



## PLANNING & CODES

### Planning and Zoning Commission Report ZC 07-22

A zoning designation for ZC 07-22 to Commercial (C) for property located at 7817 IH 10 E., Property ID 174278 was considered during a public hearing at the Public Planning & Zoning Commission meeting on June 14, 2022.

Helena Schaefer, Senior Planner presented the staff report. She explained that the City has requested a zoning designation for the property located at 7817 IH 10 E. The property has recently been annexed into the city due to a violation of a signed development agreement with the property owner in July 2021. The owner had six months to comply with a drainage study for his property to ensure that the unpermitted development does not impact the properties down stream.

The owner is currently using the property as a manufacturing/storage site. Since the owner did not comply, the City started the annexation process.

Ms. Schaefer stated that the initial zoning designation for newly annexed properties is Agricultural Ranch, unless another zoning designation is requested. In this case, the City, the applicant is requesting commercial as the best and highest use for the property.

She pointed out that the remaining properties are outside the city limits and are not zoned. The existing land uses in the area are residential and agricultural. However, given the close proximity to IH-10, commercial zoning would be a compatible use in the future, as the area develops.

Ms. Schaefer stated that the property is in the Portal Approach future land use district. The district creates a visual separation that defines the entrance into the City of Seguin and commercial use is appropriate as it is a zoning district allowed in the IH-10 Overlay District.

She stated that the property will only take access from IH-10 E. access road, which is a TXDOT right-of-way. No health, safety or environmental issues have been identified.

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

After consideration of the staff report and all information given regarding Zoning Change (ZC 07-22), Commissioner Lievens moved that the Planning and Zoning Commission recommended approval of the zoning designation to Commercial (C) for property located at 7817 IH 10 E. Commissioner Schievelbein seconded the motion. The following vote was recorded:

#### RECOMMENDATION TO APPROVE THE ZONING DESIGNATION TO COMMERCIAL (C) .

MOTION PASSED  
6-0-0

A handwritten signature in cursive script that reads "Francis Serna".

Francis Serna, Planning Assistant

A handwritten signature in cursive script that reads "Helena Schaefer".  
ATTEST: Helena Schaefer  
Senior Planner



**PLANNING & CODES**

**ZC 7-22 Staff Report  
7817 IH 10 E (Vol Annexation)  
Zoning Designation to Commercial**

**Applicant:**

City of Seguin  
PO Box 591  
Seguin, TX 78156

**Property Owner:**

Jessie Milam  
6406 Fort Worth Ave  
Odessa, TX 79762

**Property Address/Location:**

7817 IH 10 E

**Legal Description:**

Abs: 292 Sur: JA Swift  
(16.857 ac) & Abs: 205 Sur:  
Joseph Kent (0.863 ac)  
Prop Ids 174278

**Lot Size/Project Area:**

Approx. 17.72 acres

**Future Land Use Plan:**

Portal Approach

**Notifications:**

Mailed: June 3, 2022  
Newspaper: May 29, 2022

**Comments Received:**

None

**Staff Review:**

Helena Schaefer  
Senior Planner

**Attachments:**

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

**REQUEST:**

A Zoning Designation request to Commercial.

**ZONING AND LAND USE:**

	Zoning	Land Use
<b>Subject Property</b>	No zoning – not annexed yet	Contractor’s equipment yard
<b>N of Property</b>	No Zoning	IH 10 E ROW
<b>S of Property</b>	ETJ – No zoning	Residence
<b>E of Property</b>	ETJ – No zoning	Residence
<b>W of Property</b>	ETJ – No zoning	Vacant land

**SUMMARY OF STAFF ANALYSIS:**

The 17.72-acre property is located south of the IH 10 E right-of-way. The request for voluntary annexation was triggered when the current property owner violated the new development agreement. The voluntary annexation had its with first reading at the City Council May 3, 2022 meeting and the second reading on June 7, 2022. The City is requesting Commercial (C) zoning for the property as it is compatible with the future land use plan.

**CRITERIA FOR ZONING CHANGE:**

Consistency with the future land use plan – zoning districts found in the IH 10 Corridor Overlay Districts are appropriate uses in this future land use district of Portal Approach. Commercial is an appropriate use.

Compatible with existing and permitted uses of surrounding properties – this is an area of anticipated future commercial development. Surrounding existing uses include residential and agricultural uses.

Adverse impact on surrounding properties or natural environments – site was developed without a drainage study.

Proposed zoning follows a logical and orderly pattern – yes, given the close proximity of the interstate and the intersection of FM 2438.

Other factors that impact public health, safety or welfare – None identified. Driveway access should have been approved by TXDOT.

