



## **PLANNING & CODES**

### **Planning and Zoning Commission Report ZC 02-22**

A request for Zoning Change 02-22 from Agricultural Ranch (A-R) to Single Family Residential (R-2), Commercial (C) and Multi-Family Residential 3 (MF-3) located at the 3500 Block of State Hwy. 46 N, Property ID 55455 was considered during a public hearing at the Public and Virtual Planning & Zoning Commission meeting on February 8, 2022.

Helena Schaefer presented the staff report. She pointed out that the two small one acre lots in front of the property are not part of the rezoning request. She explained that the applicant is proposing a mixed use development, with 7.35 acres for commercial (located along SH 46 frontage), 20.45 acres for a multi-family development (located behind the proposed commercial tracts) and the remaining 75.68 acres for single family residential.

Ms. Schaefer gave an overview of the existing zoning and land uses in the area. She stated that the commercial and single family residential 2 are compatible with the existing zoning and land uses. However, there is no multi-family zoning in the area, therefore not compatible with the existing zoning and land uses.

She explained that the property is in Town Approach and Emergent Residential Future Land Use District. Town Approach should signal the approach into the city's center while preserving the adjacent landscapes and multi-family zoning is not recommended in the Town Approach. She explained that the intent of the Emergent Residential District is to provide for a variety of standard residential development forms with more emphasis on environmental enrichment and multi-family is also not recommended in the Emergent Residential District. She reminded the Commission of the previous approved multi-family residential zoning and where they are located.

Ms. Schaefer added that the development will also have traffic issues and TxDOT will have to approve all traffic mitigation and access to SH 46. The applicant provided a TIA that shows a need for a traffic signal and deceleration lanes.

She stated that there is a small tributary located along the eastern boundary of the property adjacent to Cordova crossing. The Cordova Crossing development had to dedicate a large area of the property to drainage. The tributary drains into the floodplain between Mill Creek Crossing and Village of Mill Creek.

Ms. Schaefer stated that a buffer and/or sound barrier is recommended and may be required between the residential lots and the highway to avoid a potential nuisance with noise and highway traffic to properties located adjacent to Hwy. 46.

Joseph Sandoval, Licensed Civil Engineer, 290 S. Castell, New Braunfels, TX stated he is willing to work with staff regarding the development. He gave an overview of the proposed development with commercial in the front, multi family to the north and single family residential to the south of the property. He said he felt that multi family is appropriate in this area as well in the inner city. Mr. Sandoval stated that they prepared a TIA which did require a traffic signal and deceleration lanes along Hwy. 46 which they will address during the planning process. He showed the Commission a recommendation for the proposed Huber Road collector to Hwy. 46. He said they his

client is willing to dedicate the 30' to the public as long as Huber Road and willing to consider other options as long as it did not bisect the tract. Mr. Sandoval briefly presented their drainage plan and said the flow would be less than existing conditions. He stated that they have a detention pond planned at the east side of the property along the creek

The Commission spoke about the location of the creek and the water flow from the property. They asked about the design of the proposed apartments, access to Hwy. 46, number of residential lots.

Mr. Sandoval stated that the single family residences along Hwy 46 are deep lots and they could possibly dedicate a portion as a buffer to help with noise.

The Commission asked about the property to the south dedicating 30' for the proposed Huber Road collector.

Mr. Sandoval stated that it would be a good opportunity for the both properties to dedicate 30' row for access to Hwy. 46.

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

David Earl, Law Firm Earl & Associates representing Quintin Holtz and the Estate of T. Holtz stated he is in support of the request.

Bob Werth stated he owns the 60+ acres with four houses that share an easement located across from the proposed development. He stated he is in favor of development, although is not in support of Multi-Family 3. He felt that 500' buffer from Hwy. 46 is not adequate. He also stated that the residences adjacent to Hwy 46 should have a buffer.

