



Meeting Minutes

Planning & Zoning Commission

Tuesday, August 13, 2024

5:30 PM

Council Chambers

Public

1. **Call To Order**

The City of Seguin Planning and Zoning Commission met in a Regular meeting on August 13, 2024 at 5:30 p.m. at the City Council Chambers, 210 E. Gonzales Street, Seguin, Texas. Chair DePalermo presiding over the meeting.

2. **Roll Call**

**Present:** 6 - Vice Chair Patrick Felty, Eddie Davila, Chairperson Troy DePalermo, Joseph Pedigo, Bobby Jones III, and Kelly Schievelbein

**Absent:** 3 - Steven Berger, Yesenia Rizo, and Wayne Windle

3. **Approval of Minutes**

[24-369](#)

Approval of the Planning and Zoning Commission Minutes of the July 9, 2024 meeting.

**Indexes:**

**A motion was made by Commissioner Schievelbein, seconded by Commissioner Davila, that the July 9, 2024 Planning and Zoning Commission minutes be approved. The motion carried by the following vote:**

**Aye** 6 - Vice Chair Felty, Davila, Chairperson DePalermo, Pedigo, Jones III, and Schievelbein

4. **Consent Agenda**

a. [PC0724-0053](#)

Possible Action on a request for a Final Plat for Jefferson Place, Unit 2, Property Id 51540 (PC-0724-0053)

**Indexes:**

**This Action Item was approved**

b. [PC0724-0054](#)

Possible Action on a request for a Final Plat for Jefferson Place, Unit 3, Property id 51423 (PC-0724-0054)

**Indexes:**

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

**Aye** 6 - Vice Chair Felty, Davila, Chairperson DePalermo, Pedigo, Jones III, and Schievelbein

**5. Public Hearings & Action Items**

**a. [24-368](#)**

Public hearing and possible action on the roadway classification of Fleming Drive identified in the City of Seguin Master Thoroughfare Plan. - Jennifer R. Shortess, P.E., CFM, Assistant Director of Engineering & Capital Projects

**Indexes:**

*Melissa Reynolds, City Engineer presented the amendments to the Seguin Master Thoroughfare Plan (MTP). She identified the intent to decrease the classification of Fleming Drive south of W. New Braunfels Street (FM 78) and north of W. Kingsbury Street (US 90), which is currently identified as an arterial roadway, to a major collector. She advised the Commission that the MTP is a planning level document. Melissa noted that no concerns were presented by residents. Lastly, she presented that the condition is approximately a local road, and that future right-of-way dedication may be encumbered by existing improvements, if the classification of Fleming Drive is not decreased. The final alignment of any road identified in the MTP is determined at the design phase, during the development process, as required by the City's codes and ordinances.*

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

*The Commission further discussed the proposed amendment and the overall master thoroughfare plan.*

**A motion was made by Commissioner Davila, seconded by Commissioner Schievelbein, that the Amendments to the Seguin Master Thoroughfare Plan to decrease the classification of Fleming Drive be recommended for approval. The motion carried by the following vote:**

**Aye** 6 - Vice Chair Felty, Davila, Chairperson DePalermo, Pedigo, Jones III, and Schievelbein

**b. [SUP 04-24](#)**

Public hearing and possible action on a request for a Specific Use Permit to allow a Utility Facility in a Public (P) zoned district located near the intersection of FM 725 and Gamecock Road, Property ID 58130 (SUP 04-24)

**Indexes:**

*Kyle Warren presented the staff report. He said the request for a specific use permit is to allow a utility facility in a public zoned district. The 11.503-acre tract is a vacant lot located at the south west corner of FM 725 and Gamecock Road. The property is surrounded by single family residential zoning district. The property is located in the Suburban Residential District of the City's FLUP which should include typical suburban-style family neighborhoods and supporting uses. There were no health, safety and general welfare issues identified and the lot has a frontage on both*

*Gamecock Road and FM 725. In order to ensure the overall compatibility and limiting the impacts to the surrounding properties and neighborhood, staff recommended the conditions that a 20' planting buffer be required along the west and south of the property to act as a barrier between the water plant and the adjacent residences; the existing mature trees in the buffer area shall be preserved and cannot be removed for mitigation; the buffer will be in addition to the landscaping requirements found in Chapter 5 section 2 of Seguin's Unified Development Code; a 7' masonry wall will be required along the location of the proposed fence to limit unsightly views and to lessen potential noise pollution (similar to GVEC Meadow Lake Substation); any proposed lighting must be shielded and aimed inward toward the plant, away from adjacent residences and rights-of-way, for the lessening of light pollution; and stated that one ground storage tank will not trigger the above requirements, but anything constructed thereafter will initiate the requirements.*

