

DRAFT

MINUTES REGULAR MEETING May 4, 2021

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on May 4, 2021, at 6:00 p.m. in the Hal Baldwin Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas. The following members present to-wit:

Present: Mayor Ralph Gutierrez; Mayor Pro-Tem Jill Whittaker; Councilmember Mark Davis; Councilmember Rosemary Scott; Councilmember Michael Dahle; Councilmember David Scagliola; Councilmember Allison Heyward; Councilmember Tim Brown

City City Manager Dr. Mark Browne; Assistant City Manager Brian James;
Staff: Assistant City Manager Charles Kelm; City Attorney Daniel Santee; City
 Secretary Brenda Dennis; Assistant to the City Manager Sarah Gonzalez;
 Deputy City Secretary Sheila Edmondson

Call to Order

Mayor Gutierrez called the meeting to order at 6:00 p.m.

Opening Prayer and Pledges of Allegiance to the Flags of the United States and State of Texas. (Mayor Gutierrez)

Mayor Gutierrez provided the opening prayer followed by the Pledges of Allegiance to the Flags of the United States and the State of Texas.

Mayor Gutierrez provided the following announcement: "Guests, Council and staff, it is your option to wear a face mask if you wish to do so"

Presentations

- Proclamation recognizing National Small Business Week. (Mayor/M. Titterington)

Mayor Gutierrez read and presented the proclamation recognizing "National Small Business Week" to Ms. Titterington President of The Chamber. Mayor and Council thanked Ms. Titterington for all the work the Chamber does for all our

small businesses. Mayor Gutierrez also thanked all our Small Businesses as they are the heart of our Community. He thanked the businesses for all they had to endure during this past year.

City Events and Announcements

- Announcements of upcoming City Events (B. James/C. Kelm/S. Gonzalez)

Mayor Gutierrez recognized Assistant to the City Manager Sarah Gonzalez who provided the following information:

- Saturday, May 8th

Nature Discovery Series

10:00-11:00 AM

Crescent Bend Nature Park

Discover the Forest – Every living thing has a role in the forest

Pre-registration required. For more information go to Schertz.com, Parks & Recreation.

- Monday, May 10th

Public Meeting Notice

Proposed Hilltop/Homestead Park to be located at 6300 block of Jimmy Walker Drive

5:30-6:30 PM

North Center, 3501 Morning Drive

- Tuesday, May 11th

Next regular scheduled Council meeting

- Sweetheart Court Scholarship Program 2021-22

More information and applications for the Sweetheart Court are available through the City's website at Schertz.com. Deadline to apply is Thursday, May 20th.

Tuesday, May 18th - Save the date

- Council on the Go Meeting

Meet and Greet from 6:00-7:00 PM

Meeting from 7:00-8:30 PM

St. John Paul II Catholic High School Cafeteria

6720 FM 482, New Braunfels

- Announcements and recognitions by the City Manager (M. Browne)

Dr. Browne stated that this Thursday, May 6th is National Day of Prayer, we will

be gathering at the YMCA at 9:00 a.m. in the lobby. Please come out and support this event.

- Announcements and recognitions by the Mayor (R. Gutierrez)

No announcements at this time.

Hearing of Residents

This time is set aside for any person who wishes to address the City Council. Each person should fill out the speaker's register prior to the meeting. Presentations should be limited to no more than 3 minutes.

All remarks shall be addressed to the Council as a body, and not to any individual member thereof. Any person making personal, impertinent, or slanderous remarks while addressing the Council may be requested to leave the meeting.

Discussion by the Council 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.

Mayor Gutierrez stated that there are several in the audience and stated if you wish to speak during the hearing of residents section you are welcome to do so, even if the topic is on the agenda, or you may choose to speak during the public hearings, but will be limited to that certain topic, or you may speak at both, it is your option.

Mayor Pro-Tem Whittaker recognize the following who spoke:

- Mr. Steve Cicherski, 3509 Summer Glade - he deferred his time to the public hearing.
- Ms. Maggie Titterington, 1730 Schertz Parkway who provided the following updates:
 - May 7, May 12, May 24 - At the Chamber Ribbon Cutting events for home based businesses at 10:30 a.m.
 - Monday, May 10th Chamber Open, Bandit Golf Course - Sold out sponsorships and players
 - May 10th - Proposed Hilltop/Homestead Park Meeting - the Fairhaven HOA Board is in support of this, she is the Vice President of the Board. Great benefit for the Homestead Subdivision as well as their Subdivision.
 - May 18th Chamber luncheon, Santikos, TxDOT will provide a presentation on construction and other projects that are going on in our area. The Chamber will also be providing a presentation regarding the DECA program, and 10-year anniversary for members recognition.

