

ORDINANCE NO. 2018-71

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW SHORT TERM RENTAL OF A SINGLE-FAMILY DWELLING IN THE "C-3" COMMERCIAL DISTRICT, ON 0.139 ACRES OUT OF THE JOHN THOMPSON SURVEY NO. 21 ABSTRACT 608, ADDRESSED AT 730 S. MESQUITE AVENUE; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of New Braunfels; and

WHEREAS, in keeping with the spirit and objectives of a Special Use Permit, the City Council has given due consideration to all components of said permit; and

WHEREAS, the City also recognizes that granting such a permit is possible while promoting the health, safety, and general welfare of the public, by providing harmony between existing zoning districts and land uses; and

WHEREAS, it is the intent of the City to ensure for the health, safety and general welfare of the public by providing compatibility and orderly development, which may be suitable only in certain locations in a zoning district through the implementation of a Special Use Permit meeting those requirements cited in Sections 3.6-2 and 3.6-3, Chapter 144, of the New Braunfels Code of Ordinances; and

WHEREAS, the property is located in an area suitable for short term rentals; and

WHEREAS, the City Council desires to grant a Type 2 Special Use Permit for 0.139 acres out of the John Thompson Survey No. 21, Abstract 608, addressed at 730 S. Mesquite Avenue, to allow the short-term rental of a single-family dwelling in the "C-3" Commercial District; **now therefore**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by adding the following described tract of land as a "Special Use Permit" for the uses and conditions herein described:

"Being 0.139 acres out of the John Thompson Survey No. 21, Abstract 608, addressed at 720 S. Mesquite Avenue, as delineated in Exhibit 'A' and described in Exhibit 'B' attached, to allow the short-term rental of a single-family dwelling in the "C-3" Commercial District."

SECTION 2

THAT the Special Use Permit be subject to the following additional restrictions:

1. The applicant will complete construction of the paved driveway on Mesquite Avenue.

2. The residential character of the building must be maintained.
3. The property will remain in compliance with the approved site plat attached as Exhibit 'C'. Any significant changes to the site plan will require a revision to the SUP.
4. Approval is valid as long as the applicant owns the property. Should the property be sold, the Special Use Permit will become null and void.

SECTION 3

THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 4

THAT if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

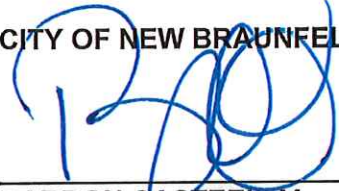
SECTION 5

THIS ordinance will take effect upon the second and final reading of same.

PASSED AND APPROVED: First Reading this the 24th day of September, 2018.

PASSED AND APPROVED: Second Reading this the 8th day of October, 2018.

CITY OF NEW BRAUNFELS


BARRON CASTEEL, Mayor

ATTEST:


PATRICK D. ATEN, City Secretary



APPROVED AS TO FORM:


VALERIA M. ACEVEDO, City Attorney



Map Created: 9/11/2018

PZ-18-026
730 S. Mesquite Ave.
SUP to Short Term Rentals in C-3



Property (including any improvements):

All that certain tract or parcel of land containing 0.139 of an acre of land, more or less, out of the John Thompson Survey No. 21, Abstract No. 608, City of New Braunfels, Comal County, Texas, further being the same land, as surveyed and found on the ground on May 18, 2016, as that certain 0.139 of an acre parcel described in Document No. 200606022161 of the Official Public Records of Comal County, Texas; Said 0.139 of an acre parcel being more particularly described by metes and bounds in Exhibit "A" which is attached to this instrument and made a part of it by reference for all purposes.

