



# City of Seguin

210 E. Gonzales Street  
Seguin TX, 78155

## Meeting Minutes

### Planning & Zoning Commission

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Tuesday, December 12, 2023

5:30 PM

Council Chambers

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#### Public

#### 1. Call To Order

The City of Seguin Planning and Zoning Commission met in a Regular Meeting on December 12, 2023 at 5:30 p.m. at the City Council Chambers, 210 E. Gonzales Street, Seguin, Texas. Chair DePalermo presiding over the meeting.

Chair DePalermo announced that the applicant pulled Item 5g. GLUP 01-23 from the agenda.

#### 2. Roll Call

**Present:** 7 - Kelly Schievelbein, Vice Chair Patrick Felty, Eddie Davila, Bobby Jones III, Steven Berger, Chairperson Troy DePalermo, and Joseph Pedigo

**Absent:** 1 - Krista Moreno

#### 3. Approval of Minutes

##### [23-501](#)

Approval of the Planning and Zoning Commission Meeting Minutes of the October 10, 2023 meeting.

##### Indexes:

A motion was made by Commissioner Schievelbein, seconded by Commissioner Davila, that the Minutes be approved. The motion carried by the following vote:

**Aye** 7 - Schievelbein, Vice Chair Felty, Davila, Jones III, Berger, Chairperson DePalermo, and Pedigo

#### 4. Consent Agenda

##### [PC1023-0029](#)

Possible action on a request for a Final Plat for the Lily Springs Subdivision Unit 2A, Property ID: 175347, (PC1023-0029)

##### Indexes:

Consent Agenda was approved

[PC1023-0030](#)

Possible action on a request for a Final Plat for Ridge View Estates, Unit 3, Property ID 191414 (PC1023-0030)

**Indexes:**

**Consent Agenda was approved**

[PC1123-0032](#)

Possible action on a request for a Final Plat for the Three Oaks Unit 2B Subdivision, Property ID: 55488, ( PC1123-0032)

**Indexes:**

**A motion was made by Commissioner Davila, seconded by Commissioner Schievelbein, that the Consent Agenda be approved. The motion carried by the following vote:**

**Aye 7 -** Schievelbein, Vice Chair Felty, Davila, Jones III, Berger, Chairperson DePalermo, and Pedigo

## **5. Public Hearings & Action Items**

**a. [SUP 06-23](#)**

Public hearing and possible action on a request for a Specific Use Permit to allow for residential use of an existing home in commercial zoning located at 617 N. Guadalupe Street, Property ID: 22626 (SUP 06-23)

**Indexes:**

*Kyle Warren presented the staff report. He explained that the applicant requested to use their existing house as a primary residence on the commercial zoned lot located at 617 N. Guadalupe, known as the Sonka House. In addition, the applicant wants to keep the surrounding property associated with the house commercial in use so the property can be used as a wedding venue. He stated although surrounded by a mix of difference uses, Public, Commercial and Single Family uses the Specific Use Permit will bring more compatibility to the area. The residential use of the property is a preferred use in the Comprehensive Plan. No health, safety and general welfare issues were identified. He stated that a single family residence requires two paved parking spaces. Three letters were received, two in support and one letter with concerns regarding decrease in property values. Staff stated that the location of the proposed development meets the criteria required for the approval of the Specific Use Permit with the condition that only the house on the property will be subject to the Specific Use Permit and the rest of the property will remain commercial in use and if the property reverts to a commercial use the SUP will be voided.*

*Commissioner Davila expressed concerns regarding the commercial parking. Kyle Warren stated that commercial parking will be addressed during the Site Plan process. He added that parking agreements with surrounding property owners is possible. Commissioner Felty asked what happens to the SUP if the property is sold. Kyle Warren stated that the SUP will be voided.*

*The regular meeting recessed, and a public hearing was held. Lauren Wasilition, 617 N. Guadalupe. Commissioner Davila asked about parking for wedding venue. He felt there may be some conflicts using the church parking lots. Ms. Wasilition stated she*

