

Legislation Details (With Text)

File #:	21-248	Name:	
Type:	Ordinance	Status:	Individual Item Ready
File created:	3/3/2021	In control:	City Council
On agenda:	3/22/2021	Final action:	
Title:	Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family residence in the C-2 Central Business District at 307 W. Bridge Street.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Aerial, 2. Site Plan, 3. Land Use Maps, 4. Notification List, Map and Responses, 5. Photos, 6. SUP21-043 (MS) PC Draft Minutes 3-2-21, 7. SUP21-043 Ordinance		

Date	Ver.	Action By	Action	Result
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Presenter

Christopher J. Looney, AICP, Planning and Development Services Director
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SUBJECT:

Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family residence in the C-2 Central Business District at 307 W. Bridge Street.

BACKGROUND / RATIONALE:

Case No.: SUP21-043

Council District: 1

Owner/Applicant: Jami Carr

401 Buffalo Springs Spur
New Braunfels, TX 78132
(210) 683-2650
carr2casa@gmail.com

Staff Contact: Matthew Simmont, AICP
(830) 221-4058
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The subject property is located northeast of the intersection of North Academy Avenue and West Bridge Street and is zoned C-2 Central Business District. The applicant is requesting a Special Use Permit (SUP) to allow short term rental of the 1,300 square foot residence on the lot.

The house has 2 bedrooms and 2 bathrooms. Per the Zoning Ordinance, maximum occupancy of this residence if rented as an STR would be limited to 6 occupants. The minimum off-street parking requirement for this proposed STR is 2 spaces, or one per sleeping room. The existing paved driveway can accommodate at least

three cars.

If the SUP zoning is approved, a separate short-term rental permit is also required.

Surrounding Zoning and Land Use:

North - Across Railroad ROW, C-2/ Single-family residence
South - C-2/ Single-family residence
East - C-2/ Single-family residence
West - Across W. Bridge St., 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 centrally located within a short drive to many visitor attractions, and in an area characterized by a mix of residential and commercial uses, including existing STRs.*);
- 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 (*Short term rental 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.

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. Future Land Use: The property is situated within the New Braunfels Sub-Area, in close proximity to a Recreational River Corridor and Existing 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 March 2, 2021 and recommended approval (7-1) with Commissioner Reaves opposed and Commissioner Gibson absent.

STAFF RECOMMENDATION:

Approval in accordance with the ordinance requirements, including 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. Occupancy of the short-term rental is limited to a maximum of 6 guests.

4. All other standards of the Zoning Ordinance will also be met, and a separate Short-Term Rental Permit is required.

Notification:

Public hearing notices were sent to 16 owners of property within 200 feet. The City has received two responses in favor (#9 & 11) and six responses (#2, 3, 4, 12, 15, 16) in objection to the request. Opposition represents more than 20% of the notification area. Pursuant to state statute, a $\frac{3}{4}$ majority of City Council (6 votes) will be required for approval of the applicant's request unless that opposition changes.

RESOURCE LINKS:

- Chapter 144, Sec. 3.3-8 (C-2) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_C H144ZO_ARTIIIIZODI_S144-3.3ZODIREPRZOPRJU221987
- Chapter 144, Sec. 3.6 (SUP) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_C H144ZO_ARTIIIIZODI_S144-3.6SPUSPE
- Chapter 144, Sec. 5.17 (Short-term Rental) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_C H144ZO_ARTVDEST_S144-5.17SHTEREOC

ATTACHMENTS:

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