



PLANNING & CODES

**ZC 18-17
1010 E Martindale Rd
Zoning Change**

Applicant:

M&S Engineering
376 Landa St
New Braunfels, TX 78130

Property Owner(s):

David W Dougherty
USAEDFE, Unit 5546
APO, AP 96205

Property Address/Location:

1010 E Martindale Rd

Legal Description:

Abs: 6, Sur: H Branch & Abs:
131, Sur: Benjamin Fuqua
88.309 acres, Property ID
52562, 52563, 52561,
136600, 51359, 63113

Lot Size/Project Area:

Lot – 88.309 acres

Future Land Use Plan:

Emergent Residential and
Regional Node A

Notifications:

- Mailed: July 27, 2017
- Published: July 23, 2017

Comments Received:

Comments – 1 in favor
1 against

Staff Review:

Helena Schaefer
Senior Planner
August 2, 2017

Attachments:

- Location Map
- Zoning Map
- FLUP Map
- Preliminary Land use Plan

REQUEST: A Zoning Change request from Agricultural-Ranch to Single-Family Residential 1.

ZONING AND LAND USE:

	Zoning	Land Use
Subject Property	A-R	Farmland
N of Property	A-R	Farmland
S of Property	A-R/R-1	Farmland
E of Property	R-1	Residences
W of Property	C/R-1	Farmland/Residences

SUMMARY OF STAFF ANALYSIS & RECOMMENDATION:

The applicant is seeking a zoning change for 88.309 acre tract, which is zoned Agricultural-Ranch. Given the Emergent Residential future land use district, the proposed single-family residential use, and the existing land uses, staff is recommending the zoning change from A-R to R-1.

Planning Department Recommendation:

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

CODE REQUIREMENTS:

For smaller residential lots, a zoning change from A-R to Single-Family Residential 1 is required. The applicant is proposing a subdivision of 330 lots. The proposed lots' sizes would need to meet the minimum lot size requirements for R-1 – 5000 sq feet for internal lots and 6000 sq feet for corner lots.

SITE DESCRIPTION:

The properties were annexed in 2009 and zoned as Agricultural-Ranch. The properties are being used for agricultural purposes, and have two associated residential structures. The properties retain their original zoning from the annexation process.

COMPATIBILITY WITH SURROUNDING LAND USES & ZONING:

The six properties fall in an area between residential and agricultural uses. The properties are currently used for agricultural activities with two residential structures. Oak Village North, a single-family residential neighborhood, is located to the southeast. There is also a high density residential area, the Ranch at 123 directly south. To the west and north, those properties are in agricultural use. The proposed use would be compatible to the existing land uses and zoning.

COMPREHENSIVE PLAN:

The site is located in the Emergent Residential and Regional Node A districts. The Emergent Residential district is outside of the center city and residential use is predominant. Single Family Residential is an appropriate use for this district. Although the Regional Node districts are better suited for medium to high residential density, the detention area for this proposed single-family residential subdivision would be the dominant feature found 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 property is accessible from E Martindale Rd. A future segment of the Strempe Rd arterial is proposed to run through a portion of the southern properties.

OTHER CONSIDERATIONS:

All standards shall be adhered to the development of these properties according to the zoning requirements as well as other standards (to include, but not limited to sidewalks, drainage, parkland dedication, and platting.)

