

## Legislation Details (With Text)

<b>File #:</b>	22-855	<b>Name:</b>	
<b>Type:</b>	Recommendation	<b>Status:</b>	Individual Item Ready
<b>File created:</b>	7/12/2022	<b>In control:</b>	Planning Commission
<b>On agenda:</b>	8/2/2022	<b>Final action:</b>	
<b>Title:</b>	SUP22-271 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a residence in the "C-1" Local Business District, Lot A North 70' of Lots 1 & 2 of City Block 5067, addressed at 296 N. Union Avenue.		

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

**Attachments:** 1. City Maps, 2. Applicant Attachments, 3. Subject Property Photos, 4. Notification Map, List & Responses

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

Applicant/Owner: Jessica Palmer

**SUBJECT:**

SUP22-271 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a residence in the "C-1" Local Business District, Lot A North 70' of Lots 1 & 2 of City Block 5067, addressed at 296 N. Union Avenue.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** 5

**BACKGROUND INFORMATION:**

Case No.: SUP22-271

Applicant/ Owner: Jessica Palmer  
967-B N. Academy Avenue  
New Braunfels, TX 78130  
(210) 410-1110 | Jessica@veteranspoint.com

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

The subject property is approximately 7,000 square feet in area located on the southeast corner of North Union Avenue and East Commerce Street, one block north of Schlitterbahn.

The subject property is improved with a 1,138 square foot 2 bedroom, 1 bath residence and a 600 square foot detached garage, both built in 1947. The applicant intends to convert the garage into a bedroom with a full bath as well as adding another bathroom to the residence, resulting in a total of 3 bedrooms and 3 baths for the residence. This Special Use Permit application is to allow the short-term rental (STR) of the home with the

garage structure converted to living space. Per the Zoning Ordinance, the maximum occupancy of a STR with three bedrooms and three bathrooms is 8 occupants, and the minimum off-street parking is 3 spaces. The property has an adequate paved drive to accommodate the minimum requirement.

*Zoning and Land Use:*

North - Across E. Commerce, C-1 / Retail shop

South - C-1 / Single family residence with proposed STR - Case #SUP22-270

East - C-1 / Single family residence

West - Across N. Union, C-1 / Parking lot

**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 Outdoor Recreation and Tourist Centers, and within a short drive to existing Market and Civic Centers and Downtown New Braunfels.

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.

The proposed STR is located within close proximity to an area of town focused on tourist-oriented businesses and a short drive or bike ride to downtown. There are 38 approved short term rental SUPs within one-half mile of the subject property, 35 are 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 8 guests.
4. The detached garage may not be rented separately from the main house.

**Notification:**

Public hearing notices were sent to 21 owners of property within 200 feet of the request. To date, the city has received no responses.

**Resource Links:**

- Chapter 144, Sec. 3.4-17 (C-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=2.182111021.1629111021.1629111021.1629111021)

- 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?)