

# Ord. 23-S-26

19.9 acre zone change request from General Business District (GB) and Single-Family Residential / Agricultural District (R-A) to Apartment / Multi-Family Residential District (R-4)

Emily Delgado | PLANNING MANAGER



- Subject Property Outlined in Green
- Approximately 21 acres of land
- Currently undeveloped / residential / agricultural land

**SCHERTZ**  
 COMMUNITY. SERVICE. OPPORTUNITY

2204 Den-Ott Hill (PLZC20230051)

- all other values	- all other values	Planned Secondary Arterial	Commercial Collector B	1" 2" 4" 6" 8" 10" 12" 14" 16" 18" 20"	Schertz Gravity	Hydrant	200' Buffer
Highways	Freeway	Secondary Rural Arterial	Planned Commercial Collector B	2" 4" 6" 8" 10" 12" 14" 16" 18" 20"	Schertz Pressure	Manholes	Schertz Municipal Boundary
Major Roads	Principal Arterial	Planned Secondary Rural Arterial	Commercial Collector A	2" 4" 6" 8" 10" 12" 14" 16" 18" 20"	Neighboring Gravity		County Boundaries
Minor Roads	Planned Principal Arterial	Residential Collector	Planned Commercial Collector A	2" 4" 6" 8" 10" 12" 14" 16" 18" 20"	Private Pressure		

1 inch = 150 Feet

0 50 100 200 300 400

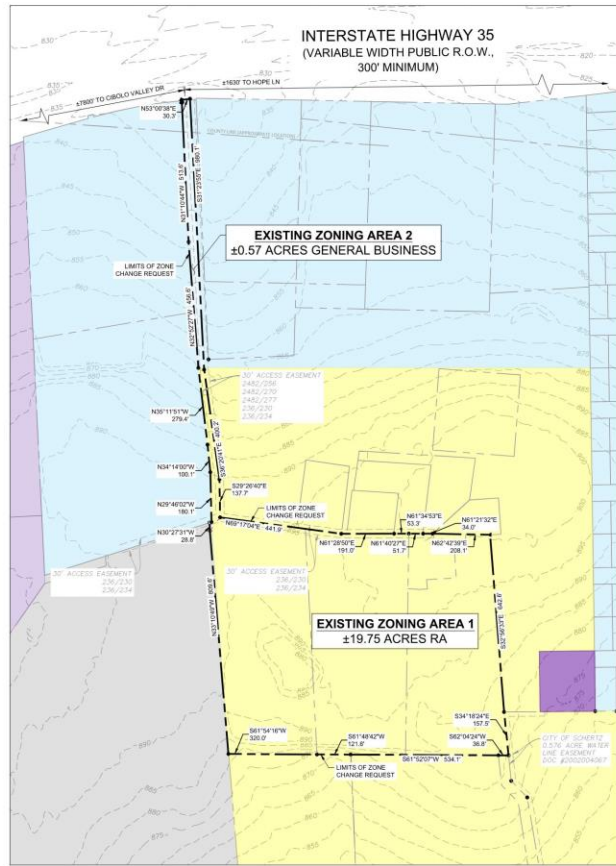


- August 30: 21 public hearing notices mailed
- Newspaper Notice: September 20<sup>th</sup>
- Responses Received:  
7- Opposition  
10- In Favor  
0- Neutral

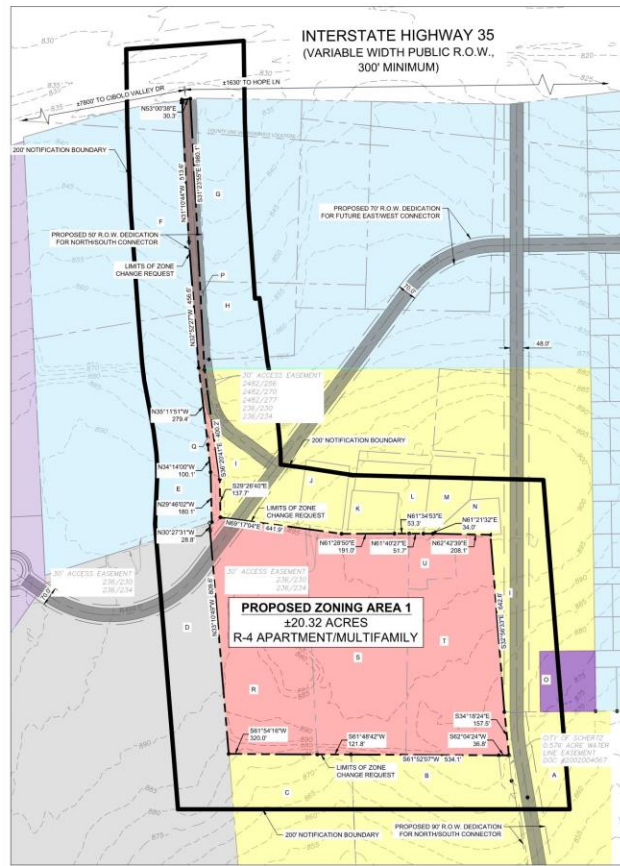
- 2 Signs were posted
- Note that this is the old graphic as are allow of the following

