

Legislation Details (With Text)

File #: 19-431 **Name:**

Type: Ordinance **Status:** Individual Item Ready

File created: 6/11/2019 **In control:** City Council

On agenda: 6/24/2019 **Final action:**

Title: Public hearing and first reading of an ordinance regarding the proposed rezoning to apply a Type 2 Special Use Permit to allow a bed and breakfast in the "R-2" Single-Family and Two-Family District on Lot 4, City Block 5021, addressed at 555 South Union Avenue.

Sponsors:

Indexes:

Code sections:

Attachments: 1. SUP19-115 Aerial Map, 2. Site Plan and Floor Plan, 3. Land Use maps (Zoning, Existing and Future Land Use), 4. B&B / Short Term Rental Vicinity Map, 5. Notification List, Notification Map and Responses, 6. Photographs, 7. Ordinances: Sec. 3.3-2, R-2; Sec. 3.6, Special Use Permits; Sec. 5.6, Bed & Breakfast Facilities, 8. SUP19-115 (MG) Draft Minutes for Planning Commission 6-4-19, 9. Ordinance

Date	Ver.	Action By	Action	Result
6/24/2019	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 Type 2 Special Use Permit to allow a bed and breakfast in the "R-2" Single-Family and Two-Family District on Lot 4, City Block 5021, addressed at 555 South Union Avenue.

BACKGROUND / RATIONALE:

Case No.: SUP19-115

Council District: 5

Owner/Applicant: James Graham
555 Union Avenue.
New Braunfels, TX 78130
(281) 507-3726

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

The subject .18-acre property is located on South Union Avenue across from Schlitterbahn, between East Mather and Cross River Streets. It is currently zoned R-2 and has a single-family dwelling on

the premises with a detached carport in the rear yard.

This applicant's request is to allow a bed & breakfast in the existing house. An important distinction of a bed & breakfast is the facility must be owner occupied in residential zoning districts. The applicant/owner intends to occupy the residence while renting a portion of the residence to overnight guests.

The house contains two bedrooms, a living room, a kitchen, a bathroom and a covered front porch. The ordinance requires one off-street parking space per guest room plus one for the owner. Off-street parking currently includes a gravel driveway leading to the carport in the rear yard that can accommodate more than two vehicles. As part of his application, the owner is requesting that the parking be allowed to remain gravel, rather than paved with concrete or asphalt as required in the ordinance. Three other driveways facing South Union Avenue on this block consist of the same gravel material as the subject property.

In addition to the parking, paving and requirement that the owner being required to live on site, additional standards include:

- annual health and safety inspections;
- 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;
- weddings, parties and other functions are not permitted unless administratively approved by the City.

Surrounding Zoning and Land Use:

North - R-1A-6.6 & R-2 / Single-family residences and a duplex

South - Across S. Union Ave., C-4 / Schlitterbahn Water Park

East - R-1A-6.6 & R-2 / Single-family residences and a duplex with a short term rental

West - R-1A-6.6 & R-2 / Single-family residences

Floodplain:

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

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 across the street from Schlitterbahn and 2 blocks from the Comal River last tuber exit. The property is less than a half mile away from Downtown and Prince Solms Park. There is one Short Term Rental 2 lots east of the subject property and no B&B's operating in the general area*);
- 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 (*Additional similar uses encourages competition and improves quality.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare. (*The supplemental standards as required in Section 5.6 of the Zoning Ordinance 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 and near a Recreational River Corridor. It is also near existing Outdoor Recreation and Tourist/Entertainment Centers.)*

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

City Plan/Council Priority: Envision New Braunfels Comprehensive Plan	Action 1.3: Encourage balanced and fiscally responsible land use patterns. Action 1.14: Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions.
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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 June 4, 2019 and recommended approval with staff recommendations and an additional condition limiting the bed and breakfast to 1 guest room and 2 adult guests.

STAFF RECOMMENDATION:

Staff recommends approval, including the applicant's request to keep the existing off-street parking area unpaved as this driveway would continue to blend in with the character of the neighboring driveways, with 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 13 owners of property within 200 feet of the request. The City has received 2 responses in favor (6 & 9), and 3 opposed (4, 11 & 12). An additional 20 letters/comments were received in opposition from outside the 200-foot notification area.

ATTACHMENTS:

- Aerial Maps
- Site Plan and Floor Plan
- Land Use Maps (Zoning, Existing and Future Land Use)
- Short Term Rental / B&B Vicinity Map
- Notification List, Notification Map and Notification Responses
- Photographs
- Ordinances:
 - Sec. 3.3-2 "R-2" Single-Family and Two-Family District
 - Sec. 3.6 Special Use Permits
 - Sec. 5.6 Bed & Breakfast Facilities
- Excerpt of Minutes from the June 2, 2019 Planning Commission Regular Meeting
- Ordinance