



PLANNING & CODES

Planning and Zoning Commission Report

ZC 23-22

A request for Zoning Change 23-22 from Single Family Residential 1 (R-1) to Duplex High Density (DP-2) for properties located at 772 Johnson Ave, Property ID 45988 was considered during a public hearing at the Public and Virtual Planning & Zoning Commission meeting on December 13, 2022.

Kyle Warren presented the staff report. He stated that the property as its original zoning designation from 1989 and has been vacant. The property is in an existing neighborhood, West Addition. The majority of properties are zoned single family residential with some conforming and non-conforming residential uses in the area. He added that there is a legal non-conforming multifamily unit in the west of the property. The property is in the Central Township Future Land Use District in which Duplex zoning is a preferred characteristic of the district. Mr. Warren added that there is a degree of compatibility with the use across Stratton Street which is grandfathered. There are no adverse impacts, public health, or safety concerns identified for the property. Staff received one letter in opposition to the request. The applicant was not present.

The regular meeting recessed, and a public hearing was held. Javier Cuevas spoke in opposition to the request. He said duplexes were not the highest and best use of the property. He felt that there are sufficient multifamily residences in the area. Mr. Cuevas states other vacant property owners would also want to rezone to multi-family in the future. He stated that multifamily development would increase noise, crime and traffic. There being no additional responses from the public the regular meeting reconvened for action.


After consideration of the staff report and all information given regarding Zoning Change (ZC 23-22), Commissioner Davila moved that the Planning and Zoning Commission recommended denial of the zoning change from Single Family Residential (R-1) to Duplex High Density (DP-2) for property located at 772 Johnson Avenue. Chair Gettig seconded the motion. The following vote was recorded:

RECOMMENDATION TO DENY THE ZONING CHANGE TO DUPLEX HIGH DENSITY (DP-2)

MOTION PASSED

5-0-0


Francis Serna, Planning Assistant


ATTEST: Kyle Warren,
Planner



PLANNING & CODES

ZC 23-22 Staff Report

772 Johnson Ave.

Zoning Change from R-1 to DP-2

Applicant:

Yesenia Rito
1004 E Weinert St
Seguin, TX 78155

Property Owner:

Property US, LLC

Property Address/Location:

772 Johnson Ave.

Legal Description:

Lot: 1SW 82.5 x 127 of BLK:
1019 ADDN: WEST.242 AC.

Lot Size/Project Area:

.242 acres

Future Land Use Plan:

Central Township

Notifications:

Mailed: 12/01/2022
Newspaper: 11/27/2022

Comments Received:

None

Staff Review:

Kyle Warren
Planner

Attachments:

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

REQUEST:

A Zoning Change request from Single-Family Residential 1 (R-1) to Duplex-2 (DP-2).

ZONING AND LAND USE:

	Zoning	Land Use
Subject Property	R-1	Vacant lot
N of Property	R-1	Residences
S of Property	R-1	Vacant lot
E of Property	R-1	Residences
W of Property	R-1	Multifamily residences

SUMMARY OF STAFF ANALYSIS:

The property currently located at 772 Johnson Ave. is zoned Single-Family Residential (R-1). The applicant is proposing to rezone the lot to Duplex-2 to allow a duplex on the lot. The proposed duplex zoning is Consistent with the Future Land Use Plan because the Central Township recommends DP-2 zoning. There is a degree of compatibility with the use; to the west of the lot, across Stratton Street, which is a single-story apartment complex, zoned R-1 but is grandfathered.

The Commission should consider the recommendations of the Future Land Use Plan, as well as the existing land uses/zoning in the area.

CRITERIA FOR ZONING CHANGE:

Consistency with the future land use plan – Consistent

Compatible with existing and permitted uses of surrounding property – this is an area of low residential density with the exception of the grandfathered units to the west.

Adverse impact on surrounding properties or natural environment – None identified

Proposed zoning follows a logical and orderly pattern – This is infill development on an existing platted lot within a residential neighborhood.

Other factors that impact public health, safety or welfare – None identified

PLANNING DEPARTMENT ANALYSIS

SITE DESCRIPTION

This lot has its original zoning designation from 1989 and has been vacant. The applicant wants to construct duplex in-fill development.

