

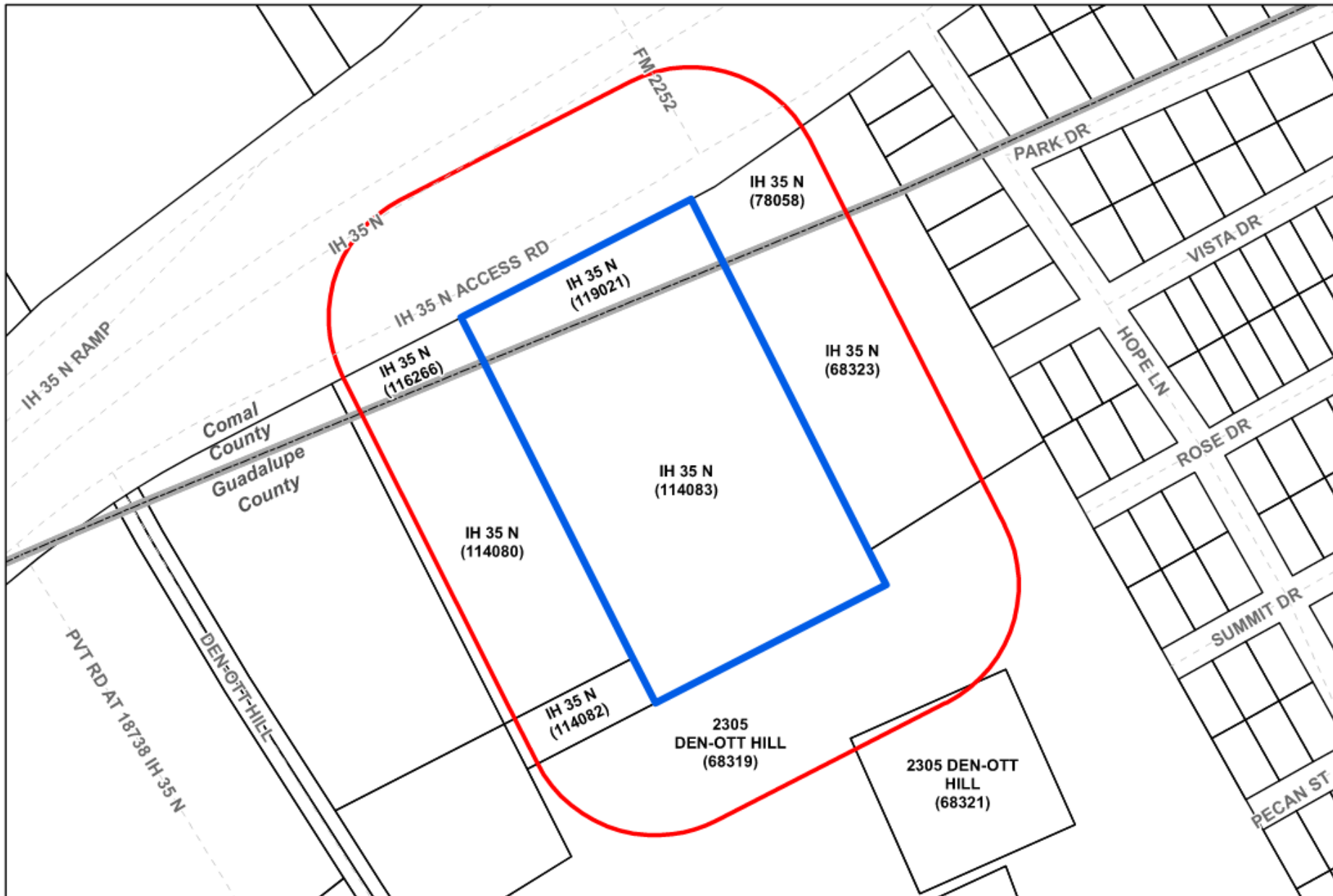


# Ordinance No: 23-S-32

Specific Use Permit for a convenience store with gas pumps  
(7.8 acres)

