

PLANNING & CODES

Planning and Zoning Commission Report

ZC 05-24 & GLUP 01-24

A request for Zoning Change ZC 05-24 from Single-Family Residential (R-1) to Planned Unit Development (PUD), and a recommendation for approval for a General Land Use Plan (GLUP) to allow for the operation of a ceremony grounds for weddings for a property located at 102 Lenz Dr., Property ID 195969 was considered during a public hearing at the Planning & Zoning Commission meeting on June 11, 2024.

Armando Guerrero presented the staff report. He stated that the applicant is requesting the zoning change and a GLUP to allow for the operation of a ceremony grounds for weddings. Mr. Guerrero stated that the property was annexed and zoned into the City in May of 1993 and the existing residential structure on site was built in 1970 and contains two floors, both the main floor and second floor contain 1,840 square feet. He went on to state that the residence is not occupied by a permanent resident and is being utilized primarily for short-term rental usage and that the current zoning does not allow for the proposed use at this location. Mr. Guerrero pointed out a zoning change to PUD could allow for a land use that normally isn't done within the area but would be allowed with the approval of a General Land Use Plan (GLUP).

Mr. Guerrero stated that the GLUP will be the guiding document for the proposed use at the location and is designed to creatively complement the proposed use to ensure that there will be no impact to the neighborhood or neighboring properties. Mr. Guerrero went on to state that the residential structure would still operate in a residential capacity, allowing for short-term rental at the site and that the proposed use of a ceremony grounds will take place within the back portion of the property. Parking and access will be made through the sidewalk connecting the Power Plant parking lot to the back portion of the.

Mr. Guerrero noted that this property is within the Riverside district of the City's Future Land Use Plan (FLUP) and that it is also within also located within three (3) different areas of flood hazard.

Mr. Guerrero noted that access to the site, and pointed out that Lenz Dr will be strictly for the use of the residential structure for short-term rental use only. Access to the proposed ceremony site would be made through the sidewalk path from the Power Plant parking lot.

Mr. Guerrero then went over the proposed GLUP to the commission, highlighting the applicant's request to utilize the back portion of the property as a ceremony ground for wedding/events, and that the proposed use would not require any additional structures to be built. Mr. Guerrero went over the conditions staff recommended to be included within the GLUP, and noted the edited GLUP document within the commission's packet with staff's conditions written in.

Mr. Guerrero concluded by noting that five (5) total letters were received for the zoning change and GLUP request. Three (3) for the zoning change, one (1) in favor and; two (2) in opposition, both letters of opposition noted concerns of traffic along Lenz Dr, and how the proposed use could disrupt the peace and comfort of the neighborhood. Two (2) letters for the GLUP one (1) in favor, and one (1) in opposition, the letter of opposition stated concerns that they did not know if the PUD would be open-ended, limited, or specific use.

The Commission asked about usage of the parking lot at the Power Plant, Mr. Guerrero stated that approval will come from City Management. The Commission asked about access to the site, Mr. Guerrero noted that guests to the ceremony would be required to park at the Power Plant. The Commissioner asked what parking lot the guest would be using, Mr. Guerrero noted that the parking situation within the parking lots would be up to the applicant to determine. The Commission asked about the restroom agreement situation between the Power Plant, Mr. Guerrero noted that the owner of the 102 Lenz Dr is leasing the Power Plant and plan use the site and restaurant in conjunction with each other.

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

Sam Panchevre (applicant and co-owner) went over the history and intent of the proposed use and noted that they would like approval to use the bathrooms that are in the house, and that acoustic bands be permitted. Mr. Panchevre noted that he agrees to the other conditions that city staff has recommended.

