



## **PLANNING & CODES**

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

#### **ZC 18-22**

A request for Zoning Change 18-22 from Agricultural Ranch (A-R) to Multi-Family High Density Residential (MF-3) for 25.42 acres out of a 103.152-acre tract located at the 3500 Block of SH 46 N., Property ID 55455 was considered during a public hearing at the Planning & Zoning Commission meeting on October 11, 2022.

Armando Guerrero presented the staff report. He said the applicant is requesting a zoning change Agricultural Ranch (A-G) to Multi-Family High Density (MF-3) for 25.42-acres of a 103.152-acre tract.

Multi-family developments adjacent to properties zoned for single-family zoning would require additional setbacks and buffer yards per Section 5.2.6 of the UDC, along with meeting all the development requirements seen in the UDC.

He gave an overview of the surrounding properties. The property is located within two area Future Land Use Plans, Town Approachway and Emergent Residential. He said the proposed location for the MF zoning is in an area where commercial zoning is typically seen. The property on Hwy. 46 to the south is zoned commercial with the exception of the church which is zoned public. The frontage to the north is zoned commercial and single family residential. He stated that two properties along SH 46 were recently zoned to MF-3 approximately 1.5 miles to the south and a half mile to the north. Mr. Guerrero gave a brief overview of the two districts and advised that multi family developments are not recommended within the two districts.

Mr. Guerrero stated that multi-family developments are on the rise. In the past twelve months five zoning change have been approved for new high-density multi-family development totally approximately 71.8 acres of development with the potential for 1,200 plus dwelling units. He stated that quality and location of the proposed developments should be considered. He added that 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 the potential impacts, multi-family developments are recommended to be located within a walkable area to employment centers, schools, recreation and park facilities, and commercial developments. The goal is to increase pedestrian traffic and decrease vehicular traffic. Mr. Guerrero gave a brief overview of the access points to the property. He stated that the reconstruction of roads and construction of Pecan Parkway would not likely occur within the next five years.

One letter in opposition was received.

The Commission discussed being consistent in their recommendations and also considering larger commercial zoning along the Hwy. They also suggested being consistent with the Comprehensive Master Plan.

Thor Thornhill stated that most cities are placing multi-family development along the major highways. He said that the walk-ability for multi family is mainly used in metropolitan and urban areas. He said apartments are typically on the outer areas of a town. Mr. Thornhill stated that residential and multi-family are necessary to invite commercial development. He said that the proposed plans were based on what they heard the City wanted.

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

Luke Morales, Navarro ISD Superintendent expressed his concerns with additional multi family developments bringing more children to educate within the Navarro the district without the tax base from commercial developments to keep up with the growth. The residential developments is the only tax base that is provided and the burden of educating the kids in Navarro ISD falls on the homeowners. Mr. Morales stated that he would like to see commercial development before more residential developments are considered.


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 18-22), Vice Chair DePalermo moved that the Planning and Zoning Commission recommended denial of the zoning change from Agricultural Ranch to Multi-Family High Density for property located at the 3500 Block of SH 46 N. Commissioner Jones seconded the motion. The following vote was recorded:

**RECOMMENDATION TO DENY THE ZONING CHANGE TO MULTI-FAMILY HIGH DENSITY RESIDENTIAL (MF-3)**

**MOTION PASSED**

**7-1-0**



Francis Serna, Planning Assistant



ATTEST: Armando Guerrero,  
Planner



**ZC 18-22 Staff Report**  
**3500 Blk of State Hwy 46 N (B)**  
**Zoning Change from A-R to MF-3**

**Applicant:**

Joseph Sandoval, P.E.; HMT  
Engineering and Surveying  
290 S. Castell Ave., Suite 100  
New Braunfels, TX 78130

