



## Planning and Zoning Commission Report ZC 18-15

The following request was considered during a public hearing at the Planning & Zoning Commission meeting on August 11, 2015:

**ZONING CHANGE request from Commercial and Single-Family Residential to Neighborhood Commercial for the property located at 1411 N Austin St., Lot 3: Block 205 Farm Addition, approx. 0.5211 acres, Property ID 23215**

Helena Schaefer presented the staff report. The applicant is proposing to remodel an existing single-family residential structure that is currently zoned as commercial. The applicant can use the structure for residential use, but it would require a Specific Use Permit. A Specific Use Permit is not transferrable as a zoning change stays with the property. Rezoning the property to Neighborhood Commercial would allow a residential structure as a “right” without the approval of a Specific Use Permit. Staff reminded the Commission that Neighborhood Commercial is intended for low impact and small scale commercial activities. Notifications were mailed on July 31, 2015 and published on July 26, 2015 with one phone call received; the adjacent property owner wanted more information about the rezoning and didn’t provide an opinion. A written response was also received.

Daune Schultz, PO Box 2652, Seguin, TX – in favor

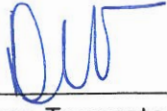
Staff recommended the approval of the zoning change as “Neighborhood Commercial” would provide flexibility in using the structure as commercial or residential and as a transition between the residences to the east and the businesses along N. Austin St.

Tracy Baker, the applicant, spoke about remodeling the structure for residential use and renting the house. She provided photos of the house with its original molding, windows, doors, and other interior features. The Commission asked several questions, to include plans for the backyard and screening/fencing from other properties. Mrs. Baker indicated that their plans include remodeling the structure for residential use only; there are no plans to use the structure as a commercial venture. Right now, they want to rent it out, but may be willing to sell it.

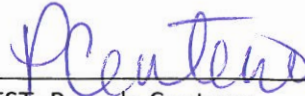
There being no further questions for the applicant the regular meeting was recessed and a public hearing was held. There being no response from the public the regular meeting reconvened for action.

After consideration of the staff report and all information given, the Planning and Zoning Commission voted 6-0-0, to Recommend to City Council to Approve the zoning change request from Commercial and Single-Family Residential to Neighborhood Commercial.

**RECOMMENDATION TO APPROVE ZONING CHANGE TO NEIGHBORHOOD COMMERCIAL-  
MOTION PASSED 6-0-0**



\_\_\_\_\_  
Dora Toungate  
Planning Assistant



\_\_\_\_\_  
ATTEST: Pamela Centeno  
Director of Planning/Codes



# City of Seguin

Planning/Codes Department  
Staff Report

**ZC 18-15**  
**1411 N Austin St.**  
**Zoning Change**

**Applicant:**

Barry & Tracy Baker  
558 Laurel Lane  
New Braunfels, TX 78130

**Property Owner(s):**

Barry & Tracy Baker  
558 Laurel Lane  
New Braunfels, TX 78130

**Property Address/Location:**

1411 N Austin St.

**Legal Description:**

Lot: 3 Block 205 Farm  
Addition, Property ID 23215

**Lot Size/Project Area:**

Lot – approx. 0.5211 acres

**Future Land Use Plan:**

Town Core 2

**Notifications:**

- Mailed: July 31, 2015
- Published: July 26, 2015

**Comments Received:**

Two comments – in favor  
(one written, one phone call)

**Staff Review:**

Helena Schaefer  
GIS Analyst  
August 6, 2015

**Attachments:**

- Location Map
- Zoning Map
- FLUP Map

**REQUEST:** A Zoning Change request from Commercial/Single-Family Residential to Neighborhood Commercial.

**ZONING AND LAND USE:**

|                         | Zoning | Land Use            |
|-------------------------|--------|---------------------|
| <b>Subject Property</b> | C/R-1  | Vacant House        |
| <b>N of Property</b>    | C/R-1  | Residential         |
| <b>S of Property</b>    | C/R-1  | Vacant lot/Business |
| <b>E of Property</b>    | R-1    | Residential         |
| <b>W of Property</b>    | C/LI   | Businesses          |

**SUMMARY OF STAFF ANALYSIS & RECOMMENDATION:**

Although a Specific Use Permit can be obtained to use this structure as a residence in a commercially zoned property, the SUP doesn't transfer with the property and stays with the applicant. However, a zoning change to Neighborhood Commercial allows the use of an existing residential structure as a "right" and doesn't require a SUP. Neighborhood Commercial Zoning is more of a limited impact commercial and smaller in scale than Commercial Zoning. A Rezone for the entire lot to "Commercial" would require a SUP. A zoning change would "stay with the property". Given the surrounding commercial uses, the flexibility of Neighborhood Commercial for residential or commercial use and the proximity of N Austin, a major corridor thru the City, Staff is recommending the zoning change from C and R-1 to NC.

**Planning Department Recommendation:**

|          |   |
|----------|---|
| <b>X</b> | Approve as submitted                          |
|          | Approve with conditions or revisions as noted |
|          | Alternative                                   |
|          | Denial  |

**CODE REQUIREMENTS:**

In order to use this non-conforming structure as a residence, a zoning change must be acquired for the property. Although a portion of the property is currently zoned as Commercial, a Specific Use Permit would be required to use the structure as residential. Neighborhood Commercial consists of more small scale, limited impact commercial, retail, personal services, and office uses; Commercial is a more intensive use and larger scale of those same activities.

**SITE DESCRIPTION:**

The property was zoned Commercial and Single-Family Residential with the original adoption of the Zoning Map in 1989. The house was existing when zoning was established. The front 209 feet of the property was zoned Commercial and the back 81 feet was zoned Single-Family Residential. Since the house was vacant for a long period of time, the nonconforming status for the structure has expired. In order to use the structure as a residence, a zoning change can be sought or a Specific Use Permit can be obtained. A Specific Use Permit does not run with the property, but with the applicant. Rezoning to "Neighborhood Commercial" allows the use of an existing house without the requirement of a SUP.

**COMPATIBILITY WITH SURROUNDING LAND USES & ZONING:**

The property is located adjacent and across from commercial businesses, but abuts to residences on E Pine Street.

**COMPREHENSIVE PLAN:**

The site is located in the Town Core 2; this district is business oriented with some higher residential density aspect. Neighborhood Commercial uses are recommended in this district.

