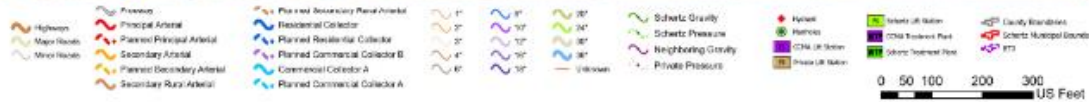


Ordinance 24-S-12

Zone Change from General Business District (GB) to
General Business District-2 (GB-2) 11.7 acres

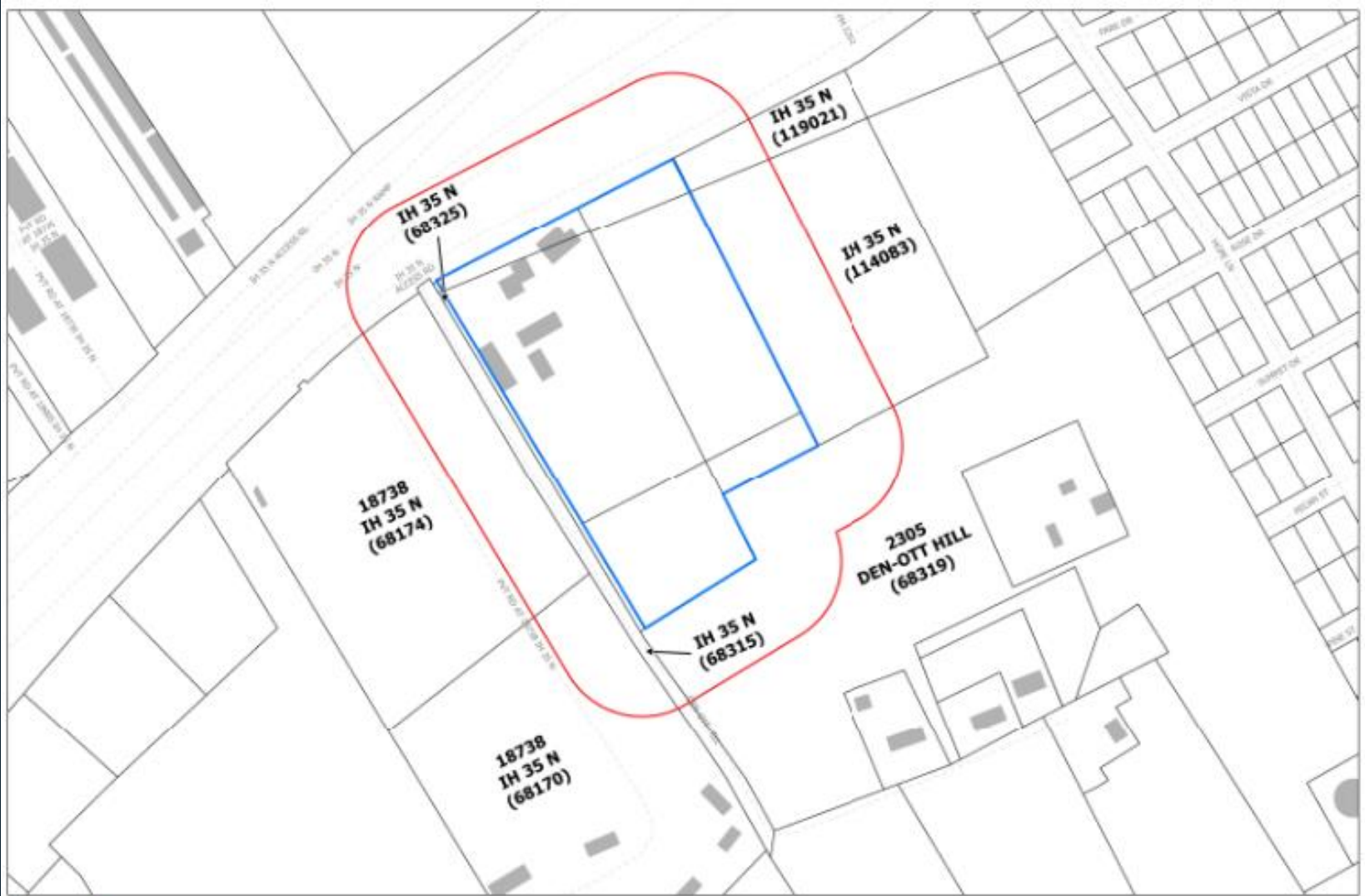
Daisy Marquez | PLANNER

- Existing: *General Business District (GB)*
- Proposed: *General Business District-2 (GB-2)*





