

apartment has 1 bedroom and 1 bathroom. Per the Zoning Ordinance, maximum occupancy of an STR with 1 bedroom and 1 bathroom is limited to 4 occupants.

The minimum off-street parking requirement for this proposed STR is 1 space, or one per sleeping room. The existing gravel driveway and parking areas on the property can accommodate the required parking.

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, short-term rental registration and online payment of hotel occupancy taxes are also required.

Surrounding Zoning and Land Use:

North - R-2 / Single-family residences (Rhine Terrace subdivision)

South - C-1 and R-2 (Across Church Hill Dr.) / New Braunfels Conservation Society and Comal County offices and facilities

East - R-2 / Comal ISD education buildings

West - C-1 / Single family residences

ISSUE:

The proposed short-term rental 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 provision of a variety of flexible and innovative lodging options and attractions.
- *Action 3.22:* Encourage venues within walking distance of neighborhoods and schools.
- *Action 3.35:* Support local non-profits whose mission includes Comprehensive Plan goals.

The property is situated in the Oak Creek Sub-Area, near an intersection of two Transitional Mixed-Use Corridors, is within Existing Employment, Market, Civic and Education Centers, and within a Future Employment Center.

FISCAL IMPACT:

If approved, short term rental of the property will be subject to local and state hotel occupancy tax.

RECOMMENDATION:

The Planning Commission held a public hearing on September 8, 2021 and recommended approval with a revised condition of approval that the occupancy be limited to a maximum of 2 guests (8-0) with Commissioner Gibson absent.

Staff recommends approval. Use of the existing dwelling on the property would provide additional options for heritage tourism in the city and would complement the overall mix of uses in this area. The location would allow easy access to main thoroughfares and visitor destinations without adding vehicular traffic to a residential neighborhood. Staff recommends approval in accordance with the Zoning Ordinance requirements for short term rentals that are intended to protect the surrounding residential neighborhood, plus the following conditions.

1. The heritage tourism 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 2 guests.
4. The applicant will register the short-term rental and create an account for online payment of hotel occupancy taxes.

5. All other standards of the Zoning Ordinance will be met.

Mailed notification as required by state statute:

Public hearing notices were sent to owners of 28 properties within 200 feet of the request. The City has received one response (#5) in objection from an owner of property within the notification area.

Resource Links:

- Chapter 144, Section 3.3-7. “C-1” Local Business District of the City’s Code of Ordinances:
<https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIIZODI_S144-3.4ZODIREPRZOSUJU221987>
- Chapter 144, Section 3.6 (SUP) of the City’s Code of Ordinances:
<https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTIIIIZODI_S144-3.6SPUSPE>
- Chapter 144, Section 5.17 Short term rental or occupancy of the City’s Code of Ordinances:
<https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH144ZO_ARTVDEST_S144-5.17SHTEREOC>

Attachments:

1. Aerial Map
2. Site Plan - entire property
3. Site Plan - zoomed into subject structure
4. Floor Plan
5. Land Use Maps (Zoning, Existing Land Use, Short Term Rental Vicinity, Future Land Use Plan)
6. Notification List, Map and Responses
7. Draft Planning Commission Meeting Minutes
8. Ordinance