- June 2, from 5:30 to 8:30 p.m., Bluebonnet Palace will be hosting a celebration thanking all those that are Chamber members.
- Ms. Michele Tereletsky, 705 Marilyn Drive, who had a quick comment - remind Council that they are elected at large and represent all the citizens of Schertz and not just the citizens in the area in which they live.
- Mr. Gary Fairley, 12310 Lower Seguin, who addressed Council regarding his concerns with the Planning and Zoning hearing format he attended last week. He indicated that it was hard to hear, the PA system, it was hard to understand what individuals were saying, overhead projector was fuzzy, he even moved forward and still had issues understanding what was being said. He indicated that when he arrived at the hearing he didn't see anything showing the plat of the subdivision that they were going to vote on this evening, and yet he lives within the 200 ft radius of the subdivision, he did not receive any notification. He also addressed the format, wondering why when it came to the public comment section that a Schertz employee gave the presentation for the developer, this should have been the developer speaking. The format made it feel like it was a done deal before the developer walked in. He expressed his concern how this was done.
- Mr. Herman Harlohs, 11564 Ware Seguin, who addressed the council regarding the need of maintenance on the Ware Seguin Road. He also addressed the council regarding a recent incident that happened Sunday evening where it started about 8:00 p.m. and went on until 11:00 p.m., one of the neighbors on a larger parcel next to him were target shooting with several different types of guns, he is not anti-gun, just concerned that this went on for several hours and concerned about the noise, safety and consideration of other neighbors in the area. He did contact the Police Department where he was told that they could do this on their property due to the size of the parcel. They did stop after he went out. He indicated that this might be an on-going problems as they have done this before.
- Ms. Petrina McIntyre, 2964 Sunridge Drive, who addressed the Council regarding speeding traffic behind her home in the Riata Subdivision - Old Wiederstein Road. She indicated that more speed limit sign are needed.

Consent Agenda Items

Mayor Gutierrez recognized Precinct 3 Guadalupe Commissioner Michael Carpenter who was in the audience this evening.

The Consent Agenda is considered self-explanatory and will be enacted by the Council with one motion. There will be no separate discussion of these items unless they are removed from the Consent Agenda upon the request of the Mayor or a Councilmember.

Mayor Gutierrez read the following consent items into record.

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the regular meeting of April 27, 2021. (B. Dennis)

2. **Ordinance No. 21-T-16** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas authorizing an adjustment to the Fiscal Year 2020-2021 Budget to provide funding for an amendment to the 2017 Roadway Impact Fee Program, repealing all ordinances or parts of ordinances in conflict with this ordinance; and providing an effective date. *Final reading* (B. James/K. Woodlee)
3. **Ordinance No. 21-T-18** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas authorizing an adjustment to the Fiscal Year 2020-2021 Budget to provide funding for professional services related to the relocation of water and wastewater utilities along FM 1518 between FM 78 and IH 10, repealing all ordinances or parts of ordinances in conflict with this ordinance; and providing an effective date. *Final reading* (B. James/K. Woodlee/E. Schulze)
4. **Ordinance No. 21-T-17** - Consideration and/or action approving an ordinance by the City Council of the City of Schertz, Texas authorizing a budget adjustment to the FY 2020-21 Budget for electricity usage fees related to the Winter Storm, repealing all ordinances in conflict with this ordinance; and providing an effective date. (M. Browne/B. James/J. Walters) *Final Reading*
5. **Resolution No. 21-R-37**– Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing the City Manager to enter into an agreement with Halff Associates, Inc., for design, bid, and construction phase engineering services for the FM 1518 Water and Wastewater Utility Relocation project in advance of the FM 1518 road widening project. (B. James/K. Woodlee/E. Schulze)

Mayor Gutierrez asked Council if there were any items they wished removed for separate action. No items were removed.

Moved by Councilmember Mark Davis, seconded by Councilmember Michael Dahle to approve consent agenda items 1-5.

AYE: Councilmember Rosemary Scott, Councilmember Mark Davis, Mayor Pro-Tem Jill Whittaker, Councilmember Michael Dahle, Councilmember David Scagliola, Councilmember Allison Heyward, Councilmember Tim Brown

Passed

Discussion and Action Items

- 6. Resolution No. 21-R-35** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing the City Manager to amend the existing License and Management Agreements with the YMCA, by canceling the Management of the Wendy Swan Memorial Park Pool. (B. James/L. Shrum)

Mayor Gutierrez indicated that staff asked that this item be tabled to the next meeting. No action taken.

Public Hearings

Mayor Gutierrez read the following items into record.