*has several options with parking agreements with the church property and the bakery across the street. She said they have not contacted anyone at this time. There being no additional responses from the public the regular meeting reconvened for action.*

**A motion was made by Commissioner Schievelbein, seconded by Vice Chair Felty, that SUP 06-23 be approved with the condition that only the house on the property will be subject to the Specific Use Permit. The rest of the property stay commercial in use and if the property reverts to a commercial use the SUP will be voided. Action Item be approved. The motion carried by the following vote:**

**Aye** 7 - Schievelbein, Vice Chair Felty, Davila, Jones III, Berger, Chairperson DePalermo, and Pedigo

**b.** [ZC 17-23](#)

Public hearing and possible action on a request for a zoning change from Single Family Residential (R-1) to Zero Lot Line (ZL) for a property located at the 1500 block of Joe Carrillo Street, Property ID: 116453 (ZC 17-23)

**Indexes:**

*Kyle Warren presented the staff report. He stated that the request from single family residential to zero lot line for property located at the 1500 block of Joe Carrillo Street adjacent to Barnes Middle School. He gave a brief explanation of both zoning types. He said that the property is compatible with the surrounding land uses single family and public. The property is in the Suburban Residential District of the City's FLUP which is supportive of zero lot line zoning. No health, safety, or general welfare issues were identified. The property has lot frontage on both Joe Carrillo Street and FM 466. He added that no adverse impacts on the surrounding properties or natural environment were identified. The zoning change allows the single family nature of the area intact and continues to follow the pattern of existing suburban development. No comment letters were received.*

*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 briefly discussed the request.*

**A motion was made by Commissioner Davila, seconded by Commissioner Jones III, that the zoning change from Single Family Residential to Commercial be recommended for approval. The motion carried by the following vote:**

**Aye** 7 - Schievelbein, Vice Chair Felty, Davila, Jones III, Berger, Chairperson DePalermo, and Pedigo

**c.** [ZC 18-23](#)

Public hearing and possible action on a request for a zoning change from Agricultural Ranch (A-R) to Commercial (C) for a property located at 3965 E. US Hwy 90, Property ID: 170523, (ZC 18-23)

**Indexes:**

*Armando Guerrero presented the staff report. He stated that the applicant is requesting the zoning change to allow a pipe wholesale business operation. The property was annexed in 2002 and the site is undeveloped except for a manufactured home. He explained that the property would be required to go through the Commercial*

development process to allow for the proposed development. The request is compatible with the surrounding zoning in the area. The property is located in the Commercial Corridor of the City's FLUP. He pointed out that uses within the Commercial Corridor should provide a buffer between larger thoroughfares and residential development and provide enhanced development standards. The property has frontage along US Hwy 90; access to the site would require approval from TxDOT. The previous access to the property from the west will not be allowed. No responses to the request were received.

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

**A motion was made by Commissioner Pedigo, seconded by Commissioner Davila, that the Zoning Change from Agricultural Ranch to Commercial be recommended for approval. The motion carried by the following vote:**

**Aye** 7 - Schievelbein, Vice Chair Felty, Davila, Jones III, Berger, Chairperson DePalermo, and Pedigo

d. [ZC 19-23](#)

Public hearing and possible action on a request for a zoning change from Commercial (C) to Multi-Family Medium Density (MF-2) for a property located at the NE Corner of Bruns & E. Kingsbury St., Property ID: 22400, (ZC 19-23)

**Indexes:**

**A motion was made Commissioner Davila to approve the request. Motion failed due to no second motion.**

**Indexes:**

Armando Guerrero presented the staff report. He stated that the 1.76-acre tract has its original zoning since 1989. The property is vacant with the exception of two existing billboard signs. The applicant is requesting a MF-2 zoning which allows for a maximum density of 12 dwelling units per acre. He explained that Multi-Family zoning requires additional buffering between adjacent resident properties that are zoned single family residential. Mr. Guerrero said that all proposed developments are required to go through the city's development process.