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



SCHERTZ
COMMUNITY. SERVICE. OPPORTUNITY

City of Schertz, 300 Sessala, Administrative Center, schertz@schertztx.com (282) 438-2121
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City of Schertz

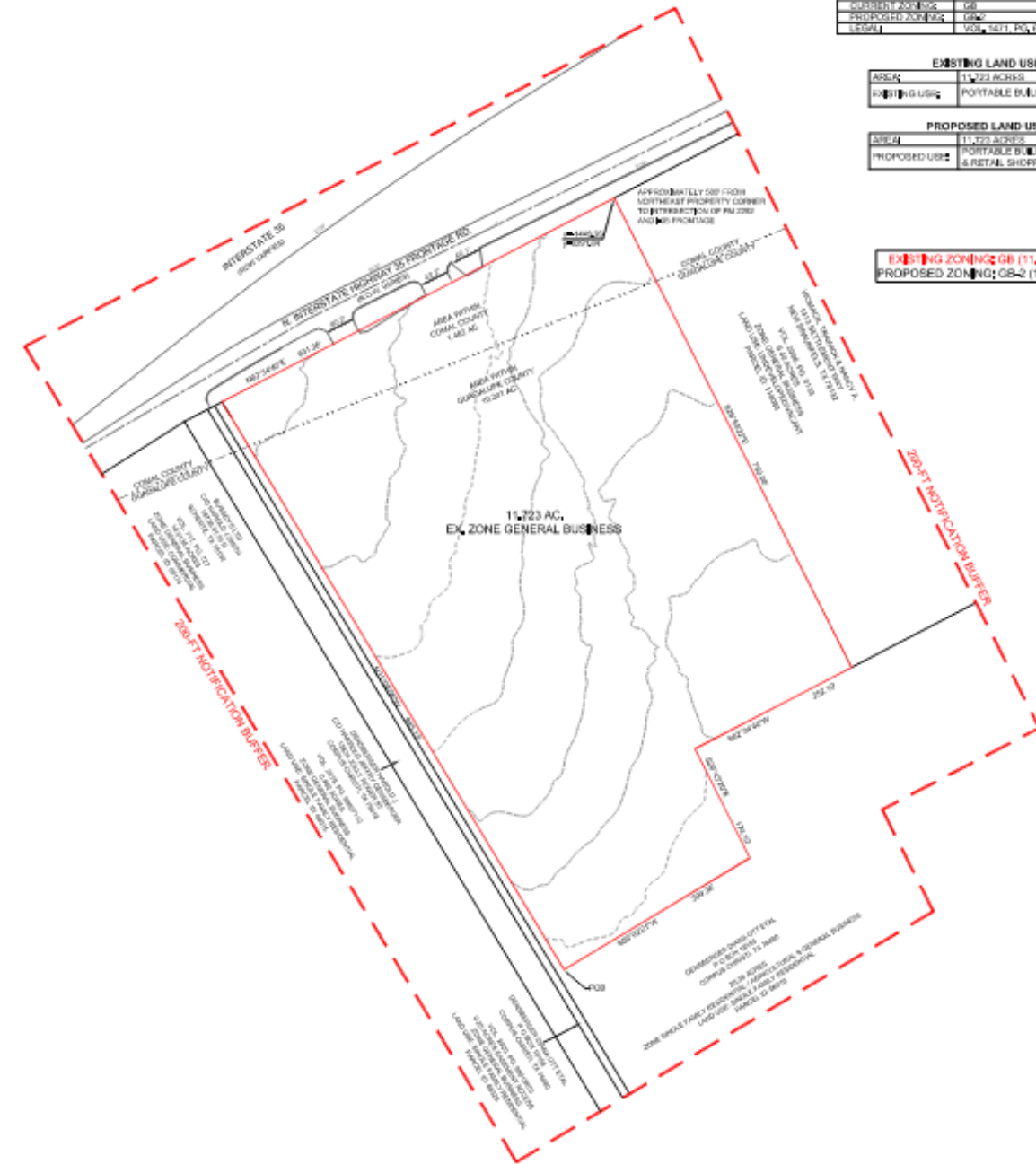
18780 IH 35 N, UNIT 11
(PLZC2024-0007)

