

## Legislation Details (With Text)

<b>File #:</b>	24-794	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Individual Item Ready
<b>File created:</b>	6/5/2024	<b>In control:</b>	City Council
<b>On agenda:</b>	6/24/2024	<b>Final action:</b>	6/24/2024

**Title:** Public hearing and first reading of an ordinance to rezone 0.14 acres out of City Block 5102, Lot 9 & 10, 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 at 852 N Houston Ave.

**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
6/24/2024	1	City Council	died	Fail

**PRESENTER:**

Jean Drew, Assistant Director of Planning and Development Services

**SUBJECT:**

Public hearing and first reading of an ordinance to rezone 0.14 acres out of City Block 5102, Lot 9 & 10, 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 at 852 N Houston Ave.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** 5

**BACKGROUND INFORMATION:**

Case No: SUP24-144  
 Applicant: Stone Oak Capital  
 152 Silver Hawk Ct  
 Dripping Springs, TX 78620  
 (512) 585-3650 | Jessicabachus@gmail.com

Owner: Jessica Bachus  
 852 N. Houston Ave.  
 New Braunfels, TX 78130  
 (521) 585-3650 | Jessicabachus@gmail.com

Staff Contact: Mary Lovell, Senior Planner  
 (830) 221-4051 | mlovell@newbraunfels.gov

The subject property is approximately 0.14 acres located on the northeast side of North Houston Avenue, approximately 90 feet from the intersection of North Houston Avenue and East Torrey Street, and

approximately 100 feet from the Union Pacific Railroad tracks.

The residence was built in the 1950s and is roughly 660 square feet in total interior livable area with 2 bedrooms 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 2 bedrooms and 1 bathroom is 5 occupants, and the minimum off-street parking is 2 spaces. The applicant is providing 3 off-site parking spaces, exceeding the minimum parking space requirement.

*Surrounding Zoning and Land Use:*

<b>North</b>	M-1, R-2A	Residential, Open Space
<b>South</b>	R-2	Residential
<b>East</b>	M-1, R-2A	Residential
<b>West</b>	R-2	Residential

**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 Subarea, near an Existing Tourist Center and within a Proposed Outdoor Recreation 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 8 active short-term rental properties within one-half mile of the subject property.

**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:**

Staff recommends approval subject to 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 June 4, 2024, and recommended approval (6-2-0).**

*Mailed notification as required by state statute:*

Public hearing notices were sent to owners of 17 properties within 200 feet of the request.

**Opposition represents 20% or more of the notification area. Pursuant to state statute, a  $\frac{3}{4}$  majority of City Council (6 votes) will be required to approve the applicant's request unless that opposition changes.**

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?](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?)