

Legislation Text

File #: 21-369, **Version:** 1

PRESENTER:

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

SUBJECT:

Public hearing and first reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family residence in the C-2 Central Business District at 307 W. Bridge Street.

DEPARTMENT: Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** Council District 1**BACKGROUND INFORMATION:**

Owner &

Applicant: Jami Carr
401 Buffalo Springs Spur
New Braunfels, TX 78132
(210) 683-2650 carr2casa@gmail.com

Staff Contact: Matthew Simmont
(830) 221-4058 msimmont@nbtexas.org

City Council postponed the first reading of this requested rezoning (7-0) upon request from the applicant.

The subject property is located northeast of the intersection of North Academy Avenue and West Bridge Street and is zoned C-2 Central Business District. The applicant is requesting a Special Use Permit (SUP) to allow short term rental of the 1,300 square foot residence on the lot.

The house has 2 bedrooms and 2 bathrooms. Per the Zoning Ordinance, maximum occupancy of this residence if rented as an STR would be limited to 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 at least three cars.

Surrounding Zoning and Land Use:

North - Across Railroad ROW, C-2 / Single-family residence
South - C-2 / Single-family residence
East - C-2 / Single-family residence
West - Across W. Bridge St., C-2 / Single-family residence

ISSUE:

The proposed SUP meets the Zoning Ordinance requirements for a short-term rental, and is consistent with the following Envision New Braunfels Actions:

- 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 options and attractions.

- Future Land Use: The property is situated within the New Braunfels Sub-Area, in close proximity to a Recreational River Corridor and Existing Tourist/Entertainment 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 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).

RECOMMENDATION:

The Planning Commission held a public hearing on March 2, 2021 and recommended approval (7-1) with Commissioner Reaves opposed and Commissioner Gibson absent.

Staff recommends approval in accordance with the ordinance requirements, including 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 of the short-term rental is limited to a maximum of 6 guests.
4. All other standards of the Zoning Ordinance will also be met, including the obtaining of a Short-Term Rental Permit.

Notification:

Public hearing notices were sent to 16 owners of property within 200 feet. The City has received two responses in favor (#9 & 11) and six responses (#2, 3, 4, 12, 15, 16) in objection to the request. **Opposition represents more than 20% of the notification area. Pursuant to state statute, a $\frac{3}{4}$ majority of City Council (6 votes) will be required to approve the applicant's request unless that opposition changes.**

Resource Links:

- Chapter 144, Sec. 3.3-8 (C-2) of the City's Code of Ordinances:
<https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH144ZO_ARTIIIIZODI_S144-3.3ZODIREPRZOPRJU221987>
- 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=PTIICOR_CH144ZO_ARTIIIIZODI_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=PTIICOR_CH144ZO_ARTVDEST_S144-5.17SHTEREOC>

Attachments:

1. Aerial Map
2. Site/Floor Plan
3. Land Use Maps (Zoning, Existing, Future Land Use, Short Term Rental)

4. Notification List, Map and Responses
5. Photographs
6. Draft Planning Commission Meeting Minutes
7. Ordinance