Daisy Marquez | PLANNER





- Nov 1, 2023: 5 public hearing notices mailed

- Nov 29, 2023: public hearing notice published in San Antonio Express

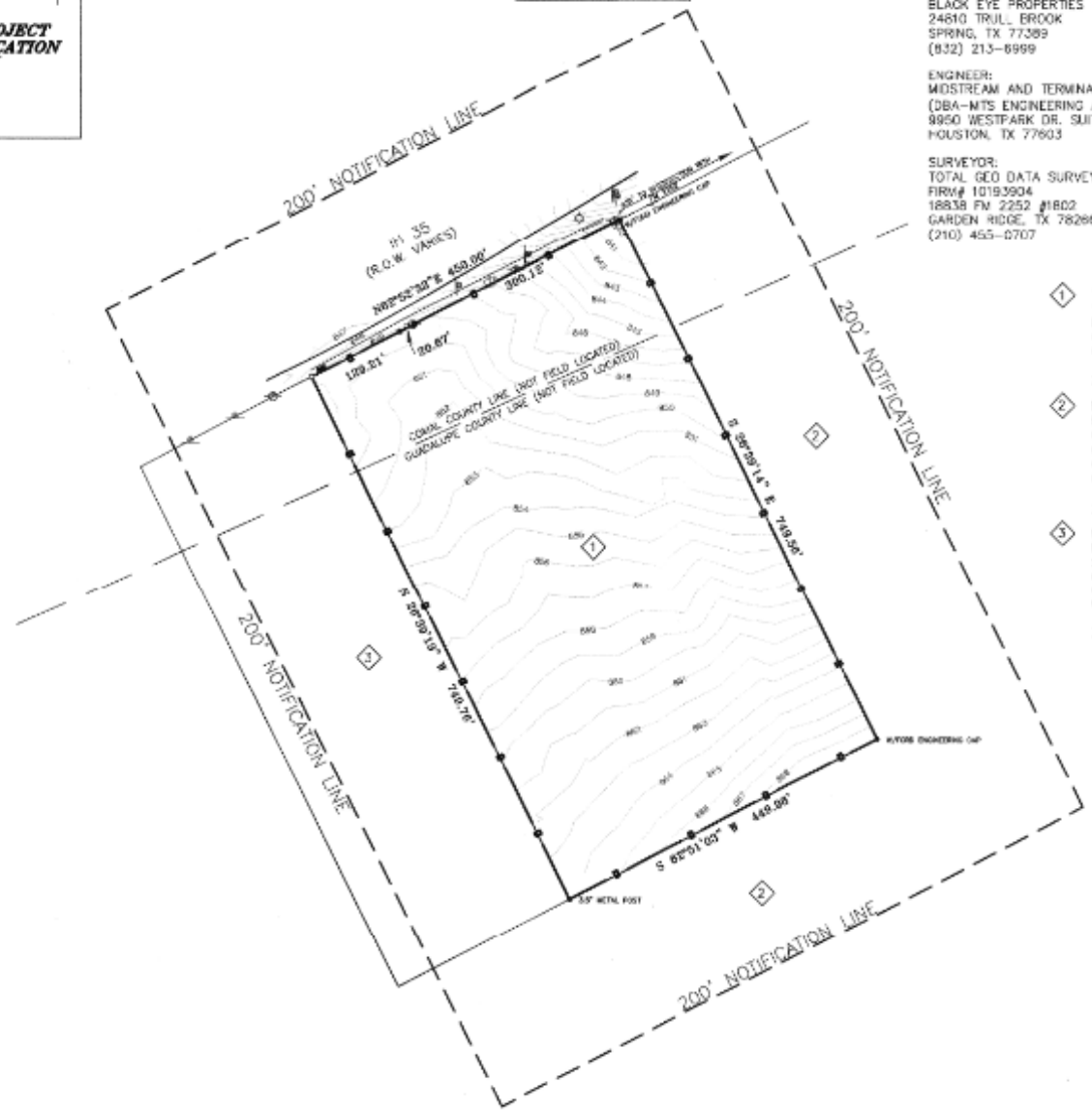
- Responses Received:  
4- Opposition  
1- In Favor  
0- Neutral

