



PLANNING & CODES

Planning and Zoning Commission Report ZC 43-21

A request for Zoning Change 43-21 from Commercial (C) to Multi-Family Residential 3 (MF-3) located at the 2600-2700 Block of State Hwy. 46 N, Property ID 172978 was considered during a public hearing at the Public and Virtual Planning & Zoning Commission meeting on February 8, 2022.

Vice Chair Kirchner recused himself from the discussion and vote.

Helena Schaefer presented the staff report. She explained that the applicant is requesting 13.80 acres for Multi-Family 3, and 2.04 acres for two commercial tracts. The applicant is proposing a 276-unit apartment complex. She stated that the property is adjacent to Greenspoint Village and there are additional setbacks and buffer yard requirements for property adjacent to single family residential development.

Ms. Schaefer gave an overview of the surrounding properties. She stated to the north and west are the single-family residential developments. Properties to the east are SH 46 right-of-way and are zoned commercial with existing commercial uses. To the south are undeveloped properties, as there is a floodplain bisecting SH 46. She advised the Commission that there is no other multi-family zoned property in the area. Ms. Schaefer pointed out that there was an additional multi-family zoning change request on the agenda.

Ms. Schaefer stated that the property is located in the Town Approach District. She explained that the Town Approach District should have land use that indicates the approach into the city while preserving the character of the adjacent landscape to see a natural transition of rural to urban development. She said the town approach district is approximately 500 ft on each side of SH 46 and commercial and single-family residential land uses are recommended. Multi-Family zoning is not a recommended use due to the density.

Ms. Schaefer stated that there will be an increase in vehicular traffic and lead to congestion with a high-density multifamily development. She explained that multi-family is recommended in areas where residents can walk to stores or place of employment. The previous multi-family requests that were approved are located along N. Austin Street in the Future Land Use Nodes Districts, which allows for multi-family use. She explained the only access to the property is SH 46 N. She explained that the timing of Pecan Parkway is dependent on Greenspoint Heights and Greenspoint Village developments. A draft TIA was provided that identifies a proposed traffic signal at the intersection of Pecan Parkway and SH 46, which is similar to the TIA submitted for the Greenspoint subdivisions although indicates that the traffic signal will be warranted when 93 houses are occupied. A right-turn deceleration lane on SH 46 would be warranted for the proposed multi-family development. All access and signals would be subject to TxDOT approval.

The applicant provided a building layout of the proposed multi-family development. She informed the Commission that no layout is final until the property has been engineered for such items as drainage, off-street parking requirements, landscaping, fire locations, and all requirements of the UDC.

Ms. Schaefer stated that one comment in support was received.

Harry Jewett, 307 W. Rhapsody, San Antonio Texas, Engineering and Planning Consultant said the property only accesses on Hwy. 46. He said he is familiar with getting TxDOT approval and there would only be one point of access for the property. Mr. Jewett stated that the buyer is a developer that developed the Clear Springs project and wants to replicate the project. He said they have taken into consideration the deceleration lane for Pecan Parkway. In addition to detention on the south end of the property near Little Mill Creek. He said they feel that the proposed development would be successful. Mr. Jewett indicated that there would be a fly over from Pecan Parkway to Hwy. 46. He stated he was available to answer questions.

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


The Commission discussed water capacity to the site, increase of traffic, Pecan Parkway and the Future Land Use Plan.

After consideration of the staff report and all information given regarding Zoning Change (ZC 43-21), Commissioner Lievens moved that the Planning and Zoning Commission recommended approval of the zoning change to Multi-Family High Density 3 (MF-3) for property located at the 2600-2700 Block of Hwy. 46 N. Commissioner Felty seconded the motion. The following vote was recorded:

RECOMMENDATION TO APPROVE THE ZONING CHANGE TO MULTI FAMILY HIGH DENSITY 3.