- 7. Ordinance 21-A-13** - Conduct a public hearing, consider and/or take action on a request for voluntary annexation of approximately 35.5 acres of land generally located approximately 4,000 feet southeast of the intersection between FM 1518 and Lower Seguin Road, also known as Bexar County Property Identification Numbers 310024 and 310031, Bexar County, Texas. *First Reading* (B. James, L. Wood, N. Kopyay)

Mayor Gutierrez recognized Senior Planner Emily Delgado who introduced this item stating the property owners are requesting voluntary annexation into the City of Schertz, because they want the subject property to be located within the Schertz City limits in order to develop the land as a residential subdivision under the Planned Development Zoning District (PDD).

On April 6, 2021, City Council approved Resolution 21-R-22, accepting a petition for voluntary annexation, therefore allowing this annexation ordinance to be heard by the City Council. The property owners are also requesting to zone the subject property to Planned Development District (PDD) immediately following action on Ordinance 21-A-13.

A public hearing notice was published in the San Antonio Express News for the public hearing associated with the annexation ordinance on April 14, 2021. City Staff also sent written notice of the proposed annexation to the Board of Trustees for Schertz-Cibolo-Universal City ISD and all property owners within 200 feet on April 20, 2021. Additionally, a public hearing notice has been published on the City of Schertz website since April 21, 2021. At the time of this report, Staff have not received any responses to the annexation public hearing notice.

Mayor Gutierrez opened the public hearing and as no one spoke; closed the public hearing for Council comments. Ms. Delgado addressed council questions.

Moved by Councilmember Michael Dahle, seconded by Councilmember Tim Brown to approve Ordinance No. 21-A-13 on first reading.

AYE: Councilmember Rosemary Scott, Councilmember Mark Davis, Mayor Pro-Tem Jill Whittaker, Councilmember Michael Dahle, Councilmember David Scagliola, Councilmember Allison Heyward, Councilmember Tim Brown

Passed

8. **Ordinance 21-S-14** Conduct a public hearing, consider and/or take action on a request to rezone approximately 39.5 acres of land to Planned Development District (PDD), generally located approximately 4,000 feet southeast of the intersection between FM 1518 and Lower Seguin Road, also known as Bexar County Property Identification Numbers 310024 and 310031, Bexar County, Texas. *First Reading* (B. James, L. Wood, N. Kopyay)

Mayor Gutierrez recognized Senior Planner Emily Delgado who introduced this item stating the applicant is proposing to rezone 39.624 acres of land to Planned Development District (PDD). Currently, 4.217 acres of the subject property along Lower Seguin Road are located within the City limits and zoned Single-Family Residential Agricultural District (R-A), and the remaining 35.407 acres are outside the City limits and under a delayed annexation development agreement. The approximately 35.5 acres of land outside the City limits will also go through voluntary annexation proceedings along with this zone change application. The applicant is requesting to rezone all 39.624 acres of land to Planned Development District (PDD), which will consist of single-family residential uses and private parkland.

Fourteen (14) public hearing notices were mailed to surrounding property owners on April 2, 2021, prior to the Planning and Zoning Commission public hearing, and a public hearing notice was published in the "San Antonio Express" on April 14, 2021, prior to the City Council public hearing. At the time of this report Staff have received 9 responses in favor of the proposed zone change that represent 6 properties inside the 200' notification buffer, and 1 response opposed to the proposed zone change from properties inside the 200' notification buffer. The owner of approximately 14.25 per of the property within the 200' notice area has protested in writing.

The Conceptual Land Plan is being revised by the Project Engineer following the Planning and Zoning Commission in order to more accurately depict the planned Residential Collector roadway that runs through the middle of the subject property. The Schertz Master Thoroughfare Plan (MTP) identifies a Residential Collector roadway with a 70' ROW section to extend from Lower Seguin Road to Interstate Highway 10, which was not clearly shown on the

original Conceptual Land Plan presented to the Planning and Zoning Commission. The revised conceptual land plan will show the full 70' section intersecting with Lower Seguin Road across from St. Vincent Way in Rhine Valley Subdivision Unit 2, and then traveling southbound and stubbing for future development at the southern property boundary.

The Carmel Ranch PDD Development Standards proposes to modify the regulations for Subdivision Entry Signs and Development Signs. Please see the below tables for the proposed changes to UDC Sec. 21.11.15 and Sec. 21.11.18 and a comparison to the current sign regulations. Please note that the Development Sign regulations in UDC Sec. 21.11.18 have been split into two different categories: wayfinding signs and model ID signs. Wayfinding signs will give directional cues to drivers to locate the Parks, trail heads and builder model homes. The Model ID Signs may be monument signs and are made of wood, masonry, or metal built signs that are located at a builder's Model Home, identifying the builder name and to clearly designate that the home is a Model Home.

