



## PLANNING & CODES

## ZC 28-16 Staff Report 2400-2700 Blk of W Kingsbury Zoning Change C to NC

**Applicant:**

City of Seguin  
205 N River St  
Seguin, TX 78155

**Property Owner:**

See list

**Property Address/Location:**

2400-2700 Blk of W  
Kingsbury St (north side)

**Legal Description:**

Abs 3 of Isaac Baker Survey,  
12.07 ac (12 properties)

**Lot Size/Project Area:**

Approx. 12.07 acres

**Future Land Use Plan:**

Town Approach and  
Regional Node A

**Notifications:**

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

**Comments Received:**

None as of Nov. 2, 2016

**Staff Review:**

Helena Schaefer  
GIS Analyst

**Attachments:**

- Location Map
- Existing Zoning Map
- Future Land Use Plan Map
- Property ID List

**REQUEST:**

A Zoning Change request from Commercial to Neighborhood Commercial.

**ZONING AND LAND USE:**

	Zoning	Land Use
<b>Subject Property</b>	C	Residences
<b>N of Property</b>	No zoning - ETJ	Farmland
<b>S of Property</b>	C and No zoning – ETJ	Residences, Farmland
<b>E of Property</b>	C	Residences
<b>W of Property</b>	No zoning – ETJ	Farmland

**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 twelve properties, which are located in the 2400-2800 blk of W Kingsbury St (north side), are currently zoned Commercial, but are being used for residential use. The Commercial zoning district only allows for existing single-family residential and only with a Specific Use Permit. The Staff recommends approval of the zoning change to Neighborhood Commercial, so as to allow the properties to be used as either a residence or for commercial use (but not both at the same time).

**Planning Department Recommendation:**

<b>X</b>	Approve as submitted
	Approve with conditions or revisions as noted
	Alternative
	Denial

## PLANNING DEPARTMENT ANALYSIS

### **SITE DESCRIPTION**

The twelve properties are currently zoned Commercial and are located on the north side of W Kingsbury St between the 2400 block and 2800 block. The properties were annexed in 2013 and were zoned Commercial because of the Comprehensive Plan; the properties are found in the Town Approach and Regional Node A districts.

### **CODE REQUIREMENTS:**

According to the UDC's Section 3.2.13, Neighborhood Commercial provides for a variety of small scale, limited impact commercial, retail, personal services, and office uses located in close proximity to their primary customers. This zoning district is typically located in or near residential areas. The zoning also allows for the use of existing or new residential structures (single-family). Rezoning these twelve properties to Neighborhood Commercial will allow for the current use (residential) while anticipating future commercial uses.

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

These properties are located in an area where development hasn't occurred but has the potential as W Kingsbury St (US 90 W) is a major corridor into the City. The current uses are compatible with the surrounding uses. Rezoning to Neighborhood Commercial would keep the zoning compatible with the current zoning.

### **COMPREHENSIVE PLAN:**

The properties fall into two future land use districts, Town Approach, and Regional Node A. Less intensive commercial uses, such as professional offices and retail under 10,000 sq ft in size, are allowed as of right in these districts.

### **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, although three properties are located in the 100 year flood zone.

### **TRAFFIC (STREET FRONTAGE & ACCESS):**

These properties front W Kingsbury St, a TXDoT Right-of-way. All properties have an existing driveway (except for one, which has natural drainage and is located in the 100 year flood zone.)

