

## Legislation Details (With Text)

**File #:** 24-698      **Name:**

**Type:** Recommendation      **Status:** Individual Item Ready

**File created:** 5/14/2024      **In control:** Planning Commission

**On agenda:** 6/4/2024      **Final action:**

**Title:** SUP24-144 Public hearing and recommendation to City Council 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

Date	Ver.	Action By	Action	Result
6/4/2024	1	Planning Commission		

**PRESENTER:**

Applicant: Stone Oak Capital, LLC

Owner: Jessica Bachus

**SUBJECT:**

**SUP24-144** Public hearing and recommendation to City Council 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](mailto:Jessicabachus@gmail.com)

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

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

**FISCAL IMPACT:**

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

**STRATEGIC PLAN REFERENCE:**

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

Community Identity 3. Develop and implement comprehensive brand identity that represents the entire organization, clearly articulates and celebrates the culture of New Braunfels, highlights the unique assets of the community, and supports economic development and tourism efforts as well as City operations, including recruitment and retention.

**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.

*Mailed notification as required by state statute:*

Public hearing notices were sent to owners of 17 properties within 200 feet of the request. To date, the city has received no responses.

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?)