Proposed Sign Regulations: UDC Sec. 21.11.15 Subdivision Entry Signs

UDC Section	Current Regulation	Proposed Regulation
UDC Sec. 21.11.15C Max Area	32 square feet per sign face	32 square feet per sign face
UDC Sec. 21.11.15D Max Number of Signs	1 sign at primary entrance; 1 sign per secondary entrance w/75% max area	2 signs (1 on both sides of the entrance) for the primary entrance on Lower Seguin Road; 1 sign per secondary entrance w/75% max area

Proposed Sign Regulations: UDC Sec. 21.11.18 Development Signs

UDC Section	Current Regulation	Proposed Regulation
UDC Sec. 21.11.15A Max Area	32 square feet	32 square feet per sign face
UDC Sec. 21.11.15B Max Height	6 feet	Wayfinding Signs: 8 feet Model ID Signs: 6 feet

UDC Sec. 21.11.15 C Number of Signs	1 sign per residential entry, not to exceed 2 total	Wayfinding Signs: 1 sign per number of recorded units Model ID Signs: 1 sign per Model Home
UDC Sec. 21.11.15D Duration	Installed after final plat approval and removed after 3 years or 75% build-out (whichever is soonest) for residential	Wayfinding Signs: Installed following recordation of final plat for each unit Model ID Signs: Installed following recordation of final plat and removed when model home is sold and closed

The Schertz Planning and Zoning Commission met on April 14, 2021 and voted to recommend that City Council approve Ordinance 21-S-14 (ZC2021-002) by unanimous vote (7-0).

The proposed zone change to PDD, which proposes a mix of detached single-family residential housing and an interconnected system of private trails and parkland, would allow the property to develop in accordance with the recently-approved Single-Family Residential future land use designation. Therefore, the proposed zone change meets the goals and objectives of the Comprehensive Land Use Plan. During the public hearings for the owner-requested comprehensive plan amendment for this subject property, City Council spoke extensively regarding their vision for new residential development; City Council indicated their preference for Staff to allow a greater range of lot sizes and housing types in order to potentially allow for more affordable housing options, as well as pull back on neighborhood design element oversight to show more deference to the evolving market. Staff believes the proposed Carmel Ranch Planned Development District is compatible with City Council's direction. Therefore, Staff recommends approval of the proposed zone change to Planned Development District as submitted.

Mayor Gutierrez opened the public hearing and recognized the following:

- Mr. Gary Fairley, 12310 Lower Seguin who addressed concerns regarding drainage and possible flooding onto his adjacent property, water quality with possible use of pesticides

As no one else spoke; Mayor Gutierrez closed the public hearing for Council comments and questions.

Mayor recognized the following:

Councilmember Scott who addressed questions regarding the percentage of responses of those opposing the zoning case. Ms. Delgado provided Councilmember Scott with how the calculations are determined.

Councilmember Scott provided the following comments received by Gary and Penny Fairley, 12310 Lower Seguin:

- 90% of better of the land that lies from Lower Seguin Rd to Trainer Hale Rd or better is either zoned Ag or Wildlife at the present time, which makes the request not compatible with present land use
- Lots of wildlife frequent the area and to put that type of zoning will block off their movements and feeding
- It is of my opinion that the process of just changing the zoning on a parcel of land to planned development district without some preliminary studies being done is like putting the horse before the cart.
- Traffic issues
- Sewer - There are some subdivisions that are running on temporary sewer systems now and the elevation of the land in question would require a lift station if it is tied into the proposed sanitation plant.
- What about water and drainage? There is only a 6-inch Main, running down Lower Seguin Rd. More than likely, that would not be large enough to furnish enough water for that size of development.
- Drainage and safety is the other part that needs to be considered.
- Considering factors like roads, sidewalks, and structures (at least 5 to the acre), runoff will be a major concern.
- Sanctuary for animals being displaced by development.
- Stormwater runoff causing erosion.

Councilmember Scagliola stated that in looking at the lots and the numbers, seems like almost half houses are in the 55 ft range and asked if that was correct. In answer Ms. Delgado indicated yes, but as a reminder this is only the conceptual plan, during the master development plan process is when actually identify how many of each lot and the actual configuration of the lots. This is also the time that the drainage will be reviewed and studied through our engineering department as well as traffic concerns. Councilmember Scagliola indicated that he did like the design, and asked if there was an amenity center, he indicated he does see a park. Assistant City Manager Brian James came forward indicating they do not believe the developer is planning an amenity center - they have a park and it looks like there may be playground equipment. Mr. James further explained why an amenity center would not work in this subdivision due to the maintenance. Mr. James provided further information regarding parkland dedication. Councilmember Scagliola indicated that he did like the walking trails within the area.

