

PLANNING & CODES

Planning and Zoning Commission Report

ZC 09-23

A request for Zoning Change 09-23 from Agricultural Ranch (A-R) and Public (P) to Commercial (C) for a 3.67acre tract located along the 1400 Blk of E Kingsbury St., Property ID 59126, 59647 & 70038 was considered during a public hearing at the Planning & Zoning Commission meeting on March 14, 2023.

Helena Schaefer gave the staff report on this zoning change request. She corrected information about the current owner (Mr. Che) and the former owner (Seguin Christian Academy). The 3.67-acre tract takes direct access to E Kingsbury St, a TXDOT right-of-way. Access approval would come from TXDOT. There is compatibility with existing zoning and land use to the west. The tract falls completely in the Riverside future land use district. Commercial is not an appropriate use in this district. A possible adverse impact was then presented. The entire 3.67 acres falls into the 500-year FEMA zone. The Commission asked if any comments were received. She responded no. The Commission further asked about having apartments above the commercial uses in the Commercial zoning.

Henry Che, the applicant approached to answer questions about the rezone. The Commission asked if he considered doing the apartments above the commercial. He responded that the acreage for this tract is too small. The Commission then asked staff questions about the new comprehensive plan and applying it to Mr. Che's rezone. Ms. Schaefer explained that the Commission's decision at tonight's meeting will need to be based on the current comp plan. The options for the four rezones were discussed, to include postponement until the comp plan is approved, withdrawing and re-applying once the comp plan is adopted by City Council. She explained that there will be some flexibility with the new comp plan. Mr. Che returned to the podium to talk about the larger 62-acre project. He talked about the green space and constructing walking trails, wanting to enhance the Riverside district. Commissioner Schievelbein spoke of the concern about the nature of Geronimo Creek and the potential flooding. She spoke of the past flooding events and its destruction of neighborhoods like Glen Cove. Mr. Che responded that they are going to stay out of the flood zones. Commissioner Moreno echoed Commissioner Schievelbein's comments on Geronimo Creek.

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 had further discussions about the Riverside district and the acceptable density.

After consideration of the staff report and all information given regarding Zoning Change (ZC 09-23), Commissioner Davila made a motion to recommend approval, but there was no second for the motion. Then Commissioner Schievelbein moved that the Planning and Zoning Commission recommend denial of the zoning change from Agricultural Ranch & Public to Commercial for the 3.67 acre tract along the 1400 Blk of E Kingsbury St. Commissioner Jones seconded the motion. The following vote was recorded:

RECOMMENDATION TO DENY THE ZONING CHANGE TO COMMERCIAL (C)

MOTION PASSED 6-1-1

Francis Serna, Planning Assistant

ATTEST: Helena Schaefer, Planner



PLANNING & CODES

Applicant:

Che Capital Asset Mgmt LLC 200 Shermer Rd, Ste 206 Northbrook, IL 60062

Property Owner:

Trekker, LTD 700 E Hildenbrand, #100 San Antonio, TX 78212 & Seguin Christian Academy 1465 E Kingsbury Seguin, TX 78155

Property Address/Location: 1400 Blk E Kingsbury St

Legal Description:

A portion of Abs: 35 Sur: John Sowell Property IDs: 59126 & 59647 & Abs: 287 Sur: John Sowell Property Id: 70083

Lot Size/Project Area: 3.67 acres

Future Land Use Plan: Riverside

Notifications:

Mailed: March 2, 2023 Newspaper: Feb 26, 2023

Comments Received: None

Staff Review: Helena Schaefer Senior Planner

Attachments:

- Location Map
- Existing Zoning Map
- Future Land Use Plan Map
- Exhibit A

REQUEST:

A Zoning Change request from Agricultural-Ranch (A-R) and Public (P) to Commercial (C).

ZONING AND LAND USE:

	Zoning	Land Use
Subject Property	A-R, P	Undeveloped land
N of Property	A-R	Undeveloped land
S of Property	R-1	E Kingsbury St ROW, undeveloped land
E of Property	A-R, P	Undeveloped land, Geronimo Creek
W of Property	A-R, P	Seguin Christian Academy, undeveloped
		land

SUMMARY OF STAFF ANALYSIS:

The 3.67-acre tract is located along the 1400 Blk of E Kingsbury St and is under two different ownerships. The applicant is seeking a zoning change from Ag-Ranch and Public to Commercial.

