

## Legislation Text

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**File #:** 24-790, **Version:** 1

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**PRESENTER:**

Matthew Simmont, Planning Manager

**SUBJECT:**

Public hearing and first reading of an ordinance to rezone approximately 0.22 acres out of Kuehler Addition Subdivision, Lot 6R from C-3 (Commercial District) to C-3 SUP (Commercial District with Special Use Permit for Short-Term Rental of a Residence), currently addressed at 374 & 384 E Faust St.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** 5

**BACKGROUND INFORMATION:**

Case No: SUP24-145

Applicant/Owner: Clarence & Jilly Harden

13106 Plumwood Drive

Cypress, TX 77429

(713) 875-7867 | harden\_clarence@yahoo.com

Staff Contact: Amanda Mushinski, CNU-A

(830) 221-4056 | amushinski@newbraunfels.gov

The subject property is approximately 0.22 acres located on the southeast side of E Faust St, approximately 120 feet southwest of the intersection of E Faust St and Sanger Ave, and 1 block southwest of the Faust Street Bridge.

The 1920s residence is roughly 1410 square feet in total interior livable area with 2 bedrooms and 2 bathrooms. The 1920s detached accessory dwelling unit is roughly 400 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 and detached dwelling unit.

Per the Zoning Ordinance, the maximum occupancy of a STR with a total of 3 bedrooms and 3 bathrooms is 8 occupants, and the minimum off-street parking is 3 spaces. There is sufficient room to accommodate the minimum parking requirements.

*Surrounding Zoning and Land Use:*

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<b>North</b>	Across E Faust St: C-3	Single Family Residence
<b>South</b>	C-3	Single Family Residence
<b>East</b>	C-3	Single Family Residence
<b>West</b>	C-3	Single Family Residence

**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, Market, 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 11 approved short term rental SUPs within one-half mile of the subject property, 5 of which are 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:**

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.
3. Both dwelling units on the subject property must always be rented by a single party.

**The Planning Commission held a public hearing on June 4, 2024, and unanimously recommended approval (8-0-0)**

*Mailed notification as required by state statute:*

Public hearing notices were sent to 19 property owners within 200 feet of the request. As of the agenda posting date, the city has received responses representing 6% in opposition.

Resource Links:

- Chapter 144, Sec. 3.3-9 (C-3) 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?)