Mayor Pro-Tem Whittaker who asked what is the alternative to PDD's. In answer, Ms. Delgado stated that there could be base zoning - most common is the R1 120-x80, other is R2 120x70, these limit designs like curving, landscaping designs, straight grid type. Mayor Pro-Tem Whittaker stated that there is a demand for PDD's with small lots, curve streets, these are selling and we will be seeing more PDD's in the future as Schertz develops. If there is something as a City that we are looking for then we need to incorporate that in the PDD's i.e., drainage, more of the numbers. She just wants to make sure that we have the opportunity to discuss and not just pass the next PDD.

Assistant City Manager Brian James came forward to clarify, keep in mind that this is not likely that the Council will see this property. The master plan and the plats will go to the Planning and Zoning Commission for approval, it is only if the applicant requests a variance that the Planning and Zoning Commission denys will they appeal that to City Council. This is Councils opportunity, Emily brought forward a general representation, they have to come in with a Master Plan - to be clear this is generally what the subdivision has to look like, how it has to lay out when they come in with that Master Plan, because the PDD locks this in - this is one of the advantages of the PDD vs the straight zoning. Mr. James provided the options that Council could consider when approving this PDD. He pointed out the changes that the applicant has made since presenting to the Planning and Zoning Commission. It is his recommendation to not approve a zoning that the applicant is not comfortable with, it is extremely problematic for the applicant and staff.

City Manager Dr. Browne stated we have worked with the applicant and based on past developments this is generally what the Council has been approving. Mr. James stated that this is not inconsistent with what Council has been approving. We have over the last several months been talking about affordability of housing, the greater variations of lot sizes - this is a little different than what we would have seen three or five years ago but is consistent with what we did with Saddle Brook, they feel this is pretty consistent with an oddly sized property. Dr. Browne stated that there was a lot of thought and a lot of planning work that has been done with the developer on this project. Mr. James again stated that working with the developer and since they came to Planning and Zoning Commission significant changes have been made to deal with concerns brought up by the Commission.

Mayor Pro-Tem Whittaker thanked Mr. James for the explanation and is fine with the zoning change.

Councilmember Brown stated that on this zoning request he didn't see any variances with the exception of the signs. In answer the signs and the three proposed lot size requirements were mentioned. Most of the zoning request is within our planning guidelines, they are meeting everything we have asked them

to meet. As Mayor Pro-Tem Whittaker mentioned the market is willing to accept the smaller lots and if the request meets our requirements he is willing to accept the smaller lots.

Councilmember Dahle stated the conversation that Mayor Pro-Tem Whittaker brought up is a conversation as we work on the comp plan amendments. Where this development is meets the requirements for the development in this area. He appreciates the changes that have been made since the last Planning and Zoning meeting.

Councilmember Scagliola stated that if you are going to have a smaller house on a smaller lot he does not have an issue, but the 55ft lot you are going to have parking issues, cars on the street, creates a safety hazard. There are ways to fix these concerns. He asked how long a house is on the market in Schertz, Councilmember Brown stated 30 days, regardless of the size or cost. He stated that he was going to suggest at the end of the meeting that we have a sit down meeting to start discussing the density issues, side yard set backs, minimum driveway lengths and also positioning of mailboxes - this provided his opportunity to bring these issues up now.

Councilmember Scott stated that she appreciates staff as they do, and she has done a great job. She appreciates the comments from Mayor Pro-Tem Whittaker, Councilmember Scagliola and Dahle - this is a conversation that we must have. She spoke on the need to conserve greenspace and take care of our planet, birds, wildlife etc. We need to be good stewards of our City and be the premier destination that why people want to move here. We don't want cookie cutter type development because it will change what we have in Schertz. She agrees that we need to start talking about this.

Mayor Pro-Tem Whittaker agreed that this type of neighborhood is well-placed for that future development and people are looking forward to this. Secondly, affordability and what type of economic picture we are creating by these smaller lot sizes, 55ft lot is going to have a house placed on it that costs around \$300,000. These are not starter homes, new construction on 55ft lots are starting in the mid \$200,000. She disagrees that smaller lots mean a lower economic profile for incoming residents of the City of Schertz.

No further comments were provided and Mayor Gutierrez asked if there was a motion to approve.

Moved by Councilmember Allison Heyward, seconded by Councilmember Tim Brown to approve Ordinance No. 21-S-14 on first reading.

AYE: Mayor Pro-Tem Jill Whittaker, Councilmember Mark Davis, Councilmember Michael Dahle, Councilmember David Scagliola, Councilmember Allison Heyward, Councilmember Tim Brown

NAY: Councilmember Rosemary Scott

Passed

9. **Ordinance 21-S-15** Conduct a public hearing and consideration and/or take action on a request to rezone approximately 66 acres of land from Single-Family Residential District (R-2) and Neighborhood Services District (NS) to Planned Development District (PDD), generally located southwest of the intersection between Schertz Parkway and Wiederstein Road, City of Schertz, Guadalupe County, Texas. *First Reading* (B. James, L. Wood, N. Kopyay)

Mayor Gutierrez recognized Senior Planner Emily Delgado who introduced this item providing background information on this project. She stated on April 2, 2021: 60 letters were sent out to landowners within the 200' legal notice listing near the property. On April 14, 2021 a Public Hearing Notice in SA Express, May 5, 2021: Planning Dept. received 18.7% of the adjoining/200' buffer properties in opposition to the proposed zone change. At this time a super majority is not required.

