



AGENDA MEMORANDUM

Public Hearing and First Reading Ordinance for the City Council Meeting of February 11, 2014
Second Reading Ordinance for the City Council Meeting of February 18, 2014

DATE: January 22, 2014

TO: Ronald L. Olson, City Manager

FROM: Mark E. Van Vleck, P.E., Director, Development Services Department
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**Rezoning for a Bed and Breakfast Home in a Single-Family District
For BL Real Estate Holding Company, L.P.
Property Address: 117 Martha Drive**

CAPTION:

Case No. 1213-05 BL Real Estate Holding Company, L.P.: From the "RS-6" Single-Family 6 District to the "RS-6/SP" Single-Family 6 District with a Special Permit for a bed and breakfast home, not resulting in a change to the Future Land Use Plan. The property to be rezoned is described as Lot 5, Laguna Madre Cove, located on the south side of Martha Drive near the end of Laguna Shores Road.

PURPOSE:

The purpose of this item is to rezone the subject property to allow a bed and breakfast home.

RECOMMENDATION:

Planning Commission Recommendation (January 15, 2014): Denial of the rezoning from the "RS-6" Single-Family 6 District to the "RS-6/SP" Single-Family 6 District with a Special Permit for a bed and breakfast home.

Staff Recommendation: Approval of the rezoning from the "RS-6" Single-Family 6 District to the "RS-6/SP" Single-Family 6 District with a Special Permit for a bed and breakfast home subject to the following conditions:

1. **Uses:** The only use allowed on the Property other than those uses allowed by right in the "RS-6" Single-Family 6 District is a bed and breakfast home, which is defined as a private, owner-occupied residence that offers sleeping

accommodations to not more than 10 lodgers. The operation of the bed and breakfast home shall be in compliance with the specific standards for a bed and breakfast home as required by the UDC Section 5.2.8.

2. **Time Limit:** The special permit shall expire 12 months after approval unless a certificate of UDC compliance has been issued for the bed and breakfast home.

BACKGROUND AND FINDINGS:

As detailed in the attached report, the applicant is requesting to rezone the subject property from the "RS-6" Single-Family 6 District to the "RS-6/SP" Single-Family 6 District with a Special Permit for a bed and breakfast home which would allow overnight accommodations of less than 30 days. In addition to the subject property, the applicant owns and operates Bluff's Landing Marina & Lodge, which is a development near the end of Laguna Shores Road and consists of a full service marina, lodge, restaurant, hotel and bait shop. The Bluff's Landing is surrounded by established single-family residential neighborhoods.

Bluff's Landing purchased the subject property with single-family dwelling and began renting it on a daily and/or weekend basis, which is not allowed by the City's Unified Development Code (UDC). Unless authorized by a Special Permit, the UDC does not allow the rental of single-family dwellings in residential zoning districts for less than a 30-day period. Bluff's Landing was issued a notice about its unpermitted use of the dwelling. Bluff's Landing is now rezoning the subject property in order to establish a bed and breakfast home. The bed and breakfast home is subject to specific operational requirements, which include the requirement that the dwelling be owner-occupied.

The residents oppose the commercial encroachment into their neighborhood, which they fear will diminish property values, reduce privacy, and increase trash and pollution of the canals. Many stated being disturbed by late night parties with loud music and cursing. The Police Department has been called twice for loud noise disturbances.

Many of the residents, as well as the Laguna Madre Cove Neighborhood Association, are opposed to the rezoning for a bed and breakfast home. Seven residents representing 27.39% of the land area within 200 feet of the subject property are opposed. Therefore, seven council members will have to vote in favor of this rezoning in order to approve it. An additional 21 households outside the 200-foot notice area showed opposition by signing a petition. (See supporting documents.) After the public hearing, the Planning Commission unanimously voted to deny the request for the Special Permit.

ALTERNATIVES:

1. Deny the request.
2. Modify conditions of Special Permit.

OTHER CONSIDERATIONS:

Not Applicable

CONFORMITY TO CITY POLICY:

The proposed rezoning is consistent with the adopted Future Land Use Plan, in that a rezoning to a Special Permit for a bed and breakfast home would not result in a change to the Future Land Use Plan.

EMERGENCY / NON-EMERGENCY:

Non-Emergency

DEPARTMENTAL CLEARANCES:

Legal and Planning Commission

FINANCIAL IMPACT:

Operating Revenue Capital Not applicable

Fiscal Year: 2013-2014	Project to Date Expenditures (CIP only)	Current Year	Future Years	TOTALS
Line Item Budget				
Encumbered / Expended Amount				
This item				
BALANCE				

Fund(s):

Comments: None

LIST OF SUPPORTING DOCUMENTS:

Ordinance with Exhibits
Report with Attachments Presentation
Public Comment Summary
Opposition Package Submitted by Neighborhood Representative Presentation