



PLANNING & CODES

Planning and Zoning Commission Report

ZC 13-22

A request for Zoning Change 13-22 from Commercial (C) to Multi Family High Density (MF-3) for a 15.57-acre portion out of an 18.17-acre tract NE corner of SH N. and Cordova Rd., Property ID 175347 was considered during a public hearing at the Public and Virtual Planning & Zoning Commission meeting on July 12, 2022.

Helena Schaefer presented the staff report. She said that the applicant is requesting to rezone a portion of a 15.57-acre tract from Commercial to Multi-family residential. The vacant 15.607-acre tract is zoned Commercial along the eastern side of State Hwy 46 N near the Lily Springs and the Cordova Rd Tract residential developments. The applicant is requesting 15.57 acres of the 18.17 acres be rezoned to multi-Family 3, leaving 2.407 acres in commercial zoning. The applicant is proposing a 272-unit apartment complex. Therefore, the property needs to be rezoned accordingly. Commercial zoning does allow apartments, but only on the second floor of a structure. In addition, any multi-family zoning adjacent to single family residential zoning require additional setbacks and buffer. The proposed apartment complex will be adjacent to a single-family residential development to the east, currently known as Cordova Road Tract.

Ms. Schaefer said that the property is within the Lily Springs Subdivision. She gave an overview of the surrounding properties. The properties to the north and east are single family residential, property to the west is also a residential development with commercial zoning front SH 46. To the south is the intersection of SH 46 N. and Cordova Rd followed by farmland that is outside the city limits. She added that the closest multi-family zoning is further south about 2.1 miles next to Greenspoint Heights.

She explained that when the future land use plan was created in 2009, the property was not in the city limits or the ETJ. However, the trend of the plan shows the Town Approach district following SH 46 N with emergent and rural residential behind it. The Town Approach straddles Hwy. 46 and extends 450 feet from the right-of-way. Multi-family is not a recommended use in these land use districts due to density. Multi-family 3, which the applicant is requesting, allows a maximum of 20 units per acre. High-density multi-family uses are recommended in the Commercial Nodes, Town Corridors, Town Cores and the University District.

She gave a brief over of the approved multi-family zoning change requests in last six months. Multi-family developments are recommended to be located within walking distance of employment centers, shopping areas, schools, recreation, and retail/service uses. The walking distance decreases vehicular traffic. A zoning change that was approved along State Hwy 46N in the Town Approach Future Land Use District, which does not recommend multi-family land uses.

Ms. Schaefer stated that high density multi-family development will significantly increase vehicular traffic with impacts on traffic congestion and safety. Currently the only access to the property is Sun Lily Rd, a new street in the Lily Springs subdivision. Access to SH 46 would be subject to the approval of TxDOT. She reminded the Commission that the intersection of Cordova Rd and SH 46 will be re-aligned to Three Oaks Rd and become signalized. She stated that in 2018 a TIA for the Lily Springs development listed two commercial sites for a total of 10.83 acres with the remaining area for single family residential. An amended TIA was submitted in 2019 and depicts a potential multi-family development with 130 units on 6.75 acres, but the property was never rezoned to match the proposed use. The area was rezoned to commercial in early 2022, as stated previously. This rezone would allow up to 311 units. With the proposed change, a revision to the TIA would be required. It would need approval from both the City and TxDOT. The city has not received a revised TIA to reflect the change. A multi-family development of this size requires two points of access. The preliminary plat was approved with only two access points onto SH 46. The engineers for the development are proposing two new access points onto SH 46 which have not been approved and accepted by the City or TxDOT.

Ms. Schaefer stated that the property is being proposed for property tax exemptions under the Public Facility Corporation Act in the Texas Local Government Code. A presentation on public facility corporations was made to council at the May 17, 2022, meeting. Such a development would be subject to council approval. The intent of the project is to provide class a workforce housing with a minimum of 50% of the units leased to people at or below 80% of median income (which is \$66,320). The development group that did the presentation is considering the site. Other sites can be considered within the city.

As always, the Commission should take into consideration that any plans presented by the applicant are just proposed plans and have not gone through the appropriate review process.

The Commission discussed concerns with the Public Facility Corporation Act.

Alan Huber, Mosaic Land Development, Boerne, Texas said he is requesting a zoning change to multi-family residential. He said they have met with TxDOT regarding the TIA and thought the amended TIA was submitted. Mary Hamann, Assistant City Engineer stated the amended TIA was not received by staff. He said they do have an agreement with Pulte regarding sharing the amenities.

Brandon with Vaquero, the Developer said he could not speak directly regarding the PFC, although he knew Steve Parker does plan to speak to Mr. Morales, Navarro ISD Superintendent prior to proceeding with the PFC. Brandon gave a presentation on the proposed development.

The Commission inquired about playgrounds, fencing and access points. They expressed concerns with the PFC.

Burt Wellmann, KFW Engineers, 162 W. Mills, New Braunfels, spoke regarding access to the site and the amenities. He said he was available to answer questions.

