

## Legislation Details (With Text)

<b>File #:</b>	22-595	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Passed
<b>File created:</b>	5/24/2022	<b>In control:</b>	City Council
<b>On agenda:</b>	6/13/2022	<b>Final action:</b>	6/13/2022
<b>Title:</b>	Approval of the second and final reading of an ordinance regarding a proposed rezoning from “M-2” Heavy Industrial District to “C-O” Commercial Office District with a Special Use Permit to allow short term rental of a residential structure on 0.22 acres out of the A.M. Esnaurizar Survey No. 1, Abstract No. 1, Milltown Lots, Comal County, addressed at 569 Wright Avenue.		

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. City Maps, 2. Applicant Attachments, 3. Subject Property Photos, 4. Notification Map, List, & Responses, 5. Ordinance, 6. Draft Minutes

Date	Ver.	Action By	Action	Result
6/13/2022	1	City Council	approved	Pass

**PRESENTER:**

Jean Drew, AICP, CNU-A, Planning and Development Services Assistant Director

**SUBJECT:**

Approval of the second and final reading of an ordinance regarding a proposed rezoning from “M-2” Heavy Industrial District to “C-O” Commercial Office District with a Special Use Permit to allow short term rental of a residential structure on 0.22 acres out of the A.M. Esnaurizar Survey No. 1, Abstract No. 1, Milltown Lots, Comal County, addressed at 569 Wright Avenue.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** Council District 5

**BACKGROUND INFORMATION:**

Case No.: SUP22-118

**Applicant/Owner:** Raymond Lance & Ashley Brooke Spruiell  
1105 Tate Trail  
San Marcos, TX 78666  
(512) 289-9105 | brooke.spruiell@gmail.com

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

**City Council held a public hearing on May 23, 2022 and unanimously approved with conditions the first reading of the ordinance for the applicant’s requested rezoning (7-0-0).**

The subject property is almost a quarter of an acre (9,583 sq. ft.). It lies along the western boundary of the Milltown Neighborhood, north of the Guadalupe River and Faust Street Bridge behind the Market Place Shopping Center.

The applicant is requesting a change in zoning to “C-O” Commercial Office District from “M-2” Heavy Industrial to bring the residence into conformity with the base zoning district. The SUP is requested to allow short-term rental (STR) of said single-family residence. The home was built in 1925 and is being remodeled to include 4 bedrooms and 2 bathrooms. Per the Zoning Ordinance, the maximum occupancy of a STR with four bedrooms and two bathrooms is 10 occupants, and the minimum paved off-street parking is 4 spaces. The property has adequate room to provide the required paved parking.

*Zoning and Land Use:*

North - Across Wright Ave. R-2 / Single family residences

South - C-O / Vacant

East - M-2 / Welding shop and private sports field

West - M-2 / Single family residences

**ISSUE:**

The proposed rezoning 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 Market Centers, and within a short drive or bicycle ride to Outdoor Recreation, Tourist, and Civic Centers.

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:**

Staff recommends approval with the following conditions:

1. Paved off-street parking for a minimum of four vehicles to be provided 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 10 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 also be met.

The Planning Commission held a public hearing on May 11, 2022, and unanimously recommended approval (6-0-0) with Commissioners Tubb, Anderson-Vie, and Sonier absent.

*Notification pursuant to state statute:*

Public hearing notices were sent to 21 owners of property within 200 feet of the request. To date, the city has received one response in favor (property labeled #13) and none in objection.

Resource Links:

- Chapter 144, Sec. 3.4-17 (C-O) 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?  
>](https://library.municode.com/tx/new_braunfels/codes/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?>)
- Chapter 144, Sec. 3.3-7 (M-2) 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?  
>](https://library.municode.com/tx/new_braunfels/codes/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?>)
- 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?  
>](https://library.municode.com/tx/new_braunfels/codes/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?>)
- 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?  
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