



Planning and Zoning Commission Report SUP 03-15

The following request was considered during a public hearing at the Planning & Zoning Commission meeting on December 8, 2015:

Request for Specific Use Permit to operate a Charter School in a Commercial Zoning District located in the Downtown Historic District for the property located at 113 S. Camp St., Lot: 5 S 66.67 of; 7, 8, Blk: 174, Inner Addition, approx. 0.2296 acres, Property ID 27993 (SUP 03-15)

John Foreman presented the staff report. Notifications were mailed on November 25, 2015 and published on November 22, 2015 with two responses received. One response - not opposed from the Court Street Coffee Shop, and the other opposed. The proposal is a Charter School for up to 250 students. He expressed the concerns with the adjacent County facility, the potential of request to limit the sale of alcohol within 300 ft., and the impact on traffic. Staff advised that there are two things to consider regarding traffic - getting the students to the site safely and the overall impact of traffic generated. A plan was developed by the applicant and his engineer to reflect the plan for pickup and drop off. This would include providing pick-up and drop-off services as shown in the option presented. The traffic would enter from Donegan and line up in two lines and would be able to drop off students who would then walk on the sidewalk with a crossing guard to cross over Donegan into the school site. Staff reviewed with the City Engineer and he feels that is a workable plan with those stipulations that begins to address the issue with getting students to the site. There still is a concern about the number of trips generated and the overall impact of traffic.

Staff expressed that there were potential benefits to the project including restoring a historic building, additional activity downtown, and possible sales for local businesses for things such as lunches. With that being said Staff recommends denial of the request considering the proposed school does not meet the criteria for approval in Section 2.5.1 of the Unified Development Code.

The variance to serve alcohol was discussed. Staff explained that if a business is within 300 feet of a school it requires a variance from the City that requires approval from the school so long as the location is more than 200 ft. from front door to front door. He also explained that this is a City Ordinance allowed by State Law.

Alfred Leos, applicant spoke regarding the request. He explained that the potential tenants looked at several locations for the Charter School and were unsuccessful. He stated he spoke with Judge Kutscher and showed him the safety measures put in place to ease some of the Judge's concerns. He spoke with the Sheriff's Department about being there for an hour or two while unloading and while leaving and placing an internal doorway in the main entrance that would only open from the inside. The space owned by the applicant was discussed. He stated there would be another possible tenant coming in on

the upstairs of Austin St. that is a non-profit working with the school holding computer, art, theater arts classes allowing them to merge together. This would be a Kinder – 5th grade Charter School. He is working to acquire a space for a parking lot for the school. He touched on the traffic. Bruno Martinez questioned the possible other locations. Mr. Leos stated he is working with the County regarding the old headstart building. The Charter School would like to be Kinder – Grade 12 but space is limited. Drew Engelke questioned where Staff would park. Mr. Leos explained that he talked with the County and Staff would park at the parking garage a block down. He also has 8 spaces to house additional cars. The buses would park at the space in the back where the playground would be located. He also stated that there is a Church within the 200' located near Park Plaza. Pamela Centeno clarified the variance and the sale of alcohol and is limited to restaurants. Bars and package stores would not be eligible for a variance. She spoke on the Church, which is known as a food ministry. Hours of operation were discussed and stated as 8:30 a.m. to 3:30 p.m. He also stated that the Fire Marshal informed him that the building would need to be sprinkled and have ADA restrooms but everything else was okay. Staff parking was again discussed and the concern expressed by the commission on how that would be enforced. Mr. Leos explained that he would need to ask the Charter School owners to ensure that is enforced. Entries and exits of the building were discussed.

Jim Neal, spoke as the Charter School owner and explained that they have been on a search since May for a building suitable. He said two months were spent on a very exhaustive search. He stated that a lot of properties that appeared to be available had been sold months before. He stated that the amendment granted by the Texas Education Agency is only good until the first of August. The bus service and utilization of this service, parking, and where students would come from were expressed as a concern by the Commission and discussed. Drew Engelke asked about his experience with Charter Schools. Jim stated that he started the 4 that they have in San Antonio in 1998. They do not like to create models larger than 250 students. Classes would stay within the 22 to 1 ratio. All funding comes out of an operational budget. They did approach Seguin ISD about their vacated Elementary school Juan Seguin but never received a response.

Drew Engelke stated that the main concern is the safety and parking. This location is in the heart of downtown and is a congested area. Parking is a very big concern.

There being no further questions for the applicant the regular meeting was recessed and a public hearing was held.

