

## Legislation Text

---

**File #:** 22-569, **Version:** 1

---

**PRESENTER:**

Applicant: Patricia Yang

Owner: Patricia Yang

**SUBJECT:**

SUP22-170 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow short-term rental of a single-family residence in the "C-3" Commercial District addressed at 730 S. Mesquite Avenue.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** Council District 1

**BACKGROUND INFORMATION:**

Case No.: SUP22-170

Owner/Applicant: Patricia Yang  
730 26<sup>th</sup> Avenue  
Seattle, WA 98144  
(425) 677-4131 | pyang9118@gmail.com

Staff Contact: Maddison O'Kelley  
(830) 221-4056 | mokolley@nbtexas.org

The subject property is located at the southwest corner of Mesquite Avenue and Hillview Avenue, between IH-35 South and Business 35. The property is approximately 5,900 square feet in area and contains a 1,500 square foot residential structure built in 1952. With three sleeping areas and two bathrooms, the maximum STR occupancy would be 8 (2 occupants per sleeping area plus an additional 2 occupants).

The "C-3" zoning district allows rental or occupancy for less than one month; however, the structure is a single-family dwelling which requires approval of a Special Use Permit (SUP) to be used as a short-term rental.

An SUP to allow short-term rental of the property was approved by City Council on October 8, 2018. A condition of approval of the SUP stated the special use permit must run concurrently with the property owner and the SUP would become null and void upon a change of ownership. The property was sold to the current property owner in March of 2022, therefore, the SUP granted in 2018 was no longer valid and a new SUP is necessary to continue the short-term rental use of the property.

*Surrounding Zoning and Land Use:*

North - Across Hillview, C-3 / Unimproved Parking Area  
South - C-3 / Single-Family Dwelling  
East - Across Mesquite, C-3 / Undeveloped  
West - C-3 / Office

**ISSUE:**

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, between two transitional mixed-use corridors, and is in close proximity to two a Future Market Center.

The proposed STR is centrally located inside Loop 337 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 2 approved short term rental SUPs within one-half mile of the subject property, one of which is currently an active STR (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, along with annual fire inspections.

**FISCAL IMPACT:**

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

**RECOMMENDATION:**

Staff recommends approval with 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 8 guests in the main house.
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:**

Public hearing notices were sent to 13 owners of property within 200 feet of the request. To date, the city has received no responses.

**Resource Links:**

- Chapter 144, Sec. 3.3-9 (C-3) 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 (SUP) 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?nodeId=PTIICOORC](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOORC)

[H144ZO\\_ARTVDEST\\_S144-5.17SHTEREOC](#)