

Legislation Text

File #: 22-789, **Version:** 1

PRESENTER:

Applicant/Owner: Jessica Palmer

SUBJECT:

SUP22-270 Public hearing and recommendation to City Council regarding a proposed rezoning to apply a Special Use Permit to allow short term rental of a residence in the “C-1” Local Business District, Lot B South 70’ of Lots 1 & 2 of City Block 5067, addressed at 262 N. Union Avenue.

DEPARTMENT: Planning and Development Services

COUNCIL DISTRICTS IMPACTED: Council District

BACKGROUND INFORMATION:

Case No.: SUP22-270

Applicant/ Owner: Jessica Palmer
967-B N. Academy Avenue
New Braunfels, TX 78130
(210) 410-1110 | Jessica@veteranspoint.com

Staff Contact: Laure Middleton
(830) 221-4054 | LMiddleton@nbtexas.org

The subject property is located on North Union Avenue between East Main Street and East Commerce Street, one block north of Schlitterbahn.

The subject property is improved with a 1,314 square foot, 2 bedroom, 1 bath residence and a 380 square foot detached garage, both built in 1900. The applicant intends to convert the garage into a bedroom with a full bath resulting in a total of 3 bedrooms and 2 baths for the home. This Special Use Permit application is to allow short-term rental (STR) of the home including the garage converted to living space. Per the Zoning Ordinance, the maximum occupancy of a STR with three bedrooms and two bathrooms is 8 occupants, and the minimum off-street parking is 3 spaces. The existing unpaved parking is accessed from the unpaved alley. The property has adequate space to pave the minimum required parking spaces.

Zoning and Land Use:

North - C-1 / Single family residence with proposed STR - Case #SUP22-271

South - Across alley, C-1 / Medical clinic

East - C-1 / Single family residence

West - Across N. Union, C-1 / Beauty spa

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, in close proximity to existing Outdoor Recreation and Tourist Centers, and within a short drive to existing Market and Civic Centers and Downtown New Braunfels.

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. Also, the project must comply with all other City Code standards.

The proposed STR is located within close proximity to an area of town focused on tourist-oriented businesses and a short drive or bike ride to downtown. There are 38 approved short term rental SUPs within one-half mile of the subject property, 35 are currently active. The subject property is located immediately adjacent another proposed STR, also owned by the applicant.

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. Pave the off-street parking area to accommodate a minimum of three vehicles 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 8 guests.
5. The detached garage (living space) may not be rented separately from the main house.

Notification:

Public hearing notices were sent to 19 owners of property within 200 feet of the request. To date, the city has received no responses.

Resource Links:

- Chapter 144, Sec. 3.4-17 (C-1) 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?_ga=2.182711411.1721111111.1721111111-1721111111.1721111111)
- 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?_ga=2.182711411.1721111111.1721111111-1721111111.1721111111)
- 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?](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?_ga=2.182711411.1721111111.1721111111-1721111111.1721111111)