

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

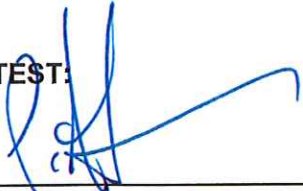
THAT if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

SECTION 5

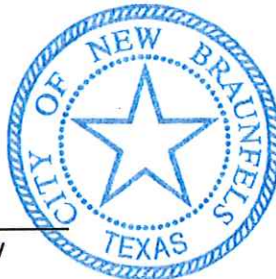
THIS ordinance will take effect upon the second and final reading of same.
PASSED AND APPROVED: First Reading this the 24th day of September, 2018.
PASSED AND APPROVED: Second Reading this the 8th day of October, 2018.


CITY OF NEW BRAUNFELS


BARRON CASTEEL, Mayor

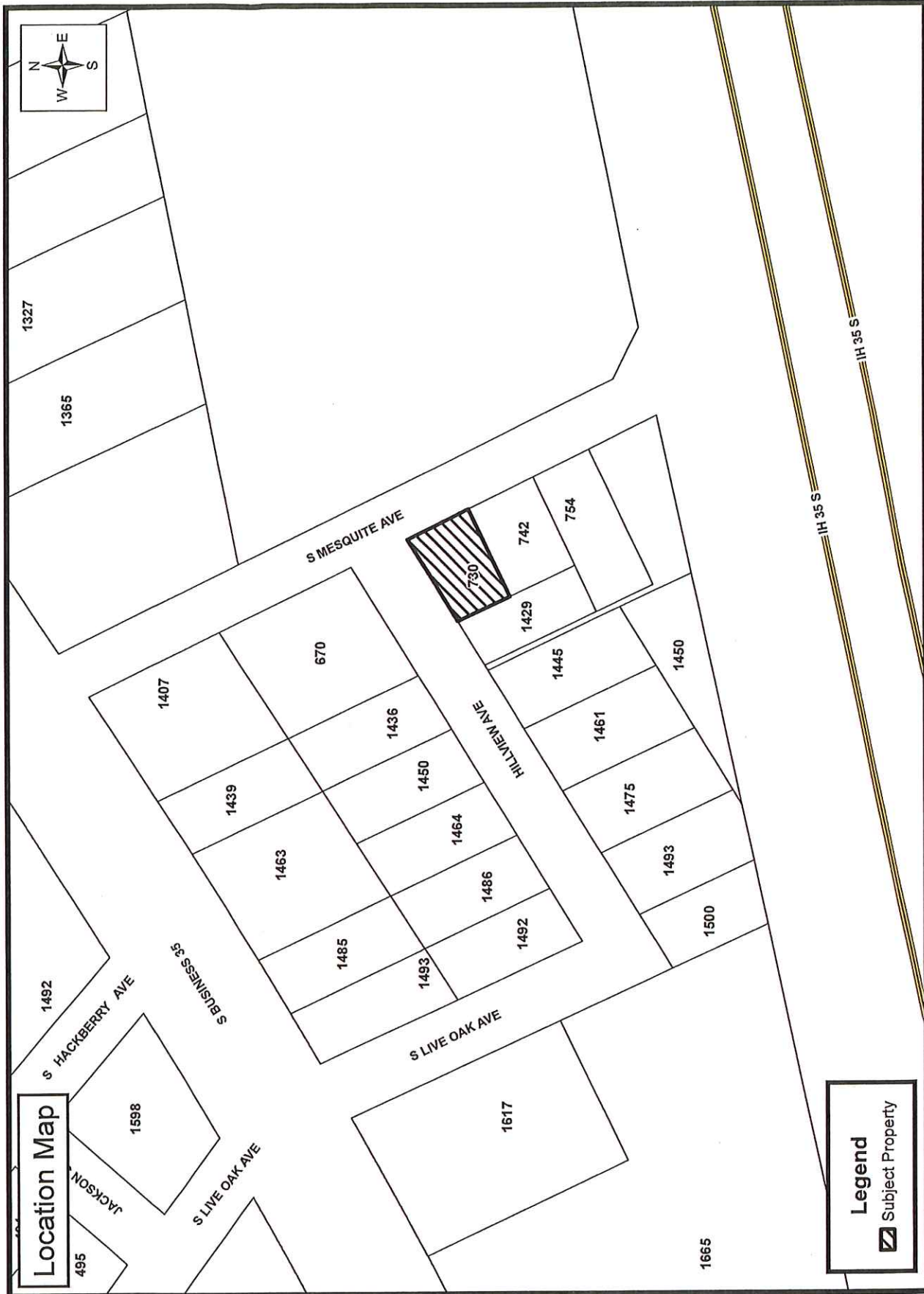
ATTEST:


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 "B"

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;

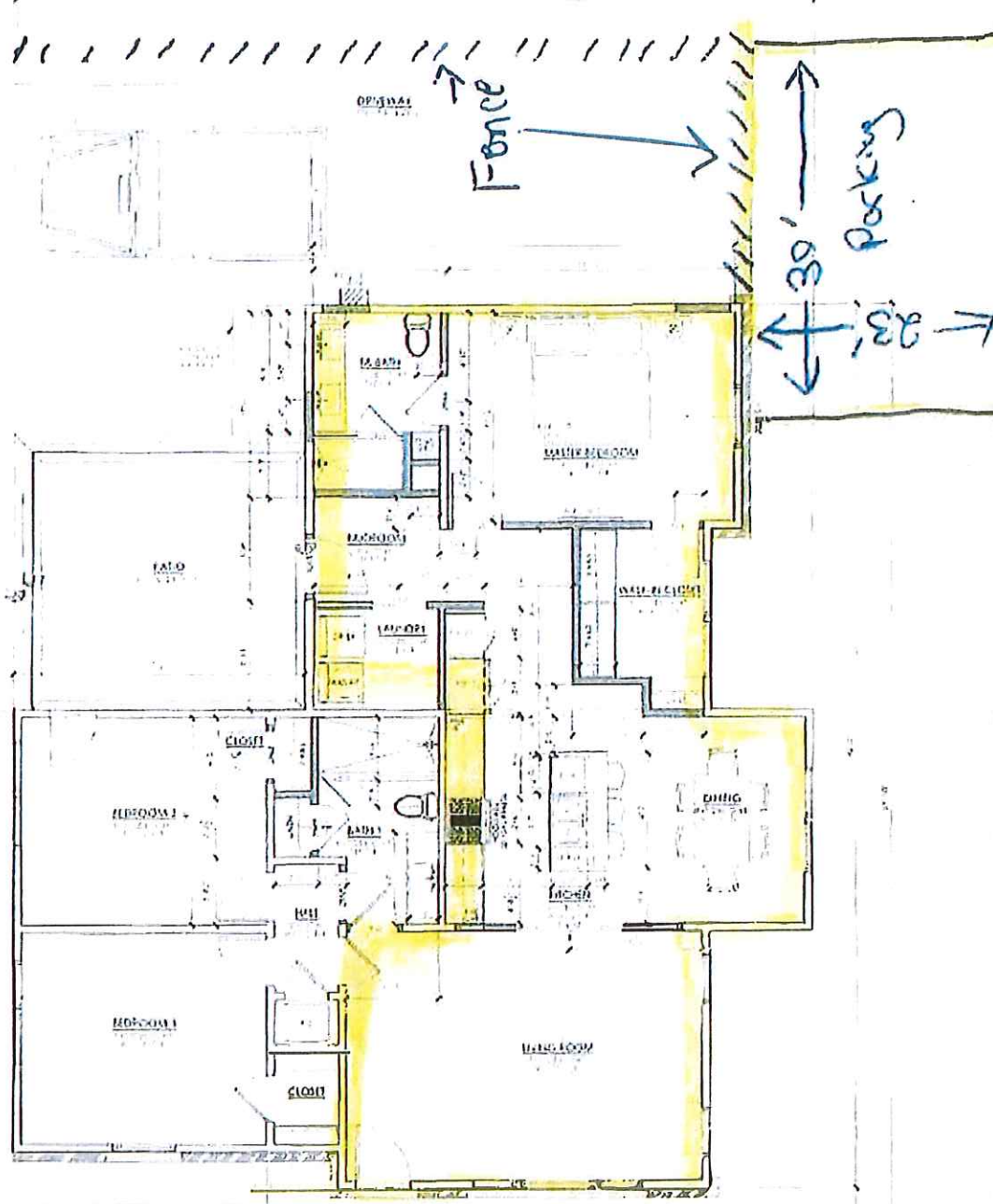
THENCE with the common line of this parcel with said Florentina parcel, North 25 deg 57' 06" West, a distance of 61.54 feet (called North 26 deg 21' 40" West, 62.20 feet) to a 1/2 inch rebar set (capped "RPLS 4907") on the aforementioned right-of-way line of Hillview Avenue for the most westerly corner 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 Koepf, County Clerk
Comal County, Texas
07/12/2016 04:15:52 PM
CHRISTY 3 Page(s)
201606027715