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

Luke Morales, Navarro ISD Superintendent spoke regarding the proposed tax exemption. He stated that Navarro ISD depends on tax dollars from the residential units to sustain the level at NISD. He said residents choosing to live in Navarro ISD are looking at enrolling their children at Navarro. Mr. Morales

stated that when tax dollars are taken, they are not able to educate students at the level that NISD provides.

Dave Gettig stated that when reviewing the Master Plan, they discussed the zoning designation for the property and the potential of hurting the NISD tax base.

There being no additional responses from the public the regular meeting reconvened for action.

Commissioner Davila and Bregande spoke in support of the request. Commissioner Jones commented that over the last six months over 1100 apartment dwelling unit have been approved. He stated that he does not see people being able to fill all the apartments units. He felt that we may be limiting the potential growth.

Chair Gettig stated that the Commission's actions should be based on the approved Future Land Use Plan.

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 13-22), Commissioner Lievens moved that the Planning and Zoning Commission recommended approval of the zoning change from Commercial (C) to Multi Family High Density (MF-3) for property located at the NE corner of SH 46 N and Cordova Rd. Commissioner Davila seconded the motion. The following vote was recorded:

RECOMMENDATION TO APPROVE THE ZONING CHANGE TO MULTI FAMILY HIGH DENSITY (MF-3)

MOTION PASSED

6-2-0


Francis Serna, Planning Assistant


ATTEST: Helena Schaefer,
Senior Planner



PLANNING & CODES

ZC 13-22 Staff Report
NE Corner of SH 46 N & Cordova Rd
Zoning Change from C to MF-3

Applicant:

KFW Engineers
162 W Mill St
New Braunfels, TX 78130

Property Owner:

SA Schrader LLC
6812 West Ave, St 100
San Antonio, TX 78213

Property Address/Location:

NE Corner of SH 46N &
Cordova Rd

Legal Description:

ABS: 20 SUR: AM Esnaurizar
15.57 ac.
Property ID: 175347

Lot Size/Project Area:

A portion of 15.57 acres out
of 18.17 acres

Future Land Use Plan:

Outside of the current
Future Land Use Plan

Notifications:

Mailed: July 1, 2022
Newspaper: June 26, 2022

Comments Received:

None

Staff Review:

Armando Guerrero
Planner

Attachments:

- Location Map
- Existing Zoning Map
- Future Land Use Plan
- Proposed Zoning Exhibit
- Proposed Driveways

REQUEST:

A zoning change request from Commercial (C) to Multi-Family 3 (MF-3)

ZONING AND LAND USE:

	Zoning	Land Use
Subject Property	C	Farmland
N of Property	R-1	Lily Springs Residential Subdivision
S of Property	C	Residential, RV Park and Church
E of Property	R-2	Farmland
W of Property	C	Farmland

SUMMARY OF STAFF ANALYSIS & RECOMMENDATION:

The applicant is requesting a zoning change for a multi-family residential development. The existing commercial zoning is compatible with existing zoning along State Hwy 46N.

Multi-family developments are desirable and important for providing a variety of housing options and addressing the diverse needs of the existing and future residents of this growing community. The Commission should consider the recommendations of the Future Land Use Plan and the land uses/zoning designations in the area when considering this request. The Commission should also consider traffic, access and proximity to local amenities and services, and the need for affordable housing options in Seguin when determining if the location of the multi-family is suitable as proposed.

SITE DESCRIPTION:

The current site is vacant undeveloped land on the northeast corner of State Hwy 46N and Cordova Rd. The 18.17 acre tract is zoned commercial. A 15.57 acre portion is being proposed for the rezoning. The original zoning during the 2019 annexation process was Ag-Ranch. In December 2021, the tract was rezoned to Commercial.

CODE REQUIREMENTS:

The applicant is proposing a multi-family residential development on 15.57 acres. The proposed boundary of the MF-3 zoning district as prepared by the applicant is attached. Multi-family developments adjacent to properties zoned for single-family dwellings require additional setbacks and buffer yards per Section 5.2.6 of the UDC.

COMPATIBILITY WITH SURROUNDING LAND USE & ZONING:**Existing & Developing Land Uses:**

- **North:** To the north, there is a single-family residential development in the home construction phase, Lily Springs.
- **East:** To the east of the tract is a proposed single-family residential development on two tracts of land totaling 114 acres. It is currently in the development standards phase.

- West: To the west is another single-family residential development that has commercial zoning fronting State Hwy 46N. This is Water's Edge and should start the home construction phase in the next few months.
- South & Southeast: The area immediately to the south is the intersection of State Hwy 46N and Cordova Rd. This intersection will be re-aligned to the south, so that Cordova Rd will align with Three Oaks Rd. To the southeast, there is a large farmland tract outside the city limits.

Surrounding Zoning Districts:

- SH 46 Frontage Extending South: The frontage along the west side of SH 46 directly to the south is zoned commercial. There is a 138 acre tract not in the city limits, so it is not zoned. Continuing south, there is a section zoned Ag-Ranch. One of the tracts (on the east side of SH 46N) requested a multi zoning change a few months ago. The applicant was proposing Commercial, Single-Family Residential and Multi-Family; that request was withdrawn. Commercial zoning continues south along the SH 46 frontage approaching IH-10 with an area of existing light industrial development near the Interstate.
- SH 46 Frontage Extending North: The frontage to the north is zoned for commercial and single-family residential developments. The city limits and the ETJ boundaries are less than 0.1 miles to the north.

