



## Planning and Zoning Commission Report ZC 16-16

The following request for Zoning Change 16-16 was considered during a public hearing at the Planning & Zoning Commission meeting on April 12, 2016:

### **ZONING CHANGE request from Retail to Neighborhood Commercial for the property located at 1052 Tabernacle St.**

Helena Schaefer presented the staff report. She reported that this was the last property that required rezoning due to the changes in the zoning classification. The property had been previously rezoned to Retail with a Specific Use Permit. The applicant, who is still the property owner wanted additional parking and a secondary access point for the dry cleaning shop located on 1049 E Court St. The old zoning code allowed for a standalone parking lot with a SUP in the Retail district. Since the parking lot was never built, the SUP expired. Staff explained that only the Commercial district with a SUP would allow for a standalone parking lot in the UDC. Staff would not recommend C for this area, as it is an area of more residential uses and potential than Commercial. Working with the property owner, Staff is proposing NC to allow the secondary access point – or a driveway. Staff also mentioned that all development standards would have to be met (including drainage or screening) if this driveway was built. Staff also explained that the size of the lot would not allow for a considerable size commercial development to be built there. The issue of downzoning was also introduced. If the City would have proposed Single-Family Residential, it could have been perceived as a “taking”. Rezoning the property to Neighborhood Commercial would allow the driveway to be built as the Right of way would be access through a “commercially zoned” property and not a residential zoned one.

Public notifications were mailed to 20 property owners on April 1, 2016. No responses were received.

The Commission asked about screening from the residential structures and about drainage. Staff explained that all development standards would have to be met when the property owner submits a site plan. It was explained that the property owner was not certain that they would build the driveway. They indicated that they may sell the lot. Rezoning to NC would allow the flexibility of constructing a house or a less intense commercial building. The regular meeting was then recessed and a public hearing was held. There being no response from the public the regular meeting reconvened for action.

After a motion was made to approve the request (but not voted on), the regular meeting was again recessed to hear from a nearby property owner. Mr. Mariano Escobedo of 1022 Tabernacle St wanted to know how the rezoning was affecting his property. Pamela Centeno explained that the rezoning was not on his property, but on 1052 Tabernacle and the State required the City to send out public notices to all

property owners within 200 feet. The regular meeting was then reconvened to vote on the motion made prior to the second recess.

After consideration of the staff report and all information given regarding Zoning Change 16-16, the Planning and Zoning Commission voted 9-0-0, to Recommend to City Council to Approve the Zoning Change request to Neighborhood Commercial.

**RECOMMENDATION TO APPROVE ZONING CHANGE TO NEIGHBORHOOD COMMERCIAL –  
MOTION PASSED 9-0-0**



\_\_\_\_\_  
Dora Toungate  
Planning Assistant



\_\_\_\_\_  
ATTEST: Pamela Centeno  
Director of Planning/Codes



# City of Seguin

Planning/Codes Department  
Staff Report

**ZC 16-16**  
**1052 Tabernacle St**  
**Zoning Change**

**Applicant:**

City of Seguin  
PO Box 591  
Seguin, TX 78156

**Property Owner(s):**

Marvin Ledbetter & John  
DuBose  
21117 Will Rogers Taxiway  
Tomball, TX 77377

**Property Address/Location:**

1052 Tabernacle St

**Legal Description:**

Lot: 74x115 Blk: 63, River  
Addition Property ID 38453

**Lot Size/Project Area:**

Lot – approx. 0.2048 acres

**Future Land Use Plan:**

Central Township

**Notifications:**

- Mailed: April 1, 2016
- Published: March 27, 2016

**Comments Received:**

None, as of April 6, 2016

**Staff Review:**

Helena Schaefer  
GIS Analyst

**Attachments:**

- Location Map
- Zoning Map
- FLUP Map

**REQUEST:** A Zoning Change request from Retail to Neighborhood Commercial in association with the City of Seguin initiated UDC rezoning.

**ZONING AND LAND USE:**

|                         | Zoning | Land Use               |
|-------------------------|--------|------------------------|
| <b>Subject Property</b> | R      | Vacant land            |
| <b>N of Property</b>    | C      | Businesses             |
| <b>S of Property</b>    | R-1    | Residences/vacant land |
| <b>E of Property</b>    | C      | Residences             |
| <b>W of Property</b>    | R-1    | Residence/vacant land  |

**SUMMARY OF STAFF ANALYSIS & RECOMMENDATION:**

With the adoption of the Unified Development Code, several properties in the City require a zoning change. 1052 Tabernacle St is currently zoned as “Retail”. The property owner sought a zoning change in 2010 from R-1 to R to extend the dry cleaning parking lot. Neighborhood Commercial is taking the place of the old Retail zoning.

