

## Legislation Details (With Text)

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<b>File #:</b>	20-693	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Individual Item Ready
<b>File created:</b>	9/23/2020	<b>In control:</b>	City Council
<b>On agenda:</b>	10/12/2020	<b>Final action:</b>	
<b>Title:</b>	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 an existing residence to operate as a bed and breakfast in the R-2 Single and Two-family District on Lot 6R, City Block 5007, addressed at 522 Cross River Street.		

**Sponsors:****Indexes:****Code sections:****Attachments:** 1. Aerial Map, 2. Land Use Maps, 3. Applicant Documentation, 4. Notification & Responses, 5. Photographs, 6. Draft Planning Commission Minutes, 7. Driveway Apron Design, 8. Ordinance (Goodin)

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 an existing residence to operate as a bed and breakfast in the R-2 Single and Two-family District on Lot 6R, City Block 5007, addressed at 522 Cross River Street.

**BACKGROUND / RATIONALE:****Case No.:** SUP20-141**Council District:** 5**Applicant/Owner:** Nancy & Mark Goodin  
534 Cross River Street  
New Braunfels, TX 78130  
(512) 626-0990  
harris.nancy@gmail.com**Staff Contact:** Holly Mullins  
(830) 221-4054  
hmullins@nbtexas.org**City Council held a public hearing on September 28, 2020 and approved the first reading of**

**the applicant's requested rezoning ordinance with recommended conditions, and requiring the driveway apron to be paved but allowing the remainder of the driveway to remain crushed rock/granite (6-1-0).**

The subject 0.47 of an acre property is located near the intersection of Cross River Street and S. Veramendi Avenue with frontage along the Guadalupe River. There are two existing dwelling units on the property, which are allowed by the R-2 Single and Two-family residential zoning district. The applicant/owners currently reside on the property in the front unit, addressed as 534 Cross River Street.

This request for a Special Use Permit (SUP) is to allow the applicants to operate a bed and breakfast (B&B) in the rear dwelling unit (addressed as 522 Cross River Street), while continuing to reside in the front unit. B&Bs have specific standards in the Zoning Ordinance in addition to approval of an SUP, including the requirement that the facility be owner-occupied in residential zoning districts such as R-2.

The rear house contains four bedrooms and 2-1/2 bathrooms. The zoning ordinance does not regulate the number of guests in a B&B, but the applicants indicate they will limit occupancy to a maximum of ten (10) guests. The ordinance requires one off-street parking space per guest room plus one for the owner, for a total minimum of five spaces. Off-street parking on the property consists of a paved driveway with two off-street parking spaces in front of the applicants' residence, and a separate driveway with a parking area for the rear unit. The applicants state a maximum of four guest vehicles will be allowed. The driveway and parking area are adequate to accommodate four vehicles.

However, the driveway and parking area for the rear unit are currently crushed granite. The applicants are requesting a code deviation with this SUP for the parking to remain the same and not be required to be improved with concrete, asphalt or other material authorized by the off-street parking development standards.

Supplemental standards for bed and breakfasts in Section 144-5.6 include:

- a. the facility must be owner-occupied in residential zoning districts;
- b. one off-street parking space per guest room plus one for the owner;
- c. annual health and safety inspections are required;
- d. only overnight guests may be served meals, limited to a continental-type breakfast of pre-packaged food unless the facility has a commercial kitchen; and
- e. weddings, parties, and other functions are not permitted unless administratively approved by the Planning and Development Services Department.

#### *Surrounding Zoning and Land Use:*

North - Across Cross River, R-1A-6.6/ Single-family residence

South - Across Guadalupe River, R-2/ Residential care facility

East - R-1A-6.6/ Single-family residence

West - R-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 centrally located within a short distance of Downtown, Schlitterbahn, river recreation, the Library 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 (*There should be no impact on other areas designated for similar development.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*Bed and breakfast standards provide measures to protect the 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:**

<b>City Plan/Council Priority:</b> Envision New Braunfels Comprehensive Plan	<b>Consistent Actions:</b> <b>Action 1.3:</b> Encourage balanced and fiscally responsible land use patterns. <b>Action 1.14:</b> Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions. <b>Future Land Use Plan:</b> The subject property is located within the New Braunfels Sub-Area, along a Recreational River Corridor, and near an Existing Outdoor Recreation Center.
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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 of the request (6-2-0, Vice Chair Laskowski and Commissioner Meyer opposed) with the following conditions:

1. Only the rear residential unit, identified on the map as 522, may be utilized for B&B sleeping accommodations.
2. In addition to the existing paved parking spaces for the owners' residence, a minimum of four (4) off-street parking spaces must be maintained for the B&B.
3. Approval of the deviation to allow the parking area to remain crushed granite with the requirement that a concrete apron be provided, the length of which is to be determined by the City Engineer. *The City Engineer subsequently determined the apron should meet the standard residential driveway apron design to be constructed of concrete from the street pavement edge to the ROW/property line.*
4. The existing residential character and appearance of the buildings, 522 and 534, must be maintained.
5. All supplemental standards for bed and breakfasts (Sec. 144-5.6) must be observed, including the requirement for owner occupancy of the property.
6. 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.
7. The maximum number of guests allowed will be ten (10).

**STAFF RECOMMENDATION:**

Approval with the following conditions:

1. Only the rear residential unit, identified on the map as 522, may be utilized for B&B sleeping accommodations.
2. In addition to the existing paved parking spaces for the owners' residence, a minimum of four

(4) off-street parking spaces must be provided for the B&B in accordance with Zoning Ordinance requirements: concrete, asphalt, or alternative pavement methods approved by the City Engineer may be utilized. *In light of stormwater quality/run-off issues with pavement this close to the river, staff is also comfortable with Planning Commission's recommendation on this condition.*

3. The existing residential character and appearance of the buildings, 522 and 534, must be maintained.
4. All supplemental standards for bed and breakfasts (Sec. 144-5.6) must be observed, including the requirement for owner occupancy of the property.
5. 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 11 owners of property within 200 feet of the request. To date, the City has received four responses in favor (#2, 4, 5, 8) and one in objection (#3). Objection represents 17% of the notification area and does not require a super-majority for approval of the request.

#### **RESOURCE LINKS:**

- Chapter 144, Sec. 3.6 of the City's Code of Ordinances (Special Use Permits):  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)
- Chapter 144, Sec. 5.6 of the City's Code of Ordinances (Bed & Breakfast Facilities):  
[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)

#### **ATTACHMENTS:**

- Aerial Map
- Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
- Applicant's Documentation, Site Plan and Floor Plan
- Notification List and Map
- Photographs
- Draft Minutes from the Planning Commission Meeting
- Residential Driveway Apron Design
- Ordinance