



Meeting Minutes

Planning & Zoning Commission

Tuesday, June 11, 2024

5:30 PM

Council Chambers

Public

1. Call To Order

The City of Seguin Planning and Zoning Commission met in a Regular Meeting on June 11, 2024 at 5:30 p.m. at the City Council Chambers, 210 E. Gonzales Street, Seguin, Texas. Chair DePalermo presiding over the meeting.

2. Roll Call

Present: 9 - Vice Chair Patrick Felty, Eddie Davila, Steven Berger, Chairperson Troy DePalermo, Joseph Pedigo, Bobby Jones III, Kelly Schievelbein, Yesenia Rizo, and Wayne Windle

3. Approval of Minutes

[24-266](#)

Approval of the Planning and Zoning Commission Minutes of the April 9, 2024 meeting.

Indexes:

A motion was made by Commissioner Davila, seconded by Commissioner Rizo, that the Minutes of the April 9, 2024 meeting be approved. The motion carried by the following vote:

Aye 9 - Vice Chair Felty, Davila, Berger, Chairperson DePalermo, Pedigo, Jones III, Schievelbein, Rizo, and Windle

4. Public Hearings & Action Items

a. [ZC 04-24](#)

Public hearing and possible action on a zoning change request from Single-Family Residential (R-1) to Neighborhood Commercial (NC) for a property located at 503 S. Austin Street, Property ID: 27867 (ZC 04-24)

Indexes:

Armando Guerrero, Planning Manager, presented the staff report. He stated that the property is located on the corner of south Austin Street and east Live Oak Street, in an established neighborhood close to the Downtown Historic District. The current zoning allows for a single-family home which can be owner occupied or rented by a single family. The existing home was constructed in 1923 and contains a basement, an attached garage, a main floor area, and a second-floor area. The applicant purchased the property in March of 2020, and since then has performed renovations

on both floors of the house.

The applicant is requesting to operate as a bed and breakfast. Code requirements would require a zoning change to Neighborhood Commercial (NC), or approval of a Specific Use Permit (SUP) to allow for bed and breakfast. Any proposed use at this location is required to meet the development requirements of Chapter 5 of the City's UDC, Building and Fire Code for the use.

Mr. Guerrero provided the surrounding zoning and stated that the Bed and Breakfast will be residential in nature, with the owners residing in the home and renting rooms located on the second floor. He noted that the Neighborhood Commercial zoning allows for commercial uses shown in Section 3.4.3 Land use Matrix of the City's UDC.

The property is located within the Downtown Core of the City's Future Land Use Plan and Neighborhood Commercial is appropriate if consistent with the scale and form of other Downtown tracts. The property has a frontage on S. Austin and E. Live Oak. The existing access is taken from Live Oak Street. Access from Austin Street would require approval from TxDOT.

Mr. Guerrero stated that the request is consistent with the future land use plan, compatible with existing and permitted uses of surrounding properties, there are not adverse impacts on surrounding properties or natural environment, and the proposed zoning follows a logical and orderly pattern. He stated the other facts that impact public health, safety, or welfare would be parking.

The Commission discussed parking and the zoning designation if the property was sold. Staff advised that the applicant met the parking requirements through a parking lease agreement with Mr. Daniels. The parking requirements are 1 parking space per room. Staff stated that the property would require 4 parking spaces. Ms. Pedigo stated that the parking agreement is for 1 year. Staff stated that the zoning remains if the property is sold, although the SUP would be voided.

Mr. Guerrero pointed out that one letter in support and one letter in opposition were received. He stated the concerns are addition vehicles parking in front of their home, what the property is used for and if the property would be restricted to the specific type of business and if the property is sold, would the new owners be required to reapply.

The regular meeting recessed, and a public hearing was held. Ms. Pedigo, the owner, stated she was available to answer any questions. There being no additional responses from the public, the regular meeting was reconvened for action.

A motion was made by Vice Chair Felty, seconded by Commissioner Davila, that the zoning change from Single Family Residential (R-1) to Neighborhood Commercial (NC) be recommended for approval . The motion carried by the following vote:

Recused 1 - Pedigo

Aye 8 - Vice Chair Felty, Davila, Berger, Chairperson DePalermo, Jones III, Schievelbein, Rizo, and Windle

b. [ZC 05-24](#)

Public hearing and possible action on a zoning change request from Single-Family Residential (R-1) to Planned Unit Development (PUD) for a property located at 102 Lenz Dr., Property ID: 195969 (ZC 05-24). GLUP

01-24 will be presented with this zoning change request. Each request will require a separate vote.

Indexes:

The zoning change ZC 05-24 and general land use GLUP 01-24 plan for were presented together.

