

Legislation Details (With Text)

File #:	24-288	Name:	
Type:	Ordinance	Status:	Passed
File created:	2/22/2024	In control:	City Council
On agenda:	3/18/2024	Final action:	3/18/2024
Title:	Approval of the second and final 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
3/18/2024	1	City Council - Special	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 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 City Council held a public hearing on February 26, 2024, and unanimously approved the first reading of the applicant's requested rezoning ordinance (7-0-0).

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:

North	MU-B	Land Use
South	Across Oasis St: M-2	New Braunfels Marketplace
East	M-2	Single-family residences
West	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 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 comply with the approved site and floor plans. Any significant changes to the site 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?_ga=2.171111111.171111111.171111111-171111111.171111111)

- 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?)
- 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?<https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?)