



MEETING AGENDA
Planning & Zoning Commission
REGULAR SESSION PLANNING & ZONING COMMISSION
May 8, 2024

HAL BALDWIN MUNICIPAL COMPLEX COUNCIL CHAMBERS
1400 SCHERTZ PARKWAY BUILDING #4
SCHERTZ, TEXAS 78154

CITY OF SCHERTZ CORE VALUES
Do the right thing
Do the best you can
Treat others the way you want to be treated
Work cooperatively as a team

AGENDA WEDNESDAY, MAY 8, 2024 at 6:00 p.m.

The Planning and Zoning Commission will hold the regularly scheduled meeting at 6:00p.m., Wednesday, May 8, 2024, at the City Council Chambers. In lieu of attending the meeting in person, residents will have the opportunity to watch the meeting via live stream on the City's YouTube Channel.

- 1. CALL TO ORDER**
- 2. SEAT ALTERNATE TO ACT IF REQUIRED**

3. HEARING OF RESIDENTS

This time is set aside for any person who wishes to address the Planning and Zoning Commission. Each person should fill out the Speaker's register prior to the meeting. Presentations should be limited to no more than three (3) minutes. Discussion by the Commission of any item not on the agenda shall be limited to statements of specific factual information given in response to any inquiry, a recitation of existing policy in response to an inquiry, and/or a proposal to place the item on a future agenda. The presiding officer, during the Hearing of Residents portion of the agenda, will call on those persons who have signed up to speak in the order they have registered.

4. CONSENT AGENDA:

- A. Minutes for the April 3, 2024 Regular Meeting.**

5. PUBLIC HEARING:

The Planning and Zoning Commission will hold a public hearing related to zone change requests, specific use permit requests, and Unified Development Code Amendments within this agenda. The public hearing will be opened to receive a report from staff, the applicant, the adjoining property owners affected by the applicant's request, and any other interested persons. Upon completion, the public hearing will be closed. The Commission will discuss and consider the application, and may request additional information from staff or the applicant, if required. After deliberation, the Commission is asked to consider and act upon the following requests and make a recommendation to the City Council if necessary.

- A. **PLUDC20240101**- Hold a public hearing and make a recommendation on amendments to Part III of the Schertz Code of Ordinance, Unified Development Code (UDC) to Article 7- Nonconforming Uses, Lots and Structures to add Section 21.7.11- Agricultural Operations.
 - B. **PLZC20240091** – Hold a public hearing and make a recommendation on a request to rezone approximately 498.2 acres of land to Single-Family Residential District (R-2) known as Comal County Property Identification Numbers 79004, 79006, 78976, 78960, 78957, and Guadalupe County Property Identification Numbers 68374, 61615, 68384, 68385, 68383, 61511, 61609, 68381, 68378, 68382, 68380, 68377, 61614, 63992 and to rezone approximately 132.6 acres of land to General Business District (GB) known as Comal County Property Identification Numbers 79018, 75449, 78923, 374148, 374146, 374145, 374144, 374147, 78218, 79009, and a portion of 79012, and to rezone approximately 262.9 acres of land to Manufacturing District- Light (M-1) known as Comal County Property Identification Numbers 79001, 78945, 78946, 75480, 78247, 79017, 75468, 75462, 75463, a portion of 79012, Comal and Guadalupe County, Texas.
 - C. **PLZC20240092** – Hold a public hearing and make a recommendation on a request to rezone approximately 2062.7 acres to Single Family Residential District (R-2) known as Bexar County Property Identification Numbers 310064, 1141730, 339772, 339773, 339744, 1050203, 340030, 339348, 339359, 339341, 339778, 310012, 309842, 339293, 339275, 339328, 1013798, 310222, 310026, 1274920, 339286, 310019, 1139530, 1056967, 339331, 1178480, 309427, 309425, 310006, 310125, 1056966, 312023, 310002, 310048, 1311565, 310022, 312015, 312017, 310126, 339290, 339288, 339790, 339334, 339329, 1140481, 310007, 312008, 309429, 1190132, 310032, 310090, 310107, 1103091, 1207560, 1103092, 1103093, 339325, 339276, 1178479, 310111, 310039, 339284, 310004, 309421, 309837, 340059, 339295, 309418, 339285, 310059, 310225, 310040, a portion of 339274, and to rezone approximately 10.1 acres to Neighborhood Services District (NS) known as a portion of Bexar County Property Identification Number 339274 and approximately 119.7 acres to General Business District (GB) known as Bexar County Property Identification Numbers 339362 and 339353, Bexar County, Texas.
 - D. **PLZC20240003**- Hold a public hearing and make a recommendation on a request to rezone approximately 1.4 acres of land, from Office and Professional District (OP) to Neighborhood Services District (NS), generally located 250-feet South of the intersection of Antler Drive and FM 3009, more specifically known as Guadalupe County Property Identification Number 20412, City of Schertz, Guadalupe County, Texas.
 - E. **PLZC20240072** - Hold a public hearing and make a recommendation on a request to rezone approximately 9.4 acres of land, from General Business District (GB) to Manufacturing District Light (M-1), a portion of Comal County Property Identification Number 115664 and a portion of Comal County Property Identification Number 402758, approximately 1,500-feet East from the intersection of Hubertus and IH 35 N Access Road, City of Schertz, Comal County, Texas.
 - F. **PLSPU20240058**- Hold a public hearing and make a recommendation on a request for a Specific Use Permit to allow Mixed-Use Self-Storage in General Business District (GB) on approximately 2.2 acres, located East of the intersection of FM 3009 and Forest Ridge, more specifically known as a portion of Guadalupe County Property Identification Number 70506, City of Schertz, Guadalupe County, Texas.
- 6. REQUESTS AND ANNOUNCEMENTS:**
- A. Requests by Commissioners to place items on a future Planning and Zoning Agenda
 - B. Announcements by Commissioners

- City and community events attended and to be attended
- Continuing education events attended and to be attended

C. Announcements by City Staff.

- City and community events attended and to be attended.

7. INFORMATION AVAILABLE IN THE PLANNING AND ZONING COMMISSION PACKETS- NO DISCUSSION TO OCCUR

A. Current Projects and City Council Status Update

8. ADJOURNMENT OF THE REGULAR MEETING

CERTIFICATION

I, Daisy Marquez, Planner, of the City of Schertz, Texas, do hereby certify that the above agenda was posted on the official bulletin boards on this the 3rd day of May, 2024 at 3:00 p.m., which is a place readily accessible to the public at all times and that said notice was posted in accordance with chapter 551, Texas Government Code.

Daisy Marquez

Daisy Marquez, Planner

I certify that the attached notice and agenda of items to be considered by the Schertz Planning & Zoning Commission was removed from the official bulletin board on _____ day of _____, 2024. _____ title: _____

This facility is accessible in accordance with the Americans with Disabilities Act. Handicapped parking spaces are available. If you require special assistance or have a request for sign interpretative services or other services please call 619-1030 at least 24 hours in advance of meeting.

The Planning and Zoning Commission for the City of Schertz reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Open Meetings Act.

Executive Sessions Authorized: This agenda has been reviewed and approved by the City's legal counsel and presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.



PLANNING AND ZONING COMMISSION MEETING: 05/08/2024
Agenda Item 4 A

TO: Planning and Zoning Commission
PREPARED BY: Daisy Marquez, Planner
SUBJECT: Minutes for the April 3, 2024 Regular Meeting.

Attachments

Draft Minutes for the April 3, 2024 Regular Meeting



PLANNING AND ZONING COMMISSION MEETING: 05/08/2024
Agenda Item 5 A

TO: Planning and Zoning Commission
PREPARED BY: Emily Delgado, Planning Manager
SUBJECT: PLUDC20240101- Hold a public hearing and make a recommendation on amendments to Part III of the Schertz Code of Ordinance, Unified Development Code (UDC) to Article 7- Nonconforming Uses, Lots and Structures to add Section 21.7.11- Agricultural Operations.

BACKGROUND

In the Unified Development Code, Section 21.4.7 states that City Council may, from time to time, on its own motion, or at the request of the City Manager and his/her designee, amend, supplement, change or modify or repeal the text of any portion of this UDC in order to establish and maintain sound, stable and desirable development.