The Commission asked about the hours and live music, Mr. Panchevre noted that 9:00 pm would be better with it being an hour before the closure of the Power Plant. The Commission asked about the restrooms at the property, and if they are ADA compliant. Mr. Panchevre noted that the restrooms are large enough to be ADA but would require some additions to be compliant. The Commission asked about the use of portable restrooms, Mr. Panchevre pointed out obstacles that could come from the use of portable restrooms and noted that he would like to use the restroom facility that is located at the house, but is independent from the house. The Commission asked about the use of the house, Mr. Panchevre noted that it has been functioning as a short-term rental. The Commission ask if the zoning change to PUD would impact the use of the house, staff noted that the zoning change to PUD would only impact the area that is being proposed for the wedding ceremonies, and that the house would still function under the residential rules and requirements.

Peggy Anne Schott, 122 Lenz Dr spoke in opposition of the request. She stated that they are concerned about the future once rezoned and is concerned if the property were to change hands, and concerned who will be enforcing requirements. Mrs. Schott also noted that in 2002 when the city purchased 2 acres for the parking lot, a fence was to be erected along the westerly side of the tract. Mrs. noted her concern on traffic for the site, and expressed the need for a dead-end sign on Lenz Dr.

Cathey Fennel, 145 Guadalupe River Dr spoke in opposition of the request. She stated that increased traffic on Lenz Dr would impact her from getting out of her driveway and is concerned that people would be parking on the vacant lot or in front of her property.

The Commission asked staff about capacity and the need for police officers at the site, staff noted that since alcohol would not be distributed at the site, security would not likely be required. The Commission noted concerns of traffic along Lenz Dr, and asked what address would be used when advertising the ceremony grounds. Staff noted that Lenz Dr would not be accessed by any guests, and that guests would be required to park at the Power Plant parking lot to access the site. Mr. Panchevre noted that the Power Plant address

would be used for any advertisement. The Commission asked about deliveries to the property (tables, chairs), Mr. Panchevre noted that deliveries would go through Lenz Dr, and noted the large driveway at 102 Lenz Dr and that deliveries would be made a few times per week. The Commission asked if property is sold or lease were to change hands would the PUD use be voided, staff noted that the GLUP would be voided and explained the how the PUD and GLUP work in conjunction with each other and if voided the property would revert to single-family residential use only. The Commission asked about traffic along Sutherland Springs Rd. Melissa Reynolds (City Engineer) noted she would coordinate with Public Works to get a "Dead End" sign added at Lenz Dr. Mrs. Reynolds also pointed out that Stockdale Highway is a TxDOT right-of-way, and the alignment is not on the City's plan to do any improvements to, but it could be added to their list for the future to look at and would have to work with TxDOT. Mrs. Reynolds noted that there are improvements coming to the area with the Mays Creek project that could help with some of the traffic issues.

The Commission asked staff about existing lighting within the parking lot areas and the fence that was mentioned by the neighbor. Staff pointed out that there are lights within the parking lot area, but was unsure how many, staff also noted that the instillation of the fence would have to be investigated further to see which party would be responsible for construction. Staff also noted the concerns over the capacity issues for the proposed restroom usage at the location. Shelly Jackson (Assistant Director of Planning & Codes) went over the requirements of TCEQ for septic systems, and pointed out the system would have to be upgraded to account for additional use. Mrs. Jackson also noted that two (2) restroom trailers would be required per one hundred (100) guests.

The Commission discussed the bathroom situation at the location further and concluded that a portable restroom trailer would be the better option for this use. A portable restroom trailer within the parking lot of the Power Plant would provide restroom facilities to guests and keep traffic off Lenz Dr.

The Commission recommended the following conditions for the GLUP; change hours to 9:00 pm, strike out no live bands, include no amplified music, include City approval to allow restroom trailer to be located at entrance of site within Power Plant parking lot.

