoning
 - Existing Land Use
 - Future Land Use
 - Short Term Rental Vicinity
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