



MEETING AGENDA
Planning & Zoning Commission
REGULAR SESSION PLANNING & ZONING COMMISSION
October 26, 2022

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, OCTOBER 26, 2022 at 6:00 p.m.

The Planning and Zoning Commission will hold the regularly scheduled meeting at 6:00p.m., Wednesday, October 26, 2022, 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

Residents who choose to watch the meeting via live stream, but who would like to participate in Hearing of Residents, should email their comments to the Planning Division, at planning@schertz.com by 5:00p.m. on Tuesday, October 25, 2022, so that the Planning Division may read the public comments into the record under the hearing of residents. In the body of the email please include your name, your address, phone number, agenda item number if applicable or subject of discussion, and your comments.

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. PLANNING AND ZONING COMMISSION ELECTIONS

A. Election of Planning and Zoning Commission Chair and Vice Chair

5. CONSENT AGENDA:

A. Minutes for the October 12, 2022, Regular Meeting.

6. PUBLIC HEARING:

The Planning and Zoning Commission will hold a public hearing related to zone change requests and replats 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.** PLPDD20220020- Hold a public hearing, consider and make a recommendation on a request to rezone approximately 75 acres of land from General Business District (GB) and Manufacturing District- Light (M-1) to Planned Development District (PDD), generally located southeast of the intersection of IH 35 and Cibolo Valley Drive, also known as Guadalupe County Property Identification Numbers 68313, 68314, and 148510, City of Schertz, Guadalupe County, Texas.
- B.** PLUDC20220135 Hold a public hearing, workshop and discussion, and possible action to make a recommendation on amendments of Part III, Schertz Code of Ordinances, Unified Development Code (UDC), to Article 5, Section 21.5.11- Specific Use Permit (SUP), Article 9, Section 21.9.7- Landscaping, and Article 10, Section 21.10.4- Schedule of off-street parking requirements. ***Tabled at the September 28, 2022, Planning and Zoning Commission Meeting***

7. 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.

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

- A.** Current Projects and City Council Status Update

9. ADJOURNMENT OF THE REGULAR MEETING

CERTIFICATION

I, Samuel Haas, Planner, of the City of Schertz, Texas, do hereby certify that the above agenda was posted on the official bulletin boards on this the 19th day of October, 2022 at 2:00 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.

Samuel Haas

Samuel Haas, 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 _____, 2022. _____ 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: 10/26/2022
Agenda Item 4 A

TO: Planning and Zoning Commission
PREPARED BY: Emily Delgado, Planning Manager
SUBJECT: Election of Planning and Zoning Commission Chair and Vice Chair

BACKGROUND

Based on Resolution 21-R-28: Planning and Zoning Commission Bylaws: "The Commission shall hold elections for a chair who shall serve as the presiding officer and vice chair at the first meeting in August of each year." Although the bylaws stipulate the first meeting in August, as of this agenda elections have not taken place for 2022 for the Planning and Zoning Commission.

Attachments

Res. 21-R-28- Planning and Zoning Commission Bylaws

RESOLUTION NO. 21-R-28

**A RESOLUTION OF THE CITY COUNCIL OF SCHERTZ, TEXAS AUTHORIZING
THE REVISED BYLAWS OF THE PLANNING AND ZONING COMMISSION, AND
OTHER MATTERS IN CONNECTION THEREWITH**

WHEREAS, the Planning and Zoning Commission of the City of Schertz (the "City") has recommended that the City approve the revised Bylaws, herein as "Exhibit A" of the Planning and Zoning Commission; and

WHEREAS, the City Council has determined that it is in the best interest of the City to approve the revised Bylaws of the Planning and Zoning Commission

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS:
THAT:**

Section 1. The City Council hereby authorizes the revised bylaws of the Planning and Zoning Commission.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

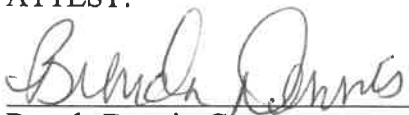
Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 6th day of April, 2021.



Ralph Gutierrez, Mayor

ATTEST:



Brenda Dennis, City Secretary
(SEAL OF THE CITY)



Planning and Zoning Commission Bylaws

Section 1 – Purpose

The Planning and Zoning Commission shall:

- A. Review and approve or make recommendations on applications as set forth in the City of Schertz Unified Development Code.
- B. Make recommendations regarding the implementation of the City's Comprehensive Plan.

Section 2 – Membership and Officers

- A. The Planning and Zoning Commission shall be composed of seven (7) members and two (2) additional members who shall serve as alternates. The alternates will not be seated unless one of the regular members is not in attendance at the start of the meeting. If seated, an alternate shall serve in place of the regular member even if the regular member arrives late. Four (4) members shall make a quorum.
- B. Commissioners shall reside within the corporate limits of the City.
- C. Commissioners shall serve two (2) year staggered terms with the terms of 3 Commissioners and the alternate expiring in odd numbered years and 4 Commissioners expiring in even numbered years.
- D. Terms shall expire on May 31.
- E. The Commission shall hold elections for a chair who shall serve as the presiding officer and vice chair at the first meeting in August of each year. Special elections shall be held as needed if the chair or vice chair's membership ends during their term.

Section 3 – Meetings

- A. Meetings shall generally be held on the second and fourth Wednesdays of the month. Meetings will be cancelled if there are no items to be considered. The meeting schedule may be adjusted to account for holidays.
- B. Special meetings may be called as needed.
- C. The Commission may establish committees as needed.
- D. Meetings shall comply with the Texas Government Code Chapter 551 (Texas Open Meetings Act).
- E. Each meeting shall provide for citizens to be heard generally as per City Council meetings.

CITIZENS' RIGHTS

- 1 Addressing the Commission. Any person desiring to address the Commission by oral communication shall first secure the permission of the presiding officer.
- 2 Manner of Addressing the Commission – Time Limit. Each person addressing the Commission shall speak at the podium into the microphone (or at another designated location), shall give his/her name and address in an audible tone of voice

for the record, and, unless further time is granted by the Commission, shall, subject to Section E4 below, limit his/her remarks to three (3) minutes or less. All remarks shall be addressed to the Commission as a body, and not to any individual member thereof. No person, other than members of the Commission or City staff (when requested by the presiding officer) and the person having the floor, shall be permitted to enter into any discussion, either directly or through the members of the Commission, unless requested or approved by the presiding officer. No questions shall be asked of the Commission members, except through the presiding officer. Responses to questions may be limited as required by State law.

- 3 Personal and Slanderous Remarks. Any person making personal, impertinent, or slanderous remarks, or who shall become boisterous, either while addressing the Commission or otherwise while in attendance at a Commission meeting, may be requested to leave the meeting, if after receiving a warning from the presiding officer a person persists in disturbing the meeting, and may be removed from the meeting if necessary for the conduct of the remainder of the meeting.
- 4 Public Hearings. After being recognized by the presiding officer, interested persons, or their authorized representatives, may address the Commission with respect to the subject matter of a public hearing being conducted. The presiding officer may establish procedures at a public hearing to limit the amount of time (which, unless modified by the presiding officer, shall be as set forth in Section E2 above) interested persons may speak, subject to the Commission members' right to appeal the presiding officer's ruling pursuant to Section F6. Subject to modification by the presiding officer, and subject to the Commission members' right of appeal pursuant to Section F6, the normal order of a public hearing is as follows: (i) the opening of the hearing and the establishment, if any, of a modified public hearing procedure by the presiding officer; (ii) address to the Commission by any interested person(s); (iii) discussion by the presiding officer and Commission members, including requests for information from City staff or any person(s) who addressed the Commission; and (iv) action by the Commission, if any is posted on the agenda relating to the hearing.
- 5 Written Communications. Interested persons, or their authorized representatives, may address the Commission by written communication in regard to any matter concerning the City's business or over which the Commission has control at any time by direct mail or by addressing the City Secretary, who shall, on the request of the writer, distribute copies to the Commission members.
- 6 Hearing of Residents. There shall be included on the agenda of each Planning and Zoning Commission meeting an item labeled "Hearing of Residents". After being recognized by the presiding officer, members of the public (giving precedence to residents of the City) may address the Commission on items on or not on the agenda at that time, providing they have completed the "Hearing of Residents" form, unless authorized by the presiding officer. The form shall be made available to persons wishing to address the Commission prior to the calling of the meeting to order and

such completed form shall be made available to the presiding officer prior to the calling of the meeting to order. The persons signed up for “Hearing of Residents” must speak during the “Hearing of Residents” portion of the meeting. Commission members and members of City staff may not discuss unposted items nor take any action thereon other than to (1) make a statement of factual information, (2) make a statement of existing City policy, or (3) discuss placing the item on a future agenda. Persons speaking shall be subject to the time limits set forth in Section E2, unless otherwise authorized by the presiding officer.

