



PLANNING & CODES

ZC 26-16 Staff Report 800 Blk of N Austin (east side) Zoning Change C to R-1

REQUEST:

A Zoning Change request from Commercial to Single-Family Residential.

ZONING AND LAND USE:

	Zoning	Land Use
Subject Property	C	Residences
N of Property	R-1	Residences
S of Property	C	Businesses, Residence
E of Property	R-1	Residences
W of Property	C, R-1	Residences, Business (All State)

SUMMARY OF STAFF ANALYSIS & RECOMMENDATION:

The City of Seguin is in the process of “cleaning up” zoning issues; it has been brought to staff’s attention areas in the City where the zoning doesn’t best serve the properties. These four properties, which are located at the 800 block of N Austin St (east side), are currently zoned Commercial, but being used for residential use. The Commercial zoning district only allows for existing single-family residential and only with a Specific Use Permit. If the current structures was damaged or destroyed to 50% or more, a new residential structure could not be built (unless a zoning change was sought.)The Staff recommends approval of the zoning change to Single-Family Residential, as these structures have traditionally been used for residential use.

Planning Department Recommendation:

X	Approve as submitted
	Approve with conditions or revisions as noted
	Alternative
	Denial

Applicant:

City of Seguin
205 N River St
Seguin, TX 78155

Property Owner:

Dennis Ohnheiser, Paul
Quello, Thomas & Blanche
Walker, Marjorie Nichols

Property Address/Location:

800 Blk of N Austin St (east
side)

Legal Description:

Lot 1-A & 2-A of Blk 3 & Lot
3 of Blk 251 College Heights

Lot Size/Project Area:

Approx.1.08 acres

Future Land Use Plan:

Town Core 2

Notifications:

Mailed Oct. 28, 2016
Newspaper Oct. 23, 2016

Comments Received:

2 responses received

Staff Review:

Helena Schaefer
GIS Analyst

Attachments:

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

PLANNING DEPARTMENT ANALYSIS

SITE DESCRIPTION

The four properties are currently zoned Commercial. These properties are located on the east side of the 800 block of N Austin St. These properties have retained their original Commercial zoning from the 1989 zoning process, despite that the structures have never been used for commercial use.

CODE REQUIREMENTS:

According to the UDC's Section 3.2.4, Single-Family Residential district provides for the development of single-family detached dwellings on standard sized residential lots. These four properties already have single-family detached dwellings and reside on substantial size lots.

COMPATIBILITY WITH SURROUNDING LAND USE & ZONING:

The residential uses for these four properties are compatible with the existing residential uses to the north and to the east.

COMPREHENSIVE PLAN:

The properties fall into one future land use district, Town Core. Single-Family Residential zoning is "as of right" if historic in nature.

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

No health, safety or environmental issues have been identified for these properties.

TRAFFIC (STREET FRONTAGE & ACCESS):

