

## Legislation Text

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**File #:** 22-777, **Version:** 1

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**PRESENTER:**

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

**SUBJECT:**

Approval of the second and final reading of an ordinance regarding the 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

**City Council held a public hearing on June 27, 2022 and unanimously approved with conditions the first reading of the ordinance for the applicant's requested rezoning (7-0-0).**

The subject property is located at the southwest corner of Mesquite and Hillview Avenues, between IH-35 South and Business 35. The property is approximately 5,900 square feet and contains a 1,500 square foot residential structure built in 1952. C-3 allows short-term rental; 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.

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 property is improved with a large driveway which can accommodate the minimum required parking (3 spaces).

An SUP to allow short-term rental of the property was approved by City Council on October 8, 2018. City Council at that time added a condition that the SUP must run concurrently with the property owner (rather than what is typical for zoning: "running with the land") 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 The property was sold to the current property owner in March of 2022, therefore, the SUP granted in 2018 was no longer valid according to that ordinance, and a new SUP is necessary to continue the short-term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 a Future Market Center.

The proposed STR is situated near the Business 35 corridor and is a short drive or bicycle ride to many visitor attractions. The neighborhood is a transitional area that contains a mix of residential and commercial uses. There are two 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.

The Planning Commission held a public hearing on June 7<sup>th</sup>, 2022, and unanimously recommended approval with staff's recommended conditions. (9-0-0).

*Mailed notification as required in state statute:*

Public hearing notices were sent to 13 owners of property within 200 feet of the request. To date, the city has received one response in favor of the request (#9, 10) and none in objection.

**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](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOORC)