



PLANNING & CODES

Planning and Zoning Commission Report ZC 02-19

A request for Zoning Change 02-19 was considered during a public hearing at the Planning & Zoning Commission meeting on February 12, 2019:

A Zoning Change from Commercial (C) to Neighborhood Commercial (NC) on a request for property located at 110 W. Weinert Street, Property ID 23119.

Helena Schaefer presented the staff report. The applicant requested a zoning change to allow the use of the existing residential structure on the property. The current zoning restricts the use of the property as single family dwelling unless a Specific Use Permit is obtained. The Neighborhood Commercial allows for the flexibility of using the property either as residential or a lower impacting commercial use. Ms. Schaefer explained that the Commission has seen a number of these type of zoning change request – the last one was in November 2018 with 1315 N San Marcos. The requests were approved for a zoning change from Commercial to Neighborhood Commercial due to an existing residential structure. She gave a brief overview of the surrounding zoning designations. The property is in the Town Core 2 district in the comprehensive plan. The use of a single-family residential in the Neighborhood Commercial zoning district would be an appropriate use for this district.

The property is 0.129 acres. The property has its original zoning from 1989 and is considered a legal non-conformity. The lot does not meet the minimum lot size requirement for a commercial zone, therefore would be difficult to develop this property as a high traffic, large volume commercial use. As this property is considered a grandfathered use in a commercial district, rebuilding the structure would not be possible if it was damaged or destroyed to an extent of 50% or more. The structure would have to conform to a commercial use, and not residential. As well financial institutions may hesitate to provide residential loans for commercial zoned properties and insurance companies may not provide coverage.

Notifications were mailed February 1, 2019. No written comments were received.

Staff recommended approval of the zoning change given the existing use as residential, and the flexibility of the Neighborhood Commercial for the use of residential or low impact commercial activities.


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

After consideration of the staff report and all information given regarding the ZC 02-19, Commissioner Kirchner moved that the Planning and Zoning Commission approve the zoning change from Commercial to Neighborhood Commercial. Commissioner Spahn seconded the motion. The following vote was recorded:

RECOMMENDATION TO APPROVE ZONING CHANGE TO NEIGHBORHOOD COMMERCIAL (NC).

MOTION PASSED

6-0-0



Francis Serna
Planning Assistant



ATTEST: Helena Schaefer
Senior Planner



PLANNING & CODES

**ZC 02-19 Staff Report
110 W Weinert St
Zoning Change from C to NC**

Applicant:

New Home Life Enterprises,
Inc
PO Box 828
Seguin, TX 78156

Property Owner:

Same as Applicant

Property Address/Location:

110 W Weinert St

Legal Description:

Lot: 7 W 65' of, Blk: 290,
Addn: Farm, Prop ID: 23119

Lot Size/Project Area:

Approx. 0.1299 acres

Future Land Use Plan:

Town Core 2

Notifications:

Mailed Feb. 1, 2019
Newspaper Jan. 27, 2019

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 Commercial to Neighborhood Commercial.

ZONING AND LAND USE:

	Zoning	Land Use
Subject Property	C	Residential dwelling
N of Property	R-1	Residential dwelling
S of Property	C	Tattoo business
E of Property	C	Auto Repair business
W of Property	C	Residential dwelling/Vacant lots

SUMMARY OF STAFF ANALYSIS & RECOMMENDATION:

The property located at 110 W Weinert St is currently zoned Commercial, but the existing land use is single-family residential. Staff recommends approval of the zoning change to Neighborhood Commercial in order to allow the primary use of the property to be either single-family residential or commercial. Single-Family Residential and Neighborhood Commercial uses are also compatible with the comprehensive plan. As well, there has been recent approvals of zoning change requests from Commercial to Neighborhood Commercial for the same situation.

Planning Department Recommendation:

X	Approve as submitted
	Approve with conditions or revisions as noted
	Alternative
	Denial

PLANNING DEPARTMENT ANALYSIS

SITE DESCRIPTION

The property is currently zoned Commercial and is located on the north side of W Weinert St. According to the Guadalupe County Appraisal District, the existing structure is 1256 sq ft in size and classified as residential. The property has the original zoning classification from the 1989 zoning process and the structure is a legal non-conforming land use. The applicant is trying to sell the property as a residential structure.

CODE REQUIREMENTS:

According to the UDC's Section 3.4.3 Land Use Matrix, the Commercial zoning district allows for an existing single-family residential structure with a Specific Use Permit. This would be triggered if the structure was vacant for more than 6 months. However, the Neighborhood Commercial zoning does allow the use of either an existing or new single-family residential structure. Rezoning to Neighborhood Commercial would remove the need for an approved Specific Use Permit. Since 2018, the Commission has approved six similar zoning change requests from Commercial to Neighborhood Commercial for the use of an existing residential dwelling, the most recent approval was for 1513 N San Marcos St in November of 2018.

COMPATIBILITY WITH SURROUNDING LAND USE & ZONING:

There are properties due west of this property that have single-family residential structures and are zoned as such. There are also businesses to the north, south and east of the property. Given the flexibility of Neighborhood Commercial, this zoning classification would be compatible with the surrounding zoning and existing land uses. Neighborhood Commercial is a good transition between commercial and residential uses.

COMPREHENSIVE PLAN:

The property is located within the Town Core 2 Community future land use district. This district's intent is to provide direction for appropriate land uses in Seguin's downtown area. Single-family residential is an appropriate use as well as low impact commercial uses; Neighborhood Commercial is compatible with the Comprehensive Plan.

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

TRAFFIC (STREET FRONTAGE & ACCESS):

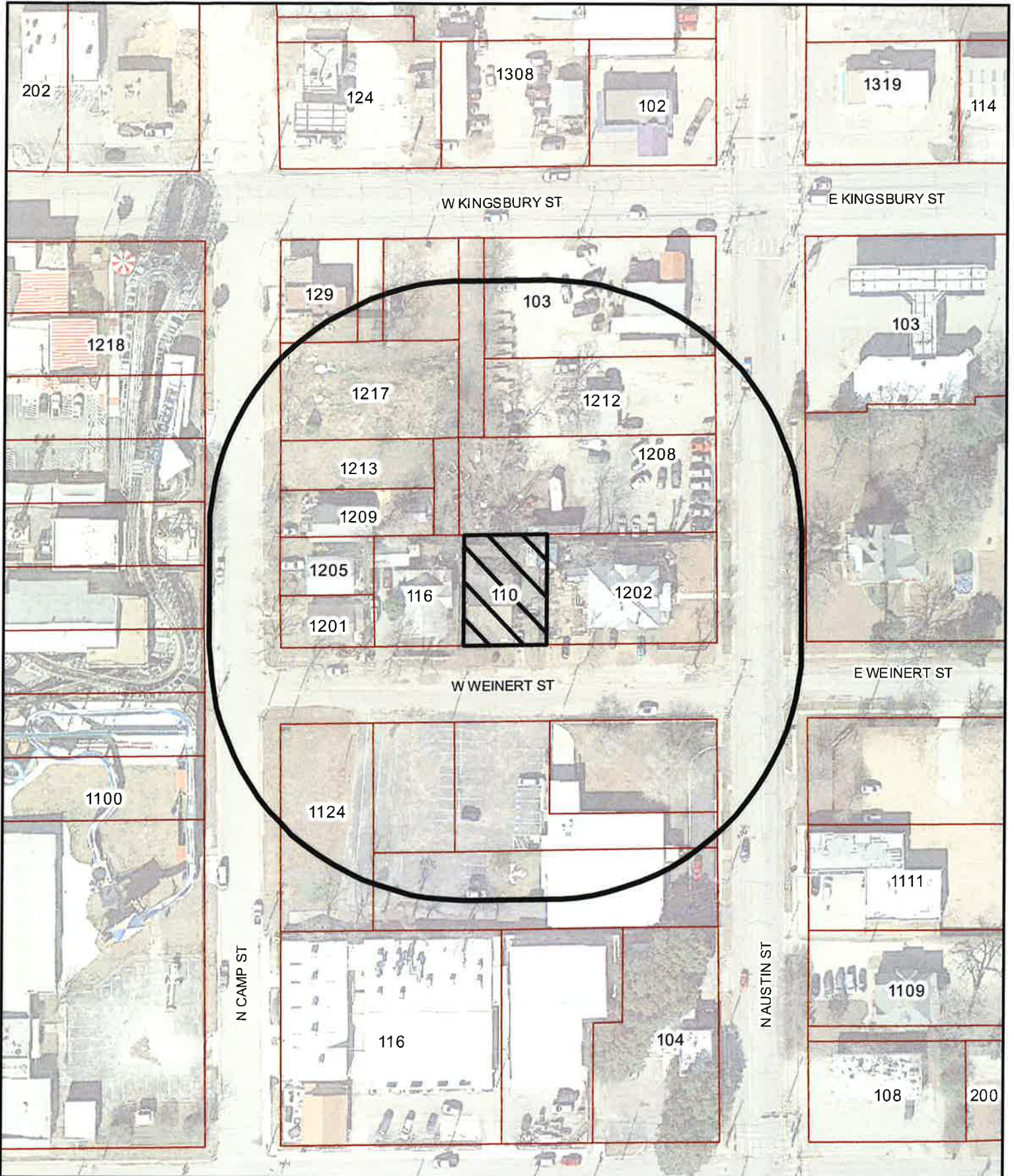
The property takes its access from W Weinert St.

