

Ordinance 24-S-159

Approximately 3.014-acre zoning to Agricultural District (AD)

A portion of Comal County Property ID: 79004

Emily Delgado | Planning Manager

Background

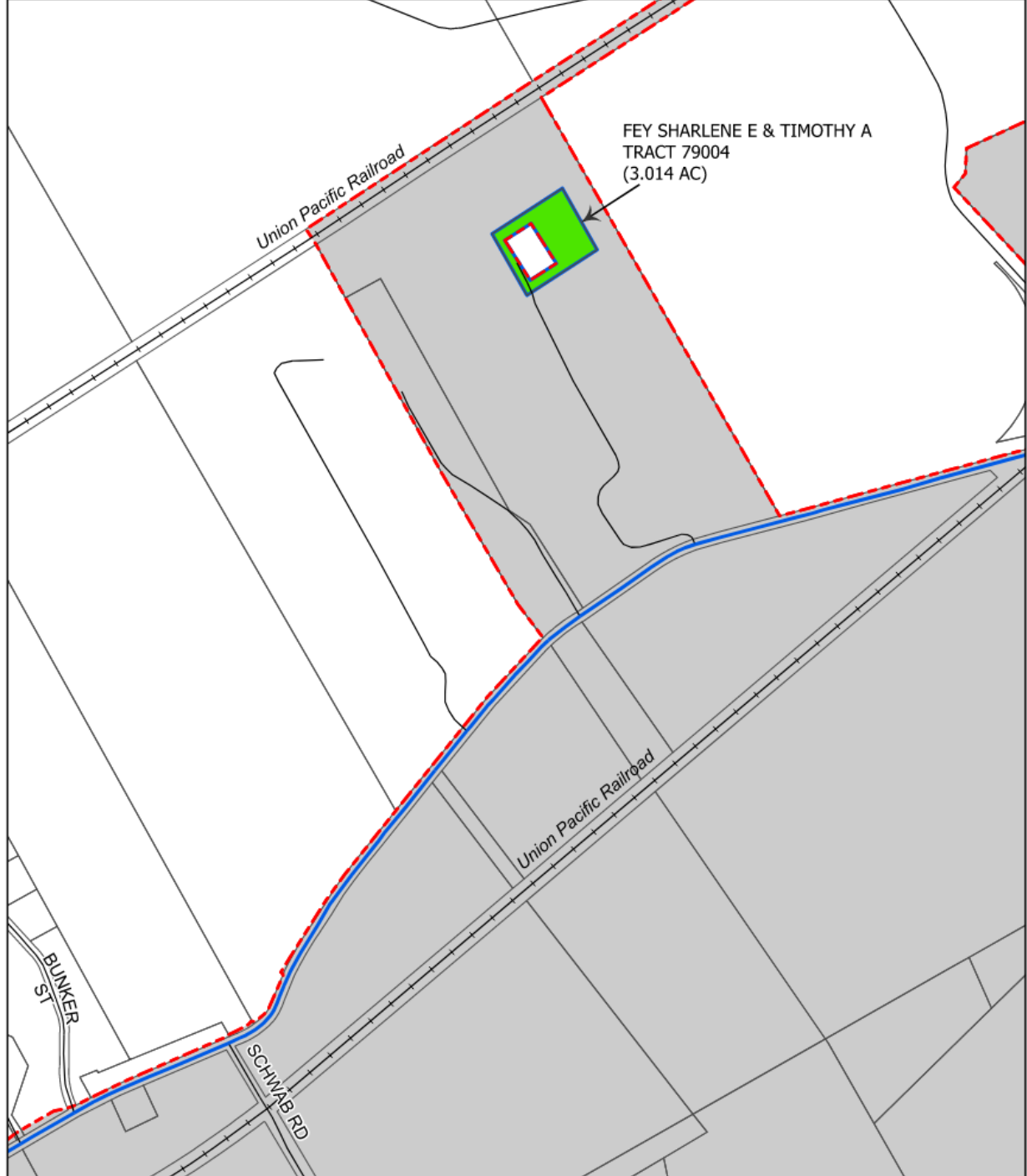
- In July of 2024 the City of Schertz City Council approved ordinances to annex over 3,107 acres into the City of Schertz based on expiring Delayed Annexation Development Agreements. As part of that process, Comal County Property Identification numbers 79004, 79006, and 79009 owned by Timothy A. Fey and Sharlene E. Fey were scheduled to be annexed and zoned.
- However, as part of that annexation effort, City Council approved Resolution 24-R-81 which authorized the approval of a Development Agreement with Timothy A. Fey and Sharlene E. Fey.
- The Fey's own approximately 100.535 acres of property, of which approximately 1 acre is utilized as their homestead and the remainder is used for agricultural purposes.
- As part of the agreement, the property owner authorized the annexation of the agricultural land, while the residential land was to remain in the ETJ.
- Based on the agreement's terms, on July 16, 2024, in addition to approving resolution 24-R-81, City Council also approved Ordinance 24-A-49 and 24-A-50, which annexed Comal County Property IDs 79006, and 79009, or the agricultural tracts.

