

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A SPECIAL USE PERMIT TO ALLOW RESIDENTIAL USE IN THE “M2-“ HEAVY INDUSTRIAL DISTRICT AND THE SHORT TERM RENTAL OF A SINGLE-FAMILY DWELLING, ON APPROXIMATELY 0.15 ACRES OUT OF THE A M ESNAURIZAR A-1 SURVEY NO. 1, ADDRESSED AT 747 OASIS STREET; 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 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 compatible 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 residential use and short term rentals; and

WHEREAS, the requested rezoning is in accordance with Envision New Braunfels, the City's Comprehensive Plan; and

WHEREAS, the City Council desires to grant a Special Use Permit at 747 Oasis Street, to allow residential use and short term rental of a single-family dwelling in the “M-2” Heavy Industrial 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 tract of land as a “Special Use Permit” for the uses and conditions herein described:

Being approximately 0.15 acres out of the A M Esnaurizar A-1 Survey No. 1, addressed at 747 Oasis Street, as described in Exhibit “A” and depicted in Exhibit “B” attached, to allow residential use and short term rental in the “M-2” Heavy Industrial District.

SECTION 2

THAT the Special Use Permit be subject to the following conditions:

1. Provide off-street parking for at least 3 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 illustrated in Exhibit "C". Any significant changes to the site plan will require a revision to the SUP.
4. Occupancy of the short term rental is limited to eight (8) guests.
5. The applicant will register the short term rental and create an account for online payment of hotel occupancy taxes.
6. All other standards of the Zoning Ordinance will be met.

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 in accordance with the provisions of the Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this 24th day of May, 2021.

PASSED AND APPROVED: Second reading this 14th day of June, 2021.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

CAITLIN KROBOT, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"

METES AND BOUNDS

Being 0.152 acres of land, more or less, situated in the AM Esnaurizar Survey Number 1, Abstract 1, Comal County, Texas, being that same tract of land conveyed by General Warranty Deed recorded in Document Number 201706036594, Official Public Records, Comal County, Texas, said 0.152 acres being more particularly described by metes and bounds as follows:

BEGINNING at 1/2 inch iron rod found for the lower southeast corner of this 0.152 acres, same being on the northwest Right-of-Way line of Oasis Street and the upper southeast corner of Lot 5, Oasis Heights (Volume 8, Page 337), same also being the POINT OF BEGINNING;

THENCE along the line common to this 0.152 acres and said Lot 5, North 45 degrees 43 minutes 39 seconds West (called North 45 degrees 05 minutes West), a distance of 117 .50 feet to a point for the lower northwest corner of this 0.152 acres, same being on the northeast line of said Lot 5 and the lower southeast corner of the Rolf Edward Moore tract (Document Number 200106036242);

THENCE along the line common to this 0.152 acres and said Moore tract, North 44 degrees 29 minutes 54 seconds East (called North 44 degrees 25 minutes East), a distance of 56.30 feet (called 56.1 feet) to a point for the upper northwest corner of this 0.152 acres, same being the upper southeast corner of said Moore tract and on the southwest line of Lot 3, Milltown Extension One (Volume 4, Page 29);

THENCE along the line common to this 0.152 acres and said Lot 3, South 45 degrees 43 minutes 59 seconds East (called South 45 degrees 05 minutes East), a distance of 118.00 feet to a 1/2 inch iron rod found for the upper southeast corner of this 0.152 acres, same being the lower southeast corner of said Lot 3 and on the northwest Right-of-Way line of said Oasis Street;

