

## Legislation Details (With Text)

|                      |  |                      |                       |
|----------------------|--|----------------------|-----------------------|
| <b>File #:</b>       | 23-1686  | <b>Name:</b>         |                       |
| <b>Type:</b>         | Ordinance  | <b>Status:</b>       | Individual Item Ready |
| <b>File created:</b> | 12/6/2023  | <b>In control:</b>   | City Council          |
| <b>On agenda:</b>    | 1/8/2024   | <b>Final action:</b> |                       |
| <b>Title:</b>        | Public hearing and first reading of an ordinance regarding the proposed rezoning of 0.14 acres out of New City Block 4074, Baus Addition, Block A, Lot 9 from C-3 (Commercial District) to C-3 SUP (Commercial District with a Special Use Permit for Short-Term Rental of a Residence), currently addressed at 559 West Nacogdoches Street. |                      |                       |

**Sponsors:****Indexes:****Code sections:**

**Attachments:** 1. City Maps, 2. Applicant Attachments, 3. Subject Property Photos, 4. Notification, List, & Responses, 5. PC Draft Minutes, 6. DRAFT Ordinance

| Date     | Ver. | Action By    | Action   | Result |
|----------|------|--------------|----------|--------|
| 1/8/2024 | 1    | City Council | approved | Pass   |

**PRESENTER:**

Matthew Simmont, AICP, Planning Manager

**SUBJECT:**

Public hearing and first reading of an ordinance regarding the proposed rezoning of 0.14 acres out of New City Block 4074, Baus Addition, Block A, Lot 9 from C-3 (Commercial District) to C-3 SUP (Commercial District with a Special Use Permit for Short-Term Rental of a Residence), currently addressed at 559 West Nacogdoches Street.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** 5

**BACKGROUND INFORMATION:**

Case No: SUP23-354  
Applicant/Owner: Eustacio Tovar  
139 W Mayfield  
San Antonio, Texas, 78221  
(210) 473-1209 | eustaciotovar@gmail.com  
Staff Contact: Caitlin Garrigus  
(830) 221-4087 | cgarrigus@newbraunfels.gov

The subject property is 0.14 acres located on the South side of West Nacogdoches Street, approximately 280 feet West of the intersection of West Nacogdoches Street and Magazine Avenue, and across from the demolished NBHS Ninth Grade Center.

The 1951 residence is roughly 762 square feet in total interior livable area with 3 bedrooms and 2 bathrooms. This rezoning 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 3 bedrooms and 2 bathrooms is 8

occupants, and the minimum off-street parking is 3 spaces. There are currently two paved parking spots on the property requiring one additional parking spot to be paved to meet the minimum requirement.

*Surrounding Zoning and Land Use:*

|              |       |                                      |
|--------------|-------|--------------------------------------|
| <b>North</b> | SND-1 | Vacant school-owned property         |
| <b>South</b> | C-3   | Commercial                           |
| <b>East</b>  | C-3   | Low-Density Residential & Commercial |
| <b>West</b>  | C-3   | Low-Density Residential & Commercial |

**ISSUE:**

The proposed rezoning to apply the Special Use Permit is consistent with the following actions from Envision New Braunfels:

- **Action 1.14:** Ensure regulations do not unintentionally inhibit the provisions of a variety of flexible and innovative lodging options and attractions.
- **Action 1.3:** Encourage balanced and fiscally responsible land use patterns.
- **Action 1.6:** Incentivize infill development and redevelopment to take advantage of existing infrastructure.
- **Action 3.6:** Pro actively provide a regulatory environment that remains business and resident friendly.

**Future Land Use Plan:** The subject property is located within the New Braunfels sub area, near multiple existing Civic, Education, Employment, Market, Outdoor Recreation, and Tourist 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 7 approved short term rental SUPs within one-half mile of the subject property, 4 of which are active.

**FISCAL IMPACT:**

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

**RECOMMENDATION:**

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. A paved driveway with three parking spaces must be available for use prior to the issuance of a Short Term Rental permit.

**The Planning Commission held a public hearing on December 5, 2023, and unanimously recommended approval (6-0-0).**

*Mailed notification as required by state statute:*

Public hearing notices were sent to owners of 18 properties within 200 feet of the request. To date, the city has received responses representing 1% 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?nodeId=COOR_CH144)
- 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?nodeId=COOR_CH144)
- 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?nodeId=COOR_CH144)