

## Legislation Details (With Text)

<b>File #:</b>	22-1121	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Passed
<b>File created:</b>	8/23/2022	<b>In control:</b>	City Council
<b>On agenda:</b>	9/12/2022	<b>Final action:</b>	9/12/2022
<b>Title:</b>	Approval of the second and final reading of an ordinance regarding a proposed rezoning from “SND-1” Special Neighborhood District to “C-O” Commercial Office District with a Special Use Permit to allow short-term rental of a residential structure on approximately 8,080 square feet, Lots 6-7-S of New City Block 1064 of the Highway Addition Subdivision, addressed at 930 S. Castell Avenue.		

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. City Maps, 2. Districts Comparison Table, 3. Applicant Attachments, 4. Subject Property Photo, 5. Notification Map, List, & Responses, 6. PC Draft Minutes, 7. Draft Ordinance

Date	Ver.	Action By	Action	Result
9/12/2022	1	City Council	approved	Pass

**PRESENTER:**

Christopher J. Looney, AICP Planning and Development Services Director

**SUBJECT:**

Approval of the second and final reading of an ordinance regarding a proposed rezoning from “SND-1” Special Neighborhood District to “C-O” Commercial Office District with a Special Use Permit to allow short-term rental of a residential structure on approximately 8,080 square feet, Lots 6-7-S of New City Block 1064 of the Highway Addition Subdivision, addressed at 930 S. Castell Avenue.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** 5

**BACKGROUND INFORMATION:**

Case No.: SUP22-266

Applicant/Owner: Melinda Benbrook  
424 S. Academy Avenue  
New Braunfels, TX 78130  
(830) 237-9875 | mcamarillo7@yahoo.com

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

**City Council held a public hearing on August 22, 2022 and unanimously approved the first reading of the ordinance with staff recommended conditions (6-0).**

The subject property is situated on the west side of South Castell Avenue approximately 115 feet south of West Nacogdoches Street. The applicant’s requested rezoning is to allow short-term rental (STR) of the existing single-family residence.

The home was built in 1948 and has 2 bedrooms and 1 bathroom. Per the Zoning Ordinance, the maximum occupancy of an STR with two bedrooms and one bathroom is 5 occupants, and the minimum off-street parking is 2 spaces. The property has adequate paved parking for 2 vehicles.

*Zoning and Land Use:*

- North - SND-1 SUP for office / Office
- South - C-1A / Garden, undeveloped
- East - Across S. Castell, C-3 / Single-family residence
- West - SND-1 / Single-family residence

**ISSUE:**

The subject property fronts South Castell Avenue, a Major Collector that leads to Downtown. The immediate area is a mixture of non-residential and residential uses that serve both residents and visitors.

The proposed zoning change would be in accordance with 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: The property is situated within the New Braunfels Sub-Area, in close proximity to existing Market Centers, and within a short drive or bicycle ride to Outdoor Recreation, Tourist, and Civic Centers and to Downtown.

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 the SUP 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 6 approved short-term rentals within one-half mile of the subject property, all currently active.

**FISCAL IMPACT:**

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

**RECOMMENDATION:**

Approval with 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. Occupancy is limited to a maximum of 5 guests.

The Planning Commission held a public hearing on August 2, 2022 and unanimously recommended approval with conditions (9-0).

*Mailed Notification pursuant to state statute:*

Public hearing notices were sent to 24 owners of property within 200 feet of the request. To date, the city has received no responses.

**Resource Links:**

- Chapter 144, Sec. 3.8-4 (SND-1) of the City's Code of Ordinances:

[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)

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

[https://library.municode.com/tx/new\\_braunfels/codes/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?](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?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)