# Public Hearing Responses

- If a proposed zoning change is protested in writing and signed by the owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the proposed zoning change or zoning map amendment and extending 200 feet from that area, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths ( $\frac{3}{4}$ ) of all members of the City Council according to LGC, Local Government Code § 211.006(d).
- At the time of the staff report (September 29, 2023 at 3:00pm) the total percentage of the protested parcel acreage is 36.70%, therefore, the  $\frac{3}{4}$  vote has been triggered for this zone change request when it is heard by the City Council.
- The  $\frac{3}{4}$  vote requirement has been triggered for the October 10, 2023 City Council meeting.



**EXISTING ZONING**  
SCALE = 1" = 200'



**PROPOSED ZONING**  
SCALE = 1" = 200'

KEY	Owner Name	Property ID Number	Address	Land Use	Zoning	Subdivision Name (If Applicable)	Recording Information
A	JASEK DOUGLAS E & NORENA A BAKER & JOHN H JASEK	68302	7725 SILENT FOREST DR SUGAR LAND, TX 77479	Single Family	RA	N/A	VOL. 3379, PG. 363
B	TUDYK JOSEPH B JR	68330	19040 OLD WEDERSTEIN RD, CIBOLO, TX 78108	Single Family	RA	N/A	VOL. 2022, PG. 9903476
C	FICUS PROPERTIES LLC	68332	8417 MAHOGANY COURT, LAREDO TX, 78045	Vacant land	RA	N/A	VOL. 2021, PG. 99037331
D	SCHERTZ CIBOLO UNIVERSAL CITY ISO	347296	1060 LABEL ROAD SCHERTZ, TX 78154	Vacant land	M1	N/A	VOL. 4216, PG. 0649
E	BUSSEY'S LTD	68170	18738 IH 35 N, SCHERTZ, TX 78154	Commercial	GB	N/A	VOL. 717, PG. 727
F	BUSSEY'S LTD	68174	18738 IH 35 N, SCHERTZ, TX 78154	Commercial	GB	N/A	VOL. 717, PG. 727
G	CARRILLO RON & CLARE	68327	P O BOX 690843, SCHERTZ, TX 78269	Commercial	GB	N/A	VOL. 1473, PG. 0671
H	CARRILLO RON & CLARE	68329	P O BOX 690843, SCHERTZ, TX 78269	Commercial	GB	N/A	VOL. 1473, PG. 0671
I	DENSBERGER DIANA OTT ETAL	68319	P O BOX 18155, CORPUS CHRISTI, TX 78480	Vacant land	GB/RA	N/A	N/A
J	OTT JAMES & BRENDA	68320	P O BOX 172, SCHERTZ, TX 78154	Single Family	RA	N/A	VOL. 1076, PG. 0054
K	DENSBERGER HAROLD J & GLORIA L	68326	18780 IH 35N #1, SCHERTZ, TX 78154	Single Family	RA	N/A	VOL. 764, PG. 476
L	SHARP NICOLE MARIE	122093	18780 IH 35 NORTH LOT 2, SCHERTZ, TX 78154	Single Family	RA	N/A	VOL. 2216, PG. 0070
M	OTT DIANA	122576	P O BOX 18155, CORPUS CHRISTI, TX 78480	Single Family	RA	N/A	VOL. 2343, PG. 24338
N	OTT SANDRA	175371	18780 IH 35N #5, SCHERTZ, TX 78154	Vacant land	RA	N/A	VOL. 2035, PG. 9902565
O	City of Schertz	68324		Water Tower	PUB	N/A	VOL. 730M PG. 799
P	DENSBERGER DIANA OTT ETAL	68325	P O BOX 18155, CORPUS CHRISTI, TX 78480	Commercial	GB	N/A	VOL. 2020, PG. 99012670
Q	DENSBERGER HAROLD J	68315	13834 JOLLY ROGER ST, CORPUS CHRISTI, TX 78418	Commercial	RA	N/A	VOL. 2019, PG. 99027112
R	DENSBERGER HAROLD J	68316	13834 JOLLY ROGER ST, CORPUS CHRISTI, TX 78418	Single Family	RA	N/A	VOL. 2019, PG. 99027112
S	DENSBERGER HAROLD J	68296	13834 JOLLY ROGER ST, CORPUS CHRISTI, TX 78418	Single Family	RA	N/A	VOL. 2019, PG. 99027112
T	DENSBERGER HAROLD J	68294	13834 JOLLY ROGER ST, CORPUS CHRISTI, TX 78418	Single Family	RA	N/A	VOL. 2019, PG. 99027112
U	DENSBERGER HAROLD J	68295	13834 JOLLY ROGER ST, CORPUS CHRISTI, TX 78418	Single Family	RA	N/A	VOL. 2019, PG. 99027112