F. Motions and Meeting Procedures are as follows:

1. Motions. A Commission member, after he/she obtains the floor, or the presiding officer may make a motion on the particular subject of discussion or a procedural point as permitted. A “Second” to the motion, if required, must be made by a Commission member who did not make the motion within a reasonable but brief time period. The presiding officer may not “Second” a motion. A motion or a “Second” merely implies that the maker of the motion and the person who “Seconds” agree that the motion should come before the meeting and not that he/she necessarily favors the motion. Without a “Second”, if required, the motion dies. If a motion is made to conditionally approve, deny, recommend conditional approval or recommend denial of an agenda item, the Commission member must also state the reasons for conditional approval, denial, recommend conditional approval or recommend denial, and provide a citation to the regulation, ordinance, and/or law as required by the Unified Development Code.
2. Debate. Debate, if permitted, must be limited to the merits of the issue under discussion as stated by the presiding officer.
3. Motion Procedures. There are twelve (12) types of motions in three (3) categories: Meeting Conduct Motions (4 types), Disposition Motions (7 types), and Main Motions (1 type)*. When any motion is pending, any motion listed above it on the chart below is in order; those below it are out of order.

Section 9.3 through 9.14 are included by permission of Donald A. Tortorice, The Moder Rules of Order, ABA Publishing, 2nd Edition

Motion	May Interrupt Speaker	Second Required	Debatable	Amendable	Resolved by Chair No Vote	Affirmative Vote by 4 members	2/3 Vote
Meeting Conduct Motions							
point of privilege	yes	no	no	no	yes	no	no
point of procedure or order	yes	no	no	no	yes	no	no
to appeal a ruling	no	yes	yes	no	no	yes	no
to recess	no	yes	yes	yes	no	yes	no
Disposition Motions							
to withdraw	yes	no	no	no	yes	no	no
to postpone	no	yes	yes	yes	no	yes	no
to refer	no	yes	yes	yes	no	yes	no
to amend	no	yes	yes	yes	no	yes	no
to limit or close debate or "call the question"	no	yes	yes	yes	no	no	yes
to extend debate	no	yes	yes	yes	no	yes	no
to count the vote	no	yes	no	no	no**	no	no
Main Motions							
to reconsider	yes	yes	if original motion was debatable	no	no	yes	no
to rescind	no	yes	yes	yes	no	no	yes
to take action	no	yes	yes	yes	no	Yes***	no

** Mandatory if seconded; no vote required
*** Unless not allowed

- 4 Point of Privilege. A point of privilege, sometimes called a point of personal privilege, is a communication from a Commission member to the presiding officer, drawing urgent attention to a need for personal accommodation. For example, the point may relate to an inability to see or hear, a matter of comfort, a matter of requested convenience, or an overlooked right of privilege that should have been accorded to the Commission member(s). In essence, it is a call to the presiding officer for the purpose of assuring a Commission member's convenient and appropriate participation in the meeting. Because of its urgent nature, a point of privilege can interrupt a speaker. Because it is addressed to the attention of and action by the presiding officer, it cannot be debated or amended, and no vote is required.
- 5 Point of Procedure or Order. A point of procedure, sometimes called a point of order, is a question addressed to the presiding officer, no seconding is required, and either inquiring into the manner of conducting business or raising a question about the propriety of a particular procedure. It is simply an inquiry and is resolved by correction or clarification by the presiding officer. A point of procedure can interrupt a speaker. Because it is addressed to the attention of and action by the presiding officer, a second is not required, and it cannot be debated or amended, and no vote is taken.
- 6 To Appeal a Ruling. Decisions or rulings of the presiding officer are final on questions of procedure, except that any ruling by the presiding officer's ruling can be appealed to a vote of the Commission. Whenever a Commission member questions the appropriateness or essential fairness of the presiding officer, that member can appeal the ruling to a vote of the meeting. If, however, a motion is out of order as a matter of law (not a proper subject of the meeting, improper notice given, etc.), the presiding officer's ruling cannot be appealed. A motion to appeal cannot interrupt a speaker. To prevent frivolous appeals, a second is required. The motion is subject to debate (which should be brief) and, by its nature, is not amendable. To overrule a procedural decision of the presiding officer, an affirmative vote of four (4) Commission members is required.
- 7 To Recess. A motion to recess requests a brief interruption of the meeting's business, usually so that an ancillary matter can be addressed, or simply to provide a needed break. Unless stated in the motion, the period of recess is decided by the presiding officer. If necessary, a recess can extend the meeting from one day to another, subject to State law. The motion cannot interrupt a speaker, and a second is required. It is debatable, it can be amended, and an affirmative vote of four (4) Commission members is required.
- 8 To Withdraw. Only the maker of the motion can make a motion to withdraw it. It is essentially a communication to the presiding officer that the maker is withdrawing his/her proposal. This is the maker's privilege; thus, it does not require a second. Because the withdrawal motion obviates discussion, it can interrupt a speaker. In addition, because another Commission member later can make a similar motion, a withdrawal motion is not subject to debate, amendment,

or vote. The presiding officer should simply state that the motion is withdrawn, and the meeting should proceed with a new treatment of the issue at hand—or a new issue.

- 9 To Postpone or Extend. These motions may arise from a need for further information, a matter of convenience, or for any other reason that will enable the Commission to deal with the issue more effectively during the same meeting or at a later time. Unless otherwise specifically provided in the motion itself, a postponed or extension motion can be renewed at a later appropriate time during the meeting or, if properly posted, at a later meeting. This motion cannot interrupt a speaker. It requires a second, it is debatable, and it is amendable (particularly as to postponement, timing), and an affirmative vote of four (4) Commission members is required.
- 10 To Refer. A motion to refer is typically used to submit an issue to a committee, usually for study leading to a subsequent recommendation. Because it ordinarily disposes the motion for purposes of the current meeting, a motion to refer is subject to the same rules that apply to a main motion. (See Section F14). This motion cannot interrupt a speaker, and a second is required. It is debatable and amendable, and an affirmative vote of-four (4) Commission members is required.
- 11 To Amend. A motion to amend proposes a change in the wording of a motion then under consideration. When a motion to amend is pending and an amendment to the amendment is proposed, the presiding officer should focus discussion on the latest amendment, resolve that question, then proceed to the first amendment before continuing discussion on the main motion. Votes on amendments are thus in reverse order of the sequence in which they are proposed. A motion to amend cannot interrupt a speaker. It requires a second, and it is debatable and amendable. An affirmative vote of four (4) Commission members is required for approval of the amendment. Note that State law may restrict amendments to proposals that are required to be set forth in the notice of the meeting.
- 12 To Limit or Close Debate or “Call the Question”. Because the extent to which an issue is discussed rests primarily with discretion of the presiding officer, it is the presiding officer who carries the burden of ensuring that adequate time and discussion are given to differing points of view. A motion to limit or close debate is therefore an overruling of the presiding officer’s determination. A motion to close debate is the same as a motion to “call the question”. Because this motion affects the most fundamental right of any Commission member, the right to speak one’s views, it is the only procedural motion that requires an affirmative vote of two-thirds of participants voting.
- 13 To Count the Vote. A motion to count the vote should be limited to those circumstances where the convenient hearing of “yeas” and “nays” cannot clearly resolve the issue. It represents the right of a Commission member to have a vote demonstrated by count. That count can be directed by the presiding officer either as a showing of hands or a standing of voting members while the vote is recorded.

Upon completion of the count, the presiding officer announces the result—and final disposition of the issue voted upon. This motion cannot interrupt a speaker. It requires a second; it is neither debatable nor amendable; and, because of the importance of the matter, it should be considered mandatory; thus, no vote is required.

- 14 Motion to Reconsider. Allows a main motion to be brought back before the Commission for consideration. May be made only at the meeting at which the vote to be reconsidered was taken. It may be made by any member of the Commission. Any Commission member may second it. It can be made while any other question is pending, even if another member has the floor. It requires a majority vote to pass. A motion may only be reconsidered twice. If the reconsideration is moved while another subject is before the Commission, it cannot interrupt the pending business, but, as soon as the pending business has been disposed of the motion has the preference over all other main motions and general business of the agenda. In such a case the presiding officer does not state the question on the reconsideration until the immediately pending business is completed.
- 15 Motion to Rescind. The motion to rescind is a main motion without any privilege, may only be made when there is nothing else before the Commission and must be made at the same meeting at which the subject matter of the motion was considered, and it requires a two-thirds vote of the commission members. It cannot be made if a motion to reconsider has been previously made. The motion to rescind can be applied to votes on all main motions with the following exceptions: votes cannot be rescinded after something has been done as a result of that vote that the Commission cannot undo; or, where a resignation has been acted upon, or one has been appointed to, or expelled from, a committee or office, and was present or was officially notified. In the case of expulsion, the only way to reverse the action afterwards is to restore the person to the committee or office, which requires the same preliminary steps and vote as is required for the original appointment.
- 16 To Take Action; Main Motions. Main motions state proposed policy or action on a substantive issue being considered by the Commission. As such, the motion is an initial call to take particular action. Although lowest in precedence among all motions, main motions are clearly the most important: through their content, the business decisions of the Commission are determined. A main motion can be made only when a prior main motion has been disposed of. It cannot interrupt a speaker; a second is required; it is debatable and amendable; and an affirmative vote of four (4) Commission members is required unless a greater vote is prescribed by the Charter or State law.