Tedd Greisbaum, 3381 Hwy. 46 N, stated he thought it was interesting the developer said he was willing to give up his road. He said that the proposed Huber Road runs on top of his house. Mr. Greisbaum asked for the acreage of the detention pond? Mr. Sandoval responded that the detention pond is approximately 5-10 acres. Mr. Greisbaum expressed concerns regarding the size of the detention pond. He said the water has backed up from the creek about 1000' in 2019 and 800 in 2002. He said water flow is a big issue with all the new and proposed developments.

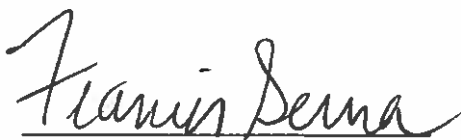
There being no additional responses from the public the regular meeting reconvened for action.

After consideration of the staff report and all information given regarding Zoning Change (ZC 02-22), Commissioner Bregande moved that the Planning and Zoning Commission recommended denial of the zoning change to Single Family Residential (R-2), Commercial (C), and Multi-Family High Density 3 (MF-3) for property located at the 3500 Block of Hwy. 46 N. Commissioner Schievelbein seconded the motion. The following vote was recorded:

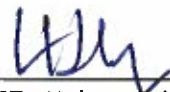
**RECOMMENDATION TO DENY THE ZONING CHANGE TO SINGLE FAMILY RESIDENTIAL (R-2), COMMERCIAL (C), AND MULTI FAMILY HIGH DENSITY 3.**

**MOTION TO DENY PASSED**

**6-0-0**



Francis Serna, Planning Assistant



ATTEST: Helena Schaefer  
Planning Supervisor



## PLANNING & CODES

ZC 02-22 Staff Report  
3500 Blk of State Hwy 46 N  
Zoning Change from A-R to R-2, C, & MF-3

**Applicant:**

Joseph Sandoval, P.E.; HMT  
Engineering and Surveying  
290 S. Castell Ave., Suite 100  
New Braunfels, TX 78130

**Property Owner:**

Estate of T.A. Holtz (c/o  
Stephen Holtz, Ind Executor)  
1701 Idaho Ave  
San Angelo, TX 76904

**Property Address/Location:**

3500 Blk of State Hwy 46 N

**Legal Description:**

ABS: 20 SUR: AM Esnaurizar  
102.7890 ac.  
Property ID: 55455

**Lot Size/Project Area:**

103.152 acres

**Future Land Use Plan:**

Town Approachway &  
Emergent Residential

**Notifications:**

Mailed: Jan. 28, 2022  
Newspaper: Jan. 29, 2022

**Comments Received:**

None

**Staff Review:**

Armando Guerrero  
Planner

**Attachments:**

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

**REQUEST:**

A zoning change request from Agricultural Ranch (A-R) to Commercial (C), Single-Family Residential (R-2), and Multi-Family High Density (MF-3).

**ZONING AND LAND USE:**

	Zoning	Land Use
<b>Subject Property</b>	A-R	Farmland
<b>N of Property</b>	OCL	Farmland
<b>S of Property</b>	R-1/ C/ P	Residential, RV Park and Church
<b>E of Property</b>	R-2	Single-Family Residential Subdivision
<b>W of Property</b>	A-R/ R-1	Farmland

**SUMMARY OF STAFF ANALYSIS & RECOMMENDATION:**

The applicant is requesting a zoning change for a mixed-use development. Commercial and single-family zoning is compatible and consistent with the Future Land Use Plan and the surrounding zoning districts, though commercial zoning is more desirable along the entire SH 46 frontage. The proposed multi-family zoning is not consistent with the Future Land Use Plan, the surrounding zoning designations, or the existing land uses in the area. The density level for the proposed MF-3 development (which is 20 units per acre) exceeds the recommended levels identified in the Future Land Use Plan.

Multi-family developments are desirable and important for providing a variety of housing options and addressing the diverse needs of the existing and future residents of this growing community. The Commission should consider the recommendations of the Future Land Use Plan and the land uses/zoning designations in the area when considering this request. The Commission should also consider traffic, access and proximity to local amenities and services, and the need for affordable housing options in Seguin when determining if the location of the multi-family is suitable as proposed.

