Legislation Details (With Text)

File #:	19-009	**Name:**	
Type:	Ordinance	**Status:**	Individual Item Ready
File created:	11/29/2018	**In control:**	City Council
On agenda:	1/14/2019	**Final action:**	
Title:	Public hearing and first 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-3” Commercial District addressed at 1464 Hillview Avenue.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Aerial Maps, 2. Application, 3. Existing and Proposed Site Plans, 4. Floor Plan, 5. Maps (Zoning, Existing and Future Land Use, Existing Centers and Short-term Rental Vicinity), 6. Notification List, Map and Responses, 7. Photograph of Subject Property, 8. Ordinances: Sec. 3.3-9, Sec. 3.6 and Sec. 5.17, 9. Excerpt from the December 4, 2018 Planning Commission Regular Meeting, 10. Ordinance		

Date	Ver.	Action By	Action	Result
1/14/2019	1	City Council		

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

SUBJECT:

Public hearing and first 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-3” Commercial District addressed at 1464 Hillview Avenue.

BACKGROUND / RATIONALE:

Case No.: PZ-18-042

Council District: 1

Owner/Applicant: Zu Hause, LLC (Tracy Fore)
686 S. Seguin Avenue, #310730
New Braunfels, TX 78131
(210) 273-6907

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

The subject property is located on Hillview Avenue, between South Mesquite and Live Oak Avenues, and between IH-35 South and South Business 35. The property is approximately 8,118 square feet in area and is occupied by a 1,206 square foot single family residential structure built in 1950.

The “C-3” zoning allows rental or occupancy for less than one month. However, the structure 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 is also required prior to the first rental, along with annual fire inspections as well as remittance of hotel occupancy tax.

The residence currently contains three bedrooms and two bathrooms. Minimum required off-street parking is one (1) space per sleeping area, not including the garage, with a minimum of two (2) spaces and a maximum not to exceed the number of sleeping areas plus one (1). The applicant’s site plan indicates two existing paved parking spaces and two additional proposed paved parking spaces, for a total of four spaces.

The Zoning Ordinance sets maximum short term rental occupancy of two adults per bedroom plus an additional 4 adults. This short term rental would be eligible for a total of 10 adult occupants.

General Information:
Size: = 8,118 square feet

Surrounding Zoning and Land Use:
North - C-3 / Single family residence
South - Across Hillview Ave., C-3 / Undeveloped Lot
East - C-3 / Single family residence
West - C-3 / Single family residence

Request Due to Notice of Violation: No

Comprehensive Plan:
- New Braunfels Sub Area
- Between two Transitional Mixed-Use Corridors
- In close proximity to an existing Market Center

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

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-3 in an area of mixed commercial and residential uses. Although not in the immediate area of major visitor attractions, the property is centrally located with easy vehicular access to arterial road ways.);*
- 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 other 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 being situated between two Transitional Mixed-Use Corridors, and in close proximity to a Market Center.)*

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	**Action 1.14** *Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions.* A short term rental on the subject property will allow a unique lodging option in a central location with easy access to main thoroughfares. **Action 3.3** *Balance commercial centers with stable neighborhoods.* The subject property is in an area of mixed commercial and residential uses. Authorized short term rentals, with adherence to the adopted rules/standards, can provide a balance of uses in transition neighborhoods such as this. Potential impacts are managed through conditions on the SUP and the associated development standards.

FISCAL IMPACT:

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

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COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on December 4, 2018 and unanimously recommended approval with Staff's recommendation (7-0-0, with Chair Edwards and Commissioner Tubb absent).

STAFF RECOMMENDATION:

Staff recommends approval. The proposed use of the property will complement the mixed uses in the area while maintaining a residential appearance and would be in accordance with the Comprehensive Plan. Staff's recommendation includes the following conditions:

1. The applicant will complete construction of the proposed paved driveway addition on Hillview Avenue prior to receiving the administrative short term rental permit.
2. The residential character of the property must be maintained.
3. 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 3 responses in favor from numbers 1, 12 and 15 and none opposed.

ATTACHMENTS:

1. Aerial Maps
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