

Legislation Details (With Text)

File #:	19-083	Name:	
Type:	Ordinance	Status:	Consent Item Ready
File created:	1/11/2019	In control:	City Council
On agenda:	1/28/2019	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 residence in the "C-1" Local Business District on approximately 0.55 acres, addressed at 118 S. Union Avenue.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	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
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Presenter

Christopher J. Looney, Planning and Community Development 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 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
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City Council held a public hearing on January 14, 2019 and approved the first reading of this

requested rezoning, with recommended conditions, plus a condition that the maximum occupancy be 16 adults based on one room equaling one sleeping area.

The subject property is located on the southwest 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, with a sitting room and parlor. The applicant’s original request was to use all the bedrooms, plus the sitting room and parlor for sleeping areas. The applicant was proposing that one bedroom count as two sleeping areas, and another count as six. If approved, their original proposal would have authorized a tenant occupancy of 28 adults. At the Planning Commission public hearing, the applicant indicated their concurrence to limit occupancy to 24 individuals per the Commission’s recommendation.

The applicant is proposing to utilize the existing paved parking lot behind the dwelling to meet the parking requirements as noted below. 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 short-term rental use.

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

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) proposed sleeping areas plus four (4) additional adults allows for a maximum total of 28 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 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.

* A reduction in sleeping areas pursuant to conditions placed on this SUP will result in a corresponding reduction in the required number of parking spaces.

General Information:

Lot Size: Approximately 0.55 acres

House Size: 2,042 square feet

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

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.)*

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

City Plan/Council Priority: Envision New Braunfels	Action 1.14 <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. Action 3.3 <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 staff's recommended conditions and a maximum occupancy of 24 total tenants (5-2-0), with Vice Chair Reeves and Commissioner Laskowski in opposition. The applicant indicated their agreement with the maximum occupant limitation.

STAFF RECOMMENDATION:

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 recommends approval with the following conditions, including City Council's added condition:

1. Include in the required information provided to tenants that occupants park only in the designated short-term 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.
4. Maximum occupancy be limited to 16 adults.

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