At the April 16, 2024 City Council Meeting, Resolution 24-R-41 and Resolution 24-R-42 were discussed by Council and passed. During the discussion of Resolution 24-R-41 and Resolution 24-R-42, City Council expressed concerns about nonconforming uses and protecting agricultural uses for properties proposed to be annexed. The proposed UDC amendment to Article 7 is intended to resolve these concerns by defining agricultural operations and ensuring that they can continue to operate if the properties are annexed into the City of Schertz.

Proposed Amendments

UDC Amendment: Article 7, Section 21.7.11: Nonconforming Uses, Lots, and Structures

Due to House Bill (HB) 1750, effective September 2023, the agricultural code was amended to remove provisions relating to the effect of a city's governmental requirements on an agricultural operation that was situated outside the city's corporate boundaries and that was later brought within the city's corporate boundaries. Additionally, HB 1750 defined agricultural operations and provided guidance and clarity to cities on generally accepted agricultural practices that do not pose a threat to public health. The definition of agricultural operations in the proposed UDC amendment comes from House Bill 1750.

The proposed UDC amendment to Article 7, would bring the City of Schertz in line with recent changes and definitions established in the Texas Agricultural Code.

GOAL

To amend Part III of the Schertz Code of Ordinance, Unified Development Code (UDC) Article 7- Nonconforming Uses, Lots and Structures to add Section 21.7.11- Agricultural Operations.

COMMUNITY BENEFIT

It is the City's desire to promote safe, orderly, efficient development and ensure compliance with the City's vision of future growth.

SUMMARY OF RECOMMENDED ACTION

When evaluating Unified Development Code Amendments, Staff uses the criteria listed in Unified Development Code Section 21.4.7.D Criteria for Approval. The criteria are listed below.

1. The proposed amendment promotes the health, safety, or general welfare of the City and the safe,

orderly, efficient and healthful development of the City;

By defining agricultural operations in Article 7, the City is able to establish a clear procedure moving forward on how agricultural operations can continue operations as a nonconforming use. Additionally, staff used the definition of agricultural operations from House Bill Number 1750 that strengthened agricultural operations.

2. An amendment to the text is consistent with other policies of the UDC and the City;

The amendments to Article 7 are meant to protect and preserve existing agricultural operations that have become nonconforming to ensure that the City does not impose governmental requirements that prohibit agricultural practice per state law.

3. Any proposed amendment is consistent with the goals and objectives of this UDC and the City; and

The UDC and its amendments should protect, promote, improve and provide for the public health, safety and general welfare of its citizens while also ensuring the safe, orderly, and efficient development and expansion of the City. The proposed amendments to Article 7 allow agricultural operations to continue on nonconforming properties within the City of Schertz.

4. Other criteria which, at the discretion of the Planning and Zoning Commission and the City Council, are deemed relevant and important in the consideration of the amendment.

Staff has ensured that the UDC requirements have been met for the proposed Unified Development Code Amendment, and at this time have not received any special considerations from the Planning and Zoning Commission or the City Council.

RECOMMENDATION

Staff recommends approval of PLUDC20240101 amending Part III of the Schertz Code of Ordinance, Unified Development Code (UDC) Article 7- Nonconforming Uses, Lots and Structures to add Section 21.7.11- Agricultural Operations.

Attachments

Proposed UDC Amendment- Article 7 Section 21.7.11 Agricultural Operations
House Bill No. 1750



PLANNING AND ZONING COMMISSION MEETING: 05/08/2024
Agenda Item 5 B

TO: Planning and Zoning Commission

PREPARED BY: Emily Delgado, Planning Manager

SUBJECT: PLZC20240091 – Hold a public hearing and make a recommendation on a request to rezone approximately 498.2 acres of land to Single-Family Residential District (R-2) known as Comal County Property Identification Numbers 79004, 79006, 78976, 78960, 78957, and Guadalupe County Property Identification Numbers 68374, 61615, 68384, 68385, 68383, 61511, 61609, 68381, 68378, 68382, 68380, 68377, 61614, 63992 and to rezone approximately 132.6 acres of land to General Business District (GB) known as Comal County Property Identification Numbers 79018, 75449, 78923, 374148, 374146, 374145, 374144, 374147, 78218, 79009, and a portion of 79012, and to rezone approximately 262.9 acres of land to Manufacturing District- Light (M-1) known as Comal County Property Identification Numbers 79001, 78945, 78946, 75480, 78247, 79017, 75468, 75462, 75463, a portion of 79012, Comal and Guadalupe County, Texas.

BACKGROUND

In 2010 and 2011 the City of Schertz entered into Delayed Annexation Development Agreements with property owners based on Texas Local Government Code Section 43.035 (b)(1) and 212.172 in order to (i) guarantee the continuation of the extraterritorial status of the Land for the term of the agreement and (ii) authorize the enforcement of all regulations and planning authority of the City that did not interfere with the use of the land for agriculture or wildlife manage or as timber land. Per the agreements that were signed and executed, specifically Section 5. Term; Annexation at End of Term, stipulates that ten (10) years after the effective date of the agreement the property is to be annexed into the City of Schertz.

In 2020 and 2021 the City of Schertz City Council authorized the City Manager and Staff to offer Development Agreement Extensions based on the nationwide and statewide declaration of public health emergency in relation to COVID -19 in addition to the Development Agreement Extensions would allow City staff to complete the Comprehensive Land Use Plan update which would be utilized when zoning the annexed properties. These extensions would provide the same rights as previously established in the original agreements but would delay the annexation of the properties to a later date. The prohibition on annexation would be in effect until January 1, 2024, at which time the City of Schertz would begin annexation proceedings and conclude them no later than December 31, 2024.

At this time, the first date identified in the agreement (January 1, 2024) has passed. Additionally, the approval of Ordinance 24-S-06, the Comprehensive Land Use Plan has officially been adopted and can be utilized for zoning cases moving forward. Per the Development Agreement Extensions, City staff have started the annexation and zoning process in accordance with the extensions. At the April 16, 2024 City Council meeting, Resolution 24-R-41 was approved, accepting the petitions for voluntary annexation.

PLZC20240091 is the next step in the annexation process, specifically in relation to establishing zoning for the approximately 893.7 acres within Comal and Guadalupe County. More specifically, PLZC20240091 is proposed to zone approximately 498.2 acres as Single Family Residential District (R-2), approximately 132.6 acres as General Business District (GB) and approximately 262.9 acres as Manufacturing Light District (M-1).

On April 25, 2024 one hundred- thirty seven (137) public hearing notices were mailed to the surrounding property owners within a 200-foot notification boundary of the subject parcels. Additionally, property owners of parcels included within the zoning boundary were notified per Texas Local Government Code (LGC) Section 211.006. Comal Independent School District was also notified of the proposed zoning. As of May 3, 2024 at 9:00am, one (1) response in favor of which represents 9 properties, zero (0) responses neutral,

and ninety-six (96) responses in opposition have been received. A public hearing notice will be published in the "San Antonio Express" prior to the City Council meeting. Additionally, forty-three (43) public hearing notice signs were placed on April 26, 2024.

GOAL

The proposed zone change is for approximately 498.2 acres as Single Family Residential District (R-2), approximately 132.6 acres as General Business District (GB) and approximately 262.9 acres as Manufacturing Light District (M-1). The goal is to zone these subject properties in conformance with the Comprehensive Land Use Plan - Future Land Use Map.

COMMUNITY BENEFIT

It is the City's desire to promote safe, orderly, efficient development and ensure compliance with the City's vision of future growth.

SUMMARY OF RECOMMENDED ACTION

When evaluating zone changes, staff uses criteria listed in UDC Section 21.5.4.D. The criteria are listed below.

1. Whether the proposed zoning change or zoning map amendment implements the policies of the adopted Comprehensive Land Plan, including the land use classification of the property on the Future Land Use Map.

PLZC20240091 includes several different proposed zoning classifications based on the subject property's location and the designation on the Future Land Use Map as adopted by Ordinance 24-S-06.