Ms. Delgado went over what areas would need to be addressed to meet current standards:

Live Oak Hills Subdivision was recorded in 1963. It does not have any infrastructure systems: i.e. water, sewer, roads. It is what is considered a "paper subdivision", it exists on paper as a platted residential subdivision, but in reality, it is not actually there. Even though the improvements were not installed these lots were bought and sold since 1963. It consists of 45 acres with the Live Oak Hills subdivision plat. Currently, 180 lots, sized 8400 s.f. (70' x 120') oriented in a traditional grid and would require a zone change from NS to R-2. The additional 21 acres that is not platted would go through preliminary and final plat process to develop approx. 70 single family residential lots.

Ms. Delgado continued to explain the proposed conceptual plan of Heritage Oaks PDD includes coving-implementing winding roads, fluctuating building setbacks by reducing impervious coverage, and limiting infrastructure costs. This leads to more open spaces preservation than existing plat. Other areas

discussed were street requirements, lot size and density, side setbacks with no permanent structures or equipment will be allowed in side yards less than 10 ft. Proposed block length regulations, park and open spaces dedication requirements, landscaping and tree mitigation. There is a Trail Plan planned for this site. Wiederstein Road has several modifications added to this PDD to address the additional curving, driveways along the front with “T” turnarounds and adding alleys.

At the Planning & Zoning meeting on April 14, 2021, several issues were brought up by numerous citizens opposing the proposed zone change. Their concerns included traffic impact, safety with the curvilinear roads and alleys. Lots and density sizes, landscape and tree preservation, environmental concerns with wildlife, drainage, and water. The Planning & Zoning Commission voted to recommend denial to the City Council of this proposed zone change with a 6-1 vote.

Mr. Anthony Eugenio, the developer requests changes to the following sections within the PDD to address these issues which included side yard setbacks, the “T” turnarounds in driveways, Park and Open Space Dedications requirements, street improvements, curbs, and hike and bike trails. Staff believes the proposed Heritage Oaks PDD resembles a marked in improvement over the existing Live Oak Hills Subdivision plan, while reducing the overall density. Given the less than desirable current lotting pattern, staff is willing in this case to support a creative development proposal.

Mayor Gutierrez spoke before the Public Hearing and explained that Mr. Anthony Eugenio has been working on the planned development for 20 yrs. He has made various improvements and numerous modifications to the original plan. After the Planning & Zoning meeting on April 14, 2021, Mr. Eugenio addressed many of the issues that were brought up by residents and made changes to his proposed PDD.

Mayor Gutierrez opened the Public Hearing and the following spoke:

- Steve Cicherski : 3509 Sumpter Glade: Representing: Ridge at Carolina Crossing, Board of Directors and many homeowners. The 43 property owners within or directly near the boundaries of the proposed plan were opposed. While it was a very thought-out plan, there are some very complex issues. Major concerns of flood zone. We currently have 3 dry creek beds, Cibolo, Dietz and Deer Creeks that with a major event will flood the city. GVEC, LCRA, FEMA, Texas Park and Wildlife were not aware of this project. Other topics: setbacks, cul-de-sac diameters, fire equipment being used safely being so close to GVEC substation. Concerns for neighborhood and board of directors are safety for firefighters, pedestrians, flood damage and potential life worth.

