

Legislation Details (With Text)

File #:	19-531	Name:	
Type:	Ordinance	Status:	Individual Item Ready
File created:	7/10/2019	In control:	City Council
On agenda:	7/22/2019	Final action:	
Title:	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-3" Commercial District, addressed at 358 East Nacogdoches Street.		

Sponsors:**Indexes:****Code sections:**

Attachments: 1. Aerial Map, 2. Application, 3. Site Plan and Floor Plan, 4. Land Use Maps (Zoning, Existing Land Use, Existing Centers, Future Land Use Plan), 5. Short Term Rental Map, 6. Photographs, 7. Notification List, Map and Responses, 8. Ordinances: Sec. 3.3-9 C-3; Sec. 3.6 SUP; Sec. 5.17 Short Term Rentals, 9. Draft Minutes from Jly 2, 2019 Regular Plannin Commission Meeting, 10. Ordinance

Date	Ver.	Action By	Action	Result
7/22/2019	1	City Council		

Presenter

Stacy Snell, Planning and Community Development Assistant Director
ssnell@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-3" Commercial District, addressed at 358 East Nacogdoches Street.

BACKGROUND / RATIONALE:

Case No.: SUP19-156

Council District: 5

Applicant/Owner: Triple T United, LLC (Garrett Taylor)
2910 Longhorn Circle
Manvel, TX 77578
(713) 515-4142
garrettaylor68@gmail.com

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

The subject property is located on East Nacogdoches Street, across the street from the Union Pacific railroad tracks between Kuehler and Sanger Avenues. The whole neighborhood surrounding the

subject property is zoned the cumulative C-3 District; therefore, the area is developed with a mix of commercial and residential uses. However, the subject block is 100% residential. The existing single-family residence was constructed in the 1950s and is approximately 650 square feet in area.

If the applicant's requested Special Use Permit (SUP) for a short-term rental is approved, an administrative Short-Term Rental Permit is required prior to the first rental, along with annual fire inspections and remittance of hotel occupancy tax.

The single-family residence has two bedrooms, a living area, kitchen and one bathroom. The two bedrooms and the living area are requested to be utilized as sleeping areas. Based upon current standards, the maximum occupancy for short term rental of the subject residence is ten adults (two per sleeping areas plus an additional four). However, staff is recommending occupancy be limited to six adults, utilizing only the two bedrooms for calculations, plus only two additional adults which is consistent with recent discussions at the City's Ad Hoc Committee regarding short term rental standards and recent approvals of SUPs for short term rentals.

The minimum required off-street parking is one space per sleeping area (three), with a maximum provision of four spaces. The applicant intends to pave the two existing residential driveways currently surfaced with crushed rock, which will be able to accommodate the required parking of three to four vehicles.

There are no other properties in this block with SUPs for short-term rentals.

Supplemental standards for short term rentals are listed in Section 144-5.17-4, 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 adults per sleeping area plus an additional four adults per residence;
- display of a short-term rental decal;
- a minimum of one off-street parking space per sleeping area, not including a garage, and not to exceed the number of sleeping areas plus one;
- 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.

Surrounding Zoning and Land Use:

North - Across E. Nacogdoches St., C-3 / Union Pacific Rail Road

South - C-3 / Single-family residence

East - C-3 / Single-family residence

West - C-3 / Single-family residence

Floodplain:

No portion of the property is within the 1% annual chance (100-year) flood zone.

Request Due to Notice of Violation: No

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 site is within a residential block in a larger mixed-use neighborhood with commercial and multi-family on the periphery. It is near a major gateway into Downtown and is in close proximity to river recreation.*);
- 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 (*The proposed use should not impact other areas designated for similar development.*);
- 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 standards outlined in the Zoning Ordinance. These standards help to ensure that proper measures are in place to protect public health, nearby residential properties, and to encourage appropriate use of the property.*); and
- Whether the request is consistent with the Comprehensive Plan (*The property is situated within the New Braunfels Sub-Area and existing market and employment centers. It is also in close proximity to a Recreational River Corridor.*)

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

City Plan/Council Priority: Envision New Braunfels Comprehensive Plan	Action 1.14 Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions. Action 3.3 Balance commercial centers with stable neighborhoods.
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FISCAL IMPACT:

Overnight lodging accommodations for less than 30 days are subject to hotel occupancy tax. If approved, the owner will be required to remit taxes to both the City and the State.

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on July 2, 2019 and recommended approval with staff recommendations (8-0-0).

STAFF RECOMMENDATION:

While this would be the first introduction of lodging facilities in the block, a short-term rental on this property, following all the standards of the Zoning Ordinance, would complement the overall mix of uses in this area. The location would allow easy access to main thoroughfares and visitor destinations without extensive vehicular traffic into the interior of the neighborhood. Therefore, staff recommends approval with the following conditions:

1. The residential character of the property must be maintained.
2. Occupancy shall be limited to six adults, utilizing only the two bedrooms for calculations, plus only two additional adults.
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. All Supplemental Standards of Section 144-5.17-4 will be met.

5. The driveway and parking area shall be paved in accordance with the Zoning Ordinance.

Notification:

Public hearing notices were sent to 17 owners of property within 200 feet of the request. The City has received 3 responses in favor from numbers 2, 3 and 14 and one opposed from number 12.

Attachments:

- Aerial Map
- Application
- Site Plan and Floor Plan
- Land Use Maps (Zoning, Existing Land Use, Existing Centers, Future Land Use Plan)
- Short-term Rental Map
- Photographs
- Notification Map and List
- Ordinances:
 - Sec. 3.6 Special Use Permits
 - Sec. 5.17 Short Term Rentals
- Draft Minutes from July 2, 2019 Regular Planning Commission Meeting
- Ordinance