



Meeting Minutes

Planning & Zoning Commission

Tuesday, December 10, 2024

5:30 PM

Council Chambers

Public

1. Call To Order

The City of Seguin Planning and Zoning Commission met in a Regular Meeting on December 10, 2024 at 5:30 p.m. at the City Council Chambers, 210 E. Gonzales Street, Seguin, Texas. Vice-Chair Felty presiding over the meeting.

2. Roll Call

**Present:** 7 - Vice Chair Patrick Felty, Eddie Davila, Joseph Pedigo, Bobby Jones III, Kelly Schievelbein, Yesenia Rizo, and Wayne Windle

**Absent:** 1 - Chairperson Troy DePalermo

3. Approval of Minutes

[24-621](#)

Approval of the Planning and Zoning Commission Minutes of the November 12, 2024 Regular Meeting.

Indexes:

**A motion was made by Commissioner Pedigo, seconded by Commissioner Rizo, that the minutes of the November 12, 2024 Planning and Zoning Commission meeting be approved. The motion carried by the following vote:**

**Aye** 7 - Vice Chair Felty, Davila, Pedigo, Jones III, Schievelbein, Rizo, and Windle

4. Action Item

[PC 000146-20](#)  
[22](#)

Possible action on a plat modification to the Final Plat for Greenspoint Heights Subdivision 2C, Property ID 52815 (PC-000146-2022)

Indexes:

*Kyle Warren, Planner presented the staff report. He explained that the final plat was approved with conditions in January 2023 by the Planning Commission. When the final plat was resubmitted there were minor modifications. Mr. Warren explained the modification requested by the applicant. The modifications have been reviewed by city staff for compliance with the UDC and city requirements. If the approval is granted by the Commission, the applicant will need to provide the revised final plat to city staff to ensure conditions have been met before moving forward to recordation. Pamela Centeno explained the modifications regarding the driveway easements.*

A motion was made by Commissioner Pedigo, seconded by Commissioner Schievelbein, that plat modifications to the Final Plat for Greenspoint Heights Subdivision Unit 2C be approved. The motion carried by the following vote:

**Aye** 7 - Vice Chair Felty, Davila, Pedigo, Jones III, Schievelbein, Rizo, and Windle

## 5. Public Hearing and Action Items

### a. [SUP 06-24](#)

A request for an amendment to a Specific Use Permit (SUP 12-14) to allow existing use to be transferable to future owner(s), for the property located at 907 N. Austin St., Property ID: 22845, (SUP 06-24).

#### Indexes:

*Armando Guerrero, Planning Manager presented the staff report. He stated that the applicant is requesting to amend the existing Specific Use Permit (SUP 12-14) to include that the use be transferable to future potential owners. The owner obtained approval to allow an event venue for special events, weddings, anniversaries, graduations, etc. The owner is in the process of selling the property. The approved SUP was approved on December 11, 2014 and has been functioning since that date. The current SUP does not include a condition or language that would allow the SUP to be transferable to a new owner. He added that a new owner of the property would be required to apply and obtain SUP approval to allow the same use. Mr. Guerrero stated that three letters in opposition were received noting noise and parking concerns.*

*Staff stated that the proposed amendment to the approved Specific Use Permit (SUP 12-14) will not alter any of the approved conditions in SUP 12-14. If approved, the new property owner will be required to allow the conditions that are currently in place for the use of the property.*

*The regular meeting recessed, and a public hearing was held.*

*Blanche Walker, 816 E. Humphreys stated she owns the house next door where they set up the bands. She said the music is so loud that the windows vibrate. She stated that there are hairline fractures on the windows from the noise. She said any outdoor music does not allow them to hear anything inside the house. The music goes on until 11 p.m. sometimes 12 a.m. The SUP notes that the music shall cease at 10 p.m. She stated that the police have been at house for decibel reading but nothing has ever been done. Mrs. Walker added that they have a quiet neighborhood and she is not the only one affected by the loud music. She stated that the area is a Historic residential neighborhood and that residents are putting a lot of money into their homes. She felt that the property is not in a good location for outdoor venue and music. Mrs. Walker stated she is opposed to the request.*

*Peggy Traeger, 926 N. River stated she is two houses down from the property and expressed concerns with the noise and parking. She said that the venue allows 50-100 people which means there are approximately 50 vehicles trying to park in the neighborhood. She added that people walk through their front yards. She felt that a precedent is being set to allow the venue in a residential Historic neighborhood.*

*Paul Kelly, owner of 907 N. Austin stated he has been in business for 10 years and has not had any complaints until the renter moved in next door. He said the buyer may want to continue the use and the permit which allows music until 11 p.m. in which they have abided. He said that they do not have many complaints and the complaints that they do have police have come by the venue and that they have said all is ok.*

*The Commission inquired if any citation have been issued. Mr. Kelly stated that he has never been cited for a violation. The Commission asked about the amplified music hours. The Commission asked if outdoor music is requested by the new owner. Mr. Kelly stated that outdoor music would be necessary for rental of the venue.*

*Artis Evald, Paul Kelly's Realtor stated that there are not enough venues of that type in town. She explained that one of the persons interested is trying to get a loan which is requiring that the SUP be transferable to the new owner. She said that she lives in the Historic District and there is a bar across from her home and another bar previously approved. She mentioned that she is aware of the new noise survey provided by the police department. Mrs. Evald stated that the Abbott House is not a problem.*

*There being no additional responses from the public the regular meeting reconvened for action.*

*Armando Guerrero addressed some of the concerns of the public. He stated that a precedent would not be made because the property has met all the requirements for a Specific Use Permit in a residential zoned property. He pointed out that the current and any future property owners are held accountable to the terms and conditions of the approved Specific Use Permit (SUP 12-14). Mr. Guerrero stated that all events shall occur between the hours of 7am and 11 pm. Amplified noise will not be allowed after 10 pm. He gave a brief overview of the 8 noise complaints between October 2018 and 2023.*

*The Commission suggested that the SUP only be transferred one time. Staff and the Commission discussed violations of the noise ordinance and when an SUP would be brought back to the Commission if violations of the SUP occur. Commissioner Felty asked staff to explain the proposed Outdoor Venue permit. Pamela Centeno, Planning Director gave a brief update on the outdoor venue permit and advised the Commission that the Ordinance had not been approved by Council. The Council requested additional information regarding occupancy. The item will be presented to City Council at the January meeting.*

**A motion was made by Commissioner Davila, seconded by Commissioner Pedigo, that the Specific Use Permit (SUP 12-14) be transferable one time to any potential future owner(s) be approved. The motion carried by the following vote:**

**Nay** 1 - Schievelbein

**Aye** 6 - Vice Chair Felty, Davila, Pedigo, Jones III, Rizo, and Windle

**b. [ZC 15-24](#)**

Public hearing and possible action on a request for a zoning change from Agricultural Ranch (AR) to Neighborhood Commercial (NC) for the property located at Huber Rd., Property ID: 51283 and 51187, (ZC 15-24)

**Indexes:**

*Commissioner Davila left the meeting at 6:17 p.m.*

*Melissa Zwicke presented the staff report. She stated the property is currently zoned Agricultural Ranch, and the applicant is requesting a zone change to Neighborhood Commercial. Ms. Zwicke added that a small portion of the lots are zoned Public, and this is the original zoning classification from the 1989 zoning process.*

*Ms. Zwicke noted that the Surrounding uses in the area are largely agricultural in nature, though commercial zoning and residential zoning are either adjacent to or nearby the proposed location. Currently, the applicant has not proposed a use for the properties.*

*Ms. Zwicke stated that the properties are in the Suburban Residential land use district of the Comprehensive Plan and Neighborhood Commercial zoning is a recommended zoning type of this future land use district.*

*There are no adverse impacts, public health, or safety concerns identified for the property. The request does meet the criteria for a zoning change.*

*Staff did not receive any letters of opposition to the request. The Commission did not have any questions about the zoning change request.*

*The regular meeting recessed, and a public hearing was held. There was no input from the public. The regular meeting was reconvened for action.*

**A motion was made by Commissioner Pedigo, seconded by Commissioner Rizo, that Zoning Change from Agricultural Ranch to Neighborhood Commercial be recommended for approval. The motion carried by the following vote:**

**Excused** 1 - Davila

**Aye** 6 - Vice Chair Felty, Pedigo, Jones III, Schievelbein, Rizo, and Windle

**c.** [24-533](#)

Public hearing and possible action on amendments to the City of Seguin’s Unified Development Code Section 5.4 to amend the sidewalk width requirements based on road classification and improve connectivity of sidewalks and trails.

