

Legislation Details (With Text)

File #: 18-572 **Name:**
Type: Ordinance **Status:** Consent Item Ready
File created: 9/19/2018 **In control:** City Council
On agenda: 10/22/2018 **Final action:**
Title: Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow the short term rental of a single family residence in the "C-1" Local Business District addressed at 132 East North Street.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Aerial Maps, 2. Application, 3. Site Plan, 4. Floor Plan, 5. Maps, 6. Existing Centers, 7. Future Land Use Plan, 8. Short Term Rental Vicinity Map, 9. Notification List, Responses and Map, 10. Photographs, 11. Sec. 3.3-7 C-1(2012), 12. Draft Minutes from the September 5, 2018 Regular Planning Commission Meeting, 13. PZ-18-029 Ordinance

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Presenter

*Christopher J. Looney, Planning and Community Development Director
clooney@nbtexas.org*

SUBJECT:

Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow the short term rental of a single family residence in the "C-1" Local Business District addressed at 132 East North Street.

BACKGROUND / RATIONALE:

Case No.: PZ-18-029

Council District: 5

Owner/Applicant: East North Properties, LLC (Chris Snider)
1411 FM 1101 Suite A
New Braunfels, TX 78130
(830) 626-1344

Staff Contact: Matt Greene, Planner
(830) 221-4053
mgreene@nbtexas.org

City Council held a public hearing on October 8, 2018 and approved (4-2-0) the first reading of the applicant's requested rezoning to apply an SUP, with the following conditions:

- 1. The residential character and appearance of the building/property 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.**
- 3. The maximum occupancy of the short term rental is limited to 6 guests.**
- 4. The driveway approach shall be constructed of concrete.**

The subject property is located on the south side of East North Street, between North Union and North Washington Avenues in the New Braunfels Sub Area as identified in the Comprehensive Plan. The tract comprises 7,000 square feet and is occupied by an 840 square-foot single family residence constructed in 1925.

This lot is presently 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 which requires 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 is also required prior to the first rental along with annual fire inspections.

The applicant indicates the one-story dwelling has three sleeping areas (2 bedrooms and a living room with a fold-out sofa), which would allow a maximum occupancy of 10 adults for a short-term rental. Minimum required off-street parking is one space per sleeping area (3), with a maximum of number of sleeping areas plus one (4). The applicant is requesting approval to utilize an existing continuous gravel driveway that extends the depth of the property between East North Street and an unnamed alley that can technically park approximately six (6) vehicles bumper to bumper. It does not seem efficient for a drive to be utilized to park 6 vehicles in a line as drivers naturally leave sufficient space and walk between parked vehicles. Therefore, it appears the driveway could more practically accommodate a maximum of four (4) vehicles. The maximum number of parking spaces was intended to limit the development of large “parking areas” in residential neighborhoods to maintain residential character.

The subject property is eligible for Historic Designation and City staff encourages the applicants to pursue Historic Designation of the dwelling to preserve the character of the area and of the existing home. Historic Designation would also provide the owner with potential tax benefits.

General Information:

Size: = 7,000 square feet

Surrounding Zoning and Land Use:

North - Across E. North St., C-1 / Convenience store

South - C-1 / Single family residence

East - R-2 / Single-family residence

West - C-1/ Exercise studio

Comprehensive Plan:

- New Braunfels Sub Area
- Near existing Medical and Tourist/Entertainment Centers
- Near a Transitional Mixed Use Corridor (Union Avenue)

Floodplain:

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

Transportation:

East North Street is identified as a 60-foot wide Minor Collector on the 2012 Regional Transportation Plan. The current right-of-way width is 40 feet. Should the property be replatted, a 10-foot right-of-way dedication will be required at that time.

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 on the edge of a neighborhood, but within an immediate area of mixed-uses and in close proximity to Schlitterbahn and Christus Santa Rosa hospital.*);
- 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 areas designated for similar development. 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 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 Comprehensive Plan identifies the subject property as lying in close proximity to existing Medical and Tourist/Entertainment Centers.*)

Supplemental standards for short term rentals are attached, and include:

- an administrative Short Term Rental Permit must be obtained 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:

City Plan/Council Priority: Envision New Braunfels Comprehensive Plan	Action 1.14 <i>Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions.</i> Use of this property for a Short Term Rental would create an additional flexible lodging option near Schlitterbahn and Christus Santa Rosa Hospital. Action 3.3 <i>Balance commercial centers with stable neighborhoods.</i> The subject property is in an area of mixed commercial and residential uses with a convenience store across the street and a commercial property next door that has served as a variety of commercial uses over the years and is presently a studio. Authorized short term rentals can create an appropriate transition from retail and service uses to residential.
--	---

FISCAL IMPACT:

If approved, the property will be subject to state and local hotel occupancy tax (HOT). The property owner will be responsible for remitting the local portion of taxes to the City.

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on September 5, 2018 and recommended approval of the applicant's request with staff recommended conditions, plus they recommended an additional condition that the maximum occupancy be limited to 6 adults (7-1-0, with Commissioner Sonier absent).

STAFF RECOMMENDATION:

Staff recommends approval of the applicant's request. The proposed use of the property would complement the mixed uses in the area while maintaining a residential appearance and create a necessary transition from the convenience store across the street and the studio next door. Staff's recommendation includes the following conditions:

1. The residential character and appearance of the building/property 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.
3. Staff also recommends the condition recommended by the Planning Commission regarding limitation on the number of adult guests at any one time to 6.
4. Staff also recommends the condition approved by City Council at the first reading that the driveway approach be constructed of concrete.

Notification:

Public hearing notices were sent to 16 owners of property within 200 feet of the request. The Planning Division has received 6 responses in favor (#'s 2, 5, 9, 10, 11 & 14) and 2 opposed (#'s 6 & 7).

ATTACHMENTS:

1. Aerial Maps
2. Application
3. Site Plan
4. Floor Plan
5. Zoning and Land Use Maps
6. Existing Centers
7. Future Land Use Plan
8. Short Term Rental Vicinity Map
9. Notification List and Map
10. Photographs
11. Sections 3.3-7 C-1, 3.6 Special Use Permits & 5.17 Short Term Rentals
12. Draft Minutes of the September 5, 2018 Regular Planning Commission Meeting
13. Ordinance