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

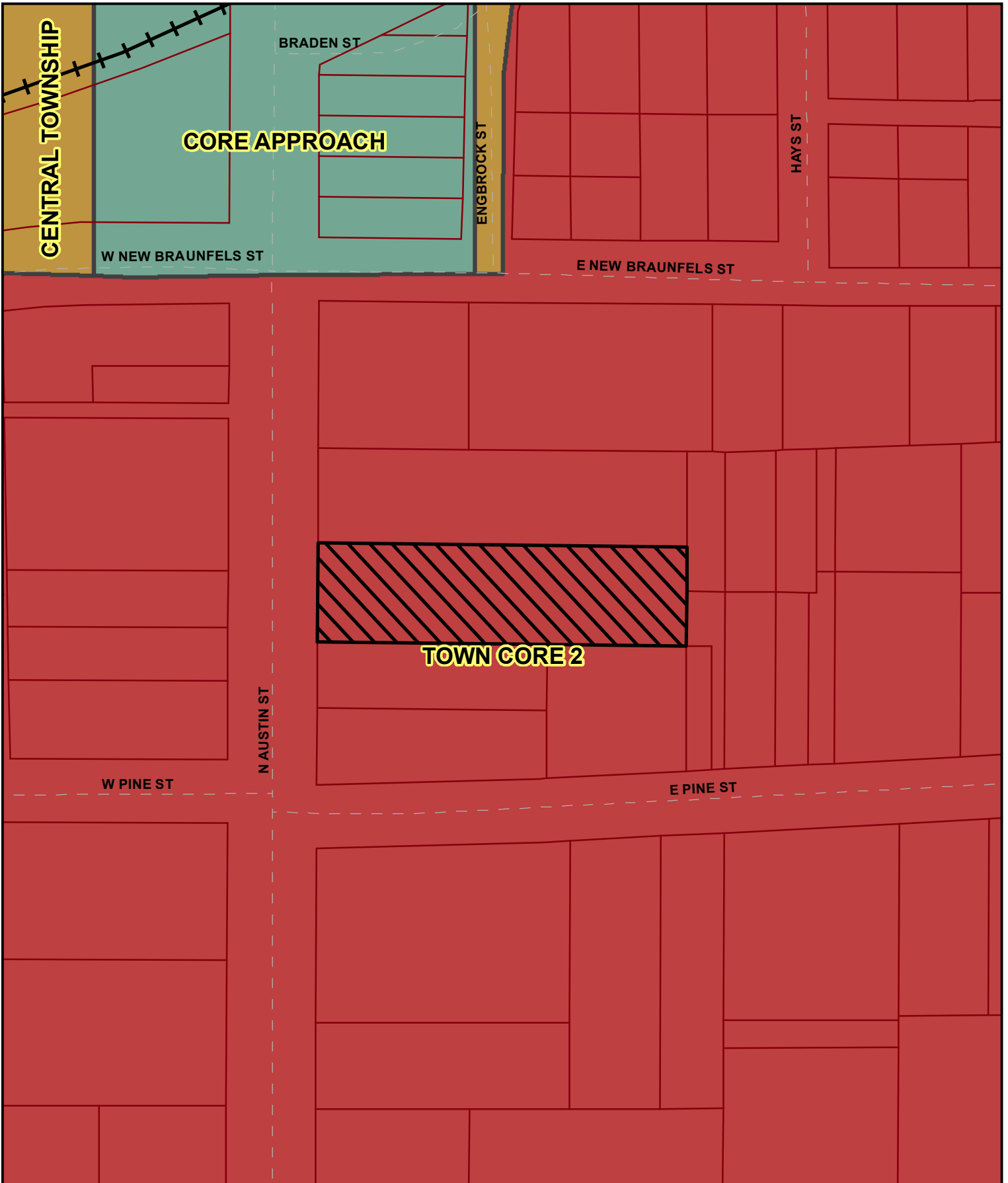
It has not been determined that the site is of historical, cultural, or environmental significance.

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

The site is accessed from N Austin Street.

**PARKING:**

Parking for two vehicles, as required, is existing at the residence. If this property was developed for a business and depending on the type of business, the parking requirements must be met. As well, screening of vehicle lights will be required if the site is developed as commercial. Section 5.6.12 Screening of Parking requires screening of commercially zoned property if adjoining residential properties.



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.