**Property Owner:**

1 Chron 29, LLC  
130 S. Seguin Ave  
New Braunfels TX, 78130

**Property Address/Location:**

3500 Blk of State Hwy 46 N

**Legal Description:**

ABS: 20 SUR: AM Esnaurizar  
103.152 ac.  
Property ID: 55455

**Lot Size/Project Area:**

25.42 acres

**Future Land Use Plan:**

Town Approach & Emergent  
Residential

**Notifications:**

Mailed: Sep 28, 2022  
Published: Sep 25, 2022

**Comments Received:**

None

**Staff Review:**

Armando Guerrero  
Planner

**Attachments:**

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

**REQUEST:**

A zoning change request from Agricultural Ranch (A-R) to Multi-Family High Density (MF-3).

**ZONING AND LAND USE:**

	Zoning	Land Use
<b>Subject Property</b>	A-R	Farmland
<b>N of Property</b>	OCL	Farmland
<b>S of Property</b>	R-1/ C/ P	Residential, RV Park and Church
<b>E of Property</b>	R-2	Single-Family Residential Subdivision
<b>W of Property</b>	A-R/ R-1	Farmland

**SUMMARY OF STAFF ANALYSIS & RECOMMENDATION:**

The applicant is requesting a zoning change to Multi-Family High Density (MF-3) for 25.42-acres of a 103.152-acre tract for a proposed mixed-use development. The requested MF-3 zoning will be located along the frontage of the tract (as shown in the provided zoning exhibit). Commercial and R-2 Single-Family Residential zoning are both being requested on other portions of this tract, but each is on a separate zoning change application. The proposed multi-family zoning being requested is not consistent with the Future Land Use Plan. The density level for the proposed MF-3 development (which is 20 units per acre) exceeds the recommended levels identified in the Future Land Use Plan.

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.

**CRITERIA FOR ZONING CHANGE:**

**Consistency with the future land use plan** – Not consistent

**Compatible with existing and permitted uses of surrounding property** – Two properties were recently zoned for MF-3, but not yet developed.

**Adverse impact on surrounding properties or natural environment** – None specifically identified

**Proposed zoning follows a logical and orderly pattern** – Mostly commercial zoning frontage is seen along other parts of State Hwy 46 in this area.

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

### **SITE DESCRIPTION:**

This 103.152-acre tract is comprised of vacant farmland on the east side State Hwy 46 in between Rudeloff and Cordova roads. The property is currently zoned Agricultural Ranch (A-R), which is designated for farming, ranching, and related activities. There are two small residential lots fronting SH 46 under separate ownership that are not part of this zoning proposal.

### **CODE REQUIREMENTS:**

A zoning change would be required for any proposed multi-family development. Multi-family developments adjacent to properties zoned for single-family zoning would require additional setbacks and buffer yards per Section 5.2.6 of the UDC, along with meeting all the development requirements seen in the UDC.

### **COMPATIBILITY WITH SURROUNDING LAND USE & ZONING:**

#### ***Existing & Developing Land Uses:***

- North & West: The property is located along an area of SH 46 that is mostly undeveloped, with large farm tracts to the north and to the west.
- East & Northeast: To the east of the tract is a new single-family residential subdivision with 250 residential lots. Home construction is underway. A tract across SH 46 to the northwest is also being developed for single-family residential with 154 lots planned, though homes are not yet under construction.
- South: The area immediately to the south is sparsely developed with two existing single-family home lots, a small RV Park, and the Living Waters Worship Center. Some commercial development has occurred along the SH 46 frontage, but the majority of the area remains undeveloped.

#### ***Surrounding Zoning Districts:***

- SH 46 Frontage Extending South: The frontage along SH 46 directly to the south is zoned commercial, with the exception of public zoning where the church property is located. 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 commercial zoning is concentrated near the Cordova intersection.
- Farmland to the North & West: The 140-acre tract to the north is outside the city limits and is therefore not subject to zoning. The undeveloped 62-acre farm tract to the west is zoned accordingly as Agricultural Ranch.