**MOTION PASSED
5-0-1**


Francis Serna, Planning Assistant


ATTEST: Helena Schaefer
Planning Supervisor

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

Re: **2600-2700 block of State Highway 46 N.,**
Property ID 172978
(ZC 43-21)

Name: Fred Heimer (Butk Land Partners, LLC)

Mailing Address: 130 S. Seguin, Ste 100 NB TX

Phone No.: _____

Physical Address of property (if different from the mailing):

If "In Favor" or "Opposed" please explain why in space allotted below:

In Favor X

Opposed _____



Reasons and/or comments Varying densities of
residential and commercial uses will
promote a rich and diverse economy. Multi-
family is a useful and appropriate buffer b/w
SFR and commercial uses along SH 46



PLANNING & CODES

ZC 43-21 Staff Report
2600-2700 Blk of State Hwy 46 N
Zoning Change from C to MF-3

Applicant:

Harry Jewett
307 W. Rhapsody
San Antonio, TX 7816

Property Owner:

AK Properties, LLC
9310 Broadway #101
San Antonio, TX 78217

Property Address/Location:

2600-2700 Blk of State Hwy
46 N

Legal Description:

Abs: 11 SUR: J D Clements
15.607 Acs. Aka Future Sub:
Greenspoint
Property ID: 172978

Lot Size/Project Area:

13.800 out of 15.607 acres

Future Land Use Plan:

Town Approachway

Notifications:

Mailed:
Newspaper:

Comments Received:

None

Attachments:

- Location Map
- Existing Zoning Map
- Future Land Use Plan Map
- Proposed Zoning Map
- Proposed Site Layout

REQUEST:

A zoning change request from Commercial (C) to Multi-Family High Density (MF-3)

ZONING AND LAND USE:

	Zoning	Land Use
Subject Property	C	Vacant farmland
N of Property	C / P	Cemetery & Vacant farmland
S of Property	C / A-R	Vacant farmland
E of Property	C	Commercial retail/ Vacant farmland
W of Property	R-2	Vacant farmland

SUMMARY OF STAFF ANALYSIS & RECOMMENDATION:

The applicant is requesting a zoning change from Commercial (C) to Multi-Family High Density (MF-3) for a proposed apartment complex development. The prospective buyer would like to develop 276 units on 13.80 acres of the 15.607-acre tract. The remaining 2.407 acres is proposed to remain commercial.

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 entire site is described as approximately 15.607 acres, though only 13.8 acres is proposed for rezoning. The lot is currently vacant and is zoned for commercial development.

CODE REQUIREMENTS:

The applicant is proposing to develop approximately 13.8 acres out of the tract as a high density multi-family apartment complex. The remaining 2.407 acres identified on the exhibit prepared by the applicant is proposed to remain commercial. 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: To the north of the tract is a cemetery.
- Northwest: The property to the northwest is the developing single-family subdivision of Greenspoint Heights. Homes are currently under construction. The proposed buildout of the subdivision is 341 lots.
- East: The area to the east and across SH 46 is an area of commercially developed properties.
- South & West: The property to the west and southwest is vacant, but is the site of the proposed single-family residential development of Greenspoint Village. The property is currently in the development review process, but no construction has started. No development is proposed immediately to the south where the floodplain bisects the area coming across SH 46.

Surrounding Zoning Districts:

- SH 46 Commercial Frontage: The frontage along SH 46 to the north, east, and south is zoned commercial. Commercial zoning continues south along the SH 46 frontage approaching IH-10 with an area of existing light industrial development near the Interstate.
- Single-Family Residential to the West & Northwest: The proposed single-family residential subdivision, Greenspoint Village, is located west of the subject property. There are 664 residential lots proposed for the subdivision. Greenspoint Heights is located northwest of the subject property, across the proposed Pecan Parkway. Over 1,000 residential lots are proposed for the two Greenspoint subdivisions.

Compatibility with the proposed Multi-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 north that is also proposed for a zoning change.

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 Town Approachway, which 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.

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 move 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, but the proposed Pecan Parkway will be located to the north of the tract. Access to the Parkway will be limited to right-in, right-out movements. A portion of the parkway will be constructed with the development of the residential subdivisions of Greenspoint Heights and Greenspoint Village, but the timing of the construction of the section of the parkway that extends west to Rudeloff is unknown. Future improvements to State Hwy 46 will also increase regional mobility in the area but will not occur within the next five years.

