

## Legislation Details (With Text)

<b>File #:</b>	21-287	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Individual Item Ready
<b>File created:</b>	3/17/2021	<b>In control:</b>	City Council
<b>On agenda:</b>	4/12/2021	<b>Final action:</b>	
<b>Title:</b>	Discuss and consider approval of the second and final reading of an ordinance 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. Notice & Responses, 6. PC Draft Minutes, 7. Ordinance

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

Christopher J. Looney, AICP, Planning and Development Services Director

**SUBJECT:**

Discuss and consider approval of the second and final reading of an ordinance 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

**City Council held a public hearing on March 22, 2021 and approved the first reading of the requested rezoning ordinance. (6-1)**

The subject property consists of one parcel with two residences, 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 an 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 characterized by a mix of residential and commercial uses including several existing STRs. The Zoning Ordinance includes standards for all short-term rentals that help ensure proper measures are in place to protect public health, safety, and neighboring properties, and that help STRs blend into neighborhoods. If the SUP is approved, a separate Short-Term Rental Permit will be required. This permit ensures the property owner meets these aforementioned standards and inspections processes.

**FISCAL IMPACT:**

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

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on March 2, 2021 and recommended approval 7-0-0 with Commissioner Nolte recused and Commissioner Gibson absent.

**STAFF 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 at 274 E. Bridge and 8 guests at 290 E. Bridge.
4. All other standards of the Zoning Ordinance will be met and a Short-Term Rental Permit is required.

**Notification:**

Public hearing notices were sent to 19 owners of property within 200 feet of the request. The City received two responses in favor (#3, 13) and none in objection.

**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)

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• 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 H144ZO\\_ARTIHZODI\\_S144-3.6SPUSPE](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 H144ZO\\_ARTVDEST\\_S144-5.17SHTEREOC](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
6. Ordinance