### **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.



**ZC 28-16: 2400-2800 Blk of W Kingsbury**



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## Site Location



200' Notification Buffer

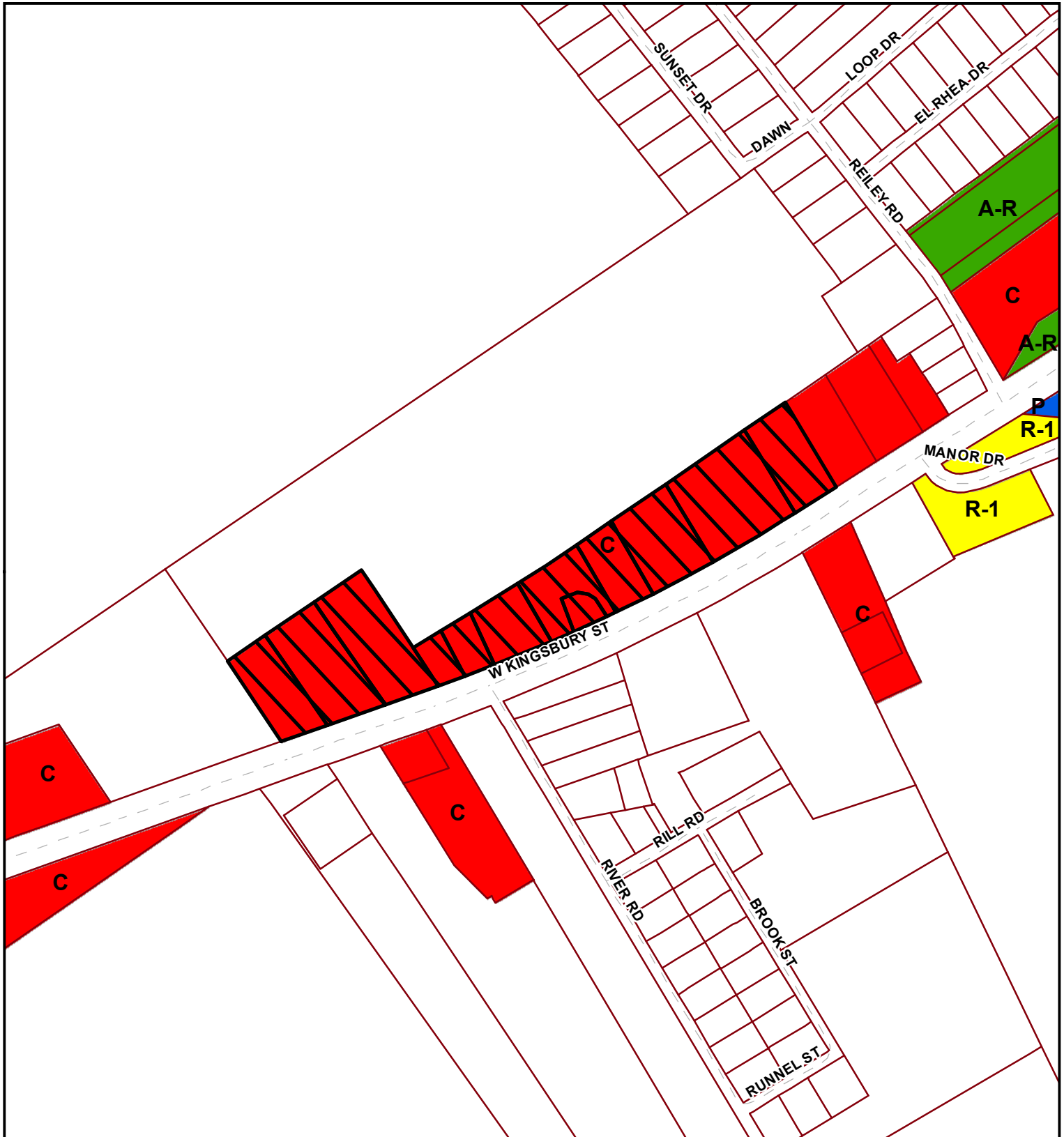
1 inch = 433 feet

Printed: 10/19/2016



# ZONING MAP

## ZC 28-16: 2400-2800 Blk of W Kingsbury



A-R Agricultural Ranch	ZL Zero Lot Lines	MHP Manufactured Home Park	I Industrial
R-R Rural Residential	DP-1,2 Duplex	NC Neighborhood Commercial	P Public
S-R Suburban Residential	MF-1,2,3 Multi-Family	C Commercial	PUD Planned Unit Development
R-1 Single Family Residential	M-R Manufactured Residential	LI Light Industrial	

