

## Legislation Text

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**File #:** 21-572, **Version:** 1

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**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 dwelling in the "C-3" Commercial District, addressed at 218 South Peach Avenue.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** Council District 1

**BACKGROUND INFORMATION:**

Applicant/Owner: Senaido Rodriguez, Jr.  
1886 W. Mill Street  
New Braunfels, TX 78130

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

The subject property is located on the west side of Peach Avenue between Spur Street and S. Business IH 35, is zoned "C-3" Commercial District, and is occupied by a 1,152 square-foot single-family residence constructed in 1949 with an addition constructed in 1993. Nine lots out of the 20 lots on the neighborhood block are zoned the cumulative C-3 District, with one R-3 Lot and the remaining 10 lots zoned R-1A-6.6. The area has developed with a mix of commercial and residential uses. However, the subject block is mostly residential with the exception of the cemetery, which encompasses approximately half of the block.

**ISSUE:**

The applicant is requesting a Special Use Permit (SUP) to allow short term rental (STR) of the property. The house has 2 bedrooms and 2 bathrooms. Per the Zoning Ordinance, maximum occupancy of an STR with 2 bedrooms and 2 bathrooms is 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 two stacked vehicles.

Short-term rental standards in the Zoning Ordinance are intended to help ensure proper measures are in place to protect public health, safety and neighboring properties and preserve the neighborhood character and tranquility. If the SUP is approved, short-term rental registration and online payment of hotel occupancy taxes are also required.

*Surrounding Zoning and Land Use:*

North - C-3 / Single-family dwellings

South - C-3 and R-1A-6.6 / Single-family dwellings and a cemetery

East - Across S. Peach Ave., R-1A-6.6 / Single-family residences

West - C-3 / A restaurant and single-family residences

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.

The property is within the New Braunfels Sub Area near a Transitional Mixed-Use Corridor. It lies near Existing Market, Civic, Education and Outdoor Recreation Centers and is in close proximity to a Future Market Center.

**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 June 1, 2021 and recommended approval with staff recommended conditions. (8-0-0, with Commissioner Meyer absent)

While this would be the first introduction of lodging facilities in the subject block, a short-term rental on this property, following all the development standards of the Zoning Ordinance, would complement the overall mix of uses in this area. The location would allow easy access to main thoroughfares and visitor destinations without extensive vehicular traffic through the interior of the neighborhood. Staff recommends approval in accordance with the Zoning Ordinance requirements for short term rentals that are intended to protect the surrounding residential neighborhood, plus 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 6 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 19 owners of property within 200 feet of the request. The City has received two responses (#16 & 18) in favor of the request.

*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?nodeId=PTIICOR\\_CH144ZO\\_ARTIIIIZODI\\_S144-3.4ZODIREPRZOSUJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH144ZO_ARTIIIIZODI_S144-3.4ZODIREPRZOSUJU221987)>
- 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?nodeId=PTIICOR\\_CH144ZO\\_ARTIIIIZODI\\_S144-3.6SPUSPE](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](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOR_CH144ZO_ARTVDEST_S144-5.17SHTEREOC)>

*Attachments:*

Aerial Map  
Site Plan  
Floor Plan  
Land Use Maps (Zoning, Existing, Future Land Use, Short Term Rental)  
Notification List and Map  
Photographs  
Draft Planning Commission Meeting Minutes  
Ordinance