Robin Dwyer, property owner at 109 W. Court St. filed a written response opposing the Specific Use Permit. He believes this is an incompatible use for Downtown. This location of this particular business in this particular location would have a really detrimental impact on future growth and development of the kinds of business they have been working on to happen in Downtown Seguin. He believes that allowing this Charter School in this location would set back the efforts a decade or more. He is concerned the activity and traffic that occurs inside and outside of the Justice Center is not compatible with Kindergarten through 5th graders in that location. He expressed his thoughts about the supposed Church. He has access to his property through the area they are proposing to place the playground and house the buses. There are prescriptive easements along with utility and gas easements. If access is blocked a suit will be filed. He reiterated his concern with traffic and the parking garage being utilized and asked that the Commission not allow the request.

Bill Bender spoke regarding traffic and his concern for Camp St. and safety of the students in the proximity of the Justice Center.

Robert Raetzsch spoke regarding traffic and his concern for the safety of students. He believes it to be dangerous and encourages the Commission not to grant the Specific Use Permit.

Chris Crim, HMT Engineering spoke regarding parking. He stated that this area doesn't have a parking requirement because it is exempt. He stated that no matter what develops there it will require well over 15 parking stalls and for longer duration of time. He stated that the peaks play into traffic and there is an off peak that should be taken into consideration for traffic that isn't there at the 7:30 or 8:00 a.m.

The bus drop off was discussed. The Engineer stated that there is enough width for two buses. He explained that there is an oak tree that takes up some of the street but there is enough space for two. He clarified that there are two drop off times proposed. He stated that when he was first approached there was a passion there of bringing kids downtown to learn, and grow in the downtown urban area which could bring a lot of value to the students.

Ken Postalwait spoke regarding the positive impact this could have by bringing in people to downtown.

There being no further response from the public the regular meeting reconvened for action.

After consideration of the staff report and all information given regarding Specific Use Permit 03-15, the Planning and Zoning Commission voted 8-0-0, to Deny the Specific Use Permit request to operate a Charter School in a Commercial Zoning District located in the Downtown Historic District.

**MOTION TO DENY THE SPECIFIC USE PERMIT REQUEST TO OPERATE A CHARTER SCHOOL IN A
COMMERCIAL ZONING DISTRICT LOCATED IN THE DOWNTOWN HISTORIC DISTRICT—
MOTION PASSED 8-0-0**



Dora Toungate
Planning Assistant



ATTEST: Pamela Centeno
Director of Planning/Codes



City of Seguin

Planning/Codes Department
Staff Report

SUP 03-15
113 S. Camp St.
Charter School
Specific Use Permit

Applicant:

Alfred Leos
910 Rosemary
New Braunfels, TX 78130

Property Owner(s):

RSGV Ventures Inc.
2037 Via Vista
San Antonio, TX 78258

Property Address/Location:

113 S. Camp St.

Legal Description:

Lot: 5S 66.67 of; 7, 8 Blk: 174,
Inner Addition

Lot Size/Project Area:

Approx. 0.2296 acres

Future Land Use Plan:

Town Core 1

Notifications:

- Mailed: November 25th
- Published: November 22nd

Comments Received:

None to date

Staff Review:

John Foreman, AICP, CNU-A
Assistant Director of
Planning/Codes

Attachments:

- Location Map
- Zoning Map
- FLUP Map
- Site Plan

REQUEST: A Specific Use Permit to allow a Charter School

ZONING AND LAND USE:

	Zoning	Land Use
Subject Property	C	Vacant Building
N of Property	C	Businesses
S of Property	C	Businesses
E of Property	P	County Courthouse
W of Property	C	Businesses

SUMMARY OF STAFF ANALYSIS & RECOMMENDATION:

Staff finds that the location of the proposed school does not meet the criteria for approval in Section 2.5.1 of the Unified Development Code.

- The specific use is incompatible with the adjacent county facility
- The establishment may impede the development and improvement of surrounding property by limiting the sale of alcohol
- The design of driveways does not provide for the safe and convenient movement of vehicular or pedestrian traffic. This could negatively impact adjacent properties and the public.

Planning Department Recommendation:

	Approve as submitted
	Approve with conditions or revisions as noted
	Alternative
X	Denial

CASE SUMMARY:

The applicant is requesting a Specific Use Permit to use the existing two-story structure located at the corner of Donegan and Camp streets as a Charter School for up to 250 students.

CODE REQUIREMENTS:

According to the Seguin Unified Development Code, a school requires a Specific Use Permit in the Downtown Historic District.

COMPATIBILITY WITH SURROUNDING LAND USE & ZONING:

Adjacent properties are all zoned Commercial and within the Downtown Historic District, but the area contains a mix of uses. The County Justice Center is located across Camp. A side entrance to an antique shop is adjacent on Donegan. Across Donegan are several lawyers' offices and a vacant lot. Another lawyer's office and a real estate office are located farther south on Camp.

