



Planning and Zoning Commission Report ZC 01-14

The following zoning change request was considered during a public hearing at the Planning & Zoning Commission meeting on March 11, 2014:

ZONING CHANGE request from Commercial to MF-3 for the property located at the 1300 Block of E. Walnut, 6.000 acres, Abstract 35, Property ID's 59299 & 59643.

Helena Schaefer presented the staff report. Staff recommends approval of the request to change the zoning back to MF-3 and noting that there is a proposed buyer for the property.

Concluding the Staff Report and noting the surrounding land uses and the recommendations of the Comprehensive Plan, staff recommended approval of the zoning change to "Multi-Family 3."

Mr. MacDonald, Applicant provided the Commission with a brief overview of the intentions of the property as well as the layout. He explained that College Street is to remain an emergency access point and a privacy fence will be set up for the planned apartment complex. It was stated by Mr. MacDonald that 100 percent of the tenants are screened for criminal and credit history prior to renting.

Dr. Pamela Tackett, Tackett Chiropractic, spoke regarding concerns of possible noise, the variables that come with apartment living, traffic, and trash. She also stated that the emergency entrance and fencing are important. Drainage for the property was also questioned and discussed.

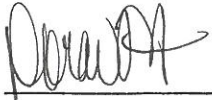
Traci Cole, Sprouts Learning Academy agreed with Dr. Tackett's concerns, stating her concern for potential dangers to the Academy. She was comfortable knowing that there is to be a fence and fire exit off of College Street, however morning traffic was the main concern followed by the clientele expected for the apartment complex.

Jim Price, Remax Professional Realty stated that he sought one of the best owners/developers in the state. He also stated that they (Mr. MacDonald and his group) are good operators, experienced, and will be good neighbors.

Bruno Martinez, P&Z Commission Member asked about a traffic study. Bill Couch informed him that one could be requested, at the time of platting but the decision is up to the City Engineer to ask for the study.

After consideration of the staff report and all information given, the Planning and Zoning Commission voted 8-0-1 to recommend to City Council to approve the zoning change request to MF-3.

**RECOMMENDATION TO APPROVE ZONING CHANGE TO SINGLE-FAMILY RESIDENTIAL –
MOTION PASSED 8-0-1.**



Dora Toungate
Planning Assistant



ATTEST: Bill Couch
Director of Planning/Codes



City of Seguin

Planning/Codes Department
Staff Report

ZC 01-14
1300 Blk of E. Walnut St.

Applicant:

T. Justin MacDonald
2951 Fall Creek Rd.
Kerrville, TX 78028

Property Owner(s):

Colonial Complex, Ltd.
P.O. Box 808
Seguin, TX 78156

Property Address/Location:

1300 Block of E. Walnut St.

Legal Description:

Abstract 35, John Sowell
Survey, approx. 6.174 acres,
Property ID #59299 & 59643

Lot Size/Project Area:

Approx. 6.174 acres

Future Land Use Plan:

Community Node

Notifications:

Mailed Feb. 28, 2014

Comments Received:

None as of Mar 6, 2014

Staff Review:

Helena Schaefer
GIS Analyst
March 6, 2014

Attachments:

- Notification/Aerial Map
- Zoning Map
- Future Land Use Plan Map

REQUEST:

Zoning Change request from "Commercial" to "M-F 3".

ZONING AND LAND USE:

	Zoning	Land Use
Subject Property	Commercial	Vacant lot
N of Property	Commercial & Public	Daycare/Preschool, Seguin High School, Commercial Businesses
S of Property	Multi-Family & Public	Commercial Property
E of Property	Commercial	Commercial Business
W of Property	Commercial	One Residence, Power Substation

SUMMARY OF STAFF ANALYSIS & RECOMMENDATION:

Staff recommends the approval of this zoning change request from Commercial to Multi-Family (MF-3).

Planning Department Recommendation:	
X	Approve as submitted
	Approve with conditions or revisions as noted
	Alternative
	Denial

PLANNING DEPARTMENT ANALYSIS

CASE SUMMARY:

The purpose of this request is to rezone the property to Multi Family 3 for future development.

