

## Legislation Text

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File #: 19-277, Version: 1

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Presenter

*Christopher J. Looney, Planning and Community Development Director*  
*clooney@nbtexas.org*

**SUBJECT:**

Discuss and consider approval of the second and final reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow short-term rental of a single-family residence in the "C-O" Commercial Office District on 1.795 acres out of the AP Fuquay Survey 35 A-15, addressed at 1193 Gruene Road.

**BACKGROUND / RATIONALE:**

**Case No.:** PZ-19-005

**Council District:** 4

**Applicant/Owner:** T. M. Savell  
23899 W. Highway 6  
Alvin, TX 77511  
281-723-5657  
tbonehnr@yahoo.com

**Staff Contact:** Holly Mullins  
(830) 221-4054  
hmullins@nbtexas.org

**Background/rationale:**

**City Council held a public hearing on April 22, 2019 and approved the first reading of the requested rezoning.**

The subject property is located on Gruene Road, across from the Vineyard at Gruene Subdivision. It has frontage along the Guadalupe River and a small portion of the property, but none of the structure, is within the 1% annual chance (100 -year) floodplain. The property was recently rezoned from R-2 to C-O Commercial Office and is occupied by a single-family home.

If the requested Special Use Permit (SUP) is approved, an administrative Short Term Rental Permit is required prior to the first rental, along with annual fire inspections and remittance of hotel occupancy tax.

The three level residence has three bedrooms and three bathrooms. One level consists of an open living area that will contain a sleeper sofa. This results in four sleeping areas which allow a maximum occupancy of 12 adults (two per sleeping area plus an additional four). Minimum required off-street parking is one space per sleeping area (4), with a maximum of 5 spaces. The applicant's site plan indicates a paved parking area for five vehicles.

Supplemental standards for short term rentals are listed in Section 144-5.17-4, and include:

- an administrative Short Term Rental Permit must be obtained, and annual inspections are required in addition to the SUP;
- a maximum of two adults per sleeping area plus an additional four adults per residence **(four sleeping areas plus four additional adults allows a maximum total of 12 adults);**

- display of a short term rental decal;
- a minimum of one off-street parking space per sleeping area, not including a garage, and not to exceed the number of sleeping areas plus one (**minimum of 4 spaces and maximum of 5 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.

**General Information:**

**Surrounding Zoning and Land Use:**

North - C-4A/ Hotel - bed & breakfast inn

South -

East -

West -

PD/ Multiple dwelling units, short-term rentals

Across Gruene Road, C-1A/ Commercial

Across Guadalupe River, R-1/ Residential

**Request Due To Notice of Violation:**

No

**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 proposed use would be compatible with the existing mix of uses along Gruene Road, a main gateway to the tourist and economic hub of Gruene, a National Register 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 (*The proposed use should not impact other areas designated for similar development - see attached short term rental map. Staff's recommendation includes maintaining the residential appearance of the structure.*);
- 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 outlined in the Zoning Ordinance and noted above. These standards help to ensure that proper measures are in place to protect public health and to encourage appropriate use of the property.*); and
- Whether the request is consistent with the Comprehensive Plan (*The property is situated within the New Braunfels Sub-Area, along a Recreational River Corridor, and near the existing Tourist/Entertainment Center of Gruene.*)

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

<b>City Plan/Council Priority:</b> Envision New Braunfels	<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>Action 3.3</b> Balance commercial centers with stable neighborhoods.
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**FISCAL IMPACT:**

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

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on April 2, 2019 and recommended approval (8-0-0).

**STAFF RECOMMENDATION:**

Staff recommends approval. The proposed use of the property will complement the mixed uses in the Gruene area and provide an appropriate use intensity transition consistent with Envision New Braunfels. The location would allow easy access to main thoroughfares and visitor destinations without impacts to the interior of a neighborhood. Staff's recommendation includes 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.

**Notification:**

Public hearing notices were sent to 14 owners of property within 200 feet of the request. The City has received one response in favor (#12) and none in objection.

**Attachments:**

1. Aerial Map
2. Site Plan and Floor Plan
3. Land Use Maps (Zoning, Existing Land Use, Existing Centers, Future Land Use Plan)
4. Short-term Rental Map
5. Photograph
6. Notification Map and List
7. Ordinances:
  - Sec. 3.6 Special Use Permits
  - Sec. 5.17 Short Term Rentals
8. Draft Minutes from Planning Commission
9. Ordinance