**SITE DESCRIPTION:**

This 103.152-acre tract is comprised of vacant farmland on the east side State Hwy 46 in between Rudeloff and Cordova roads. The property is currently zoned Agricultural Ranch (A-R), which is designated for farming, ranching, and related activities. There are two small residential lots fronting SH 46 under separate ownership that are not part of this zoning proposal.

**CODE REQUIREMENTS:**

The applicant is proposing a mixed-use development with 7.35 acres for commercial, 20.45 acres for high density multi-family, and 75.68 acres for single-family residential. The proposed boundaries of the zoning districts as prepared by the applicant are attached. Multi-family developments adjacent to properties zoned for single-family dwellings require additional setbacks and buffer yards per Section 5.2.6 of the UDC.

## **COMPATIBILITY WITH SURROUNDING LAND USE & ZONING:**

### ***Existing & Developing Land Uses:***

- North & West: The property is located along an area of SH 46 that is mostly undeveloped, with large farm tracts to the north and to the west.
- East & Northeast: To the east of the tract is a new single-family residential subdivision with 250 residential lots. Home construction is underway. A tract across SH 46 to the northwest is also being developed for single-family residential with 154 lots planned, though homes are not yet under construction.
- South: The area immediately to the south is sparsely developed with two existing single-family home lots, a small RV Park, and the Living Waters Worship Center. Some commercial development has occurred along the SH 46 frontage, but the majority of the area remains undeveloped.

### ***Surrounding Zoning Districts:***

- SH 46 Frontage Extending South: The frontage along SH 46 directly to the south is zoned commercial, with the exception of public zoning where the church property is located. Commercial zoning continues south along the SH 46 frontage approaching IH-10 with an area of existing light industrial development near the Interstate.
- SH 46 Frontage Extending North: The frontage to the north is zoned for commercial and single-family residential developments. The commercial zoning is concentrated near the Cordova intersection.
- Farmland to the North & West: The 140-acre tract to the north is outside the city limits and is therefore not subject to zoning. The undeveloped 62-acre farm tract to the west is zoned accordingly as Agricultural Ranch.

### ***Compatibility with the proposed Multi-Family, Commercial, and Single-Family Residential:***

- Multi-Family High Density (MF-3): There are no existing multi-family developments or designated zoning districts within the vicinity of this tract. There is a multi-family development proposed for an area fronting SH 46 approximately 1.5 miles to the south that is also proposed for a zoning change.
- Commercial (C): Though mostly undeveloped, commercial zoning is the prominent zoning district fronting SH 46 as it extends south towards IH-10. The depth of the commercial zoning along SH 46 varies with the average depth of 375'-550'. A few tracts near the Rudloff Rd intersection are 300' deep. The proposed depth of commercial for the subject tract is 300'-400'.
- Single-Family Residential (R-2): Many of the tracts proposed for residential subdivisions to the north have a significant portion of the SH 46 frontage designated for commercial land uses; but extending north traveling away from the developed areas of Seguin, some of the single-family residential is directly adjacent to SH 46. All of the single-family residential tracts to the south, however, have a buffer of commercial zoning along the highway. This is not proposed on the southern portion of the property, where the proposed single-family residential development will be situated adjacent to the highway.

## **COMPREHENSIVE PLAN (The Future Land Use Plan):**

The primary function of the Future Land Use Plan is to materialize community vision relating to land use, while providing a policy guide that will inform and direct future zoning actions. The Future Land Use Plan is drafted based on the input provided by citizens to facilitate the City Council's proceedings in zoning decisions.

This property is located within two areas of the Future Land Use Plan- **Town Approachway** and **Emergent Residential**.