OTHER CONSIDERATIONS:





The current residential use of this property is regarded as a legal non-conformity. Commercial zoning does not permit new single-family residential structures and requires a Specific Use Permit for an existing structure vacant for more than 6 months. If the structure is damaged or destroyed to an extent of 50% or more of its assessed valuation, it cannot be rebuilt without a rezoning. As well, financial institutions may hesitate to provide residential loans for commercial zoned properties and insurance companies may not provide coverage.

LOCATION MAP

ZC 02-19: 110 W Weinert St

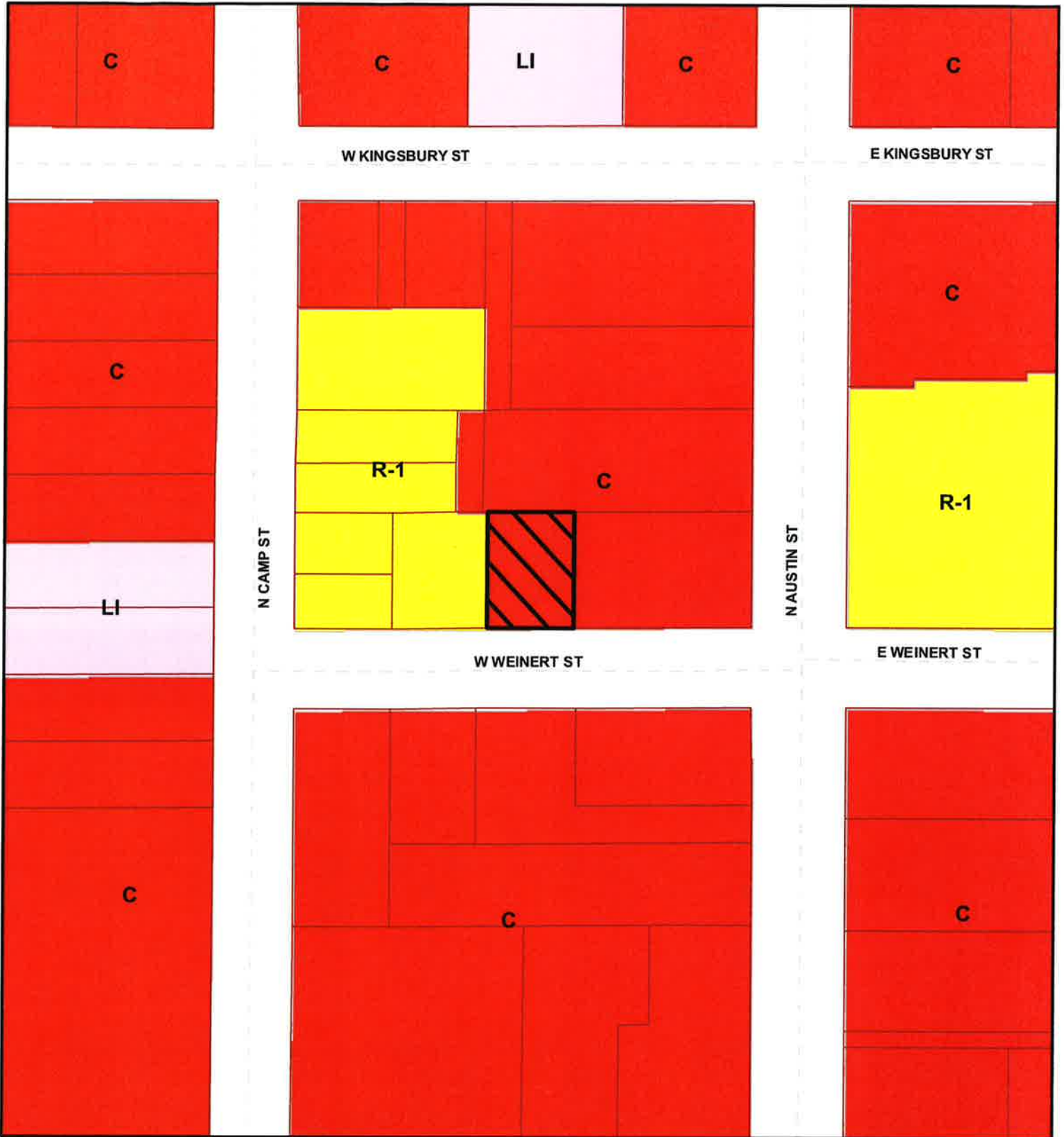


This map is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The City of Seguin assumes no liability for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