**Indexes:**

*Jennifer Shortess, Assistant Director of Engineering provided the Commission with proposed amendments to the City of Seguin's Unified Development Code Section 5.4 to amend the sidewalk width requirements based on road classification and improve connectivity of sidewalks and trails. She gave an overview of the three documents adopted by the City of Seguin which pertain to the requirements to install sidewalks and trails. The Open Space and Trail master Plan adopted on 3.17.2020, the UDC, Section 5.4 adopted 8.7.18, and The Road Adequacy and Access Technical Guidance adopted 3.15.2022.*

*Mrs. Shortess explained that the proposed amendments include trail construction for properties that are subject to subdivision platting or site plan requirements. She said the proposed amendments would require construction of 5-foot minimum width sidewalks would alleviate the accessibility concerns associated with passing spaces. In addition, street classifications (noted ion the Road Adequacy and Access Technical Guidance) shall dictated minimum sidewalk widths. She stated the amendments will improve pedestrian safety and aim to reduce factors that contribute to pedestrian and*

*bicycle related crashes. Staff recommended revisions to promote efficient installation of sidewalks and trails to create consistency with the Unified Development Code.*

*The Commission discussed the proposed amendments and voiced their concerns the required sidewalk widths, location of sidewalks in established neighborhoods and who would be responsible for the fees associated with the sidewalks. They recommended that the item be postponed to the January 14, 2025 Planning Commission meeting to allow staff to return with additional information concerning the proposed amendments.*

*The regular meeting recessed, and a public hearing was held. There being no responses from the public the regular meeting reconvened for action.*

**A motion was made by Pedigo, seconded by Schievelbein, that the amendments to the City of Seguin UDC Section 5.4 be recommended for approval. The motion failed by the following vote:**

- Excused** 1 - Davila
- Nay** 3 - Jones III, Rizo, andWindle
- Aye** 3 - Vice Chair Felty, Pedigo, andSchievelbein

**Indexes:**

**A motion was made by Vice Chair Felty, seconded by Commissioner Windle, that amendments to the City of Seguin UDC Section 5.4. postponed to the January 14, 2025 Planning Commission meeting. The motion carried by the following vote:**

- Excused** 1 - Davila
- Nay** 1 - Pedigo
- Aye** 5 - Vice Chair Felty, Jones III, Schievelbein, Rizo, andWindle

**d. [24-644](#)**

Public hearing and possible action on amendments to the City of Seguin's Unified Development Code Section 2.16 to amend the requirements and process for a variance to the distance requirements for businesses that sell alcoholic beverages.

**Indexes:**

*Pamela Centeno, Planning and Codes Director presented the proposed amendments to Section 2.16 of the UDC- Variances for Businesses that Sell Alcoholic Beverages. She explained that as permitted in Section 109.33 of the Texas Alcoholic Beverage Code, the City of Seguin sets distance requirements between businesses that sell alcoholic beverages and nearby churches, schools, and public hospitals. Mrs. Centeno explained that the current ordinance requires updates to reflect the State's present regulations identifying how the distance is to be measured between the business and nearby facilities. She stated that the distance from churches and hospitals is measured from front door to front door and the distance between businesses and schools is measured property line to property line. The City measures the distances in accordance with the Texas Alcoholic Beverage Code as required but is proposing to update the City of Seguin's ordinance to reflect the same methods. She further explained that the proposed amendments to Section 2.16 of the UDC, and to amend the ordinance to allow package stores, including liquor stores, to apply for a*

variance. She added that bars, taverns, restaurants, and similar businesses with 50% or more of their total income would not be eligible for a variance. Staff recommended to also amend the ordinance to remove the requirement to submit letters in opposition, but continue to send notices to affected schools, churches, and hospitals to allow for written comment responses and/or input at the public meeting, and update the Ordinance to reflect the current measurement requirement for schools- from property line to property line.

The Commission and staff discussed amending the language from 50 % or more to 51% or more. The Commission suggested that churches, schools, and public hospitals receive notification by certified mail of all future alcohol variance requests.

The regular meeting recessed, and a public hearing was held. There being no responses from the public, the regular meeting was reconvened for action.

**A motion was made by Commissioner Windle, seconded by Commissioner Pedigo, that the amendments to Section 2.16 of the UDC- Variances for Business that sell alcoholic beverage be recommended for approval. The motion carried by the following vote:**

**Excused** 1 - Davila

**Aye** 6 - Vice Chair Felty, Pedigo, Jones III, Schievelbein, Rizo, and Windle

**6. Adjournment**

**There being no further discussion before the Planning and Zoning Commission, the meeting adjourned at 7:01 p.m.**

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**Patrick Felty, Vice-Chair**  
**Planning & Zoning Commission**

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**Francis Serna**  
**Recording Secretary**