



PLANNING & CODES

Applicant:

City of Seguin
205 N River St
Seguin, TX 78155

Property Owner:

See Property ID List

Property Address/Location:

734 E Court, 725 E Court,
805 E Court, 616 Terrell &
514 N Camp

Legal Description:

See Property ID List

Lot Size/Project Area:

Approx. 2.3214 acres

Future Land Use Plan:

Historic City Center, Central
Township, Riverside, Town
Core 2

Notifications:

Mailed Dec. 30, 2016
Newspaper Dec. 21, 2016

Comments Received:

Two opposed as of Jan. 5,
2017

Staff Review:

Helena Schaefer
GIS Analyst

Attachments:

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

ZC 01-17 Staff Report Split Zoning Zoning Change R-1 to C

REQUEST:

A Zoning Change request from Single-Family Residential 1 to Commercial.

ZONING AND LAND USE:

	Zoning	Land Use
Subject Property	R-1 & C	AutoZone, O'Reilly Auto Parts, Office building, church parking lot, Tri-County AC
N of Property	C, R-1	Residences, Businesses
S of Property	C, R-1	Residences, Businesses
E of Property	C, R-1	Residences, Businesses
W of Property	C, R-1, NC	Residences, Businesses

SUMMARY OF STAFF ANALYSIS & RECOMMENDATION:

The City of Seguin is in the process of "cleaning up" zoning issues. During the original 1989 zoning process, properties along major streets were split by zoning with commercial in the front and residential in the back. These five properties, which are located along E Court and N Austin streets, currently have this split zoning. For these properties, the portion zoned R-1 is a legal non-conformity. The Staff recommends approval of the zoning change to Commercial for the portion zoned single-family residential, so as to allow the whole of properties to be in compliance with the use and zoning.

Planning Department Recommendation:

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

PLANNING DEPARTMENT ANALYSIS

SITE DESCRIPTION

The five properties currently are split by zoning, Commercial in the front of the properties and Single-Family Residential 1 in the back. These properties have retained their original 1989 zoning. Three of the properties are located along the 700 and 800 block of E Court and have the following businesses located on them: Auto Zone, O'Reilly Auto Parts, and the Creekside Office Complex. The other two properties are located along N Austin. 616 Terrell is part of the First United Methodist Church parking lot; 514 N Camp is a double frontage lot, which is home to Tri-County AC.

CODE REQUIREMENTS:

According to the UDC's Section 3.2.14, Commercial is the primary commercial and service zoning district with the commingling of many retail, service and office uses. This zoning district is typically located along major transportation corridors in the City. Rezoning the single-family residential zoned portions of these five properties to Commercial will conform to the existing use.

COMPATIBILITY WITH SURROUNDING LAND USE & ZONING:

These properties are located along major streets (N Austin and E Court). The current uses are compatible with the surrounding uses, as portions of these five properties are being rezoned to match the portion that is in compliant.

COMPREHENSIVE PLAN:

The properties fall into four future land use districts, Historic City Center, Central Township, Riverside, and Town Core 2. These FLUP districts are located in close proximity to the Core Approach, which allows for commercial use. Town Core 2 does have Commercial use "As of Right".

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 two of these properties are located in the 100 year flood zone (Auto Zone and the Creekside Office Complex. These properties are already developed and the existing structures are located outside of the flood zone.

TRAFFIC (STREET FRONTAGE & ACCESS):

