

## Legislation Text

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**File #:** 21-858, **Version:** 1

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**PRESENTER:**

Jean Drew, AICP, CNU-A, Planning & Development Services Assistant Director

**SUBJECT:**

Consideration 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 house and garage apartment in the C-1 Local Business District addressed at 556 N. Union Avenue.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** Council District 5

**BACKGROUND INFORMATION:**

Case No.: SUP21-230

Applicant/Owner: Cindy Espinosa  
1101 Green Acres Drive  
Wimberley, TX 78676  
(713) 201-4155  
cindy@esposervices.com

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

**City Council held a public hearing on August 23, 2021 and approved the first reading of this requested rezoning ordinance (6-1-0).**

The subject property is located on North Union Avenue, near Christus Santa Rosa Hospital, and is zoned “C-1” Local Business District. The property contains a two-bedroom residential structure originally built in the 1920s, plus a detached two-story garage with a one-bedroom apartment on the second floor.

The applicant is requesting this SUP to allow short term rental (STR) of both the house and garage apartment. With one bathroom in each dwelling, the maximum occupancy of the house will be 5 guests and the maximum occupancy of the apartment will be 4 guests (2 per bedroom plus 2 additional guests). At least three off-street parking spaces are required. The driveway is large enough to accommodate three or more vehicles; however, it is currently gravel with a concrete apron. The applicant is willing to pave the required parking spaces with concrete or asphalt prior to operating the short term rental.

*Surrounding Zoning and Land Use:*

North - C-1/ Commercial (medical professional building)  
South - C-1/ Commercial  
East - C-1, R-2/ Single-family residence  
West - Across Union Avenue, C-1/ Single-family residence; professional office

**ISSUE:**

When the driveway is paved, 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 Medical and Outdoor Recreation Centers.

The proposed STR is centrally located inside Loop 337, within walking distance to Christus Santa Rosa Hospital and Schlitterbahn, and a short drive to many visitor attractions. The neighborhood is a transitional area that contains a mix of residential and commercial uses. There are 11 approved short term rental SUPs within one-half mile of the subject property; 5 of those are currently active STRs (see attachment).

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.

**FISCAL IMPACT:**

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

**RECOMMENDATION:**

**Committee Recommendation:**

The Planning Commission held a public hearing on August 3, 2021 and recommended approval of the request with staff recommendations. (8-0-0 with Commission Gibson absent)

**Staff Recommendation:**

Staff recommends approval with the following conditions:

1. Paved off-street parking for at least three vehicles to be provided in accordance with City standards.
2. The residential character of the property must be maintained.
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. Occupancy is limited to a maximum of 5 guests in the main house and 4 guests in the garage apartment.
5. The applicant will register the short-term rental and create an account for online payment of hotel occupancy taxes.
6. All other standards of the Zoning Ordinance will also be met.

*Mailed notification pursuant to state statute:*

Public hearing notices were sent to 14 owners of property within 200 feet of the request. To date, the City has received no responses in favor and one in opposition (#7).

**Resource Links:**

- Chapter 144, Sec. 3.3-7 (C-1) of the City's Code of Ordinances:

[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_C H144ZO\\_ARTIIIZODI\\_S144-3.3ZODIREPRZOPRJU221987](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_C H144ZO_ARTIIIZODI_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=PTIICOOR\\_C H144ZO\\_ARTIIIZODI\\_S144-3.6SPUSPE](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_C H144ZO_ARTIIIZODI_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=PTIICOOR\\_C H144ZO\\_ARTVDEST\\_S144-5.17SHTEREOC](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_C H144ZO_ARTVDEST_S144-5.17SHTEREOC)

**Attachments:**

1. Aerial Map
2. Site Plan and Floor Plan
3. Land Use Maps (Zoning, Existing, Future Land Use)
4. Short Term Rental Vicinity Map
5. Notification Map
6. Photograph
7. Draft Minutes from Planning Commission
8. Ordinance