#### ***Compatibility with the proposed Multi-Family:***

- Multi-Family High Density (MF-3): Two properties along State Hwy 46 were recently zoned to MF-3 in an area fronting State Hwy 46 approximately 1.5 miles to the south, as well as an area half a mile north, near the intersection of State Hwy 46 North and Cordova Rd.

### **COMPREHENSIVE PLAN (The Future Land Use Plan):**

The primary function of the Future Land Use Plan is to materialize community vision relating to land use, while providing a policy guide that will inform and direct future zoning actions. The Future Land Use Plan is drafted based on the input provided by citizens to facilitate the City Council's proceedings in zoning decisions.

This property is located within two areas of the Future Land Use Plan- **Town Approachway** and **Emergent Residential**.

- Town Approachway: The Town Approachway is approximately 500' deep along both sides of SH 46. Commercial and single-family residential land uses are recommended within the Town Approachway with residential densities suggested with a range of 1-10 dwelling units per acre. Multi-family residential districts are not recommended within the Town Approachway. The MF-3 zoning district (as proposed for this development) allows up to 20 units per acre, which is much higher than the recommended density.
- Emergent Residential: The back portion of the property, behind the 500' of highway frontage, is within the Emergent Residential district. These areas are outside the city center and break from the existing neighborhood and commercial forms common to Seguin. Residential use is predominant in this area, and a range of low to medium residential densities are recommended in this district. Densities consistent with single-

family residential and duplex developments ranging from 3-14 dwelling units per acre are recommended. Multi-family developments are not expressly recommended.

**Future Land Use Plan does not recommend high-density multi-family land uses in this area. High-density residential developments are mostly recommended near the commercial nodes, town corridor, town core/city center, and the university community near TLU.**

It should be noted that the existing Future Land Use Plan is pending an update as part of the Comprehensive Plan update that is currently under development. The commercial nodes, approachways, and corridors are based on existing and proposed higher traffic roadways. The Rudeloff/SH 46 intersection could potentially become a local commercial node upon completion of the road expansion that will extend from SH 46 to SH 123. Higher density developments may become more suitable along SH 46 north of IH 10 in the future as the area continues to develop and major roadway projects along Rudeloff, Cordova, and the proposed Pecan Parkway are constructed.

**Multi-Family Developments are on the rise in Seguin:**

In the past twelve months five zoning changes have been approved for new high-density multi-family developments totaling approximately 71.8 acres of development with a potential for 1,200+ dwelling units.

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 more 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.

The only existing access to the property is from State Hwy 46. The nearest intersection to the north is Cordova Rd and to the south is Rudeloff Rd, both of which will be reconstructed as arterials within the next 3-5 years. A future collector is proposed from Hwy 46 to Huber Rd. The proposed future collector, which will increase local and regional mobility, is located within the southern portion of the tract where the single-family residential, and commercial zoning is proposed. The construction of Pecan Parkway between Cordova and Rudeloff roads and future improvements to State Hwy 46 will also increase regional mobility in the area but will not likely occur within the next five years.