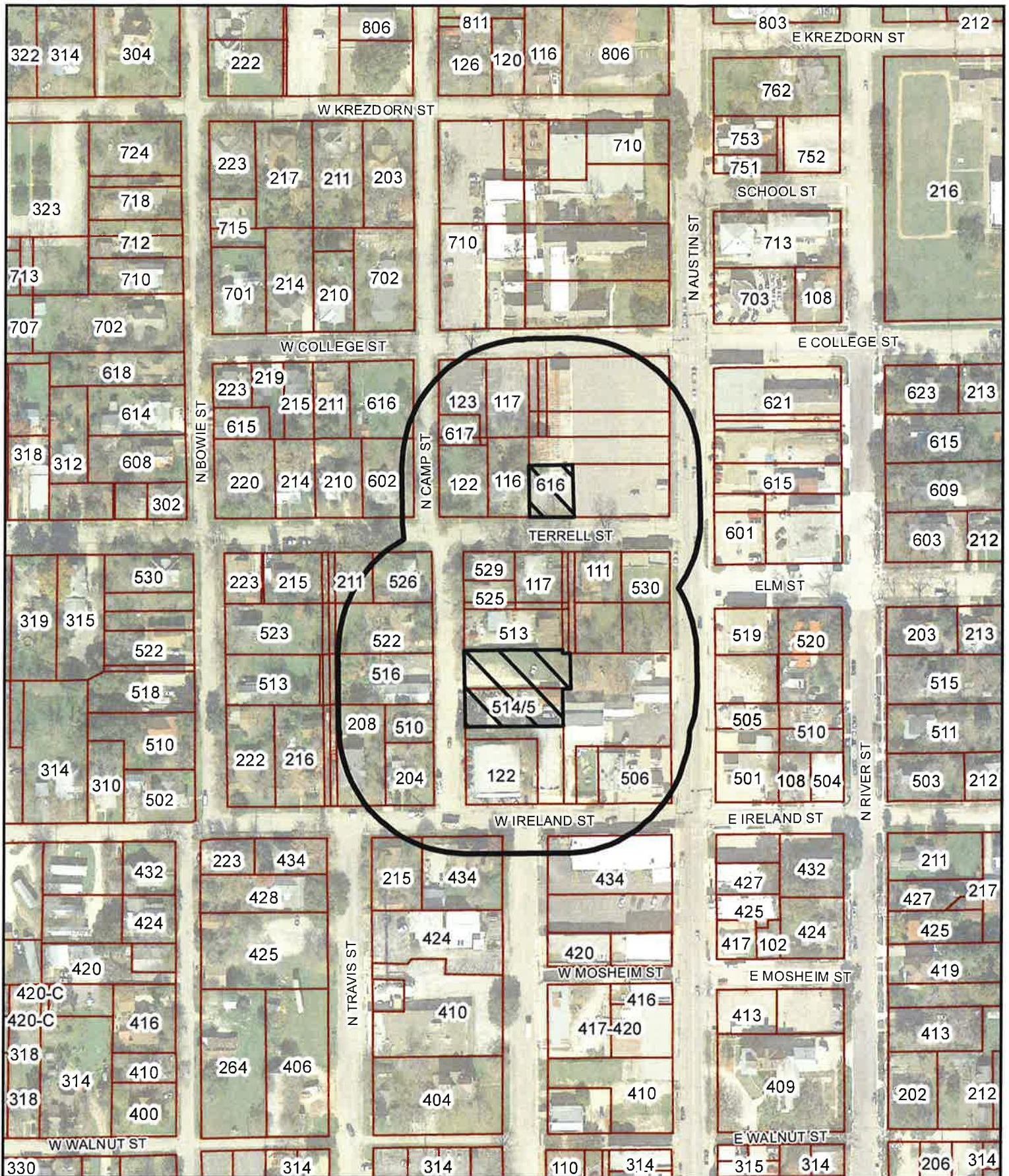
Four of these properties front E Court St and N Austin, TxDOT Right-of-ways. All properties have an existing driveway. 616 Terrell St fronts Terrell St, but is part of a larger parking lot. The 514 N Camp property is a double frontage lot, with access to N Austin St.

OTHER CONSIDERATIONS:

The portion of these properties with the current single-family residential zoning are regarded as legal non-conformities. 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 of the portion of single-family residential 1 zone. As well, financial institutions may hesitate to provide loans for mismatch zoned properties and insurance companies may not provide coverage. Also, if any of these businesses wanted to expand into the portion not zoned Commercial, it would require a rezone.