1 Sign was posted on the property.



LOCAL MAP  
REF TO SHEET

**SPECIFIC USE EXHIBIT**



DEVELOPER:  
BLACK EYE PROPERTIES  
24610 TRUL BROOK  
SPRING, TX 77389  
(832) 213-8999

ENGINEER:  
MIDSTREAM AND TERMINAL SERVICES LLC.  
(DBA-MTS ENGINEERING AND DESIGN)  
9950 WESTPARK DR. SUITE 426  
HOUSTON, TX 77063

SURVEYOR:  
TOTAL GEO DATA SURVEYING LLC  
FIRM# 10193904  
18838 FM 2252 #1802  
GARDEN RIDGE, TX 78268  
(210) 455-0707

- 1 TRAWICK & NANCY A WOMACK  
1413 SETTLEMENT WAY  
NEW BRAUNFELS, TX 78132  
GCAD PROPERTY ID: 114083  
CCAD PROPERTY ID: 119021  
ZONE: (GB) GENERAL BUSINESS
- 2 DIANA DENBERGER DTT ET AL  
P O BOX 18155  
CORPUS CHRISTI, TX 78480  
GCAD PROPERTY ID: 68319  
CCAD PROPERTY ID: 68323  
CCAD PROPERTY ID: 78058  
ZONE: (GB) GENERAL BUSINESS
- 3 RONALDO & CLARE M CABRILLO  
P O BOX 050843  
SAN ANTONIO, TX 78288  
GCAD PROPERTY ID: 114080  
GCAD PROPERTY ID: 114082  
CCAD PROPERTY ID: 116266  
ZONE: (GB) GENERAL BUSINESS

PREPARED: 09/26/2023  
DRAWN: 10/11/2023  
REVISION: 10/20/2023  
SCALE: 1" = 100'  
JOB NO.: 2023-074  
ZONING EXHIBIT FOR:  
DESIGNED REALTY GROUP

**LEGEND**  
S.L. - SURVEY LINE  
D.M. - OFFICE PUBLIC RECORDS  
M.P. - METEOROLOGICAL PLOT  
F.L. - FLOOD ZONE  
V. - VERTICAL CURVE  
P. - POINT 1/2" ABOVE  
S. - SURFACE ELEVATION ADJUST  
C. - OFFICE RECORD OF CASE  
S. - SURFACE TOTAL 200' SURV  
S. - SURFACE ELEVATION  
A. - ADJUST AND SURVEY LINE



I HEREBY CERTIFY THAT THE ABOVE MAP  
WAS PREPARED BY ME OR UNDER MY  
SUPERVISION AND THAT I AM A  
LICENSED SURVEYOR IN TEXAS.  
*J. Schertz*  
10/20/23

TOTAL GEO DATA  
SURVEYING LLC.

FIRM & OFFICE  
18838 FM 2252 #1802  
GARDEN RIDGE, TX 78268  
(817) 455-0707  
FIRM# 10193904  
FIRM# 10193904

OWNER  
TRAWICK & NANCY A WOMACK  
1413 SETTLEMENT WAY  
NEW BRAUNFELS, TX 78132  
(210) 240-2077

APPLICANT  
DESIGNED REALTY GROUP  
22412 FM 2100  
FUTTFW, TX 77356  
(210) 324-1300

GUADALUPE COUNTY  
PROPERTY ID:  
114083  
CORAL COUNTY  
PROPERTY ID:  
119021  
ZONING EXHIBIT  
PROPERTY IS GENERALLY  
LOCATED ON H-35 TO  
THE NORTHEAST OF OF  
CIBOLA VALLEY DRIVE,  
SCHERTZ, CORAL &  
GUADALUPE COUNTIES,  
TEXAS.  
PREPARED:  
OCTOBER 25TH, 2023