-  Project Area
-  200' Buffer



- February 21, 2024 a total of 7 Public Hearing Notices were sent out.
- March 13, 2024, Public Hearing Notice was published in "San Antonio Express."
- 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.

SCHERTZ
COMMUNITY. SERVICE. OPPORTUNITY.



SITE DATA TABLE	
ADDRESS:	11.723
CURRENT ZONING:	GB
PROPOSED ZONING:	GB-2
LEGAL:	103, 141, 10, 101 & 102, 103, 104

GENERAL	
200 FOOT NOTIFICATION BUFFER	---
PROPERTY LINE / EASEMENTS	---
REGISTERED ZONING	---
COUNTY	COMAL
DRAINAGE CONTOUR	---
PROPERTY MEASUREMENT	11.723 AC

EXISTING LAND USE	
AREA:	11.723 ACRES
EXISTING USE:	PORTABLE BUILDING SALES

PROPOSED LAND USE	
AREA:	11.723 ACRES
PROPOSED USE:	PORTABLE BUILDING SALES & RETAIL SHOPPING

EXISTING ZONING: GB (11.723 ACRES)
PROPOSED ZONING: GB-2 (11.723 ACRES)

ADJUSTMENTS	
AREA	11.723 ACRES
ADJUSTMENT	---
ADJUSTED AREA	11.723 ACRES

FLOODPLAIN NOTE:
 ADDRESSING TO FEMA FLOOD INSURANCE RATE MAP NO. 0801020101, DATED 07/19/97, ZONE X AND IS NOT WITHIN THE 100-YEAR FLOODPLAIN.

THOROUGHFARE NOTE:
 THE THOROUGHFARE ALIGNMENT IS SHOWN ON THE EXISTING AND PROPOSED PLANS. IN PLANS, ALIGNMENT DO NOT SET ALIGNMENT. ALIGNMENT IS DETERMINED AT THE TIME OF FINAL PLAN.

APPRAISER & OWNER:
 BOB COOPER LTD
 110 PLUMMER DRIVE
 SAN ANTONIO, TX 78203
 214-343-8008

ENGINEER & SURVEYOR:
 STEPHEN G. COOK, P.E.
 13302 THORNHEDGE LANE
 SAN ANTONIO, TX 78232
 214-494-6533

STEPHEN G. COOK

 ENGINEERING, INC.
 TYPE 11181 NO. F-184
 13302 Thornhedge Lane
 San Antonio, TX 78232
 (214) 494-6533
 www.vgmodel.com

STATE OF TEXAS

 STEPHEN G. COOK, P.E.
 PLANS APPROVED 10/30/2024 @ 10:42AM

ZONING EXHIBIT OF 11.723 ACRE TRACT SCHERTZ, TX
 BEING 11.723 ACRES OF LAND OUT OF THE ROBERT MARTIN & JOHN T. WALKER SURVEY NO. 113, ABSTRACT NO. 414, COMAL COUNTY & ABSTRACT NO. 244, GUADALUPE COUNTY, SCHERTZ, TEXAS.

