

## Legislation Details (With Text)

<b>File #:</b>	24-728	<b>Name:</b>	
<b>Type:</b>	Recommendation	<b>Status:</b>	Individual Item Ready
<b>File created:</b>	5/17/2024	<b>In control:</b>	Planning Commission
<b>On agenda:</b>	6/4/2024	<b>Final action:</b>	
<b>Title:</b>	SUP24-154 Public hearing and recommendation to City Council to rezone approximately 0.18 acres out of City Block 5026, South 130 feet of Lot 6, from R-2 (Single-Family and Two-Family District) to C-O SUP (Commercial Office District with a Special Use Permit for Short-Term Rental of a Residence), currently addressed at 465 E Mather St.		

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. City Maps, 2. District Comparison Table, 3. Site Plan and Floor Plan, 4. Subject Property Photos, 5. Notification Map, List, & Responses

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

**PRESENTER:**

Applicant/Owner: Diego Arroyo

**SUBJECT:**

**SUP24-154** Public hearing and recommendation to City Council to rezone approximately 0.18 acres out of City Block 5026, South 130 feet of Lot 6, from R-2 (Single-Family and Two-Family District) to C-O SUP (Commercial Office District with a Special Use Permit for Short-Term Rental of a Residence), currently addressed at 465 E Mather St.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** 5

**BACKGROUND INFORMATION:**

Case No: SUP24-154  
 Applicant/Owner: Diego Arroyo  
 1535 Frankies Cove  
 New Braunfels, TX 78132  
 (830) 214-5502 | ehd505@gmail.com  
 Staff Contact: Amanda Mushinski, CNU-A  
 (830) 221-4056 | amushinski@newbraunfels.gov

The subject property is approximately 0.18 acres in size located on the northwest side of E Mather St, approximately 3 blocks northeast of the intersection of E Mather St and N Union Ave, and 3 block northeast of Schlitterbahn Waterpark Resort.

The applicant is requesting a change in zoning from R-2 (Single-Family and Two-Family District) to C-O SUP (Commercial Office District with a Special Use Permit for Short-Term Rental of a Residence) to allow the short-term rental (STR) of the existing home.

The 1980s residence is roughly 1232 square feet in total interior livable area with 3 bedrooms and 1 bathroom.

Per the Zoning Ordinance, the maximum occupancy of a STR with a total of 3 bedrooms and 1 bathroom is 5 occupants, and the minimum off-street parking is 3 spaces. The subject property currently has 2 paved parking spaces and will be required to pave an additional third parking space to meet the minimum requirements.

*Surrounding Zoning and Land Use:*

<b>North</b>	R-2	Single Family Residences
<b>South</b>	Across E Mather St: R-1A6.6	Single Family Residences
<b>East</b>	R-2	Single Family Residences
<b>West</b>	R-2	Single Family Residences

**ISSUE:**

The proposed rezoning for C-O with the proposed Special Use Permit is not 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.
- **Action 3.1:** Plan for healthy jobs/housing balance.
- **Action 3.3:** Balance commercial centers with stable neighborhoods.

**Future Land Use Plan:** The subject property is located within the New Braunfels Sub Area, near existing Outdoor Recreation, Tourist, and Education Centers.

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 11 approved short term rental SUPs within one-half mile of the subject property, 8 of which are active.

**STRATEGIC PLAN REFERENCE:**

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

**FISCAL IMPACT:**

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

**RECOMMENDATION:**

The property is surrounded by single-family homes in a residential zone. Rezoning to a Commercial Office District (C-O) with a Special Use Permit (SUP) for a short-term rental (STR) would introduce a commercial element into this uniformly residential area. This shift could disrupt the neighborhood's character and stability. The proposed rezoning does not support balanced and fiscally responsible land-use patterns and could compromise the planning for a healthy jobs/housing balance. Increasing the number of STRs in residential zones can reduce the availability of long-term housing options, affecting the local housing market and job-housing dynamics. Staff believes that approving the rezoning and SUP would be inconsistent with the goals of maintaining balanced land use and supporting the residential character of the area. Therefore, staff recommends denial.

If approved, the following conditions would apply:

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.
3. A paved driveway with three paved parking spaces must be available for use before the issuance of a Short-Term Rental Permit.

*Mailed notification as required by state statute:*

Public hearing notices were sent to owners of 20 properties within 200 feet of the request. As of the date this agenda was posted, the city has received no responses in opposition.

Resource Links:

- Chapter 144, Sec. 3.3-2 (R-2) 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?)