**NOTES:**  
1. THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE 1985 TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH ZONAL ZONE, BASED ON THE FUNDAMENTAL SURVEY.  
2. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT REGARDING COVER MATTERS OF RECORD OR EFFECTIVE PROPERTY.  
3. SURVEY PROPERTY APPEARS TO BE SITUATED WITHIN THE FLOOD ZONE AREA "D" (DATA DETERMINED TO BE OUTSIDE THE SURVEYED PROPERTY) AS INDICATED ON THE FLOODPLAIN FLOOD INSURANCE RATE MAP, EFFECTIVE DATE: NOVEMBER 2, 2007, BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR GUADALUPE COUNTY, TEXAS. (SHEET) THIS MAY SUBMITTEE OR WITHIN THE ACCURACY OR CORRECTNESS OF THE FLOOD MAPS.  
4. THIS EXHIBIT IS NOT A BOUNDARY SURVEY.

EXISTING ZONING: GENERAL BUSINESS DISTRICT (GB) - 7.744 AC.  
PROPOSED ZONING: GENERAL BUSINESS DISTRICT (GB) - 7.744 AC.



# Proposed SUP

- Applicant is requesting a Specific Use Permit (SUP) to allow a convenience store with gas pumps on the approximately 7.8 acres.
- UDC Section 21.5.8 requires a Specific Use Permit for a convenience store with gas pumps in General Business District.



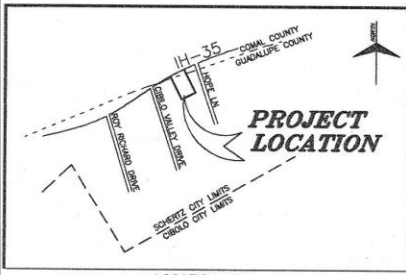
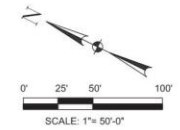
•Subject Property zoned  
General Business (GB)

	Existing Zoning	Land Use
North	Right of Way	IH-35 N Access Road
South	General Business District (GB) and Residential Agricultural District (R-A)	Vacant/Undeveloped
East	General Business District (GB)	Vacant/Undeveloped
West	General Business District (GB)	Connex Box Storage

# Proposed SUP

- **Per the submitted Letter of Intent, if the SUP is approved the development would consist of:**
  - **A 10,827 square foot convenience store with gas pumps**
  - **A diesel canopy**
  - **Truck parking at the rear**
  - **6,000 square foot building with additional retail**
- **If the Specific Use Permit is approved, the applicant will have to go through the site plan process in conformance with UDC Section 21.9.12 and will have to meet all City of Schertz UDC requirements as listed in Article 9.**

# Conceptual Site Plan



LOCATION MAP  
(NOT TO SCALE)

SITE SUMMARY	
PROPOSED USE:	C-STORE SUBWAY HAIR SHOP PIZZA SHOP COFFEE SHOP WITH GAS STATION (GB) GENERAL BUSINESS
ZONING DISTRICT:	(GB) GENERAL BUSINESS
LOT AREA:	336722.88 SFT (7.730 ACRES)
EXISTING IMPERVIOUS COVER:	0
PROPOSED IMPERVIOUS COVER:	287,553.74 SFT (6.601317 ACRES)
BUILDING AREA:	16,827 SFT / 0.386 ACRES
BUILDING HEIGHT:	36'-6"

**WHEEL STOP NOTE:**

WHEEL STOPS ARE REQUIRED FOR ALL AREAS OF HEAD-IN PARKING ADJACENT TO LANDSCAPED AREAS. WHEEL STOPS WILL BE PLACED SO THAT THE OVERHANG OF VEHICLES IS CONTAINED TOTALLY WITHIN THE PARKING SPACE.