SCALE: 1"=50'
 DRAWING DATE: 09/06/2024
 PREPARED BY: J.A.J.
 SOCC JOB #: 21883

ZONING EXHIBIT
 SHEET # 01

Proposed Zone Change

- The applicant is proposing to rezone approximately 11.7 acres of land from General Business District (GB) to General Business District-2 (GB-2)
- The subject property is currently used for portable building sales, specifically Mobile Mini.
- Portable building sales is defined as an establishment which factory-manufactures portable buildings, such as manufactured homes and jobsite offices, are displayed and offered for sale, lease, or order to the general public as per Article 16 of the Unified Development Code.
- Per the letter of intent submitted with the application, the applicant desires to bring the property's current illegal nonconforming land use of Portable Building Sales into conformance with the Unified Development Code. Additionally, the applicant is proposing to remodel a vacant building on their property for retail.

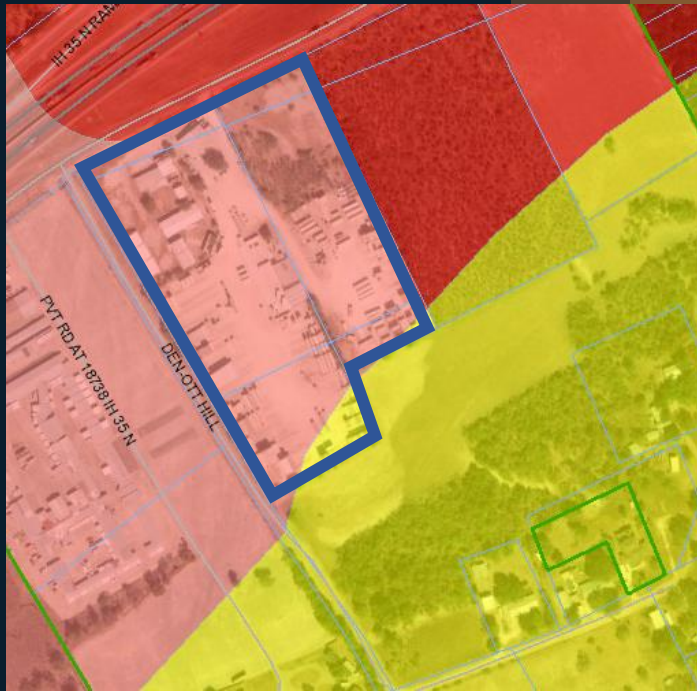
Proposed Zone Change

- UDC Section 21.5.4 states that a Zone Change is required to establish the use of land and the development associated with the proposed zoning classification for the purpose of establishing and maintaining sound, stable, and desirable development.
- The zone change, if approved, with the accompanying Specific Use Permit request, would make the existing land use conform to the Unified Development Code Section 21.5.8. Permitted Use Table, and no longer be a non-conforming use subject to UDC Article 7.
- Although the land use would no longer be nonconforming if the zone change and Specific Use Permit are approved, the applicant would still need to plat their property, provide improvements, submit a site plan, demonstrate compliance with the Unified Development Code, and receive a certificate of occupancy.

UDC Section 21.5.4.D Criteria for Approval

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 proposed zone change does not meet the intent of the Comprehensive Land Use Plan. The current Comprehensive Land Use Plan (CLUP) designates the subject property as Commercial Campus with Single Family Residential at the very 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.
-



Commercial Campus

Single Family Residential

UDC Section 21.5.4.D Criteria for Approval

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. (Continued)

- The proposed zone change from General Business District (GB) to General Business District-2 (GB-2) would allow for more intense land uses that are not compatible with the current nor the proposed Comprehensive Land Use designations for this area.
- More specifically, General Business District -2 (GB-2) permits by right uses like Truck Sales, Heavy Equipment, Welding/ Machine Shop, Nursery, major, general manufacturing/industrial use, and bottling works.
- Additionally, the accompanying Specific Use Permit is to specially allow Portable Building Sales, which would not meet the intent of a harmonious center where services of the local residents are met.

UDC Section 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.

- The proposed zone change does not promote the general orderly and healthful development of the city.
- This portion of the IH-35 N Access Road, from Cibolo Valley Drive to FM 2252, is slowly becoming a corridor that meets the needs of the local community with personal services, restaurants, and retail. There are more appropriate locations for this type of development and proposed use where the land is already zoned for portable building sales.