## PLANNING DEPARTMENT ANALYSIS

### **SITE DESCRIPTION**

The 17.72 acres were previously vacant. The property is currently going through the annexation process, which was triggered by not complying with the new development agreement. In June 2020, the City was alerted to the subdivision of a 106.773 acre tract that had an active development agreement. Per State Law, any property over 10 acres with an agricultural exemption must be offered a development agreement before annexation. In 2013, the former owners were offered, accepted and signed a development agreement; this agreement was recorded in the public records of Guadalupe County. Staff contacted the new property owners. The current owner entered into a new development agreement specific to his existing use. One of the conditions of agreement was to provide a drainage study within six months after signing the agreement. A study was never submitted to the City Staff for review.

### **CODE REQUIREMENTS:**

Per the original 2013 development agreement, it states *“The Owner acknowledges that if any plat or related development document is filed in violation of this Agreement, or if the Owner commences development of the Property in violation of this Agreement, then in addition to the City’s other remedies, such act will constitute a petition for voluntary annexation by the Owner, and the Property will be subject to annexation at the discretion of the City Council.”* This property has been developed. The initial zoning of a property following voluntary annexation is established as Agricultural-Ranch. As this property has been developed, the City is requesting a zoning designation of Commercial.

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

The main feature in this area is the IH 10 E Corridor. Considering the close proximity to the major interstate, Commercial zoning would be an appropriate zoning. Future development in this area anticipates commercial uses.

### **COMPREHENSIVE PLAN:**

This property is located in the Portal Approach future land use district. Its intent is to create a visual separation that would define or influence the impression made at the entrance of Seguin. This is achieved through greater setback, shorter buildings, and broad vistas to name a few. Commercial use, as part of the IH 10 Corridor Overlay District is compatible. The overlay districts require development to exceed the minimum development requirements applicable to properties located outside the overlays.

**HEALTH, SAFETY, AND GENERAL WELFARE:** (Protection & preservation of historical, cultural, and environmental areas.)  
No health, safety or environmental issues have been identified.

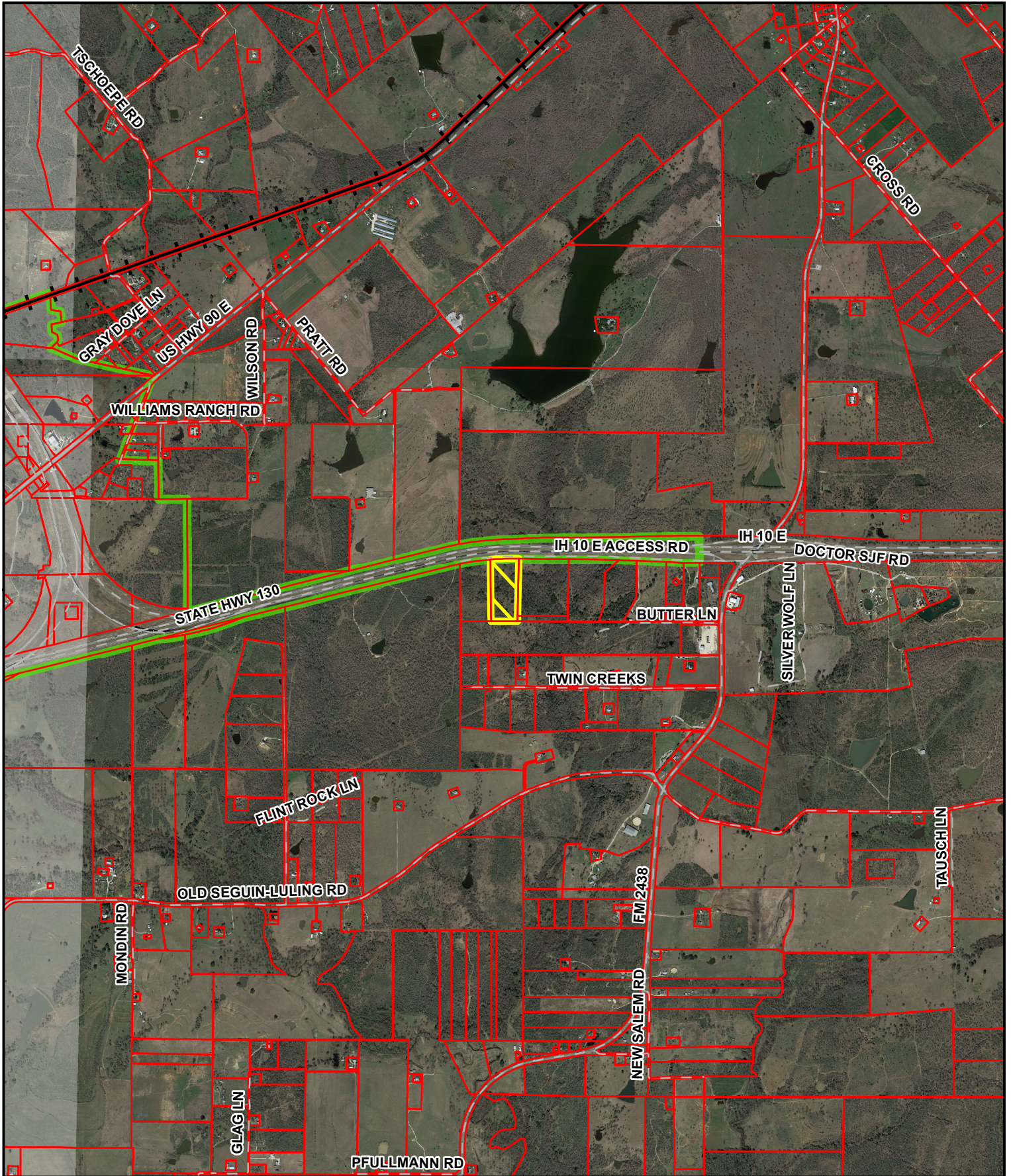
### **TRAFFIC (STREET FRONTAGE & ACCESS):**

