

## Legislation Text

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**File #:** 18-576, **Version:** 1

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Presenter

*Christopher J. Looney, Planning and Community Development Director  
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**SUBJECT:**

Approval of the second and final reading an ordinance regarding the proposed rezoning to apply a Special Use permit to allow short-term rental of a single-family residence in the "R-3" Multifamily District addressed at 274 N. Liberty Avenue.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ-18-030

**Council District:** 5

**Owner/Applicant:** Meadows Investments, LLC (B. M. Adams)  
174 Hidden Meadows Drive  
New Braunfels, TX 78132  
(830) 608-4901  
sea7@satx.rr.com

**Staff Contact:** Holly Mullins, Sr. Planner  
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hmullins@nbtexas.org

**City Council held a public hearing on September 24, 2018 and unanimously approved the first reading of the ordinance for the requested rezoning.**

The subject property is located on North Liberty Avenue, between Main and Commerce Streets, and across from Schlitterbahn Waterpark within the New Braunfels Sub Area. The property is approximately 15,000 square feet in area and, according to the appraisal district, contains a 1,160 square foot residential structure built in 1920.

The property is zoned "R-3" Multifamily District which allows rental or occupancy for less than one month. However, the structure is a single-family dwelling which requires approval of a Special Use Permit (SUP) before it can be used as a short-term rental. If the SUP is approved, an administrative Short Term Rental Permit is also required prior to first rental along with annual fire inspections.

The applicants recently purchased the property, which is in a state of disrepair. They indicate the existing structure will be rehabilitated into a three-bedroom, one-bath dwelling, which would allow a maximum occupancy of 10 adults for a short-term rental. Minimum required off-street parking is one space per sleeping area (3), with a maximum of 4 spaces. The applicant's site plan includes 4

parking spaces that will be paved with concrete or asphalt.

There are a number of short-term rental properties in the area, including three residential structures across the street that belong to Schlitterbahn.

**General Information:**

Size: = 15,450 square feet (0.355 acres)

**Surrounding Zoning and Land Use:**

North - R-3/Lodging

South - R-3/Single-family residence with short term rental

East - C-1/Retail, professional office

West - Across Liberty, C-4/Schlitterbahn Waterpark

**Comprehensive Plan:**

- New Braunfels Sub Area
- Close proximity to a Scenic River Corridor
- Near an existing Outdoor Recreation Center and Tourism/Entertainment Center

**Floodplain:**

No portion of the property is located within the 1% chance (100-year) floodplain.

**Improvement(s):**

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 subject property is zoned R-3 in an area of mixed commercial and residential uses. The property is located across Liberty Avenue from Schlitterbahn, next to other lodging uses, and in close proximity to Prince Solms Park, Christus Santa Rosa Hospital, and the Downtown Historic District.*);
- 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 negative impact on other areas designated for similar development.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare. (*The use of this property as a short term rental will be subject to the supplemental standards as required in Section 5.17 of the Zoning Ordinance. These standards help to ensure that proper measures are in place to protect public health and to encourage appropriate use of the property. Structural repairs and improvements planned for the property should benefit the neighborhood as a whole.*); and
- Whether the request is consistent with the Comprehensive Plan. (*The Comprehensive Plan identifies the subject property as lying in close proximity to a Scenic River Corridor (Comal River) and existing Outdoor Recreation and Tourist/Entertainment Centers.*)

Supplemental standards for short term rentals are attached, and include:

- An administrative Short-Term Rental Permit is required, and annual inspections are required in addition to the SUP;
- a maximum of two (2) adults per sleeping area plus an additional four (4) adults per residence **(three (3) sleeping areas plus four (4) additional adults allows for a maximum total of 10 adults)**;
- display of a short-term rental decal;
- a minimum of one (1) off-street parking space per sleeping area, not including a garage, and not to exceed the number of sleeping areas plus one (1) **(minimum of three (3) and maximum of four (4) spaces)**;
- adherence to the City's adopted building codes regarding life safety issues;
- compliance with City codes related to conduct on premises;
- signage in compliance with the current Sign Ordinance (no monument or freestanding pole signs; attached signage is not regulated); and
- required tenant information posted indoors and attached to the rental agreement including quiet hours, parking limitations and emergency information.

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

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|-----|--|---|
| Yes | <b>City Plan/Council Priority:</b><br><b>Envision New Braunfels</b><br><b>Pros and Cons Based on</b><br><b>Policies Plan</b> | <b>Pros:</b> <i>Action 3.3 Balance commercial centers with stable neighborhoods.</i> The subject property is in an area of mixed commercial and residential uses. Authorized short term rentals can provide a balance in transition neighborhoods such as this due to potential impacts being managed through the SUP process and associated development standards. <b>Action 1.14</b> <i>Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions.</i> Use of the subject property for a Short Term Rental will create an additional flexible lodging option near Schlitterbahn and the Christus Santa Rosa Hospital. |
|     |  | <b>Cons:</b> None   |

**FISCAL IMPACT:**

If approved, the property will be subject to state and local hotel occupancy tax (HOT). The property owner will be responsible for remitting the local portion of taxes to the City.

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on September 5, 2018 and recommended approval of the applicant's request with staff recommended conditions. (7-1-0 with Commissioner Sonier absent).

**STAFF RECOMMENDATION:**

Staff recommends approval of the applicant's requested rezoning. The proposed use of the property will complement the mixed uses in the area while improving the property and maintaining a residential appearance. The proposal would also be in accordance with the Comprehensive Plan.

Staff's recommendation includes the following conditions:

1. The applicant will obtain building permits and complete necessary repairs to make the structure safe to occupy.
2. The residential character of the property must be maintained.
3. 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 12 owners of property within 200 feet of the request. The Planning Division has received seven responses in favor (#1, 2, 3, 4, 10, 11, 12) and none in objection.

**ATTACHMENTS:**

1. Aerial, Regional Transportation Plan Map
2. Application
3. Land Use Maps (Zoning, Existing and Future Land Use, Short-term Rental)
4. Existing Centers
5. Future Land Use Plan
6. Site Plan and Floor Plan
7. Notification and Responses
8. Photographs
9. Draft Minutes from Planning Commission
10. Ordinances Sections:
  - Sec. 3.3-3 "R-3" Multifamily District
  - Sec. 3.6 Special Use Permits
  - Sec. 5.17 Short Term Rentals
11. Ordinance