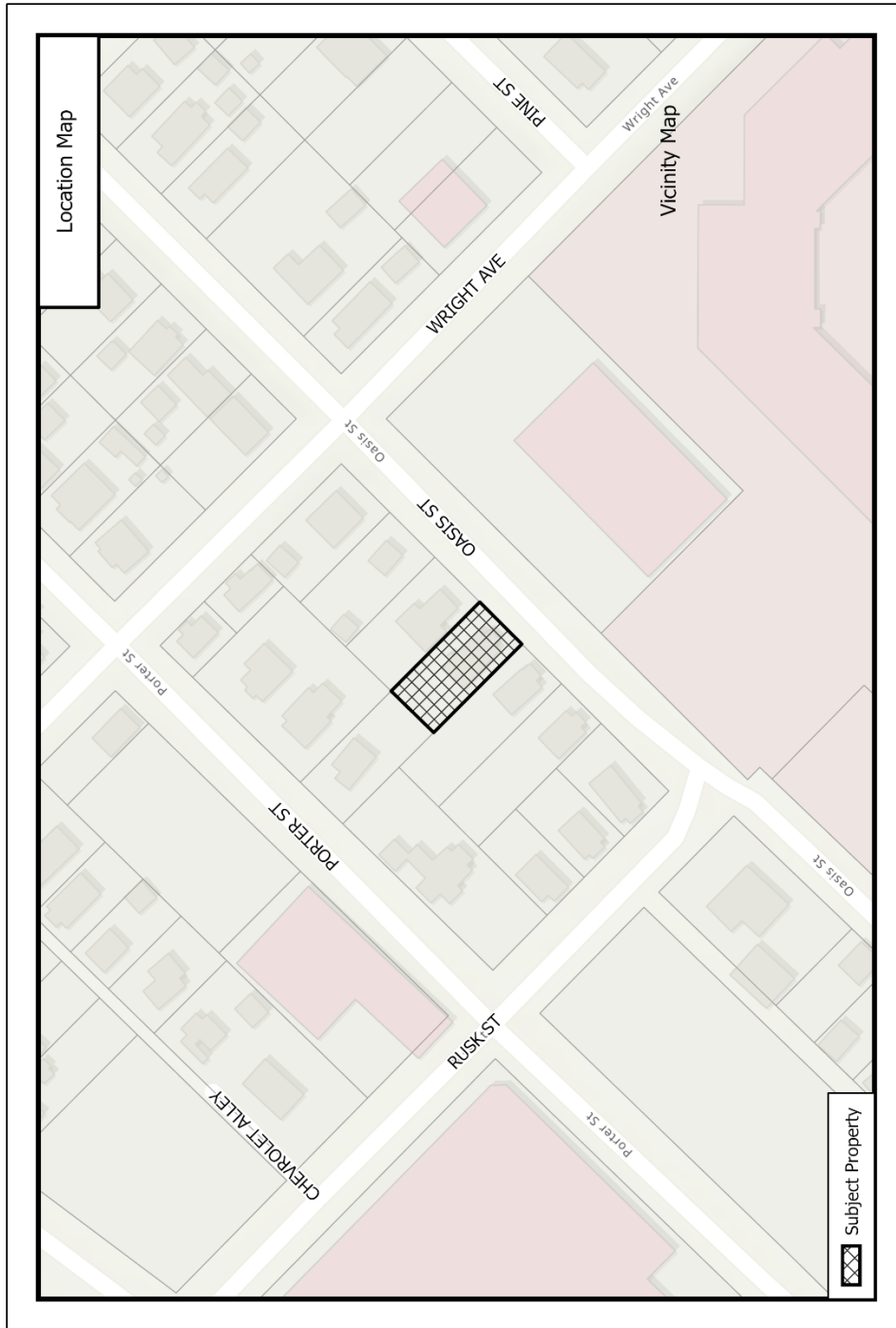
THENCE along the northwest Right-of-Way line of said Oasis Street, South 45 degrees 00 minutes 26 seconds West (called South 45 degrees 17 minutes West), a distance of 56.31 feet (called 56.1 feet) to the POINT OF BEGINNING, and containing 0.152 acres of land, more or less.

I hereby certify that these field notes were prepared from an actual survey made on the ground under my supervision and are true and correct to the best of my knowledge and belief. A survey plat of the above described tract prepared this day is hereby attached to and made a part hereof. Bearings shown hereon are based on actual GPS Observations, Texas State Plane Coordinates, South Central Zone, Grid.