UDC Section 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 proposed zone change to General Business District -2 is not appropriate with the immediate area of the land to be reclassified.

UDC Section 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;

- The subject property is using an existing on-site sanitary sewer system. During the platting process, the subject property will need to conform to the City of Schertz development requirements in the Unified Development Code.
- The subject property uses IH-35 N Access Road as its frontage and the Texas Department of Transportation has acquired the right-of-way necessary for the TXDOT NEX project.
- The Master Thoroughfare Plan East and West Connector does not affect their property directly, as the alignment has been set by other development, and consequently will affect their neighboring properties.
- Water is available and provided by the Schertz and SSLGC dual CCN on IH-35 N Access Road. Although the site is currently operating with on-site septic, sewer is available and provided by Schertz and CCMA dual CCN, and the development will be required to extend sewer across their frontage to the existing Bussey's lift station. Any plans for sewer extension will be submitted at the time of final plat with their public infrastructure permits.

UDC Section 21.5.4.D Criteria for Approval

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

- No, there have been no environmental or economical changes that warrant the requested zone change.
- The northern portion and majority of the subject property was annexed on April 7, 1981 with Ordinance 81-A-10 and the remainder on February 6, 1990 with Ordinance 90-A-5.
- Portable building sales was established as a use in the permitted use table of the Unified Development Code with Ordinance 06-S-33, the 2006 amendment of the Unified Development Code. The 2006 Unified Development Code stipulates that Portable Building Sales requires a Specific Use Permit in General Business District -2 (GB-2) and General Business District-3 (GB-3) and is permitted in Manufacturing District -Light (M-1).
- Unified Development Code Section 21.7.1.B states that nonconforming uses, lots, and structures shall not be enlarged upon, expanded or extended, and shall be used as a basis for adding other structures or uses prohibited elsewhere in the same district. However, the applicant has been continually expanding the business on the original parcel and onto new parcels without permits.

Expansions



2005



2008



2012

Expansions



2014



2018



2023

UDC Section 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 was no error in the original zoning of this property.

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)

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

UDC Section 21.5.11.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.

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

General Business District (GB)	General Business District-2 (GB-2)
<ul style="list-style-type: none"> • Automobile Repairs and Service, Major (S) • Athletic Stadium, Private (S) • Veterinarian Clinic/Kennel, Outdoor (S) • Truck Terminal (S) • Railroad/ Bus Passenger Station (S) • Rehabilitation Care Facility (S) • Storage or Wholesale Warehouse (S) • Nursery, Major (S) • Flea Market, Outside (S) • Commercial Amusement, Outdoor (S) • Cabinet or Upholstery Shop (S) 	<ul style="list-style-type: none"> • Airport, helipad or landing field • Automobile Repairs and service, Major • Automobile Sales (S) • Athletic Stadium, Private (S) • Bottling Works • Cabinet or Upholstery Shop • Commercial Amusement, outside • Dry Cleaning, Major • General Manufacturing/ Industrial use • Mini-warehouse/ Public Storage (S) • Office Warehouse Distribution Center • Portable Building Sales (S) • Print Shop, Major • Railroad/ Bus Passenger Station • Recycling Collection Center • Rehabilitation Care Facility • Welding Machine Shop • Veterinarian Clinic/Kennel, Outdoor • Truck Terminal • Truck Sales, Heavy Equipment • Storage or Wholesale Warehouse • Stable, Commercial • Nursery, Major

Staff Recommendation

Staff Recommendation

- The proposed zone change to General Business District-2 (GB-2) would allow more intense uses that are not compatible with the surrounding development and is incompatible with the Comprehensive Plan land use designations.
- The existing General Business District (GB) and the permitted uses within General Business District (GB) are more compatible with the surrounding adjacent land uses and the Comprehensive Plan land use designation.

Therefore, Staff recommends denial of Ordinance 24-S-12.

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