

### **PLANNING & CODES**

### **Planning and Zoning Commission Report**

### ZC 22-22

A request for Zoning Change 22-22 from Commercial (C) to Industrial (I) for property located at the 1800 Block of Friesenhahn Road, Property ID 52897 was considered during a public hearing at the Public and Virtual Planning & Zoning Commission meeting on December 13, 2022.

Helena Schaefer presented the staff report. She explained that the 26 plus acres is located on the north side of IH 10 W between FM 464 and SH 46 N (next to the New Quest property). The property is site of an old quarry.

Ms. Schaefer stated that the intent of the industrial zoning is to allow for heavy manufacturing, assembling, and fabrication activities that do not typically depend on frequent customers. She referred to the UDC Land Use Matrix and provided the Commission with several allowed uses in Industrial zoning. Industrial allow uses that have outdoor components and aren't regulated by development standards, such as the need to screen or buffer from adjacent properties. She also provides uses that would be allowed with a Specific Use Permit.

Ms. Schaefer gave an overview of the surrounding land use and zonings which include a PUD zoning with an expired General Land Use Plan, Commercial zoning to the east and northeast. Across the interstate is Caterpillar that is zoned Industrial with most of their activities being conducted within the buildings. Staff stated that Industrial zoning would not be compatible with the existing zoning or land uses.

The property is in the Regional Node B future land use district. The intent of this district is to create environments that encourage development on a regional scale due to the major intersection of IH 10 and SH 46. Appropriate uses in this future land use district are commercial, retail, and multi-family. Industrial zoning is not an appropriate use for this district. The Employment District is the only district that is appropriate for Industrial zoning.

Ms. Schaefer stated that the site is an inactive quarry and could potentially have some health and safety issues. In 1991, the State of Texas enacted the Texas Aggregate Quarry and Pit Safety Act. The property will need to be reclaimed. She pointed out issues of the tract being land locked and questions concerning legal access.

She added that former uses don't necessarily dictate that property's use forever. She stated that Fiesta Texas, Sunken Gardens, the Rim, and the Quarry shopping centers in San Antonio are all locations of a former quarry.

Ms. Schaefer advised the Commission that Exhibit A in their packets that was provided by the applicant has the logo for the City's Planning Department. She stated that the logo was used without staff's knowledge and doesn't constitute an endorsement of the zoning change request.

Two comments were received in favor of the request, by the property owner and the engine repair shop.

Ms. Schaefer stated that the request is not consistent with the future land use plan, not compatible with existing uses and zoning, industrial zoning permits outdoor uses without additional screening or buffering requirements, there is no logical pattern to development, and there is a possibility of a health and safety issue.

Jeffrey Earl, Earl & Associates, the applicant gave a brief presentation of his request. He stated that property is not suitable for commercial zoning due to access issues, neighboring uses, visibility, and other issues. He gave a brief overview of the surrounding properties and felt that commercial use is not a compatible use. Mr. Earl pointed out the existing buffering of trees provided on the property. Mr. Earl said there would be not negative impact on the current surrounding uses.

The Commission expressed concerns with the allowable uses in Industrial zoning and not knowing what is proposed for the property. Mr. Earl stated he did not know the end user for the property.

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 22-22), Vice-Chair DePalermo moved that the Planning and Zoning Commission recommended denial of the zoning change from Commercial (C) to Industrial (I) for property located at the 1800 Block of Friesenhahn Road. Chair Gettig seconded the motion. The following vote was recorded:

#### **RECOMMENDATION TO DENY THE ZONING CHANGE TO INDUSTRIAL (I)**

MOTION PASSED 5-0-0

Francis Serna, Planning Assistant

ATTEST: Helenal Schaefer, Planning Supervisor



# 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	С	Quarry
N of Property	PUD, C	Undeveloped land, Natural gas business
S of Property	С	Auto Repair business, Waste Connection office
E of Property	С	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 semifinished 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:**