*Dennis Lozano, Malone Wheeler, 5109 Brookdale, Austin TX and Mike Andrews, GM for Springs Hill Water Supply Co, 637 Sundale Road, Seguin, Texas gave an over of the project and the need to for an additional facility due to growth of the community and staff. He stated that it is a good location. He said that the old facility will remain. They plan on being good neighbors and are sensitive to the neighbors concerns. Mr. Lozano suggested minor adjustment to the masonry fence proposed by staff.*

*Mike Andrews added that with 8,000 additional houses proposed they do not have the capacity. He stated with the additional water utility facility they would be able to accommodate the new homes. He said they cover a large area to service.*

*The Commission and the applicants discussed vegetation of the property, the buffer, elevations, retention pond, floodplain, the dimensions of the storage tanks, phasing of the project, drainage and fencing of the facility.*

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

*Eloise Wood, 101 Tanglewood expressed concerns regarding drainage and current flooding of her home. She showed photos of the past flooding of her property. She also expressed concerns regarding a fence constructed of brick that will keep the water in the neighborhood. She suggested a chain link fence.*

*Susan Winn, 425 Alto Vista Terrace, expressed concerns with noise, air and light pollution. She added that if the request has anything to do with the Aug. 6 settlement agreement with the city and the mobile home king. She said there are 160 acres between the exiting plant and Vogel Elementary. She added that nothing has been discussed about the Mays Creek Project. Ms. Winn stated there are better locations for a treatment plan than in the middle of a residential subdivision.*

*James Gregory, 125 Tangelwood stated he realized everyone needs water. He said he does not have water issues because his home is located on top of the hill. Mr. Gregory stated he has a vegetation problem with trees, snakes, rats and a small ditch that runs by his fence that holds water. He said he would be ok with the project if the property will get cleaned up. He stated that he does not agree that the fence be installed after the facility is built. He stated the fence should be built prior to construction of the facility.*

*Mike Andrews stated that the property of the existing plat is not land locked and they have the space but its cheaper to build new than to remodel a building for more capacity.*

*Dennis Lozano said that they are open to the best solution concerning the fence. He*

said they would be sensitive to the neighboring property issues. He felt that a wall will hold water in that is coming from the site to the adjacent properties.

The Commission inquired about noise levels. Dennis Lozano state that the plant will produce noise.

There being no additional responses from the public the regular meeting reconvened for action.

They discussed phasing of the project and fence construction. They also discussed a flow-through of the fence and touched on drainage.

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

Albert Saenz, 117 Tangelwood stated that the 11 acre site currently saturates some of the water and with a concrete facility the water will not saturate and flow to the adjacent neighborhood. Mr. Saenz said he was concerned with flooding.

There being no additional responses from the public the regular meeting reconvened for action.

**A motion was made by Vice Chair Felty, seconded by Commissioner Pedigo, that the Specific Use Permit to allow a utility facility with public zoning and with the conditions that a 20' planting buffer shall be required along the west and south of the property to act as a barrier between the water plant and the residences adjacent. Additionally, existing mature trees in the buffer area will be preserved and cannot be removed for mitigation. This buffer will be in addition to the landscaping requirements found in chapter 5 section 2 of Seguin's Unified Development Code; a 7' masonry wall will be required along the location of the proposed fence. This is required to limit unsightly views and to lessen potential noise pollution (like GVEC Meadow Lake Substation). Any proposed lighting must be shielded and aimed inward toward the plant, away from adjacent residences and rights-of-way, for the lessening of light pollution; and one ground storage tank will not trigger the above requirements, but anything constructed thereafter will initiate the requirements be approved. The motion carried by the following vote:**

**Aye** 6 - Vice Chair Felty, Davila, Chairperson DePalermo, Pedigo, Jones III, and Schievelbein

**c.** [SUP 05-24](#)

Public hearing and possible action on a request for a Specific Use Permit to allow a dog boarding and daycare facility in commercial zoning located at 1100 N. Camp Street, Suite 100, Property ID:23040 (SUP 05-24)

**Indexes:**

Melissa Zwicke, Planner presented the staff report. She said that the request for a Specific Use Permit is to allow a dog boarding and daycare facility in a Commercial District. The 5-acre property is also the home of ZDT's Amusement Park. The empty building proposed for the facility is located on the south end of property. She explained that the facility will provide short and long term boarding, along with day-play options, two self wash stations and a small retail boutique area. The largest portion of the 5700 square foot facility will be comprised of luxury pet suites. Ms. Zwicke mentioned that the site has an existing parking lot with an iron fence that borders the site providing a private entrance. She added that the property is compatible to the surrounding uses and zoning. She pointed out that the property is

located in the Local Commercial District of the FLUP. The district supports various neighborhood-scale commercial businesses that support nearby residential communities. Staff recommended approval with the condition that the applicant must follow the approved site plan associated with the Specific Use Permit. The facility exceeds the required parking requirements for a 1,276 square foot building. Ms. Zwicke pointed out that no letters of opposition were received.