- Michael Carpenter: 3613 Calvert Street-Carolina Crossing North- Commissioner Carpenter stated this subdivision and another subdivision coming forward, Freeway Manor were platted before they were in the City of Schertz and pose a unique problem. The current zoning, current plat, current entitlement that could be built now is significantly problematic. This proposal is a cumulative of hundreds of hours of work by staff, engineers, developers. He asked if it is perfect, no, there is no silver bullet answer. He asked council that they consider of what it would look like if it was allowed to built as is.
- Michelle Terelesky: 705 Marilyn Drive- She stated she has lived here in Schertz for 42 years. Flooding is an issue and water flows downhill, and even though we have this FEMA ditch, we all need to start thinking about drainage. Kramer Farms was built 18 inches up higher than her property and during heavy rainfalls, she had level water in her easement. With all the building, more houses equal more water.
- Amanda Willmann: 3429 Abbeville Dr- The Ridge at Carolina Crossing: She brought up several concerns at the April 14, 2021 Planning & Zoning Meeting but wanted to ask Council to not lower our standards. Safety requirements, widths of road, putting in an alleyway, curving of the Wiederstein Rd. that will connect FM 1518 to Schertz Parkway were some of her safety concerns. It is a very well-traveled road and adding homes with driveways exiting onto the road and heavily populated with families, the safety concerns are troubling. She noted that there are decades of research that alley ways increase crime rate and with the proximity of I-35 nearby, the possibility would bring crime to all of us. The land that the developer wants to build on, is a beautiful forest teeming with wildlife and wishes it could stay that way.
- Dana Eldridge: 2628 Gallant Fox Drive- Mr. Eldridge brought up that the construction on I-35 that is coming up will cause problems. Traffic will back up and drivers will find ways to bypass it. When something happens on I35 around FM 3009-Schwab Rd, Old Wiederstein Rd becomes a racetrack to bypass traffic, and it is not set up for that. Asked Council to be aware, that traffic will be bad, and drivers will exit I-35 and bypass the frontage road and use Wiederstein to get through.
- Mr. Orejando: 3700 Florence Rd- Mr. Orejando recognizes the hard work put into this plan and understands change is constant. He would like something that will work for the developer and the current neighbors around this area. His concerns are increasing traffic, increasing city resources, and the beautiful habitat. That area is a beautiful spot that brings life to him and his neighbors. He asked that they keep some of that forest that is over there with heritage trees.

- City Secretary Brenda Dennis read an email from Mr. Justin Willmann: 3429 Abbeville Dr- Mr. Willmann wrote to voice his objections and issues with the Heritage Oaks Planned Development District. He brought up the following safety the concerns that should prevent this development to occur. The curving radius of Wiederstein road DO NOT meet the City of Schertz Engineering Department Standards. Cul-de-sac's radius is reduced to 100 feet vs. the currently required minimum of 150 feet. Alley way width are less than the minimum standard of 24 feet. The side setback between houses is reduced from 10 ft. to 5 ft. All these issues are putting neighbors and first responders at risk. Believes the large electrical power plant in the middle of the neighborhood will reduce property value in the area. See attached picture. Has concerns of the planned green space and tree mitigation plan.

Mayor Gutierrez closed the public hearing and recognized Mr. Anthony Eugenio and Mr. Richard Harris who gave a detailed PowerPoint of the proposed conceptual plan of Heritage Oaks PDD. After the presentation, Mayor Gutierrez then opened the floor to discussion by Council.

Councilmember Brown thanked Mr. Eugenio and Mr. Harris for the great presentations. He recognized the emotional impact with the parklike wildlife. Stated the city is going to develop and asked that we develop smart and take in modern engineering. Believes the best use of land is the best use of plan. He appreciates the concerns from P&Z have been addressed.

Councilmember Heyward stated she liked the layout of the PDD, which included curves that look like a parkland and appreciates that anywhere you step out you will see green. She would like to find a way to save the heritage oak trees and the older trees. Understands the concerns citizens have with the current area being filled with wildlife. We have seen the growth and would love to keep it the same, but Schertz will grow. The price point will have premier homes with amenities, walking trails and green cul-de-sacs are a great addition. She said this plan gives us all what we like and will not add density.

Councilmember Scagliola stated he has seen Mr. Eugenio bring plans to the city and each time the plans get better. He thanked Mr. Eugenio and Mr. Harris for presenting their plan. He listened to the Planning & Zoning Meeting on April 14, 2021 and Planning and Zoning did not send a recommendation for approval to City Council. The biggest problem he has with this plan is Wiederstein Rd is the curves. Other concerns were with drivers backing out of a driveway onto a collector streets and setbacks. His other concerns about cul-de-sacs, a tree buffer zone, and drainage were addressed, however he would like to table this decision and bring it back with changes to fix Wiederstein Rd.

Councilmember Dahle recognized that this plan has been in the works for 20

years, but it does not guarantee that we should approve it. He watched the Planning and Zoning Meeting from April 14, 2021 and appreciates the changes the developer made to those concerns that were mentioned at that meeting. Understands the citizens wanting to keep it a greens space, but this is private property the owners have the rights to develop this land. The curves, driveways exiting onto Wiederstein are some of his biggest concerns about the PDD. However, after doing some research he believes this plan is something the city can work with. We are trying to not over regulate development and with that, sometimes we are not going to get everything we want in every plan. This PDD is much better for us than the current platting.

Mayor Pro-Tem Whittaker thanked Mr. Eugenio and Mr. Harris for their excellent presentation. She feels enthusiastic about this proposed plan which included cul-de-sac islands and the added greenspace. It is nice aesthetically and loves how streets are efficiently planned. She liked the curves in the Wiederstein Rd design. Straight roads lead to speeding and a curvy road will stop people from cutting through and slow them down to pay attention. Again, she expressed how enthusiastic she is in favor of this design and look forward to seeing it come into fruition.