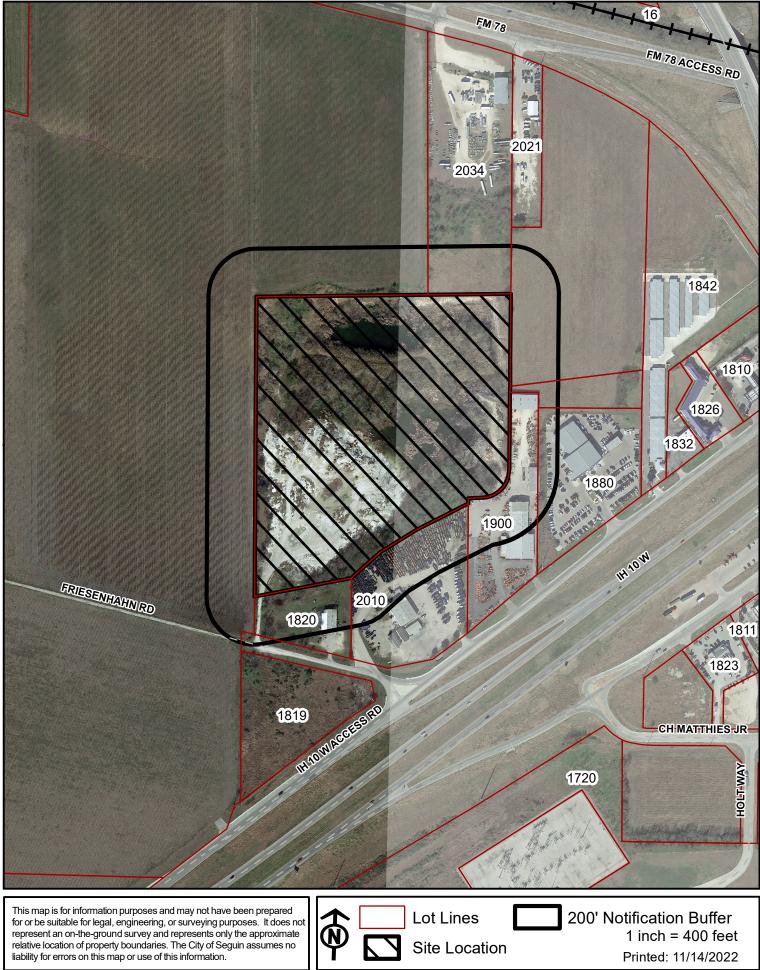
The Commission should consider that former industrial sites can be redeveloped. Old quarries in San Antonio have been turned into shopping areas (The Quarry, The Rim) and amusement areas (Fiesta Texas and Sunken Gardens).

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.

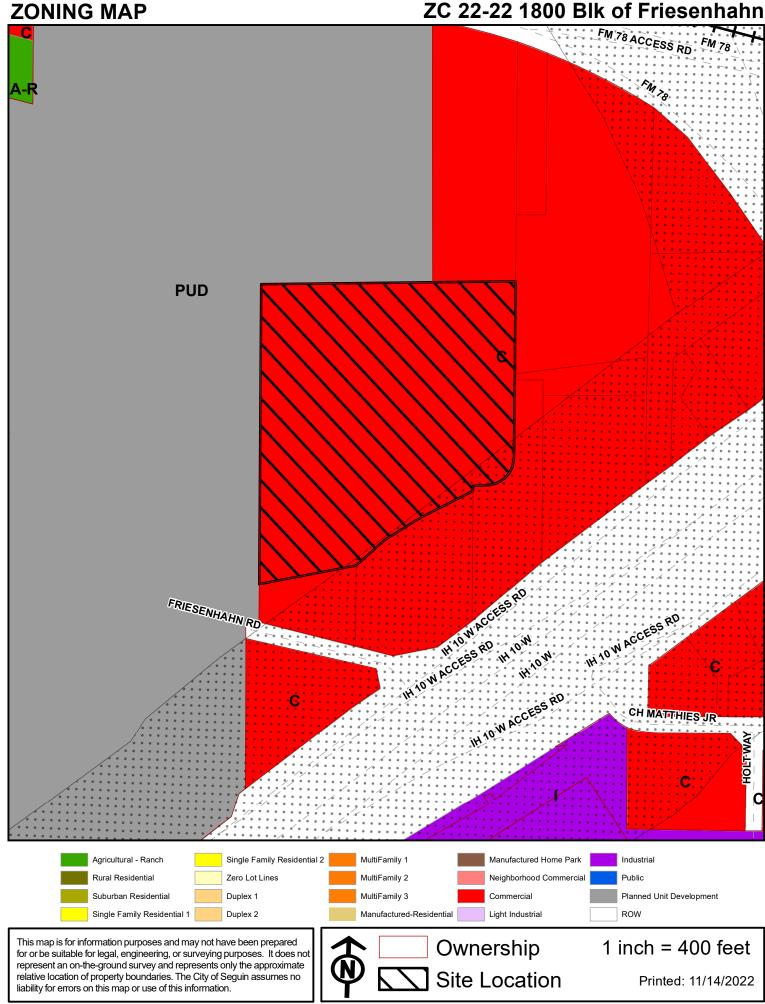
As always, development of vacant land will be required to follow all development standards, to include, but not limited to platting, drainage, landscaping, public improvements (utility extension), etc.