The regular meeting recessed, and a public hearing was held. Tasha Montez, the applicant, 1642 Gruene Cove, New Braunfels, TX stated that she has planned the business for several years and the type of business is a need in the local market. She was available to answer questions. There being no responses from the public the regular meeting reconvened for action.

The Commission asked about the set up of the building and the number of dogs that the facility with hold.

**A motion was made by Commissioner Schievelbein, seconded by Commissioner Jones III, that the SUP be approved with the condition that the applicant follow the approved site plan with the Specific Use Permit. The motion carried by the following vote:**

**Aye** 6 - Vice Chair Felty, Davila, Chairperson DePalermo, Pedigo, Jones III, andSchievelbein

d. [ZC 07-24](#)

Public hearing and possible action on a zoning change request from Single-Family Residential (R-1) to Neighborhood Commercial (NC) for a property located at 410 E Gonzales Street, Parcel ID 28170 (ZC 07-24)

**Indexes:**

Kyle Warren, Planner presented the staff report. He said the applicant is requesting Neighborhood Commercial zoning to operate a food establishment. The property has been zoned single family residential since the initial zoning of 1989. He explained the property had previously had a grandfathered retail use, but has lost its grandfathered status due to inactive utilities. Kyle added that the property is bordered by single family zoning to the north, east and west, and commercial to zoning to the south, which is consistent with the FLUP. Limited parking is a concern at the location. The property is located in the Downtown Core FLUP which is supportive of Neighborhood Commercial zoning if consistent with the scale and form of other downtown tracts. There were no health, safety and general welfare issues identified. The lot fronts E. Gonzales Street, a city right-of-way.

The Commission asked about parking requirements. Armando Guerrero, Planning Manager explained that the parking is based off either the overall square footage of the establishment or the number of tables, which ever is greater determines the parking. He also stated that a parking agreement is being worked on between the applicant and the property at 308 E. Court.

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 Davila, seconded by Commissioner Pedigo, that the zoning change to Neighborhood Commercial (NC) be recommended for approval. The motion carried by the following vote:**

**Aye** 6 - Vice Chair Felty, Davila, Chairperson DePalermo, Pedigo, Jones III, andSchievelbein

e. [ZC 09-24](#)

Public hearing and possible action on a request for a zoning change from Agricultural Ranch (A-R) to Public (P) for properties located on E. Martindale Road, Property ID: 52577 & 52623, (ZC 09-24)

**Indexes:**

*Melissa Zwicke presented the staff report. She stated that the property is approximately 20 acres out of two parcels totaling 60.5 acres. She stated that the applicant is proposing to rezone the 20 acres to Public zoning to allow for the construction of a new elementary school for Navarro ISD. Ms. Zwicke gave an overview of the surrounding properties and noted that many of the properties are in the Suburban Residential District of the City's Future Land Use Plan. She stated that a school is compatible with the City's Future Land Use Plan and existing uses. No adverse impacts, public health, or safety concerns were identified for the property. Staff received two letters in opposition to the request.*

*The Commission asked about the recent resolution amending the master thoroughfare plan to increase the classification of East Martindale Road from a major collector to an arterial classification with a ROW of 90' and how it will affect the unincorporated properties along East Martindale Road.*

*Pam Centeno stated that the Master Thoroughfare Plan is a part of the development. When the school moves toward developing, a meeting with the City's Engineering Department will be held to discuss the route and improvements to the road. She added that the road will not development until the properties are developed. In addition, if the properties do not develop, the road will not be constructed. She added that annexation is limited but the City could still purchase a ROW and create a Road.*

*The regular meeting recessed, and a public hearing was held. Property owner, Gayle Henderson, 1006 Amble Oak, stated she was concerned with additional traffic and the distance between the school and the houses on Amble Oak. . Mandy Epley, Superintendent of Navarro ISD, state that new elementary school will address growth in the NISD. She spoke about being mindful of the neighboring subdivision. She added that they plan to use the main thoroughfare entrance off East Martindale Road. Ms. Epley added that they will plan to get community input for the design of the school. In addition, they will get input from staff, teachers and students.*

**A motion was made by Commissioner Davila, seconded by Vice Chair Felty, that the Zoning Change to Public (P) be recommended for approval. The motion carried by the following vote:**

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

**Abstain** 1 - Schievelbein

f. [ZC 10-24](#)

Public hearing and possible action on a request for a zoning change from Public (P) to Single family Residential (R-1) for property located at 407 Ellis Street, Property ID: 45621, ZC 10-24)

