

Legislation Text

File #: 21-532, **Version:** 1

PRESENTER:

Christopher J. Looney, AICP, Planning and Development Services 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 306 E. Faust Street.

DEPARTMENT: Planning and Development Services

COUNCIL DISTRICTS IMPACTED: Council District 5

BACKGROUND INFORMATION:

Applicant/Owner: Jeffrey A. Coultas
306 E. Faust St.
New Braunfels, TX 78130

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

City Council held a public hearing on May 24, 2021 and unanimously approved the first reading of the applicant’s requested rezoning ordinance (6-0-0, with Council Member Hines absent).

The subject property is located on the southeast corner of the intersection of East Faust Street and Kuehler Avenue, and is zoned “C-3” Commercial District. It is occupied by a 1,286 square-foot single-family residence constructed in 1931 with a detached carport. The entire subject neighborhood is zoned the cumulative C-3 District, therefore the area is developed with a mix of commercial and residential uses. However, the subject block is mostly residential.

The applicant is requesting a Special Use Permit (SUP) to allow short term rental (STR) of the property. The house has 2 bedrooms and 1 bath. Per the Zoning Ordinance, maximum occupancy of an STR with one bathroom is limited to 5 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, and preserve the neighborhood character and tranquility. If this SUP is approved, short-term rental registration and online payment of hotel occupancy taxes are also required.

Surrounding Zoning and Land Use:

North - Across E. Faust St., C-3 / Two-family detached dwellings

South - C-3 / Barber shop and single-family residence

East - C-3 / Single-family residence

West - Across Kuehler Ave., C-3 / Single-family residence

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 1.14: Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions.
- Action 3.6: Pro-actively provide a regulatory environment that remains business and resident friendly.

The property lies within the New Braunfels Sub Area and an existing Market Center. It is also in close proximity to Recreational River, Scenic River 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 May 4, 2021 and unanimously recommended approval with staff recommendations (8-0-0, with Commissioner Gibson absent).

While this would be the first introduction of lodging facilities in this block, there is another short-term rental on the same street a block away, and an SUP approved for another in the same neighborhood. A short-term rental on this property, following all the standards of the Zoning Ordinance to protect the neighborhood, would complement the overall mix of uses in this area. The location would allow easy access to main thoroughfares and visitor destinations. Staff recommends approval in accordance with the Zoning 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 is limited to a maximum of 5 guests.
4. The applicant will register the short-term rental and create an account for online payment of hotel occupancy taxes.
5. All other standards of the Zoning Ordinance will also be met.

Notification as required by state statute:

Public hearing notices were sent to 15 owners of property within 200 feet of the request. Three responses have been received in favor from owners of numbers 3, 16 and 17; and 2 opposed from owners of numbers 12 & 13 on the map.

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
- Lane Use Maps (Zoning, Existing, Future Lane Use, Short Term Rental)
- Notification List, Map and Responses
- Photographs
- Excerpt of Minutes from the May 4, 2021 Planning Commission Regular Meeting
- Ordinance