



PLANNING & CODES

ZC 08-17
1523 W Court St.
Zoning Change

Applicant:

Gilda Dando
101 Bent Oak Rd
Weatherford, TX 76086

Property Owner(s):

Gilda Dando
101 Bent Oak Rd
Weatherford, TX 76086

Property Address/Location:

1523 W Court St

Legal Description:

Abs: 11 JD Clements Survey,
Property ID 53025

Lot Size/Project Area:

Lot – approx. 0.68 acres

Future Land Use Plan:

University

Notifications:

- Mailed: March 31, 2017
- Published: March 26, 2017

Comments Received:

None as of April 5, 2017

Staff Review:

Helena Schaefer
Senior Planner
April 5, 2017

Attachments:

- Location Map
- Zoning Map
- FLUP Map

REQUEST: A Zoning Change request from Commercial to Neighborhood Commercial.

ZONING AND LAND USE:

| | Zoning | Land Use |
|-------------------------|--------|--------------------------------|
| Subject Property | C | Vacant House |
| N of Property | P | AJ Briesemeister Middle School |
| S of Property | M-R | Vacant lot |
| E of Property | C | Residence |
| W of Property | NC | Residence |

SUMMARY OF STAFF ANALYSIS & RECOMMENDATION:

Although a Specific Use Permit can be obtained to use this structure as a residence in a commercially zoned property, the SUP doesn't transfer with the property and stays with the applicant. However, a zoning change to Neighborhood Commercial allows the use of an existing residential structure as a "right" and doesn't require a SUP. Neighborhood Commercial Zoning is more of a limited impact commercial and smaller in scale than Commercial Zoning. Given the surrounding commercial uses, the residential areas along Wetz St, the flexibility of Neighborhood Commercial for residential or commercial use and the proximity of W Court St, a major corridor thru the City, Staff is recommending the zoning change from C to NC.

Planning Department Recommendation:

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

CODE REQUIREMENTS:

In order to use this non-conforming structure as a residence, a zoning change must be acquired for the property. Although the property is currently zoned as Commercial, a Specific Use Permit would be required to use the structure as residential. Neighborhood Commercial consists of more small scale, limited impact commercial, retail, personal services, and office uses; Commercial is a more intensive use and larger scale of those same activities.

SITE DESCRIPTION:

The property was zoned Commercial with the original adoption of the Zoning Map in 1989. The house was existing when zoning was established. Since the house was vacant for a long period of time, the nonconforming status for the structure has expired. In order to use the structure as a residence, a zoning change can be sought or a Specific Use Permit can be obtained. A Specific Use Permit does not run with the property, but with the applicant. Rezoning to "Neighborhood Commercial" allows the use of an existing house without the requirement of a SUP.

COMPATIBILITY WITH SURROUNDING LAND USES & ZONING:

The property is located at the corner of W Court St and Wetz St. The structures surrounding this property south of W Court St are residential in nature. Across W Court St, AJ Briesemeister Middle School is located. Using this structure as residence would be compatible with the land use and the zoning.

COMPREHENSIVE PLAN:

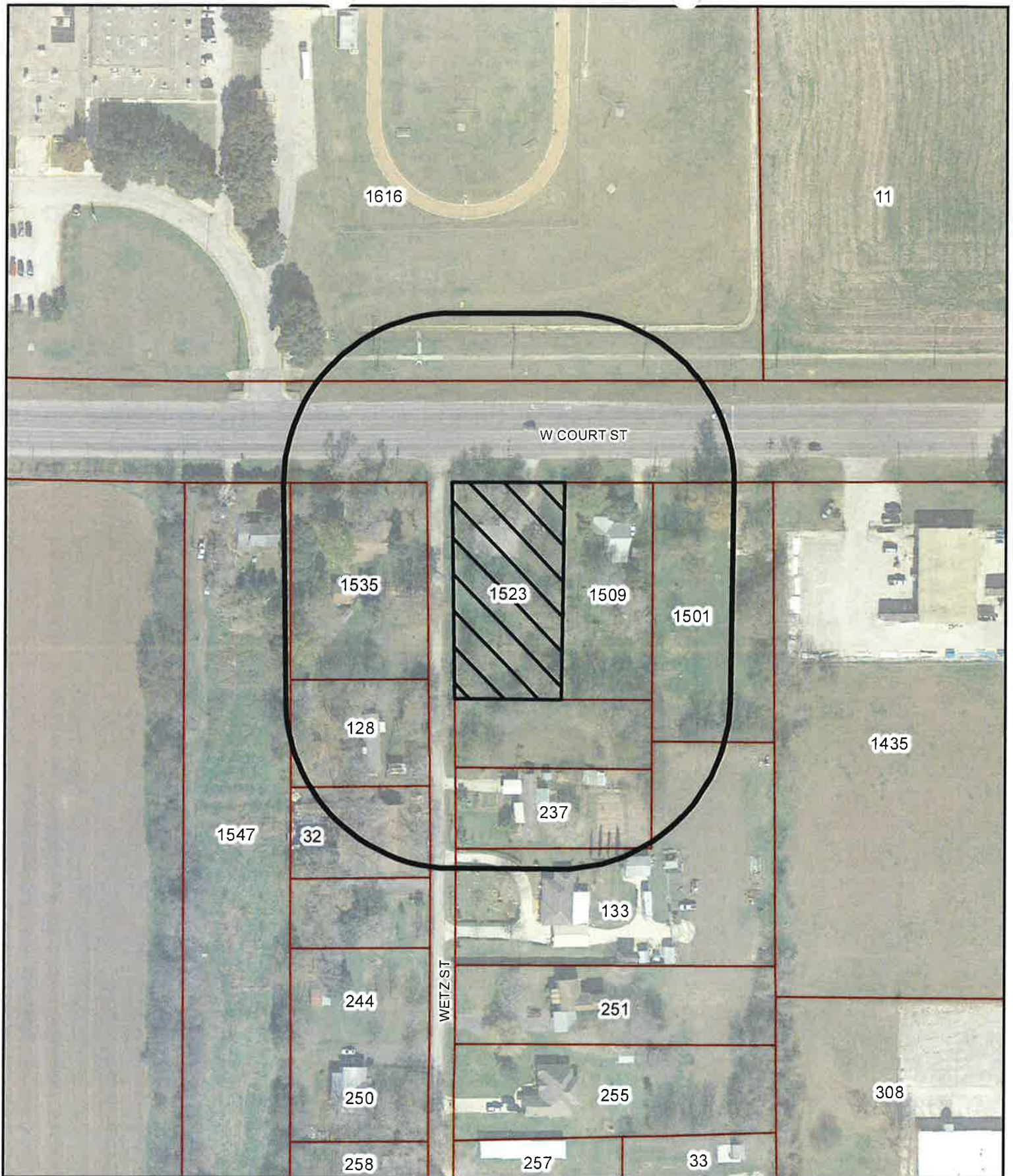
The site is located in the University future land use district; this district is oriented towards Texas Lutheran University. Neighborhood Commercial uses are recommended in this district.

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

It has not been determined that the site is of historical, cultural, or environmental significance.

TRAFFIC (STREET FRONTAGE & ACCESS):

The site is accessed from W Court Street with an existing driveway.



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Site Location



200' Notification Buffer



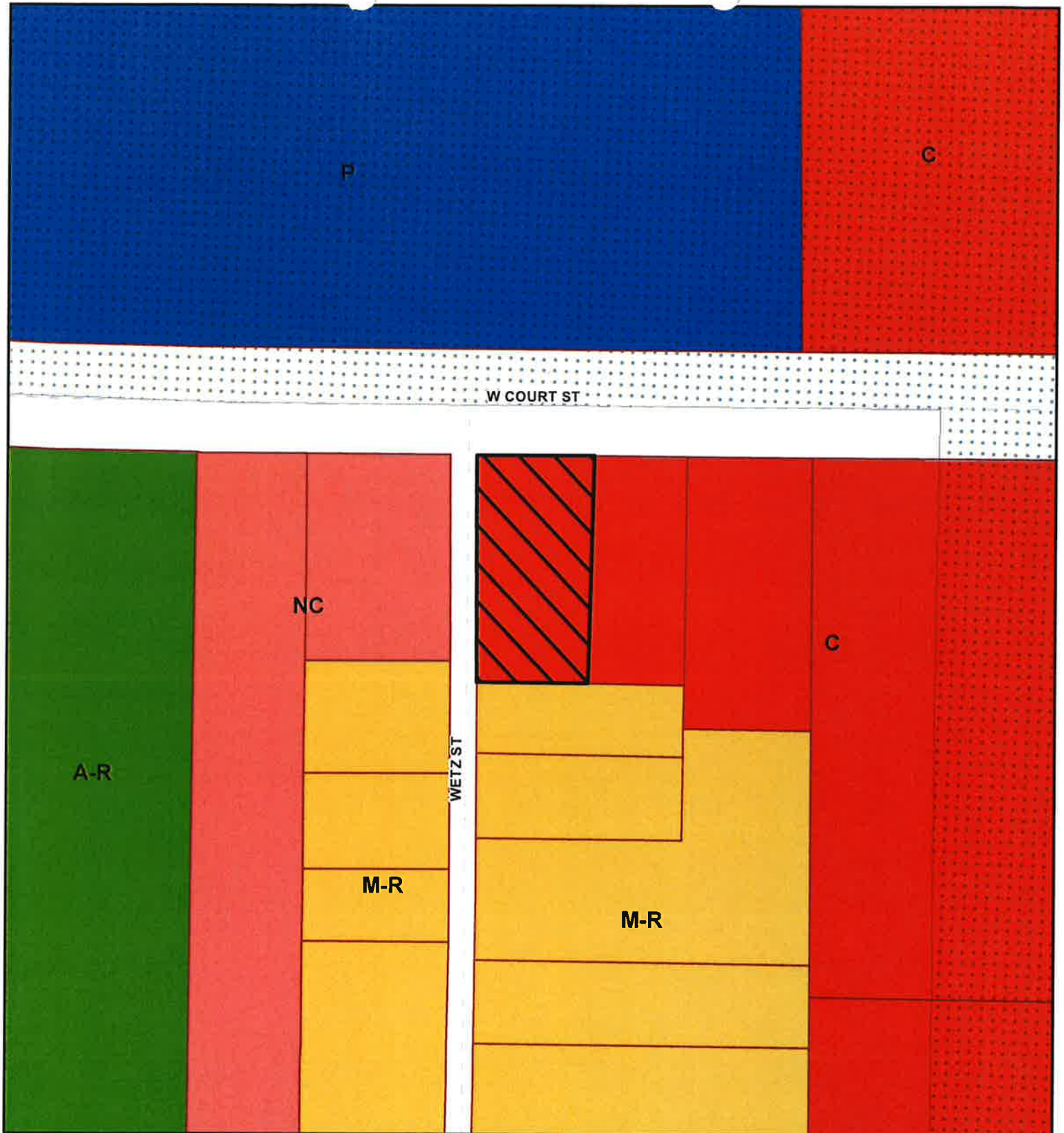
Lot Lines

1 inch = 150 feet

Printed: 3/13/2017

ZONING MAP

ZC 08-17: 1523 W Court St



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

R-1 Single Family Residential

M-R Manufactured Residential

LI Light Industrial

Development

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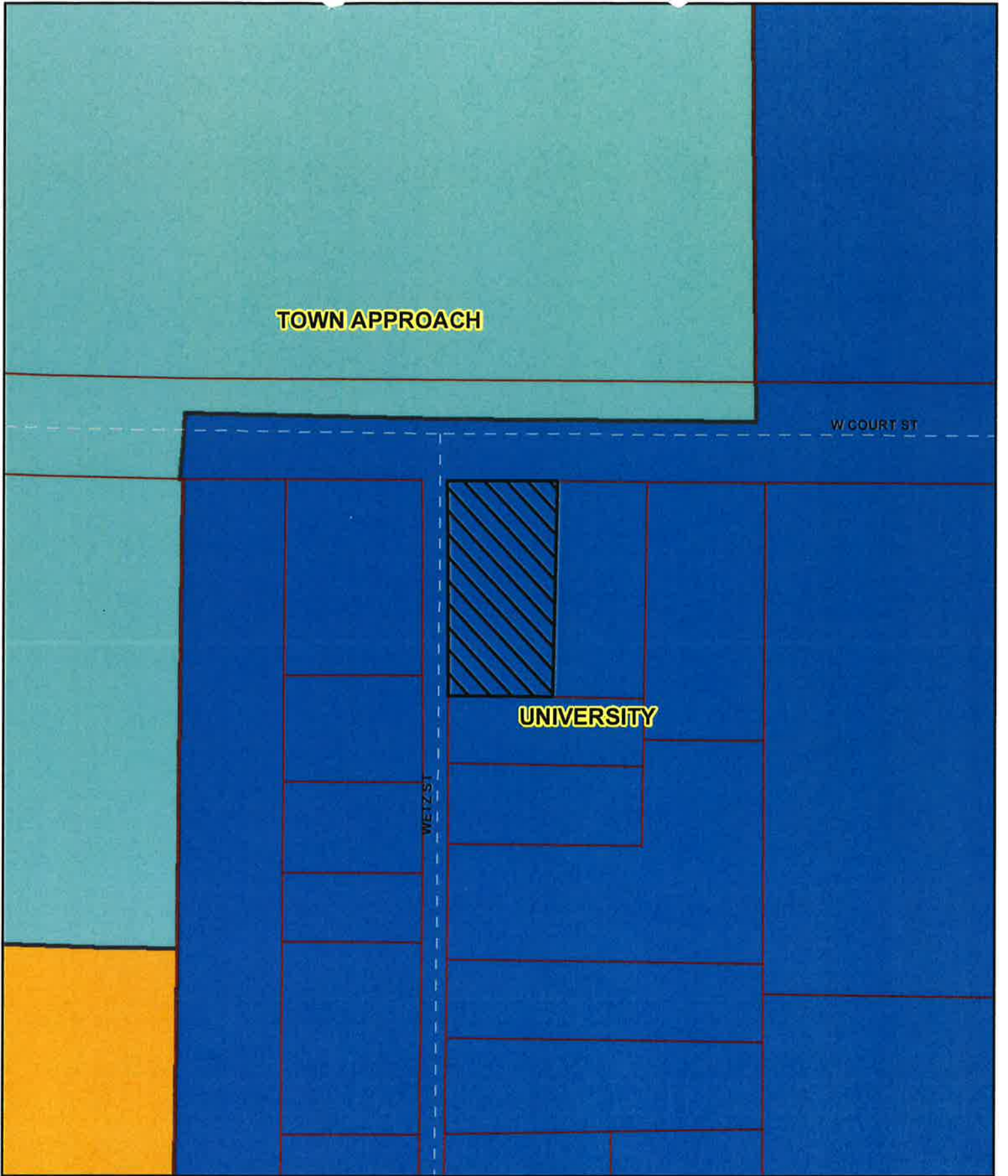
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Site Location


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**Planning and Zoning Commission Report
ZC 08-17**

A request for Zoning Change 08-17 was considered during a public hearing at the Planning & Zoning Commission meeting on April 11, 2017:

ZONING CHANGE request from Commercial to Neighborhood Commercial for property located at 1523 W. Court Street.

Helena Schaefer presented the staff report. Although a Specific Use Permit can be obtained to use this structure as a residence in a commercially zoned property, the SUP doesn't transfer with the property and stays with the applicant. However, a zoning change to Neighborhood Commercial allows the use of an existing residential structure as a house. The case is similar to a previous case at 411 N. Austin. Surrounding zoning and uses were discussed. The site is located in the University future land use district; this district is oriented towards Texas Lutheran University. Neighborhood Commercial uses are recommended in this district. The site is just over ½ acre and has its original zoning from 1989. It has been vacant for more than six months and has lost its grandfather status. Staff recommends approval because of the proposed use of residential and flexibility of Neighborhood Commercial for residential or limited-impact commercial activities. It is a good transition between the major corridor along Court and the residential properties to the south.

Public notifications were mailed to property owners on March 31, 2017 and published in the newspaper on March 26, 2017. No comments were received.

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

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 08-17, the Planning and Zoning Commission voted 7-0-0, to recommend to City Council the approval of the Zoning Change to Neighborhood Commercial.

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

A handwritten signature in blue ink that reads "Francis Serna".

Francis Serna
Planning Assistant

A handwritten signature in blue ink that appears to read "Helena Schaefer".

ATTEST: Helena Schaefer
Senior Planner