17 Effect of Abstentions; action on required Abstentions; Effect of non-required Abstentions. The following rules shall apply when a Commission Member abstains from voting on an item:

a. When the Commission Member is Legally Obligated to Abstain from Voting.

When a Commission Member is legally obligated to abstain from voting pursuant to Texas Local Government Code Chapter 171, a local ordinance or the City Charter then the Commission Member shall leave the dais and exit City Council Chambers until such time as the debate and vote on the item has been concluded. Staff shall record that the Commission Member left the room and abstained from the vote in the official minutes and there shall be no other effect.

b. When the Commission Member Has No Legal Obligation to Abstain from Voting.

When a Commission Member has no legal obligation to abstain from voting, the Commission Member is prohibited from casting a vote of abstention and must cast an “aye or yes” vote or “nay or no” vote.

PLANNING AND ZONING COMMISSION MEETING: 10/26/2022
Agenda Item 5 A

TO: Planning and Zoning Commission
PREPARED BY: Tiffany Danhof, Administrative Assistant
SUBJECT: Minutes for the October 12, 2022, Regular Meeting.

Attachments

Draft Minutes for the October 12, 2022 Regular Meeting

DRAFT

PLANNING AND ZONING MINUTES

October 12, 2022

The Schertz Planning and Zoning Commission convened on October 12, 2022 at 6:00 p.m. at the Municipal Complex, Council Chambers, 1400 Schertz Parkway Building #4, Schertz, Texas.

Present: Glen Outlaw, Chairman; Richard Braud, Commissioner; Roderick Hector, Commissioner; Judy Goldick, Commissioner; Tamara Brown, Commissioner; Patrick McMaster, Commissioner

Absent: Ernie Evans, Vice Chairman; Gordon Rae, Commissioner; John Carbon, Commissioner

City: Brian James, Assistant City Manager; Lesa Wood, Director of Planning & Community Development;
Staff: Emily Delgado, Planner Manager; Samuel Haas, Planner; Tiffany Danhof, Administrative Assistant

1. CALL TO ORDER

Chairman Mr. Outlaw called the meeting to order at 6:00 P.M.

2. SEAT ALTERNATE TO ACT IF REQUIRED

Patrick McMaster was seated as the alternate Commissioner.

3. HEARING OF RESIDENTS

Residents who choose to watch the meeting via live stream, but who would like to participate in Hearing of Residents, should email their comments to the Planning Division, at planning@schertz.com by 5:00p.m. on Tuesday, October 11, 2022, so that the Planning Division may read the public comments into the record under the hearing of residents. In the body of the email please include your name, your address, phone number, agenda item number if applicable or subject of discussion, and your comments.

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.

Carlos Sanders 4507 Pecos Pt.

4. CONSENT AGENDA:

A. Minutes for the September 28, 2022 Regular Meeting.

Motioned by Commissioner Patrick McMaster to approve the consent agenda,
seconded by Commissioner Judy Goldick

Vote: 6 - 0 Passed

5. PUBLIC HEARING:

The Planning and Zoning Commission will hold a public hearing related to zone change requests and replats 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.** PLZC20220092 – Hold a public hearing, consider and make a recommendation on a request to rezone approximately 31 acres of land from General Business District (GB) to Single-Family Residential District (R-2), the property, a portion of Parcel ID 63998, generally located approximately 1,000 feet to the northwest of the Eckhardt Road and Green Valley Road intersection. City of Schertz, Guadalupe County, Texas.

Mr. Haas and the applicant provided a presentation.

Mr. Outlaw opened the public hearing at 6:11 P.M.

- Louis Dawkins- 536 Scarlet Ct., Canyon Lake
- Donna Sanders- 4507 Pecos Pt.
- Theresa Jeanne Ackermann- property owner
- Carlos Sanders- 4507 Pecos Pt.

Mr. Outlaw closed public hearing at 6:18 P.M.

There was a discussion on:

- Clarification on water standards and availability
- Property Taxes
- Retail sales businesses
- Road improvements
- Land use changes

Motioned by Commissioner Judy Goldick to recommend approval to the City Council, seconded by Commissioner Tamara Brown

Vote: 6 - 0 Passed

6. ITEMS FOR INDIVIDUAL CONSIDERATION:

- A.** PLFP20220162 Consider and act upon a request for approval of a final plat of the Graytown Subdivision, Unit 1A, an approximately 23 acre tract of land located approximately 550 feet southwest of the intersection of Graytown Road and Boenig Road, City of Schertz, Bexar County.

Mrs. Delgado provided a presentation.

There was a discussion on:

- Clarification on sidewalk and street improvement
- Roadway impact fees

Motioned by Commissioner Patrick McMaster to approve PLFP20220162 including the sidewalk waiver, seconded by Commissioner Judy Goldick

Vote: 6 - 0 Passed

- B.** PLFP20220163 Consider and act upon a request for approval of a final plat of the Graytown Subdivision, Unit 3A, an approximately 32 acre tract of land located on Graytown Road, roughly 3,000 feet northwest of the intersection of Graytown Road and I-10, City of Schertz, Bexar County.

Mrs. Delgado provided a presentation.

Motioned by Commissioner Judy Goldick to approve PLFP20220163, seconded by Commissioner Patrick McMaster

Vote: 6 - 0 Passed

- C.** PLPP20220168 Consider and act upon a request for approval of a preliminary plat of the QT 4033 Subdivision, an approximately 7 acre tract of land, located northwest of the intersection of IH 35 Access Road and Cibolo Valley Drive, City of Schertz, Guadalupe County, Texas.

Mrs. Delgado provided a presentation.

There was a discussion on:

- Clarification on the tract of land
- Future development on the 2nd lot
- Clarification on Cibolo Valley extension

Motioned by Commissioner Judy Goldick to approve PLPP20220168, seconded by Commissioner Roderick Hector

Vote: 6 - 0 Passed

- D.** PLDMP20220173 Consider and act upon a request for approval of a Master Development Plan for the Heritage Oaks Subdivision, an approximately 67 acre tract of land generally located southwest of the intersection between Schertz Parkway and Wiederstein Road, City of Schertz, Guadalupe County, Texas.

Mrs. Delgado provided a presentation.

There was a discussion on:

- Clarification on Unit 1 & 2
- PPD/ Replat's
- Cul-De-sac section
- Emergency access lane
- Driveways
- Alleyways

Motioned by Commissioner Judy Goldick to approve PLDMP20220173, seconded by Commissioner Patrick McMaster

Vote: 6 - 0 Passed

7. REQUESTS AND ANNOUNCEMENTS:

A. Requests by Commissioners to place items on a future Planning and Zoning Agenda

There were no requests by Commissioners.

B. Announcements by Commissioners

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

There were announcements by Commissioner Goldick.

C. Announcements by City Staff.

- City and community events attended and to be attended.

There were announcements by City Staff.

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

A. Current Projects and City Council Status Update

9. ADJOURNMENT OF THE REGULAR MEETING

Chairman Mr. Outlaw adjourned the regular meeting at 7:26 P.M.

Chairman, Planning and Zoning Commission

Recording Secretary, City of Schertz

PLANNING AND ZONING COMMISSION MEETING: 10/26/2022
Agenda Item 6 A

TO: Planning and Zoning Commission
PREPARED BY: Emily Delgado, Planning Manager
CASE: PLPDD20220020
SUBJECT: PLPDD20220020- Hold a public hearing, consider and make a recommendation on a request to rezone approximately 75 acres of land from General Business District (GB) and Manufacturing District- Light (M-1) to Planned Development District (PDD), generally located southeast of the intersection of IH 35 and Cibolo Valley Drive, also known as Guadalupe County Property Identification Numbers 68313, 68314, and 148510, City of Schertz, Guadalupe County, Texas.

GENERAL INFORMATION:

Owner: San Antonio One, LTD Partnership
 Applicant / Developer: Embrey, Omar Rivera
 Engineer: Kimley-Horn
 Representative: Ashley Farrimond

APPLICATION SUBMITTAL DATE:

Date	Application Type
May 17, 2022	Zone Change to Planned Development District (PDD)

PUBLIC NOTICE:

Forty Four (44) public hearing notices were mailed to the surrounding property owners on October 14, 2022 with a public hearing notice to be published in the "San Antonio Express" prior to the City Council public hearing. At the time of this report, staff has received no responses in favor, opposed or neutral to the request.

ITEM SUMMARY:

The applicant is proposing to rezone approximately 75 acres of land from General Business District (GB) and Manufacturing District- Light (M-1) to Planned Development District (PDD). Currently, the property is undeveloped / agricultural land. The proposed Planned Development District, titled "Schertz Station", is divided into four (4) different areas to include Commercial, Retail, and Multi-Family.

