

## Legislation Text

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**File #:** 22-795, **Version:** 1

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**PRESENTER:**

Christopher J. Looney, AICP, Planning & 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 residential structure in the R-3L Multifamily Low-Density District on approximately 1.7 acres, addressed at 586 Granada Drive.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** 5

**BACKGROUND INFORMATION:**

Case #: SUP22-165

Applicant/

Owners: Rebecca and Mark Sacco  
1026 Lehman Street  
Houston, TX 77018  
(713) 205-0851  
msacco@mmsadvisory.com

Staff Contact: Matthew Simmont  
(830) 221-4058      msimmont@nbtexas.org

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

The 1.7-acre subject property is located approximately 300 feet east of the intersection of Granada and Seville Drives, with access to Granada Drive via a platted access easement across the adjacent apartment complex property. The site has frontage along the Guadalupe River, with approximately two-thirds of the property situated within the Guadalupe River floodway and/or 1% annual chance floodplain.

The home on the site was built in 1946. On June 13, 2022 City Council approved part one of the applicant's request: a rezoning from R-2 (Single and Two-Family District) to R-3L (Multifamily Low-Density) District with a Special Use permit to allow a one-family dwelling. Now with the home conforming within a base zoning suitable for short-term rentals, the applicant is seeking final approval of a short-term rental. With four bedrooms and three bathrooms, the maximum occupancy of the house will be 10 guests (2 per bedroom plus 2 additional). The existing paved parking area is large enough to accommodate the minimum required four parking spaces.

*Surrounding Zoning and Land Use:*

North - C-3 / River Park Apartments

South - Across Guadalupe River frontage, R-2 / Camp Comal sports fields

East - C-4 / Undeveloped

West - R-2 / Single-family residence

**ISSUE:**

The proposed SUP meets all requirements for 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 1.6* Incentivize infill development and redevelopment to take advantage of existing infrastructure.
- *Action 1.14* Ensure regulations do not unintentionally inhibit the provisions of a variety of flexible and innovative lodging options and attractions.
- *Action 3.1* Plan for healthy jobs/housing balance.

Future Land Use Plan: The property lies within the Oak Creek Sub Area near Existing Market, Employment, and Outdoor Recreation Centers and is in proximity to a Future Employment Center. It lies along the Guadalupe River Recreational Corridor and is near the IH-35 Transitional Mixed-Use Corridor.

There are currently 4 active STRs within one-half mile of the subject property (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:**

Approval with the conditions outlined below:

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 10 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 be met.

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

*Mailed notification as required by state statute:*

Public hearing notices were sent to owners of 6 properties within 200 feet of the request. The City has received no responses in objection or in favor from owners of property within the notification area.

**Resource Links:**

- Chapter 144, Section 3.4-4. "*R-3L*" 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, Section 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, Section 5.17. *Short term rental or occupancy* 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)