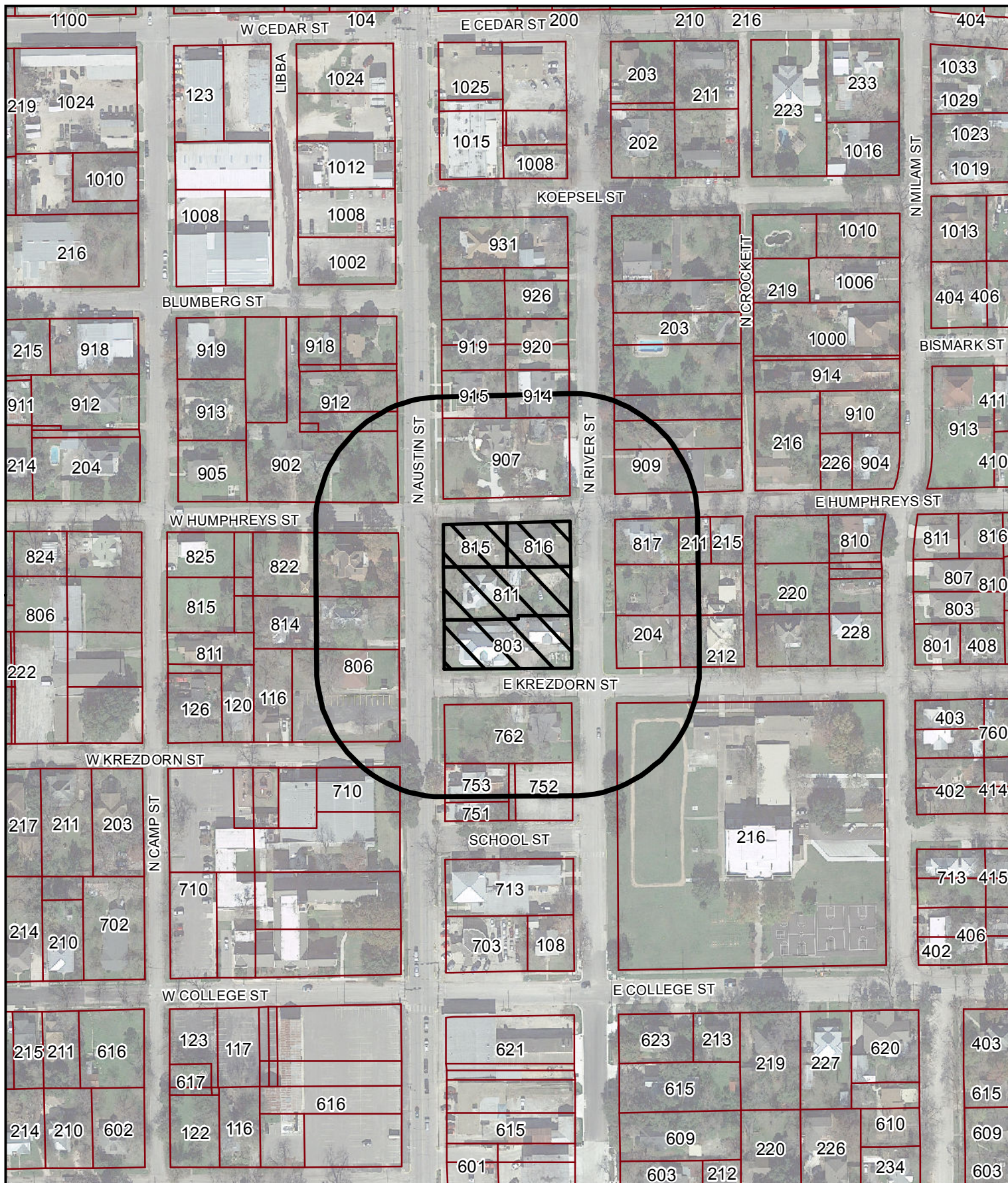
Three of these properties are double frontage lots: 815 N Austin has its driveway access from E Humphreys; 816 N River has its driveway access to E Humphreys, and 811 N Austin has its driveway access from N River. 803 N Austin has triple frontage lot, which is addressed to N Austin with driveway access from E Krezdorn and N River streets.

OTHER CONSIDERATIONS:

These properties with the current zoning are regarded as legal non-conformities. Commercial zoning does not permit new single-family residential structures and requires similar structures to obtain a Specific Use Permit (if vacant for 6 months). If the structure is damaged or destroyed to an extent of 50% or more of its assessed valuation, it cannot be rebuilt without a rezoning. As well, financial institutions may hesitate to provide residential loans for commercial zoned properties and insurance companies may not provide coverage.