CODE REQUIREMENTS:

This property is currently vacant and is zoned as "Commercial". The site was previously re-zoned for Commercial development. No development has occurred and the site remains undeveloped. This is the third request for a zoning change. MF-3 development shall not exceed a density of more than twenty (20) dwelling units per gross acre.

COMPATIBILITY WITH SURROUNDING LAND USE & ZONING:

The area surrounding the property consists of Commercial and Public uses, including Seguin High School and commercial businesses. A new medical center is currently being built to the east of the property. The property to the west is zoned multi-family, but is a legal non-conforming use (an existing residence prior to the Zoning Ordinance.)

COMPREHENSIVE PLAN:

The property is located within the "Commercial Node" district. These local nodes are defined by a high density of commercial uses, and thus the higher residential density structures that fill in the smaller spaces. Appropriate land uses in this district include commercial, multi-family, public, and/or office/retail. The request for a zoning change would be consistent with the Future Land Use Plan.

HEALTH, SAFETY, AND GENERAL WELFARE: (Protection & preservation of historical, cultural, and environmental areas.)

This property has not been identified as being of historic, cultural or environmental significance.

TRAFFIC (STREET FRONTAGE & ACCESS):

The property is accessed from E. Walnut Street, but the small 0.174 acre lot to the north of the larger parcel has access from E. College Street.

PARKING:

Parking will be required in accordance with the Seguin's Off-Street Parking Ordinance and will be addressed during site development process.

OTHER:

At the time of site development, issues such as drainage and platting will be reviewed in accordance with applicable City ordinances and regulations.

LOCATION MAP

ZC 01-14: 1300 Blk of E Walnut St



This map is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The City of Seguin assumes no liability for errors on this map or use of this information.