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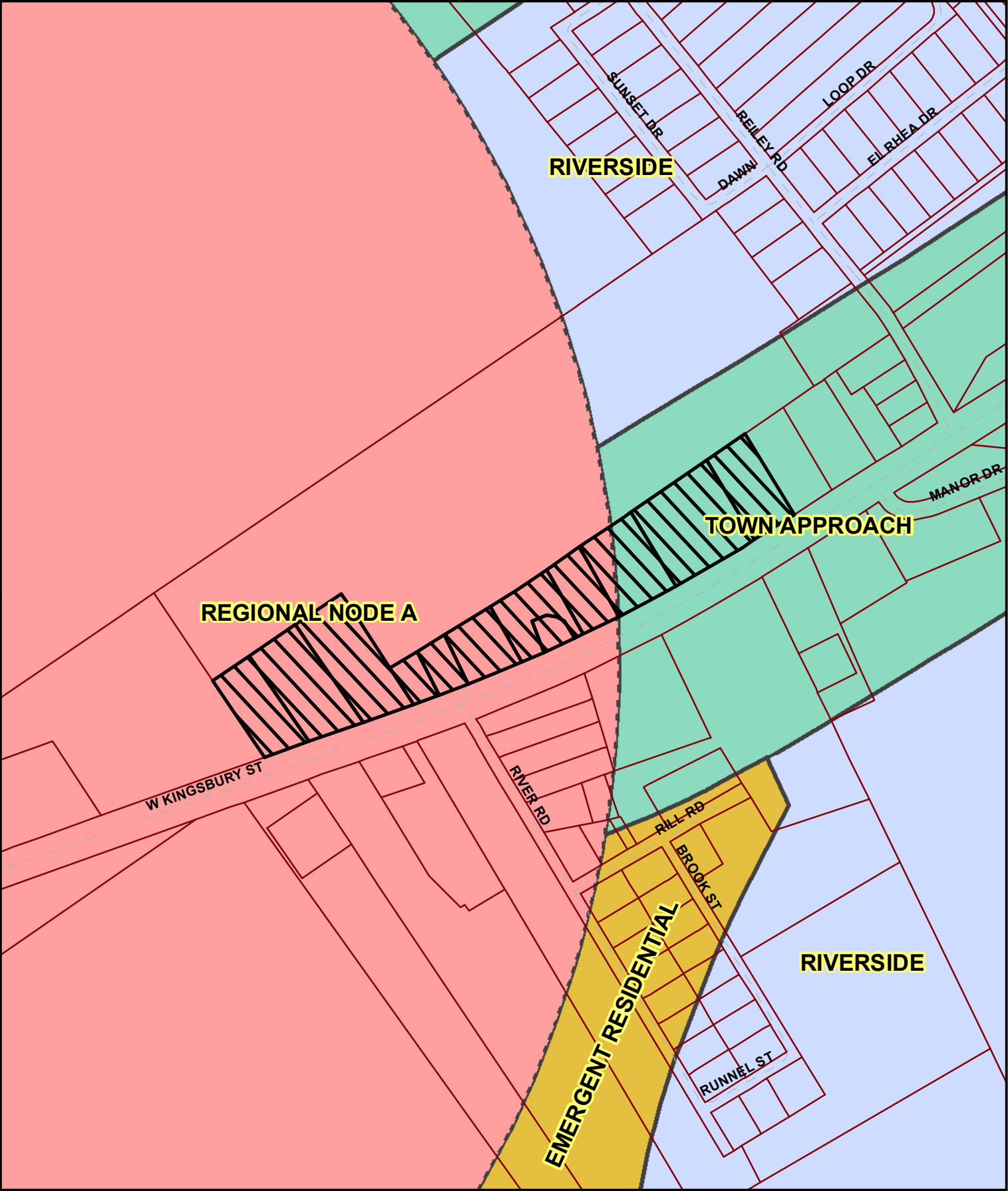
Site Location



Lot Lines

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Site Location

Lot Lines

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## **Planning and Zoning Commission Report ZC 28-16**

A request for Zoning Change 28-16 was considered during a public hearing at the Planning & Zoning Commission meeting on November 8, 2016:

### **ZONING CHANGE request from Commercial to Neighborhood Commercial for the properties located on the north side of the 2400-2800 block of W Kingsbury St.**

Helena Schaefer presented the staff report re-iterating that this zoning change request is still part of the UDC "clean up" zoning process. These 12 properties were annexed in 2013 and zoned as Commercial due to W Kingsbury St (US 90W) being a major corridor into the City. The zoning ordinance at the time did not have the Neighborhood Commercial district. Staff told the Commission that this proposed zoning change is very similar to zoning change 26-16 in that these properties are legal non-conformities and could not be rebuilt as residence if the existing structures were damaged or destroyed 50% or more. The inability to secure residential loans on commercially zoned properties or to obtain insurance was also restated. Rezoning these properties to Neighborhood Commercial would allow for the rebuilding or new construction of a residential dwelling. Even the Hidden Oaks Apartments (located at 2722 W Kingsbury St) could be rebuilt with a Limited Use Permit.

Public notifications were mailed to 13 property owners on October 28, 2016. No written comments were received.

The Commission had one question for Staff, which was also acting as the Applicant. Commissioner Jackel asked if one of these 12 properties was the Las Mananitas Restaurant. Staff responded that it was not included as the Commercial zoning fits the use of that property. Staff also explained that 2450 W Kingsbury was not included, as this is a residential structure that operates an "occasional sale" store. The regular meeting was then recessed and a public hearing was held.

DL Schraub of 2802 W Kingsbury St spoke to the Commission. He stated that the current Commercial zoning prevents selling a house or rebuilding it (in case of destruction). He will accept the Neighborhood Commercial zoning.

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

After consideration of the staff report and all information given regarding Zoning Change 28-16, the Planning and Zoning Commission voted 5-0-0, to Recommend to City Council to Approve the Zoning Change request to Neighborhood Commercial.

**RECOMMENDATION TO APPROVE ZONING CHANGE TO NEIGHBORHOOD COMMERCIAL –  
MOTION PASSED 5-0-0**



Dora Toungate  
Planning Assistant



ATTEST: Pamela Centeno  
Director of Planning/Codes