**Indexes:**

*Melissa Zwicke presented the staff report. She stated that the use of the existing residential structure on the property was classified as a legal non-conforming use. The home was vacated and the utilities turned off for a period longer than six (6) months which caused the site to lose its legal non-conforming status.*

*The property owner would like to move back into the house and is required to obtain an occupancy inspection. She explained that due to the loss of the legal non-conforming status, the single-family use is no longer grandfathered in Public zoning and the property owner was denied an occupancy inspection. The owner is attempting to rezone the house to R-1 zoning so a certificate of occupancy can be obtained, and he can occupy the property. Staff received one letter in support of the request.*

*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 Schievelbein, seconded by Commissioner Jones III, that the zoning change to Single Family Residential (R-1) be recommended for approval. The motion carried by the following vote:**

**Aye** 6 - Vice Chair Felty, Davila, Chairperson DePalermo, Pedigo, Jones III, and Schievelbein

**g.**     [ZC 11-24](#)

Public hearing and possible action on a zoning change request from Commercial (C) to Planned Unit Development (PUD) for a property located at 101 E. Nolte St. Property ID: 27916 (ZC 11-24)

**Indexes:**

*Armando Guerrero presented the staff report for the zoning change and the general land use plan (GLUP) for property located at 101 E. Nolte Street. He said that the applicant is requesting a zoning change and approval for a GLUP for a proposed mixed-use development.*

*Mr. Guerrero stated that the 0.92-acre site property is an entire city block located within the Downtown Historic District. He gave a brief overview of the buildings history and pointed out the building configuration on the lot with the past use and layout of the property. He stated that the proposed use could be allowed within the current zoning but may require a Specific Use Permit or Limited Use Permit. The zoning change to PUD and GLUP approval will allow for the proposed uses and require certain aesthetics and design standards to be met to preserve and protect Downtown's look and feel. He added that the property is located in the Downtown Core of the Future Land Use Plan. Mr. Guerrero explained that the Downtown Core encourages residential, commercial uses, high-density development, walk ability, and pedestrian interaction. He also noted that new and existing uses should prioritize pedestrian-oriented streetscape elements to create a more welcoming environment.*

*Mr. Guerrero gave an overview of the criteria for the zoning change stating that the request is consistent with the Future Land Use Plan, compatible with existing and permitting uses of surrounding properties, no impacts to public health, safety and welfare were identified. He added that increase in traffic is the only adverse impact no surrounding properties and the proposed zoning allows for a logical and orderly pattern with the approval of a GLUP.*

*Mr. Guerrero said two letters in support of the request were received.*

*The regular meeting recessed, and a public hearing was held. Kyle Kramm, Main Street and CVB Director went over the history and the intent of the proposed site. He said that they are looking to adopt a GLUP that would set the criteria and guidelines for how the property would develop. He explained that the approval of the design would go before The Historic Preservation for approval. Mr. Kramm also requested*

that the site be exempt from the city's minimum lot size and dimensional standard requirements as part of the GLUP approval to avoid any future variance request when the property is platted. Mr. Kramm also noted that the site would be eligible for historic tax credits if platted. The commission asked if the plan was to replat the property. Mr. Kramm stated that they plan to plat the property and that the bank and old post office would not meet the minimum the city's requirements if platted. There being no responses from the public the regular meeting reconvened for action.

**A motion was made by Vice Chair Felty, seconded by Commissioner Pedigo, that the Zoning Change from Commercial (C) to Planned Unit Development (PUD) be recommended for approval for property located at 101 E. Nolte. The motion carried by the following vote:**

**Aye** 6 - Vice Chair Felty, Davila, Chairperson DePalermo, Pedigo, Jones III, and Schievelbein

**h. [GLUP 04-24](#)**

Public hearing and possible action on a request for a General Land Use Plan (GLUP) for a property located at 101 E. Nolte St., Property ID: 27916 (GLUP 04-24)

**Indexes:**

*Armando Guerrero presented the Zoning Change and General Land Use Plan as one item. The requested were voted on separately.*

**A motion was made by Commissioner Davila, seconded by Commissioner Schievelbein, that the General Land Use Plan be recommended for approval with staff's recommended edits and that the site be exempt from the City's minimum lot size and dimension standards for property located at 101 E. Nolte Street. The motion carried by the following vote:**

**Aye** 6 - Vice Chair Felty, Davila, Chairperson DePalermo, Pedigo, Jones III, and Schievelbein

**6. Adjournment**

**There being no further discussion before the Planning and Zoning Commission, the meeting adjourned at 7:34 p.m.**

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**Troy DePalmero, Chair**  
Planning and Zoning Commission

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**Francis Serna**  
Recording Secretary