- Town Approachway: The Town Approachway is approximately 500' deep along both sides of SH 46. Commercial and single-family residential land uses are recommended within the Town Approachway with residential densities suggested with a range of 1-10 dwelling units per acre. Multi-family residential districts are not recommended within the Town Approachway. The MF-3 zoning district (as proposed for this development) allows up to 20 units per acre, which is much higher than the recommended density.
- Emergent Residential: The back portion of the property, behind the 500' of highway frontage, is within the Emergent Residential district. These areas are outside the city center and break from the existing neighborhood and commercial forms common to Seguin. Residential use is predominant in this area, and a range of low to medium residential densities should exist in this district. Densities consistent with single-family residential and duplex developments ranging from 3-14 dwelling units per acre are recommended. Multi-

family developments are not expressly recommended, but are more compatible in the Emergent Residential District than in the Town Approachway.

**The proposed single-family residential and commercial zoning districts are consistent with the recommendations of the Future Land Use Plan, though the emphasis along the SH 46 frontage should be on commercial land uses. The Future Land Use Plan does not recommend high-density multi-family land uses in this area. High-density residential developments are mostly recommended near the commercial nodes, town corridor, town core/city center, and the university community near TLU.**

It should be noted that the existing Future Land Use Plan is pending an update as part of the Comprehensive Plan update that is currently under development. The commercial nodes, approachways, and corridors are based on existing and proposed higher traffic roadways. The Rudeloff/SH 46 intersection could potentially become a local commercial node upon completion of the road expansion that will extend from SH 46 to SH 123. Higher density developments may become more suitable along SH 46 north of IH 10 in the future as the area continues to develop and major roadway projects along Rudeloff, Cordova, and the proposed Pecan Parkway are constructed.

#### **Multi-Family Developments are on the rise in Seguin:**

In the past four months three zoning changes have been approved for new high-density multi-family developments totaling approximately 42.5 acres of development with a maximum of 840 dwelling units. The three proposed developments are located within commercial nodes. A 198-unit apartment complex is under construction on Court Street within the University District.

When a community evaluates proposed multi-family developments, the quantity and location of the proposed developments should be considered. High-density apartments that are properly located can provide a lasting community asset. A variety of housing options are desirable in a growing community. High-density rental units aim to create more inclusive, equitable, and affordable neighborhoods. The Future Land Use Plan identifies the suitability of multi-family development within districts based on desirable residential density patterns- with emphasis on accessibility to transportation facilities, community facilities, amenities, and the character of existing development.

#### **TRAFFIC (STREET FRONTAGE & ACCESS):**

One of the common concerns about multi-family developments is the increased vehicular traffic and potential congestion that an apartment complex can bring, specifically with a high number of dwelling units. To mitigate these potential impacts to the community, multi-family developments are recommended to be located within a walkable adjacent area to employment centers, schools, recreation and park facilities, and commercial developments (including retail and service). The goal is to increase pedestrian movement and decrease vehicular traffic.

The only existing access to the property is SH 46. The nearest intersection to the north is Cordova Rd and to the south is Rudeloff Rd, both of which will be reconstructed as arterials within the next 3-5 years. A future collector is proposed from Hwy 46 to Huber Rd. The proposed future collector, which will increase local and regional mobility, is located within the southern portion of the tract where the single-family residential zoning is proposed. The construction of Pecan Parkway between Cordova and Rudeloff roads and future improvements to State Hwy 46 will also increase regional mobility in the area but will not occur within the next five years.

The draft TIA submitted for shows the need for a traffic signal and deceleration lanes on SH 46 due to the added volume trips generated from the increase of residential homes and multi-family units. *Access and traffic mitigation on SH 46 are subject to TxDOT review and approval.*

