

# Ordinance 24-S-13

Request for a Specific Use Permit for Portable Building  
Sales on 11.7 acres

Daisy Marquez | PLANNER

# Proposed: Specific Use Permit for Portable Building Sales



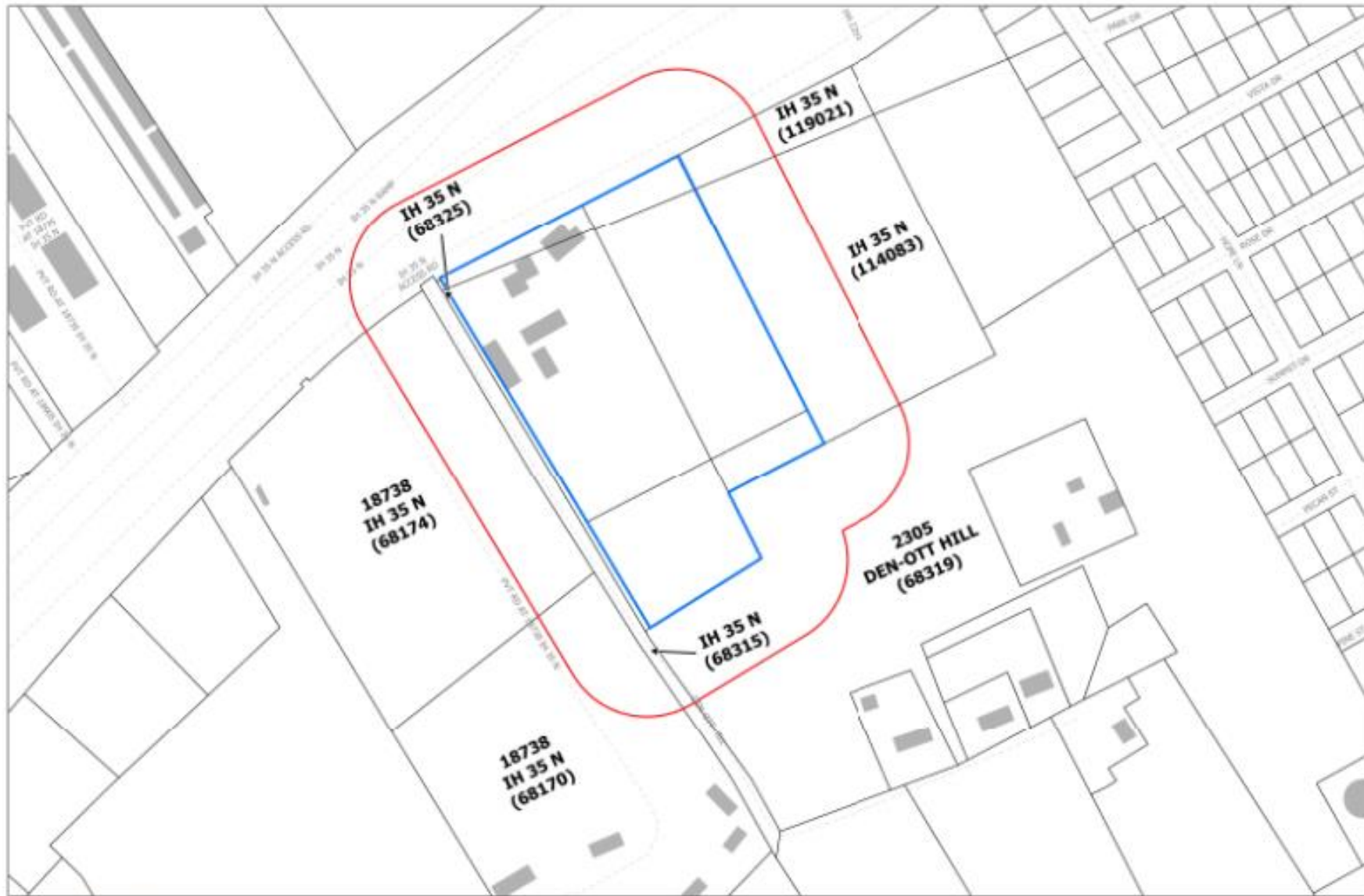
**SCHERTZ**  
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18780 IH 35 N, UNIT 11  
(PLSPU20240009)