LAND USES AND ZONING:

	Zoning	Land Use
Existing	General Business District (GB) and Manufacturing (Light) District (M-1)	Undeveloped / Agricultural
Proposed	Planned Development District (PDD)	Commercial and Multi-Family

Adjacent Properties:

	Zoning	Land Use
North	Right of Way	IH 35 Right of Way

South	Manufacturing (Light) District (M-1) and Right of Way	Undeveloped / Agricultural and Old Wiederstein Rd Right of Way
East	General Business District (GB), Planned Development District (PDD), Manufacturing (Light) District (M-1)	Undeveloped / Agricultural and Commercial (EVO)
West	Right of Way	Cibolo Valley Drive Right of Way

PROPOSED ZONING:

The applicant has requested to rezone approximately 75 acres to Planned Development District (PDD). According to the Schertz Station PDD Design Standards, the 75 acres is proposed in four (4) unique areas each with their own designations and standards.

Area I: The portion of the property along IH 35 and Cibolo Valley Drive, proposed to develop as Commercial / Retail

- Area I is proposed with a base zoning of General Business (GB), and will allow all uses permitted in General Business per the UDC along with "Auto Repairs & Service, Major" and "Retail Cabinet Sales".

Area II: The portion of the property located in the center of the 75 acres, immediately behind Area I, proposed to develop as Commercial / Retail / Multi-Family

- Area II is proposed with a base zoning of General Business (GB) and Apartment / Multi-Family (R-4), and will allow all uses permitted in General Business and Apartment / Multi-Family per the UDC, along with "Commercial Amusement, Outdoor".

Area III: South of Area II, proposed to develop as Multi-Family

- Area III is proposed with a base zoning of Apartment / Multi-Family (R-4), and will allow uses permitted in Apartment / Multi-Family (R-4) per the UDC

Area IV: Immediately adjacent to the intersection of Cibolo Valley Drive and Old Wiederstein, proposed to develop as Commercial / Retail

- Area IV is proposed with a base zoning of General Business (GB), and will allow all uses permitted in General Business per the UDC

In addition to the four proposed areas, the Schertz Station PDD also indicates that the extension of Ripps Kruesler through the project will be completed as a "Collector".

CONFORMANCE WITH THE COMPREHENSIVE PLAN:

The Comprehensive Land Use Plan (CLUP) and Schertz Sector Plan Update, and more specifically as depicted on the Future Land Use Plan Map identifies the subject property as three different land use designations: Highway Commercial, Commercial Campus, and Single Family Residential.

Specifically the Highway Commercial designation is located at the corner of Cibolo Valley Drive and IH 35. Highway Commercial is intended for regional scale retail and commercial uses that can take advantage of the highway frontage. The Commercial Campus designation is located along the IH 35 frontage and into the center of the subject property. Commercial Campus is intended to encourage the development of lower intensity commercial and office uses in addition to allowing for multi-family. The Single Family Residential designation is located towards the southern portion of the subject property. Single Family Residential is intended for a mix of residential uses (such as multi-family) along with limited commercial development to support the daily activities of the development.

- Comprehensive Plan Goals and Objectives: The subject property as a whole has three Future Land Use Designations, Highway Commercial, Commercial Campus, and Single Family Residential. These land use designations are intended to allow for commercial, retail, and multi family which is what is being proposed by the Schertz Station PDD. Based on the Schertz Station PDD providing for a mixture of multi-family, commercial and retail the proposed development is in conformance with the goals and objectives of the

Comprehensive Plan.

- Impact of Infrastructure: The proposed Schertz Station PDD should have minimal impact on the existing and planned water and wastewater systems in the area. If approved, the project would be required to go through the standard development process which would include any public infrastructure improvements for water, wastewater and roadways.
- Impact of Public Facilities/Services: The proposed rezoning request should have minimal impact on public services, such as schools, fire, police, parks and sanitation services.
- Compatibility with Existing and Potential Adjacent Land Uses: The subject property is adjacent to Cibolo Valley Drive, IH 35, and Old Wiederstein Road. Additionally, in the area is the Cibolo Crossing Development located across Cibolo Valley Drive from the subject property which is proposed to develop with commercial, retail, and multi-family. The proposed Schertz Station zone change would be compatible with the Cibolo Crossing Development in the City of Cibolo. Additionally, the subject property is adjacent to the EVO Entertainment, movie theater. The proposed commercial and retail is directly compatible with this existing business.

STAFF ANALYSIS AND RECOMMENDATION:

The Schertz Station Planned Development District is proposing to develop as commercial, retail, and multi-family which has been described as desired at the intersection of Cibolo Valley Drive and IH 35. The proposed PDD will maintain the commercial and retail components along the IH 35 frontage as well as providing a commercial option at the hard corner of Old Wiederstein and Cibolo Valley Drive. Additionally, the proposed Schertz Station will incorporate multi-family as a buffer from the proposed commercial / retail to the adjacent SCUCISD owned property and the residential across Old Wiederstein.

Based on the subject property's Comprehensive Land Use Designations and the conformance and compatibility with the proposed Schertz Stations Planned Development District, along with the unique nature of the proposed commercial, retail, and multi-family staff recommends approval of the Planned Development District zone change request.

The finalized Schertz Station Planned Development District Design Standards will be available prior to the Planning and Zoning Commission meeting.

Planning Department Recommendation	
X	Approve as submitted
	Approve with conditions*
	Denial

* While the Commission can impose conditions; conditions should only be imposed to meet requirements of the UDC.

COMMISSIONERS CRITERIA FOR CONSIDERATION:

The Planning and Zoning Commission is making a recommendation to City Council on the proposed zoning application. In considering action on a zoning application, the Commission should consider the criteria within UDC, Section, 21.5.4 D.

Attachments

Aerial Map

Public Hearing Notice Map

Zoning Exhibit



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



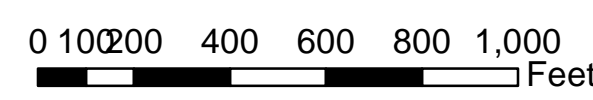
ALTA/NSPS LAND TITLE SURVEY
J.F. WALKER SURVEY NO. 113
ABSTRACT NO. 244 - 74.579 AC

- | | | | |
|--------------------|----------------------------|----------------------------------|--------------------------------|
| <all other values> | <all other values> | Planned Secondary Arterial | Commercial Collector B |
| Highways | Freeway | Secondary Rural Arterial | Planned Commercial Collector B |
| Major Roads | Principal Arterial | Planned Secondary Rural Arterial | Commercial Collector A |
| Minor Roads | Planned Principal Arterial | Residential Collector | Planned Commercial Collector A |
| Other Cities | Secondary Arterial | Planned Residential Collector | |

- | | | | |
|----|-----|-----|---------------------|
| 1" | 8" | 20" | Schertz Gravity |
| 2" | 10" | 24" | Schertz Pressure |
| 3" | 12" | 30" | Neighboring Gravity |
| 4" | 16" | 36" | Private Pressure |
| 6" | 18" | | |

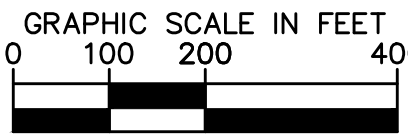
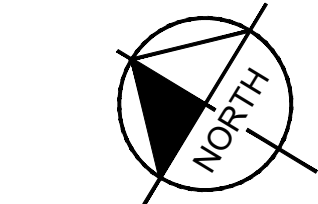
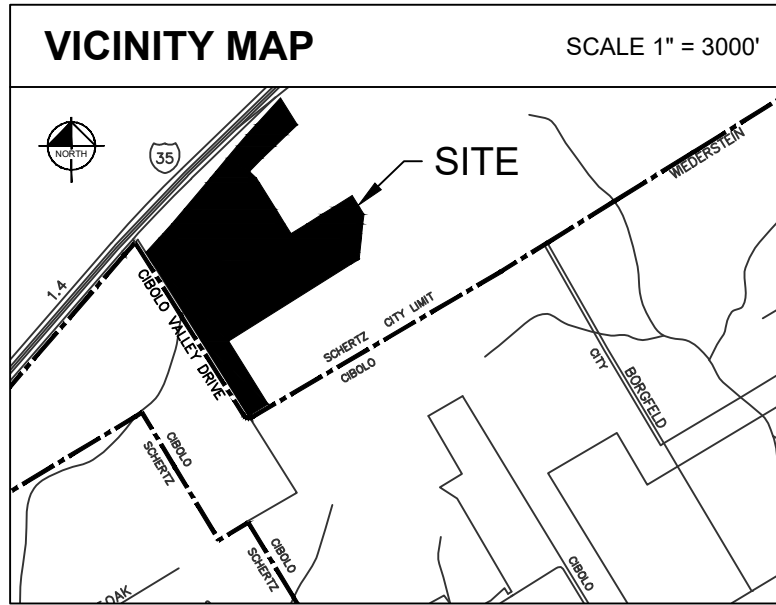
- | | |
|----------|----------------------------|
| Hydrant | 200' Buffer |
| Manholes | Schertz Municipal Boundary |
| | County Boundaries |

1 Inch = 400 Feet





Plotted By: Nicky Arroyo (NickyArroyo) October 13, 2022 08:31:16am K:\SMA_Civil\64562018_Embrey_Schertz\03-200'NOTIFICATION EXHIBIT.dwg
This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



LEGEND

	PROPERTY BOUNDARY
	EXISTING EDGE OF ASPHALT
	EXISTING OVERHEAD ELECTRIC
	EXISTING SANITARY LINE
	EXISTING WATER LINE
	EXISTING GAS LINE
	BENCHMARK
	PROPERTY CORNER
	EXISTING SIGN
	EXISTING SANITARY SEWER MANHOLE
	EXISTING WATER VALVE
	EXISTING FIRE HYDRANT
	EXISTING CABLE PEDESTAL
	EXISTING GUY WIRE
	EXISTING POWER POLE

NOTES

- ACCORDING TO FLOOD INSURANCE RATE MAP PANEL 48187/0210F, DATED 11/2/2007, A PORTION OF THE SITE IS LOCATED IN THE 100-YR FLOODPLAIN. THE REMAINING SITE IS LOCATED IN ZONE X AND IS NOT WITHIN THE 100-YR FLOODPLAIN.
- THE THOROUGHFARE ALIGNMENTS SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DO NOT SET THE ALIGNMENT. ALIGNMENT IS DETERMINED AT THE TIME OF THE FINAL PLAN.

SITE DATA TABLE

GENERAL SITE DATA	
LEGAL DESCRIPTION	74.579 ACRES, J.F. WALKER SURVEY NO. 113, ABSTRACT NO. 244, CITY OF SCHERTZ, GUADALUPE COUNTY, TEXAS
CURRENT ZONING	GENERAL BUSINESS (GB) & MANUFACTURING (LIGHT) (M-1)
REQUESTED ZONING	PLANNED DEVELOPMENT DISTRICT (74.579 AC.)
PROPOSED LAND USE	COMMERCIAL/RETAIL AND MULTI-FAMILY
SITE ACREAGE	74.5790
ADDRESS	NEC OF IH-35 & CIBOLO VALLEY DR., CITY OF SCHERTZ, TX

PROJECT CONTACT LIST:

SURVEYOR OF RECORD

KIMLEY-HORN
601 NW LOOP 410, STE. 350
SAN ANTONIO, TEXAS 78216
PHONE: 210-541-9166
CONTACT: JOHN GREGORY MOSIER, R.P.L.S.

CIVIL ENGINEER

KIMLEY-HORN
601 NW LOOP 410, STE. 350
SAN ANTONIO, TEXAS 78216
PHONE: 210-541-9166
CONTACT: AARON PARENICA, P.E.

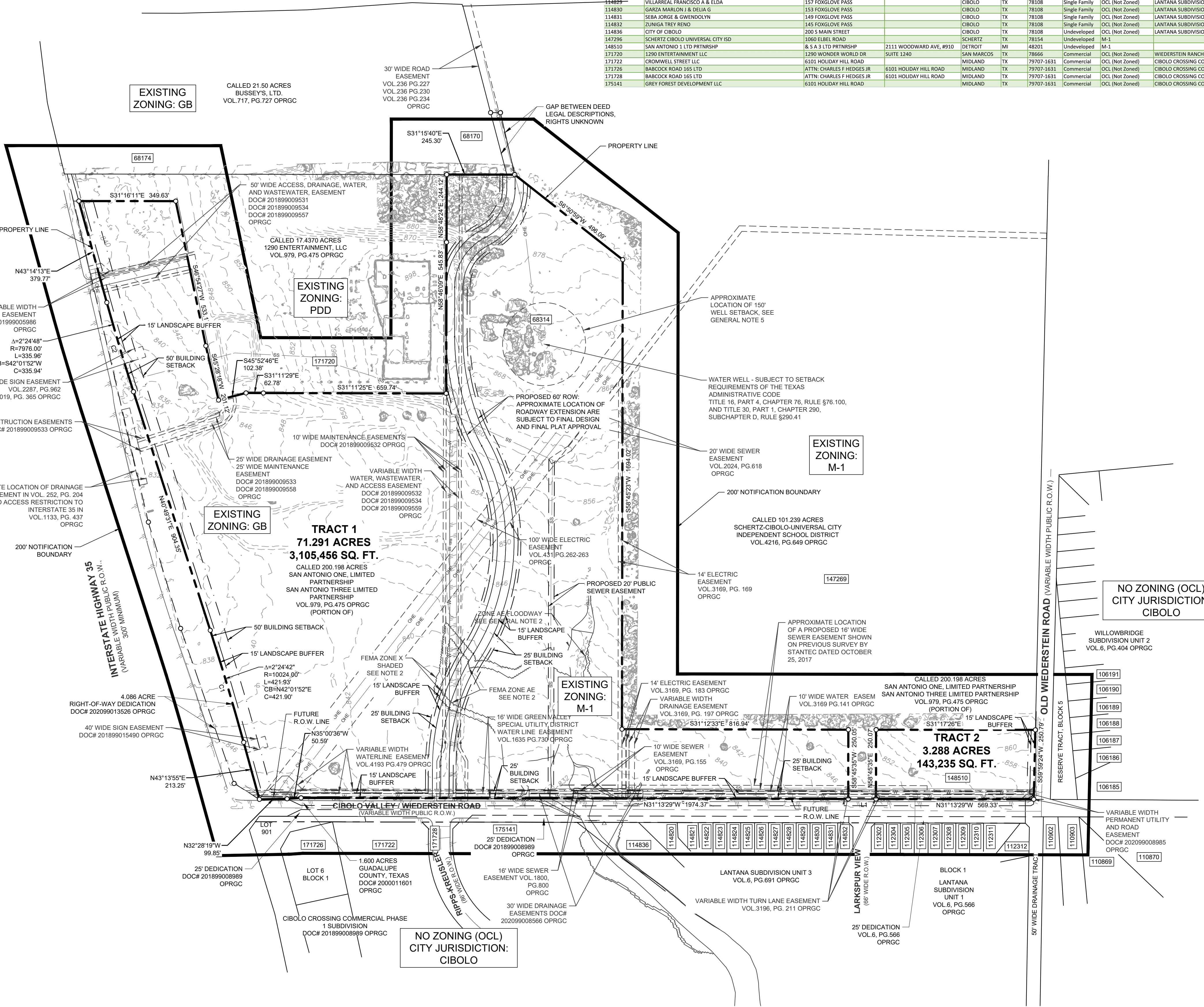
PROPERTY OWNER

SAN ANTONIO ONE, LTD PARTNERSHIP
277 N LOOP 1604 E, STE. 150
SAN ANTONIO, TEXAS 78209
PHONE: 313-981-6451
CONTACT: CHARLES FORBES

DEVELOPER

EMBREY
1020 NE LOOP 410, STE. 700
SAN ANTONIO, TEXAS 78209
PHONE: 210-524-6044
CONTACT: OMAR RIVERA

Property ID	Owner Name	Owner Address	OWNER ADDRESS 2	CITY	STATE	ZIP CODE	Land Use	Schertz Zoning	Subdivision	Record Document
68170	BUSSEY'S LTD	C/O HAROLD J SMITH	18738 IH 35 N	SCHERTZ	TX	78154	Single Family	GB		VOL. 717, PG. 727 OPRGC
68174	BUSSEY'S LTD	C/O HAROLD J SMITH	18738 IH 35 N	SCHERTZ	TX	78154	Commercial	GB		VOL. 717, PG. 727 OPRGC
68314	SAN ANTONIO 1 LTD PARTNERSHIP	8 & A 3 LTD PARTNERSHIP	2111 WOODWARD AVE, #910	DETROIT	MI	48201	Undeveloped	M-1		VOL. 979, PG. 475 OPRGC
106185	WILLIAMS STEVEN W JR	100 HANGING MOSS		CIBOLO	TX	78108	Single Family	OCL (Not Zoned)	WILLOWBRIDGE UNIT 2	VOL. 6, PG. 404 OPRGC
106186	HARRISON JASON & DEANNA	104 HANGING MOSS		CIBOLO	TX	78108	Single Family	OCL (Not Zoned)	WILLOWBRIDGE UNIT 2	VOL. 6, PG. 404 OPRGC
106187	MADRIGAL AARON & ELYSE COPADO	108 HANGING MOSS		CIBOLO	TX	78108	Single Family	OCL (Not Zoned)	WILLOWBRIDGE UNIT 2	VOL. 6, PG. 404 OPRGC
106188	TAJAMANTEZ ERIC	112 HANGING MOSS		CIBOLO	TX	78108	Single Family	OCL (Not Zoned)	WILLOWBRIDGE UNIT 2	VOL. 6, PG. 404 OPRGC
106189	GANGSE JOSHUA W	116 HANGING MOSS		CIBOLO	TX	78108	Single Family	OCL (Not Zoned)	WILLOWBRIDGE UNIT 2	VOL. 6, PG. 404 OPRGC
106190	DEL RASO JENNIFER	5327 MISSOURI BEND		SAN ANTONIO	TX	78247-5805	Single Family	OCL (Not Zoned)	WILLOWBRIDGE UNIT 2	VOL. 6, PG. 404 OPRGC
106191	JOHNSON MARK	124 HANGING MOSS		CIBOLO	TX	78108	Single Family	OCL (Not Zoned)	WILLOWBRIDGE UNIT 2	VOL. 6, PG. 404 OPRGC
110869	SCHMIDT KEVIN	164 SPRING WILLOW		CIBOLO	TX	78108	Single Family	OCL (Not Zoned)	WILLOWBRIDGE UNIT 3	
110870	SERENO RYAN C	100 STREAM KING		CIBOLO	TX	78108	Single Family	OCL (Not Zoned)	WILLOWBRIDGE UNIT 3	
110902	THE ENCLAVE AT WILLOW POINTE HOMEOWNERS ASSOC INC	17319 SAN PEDRO STE 318		SAN ANTONIO	TX	78232	Undeveloped	OCL (Not Zoned)	WILLOWBRIDGE UNIT 3	
110903	THE ENCLAVE AT WILLOW POINTE HOMEOWNERS ASSOC INC	17319 SAN PEDRO STE 318		SAN ANTONIO	TX	78232	Undeveloped	OCL (Not Zoned)	WILLOWBRIDGE UNIT 3	
112302	BAKER TAYLOR & DEVON	133 FOXGLOVE PASS		CIBOLO	TX	78108	Single Family	OCL (Not Zoned)	LANTANA SUBDIVISION UNIT 1	VOL. 6, PG. 566 OPRGC
112304	PICCONI MICHAEL & CATHY	455 RUSTIC WILLOW		SCHERTZ	TX	78154-3550	Single Family	OCL (Not Zoned)	LANTANA SUBDIVISION UNIT 1	VOL. 6, PG. 566 OPRGC
112305	JUAREZ FRANK	125 FOXGLOVE PASS		CIBOLO	TX	78108	Single Family	OCL (Not Zoned)	LANTANA SUBDIVISION UNIT 1	VOL. 6, PG. 566 OPRGC
112306	CAVALIARO JOHN T	121 FOXGLOVE PASS		CIBOLO	TX	78108	Single Family	OCL (Not Zoned)	LANTANA SUBDIVISION UNIT 1	VOL. 6, PG. 566 OPRGC
112307	THIRD EYE PROPERTIES LLC	487 COVERED BRIDGE		SCHERTZ	TX	78154	Single Family	OCL (Not Zoned)	LANTANA SUBDIVISION UNIT 1	VOL. 6, PG. 566 OPRGC
112308	MARROQUIN MELISSA KAY & LEONORO JR	12741 TRE MAXIMILLIANO AVE		EL PASO	TX	79938-8266	Single Family	OCL (Not Zoned)	LANTANA SUBDIVISION UNIT 1	VOL. 6, PG. 566 OPRGC
112309	CLUMPER GRAHAM	109 FOXGLOVE PASS		CIBOLO	TX	78108	Single Family	OCL (Not Zoned)	LANTANA SUBDIVISION UNIT 1	VOL. 6, PG. 566 OPRGC
112310	DENIS OLIDIA PUENTES & OSMANY JUNCO MARTINEZ	105 FOXGLOVE PASS		CIBOLO	TX	78108	Single Family	OCL (Not Zoned)	LANTANA SUBDIVISION UNIT 1	VOL. 6, PG. 566 OPRGC
112311	HIGHERBERG JENNIFER A	101 FOXGLOVE PASS		CIBOLO	TX	78108	Single Family	OCL (Not Zoned)	LANTANA SUBDIVISION UNIT 1	VOL. 6, PG. 566 OPRGC
112312	YOUNG KYLE J & MONICA Y	100 VERBENA GAP		CIBOLO	TX	78108	Single Family	OCL (Not Zoned)	LANTANA SUBDIVISION UNIT 1	VOL. 6, PG. 566 OPRGC
114820	ROBERTS EDWARD & REBECCA	193 FOXGLOVE PASS		CIBOLO	TX	78108	Single Family	OCL (Not Zoned)	LANTANA SUBDIVISION UNIT 3	VOL. 6, PG. 691 OPRGC
114821	PERRY-LINDESAY WILLETTE & CURTIS LINDESAY	189 FOXGLOVE PASS		CIBOLO	TX	78108	Single Family	OCL (Not Zoned)	LANTANA SUBDIVISION UNIT 3	VOL. 6, PG. 691 OPRGC
114822	PONCE PABLO MANUEL	185 FOXGLOVE PASS		CIBOLO	TX	78108	Single Family	OCL (Not Zoned)	LANTANA SUBDIVISION UNIT 3	VOL. 6, PG. 691 OPRGC
114823	FISHER ANTHONY J & ROBBIE L	181 FOXGLOVE PASS		CIBOLO	TX	78108	Single Family	OCL (Not Zoned)	LANTANA SUBDIVISION UNIT 3	VOL. 6, PG. 691 OPRGC
114824	HEIDEMAN SHERRY	177 FOXGLOVE PASS		CIBOLO	TX	78108	Single Family	OCL (Not Zoned)	LANTANA SUBDIVISION UNIT 3	VOL. 6, PG. 691 OPRGC
114825	LUCKY BRADLEY & CHARLOTTE M	173 FOXGLOVE PASS		CIBOLO	TX	78108	Single Family	OCL (Not Zoned)	LANTANA SUBDIVISION UNIT 3	VOL. 6, PG. 691 OPRGC
114826	IRONSIDE TATIANA & REGINALD F WHALEY JR	169 FOXGLOVE PASS		CIBOLO	TX	78108	Single Family	OCL (Not Zoned)	LANTANA SUBDIVISION UNIT 3	VOL. 6, PG. 691 OPRGC
114827	RAMOS SELMA KATHI	165 FOXGLOVE PASS		CIBOLO	TX	78108	Single Family	OCL (Not Zoned)	LANTANA SUBDIVISION UNIT 3	VOL. 6, PG. 691 OPRGC
114828	BURGRAFF CHRISTOPHER & MARGARET	920 SUNSET HILLS LN		REDLANDS	CA	92373	Single Family	OCL (Not Zoned)	LANTANA SUBDIVISION UNIT 3	VOL. 6, PG. 691 OPRGC
114829	VILLARREAL FRANCISCO A & ELDA	157 FOXGLOVE PASS		CIBOLO	TX	78108	Single Family	OCL (Not Zoned)	LANTANA SUBDIVISION UNIT 3	VOL. 6, PG. 691 OPRGC
114830	GENEA MARLON J & DELIA G	153 FOXGLOVE PASS		CIBOLO	TX	78108	Single Family	OCL (Not Zoned)	LANTANA SUBDIVISION UNIT 3	VOL. 6, PG. 691 OPRGC
114831	SEBA JORGE & GWENDOLYN	149 FOXGLOVE PASS		CIBOLO	TX	78108	Single Family	OCL (Not Zoned)	LANTANA SUBDIVISION UNIT 3	VOL. 6, PG. 691 OPRGC
114832	ZUNIGA TREY RENO	145 FOXGLOVE PASS		CIBOLO	TX	78108	Single Family	OCL (Not Zoned)	LANTANA SUBDIVISION UNIT 3	VOL. 6, PG. 691 OPRGC
114836	CITY OF CIBOLO	200 S MAIN STREET		CIBOLO	TX	78108	Undeveloped	OCL (Not Zoned)	LANTANA SUBDIVISION UNIT 3	VOL. 6, PG. 691 OPRGC
147266	SCHERTZ CIBOLO UNIVERSAL CITY ISD	1960 EMBRY ROAD		SCHERTZ	TX	78154	Undeveloped	M-1		VOL. 979, PG. 445 OPRGC
148510	SAN ANTONIO 1 LTD PARTNERSHIP	8 & A 3 LTD PARTNERSHIP	2111 WOODWARD AVE, #910	DETROIT	MI	48201	Undeveloped	M-1		VOL. 979, PG. 475 OPRGC
171720	1290 ENTERTAINMENT LLC	1290 WONDER WORLD DR	SUITE 1240	SAN MARCOS	TX	78666	Commercial	OCL (Not Zoned)	WIEDERSTEIN RANCH	VOL. 979, PG. 475 OPRGC
171722	CROWNELL STREET LLC	6101 HOLIDAY HILL ROAD		MIDLAND	TX	79707-1631	Commercial	OCL (Not Zoned)	CIBOLO CROSSING COMMERCIAL PHASE 1	DOC #201899008989 OPRGC
171726	BARCOCK ROAD 165 LTD	ATTN: CHARLES F HEDGES JR	6101 HOLIDAY HILL ROAD	MIDLAND	TX	79707-1631	Commercial	OCL (Not Zoned)	CIBOLO CROSSING COMMERCIAL PHASE 1	DOC #201899008989 OPRGC
171728	BARCOCK ROAD 165 LTD	ATTN: CHARLES F HEDGES JR	6101 HOLIDAY HILL ROAD	MIDLAND	TX	79707-1631	Commercial	OCL (Not Zoned)	CIBOLO CROSSING COMMERCIAL PHASE 1	DOC #201899008989 OPRGC
175141	GREY FOREST DEVELOPMENT LLC	6101 HOLIDAY HILL ROAD		MIDLAND	TX	79707-1631	Commercial	OCL (Not Zoned)	CIBOLO CROSSING COMMERCIAL PHASE 1	DOC #201899008989 OPRGC



Kimley-Horn
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601 NW LOOP 410, SUITE 350, SAN ANTONIO, TX 78216
WWW.KIMLEY-HORN.COM TBE FIRN NO. 698

FOR REVIEW ONLY

KHA PROJECT
064.562018
DATE
10/13/2022
SCALE AS SHOWN
DESIGNED BY AEN
DRAWN BY AEN
CHECKED BY AKP

**200' NOTIFICATION
BOUNDARY EXHIBIT**

**SCHERTZ STATION
PREPARED FOR
EMBREY**

SHEET NUMBER

EMBREY: NEC IH-35 & CIBOLO VALLEY DR.

PLANNING AND ZONING COMMISSION MEETING: 10/26/2022
Agenda Item 6 B

TO: Planning and Zoning Commission
 PREPARED BY: Emily Delgado, Planning Manager
 CASE: PLUDC20220135
 SUBJECT: PLUDC20220135 Hold a public hearing, workshop and discussion, and possible action to make a recommendation on amendments of Part III, Schertz Code of Ordinances, Unified Development Code (UDC), to Article 5, Section 21.5.11- Specific Use Permit (SUP), Article 9, Section 21.9.7- Landscaping, and Article 10, Section 21.10.4- Schedule of off-street parking requirements. ***Tabled at the September 28, 2022, Planning and Zoning Commission Meeting***

GENERAL INFORMATION:

As stated in the Unified Development Code (UDC), City Council from time to time, on its own motion, or at the recommendation of City staff amend, change, or modify text in any portion of the UDC to establish and maintain stable and desirable development. It is generally considered good practice to periodically review and update the development regulations due to changing conditions, community goals, and/or State and Federal regulations.

The proposed UDC amendments include modifications to the following Articles and Subsections:

- Article 5, Section 21.5.11- Specific Use Permit (SUP); to remove the requirement for an accompanying Site Plan application
- Article 9, Section 21.9.7- Landscaping; to modify the regulations for landscaping for commercial and multi-family development to allow developers to be able to select two of the approximately 11 requirements they do not have to meet.
- Article 10, Section 21.10.4- Schedule of off-street parking requirements; to modify the parking ratio requirement for Multifamily, Duplex, Two-Family, Condominium Or Other Similar Use

Background: At the August 24, 2022, Planning and Zoning Commission Meeting staff requested that the Commission postpone the item to the next Planning and Zoning Commission Meeting. At the September 14, 2022 Planning and Zoning Commission meeting there was a public hearing and discussion on the proposed UDC amendments. At the end of the discussion the Planning and Zoning Commissioners requested to take no action, and for staff to bring this item back as a workshop / discussion at the next meeting.

PROPOSED AMENDMENTS

Staff is proposing modifications to the following UDC Articles and Sections:

UDC Section	Current Requirements	Proposed Amendment
Article 5, Section 21.5.11 Specific Use Permit (SUP); specifically subsection B.2:	<i>Accompanying Applications.</i> An application for a Specific Use Permit shall be accompanied by a Site Plan prepared in accordance with section 21.12.14. Approval of a Site Plan as part of a Specific Use Permit shall meet the requirements for Site Plan approval under section 21.12.14.	Proposing to remove this subsection in its entirety and no longer require a site plan application for a Specific Use Permit application.
Article 5, Section 21.5.11 Specific Use Permit (SUP); specifically subsection D.8:	The proposed use and associated Site Plan promote the health, safety or general welfare of the City and the safe, orderly, efficient and healthful development of the City;	The proposed use is to promote the health, safety or general welfare of the City and the safe, orderly, efficient and healthful development of the City;

Article 9, Section 21.9.7 Landscaping	Currently commercial and multifamily projects have approximately 11 requirements for landscaping that have to be met (excluding size and species requirements).	This amendment allows developers to select two of those provisions they do not have to meet.
Article 10, Section 21.10.4 Schedule of off-street parking requirements; specifically for "Multifamily, Duplex, Two-Family, Condominium Or Other Similar Use"	1.5 spaces per 1 bedroom unit 2 spaces per 2 bedroom unit 2.5 spaces per 3+ bedroom unit Plus additional guest parking provided at a ratio of 5% of required spaces	1.5 spaces for 1-2 bedroom units 2 spaces for 3+ bedroom units Plus additional guest parking provided at a ratio of 5% of required spaces

STAFF ANALYSIS AND RECOMMENDATION:

Staff is proposing to remove the requirement for an applicant to submit a Site Plan application with a Specific Use Permit due to the time and cost investment for the applicant this requirement causes. By removing the Site Plan application requirement it will allow a property owner the ability to submit for a Specific Use Permit to see if their desired land use would be allowed by City Council without having to go through full design and engineering at risk. If the Specific Use Permit were to be approved by City Council, the applicant would then be required to follow the standard development process to include the Site Plan to ensure compliance with all City regulations.

It is not uncommon for specific site constraints to make it difficult for developers to meet every landscaping requirement for commercial and multi-family sites. This might be due to a significant number of easements across the front of the property or an oddly shaped lot making it difficult to provide all of the trees or operational issues making landscaping islands a problem. This change allows developers to select two of the approximately 11 requirements (exclusive of size and species requirements) that they do not have to be met. This is part of a push to provide greater flexibility.

The last proposal included within this UDC Amendment is to modify the current parking ratio for "Multifamily, Duplex, Two-Family, Condominium or Other Similar Use". The proposed UDC text would decrease the requirements for 2 bedroom and 3+ bedroom units. This proposal is to provide more flexibility for developers and to decrease the overall parking areas that would be required. No other modifications to the Schedule of Off-Street Parking Requirements table are proposed at this time.

Staff recommends approval of the amendments to the Unified Development Code (UDC) for the indicated subsections within Article 5, 9, and 10 as presented.

COMMISSIONERS CRITERIA FOR CONSIDERATION:

The Planning and Zoning Commission in making a recommendation to City Council on the proposed Unified Development Code Amendment. In considering action on a UDC Amendment, the Commission should consider the criteria within UDC, Section 21.4.7 D:

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;
2. An amendment to the text is consistent with other policies of this UDC and the City;
3. Any proposed amendment is consistent with the goals and objectives of this UDC and the City; and
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.

Attachments

Proposed UDC Amendment- Article 5 Section 21.5.11 SUP- Red Lines

Proposed UDC Amendment- Article 10 Section 21.10.4 Parking Ratio- Red Lines

Sec. 21.5.11. Specific Use Permit (SUP).

- A. *Applicability.* Specific Use Permits allow 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 UDC. These uses and the districts where they may be located are listed in Table 21.5.8. Certain uses located within the AICUZ zone require an SUP. Approval of a Specific Use Permit authorizes a property owner to submit subsequent development applications consistent with the approved sup.
- B. *Application Requirements.*
1. *Application Required.* Any request for a Specific Use Permit (SUP) shall be accompanied by an application and SUP exhibit prepared in accordance with the Development Manual.
 2. ~~*Accompanying Applications.* An application for a Specific Use Permit shall be accompanied by a Site Plan prepared in accordance with section 21.12.14. Approval of a Site Plan as part of a Specific Use Permit shall meet the requirements for Site Plan approval under section 21.12.14.~~
 - 3 2. *Tax Certificate Required.* All applications made as a request for a Specific Use Permit shall be accompanied by a copy of a Tax Certificate.
- C. *Processing of Application and Decision.*
1. *Submittal.* An application for a Specific Use Permit shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application for completeness in accordance with section 21.4.2. The City Manager or his/her designee may, at its option, request a recommendation from any other City Department or consultant. The City Manager or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Manager or his/her designee shall forward a written recommendation to the Planning and Zoning Commission for consideration.
 2. *Notification requirements.* An application for a Specific Use Permit requires the following notification in accordance with section 21.4.3:
 - a. Written notice prior to consideration by the Planning and Zoning Commission; and
 - b. Published notice prior to consideration by the City Council.
 3. *Commission Recommendation.* The Planning and Zoning Commission shall hold a public hearing in accordance with the Texas Open Meetings Act and section 21.4.4 and make a written recommendation regarding a proposed Specific Use Permit to the City Council. The Planning and Zoning Commission may recommend approval, approval with conditions, or denial of the SUP. The Planning and Zoning Commission may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the recommendation to the City Council.
 4. *Decision by City Council.* The City Council shall receive the written recommendation of the Planning and Zoning Commission regarding a proposed Specific Use Permit and shall hold a public hearing in accordance with the Texas Open Meetings Act and section 21.4.4. The City Council may vote to approve, approve with conditions, or deny the SUP. The City Council may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the final decision.