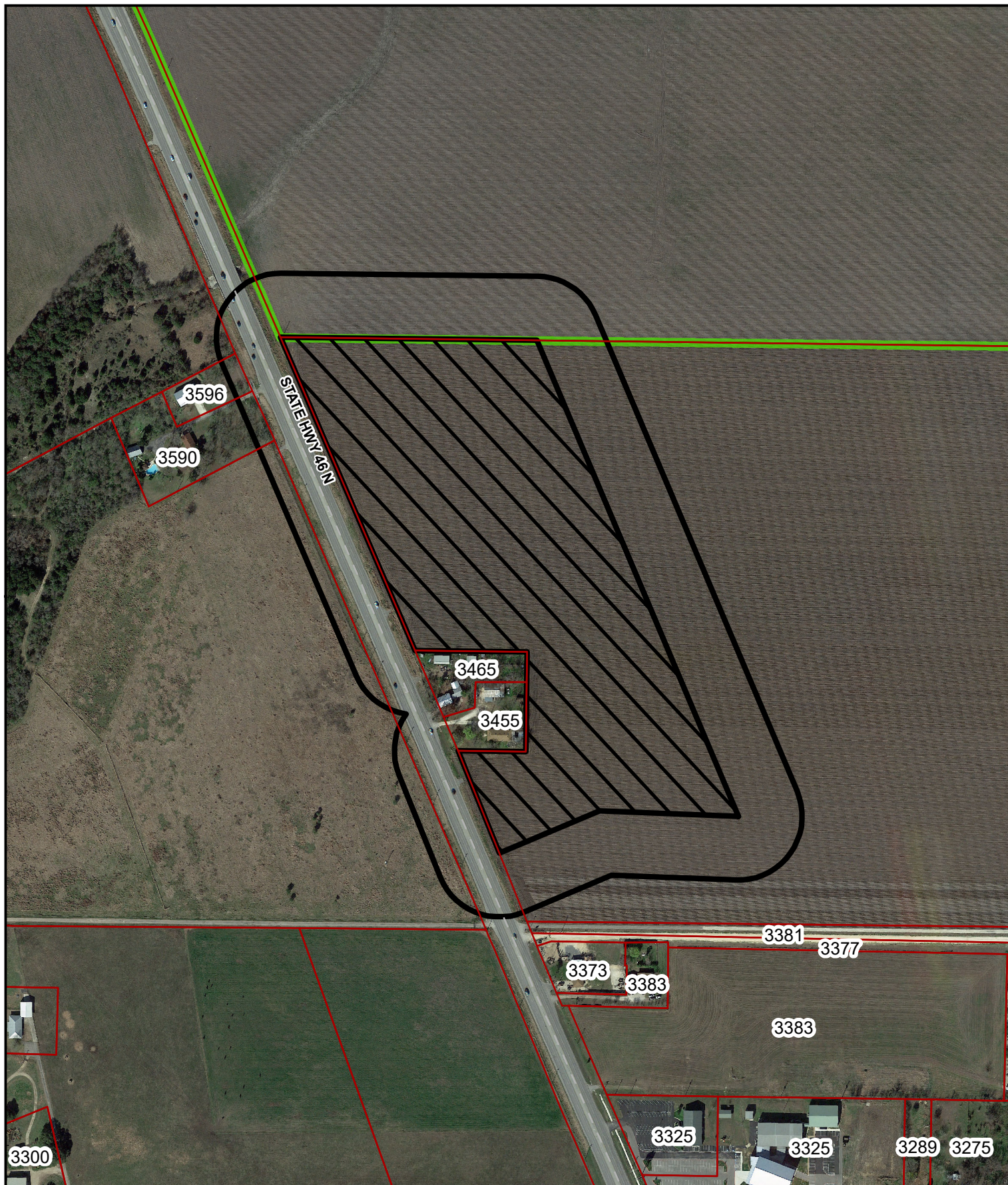
**HEALTH, SAFETY, AND GENERAL WELFARE:** (Protection & preservation of historical, cultural, and environmental areas.)

None were specifically identified.



# LOCATION MAP

ZC 18-22 3500 Blk of State Hwy 46 N (B)



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

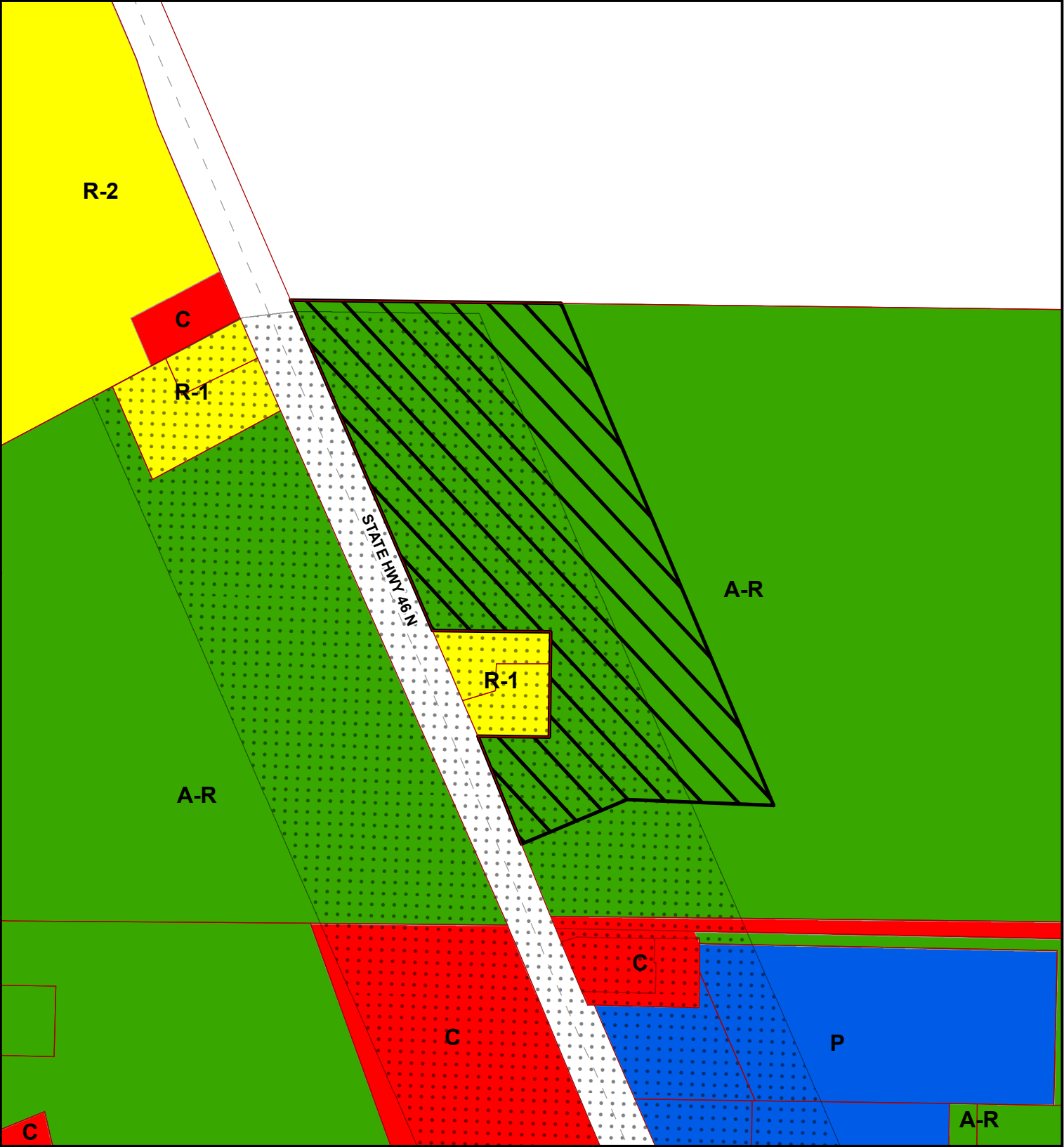
1 inch = 400 feet

Printed: 9/29/2022



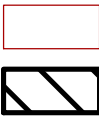
ZONING MAP

ZC 18-22 3500 Blk of State Hwy 46 N (B)



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

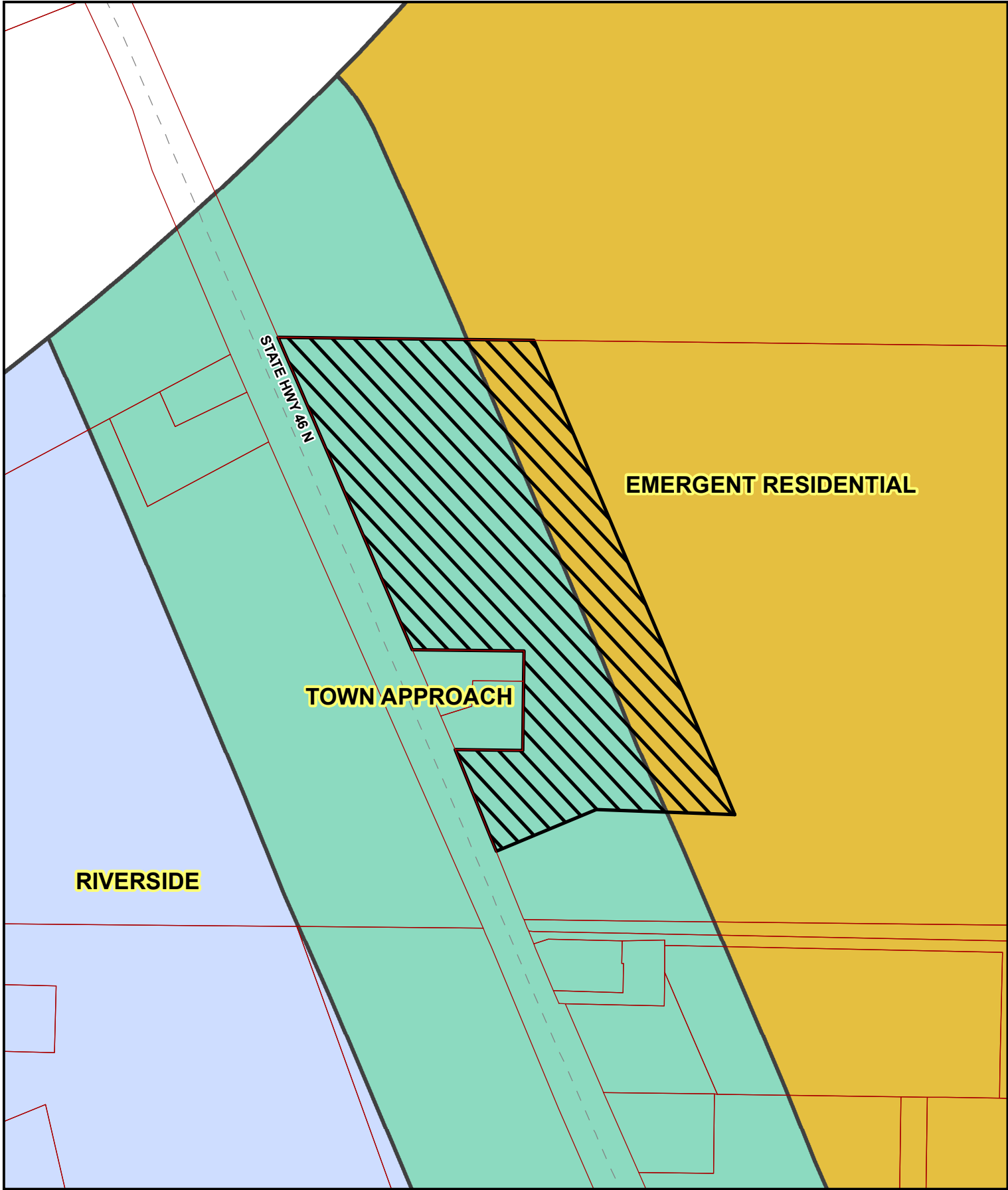
This map is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The City of Seguin assumes no liability for errors on this map or use of this information.



Ownership  
Site Location

1 inch = 400 feet

Printed: 9/29/2022



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.



Ownership

Site Location

1 inch = 400 feet  
Printed: 9/29/2022