LOCATION MAP

ZC 01-17: L C Rezone Split R-1 to C



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Site Location



200' Notification Buffer



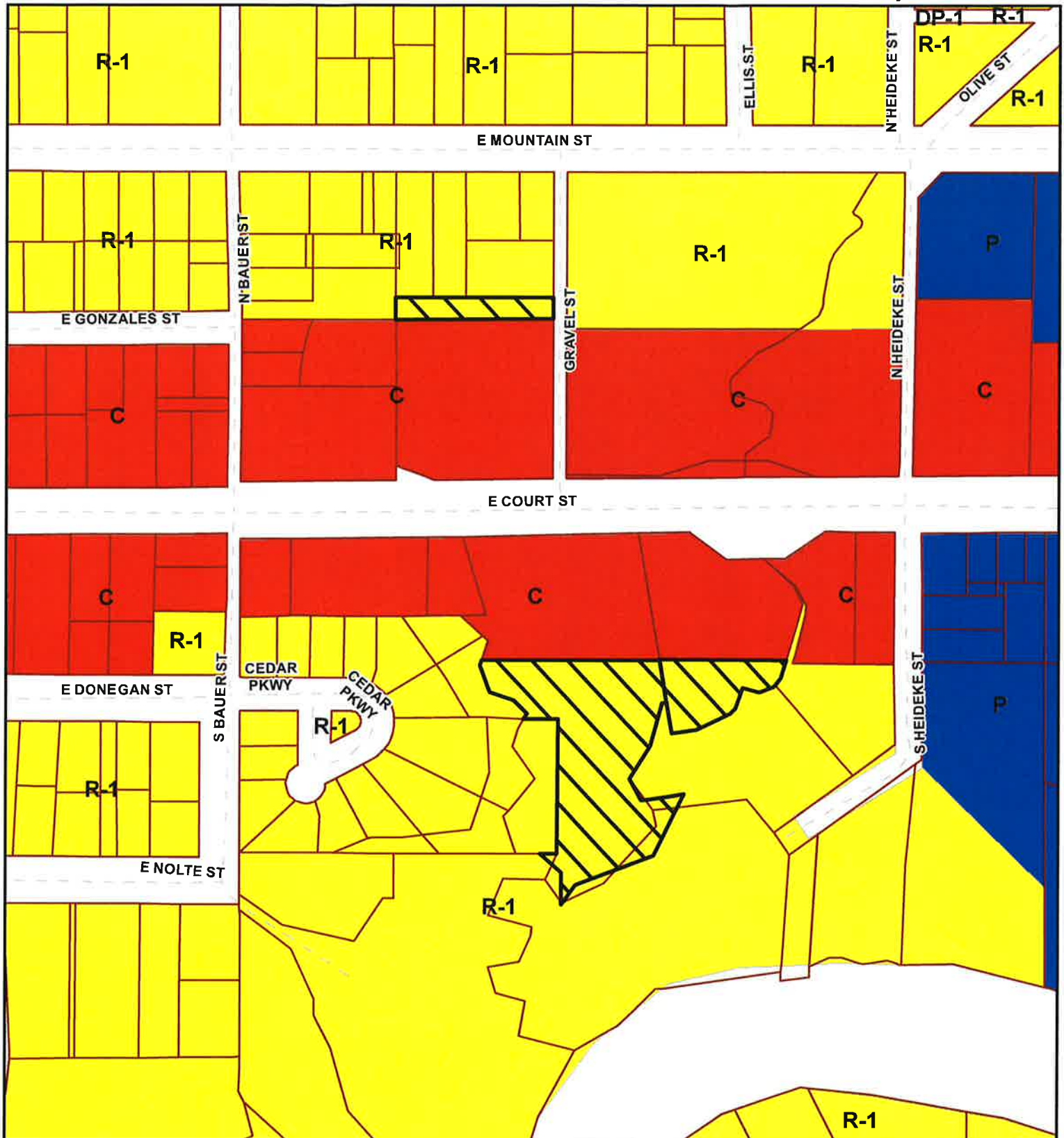
Lot Lines

1 inch = 200 feet

Printed: 12/13/2016

ZONING MAP

ZC 01-17: L C Rezone Split R-1 to C



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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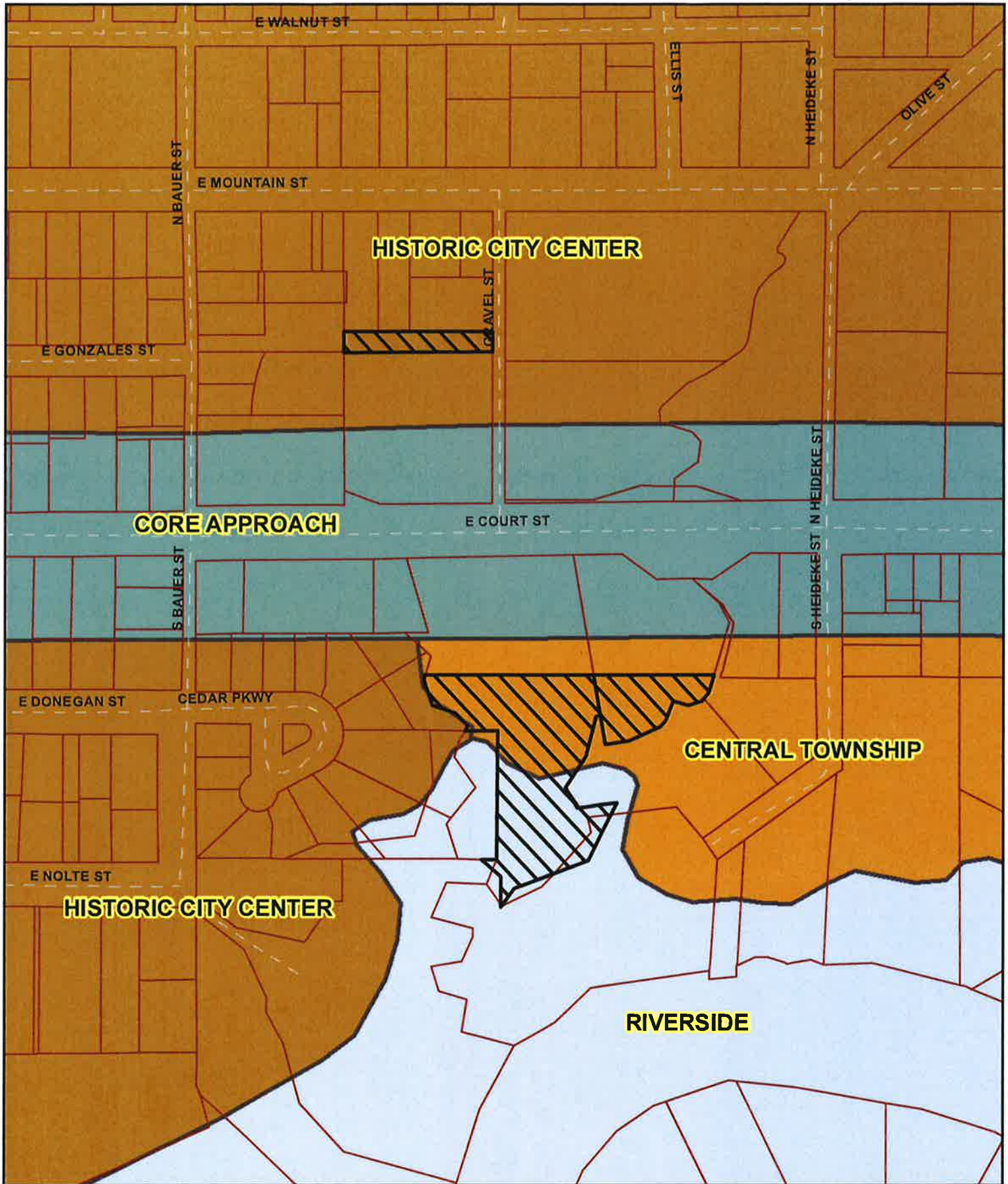
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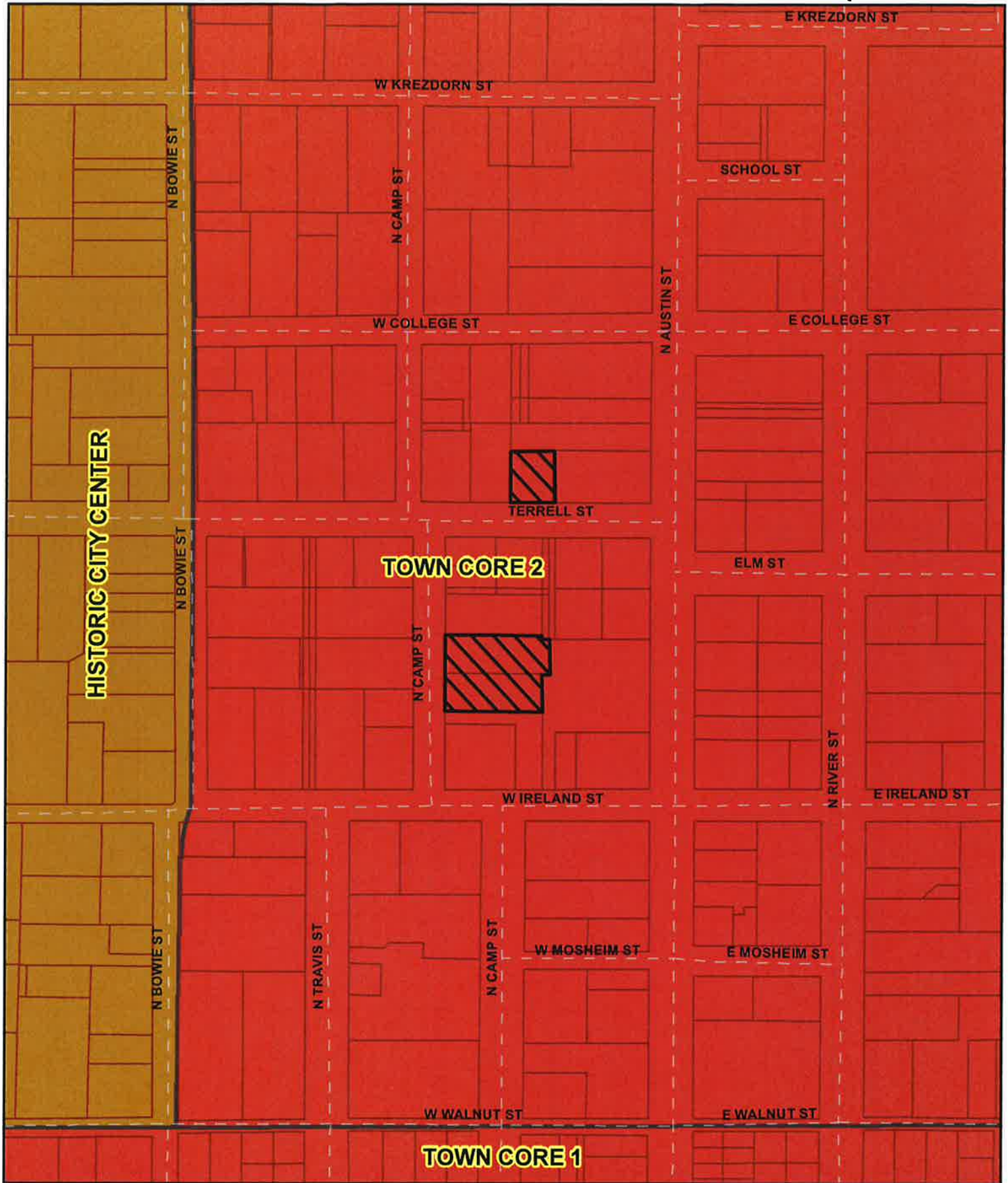
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PLANNING & CODES

