Legislation Text

File #: 22-899, **Version:** 1

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 a bed and breakfast in the "R-2" Single and Two Family Residential District on 0.3992 acres, addressed at 842 and 854 W. Bridge Street.
DEPARTMENT: Planning and Development Services
COUNCIL DISTRICTS IMPACTED: 1

BACKGROUND INFORMATION:
Case No.:   SUP22-216

Applicant/Owner: Yolanda E. Cuellar
                     842 W. Bridge Street
                     New Braunfels, TX 78130
                     (830) 660-6123 | yecuellar@yahoo.com

Staff Contact: Laure Middleton
                     (830) 221-4054 | Lmiddleton@nbtexas.org

The City Council held a public hearing on July 25, 2022 and unanimously approved the first reading of the ordinance for the applicant's requested rezoning with recommended conditions (7-0-0).

The subject property is located just South of Santa Clara Avenue two blocks north of the Walnut Avenue trail, and two blocks west of the McKenna Children's Museum. It is improved with two homes built in 1925 and one detached garage. The applicant resides on the property in the home addressed at 854 W. Bridge Street and is requesting a Special Use Permit (SUP) to allow the operation of a bed and breakfast in the home addressed at 842 W. Bridge Street.

Bed and Breakfasts (B&Bs) are specifically defined with required standards in the zoning ordinance. An important distinction of a bed and breakfast is the requirement that the facility be owner occupied in residential zoning districts. The applicant's primary residence is on the property and they intend to rent the second home to B&B guests as needed.

Per Section 144-5.6-2 and 144-5.6-3 of the Zoning Ordinance, the maximum number of guest rooms is eight for a bed and breakfast, with a minimum off-street parking of one space per guest room and one space for the owner/proprietor. In addition to the owner/proprietor's residence, the bed and breakfast house has two guest rooms. The existing driveway and carport can support the minimum required spaces for 3 vehicles for both the primary residence and the guests at the B&B.

Zoning and Land Use:

North -   R-2 / Single family residence
South -   R-2 / Single family residence
East -   Across Bridge Street, R-2 / Single family residence
West -   Union Pacific Railroad

ISSUE:
The proposed SUP meets all Zoning Ordinance requirements for a bed and breakfast, and is consistent with the following actions from Envision New Braunfels:

o   Action 1.3: Encourage balanced and fiscally responsible land-use patterns.
o   Action 1.14: Ensure regulations do not unintentionally inhibit the provisions of a variety of flexible and innovative lodging options and attractions.
o   Action 1.6: Incentivize infill development and redevelopment to take advantage of existing infrastructure.
o   Future Land Use: The property is within the New Braunfels Sub-Area, and within a short drive or bicycle ride to existing Outdoor Recreation, Tourist, Civic, and Market Centers and Downtown New Braunfels.

The proposed bed and breakfast is located within close proximity to downtown and an area of town focused on tourist-oriented businesses. There are 2 approved short term rental SUPs and one Bed and Breakfast within one-half mile of the subject property, all currently active.

The use of this property as a bed and breakfast will be subject to the supplemental standards as required in Section 5.6 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:

1.   The facility must be owner occupied in residential zoning districts;
2.   Maintain one parking space per guest room plus one for the owner;
3.   Annual health and safety inspections are required; and
4.   Only overnight guests may be served meals, limited to a continental-type breakfast of pre-packaged food unless the facility meets all requirements for commercial food service.
5.   Weddings, parties, and other functions are not permitted unless approved by the Planning and Development Services Department.
6.   The existing residential character and appearance of the buildings must be maintained.
7.   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.
8.   The owner must maintain an account for online payment of hotel occupancy taxes.
9.   All other standards of the Zoning Ordinance will also be met.

FISCAL IMPACT:
If approved, the property is subject to local and state hotel occupancy tax (HOT).
RECOMMENDATION:
Staff recommends approval.

The Planning Commission held a public hearing on July 5, 2022 and unanimously recommended approval (8-0).

Mailed notification pursuant to state statute:
Public hearing notices were sent to 16 owners of property within 200 feet of the request. To date, the city has received one response in favor from property owner 9, and 5 responses in opposition from outside the

notification area.

Resource Links:

- Chapter 144, Sec. 3.4-17 (R-2) of the City's Code of Ordinances:

  <https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

  - Chapter 144, Sec. 5.6 (Bed and breakfast facilities) of the City's Code of Ordinances:

  <https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

- Chapter 144, Sec. 3.6 (SUP) of the City's Code of Ordinances:

  <https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?

- Chapter 106 (Signs) of the City's Code of Ordinances:

  <https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?