**LIGHT NOTE:**

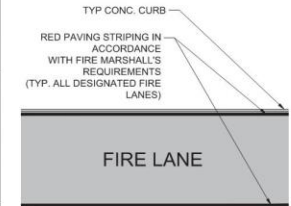
THIS SITE WILL COMPLY WITH ALL LIGHTING AND GLARE STANDERS ACCORDING TO THE UNIFIED DEVELOPMENT CODE AT THE TIME OF BUILDING PERMIT.

**SIGNAGE NOTE:**

ALL THE SIGNAGE WILL COMPLY WITH UNIFIED DEVELOPMENT CODE AT THE TIME OF BUILDING PERMIT.

**FLOOD INFORMATION:**

ACCORDING TO FLOOD INSURANCE RATE MAP, PANEL 48187C0210F, DATES: 11/02/2007, IS LOCATED IN ZONE UNSHADED X AND IS NOT WITHIN THE 100-YEAR FLOODPLAIN.

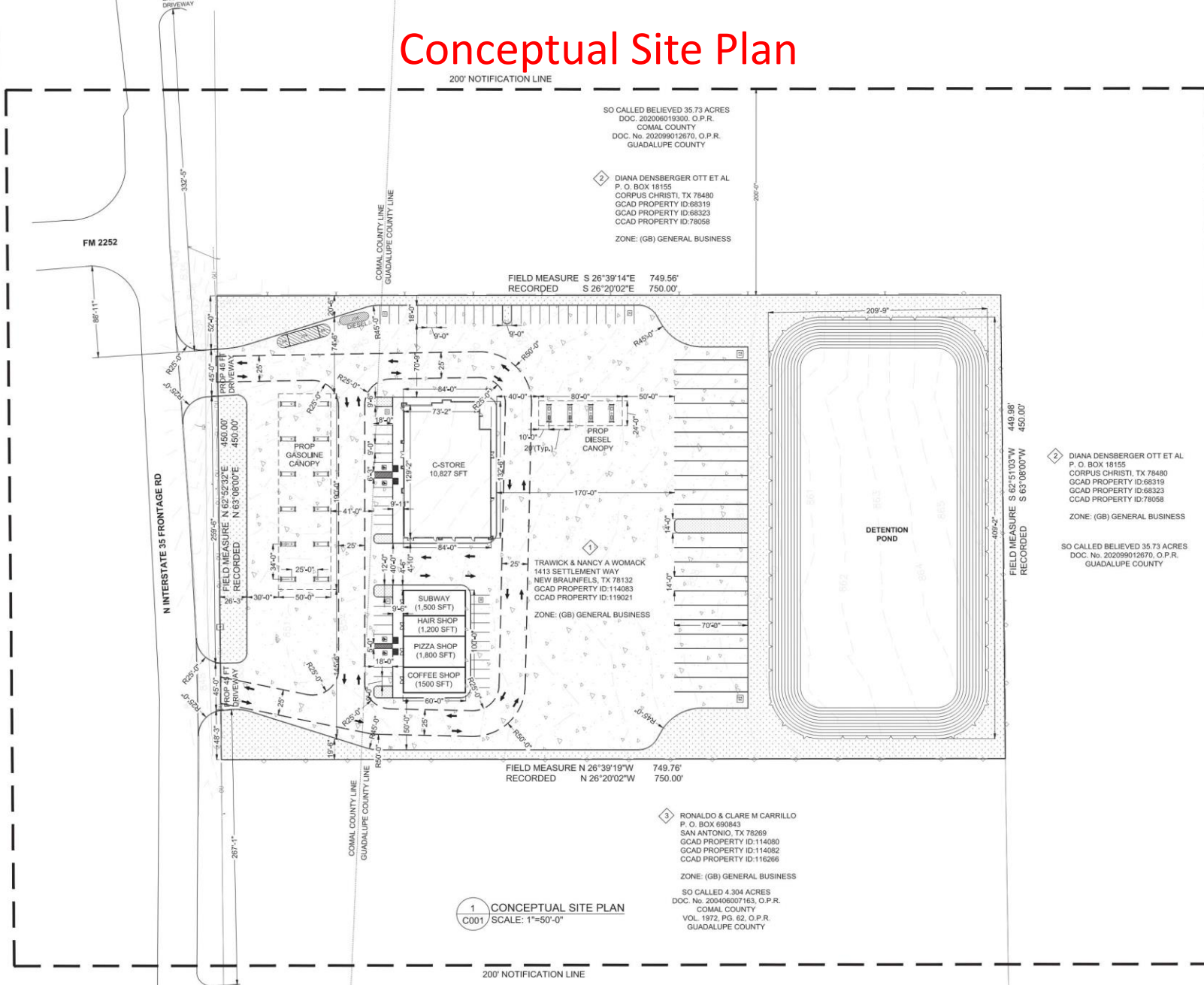


TYPICAL FIRE LANE DETAIL  
NTS

(OPTIONAL AT FIRE MARSHALLS DISCRETION)

**PARKING SYNOPSIS**

OCCUPANCY TYPE	PARKING COUNT	REQUIRED	PROVIDED
C-STORE	10,827 / 250	43.30 (44)	82
SUBWAY	1,500 / 250	6	
HAIR SHOP	1,200 / 250	4.8(5)	
PIZZA SHOP	1,800 / 250	7.2(8)	
COFFEE SHOP	1,500 / 250	6	
TOTAL		69	



SO CALLED BELIEVED 35.73 ACRES  
DOC. 202006019300, O.P.R.  
COMAL COUNTY  
DOC. No. 202099012670, O.P.R.  
GUADALUPE COUNTY

2 DIANA DENBERGER OTT ET AL  
P. O. BOX 18155  
CORPUS CHRISTI, TX 78480  
GCAD PROPERTY ID:68319  
GCAD PROPERTY ID:68323  
GCAD PROPERTY ID:78058  