There are several concerns with compatibility with the County facility. The justice center contains multiple courts that handle a wide variety of charges. The County controls the environment inside the justice center, but does not maintain that level of control outside the building. The County's sally port for transporting prisoners to and from court is located on Donegan Street, approximately 150 feet from the school.

The court generates traffic, and the county has expressed concern over how the additional traffic from the school would affect the court and justice center functions and safety. Please see the attached correspondence from County Judge Kyle Kutscher.

Approval of the request would prohibit the sale of alcohol for any business within 300 that does not currently have a TABC license. This would negatively impact potential new businesses that would serve alcohol as well as existing business that would propose to add the sale of alcohol to the business. The applicant has stated that since he owns many of the nearby properties this should not be a concern, but there are properties under separate ownership that could be affected. Please see the attached "Alcohol Exhibit" prepared by staff.

COMPREHENSIVE PLAN:

The site is within the Town Core Community District. Institutional uses are recommended in this District, but the plan does not specifically address the appropriateness of schools.

HEALTH, SAFETY, AND GENERAL WELFARE: (Protection & preservation of historical, cultural, and environmental areas.)

The site is a contributing structure within the Downtown Historic District Overlay and dates to the 1800s.

TRAFFIC (STREET FRONTAGE & ACCESS):

The site has vehicular access from Camp Street, but there is insufficient space to accommodate student pick-up and drop-off. The applicant proposes to use the vacant lot across Donegan Street for student pick-up and drop-off and has submitted two conceptual layouts from an engineer, which are attached. The engineer's description of the proposal is in italics below.

Option 1:

Drop-off area from Nolte (Camp). *"I can get around 6 cars dropping off at once with an additional 2 cars queuing. This would also keep 8 parking stalls for staff."*

Staff Comment: Since Donegan is one-way, all traffic exiting the drop-off will go through the Camp/Donegan intersection where the students will be crossing. Traffic could queue onto Camp Street.

Option 2:

Drop-off from Donegan. *"The more I looked at this however, the more I liked the idea of coming off of Donegan. This is because you have a better turning movement in and out of the drop-off area, a sidewalk along the passenger side of one of the lanes, and because the exiting traffic does not have to immediately go through the school crossing. I know the city might have a concern with stacking onto Austin Street if we came off of Donegan, so I prepared a quick queuing calculation which shows that we only need 6 drop-off spaces and 2 queuing spaces to keep traffic off the streets. Even in a worst case scenario, I don't think traffic would ever back into Austin."*

Staff Comment:

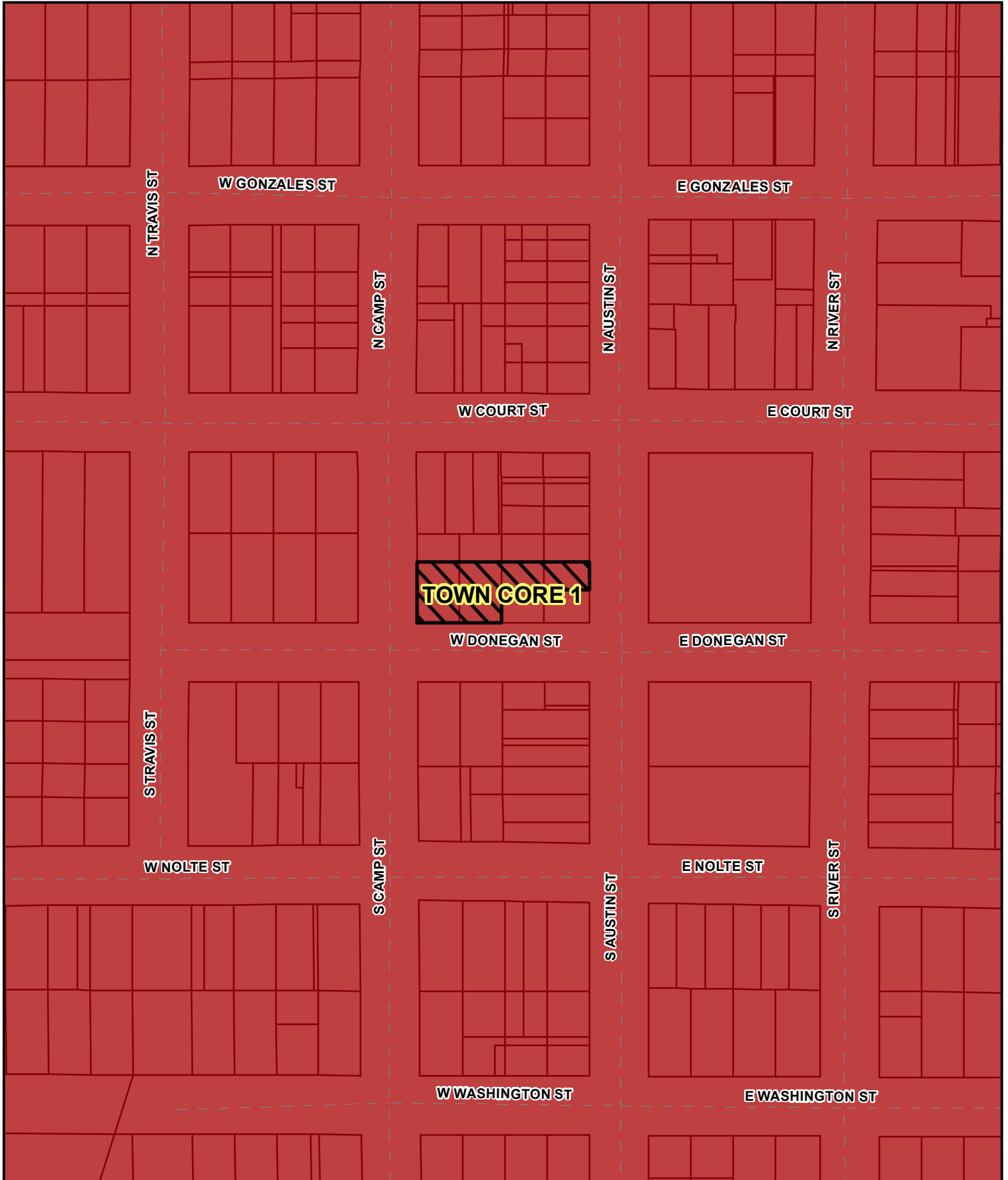
With this configuration, there is nothing to prevent parents from dropping their children on Donegan and bypassing the drop-off. These vehicles would then cross the Camp/Donegan intersection at the same location as the children who have been dropped off at the designated drop-off point, just as in Option 1. The queuing calculations show that no more than 8 drop-off/queuing spaces would be required. Staff questions the validity of this, particularly in the afternoon when parents line up for student pick-up. This traffic pattern is common at other schools in Seguin.

The applicant has stated that the school will provide crossing guards and/or staff to assist with drop-off and pick-up as well as bus service for a minimum of 210 students per day. This could alleviate some of the traffic, but bus pick-up and drop-off, signage, and bus parking would need to be designed. The school also proposes to provide educational materials to parents about traffic procedures. The proposals to provide bus service, crossing guards, and educational materials would need to be included as a condition of a Specific Use Permit in order to ensure they are followed, and the City would have the responsibility to monitor and enforce these provisions to ensure mobility and safety.

The City Engineer has reviewed the proposals but has not approved them. Even if a viable plan for student pick-up and drop-off were developed, the request does not meet the criteria for approval as outlined in the summary and recommendation above.

PARKING:

Off-street parking is not required in the Downtown Historic District except for overnight lodging facilities (hotel, motel, bed and breakfast).



