

## Legislation Details (With Text)

<b>File #:</b>	24-824	<b>Name:</b>	
<b>Type:</b>	Recommendation	<b>Status:</b>	Individual Item Ready
<b>File created:</b>	6/13/2024	<b>In control:</b>	Planning Commission
<b>On agenda:</b>	7/2/2024	<b>Final action:</b>	
<b>Title:</b>	SUP24-170 Public hearing and recommendation to City Council to rezone approximately 0.21 acres out of the Highland Park Addition Subdivision Block 14, 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 1622 Cross St.		

**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
7/2/2024	1	Planning Commission		

**PRESENTER:**

Applicant: Aaron Roggensack

Owner: Casa Rosada LLC

**SUBJECT:**

**SUP24-170** Public hearing and recommendation to City Council to rezone approximately 0.21 acres out of the Highland Park Addition Subdivision Block 14, 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 1622 Cross St.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** 1

**BACKGROUND INFORMATION:**

Case No: SUP24-170

Applicant/Owner: Aaron Roggensack  
130 Auburn Street  
Kyle, TX, 78640  
(512) 739-3802 | aaronroggensack@gmail.com

Staff Contact: Dana Moses  
(830) 221-4054 | dmoses@newbraunfels.gov

The subject property is approximately 0.21 acres (9,050 square feet) in size located on the northeast side of Cross St, approximately 108 feet northwest of the intersection of Cross St and S Live Oak Ave, and approximately 3 blocks northwest from the intersection of Live Oak Ave and Business 35. The historic home was originally located at 251 South Guenther Street. It was moved a mile away to 1622 Cross Street in 2023 with the issuance of a residential move permit (RP2023-0972).

The 1920s residence is roughly 1,185 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.

*Surrounding Zoning and Land Use:*

<b>North</b>	C-3	Single-Family Residence
<b>South</b>	R-1 A-6.6	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 and near existing Civic, Market, Outdoor Recreation Centers, as well as a proposed Market 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 5 approved short-term rental SUPs within one-half mile of the subject property, 3 of which are active.

**STRATEGIC PLAN REFERENCE:**

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

- **Economic Mobility:** Identify and secure a mid-to-long-term leasing or ownership opportunity for a business incubator to help foster the development of new, locally grown businesses and support entrepreneurship.
- **Community Identity:** 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.

**FISCAL IMPACT:**

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

**RECOMMENDATION:**

Approved 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.

*Mailed notification as required by state statute:*

Public hearing notices were sent to owners of 22 properties within 200 feet of the request. To date, the city has received no responses.

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?)