ZONE: (GB) GENERAL BUSINESS

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3 RONALDO & CLARE M CARRILLO  
P. O. BOX 690843  
SAN ANTONIO, TX 78269  
GCAD PROPERTY ID:114080  
GCAD PROPERTY ID:114082  
GCAD PROPERTY ID:116266  
ZONE: (GB) GENERAL BUSINESS

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SAN ANTONIO, TX 78269  
GCAD PROPERTY ID:114080  
GCAD PROPERTY ID:114082  
GCAD PROPERTY ID:116266  
ZONE: (GB) GENERAL BUSINESS

SO CALLED 4.394 ACRES  
DOC. No. 200406007163, O.P.R.  
COMAL COUNTY  
VOL. 1972, PG. 62, O.P.R.  
GUADALUPE COUNTY

1 CONCEPTUAL SITE PLAN  
C001 SCALE: 1"=50'-0"

**DEVELOPER:**  
BLACK EYE PROPERTIES  
24810 TRULL BROOK  
SPRING, TX 77389  
(832) 213-6999

**ENGINEER:**  
MIDSTREAM AND TERMINAL SERVICES LLC  
(DBA:MTS ENGINEERING AND DESIGN)  
9950 WESTPARK DR. SUITE 426  
HOUSTON, TX 77663

**SURVEYOR:**  
TOTAL GEO DATA SURVEYING LLC  
FIRM # 10193934  
18838 FM 2252 # 1802  
GARDEN RIDGE, TX 78266  
(210) 455-0707

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GCAD PROPERTY ID:116266  
ZONE: (GB) GENERAL BUSINESS

