



PLANNING & CODES

Planning and Zoning Commission Report ZC 04-22

A request for Zoning Change 04S-22 from Single Family Residential (R-1) to Multi-Family Residential 3 (MF-3) located at 800 Water Tower Road, Property ID 57046 and 57044 was considered during a public hearing at the Public and Virtual Planning & Zoning Commission meeting on March 8, 2022.

Helena Schaefer presented the staff report. She stated that the applicant is requesting a zoning change from Single family residential to Multi-Family 3 for two properties located along the 800 blk of Water Tower Rd. She reminded the Commission that the property owner requested a zoning change to Manufactured-Residential in January 2022. The Commission recommended denial and Council voted the zoning change request be denied.

The two vacant tracts of land total over twenty-one acres and are currently zoned Single-Family Residential. The property was annexed into the city in 1992 and has its zoning designation. The current zoning only allows 8 dwelling units per acre. To develop the site for multi-family, a zoning change is necessary. MF-3 allows 20 dwelling units per acre and given the acreage, there is a potential of 428 dwelling units.

Ms. Schaefer gave an overview of the immediate surrounding uses and stated that rezoning the two properties to MF-3 would make them compatible with the vacant MF-3 properties. However, according to the Unified Development Code, the MF-3 zoning is intended to create more variety in housing opportunities but is intended to be utilized in a small area. The goal is to avoid more than 25 acres of contiguous land having a multi-family component. The existing multi-family zoning has a total acreage of 26.85. Rezoning the properties would add 21 acres. She pointed out that the current zoning exceeds the goal of no more than 25 acres of contiguous multi-family zoning. adds 21 acres. Ms. Schaefer added that Mays Creek bisects the properties, and a significant portion of the properties will be encumbered by a floodplain.

The properties are in two future land use districts, Riverside and Central Township. Multi-family is not an acceptable use in either district. She explained that currently there is no public access to the two properties. In order to develop the properties, access to a public road is required. A future collector is also proposed at the end of Water Tower Rd. The proposed development would be required to design connections to the collector. With access to a public road comes the increase in traffic. There are concerns about the increase in traffic with the request to increase from the residential density of 8 dwelling units of R-1 to the density of 20 dwelling units of MF-3.

Any redevelopment will need to adhere to all applicable development standards, to include but not limited to platting, drainage, extension of public infrastructure. Per the UDC section 4.7.9 "if a subject property is within 300 ft of public water infrastructure, the developer/subdivider shall connect to the public water facilities." The properties are in the Springs Hill Water CCN service area.

The Commission should also consider that any plans provided by the applicant are proposed plans. Until the plans are engineered for all development standards and approved by all reviewing entities, the plans can change. One letter in support was received.

Edgar Zamora, 800 Water Tower Road, the applicant gave an overview of his request. He stated that with Mays Creek dividing the property there is not twenty-five acres of contiguous MF development. He said they would lose half of the property due to the floodplain. Mr. Zamora stated that there are streets planned in the Thoroughfare Master Plan and that there are three undeveloped MF zoned properties in the area. He asked the Commission for their support.

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

Michael Schomer, 841 Arvin stated that he has a proposed single-family development located to the north adjacent to Mr. Zamora's property that will give him access to the property. Mr. Schomer stated his development is a future 3-4 year venture. He stated that he does not oppose the rezoning. He said is it compatible with the surrounding properties.

Steve Tschoepe, 129 Nueces Lane expressed his concerns regarding Mays Creek. He stated Mays Creek needs to be addressed. He said Mays Creek is taking in more water. Mr. Tschoepe explained that it is taking the head waters from the Arroyo Ranch. He said when there are heavy rains, Mays Creek runs out of its banks. Mr. Tschoepe stated that developments have detention ponds but sometimes they are not adequate. He also expressed concerns with the additional traffic.

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

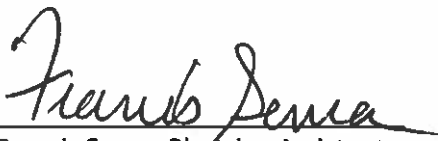
The Commission stated they had concerns with density, contiguous acres of MF zoning, increased traffic and inconsistency with the Future Land Use Plan.