Site Location



200' Notification Buffer



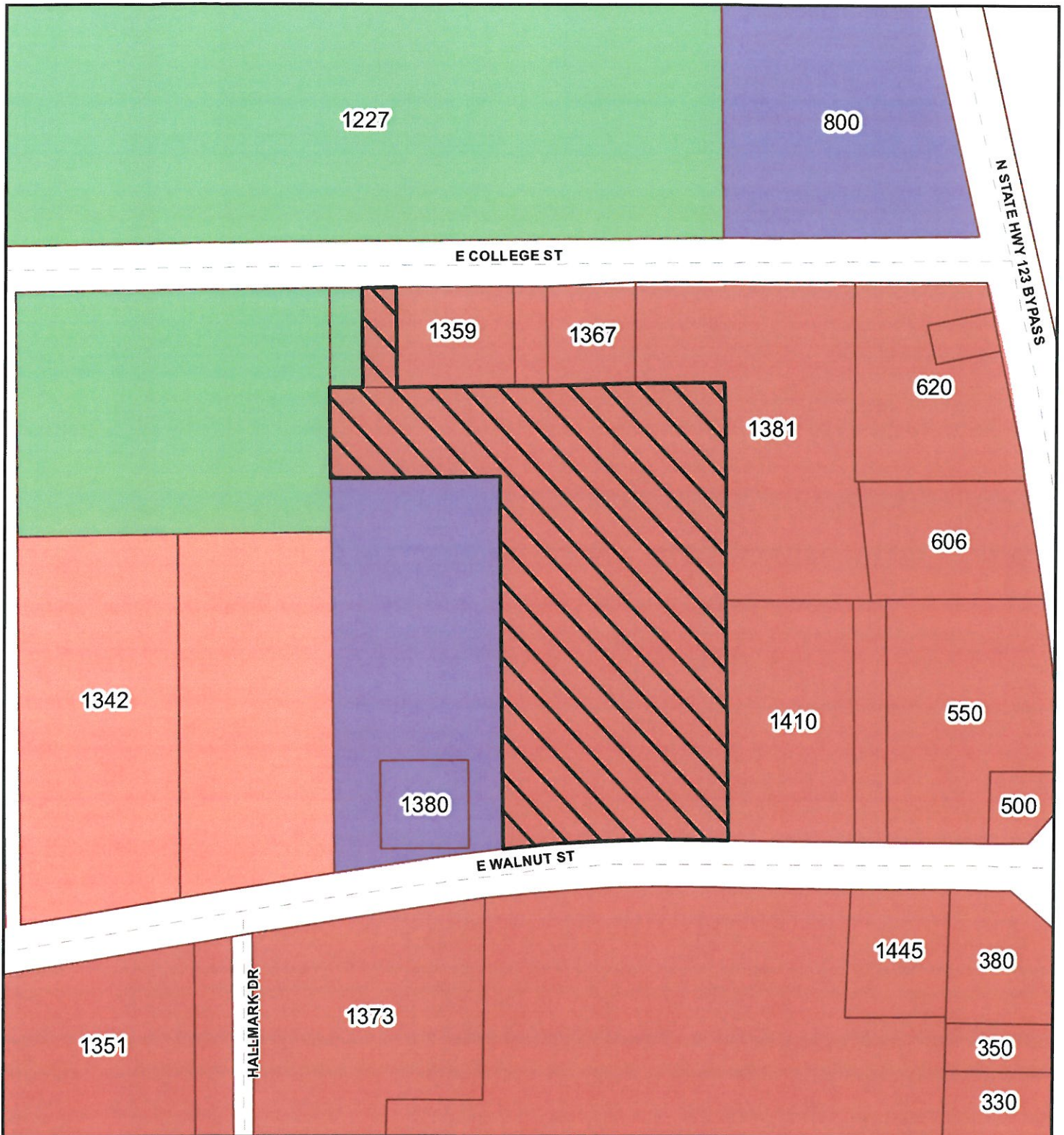
Lot Lines

1 inch = 233 feet

Printed: 2/13/2014

ZONING MAP

ZC 01-14: 1300 Blk of E Walnut St



O-P Office Professional	R-1 Single-Family Residential	MHP Manufactured Home Park	PD Pre-Development
R Retail	ZL Zero Lot Line	MHS Manufactured Home Subdivision	M Mixed Use
C Commercial	MF-1, MF-2, MF-3 Multi-Family	M-R Manufactured Home and Residential	PUD Planned Unit Development
P Public	DP-1, DP-2 Duplex	A-R Agricultural Ranch	LI Light Industrial
			I Industrial