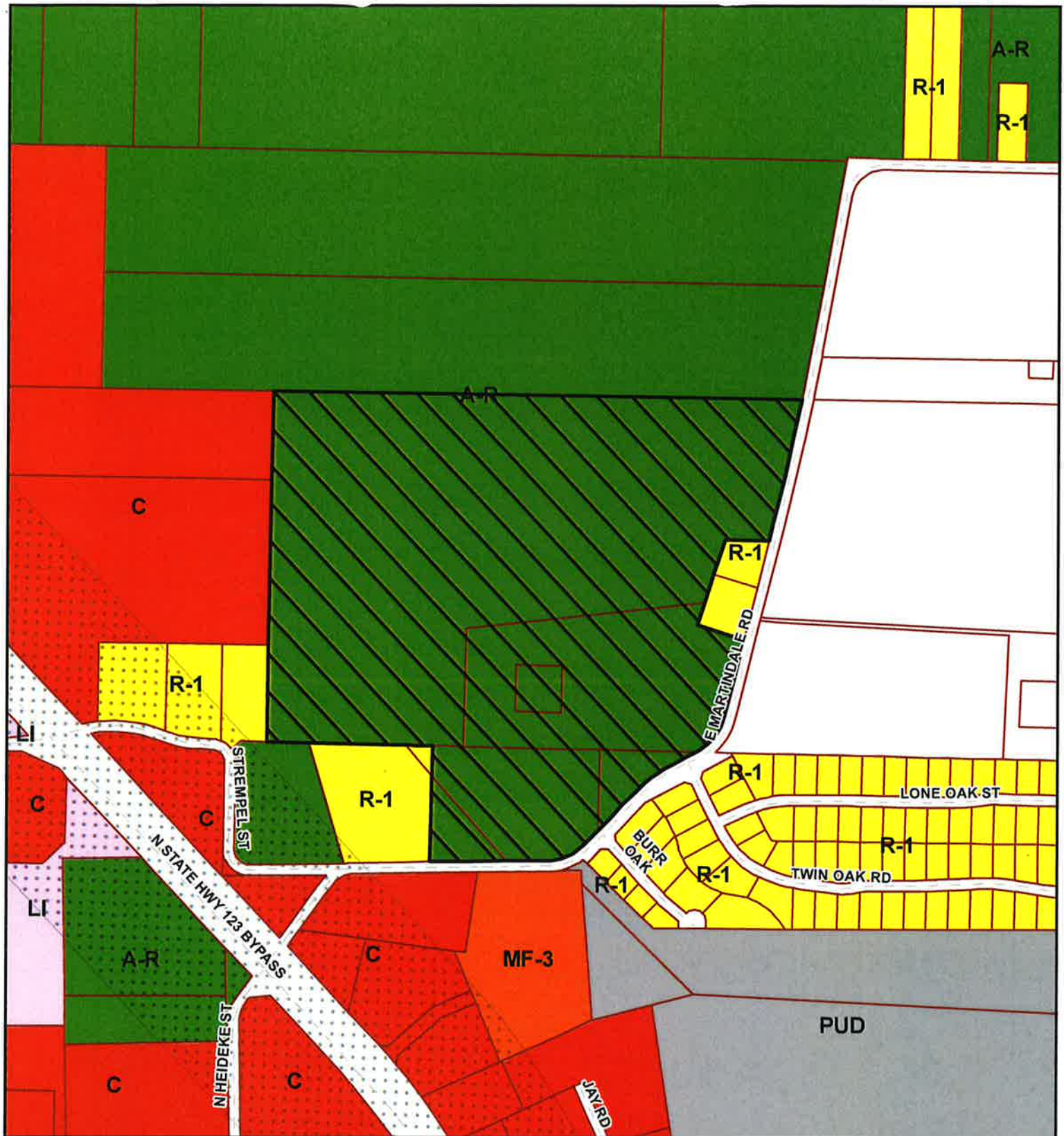
ZC 187:1010 E Martindale Rd



Printed: 7/24/2017

ZONING MAP

ZC 18-07: 1010 E Martindale Rd



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	

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.