Staff has evaluated the surrounding uses and current zoning and has spoken with the property owner to determine the best zoning for this property. Staff recommends approval of the zoning change request from Retail to Neighborhood Commercial.

**Planning Department Recommendation:**

|          |   |
|----------|---|
| <b>X</b> | Approve as submitted                          |
|          | Approve with conditions or revisions as noted |
|          | Alternative                                   |
|          | Denial  |

**CODE REQUIREMENTS:**

According to the UDC, all properties within the City Limits require zoning. With the removal of the “Retail” zoning classification from the Unified Development Code, all properties currently zoned as “R” are required to be rezoned.

**SITE DESCRIPTION:**

The property was rezoned in 2010 from Single-Family Residential to Retail. The applicant (who is still the property owner) wanted to extend a parking lot from 1049 E Court St onto the property. The applicant was also approved for a Specific Use Permit, but it expired in 2011 (as the parking lot was never built). Retail did allow a stand-alone parking lot, but only with a SUP. Discussions with the property owner indicate that parking lot may or may not be built. The property owner’s primary purpose for purchasing the lot is to allow a secondary access from 1049 E Court; they indicated that it is difficult to exit onto E Court St at certain times of the day. An access onto Tabernacle St would allow customers the option of avoiding the Court St traffic.

**COMPATIBILITY WITH SURROUNDING LAND USES & ZONING:**

The vacant lot is located on Tabernacle St. There are multiple vacant lots across the street from this property. Recent zoning changes have seen rezoning to residential uses. Rezoning this property to Neighborhood Commercial would allow for less intense commercial use or for a single-family residential structure. Neighborhood Commercial would be compatible with the existing zoning and land uses.

**COMPREHENSIVE PLAN:**

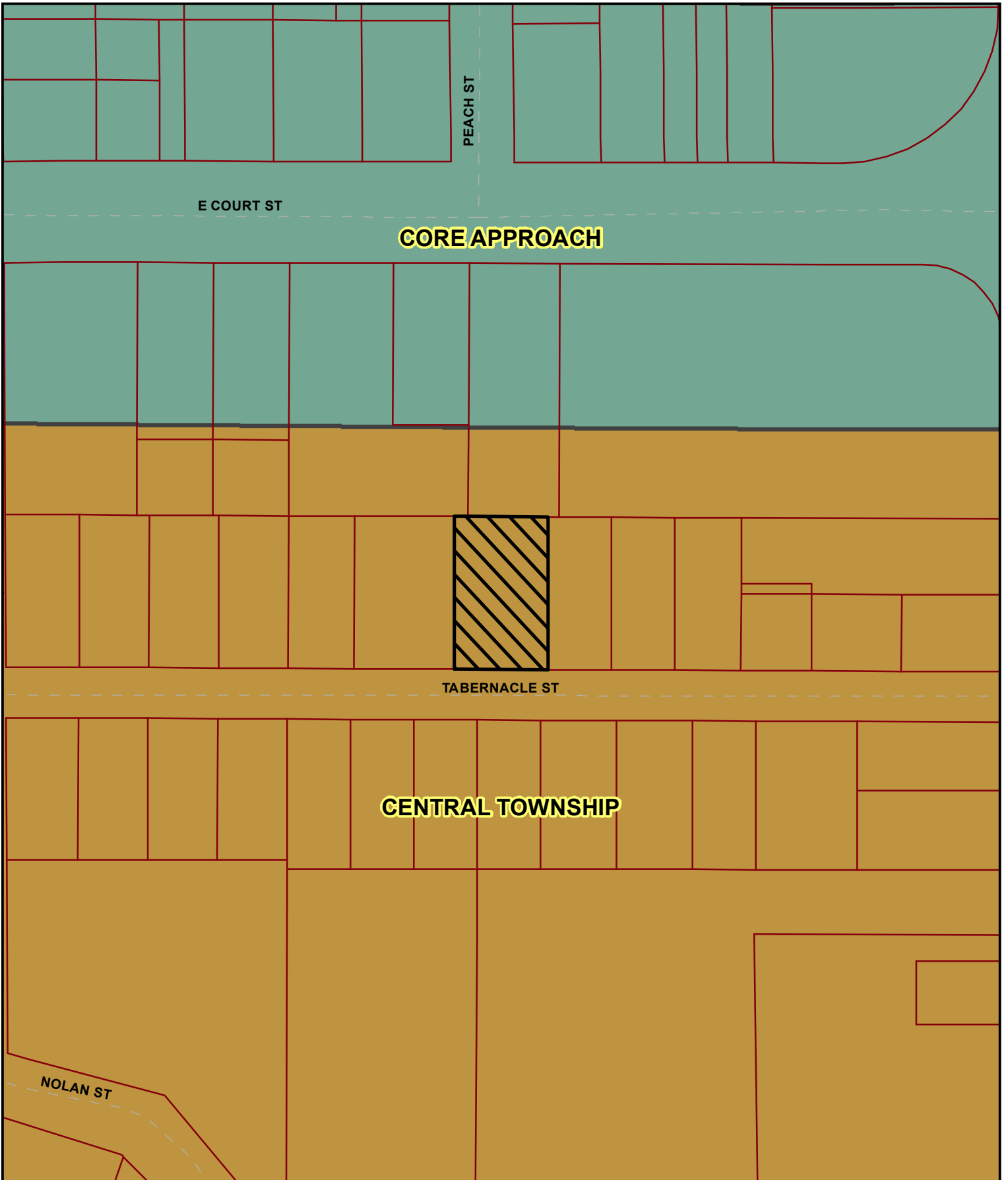
The site is located in the Central Township; this district is neighborhood oriented with medium residential densities.