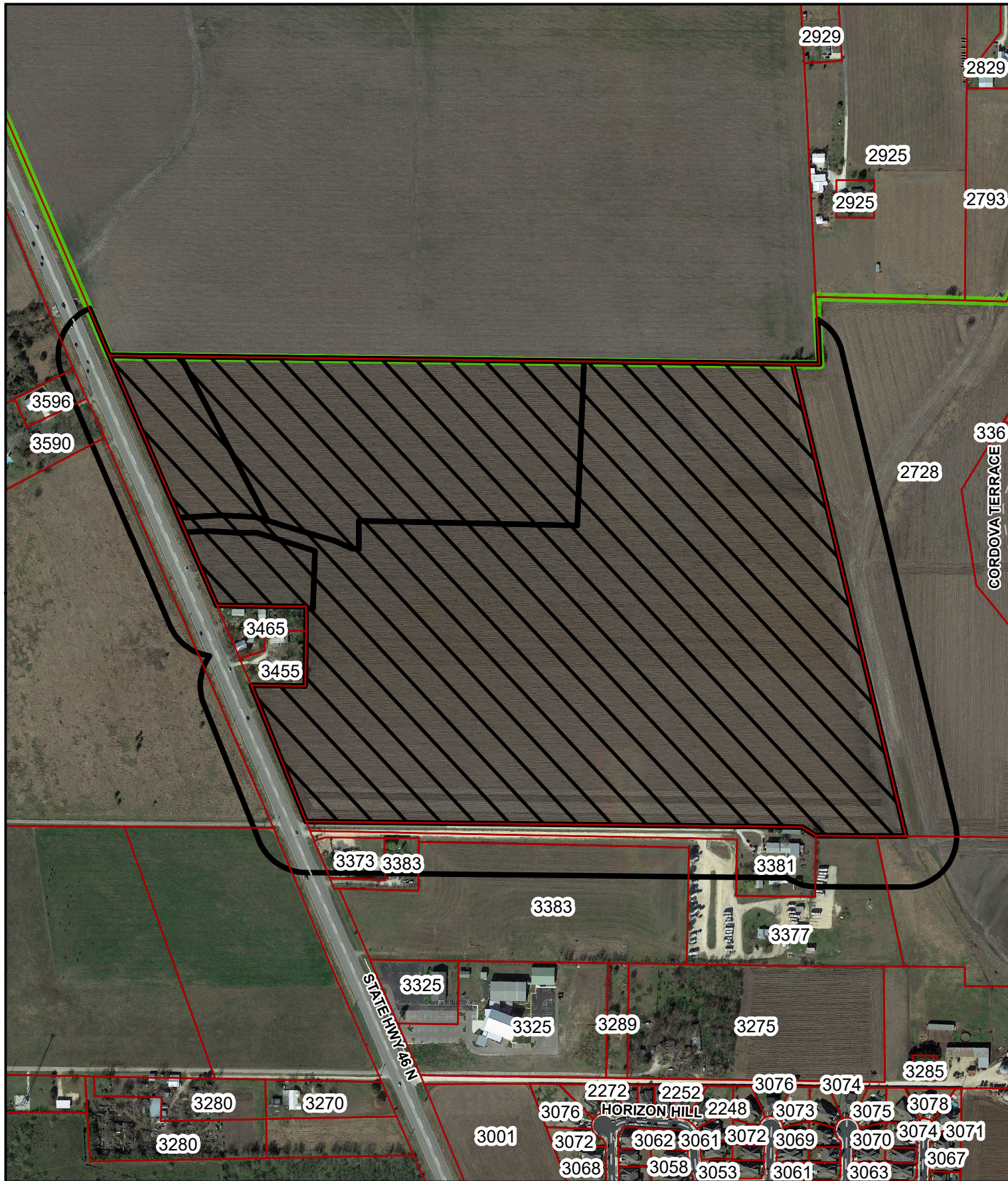
#### **HEALTH, SAFETY, AND GENERAL WELFARE:** (Protection & preservation of historical, cultural, and environmental areas.)

The property is located outside the FEMA floodplain, but there is a tributary located along the eastern property line adjacent to the Cordova Crossing Subdivision. Noise and highway traffic pose a potential nuisance and safety concern for single-family residential directly adjacent to SH 46 as proposed. A buffer and/or sound barrier is recommended and may be required between the residential lots and the highway.