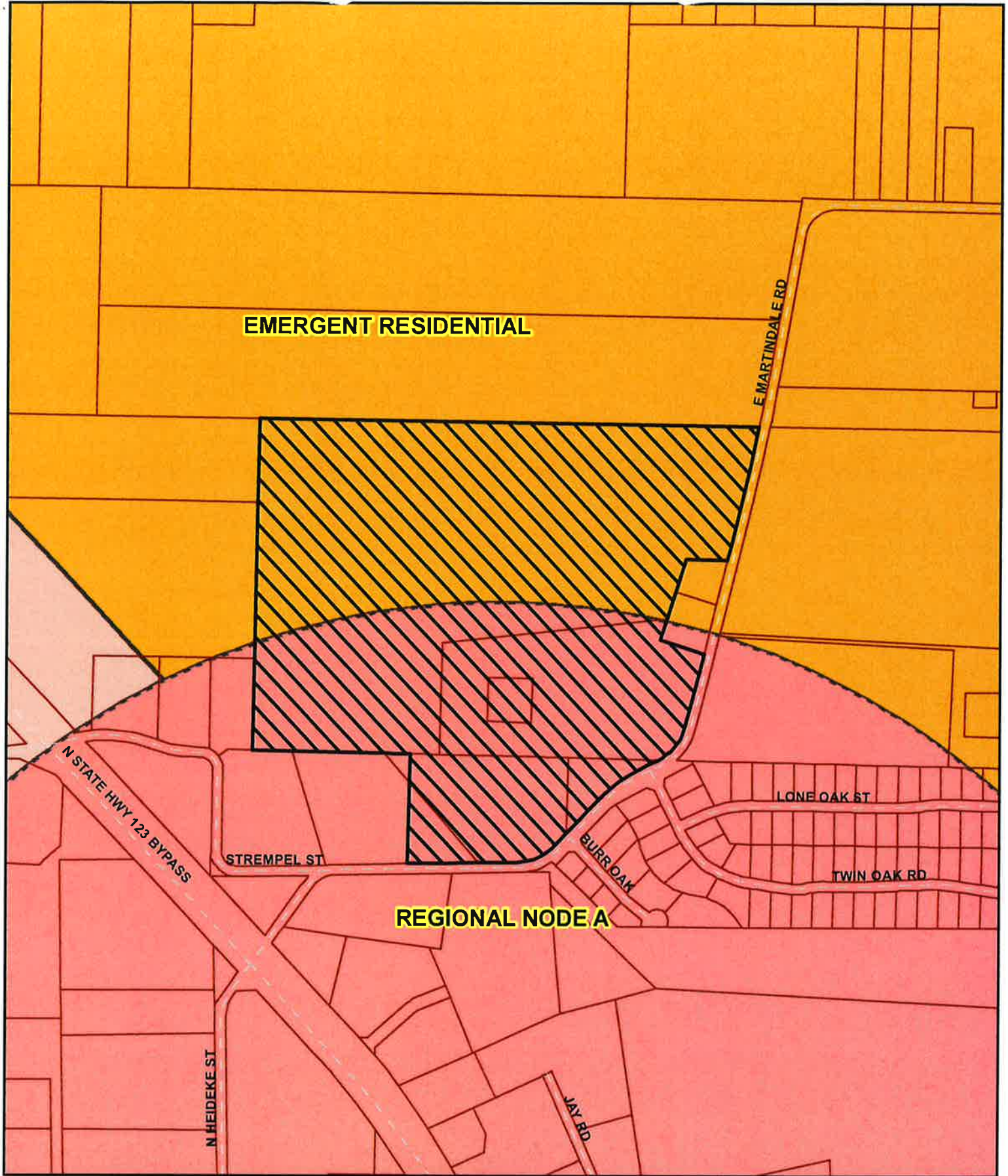
Site Location



Lot Lines

1 inch = 600 feet

Printed: 7/24/2017



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Site Location



Lot Lines

1 inch = 600 feet

Printed: 7/24/2017

In order to be on record, this form may be filled out and mailed to the Planning and Zoning Department, City of Seguin, P. O. Box 591, Seguin, Texas 78156.

Please be advised that under the Open Records Act, Public Information is Available to All Members of the Public. Section 552.023 of the Government Code provides that a governmental body may not deny access to information to the person, or the person's representative, to whom the information relates. Public information includes correspondence, comments relevant to public issues and other information received from the public regardless of the medium in which it is received, collected or retained.

AUG 03 2017

REPLY

Re: 1010 Martindale, Property ID 52562, 52563, 52561, 136600, 51359, and 63113 (ZC 18-17)

Name: ALVIN & CATY SCHVERG

Mailing Address: 748 STREMPER SEGUIN, TX 78155

Phone No.: 830/660-9424

Physical Address of property (if different from the mailing):

If "In Favor" or "Opposed" please explain why in space allotted below:

In Favor _____

Opposed ☒

Reasons and/or comments DEVELOPMENT WILL BRING MUCH HIGHER TRAFFIC VOLUME & ADD CONSIDERABLE NOISE & LIGHT POLLUTION. DEVELOPMENT WILL SURELY BRING "SPEC" HOMES TO AN AREA THAT IS 100% CUSTOM HOMES TODAY THEREBY LOWERING PROPERTY VALUES. AND ADDING INSULT TO INJURY, THE CITY'S MASTER PLAN SHOWS A TAKING OF SOME OF OUR PROPERTY TO BUILD STREET ACCESS TO THE PROPOSED DEVELOPMENT. ANY & ALL STREETS, DRAINAGE AND UTILITIES SHOULD BE ON THE DEVELOPER'S PROPERTY, THEY ARE THE ONES PROFITING FROM THIS VENTURE. WE DON'T WANT ANY OF THIS CLOSER THAN IT HAS TO BE.