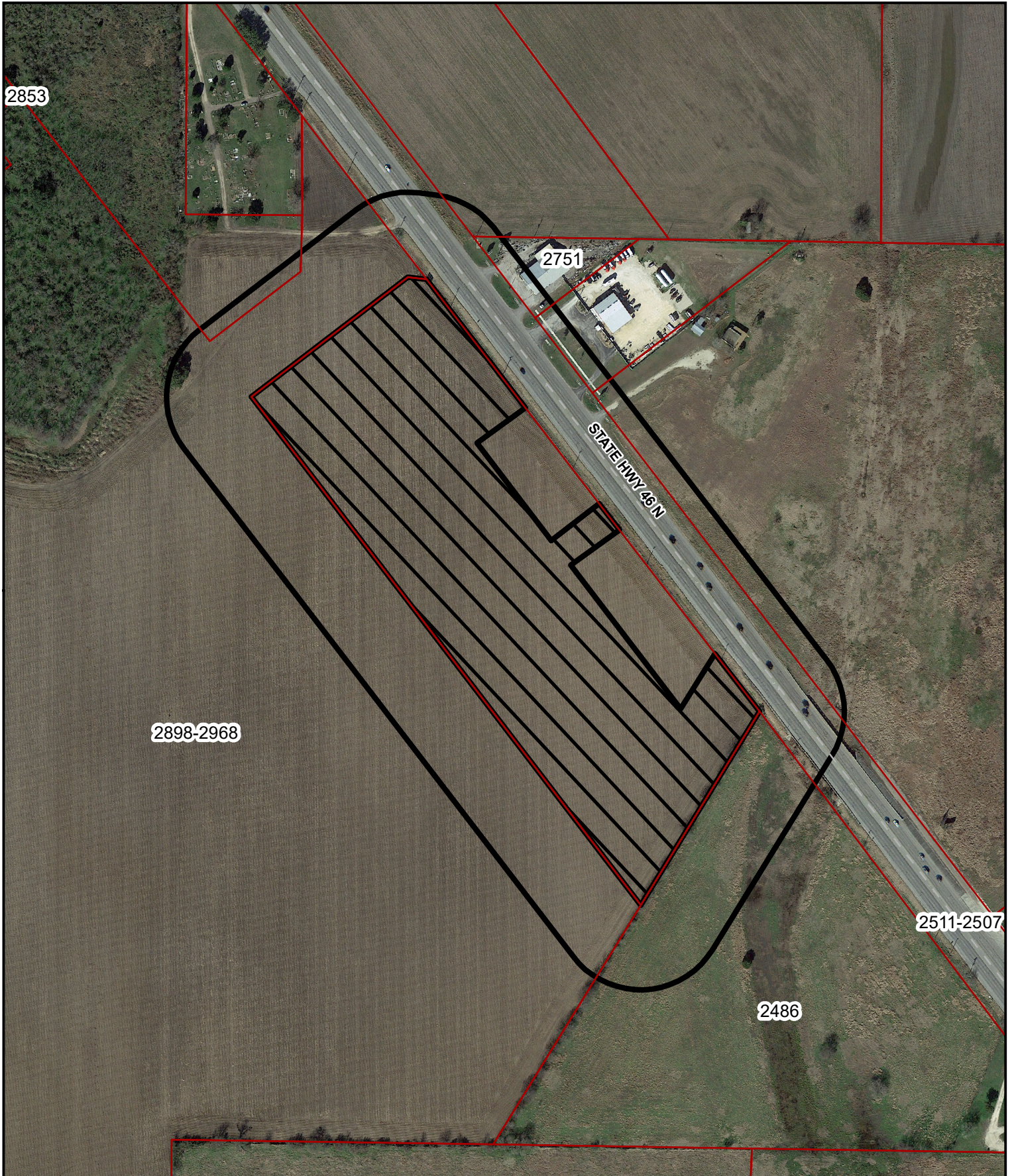
The draft TIA submitted for this proposed development identifies a proposed traffic signal at the intersection of Pecan Parkway and SH 46. Per the TIA for the Greenspoint residential subdivisions, the traffic signal is warranted when 393 homes are occupied. The driveway on SH 46 for the proposed multi-family development warrants a right-turn deceleration lane on SH 46 approaching the driveway. *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.)

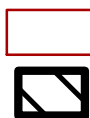
The southern portion of the property is located within a floodplain and shall be developed in accordance with applicant local and federal regulations.