### LOCATION MAP

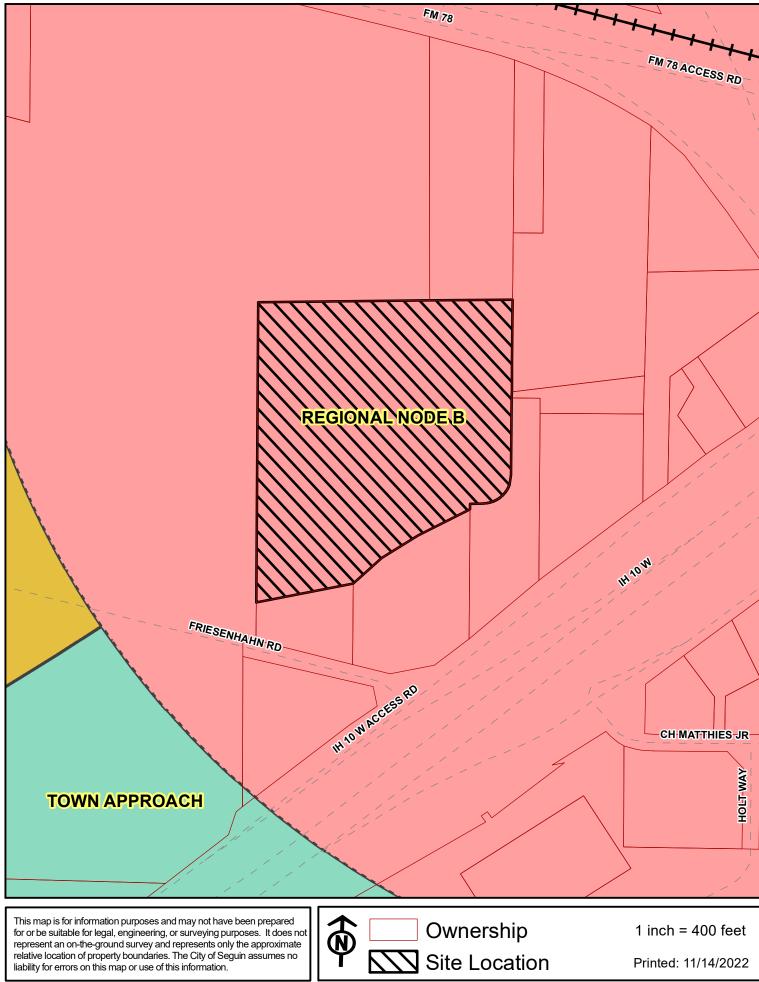
### ZC 22-22 1800 Blk of Friesenhahn



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In order to be on record, this form may be filled out and mailed to the Planning and Zoning Department, City of Seguin, P. O. Box 591, Seguin, Texas 78156.

Please be advised that under the Open Records Act, Public Information is Available to All Members of the Public. Section 552.023 of the Government Code provides that a governmental body may not deny access to information to the person, or the person's representative, to whom the information relates. Public information includes correspondence, comments relevant to public issues and other information received from the public regardless of the medium in which it is received, collected or retained.

	REPLY
Re:	1800 Block of Friesenhahn Road Property ID 52897
Name: Ricky Pricker	Senhahn Road, Seguin, TX 78155
Mailing Address: 1820 Frie	senhahn Road, Seguin, TX 78155
Phone No.: \$30-379-4	562
Physical Address of property (if	different from the mailing):
If "In Favor" or "Opposed" plea	ase explain why in space allotted below:
In Favor	
Opposed	
Reasons and/or comments	
-	