

PLANNING COMMISSION FINAL REPORT

Case No.: 1213-05
 HTE No. 13-10000043

Planning Commission Hearing Date: January 15, 2014

Applicant & Legal Description	<p>Representative: : Mick Linares with Bluff's Landing Marina and Lodge Applicant/Owner: BL Real Estate Holding Company, L.P. Legal Description/Location: Lot 5, Laguna Madre Cove, located on the south side of Martha Drive near the end of Laguna Shores Road.</p>			
Zoning Request	<p>From: "RS-6" Single-Family 6 District To: "RS-6/SP" Single-Family 6 District with a Special Permit for a bed and breakfast home Area: 0.21 acres Purpose of Request: To allow a bed and breakfast home with overnight accommodations of less than 30 days.</p>			
Existing Zoning and Land Uses		Existing Zoning District	Existing Land Use	Future Land Use
	<i>Site</i>	"RS-6" Single-Family	Low Density Residential	Low Density Residential
	<i>North</i>	"CN-1" Neighborhood Commercial & "CR-1" Resort Commercial	Commercial	Commercial
	<i>South</i>	"RS-6" Single-Family	Low Density Residential	Low Density Residential
	<i>East</i>	"RS-6" Single-Family	Low Density Residential	Low Density Residential
	<i>West</i>	"RS-6" Single-Family	Low Density Residential	Low Density Residential
ADP, Map & Violations	<p>Area Development Plan: The subject property is located within the boundaries of the Flour Bluff Area Development Plan (ADP) and is planned for low density residential uses. The proposed rezoning to the "RS-6/SP" Single-Family 6 District with a Special Permit for a bed and breakfast is consistent with the adopted Future Land Use Plan in that a bed and breakfast is a permitted use in the "RS-6" Single-Family 6 District. Map No.: 036026 Zoning Violations: Case #V034446-11413 (WebQA) – Violation of UDC 1.7 Minimum Requirements, Subsection 5.2.24. Notice issued to property owner by Code Enforcement on October 14, 2013. No citation issued.</p>			

Transportation	Transportation and Circulation: The subject property has 70 feet of frontage on Martha Drive, which is a local street, and 70 feet of frontage on a canal leading to the Laguna Madre. The subject property is located near the intersection of Wyndale Drive, which is a local street, and Laguna Shores Road, which is a proposed Parkway Collector.				
Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
	Martha Dr.	Local	50' ROW, 28' paved	40' ROW, 20' paved	Not Available
	Wyndale Dr.	Local	50' ROW, 28' paved	70' ROW, 20' paved	Not Available
	Laguna Shores Rd.	Parkway Collector	80' ROW, 40' paved	70' ROW, 20' paved	4,593 ADT (2009)

Staff Summary:

Requested Zoning: The applicant is requesting a 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 to allow overnight accommodations of less than 30 days. The property owner is the proprietor of Bluff’s Landing Marina and Lodge. The subject property was purchased to be used as additional lodging for its customers and the applicant is requesting the rezoning in order to comply with the Unified Development Code (UDC), which prohibits the rental of single-family dwellings for less than 30 days in a single-family district.

Applicant’s Development Plan: Bluff’s Landing Marina & Lodge is a development in the Flour Bluff Area consisting of a full service marina and lodge complex. The Marina offers boat slips and fishing guides, a tackle and bait store, a restaurant, a 24-room hotel and five lodges. Bluff’s Landing been in business for approximately five years after a rezoning to a Resort Commercial zoning district allowed the uses. Bluff’s Landing (or BL Real Estate Holding Company, LP) purchased the subject property, which is located directly across from the Marina, to be used as a guest lodge with rental periods of less than 30 days. UDC Section 5.2.24 “Rentals (Single Family)” states that “Single-family units in a single-family district cannot be rented for less than a one-month period, unless approved by the Planning Commission and City Council as a bed and breakfast home.”

The subject property includes a 2,818-square foot dwelling with four bedrooms and two bathrooms. A solid wood fence is located along the side yards of the subject property and along the street frontage. As a bed and breakfast home will have to be owner-

occupied and can rent to no more than 10 lodgers at a time. Breakfast may be served to the lodgers. The applicant does not have any intentions of modifying the existing structure.

UDC Section 1.11.3 defines a bed and breakfast home as “[a] private, owner-occupied residence that offers sleeping accommodations to not more than 10 lodgers.” Section 5.2.8 Bed and Breakfast Home provides additional stipulations for the bed and breakfast home use, and Table 7.2.2.B specifies that there must be two off-street parking spaces per room for overnight accommodations. Additionally, the operation of a bed and breakfast home must be in accordance with the requirements stipulated in UDC Section 5.2.8:

UDC Section 5.2.8, Specific Standards for a Bed and Breakfast Home

A bed and breakfast home shall be permitted in accordance with the use tables in Article 4 subject to the following standards:

- A. Sleeping accommodations shall not exceed five bedrooms and no more than 10 lodgers shall be accommodated at one time, not including the owner-occupied rooms.
- B. Kitchen and dining facilities may be included to provide meals to guests only. No food preparation shall be permitted in guest bedrooms.
- C. Parking in the street yard of a bed and breakfast home shall be prohibited. All parking shall be screened from an adjacent residential use by an opaque fence or a hedge a minimum of 6 feet in height.
- D. In residential districts, no exterior evidence of the bed and breakfast home shall be allowed, except that one attached sign no larger than 1 square foot in area shall be permitted with no additional advertising of any kind allowed on site. In nonresidential districts, the sign provisions of Section 7.5 shall apply.
- E. The operator shall keep a current request register including names, permanent addresses, dates of occupancy and motor vehicle license numbers for all guests.
- F. A temporary use permit in accordance with Section 5.4 shall be required for any party, reception or similar special event that is anticipated to draw more than 10 total guests (including overnight guests) to the bed and breakfast home. Special events subject to the temporary use permit shall be limited to a total of six such functions per calendar year and shall be limited to between the hours of 7 a.m. and midnight. Such events shall be limited to the interior of the bed and breakfast home.
- G. The bed and breakfast home shall be no closer than 1,000 feet to any other bed and breakfast home.

Existing Land Uses & Zoning: Located directly across Martha Drive to the north of the subject property is a “CN-1” Neighborhood Commercial District where Bluff’s Landing Marina is located. East of the subject property is one single-family dwelling in the “RS-6” Single-Family 6 District. Two lots to the east of the subject property is a single-family dwelling zoned “CR-1” Resort Commercial District. This single-family dwelling is currently advertised on the internet for weekday/weekend rentals. South of the subject property is a canal leading to the Laguna Madre and single-family houses zoned “RS-6” Single-Family 6 District. West of the subject property is a vacant lot zoned “RS-6” Single-Family 6 District.

AICUZ: The subject property is not located in one of the Navy’s Air Installation Compatibility Use Zones (AICUZ).

Comprehensive Plan & Area Development Plan Consistency: The subject property is located within the boundaries of the Flour Bluff Area Development Plan and the proposed rezoning is consistent with the adopted Future Land Use Plan, which slates the property for a low density residential use, because a bed and breakfast use is a permitted in the single-family district by Special Permit and the subject property’s base zoning district would not change if granted a Special Permit.

Plat Status: The subject property is currently platted.

Special Permit Review Criteria:

In determining whether to approve, approve with conditions or deny a special permit, the applicable review bodies shall consider the following criteria according to UDC Section 3.6.3:

1. The use is consistent with the Comprehensive Plan.
2. The use complements and is compatible with the surrounding uses and community facilities.
3. The impact of the use on public infrastructure such as roads, natural gas, water, storm water and wastewater systems, and on public services such as police and fire protection and solid waste collection can be minimized without negatively impacting existing uses in the area and in the City.
4. The use contributes to, enhances or promotes the welfare of adjacent properties and the surrounding area.
5. The use does not substantially adversely affect adjacent and neighboring uses.
6. The use does conform in all other respect to regulations and standards in the UDC.
7. If located within or adjacent to a residential area, the physical appearance, hours of operation and conduct of the use does not generate excessive noise, dust, smoke, glare, spillover lighting or other forms of environmental or visual pollution or otherwise detrimentally affect the residential character.
8. The development provides ample off-street parking and loading facilities.

Department Comments:

- A bed and breakfast home is allowed in the “RS-6” Single-Family 6 District only if City Council approves a Special Permit for the use.
- The subject property is located across from commercial uses and Neighborhood Commercial zoning. The subject property is also near the intersection of three streets, where the commercial uses are located.
- The proposed rezoning is consistent with the Comprehensive Plan.
- The subject property has not been operating in compliance with the Unified Development Code (UDC). A neighborhood complaint brought the illegal land use to the attention of the City’s Code Enforcement Department. The property owner is applying for a Special Permit for a bed and breakfast home because it is the only use in the UDC that would allow the property owner to rent rooms for less than 30 days. The property owner’s past operations of this property as a “short-term rental” do not meet the requirements of a bed and breakfast home. By definition, this bed and breakfast home will have to be owner-occupied, which would likely result in less noise and disturbance in the neighborhood when it is rented.
- If approved, the operation of the bed and breakfast home would have to comply with the specific standards for a bed and breakfast home as stipulated by UDC Section 5.2.8. These conditions are listed above.
- Neighborhood complaints about noise during late night hours are expected to be addressed by the UDC’s requirement that the bed and breakfast be owner-occupied. The owner, which is a company, would be required by the UDC to have a manager living on premise.
- The application meets the requirements of UDC Section 3.6.3 “Review Criteria” for a Special Permit.

Planning Commission Recommendation: Planning Commission unanimously voted to deny 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, citing:

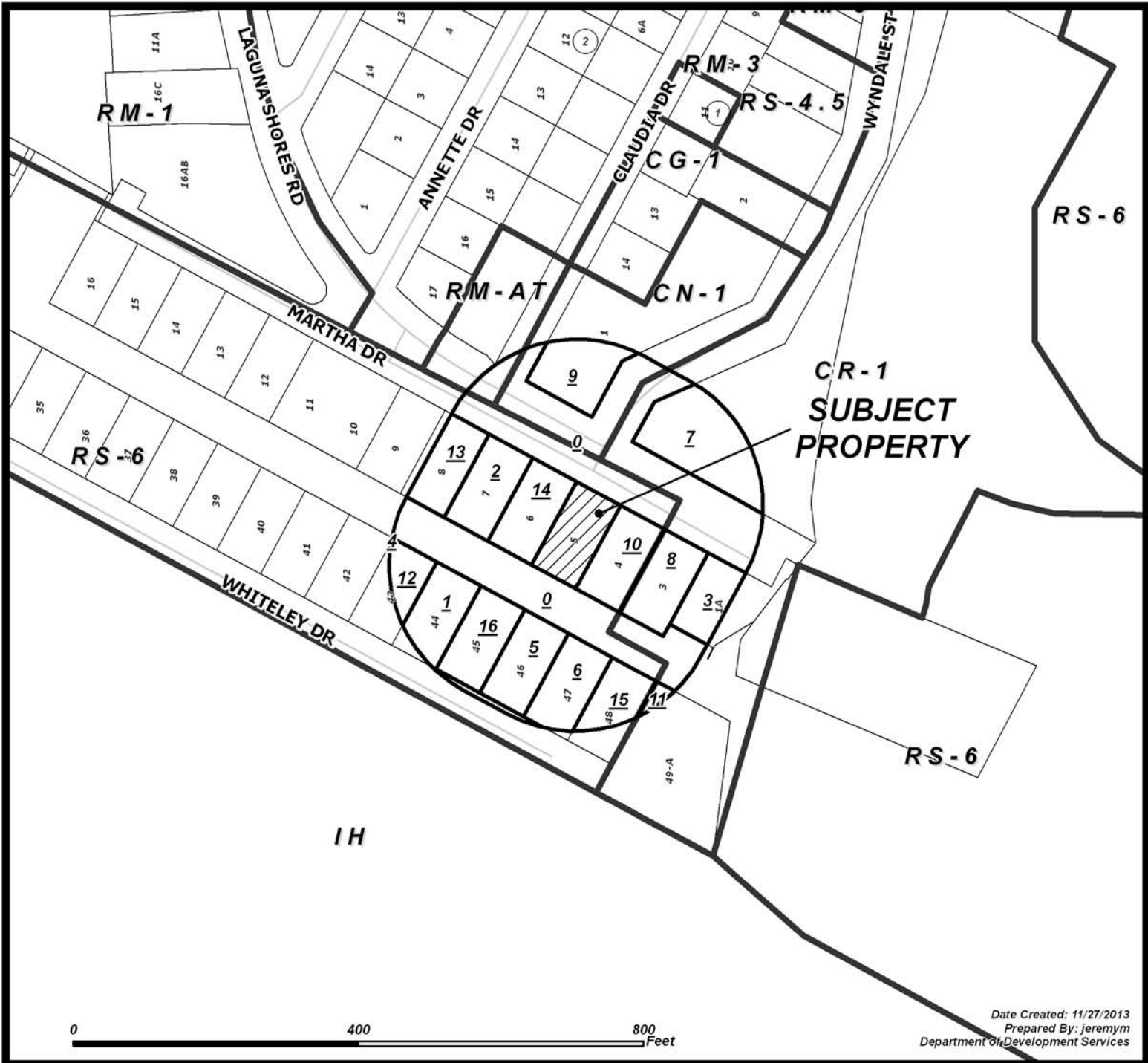
- Location of the subject property within the neighborhood as opposed to on the edge of an existing commercial zoning district.
- Neighborhood opposition and complaints.
- Prior illegal use of the subject property.

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 two 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.

Public Notification	Number of Notices Mailed – 16 within 200' notification area; 3 outside notification area
	<u>As of January 22, 2014:</u>
	In Favor – 2 inside notification area 0 outside notification area
	In Opposition – 7 inside notification area 34 outside notification area
For 27.39% of the area within 200 feet of the subject property in opposition.	

- Attachments:
1. Subject Property w/zoning
 2. Layout of Bluff's Landing Facility

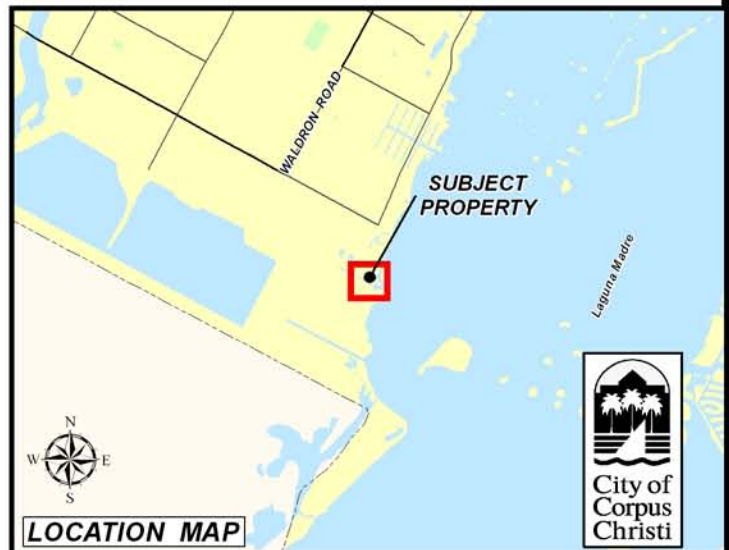


Date Created: 11/27/2013
 Prepared By: jeremym
 Department of Development Services

CASE: 1213-05 ZONING & NOTICE AREA

RM-1 Multifamily 1	IL Light Industrial
RM-2 Multifamily 2	IH Heavy Industrial
RM-3 Multifamily 3	PUD Planned Unit Dev. Overlay
ON Professional Office	RS-10 Single-Family 10
RM-AT Multifamily AT	RS-6 Single-Family 6
CN-1 Neighborhood Commercial	RS-4.5 Single-Family 4.5
CN-2 Neighborhood Commercial	RS-TF Two-Family
CR-1 Resort Commercial	RS-15 Single-Family 15
CR-2 Resort Commercial	RE Residential Estate
CG-1 General Commercial	RS-TH Townhouse
CG-2 General Commercial	SP Special Permit
CI Intensive Commercial	RV Recreational Vehicle Park
CBD Downtown Commercial	RMH Manufactured Home
CR-3 Resort Commercial	
FR Farm Rural	
H Historic Overlay	
BP Business Park	

- Subject Property with 200' buffer
- Owners in favor
- 4** Owners within 200' listed on attached ownership table
- X** Owners in opposition





Bluff's Landing Marina & Lodge