EXHIBIT "A"

All that certain tract or parcel of land containing 0.139 of an acre of land, more or less, out of the John Thompson Survey No. 21, Abstract No. 608, City of New Braunfels, Comal County, Texas, further being the same land, as surveyed and found on the ground on May 18, 2016, as that certain 0.139 of an acre parcel described in Document No. 200606022161 of the Official Public Records of Comal County, Texas; Said 0.139 of an acre parcel being more particularly described by metes and bounds as follows:

BEGINNING at a 3/8 inch rebar found at the intersection of the southwesterly right-of-way line of S. Mesquite Avenue and the southeasterly right-of-way line of Hillview Avenue for the most northerly corner and **POINT OF BEGINNING** of this parcel;

THENCE with said right-of-way line of S. Mesquite Avenue, South 25 deg 02' 00" East (basis of bearings (obtained from said Document No. 200606022161)), a distance of 71.94 feet (called South 25 deg 02' 00" East, 72.10 feet) to a 1/2 inch rebar found for the most easterly corner of this parcel, same being the most northerly corner of the Ayala parcel described in Document No. 200206040392 of said Official Public Records;

THENCE departing said right-of-way line and with the common line of this parcel with said Ayala parcel, South 64 deg 47' 27" West, a distance of 90.04 feet (called South 64 deg 10' 15" West, 89.54 feet to the exterior corner of a concrete curb found for the most southerly corner of this parcel, same being the most westerly corner of said Ayala parcel and being located in the northeasterly line of the Florentina parcel described in Document No. 200306013117 of said Official Public Records;

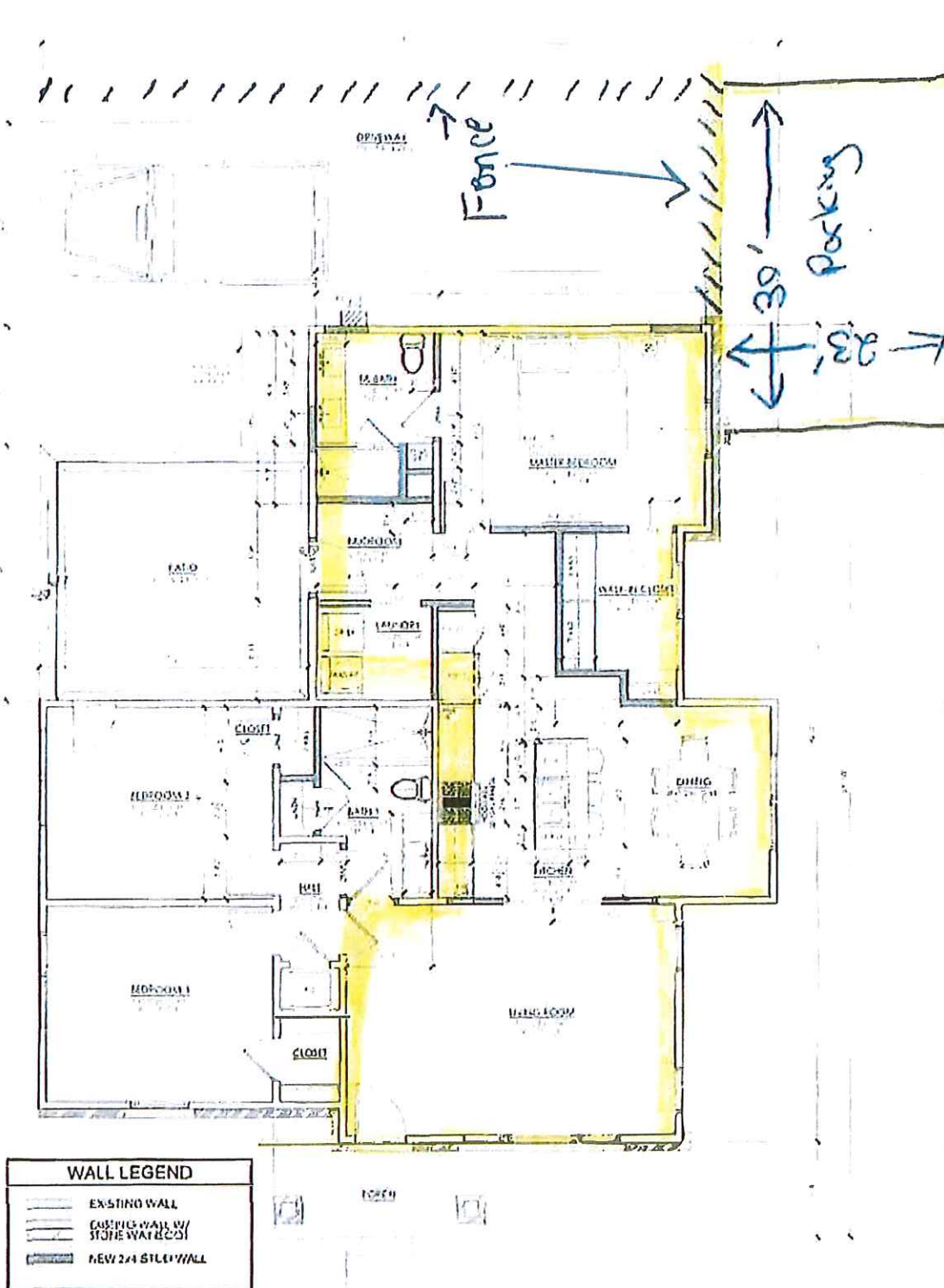
THENCE with the common line of this parcel with said Florentina parcel, North 25 deg 57' 06" West, a distance of 61.54 feet (called North 26 deg 21' 40" West, 62.20 feet) to a 1/2 inch rebar set (capped "RPLS 4907") on the aforementioned right-of-way line of Hillview Avenue for the most westerly corner of this parcel, same being the most northerly corner of said Florentina parcel;

