

**MEMORANDUM**

**To:** City of Seguin Mayor and Council Members  
Douglas Faseler, City Manager

**From:** Pamela Centeno, Director of Planning & Codes

**Through:** Rick Cortes, Assistant City Manager

**Subject:** **ZC 03-18 (628 S. Austin)**  
**Request to rezone property to Neighborhood Commercial**

**Date:** April 24, 2018

A request has been submitted to rezone the property at 628 S. Austin Street to Neighborhood Commercial. The existing structure on the lot was grandfathered for commercial use until the use was discontinued. The building has been vacant for many years and was recently sold to a new property owner that is interested in using the building as a counseling office. Unfortunately, none of the parties involved in the sale of the property verified the zoning designation, which is Single-Family Residential (R-1). The zoning map and the zoning ordinances adopted by the City of Seguin are readily available for the general public to view on the City’s website. City staff answers zoning questions from the public on a daily basis, but no inquiries about the zoning designation of this property were received by staff until the change in ownership had already occurred. When the new owners started the building permit process, City staff identified that the property was not zoned for a commercial use.

In reviewing the appropriateness of a zoning change staff evaluates if the proposed zoning will be compatible with existing and permitted uses of surrounding properties. Staff also evaluates if the proposed zoning will have an adverse impact on the surrounding properties. Regardless of the property owners’ intentions to operate a counseling office, staff must consider all uses that are permitted in a zoning district when considering the zoning change request. If the property is rezoned to Neighborhood Commercial, the site can be redeveloped with new structures and parking lots for the following businesses:

- |  |                            |
|--|----------------------------|
| Daycare                                    | Bed & Breakfast            |
| Medical Office, Clinic, or Lab             | Fitness Center             |
| Indoor Amusement Center                    | Commercial Office          |
| Event Facility/ Meeting Hall               | Retail Store               |
| Farmers’ Market                            | Restaurant (No Drive-Thru) |
| Bank/Financial Institution (No Drive-Thru) |                            |

Since the property is surrounded on all four sides by existing residences that are zoned Single-Family Residential (R-1), staff does not recommend approval of the zoning change to Neighborhood Commercial. In addition to being considered spot zoning, staff is concerned that future impacts from the uses listed above could negatively impact the residences adjacent to the property. Mitigating these impacts with fencing, landscaping, building placement and driveway placement will be difficult since the residences are adjacent to the property on all four sides.

Staff presented the request to the Planning and Zoning Commission on April 10, 2018. Staff presented the staff report and recommended denial of the request to change the zoning to Neighborhood Commercial. A public hearing was held and many of the individuals involved in the sale of the property spoke in favor of the zoning change. The Commission voted to recommend approval of the zoning change request to Neighborhood Commercial. Attached please find copies of the Staff Report, map exhibit showing the affected area, the Final Report of the Commission, and the Ordinance for the zoning change.