Approximately 498.2 acres of land is proposed to be zoned Single-Family Residential District (R-2). Guadalupe County Property Identification Numbers 68374, 61615, 68384, 68385, 68383, 61511, 61609, 68381, 68378, 68382, 68380, 68377, 61614, 63992 are identified as Complete Neighborhood on the Comprehensive Land Use Plan- Future Land Use Map. Complete Neighborhoods are general areas characterized by a mixture of housing options with supporting land uses. Comal County Property Identification Numbers 79004, 79006, 78976, 78960, and 78957 are identified as Development Deferment, which is typically utilized for large tracts that house heavy industrial. However, the subject properties are currently undeveloped, agricultural, or utilized for residential purposes. The proposed Single-Family Residential District (R-2) is inline with the Complete Neighborhood Land Use designation and appropriate for the parcels identified as Development Deferment.

Approximately 132.6 acres of land is proposed to be zoned General Business District (GB). Comal County Property Identification Numbers 79018, 78923, 374148, 374146, 374145, 374144, 374147, 79009, and a portion of 79012 are identified in the Comprehensive Land Use Plan- Future Land Use Map as Local Corridor which is described as locally oriented commercial and entertainment areas typically situated along medium- to high-volume collector roads. The proposed General Business District (GB) is inline with the desired locally oriented commercial desired by the Local Corridor Land Use designation. Comal County Property Identification Numbers 75449 and 78218 are identified in the Comprehensive Land Use Plan- Future Land Use Map as Regional Corridor which is described as commercial and entertainment areas along major thoroughfares that serve populations within the City and the broader region. Based on the two identified parcels proximity to IH 35 and existing General Business District zoning and the Regional Corridor Land Use designation, the proposed General Business District (GB) is appropriate.

Approximately 262.9 acres of land known as Comal County Property Identification Numbers 79001, 78945, 78946, 75480, 78247, 79017, 75468, 75462, 75463, and a portion of 79012 is proposed to be zoned Manufacturing District- Light (M-1). These properties are identified in the Comprehensive Land Use Plan- Future Land Use Map as Regional Corridor which is described as commercial and entertainment areas including limited industrial and logistics uses as currently present in these areas. Based on the subject parcels location and the existing Manufacturing District- Light (M-1) zoning in the immediate area, the proposed Manufacturing District- Light (M-1) zoning is inline with the Comprehensive Land Use Plan Designation of Regional Corridor.

2. Whether the proposed zoning change or zoning map amendment promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City.

As part of promoting health, safety, and welfare, the City should encourage development compatible with surrounding uses utilizing standards and transitional uses to alleviate negative impacts. The proposed zoning district designations are compatible with the surrounding land uses and existing zoning designations on the surrounding properties. Additionally, per UDC Article 7 Section 21.7.3 A nonconforming use or structure may continue to be used, operated or occupied in accordance with the terms of the zoning regulations by which it was established, or in the case of annexed property, in accordance with the regulations under which it was created. This means that the subject properties can continue to be utilized for their existing land uses in conformance with UDC Article 7.

3. Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.

The subject parcels are currently undeveloped, utilized for agricultural purposes, or utilized for residential. The proposed zoning designations are appropriate in the immediate area of the land to be annexed and zoned. Since the proposed zoning designations are based on conformance with the Comprehensive Land Use Plan- Future Land Use Map, there will be properties with existing land uses that will be considered nonconforming based on the proposed zoning if approved. Upon annexation and zoning, the properties would be subject to the City of Schertz Unified Development Code, including UDC Article 7 Nonconforming Uses, Lots and Structures. In accordance with UDC Article 7 Section 21.7.3 A nonconforming use or structure may continue to be used, operated or occupied in accordance with the terms of the zoning regulations by which it was established, or in the case of annexed property, in accordance with the regulations under which it was created.

The proposed zoning designations are appropriate in the immediate area of the land to be zoned.

4. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers or other public services and utilities to the area.

A public hearing notice was mailed to Comal Independent School District to notify them of the proposed zoning. The City of Schertz Police, Fire and EMS Departments have indicated they do not have any concerns regarding the proposed rezoning requests or their ability to provide services.

With the annexation and proposed zoning of the properties, the City is better able to guide future development to ensure conformance with the Master Thoroughfare Plan, the Master Water Plan and Master Sewer Plan for the City. Additionally, the annexation and associated zoning would ensure that any future developments will meet City standards to ensure cohesive development across the City of Schertz which ultimately will ensure the safe, orderly, and efficient development of the City. Although no development plans are currently proposed for the properties being zoned, if development was to occur the water, sewer, and roadways would be evaluated during the development process.

5. Whether there have been environmental and/or economical changes which warrant the requested change.

No, there have been no environmental or economical changes that warrant the requested zone change. The subject properties are currently within the City of Schertz Extra-Territorial Jurisdiction (ETJ) and under delayed annexation agreements. A zoning designation has not previously been established for the subject properties. However, based on the expiration of the Delayed Annexation Agreement Extensions, the properties are subject to annexation and, as part of that process, are subject to zoning.

6. Whether there is an error in the original zoning of the property for which a change is requested.

The subject properties have no existing zoning as the properties are in the Extra-Territorial Jurisdiction (ETJ) and under delayed annexation agreements.

7. Whether all of the applicant's back taxed owed to the City have been paid in full (no application will receive final approval until all back taxes are paid in full).

The subject properties are currently not within the City of Schertz. No back taxes are owed to the City of Schertz. This does not impact the Planning and Zoning Commission recommendation to City Council.

8. Whether other criteria are met, which, at the discretion of the Planning and Zoning Commission and the City Council, are deemed relevant and important in the consideration of the amendment.

Staff has ensured all UDC requirements have been met for the proposed zone change, and at this time have not received any special considerations from the Planning and Zoning Commission or the City Council.

RECOMMENDATION

Due to the properties having Delayed Annexation Development Agreements and Extensions that are expiring and are subject to voluntary annexation, it is appropriate to zone these properties at the same time. Per the agreements "Upon annexation the property shall be zoned in accordance with the uses and procedures set forth in the City's Comprehensive Land Plan and Unified Development Code". The proposed zoning designations are in conformance with the recently adopted Comprehensive Land Use Plan- Future Land Use Map. Staff recommends approval of PLZC20240091.

Attachments

Aerial Exhibit
Public Hearing Notice Map
PLZC20240091-Public Hearing Responses as of May 3, 2024 9am
Proposed Zoning Exhibit- Comal and Guadalupe
Proposed Zoning Exhibits- Individual Property Maps



PLANNING AND ZONING COMMISSION MEETING: 05/08/2024
Agenda Item 5 C

TO: Planning and Zoning Commission

PREPARED BY: Emily Delgado, Planning Manager

SUBJECT: PLZC20240092 – Hold a public hearing and make a recommendation on a request to rezone approximately 2062.7 acres to Single Family Residential District (R-2) known as Bexar County Property Identification Numbers 310064, 1141730, 339772, 339773, 339744, 1050203, 340030, 339348, 339359, 339341, 339778, 310012, 309842, 339293, 339275, 339328, 1013798, 310222, 310026, 1274920, 339286, 310019, 1139530, 1056967, 339331, 1178480, 309427, 309425, 310006, 310125, 1056966, 312023, 310002, 310048, 1311565, 310022, 312015, 312017, 310126, 339290, 339288, 339790, 339334, 339329, 1140481, 310007, 312008, 309429, 1190132, 310032, 310090, 310107, 1103091, 1207560, 1103092, 1103093, 339325, 339276, 1178479, 310111, 310039, 339284, 310004, 309421, 309837, 340059, 339295, 309418, 339285, 310059, 310225, 310040, a portion of 339274, and to rezone approximately 10.1 acres to Neighborhood Services District (NS) known as a portion of Bexar County Property Identification Number 339274 and approximately 119.7 acres to General Business District (GB) known as Bexar County Property Identification Numbers 339362 and 339353, Bexar County, Texas.

BACKGROUND

In 2010 and 2011 the City of Schertz entered into Delayed Annexation Development Agreements with property owners based on Texas Local Government Code Section 43.035 (b)(1) and 212.172 in order to (i) guarantee the continuation of the extraterritorial status of the Land for the term of the agreement and (ii) authorize the enforcement of all regulations and planning authority of the City that did not interfere with the use of the land for agriculture or wildlife manage or as timber land. Per the agreements that were signed and executed, specifically Section 5. Term; Annexation at End of Term, stipulates that ten (10) years after the effective date of the agreement the property is to be annexed into the City of Schertz.

