

Legislation Details (With Text)

File #:	20-689	Name:	
Type:	Ordinance	Status:	Individual Item Ready
File created:	9/22/2020	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-2 Central Business District, addressed at 212 E. Zink St.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Aerial Map, 2. Site Plan and Floor Plan, 3. Land Use Maps, 4. Notification list, map and responses, 5. Photos, 6. Planning Commission Draft Minutes, 7. 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-2 Central Business District, addressed at 212 E. Zink St.

BACKGROUND / RATIONALE:

Case No.: SUP20-140

Council District: 5

Applicant/Owner: Kristin and William Goleman
212 E. Zink St.
New Braunfels, TX 78130
(936) 520-2684
wgoleman@gmail.com

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

City Council held a public hearing on September 28, 2020 and approved the first reading of the applicant's requested rezoning with recommended conditions including paving the full depth of the driveway (6-1-0).

The subject property is located on the south side of E. Zink St., opposite its intersection with N. Market Ave. The neighborhood is zoned the cumulative C-2 (Central Business) District and is characterized by office development and parking along Landa Street with a variety of residential development within the block to include multifamily and short term rental (STR). The property is approximately 19,000 square feet and, according to the appraisal district, contains a 1,444 square foot residential structure built in 1870.

This Type 2 Special Use Permit (SUP) request is to allow the short term rental of the existing single-family dwelling. The house has three bedrooms, a living area, kitchen and one full bathroom. A second full bathroom is contained within an accessory building on the property, labeled as “shed” on the site plan. The maximum occupancy for short term rental of the property is eight occupants (2 per bedroom plus 2 additional occupants).

The minimum off-street parking requirement for this STR is three spaces. There is an existing paved driveway in front of the garage that can accommodate one vehicle. A second driveway on the property is composed of crushed rock and has sufficient parking area for three stacked vehicles. The applicant proposes a code deviation with this SUP to keep the second driveway in this condition and not require it be improved with concrete, asphalt paving or other material authorized by the off-street parking development standards. There is enough space in these areas to accommodate the required minimum parking spaces (three).

If approved, in addition to the administrative STR Permit, annual fire inspections, requirements to post tenant safety information and remittance of hotel occupancy tax, there are additional standards in the Zoning Ordinance, referenced in the resource links below.

Surrounding Zoning and Land Use:

North - Across Zink St., C-2/ Single-family residence

South - C-2/ Single-family residences

East - C-2/ Single-family (short term rental) and multifamily residences

West - C-2/ 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 site is within walking distance of Downtown, Landa Park, Wurstfest, river recreation and other attractions and amenities.*);
- 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.*) and
- Whether the request is consistent with the Comprehensive Plan: *see below*

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 Plan: The property is situated within the New Braunfels Sub-Area and is in close proximity to a Recreational River Corridor, as well as Existing Market, Civic and 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 (5-3-0) of the request with staff recommended conditions, with Commissioners Tubb, Reeves and Nolte in opposition.

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.
4. The driveway and parking area shall be paved in accordance with the Zoning Ordinance. Concrete, asphalt, or alternative pavement methods approved by the City Engineer may be utilized.

Notification:

Public hearing notices were sent to owners of 18 properties within 200 feet. To date, the City has received three responses (#3, 10 & 13) in favor of the request.

RESOURCE LINKS:

- Chapter 144, Sec. 3.3-8 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:

1. Aerial Map
2. Site Plan and Floor Plan
3. Land Use Maps (Zoning, Existing, Future Land Use, Short Term Rental)
4. Notification List and Map
5. Photographs
6. Planning Commission Meeting Draft Minutes

7. Ordinance