<ul style="list-style-type: none"> <li>Highways</li> <li>Major Roads</li> <li>Minor Roads</li> </ul>	<ul style="list-style-type: none"> <li>Freeway</li> <li>Principal Arterial</li> <li>Planned Principal Arterial</li> <li>Secondary Arterial</li> <li>Planned Secondary Arterial</li> <li>Secondary Rural Arterial</li> </ul>	<ul style="list-style-type: none"> <li>Planned Secondary Road Collector</li> <li>Planned Residential Collector</li> <li>Planned Residential Collector B</li> <li>Commercial Collector A</li> <li>Planned Commercial Collector A</li> </ul>	<ul style="list-style-type: none"> <li>1"</li> <li>2"</li> <li>3"</li> <li>4"</li> <li>6"</li> <li>8"</li> <li>10"</li> </ul>	<ul style="list-style-type: none"> <li>10"</li> <li>12"</li> <li>15"</li> <li>18"</li> <li>24"</li> <li>30"</li> <li>36"</li> <li>48"</li> <li>Unknown</li> </ul>	<ul style="list-style-type: none"> <li>Schertz Gravity</li> <li>Schertz Pressure</li> <li>Neighboring Gravity</li> <li>Private Pressure</li> </ul>	<ul style="list-style-type: none"> <li>Intersect</li> <li>Perforated</li> <li>OWM US Station</li> <li>Private US Station</li> </ul>	<ul style="list-style-type: none"> <li>Schertz US Station</li> <li>OWM US Station</li> <li>Schertz Treatment Plant</li> <li>County Sewerlines</li> <li>Schertz Manager Boundary</li> <li>CTI</li> </ul>
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0 50 100 200 300 US Feet

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**City of Schertz**

18780 IH 35 N, UNIT 11  
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 Project Area

 200' Buffer



0 100 200 400 600 800 US Feet

- February 21, 2024 a total of 7 Public Hearing Notices were sent out.
- Responses Received:
  - 0- Opposition
  - 0- In Favor
  - 0- Neutral
- 2 Signs were posted on the property.
- March 6, 2024 Planning and Zoning Commission held a public hearing.

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	<b>Existing Zoning</b>	<b>Land Use</b>
<b>North</b>	Right-of-Way	IH-35 N Access Road
<b>South</b>	General Business District (GB) & Single-Family Residential/Agricultural District (R-A)	Vacant
<b>East</b>	General Business District (GB) with an approved SUP for convenience store with gas pumps	Vacant
<b>West</b>	Private Right of Way	Den-Ott Hill Private Road

# Proposed SUP

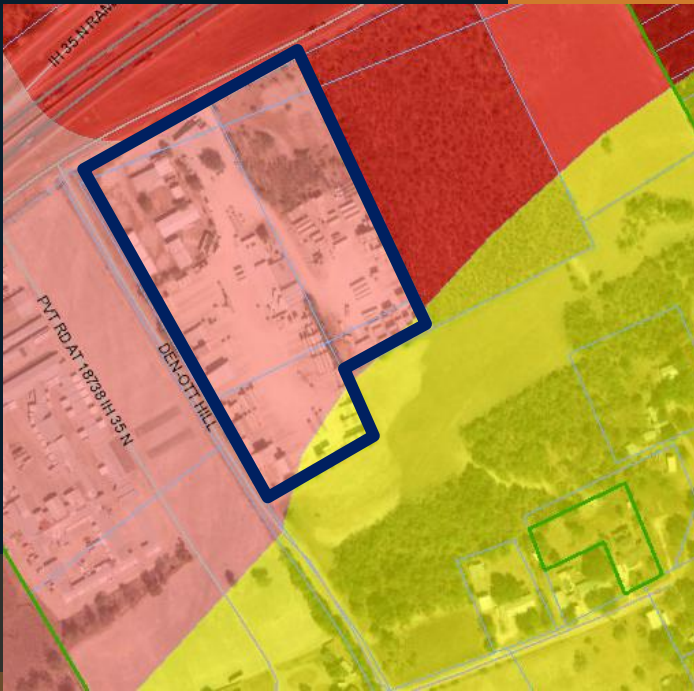
- The applicant is requesting a Specific Use Permit for approximately 11.7 acres of land to allow portable building sales within the General Business District-2 (GB-2) . The applicant is also requesting a zone change to General Business District-2 (GB-2) in addition to the Specific Use Permit.
- As per Unified Development Code Section 21.5.8, a Specific Use Permit is required for Portable Building Sales in General Business District-2 (GB-2).
- Per the letter of intent submitted with the application, the applicant desires to bring the property's current nonconforming land use of Portable Building Sales in General Business District (GB) into conformance with the Unified Development Code.
- Although the land use would no longer be nonconforming if the zone change and the Specific Use Permit are approved, the applicant would still need to plat the property, provide improvements, submit a site plan, demonstrate compliance with the Unified Development Code, and receive a certificate of occupancy.



# 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 proposed Specific Use Permit to allow portable building sales does not meet the intent of the Comprehensive Land Use Plan (CLUP).
- The current Comprehensive Land Use Plan designates the subject property as Commercial Campus with Single Family Residential at the rear of the property.
- The Commercial Campus land use designation is intended to encourage the development of lower intensity commercial and office uses as a buffer between IH-35 and adjoining neighborhoods. Single Family Residential is intended for a mix of residential with some commercial activities that support the daily activities of development.



Commercial Campus

Single Family Residential

# **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 requested Specific Use Permit to allow portable building sales on the subject property is a use that does not meet the intent of lower intensity commercial and is not a compatible transitional use from IH-35 N Access Road to the neighborhood.**
  - The requested Specific Use Permit additionally requires a zone change to General Business District-2 (GB-2). The uses allowed within General Business District-2 (GB-2) are not compatible with the intent of the Comprehensive Land Use Plan land use designations.**

# 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.

- The subject property is currently zoned General Business District (GB). General Business District 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 routes.
- Portable building sales requires a Specific Use Permit in the General Business District-2 (GB-2), thus there is a zone change application accompanying the Specific Use Permit application. Portable Building sales is permitted by right in Manufacturing District Light (M-1).
- General Business District-2 (GB-2) is intended to provide suitable areas for the development of non-residential and light industrial uses that offer a wide variety of retail and service establishments oriented toward serving the community and are appropriately designed with attractive landscaping, along principal transportation corridors.
- Although the property is located along IH-35 N Access road, the light industrial uses within the GB-2 zoning that is being requested with the Specific Use Permit is not compatible with the surrounding area.

## **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 Portable Building Sales use is not compatible with and does not preserve the integrity and character of adjacent development and neighborhoods. With recently approved zone changes and current active developments, the area of IH-35 N Access Road from Cibolo Valley Drive to FM 2252 is actively transforming into a corridor that provides services with retail, restaurants, and commercial that serves the local existing and new residential developments.**
- The business is currently stacking portable buildings on top of each other and each portable building can range from 8 feet in height minimum to 20 feet in height.**
- Additionally, the property would need to prove compliance with Unified Development Code Section 21.8.9 for general outdoor storage, which requires that general outdoor storage be a maximum of 20-feet in height, be completely enclosed or moved to the rear of structure, and in no event be visible from public right-of-way.**
- Additionally, the subject property does not meet the requirements of Unified Development Code Article 9 - Site Design Standards and Article 10, due to the use of prohibited fence material, and unpaved surfaces.**

## Existing Conditions



# Existing Conditions



## Existing Conditions



# Existing Conditions



# 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 portable building sales use currently uses access along IH-35 N Access Road, which is a one-way road, for their existing business. Any new proposed access points along IH-35 Access Road 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 is along IH-35 N Access Road, which is a one-way road. Any new proposed access points along IH-35 Access Road 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.**

- If the zone change to General Business District-2 (GB-2) and the Specific Use Permit to allow portable building sales is approved, the subject property will have to meet all site development requirements within the Unified Development Code.
- The adjacent properties to the South and East are zoned General Business District (GB) and are not currently being used for single-family residential. As a result, no additional screening requirements from the subject property to the adjacent properties is required.
- Additionally, all outdoor display and storage requirements in Article 8 of the Unified Development Code will need to be met.

**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 use will have to meet all dimensional and design requirements of the General Business District-2 (GB-2) 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 impact for the safe, orderly, efficient and healthful development of the City. Given the intensity of the requested Specific Use Permit for portable building sales, its incompatibility with the Comprehensive Land Use Plan land use designations, and portable building sales not being an appropriate transitional use, the proposed Specific Use Permit does not promote the safe, orderly, efficient and healthful development of the City.

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

- This does not impact the Planning and Zoning Commission recommendation to City Council.

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

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

# Staff Recommendation

## Staff Recommendation

- Given the intensity of the requested Specific Use Permit for portable building sales, its incompatibility with the Comprehensive Land Use Plan land use designations, and portable building sales not being an appropriate transitional use to the surrounding properties, Staff recommends denial of Ordinance 24-S-13 Special Use Permit for portable building sales.

## Planning and Zoning Commission Recommendation

- The Planning and Zoning Commission held a public hearing on March 6, 2024 and made a recommendation for denial with a 4-2 vote.

# COMMENTS & QUESTIONS