



PLANNING & CODES

ZC 22-22 Staff Report
1800 Blk Friesenhahn Rd
Zoning Change from C to I

Applicant:

Earl & Associates PC
10007 Huebner Rd, Ste 330
San Antonio, TX 78240

Property Owner:

Mount Vernon LLC
PO Box 2246
Seguin, TX 78156

Property Address/Location:

1800 Blk of Friesenhahn Rd

Legal Description:

Abs: 11 Sur: JD Clements
Property ID: 52897

Lot Size/Project Area:

26.25 acres

Future Land Use Plan:

Regional Node B

Notifications:

Mailed: Dec 28, 2022
Newspaper: Dec 27, 2022

Comments Received:

None

Staff Review:

Helena Schaefer
Senior Planner

Attachments:

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

REQUEST:

A Zoning Change request from Commercial (C) to Industrial (I).

ZONING AND LAND USE:

	Zoning	Land Use
Subject Property	C	Quarry
N of Property	PUD, C	Undeveloped land, Natural gas business
S of Property	C	Auto Repair business, Waste Connection office
E of Property	C	Ewald Kubota dealership
W of Property	PUD	Undeveloped land

SUMMARY OF STAFF ANALYSIS:

The property is located north of IH 10W and is "land locked". It was the site of an old quarry. The applicant is seeking a zoning change to Industrial.

The Commission should consider the recommendations of the Future Land Use Plan, as well as the existing land uses/zoning in the area. The Commission should also consider what could possibly be developed in the future at this site.

CRITERIA FOR ZONING CHANGE:

Consistency with the future land use plan – Not consistent.

Compatible with existing and permitted uses of surrounding property – As the use is proposed for industrial, there is no compatibility with the existing land uses and zoning. Most industrial uses tend to be noncompatible due to the nature of the activities

Adverse impact on surrounding properties or natural environment – Industrial zoning permits outdoor uses without screening or buffering requirements.

Proposed zoning follows a logical and orderly pattern – No, as industrial uses have no logical and orderly pattern.

Other factors that impact public health, safety or welfare – possibly, due to the old quarry.

PLANNING DEPARTMENT ANALYSIS

SITE DESCRIPTION

The 26.25 acre tract was the site of a quarry and is located north of IH 10 and west of State Hwy 46N. The property has its original zoning from the 1998 annexation process. It was determined that the area between IH 10W and FM 78 “to Commercial is more appropriate for the existing land uses”.

CODE REQUIREMENTS:

The intent of the Industrial zoning is to allow for “heavy manufacturing, assembling and fabrication activities that do not typically depend upon frequent customers or client visits”. A few permitted uses in this zoning district include heavy industry (the transformation of materials into new products), light industry (manufacturing of finished or semi-finished products or parts), salvage yards, freight terminals, truck stops, warehousing with outdoor storage, etc. The use of a concrete batch plant will require an approved specific use permit. As well, drilling or mining requires an approved specific use permit. Industrial zoning allows for more outdoor uses without additional regulations, such as buffering and screening.

COMPATIBILITY WITH SURROUNDING LAND USE & ZONING:

The property is adjacent to the developed properties along the interstate. To the south and east of the property, there is commercial zoning. The existing land uses are an engine repair store, the Waste Connection office and storage yard, and Ewald Kubota dealership. These uses are generally permitted in commercial zoning. However, any outdoor storage or activities do require a specific use permit, but these uses are grandfathered. To the west and north, there is undeveloped land zoned as a Planned Unit Development (PUD). This is the site of the New Quest development. This area was rezoned to a PUD with an approved general land use plan in 2009. The general land use plan has since expired as no development has occurred. Any proposed uses in this general land use plan will have to go back for approval by this Commission. There are industrial zoned properties across the interstate, at the site of Caterpillar. However, these uses don't impact the surrounding area as activities are contained within buildings.

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

No health, safety and general welfare issues have been identified by the applicant. The property would need to be reclaimed. The State enacted the Texas Aggregate Quarry and Pit Safety Act of 1991.

COMPREHENSIVE PLAN (The Future Land Use Plan):

This property falls completely in the Regional Node B future land use district. The intent of this district is to create environments within the City that encourage development at a regional scale due to the intersection of two major transportation corridors. In this case, to the north is the intersection of IH 10 W and State Hwy 46 N. More appropriate uses in this future district are retail, commercial and multi-family in nature. Industrial is not an appropriate use. There is only one future land use district where industrial is an appropriate use, the Employment district.

TRAFFIC (STREET FRONTAGE & ACCESS):

This property has no direct access to a public right of way. It appears that the property is accessed thru the property at 1820 Friesenhahn Rd or 1900 IH 10 W. Staff is not aware of a recorded access easement.

OTHER CONSIDERATIONS:

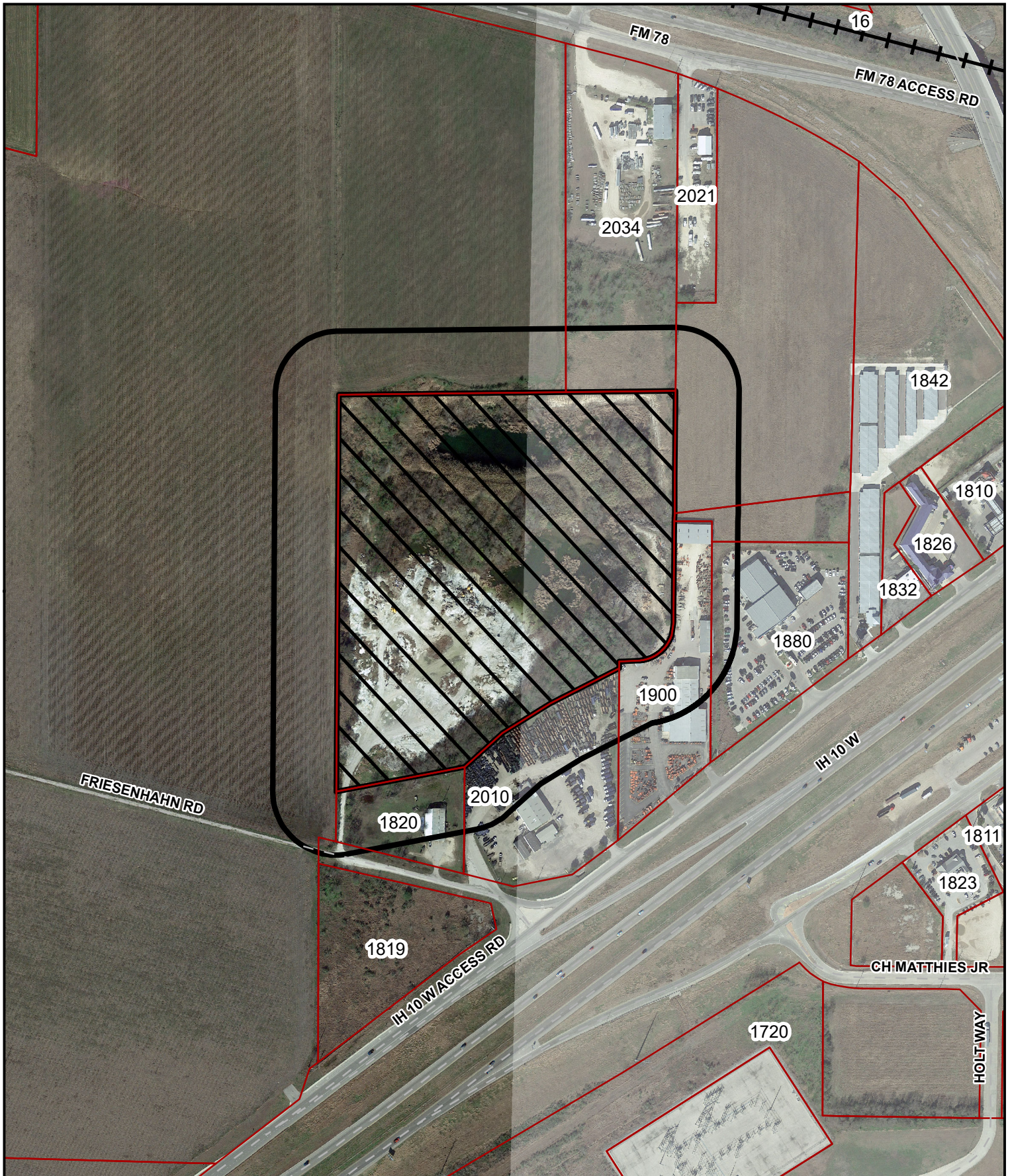
The Commission should consider that former industrial sites can be redeveloped. Old quarries in San Antonio have been turned into shopping areas (The Quarry, The Rim) and amusement areas (Fiesta Texas and Sunken Gardens).

Exhibit A provided by the applicant has the logo for the City of Seguin Planning and Codes Department. This is not an endorsement of the zoning change request and was used without permission from the City.

As always, development of vacant land will be required to follow all development standards, to include, but not limited to platting, drainage, landscaping, public improvements (utility extension), etc.

LOCATION MAP

ZC 22-22 1800 Blk of Friesenhahn



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

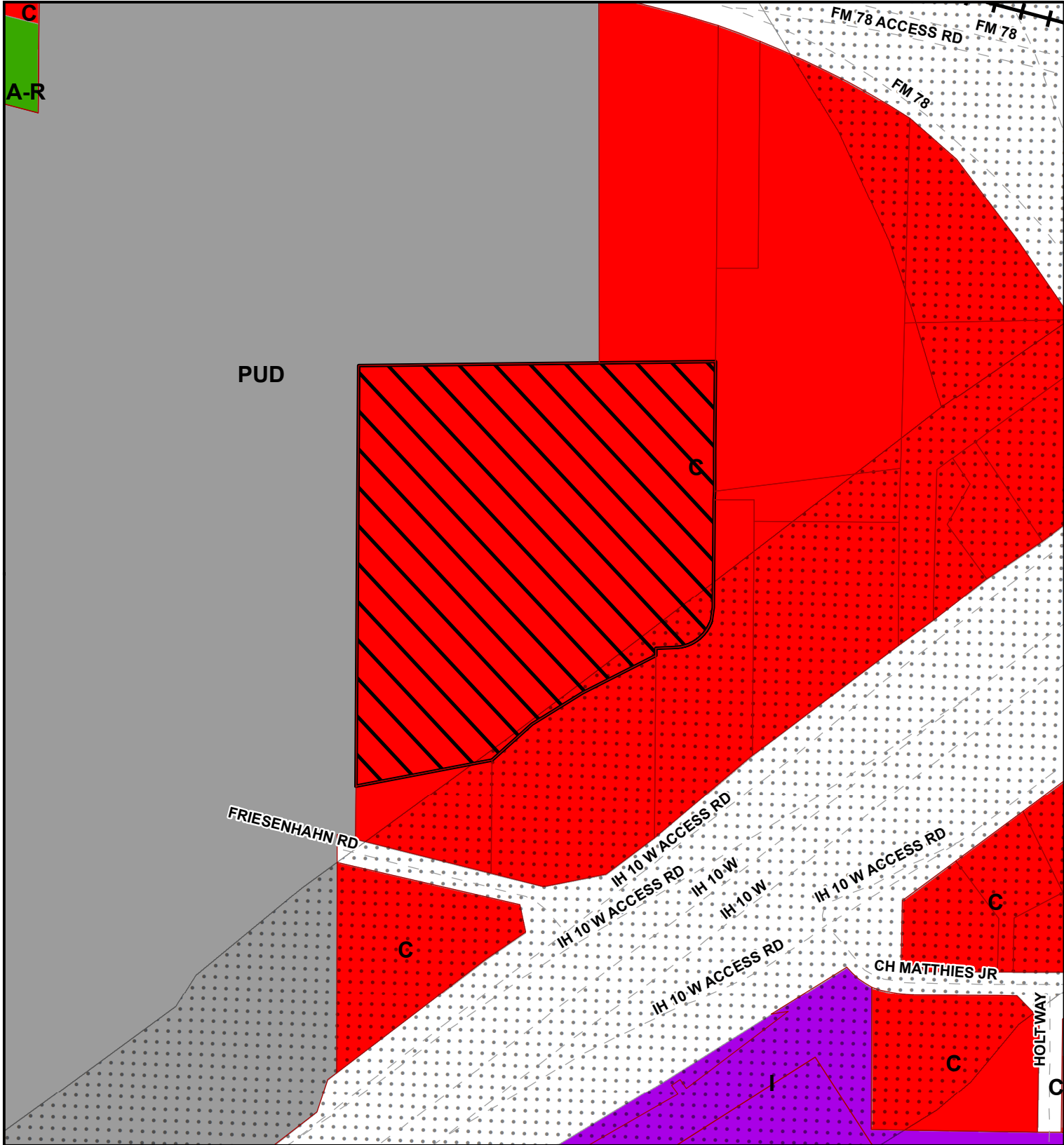
200' Notification Buffer





















1 inch = 400 feet

Printed: 11/14/2022

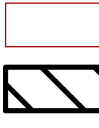
ZONING MAP

ZC 22-22 1800 Blk of Friesenhahn



 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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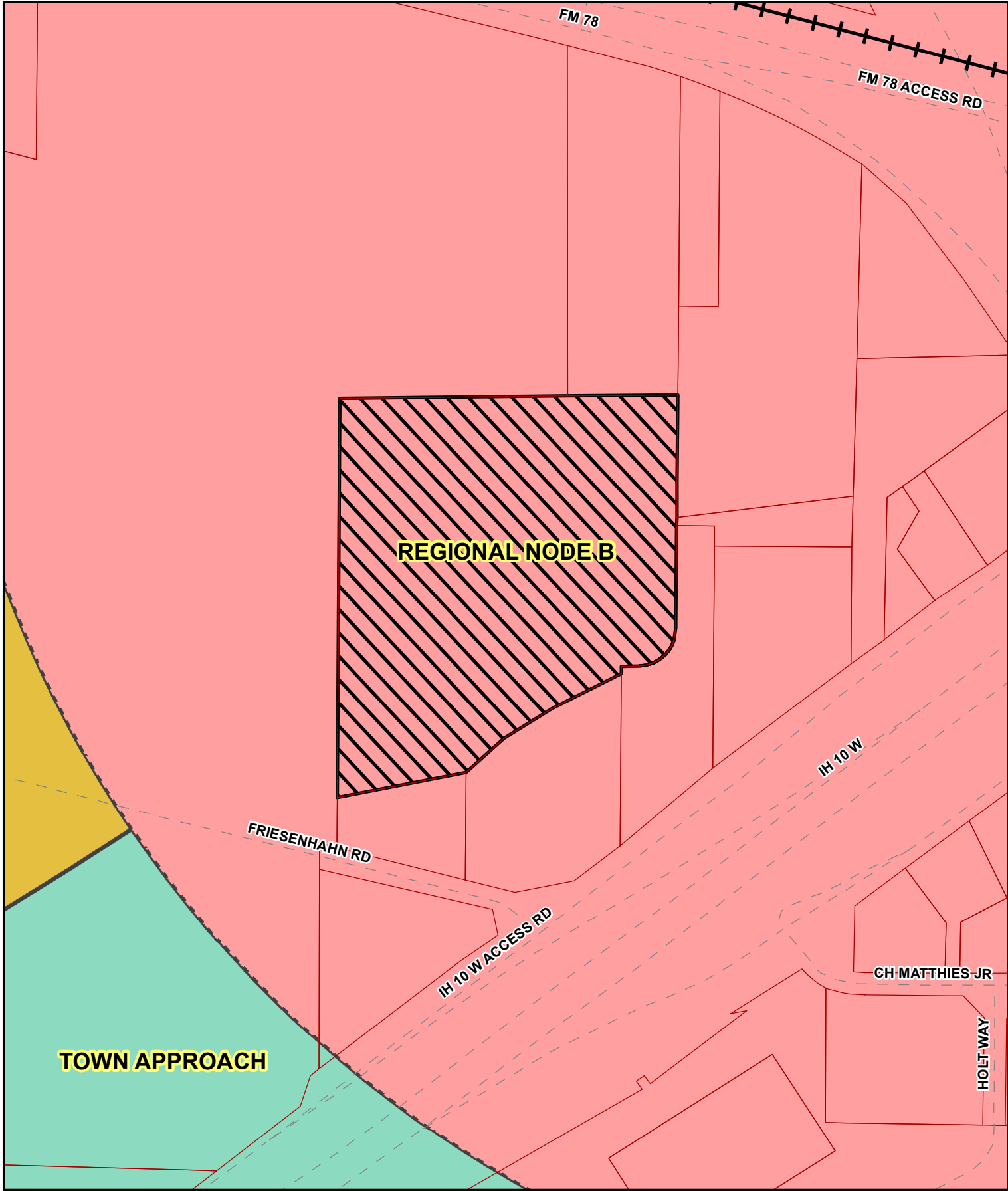
Ownership
Site Location

1 inch = 400 feet


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FUTURE LAND USE MAP

ZC 22-22 1800 Blk of Friesenhahn



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Ownership

Site Location

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EXHIBIT A

The current zoning designation of commercial on the property is not cohesive with the existing and proposed surrounding uses. The neighboring tracts include a trash and waste facility, a proposed industrial park, and a mechanic shop. No commercial user such as a restaurant, commercial store, or other commercial user would have adequate access, visibility, nor appreciate the aesthetic of the surrounding uses for a commercial purpose. The Property is tucked away behind a trash facility and an auto machine shop with no access to public streets besides through an easement, preventing commercial uses. The physical condition of the property is an old quarry with difficult topography and is aesthetically unpleasant. An industrial user would be able to clean the property up to not look like a landfill tucked away behind the trash and solid waste facility. There are several large industrial users in the vicinity and many more planned industrial users. Industrial zoning is compatible, logical, and orderly for the pattern of development in this area. An industrial user would have safety protocols that prevent trespass, illegal dumping, and other activities on the property. In sum, an industrial zoning designation on this property is highly appropriate as industrial uses are consistent with the existing and permitted uses of surrounding properties, there would be a benefit to surrounding properties and on the natural environment from cleaning up this old quarry pit, Industrial zoning follows a logical and orderly development pattern, and the physical conditions of the site deter and are prohibitive to any other uses.

Respectfully Submitted,

Jeffrey L. Earl

Attorney/Shareholder

Earl & Associates, P.C.