He explained that the property is primarily commercial in nature and uses range from food service, retail and service sales. He added that there are five existing single family residential zoning to the north and properties to the east, west and south are all commercial tracts operating as a convenient store, motel, and a property that is being redeveloped. He explained that it is uncommon to see existing grandfathered residential uses on commercial property along Kingsbury Street. He pointed out that there are two properties with multi-family zoning located a mile to the west zoned MF-1 and one to the east zoned MF-3. The property to the east is currently vacant and undeveloped. Therefore, the zoning request is not consistent with the surrounding zonings in the area. The property is in the Traditional Residential District, new residential developments should be evaluated site by site to prevent incompatible scaling and density. The property can be accessed from three streets, Bruns, N. Heideke and E. Kingsbury. Any potential access points would require approval the city and TxDOT.

Mr. Guerrero stated the proposed development is consistent with the FLUP focused on walk ability and less and 23 dwelling units per acre; there will be an increase in traffic due to added density to the area; the proposed zoning is not consistent with the zoning

*patterns in the area and there were no public health, safety, and welfare factor identified.*

*Two comment letters in opposition were received and one in support. He explained that the opposition letters state that the development will disrupt the existing harmony of the residents whom already have issues with people trespassing on their property from the convenience store. They state that a business would be a better suit for the location. The letter in support states the need for multi-family in Seguin.*

*The Commission briefly discussed access to the site, buffering to residential zoning and number of units per acre. Armando Guerrero explained the buffering requirements.*

*The regular meeting recessed, and a public hearing was held. George Herrera, the applicant, 16333 Vance Jackson, San Antonio, TX stated he could answer the Commission's questions. Commissioner Davila asked the applicant if he intended to develop Section 8 Housing or HUD property and access to the property. The applicant stated that they do not intend to develop Section 8 Housing or use low income incentives. Mr. Herrera stated that TxDOT advised that they would approve a curb cut on Kingsbury Street if they elected to do so. Commissioner Felty asked what type of structures would be developed. Mr. Herrera stated that they are proposing 18 units of tiny homes with a total of 600 square feet. He said all the homes will be assembled on site. He stated all the homes will have high quality finishes. The builder will use the 2021 Building Codes. Mr. Herrera stated that the goal is to have quality and affordable housing. He said in reading the Comprehensive Plan there is a need for affordable housing. Mr. Herrera and the Commission briefly discussed the plan of the proposed development. The homes will be purchased from Viva Box Company built by the 2021 Building Codes. The development will develop in one phase consisting of one story structures on pier and beam with fences. He said the fences will eliminate people trespassing through the property. He gave a brief overview of the amenities for the development. Mr. Herrera was unsure if the proposed development would be a gated community. Commissioner Davila asked if the homes were MF rentals. Mr. Herrera stated that they have discussed several options, either way they will have an HOA designating the rules and restrictions. Staff discussed the options of the units being individually sold. Ms. Centeno stated that the city does not have control over the homes being sold in a condominium regime developments. There being no additional responses from the public the regular meeting reconvened for action.*

*Commissioner Davila spoke in support of the request. He said the property has been sitting idle for some time and he hopes the applicant stays away from Section 8 housing.*

*Vice-Chair Felty expressed concerns with consistency with commercial properties on Kingsbury Street.*

*Chair DePalermo stated that the request is too dense and not compatible with the surrounding uses.*

**A motion was made by Chairperson DePalermo, seconded by Vice Chair Felty, that the Zoning Change from Commercial to Multi-Family Medium Density be recommended for denial. The motion carried by the following vote:**

**Nay** 2 - Schievelbein, and Davila

**Aye** 5 - Vice Chair Felty, Jones III, Berger, Chairperson DePalermo, and Pedigo

**e. [ZC 20-23](#)**

Public hearing and possible action on a request for a zoning change from Single Family Residential (R-1) to Duplex High Density (DP-2) for a property located at 2002 Sherman Street, Property ID: 41066 (ZC 20-23)