Councilmember Scott asked Ms. Emily Delgado and Mr. Brian James to explain how the responses were being counted. She understood the citizens and their concerns are an emotion issue. She stated she feels very conflicted because this is a very good-looking plan with a beautiful layout, aesthetically pleasing but does not want to turn her on her citizens who have real concerns about flooding and greenspace issues. Our citizens' voices matter.

Councilmember Davis thanked all the residents who spoke. He stated the proposed plan is an impressive design compared to original plat. The plan is good and appreciates the tree mitigation plan. His biggest concern was with Wiederstein Rd and once developed will get a lot of traffic usage. Kensington Ranch will use this route to get to FM 3009. The curving in the plan is a natural way to slow down traffic, but drivers don't pay attention. The 23 houses that enter onto Wiederstein Rd with curves, reduced visibility, limited sight distance is a safety concern. The plan is fantastic except for the driver access to Wiederstein.

Mayor Gutierrez recognized Councilmember Scagliola who stated he would like to table this item, love the concept, but have problem with Wiederstein road but doesn't have a solution.

Moved by Councilmember David Scagliola, seconded by Councilmember Rosemary Scott motion to table this item.

AYE: Councilmember Mark Davis, Councilmember Rosemary Scott,
Councilmember David Scagliola

NAY: Mayor Pro-Tem Jill Whittaker, Councilmember Michael Dahle,
Councilmember Allison Heyward, Councilmember Tim Brown

Failed

Moved by Mayor Pro-Tem Jill Whittaker, seconded by Councilmember
Michael Dahle to approve Ordinance No. 21-S-15 on first reading

AYE: Mayor Pro-Tem Jill Whittaker, Councilmember Michael Dahle,
Councilmember David Scagliola, Councilmember Allison Heyward,
Councilmember Tim Brown

NAY: Councilmember Mark Davis, Councilmember Rosemary Scott

Passed

Roll Call Vote Confirmation

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided the roll call vote confirmation for agenda items 1 through 9.

Information available in City Council Packets - NO DISCUSSION TO OCCUR

Mayor Gutierrez mentioned that agenda item 10 is an informational only item and was provided in their packets as well as can be found online.

10. COVID-19 UPDATE - Bi-Weekly COVID-19 Update.(C. Kelm/ K.Long/S.Hall)

Requests and Announcements

- Announcements by the City Manager.

No further announcements.

- Requests by Mayor and Councilmembers for updates or information from staff.

Mayor Gutierrez recognized Councilmember Scagliola who stated that he was interested in the COVID payments that were coming in to the City and was wondering about the Hazardous Duty Pay for First Responders. He doesn't want to make it an agenda item, but he would like information on how the money is going to be disbursed. Mayor Gutierrez if he was referring to the American Relief Act, we have a workshop scheduled in June on how Council is going to proceed with the disbursement of the funds. City Secretary Brenda Dennis stated that we do have

a Workshop scheduled for June 17, 2021 and Council received a new invite for that meeting. This is a special workshop.

- Requests by Mayor and Councilmembers that items or presentations be placed on a future City Council agenda.

Mayor Gutierrez recognized Councilmember Dahle who stated as Councilmember Scagliola and Mayor Pro-Tem Whittaker mentioned he would like to have a Workshop regarding PDD's, see if we can find some definitions for staff and provide them some guidance on what we want to see in the PDD's. What's important, what's not important, this would make the process easier for staff. Mayor Gutierrez agreed, this is what will place the Council in alignment with Planning and Zoning in setting up the PDD standards. Mayor indicated that he would get with Dr. Browne and see what we can arrange.

Mayor recognized Councilmember Scagliola who stated that there were four (4) things he would like to look at specifically:

- Proportion of densities or percentages
- Side yard set backs
- Minimum drive-way lengths
- Mailbox locations

Mayor Gutierrez also stated we discussed square footage of lot sizes.

- Announcements by Mayor and Councilmembers
 - City and community events attended and to be attended
 - City Council Committee and Liaison Assignments (see assignments below)
 - Continuing education events attended and to be attended
 - Recognition of actions by City employees
 - Recognition of actions by community volunteers

Mayor Gutierrez recognized the following:

Mayor Pro-Tem Whittaker who stated she attended the Citizens Police Academy, second to last class. This week we graduate.

Councilmember Heyward who stated she attended South Texas Pregnancy Care Center, they are going to be opening up a new facility. It's a facility that if you are pregnant, and you need assistance, they are there to help and provide counseling.

Adjournment

Mayor Gutierrez adjourned the meeting at 10:06 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary