



**Planning and Zoning Commission Report
ZC 04-19**

A request for Zoning Change 04-19 was considered during a public hearing at the Planning & Zoning Commission meeting on April 9, 2019:

A Zoning Change from Commercial (C) to Neighborhood Commercial (NC) on a request for property located at 107 N. Saunders Street, Property ID 46176.

Helena Schaefer presented the staff report. She explained that the property was originally zoned Commercial and the existing land use is single family residential. A house on a Commercial zoned property requires a Specific Use Permit if the house has been vacant for more than six months. A single-family residential use does not require a Specific Use Permit in a Neighborhood Commercial zoned property. Ms. Schaefer identified the surrounding properties and stated that the request is compatible with the surrounding zoning and existing land uses. The applicant has requested Neighborhood Commercial in case the house was destroyed or damaged by more than fifty percent, they could rebuild as a house. Staff recommended approval of the zoning change given the existing use as residential and the flexibility of neighborhood commercial for use of residential or low impact commercial activities. She mentioned that Commission has approved the previous six similar cases. The applicant was not available.

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

Discussion were held regarding why other residential properties were not rezoned and the loss of grandfathered status.

After consideration of the staff report and all information given regarding the ZC 04-19, Commissioner Lievens moved that the Planning and Zoning Commission recommend approval. Commissioner DePalermo seconded the motion. The following vote was recorded:

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

MOTION PASSED

7 -0-0

A handwritten signature in blue ink that reads "Francis Serna".

Francis Serna
Planning Assistant

A handwritten signature in blue ink that reads "Helena Schaefer".

ATTEST: Helena Schaefer
Senior Planner



PLANNING & CODES

**ZC 04-19 Staff Report
107 N Saunders St
Zoning Change from C to NC**

REQUEST:

A Zoning Change request from Commercial to Neighborhood Commercial.

Applicant:

Restoration Renovations LLC
PO Box 1701
Seguin, TX 78156

Property Owner:

Same as Applicant

Property Address/Location:

107 N Saunders St

Legal Description:

Lot: A N 60' of, Blk: 1051,
Addn: West, Prop ID: 46176

Lot Size/Project Area:

Approx. 0.1653 acres

Future Land Use Plan:

Town Core 1

Notifications:

Mailed Mar. 28, 2019
Newspaper Mar. 24, 2019

Comments Received:

One comment – in favor

Staff Review:

Helena Schaefer
Senior Planner

Attachments:

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

ZONING AND LAND USE:

	Zoning	Land Use
Subject Property	C	Residential dwelling
N of Property	C	Residential dwelling
S of Property	C	Residential dwelling
E of Property	C	Businesses
W of Property	C	Businesses

SUMMARY OF STAFF ANALYSIS & RECOMMENDATION:

The property located at 107 N Saunders 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 east side of N Saunders St. According to the Guadalupe County Appraisal District, the existing structure is 1492 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.

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 seven similar zoning change requests from Commercial to Neighborhood Commercial for the use of an existing residential dwelling, the most recent approval was for 110 W Weinert St in February of 2019.

COMPATIBILITY WITH SURROUNDING LAND USE & ZONING:

The properties to the north and south of the property have single-family residential structures, but are zoned Commercial. There are also businesses to the east and west of the property that have the appropriate zoning. Given the flexibility of Neighborhood Commercial, this zoning classification would be compatible with the surrounding zoning and existing land uses.

COMPREHENSIVE PLAN:

The property is located within the Town Core 1 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):