After consideration of the staff report and all information given regarding Zoning Change (ZC 05-24), Commissioner Davila moved that the Planning and Zoning Commission recommended approval of the zoning change from Single-Family Residential (R-1) to Planned Unit Development (PUD) for the property located at 102 Lenz Dr. Commissioner Pedigo seconded the motion. The following vote was recorded:

RECOMMENDATION TO APPROVE THE ZONING CHANGE TO PLANNED UNIT DEVELOPMENT (PUD)

MOTION PASSED 9-0-0

ATTEST: Armando Guerrero, Planning Manager

Recording Secretary

After consideration of the staff report and all information given regarding the General Land Use Plan (GLUP 01-24), Vice-Chair Felty moved that the Planning and Zoning Commission recommended approval of the General Land Use Plan (GLUP) with the conditions noted for property the located at 102 Lenz Dr. Commissioner Davila seconded the motion. The following vote was recorded:

RECOMMENDATION TO APPROVE THE GENERAL LAND USE PLAN (GLUP)

MOTION PASSED

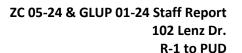
9-0-0

Francis Serna

Recording Secretary

ATTEST: Armando Guerrero,

Planning Manager





PLANNING & CODES

Applicant:

Samuel Panchevre 212 Center St. Apt: 2002 San Antonio, TX 78202

Property Owner:

Mark J. Baptiste 52 Vinyard Dr San Antonio, TX 78257

Samuel and Maricela Maya Panchevre Family LP. 215 North Center St., Ste. 2002 San Antonio, TX 78202

Property Address/Location:

102 Lenz Dr Seguin, Texas 78155

Legal Description:

LOT: 79 & ADJ STRIP BLK: ADDN: PARKVIEW ESTATES 2.885 AC.

Property ID: 195969

Lot Size/Project Area:

2.885 Ac.

Future Land Use Plan:

Riverside

Notifications:

Mailed: May 30, 2024 Newspaper: May 26, 2024

Comments Received:

None at time of printing

Staff Review:

Armando Guerrero Planning Manager

Attachments:

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

REQUEST:

A Zoning Change request from Single-Family Residential (R-1) to Planned Unit Development (PUD).

ZONING AND LAND USE:

	Zoning	Land Use
Subject Property	R-1	Single family residence
N of Property	Р	Max Starcke Park Golf Course
S of Property	R-1	Undeveloped property
E of Property	С	The Power Plant Texas Grill
W of Property	R-1	Single family residences

SUMMARY OF STAFF ANALYSIS:

The applicant is requesting a zoning change from Single-Family Residential (R-1) to Planned Unit Development (PUD) to allow for the operation of a ceremony grounds for weddings and events adjacent to the Power Plant restaurant. The zoning change request and General Land Use Plan (GLUP) would not impact the residential structure's use. The request is for the backyard portion of the property that is adjacent to the Power Plant restaurant. The proposed use of a ceremony ground working in conjunction with The Powerplant Texas Grill is written into the submitted GLUP to ensure that the proposed use would not negatively impact the neighborhood or neighbor. Staff's recommended conditions for the submitted GLUP addresses potential issues that could arise now and in the future.

CRITERIA FOR ZONING CHANGE:

Consistency with the future land use plan – Yes, structure would still function as residential, proposed ceremony grounds would not alter the existing layout of the site.

Compatible with existing and permitted uses of surrounding property – PUD zoning would only impact the back portion of the property that is adjacent to the Power Plant restaurant.

Adverse impact on surrounding properties or natural environment – None specifically identified.

Proposed zoning follows a logical and orderly pattern - PUD zoning would not impact the residential use of the property. The GLUP will dictate the use within the rear yard adjacent to the Power Plant.

Other factors that impact public health, safety, or welfare – None specifically identified.

PLANNING DEPARTMENT ANALYSIS

SITE DESCRIPTION

This 2.885 acre property was annexed and zoned into the City of Seguin May of 1993. The existing residential structure on site was built in 1970 and contains two floors, both the main floor and second floor contain 1,840 square feet. The residence is not currently occupied by a permanent resident and is being utilized primarily for short-term rental usage. The residence contains three (3) bedrooms, three (3) baths, and sleeps up to six (6) guests per its listing on the Airbnb website.

