



PLANNING & CODES

Planning and Zoning Commission Report ZC 27-21

A request for Zoning Change 27-21 from Commercial (C) to Single Family Residential 1 (R-1) located at the 402 Michna Street, Property ID 15805 was considered during a public hearing at the Public and Virtual Planning & Zoning Commission meeting on November 9, 2021.

Helena Schaefer presented the staff report. She said that the lot is only 4500 sq ft or 0.103 acres in size. The lot does not meet the minimum lot size requirement for commercial zoning. There is currently an existing residential structure on the lot. She explained that the existing structure is a legal non-conforming use which is allowed in a commercial zoning district with an approved Specific Use Permit. Rezoning to property to Single Family Residential 1 would remove the need for an approved Specific Use Permit.

Ms. Schaefer said that the property is located on the outer part of the Town Core area in which residential use is acceptable. She advised that the request to Single Family Residential 1 is compatible with the surrounding land uses and zoning districts.

Staff recommend approval of the zoning change from Commercial (C) to Single-Family Residential (R-1). A zoning change to Single-Family Residential (R-1) is compatible with the current use, and the existing residential zoning seen directly to the south.

Melanie Johnson, the applicant said they remodeled the home and sell is pending. She added that financing it is difficult for a home in commercial zoning.

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

After consideration of the staff report and all information given regarding Zoning Change (ZC 27-21), Commissioner Spahn moved that the Planning and Zoning Commission recommended approval of the zoning change from Commercial (C) to Single Family Residential (R-1) for property located at 402 Michna Street. Commissioner Lievens seconded the motion. The following vote was recorded:

RECOMMENDATION TO APPROVE THE ZONING CHANGE TO SINGLE FAMILY RESIDENTIAL 1 (R-1)

**MOTION PASSED
9-0-0**

A handwritten signature in blue ink that reads "Francis Serna".

Francis Serna, Planning Assistant

A handwritten signature in blue ink that appears to read "H. Schaefer".

ATTEST: Helena Schaefer,
Planning Supervisor



PLANNING & CODES

ZC 27-21 Staff Report
402 Michna St
Zoning Change from C to R-1

Applicant:

New Home Life Enterprises
LLC
PO Box 828
Sequin, TX 78156

Property Owner:

Same as applicant

Property Address/Location:

402 Michna St

Legal Description:

Lot: 9 W 63.65x70 of; SW
2.6 of 8 Blk: 293 Addn:
Bartholomae 0.1058 Ac.
Property ID: 15805

Lot Size/Project Area:

0.1058 acres

Future Land Use Plan:

Town Core 2

Notifications:

Mailed: Oct. 30, 2021
Newspaper: Oct. 24, 2021

Comments Received:

None

Staff Review:

Helena Schaefer
Senior Planner

Attachments:

- Location Map
- Existing Zoning Map
- Future Land Use Plan Map

REQUEST:

A Zoning Change request from Commercial (C) to Single-Family Residential (R-1).

ZONING AND LAND USE:

	Zoning	Land Use
Subject Property	C	Residential
N of Property	C	Commercial
S of Property	R-1	Residential
E of Property	C	Residential
W of Property	R-1	Residential – recently rezoned to R-1 from C

SUMMARY OF STAFF ANALYSIS & RECOMMENDATION:

The property located at 402 Michna St is currently zoned Commercial, but the existing land use is Single-Family Residential. Given the current lot size and location it would be difficult to redevelop the property as Commercial. Staff recommends approval of the zoning change to Single-Family Residential (R-1). A zoning change would be compatible with the current use, and the existing residential zoning seen to the south.

Planning Department Recommendation:

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

PLANNING DEPARTMENT ANALYSIS

SITE DESCRIPTION

The property is currently zoned Commercial and is located at the intersection of N Milam and Michna; the lot is just a half a block south of E Kingsbury St. The lot has an area of 4,609 square feet, with an existing structure of 1,200 square feet. The property has the original zoning classification from the 1989 zoning process and the structure is a legal non-conforming land use. The lot size and dimensions do not meet the minimum requirements for a commercially zoned property. As well, it would be difficult to redevelop the property as commercial, due to lack of space for off-street parking requirements.

CODE REQUIREMENTS:

According to the UDC's Section 3.4.3 Land Use Matrix, the Commercial zoning district allows for an existing single-family residential structure with a Specific Use Permit. This would be triggered if the structure was vacant for more than 6 months. However, the Single-Family Residential (R-1) zoning does allow the use of either an existing or new single-family residential structure. Rezoning to R-1 would remove the need for an approved Specific Use Permit. There have been several approved zoning changes for similar situations, situations where the lot is too small to redevelop for commercial use and have an existing residential use.