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

It has not been determined that the site is of historical, cultural, or environmental significance.

**TRAFFIC (STREET FRONTAGE & ACCESS):**

The site is only accessed from Tabernacle Street.



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Site Location



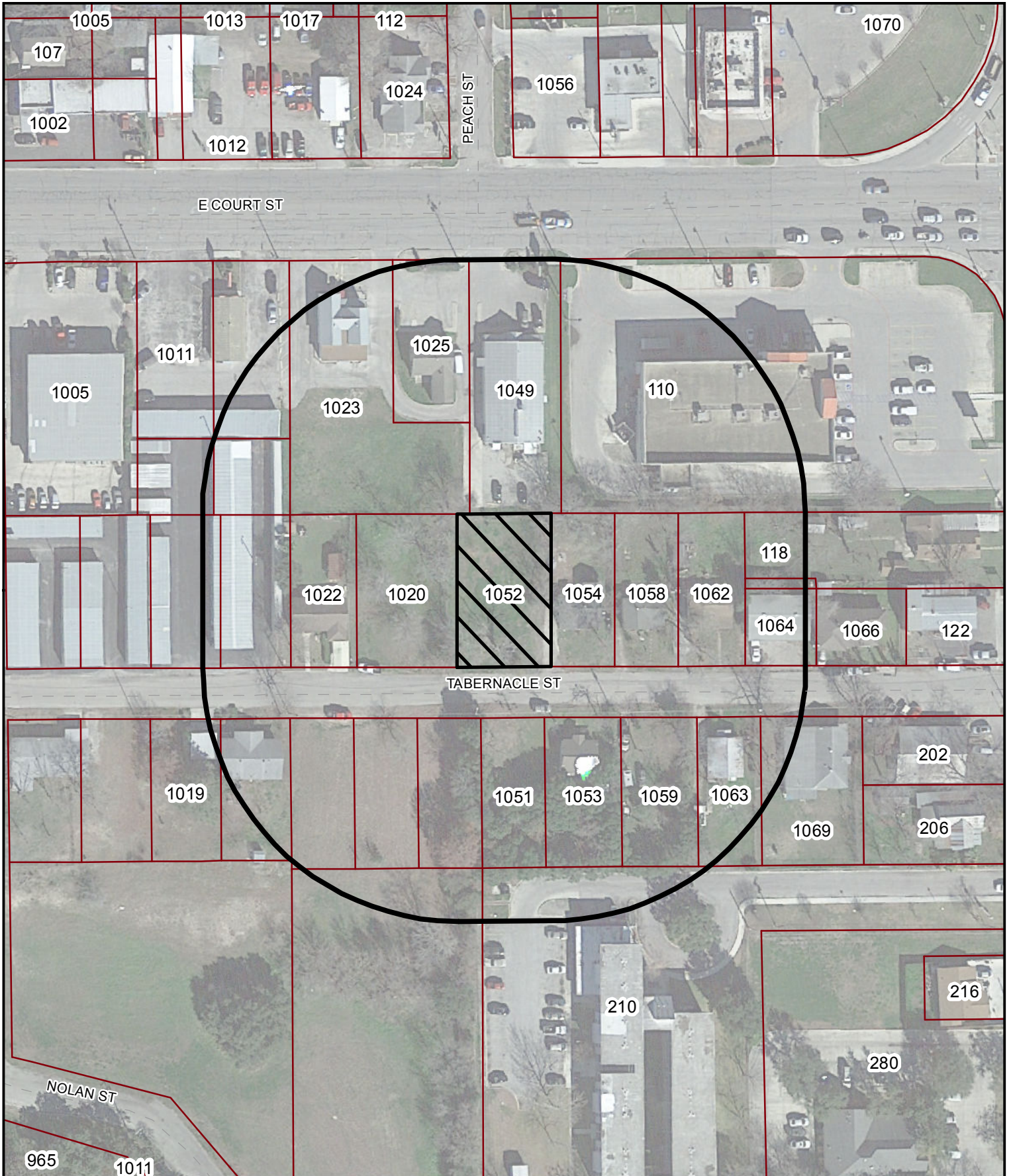
Lot Lines

1 inch = 100 feet

