

Legislation Details (With Text)

File #:	24-670	Name:	
Type:	Ordinance	Status:	Passed
File created:	5/8/2024	In control:	City Council
On agenda:	5/28/2024	Final action:	5/28/2024

Title: Public hearing and first reading of an ordinance to rezone 0.1275 acres out of City Block 5101, Lot S 101 of W 55 of Lot 91 from M-1 (Light Industrial District) to M-1 SUP (Light Industrial District, with a Special Use Permit for Short-Term Rental of a Residence), currently addressed as 311 E Torrey St.

Sponsors:

Indexes:

Code sections:

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

Date	Ver.	Action By	Action	Result
5/28/2024	1	City Council	approved	Pass

PRESENTER:

Matthew Simmont, AICP, Planning Manager

SUBJECT:

Public hearing and first reading of an ordinance to rezone 0.1275 acres out of City Block 5101, Lot S 101 of W 55 of Lot 91 from M-1 (Light Industrial District) to M-1 SUP (Light Industrial District, with a Special Use Permit for Short-Term Rental of a Residence), currently addressed as 311 E Torrey St.

DEPARTMENT: Planning and Development Services

COUNCIL DISTRICTS IMPACTED: 4

BACKGROUND INFORMATION:

Case No: SUP24-090
 Applicant: Two Eleven Investments, LLC, Kristy Russo, DBA
 2733 Ridge Path Dr
 New Braunfels, TX 78130
 (210) 274-3556 | kristywilson210@yahoo.com
 Owner: Excalibur Properties 723
 2872 Morningside Dr
 New Braunfels, TX 78130
 excaliburproperties723@gmail.com
 Staff Contact: Amanda Mushinski, CNU-A
 (830) 221-4056 | amushinski@newbraunfels.gov

The subject property is 0.1275 acres located on the north corner of the intersection of E Torrey St and N Central Ave, approximately 3 blocks northwest of the intersection of N Central Ave and Gruene Rd, and approximately 3 blocks southwest of Torrey Park. The 1950s residence is roughly 928 square feet in total interior livable area with 3 bedrooms and 2 bathrooms. This rezoning application is proposed to allow the short-term rental (STR) of the existing home.

Per the Zoning Ordinance, the maximum occupancy of a STR with a total of 3 bedrooms and 2 bathrooms is 8 occupants, and the minimum off-street parking is 3 spaces. Based on the current condition of the property, the applicant will be required to pave 3 parking spaces before the issuance of a Short-Term Rental Permit.

The property has been issued a citation for operating a short-term rental without the appropriate zoning and necessary registration.

Surrounding Zoning and Land Use:

North	M-1	Single-Family Residences
South	Across Torrey & Central: R-2	Single-Family Residences
East	Across Torrey: M-1	Single-Family Residences
West	Across Central: M-1	Single-Family Residences

ISSUE:

The proposed rezoning to apply the Special Use Permit 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 Plan: The subject property is located within the New Braunfels Sub Area, near existing Outdoor Recreation, Medical, Tourist, and Education 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 this rezoning request 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.

There are currently 6 approved short-term rental SUPs within one-half mile of the subject property, 2 active.

STRATEGIC PLAN REFERENCE:

- Economic Mobility Enhanced Connectivity Community Identity
Organizational Excellence Community Well-Being N/A

FISCAL IMPACT:

If approved, the property will be subject to local and state hotel occupancy tax (HOT).

RECOMMENDATION:

Approval with the following conditions:

1. The residential character of the property must be maintained.
2. The property will remain in compliance with the approved site plan and floor plan. Any significant changes to the site plan or floor plan will require a revision to the SUP.
3. A paved driveway with three paved parking spaces must be available for use before issuance of a Short-Term Rental Permit.

The Planning Commission held a public hearing on May 7, 2024, and unanimously recommended approval (6-0-0).

Mailed notification as required by state statute:

Public hearing notices were sent to 16 property owners within 200 feet of the request. As of the date of the agenda posting, the city has received responses representing 12% in opposition.

Resource Links:

- Chapter 144, Sec. 3.3-11 (M-1) of the City's 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?
- 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?