The Commission should consider the recommendations of the Future Land Use Plan, as well as the existing land uses/zoning in the area and possible adverse impacts.

CRITERIA FOR ZONING CHANGE:

Consistency with the future land use plan – Not consistent

Compatible with existing and permitted uses of surrounding property – There are properties to the west with commercial zoning. Existing commercial land uses are few as this is an undeveloped area of the City.

Adverse impact on surrounding properties or natural environment – Floodplain.

Proposed zoning follows a logical and orderly pattern – Commercial development occurs along major transportation corridors.

Other factors that impact public health, safety or welfare – None identified.

ZC 09-23 Staff Report 1400 Blk of E Kingsbury St Zoning Change from A-R and P to C

PLANNING DEPARTMENT ANALYSIS

SITE DESCRIPTION

The 3.67-acre portion of the larger 62 acre tract fronts E Kingsbury St or US Hwy 90 E. The area is undeveloped. Part of the 3.67-acre tract is owned by the Seguin Christian Academy.

CODE REQUIREMENTS:

In order to develop the tract for commercial uses, the property must be zoned Commercial. The current zoning of Ag-Ranch and Public restrict retail and services development.

COMPATIBILITY WITH SURROUNDING LAND USE & ZONING:

The northeast corner of State Hwy 123 Bypass North and US Hwy 90 E is mostly undeveloped. On the north side of US Hwy 90 E, there is a vet clinic zoned commercial and the Seguin Christian Academy zoned public. There is a residential use south of US Hwy 90 E. To the north of the properties, there is the railroad right-of-way. To the west is the Bypass right-of-way. On the hard corner of the Bypass and US Hwy 90 E, the property is slated for a convenience store and is in the review process for the site and building plan; it is zoned commercial. Directly across US Hwy 90 E is undeveloped land with commercial and multi-family zoning. There are a few residential structures further east along US Hwy 90 E.

HEALTH, SAFETY, AND GENERAL WELFARE: (Protection & preservation of historical, cultural, and environmental areas.) The area for the proposed commercial rezone falls in the 500-year flood zone.

COMPREHENSIVE PLAN (The Future Land Use Plan):

The 3.67 acres tract falls into the future land use district of Riverside. The intent of the Riverside district is to establish a zone where the riverine landscape is preserved with appropriate development and includes the Guadalupe River and the Geronimo Creek. Commercial is not an appropriate use in this district. The Floor-Area Ratio (FAR) for non-residential uses depicts the acceptable density of less than 0.18. In other words, an "acceptable" level of density would only develop 0.66 acres of the 3.67-acre tract. Floor-Area Ratio is the building's floor area (dimension of the building) in relation to the size of the lot that it will be located on.

TRAFFIC (STREET FRONTAGE & ACCESS):

The tract fronts E Kingsbury St (US Hwy 90 E), a TXDOT right-of-way. Any access to E Kingsbury will need to be approved through TXDOT. There is a Traffic Impact Analysis study for the entire 62 acres in the review process.

OTHER CONSIDERATIONS:

