

## Legislation Details (With Text)

<b>File #:</b>	24-181	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Individual Item Ready
<b>File created:</b>	2/1/2024	<b>In control:</b>	City Council
<b>On agenda:</b>	2/26/2024	<b>Final action:</b>	
<b>Title:</b>	Public hearing and first reading of an ordinance to rezone 0.1194 acres out of the Milltown Subdivision, Block 1, Lot 15, from M-2 (Heavy Industrial District) to M-2 SUP (Heavy Industrial District with a Special Use Permit for Short-Term Rental of a Residence), currently addressed as 639 Oasis Street.		

**Sponsors:**

**Indexes:**

**Code sections:**

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

Date	Ver.	Action By	Action	Result
2/26/2024	1	City Council	approved	Pass

**PRESENTER:**

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

**SUBJECT:**

Public hearing and first reading of an ordinance to rezone 0.1194 acres out of the Milltown Subdivision, Block 1, Lot 15, from M-2 (Heavy Industrial District) to M-2 SUP (Heavy Industrial District with a Special Use Permit for Short-Term Rental of a Residence), currently addressed as 639 Oasis Street.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** 5

**BACKGROUND INFORMATION:**

Case No: SUP23-501  
 Applicant & Owner: Darren William Saxton  
 1475 Decanter Dr  
 New Braunfels, TX 78132  
 (713) 410-4564 | dwsaxton66@gmail.com  
 Staff Contact: Amanda Mushinski  
 (830) 221-4056 | amushinski@newbraunfels.gov

The subject property is less than a quarter of an acre in size, located on the northwest side of Oasis St, approximately 150 feet northeast of the intersection of Oasis St and Consolidated, and approximately 2 blocks northeast of the Faust Street Bridge and across the street from the New Braunfels Marketplace.

The 1920s residence is roughly 810 square feet in total interior livable area with 1 bedroom and 1 bathroom. This Special Use Permit (SUP) 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 1 bedroom and 1 bathroom is 4 occupants, and the minimum off-street parking is 1 space. There is sufficient room to accommodate the minimum parking requirements.

*Surrounding Zoning and Land Use:*

<b>North</b>	MU-B	Land Use
<b>South</b>	Across Oasis St: M-2	New Braunfels Marketplace
<b>East</b>	M-2	Single-family residences
<b>West</b>	M-2	Vacant Land

**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 an existing Market Center.

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 4 approved short-term rental SUPs within one-half mile of the subject property, 2 of which are active.

**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. 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.

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

*Mailed notification as required by state statute:*

Public hearing notices were sent to owners of 6 properties within 200 feet of the request. As of the agenda posting date, the city has received no responses in opposition.

Resource Links:

- Chapter 144, Sec. 3.3-12 (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?)
- 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?)

- 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?)