Legislation Details (With Text)

File #:	21-1012	**Name:**	
Type:	Ordinance	**Status:**	Passed
File created:	9/27/2021	**In control:**	City Council
On agenda:	10/11/2021	**Final action:**	10/11/2021
Title:	Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family dwelling in the “C-1” Local Business District, addressed at 1370 Church Hill Drive.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Aerial, 2. Site Plan (Full Site), 3. Site Plan (Zoomed), 4. Floor Plan, 5. Land Use Maps, 6. Notification List and Map, 7. PC Draft Minutes 9-8-21, 8. 1370 Church Hill Ordinance		

Date	Ver.	Action By	Action	Result
10/11/2021	1	City Council	approved	Pass

PRESENTER:
Jean Drew, AICP, CNU-A, Planning & Development Services Assistant Director
SUBJECT:
Approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family dwelling in the “C-1” Local Business District, addressed at 1370 Church Hill Drive.
DEPARTMENT: Planning and Development Services
COUNCIL DISTRICTS IMPACTED: 5

BACKGROUND INFORMATION:
Case #: SUP21-305

Applicant/
Owner: Heritage Society of New Braunfels
Justin Ball, Director
1370 Church Hill Drive
New Braunfels, TX 78130
(830) 625-0641 director@nbheritagesociety.org

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

City Council held a public hearing on September 27, 2021 and approved the first reading of the applicant’s requested rezoning/SUP ordinance with recommended conditions (7-0).

The subject property is located northeast of the intersection of Church Hill Drive and Broadway. The approximately 9.4-acre tract is the site of Heritage Village and the Museum of Texas Handmade Furniture and contains 11 structures that serve the mission to preserve the history of New Braunfels.

The applicant is requesting a Special Use Permit (SUP) to allow short term rental (STR) of a residence (one-bedroom apartment) on the property that is located in a structure that also contains a barn and cabinet shop. The apartment has 1 bedroom and 1 bathroom. Per the Zoning Ordinance, maximum occupancy of an STR with 1 bedroom and 1 bathroom is limited to 4 occupants.

The minimum off-street parking requirement for this proposed STR is 1 space, or one per sleeping room. The existing gravel driveway and parking areas on the property can accommodate the required parking.

Short-term rental standards in the Zoning Ordinance help to ensure proper measures are in place to protect public health, safety and neighboring properties. If the SUP is approved, short-term rental registration and online payment of hotel occupancy taxes are also required.

Surrounding Zoning and Land Use:
North - R-2 / Single-family residences (Rhine Terrace subdivision)
South - C-1 and R-2 (Across Church Hill Dr.) / New Braunfels Conservation Society and Comal County offices and facilities
East - R-2 / Comal ISD education buildings
West - C-1 / Single family residences

ISSUE:
The proposed short-term rental is consistent with the following actions from Envision New Braunfels:

- *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.
- *Action 3.22:* Encourage venues within walking distance of neighborhoods and schools.
- *Action 3.*35*:* Support local non-profits whose mission includes Comprehensive Plan goals.

The property is situated in the Oak Creek Sub-Area, near an intersection of two Transitional Mixed-Use Corridors, is within Existing Employment, Market, Civic and Education Centers, and within a Future Employment Center.

FISCAL IMPACT:
If approved, short term rental of the property will be subject to local and state hotel occupancy tax.
RECOMMENDATION:
The Planning Commission held a public hearing on September 8, 2021 and recommended approval with a revised condition of approval that the occupancy be limited to a maximum of 2 guests (8-0) with Commissioner Gibson absent.

Staff recommends approval. Use of the existing dwelling on the property would provide additional options for heritage tourism in the city and would complement the overall mix of uses in this area. The location would allow easy access to main thoroughfares and visitor destinations without adding vehicular traffic to a residential neighborhood. Staff recommends approval in accordance with the Zoning Ordinance requirements for short term rentals that are intended to protect the surrounding residential neighborhood, plus the following conditions.

1. The heritage tourism 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.

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3. Occupancy is limited to a maximum of 2 guests.
4. The applicant will register the short-term rental and create an account for online payment of hotel occupancy taxes.
5. All other standards of the Zoning Ordinance will be met.

Mailed notification as required by state statute:
Public hearing notices were sent to owners of 28 properties within 200 feet of the request. The City has received one response (#5) in objection from an owner of property within the notification area.

Resource Links:

- Chapter 144, Section 3.3-7. *"C-1" Local Business District* of the City's Code of Ordinances: <https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.4ZODIREPRZOSUJU221987>
- Chapter 144, Section 3.6 (SUP) of the City's Code of Ordinances: <https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIZODI_S144-3.6SPUSPE>
- Chapter 144, Section 5.17 Short term rental or occupancy of the City's Code of Ordinances: <https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTVDEST_S144-5.17SHTEREOC>

Attachments:

1. Aerial Map
2. Site Plan - entire property
3. Site Plan - zoomed into subject structure
4. Floor Plan
5. Land Use Maps (Zoning, Existing Land Use, Short Term Rental Vicinity, Future Land Use Plan)
6. Notification List, Map and Responses
7. Draft Planning Commission Meeting Minutes
8. Ordinance