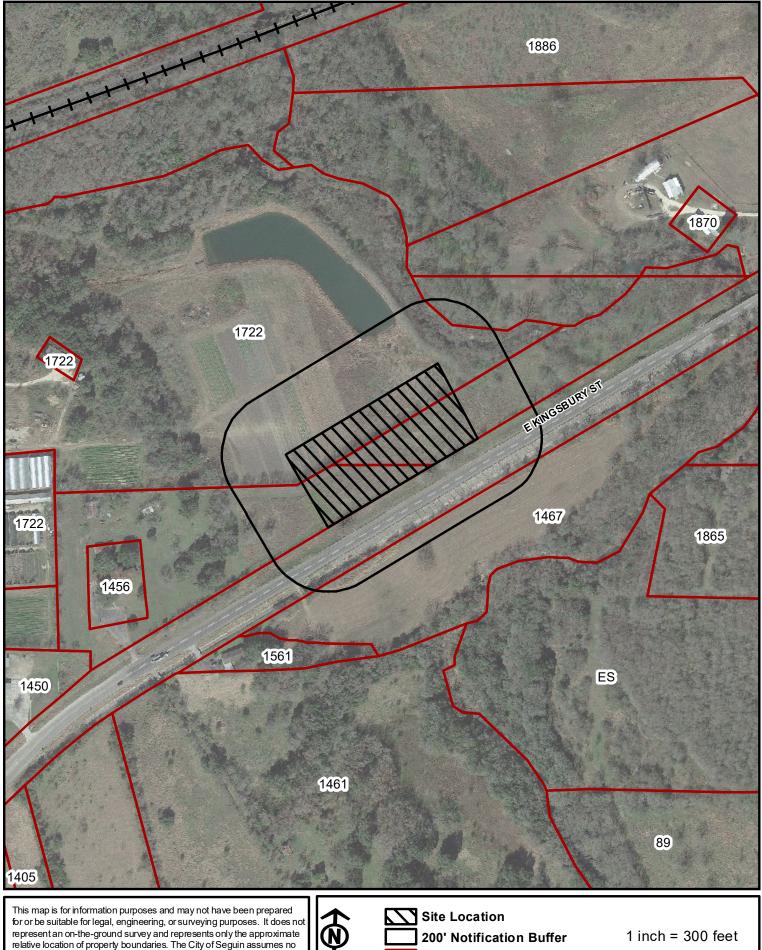
As always, development of vacant land will be required to follow all development standards, to include, but not limited to platting, drainage, landscaping, public improvements (utility extension), etc.

LOCATION MAP

liability for errors on this map or use of this information.