Proposed UDC Amendment- Article 5 Section 21.5.11 SUP- Red Lines

- D. *Criteria for Approval.* The Planning and Zoning Commission, in making its recommendation, and the City Council, in considering final action on a Specific Use Permit, should consider the following criteria:
1. The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Land Plan;
 2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
 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;
 4. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;
 5. The proposed use incorporates roadway adjustments, 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;
 6. The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed use on adjacent properties;
 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;
 8. The proposed use ~~and associated Site Plan~~ promote the health, safety or general welfare of the City and the safe, orderly, efficient and healthful development of the City;
 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
 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.
- E. *Conditions.* The Planning and Zoning Commission, in making its recommendation, and the City Council, in considering final action, may require such modifications in the proposed use and attach such conditions to the Specific Use Permit as deemed necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of this section. Conditions and modifications may include but are not limited to limitation of building size or height, increased open space, limitations on impervious surfaces, enhanced loading and parking requirements, additional landscaping, curbing, sidewalk, vehicular access and parking improvements, placement or orientation of buildings and entryways, buffer yards, landscaping and screening, signage restrictions and design, maintenance of buildings and outdoor areas, duration of the permit and hours of operation.
- F. *Expiration of Specific Use Permit.* A Specific Use Permit shall expire if any of the following occurs:
1. A building permit, if necessary, for the use has not been approved within one (1) year after the approval of the SUP;
 2. A building permit approved as a result of the approval of the SUP expires within two (2) years after the approval of the SUP;
 3. The use has been abandoned or discontinued for a period of time exceeding six (6) months; or
 4. The SUP expires in accordance with its terms.

Proposed UDC Amendment- Article 5 Section 21.5.11 SUP- Red Lines

(Ord. No. 18-S-04 , § 1(Exh. A), 1-23-2018)

Proposed UDC Amendment- Article 10 Section 21.10.4 Parking Ratio- Red Lines

Sec. 21.10.4. Schedule of off-street parking requirements.

- A. Off-street parking shall be provided in sufficient quantities to provide the following ratio of vehicle spaces for the uses specified in the districts designated:

Table 21.10.4 Schedule of Off-Street Parking Requirements	
Use Type	Parking Requirement
Amusement, Commercial (Indoor)	1 space for each 200 square feet of gross floor area
Amusement, Commercial (Outdoor)	1 space per 500 square feet of outdoor site area plus 1 space per each 4 fixed spectator seats
Assisted Care, Living Facility, Care Facility	1 parking space for each 2 beds
Bank, Savings And Loan, Or Other Financial Institution	1 space for each 250 square feet of gross floor area
Bar Or Night Club	1 space for each 50 square feet of gross floor area
Bed And Breakfast	1 space for each guest room plus 1 space per employee
Bowling Alley	5 parking spaces for each lane
Car Wash	1 space for each 200 Square feet of floor area
Day Care Center	1 space per 250 square feet of gross floor area
Fitness Center/Gym	1 space for each 250 square feet of gross floor area
Convenience Store/Gas Station	1 space for each 250 square feet of gross floor area. Spaces provided for fueling at the pump stations shall not be considered parking spaces.
Group Home	4 spaces
Hospital	1 parking space for each bed
Hotel Or Motel	1 space for each sleeping room or suite plus 1 space for every 200 square feet of common area not designated as sleeping rooms
Lodging Houses And Boarding Houses	1 parking space for each bedroom
Manufacturing, Processing Or Repairing	1 space for each 2 employees or 1 space for each 1,000 square feet of total floor area, whichever is greater
Medical Or Dental Clinic	1 space for each 200 square feet of total floor area
Mini-warehouse/Public Storage	1 space for each 300 square feet of office floor area plus 1 space for each 3,000 square feet of storage area
Mortuary/Funeral Home	1 parking space for each 50 square feet of floor space in service rooms or 1 space for each 3 seats, whichever is less based on maximum design capacity)
Multifamily, Duplex, Two-Family, Condominium Or Other Similar Use	1.5 spaces per 1 bedroom unit 2 spaces per 2 bedroom unit 2.5 spaces per 3+ bedroom unit Plus additional guest parking provided at a ratio of 5% of required spaces 1.5 spaces for 1–2 bedroom units 2 spaces for 3+ bedroom units Plus additional guest parking provided at a ratio of 5% of required spaces

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Proposed UDC Amendment- Article 10 Section 21.10.4 Parking Ratio- Red Lines

Nursery	1 space per 300 square feet of total sales area Wholesale nursery: 1 parking space per employee of the largest work shift, plus 1 space per 10,000 square feet of display area and 1 space per acre of growing areas
Offices	1 space for each 250 square feet of gross floor area
Outdoor Facilities (Outdoor Recreational Fields i.e. Football, Soccer, etc.)	20 spaces per designated field or 1 per 4 person design capacity
Public Use	Parking shall be provided at a ratio approved by City staff based on a parking study provided by the applicant
Residence Halls, Fraternity Buildings And Sorority Buildings	1 space per person capacity of permanent sleeping facilities
Restaurants	1 parking space for each 100 square feet of gross floor area, or 1 space for each 4 seats, whichever is less (based on maximum design capacity)
Retail Sales And Service	1 space for each 250 square feet of gross floor area
School, High School, Vocational, All Other Schools	Parking shall be provided at a ratio approved by City staff based on a parking study provided by the applicant that shall include vehicle stacking requirements
Single Family Attached And Detached Dwelling Units	2 parking spaces per dwelling unit
Theaters, Auditoriums, Churches, Assembly Halls, Sports Arenas, Stadiums, Conference Center, Convention Center, Dance Hall, Exhibition Halls, Or Other Place Of Public Assembly	1 space for each 4 seats or 1 space for every 100 square feet of gross floor area, whichever is less (based on maximum design capacity)
Automobile Sales Or Rental	1 space for each 3,000 square feet of sales area (open and enclosed) devoted to the sale, display or rental of vehicles
Automobile Service, Repair, Garage	1 space for each 200 square feet of total floor area
Warehouse	1 space for each 1,000 square feet of total floor area

B. *New and Unlisted Uses.* When a proposed land use is not classified in this section or a single use which have varying parking needs depending on the function of that specific single use, an applicant may submit a parking ratio based on best/current planning and transportation practices.

1. A best/current parking ratio application should include the following:
 - a. An application shall fully cite the sources used to derive the applicant-submitted parking ratio, possible resources include parking standards material from the Institute of Transportation Engineers (ITE) or the American Planning Association (APA).
 - b. The City Manager or his/her designee shall review the applicant submitted parking ratio to confirm best/current planning practices for a use.
 - c. The City Manager or his/her designee shall approve, modify, or deny the applicant submitted parking ratio.
2. Parking ratio determination where no application is submitted

Proposed UDC Amendment- Article 10 Section 21.10.4 Parking Ratio- Red Lines

- a. If the applicant does not submit a parking ratio, then the City Manager or his/her designee shall determine the parking ratio based on the best/current planning and transportation practices.
 - C. *Mixed uses.* In the event that several users occupy a single structure, or parcels of land, the total requirements for off street parking shall be the sum of the requirements for the several uses computed separately unless it can be shown that the peak parking demands are offset, for example with retail and residential, or theater and office uses. In such case the City Manager or his/her designee may reduce the total requirements accordingly, but not more than twenty-five percent (25%).
 - D. *Joint use of facilities.* Required parking facilities of two (2) or more uses, structures, or parcels of land may be satisfied by the same parking facility used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap and provided that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing the joint use.
 - E. *Properties zoned main street mixed-use.* Properties zoned Main Street Mixed-Use shall only be required to provide two (2) on-site parking spaces but must still provide the minimum required number of handicapped spaces on site.
- (Ord. No. 14-S-47 , § 5, 11-18-2014; Ord. No. 16-S-27 , § 7, 8-30-2016; Ord. No. 18-S-03 , § 1(Exh. A), 1-23-2018)

PLANNING AND ZONING COMMISSION MEETING: 10/26/2022
Agenda Item 8 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:

- There were no new site plan applications submitted to the Planning and Community Development Department between October 8, 2022 and October 18, 2022.

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

- Ord. 22-S-36: A request to rezone approximately 20 acres of land to Planned Development District of the existing Homestead Subdivision.
 - Recommended for approval at the August 24th P&Z Meeting (6-0 vote)
 - First Reading at the September 27th City Council Meeting (6-0 vote)
 - Final Reading at the October 11th City Council Meeting (6-0 vote) Approved
- Ord. 22-S-41: A request to rezone approximately 15 acres of land to Planned Development District located approximately 2,200 feet southeast of the intersection of Lower Seguin Road and FM 1518
 - Recommended for approval at the September 14th P&Z Meeting (6-0 vote)
 - First Reading at the October 11th City Council Meeting (4-1 vote)
 - Scheduled for final reading at the October 25th City Council Meeting
- Ord. 22-S-42: A request to rezone approximately 31 acres of land from General Business District (GB) to Single-Family Residential District (R-2), the property, a portion of Parcel ID 63998, generally located approximately 1,000 feet to the northwest of the Eckhardt Road and Green Valley Road intersection.
 - Recommended for approval at the October 12th P&Z Meeting (6-0 vote)
 - Scheduled for First Reading at the December 6th City Council Meeting

ADMINISTRATIVELY APPROVED PROJECTS:

- There were no development applications administratively approved between October 8, 2022 and October 18, 2022.
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