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Site Location



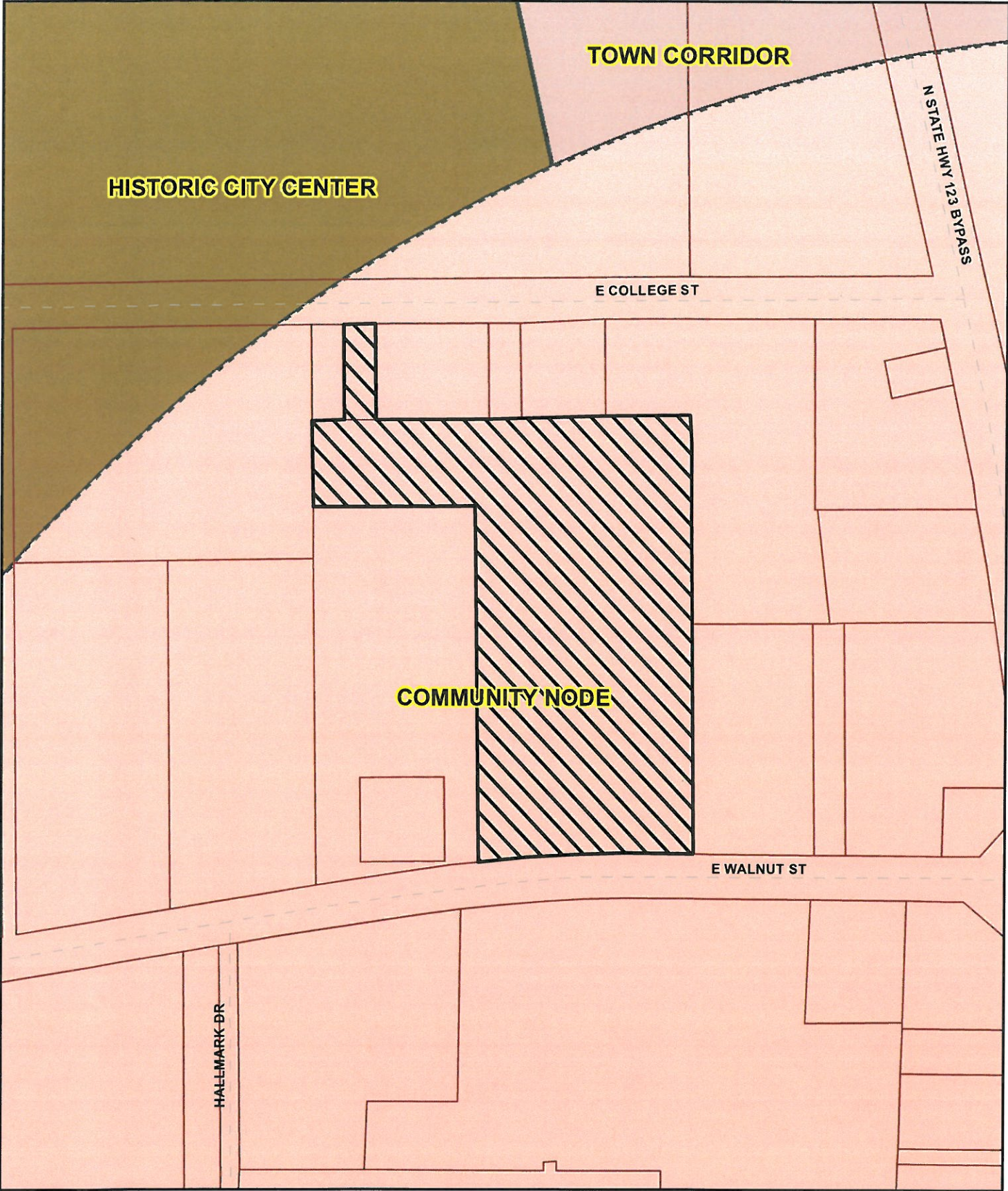
Lot Lines

1 inch = 200 feet

Printed: 2/13/2014

FUTURE LAND USE MAP

ZC 01-14: 1300 Blk of E Walnut St



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Site Location

Lot Lines

1 inch = 200 feet
Printed: 2/13/2014

ZC

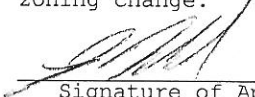
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CITY OF SEGUIN

ZONING CHANGE APPLICATION

2014 FEB 12 PM 4:32

State law requires that a zoning change application must be reviewed by City staff, the Planning Commission and City Council and that certain public notices be mailed and posted. This process generally takes 6 - 8 weeks. Acceptance of this application is not approval of the zoning change.


 Signature of Applicant

 2-11-14
 Date
Applicant(s) T. Justin MacDonaldApplicant's Mailing Address 2951 Fall Creek Rd., Kerrville, TX 78028Applicant's Phone (830) 257-5323Property Owner(s) of Record Colonial Complex, Ltd.Owner's Mailing Address (If different from applicant) _____
P.O. Box 808, Seguin, Texas 78156Address or General Location of Property _____
1300 East Walnut St.

Legal Description (If platted, respond here; if not platted, use attachment as noted below) _____

6.17 acre tract of land situated in the John Sowell Survey, Abstract 35, City of Seguin, Guadalupe County, TexasProperty Size 6.17 Acres and/or _____Floodplain ☐ Yes ☒ NoFloodway ☐ Yes ☒ NoExisting Land Use Vacant LandProposed Land Use Multifamily ApartmentsExisting Zoning Designation CProposed Zoning Designation MF-3

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Reasons for, or explanation of, requested zoning change

To allow construction of multifamily apartments.