A motion was made by Commissioner Davila, seconded by Commissioner Pedigo, that the zoning change from Single Family Residential (R-1) to Planned Unit Development (PUD) be recommended for approval. The motion carried by the following vote:

Aye 9 - Vice Chair Felty, Davila, Berger, Chairperson DePalermo, Pedigo, Jones III, Schievelbein, Rizo, and Windle

c. [GLUP 01-24](#)

Public hearing and possible action on a request for a General Land Use Plan (GLUP) for a property located at 102 Lenz Dr., Property ID: 195969 (GLUP 01-24)

Indexes:

Armando Guerrero presented the staff report. He stated that the applicant is requesting a zoning change and a GLUP to allow for the operation of a ceremony grounds for weddings. Mr. Guerrero stated that the property was annexed and zoned into the City in May of 1993 and the existing residential structure on site was built in 1970. The house has two floor for approximately 1,840 square feet. He said the house is not occupied by a resident and is being utilized primarily for short-term rental usage and that the current zoning does not allow for the proposed use at this location. Mr. Guerrero pointed out a zoning change to PUD could allow for a land use that normally isn't done within the residential area but would be allowed with the approval of a General Land Use Plan (GLUP).

Mr. Guerrero stated that the GLUP is a guiding document for the proposed use at the location and is designed to creatively complement the proposed use to ensure that there will be no impact to the neighborhood or neighboring properties. Mr. Guerrero stated that the residential structure will continue to operate in a residential capacity, allowing for short-term rental at the site and that the proposed use of a ceremony grounds will take place within the back portion of the property. Parking and access will be made through the sidewalk connecting the Power Plant parking lot to the back portion of the property.

Mr. Guerrero noted that the property is within the Riverside district of the City's Future Land Use Plan (FLUP) and that it is also within also located within three (3) different areas of flood hazard.

Mr. Guerrero pointed out that Lenz Dr will be strictly for the use of the short-term rental occupants. Access to the proposed ceremony site would be made through the sidewalk path from the Power Plant parking lot.

Mr. Guerrero went over the proposed GLUP to the commission, highlighting the applicant's request to utilize the back portion of the property as a ceremony ground for wedding/events which do not require any additional structures to be built. Mr. Guerrero presented staff's recommendation of conditions to the GLUP. He pointed out the edited GLUP document within the commission's packet staff's recommended conditions.

Mr. Guerrero concluded by noting that five (5) total letters were received for the zoning change and GLUP request. Three (3) for the zoning change, one (1) in favor and; two (2) in opposition, both letters of opposition noted concerns of traffic along Lenz Dr, and how the proposed use could disrupt the peace and comfort of the neighborhood. Two (2) letters for the GLUP one (1) in favor, and one (1) in opposition, the letter of opposition stated concerns that they did not know if the PUD would be open-ended, limited, or specific use.

The Commission asked about use of the parking lot at the Power Plant, Mr. Guerrero stated that approval will come from City Management. The Commission asked about access to the site for parking and guests. Mr. Guerrero stated that guests and parking would be at the Power Plant parking lot. The Commissioner asked which parking lot the guest would be using, Mr. Guerrero stated that the applicant would determine which parking lot will be used. The Commission asked about the restroom agreement between the Power Plant, Mr. Guerrero said that the owner of the 102 Lenz Dr is leasing the Power Plant and plan to use the site and restaurant in conjunction with each other.

The regular meeting recessed, and a public hearing was held.

Sam Panchevre, applicant and co-owner went over the history and intent of the proposed use and noted that they would like approval to use the bathrooms that are in the house, and that acoustic bands be permitted. Mr. Panchevre noted that he agrees to the other conditions recommended by city staff.

The Commission asked about the hours, live music, ADA restrooms, the possible use of portable restrooms. Mr. Panchevre stated that an end time of 9:00 pm an hour before the closing of the Power Plant. Mr. Panchevre stated that the restrooms are large enough to be ADA but would require some additions. Mr. Panchevre pointed out obstacles that from the use of portable restrooms and noted that he would prefer to use the restroom that is located at the house, but is independent from the house. The Commission ask if the zoning change to PUD would impact the use of the house, staff noted that the zoning change to PUD would only impact the area that is being proposed for the wedding ceremonies, and that the house would still function under the residential rules and requirements. The Commission asked about the use of the house, Mr. Panchevre noted that it has been functioning as a short-term rental.

Peggy Anne Schott, 122 Lenz Drive spoke in opposition of the request. She stated that they are concerned about the future once rezoned. She added that she is also concerned if the property were to change hands and who will enforce the requirements. Mrs. Schott also noted that in 2002 when the city purchased 2 acres for the parking lot, a fence was to be erected along the western side of the tract. Mrs. Schott stated she was also concerned with traffic for the site, and expressed the need for a dead-end sign on Lenz Dr.

Cathey Fennel, 145 Guadalupe River Drive spoke in opposition of the request. She stated that increased traffic on Lenz Drive would impact her from getting out of her driveway and is concerned that people would be parking on the vacant lot and in front of her property.