Compatibility with the proposed Multi-Family, Commercial, and Single-Family Residential:

- Multi-Family High Density (MF-3): There are no existing multi-family developments or designated zoning districts within the vicinity of this tract. There is a multi-family development proposed for an area fronting SH 46 approximately 2.1 miles to the south in front of Greenspoint Heights.
- Commercial (C): Though mostly undeveloped, commercial zoning is the prominent zoning district fronting SH 46 as it extends south towards IH-10. The depth of the commercial zoning along SH 46 varies with the average depth of 375'-550'. A few tracts near the Rudeloff Rd intersection are 300' deep. The proposed depth of commercial for the subject tract is 300'-400'. Closer to the property, there are commercially zoned properties in front of Water's Edge and Three Oaks single-family residential developments.
- Single-Family Residential (R-1 & R-2): Many of the tracts proposed for residential subdivisions to the north have a significant portion of the SH 46 frontage designated for commercial land uses; but extending north traveling away from the developed areas of Seguin, some of the single-family residential is directly adjacent to SH 46, like Three Oaks and Lily Springs. All of the single-family residential tracts to the south, however, have a buffer of commercial zoning along the highway.

COMPREHENSIVE PLAN (The Future Land Use Plan):

This property was just outside of the City of Seguin's ETJ when the Future Land Use Plan was adopted, however, the trend of the FLUP shows the Town Approach District following State Hwy 46 N with Emergent Residential and Rural Residential district behind the frontage and along Cordova Rd. Town Approach district straddles the major thoroughfare and extends 540 ft from the right-of-way. Multi-family is not an appropriate use for this district. The Emergent Residential and Rural Residential recommend low- to medium-density residential such as single-family and duplex, but do not recommend multi-family land uses.

Multi-Family Developments are on the rise in Seguin:

In the past six months four zoning changes have been approved for new high-density multi-family developments totaling approximately 52 acres of development with a maximum of 1,115 dwelling units. Three of the proposed developments are located within commercial nodes. The last multi-family zoning change was approved in March 2022 and is not located in a node; the proposed complex is found within the Town Approach, which doesn't recommend multi-family. Elsewhere in the City, a 198-unit apartment complex is under construction on Court Street within the University District.

When a community evaluates proposed multi-family developments, the quantity and location of the proposed developments should be considered. High-density apartments that are properly located can provide a lasting community asset. A variety of housing options are desirable in a growing community. High-density rental units aim to create move inclusive, equitable, and affordable neighborhoods. The Future Land Use Plan identifies the suitability of

multi-family development within districts based on desirable residential density patterns- with emphasis on accessibility to transportation facilities, community facilities, amenities, and the character of existing development.

TRAFFIC (STREET FRONTAGE & ACCESS):

One of the common concerns about multi-family developments is the increased vehicular traffic and potential congestion that an apartment complex can bring, specifically with a high number of dwelling units. To mitigate these potential impacts to the community, multi-family developments are recommended to be located within a walkable adjacent area to employment centers, schools, recreation and park facilities, and commercial developments (including retail and service). The goal is to increase pedestrian movement and decrease vehicular traffic.

Currently the only access to this tract is from Sun Lily Rd, a new street in the Lily Springs subdivision. Any access onto State Hwy 46N must be approved by TXDOT. As mentioned above, the intersection of State Hwy 46N and Cordova Rd will be re-aligned to include Three Oaks Rd. This will be a signalized intersection.

The TIA for the Lily Springs Subdivision from August 2018 listed two retail/commercial sites for a total of 10.83 acres with the remaining land developed as single-family residential. An amended TIA dated March 2019 reflects a potential multi-family development with 130 units on 6.75 acres, but the property has never been rezoned to multi-family. Only the single-family residential portion of the Lily Springs Subdivision has been developed to date, and the 18.17-acre portion of the subdivision that is south of Sun Lily Rd was rezoned from Agricultural Ranch to Commercial in December 2021. A rezone to multi-family 3 for 15.57 acres would allow up to 311 units. Such changes to the development would require revisions to the existing TIA that will require review and approval from the City of Seguin and TxDOT.

The Lily Springs Subdivision, per the Preliminary Plat, is approved for two access points to SH 46. There is a 1' non-access easement along SH 46 with the exception of the two roads into the subdivision- Sunny Day Rd and Sun Lily Rd. A traffic signal is required at Sun Lily Rd. The subdivision does not have direct access to Cordova Rd. Future access points will be available through adjacent tracts per TxDOT and City of Seguin access management guidelines as they develop.

The Engineers for the development recently met with the Seguin Engineering Department and TxDOT to propose two additional access points to the subdivision between Sun Lily Rd and Cordova Rd (see attached). The proposed driveways do not meet the requirements of the Preliminary Plat as approved by TxDOT and the City of Seguin. The Engineers for the development are currently preparing an update to the existing TIA that will likely include these two proposed new access points on SH 46 between Sun Lily Rd and Cordova Rd. This update will be reviewed by TxDOT and the City of Seguin when it is submitted.