Site Location



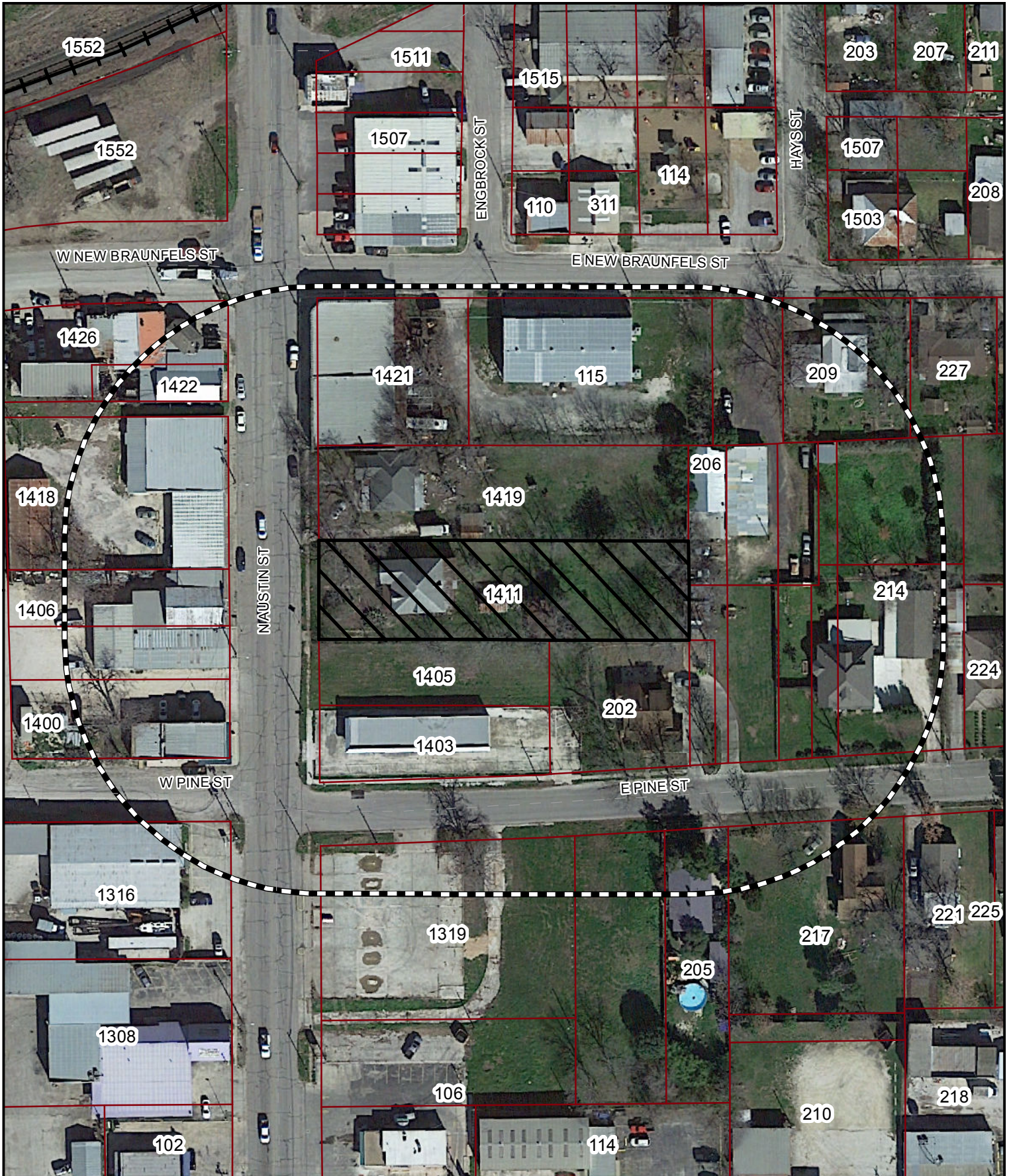
Lot Lines

1 inch = 100 feet

Printed: 7/17/2015

# LOCATION MAP

ZC 18-15:1411 N Austin St



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Site Location



200' Notification Buffer

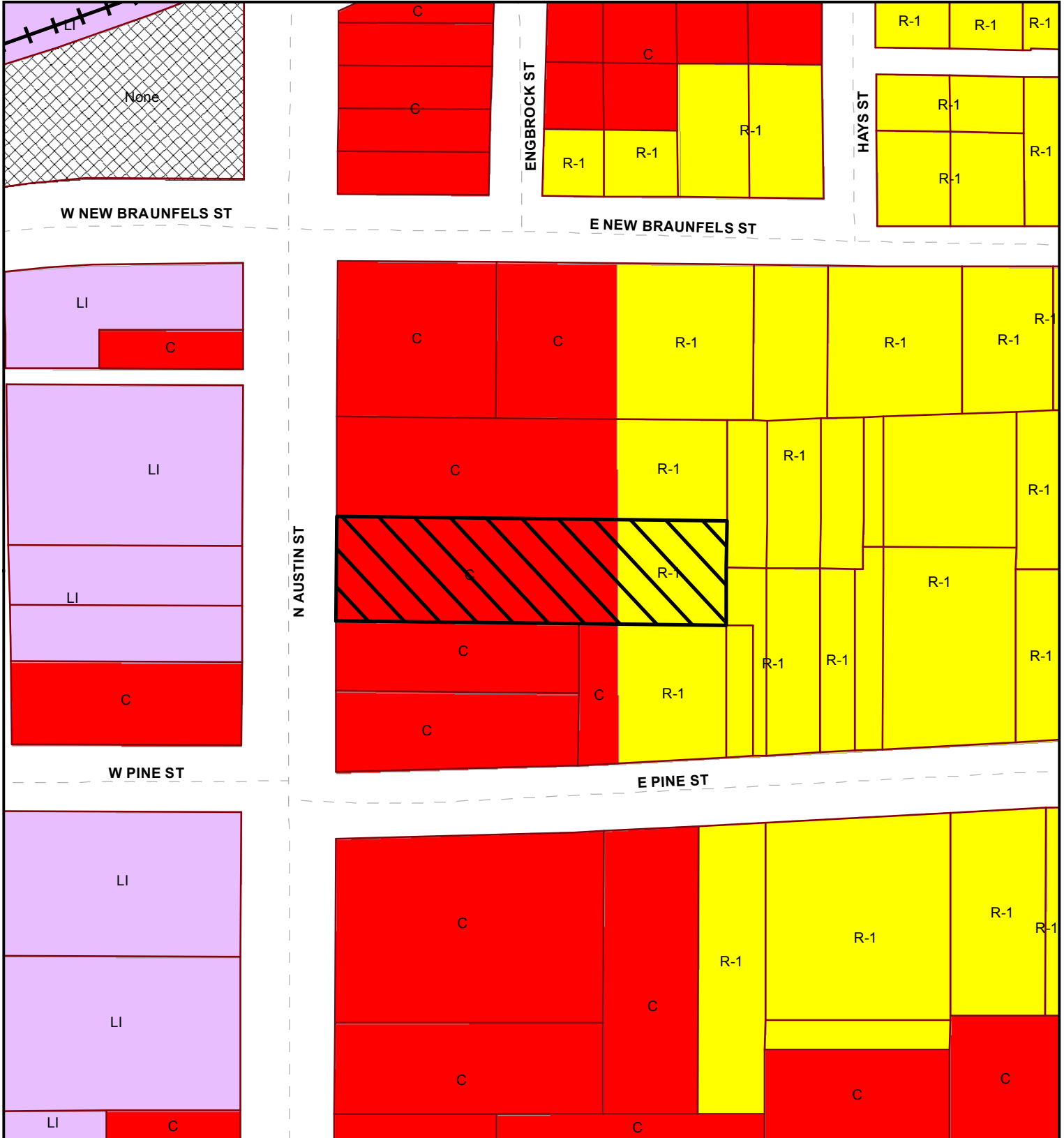
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# ZONING MAP

# ZC 18-15: 1411 N Austin St



- |                               |                              |                            |                              |
|-------------------------------|------------------------------|----------------------------|------------------------------|
| A-R Agricultural Ranch        | ZL Zero Lot Lines            | MHP Manufactured Home Park | I Industrial                 |
| R-R Rural Residential         | DP-1,2 Duplex                | NC Neighborhood Commercial | P Public                     |
| S-R Suburban Residential      | MF-1,2,3 Multi-Family        | C Commercial               | PUD Planned Unit Development |
| R-1 Single Family Residential | M-R Manufactured Residential | LI Light Industrial        |                              |

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