

## Legislation Details (With Text)

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| <b>File #:</b>       | 21-1018    | <b>Name:</b>         |              |
| <b>Type:</b>         | Ordinance  | <b>Status:</b>       | Passed       |
| <b>File created:</b> | 9/28/2021  | <b>In control:</b>   | City Council |
| <b>On agenda:</b>    | 10/11/2021 | <b>Final action:</b> | 10/11/2021   |

**Title:** 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 a single-family dwelling in the "C-3" Commercial District, addressed at 291 School Avenue.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Aerial Map, 2. School Ave Land Use Maps, 3. Site Plan, 4. Floor Plan, 5. Notification List and Map, 6. Photographs, 7. Excerpt of minutes from the September 8, 2021 Planning Commission Regular Meeting, 8. Ordinance

| Date       | Ver. | Action By    | Action   | Result |
|------------|------|--------------|----------|--------|
| 10/11/2021 | 1    | City Council | approved | Pass   |

**PRESENTER:**

Jean Drew, AICP, CNU-A, Planning & Development Services Assistant Director

**SUBJECT:**

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 a single-family dwelling in the "C-3" Commercial District, addressed at 291 School Avenue.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** Council District 1

**BACKGROUND INFORMATION:**

**Case #:** SUP21-267

**Applicants/Owners:** Peter Flores and Jennifer Yanez  
12501 Lamppost Lane  
Austin, TX 78727

**Staff Contact:** Matt Greene  
(830) 221-4053      [mgreene@nbtexas.org](mailto:mgreene@nbtexas.org)

**City Council held a public hearing on September 27, 2021 and unanimously approved the first reading of the applicant's requested rezoning/SUP ordinance with recommended conditions (7-0-0).**

The subject property is located on the northeast corner of the intersection of School Avenue and the IH 35 westbound access road, is zoned “C-3” Commercial District, and contains a 752 square foot single-family residence constructed in 1950 that was recently remodeled. The entire neighborhood in which the subject property is located is zoned C-3, therefore the area is developed with a mix of residential and non-residential uses.

The applicant is requesting a Special Use Permit (SUP) to allow short term rental (STR) of the property. The house has 2 bedrooms, and one and a half bathrooms. Per the Zoning Ordinance, maximum occupancy of an STR with 2 bedrooms and one and one-half bathrooms is 6 occupants.

The minimum off-street parking requirement for this proposed STR is 2 spaces, or one per sleeping room. The existing paved driveway can accommodate two parked vehicles.

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 - C-3 / Single-family dwellings

South - Across the IH 35 Access Road, C-3 / Spur Street and IH 35

East - Holy Family Catholic Church

West - Across School Avenue, C-3 / Single-family dwellings

**ISSUE:**

Short term rental would be consistent with the following actions in the Comprehensive Plan:

Action 1.3: Encourage Balanced and fiscally responsible land use patterns.

Action 1.6: Incentivize infill development and redevelopment to take advantage of existing infrastructure.

Action 1.14: Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions.

The property lies within the Oak Creek Sub Area near existing Civic and Outdoor Recreation Centers and is in close proximity to a future Market Center and Transitional Mixed-Use Corridors.

**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 staff recommended conditions (8-0-0, with Commissioner Gibson absent).

While this would be the first introduction of a lodging facility in the immediate area, a short-term rental on this property, following all the standards of the Zoning Ordinance, would complement the overall mix of uses in the area. The location would allow easy access to main thoroughfares and visitor destinations without extensive vehicular traffic through the interior of the 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 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. The applicant will register the short-term rental and create an account for online payment of hotel occupancy taxes.
4. All other standards of the Zoning Ordinance will also be met.

*Mailed notification pursuant to state statute:*

Public hearing notices were sent to 16 owners of property within 200 feet of the request. To date, staff has received no responses.

*Resource Links:*

- Chapter 144, Sec. 3.3-9 “C-3” Commercial District 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 Special Use Permits 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?)

*Attachments:*

- Aerial Map
- Site Plan
- Floor Plan
- Land Use Maps (Zoning, Existing, Future Land Use, Short Term Rental)
- Notification List and Map
- Photographs
- Excerpt of minutes from the September 8, 2021 Planning Commission Regular Meeting
- Ordinance