In 2020 and 2021 the City of Schertz City Council authorized the City Manager and Staff to offer Development Agreement Extensions based on the nationwide and statewide declaration of public health emergency in relation to COVID -19 in addition to the Development Agreement Extensions would allow City staff to complete the

Comprehensive Land Use Plan update which would be utilized when zoning the annexed properties.

These extensions would provide the same rights as previously established in the original agreements but would delay the annexation of the properties to a later date. The prohibition on annexation would be in effect until January 1, 2024, at which time the City of Schertz would begin annexation proceedings and conclude them no later than December 31, 2024.

At this time, the first date identified in the agreement (January 1, 2024) has passed. Additionally, the approval of Ordinance 24-S-06, the Comprehensive Land Use Plan has officially been adopted and can be utilized for zoning cases moving forward. Per the Development Agreement Extensions, City staff have started the annexation and zoning process in accordance with the extensions. At the April 16, 2024 City Council meeting, Resolution 24-R-41 was approved, accepting the petitions for voluntary annexation.

PLZC20240092 is the next step in the annexation process, specifically in relation to establishing zoning for the approximately 2192.5 acres within Bexar County. More specifically, PLZC20240092 is proposed to zone approximately 2062.7 acres as Single Family Residential District (R-2), approximately 10.1 acres as Neighborhood Services District (NS), and approximately 119.7 acres as General Business District (GB).

On April 25, 2024 two hundred and two (202) public hearing notices were mailed to the surrounding property

owners within a 200-foot notification boundary of the subject parcels. Additionally, property owners of parcels included within the zoning boundary were notified per Texas Local Government Code (LGC) Section 211.006. Additionally, Schertz- Cibolo-Universal City Independent School District was also notified. As of May 3, 2024 at 9:00am, one (1) responses in favor, zero (0) responses in neutral, sixteen (16) responses in opposition have been received. A public hearing notice will be published in the "San Antonio Express" prior to the City council meeting. Additionally, fifty-four (54) public hearing notice signs were placed on April 26, 2024.

GOAL

The proposed zone change is for approximately 2062.7 acres as Single Family Residential District (R-2), approximately 10.1 acres as Neighborhood Services District (NS), and approximately 119.7 acres as General Business District (GB). The goal is to zone these subject properties in conformance with the Comprehensive Land Use Plan- Future Land Use Map.

COMMUNITY BENEFIT

It is the City's desire to promote safe, orderly, efficient development and ensure compliance with the City's vision of future growth.

SUMMARY OF RECOMMENDED ACTION

When evaluating zone changes, staff uses criteria listed in UDC Section 21.5.4.D. The criteria are listed below.

1. Whether the proposed zoning change or zoning map amendment implements the policies of the adopted Comprehensive Land Plan, including the land use classification of the property on the Future Land Use Map.

PLZC20240092 includes several different proposed zoning classifications based on the subject property's location and the designation on the Future Land Use Map as adopted by Ordinance 24-S-06.

Approximately 2062.7 acres of land is proposed to be zoned Single-Family Residential District (R-2). Bexar County Property Identification Numbers 1141730, 310012, 309842, 339293, 339275, 339328, 1013798, 310222, 310026, 1274920, 339286, 310019, 1139530, 1056967, 339331, 1178480, 309427, 309425, 310006, 1056966, 312023, 310002, 310048, 1311565, 310022, 312015, 312017, 339290, 339288, 339790, 339334, 339329, 1140481, 310007, 312008, 309429, 1190132, 310032, 310107, 1103091, 1207560, 1103092, 1103093, 339325, 339276, 1178479, 310111, 310039, 339284, 310004, 309421, 309837, 340059, 339295, 309418, 339285, 310059, 310225, 310040, a portion of 339274, a portion of 310125, a portion of 310126, and a portion of 310090 are identified as Complete Neighborhood on the Comprehensive Land Use Plan Future Land Use Map. Complete Neighborhoods are general areas characterized by a mixture of housing options with supporting land uses.

A portion of Bexar Property Identification Numbers 310125, a portion of 310126, and a portion of 310090 are identified as Local Corridor on the Comprehensive Land Use Plan- Future Land Use Map which is described as commercial and entertainment areas typically situated along medium-to high-volume collector roads with neighborhoods at their perimeter. These parcels are proposed to be zoned Single-Family Residential District (R-2). Although these properties have split designations in the Future Land Use Map it is more appropriate to zone the entire parcels as Single-Family Residential District (R-2) at this time, which is consistent with Local Corridor.

Bexar County Property Identification Numbers 339772, 339773, 339744, 340030, 339348, 339341, 339778, and 1050203 are identified as Regional Corridor which is described as commercial and entertainment areas including limited industrial and logistics uses as currently present in these areas. Although these properties are identified as Regional Corridor, based on their location, acreage, and parcel configuration it is more appropriate to zone these properties as Single-Family Residential District (R-2). Bexar County Property Identification Number 310064 is identified as Mixed Use Center which is defined as commercial and entertainment areas, with a mix of uses. However, due to the property's location approximately 800 feet north of the intersection of FM 1518 and Trainer Hale Road, the Single-Family Residential District (R-2) is appropriate.

Bexar County Property Identification Number 339359 is identified as Regional Corridor which is described as commercial and entertainment areas including limited industrial and logistics uses as currently present in these areas. This property is located on Ih 10 and is currently undeveloped. During the noticing for the Public Hearing, staff incorrectly identified this property as being proposed to be zoned Single-Family Residential District (R-2) when the property should have been noticed for a proposed General Business District (GB) zoning designation. Due to this noticing error, the Planning and Zoning Commission should not take action on Bexar county Property Identification Number 339359. This property will be heard at a subsequent Planning and Zoning Commission for recommendation on the proposed General Business District (GB) zoning designation.

Approximately 119.7 acres of land is proposed to be zoned General Business District (GB). Bexar County Property Identification Numbers 339353 and 339362 are identified in the Comprehensive Land Use Plan- Future Land Use Map as Regional Corridor which is described as commercial and entertainment areas along major thoroughfares that serve populations within the City and the broader region. Based on the identified parcels' proximity to IH-10 and access to IH-10 E Access Road, and Regional Corridor Land Use designation, the proposed General Business District (GB) is appropriate.

Approximately 10.1 acres of land, known as a portion Bexar County Property Identification Number 339274, is proposed to be zoned Neighborhood Services District (NS). This property is identified in the Comprehensive Land Use Plan- Future Land Use Map as Local Corridor which is described as commercial and entertainment areas typically situated along medium-to high-volume collector roads with neighborhoods at their perimeter. Based on the subject parcel's location along FM 1518, a Principal Arterial, that is in proximity to existing residential subdivisions, the proposed Neighborhood Services (NS) zoning is inline with the Comprehensive Land Use Plan Designation of Local Corridor.

2. Whether the proposed zoning change or zoning map amendment promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City.

As part of promoting health, safety, and welfare, the City should encourage development compatible with surrounding uses utilizing standards and transitional uses to alleviate negative impacts. The proposed zoning district designations are compatible with the surrounding land uses and existing zoning designations on the surrounding properties. Additionally, per UDC Article 7 Section 21.7.3 A nonconforming use or structure may continue to be used, operated or occupied in accordance with the terms of the zoning regulations by which it was established, or in the case of annexed property, in accordance with the regulations under which it was created. This means that the subject properties can continue to be utilized for their existing land uses in conformance with UDC Article 7.

3. Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.

The subject parcels are currently undeveloped, utilized for agricultural purposes, or utilized for residential. The proposed zoning designations are appropriate in the immediate area of the land to be annexed and zoned. Since the proposed zoning designations are based on conformance with the Comprehensive Land Use Plan- Future Land Use Map, there will be properties with existing land uses that will be considered nonconforming based on the proposed zoning if approved. Upon annexation and zoning, the properties would be subject to the City of Schertz Unified Development Code, including UDC Article 7 Nonconforming Uses, Lots and Structures. In accordance with UDC Article 7 Section 21.7.3 A nonconforming use or structure may continue to be used, operated or occupied in accordance with the terms of the zoning regulations by which it was established, or in the case of annexed property, in accordance with the regulations under which it was created.

The proposed zoning designations are appropriate in the immediate area of the land to be zoned.

4. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers or other public services and utilities to the area.