COMPATIBILITY WITH SURROUNDING LAND USE & ZONING:

The area to the north of this property is zoned Commercial and was originally an auto repair shop. The area to the east is zoned Commercial with another legal non-conforming structure. Across Michna St to the south, the properties are zoned Single-Family Residential, and the uses are such. Across N Milam St, the zoning at 1214 N Milam was just changed from C to R-1 for the same reason the property at 402 Michna is requesting a zoning change. Changing the zoning to R-1 would make the property compatible in use and zoning to those properties to the south and west.

COMPREHENSIVE PLAN:

This property is located on the outer portion of the Town Core area. Residential use is an acceptable use in this district.

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

No health, safety or environmental issues have been identified for these properties.

TRAFFIC (STREET FRONTAGE & ACCESS):

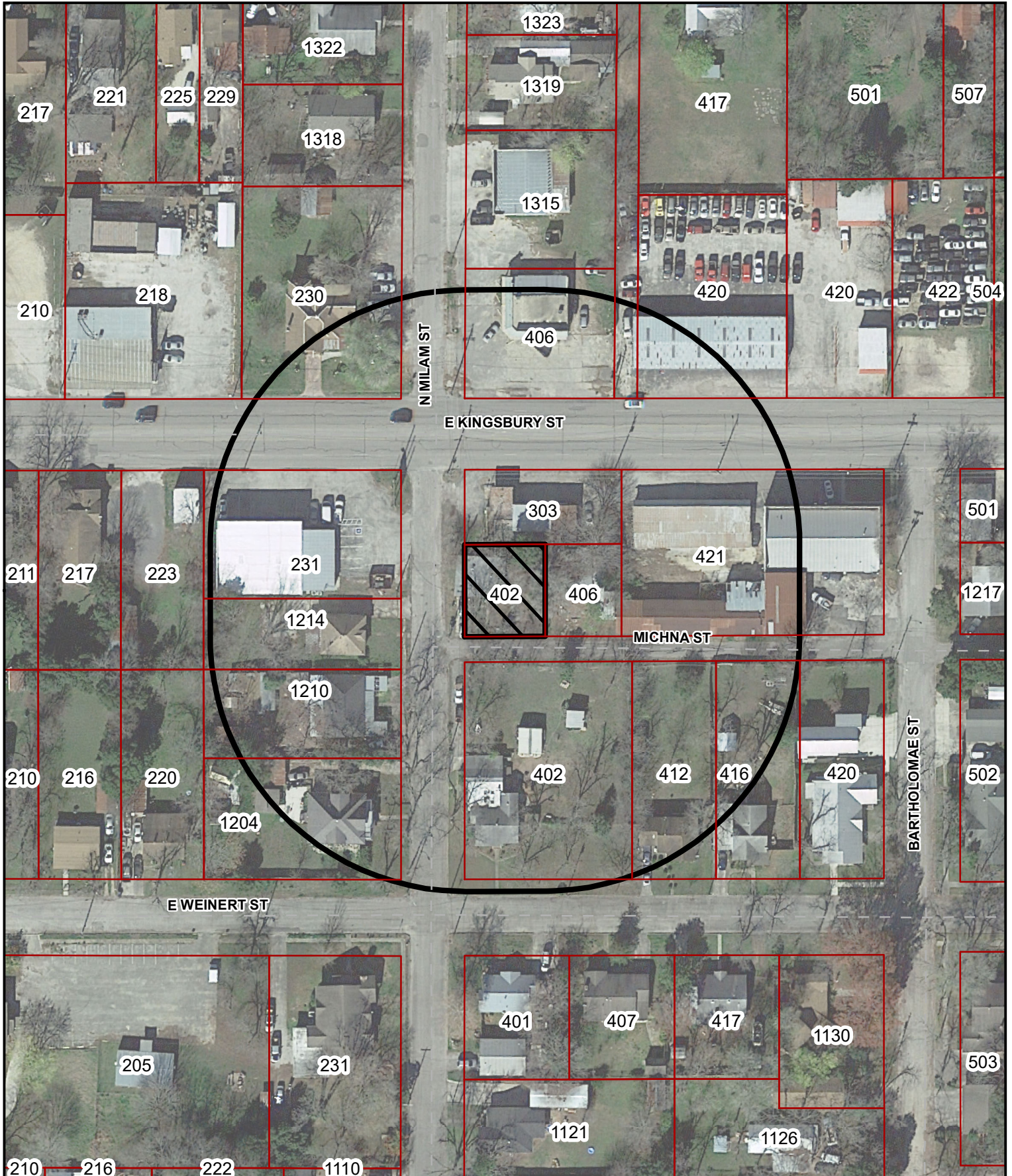
This driveway for this property is on Michna St.

OTHER CONSIDERATIONS:

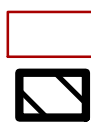
The current residential use of this property is regarded as a legal non-conformity. Commercial zoning does not permit new single-family residential structures and requires a Specific Use Permit for an existing structure vacant for more than 6 months. If the structure is damaged or destroyed to an extent of 50% or more of its assessed valuation, it cannot be rebuilt without a rezoning. As well, financial institutions may hesitate to provide residential loans for commercial zoned properties and insurance companies may not provide coverage.