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

None specifically identified.

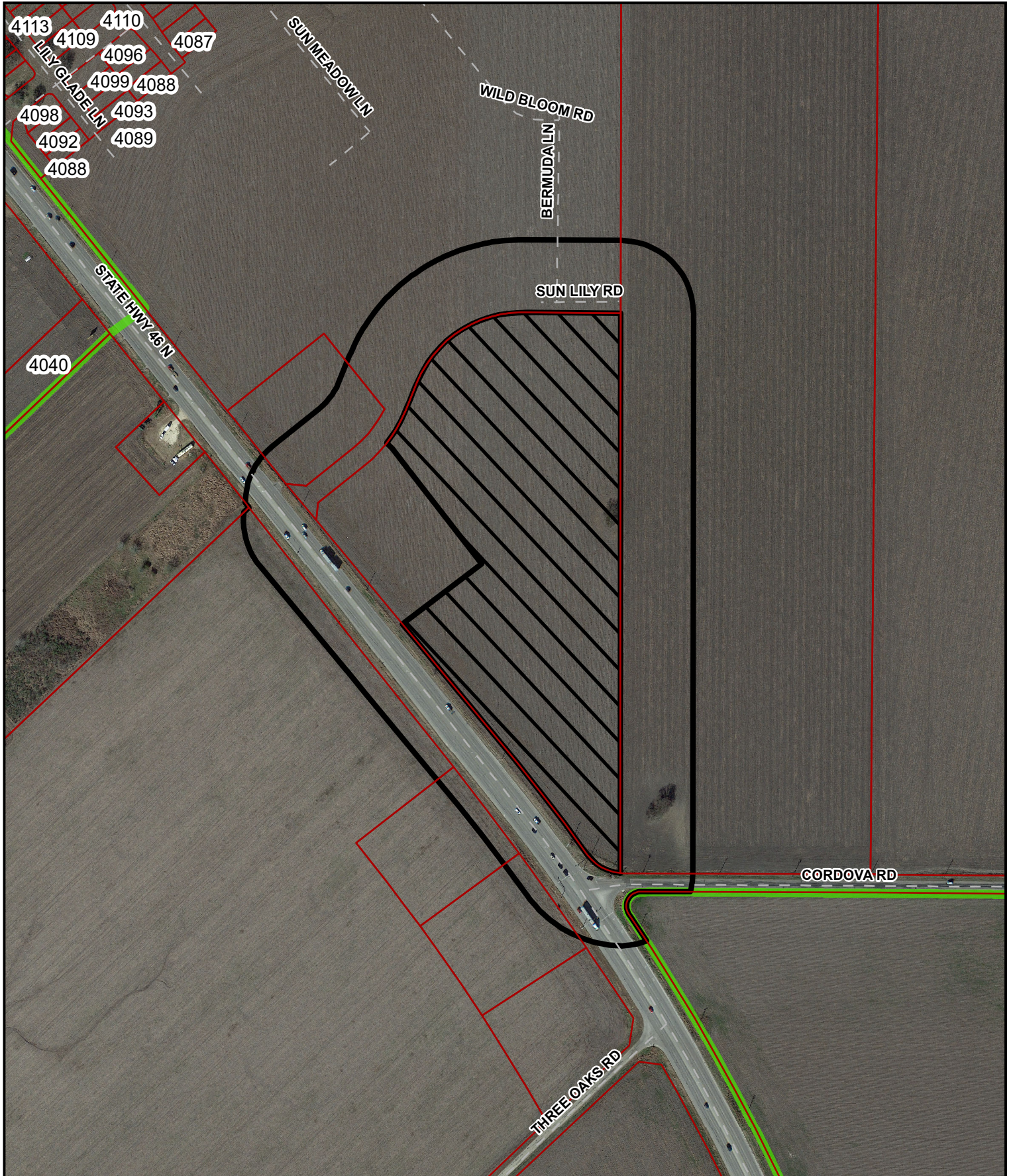
OTHER INFORMATION: This property is being proposed for property tax exemptions as made available under the Public Facility Corporation Act adopted in Section 303.042(f) of the Texas Local Government Code. A presentation on Public Facility Corporations (PFC) was made to City Council at the May 17, 2022 meeting. Development under a PFC is subject to City Council approval. The intent of the project is to provide Class A workforce housing with a minimum of 50% of the units leased to people at or below 80% of median income (\$66,320). The development group is presently considering this site, but other sites in the City could be considered. Potential development under a PFC does not impact the zoning process.

OTHER CONSIDERATIONS:

As always, the Commission should take into consideration that any plans provided by the applicant are just proposed. Until the plans are engineer-designed and approved by all reviewing entities, these plans can change- standard zoning laws and development regulations as adopted would apply.