A public hearing notice was mailed to Schertz-Cibolo-Universal City Independent School District to notify them of the proposed zoning. Included as attachments are the most recent Demographic Report 3Q23 for SCUCISD as well as the most recent 10-Year Campus Forecasting Presentation.

With the annexation and proposed zoning of the properties, the City is better able to guide future development to ensure conformance with the Master Thoroughfare Plan, the Master Water Plan and Master Sewer Plan for the City. Additionally, the annexation and associated zoning would ensure that any future developments will meet City standards to ensure cohesive development across the City of Schertz which ultimately will ensure the safe, orderly, and efficient development of the City. Although no development plans are currently proposed for the properties being zoned, if development was to occur the water, sewer, and roadways would be evaluated during the development process.

The City of Schertz Police, Fire and EMS Departments have indicated they do not have any concerns regarding the proposed rezoning requests or their ability to provide services.

5. Whether there have been environmental and/or economical changes which warrant the requested change.

No, there have been no environmental or economical changes that warrant the requested zone change. The subject properties are currently within the City of Schertz Extra-Territorial Jurisdiction (ETJ) and under delayed annexation agreements. A zoning designation has not previously been established for the subject properties. However, based on the expiration of the Delayed Annexation Agreement Extensions, the properties are subject to annexation and, as part of that process, are subject to zoning.

6. Whether there is an error in the original zoning of the property for which a change is requested.

The subject properties have no existing zoning as the properties are in the Extra-Territorial Jurisdiction (ETJ) and under delayed annexation agreements.

7. Whether all of the applicant's back taxed owed to the City have been paid in full (no application will receive final approval until all back taxes are paid in full).

The subject properties are currently not within the City of Schertz. No back taxes are owed to the City of Schertz. This does not impact the Planning and Zoning Commission recommendation to City Council.

8. Whether other criteria are met, which, at the discretion of the Planning and Zoning Commission and the City Council, are deemed relevant and important in the consideration of the amendment.

Staff has ensured all UDC requirements have been met for the proposed zone change, and at this time have not received any special considerations from the Planning and Zoning Commission or the City Council.

RECOMMENDATION

Due to the properties having Delayed Annexation Development Agreements and Extensions that are expiring and are subject to voluntary annexation, it is appropriate to zone these properties at the same time. Per the agreements "Upon annexation the property shall be zoned in accordance with the uses and procedures set forth in the City's Comprehensive Land Plan and Unified Development Code". The proposed zoning designations are in conformance with the recently adopted Comprehensive Land Use Plan- Future Land Use Map. Staff recommends approval of PLZC20240092 as presented with Bexar County Property Identification Number 339359 excluded from the proposed zoning request.

Attachments

Aerial Exhibit

Public Hearing Notice Map

PLZC20240092- Public Hearing Responses as of May 3, 2024 9am

Proposed Zoning Exhibit- Bexar County

Proposed Zoning Exhibits- Individual Property Maps

SCUCISD Demographic Report

SCUCISD 10 Year Campus Forecasting



PLANNING AND ZONING COMMISSION MEETING: 05/08/2024
Agenda Item 5 D

TO: Planning and Zoning Commission

PREPARED BY: Daisy Marquez, Planner

SUBJECT: **PLZC20240003-** Hold a public hearing and make a recommendation on a request to rezone approximately 1.4 acres of land, from Office and Professional District (OP) to Neighborhood Services District (NS), generally located 250-feet South of the intersection of Antler Drive and FM 3009, more specifically known as Guadalupe County Property Identification Number 20412, City of Schertz, Guadalupe County, Texas.

BACKGROUND

The applicant is requesting to rezone approximately 1.4 acres of land from Office Professional District (OP) to Neighborhood Services District (NS). The subject property is currently undeveloped.

On April 24, 2024, thirteen (13) public hearing notices were mailed to the surrounding properties within a 200-foot notification boundary of the subject property. At the time of the staff report, zero (0) responses in favor, zero (0) responses neutral, and one (1) response in opposition have been received. A public hearing notice will be published in the "San Antonio Express" prior to the City Council Meeting. Additionally, one (1) sign was placed on the subject property along FM 3009.

Subject Property:

	Zoning	Land Use
Existing	Office Professional District (OP)	Undeveloped
Proposed	Neighborhood Services (NS)	Automated Car Wash

Adjacent Properties:

	Zoning	Land Use
North	Single-Family Residential District (R-1)	Single Family Residence
South	Single-Family Residential District (R-1)	Single Family Residence
East	TxDOT Right-of-Way	FM 3009, also known as Roy Richard
West	Single-Family Residential District (R-1)	Single Family Residence

GOAL

The proposed zone change is for approximately 1.4 acres of land to Neighborhood Services District (NS). The applicant wishes to rezone the property to develop an Automated Car Wash.

COMMUNITY BENEFIT

It is the City's desire to promote safe, orderly, efficient development and ensure compliance with the City's vision of future growth.

SUMMARY OF RECOMMENDED ACTION

When evaluating zone changes, staff uses criteria listed in UDC Section 21.5.4.D. The criteria are listed below.

1. Whether the proposed zoning change or zoning map amendment implements the policies of the adopted Comprehensive Land Plan, including the land use classification of the property on the Future Land Use Map;

The proposed Neighborhood Services District (NS) does not implement the policies of the adopted Comprehensive Land Plan.

The Comprehensive Land Plan designates the subject property as Local Corridor. The Local Corridor land use designation is meant to contain conventional retail centers, small scale mixed-use, multifamily development, and residential uses that are of scale and intensity compatible with the surrounding neighborhoods.

To the north, west, and south of the subject property, the properties are Single-Family Residential District (R-1) and are used for single-family residences. To the east of the property is FM 3009 Right-of-Way, and is the subject property's only access point. Although the subject property is located on FM 3009, and has access to FM 3009, the subject property is surrounded by residential zoned properties that are used for single-family homes. As a result of the subject property being nestled within single-family residences, the proposed zone change to Neighborhood Services District (NS) is not compatible.

2. Whether the proposed zoning change or zoning map amendment promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City;

As part of promoting health, safety, and welfare, the City should encourage development compatible with surrounding uses utilizing standards and transitional uses to alleviate negative impacts. The proposed Neighborhood Services District (NS) dimensional and development standards as stated in Section 21.5.7.B of the Unified Development Code, are not compatible with what is in the immediately surrounding area.

Table 21.5.7.B											
Dimensional Requirements Non-Residential Zoning Districts (d)											
		Minimum Lot Size and Dimensions			Minimum Yard Setback (Ft)					Miscellaneous Requirements	
Code	Zoning District	Area Sq. Ft.	Width Ft.	Depth Ft.	Front Ft.	Rear Adj. Non-res Zone	Rear Adj. Res Zone	Side Adj. Non-Res Zone	Side Adj to Res Zone	Max Height Ft.	Maximum Impervious Coverage
NS	Neighborhood Services	10,000	100	100	25	0	25	0	25	35	80%

The existing Office Professional District (OP) is more compatible with the immediate surrounding area as it is the least intense commercial zoning district. As per UDC Section 21.5.6, the purpose and intent of the Office Professional District (OP) is to provide ancillary retail services which may include restaurants, coffee shops, and newsstands for office developments. Although the proposed Neighborhood Services District (NS) is intended to provide suitable areas for development of certain limited service and retail uses in proximity to residential uses, it is also intended to be property buffered from residential uses as per UDC Section 21.5.6. The location of the subject property is surrounded by single family residences.

3. Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;

The subject property is surrounded by Single-Family Residential (R-1) properties that are used for single-family residences. Although the subject property has access to FM 3009, it is not immediately adjacent to other Neighborhood Services District (NS) properties or properties that are already used for commercial purposes.

Additionally, as per UDC Section 21.5.8, Neighborhood Services District (NS) allows uses by right that include alcohol package sales, antique shop, appliances, furniture and home furnishings store, bakery, book store, car wash (automated), civic/convention center, convenience store, day care center, dry cleaning (minor), family or group home, florist, museum, packaging/ mail store, pharmacy, restaurant with a drive in, and retail stores and

shops. Neighborhood Services District (NS) restricts permitted uses by right to art gallery, museum, library, banks, beauty salon/ barber shops, places of worship, government facilities, gymnastics/dance studios, health/fitness center, hospital, hotel, medical or dental clinic, schools, municipal uses, post office, print shop (minor), private club, recycling collection point, and restaurants. Many of the allowed uses in Neighborhood Services District (NS) are not appropriate in the immediate area of the land to be reclassified. The existing Office Professional District (OP) and permitted uses is more appropriate in the immediate area of the land to be reclassified.

4. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers or other public services and utilities to the area;

The subject property and surrounding area is serviced by the City of Schertz for sewer and water. Along FM 3009, there is an existing 12" Water Line and an 8" Sewer Line. FM 3009 is a TXDOT Road, and is classified as a Principal Arterial with a planned 120'-130' Right-Of-Way width. The subject property has an existing curb cut on FM 3009, but any proposed driveways will need to be reviewed by the City of Schertz Engineering Department and the Texas Department of Transportation.

The City of Schertz Police, Fire and EMS Departments have indicated they do not have any concerns regarding the proposed rezoning requests or their ability to provide services.

5. Whether there have been environmental and/or economical changes which warrant the requested change;

FM 3009 has been developing as a corridor that serves the local needs of residents and the surrounding neighborhoods. Although the subject property is located along FM 3009 and can take advantage of the immediate access it has to the right-of-way, the location of the proposed zone change is inappropriate to the surrounding neighborhood due to the adjacent single-family residences.

6. Whether there is an error in the original zoning of the property for which a change is requested;

There was no error in the original zoning of the property. The subject property was annexed into the City of Schertz in the early 70s.

7. Whether all of the applicant's back taxes owed to the City have been paid in full (no application will receive final approval until all back taxes are paid in full); and,

This does not impact the Planning and Zoning Commission recommendation to City Council.

8. Whether other criteria are met, which, at the discretion of the Planning and Zoning Commission and the City Council, are deemed relevant and important in the consideration of the amendment.

Staff has ensured all UDC requirements have been met for the proposed zone change, and at this time have not received any special consideration from the Planning and Zoning Commission or the City Council.

RECOMMENDATION

Due to the incompatibility of the proposed Neighborhood Services District (NS) within an enclave of Single-Family Residential (R-1) properties, Staff recommends denial of PLZC20240003.

Attachments

Aerial Exhibit
Public Hearing Notice Map
Public Hearing Responses

Zoning Exhibit
Opposition Map



PLANNING AND ZONING COMMISSION MEETING: 05/08/2024
Agenda Item 5 E

TO: Planning and Zoning Commission

PREPARED BY: Daisy Marquez, Planner

SUBJECT: **PLZC20240072** - Hold a public hearing and make a recommendation on a request to rezone approximately 9.4 acres of land, from General Business District (GB) to Manufacturing District Light (M-1), a portion of Comal County Property Identification Number 115664 and a portion of Comal County Property Identification Number 402758, approximately 1,500-feet East from the intersection of Hubertus and IH 35 N Access Road, City of Schertz, Comal County, Texas.

BACKGROUND

The applicant is requesting to rezone approximately 9.4 acres of land from General Business District (GB) to Manufacturing District Light (M-1). The subject property is currently undeveloped and unplatted.

On April 24, 2024, three (3) public hearing notices were mailed to the surrounding property owners within a 200-foot boundary of the subject property. At the time of the staff report, zero (0) responses in favor, zero (0) responses neutral, and zero (0) responses in opposition have been received. A public hearing notice will be published in the "San Antonio Express" prior to the City Council Meeting. Additionally, one (1) sign was placed on the property along IH-35 N Access Road.

Subject Property:

	Zoning	Land Use
Existing	General Business District (GB)	Undeveloped
Proposed	Manufacturing District Light (M-1)	Industrial

Adjacent Properties:

	Zoning	Land Use
North	Manufacturing District Light (M-1)	Undeveloped
South	General Business District (GB) and Right-of-Way	United Rentals, Veterinarian, and IH-35 N Access Road
East	Planned Development District (PDD)	IDV Schertz Development - Warehouse Storage
West	General Business District (GB)	Undeveloped

GOAL

The proposed zone change is for approximately 9.4 acres of land to Manufacturing District Light (M-1). The applicant wishes to develop industrial buildings for lease.

COMMUNITY BENEFIT

It is the City's desire to promote safe, orderly, efficient development and ensure compliance with the City's vision of future growth.

SUMMARY OF RECOMMENDED ACTION

When evaluating zone changes, staff uses criteria listed in UDC Section 21.5.4.D. The criteria are listed below.

1. Whether the proposed zoning change or zoning map amendment implements the policies of the adopted Comprehensive Land Plan, including the land use classification of the property on the Future Land Use Map;

The proposed Manufacturing District Light (M-1) does not implement the policies of the adopted Comprehensive Land Plan nor the Future Land Use Map land use designation.

The Comprehensive Land Use Plan designates the subject property and general area as Regional Corridor. The Regional Corridor Land Use Designation is intended for commercial and entertainment areas along major thoroughfares and often includes regional shopping centers, supermarkets, theaters, department stores, and office buildings. Additionally, Regional Corridor land uses should be a mix of uses with pedestrian scaled design and landscaping with limited industrial and logistical uses.

As per Section 21.5.6 of the UDC, the intent of Manufacturing District Light (M-1) is to provide a suitable area for the development of light industrial, assembly and manufacturing, warehouse and distribution facilities. These districts should be located on arterial streets and where several lots are to be jointly developed as a light manufacturing area; restrictive covenants and development restrictions encouraging high-level design and maintenance are encouraged. The allowed uses in Manufacturing District Light (M-1) are inappropriate and incompatible with the Regional Corridor Land Use Designation.

2. Whether the proposed zoning change or zoning map amendment promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City;

As part of promoting health, safety, and welfare, the City should encourage development compatible with surrounding uses utilizing standards and transitional uses to alleviate negative impacts. The proposed Manufacturing District Light (M-1) dimensional and development standards as stated in Section 21.5.7.B of the Unified Development Code, are not compatible with what is in the surrounding area.

Table 21.5.7.B											
Dimensional Requirements Non-residential Zoning Districts (d)											
		Minimum Lot Size and Dimensions			Minimum Yard Setback (Ft)					Miscellaneous Lot Requirements	
Code	Zoning District	Area Sq. Ft.	Width Ft.	Depth Ft.	Front Ft.	Rear Adj Non-Res Zone	Rear Adj Res Zone	Side Adj Non-Res Zone	Side Adj Res Zone	Max Height Ft.	Max Impervious Cover
M-1	Light Manufacturing	10,000	100	100	25	0	50	0	25	120	80%

Additionally, the IH-35 corridor has been developing as a commercial corridor that meets the needs of the community with retail and services along critical transportation corridors. The total acreage of the subject property is approximately 30 acres, where approximately 20 acres are already zoned for Manufacturing District Light (M-1) and permits for industrial uses. The existing General Business District (GB) of the requested 10 acre zone change creates a zoning buffer along IH-35 from heavier industrial uses allowed in Manufacturing District Light (M-1) along the transportation corridor.

3. Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;

The uses permitted in Manufacturing District Light (M-1) allow, by right or with a Specific Use Permit, multiple uses that are not compatible with the vision of the Comprehensive Land Use Plan Land Use Designation of Regional Corridor. The existing General Business District (GB) is compatible with and meets the intent of the Comprehensive Land Use Plan Land Use Designation and what is desired for development

along IH-35 N Access Road.

Manufacturing District Light (M-1) allows for the following uses permitted by right or with a Specific Use Permit (SUP) that would not be allowed by right in General Business District (GB); Agricultural/Field Crops, Airport, Heliport, or Landing Field, Automobile Repairs and Service (Major), Automobile Sales, Bottling works, Cabinet or Upholstery Shops, Commercial Amusement (Outdoor), Dry Cleaning, Major, Flea Market (Outside), General Manufacturing/ Industrial Use, Mini-Warehouse/ Public Storage, Manufacturing, Nursery (Major), Office-Warehouse/ Distribution Center, Portable Building Sales, Print Shop (Major), Railroad/ Bus Passenger Station, Recreational Vehicle Sales and Service, Recycling Facility (SUP), Sexually Oriented Business (SUP), Stable (Commercial), Storage or Wholesale Warehouse, Tattoo Parlors/ Studios, Truck Sales (Heavy Equipment), Truck Terminal, Veterinarian Clinic/ Kennel (Outdoor), Welding/ Machine Shop, Wrecking or Salvage Yard (SUP).

4. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers or other public services and utilities to the area;

Sewer is serviced by the City of Schertz. There is an existing 8" sewer main at the northwest corner of the subject property coming from Danville Middle School. Additionally, there is an 8" sewer main that is under construction to the east of the subject properties. Water is serviced by the City of Schertz. There are existing City of Schertz 12" Water Lines along IH-35 N Access Road and at the northwest corner of the subject property.

The proposed East and West Connector, a planned 70-foot Right-of-Way, Commercial Collector A, goes across the northern portion of the subject property.

The City of Schertz Police, Fire and EMS Departments have indicated they do not have any concerns regarding the proposed rezoning request or their ability to provide services.

5. Whether there have been environmental and/or economical changes which warrant the requested change;

There have been no environmental or economical changes which warrant the requested change.

6. Whether there is an error in the original zoning of the property for which a change is requested;

There was no error in the original zoning of the property. The subject property was annexed into the City of Schertz in 1997 through Ordinance 97-A-20.

7. Whether all the applicant's back taxes owed to the City have been paid in full (no application will receive final approval until all back taxes are paid in full); and,

This does not impact the Planning and Zoning Commission recommendation to City Council.

8. Whether other criteria are met, which, at the discretion of the Planning and Zoning Commission and the City Council, are deemed relevant and important in the consideration of the amendment.

Staff has ensured all UDC requirements have been met for the proposed zone change, and at this time have not received any special consideration from the Planning and Zoning Commission or the City Council.

RECOMMENDATION

Due to incompatibility of the proposed Manufacturing District Light (M-1) permitted uses with the Comprehensive Land Use Plan Land Use Designation and with what is desired along IH-35 N Access Road, Staff Recommends denial of PLZC20240072.

Attachments

Aerial Exhibit

Public Hearing Notice Map

Zoning Exhibit



PLANNING AND ZONING COMMISSION MEETING: 05/08/2024
Agenda Item 5 F

TO: Planning and Zoning Commission

PREPARED BY: Daisy Marquez, Planner

SUBJECT: **PLSPU20240058-** Hold a public hearing and make a recommendation on a request for a Specific Use Permit to allow Mixed-Use Self-Storage in General Business District (GB) on approximately 2.2 acres, located East of the intersection of FM 3009 and Forest Ridge, more specifically known as a portion of Guadalupe County Property Identification Number 70506, City of Schertz, Guadalupe County, Texas.

BACKGROUND

The applicant is requesting a Specific Use Permit to allow Mixed-Use Self-Storage in General Business District (GB) on approximately 2.2 acres of land. The subject property is currently undeveloped and not platted. Unified Development Code Article 16 defines Mixed-Use Self-Storage as a climate-controlled building containing ground floor retail, service, or office space with separate, individual storage units for rent or lease. The conduct of sales, business, or any activity other than storage shall be prohibited within the individual storage units and such buildings shall be a minimum of 45 feet. As per UDC Section 21.5.8, a Specific Use Permit is required for Mixed-Use Self-Storage in General Business District (GB). More specifically, the applicant is proposing a 140,600 square foot Mixed-Use Self-Storage building at the rear of a larger development that includes a 20,000 square foot commercial retail strip closer to FM 3009 per the conceptual site plan.

On April 25, 2024, one (1) public hearing notice was mailed to the surrounding property owners within a 200-foot boundary of the subject property. At the time of the staff report, zero (0) responses in favor, zero (0) responses neutral, and zero (0) responses in opposition have been received. A public hearing notice will be published in the "San Antonio Express" prior to the City Council Meeting. Additionally, one (1) sign was placed on the property along FM 3009.

Subject Property:

	Zoning	Land Use
Existing	General Business District (GB)	Undeveloped
Proposed	General Business District (GB) with a Specific Use Permit to allow Mixed-Use Self-Storage	Mixed-Use Self Storage and Retail

Adjacent Properties:

	Zoning	Land Use
North	General Business District (GB)	Undeveloped
South	General Business District (GB)	Undeveloped
East	General Business District (GB)	Undeveloped
West	General Business District (GB)	Undeveloped

GOAL

The proposed Specific Use Permit is to allow Mixed-Use Self-Storage in General Business District (GB) on approximately 2.2 acres of land.

COMMUNITY BENEFIT

It is the City's desire to promote safe, orderly, efficient development and ensure compliance with the City's vision of future growth.

SUMMARY OF RECOMMENDED ACTION

A Specific Use Permit allows for discretionary City Council approval of uses with unique or widely varying operating characteristics or unusual site development features, subject to the terms and conditions set forth in this Unified Development Code. Approval of a Specific Use Permit allows the applicant to submit subsequent development applications consistent with the approved Specific Use Permit.

When evaluating Specific Use Permits, Staff uses the criteria for approval listed in UDC Section 21.5.11.D. The criteria for approval are listed below.

1. The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Land Plan;

The proposed Specific Use Permit for Mixed-Use Self-Storage is consistent with the policies embodied in the adopted Comprehensive Land Plan. The Comprehensive Land Plan designates the subject property as Local Corridor. The Local Corridor land use type is intended for commercial and entertainment type areas typically along medium to high-volume collector roads with neighborhoods at their perimeter. This includes conventional retail centers, small-scale mixed-use, multifamily development, and residential uses that are compatible with surrounding neighborhoods.

As per Unified Development Code Article 16, Mixed-Use Self-Storage is defined as a climate-controlled building containing ground floor retail, service, or office space with separate, individual self-storage units for rent or lease. The conduct of sales, business, or any activity other than storage shall be prohibited within the individual storage units and such buildings shall be a minimum of 45-feet in height. The proposed Mixed-Use Self-Storage is consistent with what is envisioned in Local Corridor as it requires a mix of uses within the self-storage climate-controlled building.

2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;

General Business District (GB) is intended to provide suitable areas for the development of non-residential uses which offer a wide variety of retail and service establishments that are generally oriented toward serving the overall needs of the entire community. These businesses are usually located on appropriately designed and attractively landscaped sites and along principal transportation corridors. The proposed Specific Use Permit to allow Mixed-Use Self-Storage allows for retail and offices at the first floor of a multi-level enclosed storage facility.

3. The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as safety, traffic, noise, odors, visual nuisances, drainage, or other similar adverse effects to adjacent development and neighborhoods.

The subject property is surrounded by other General Business District (GB) properties and is compatible with the surrounding properties and existing development to the north. The proposed development will need to meet all current City of Schertz site development standards stipulated in Unified Development Code Article 9.

The City of Schertz is the provider for water and sewer. There is an existing 16" Water Line to the South East of the proposed development and an existing 15" Sewer Line to the East of the proposed development. Offsite easements and mains will need to be extended in order to provide services to the site which will be reviewed during the platting process.

The proposed North and South Connector, Planned Commercial Collector A with 70-feet of Right of Way, cuts through the subject property. However, during the development process, this Commercial Collector will be reviewed, and the location can be adjusted, and the adjacent property has consented to the adjustment. The planned East and West Connector, Planned Secondary Arterial with 90-feet of Right-of-Way is southeast of the

Subject property.

4. The proposed use does not generate pedestrian or vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

The applicant is proposing two access points along FM 3009, per the conceptual site plan, which would need to be reviewed by the Schertz Engineering Department and the Texas Department of Transportation during the development process. Additionally, since the subject property is General Business District (GB) and the land to the north and south are also General Business District (GB), the subject property will be required to provide a cross lot access easement to the neighboring properties to limit the access points on FM 3009. Any proposed access points on FM 3009 will be reviewed by the City of Schertz Engineering Department and the Texas Department of Transportation during the development process.

5. The proposed use incorporates roadway adjustments and traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.

Access to the subject property will be along FM 3009. The proposed access points will be reviewed by the City of Schertz Engineering Department and the Texas Department of Transportation.

6. The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed use on adjacent properties.

The proposed development will have to meet all site development requirements in Article 9 of the Unified Development Code. The adjacent properties are also zoned General Business District (GB) and are not being used for single-family residential. As a result, no additional screening requirements for residential use will be required.

7. The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.

The proposed development will have to meet all dimensional and design requirements of the General Business District as mentioned in UDC Section 21.5.7. Additionally, the proposed Specific Use Permit requires a minimum 45-foot height for the building. No variations to the requirements have been requested.

8. The proposed use promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City;

As part of promoting health, safety, and welfare, the City should encourage development compatible with surrounding uses utilizing standards and transitional uses to alleviate negative impacts. Due to the existing General Business District (GB) zoning of the surrounding properties and the location of the subject property on FM 3009, the proposed Specific Use Permit to allow Mixed-Use Self-Storage in General Business District (GB) would not pose an adverse impact on adjacent properties.

9. No application made under these provisions will receive final approval until all back taxes owed to the City have been paid in full; and

This does not impact the Planning and Zoning Commission's recommendation to City Council.

10. Other criteria which, at the discretion of the Planning and Zoning Commission and City Council are deemed relevant and important in the consideration of the Specific Use Permit.

Staff has ensured all Unified Development Code requirements have been met for the proposed Specific Use Permit. The public hearing and Planning and Zoning Commission discussion is an environment where the Planning and Zoning Commission can discuss other criteria relevant to the consideration of the Specific Use Permit.

RECOMMENDATION

Staff recommends approval of PLSPU20240058, the Specific Use Permit to allow Mixed-Use Self-Storage at the subject property, conditioned upon the following:

1. A building permit is approved within two (2) years of the adoption of the SUP ordinance in accordance with Unified Development Code Article 5, Section 21.5.11.F Expiration of Specific Use Permit.
2. Twenty- Five (25%) of the useable square footage of the first floor of the proposed Mixed-Use Self-Storage building be for office, service, or retail space, separate from the individual self-storage units for rent or lease, and must be along the side of the building facing the FM 3009 street frontage.

Attachments

Aerial Exhibit
Public Hearing Notice Map
Conceptual Site Plan Exhibit
Legal Metes and Bounds



PLANNING AND ZONING COMMISSION MEETING: 05/08/2024
Agenda Item 7 A

SUBJECT

Current Projects and City Council Status Update

DEVELOPMENT INFORMATION

The following is being provided for information purposes only so that the Planning and Zoning Commission is aware of the current status of new site plan applications, status of applications heard by the Commission and recommended for final action by the City Council, and the status of administratively approved applications.

NEW SITE PLAN APPLICATIONS:

- The following new site plan application was submitted to the Planning and Community Development Department between March 28, 2024 and May 2, 2024.
 - STX Frio, STX FRIO Subdivision, Lot 1, Block 1, 22218 FM 2252
 - A site plan for a proposed 325,000 square foot cold storage facility.
 - Schertz Station Build to Rent Apartments, Schertz Station Subdivision, Lots 11 and 13, Block 1
 - A site plan for a proposed multifamily development along IH-35 part of the Schertz Station Development.
 - Keystone Concrete Placement Nell Deane Subdivision, Lot 37, Block 1, 117 Nell Deane
 - A site plan for a proposed parking lot for Keystone Concrete.
 - Clearwater Express Carwash, FM 3009 Retail Subdivision, Lot 5, Block 1, 6050 FM 3009
 - A site plan for a proposed automated car wash on FM 3009.

CITY COUNCIL RESULTS: The following development applications were recommended for final action to the City Council:

- Ord. 24-S-06 - Conduct a public hearing and consider amendments to the City of Schertz Comprehensive Plan.
 - Approved at April 2, 2024 CC Meeting
- Ord. 24-S-08 Conduct a public hearing and consider a request to rezone approximately 44.3 acres of land from Single-Family Residential District (R-2) to Planned Development District (PDD), known as Guadalupe County Property Identification Number 6460, located approximately 78 feet south of the intersection of Savannah Drive and Irish Creek Road, City of Schertz, Guadalupe County, Texas.
 - Denied at April 2, 2024 CC Meeting
- Ord. 24-A-10 - Conduct a public hearing and consider an ordinance on a petition for voluntary annexation of approximately 7-acres, a portion of Bexar County Property Identification Number 339286, also known as 8215 Trainer Hale Road, City of Schertz, Bexar County, Texas.
 - Approved at April 2, 2024 CC Meeting
- Ord. 24-S-09 – Conduct a public hearing and consider a request to rezone approximately 7.7 acres of land, a portion of Bexar County Property Identification Number 339286, to Single-Family Residential District (R-1), also known as 8215 Trainer Hale Road, City of Schertz, Bexar County, Texas.
 - Approved at April 16, 2024 CC Meeting
- Ord. 24-S-11 – Conduct a public hearing and consider a request to rezone approximately 3.6 acres of land from Single-Family Residential District (R-1) to Neighborhood Services District (NS), known as

Guadalupe County Property Identification Number 42797, more specifically described as 3517 FM 3009, City of Schertz, Guadalupe County, Texas.

- Approved at Final Reading the City Council Meeting on April 16, 2024
- Ord. 24-S-12 – Conduct a public hearing and consider a request to rezone approximately 11.7 acres of land from General Business District (GB) to General Business District-2 (GB-2), known as Comal County Property Identification Numbers 78053 and 116266, Guadalupe County Property Identification Numbers 68327, 68329, 114080, and 114082 generally located 500 feet west of the intersection of FM 2252 and IH-35 Frontage Road, City of Schertz, Guadalupe and Comal County, Texas.
 - Denied at April 2, 2024 CC Meeting
- Ord. 24-S-13 – Conduct a public hearing and consider a request for a Specific Use Permit to allow Portable Building Sales in General Business District-2 (GB-2) on approximately 11.7 acres of land known as Comal County Property Identification Numbers 78053 and 116266, Guadalupe County Property Identification Numbers 68327, 68329, 114080, and 114082, generally located 500 feet west of the intersection of FM 2252 and IH-35 Frontage Road, City of Schertz, Guadalupe and Comal County, Texas.
 - Denied at April 2, 2024 CC Meeting
- Ord. 24-S-14 - Conduct a public hearing and consider amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC) to Article 1 - General Provisions, Article 4 - Procedures and Applications, and Article 14 - Transportation.
 - Approved at April 16, 2024 CC Meeting
- Ord. 24-S-15 - Conduct a public hearing and consider amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC) to Article 5 - Zoning District and Article 9 - Site Design Standards in relation to Public Use District (PUB) height requirements.
 - Final Approval at April 16, 2024 CC Meeting
- Ord. 24-S-16 - Conduct a public hearing and consider amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC) to Article 5 - Zoning District and Article 16 – Definitions in relation to Mixed-Use Self Storage.
 - Approved at Final Reading at April 16, 2024 CC Meeting
- Ord. 24-S-17 - Conduct a public hearing and consider amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC) to Article 5 - Zoning District in relation to Automobile Sales.
 - Denied at April 2, 2024 CC Meeting
- Ord. 24-S-18- Conduct a public hearing and consider a request to rezone approximately 1.8 acres of land from Pre-Development District (PRE) to Single-Family Residential/ Agricultural District (R-A), known as Bexar County Property Identification Number 308385, also known as 12396 Schaefer Road, City of Schertz, Bexar County, Texas.
 - Recommendation for approval at April 3, 2024 P&Z meeting
 - First Hearing at May 7, 2024 CC Meeting
- Ord. 24-S-19 - Conduct a public hearing and consider a request to rezone approximately 3 acres of land, from Pre-Development District (PRE) to Single-Family Residential/ Agricultural District (R-A), a portion of Bexar County Property Identification Number 308402, also known as 11627 Voges Pass, City of Schertz, Bexar County, Texas.
 - Recommendation for approval at April 3, 2024 P&Z Meeting
 - First Hearing at May 7, 2024 CC Meeting

ADMINISTRATIVELY APPROVED PROJECTS:

- The following development applications were administratively approved between March 28, 2024 and May 2, 2024.
 - Clearwater Express Car wash, FM 3009 Retail Subdivision, Lot 5, Block 1, 6050 FM 3009
 - A site plan for a proposed automated car wash on FM 3009.
 - Approved on April 29, 2024
 - STX Frio, STX FRIO Subdivision, Lot 1, Block 1, 22218 FM 2252

- A site plan for a proposed 325,000 square foot cold storage facility.
 - Approved on April 11, 2024
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