**LEGEND**

- D.R. - DEED RECORD
- O.P.R. - OFFICIAL PUBLIC RECORD
- M.P.R. - MAP & PLAT RECORDS
- M.P.R. - MAP & PLAT RECORDS
- P.O.B. - POINT OF BEGINNING
- FOC - FIBER OPTIC CABLE
- - FOUND 1/2" REBAR UNLESS OTHERWISE NOTED
- - SET 1/2" REBAR W/ CAP STAMPED "TOTAL GEO DATA 6042"
- ( ) - RECORD CALLS
- ☆ - LIGHT STANDARD
- ⊕ - CHAINLINK FENCE
- ⊕ - BARBED WIRE FENCE
- ⊕ - POWER POLE
- ⊕ - OVERHEAD UTILITY
- ⊕ - SIGN
- ⊕ - FIRE HYDRANT
- ⊕ - WATER VALVE
- ⊕ - TXDOT TYPE I MONUMENT
- ⊕ - WATER METER

**LEGAL DESCRIPTION:**  
BEING A BOUNDARY AND TOPOGRAPHIC SURVEY OF 7.744 (337.329 SQT) ACRES IN THE ROBERT MARTIN & JOHN FALLS WALKER SURVEY NO. 113, ABSTRACT 414, COMAL COUNTY, TEXAS, AND ABSTRACT 244, GUADALUPE COUNTY, TEXAS, AS RECORDED IN DOCUMENT NO. 201806011073, O.P.R. OF COMAL COUNTY, TEXAS AND VOLUME 2006, PAGE 133, O.P.R., GUADALUPE COUNTY, TEXAS.

DWG #	REFERENCE DRAWINGS	REV	DATE	DESCRIPTION	BY	CHK	APR	DRAWN BY:	CHECKED BY:	ENGINEER:	DATE:	MTS PROJECT NO.:
		0	10/25/2023	ISSUED FOR PERMIT	SK	MM	GM	SK	MM	GM	10/25/2023	29929
SCALE:		DRAWING TITLE:		DRAWING NUMBER:		REV.						
1"=50'-0"		CONCEPTUAL SITE PLAN		C001		0						