The property has frontage on the IH 10 E access road. This is a TXDOT right-of-way and any driveway access must be approved by them.

**OTHER CONSIDERATIONS:** The development of this property must adhere to all applicable development standards, to include but not limited to, drainage, building codes, landscaping.

# LOCATION MAP

ZC 07-22 7817 IH-10 E



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



200' Notification Buffer



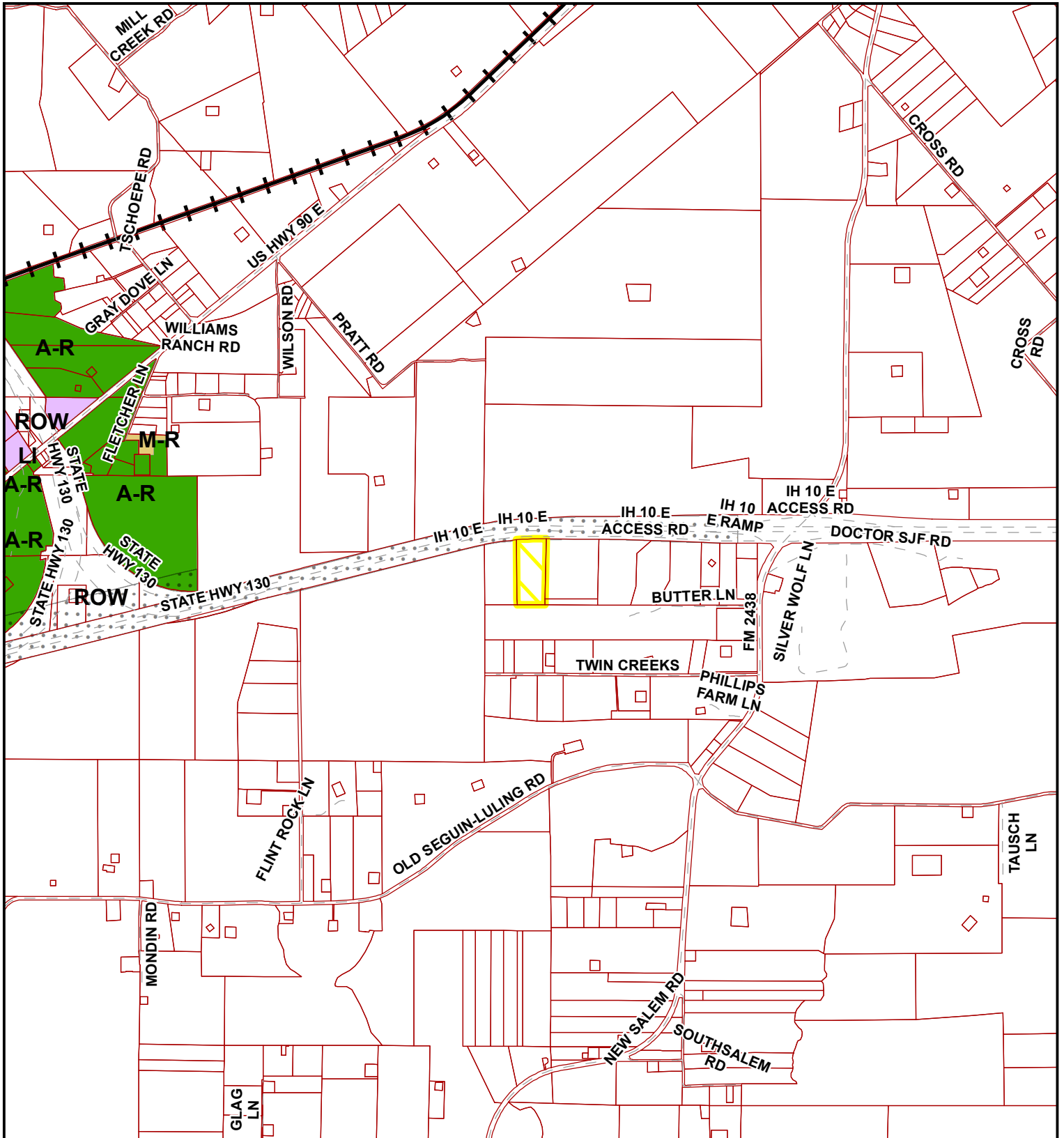
