

## Legislation Text

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**File #:** 20-258, **Version:** 1

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Presenter

*Christopher J. Looney, Planning and Development Services Director  
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**SUBJECT:**

Approval of the second and final reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow the short term rental of a single-family dwelling in the "C-3" Commercial District on Lot 7 and the eastern 10 feet of Lot 8, City Block 1049, currently addressed at 191 East Faust Street.

**BACKGROUND / RATIONALE:**

**Case No.:** SUP20-019

**Council District:** 5

**Applicant:** Jay Dudley  
191 E. Faust Street  
New Braunfels, TX 78130  
(830) 743-0970 txdudley@gmail.com

**Owner:** Derrell Dudley  
191 E. Faust Street  
New Braunfels, TX 78130  
(830) 743-0970 txdudley@gmail.com

**Staff Contact:** Matt Greene, Planner  
(830) 221-4053 mgreene@nbtexas.org

**City Council held a public hearing on March 23, 2020 and approved the first reading of the applicant's request with staff recommendations including the requirement to pave the driveways and parking which can include the allowance of paved double ribbon driveways if the applicant chooses.**

The subject property is located on the northwest corner of the intersection of E. Faust Street and Comal Avenue. The neighborhood is zoned the cumulative "C-3" Commercial District, therefore the area has developed over time with a mix of commercial and residential uses; the subject block includes 5 businesses and 3 single family residential homes. The existing building on the subject property was constructed as a single-family dwelling in 1932, is 1½ stories and approximately 1,708 square feet in area. The home had been used as an office for at least the last 17 years. The application for the SUP was submitted under the previous Short Term Rental Ordinance, but the applicant has agreed to comply with standards of the revised Short Term Rental Ordinance adopted

by City Council on March 9, 2020.

The structure has four bedrooms, a living area, kitchen and three bathrooms. The current standards will allow a maximum of 10 occupants (two per sleeping room plus an additional two). The number of existing bathrooms complies with the new ordinance.

The two existing residential driveways and parking areas are currently surfaced with crushed rock. The applicant originally proposed to keep the driveways and parking areas in their current condition with no new improvements or expansions, however at the Planning Commission meeting, the applicant stated he could pave the driveways and parking and is considering utilizing a "ribbon drive" design, which is allowed. The parking area will accommodate the required minimum parking spaces (four).

If approved, additional supplemental standards, outlined in the attachments, will be required.

**Surrounding Zoning and Land Use:**

- North -C-3 / Automotive repair shop
- South -Across E. Faust St., C-3 / Beauty shop and tattoo shop
- East -Across Comal Ave., C-3 / Single-family residence
- West - C-3 / Office

**Floodplain:**

No portion of the property is within the 1% annual chance (100-year) flood zone.

- Whether the permitted uses will be appropriate in the immediate area, and their relationship to the area and to the City as a whole (*The site is within a mixed-use block in a larger mixed-use neighborhood near a major gateway into Downtown, and is in close proximity to river recreation.*);
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (*There do not appear to be any conflicts with these elements.*);
- How other areas designated for similar development will be affected (*The proposed use should not impact other areas designated for similar development.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*The use of this property as a short-term rental will be subject to the standards outlined in the Zoning Ordinance. These standards help to ensure that proper measures are in place to protect public health, safety and neighboring properties.*); and
- Whether the request is consistent with the Comprehensive Plan (*The property is situated within the New Braunfels Sub-Area and existing market and employment centers. It is also in close proximity to a Recreational River Corridor.*)

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

<p><b>City Plan/Council Priority:</b> Envision New Braunfels Comprehensive Plan</p>	<p><b>Action 1.14:</b> Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions. <b>Action 3.3:</b> Balance commercial centers with stable neighborhoods.</p>
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**FISCAL IMPACT:**

If approved the property will be subject to local and state hotel occupancy tax.

**COMMITTEE RECOMMENDATION:**

The Planning Commission held a public hearing on March 3, 2020 and recommended approval with staff recommendations. (7-0-0)

**STAFF RECOMMENDATION:**

While this would be the first introduction of lodging facilities into the block, the short term rental of this property, following all of the Zoning Ordinance standards, would complement the overall mix of uses in this area. The location would allow easy access to main thoroughfares and visitor destinations without extensive vehicular traffic into the interior of the neighborhood. Therefore, staff recommends approval with the following conditions:

1. The residential character of the property must be substantiated and maintained, including removal of the existing monument sign in the front yard. (Bring property into compliance with Sign Ordinance standards.)
2. The property will remain in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP.
3. All standards of the Zoning Ordinance will be met.
4. The driveway and parking area shall be paved in accordance with the Zoning Ordinance, which allows the double paved ribbon driveway design.

**Notification:**

Public hearing notices were sent to 22 owners of property within 200 feet of the request. The City has received three responses in favor from numbers 4, 12 and 20 and none opposed.

**Attachments:**

- Aerial Map
- Survey; Proposed Site Plan; Floor Plan
- Land Use Maps (Zoning, Existing Land Use, Existing Centers, Future Land Use Plan)
- Short Term Rental Vicinity Map
- Photographs
- Notification List, Map and Responses
- Ordinances:
  - Sec. 3.6 Special Use Permits
  - Sec. 5.17 Short Term Rentals
  - Sec. 3.3-9 Commercial District
- Excerpt of Minutes from the March 3, 2020 Planning Commission Regular Meeting
- Ordinance