DEVELOPMENT ON SCHERTZ,  
I-35 AT FM-2252,  
SCHERTZ, TEXAS

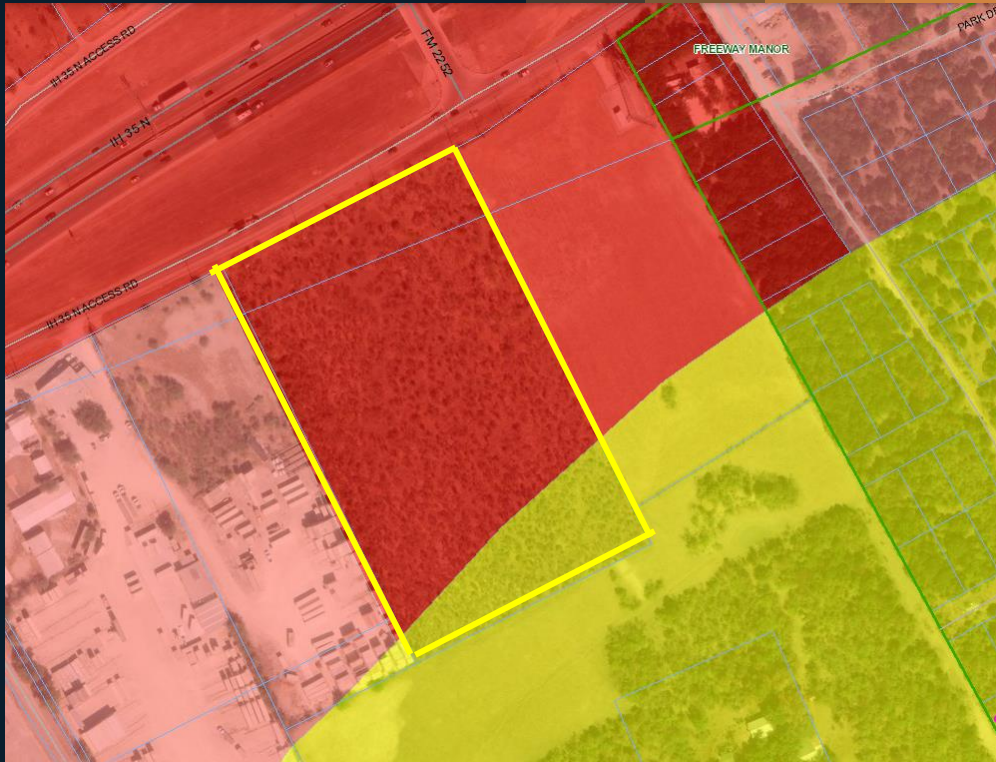


**MTS ENGINEERING & DESIGN**  
9950 WESTPARK DR. SUITE #426  
HOUSTON TEXAS 77063  
(281) 404-4438 (281) 253-4849  
**FIRM NO. 18844**

# UDC Section 21.5.11.D Criteria for Approval

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

The subject property is designated as Highway Commercial and Single Family Residential. The Highway Commercial land use designation is intended for regional scale retail and commercial uses located at major highway intersections that can take advantage of the highway frontage. The subject property's location along IH-35 N Access Road is ideal for taking advantage of the highway frontage. Single Family Residential land use designation is intended for a mix of residential with some commercial uses that support the daily activities of development.



Commercial Campus

Highway Commercial

Single Family Residential

## UDC Section 21.5.11.D Criteria for Approval

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

General Business District (GB) is intended to provide suitable areas for the development of non-residential uses that may include retail and service establishments that are generally oriented toward serving the overall needs of the community and are usually located along principal transportation corridors. The proposed developments' location along IH-35 N Access Road allows for the development to take advantage of IH-35 traffic and surrounding neighborhoods for business.

## UDC Section 21.5.11.D Criteria for Approval

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

The proposed development is surrounded by adjacent General Business District zoning and is compatible with the existing development. The proposed convenience store with gas pumps will be required to meet all current City of Schertz site development standards stipulated in Article 9. Article 9 is in place to ensure adverse effects of development are minimized and mitigated on neighboring properties.

## UDC Section 21.5.11.D Criteria for Approval

**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.**

The proposed development is proposing two points of access along IH-35 N Access Road which is a one-way road. All proposed access points will be reviewed by the City of Schertz Engineering department and the Texas Department of Transportation.

**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.**

Access to the subject property will be along IH-35 N Access Road. The proposed access points will be reviewed by the City of Schertz Engineering department and the Texas Department of Transportation.

## UDC Section 21.5.11.D Criteria for Approval

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

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

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

The proposed development will have to meet all dimensional and design requirements of the General Business District as mentioned in UDC Section 21.5.7. No variations to the requirements have been requested.

## UDC Section 21.5.11.D Criteria for Approval

**8. The proposed [use] promotes the health, safety or general welfare of the City and the safe, orderly, efficient and healthful development of the City. As part of promoting health, safety and welfare, the City should encourage development compatible with surrounding uses utilizing standards and transitional uses to alleviate negative impacts.**

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 General Business District zoning of the adjacent surrounding properties, the location of the subject property on IH-35 N Access Road, and all access to the subject property being from IH-35 N Access Road, the proposed convenience store with gas pumps would not pose an adverse impact on adjacent properties.

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

This does not impact the first reading from Council.

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

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

# P&Z Recommendation

- The Planning and Zoning Commission conducted a public hearing on November 15, 2023, and offered a recommendation of approval with the condition that a building permit is issued within two (2) years of the SUP ordinance approval.

# Staff Recommendation

- Staff recommends approval of the Specific Use Permit to allow a convenience store with gas pumps at the subject property conditioned upon the following:
  1. A building permit is approved within two years of the adoption of the SUP Ordinance.

# COMMENTS & QUESTIONS