This site is located within three (3) different areas of flood hazard. Floodway to the rear of the property, the 100 Flood Zone encompasses a good portion of the rear yard and ends at the residential structure, leaving a small portion of the side yards and structure within the 500 Year Flood Zone.

CODE REQUIREMENTS:

The current zoning does not allow for the proposed use at this location. A zoning change to PUD could allow for a land use that normally isn't done within the area but would be allowed with the approval of a General Land Use Plan (GLUP). The GLUP will be the guiding document for the proposed use at the location and is designed to creatively complement the proposed use to ensure that there will be no impact to the neighborhood or neighboring properties.

COMPATIBILITY WITH SURROUNDING LAND USE & ZONING:

This property is neighbored by commercial zoning and use (The Powerplant Texas Grill) to the east, residential (R-1) use to the west, undeveloped residential (R-1) property to the south, and the river and the public zoning and use (Max Starcke Park) to the north. The proposed PUD zoning would be compatible with the surrounding zoning and use. The residential structure would still operate in a residential capacity, allowing for short-term rental at the site, similar to what has been done in the past.

<u>HEALTH, SAFETY, AND GENERAL WELFARE:</u> (Protection & preservation of historical, cultural, and environmental areas.) No health, safety or general welfare issues have been identified for this site, the proposed use of a ceremony grounds will take place with the back portion of the property, parking and access will be made through the sidewalk connecting The Powerplant Texas Grill to the back portion of the property.

COMPREHENSIVE PLAN (The Future Land Use Plan):

This site is located within the Riverside district of the City's Future Land Use Plan. Development within the Riverside area should be low-density residential and low scale commercial to conform to the existing topography and should be focused on preserving the physical conditions and visual character of Seguin's water bodies.

TRAFFIC (STREET FRONTAGE & ACCESS):

This property is accessed through Lenz Dr. The access point from Lenz Dr will be strictly for the use of the residential structure for short-term rental use only. Access to the proposed ceremony site would be made through the sidewalk path from the Power Plant parking lot.

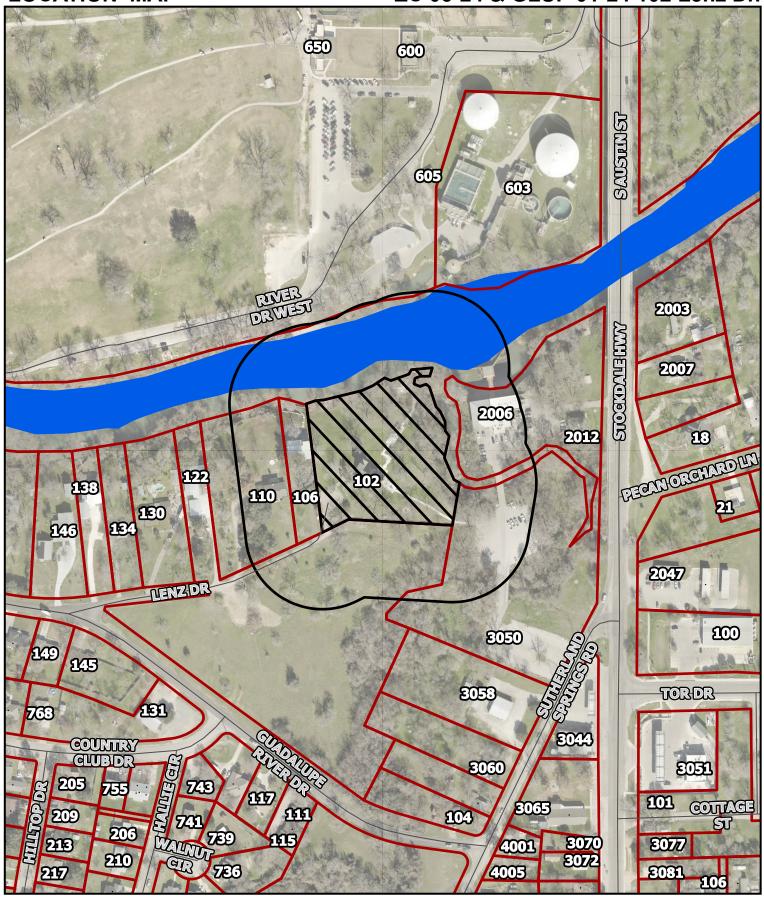
GENERAL LAND USE PLAN (GLUP):

