



PLANNING & CODES

Planning and Zoning Commission Report ZC 08-19

A request for Zoning Change 08-19 was considered during a public hearing at the Planning & Zoning Commission meeting on May 14, 2019:

A Zoning Change from Commercial (C) to Neighborhood Commercial (NC) on a request for property located 112 Peach Street, Property ID 18876.

Helena Schaefer presented the staff report. She stated that the applicant is requesting a zoning change from Commercial to Neighborhood Commercial for property located at 112 Peach Street. She said there is an existing residential structure on the property. As in similar cases, the current zoning restricts the use of the property as a single-family dwelling unless a SUP is obtained. Ms. Schaefer explained that Neighborhood Commercial allows the use of either an existing or new single-family structure and a low impact commercial use. She said given the flexibility of Neighborhood Commercial the zoning classification is compatible with the surrounding zoning and land uses. The property is located within the Historic City Center. The district's intent is to promote landfill development compatible with the form, rhythms, and character that exists. Neighborhood Commercial is compatible with the Comprehensive Plan. She stated that the property has the original zoning classification from the 1989 zoning process and is a legal non-conforming land use. She pointed out that if the property was to be damaged or destroyed to an extent of 50% or more of its assessed value, the structure cannot be rebuilt as is without a rezoning or conform to current city standards. Staff recommended approval of the request.

The regular meeting was then recessed, and a public hearing was held. There being no responses from the public the regular meeting reconvened.

After consideration of the staff report and all information given regarding the Zoning Change (ZC 08-19), Commissioner Spahn moved that the Planning and Zoning Commission recommend approval of the zoning change from Commercial to Neighborhood Commercial. Commissioner DePalermo seconded the motion. The following vote was recorded:

RECOMMENDATION TO APPROVE ZONING CHANGE TO NEIGHBORHOOD COMMERCIAL (NC)

MOTION PASSED

8 -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 "H. Schaefer".

ATTEST: Helena Schaefer
Senior Planner



PLANNING & CODES

ZC 08-19 Staff Report 112 Peach St Zoning Change from C to NC

Applicant:

Mudskipper Homes Inc
PO Box 913
Seguin, TX 78156

Property Owner:

Same as Applicant

Property Address/Location:

112 Peach St

Legal Description:

Lot: 13 E 20' of Lot 14, Blk:
1, Addn: Colville Courts,
Prop ID: 18876

Lot Size/Project Area:

Approx. 0.22 acres

Future Land Use Plan:

Historic City Center

Notifications:

Mailed May 3, 2019
Newspaper April 28, 2019

Comments Received:

None

Staff Review:

Helena Schaefer
Senior Planner

Attachments:

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

REQUEST:

A Zoning Change request from Commercial to Neighborhood Commercial.

ZONING AND LAND USE:

	Zoning	Land Use
Subject Property	C	Residential dwelling
N of Property	R-1	Residential dwelling
S of Property	C	Jewelry Store
E of Property	C	Hair Salon
W of Property	C	Residential dwelling

SUMMARY OF STAFF ANALYSIS & RECOMMENDATION:

The property located at 112 Peach St is currently zoned Commercial, but the existing land use is single-family residential. Staff recommends approval of the zoning change to Neighborhood Commercial in order to allow the primary use of the property to be either single-family residential or neighborhood commercial. Single-Family Residential and Neighborhood Commercial uses are also compatible with the comprehensive plan. As well, there has been recent approvals of zoning change requests from Commercial to Neighborhood Commercial for the same situation.

Planning Department Recommendation:

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

PLANNING DEPARTMENT ANALYSIS

SITE DESCRIPTION

The property is currently zoned Commercial and is located on the west side of Peach St. According to the Guadalupe County Appraisal District, the existing structure is 1748 sq ft in size with a porch and carport and classified as residential. The property has the original zoning classification from the 1989 zoning process and the structure is a legal non-conforming land use.

CODE REQUIREMENTS:

According to the UDC's Section 3.4.3 Land Use Matrix, the Commercial zoning district allows for an existing single-family residential structure with a Specific Use Permit. This would be triggered if the structure was vacant for more than 6 months. However, the Neighborhood Commercial zoning does allow the use of either an existing or new single-family residential structure. Rezoning to Neighborhood Commercial would remove the need for an approved Specific Use Permit. Since 2018, the Commission has approved eight similar zoning change requests from Commercial to Neighborhood Commercial for the use of an existing residential dwelling, the most recent approval was for 107 N Saunders St in April of 2019.

COMPATIBILITY WITH SURROUNDING LAND USE & ZONING:

The properties to the north and west of the property have single-family residential structure; the property to the west is zoned Commercial with a grandfathered residential structure and the one to the north is zoned appropriately as Single-family Residential. There are also businesses to the east and south of the property that have the appropriate zoning. Given the flexibility of Neighborhood Commercial, this zoning classification would be compatible with the surrounding zoning and existing land uses.

COMPREHENSIVE PLAN:

The property is located within the Historic City Center future land use district. This district's intent is to promote infill development that is compatible with the form, rhythms, and character that exists. Single-family residential is an appropriate use as well as low impact commercial uses; Neighborhood Commercial is compatible with the Comprehensive Plan.

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):

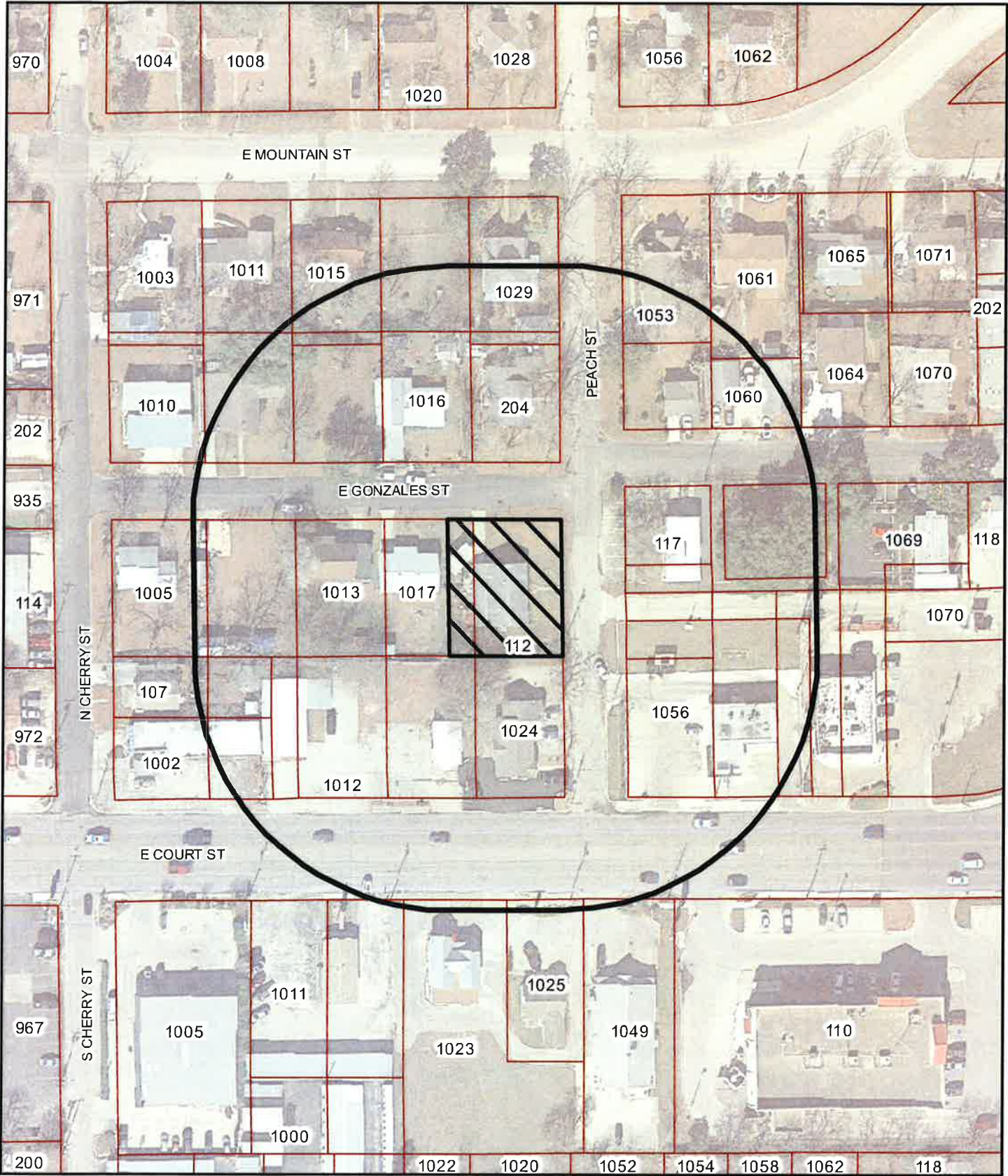
This property is a corner lot with an existing driveway to E Gonzales St.

OTHER CONSIDERATIONS:

The current residential use of this property is regarded as a legal non-conformity. Commercial zoning does not permit new single-family residential structures and requires a Specific Use Permit for an existing structure vacant for more than 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 08-19: 112 Peach St



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



200' Notification Buffer



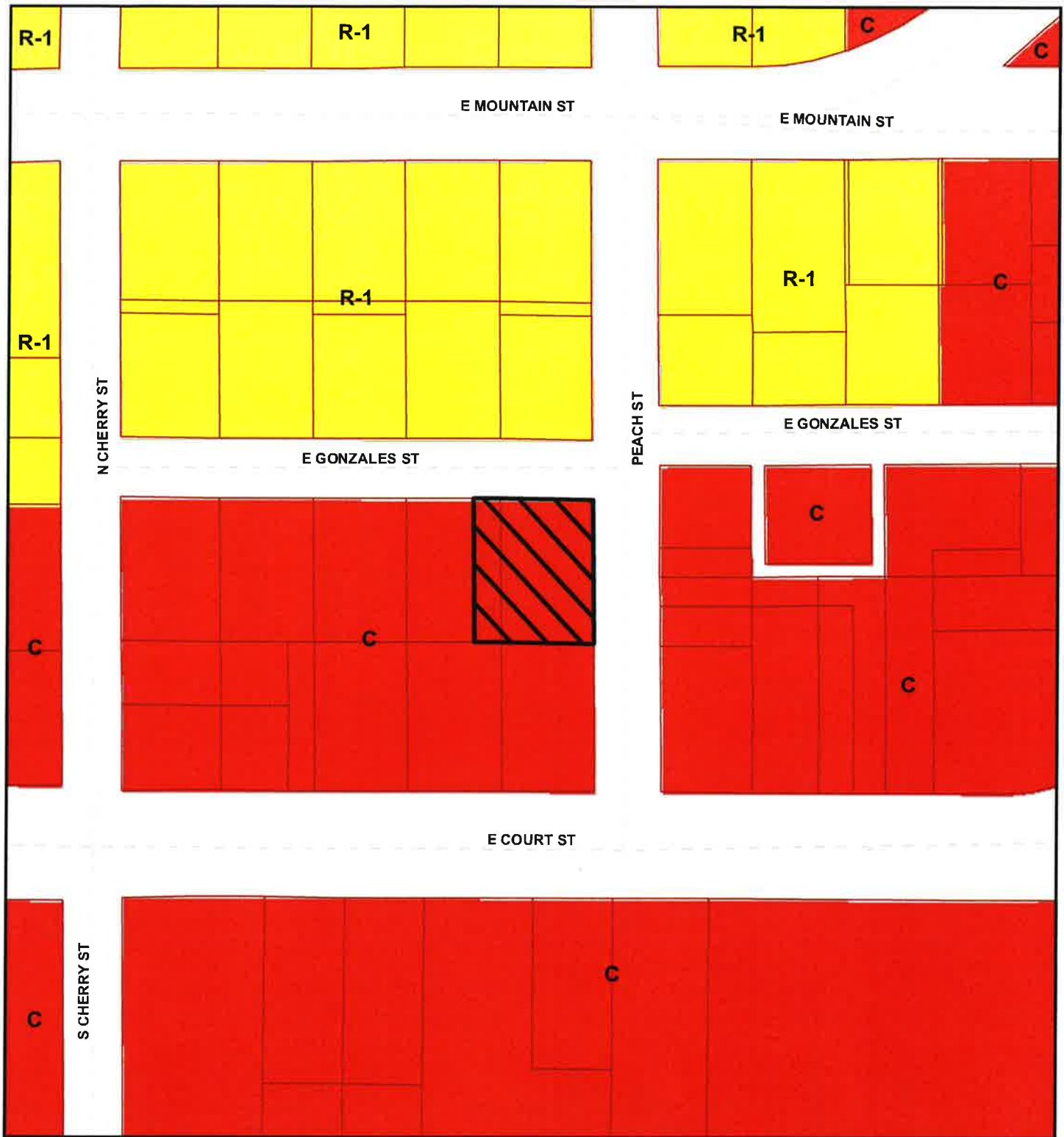
Lot Lines

1 inch = 100 feet

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ZONING MAP

ZC 08-19: 112 Peach St



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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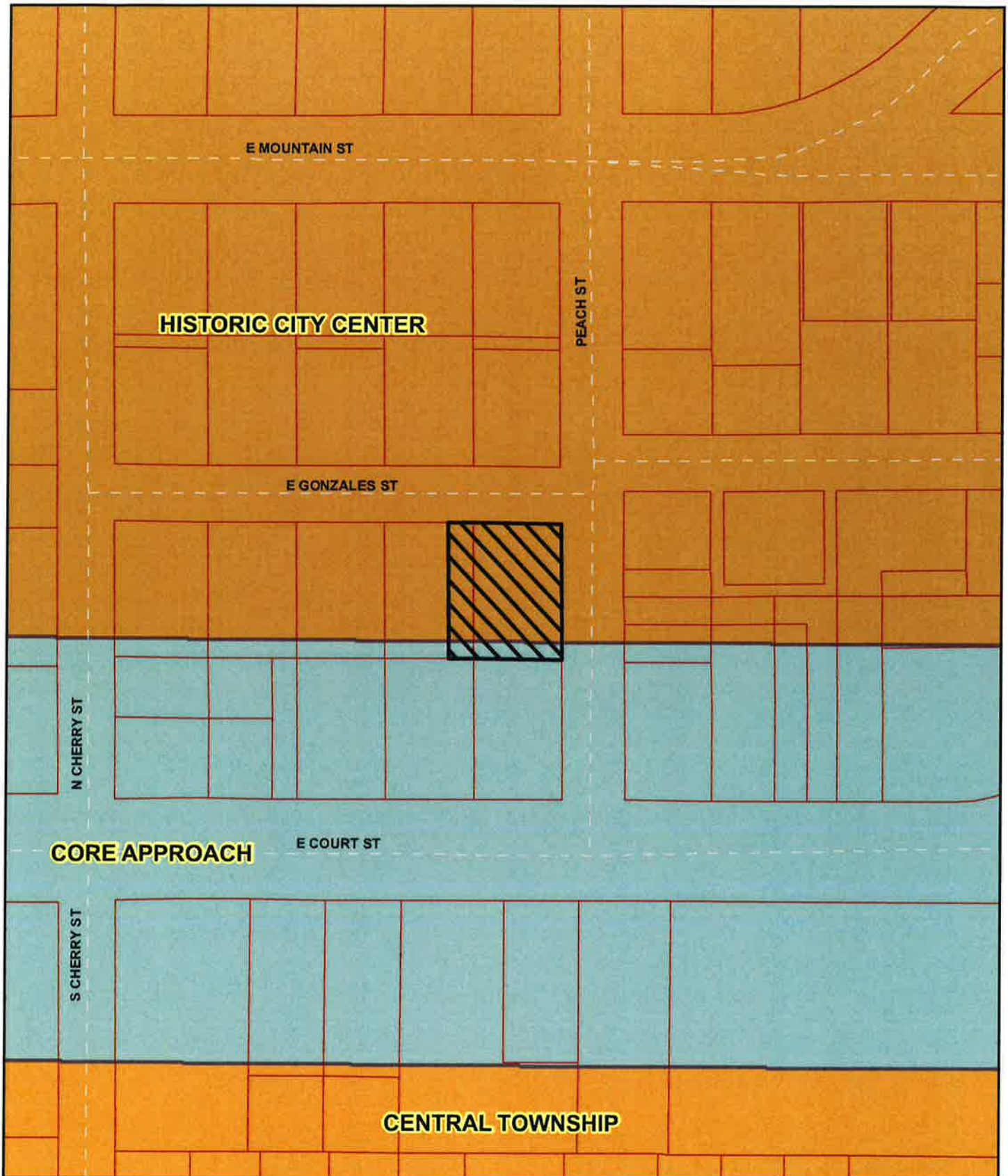
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FUTURE LAND USE MAP

ZC 08-19: 112 Peach St



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Site Location



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