CODE REQUIREMENTS:

The applicant is proposing to build a duplex on the lot. According to the UDC Section 3.4.3, a new two-family residential structure is not allowed on a single-family residential zoned property.

COMPATIBILITY WITH SURROUNDING LAND USE & ZONING:

The lot is located along the 700 block of Johnson Ave. This is an existing neighborhood, West Addition. The majority of properties are zoned R-1 in the vicinity, but there are some conforming and non-conforming residential uses. As stated above there is a legal nonconforming multifamily unit to the west of the property in question.

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

No health, safety and general welfare issues have been identified.

COMPREHENSIVE PLAN (The Future Land Use Plan):

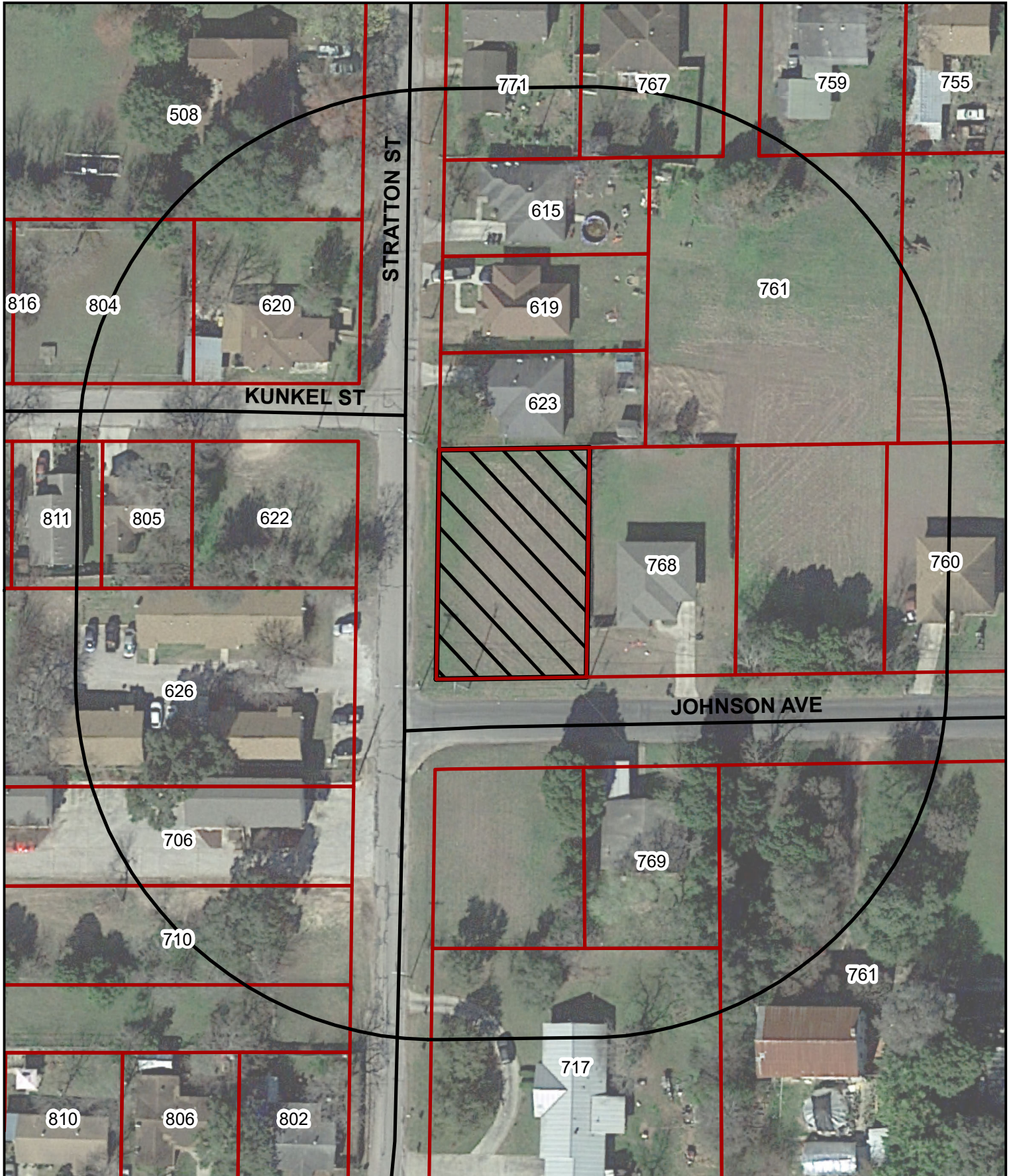
The property is located in the Central Township future land use district of the Comprehensive Plan. Duplex zoning is a preferred characteristic of this future land use district.