**200' NOTIFICATION OWNER TABLE**

**LEGEND**

	RA - SINGLE FAMILY RESIDENTIAL / AGRICULTURAL
	GB - GENERAL BUSINESS
	PDD - PLANNED DEVELOPMENT
	M1 - MANUFACTURING (LIGHT)
	PUB - PUBLIC USE
	R-4 APARTMENT / MULTIFAMILY



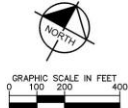
**PROJECT CONTACT LIST:**

<b>SURVEYOR</b> KIMLEY-HORN 15017 REYNOLDS PLACE, STE 400 SAN ANTONIO, TEXAS 78247 PHONE: 210-541-3866 CONTACT: JOHN GREGORY MOSSER, R.P.L.S.	<b>CIVIL ENGINEER</b> KIMLEY-HORN 15017 REYNOLDS PLACE, STE 400 SAN ANTONIO, TEXAS 78247 PHONE: 210-541-3843 CONTACT: JASON LINK, P.E.
<b>OWNER</b> MARSTAN COZIES LLC 500 MAPLE DRIVE SCHERTZ, TX 78154 PHONE: 210-377-9224	<b>DEVELOPER</b> MARSTAN COZIES LLC 1019 EAST 27TH STREET BROKING, TX 78128 PHONE: 347-461-2643 CONTACT: STANLEY HULLESOHN

**FEMA FLOODPLAIN NOTE:**  
ACCORDING TO FEMA FLOOD MAP 481870200D, DATED 11/02/2007, THE ENTRY OF THIS SITE FALLS WITHIN ZONE X (AREA OF MINIMAL FLOOD HAZARD).

**EASEMENT RECORDATION NOTE:**  
ALL EASEMENTS REFERENCED TO THE RECORDS OF GUADALUPE COUNTY, TEXAS UNLESS OTHERWISE NOTED.

**PROPOSED THOROUGHFARE NOTE:**  
THE THOROUGHFARE ALIGNMENTS SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DO NOT SET THE ALIGNMENT. ALIGNMENT IS DETERMINED AT THE TIME OF FINAL PLAN.








**JOB NO.:**  
**SCALE:** AS LISTED  
**DATE:** 8/29/2023





- **Current Zoning Designation: General Business (GB) and Single Family Residential / Agricultural (R-A)**

-  **Subject Property**
-  (R-A) Single-family Residential/Agricultural
-  (GB) General Business
-  (PDD) Planned Development
-  (M-1) Manufacturing (Light)

Bussey's Flea Market: Zoned GB // Comp Designation Commercial Campus and Single-Family Res.

EVO Development: Zoned PDD. This portion has a base zoning of GB // Comp Designation: Commercial Campus and Single-Family Res.

Schertz Station: Zoned PDD. This portion has a base zoning of R-4 and will develop as Multi-Family // Comp Designation: Single-Family Res.



Freeway Manor: Zoned GB // Comp Designation Highway Commercial, Commercial Campus and Single-Family Res.