The Commission asked staff about capacity and the need for police officers at the site, staff noted that since alcohol would not be distributed at the site, security would not likely be required. The Commission noted concerns of traffic along Lenz Drive, and asked what address would be used when advertising the ceremony grounds. Staff noted that Lenz Drive would not be accessed by any guests, and that guests would be required to park at the Power Plant parking. Mr. Panchevre noted that the

Power Plant address would be used for any advertisement. The Commission asked about deliveries to the property. Mr. Panchevre noted that deliveries would go through Lenz Drive and that deliveries would be made a few times per week. The Commission asked if property is sold or the lease were to change hands would the PUD use be voided, staff noted that the GLUP would be voided and explained how the PUD and GLUP work in conjunction with each other and if voided the property would revert to single-family residential use only. The Commission asked about traffic along Sutherland Springs Rd. Melissa Reynolds (City Engineer) noted she would coordinate with Public Works to get a "Dead End" sign added at Lenz Dr. Mrs. Reynolds also pointed out that Stockdale Highway is a TxDOT right-of-way, and the alignment is not on the City's plan to do any improvements to, but it could be added to their list for the future to look at and would have to work with TxDOT. Mrs. Reynolds noted that there are improvements coming to the area with the Mays Creek project that could help with some of the traffic issues.

The Commission asked staff about existing lighting within the parking lot areas and the fence that was mentioned by the neighbor. Staff pointed out that there are lights within the parking lot area, but was unsure how many, staff also noted that the instillation of the fence would have to be investigated further to see which party would be responsible for construction. Staff also noted the concerns over the capacity issues for the proposed restroom usage at the location. Shelly Jackson, Assistant Director of Planning & Codes went over the requirements of TCEQ for septic systems, and pointed out the system would have to be upgraded to account for additional use. Mrs. Jackson also noted that two (2) restroom trailers would be required per one hundred (100) guests.

The Commission discussed the bathroom situation at the location further and concluded that a portable restroom trailer would be the best option. A portable restroom trailer within the parking lot of the Power Plant would provide restroom facilities to guests and keep traffic off Lenz Dr.

The Commission recommended the following conditions for the GLUP; change hours to 9:00 pm, strike out no live bands, include no amplified music, include City approval to allow restroom trailer to be located at entrance of site within Power Plant parking lot.

A motion was made by Vice Chair Felty, seconded by Commissioner Davila, that General Land Use Plan be recommended for approval with the conditions noted for property located at 102 Lenz Drive. The motion carried by the following vote:

Aye 9 - Vice Chair Felty, Davila, Berger, Chairperson DePalermo, Pedigo, Jones III, Schievelbein, Rizo, and Windle

d. [ZC 06-24](#)

Public hearing and possible action on a request for a zoning change from Single-Family Residential (R-1) to Duplex-1 (DP-1) for property located at 415 Troell St., Property ID: 42289, (ZC 06-24)

Indexes:

Melissa Zwicke presented the staff report. She stated that the property is in an existing neighborhood, Spring Hill Subdivision. The majority of properties in the area are zoned single family residential with some non-conforming multi-family uses in the area. The property is in the Suburban Residential Future Land Use District in which low- to medium density and Duplex zoning is supported. Ms. Zwicke added that though Duplex zoning is higher density than Single Family, DP-1 still retains the traditional neighborhood feel of the area. The zoning may be different, but the use is

similar. There are no adverse impacts, public health, or safety concerns identified for the property. Staff received one letter in opposition to the request.

The Commission asked about the ROW of Troell St., the other lots owned by Mr. Aguilar, duplex parking, water availability, and if there are other duplex-1 zoned properties in single family residential areas.

Staff responded that the ROW of Troell St. is 40 ft. The applicant does not have any plans to develop or request a zone change for the other lots he owns. Duplex parking is two (2) parking spaces for each dwelling. Therefore, four (4) parking spaces total would be required. City water is available; however, public infrastructure would have to be extended in order to receive water. Ordinance Number 884 was amended by changing the zoning designation for three properties on E. Martindale St. from Single Family Residential (R-1) to Duplex High Density -2 (DP-2).

The regular meeting recessed, and a public hearing was held. Ramon Aguilar, the applicant, stated he does not have any future plans to request to re-zone or build on the other lots he owns due to the great financial expense of extending the public infrastructure to these areas. There being no additional responses from the public, the regular meeting reconvened for action.

A motion was made by Davila, seconded by Commissioner Schievelbein, that the zoning change from Single Family Residential (R-1) to Duplex Low Density (DP-1) be recommended for approval. The motion carried by the following vote:

Aye 9 - Vice Chair Felty, Davila, Berger, Chairperson DePalermo, Pedigo, Jones III, Schievelbein, Rizo, and Windle

5. Adjournment

There being no further discussion before the Planning and Zoning Commission, the meeting adjourned at 7:21 p.m.

Troy DePalermo, Chair
Planning and Zoning Commission

Francis Serna
Recording Secretary