LOCATION MAP

ZC 26-16: 800 Blk of N Austin



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Site Location



200' Notification Buffer

Lot Lines

1 inch = 200 feet

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ZONING MAP

ZC 26-16: 800 Blk of N Austin



A-R Agricultural Ranch

R-R Rural Residential

S-R Suburban Residential

R-1 Single Family Residential

ZL Zero Lot Lines

DP-1,2 Duplex

MF-1,2,3 Multi-Family

M-R Manufactured Residential

MHP Manufactured Home Park

NC Neighborhood Commercial

C Commercial

LI Light Industrial

I Industrial

P Public

PUD Planned Unit

Development

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Site Location



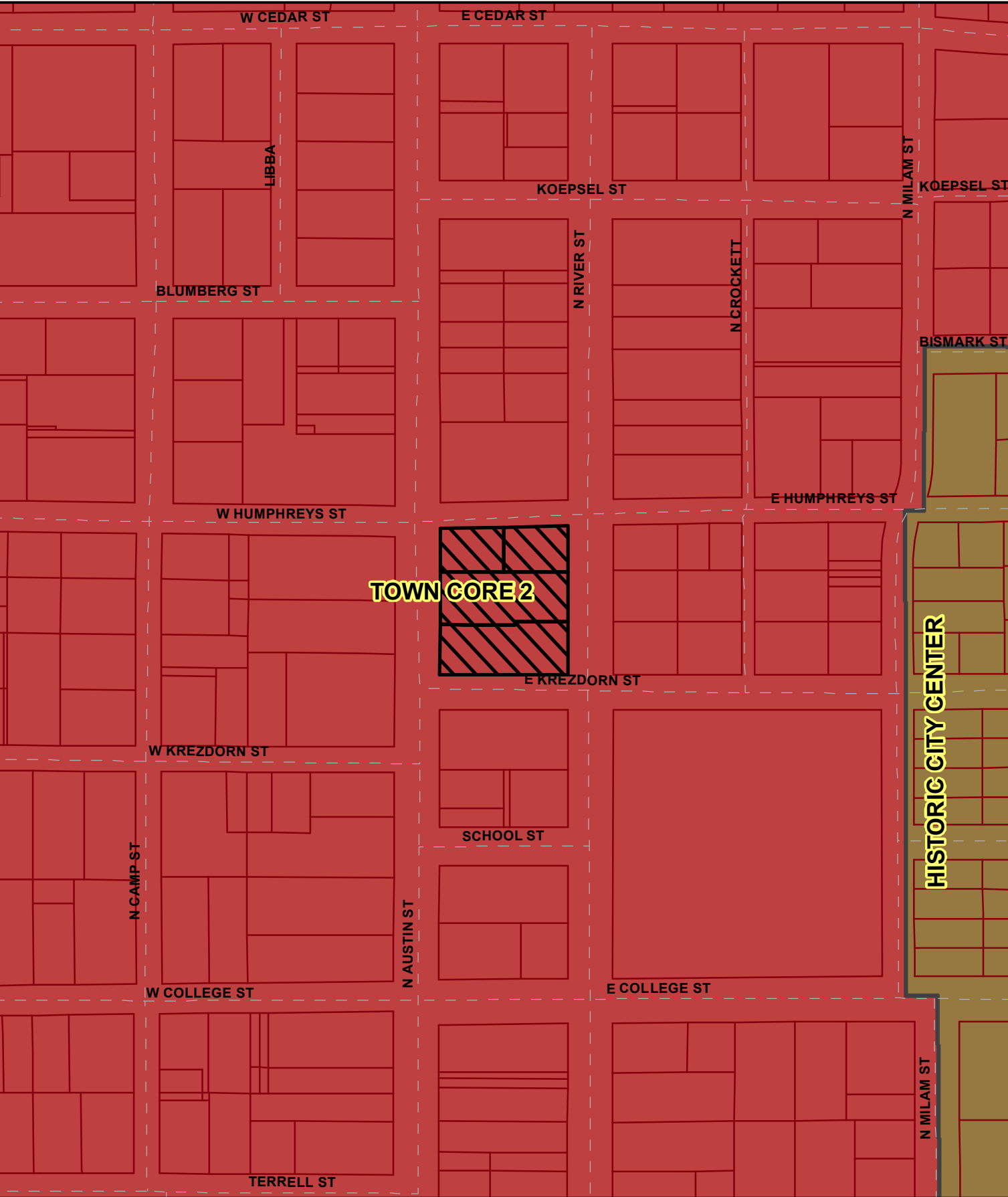
Lot Lines

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FUTURE LAND USE MAP

ZC 26-16: 800 Blk of N Austin



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Site Location

Lot Lines

1 inch = 200 feet

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PLANNING & CODES

Planning and Zoning Commission Report ZC 26-16

A request for Zoning Change 26-16 was considered during a public hearing at the Planning & Zoning Commission meeting on November 8, 2016:

ZONING CHANGE request from Commercial to Single-Family Residential for the following properties located at the east side of the 800 Block of N Austin St: 22776, 22777, 116395 & 116397

Helena Schaefer presented the staff report re-iterating that this zoning change request is still part of the UDC "clean up" zoning process. The east side of the 800 block of N Austin St has historically been residential in nature and has never been commercial, just like the properties directly to the north. Rezoning these four properties would be compatible with both the existing zoning and land use. Staff explained that the current zoning would not allow for a new residential structure to be built without a rezoning; the existing houses would also need a Specific Use Permit if the structure is vacant for more than 6 months. It was also stated that financial institutions may hesitate to provide residential loans for commercial zoned properties and insurance companies may not provide coverage.

Public notifications were mailed to 23 property owners on October 28, 2016. Two written comments were received. Both in favor of the rezoning

Jimmy R Price, 909 N River St – in favor of

Hilmar Blumberg, 203 Koepsel St – in favor of

The Commission had no questions for Staff, which was also acting as the Applicant. The regular meeting was then recessed and a public hearing was held. No one spoke.

There being no response from the public the regular meeting reconvened for action

After consideration of the staff report and all information given regarding Zoning Change 26-16, the Planning and Zoning Commission voted 5-0-0, to Recommend to City Council to Approve the Zoning Change request to Single-Family Residential.

**RECOMMENDATION TO APPROVE ZONING CHANGE TO SINGLE-FAMILY RESIDENTIAL –
MOTION PASSED 5-0-0**

A handwritten signature in blue ink, appearing to read "Do ra Toungate", written over a horizontal line.

Do ra Toungate
Planning Assistant

A handwritten signature in blue ink, appearing to read "P Centeno", written over a horizontal line.

ATTEST: Pamela Centeno
Director of Planning/Codes