Planning and Zoning Commission Report ZC 01-17

A request for Zoning Change 01-17 was considered during a public hearing at the Planning & Zoning Commission meeting on January 10, 2017:

ZONING CHANGE request from Single-Family Residential to Commercial for a portion of the following properties: 724 E Court St, 725 E Court St, 805 E Court St, 616 Terrell St, and 514 N Camp St.

Helena Schaefer presented the staff report stating that this zoning change request is still part of the UDC "clean up" zoning process. These properties have maintained their original zoning since the 1989 zoning process, but were split by zoning districts. In some situations, part of the property is considered a legal non-conformity and may prevent the existing structures from being rebuilt or the existing business from continuing use.

Public notifications were mailed to 50 property owners on December 30, 2016 and published in the newspaper on December 21, 2016. Several written comments were received.

Joe H Bruns, 711 E Nolte St, Seguin TX 78155

"Opposed – to change on south side of Court St (Auto Zone, 725 E Court St). In some cases, there is justification for split zoning. This property appears to be the poster child for this justification. The commercial property on Court St. has no semblance to the natural forest land to its south. This forest land is one of the few wildlife area in the City and should not be zoned "Commercial". Commercial development in this residential property area could greatly damage property values."

Elaine Giesber, 726 Cedar Pkwy, Seguin, TX 78155 (letter and email)

"Letter - Opposed – zoning this area commercial would greatly reduce the value of my home and property. It would also greatly reduce my pleasure in living in Seguin."

"Email – Please, please, please do not rezone the property behind Auto Zone. If that were done, my property value go down considerably as well as my enjoyment of my property. Someone once told me that if they had known property similar to mine was available in Seguin, they would not have built in New Braunfels."

Penny Wallace, 202 S Heideke St, Seguin, TX 78155 (email)

"Do you know why the land behind auto zone is being rezoned?"

Irene Kornegay, 738 Cedar Pkwy, Seguin TX 78155

"Opposed – Don't want it to effect my property and the value."

JC Trainer, 732 Cedar Pkwy, Seguin TX 78155

"Opposed – Our neighborhood is basically for older adults and is quiet and not in need of anything to lower the value of homes."

Elam and Kay Scull, 750 Cedar Pkwy, Seguin, TX 78155

"Opposed – This is a very nice and very peaceful residential area of Seguin and we d NOT want a central part of this beautiful, natural area ruined by zoning the very heart of it as commercial. This would be very poor planning. Leave it as it is."

Bobby & Stacy Shanafelt Johnson, 744 Cedar Pkwy, Seguin, TX 78155

"Opposed – The creek that is adjacent to the 725 E Court property is a unique, natural feature of Seguin that should not be subjected to commercial development. The area should retain its beautiful identity."

Edwin E Garcia, 5054 Lakewood, San Antonio, TX 78220

"Opposed – need more information for rezone, such as reason for rezoning – for what purpose, etc."

Ochoa Cecilio Jr & Herminia L Rivera, 208 W Ireland St, Seguin, TX 78155

In favor of (property located at 515 N Camp St)

Commissioner Raetzsch stated that she understands neighbors' and city's concerns. Pamela Centeno informed the commission that split zoning is not illegal but the most important thing is to change the parking lot zoning at 725 Court and structure at 805 Court that are in the single-family zoning and nonconforming. The Commission had no further questions. The regular meeting was then recessed and a public hearing was held. Several adjacent property owners spoke regarding the rezoning of 725 E Court St (Autozone).

Joe Bruns (711 E Nolte St) re-iterated his written response that this is a perfect example for the need of split zoning, "a poster child for split zoning". He also stated that the City should proclaim this area as a conservation area.

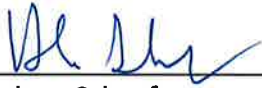
Penny Wallace (202 S Heideke St) spoke of the wilderness aspect of the creek. She stated that rezoning the back portion of the Autozone property would open it up to more commercial uses.

Stacy Shanafelt (744 Cedar Pkwy) echoed Mrs. Wallace's statement about the wilderness in her backyard and talked about the variety of wildlife that can be found there, especially the hawks. She doesn't want to look at the back of a building.

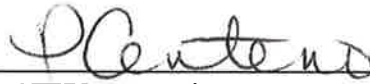
Staff responded to the concerns of the property owners. The City does not have the ability to assign conservation zones. As for redeveloping the property at 725 E Court St, it would difficult given the flood zones, change in elevation (32 foot drop) and FEMA's requirement for building in the 100 year and the floodway zone. There being no further response from the public the regular meeting reconvened for action.

The Commission proposed that not all of the single-family residential zoned area of 725 E Court St be changed to Commercial, just the portion that contains the parking area. After consideration of the staff report and all information given regarding Zoning Change 01-17, the Planning and Zoning Commission voted 7-0, to Recommend to City Council to Approve the Zoning Change request to Commercial, with the exception of the area south of 725 E. Court. They recommended this area remain Single-Family Residential.

**RECOMMENDATION TO APPROVE ZONING CHANGE TO COMMERCIAL –
MOTION PASSED 7-0**



Helena Schaefer
GIS Analyst



ATTEST: Pamela Centeno
Director of Planning/Codes