The applicant is proposing to utilize the back portion of the property as a ceremony ground for wedding/events. The proposed use would not require any additional structures to be built, all items (chairs, tables, tent/gazebo) that would be used would be removed the day of the event or the next day. Access would be made through the existing sidewalk that connects the proposed ceremony grounds to The Powerplant Texas Grill parking lot. The existing residential structure would not be part of the request and would continue to operate as a short-term rental. Guests of the grounds would not have access to the inside. The applicant is proposing the hours 11am – 10pm for proposed functions. The intent is for the group to move to the restaurant after the ceremony and pictures have concluded. The grounds hours would function similar to the hours of the Power Plant restaurant.

Staff had reviewed the submitted GLUP from the applicant and included conditions for the proposed use to limit the impact on the surrounding neighborhood. Staff is recommending approval of the GLUP with the recommended conditions from staff shown on the edited GLUP in the commissions' packet.

LOCATION MAP

ZC 05-24 & GLUP 01-24 102 Lenz Dr.

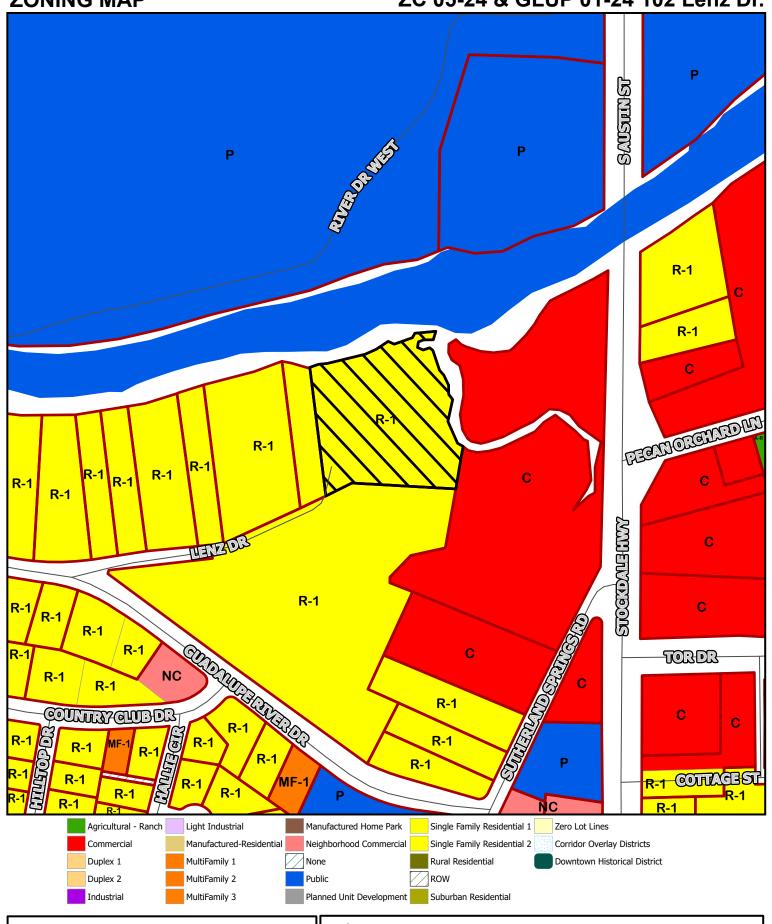


This map is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The City of Seguin assumes no liability for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