THENCE with said right-of-way line, North 58 deg 16' 15" East, a distance of 91.65 feet (called North 57 deg 58' 20" East, 91.65 feet) to the **POINT OF BEGINNING** and containing 0.139 of an acre of land, more or less.

Filed and Recorded
Official Public Records
Bobbie Koepp, County Clerk
Comal County, Texas
07/12/2016 04:15:52 PM
CHRISTY 3 Page(s)
201606027715



Bobbie Koepp



Proposed Daily rental
area + parking area

HUDSON RESIDENCE INTERIOR REMODEL

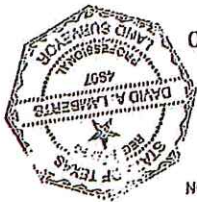
730 S. MESQUITE AVE.
NEW BRAUNFELS, TEXAS 78130

SHEET TITLE
EXISTING/DEMOL &
PROPOSED FLOOR
PLANS

JCE HUDSON
SCALE: AS SHOWN
DATE: 9/11/10
DRAWN BY: JCEM

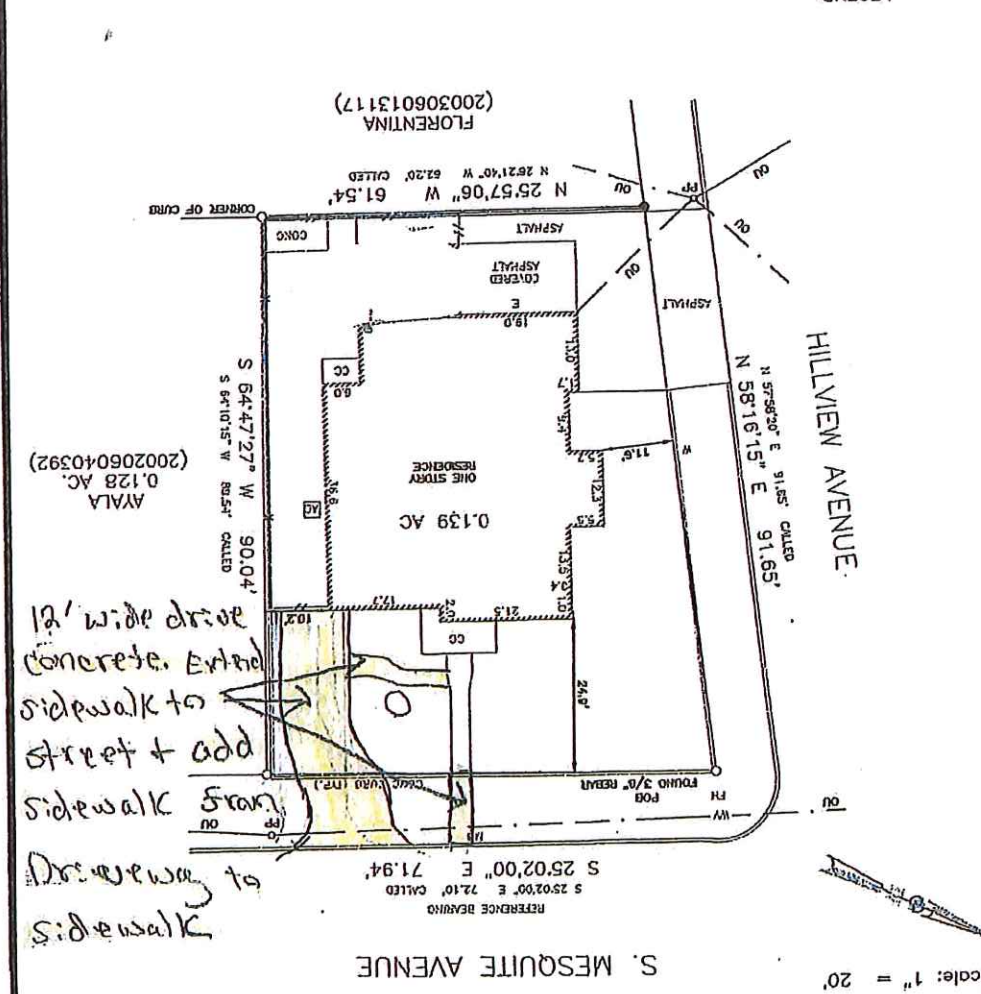
A-1.0

SURVEY PLAT SHOWING A 0.139 OF AN ACRE
 PARCEL OF LAND OUT OF THE JOHN THOMPSON
 SURVEY NO. 21, ABSTRACT NO. 608, CITY OF
 NEW BRAUNFELS, COMAL COUNTY, TEXAS.
 (LEGAL DESCRIPTION PREPARED)
 RIVER CITY ENGINEERING
 1011 W. COUNTY LINE ROAD
 NEW BRAUNFELS, TEXAS 78130
