

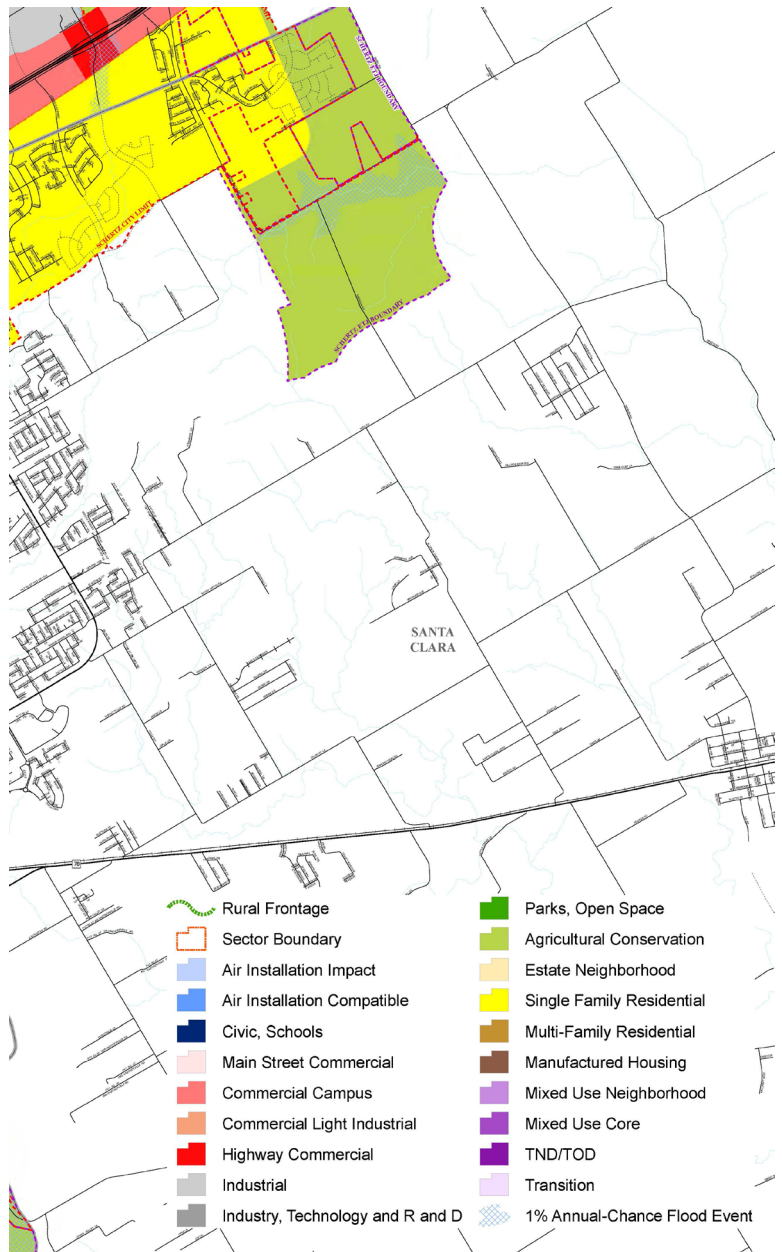
# SCHERTZ GATEWAY PROJECT

A MATTER OF PERSPECTIVE: CHALLENGING INTERPRETATIONS IN PLANNING & ZONING.

## ZONING FOR SINGLE FAMILY RESIDENTIAL

USE OF:  
"MIXED  
RESIDENTIAL  
USE"





# Zoning & Planning Misinterpretation of wording

## **“Mix of Residential Uses” does not mean apartments, multi-family or Mixed Use Area in Single Family Residential areas:**

Zoning Code 21.5.5 explicitly defines a single-family residential area as consisting only of single-family detached dwellings. Not surprisingly, it does not include the term “mix of residential uses” within this classification. This omission implies that the zoning regulations strictly restrict the type of residential structures allowed in these areas, limiting them exclusively to single-family detached homes. The absence of the term “mix of residential uses” underscores the intention to maintain the homogeneity of single-family residential neighborhoods.

### **COMP PLAN DEFINITION:**

The Planning and Zoning Staff are interpenetrating “Mix of Residential Uses” in the Single Family Residential comp plan definition solely as apartments which leads to confusion and a feeling of deception within the community. This is because the term “apartments” or “multi-residential” already has a clearly defined meaning in the UDC. By Planning and Zoning Staff limiting the concept of a “mix of residential uses” to just apartments, the City is overlooking other types of residential developments its actually intended to define such as mother-in-law suites.

Applying the term “mix of residential uses” to include apartments, multi-family units and Mixed-Use Districts would essentially redefine the classifications of R-1, R-2, R-3, R-6, and R-7 as representing Single Family Residential, Apartments, and Multi-Family and Mixed-Uses District housing types all in one. This would introduce a significant change in how residential areas are categorized and regulated, potentially impacting zoning regulations, land use planning, and overall urban development strategies. Such a broad interpretation of the term would require careful consideration of the implications and potential consequences for communities and local governments. There would be no need for Apartments/Multi-Family or Mixed-Use Developments to have there own definition in the Zoning Ordinance.

When the City of Schertz intentionally creates ambiguity in the definitions of its ordinances, it raises concerns about its transparency and true intentions. By leaving room for wide interpretation between the Comp plan and City Zoning Ordinance definitions, the city can manipulate the application of these ordinances to suit their needs, potentially leading to deceptive practices. This lack of clarity not only undermines the trust of the community but also makes it difficult for residents to fully understand such development plans. Clear and transparent definitions are crucial to ensure that the city’s intentions are genuine and that residents can trust in the fairness and consistency of the Cities leadership.

Consistency between a city's Comprehensive Plan and its zoning code ordinance definitions is crucial for effective urban planning. It is important that the language used in the Comprehensive Plan accurately reflects the current zoning code definitions. For example, if a Single Family Residential comp plan area is described in a way that could include apartments, it can create confusion and lead to mistrust. This inconsistency can result in unintended consequences and undermine the integrity of the city's planning efforts. Therefore, it is essential to ensure that the wording in the Comprehensive Plan aligns with the definitions and intentions of the zoning code ordinance to maintain clarity and avoid ambiguity.

### **Clear and Understandable City Documents for Informed Decision-making**

Creating clear and understandable documents, rules, and ordinances is crucial for cities to provide their residents with the necessary information when deciding where to live. By presenting this information in a clear and concise manner, cities can empower their residents to make informed decisions that align with their needs and preferences. Clear zoning can outline important aspects such as zoning plans, enabling residents to understand the city's zoning areas and how they may impact their daily lives. This transparency fosters trust and confidence in the city's governance, ultimately contributing to a better quality of life for its residents.

The wording "Mix of Residential Uses" in the Single Family Residential definition should not be interpreted as some other type of use such as apartments. It simply means that within the designated single family residential area, there may be a combination of different types of single family homes, such as detached houses. This does not include apartments or multi-family dwellings, mixed-use development, as those fall under a different classification. It is important to understand the specific definitions and classifications used in planning and zoning to accurately interpret and apply them.





# SCHERTZ GATEWAY PDD DEVELOPMENT

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PROPOSAL TO,  
SCHERTZ CITY COUNCIL  
1400 Schertz Parkway Schertz TX

## Planned Development District (PDD)

**Applicability.** The purpose of the Planned Development District is to promote and encourage **innovative** development that is sensitive to surrounding land uses and to the natural environment. If this necessitates varying from available zoning districts, the proposed development should demonstrate community benefits. A PDD should not be used to deviate from the provisions of the UDC in a way that contradicts its intent.

**This re-zoning request is just to avoid the UDC and maximize population density and profits.**

**Glen Outlaw Said: THIS PROJECT IS EXACTLY WHAT CITY COUNCIL WAS AGAINST. THIS PROJECT IS USING THE PDD TO GET AROUND UDC.**

# Content

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# GENERAL BUSINESS

GB is Intended to provide suitable areas for the development of non-residential uses which offer a wide variety of retail and service establishments that are generally oriented toward serving the overall needs of the entire community. These businesses are usually located on appropriately designed and attractively landscaped sites and along principal transportation corridors.

The Schertz Gateway Project area has been classified as General Business, and the residents of Schertz currently have no interest in altering this zoning designation. The implementation of a general business development in this vicinity has the potential to enhance the overall quality of life for the homeowners residing in this area. Given its distance from the main city area, it would be advisable to consider introducing certain services to cater to the needs of this community.

Deviating from the recommended Single Family Residential zoning outlined in the Comprehensive Plan is unnecessary and unwanted. The current zoning already designates this area for Single Family Residential and includes a supporting general business area.



To access services in Schertz or New Braunfels, it requires a minimum travel time of 15 minutes from the Homestead, Cypress Point, and Parklands areas.



The developer, Ocotillo Capital Partners had knowledge of the zoning regulations designating this area for general business purposes.

## SERVICES NEEDED

Encouraging residents to travel to New Braunfels or Schertz for general services will further burden the taxed traffic system, leading to increased congestion and potential transportation issues.

Based on the attendance at the Zoning Commission meeting and the responses received by mail, it is evident that 98% of the residents you serve are in favor of keeping the area as a general business zone.

**98% of residence in  
area want it to  
remain General  
Business.**

## ZONING AND PLANNING NEED TO KEEP GB IN THIS AREA

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The intersection of Frontage Rd. and Schwab Rd. offers a prime location to boost local businesses in the area. Additionally, the City's plans to expand along Eckhardt Rd. for zoned apartments could bring benefits for GB beyond the existing residents.

Home furnishing stores, art galleries, museums, beauty salons, barber shops, building material and hardware stores, and more can utilize this area. Additionally, as the city grows, it could also serve as a location for a combined fire and police station. This would help decrease response time for fire emergencies and provide a space for police officers to carry out administrative tasks, detain prisoners, conduct community outreach programs, refuel vehicles, and more.

The potential for a General Business development to diverge from the typical chain stores commonly found at I35 exits is significant. Given its strategic location near a highway and major transportation routes, this area has the potential to generate additional tax revenue from travelers commuting between Schertz, San Antonio, New Braunfels, and Austin.

# Criteria for Approval - 21.5.10. F

**1: Does the PDD implements the policies of the adopted Comprehensive Land Plan? NO**

**21.5.5- Apartments: should not be located in areas where they would increase traffic through single-family neighborhoods. This PDD is attempting to circumvent zoning rules.**

**2: Does the PDD promote health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City. NO**

**The increase in vehicular traffic along Froboese and Eckhardt will disrupt the general welfare of the residents. When traffic is congested, residential streets like Cypress Point are used as shortcuts, further exacerbating the problem. Additionally, the traffic at Frontage Rd and Schwab will lead to longer wait times and increased congestion. There is no intention of improving area roads to accommodate this increase in traffic.**

**Furthermore, the presence of over 2000 additional residents in this locality will place an excessive strain on the City's services, necessitating the reliance on neighboring cities for assistance through mutual aid.**

**3: Does the extent to which the proposed PDD will result in a superior development than could be achieved through conventional zoning.**

**This PDD serves as a means to circumvent the UDC and create extensive apartment complexes, paving the way for the transformation of Frontage Rd into another San Antonio-like apartment area.**



The residential neighborhoods along Cypress Point, Kingswood St, Winged Elm, Forest Oak, and Falling Oak may experience a potential rise in traffic flow, indicated by the color red.

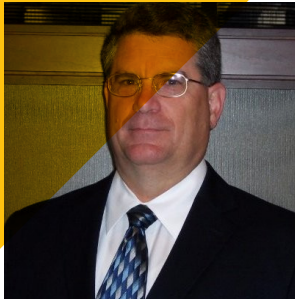
# ZONING COMMISSIONERS



## GLEN OUTLAW ZONING CHAIR

NOV 15TH 2023:

“DEVELOPERS ATTEMPT TO MAXIMIZE THERE PROJECT INVESTMENT BY USING THE PDD TO GET AROUND UDC”  
CITY COUNCIL WORKSHOP ON PDD - THIS PROJECT IS EXACTLY WHAT THEY WERE AGAINST. THIS PROJECT IS USING THE PDD TO GET AROUND UDC.



## RICHARD BRAUD

*Where is the representation and why have public hearings ?*

NOV 15TH 2023:

“I HAVE BEEN SITTING ON THIS COMMISSION FOR I DON’T KNOW 12 YEARS. I HAVE BEEN LIVING IN SCHERTZ FOR 25 YEARS. AND JUST ABOUT ALL YOUR COMPLAINTS WERE THE SAME COMPLAINTS THAT HAPPENED AT CYPRESS POINT, HOMESTEAD, PARKLANDS, RYAN VALLEY, CROSSVINE, MISTY OAKS AND JUST ABOUT EVERY DEVELOPMENT THAT’S HAS BEEN BUILT IN THE LAST 25YRS OR SO. ITS THE EXACT SAME COMMENTS. I HEAR YOU BECAUSE I HAVE A GENERAL BUSINESS LOT BEHIND MY HOUSE. I AM NOT TO EXCITED ABOUT IT, BUT ITS THERE. AND I BOUGHT MY HOUSE KNOWING THAT. SO I AM GOING TO HAVE TO LIVE WITH WHATEVER POPS UP BEHIND MY HOUSE. BUT I HEAR YOUR CONCERNS BUT THEY HAPPEN ON EVERY DEVELOPMENT. YOU ALL MENTIONED YOU MOVED TO SCHERTZ BECAUSE YOU LIKED IT HERE. YOUR HOUSE WASN’T HERE AT ONE POINT... DEVEL-OPMENTS LIKE THIS MIGHT NOT BE IDEAL. BUT IF THIS WASN’T SCHERTZ CITY LIMITS AND IT WAS COMAL COUNTY. YOU HAVE NO SAY WHATS SO EVER. NEITHER DOES THE CITY. THE COUNTY HAS NO ZONING LAWS. YOUR FORTUNATE THE CITY IS HERE TO HELP GUIDE DEVELOPMENT. WE HAVE HEARD IT ALL BEFORE AND DEVELOPMENT RESOLVES THOSE KINDS OF PROBLEMS. “

# COMPREHENSIVE LAND PLAN

The Comprehensive Land Plan, as amended, serves as the community's blueprint for future development by providing guidelines for the appropriate location, concentration, and intensity of future development by land use categories.

**The zoning commissioners appear to think that the developer holds more influence over the comprehensive plan than the city does.**

City staff and the Planning and Zoning Commission have the duty to evaluate if the development aligns with the City's goals and objectives as outlined in the City's Plan. This project does not.

**This PDD doesn't keep in line with the goals in this area for General Business or Single Family Residential.**



## COMMUNITY INPUT

### ZONE COMMISSIONERS DISMISSIVE

The Commissioners and City express their indifference towards the opinions and desires of the people of the community, stating that they have already heard it all before. **It appears deceptive to hold a public hearing that ultimately carries no significance or influence.**

If, for a period of 12 years, a significant number of individuals have consistently expressed their opposition to the construction of apartments in Schertz during public zoning commission meetings, it raises concerns about the motives behind the continued approval of such projects by the Zoning Commission and City Council. This situation could be perceived as either negligent or deceptive, as it suggests a lack of consideration for the community's input. If the Commission and Council show no genuine interest in the opinions and concerns of their constituents, the public hearing becomes nothing more than a superficial display.

**RICHARD BRAUD SAID HE MOVED TO HIS HOME KNOWING THE PROPERTY BEHIND HIM WAS ZONED FOR GENERAL BUSINESS. THESE AREA RESIDENCE ALSO MOVED IN KNOWING IT WAS ZONED FOR GENERAL BUSINESS WITH A PLAN FOR SINGLE FAMILY RESIDENTIAL.**



# Ocotillo Captial Partners

## PROJECTS

The City exerts its jurisdiction and for which one or more permits are required to initiate, continue, or complete the endeavor.



### SECTION: 21.4.3 Posted Notice

POSTED NOTICE for zoning change shall be placed in area 11 days prior to the scheduled public hearing and shall remain posted during the course of the public hearing, until such time that final action as been taken on the permit application. **The notices were removed after the Zoning Commission hearing and are still down as of 1/1/2024 violating city ordinances.**



### City Council

**The City Council expressed their disapproval of using the PDD as a loophole to bypass the UDC, and this project precisely does that. It utilizes the PDD to alter the height restriction from 35ft to 45ft, while also allowing a mere 5ft setback for what are essentially apartments disguised as town homes. Moreover, it fails to allocate space for a sidewalk along Frobores and presents additional concerns.**



### Commission Chair

**Area III to dense in Zoing Commission Chairs opinion during the zoning meeting.**



### 21.1.8 Violations and penalties

Any person, firm, or corporation who shall violate any of the provisions of this UDC, or fails to comply therewith, or who shall violate or fail to comply with any order or regulation made hereunder is deemed guilty of a misdemeanor

# COMPREHENSIVE LAND PLAN

## Why Should Communities Plan

When a city such as Schertz engages in long-range planning, it has decided to take some measure of control over its destiny rather than standing still and reacting to change. In Schertz's case, the results of previous planning efforts are reflected in very tangible accomplishments across the community that was achieved through dedication and commitment to a shared vision.

The planning process involves major community decisions about how much and where the City will grow, what the nature of that growth will be, and whether the community can afford to provide the necessary public services and facilities to support this growth.

**Neglecting to consider these decisions renders the expenditure of time and money on them futile. It is misleading to inform the community that you have a plan, only to deviate from it at every opportunity.**

In 2001, the City Council established a set of zones that outline the expectations for all residents of the city. These zones reflect the shared vision of local leaders and residents to create a community that is attractive for living, working, and raising a family.

# INCREASED TRAFFIC FLOW

## Sec. 21.14.7. Traffic Impact Analysis

**Application Requirements.** Every application for development within the City or its ETJ shall be accompanied by a Traffic Impact Analysis (TIA) Determination Form provided in the Development Manual. The TIA Determination Form shall be utilized to determine if a TIA is required. **HAS SUCH TIA BEEN SUBMITTED ?**

# Mid-Day Traffic Schwab / Frontage DEC 2023



# PARKING

## AREA II

At the public hearing the developer representative said there would be 1 parking space per bedroom.

Without the Planned Development District (PDD), each unit in Area II would need two parking spaces. This is why they are attempting to circumvent the Unified Development Code (UDC). If only 518 spaces are allocated, it is logical to anticipate the need for an additional 518 spaces for the second vehicle, which is commonly owned by most families in Texas.

**500 additional cars would need 4,000ft or 1 mile of street parking.**

## AREA III

Parking for 299 apartments in Area III has not been taken into consideration. The only way to access Area III from there would be either through Froboese to Eckhardt and the residential neighborhood or Schwab Road.

# PLANNED DEVELOPMENT DISTRICT NEEDED OR SCAM?

The purpose of the PDD is to promote and encourage innovation development that is sensitive to the surrounding land uses and to the natural environment. Sec. 21.5.10

**Schertz Gateway lacks innovation and is nothing more than a typical apartment complex that can be found anywhere.**

Planning and Zoning may be ignoring this section as it lacks innovation, disregards the impact on the surrounding neighborhood (with no plans to mitigate increased traffic), and requires the redirection of natural water sources to the designated area.

The proposed development differs from the existing zoning districts (GB) and/or Comp Plan Single Family Residential. The developer has not provided evidence of any community benefits associated with this project. It seems that their main objective is to maximize the number of apartments in a single area by utilizing the PDD. It appears that the Zoning and Planning department is supporting this approach.

**21.5.10  
A PDD SHOULD NOT BE USED TO  
DEVIATE FROM THE PROVISIONS  
OF THE UDC IN A WAY THAT  
CONTRADICTS ITS INTENT.**

# PDD

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Apartments shall be not higher than 35ft. Parking spaces per unit is minium of 2.

Apartments : The maximum density shall be twenty-four (24) units per acre. **Apartment/Multi-Family Residential Districts should not be located in areas where they would increase traffic through single-family neighborhoods** and should be located adjacent to arterial streets with sufficient capacity to carry the increased traffic generated. Multi-family developments are suitable buffers between single-family districts and commercial uses. Multi-family districts should be buffered from non-residential land uses and from pollution sources and environmental hazards. Twenty percent (20%) of the total platted area shall be provided as common, usable open space.

**The UDC mandates the presence of buffers between apartments and general business areas. However, this project's PDD aims to remove this zone, thereby bypassing UCD regulations.**

# MIXED USE PLANNED DEVELOPMENT DISTRICT

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**What Is a Mixed Use Building in Texas and across the country:**

A mixed use building is one that is partly occupied by residential uses and partly occupied by commercial and/or community facility uses. In a nutshell, a mixed use building is a single building housing three or more revenue-producing ventures such as housing, office, commercial, recreational or industrial spaces. For example, it is common for Texas mixed use buildings to include retail shops and restaurants on the first floor and offices and residential areas on the upper floors.

## CITY OF SCHERTZ PROJECTS

### Cost of Living

During the presentation, the zoning staff highlighted the rise in home prices and suggested that building apartments would address the need for affordable housing. However, this assertion is not based on factual information.

Schertz currently has an excess of unoccupied residential properties, including both homes and apartments, in the local area and nearby communities.

The price for renting these apartments is likely to be as high as the monthly mortgage payments. The present monthly payment for a 30-year fixed mortgage on a \$400,000 home purchase is approximately \$2,049 with an interest rate of 6.625%.

### OCOTILLO CAPITAL PARTNERS

THEIR APARTMENTS IN AUSTIN FOR A 1 BATH 1 BED AT 608sq FT IS \$1407.00

THEIR APARTMENTS IN AUSTIN FOR A 1 BATH 3 BED AT 1485sq FT IS \$2599.00

Schertz, a regional community, is greatly influenced by the cities that surround it. The days of relying solely on local methods, such as building more apartments, to lower housing costs are long gone for this once small town.

# Gateway

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## Deception by Omission

During a public meeting, a member of the City Council expressed their belief that by keeping the language of the regulations ambiguous, the City would have the freedom to construct apartment buildings in any location of their choosing.

## Defending Zoning Rules

The City of Schertz must not shy away from defending its Zoning Codes in court, as doing so would enable developers to disregard the City and its residents. In the event of a court failure, it is imperative to improve the existing codes for better outcomes.

## Cities Failure in Apartment Zoning

The City of Schertz has been given more than 12 years to consider the location and method of establishing apartment / multi-family zones, as well as determine if there is a necessity for them. It is unreasonable for the City to shift the blame onto its citizens for its failure to devise a plan. Instead, the City should conduct research on how to make these areas more agreeable to the community, and if unsuccessful, reconsider implementing such changes.

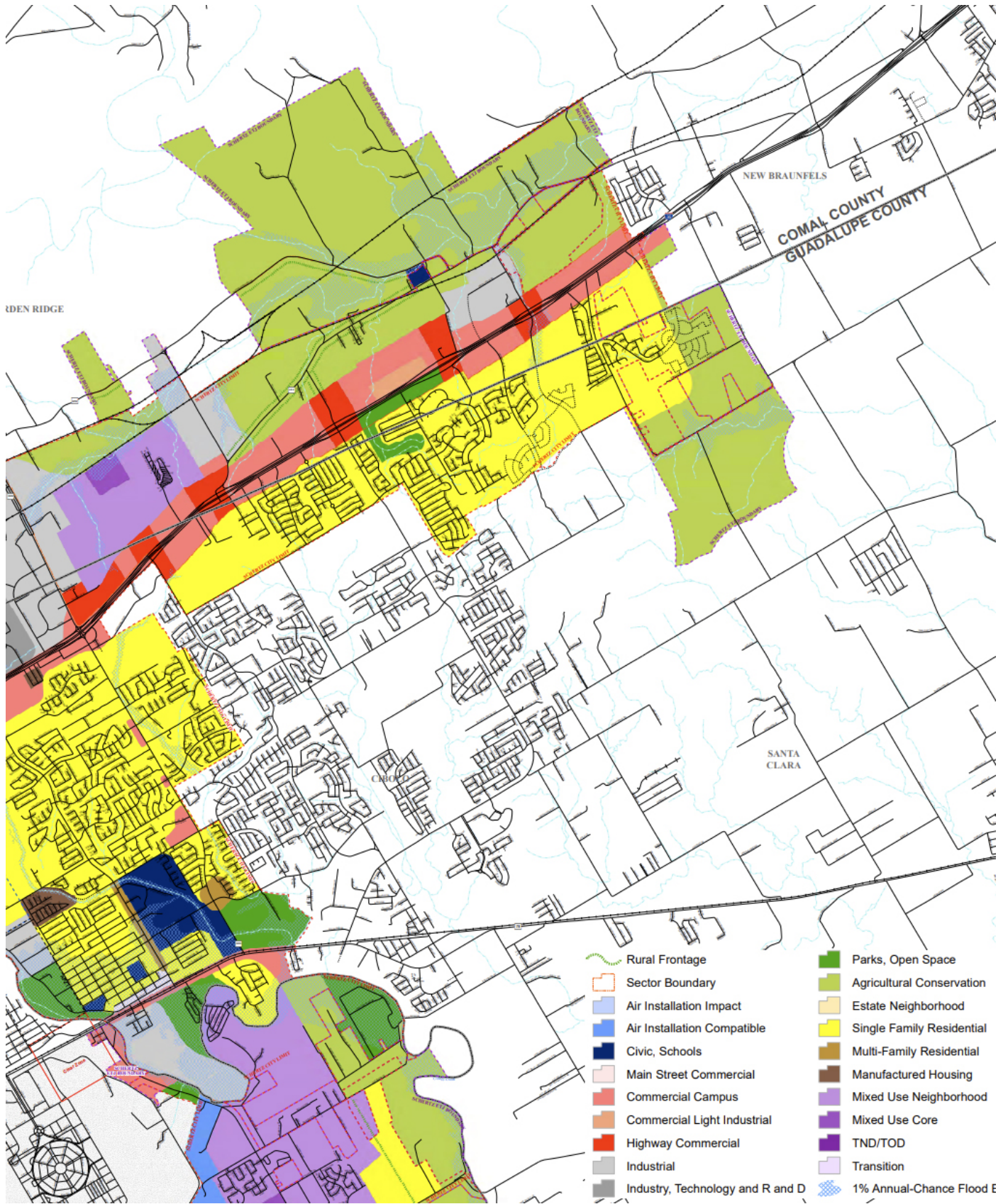
# Gateway

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## Standards

**The City of Schertz should strive for higher standards instead of seeking loopholes to bypass City Zoning Ordinances. In response to a request for communication records regarding this project, the City forwarded it to their City Attorneys and ultimately to the Texas Attorney General in order to avoid disclosing the requested information.**





CYPRESS POINT HOA

HONESTY IN GOVERNMENT

**UN BIAS  
GOVERNMENT**