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



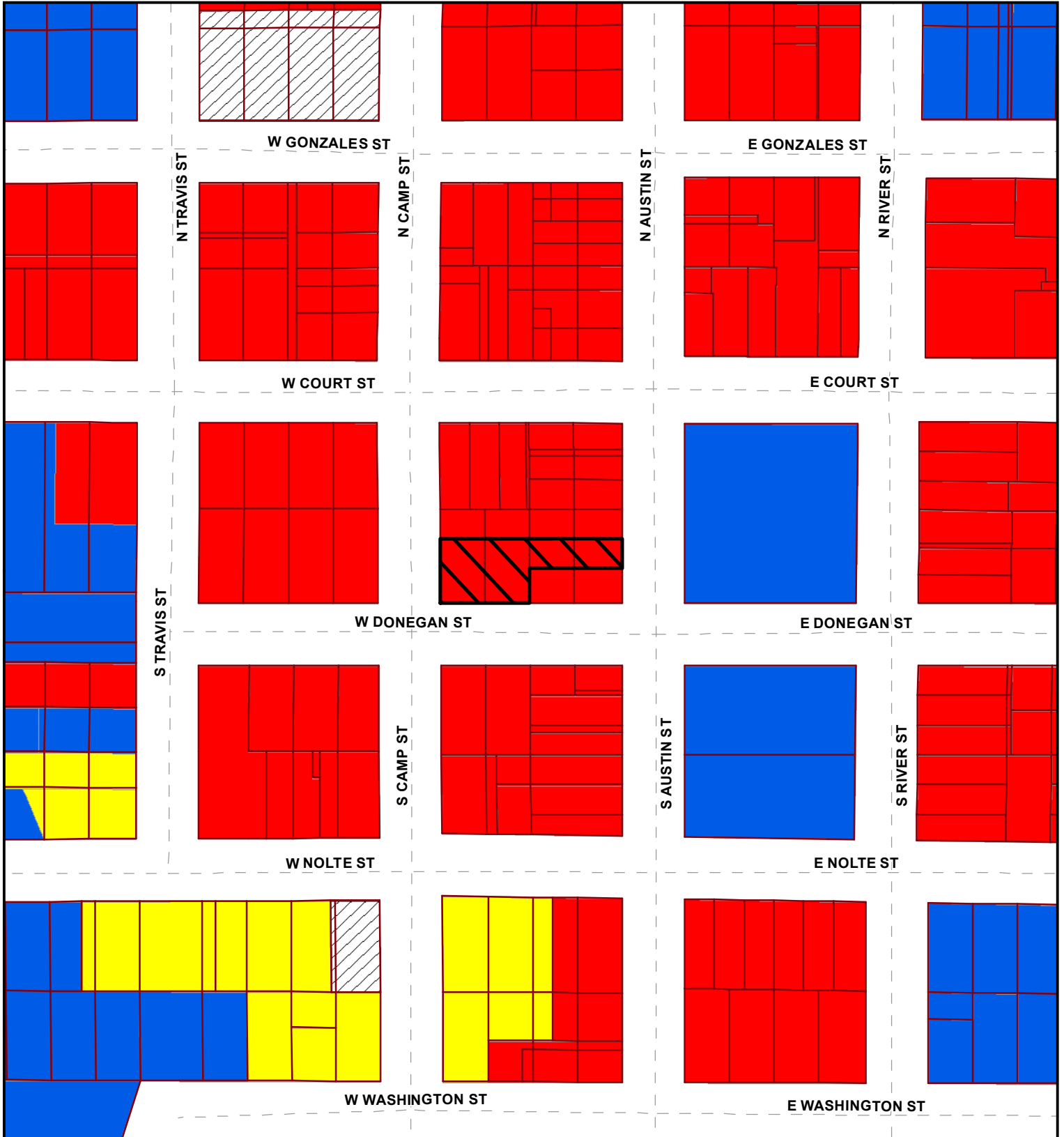
Lot Lines

1 inch = 150 feet

Printed: 11/16/2015

ZONING MAP

SUP 03-15: 113 S Camp 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 | |

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Site Location



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Option 1

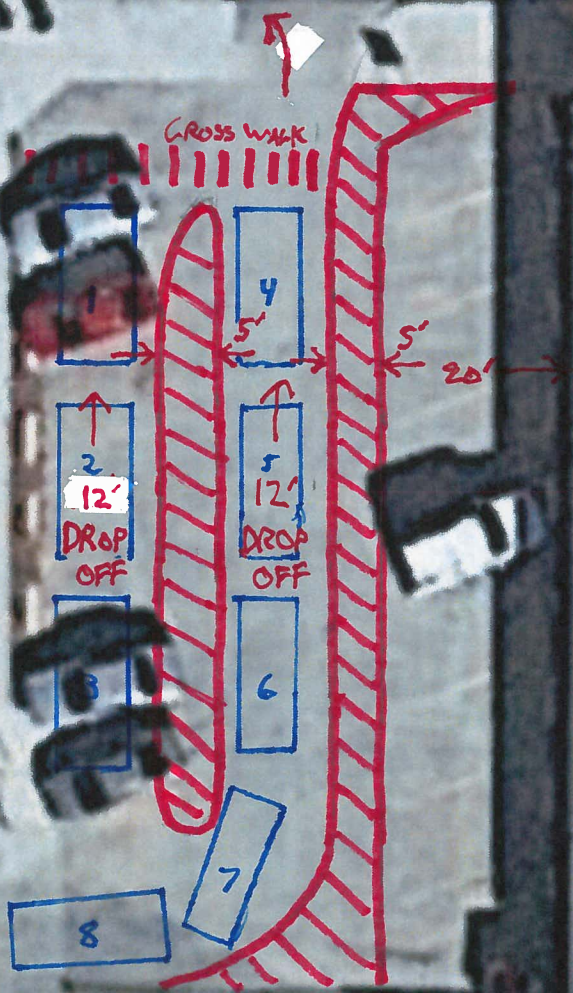
Subject Property

Donegan

Camp

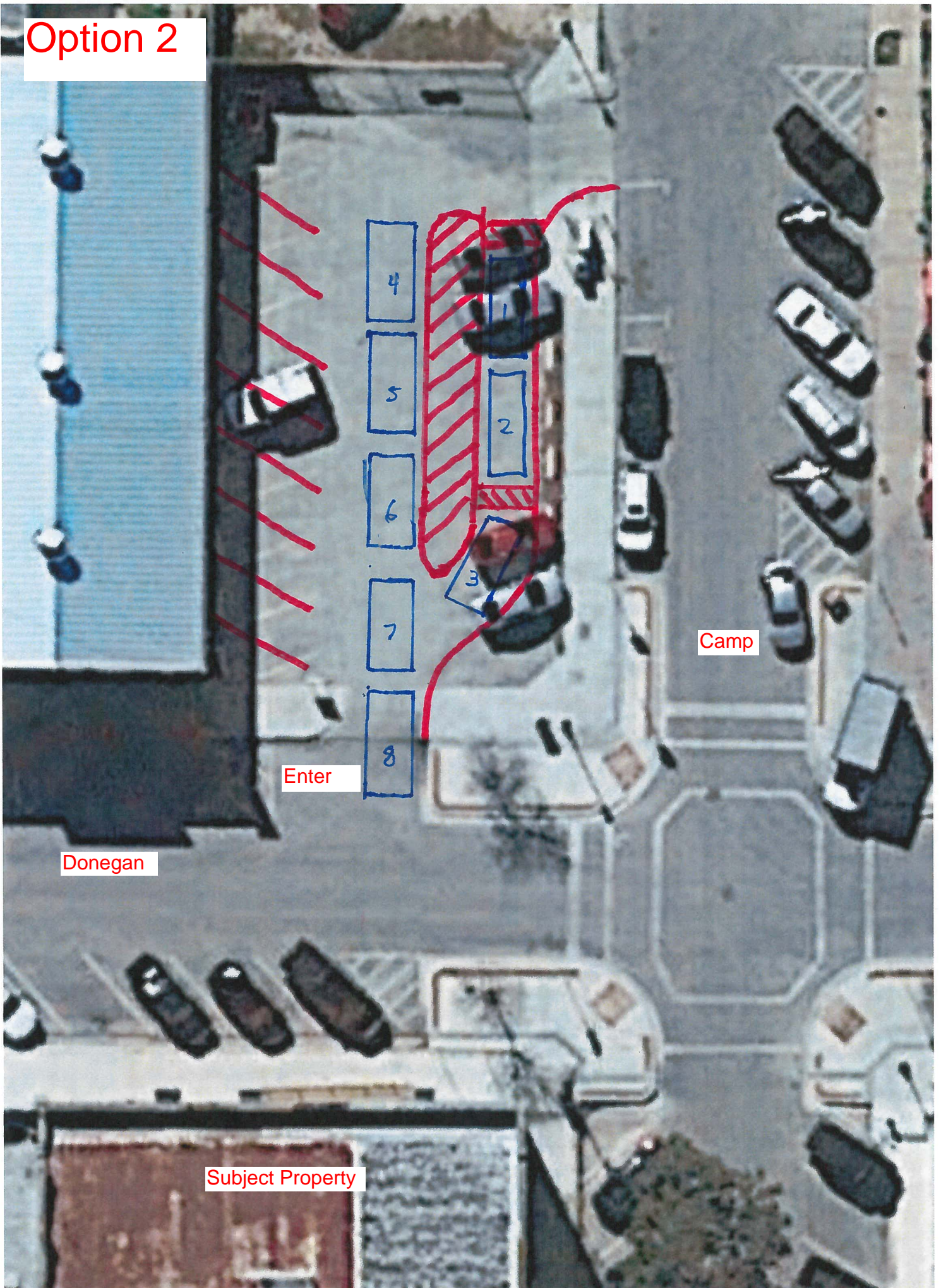
Enter

CROSS WALK



1" = 20'

Option 2



Donegan

Enter

Subject Property

Camp

11-25

Number of Students	100
Duration of Drop-Off/Pick-up	45 s
Peak Factor	2
# Of Drop-off/Pick-up Spaces	6

Time	# of Drop-Offs/Pick-up per minute (Demand)	# of Drop-Offs/Pick-up per minute (Design Capacity)	Required Queuing
7:15	0	8	0
7:16	1	8	0
7:17	2	8	0
7:18	3	8	0
7:19	4	8	0
7:20	5	8	0
7:21	6	8	0
7:22	7	8	0
7:23	8	8	0
7:24	9	8	1
7:25	10	8	2
7:26	9	8	1
7:27	8	8	0
7:28	7	8	0
7:29	6	8	0
7:30	5	8	0
7:31	4	8	0
7:32	3	8	0
7:33	2	8	0
7:34	1	8	0

Alfred,

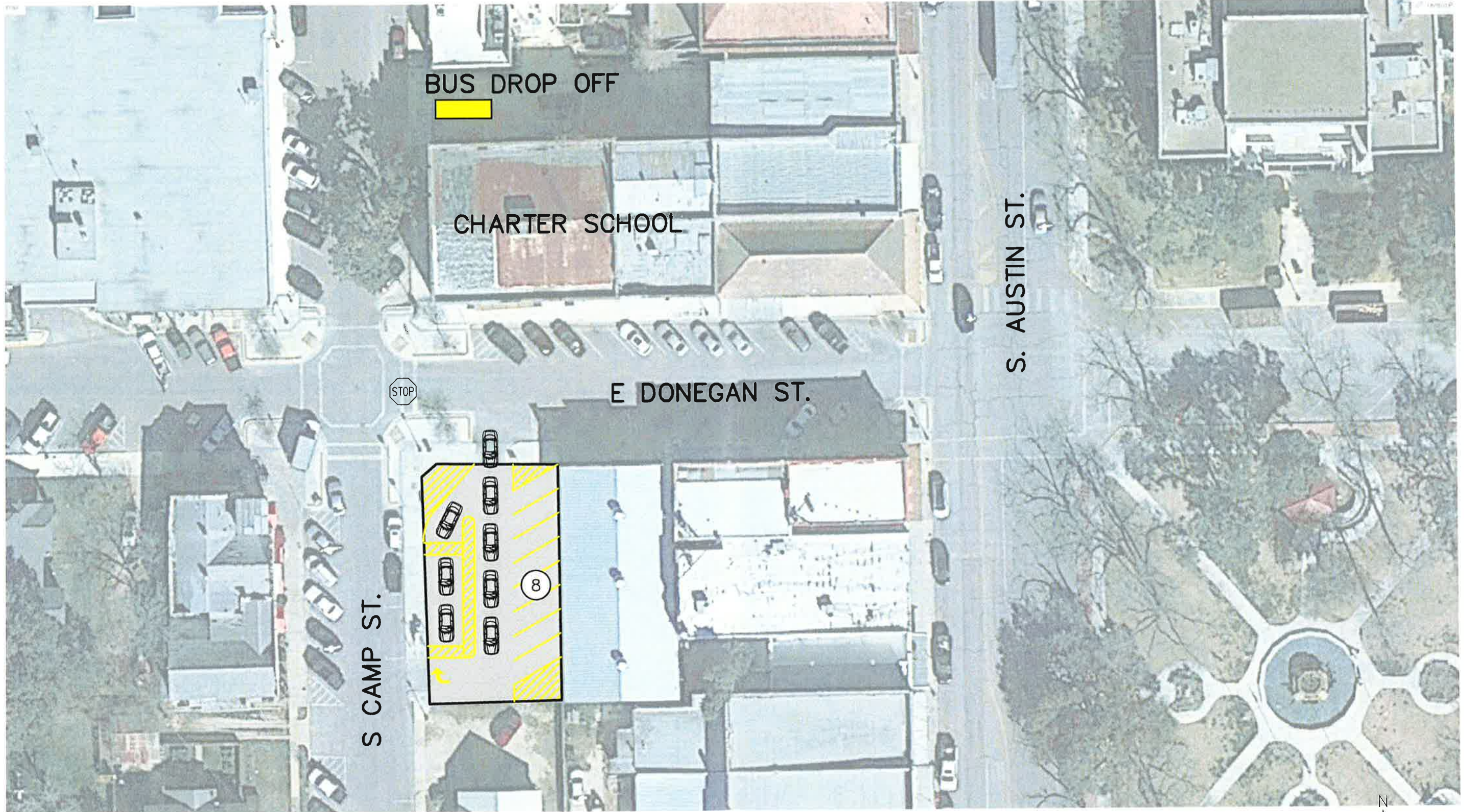
As discussed over the phone, below are some rough comparisons in traffic for both the 200 study charter school and the retail/restaurant/office use. Not that the proposed use for the retail/restaurant/office use will have over double the daily traffic than the school according to the Institute of Transportation Engineers Manual. This is just some preliminary information and we would be glad to give you something more office if needed.

