

## Legislation Details (With Text)

<b>File #:</b>	19-045	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Individual Item Ready
<b>File created:</b>	12/18/2018	<b>In control:</b>	City Council
<b>On agenda:</b>	1/14/2019	<b>Final action:</b>	
<b>Title:</b>	Public hearing and first reading of an ordinance regarding the 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 on approximately 0.55 acres, addressed at 118 S. Union Avenue.		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Aerial, Transportation Plan and Floodplain Map, 2. Application, 3. Site Plan and Floor Plan, 4. Land Use Maps, 5. Existing Short Term Rental Vicinity Map, 6. Notification List and Map, 7. Photograph, 8. Zoning Ordinance Sections, 9. Planning Commission Meeting Draft Minutes, 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 the 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 on approximately 0.55 acres, addressed at 118 S. Union Avenue.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ-18-044

**Council District:** 5

**Owner:** Herring Family Interests LTD (Lawrence Herring)  
715 Reiley Road  
Seguin, TX 78155

**Applicant:** Serendipity Vacation Rentals (Tammy Gonzalez & Allyson Hanz)  
6783 S. Hwy 281  
Blanco, TX 78606

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

The subject property is located on the southwestern corner of the intersection of W. Common Street

and S. Union Avenue. The property is approximately 24,000 square feet in area and is occupied by a 2,042 square foot residential structure built in 1909. The property is zoned "C-1" Local Business District and has been used for commercial purposes over the years.

C-1 allows rental or occupancy for less than one month, however since the structure is a single-family dwelling, use of it as a short-term rental requires approval of a Special Use Permit (SUP). If the SUP is approved, an administrative Short Term Rental Permit, annual fire inspections, and remittance of hotel occupancy tax is also required.

The submitted floor plan indicates the existing structure is a four-bedroom, three-bath dwelling, which also contains a sitting room and parlor that would provide additional sleeping areas. 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. The proposed use will require a minimum of 12 with a maximum of 13 parking spaces. The applicant is proposing to utilize the existing paved parking lot behind the dwelling for the required parking. The applicant has noted that occupants of the short term rental will not be allowed to park outside of the spaces that are designated for vacation rental use.

There are six short-term rental properties in the vicinity.

**General Information:**

Size: Approximately 0.55 acres

**Surrounding Zoning and Land Use:**

North - Across W. Common St., C-1/ Day Care Center

South - C-1 / Dental Office

East - Across S. Union Ave., C-1/ Retail and Restaurants

West - C-1 / Tube Rental and Residential Duplex

**Request Due to Notice of Violation:** No

**Comprehensive Plan:**

- New Braunfels Sub Area (Sub Area 1)
- At the corner of two Transitional Mixed-Use Corridors
- In close proximity to existing Outdoor Recreation, Tourist/Entertainment and Medical Centers

**Floodplain:**

No portion of the property is located within the 1% annual chance (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-1 in an area of mixed commercial and residential uses. The property is less than a mile from the Comal County Fairgrounds, Christus Santa Rosa Hospital, many City parks (Prince Solms, Landa, River Acres and Cypress Bend), the library and Schlitterbahn. It is situated on the corner of two thoroughfares heavily traveled by tourists.*);

- 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. There are several short-term rentals sprinkled throughout this neighborhood that contribute to competition, variety and mix of uses.*);
- 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 subject property lies within the New Braunfels Sub Area, is at the corner of two Transitional Mixed-Use Corridors, and is in close proximity to existing Outdoor Recreation, Tourist/Entertainment and Medical Centers.*)

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 **(twelve (12) sleeping areas plus four (4) additional adults allows for a maximum total of 28 adults occupying this property)**;
- 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 twelve (12) spaces and a maximum of thirteen (13) 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:**

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<b>City Plan/Council Priority:</b> Envision New Braunfels	<b>Action 1.14</b> <i>Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions.</i> A short term rental on the subject property will allow an additional flexible lodging option near Schlitterbahn, City parks and Christus Santa Rosa Hospital. <b>Action 3.3</b> <i>Balance commercial centers with stable neighborhoods.</i> The subject property is on the corner of two thoroughfares that carry visitors to local destinations. Authorized short term rentals, with adherence to the adopted rules and standards, can integrate a lodging activity into an existing mixed use fabric particularly on a corner lot surrounded predominantly by low-intensity commercial uses.
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**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 to the City.

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on December 4, 2018 and recommended approval with a maximum occupancy of 24 total tenants, and with staff's recommendations (5-2-0), with Vice Chair Reeves and Commissioner Laskowski in opposition. The applicant indicated their agreement with the maximum occupant limitation.

**STAFF RECOMMENDATION:**

Staff recommends approval. The proposed use of the property would complement the mixture of uses in the area while maintaining a residential appearance. It would provide an additional lodging option near a Tourist Center and on the corner of two Transitional Mixed-Use Corridors providing ease of access to tenants. Staff's recommendation includes the following conditions:

1. Include in the required information provided to tenants that occupants park only in the (12-13) designated vacation rental parking spaces on the property. The spaces must be clearly delineated within the parking lot.
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.

Staff concurs with the Planning Commission's additional recommendation:

4. Maximum occupancy be limited to 24 individuals.

**Notification:**

Public hearing notices were sent to 15 owners of property within 200 feet of the request. The Planning Division has received 4 responses (# 1, 8, 11 & 12) in favor and none opposed.

**Attachments:**

1. Aerial, Regional Transportation Plan and Floodplain Map
2. Application
3. Site Plan and Floor Plan
4. Land Use Maps (Zoning, Existing Land Use, Existing Centers, Future Land Use Plan)
5. Existing Short-term Rental Vicinity Map

6. Notification List and Map
7. Photograph
8. Zoning Ordinance Sections:
  - Sec. 3.3-7 "C-1" Local Business District
  - Sec. 3.6 Special Use Permits
  - Sec. 5.17 Short Term Rentals
9. Planning Commission Meeting Draft Minutes
10. Ordinance