LOCATION MAP

ZC 13-22 N Hwy 46 & Cordova Rd



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Lot Lines



Site Location

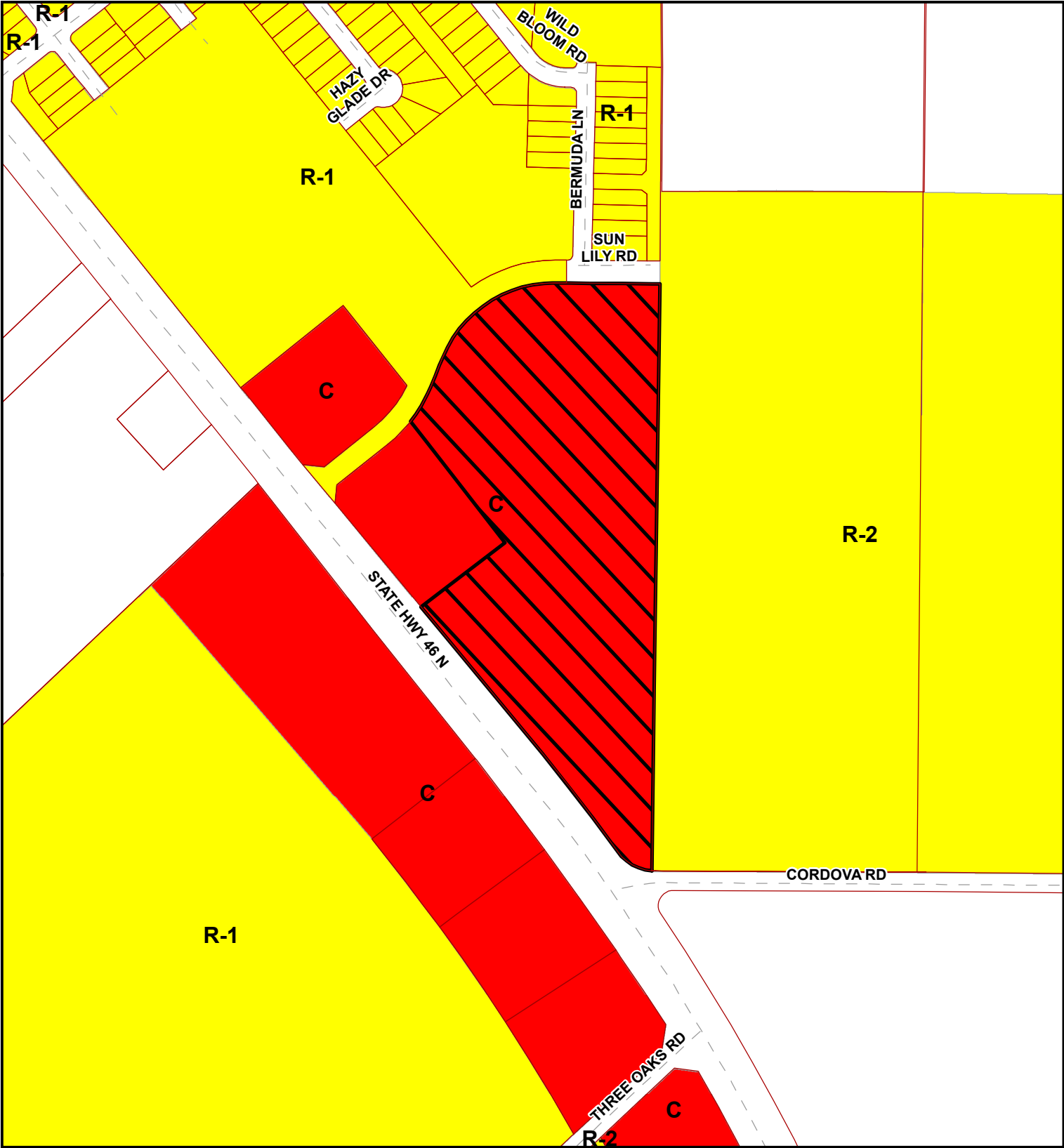


200' Notification Buffer
1 inch = 350 feet

Printed: 6/17/2022

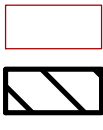
ZONING MAP

ZC 13-22 N Hwy 46 & Cordova Rd



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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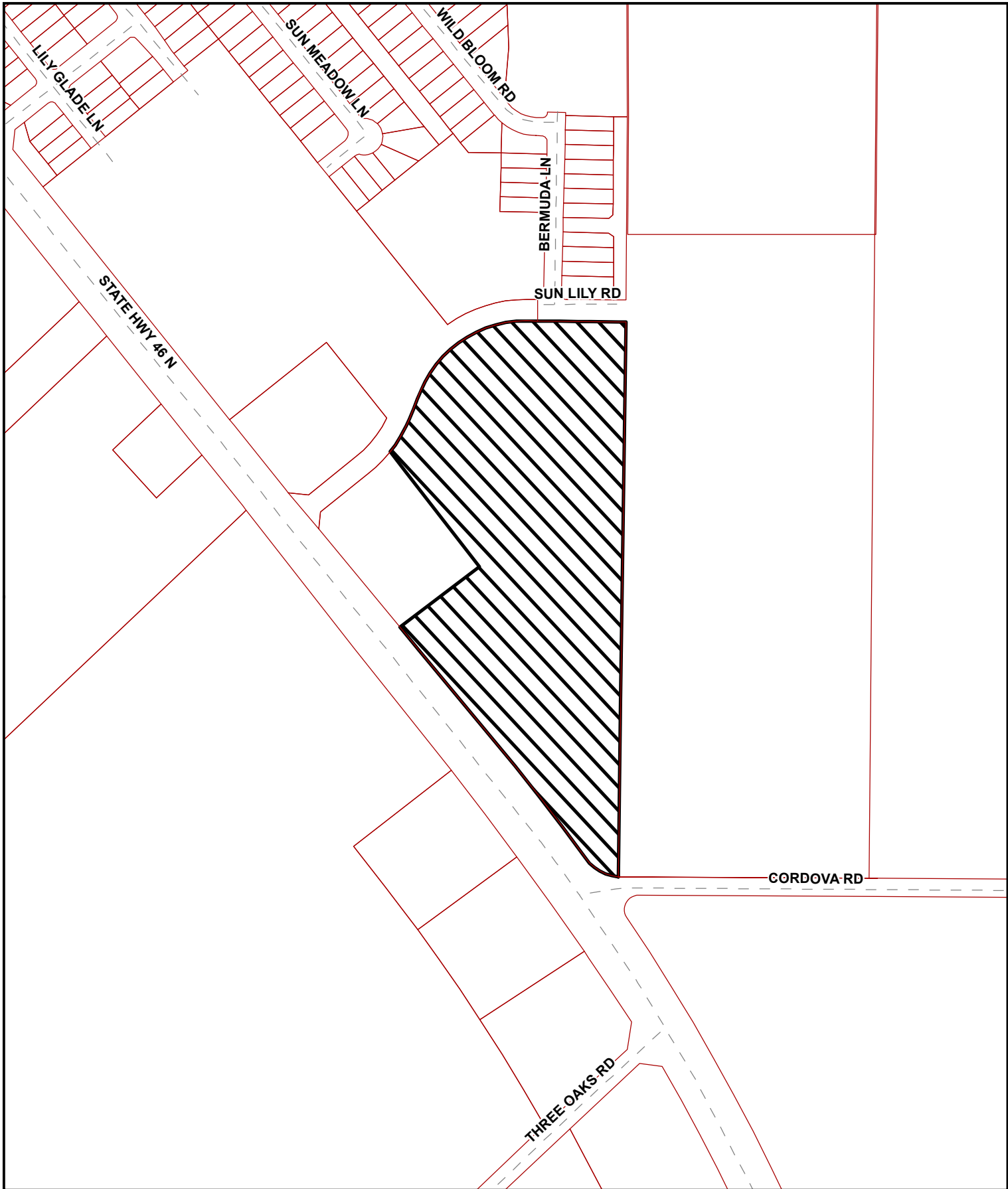


Ownership

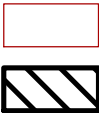
Site Location

1 inch = 350 feet

Printed: 6/16/2022



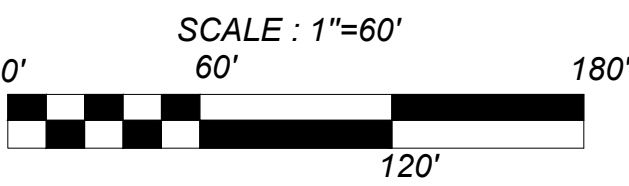
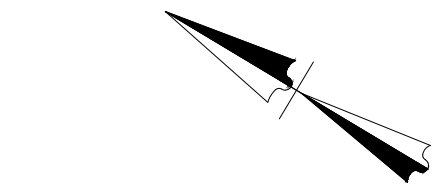
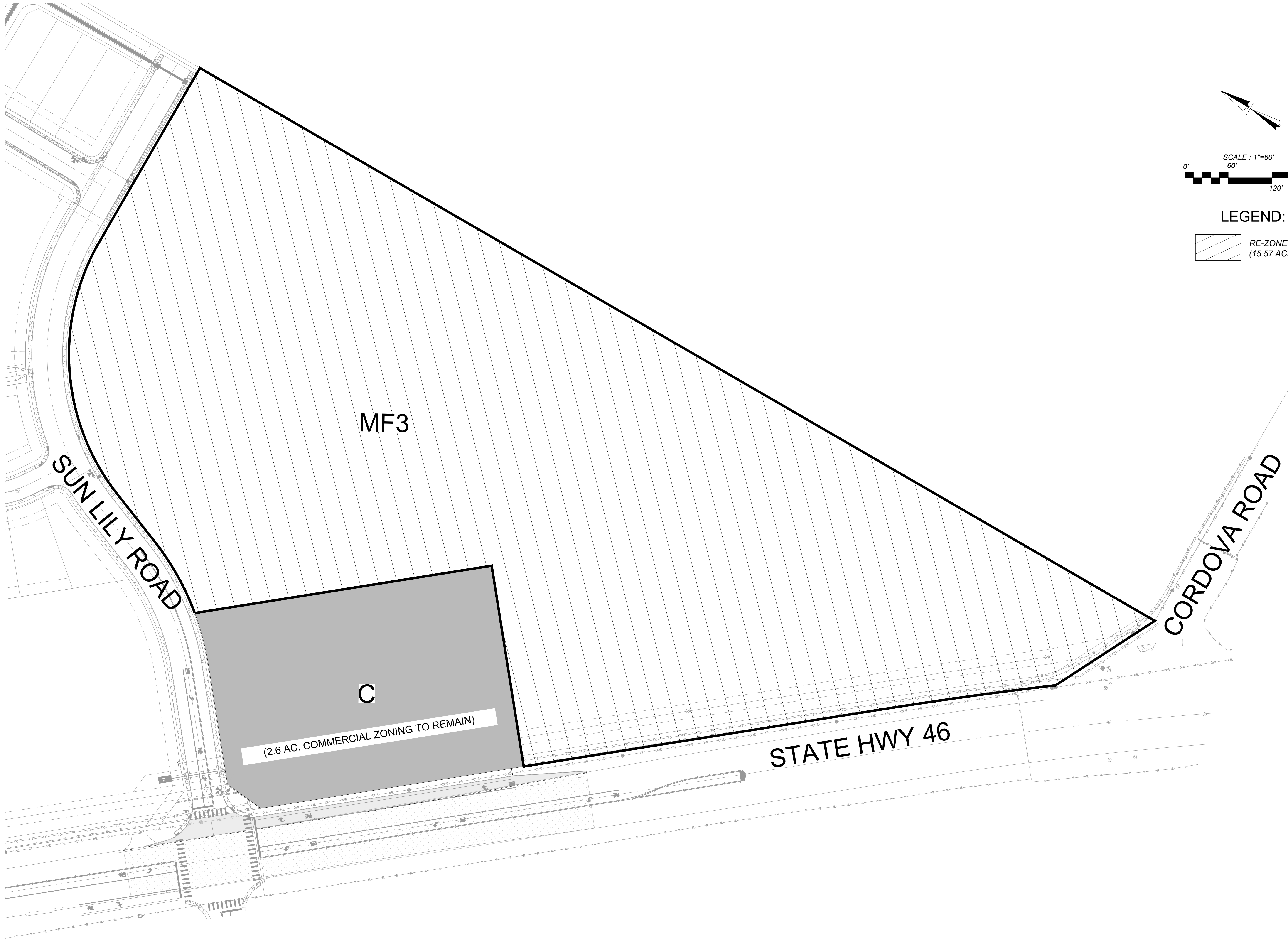
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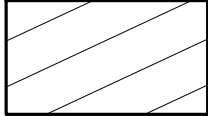
Ownership
Site Location

1 inch = 350 feet
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File: N:\3661\2204\Design\GIS\CAD\GENERAL LAND USE PLAN.dwg



LEGEND:

 RE-ZONE (C TO MF3)
(15.57 ACRES)

LILY SPRINGS UNIT 5
SEGUN, TX
ZONING EXHIBIT

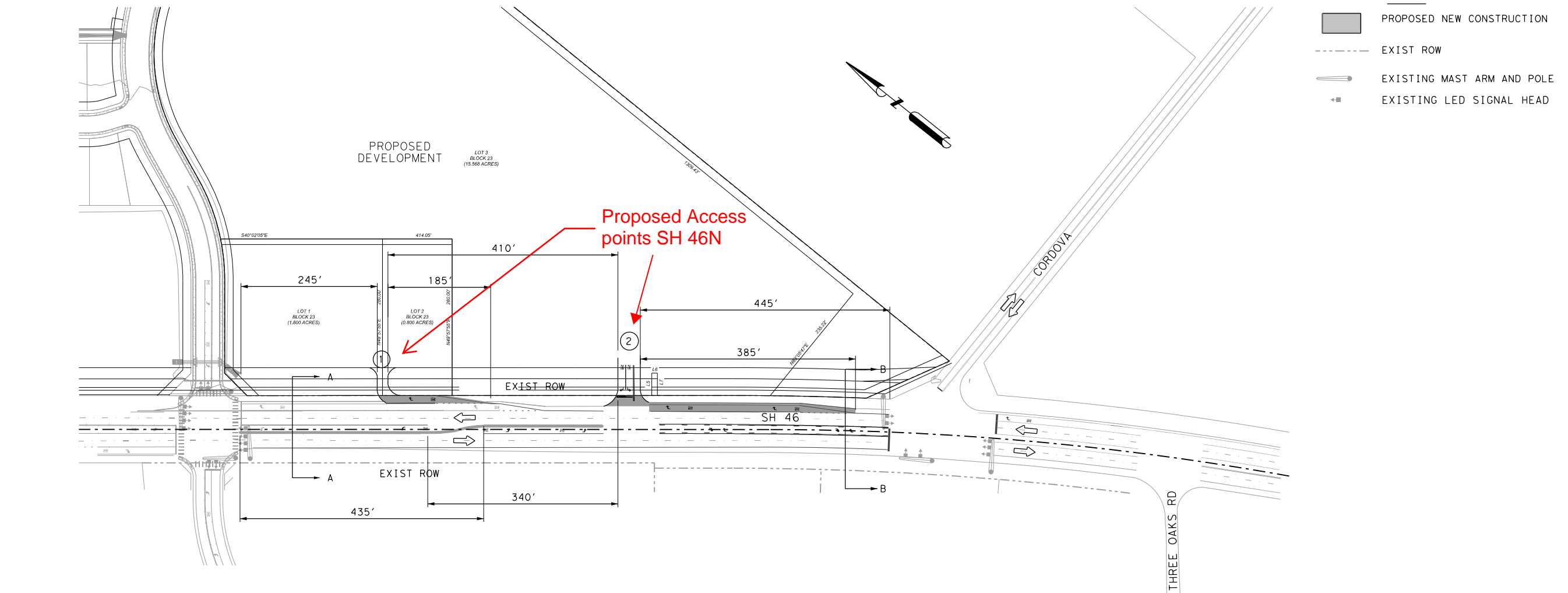
JOB NO.: 366-12-04
DATE: June 2022
DRAWN: WB CHECKED: BW
SHEET NUMBER:
EX-01

