

## Legislation Text

---

**File #:** 19-367, **Version:** 1

---

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 a proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family residence in the "M-1" Light Industrial District at 343 E. Mill Street.

**BACKGROUND / RATIONALE:**

**Case No.:** SUP19-054

**Council District:** 5

**Applicant/Owner:** Christine Quiros  
149 Rio Azul  
Seguin, TX 78155  
210-831-9948  
partyoffiveq@satx.rr.com

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

**City Council held a public hearing and approved the first reading of this requested rezoning ordinance with recommended conditions, plus a limit of six occupants (two people per sleeping area plus two additional people) including adults and children. (5-1-0)**

The subject property is located on Mill Street, across the street from the ADM Milling Company's downtown property. This area was zoned M-1 Light Industrial in 1966, and has developed into a mix of industrial, commercial, and residential uses. The existing single-family residence on the subject lot was constructed in the 1880s (it is not presently a historic landmark nor within a historic district).

The applicant is pursuing a Special Use Permit (SUP) for a short-term rental. If 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 single-family residence has one bedroom and one bathroom, with a living room that will contain a sleeper sofa. This results in two sleeping areas which allow a maximum occupancy of eight adults (two per sleeping area plus an additional four). Minimum required off-street parking is one space per sleeping area (two), with a maximum of three spaces. The applicant's site plan indicates a paved

driveway approximately 60 feet long, providing parking for three vehicles.

There are three other properties on the block zoned appropriately for short-term rentals. A record search indicated no recent code enforcement action on them.

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 **(two sleeping areas plus four additional adults allows a maximum total of eight 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 2 two spaces and maximum of three 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 - M-1/ Single-family residence with SUP for short-term rental

South - Across Mill Street, C-2/ ADM Mill property

East - M-1/ Single-family residence with SUP for short-term rental

West - M-1/ Single-family residences

#### *Floodplain:*

No portion of the property is within the 1% annual chance (100-year) flood zone.

#### *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 is appropriate for this location in the downtown area as it would be compatible with the existing mix of uses in the central business district and is in close proximity to river recreation.);*
- 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 *(The use of this property as a short-term rental will be subject to the supplemental*

*standards required in 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.); and*

- Whether the request is consistent with the Comprehensive Plan (*The property is situated within the New Braunfels Sub-Area and existing Market, Civic, Employment and Outdoor Recreation Centers. It is also in close proximity to a Recreational River Corridor and Downtown.*)

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

<b>City Plan/Council Priority:</b> Envision New Braunfels Comprehensive Plan	<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.
--	---

**FISCAL IMPACT:**

Short term rental use of the property will be subject to hotel occupancy tax (HOT). The property owner will be responsible for remitting these taxes to the City and the State.

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on May 7, 2019 and recommended approval of the request (6-1) with a maximum occupancy of 6 adults rather than 8.

**STAFF RECOMMENDATION:**

Staff recommends approval. The proposed use of the property will complement the mixed uses in the downtown area and provide an appropriate intensity transition between industrial and residential uses consistent with Envision New Braunfels. The location would allow easy access to main thoroughfares and visitor destinations without impacts to the 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.
3. All Supplemental Standards of Section 144-5.17-4 will be met.

**Notification:**

Public hearing notices were sent to 11 owners of property within 200 feet; the City has received two responses in favor (#4, 5) 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