Site Location

1 inch = 2,600 feet

Printed: 4/26/2022

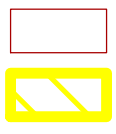
# ZONING MAP



ZC 07-22 7817 IH-10 E



 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

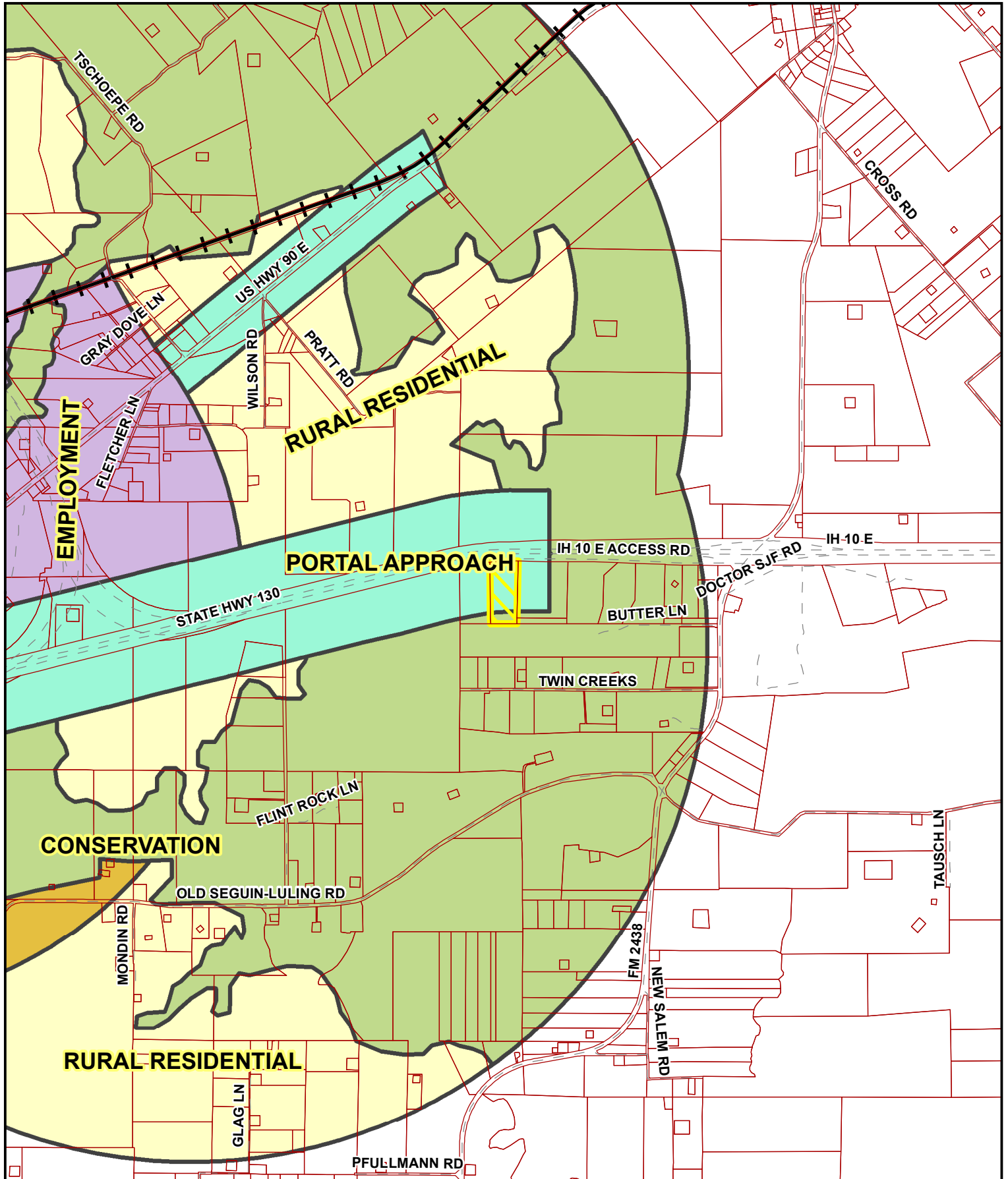
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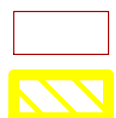
 Ownership  
 Site Location

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Ownership  
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