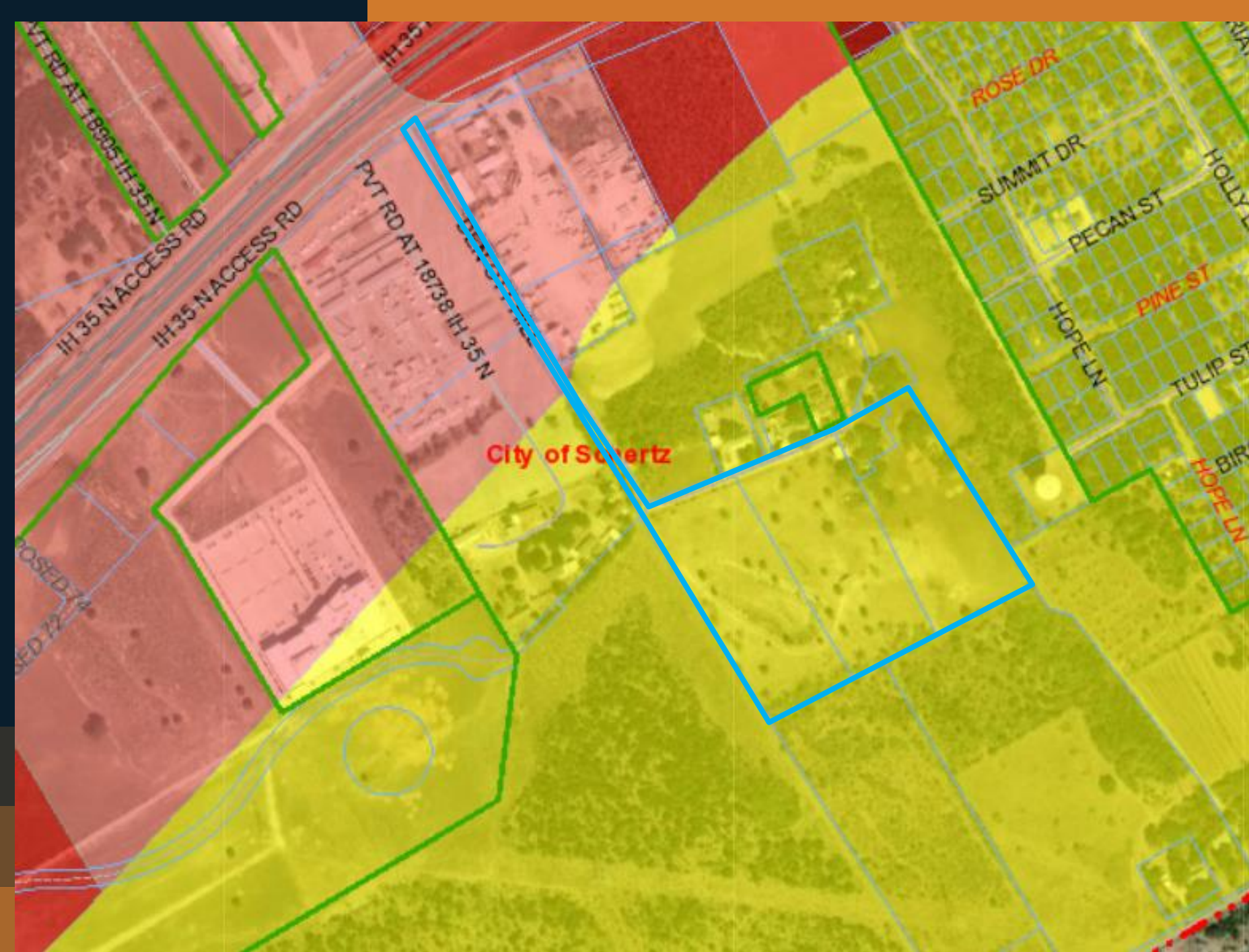
Commercial Development: Zoned GB // Comp Designation Commercial Campus and Single-Family Res.

SCUC ISD: Zoned M-1. Comp Designation: Single-Family Res.

## Surrounding Land Uses

- In the vicinity of the subject property there are several properties that have the “Single Family Residential” Comprehensive Land Use Plan Designation and are zoned for Commercial, Industrial, or Multi-Family.
- The proposed Apartment / Multi-Family Residential (R-4) zoning district is consistent with the General Business zoned properties, and PDD zoned properties designated for Multi-Family Development. Additionally, the subject parcel is immediately adjacent to a 101-acre tract of land that is zoned Manufacturing Light (M-1). The proposed R-4 zoning district would act as a buffer between Commercial and Industrial properties and the residential.