ZC09-23 1400 Blk of E Kingsbury St

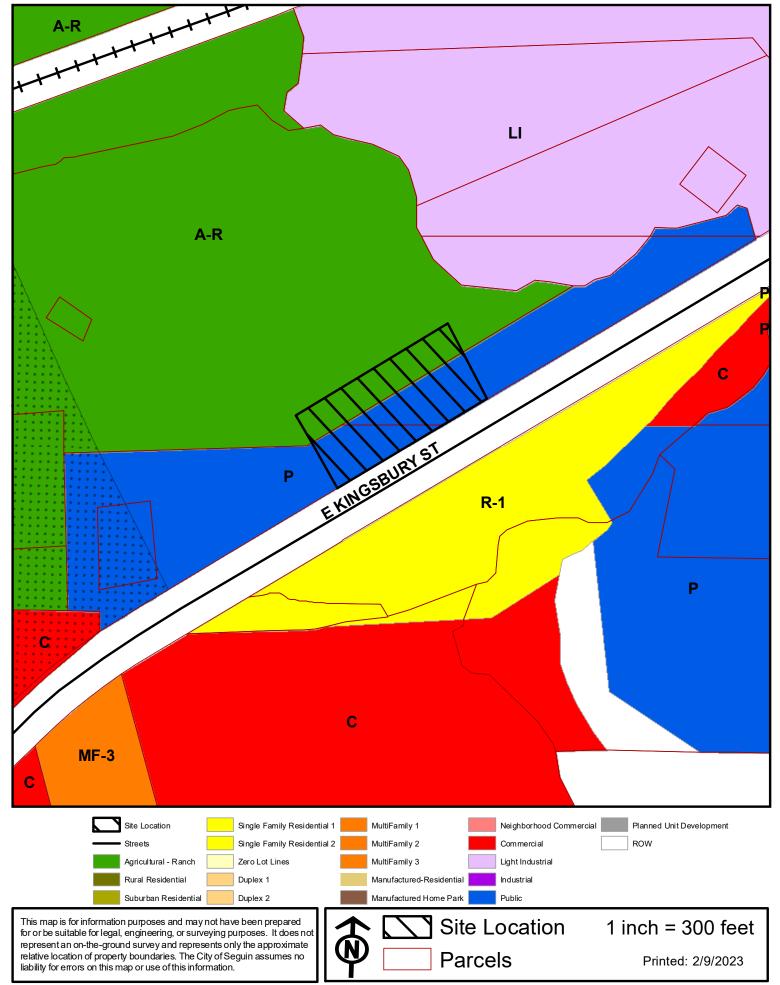
Printed: 2/9/2023

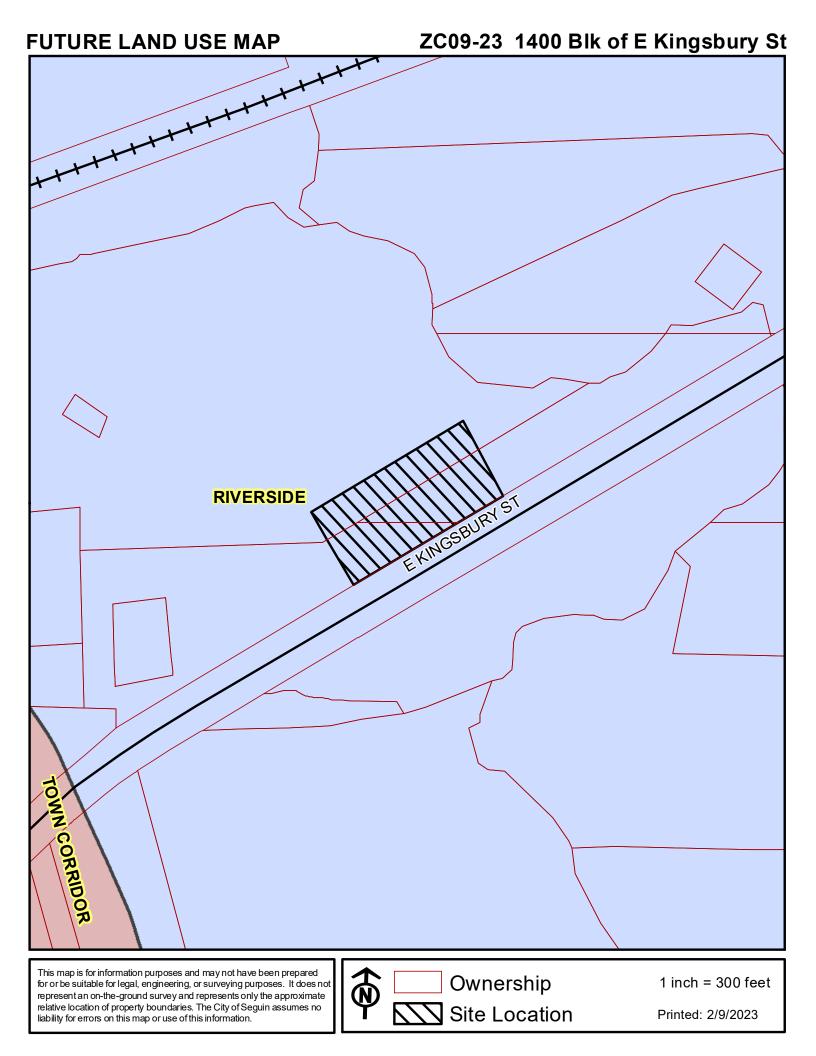


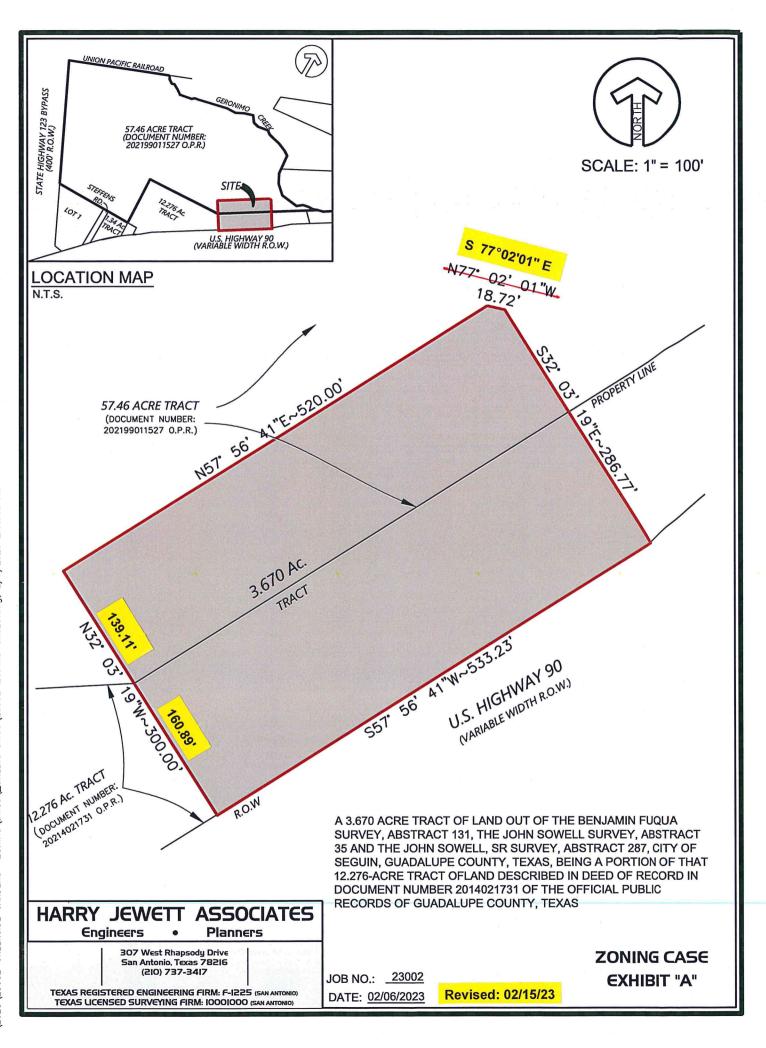
Lot Lines

ZONING MAP

ZC09-23 1400 Blk of E Kingsbury St







Field Note Description of a Zoning Parcel 3.670 Acres

STATE OF TEXAS COUNTY OF GUADALUPE

Being a 3.670 acre parcel of land out of the Benjamin Fuqua Survey, Abstract 131, the John Sowell Survey, Abstract 35, the John Sowell, Sr. Survey and said 3.670 acre parcel being a portion out of the 5.063 acres out of a 12.276 acre tract of land described in the Official Public Records of Guadalupe County, Texas in Document No. 2014021731 and said 3.670 acre parcel also being a portion out of that 57.46 acre tract described in the Official Public Records in Document No. 2014021731 and said 3.670 acre parcel also being a portion out of that 57.46 acre tract described in the Official Public Records of Guadalupe County, Texas in Document No. 202199011527 and being more particularly described by metes and bounds as follows:

COMMENCING at the most northeast corner of Steffens Road; Steffens Subdivision as recorded in Volume 7, Page 20 of the map records of Guadalupe County, Texas. Steffens Road is a 55 foot wide public right-of-way that is located north of Hwy 90 and dead ends into the 57.46 acre property;

THENCE, N 89°59'15" E for a distance of 222.35 feet to a found 1/2 inch iron rod for corner;

THENCE, N 2°39'34" W for a distance of 489.05 feet to a found 1/2 inch iron rod for corner;

THENCE, N 87°02'51" E for a distance of 759.99 feet to a cedar fence post for an angle point, said point being the **POINT OF BEGINNING** of the hereinafter described 3.670 acre parcel;

THENCE, N 32°03'19" W for a distance of 139.11 feet to a point for corner;

THENCE, N 57°56'41" E for a distance of 520.00 feet to an angle point;

THENCE, S 77°02'01" E for a distance of 18.72 feet to an angle point;

THENCE, S 32°03'19" E for a distance of 286.77 feet to a point for corner, said corner being located on the northwest right-of-way line of U.S. Highway 90;

THENCE, S 57°56'41" W along and with northwest right-of-way line of U. S. Highway 90 for a distance of 533.23 feet to a point for corner;

THENCE, N 32°03'19" W departing from the northwest right-of-way line of U. S, Highway 90 for a distance of 160.89 feet to a point for corner, said point being the **POINT OF BEGINNING** of the heretofore described 3.670 acre parcel.

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HJA Job No. 23002 February 13, 2023

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