After consideration of the staff report and all information given regarding Zoning Change (ZC 04-22), Commissioner DePalermo moved that the Planning and Zoning Commission recommend denial of the zoning change to Multi-Family High Density 3 (MF-3) for property located at 800 Water Tower Road. Commissioner Spahn seconded the motion. The following vote was recorded:

RECOMMENDATION TO DENY THE ZONING CHANGE TO MULTI FAMILY HIGH DENSITY 3.

MOTION TO DENY PASSED

7-0-0



Francis Serna, Planning Assistant



ATTEST: Helena Schaefer
Planning Supervisor

In order to be on record, this form may be filled out and mailed to the Planning and Zoning Department, City of Seguin, P. O. Box 591, Seguin, Texas 78156.

Please be advised that under the Open Records Act, Public Information is Available to All Members of the Public. Section 552.023 of the Government Code provides that a governmental body may not deny access to information to the person, or the person's representative, to whom the information relates. Public information includes correspondence, comments relevant to public issues and other information received from the public regardless of the medium in which it is received, collected or retained.

REPLY

Re: **800 Water Tower Road**
Property ID 57044 and 57046

Name: Michael Schomen, CTN Homes LLC

Mailing Address: _____

Phone No.: _____

Physical Address of property (if different from the mailing):
800 WATER TOWER (900 COUNTRY CLUB)

If "In Favor" or "Opposed" please explain why in space allotted below:

In Favor ☒

Opposed ☐



Reasons and/or comments

I THINK IT IS A GOOD THING FOR
THIS PROPERTY ! IT AT THE END
& NEXT TO A UPCOMING SUBDIVISION
AND FITS IN WELL WITH THE AREA



PLANNING & CODES

ZC 04-22 Staff Report
800 Blk Water Tower Rd
Zoning Change from R-1 to MF-3

Applicant:

Edgar Zamora
535 Ferryboat Ln
New Braunfels, TX 78130

Property Owner:

EGZ LLC
149 River Park
New Braunfels, TX 78130

Property Address/Location:

800 Blk Water Tower Rd

Legal Description:

Abs: 23 Sur: E Gortari 21.42
ac
Property IDs: 57046 &
57044

Lot Size/Project Area:

21.42 acres

Future Land Use Plan:

Riverside and Central
Township

Notifications:

Mailed: Feb 25, 2022
Newspaper: Feb 21, 2022

Comments Received:

None

Staff Review:

Helena Schaefer
Senior Planner

Attachments:

- Location Map
- Existing Zoning Map
- Future Land Use Plan Map

REQUEST:

A Zoning Change request from Single-Family Residential 1 (R-1) to Multi-Family (MF-3).

ZONING AND LAND USE:

	Zoning	Land Use
Subject Property	R-1	vacant
N of Property	MF-1 & R-1	Nob Hill Condos/Vacant lot
S of Property	R-1 & M-R	Vacant lot, Manufactured home
E of Property	R-1	Vacant lot
W of Property	MF-3 & R-1	Proposed Residential Development

SUMMARY OF STAFF ANALYSIS:

The two properties are located past the dead end of Water Tower Rd and are currently zoned Single-Family Residential (R-1). The applicant is proposing to rezone the 21.42 acres to Multi-Family 3 (MF-3). The proposed multi-family zoning is not consistent with the Future Land Use Plan; the FLUP districts of Riverside and Central Township recommend lower residential density (4 or less dwelling units per acre). There is some compatibility with existing zoning, as 26.853 acres (dividing among six tracts) is zoned for multi-family use.

The Commission should consider the recommendations of the Future Land Use Plan, as well as the existing land uses/zoning in the area. The Commission should also take into consideration access to property, floodplain, and public utilities.

CRITERIA FOR ZONING CHANGE:

Consistency with the future land use plan – Not consistent

Compatible with existing and permitted uses of surrounding property – Yes, however, large areas devoted strictly to multi-family development is discouraged.