- Comprehensive Land Use Plan Designation: Commercial Campus and Single-Family Residential



Subject Property

Commercial Campus

Single Family Residential

Highway Commercial

# Comprehensive Land Use Plan Designation

- **The 2002 Comprehensive Land Plan identified the subject property as Commercial Campus and Industry, Technology and R and D.**
- **The subject property was not modified with the 2013 Sector Plan.**
- **In 2017, Ordinance 17-S-20 amended the portion of property identified as Industry, Technology, and R and D to the current designation of Single Family Residential. The portion of property that extends from IH 35 access road is identified as Commercial Campus.**

# Comprehensive Land Use Plan Designation

## **B. Commercial Campus**

The Campus Commercial land use/character area is intended to encourage the development of lower intensity commercial and office uses in the locations between major intersections as a buffer between the Interstate Highway and adjoining neighborhoods. Given the significant linear frontage along IH-35 in North Schertz, there are several opportunities to accommodate low impact campus development that takes advantage of the highway frontage and any major environmental assets (such as flood plains, steep grades, and significant vegetation) as aesthetic amenities on the site. This category could also accommodate light manufacturing or flex office uses set in a campus like environment in addition to multi-family residential located at mid-block locations and as transitions between office/light industrial uses and adjoining single-family residential uses. Some of the character-defining elements recommended are:

- Land Use Mix: Mostly office, research, flex-office, and supporting uses, light industrial and assembly uses, educational and other institutional uses. This category may include some multi-family uses at mid-block locations and as a buffer between the highway and single-family neighborhoods only. Generally, multi-family should only be considered in locations that may not be ideally suited for retail, office, or light industrial uses such as mid-block locations, behind major commercial uses, and on sites with environmental constraints. In addition, multi-family uses should be incorporated and/or phased in with other retail and office uses.

- The first 1,050 feet of the subject property (encompassing the portion of the property that is the access to IH 35 access road) is identified as Commercial Campus. The Commercial Campus designation supports Multi-Family.

# Comprehensive Land Use Plan Designation

**Single Family Residential.** Conventional detached dwellings. For areas proposed to utilize a traditional neighborhood design the Single Family Residential use may include a mix of residential uses as well as limited commercial development to support the daily activities of the development. In all Single Family Residential use areas, public and semi-public development such as schools and churches are encouraged as neighborhood focal points.

- The majority of the subject property is identified as “Single Family Residential” on the Comprehensive Land Use Map. The Single Family Residential use may include a mix of residential uses as well as limited commercial development. The City of Schertz has historically interpreted this to include multi-family / apartment. The Comprehensive Land Use Plan supports the proposed zone change to Apartment / Multi-Family (R-4).

# Comprehensive Land Use Plan Designation

- **The Planning Division has recommended approval on several Multi-Family projects / zone changes that the Comprehensive Land Use Plan designated the property as “Single Family Residential”.**
- **Schertz Station- Approved via Ordinance 22-S-44, which is located approximately 700 feet west of the subject property has approximately 29.09 acres that is designated as “Single Family Residential” on the Comprehensive Land Use Plan. This property was approved to be zoned Planned Development District (PDD) with a base zoning of Apartment / Multi-Family (R-4). Specifically, the 29.09 acres will be developed as 318 Multi-Family units.**

# Comprehensive Land Use Plan Designation

- **Another Example of recommendation of Multi-Family**
  - **The Villas at Bluebonnet Ridge- This approximately 25 acre property (identified as Single Family Residential on the Comprehensive Land Use Plan) has requested to be rezoned to a Planned Development District three times. The first was for a PDD with a base zoning of Apartment / Multi-Family (R-4), the second was for a PDD with a base zoning of Townhome District (TH), and the third was for a PDD with a base zoning of Two-Family Residential (R-3). The Planning Division recommended approval on all three of these cases as the proposed zoning would provide a mixture of residential housing as desired by the Comprehensive Land Use Plan.**

# Staff Analysis- Zoning

- **The existing zoning Single-Family Residential (R-A) per UDC Article 5 Section 21.5.5:**
  - **is intended to provide for areas in which agricultural land may be held in such use for as long as is practical and reasonable.**
  - **Residences in this District are intended to be on a minimum lot size of 21,780 square feet (one-half acre).**
  - **This District is suitable for areas where development is premature due to lack of utilities, capacity or service, and for areas that are unsuitable for development because of physical restraints or potential health or safety hazards.**

# Staff Analysis- Zoning

- The UDC states “.. In such use for as long as is practical and reasonable.” The subject property is located 1,580 feet from IH 35, 600 feet to the north is property zoned for General Business, 340 feet to the east is property zoned General Business, immediately adjacent to property zoned Manufacturing Light, and 700 feet to the west is property zoned PDD that will be developed as Multi-Family.
- The existing Single Family Residential / Agricultural (R-A) is not consistent with the surrounding land uses and zoning designations.