Mark J. Ewald
Registered Professional Land Surveyor
Texas Registration No. 5095
August 2, 2017

EXHIBIT "B"



SUP21-115
SUP to allow Residential use and Short Term Rental in M-2

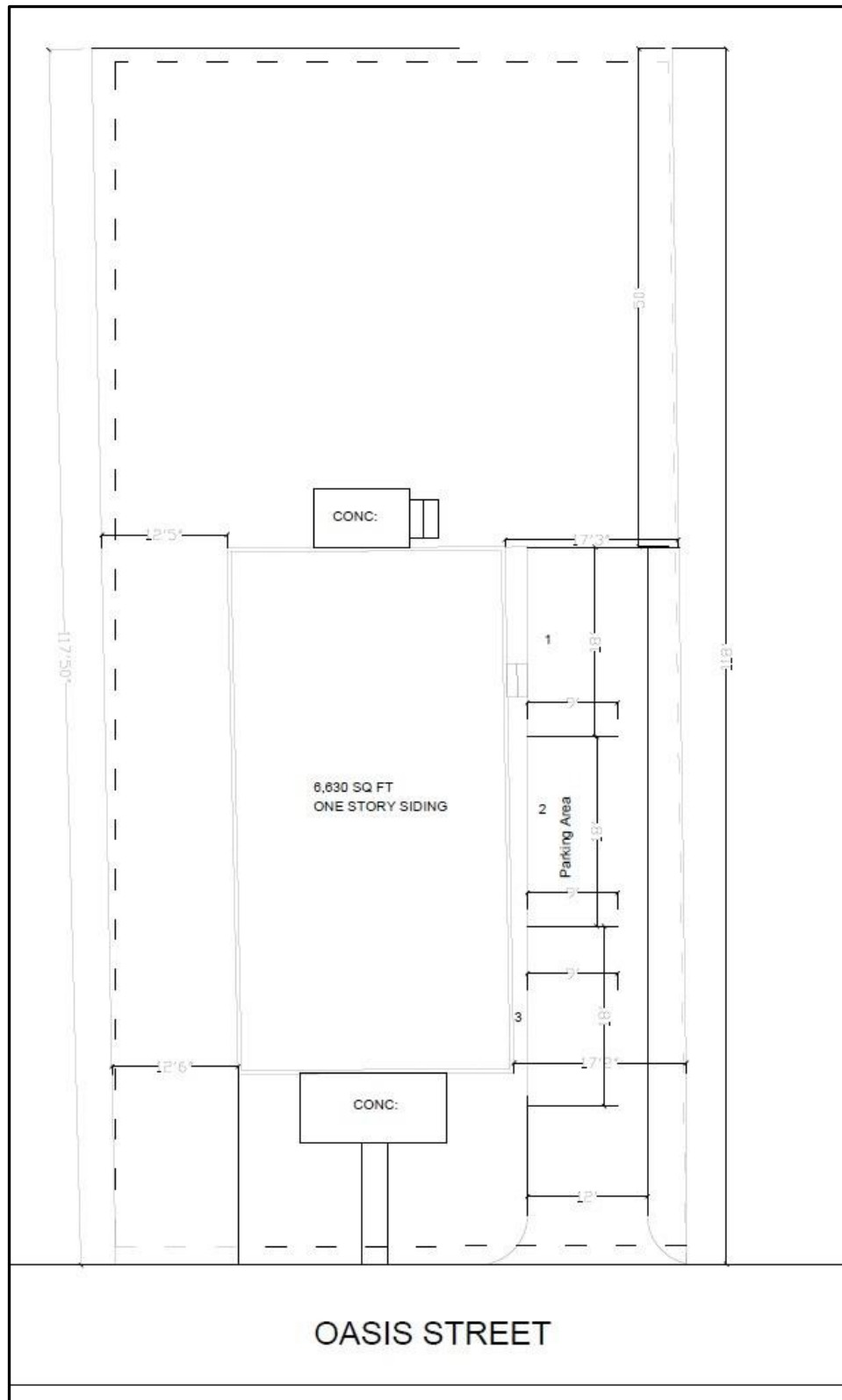
City of New Braunfels

Source: City of New Braunfels Planning
 Date: 4/28/2021

Path: Y:\ZoneChange-SUP-Repairs\2021\SUP21-115 - 747 Oasis St - Lund\NPH\SUP21-115.aprx

DISCLAIMER: This map and information contained in it were developed exclusively for the use of the City of New Braunfels and are not intended for any other use. The City of New Braunfels is not responsible for any errors or omissions in this map or information. The City of New Braunfels officials or employees for any discrepancies, errors, or variances which may exist.

EXHIBIT "C"



Site Plan