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REPLY

Re: 1010 Martindale, Property ID 52562, 52563, 52561, 136600, 51359, and 63113 (ZC 18-17)

Name: ROBERT L ZEPEDA & MYRNA DE LOPEZ

Mailing Address: 960 FALLING WATER DR SPRING BRANCH 78070

Phone No.: 210-882 2462

Physical Address of property (if different from the mailing):

If "In Favor" or "Opposed" please explain why in space allotted below:

In Favor ☒

Opposed ☐

Reasons and/or comments _____

NONE

AUG 03 2017



Planning and Zoning Commission Report ZC 18-17

A request for Zoning Change 18-17 was considered during a public hearing at the Planning & Zoning Commission meeting on August 8, 2017:

ZONING CHANGE request from Agricultural-Ranch to Single Family Residential 1 for property located at 1010 E. Martindale Road.

Helena Schaefer stated that there is a correction to the Zoning and Land Use table on the first page of the staff report. She pointed out that the information on south of the property is incorrect. Helena Schaefer presented the staff report explaining that the applicant is requesting a zoning change to Single Family Residential (R-1) for six properties for a total of 88.309 acres. The applicant is proposing 330 lots. She described the surrounding land uses and zoning. Ms. Schaefer indicated that the proposed zoning change is compatible to the existing land uses and zonings. The site is located in the Emergent Residential and Regional Node Districts. Although, the Regional Node Districts are better suited for medium to high residential district, the detention area for the proposed single family residential subdivision would be the dominant feature found in the Regional Node District. The proposed development is in line with the Future Land Use Plan. She presented the Commission with a preliminary lot layout of the proposed subdivision. Pamela Centeno commented that the proposed subdivision is a preliminary and that a formal submittal has not been received. Ms. Schaefer added that the property is accessible from E. Martindale Road. However, with the recent adoption of the Master Thoroughfare Plan, a future segment of Stempel Road arterial is proposed to run through a portion of the southern properties. She advised the Commission that an Amendment to the Thoroughfare Plan has been submitted by the applicant and will be on the September Planning and Zoning Commission Meeting for their recommendation. One comment received in opposition and one comment was received in support which was included in the packets. An additional comment for and one against was received and placed on the dais. Staff recommended approval of the zoning change given the existing uses. She explained that the multi-family development of The Ranches at Hwy 123 serve as a buffer between the proposed single family residential and the commercial zoned properties that are adjacent to Hwy. 123 Bypass North. As well, the Future Land Use Plan reinforces the single family residential use in the Emergent Residential District. In addition, all standards shall be adhered to the development of the properties according to the zoning requirements as well as other standards. She said the applicant was available to answer questions.

Public notifications were mailed to on July 27, 2017 and published in the newspaper on July 23, 2017. One comment was received in support and one in opposition was received.

The Commission discussed sewer issues with Oak Village North and inquired if the proposed development would have similar issues. Pamela Centeno advised that the property has springs and a high water table. She pointed out that once development submittals are received, staff will begin the

review process. The Commission discussed potential zoning for the property and felt that single family residential is best suited for the property.

The Commission had no further questions. The regular meeting was then recessed and a public hearing was held.

Austin (no last name given), 12525 FM 466, Seguin, TX stated that his fiancé and himself own one of the lots adjacent to the proposed development. He said the two lots adjacent are one acre lots and suggested that the proposed development be developed as the same size lots as the exiting lots. He felt that the smaller lots will devalue his property. He inquired on the effect the development will have on school district boundaries. Pamela Centeno advised that the school boundaries are separate than the city limit boundaries. The school district boundaries are set by the School District. Helena Schaefer added that school boundaries are reviewed every 10 years by the Census Bureau.

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 18-17, the Planning and Zoning Commission voted 5-1-1, to Recommend to City Council to Approve the Zoning Change request to Single-Family Residential 1.

**RECOMMENDATION TO APPROVE ZONING CHANGE TO SINGLE FAMILY RESIDENTIAL 1-
MOTION PASSED 5-1-1**



Francis Serna
Planning Assistant



ATTEST: Helena Schaefer
Senior Planner