

## Legislation Text

---

**File #:** 20-232, **Version:** 1

---

Presenter/Contact

*Applicant/Owner: Betty & Harry Phillips  
(707) 218-1991 - [alcorn1950@yahoo.com](mailto:alcorn1950@yahoo.com)*

**SUBJECT:**

SUP20-039 Public hearing and recommendation to City Council regarding the proposed rezoning to apply a Special Use Permit to allow the short term rental of a two-family dwelling in the C-2 General Business District addressed at 274 E. Zink Street.

**BACKGROUND / RATIONALE:**

**Case No.:** SUP20-039

**Council District:** 5

**Applicant/Owner:** Betty & Harry Phillips  
P.O. Box 310227  
New Braunfels, TX 78131  
(707) 218-1991  
[alcorn1950@yahoo.com](mailto:alcorn1950@yahoo.com)

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

The subject property is located at the intersection of E. Zink Street and N. Market Avenue. It, and most of the surrounding neighborhood, is currently zoned C-2 General Business District.

The owner reports the property has been in her family for generations and the house, built in the late 1800s, had previously been occupied as a tri-plex. The lot size of approximately 13,980 square feet does not meet the minimum 15,000 square foot area required for multifamily use (3 or more units). Because the house has been vacant for many years, any legal non-conforming status it may have had as a triplex has been lost.

The applicants are making substantial renovations to bring the structure up to all codes as a duplex (it does meet the minimum lot size for a duplex). This Special Use Permit (SUP) request is to allow the short term rental of the both dwelling units.

One unit has two bedrooms and two baths. Under the recently adopted short term rental ordinance revisions, maximum occupancy is two occupants per bedroom plus an additional two, for a total of 6 occupants. The second unit has four bedrooms and three bathrooms. Maximum occupancy for this unit per ordinance is 10 occupants.

With this SUP application, the applicants are requesting to increase the maximum occupancy allowed, stating this is a large house (approximately 2,800 square feet per the appraisal district), with bedrooms that can accommodate full-sized bunkbeds and more than two occupants. The applicants will be presenting these details to the Commission along with their request at the meeting.

The minimum off-street parking requirement for this short term rental is six spaces, or one per sleeping room. Improvements to the existing parking area are being made by the applicants and the required parking will be accommodated on site. Maneuvering space is not required on single and two-family properties.

The subject property is centrally located within walking distance of Downtown, Landa Park, Wurstfest, and river recreation, and a short drive to many other visitor destinations. This is a popular location for short term rentals as shown on the Short Term Rental location map in Attachment 3.

The applicant has been provided information on the new/current standards, permitting and inspection requirements for short term rentals.

**General Information:**

Size: Land = 13,983 square feet (0.32 acres); House = 2,863 square feet

**Surrounding Zoning and Land Use:**

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

South - C-2/ Multifamily residence

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

West - C-2/ Single-family residence

**Floodplain:**

No portion of the property is located within the 1% annual chance floodplain or floodway.

**Determination Factors:**

In making a decision on zoning, the following factors are to be considered:

- Whether the permitted uses will be appropriate in the immediate area and their relationship to the area and to the City as a whole (*The site is within walking distance of downtown and other visitor attractions.*);
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area. (*There do not appear to be any conflicts with these elements.*);
- How other areas designated for similar development will be affected (*The proposed use should not impact other areas designated for similar development.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare; (*Short term rental standards help to ensure proper measures are in place to protect public health, safety and neighboring properties.*) and
- Whether the request is consistent with the Comprehensive Plan. (*The property is situated within the New Braunfels Sub-Area and a mixed-use transitional corridor, and in close proximity to market, civic and recreational centers.*)

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

<b>City Plan/Council Priority:</b> Envision New Braunfels Comprehensive Plan	<b>Action 1.3:</b> Encourage balanced and fiscally responsible land use patterns. <b>Action 1.14:</b> Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions.
--	--

**FISCAL IMPACT:**

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

**STAFF RECOMMENDATION:**

Staff recommends approval of the Special Use Permit for short term rental in accordance with the ordinance requirements, including the following:

1. The residential character of the property must be maintained.
2. Maximum occupancy of 6 occupants in the 2-bedroom unit and 10 in the 4-bedroom unit.
3. 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.
4. All standards of the Zoning Ordinance will be met.

**Notification:**

Public hearing notices were sent to owners of 22 properties within 200 feet of the request. To date, the City has received no responses.

**ATTACHMENTS:**

1. Aerial Map
2. Application and Site Plan
3. Land Use Maps (Zoning, Existing, Future Land Use, Short Term Rental)
4. Notification Map
5. Photographs
6. Ordinances:
  - Sec. 3.3-8 "C-2" General Business District
  - Sec. 3.6 Special Use Permits
  - Sec. 5.17 Short Term Rental or Occupancy