

## Legislation Details (With Text)

**File #:** 21-182 **Name:**  
**Type:** Recommendation **Status:** Individual Item Ready  
**File created:** 2/10/2021 **In control:** Planning Commission  
**On agenda:** 3/2/2021 **Final action:**  
**Title:** SUP21-041 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of two single-family residences in the "C-2" General Business District, addressed at 274 and 290 East Bridge Street.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Aerial Map, 2. Application & Site Plan, 3. Land Use Maps, 4. Photograph, 5. Notification Map

Date	Ver.	Action By	Action	Result
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**PRESENTER:**

*Applicant/Owner: Morgan & Jay Behrens*

**SUBJECT:**

SUP21-041 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of two single-family residences in the "C-2" General Business District, addressed at 274 and 290 East Bridge Street.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** Council District 5

**BACKGROUND INFORMATION:**

**Applicant/Owner:** Morgan & Jay Behrens  
290 E. Bridge Street  
New Braunfels, TX 78130  
(214) 232-2380 morgan.behrens10@gmail.com

**Staff Contact:** Holly Mullins  
(830) 221-4054 hmullins@nbtexas.org

The subject property consists of one parcel with two residential structures, located at the south corner of East Bridge Street and North Market Avenue near Downtown New Braunfels. The applicants are requesting a Special Use Permit (SUP) to allow short term rental (STR) of both houses.

**274 E. Bridge:** This house has two bedrooms and one bathroom. Per the Zoning Ordinance, maximum occupancy of a STR with one bathroom is 5 occupants, and minimum off-street parking is 2 spaces. There is

adequate space in the asphalt driveway to accommodate at least two vehicles.

**290 E. Bridge:** The larger house contains three bedrooms with two bathrooms, for maximum occupancy of 8 occupants. A concrete driveway was recently constructed to meet the minimum parking requirement of 3 spaces.

*Surrounding Zoning and Land Use:*

North - Across Bridge Street, C-2/ Single-family residence

South - C-2/ Commercial offices

East - Across Market Avenue, M-1/ Single-family residence with STR SUP

West - C-2/ Single-family residence with STR SUP

**ISSUE:**

The proposed SUP meets the Zoning Ordinance requirements for a short term rental, and is consistent with the following actions from the Envision New Braunfels Comprehensive Plan:

- 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 the Central Business District, Tourist/Entertainment Centers, and Outdoor Recreation Centers.

The site is centrally located near Downtown, within a short drive to many visitor attractions, and in a transitional area containing a mix of residential and commercial uses including several existing STRs. 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, a separate Short Term Rental Permit will be required.

**FISCAL IMPACT:**

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

**RECOMMENDATION:**

The applicants' requested SUP meets the short term rental requirements of the Zoning Ordinance, and the subject property is in a mixed-use area appropriate for the proposed use. Staff recommends 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 in 274 E. Bridge and 8 guests in 290 E. Bridge.
4. All other standards of the Zoning Ordinance will also be met.

**Notification:**

Public hearing notices were sent to 19 owners of property within 200 feet of the request. To date, the City has received no responses.

**Resource Links:**

- Chapter 144, Sec. 3.3-7 (C-2) of the City's Code of Ordinances:

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

[H144ZO\\_ARTIHZODI\\_S144-3.3ZODIREPRZOPRJU221987](#)

- Chapter 144, Sec. 3.6 (SUP) of the City's Code of Ordinances:

[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_C](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_C)  
[H144ZO\\_ARTIHZODI\\_S144-3.6SPUSPE](#)

- 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?nodeId=PTIICOOR\\_C](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_C)  
[H144ZO\\_ARTVDEST\\_S144-5.17SHTEREOC](#)

**ATTACHMENTS:**

1. Aerial Map
2. Application, Site Plan and Floor Plan
3. Land Use Maps (Zoning, Existing, Future Land Use, Short Term Rental)
4. Notification Map
5. Photograph