LOCATION MAP

ZC 43-21 2600-2700 Blk of State Hwy 46 N



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



Site Location

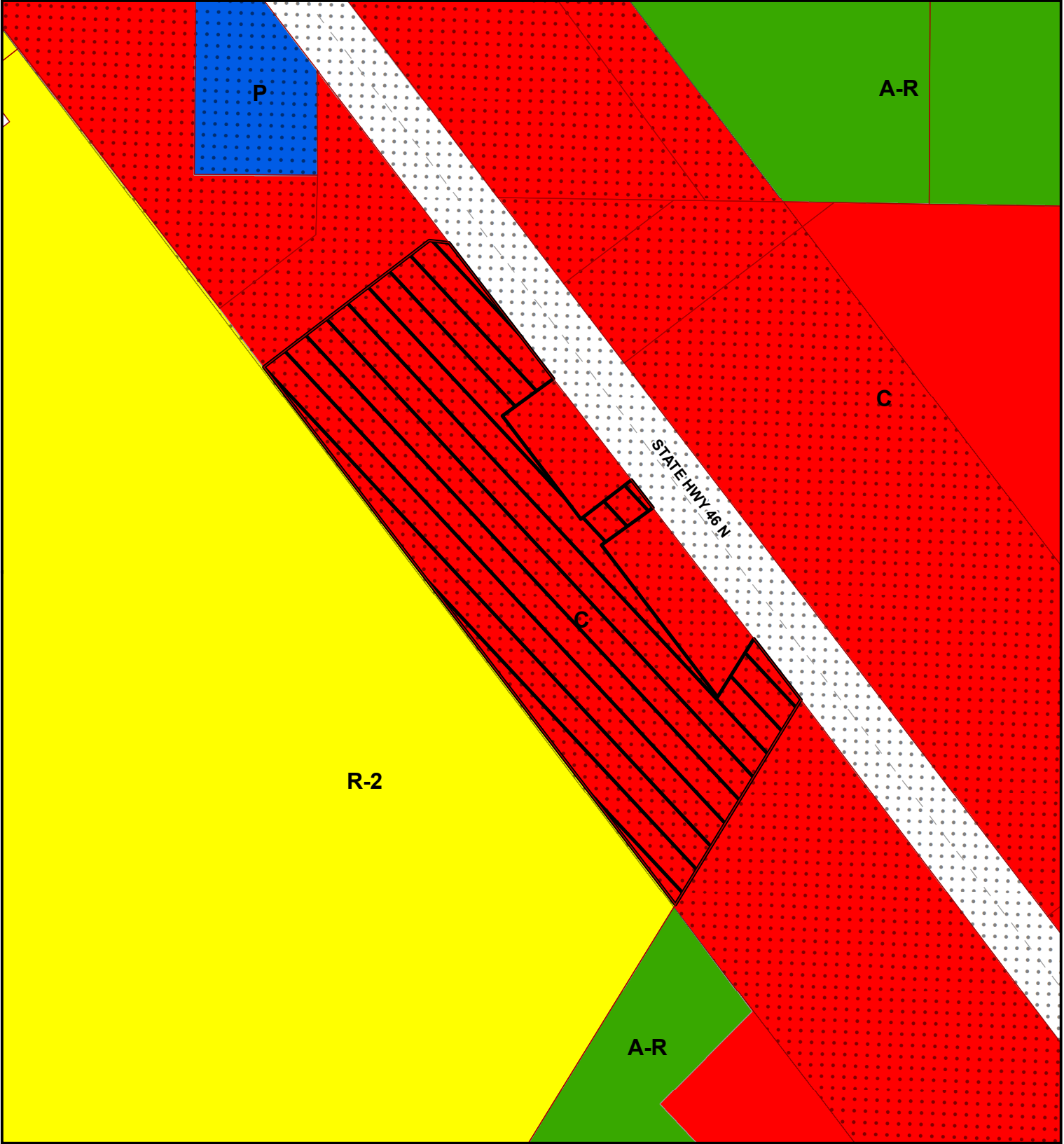


200' Notification Buffer
1 inch = 300 feet

Printed: 1/11/2022

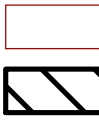
ZONING MAP

ZC 43-21 2600-2700 Blk of State Hwy 46 N



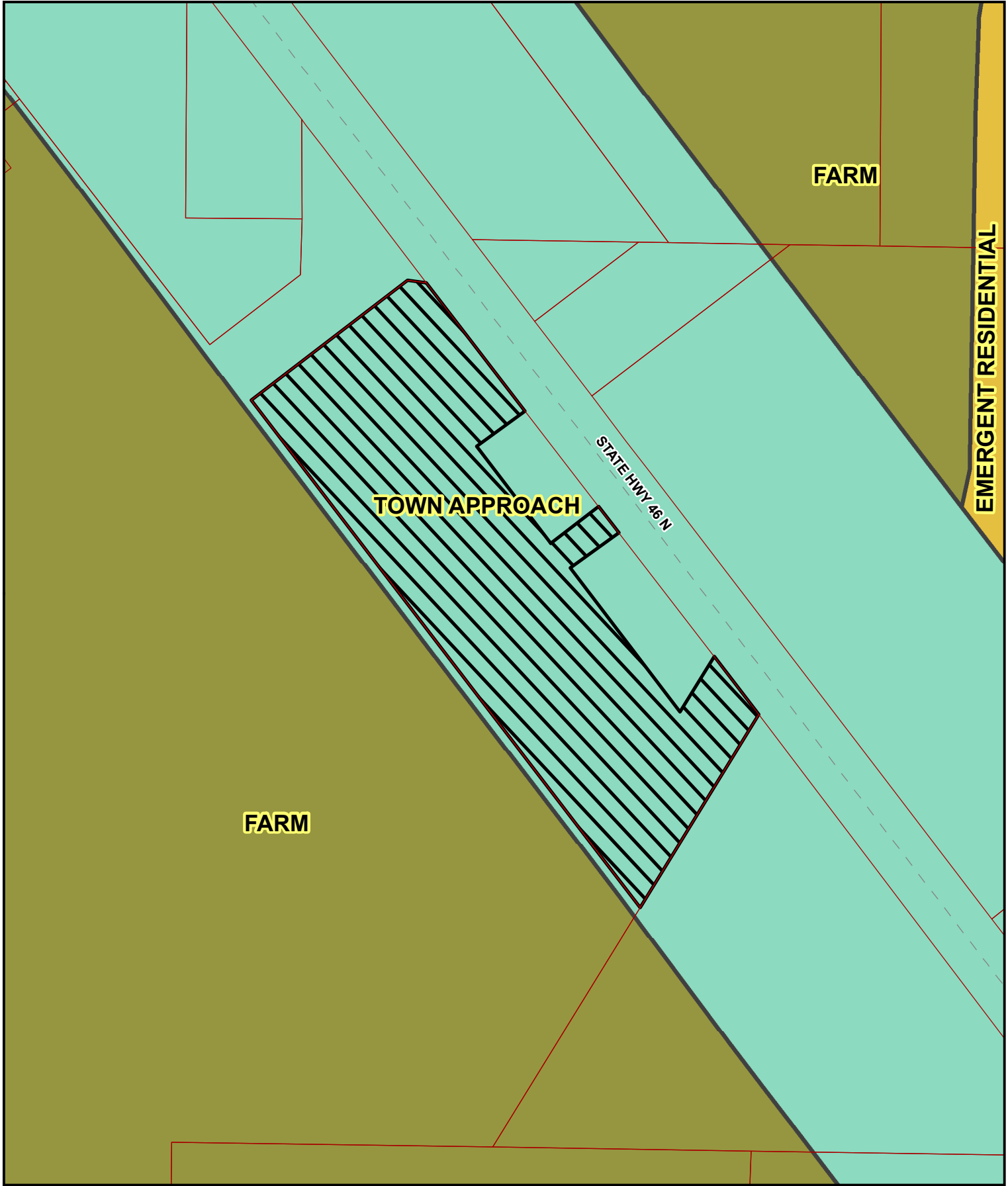
- | | | | | |
|-----------------------------|-----------------------------|--------------------------|-------------------------|--------------------------|
| Agricultural - Ranch | Single Family Residential 2 | MultiFamily 1 | Manufactured Home Park | Industrial |
| Rural Residential | Zero Lot Lines | 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 = 300 feet
Printed: 1/11/2022



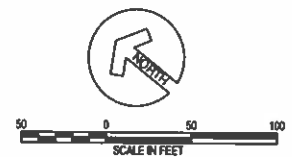
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Ownership

Site Location

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