LOCATION MAP

ZC 27-21 402 Michna St



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.



Lot Lines



Site Location

200' Notification Buffer

1 inch = 100 feet

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ZONING MAP

ZC 27-21 402 Michna St



Agricultural - Ranch	Single Family Residential 2	MultiFamily 1	Manufactured Home Park	Industrial
Rural Residential	Zero Lot Lines	MultiFamily 2	Neighborhood Commercial	Public
Suburban Residential	Duplex 1	MultiFamily 3	Commercial	Planned Unit Development
Single Family Residential 1	Duplex 2	Manufactured-Residential	Light Industrial	ROW

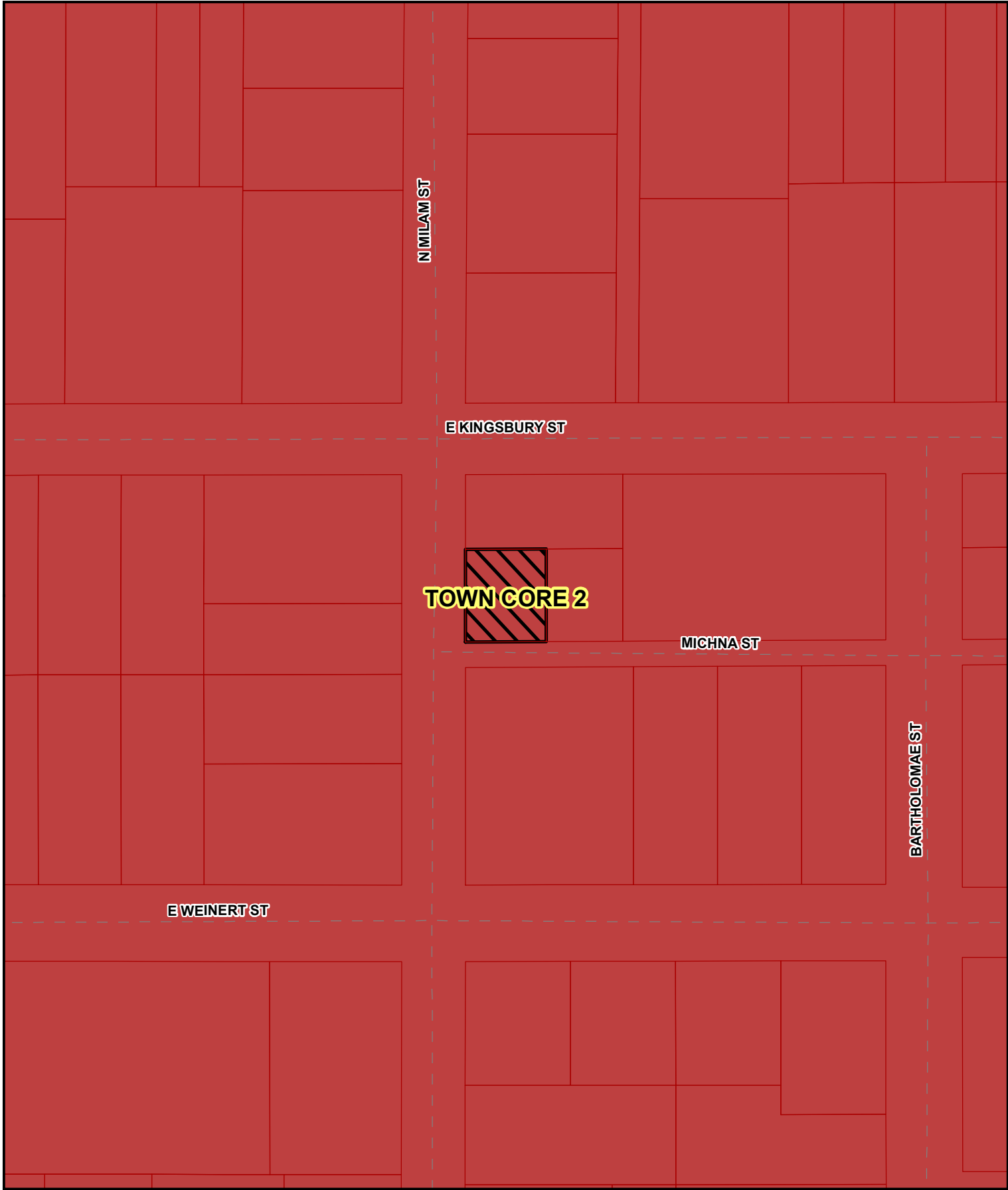
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Ownership

Site Location

1 inch = 100 feet

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TOWN CORE 2

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Ownership



Site Location

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