



Meeting Minutes

Planning & Zoning Commission

Tuesday, October 8, 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 October 8, 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: 7 - Vice Chair Patrick Felty, Eddie Davila, Chairperson Troy DePalermo, Joseph Pedigo, Bobby Jones III, Yesenia Rizo, and Wayne Windle

Absent: 1 - Kelly Schievelbein

3. Approval of Minutes

[24-496](#)

Approval of the Planning and Zoning Commission Minutes of the September 10, 2024 Regular Meeting.

Indexes:

A motion was made by Commissioner Davila, seconded by Commissioner Windle, that the minutes of the September 10, 2024 meeting be approved. The motion carried by the following vote:

Aye 7 - Vice Chair Felty, Davila, Chairperson DePalermo, Pedigo, Jones III, Rizo, and Windle

4. Public Hearings & Action Items

a. [AVAR 01-24](#)

Public hearing and possible action on a request for a variance to allow onsite consumption of alcohol for a property located at 736 E. Kingsbury St. (The Brick Seguin), Property ID: 26350 (AVAR 01-24)

Indexes:

Armando Guerrero presented the staff report. He stated that the site, The Brick Seguin restaurant is located at 736 E. Kingsbury which has been used by other restaurants in the past. He advised that The Brick Seguin restaurant was issued a CO in July of 2023 to operate a drive-thru function of the restaurant and received another CO in July of 2024 to allow for patio seating at the restaurant. The restaurant

is in the process of being renovated to allow for indoor dining and would like to sell alcohol as part of their business; alcohol sales would not exceed 50% of the total sales.

Mr. Guerrero explained that according to the UDC Section 2.16 Variance for Onsite Consumption of Alcohol, a restaurant that sells less than 50% of their total gross revenue from the sale of alcohol, is eligible for a variance on the distance requirements if located nearby churches and schools not opposed to the variance.

The property is located along a major thoroughfare along other commercial uses along E. Kingsbury. He added that residential neighborhoods are located behind the commercial uses on both East and West on Kingsbury Street. The applicant was required to obtain a letter stating no opposition from a church and school located near the business. The applicant's provided a letter from The New Birth Pentecostal Apostolic Church and Weinert Elementary School which are both located near the restaurant.

Staff recommended approval of the variance request as submitting. He advised the Commission that they may also add additional conditional to the variance.

Gordan Allen, the applicant stated that they have begun renovations of the restaurant two years ago and customers have asked about beer and wine sales. He stated he was available to answer questions.

The Commission and the applicant discussed hours of operation.

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

A motion was made by Commissioner Pedigo, seconded by Commissioner Rizo, that the Alcohol Variance request for 736 E. Kingsbury be approved. The motion carried by the following vote:

Aye 7 - Vice Chair Felty, Davila, Chairperson DePalermo, Pedigo, Jones III, Rizo, and Windle

b. [ZC 13-24](#)

Public hearing and possible action on a request for a zoning change from Single Family Residential (R-1) to Commercial (C) for the property located at 1321 Peach St., Property ID:187580, (ZC 13-24)

Indexes:

Melissa Zwicke presented the staff report. Ms. Zwicke stated that the property has the original zoning classification of Single-Family Residential since the original 1989 zoning process. The property is lot 6 of Pine St. Common Subdivision and was platted August 4, 2022.

Ms. Zwicke stated that the applicant is an owner of Pecan Country Chiropractic that sits directly to the East of the site. With the approval of the zone change, the applicant plans to expand the business to 1321 Peach Street with the development of a holistic wellness center. Ms. Zwicke noted that the zoning is compatible with the surrounding uses in the area of both commercial and residential zoning. The property is in the Traditional Residential District of the Future Land Use Plan, which supports neighborhood-scale commercial services.

There are no adverse impacts, public health, or safety concerns identified for the

property and the request does meet the criteria for a zoning change.

Staff did not receive any letters of opposition to the request.

The Commission asked about a buffer between commercial and single family residential, access points, and parking.

Staff stated that a buffer would be required between this property and the property to the north that is zoned single family residential. Currently, the property is only accessed from Peach St. Staff discussed the parking regulations and noted that the applicant will have options when it comes to combining the properties through a replat or requesting a specified use permit for a standalone parking lot.

The regular meeting recessed, and a public hearing was held. There was no input from the public. The regular meeting was reconvened for action.

A motion was made by Commissioner Windle, seconded by Commissioner Jones III, that the zoning change from Single Family Residential to Commercial be recommended for approval. The motion carried by the following vote:

Aye 7 - Vice Chair Felty, Davila, Chairperson DePalermo, Pedigo, Jones III, Rizo, andWindle

c. [ZC 14-24](#)

Public hearing and possible action on a request for a zoning change from Commercial (C) to Public (P) for a property located at 3251 N S.H. 123, Property ID: 18864 (ZC 14-24).