1 inch = 250 feet

Printed: 5/20/2024

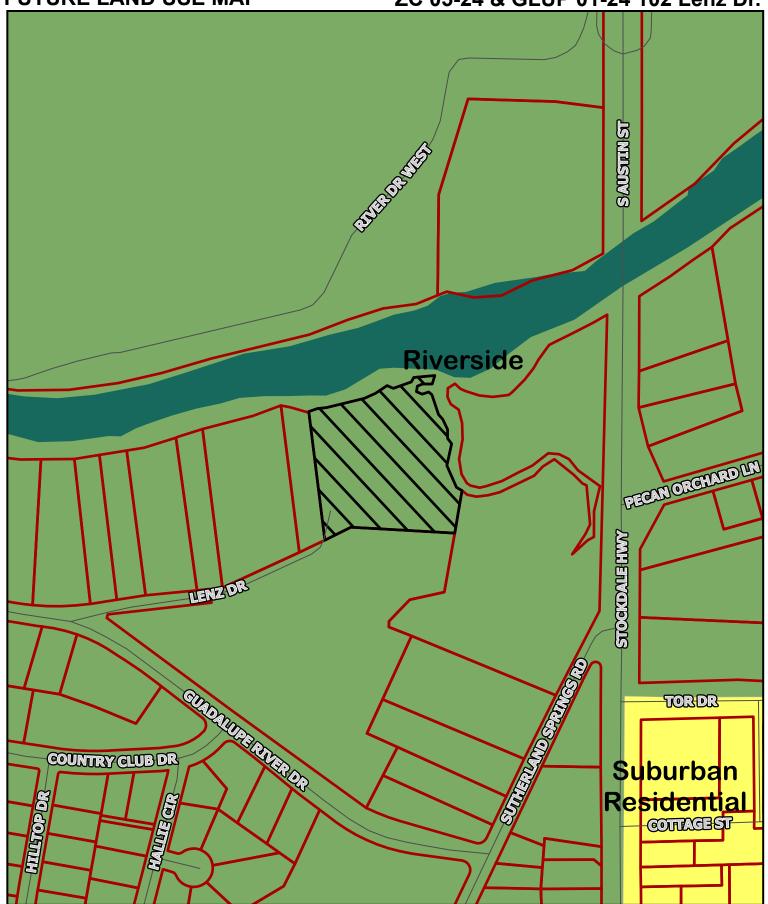


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In order to be on record, this form may be filled out and mailed to the Planning and Zoning Department, City of Seguin, P. O. Box 591, Seguin, Texas 78156.

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

ZC 05-24 102 Lenz Drive Property ID 195969 JUN 1 1 2024

Name: _Dehhie McReynolds
Mailing Address:
Phone No.: _
Physical Address of property (if different from the mailing): 138 Lenz Drive
If "In Favor" or "Opposed" please explain why in space allotted below:
In Favor
Opposed _x
Reasons and/or comments We built our house with the hope we could enjoy our retirement not only kin to the wonderful town of Seguin but also in a peaceful and comfortable neighborhood. We belie changing the status of the property as requested would undermine this environment.

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.

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REPLY

PRGE lof 2

ZC 05-24 102 Lenz Drive Property ID 195969

Name: KEITH A STADTMUELLER & HELENE KURT & STADTMUELLER, TRUSTEES
Mailing Address:
Phone No.:
Physical Address of property (if different from the mailing):
106 LENZ DR. : SEGUIN TX 78155
If "In Favor" or "Opposed" please explain why in space allotted below:
In Favor
Opposed ×
Reasons and/or comments WE ARE PART OF A SUBDIVISION RESTRICTED
FOR RESIDENTIAL USE ONLY EXPENSIVE WATERFRONT HOMES HAVE
BEEN BUILT AND MANY HOMES UPPATED. WE MOVED TO PARK
VIEW ESTATES IN 1977 & HAVE OWNED PROPERTY SINCE THAT
Time
WE CURRENTLY OWN 106 LENZ DR. AND ARRIVE AT
THAT ADDRESS THRU A DEEDED RIGHT OF WAY FOR
HOMEOWHERS. 102, 106, & 110 LENZ PRIVE DO NOT HAVE
A CITY STREET. 108 E MOUNTAIN STREET - SEGUIN TEXAS 78155 - Web page: www.seguintevas.gov (OYER)