Printed: 3/22/2016

# LOCATION MAP

# ZC 16-16: 1052 Tabernacle St



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Site Location



200' Notification Buffer

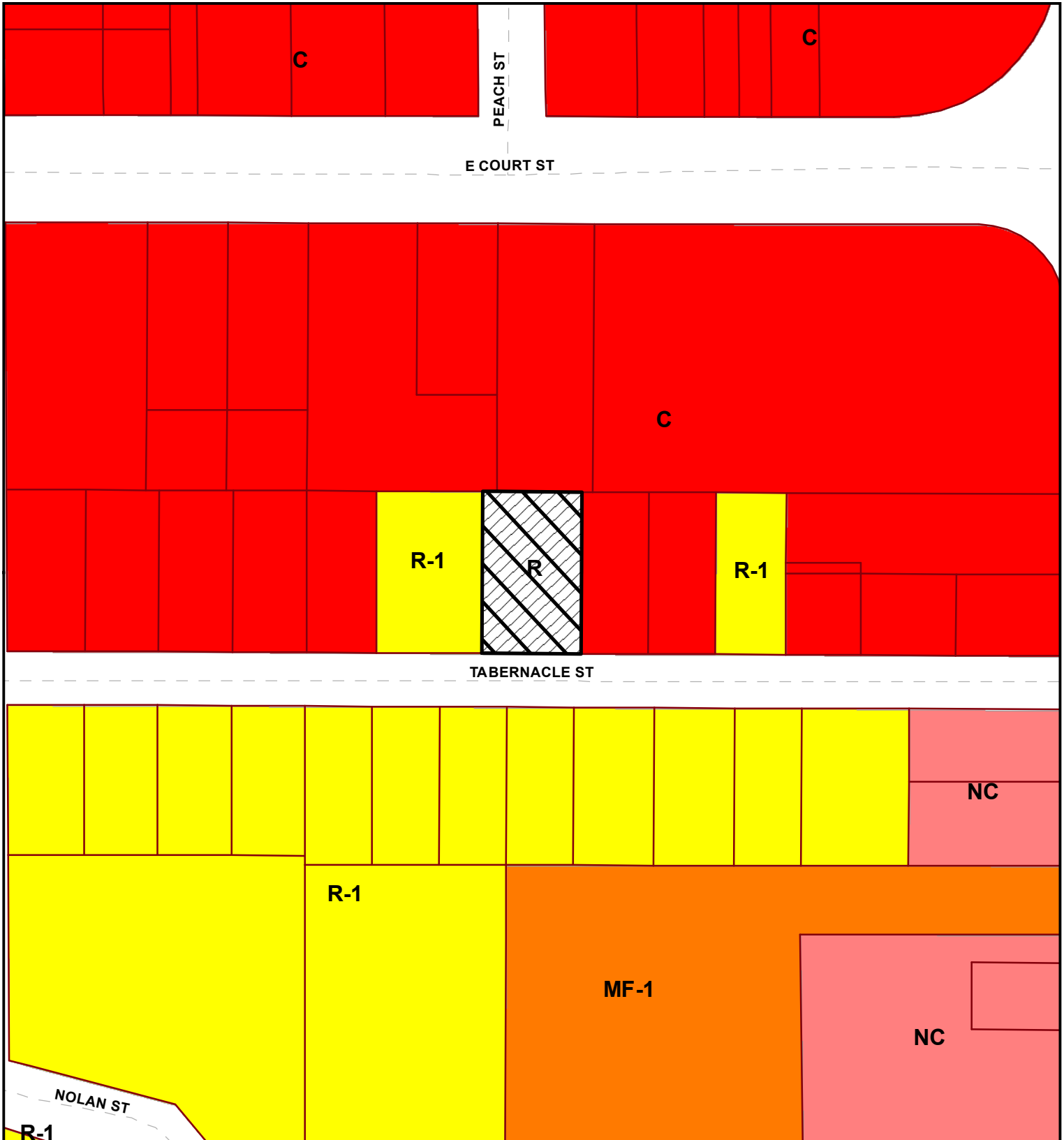
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# ZONING MAP

# ZC 16-16: 1052 Tabernacle 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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