Indexes:

Kyle Warren presented the staff report. He stated the property had been zoned commercial since 1998, one year after it had been annexed into the city limits. The applicant is Guadalupe County who requested the zone change to Public zoning to match the use of the new county elections office.

The request is compatible with surrounding zoning and land uses. The property is in the Regional Commercial of the FLUP which is in support of Public zoning. No health, safety or general welfare issues were identified.

Mr. Warren stated that the request is consistent with the FLUP and follows a logical and orderly pattern. The zone change to Public would make the property act as a transition buffer between higher intensity commercial and industrial zoning to the south and the single-family zoning to the north.

No public comment letters received in favor or against.

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

A motion was made by Commissioner Davila, seconded by Commissioner Windle, that zoning change from Commercial to Public be recommended for approval. The motion carried by the following vote:

Aye 7 - Vice Chair Felty, Davila, Chairperson DePalermo, Pedigo, Jones III, Rizo, andWindle

d. [ZC 03-24A](#)

Public hearing and possible action on a request for a zoning change from Public (P) to Neighborhood Commercial (NC) for a property located at 216 E. College Street, Property ID: 22695, (ZC 03-24)

Indexes:

Kyle Warren presented the staff report. He stated that the request was tabled at the April Planning and Zoning Commission meeting. The applicant has returned with more information on the property with a presentation of proposed uses.

He gave a brief overview of the surrounding properties which include single-family residential and commercial zoning. The property is located in the Downtown Core of the Future Land Use Plan, which supports Neighborhood Commercial zoning if consistent with scale and form of other Downtown tracts.

Mr. Warren stated that the request is consistent with the FLUP and follows a logical and orderly pattern with surrounding properties being a mix of residential and commercial uses, where Neighborhood Commercial zoning is compatible, and acts as an area of transition from Commercial zoned properties to Single family Residential properties. The only concern was the potential for traffic increase at the location.

Mr. Warren pointed out that although the applicant had brought a presentation of proposed uses, it was the zoning change to Neighborhood Commercial zoning that was in question of approval at the meeting. Mr. Warren listed all permitted uses of Neighborhood Commercial from Seguin's Unified Development code that would subsequently be approved uses if the zone change was approved. He added that one letter in support and four letters in opposition were received.

Stephanie Tate, Assistant to the applicant Jason Howell gave the presentation. The presentation consisted of proposed uses of the existing school if the zoning change to Neighborhood Commercial was approved. Some of these uses included a sandwich shop, beer garden, coffee shop, park/open space, a mixed-use commercial-residential building, and a fitness center.

Commissioner Windle asked who would develop the property. Jason Howell, the applicant responded that he could not answer that question right now, but if a good developer were to approach him, he would certainly consider it. No further questions were asked of Mr. Howell.

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

John Baines, 751 N. Austin stated that he liked the project until he saw the proposed use of a beer garden, saying that it wouldn't fit the character of the neighborhood.

Ray Crowell, 623 N. River, stated he is opposed to the zone change and stated that the proposed uses were already at other locations in Seguin. He felt that the development was not family friendly.

Mark Keddal, 219 E. College stated concerns for the preservation on the existing school building's façade as well as the fact that the development should be more residential oriented to fit better with the surrounding residences.

There being no additional responses from the public the regular meeting reconvened

for action.

The Commission further discussed the possibility of more green space, the building not being designated with a historical marker, the beer garden concerns, and facade concerns. Staff explained the permitted uses of Neighborhood Commercial zoning.

A motion was made by Commissioner Davila, seconded by Commissioner Windle, that zoning change from Public to Neighborhood Commercial be recommended for approval. The motion carried by the following vote:

Aye 7 - Vice Chair Felty, Davila, Chairperson DePalermo, Pedigo, Jones III, Rizo, and Windle

e. [24-449A](#)

Public hearing and possible action on amendments to the City of Seguin's Unified Development Code Section 3.4.3 Land Use Matrix, to add "Outdoor Concert Venue (Large and Small)" as a new use, and Chapter 7 (Definitions), to add "Outdoor Concert Venue (Large and Small)" into the definition section.

Indexes:

Armando Guerrero, Planning Manager, presented the proposed amendment changes. He provided the proposed definition for both Large and Small Outdoor Concert Venues:

Outdoor Concert Venue (Small) – An establishment with an outdoor area where live entertainment is performed as a component of the business, and which the outdoor area has an occupancy of less than 100. Live entertainment includes but is not limited to performances by singers, bands, disk jockeys, or other performers.

Outdoor Concert Venue (Large) - An establishment with an outdoor area where live entertainment is performed as a component of the business, and which the outdoor area has an occupancy of 100 or more. Live entertainment includes but is not limited to performances by singers, bands, disk jockeys, or other performers.

Mr. Guerrero noted the changes from the current proposed definition, in comparison to the previous definition, and pointed out that the Downtown Historic District would also be included in the Land Use Matrix for both large and small venues.

Mr. Guerrero stated he researched other cities of various sizes and presented highlights from other cities and their requirements.

The Commission discussed the wording of the proposed definition.

Pamela Centeno, Director of Planning and Codes, went over the definition and noted the current Outdoor Festival Permit process for the City of Seguin, which is used to allow for a one-time event and noted the need for Outdoor Concert Venue to allow for multiple events. Mrs. Centeno also noted that the Commission has the authority to impose conditions that limit the frequency and size of the proposed events.

The Commission discussed the size for the "small" venues and what would be required.

Mrs. Centeno noted that they would still have to adhere to the occupancy requirements but would not be required to obtain a Specific Use Permit.

The Commission then discussed editing the wording of the two definitions.

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

The Commission then discussed the wording for the proposed definition and made recommendation Outdoor Entertainment Venue.

Mrs. Centeno touched on the differences between indoor and outdoor usage and gave some general examples of small and large scale uses.

The Commission then discussed wording and the proposed number for both the small and large definitions. The Commission suggested "less than 150" for small and "150 or more" for large venues.

A motion was made by Vice Chair Felty, seconded by Commissioner Pedigo that the amendments be recommended for approval with the exception that the name be changed to "Outdoor Entertainment Venue," and to change the wording for "small" venue to "occupancy of less than 150", and the "Large" venue be changed to "occupancy of 150 or more." The motion carried by the following vote:

Aye 7 - Vice Chair Felty, Davila, Chairperson DePalermo, Pedigo, Jones III, Rizo, andWindle

f. [24-450A](#)

Public hearing and possible action on amendments to the City of Seguin's Unified Development Code Sections 1.2.2, 1.4, 2.9, 2.9.1, 2.9.2, 2.9.11, and Chapter 7 (Definitions) to amend the delegation of plat approval responsibility as allowed by Chapter 212 of the Local Government Code.

Indexes:

Pamela Centeno, Director of Planning & Codes, presented the proposed amendment changes and noted the new state law that allows municipalities authority to approve plats.

Mrs. Centeno went on to note the intention of the change and touched on the final plat submittal and review process and informed the Commission that if the plat submitted meets the development requirements of the city, the Commission must approve the plat.

Mrs. Centeno advised the Commission which plats are required to come before the Commissions for approval. Mrs. Centeno informed the Commission of the current and the proposed submittal timelines and explained that the current final plat submittal process is required to align with the Planning and Zoning Commission meetings to obtain Commission approval, therefore extending the timeline of approval. Mrs. Centeno also noted that that New Braunfels and San Marcos have moved to the new state law administrative approval process.

The Commission noted their understanding of the requirement to approve the plat, if it meets all the city's requirements, but would like to give the public transparency of what is going on and provide residents the opportunity to speak on plats if they choose to.

Mrs. Centeno pointed out that the City Council meetings would be the best platform for residents to voice their concerns, which could initiate change regarding density. She pointed out that plats meeting the city's requirements are required to be approved by

the Commission regardless of opposition.

The Commission discussed the options of continuing to bring the plats to the Commission for possible discussion. Staff suggested providing the Commission with a report identifying the plats that have submitted for staff review and approval.

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

Francisco Torres, MI Homes 4949 N Loop 1604 W San Antonio Texas, noted he works for a builder and wanted to come and see what all Seguin is doing to provide for families, and noted the surrounding developments that are going on within Seguin.

There being no other responses from the public, the regular meeting was reconvened for action.

A motion was made by Vice Chair Felty, seconded by Commissioner Windle, moved that the Planning and Zoning Commission recommend approval of the proposed amendments with the inclusion that quarterly plat reports be presented to the Planning and Zoning Commission. Commissioner Rizo seconded the motion. The motion carried by the following vote:

Aye 7 - Vice Chair Felty, Davila, Chairperson DePalermo, Pedigo, Jones III, Rizo, andWindle

5. Adjournment

There being no further discussion before the Planning and Zoning Commission, the meeting adjourned at 7:59 p.m.

Troy DePalermo, Chair
Planning and Zoning Commission

Francis Serna
Recording Secretary