LENZ DRIVE IS NOT A THRU STREET
TO THE POWER PLANT PLEASE REFER TO A

CITY DEED FROM JIM SUBPE(SELLER) TO

CITY OF SEGULA (BUYER), THE CITY WAS

TO BUILD A FENCE SEPARATING THE

POWER PLANT FROM RESIDENTIAL AREA.

WE HAVE FLOOD PLAIN CONCERNS

AT 102 LENZ DRIVE AS WE LIVED

THERE DURING THE 1998 FLOOD, SINCE

LIVING THERE, MORE AREAS HAVE BEEN

COVERED WITH CONCRETE, ALSO THE

DEVELOPMENT OF SUBDIVISIONS ALONG

HWYS 46 & T25 WILL IMPACT MAYS

CREEK MORE WITH FUTURE MAJOR

BAINSTORMS.

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REPLY

ZC 05-24 102 Lenz Drive Property ID 195969

Name:	Semist Panchevre
Mailing Address:	
Phone No.:	
Physical Address of property (if c	lifferent from the mailing):
If "In Favor" or "Opposed" pleas In Favor Opposed	se explain why in space allotted below: Carrol JUN 0 7 2024
Reasons and/or comments	\$:

NEIGHBOR CONCERNS & QUESTIONS -

We, as neighbors living near The Powerplant Texas Grill (TPP), appreciate the Seguin Planning and Zoning Committee for thoughtfully reviewing the request by the owners of 102 Lenz Drive for a zoning change ZC 05-24 and general use plan GLUP 01-24, and the additional stipulations that the committee has made to try to protect the neighborhood.

We still have concerns, mainly for future development, additional traffic, parking issues, and noise.

- Concern for the future once rezoned from Single-Family to Planned Unit Development District, a precedent has been set. It is our understanding that owners of a PUD zoned property may request to erect additional structures or accommodate multiple families. Current city administration may not be amenable to this, but there is no guarantee this attitude will continue in future administrations. Is this "spot zoning"?
- If "PUD zoning would only impact the back portion of the property that is adjacent to The Power Plant restaurant", can the PUD designation be only for that portion of the property, and the majority of the property remain Single-Family zoned? Why can't a Single-Family designation host a ceremony?
- Who will be enforcing the stipulations for this ceremony venue restricted parking areas, no bands or DJs, no serving food or alcohol, restroom use only at TPP?
- The stipulations state "If 102 Lenz Dr. were to change owners, the GLUP would be voided, and the property would revert to the rules and regulations for Single-Family Residential (R-1) zoning, while still containing the PUD zoning". How can a PUD zoned property be required to function as a Single-Family zone?
- According to Warranty Deed dated the 16 day of August, 2002, the City of Seguin purchased a 2.225 acre tract of land from the Swope Trust, "the Grantee (city) shall install a minimum six (6) foot fence at Grantee's expense

across the common boundaries of the westerly side . . . ". This was NOT done, and we request that the fence be added now. (I have a copy of this)

- Traffic Access to the Power Plant parking area is located on Sutherland Springs Road, which requires using the very confusing and dangerous intersection of Sutherland Springs Road and Highway 123 (Stockdale Highway) near Tor Road, with entrances/exits from 3 neighboring businesses. The stop sign in the center of this intersection is regularly knocked over and cars are often seen going the wrong direction. We feel that adding additional traffic to the area will be hazardous and needs to be addressed for the safety of those attending weddings at TPP plus all of the neighbors from the Parkview Estates subdivision, as this is their main exit from the neighborhood to Seguin. (I have a map showing traffic flow).
- The zoning committee, in an effort to prevent traffic and parking along Lenz Drive for ceremonies and wedding receptions, is requiring that signage be placed at the entrance to the driveway of 102 Lenz Dr stating that "parking at that location is for occupants of the house only, and no event parking is allowed". Our concern is that if the address of -102 Lenz Drive- is used on invitations and notices for the ceremonies, Google Maps will route all of the guests down Lenz Drive. There is already an issue with drivers trying to use Lenz as a through street, and then turning around on lawns in order to exit this private road. We request that a 'Dead End' or 'Not a Through Street' sign be posted at the entrance to Lenz Drive where it intersects with Guadalupe River Drive and that TPP not use the -102 Lenz Drive- address.
- The Powerplant Texas Grill is leased to Mark Baptiste et al, by the City of Seguin. What happens if that lease ceases to exist?

Kevin & Anne (Peggy) Schott

YOL1740 PG0556

14308

ATC/02-94043054/cm

WARRANTY DEED

JUN 1 1 2024

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF GUADALUPE

THAT THE UNDERSIGNED, (hereinafter called "Grantor" whether one or more), for and in consideration of the sum of twenty thousand and twenty-five dollars (\$20,025.00) and other valuable consideration to the undersigned in hand paid by the City of Seguin, Texas, (hereinafter called "Grantee" whether one or more) the receipt and sufficiency of which is hereby acknowledged, has GRANTED, SOLD AND CONVEYED, and by these presents does hereby GRANT, SELL AND CONVEY unto Grantee the real property described as follows:

A 2.225 acre tract situated in the E. Gortari Survey, A-23, Seguin, Guadalupe County, Texas, as more particularly described on Exhibit "A" attached hereto.

This conveyance, however, is made and accepted subject to any and all restrictions, encumbrances, easements, covenants and conditions, if any, relating to the hereinabove described property as the same are filed for record in the County Clerk's Office of Guadalupe County, Texas.

TO HAVE AND TO HOLD the above described property, together with all and singular the rights and appurtenances thereto anywise belonging, unto the said Grantee, Grantee's heirs, executors, successors, administrators, successors and/or assigns forever; and Grantor does hereby bind Grantor's heirs, executors, administrators, successors and/or assigns against every person whomsoever claiming or to claim the same or any part thereof.

SPECIAL PROVISIONS:

- Grantee convenants that the above described property shall be used for public purposes and shall not be used for storage or parking of large equipment or materials.
- 2. There shall be no access to the above described property to and from the west side by way of an existing private lane and easement, which is an extension of Lenz Drive. Grantee shall install a minimum six (6) foot fence, at Grantee's expense, across the common boundaries of the westerly side of the above described tract and the easterly boundaries of the Keith Stadmueller, et ux. 2.85 acre tract and the James L. and Mona M. Swope Living Trust remainder of the 9.31 acre Tract One.

Now



Current ad valor em taxes on the property having been prorated, the payment thereof is assumed by the Grantee.

EXECUTED this 16 day of August, 2002. A. mm & THE JAMES L. SWOPE AND MONA M. SWOPE LIVING TRUST MONA M. SWOPE, Trustee

THE STATE OF TEXAS

COUNTY OF GUADALUPE

The foregoing instrument was acknowledged before me on the 17th day of August 2002, by James L. Swope , and Mona M. Swope Trustee of the James L. Trustee Swope and Mona M. Swope Living Trust, who stated that he/she executed the foregoing document for the purposes and considerations therein expressed.

> Notary Public for the State of Texas

GRANTEE:

CITY OF SEGUIN

CIMY MANAGER

BARBARA WARNCKE

Notary Public

State of Toylor State of Texas

My Comm. Exp. 12-01-2005

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