  Site Location  200' Notification Buffer
 Lot Lines
1 inch = 100 feet
Printed: 1/11/2019

ZONING MAP

ZC 02-19: 110 W Weinert St

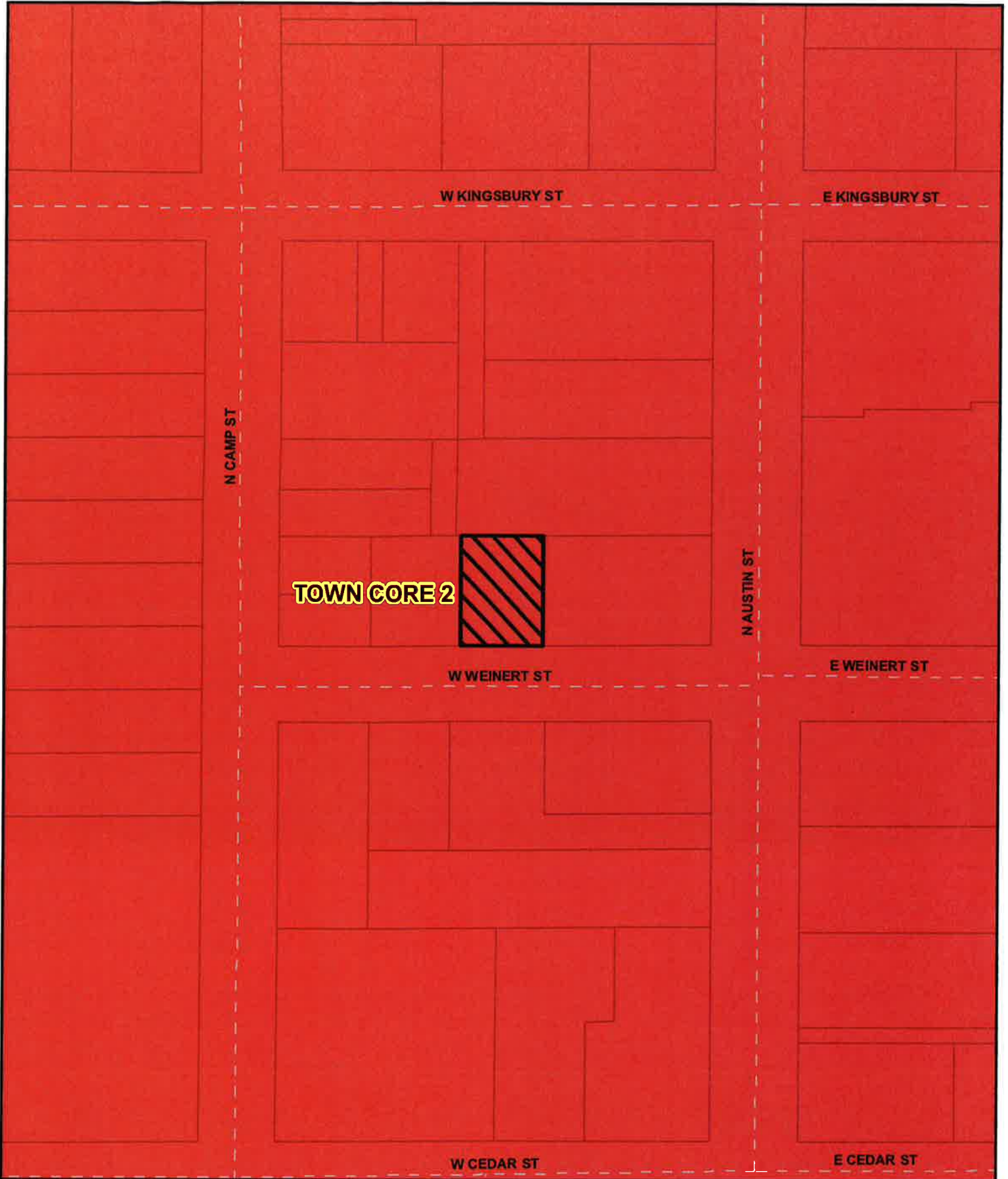


- | | | | |
|-------------------------------|------------------------------|----------------------------|------------------------------|
| A-R Agricultural Ranch | ZL Zero Lot Lines | MHP Manufactured Home Park | I Industrial |
| R-R Rural Residential | DP-1,2 Duplex | NC Neighborhood Commercial | P 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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 **Site Location**
 **Lot Lines**

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Site Location



Lot Lines

1 inch = 100 feet

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