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PLANNING & CODES
CITY OF SEGUIN, TX

Has a previous zoning change request for the same classification on the same property been considered within the last 12 months?

☐

Yes

☒

No

Attached are the following:

- (1) \$250.00 Application Fee (Non-Refundable).
- (2) If not platted, a metes and bounds legal description of the subject property. If the zoning change involves more than one proposed designation, include a separate metes and bounds description for each different portion.
- (3) Agent's Affidavit (If applicable).

PLANNING DEPARTMENT'S USE ONLY

Accepted by _____ Date _____ ZC _____ - _____

Public Hearing Date _____

Date Notices Mailed _____

Zoning Commission Recommendation _____

Vote _____

Date Forwarded to City Attorney _____

Date Forwarded to City Secretary _____

Date of City Council Consideration _____

Date Notices Mailed _____

City Council Action _____

Ordinance Number _____ Date of Ordinance _____

COORDINATE FILE 24326 COLONIAL COMPLEX 1 AC. CIP
DRAWING FILE: 24326-COLONIAL COMPLEX 1 AC. CIP
NOTES: 1.0
RECORDING FILE: 1.0

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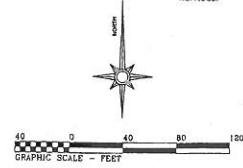
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PLANNING & CODES
CITY OF SEGUIN, TX

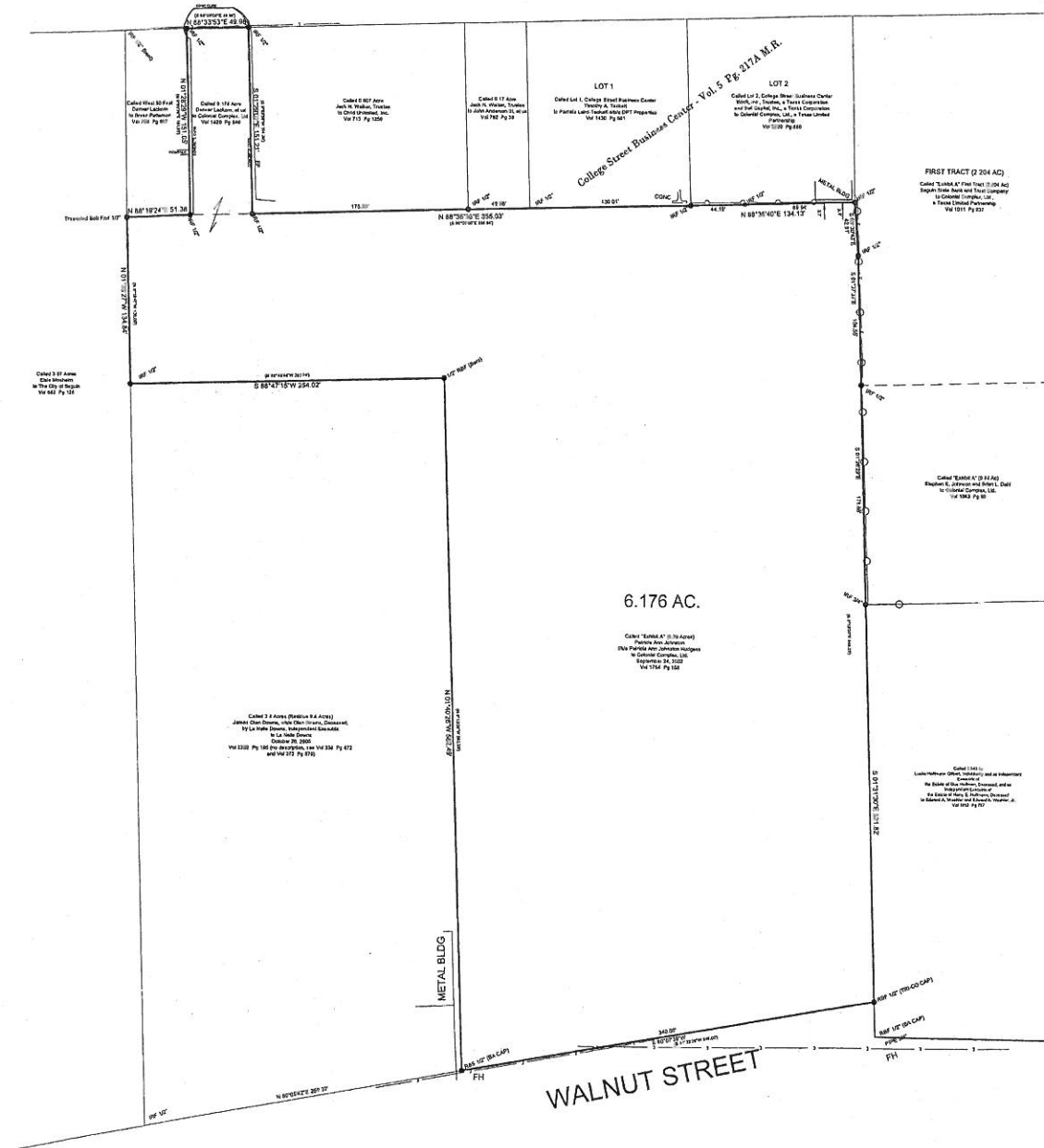
ON 8/11 AND 1/14 AC TRACTS WAS PROVIDED BY
SEGUIN TITLE CO.
DATE 08/11/14
EFFECTIVE DATE 12/31/10
NO EASEMENTS OR RESTRICTIONS FOUND

THE TRACT OF LAND SHOWN
HEREON APPEARS TO BE
SITUATED IN SEGUIN, TX
AS SHOWN ON PUBLIC RECORDS
COMMUNITY NUMBER: 48101-1
PANEL: 1000P
DATE: 11/02/2007
REGARDLESS OF THE ZONE
DESIGNATION, THIS IS NO
GUARANTEE THAT THE
PROPERTY WILL OR WILL
NOT FLOOD.

JOB:24326-D-G



COLLEGE STREET



6.176 AC.

WALNUT STREET

ALTA / ACSM LAND TITLE SURVEY
6.176 ACRE TRACT
JOHN SOWELL SURVEY, A-35
SEGUIN, GUADALUPE COUNTY, TEXAS

I HEREBY CERTIFY TO THE FOLLOWING:

THIS PLAN PREPARED BY THE RESULTS OF A
SURVEY MADE BY ME OR UNDER MY
SUPERVISION. EXCEPT AS SHOWN, THERE ARE
NO PROVISIONAL, INTERFERING OR VISIBLE
EASEMENTS AFFECTING THIS PROPERTY.

TRANSACTION: COLONIAL COMPLEX 1 AC. CIP

DATE OF SURVEY: 11/02/2007

NAME: BETHANN PALAZZO

BETTERSWORTH & ASSOCIATES, INC.
111 EAST MOUNTAIN STREET, SEGUIN, TEXAS 78155
PH: 830.379.5582 FAX: 830.379.5553
www.betterworthassociates.com

JOB:24326-D-G

RECEIVED

Exhibit A

2014 FEB 12 PM 4:33

PLANNING & CODES
CITY OF SEGUIN, TX

BETTERS WORTH & ASSOCIATES, INC.

ENGINEERS - SURVEYORS - CONSULTANTS

111 EAST MOUNTAIN STREET, SEGUIN, TEXAS 78155

E-Mail: ken@betterworthassoc.com

2432*
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24326-D-G
JANUARY 10, 2011

KEN L. REININGER, P.E. & R.P.L.S.

6.176 ACRE TRACT

Being a **6.176 ACRE TRACT** situated in the John Sowell Survey, A-35, Seguin, Guadalupe County, Texas. Said **6.176 ACRE TRACT** is comprised of all of a tract called Exhibit A (5.99 acres) in conveyance from Patricia Ann Johnston, f/k/a Patricia Ann Johnston Hudgens to Colonial Complex, Ltd. Dated September 24, 2002 and recorded in Volume 1754 at Page 158 and all of a tract called 0.174 acre in conveyance from Denver Lackhorn, et ux, to Colonial Complex, LTD. in Volume 1820 at Page 840, both of the Official Records of said county and being described by metes and bounds as follows:

BEGINNING at a ½ inch diameter iron rod found marking the north-most northwest corner of the tract herein described, same being the northwest corner of said 0.174 acre tract, the northeast corner of a tract called "West 60 feet" in conveyance from Denver Lackhorn to Bryan Paterson and recorded in Volume 700 at Page 652 of the Official Records of said county, and lying in the south line of College Street.

THENCE with a segment of the north line of the tract herein described, same being the common line of said 0.174 acre tract and said College Street, N 88°33'53" E, 49.98 feet (called S 89°56'00" E, 49.98 feet) to ½ inch diameter iron rod found marking the north-most northeast corner of the tract herein described, the northeast corner of said 0.174 acre tract, and the northwest corner of a tract called 0.607 acre tract in conveyance from Jack N. Walker, Trustee to Child Unlimited, Inc. recorded in Volume 713 at Page 1259.

THENCE continuing with a segment of the north line of the tract herein described, same being the common line of said 0.174 acre tract and said 0.607 acre tract, S 1°29'07" E 151.21 feet (called S 0°03'56" W 151.25 feet) to a ½ inch diameter iron rod found marking a re-entrant corner of the tract herein described, the southeast corner with said 0.174 acre tract, lying in the north line of said 5.99 acre tract, and the southwest line of said 0.607 acre tract.

THENCE continuing with the north line of the tract herein described same being the common line of said 5.99 acre tract with that of said 0.607 acre tract, a tract called 0.17 acre in conveyance from Jack N. Walker, Trustee to John Anderson III, et ux, and recorded in Volume 792 at Page 89, a tract called Lot 1 of College Street Business Center recorded in Volume 6 at Page 217A of the Map Records-called Lot 1 in conveyance from Timothy A. Tackett to Pamela Laird-Tackett, d/b/a DPT Properties recorded in Volume 1430 at Page 691, and Called Lot 2, College Street Business Center in conveyance from WHR, Trustee, a Texas Corporation and Bell Capital, Inc. a Texas Corporation to Colonial Complex, LTD, a Texas Limited Partnership recorded in Volume 2222 at Page 680 as follows

N 88°36'36" E at 175.03 feet a ½ inch diameter iron rod found marking the southeast corner of said 0.607 acre tract and the southwest corner of said 0.17 acre tract, at 225.01 feet a ½ inch diameter iron rod found marking the southeast corner of said 0.17 acre tract and the southwest corner of said Lot 1 College Street Business Center and at 855.03 feet (in total called East) to a ½ inch diameter iron rod found marking the southeast corner of said Lot 1 and the southwest corner of said Lot 2, and

N 88°35'40" E at 44.19 feet a ½ inch diameter rebar found and at 134.13 feet (called East) to a ½ inch diameter iron rod found marking the east-most northeast corner of the tract herein described, the northeast corner of said 5.99 acre tract, the southeast corner of said Lot 2 and lying in the west line of a tract called First Tract (2.204 acres) in conveyance from Seguin State Bank and Trust Company to Colonial Complex, LTD. A Texas Limited Partnership recorded in Volume 1011 at Page 937.