Adverse impact on surrounding properties or natural environment – Floodplain issues

Proposed zoning follows a logical and orderly pattern – No current access to ROW

Other factors that impact public health, safety or welfare – Traffic concerns related to the increase in density from R-1 to MF-2

PLANNING DEPARTMENT ANALYSIS

SITE DESCRIPTION

The two vacant properties are approximately 21.42 acres. The properties were annexed in 1996 and given the zoning designation of Single-Family Residential, much like the entire area that was annexed during that time. There was a previous zoning change request in January 2022 to rezone the two properties to Manufactured-Residential (M-R). The zoning change request was denied by City Council. The applicant would like to construct a new residential development that allows multi-family lots.

CODE REQUIREMENTS:

According to the UDC, Section 3.4.3 Land Use Matrix, to develop multi-family lots the property has to be zoned MF-1, MF-2 or MF-3. The difference between the three zoning is the density and the lot frontage. The applicant is seeking a rezoning to MF-3 which allows a density of 20 dwelling units per acres. Given the acreage, there is a potential of 428 dwelling units.

COMPATIBILITY WITH SURROUNDING LAND USE & ZONING:

The majority of the properties in this area are zoned Single-Family Residential. There are two small properties to the south that are zoned Manufactured-Residential. There are two existing Multi-Family use properties. To the north are the 1048 Apartments and Nob Hill complexes, zoned PUD and MF-1 respectively. The 1048 Apartments were rezoned to PUD from MF-1 in 2009 due to non-conformity. Nob Hill was zoned at annexation to MF-1 in 1993; the use is a legal non-conformity as it doesn't meet the density for a MF-1 property. There are other vacant MF-3 properties that were rezoned in 2009 as part of the redevelopment of the now-defunct Chapparal Golf Course. Rezoning these properties to MF-3 would make them compatible with the existing MF zoning. However, according to the UDC Section 3.2.10, *"MF-3 zoning district is intended to create more variety in housing opportunities but is intended to be utilized in small areas to avoid large tracts devoted strictly to multi-family development. The goal is to avoid more than twenty-five (25) acres of contiguous land having a multi-family component."* With the existing MF zoning, the total acreage is 26.853 acres. Rezoning these properties would add 21.42 acres to that, for a total of 48.273 acres.

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

Mays Creek bisects both properties. An engineered study of Mays Creek confirms that a significant portion of the properties is encumbered by a floodplain.

COMPREHENSIVE PLAN (The Future Land Use Plan):

The properties are split into two future land use districts, Riverside and Central Township. Multi-Family use is not an acceptable use in the Riverside district or in the Central Township district. Central Township should enhance the quality of residential developments; the pre-dominant forms expressed should be neighborhood oriented. The acceptable density is 4 or less dwelling units per acre. For Riverside, appropriate uses adjacent or in proximity of the Guadalupe River should preserve the river's health and the riparian corridor surrounding it. The acceptable density is 1 or less dwelling units per acre.

TRAFFIC (STREET FRONTAGE & ACCESS):

From the Guadalupe County Appraisal District parcel data it appears that both lots are land-locked. However, this data is not survey quality. Development of these properties for any use will require access to a public road. It will be up to the developer of these properties to meet all subdivision regulations and development standards, including providing adequate access to a public road. In the City's Master Thoroughfare Plan, there is a proposed 60 ft collector at the end of Water Tower Rd. The proposed development would be required to design connections to this collector. There is also

a concern about the increase in residential density from R-1 to MF-3. R-1 allows a maximum of 8 dwelling units per acre and MF-3, as mentioned above, allows a maximum of 20 dwelling units per acre.