TRAFFIC (STREET FRONTAGE & ACCESS):

The lot has frontage on both Johnson Ave. and Stratton St., both city rights-of-way. The city will have to approve any driveway access. With the possible addition of two housing units, there should be minimal effects on traffic.

LOCATION MAP

ZC 23-22 772 Johnson



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

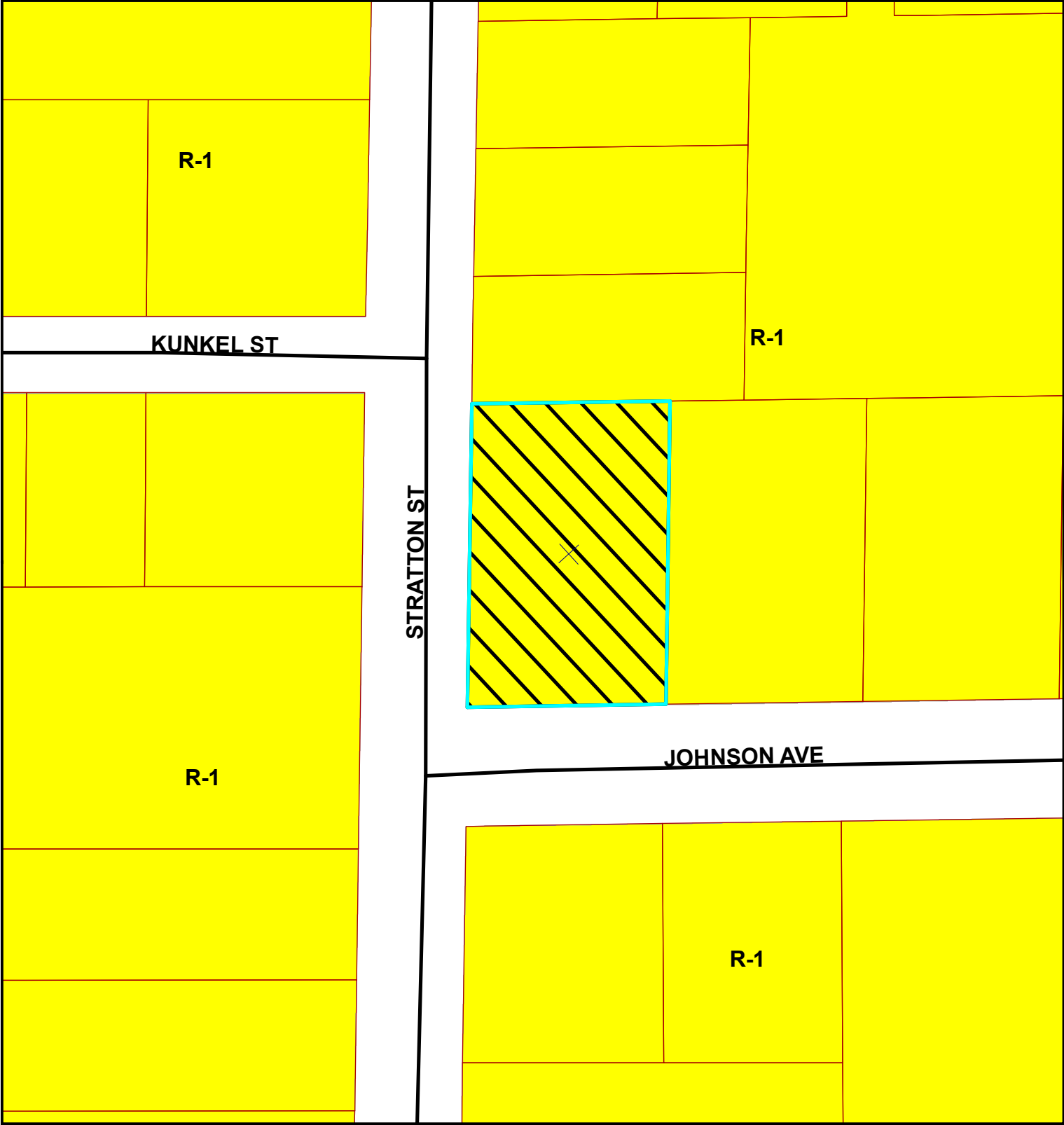
Site Location

1 inch = 71 feet

Printed: 11/15/2022

ZONING MAP

772 Johnson Ave.



Streets	Single Family Residential 1	Duplex 2	Manufactured-Residential	Light Industrial
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
			ROW	

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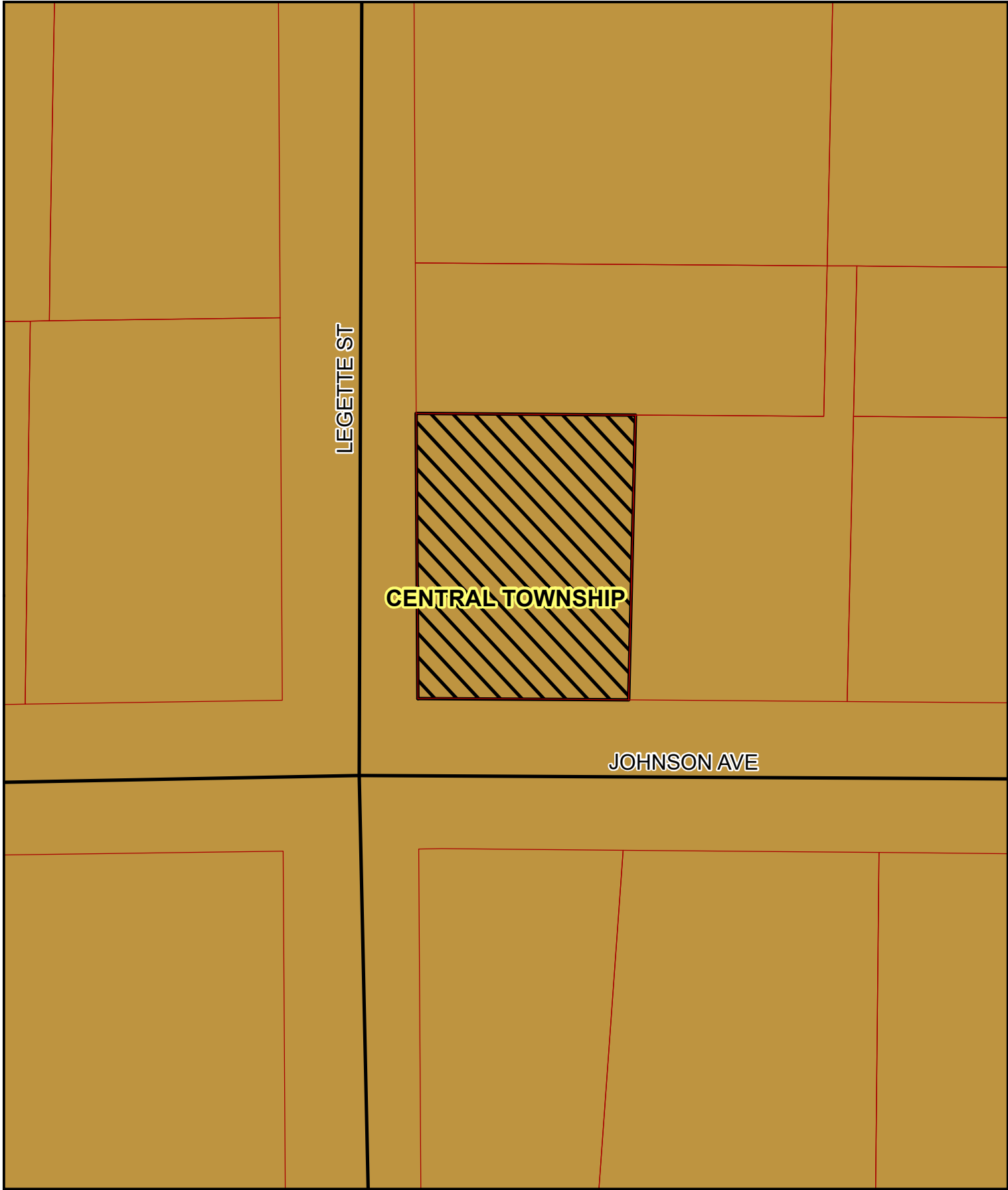
Site Location