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THENCE with the east line of the tract herein described, same being the common line of said 5.99 acre tract with that of said 2.204 acre tract, a tract called Exhibit A (0.84 acre) in conveyance from Stephen E. Johnson and Brian L. Dahl to Colonial Complex, LTD in Volume 1063 at Page 69, and a tract called Exhibit A (1.946 acre) in conveyance from Luella Hoffmann Gilbert, Deceased, and as Independent Executrix of the Estate of Harry E. Hoffmann, deceased to Edward A. Woehler and Edward A. Woehler, Jr., recorded in Volume 1012 at Page 797 as follows:

S 3°30'40" E 42.91 feet to a ½ inch diameter iron rod found,

S 1°37'33" E 104.65 feet to a ½ inch diameter iron rod found marking the southwest corner of said 2.204 acre tract and the northwest corner of said 0.84 acre tract, S 1°26'29" E 178.88 feet to a ½ inch diameter iron rod found marking the southwest corner of said 0.84 acre tract and the northwest corner of said 1.946 acre tract, and

S 1°31'30" E 321.82 feet (in total called S 0°13'30" E 648.26 feet) to a ½ inch diameter rebar found (cap Tri-Co) marking the southeast corner of the tract herein described, same being the southeast corner of said 5.99 acre tract and lying in the north line of Walnut Street.

THENCE with the south line of the tract herein described along the common line of said 5.99 acre tract and said Walnut Street, S 80°07'39" W 340.00 feet (called S 81°33'38" W 340.00 feet) to a ½ inch diameter rebar set, with cap (B&A) marking the south-most southwest corner of the tract herein described, the southwest corner of said 5.99 acre tract, and the southeast corner of a tract called 3.4 acres (Residue of 9.4 acres) in conveyance from James Olen Downs, a/k/a Olen Downs, Deceased, by La Nelle Downs, Independent Executrix to La Nelle Downs dated October 28, 2005 recorded in Volume 2232 at Page 195 (no description see Volume 339 at Page 472 and Volume 373 at Page 570.)

THENCE with a segment of the west line of the tract herein described along the common line of said 5.99 acre tract with that of said 3.4 acre tract as follows:

N 1°40'28" W 562.49 feet (N 0°13'50" W 562.33 feet to a ½ inch diameter rebar found (bent) marking a re-entrant corner of the tract herein described, a re-entrant corner of said 5.99 acre tract and the northeast corner of said 3.4 acre tract, and

S 88°47'15" W 254.02 feet (called N 89°48'44" E 253.74 feet) to a ½ inch diameter iron rod found marking a west corner of the tract herein described, a west corner of said 5.99 acre tract, the northwest corner of said 3.4 acre tract, and lying in the east line of a tract called 3.97 acres in conveyance from Elsie Moshelm to the City of Seguin recorded in Volume 662 at Page 128.

THENCE continuing with the west line of the tract herein described and along the common line of said 5.99 acre tract and said 3.97 acre tract N 1°33'27" W 134.84 feet (called N 0°19'47" W 135.00 feet) to ½ inch threaded bolt found marking the west-most north west corner of the tract herein described, lying in the east line of said 3.97 acre tract and being the southwest corner of said "west 50 feet" parcel.

THENCE with a segment of the north line of the tract herein described along the common line of said 5.99 acre tract and said 0.174 acre tract with that of said "west 50 feet" parcel as follows:

N 88°19'24" E 51.38 feet (called East) to a ½ inch diameter iron rod found marking a re-entrant corner of the tract herein described, being the southeast corner of said "west 50 foot" parcel, and the southwest corner of said 0.174 acre tract, and

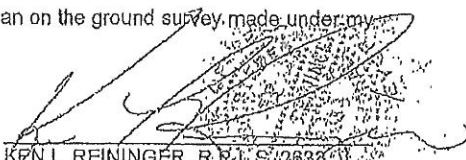
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N 0°28'29" W 151.05 feet (N0°05'26" E 151.05 feet) to the PLACE OF BEGINNING and
containing 6.176 ACRES OF LAND.

BASIS OF BEARING IS GEODETIC NORTH FROM GPS OBSERVATION DATED DECEMBER 20,
2010.

I hereby certify the foregoing field notes represent the results of an on the ground survey made under my
supervision 12.20.2010


KEN L. REININGER, R.P.L.S. 26881