KFW
ENGINEERS + SURVEYING
2204 E. Highway 167, Suite 100
Seguin, TX 78155
Phone #: (210) 879-8444 • Fax #: (210) 879-8441
TBPB Firm #: 9813 • TBPB.S Firm #: 1012300

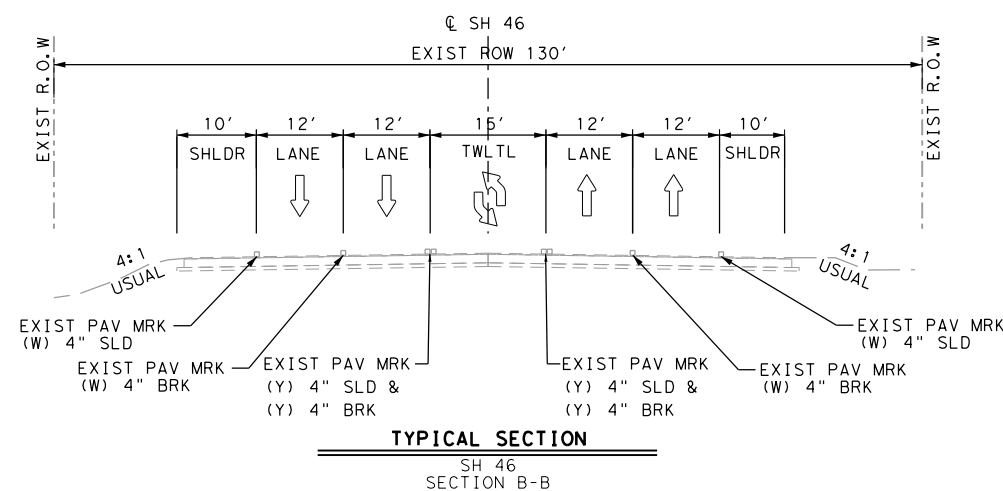
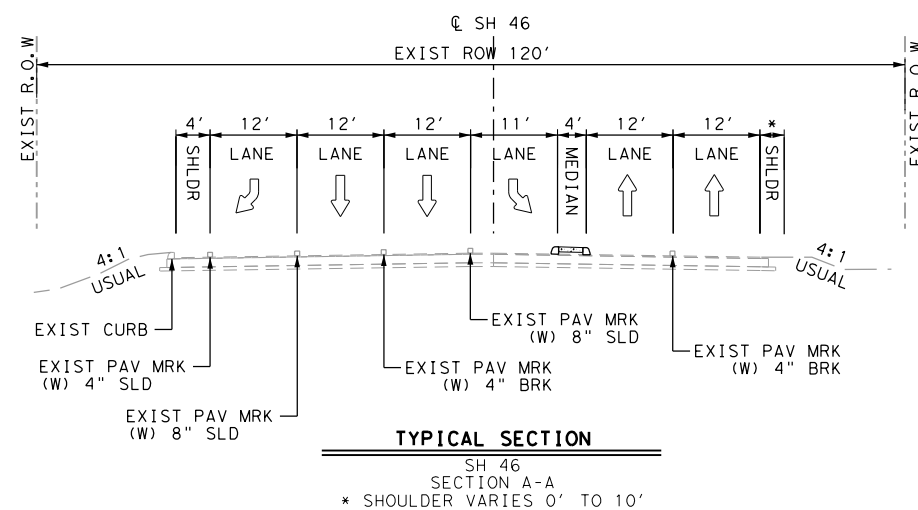
ISSUE DATE

REVISIONS

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4/28/2022
nick
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- LEGEND
- PROPOSED NEW CONSTRUCTION
 - EXIST ROW
 - EXISTING MAST ARM AND POLE
 - EXISTING LED SIGNAL HEAD



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NAME P.E. # DATE



Legacy Engineering Group, PLLC
7800 W Interstate 10, Ste. 830, San Antonio, Texas 78230, 210.493.3700
TBPE Firm Registration No. 20623

LILY SPRINGS
PROPOSED SH 46
IMPROVEMENTS

SCALE: 1" = 200'				SHEET 1 OF 1	
FED. RD. DIV. NO.	PROJECT NO.				SHEET
6	-				
STATE	DIST.	COUNTY			
TEXAS	SAT	GUADALUPE			
CONT.	SECT.	JOB	ROADWAY		
-	-	-	SH 46		