Parcels

1 inch = 56 feet

Printed: 11/15/2022



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Ownership

Site Location

1 inch = 42 feet

Printed: 11/15/2022

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: **772 Johnson Ave.**
Property ID 45988



Name: PAUL M CUEVAS

Mailing Address: 760 JOHNSON AVE

Phone No.: _____

Physical Address of property (if different from the mailing):

If "In Favor" or "Opposed" please explain why in space allotted below:

In Favor _____

Opposed ☒

Reasons and/or comments NOT THE HIGHEST & BEST USE OF LOT
WILL LEAD TO OTHER NEARBY LOTS (OWNERS) TO SEEK A SIMILAR
CHANGE THUS DILUTING THE SINGLE FAMILY RESIDENTIAL PROPERTIES
IN THE IMMEDIATE AREA. SUFFICIENT MULTI FAMILY RESIDENTIAL PROPERTIES
EXISTS TO WEST OF STRATTON ST. AS WELL AS LOW INCOME HOUSING
CLOSE TO COLISEUM. NOT TO MENTION THE NUMBER OF DUPLEXES
SCHEDULED TO BE BUILT ACROSS FROM EDEN CROSS.

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REPLY

Re: 772 Johnson Ave.
Property ID 45988



Name: MALDONADO FLORES

Mailing Address: 717 STRATTON

Phone No.: _____

Physical Address of property (if different from the mailing):

If "In Favor" or "Opposed" please explain why in space allotted below:

In Favor _____

Opposed ☒ _____

Reasons and/or comments THE AREA IS ALREADY OVERCROWDED
WITH MULTIFAMILY RESIDENTS - HOUSES, APARTMENTS, STRATTON DAPS,
AND THE OTHER UNITS. I AM CONCERNED AND I AM CONCERNED
ABOUT THE TYPE OF TENANTS THAT WILL OCCUPY THE UNIT, THE CONDITION
IN WHICH THE EXTERIOR WILL BE MAINTAINED, AND THE INCREASE IN
NOISE & CRIME.

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REPLY

Re: 772 Johnson Ave.
Property ID 45988



Name: HEDDY L. Parra.

Mailing Address: 769 Johnson Ave.

Phone No.: _____

Physical Address of property (if different from the mailing):

769 Johnson Ave, Seguin Tx 78155.

If "In Favor" or "Opposed" please explain why in space allotted below:

In Favor ☐

Opposed ☒

Reasons and/or comments There should be more focus on the infrastructure and maintenance of the neighborhood first before creating a larger population in the area. 3 new housing areas are being developed nearby but the lighting, ~~and~~ and roads still need maintenance which cause even more navigation issues.

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**Re: 772 Johnson Ave.
Property ID 45988**



Mailing Address: 7108 Johnson Ave

Phone No. _____

Physical Address of property (if different from the mailing):

In Favor _____

Opposed ☒

Reasons and/or comments I think there is enough multi-family housing nearby. The proposed location is mostly in a single family home area. I purchased my home thinking that my neighbors would also be homeowners. The current multi-family tenants already take away from my enjoyment of my home with their loud noises and partying at all hours of the night as well as the poor upkeep of their residences.