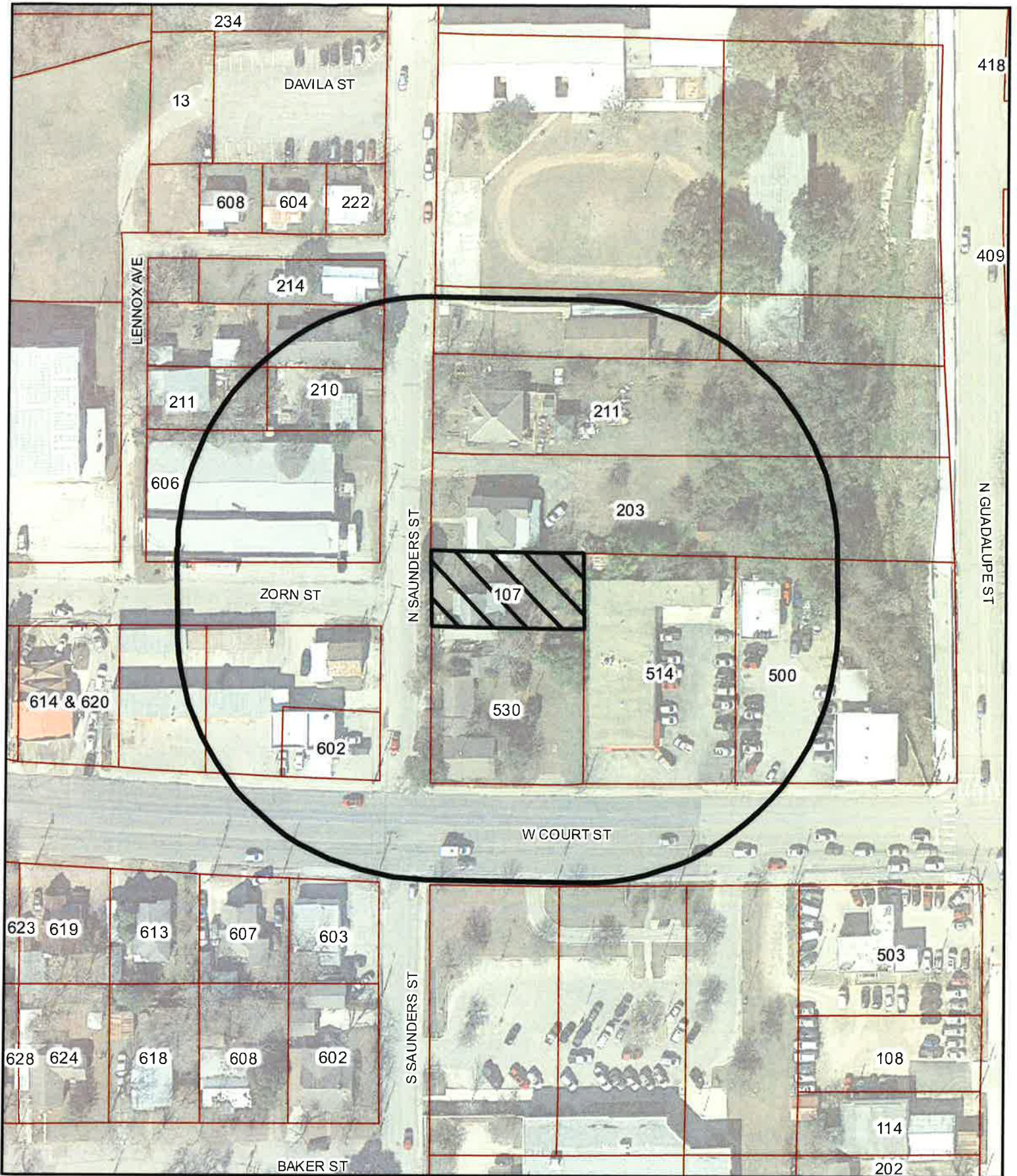
The property takes its access from N Saunders St.

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 1-19: 107 N Saunders 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: 2/18/2019

ZONING MAP

ZC -19: 107 N Saunders 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 | |

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.



