

## Legislation Details (With Text)

<b>File #:</b>	22-790	<b>Name:</b>	
<b>Type:</b>	Recommendation	<b>Status:</b>	Individual Item Ready
<b>File created:</b>	6/27/2022	<b>In control:</b>	Planning Commission
<b>On agenda:</b>	8/2/2022	<b>Final action:</b>	
<b>Title:</b>	SUP22-266 Public hearing and recommendation to City Council regarding a proposed rezoning from "SND-1" Special Neighborhood District to "C-O" Commercial Office District with a Special Use Permit to allow short-term rental of a residential structure on approximately 8,080 square feet, Lots 6-7-S of New City Block 1064 of the Highway Addition Subdivision, addressed at 930 S. Castell Avenue.		

**Sponsors:****Indexes:****Code sections:**

**Attachments:** 1. City Maps, 2. Districts Comparison Table, 3. Applicant Attachments, 4. Subject Property Photo, 5. Notification Map, List, & Responses

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

**PRESENTER:**

Applicant/Owner: Melinda Benbrook

**SUBJECT:**

SUP22-266 Public hearing and recommendation to City Council regarding a proposed rezoning from "SND-1" Special Neighborhood District to "C-O" Commercial Office District with a Special Use Permit to allow short-term rental of a residential structure on approximately 8,080 square feet, Lots 6-7-S of New City Block 1064 of the Highway Addition Subdivision, addressed at 930 S. Castell Avenue.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** 5

**BACKGROUND INFORMATION:**

Case No.: SUP22-266

Applicant/Owner: Melinda Benbrook  
424 S. Academy Avenue  
New Braunfels, TX 78130  
(830) 237-9875 | mcamarillo7@yahoo.com

Staff Contact: Laure Middleton  
(830) 221-4054 | LMiddleton@nbtexas.org

The subject property is 8,080 sq. ft. located on the east side of S. Castell approximately 115 feet south of W. Nacogdoches Street.

The applicant is requesting a change in zoning to "C-O" Commercial Office District from SND-1 "Special Neighborhood District-1 with a SUP to allow short-term rental (STR) of the existing single-family residence.

The home was built in 1948 and has 2 bedrooms and one bathroom. Per the Zoning Ordinance, the maximum occupancy of an STR with two bedrooms and one bathroom is 5 occupants, and the minimum off-street parking is 2 spaces. The property has adequate paved parking for two vehicles.

*Zoning and Land Use:*

North - SND-1 SUP for office / Office  
South - C-1A / Garden, undeveloped  
East - C-3 / Single-family residence  
West - SND-1 / Single-family residence

**ISSUE:**

The proposed SUP meets all Zoning Ordinance requirements for a short-term rental, and 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 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 existing Market Centers, and within a short drive to Outdoor Recreation, Tourist, and Civic 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 the SUP 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 6 approved short-term rentals within one-half mile of the subject property, all currently active.

**FISCAL IMPACT:**

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

**RECOMMENDATION:**

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.

**Notification:**

Public hearing notices were sent to 24 owners of property within 200 feet of the request. To date, the city has received no responses.

**Resource Links:**

- Chapter 144, Sec. 3.8-4 (SND-1) 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?_ga=2.229111411.1629422222.1641111111-1629422222.1641111111)

- 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?_ga=2.229111411.1629422222.1641111111-1629422222.1641111111)

- 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?)