

Legislation Details (With Text)

File #: 20-674 **Name:**

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

File created: 9/21/2020 **In control:** City Council

On agenda: 10/12/2020 **Final action:**

Title: Discuss and consider approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow the short term rental of a single-family dwelling in the "C-1" Local Business District addressed at 430 Landa Street.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Aerial Map, 2. Application, Site Plan and Floor Plan, 3. Land Use Maps (Zoning, Existing and Future Land Use), 4. Short Term Rental Vicinity Map, 5. Notification List, Map and Responses, 6. Photographs, 7. Excerpt of Minutes from the September 2, 2020 Planning Commission Regular Meeting, 8. Ordinance

Date	Ver.	Action By	Action	Result
10/12/2020	1	City Council		

Presenter

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

SUBJECT:

Discuss and consider approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow the short term rental of a single-family dwelling in the "C-1" Local Business District addressed at 430 Landa Street.

BACKGROUND / RATIONALE:

Case No.: SUP20-142

Council District: 1

Applicant/Owner: Ken and Lisa Brucks
226 Glen Haven
New Braunfels, TX 78132
(830) 226-5535
kenbrucks@bobrossrealty.com

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

City Council held a public hearing on September 28, 2020 and approved the applicant's request with staff recommended conditions (6-1-0).

The subject property comprises 0.21 of an acre on the north side of Landa Street between Lockener and Walnut Avenues. It is zoned C-1 and is occupied by a 1,264 square-foot single-family residence with an attached garage constructed in 1960.

The owners of the property are requesting approval of a Special Use Permit (SUP) to allow the house to be utilized for short term rental (STR). The house has 3 bedrooms and 2 baths. Per the City's STR Ordinance, the home would be allowed a maximum of 8 occupants (2 per bedroom plus 2 additional occupants).

The minimum off-street parking requirement for this proposed STR is 3 spaces, or one per sleeping room. There is an existing driveway in front of the garage as well as a circular driveway which can accommodate the required number of parking spaces and allow for easier access onto Landa Street.

Surrounding Zoning and Land Use:

North - C-1/ Single-family residence

South - Across Landa Street, C-1 and R-2/ Commercial offices and single-family residence

East - C-1/ Commercial office

West - C-1/ Undeveloped

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 walking distance of Downtown, Landa Park, Wurstfest, river recreation, Walnut Avenue Hike and Bike Trail, Dry Comal Creek Trail, and other attractions and amenities. The closest STR is approximately 4,100 feet away in the downtown 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 (*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; (*STR standards help to ensure proper measures are in place to protect public health, safety and neighboring properties.*)
- Consistency with the Comprehensive Plan:

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

City Plan/Council Priority: Envision New Braunfels Comprehensive Plan	Consistent Actions: 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. Future Land Use: The property is situated within the New Braunfels Sub-Area, along a Mixed-Use Transitional Corridor, and in close proximity to existing and future Market, Civic, Employment, Tourist/Entertainment, and Outdoor Recreation Centers.
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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 September 2, 2020 and recommended approval with staff recommended conditions (8-0-0, with Commissioner Gibson absent).

STAFF RECOMMENDATION:

Approval with the following conditions:

1. The residential character of the property 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.
3. All standards of the Zoning Ordinance will be met.

Notification:

Public hearing notices were sent to owners of 17 properties within 200 feet of the request. To date, the City has received three responses in favor from numbers 2, 3 and 12 and none opposed.

RESOURCE LINKS:

- Chapter 144, Sec. 3.3-7 of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances
- Chapter 144, Sec. 3.6 of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances
- Chapter 144, Sec. 5.17 of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances

ATTACHMENTS:

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