Bobbie Koepf



HUDSON RESIDENCE INTERIOR REMODEL
 730 S. MESQUITE AVE.
 NEW BRAUNFELS, TEXAS 78130

WALL LEGEND	
	EXISTING WALL
	EXISTING WALL W/ STONE WATER COOL
	NEW 2x4 STUD WALL

PROPOSED FLOOR PLAN
 SCALE: 1/4" = 1'-0"

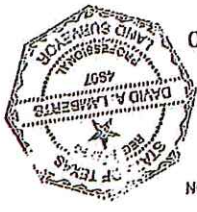
Proposed Daily rental
 area + parking area

SHEET TITLE
 EXISTING AND PROPOSED FLOOR PLANS
 JCE HUDSON
 SCALE AS SHOWN
 DATE 9/14/10
 DRAWN BY JCEM

A-1.0

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE CORNER, AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAN CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THIS SURVEY AND THAT THERE ARE NO VISIBLE EVIDENCES OR ENCROACHMENTS OF BUILDINGS OR ADJOINING PROPERTY AND THAT ALL BUILDINGS ARE WHOLLY LOCATED ON THIS PROPERTY EXCEPT AS SHOWN ABOVE.

DAVID A. LAMBERTS
REGISTERED PROFESSIONAL LAND SURVEYOR
4307
TEXAS REGISTRATION NO.
SURVEY NOT VALID UNLESS ORIGINAL SIGNATURE IS IN RED INK
JOB # 16-0201
DATE: 05-10-16



2016 RABET CITY ENGINEERING
FIRST REGISTRATION #1019343
PHONE: (830) 625-0337
NEW BRAUNFELS, TEXAS 78130
RIVER CITY ENGINEERING
1011 W. COUNTY LINE ROAD
NEW BRAUNFELS, TEXAS 78130
SURVEY NO. 21, ABSTRACT NO. 608, CITY OF NEW BRAUNFELS, COMAL COUNTY, TEXAS.
(LEGAL DESCRIPTION PREPARED)
SURVEY PLAN SHOWING A 0.139 OF AN ACRE PARCEL OF LAND OUT OF THE JOHN THOMPSON

REFERENCE BEARING: OBTAINED FROM DOC. #200606022161.
ADDRESS: 730 S. MESQUITE AVENUE
REFERENCES: DOC. #200606022161

THIS PLAN SHOWS THE LOCATION OF EXISTING RESTRICTIONS, AND BUILDING SETBACK LINES AS SET FORTH IN SECTION 5 OF TITLE CO. OF CENTRAL TITLE OF P. # 16-26527-G11
DATE: 05-10-16
THE SURVEY HAS NOT ABSTRACTED THE SUBJECT PROPERTY.

- LEGEND:
- POB POINT OF BEGINNING
 - CC COVERED CONCRETE
 - W WATER LETTER BOX
 - E ELECTRIC LETTER
 - PP POWER POLE
 - OU OVERHEAD UTILITIES
 - WV WATER VALVE
 - LD LANDBOX
 - AD AIR CONDITIONER
 - FR FIRE HYDRANT
 - /// WOOD FENCE
 - X WIRE FENCE
 - FOUND 1/2" REBAR
 - SET 1/2" REBAR