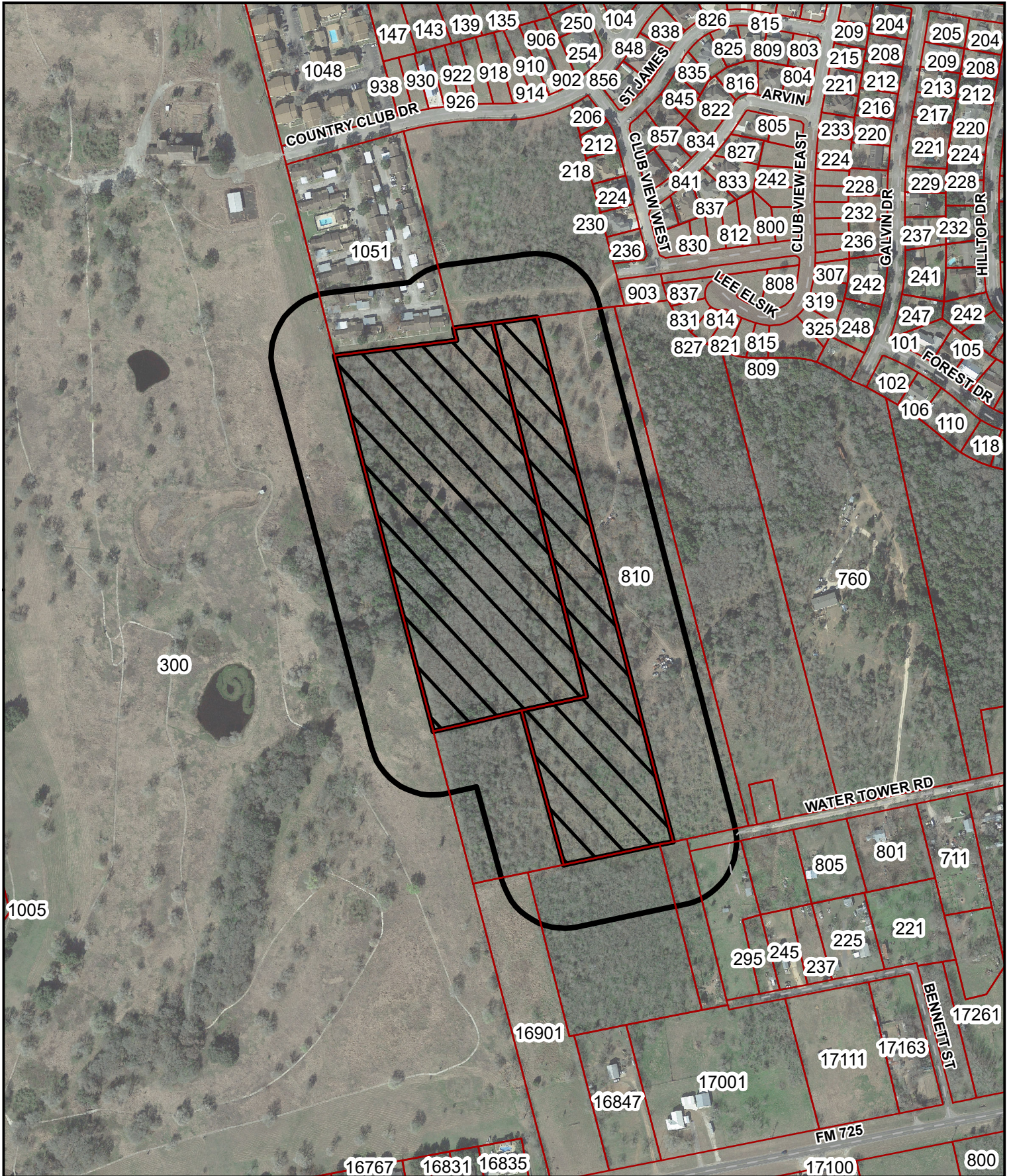
OTHER CONSIDERATIONS:

As always, development of vacant land will be required to follow all development standards, to include, but not limited to platting, drainage, extension of public infrastructure, etc. Per the UDC Section 4.7.9. "if a subject property is within 300 feet of public water infrastructure the developer/subdivider shall connect to the public water facilities." These properties are located in the Springs Hill Water CCN Service area.

The Commission should also take into consideration any plans provided by the applicant are just proposed. Until the plans are engineer-designed and approved by all reviewing entities, these plans can change.

LOCATION MAP

ZC 04-22 800 Water Tower Rd



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.