## LOCATION MAP

**ZC 02-22 3500 Blk of State Hwy 46 N**



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## Lot Lines



## 200' Notification Buffer

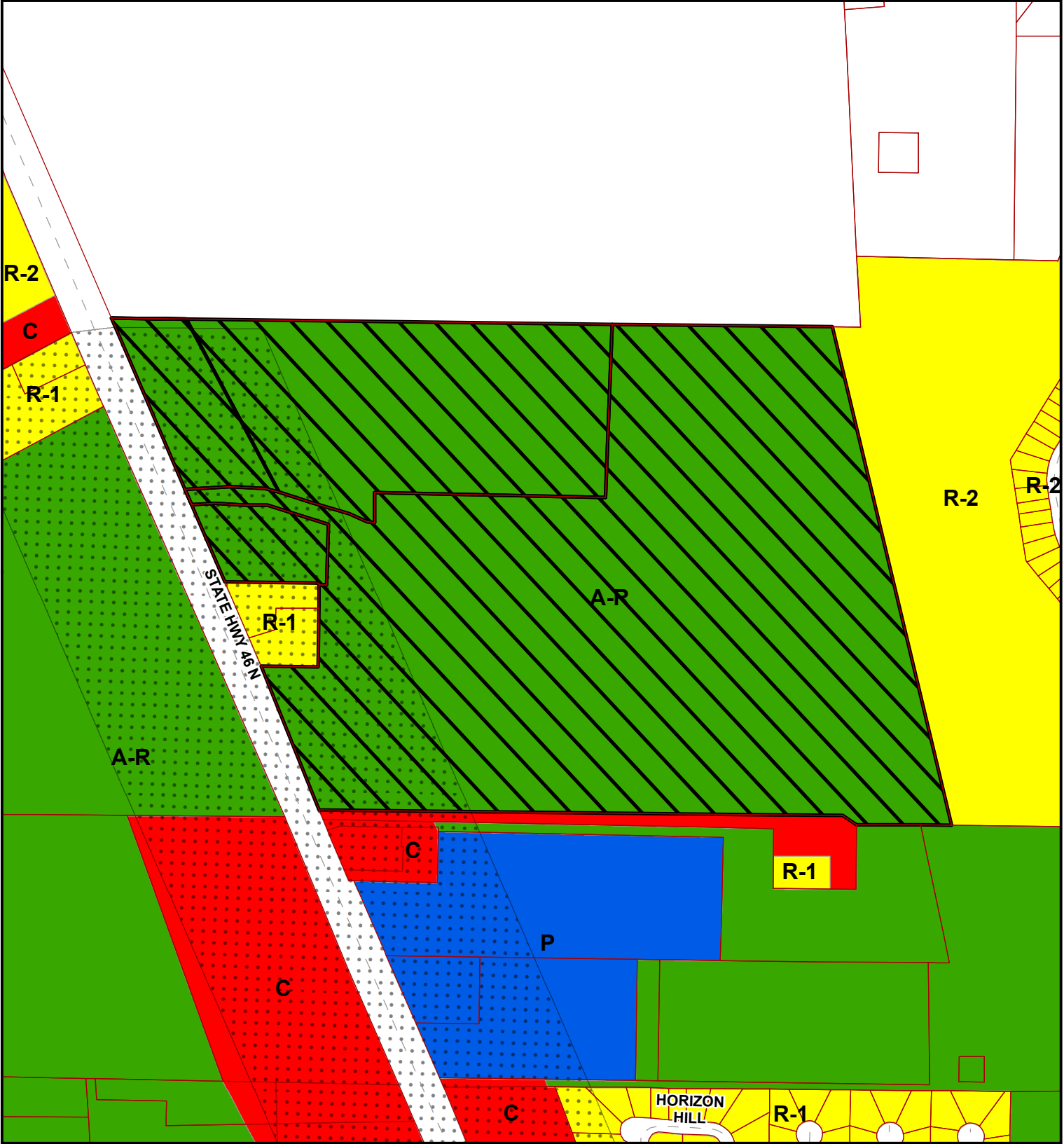
1 inch = 500 feet

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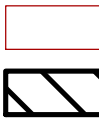
ZONING MAP