Use	Students	ADT Rate/Student	Average Daily Traffic (ADT)	ITE Code:
Private School	200	2	400	534

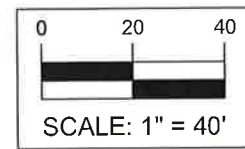
Use	Square Footage	ADT Rate/1,000 SF	Average Daily Traffic (ADT)	ITE Code:
Sit Down Restaurant	5,000	127.15	636	932
Specialty Retail	6,000	44.32	266	814
General Office	6,000	11.03	66	710
Total	17,000		968	

Chris Crim, P.E.
Project Manager

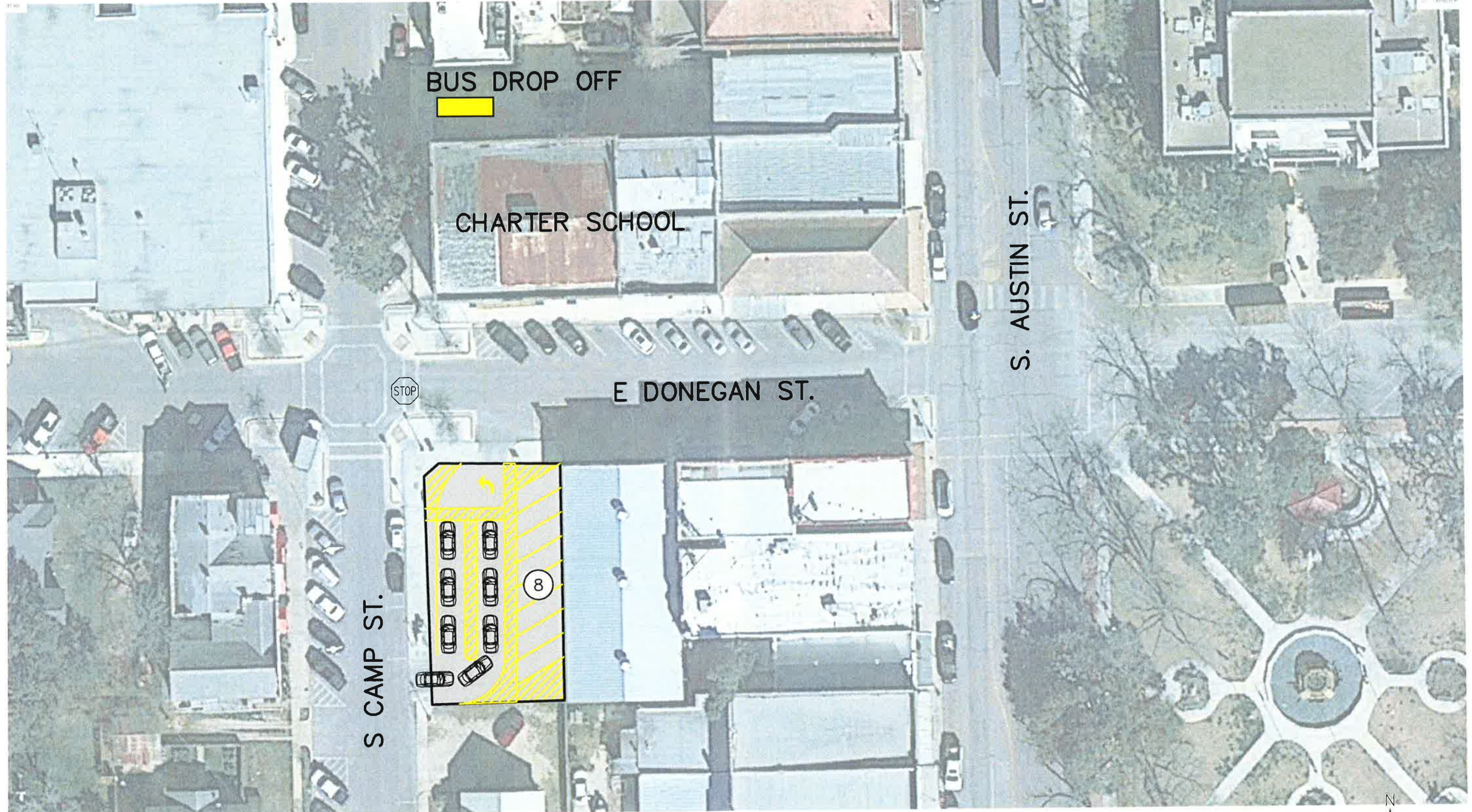
Drawing Name: C:\Users\james\Desktop\Smart Charter School - Option #2.dwg User: ehinc Dec 05, 2015 - 4:47pm



DROP-OFF OPTION #1
E. DONEGAN STREET



Drawing Name: C:\Users\mtrick\Desktop\Schwert Charter School - Option #1.dwg User: mtrick Date: 08/12/2015 4:45pm



DROP-OFF OPTION #2
S. CAMP STREET