**Indexes:**

*Kyle Warren presented the staff report. He said the property contains two lots and only the lot on the north is requested for a zoning change. He stated that the owner wants to proceed with the lot on the north due to the lot meeting the dimension standards and DP-2 zoning requirements.*

*The property is surrounded by single family residential zoning. The property is in the Traditional Neighborhood of the FLUP which supports duplex zoning. The access to the property is on Sherman Street. No health, safety or general welfare issues were identified.*

*Mr. Warren stated that the request is consistent with the FLUP which supports DP-2 zoning and compatible with existing and permitted uses of surrounding properties. The proposed zoning follows a logical and orderly pattern with an infill development on an existing platted lot with a residential development.*

*No public comment letters received.*

*Commissioner Felty asked if other duplexes are in the area. Kyle Warren stated that if there were duplexes in the area, they would be grandfathered in the single-family residential zoning.*

*The regular meeting recessed, and a public hearing was held. Mike Aubin, 21 B Moss Rock, New Braunfels, Texas, the applicant confirmed that they are requesting the zoning for the lot on the north of the property. The explained that the units will be 1400 sq. ft. each and has been building multi-family units since the early 2000. He said the duplexes would be of high-quality materials. They will not be for Section 8 housing. There being no responses from the public, the regular meeting was reconvened for action.*

*Commissioner Davila stated his concerns about no duplexes in the area identified and felt they should remain consist with the surrounding single family residential zoning.*

**A motion was made by Commissioner Davila, seconded by Commissioner Jones III, that the Zoning Change from Single Family Residential to Duplex High Density be recommended for denial. The motion carried by the following vote:**

**Nay** 3 - Schievelbein, Vice Chair Felty, and Chairperson DePalermo

**Aye** 4 - Davila, Jones III, Berger, and Pedigo

**f. [ZC 21-23](#)**

Public hearing and possible action on a request for a zoning change from Single-Family Residential (R-1) to Manufactured Residential (MR) for a property located at 1551 FM 20, Property ID: 111991 (ZC 21-23)

**Indexes:**

*Armando Guerrero presented the staff report. He stated that the 1.220-acre property*

was platted in 2003, annexed and zoned R-1 in 2009. The manufactured home has been seen on the property since 2008 and has been functioning as a residence. The electric service to the site was disconnected in 2022. He explained that the legal non-conforming use of the manufactured home within R-1 zoning was lost when the utilities were turned off for a continuous 6-month period. With the loss of the legal non-conforming use, the site would be required to meet all R-1 zoning requirements, which does not permit a manufactured home.

Mr. Guerrero gave an overview of surrounding uses and zoning. The property is in the Suburban Residential District of the FLUP. The request is consistent with FLUP and compatible with the existing and permitted uses of surrounding properties. No health, safety or general welfare of surrounding properties were identified. Access to the site will be used by the existing driveway off FM 20.

The Commission briefly discussed the request.

One letter in support was received stating that surrounding properties also consist of manufactured homes.

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

**A motion was made by Commissioner Pedigo, seconded by Vice Chair Felty, that the zoning change from Single Family Residential to Manufactured and Residential be recommended for approval. The motion carried by the following vote:**

**Aye** 7 - Schievelbein, Vice Chair Felty, Davila, Jones III, Berger, Chairperson DePalermo, and Pedigo

**g. [GLUP 01-23](#)**

Public hearing and possible action on a request for a General Land Use Plan (GLUP) for a property zoned Planned Unit Development (PUD), located at State Highway 123 & Harry Miller Pass, Property ID: 116456, (GLUP 01-23)

**Indexes:**

*Item withdrawn by applicant.*

**6. Adjournment**

**There being no further discussion before the Planning and Zoning Commission, the meeting adjourned at 6:51 p.m.**

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**Troy DePalermo, Chair**  
**Planning & Zoning Commission**

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**Francis Serna**  
**Recording Secretary**