ZC 02-22 3500 Blk of State Hwy 46 N



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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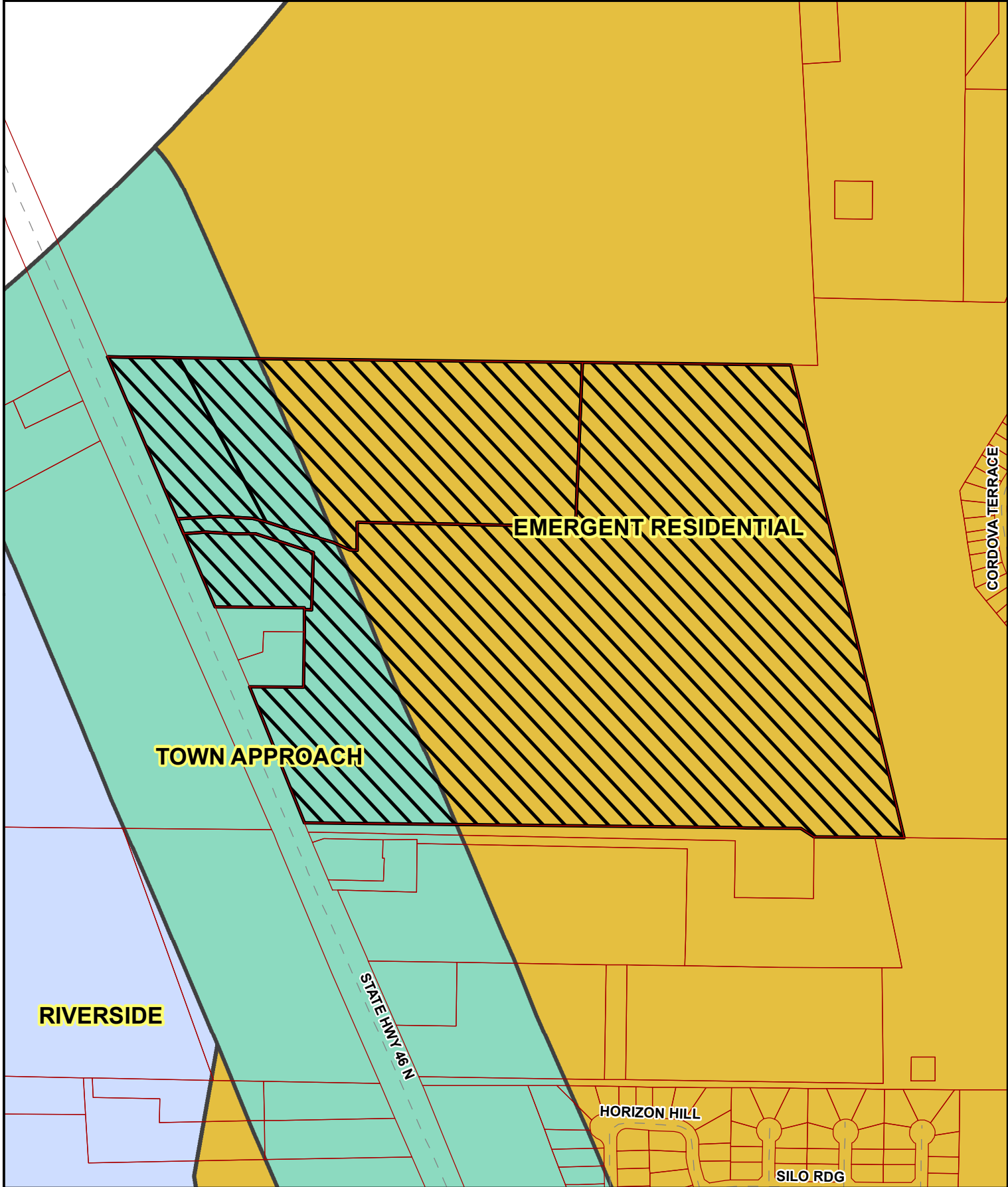


Ownership

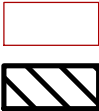
Site Location

1 inch = 500 feet

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Ownership  
Site Location

1 inch = 500 feet

Printed: 2/1/2022



HOLTZ TRACT  
ZONING EXHIBIT  
3500 S.H. 46  
SEGUIN, TEXAS  
103.152 AC