Lot Lines



Site Location



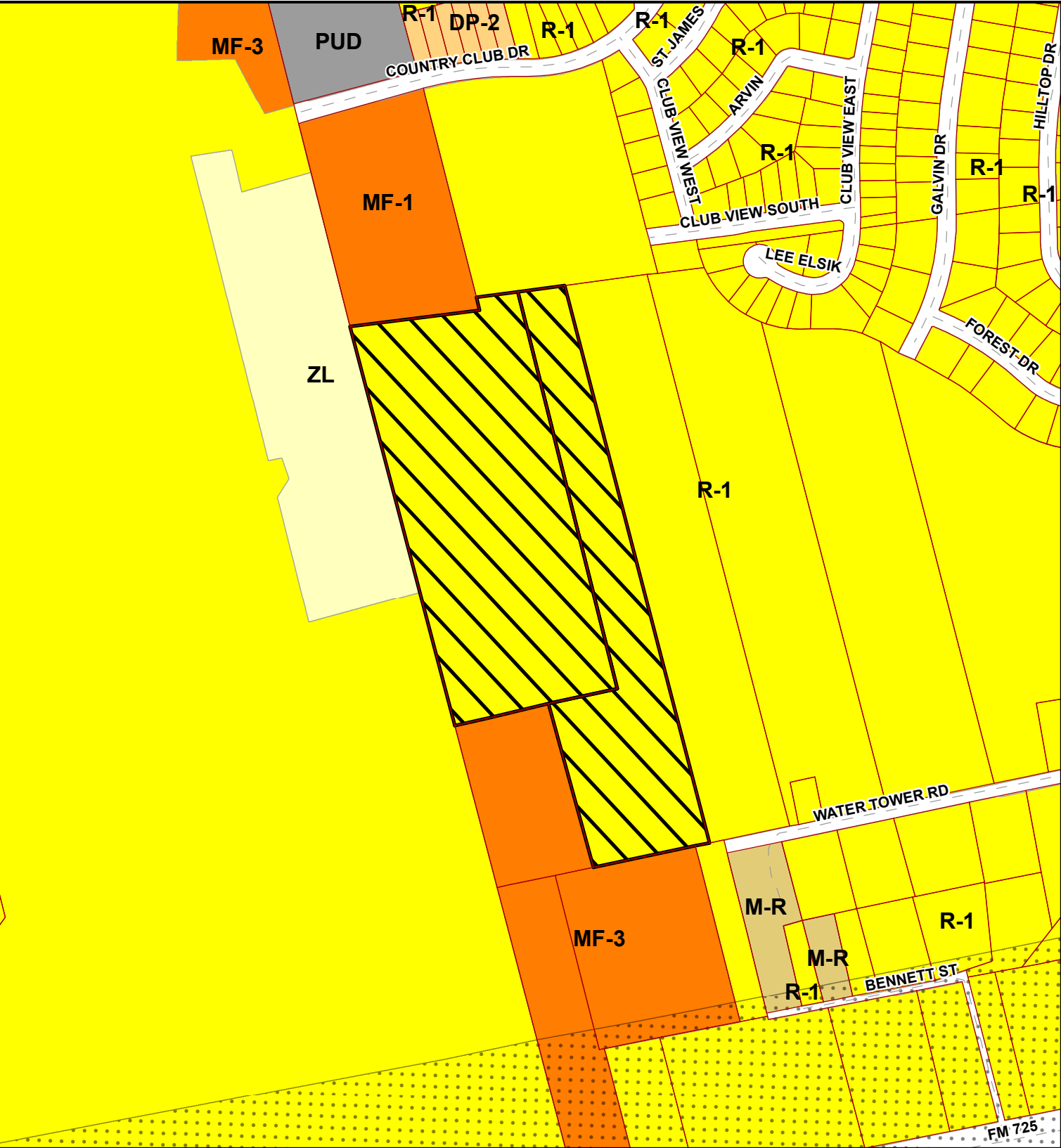
200' Notification Buffer





















1 inch = 400 feet

Printed: 2/19/2022

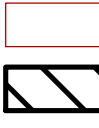
ZONING MAP

ZC 04-22 800 Water Tower Rd



 Agricultural - Ranch	 Single Family Residential 2	 MultiFamily 1	 Manufactured Home Park	 Industrial
 Rural Residential	 Zero Lot Lines	 MultiFamily 2	 Neighborhood Commercial	 Public
 Suburban Residential	 Duplex 1	 MultiFamily 3	 Commercial	 Planned Unit Development
 Single Family Residential 1	 Duplex 2	 Manufactured-Residential	 Light Industrial	 ROW

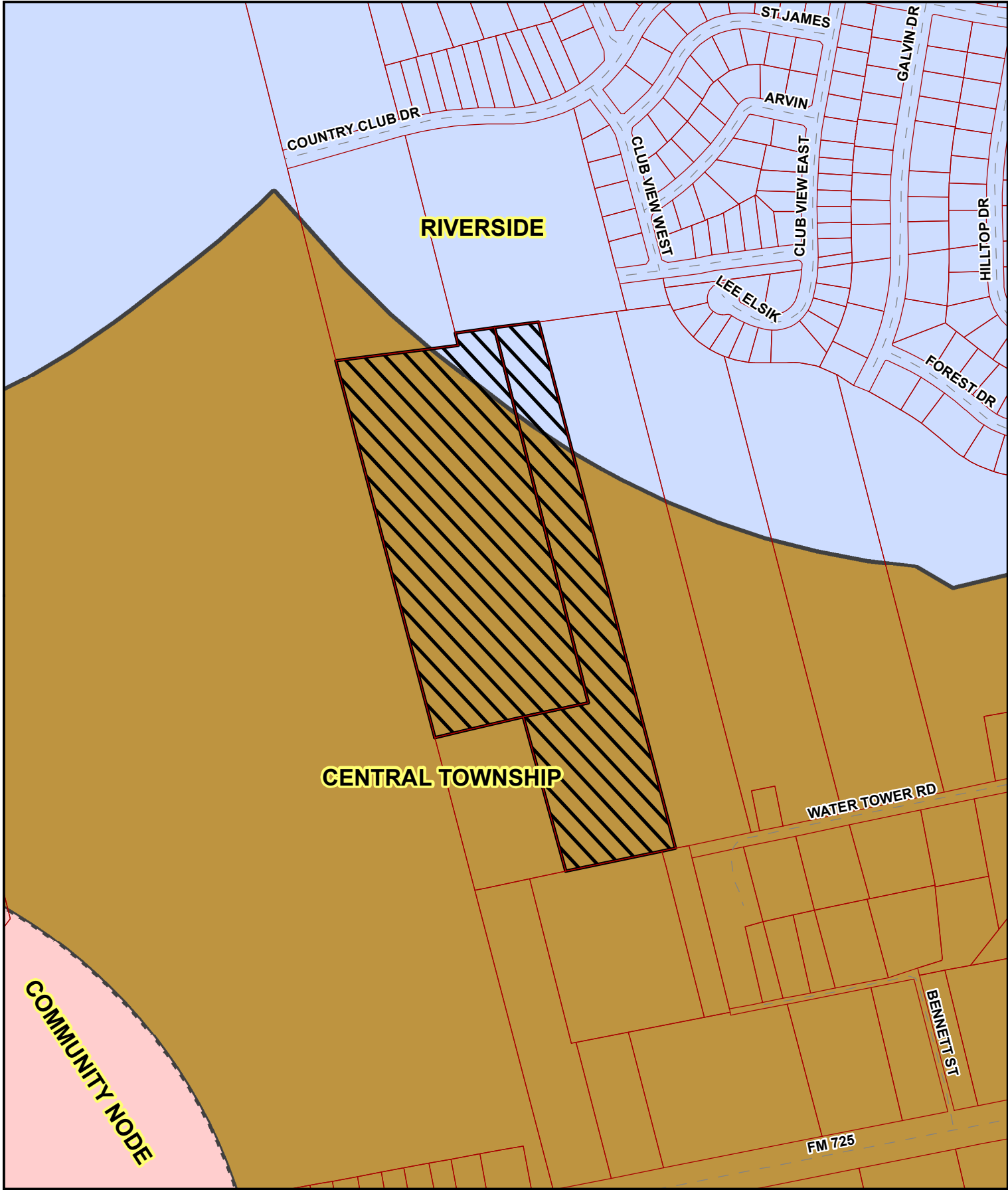
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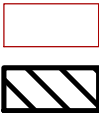
Ownership
Site Location

1 inch = 400 feet

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Ownership



Site Location

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