# Staff Analysis- Zoning

- **If other properties in the vicinity currently zoned Single-Family Residential / Agricultural (R-A) requested a zone change to Apartment / Multi-Family (R-4), the Planning Division would recommend approval based on the surrounding land uses and zoning districts along with the Comprehensive Land Use Plan supporting a mix of residential uses.**
- **Additionally, if properties in the vicinity zoned R-A requested a commercial designation such as General Business, staff would support this zone change request as well based on the Comprehensive Land Use Plan- Single Family Residential designation supporting limited commercial development.**

# UDC Sec. 21.5.4.D: Criteria for Approval

There are 8 Criteria for Approval that the P&Z and City Council should consider in relation to Zone Change Requests.

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

The description of Single Family Residential in the Comprehensive plan indicates that "the Single Family Residential use may include a mix of residential uses" not a mix of single family residential uses. As such some multi-family is consistent with this language. Further the Comprehensive Plan has a goal to "Achieve an efficient, diverse and balanced pattern of land uses within the City and the ETJ." and objective of providing "an appropriate mix of different land use types in suitable locations, densities and patterns consistent with the goals and objectives established in the Plan" which this would do. Finally, the plan states that "Housing should be developed to meet all needs of the community in terms of affordability, availability, adequacy and accessibility. Commercial Retail and Office." Multifamily housing helps to meet this need, especially in light of the rapidly increased cost of housing that has been discussed over the past few years.

# UDC Sec. 21.5.4.D: Criteria for Approval

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

**As part of promoting health, safety and welfare, the City should encourage development compatible with surrounding uses utilizing standards and transitional uses to alleviate negative impacts. Given the existing M-1 zoning adjacent to the subject property, multi-family provides a better transition than single family detached lots.**

# UDC Sec. 21.5.4.D: Criteria for Approval

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

**The site development standards in the UDC for multi-family development and the use of multifamily are appropriate and in fact seem to be the best in light of the significant variation in terms of zoning and land uses - single family residential, commercial and industrial.**

# UDC Sec. 21.5.4.D: Criteria for Approval

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

**As the Comprehensive Plan notes, as development matures in rural areas, higher densities should be considered, Given the location of the subject property and the proximity of development, the city's various plans and infrastructure projects assume higher intensity development in this area, rather than rural, this includes a planned thoroughfare running through the northern portion of the property and one to the east, approximately 350' away and the water storage tank less than 150' away. Given the population changes in SCUCISD this change does not conflict with the school district's plans including the 10 year campus forecasting.**

# UDC Sec. 21.5.4.D: Criteria for Approval

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

As has been a topic of discussion over the last few years, the significant rise in housing prices supports looking to increase the supply of multi-family housing. As has been mentioned in the past at P&Z the new median home value in SCUCISD has risen to over \$430,000 from \$210,650 in the past 10 years.

# UDC Sec. 21.5.4.D: Criteria for Approval

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

**There is not an error, but the R-A zoning is generally more common in the areas designated in the FLUP as Estate Neighborhood and Agricultural Conservation. The plan seems to anticipate these requests for greater density as areas continue to develop.**

# UDC Sec. 21.5.4.D: Criteria for Approval

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

**This does not impact consideration by P&Z or the first reading from Council.**

# UDC Sec. 21.5.4.D: Criteria for Approval

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

**Much of the opposition heard at P&Z was similar to every case where there is proposed multi-family zoning. A lot of this has to do with current levels of infrastructure versus planned or proposed infrastructure.**

# Recommendation

## Staff Recommendation:

- Based on the surrounding land uses and zoning designations, along with the Comprehensive Land Use Plan designation being intended for a mix of residential uses, Staff recommends approval of the proposed zone change (Ord. 23-S-26) from General Business District (GB) and Single-Family Residential / Agricultural District (R-A) to Apartment / Multi-Family Residential District (R-4).

## Planning and Zoning Commission Recommendation:

- The Schertz Planning and Zoning commission met on September 13, 2023, and voted to recommend approval of the proposed zone change with a 7-0 vote.

# COMMENTS & QUESTIONS