

Legislation Details (With Text)

File #:	24-699	Name:	
Type:	Recommendation	Status:	Individual Item Ready
File created:	5/14/2024	In control:	Planning Commission
On agenda:	6/4/2024	Final action:	
Title:	SUP24-157 Public hearing and recommendation to City Council to rezone 0.12 acres out of City Block 2016, North 56 feet of Lot 38, from C-2 (General Business District) to C-2 SUP (General Business District with a Special Use Permit for Short-Term Rental of a Residence), currently addressed at 444 North Market Avenue		

Sponsors:

Indexes:

Code sections:

Attachments: 1. City Maps, 2. Applicant Attachments, 3. Subject Property Photo, 4. Notification Map, List & Responses

Date	Ver.	Action By	Action	Result
6/4/2024	1	Planning Commission		

PRESENTER:

Applicant/Owner: Savannah Zipp

SUBJECT:

SUP24-157 Public hearing and recommendation to City Council to rezone 0.12 acres out of City Block 2016, North 56 feet of Lot 38, from C-2 (General Business District) to C-2 SUP (General Business District with a Special Use Permit for Short-Term Rental of a Residence), currently addressed at 444 North Market Avenue

DEPARTMENT: Planning and Development Services

COUNCIL DISTRICTS IMPACTED: 5

BACKGROUND INFORMATION:

Case No: SUP24-157

Applicant/Owner: Savannah Zipp
463 Yarro St.
New Braunfels, TX 78130
(281) 923-1809 | czventures1@gmail.com

Staff Contact: Mary Lovell, Senior Planner
(830) 221-4051 | mlovell@newbraunfels.gov

The subject property is approximately 0.12 acres located on the northeast side of North Market Avenue, approximately 165 feet northwest from the intersection of North Market Avenue and East Zink Street, approximately 215 feet from the Union Pacific Railroad tracks and approximately 500 feet from the Comal River. The property is also near several restaurants and recreational tubing businesses.

The residence will be a 2,380-square-foot two-story house with four bedrooms and three bathrooms. This

Special Use Permit (SUP) application is proposed to allow the short-term rental (STR) of the permitted home once it is constructed. The permits for this residence have received approval from Planning and Development Services and the final build will be required to pass final inspections to obtain a certificate of occupancy.

Per the Zoning Ordinance, the maximum occupancy of a STR with a total of 4 bedrooms and 3 bathrooms is 10 occupants, and the minimum off-street parking is 4 spaces. The applicant is providing 5 off-site parking spaces, exceeding the minimum parking space requirement.

Surrounding Zoning and Land Use:

North	C-2	Residential
South	C-2	Residential
East	C-2	Residential
West	C-2	Residential, Commercial

ISSUE:

The proposed rezoning to apply the Special Use Permit is consistent with the following actions from Envision New Braunfels:

- **Action 1.3:** Encourage balanced and fiscally responsible land-use patterns.
- **Action 1.14:** Ensure regulations do not unintentionally inhibit the provisions of a variety of flexible and innovative lodging options and attractions.

Future Land Use Plan: The subject property is located within the New Braunfels Subarea, near an Existing Tourist Center and a Proposed Outdoor Recreation Center.

Short-term rental standards in the Zoning Ordinance help to ensure proper measures are in place to protect public health, safety, and neighboring properties. If this rezoning request is approved, the registration of the short-term rental and online payment of hotel occupancy taxes are required. Also, the project must comply with all other City Code standards.

There are currently 27 active short-term rental properties within one-half mile of the subject property.

FISCAL IMPACT:

If approved, the property will be subject to local and state hotel occupancy tax (HOT).

STRATEGIC PLAN REFERENCE:

- Economic Mobility Enhanced Connectivity Community Identity
Organizational Excellence Community Well-Being N/A

Community Identity 3. Develop and implement comprehensive brand identity that represents the entire organization, clearly articulates and celebrates the culture of New Braunfels, highlights the unique assets of the community, and supports economic development and tourism efforts as well as City operations, including recruitment and retention.

RECOMMENDATION:

Staff recommends approval subject to 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 and floor plan. Any significant changes to the site plan or floor plan will require a revision to the SUP.

Mailed notification as required by state statute:

Public hearing notices were sent to owners of 12 properties within 200 feet of the request. To date, the city has received no responses.

Resource Links:

- Chapter 144, Sec. 3.3-8 (C-2) 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 144, Sec. 5.17 (Short-term Rental) of the City's Code of Ordinances:
https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?