 PHONE: (830) 625-0337
 FIRST REGISTRATION #10193949
 © 2016 RIVER CITY ENGINEERING



I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE
 GROUND, AND THAT TO THE BEST OF MY KNOWLEDGE AND
 BELIEF, THIS PLAT CORRECTLY REPRESENTS THE FACTS
 FOUND AT THE TIME OF THIS SURVEY AND THAT THERE ARE
 NO VISIBLE EVIDENCES OF ENCROACHMENTS OR BUILDINGS
 ON ADJOINING PROPERTY AND THAT ALL BUILDINGS ARE
 WHOLLY LOCATED ON THIS PROPERTY EXCEPT AS SHOWN
 ABOVE.
 DAVID A. LAMBERS
 REGISTERED PROFESSIONAL LAND SURVEYOR
 # 45917
 TEXAS REGISTRATION NO.
 SURVEY NOT VALID UNLESS ORIGINAL
 SIGNATURE IS IN RED INK
 JOB # 16-0201
 DATED 05-10-16

REFERENCE BEARING: OBTAINED FROM DOC. #200606022161.
 ADDRESS: 730 S. MESQUITE AVENUE
 REFERENCES: DOC. #200606022161
 LEGEND:
 POINT OF BEGINNING
 COVERED CONCRETE
 WATER METER BOX
 ELECTRIC METER
 POWER POLE
 OVERHEAD UTILITIES
 WATER VALVE
 LANDBOX
 AIR CONDITIONER
 FIRE TROVANT
 WOOD FENCE
 WIRE FENCE
 FOUND 1/2" REBAR
 SET 1/2" REBAR



Proposed driveway