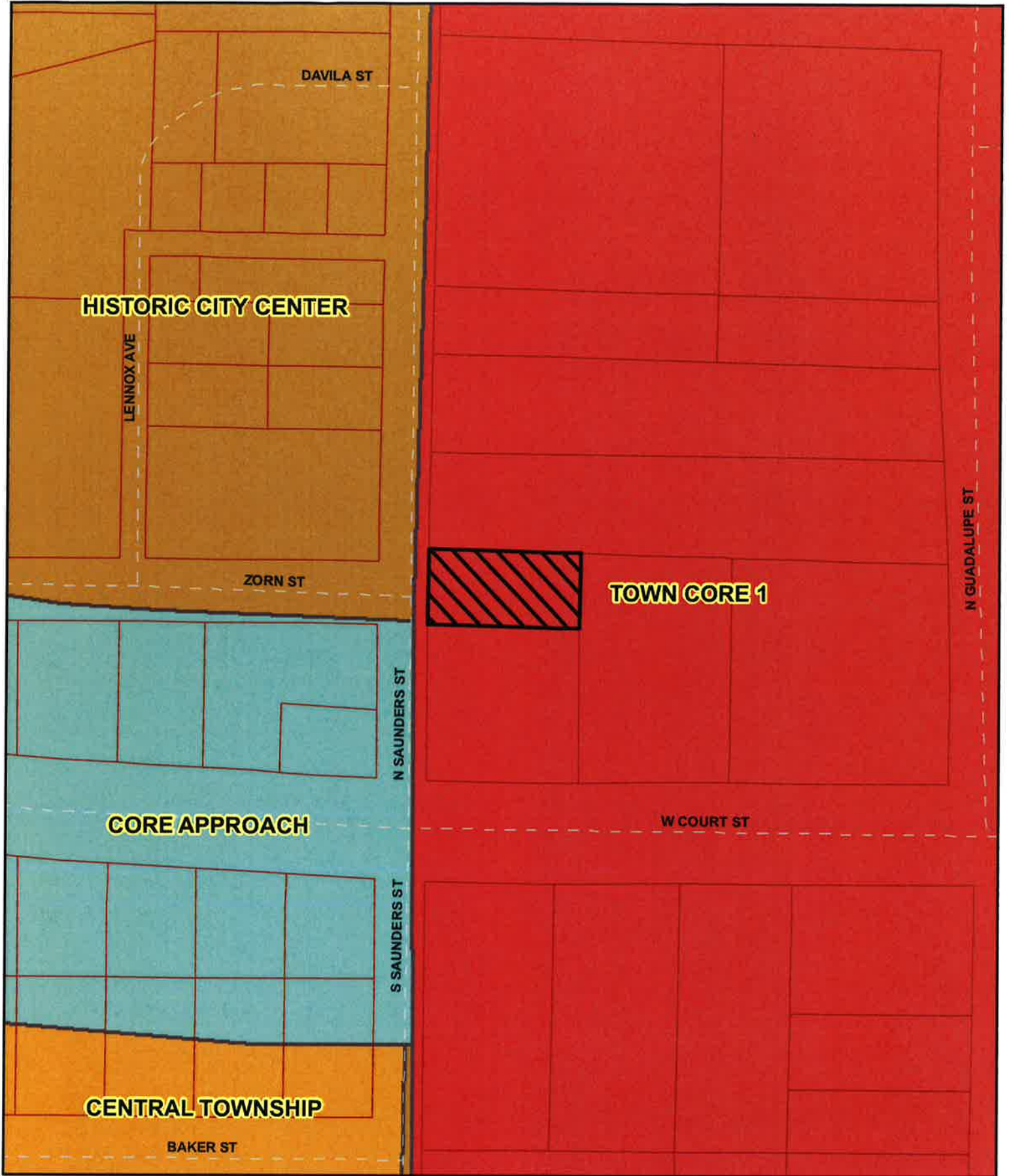
Site Location






Lot Lines

1 inch = 100 feet

Printed: 2/18/2019



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	1 inch = 100 feet
	Lot Lines		Printed: 2/18/2019

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.

North Saunders

REPLY

Reid
3/12/19

Re: 107 S. Saunders, Property ID 46176

Name: Raining Sky

Mailing Address: 203 N Saunders St

Phone No.: 830-463-7298

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

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

In Favor

Opposed

Reasons and/or comments I see no Commercial use for our
properties as we have no frontage on an arterial street
and welcome continued use of this property as a residence.

Raining Sky

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: **107 N. Saunders, Property ID 46176**

Name: Raining Sky

Mailing Address: 203 N SAUNDERS ST

Phone No.: 830-463-7298

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

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

In Favor

Opposed

Reasons and/or comments I want this property to continue to be used as a residence.