Background

- However, Comal County Property Identification Number 79004 is only partially utilized for residential. Per the agreement, only 1-acre of the approximately 4.0-acre tract is utilized for residential, while the remaining 3.014-acres is used for agricultural purposes.
- Based on the conditions of the agreement, due to the 3.014-acres not being used for residential purposes, the City is proceeding forward with annexation and zoning of the agricultural portion of Comal County Property ID 79004.
- At the October 15, 2024, City Council meeting, Resolution 24-R-131 was approved accepting the voluntary annexation petition and starting the annexation process.
- The purpose of Ordinance 24-S-159 is to establish a zoning designation for Comal County Parcel ID 79004 while it is going through the annexation process.

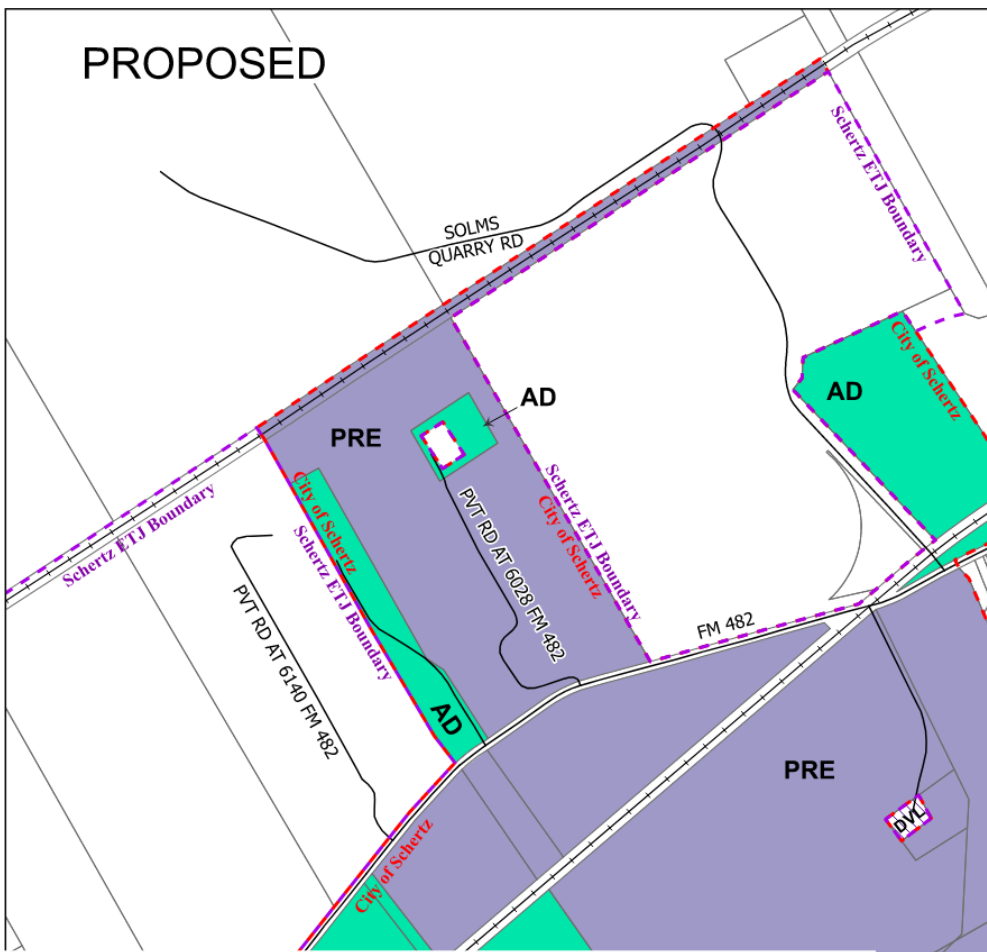
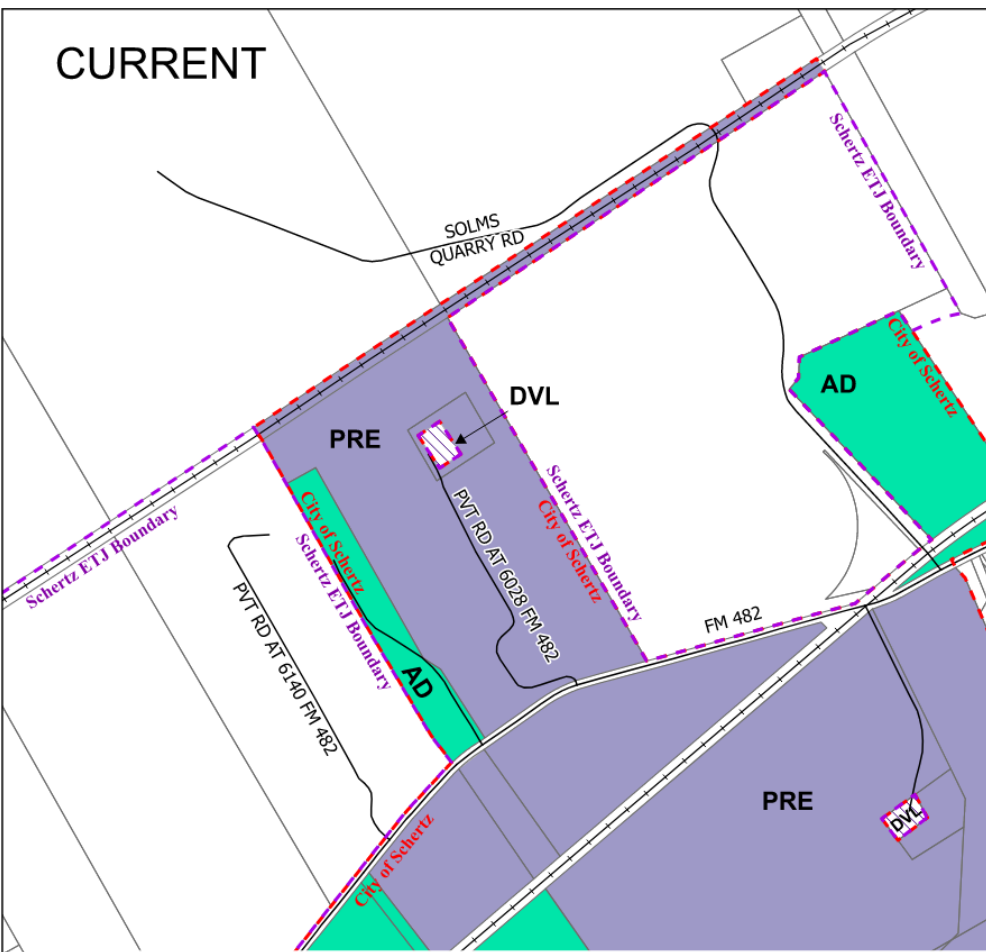


- **Comal County Property ID 79004**
- **4.014 acres**
 - **3.014 acres= Agricultural**
 - **1 acre = Residential**
- **Utilized for agricultural purposes**
- **Currently not in the City limits and is going through the voluntary annexation process.**



CURRENT

PROPOSED



- | | | | | |
|--|--|--|------------------------------|--|
| (PRE) Pre-Development | (R-2) Single-Family Residential | (AD) Agricultural District | (GB) General Business | (MSMU-ND) Main Street Mixed Use New Development |
| (PDD) Planned Development | (R-3) Two-Family Residential | (GH) Garden Home/Single-Family Residential (Zero Lot Line) | (GB-2) General Business II | (M-1) Manufacturing (Light) |
| (PUB) Public Use | (R-4) Apartment/Multi-Family Residential | (TH) Townhome | (NS) Neighborhood Services | (M-2) Manufacturing (Heavy) |
| (R-A) Single-family Residential/Agricultural | (R-6) Single-family Residential | (MHS) Manufactured Home Subdivision | (OP) Office and Professional | (DVL) Development Agreement (Delayed Annexation) |
| (R-1) Single-Family Residential | (R-7) Single-family Residential | (MHP) Manufactured Home Parks | (MSMU) Main Street Mixed Use | <all other values> |

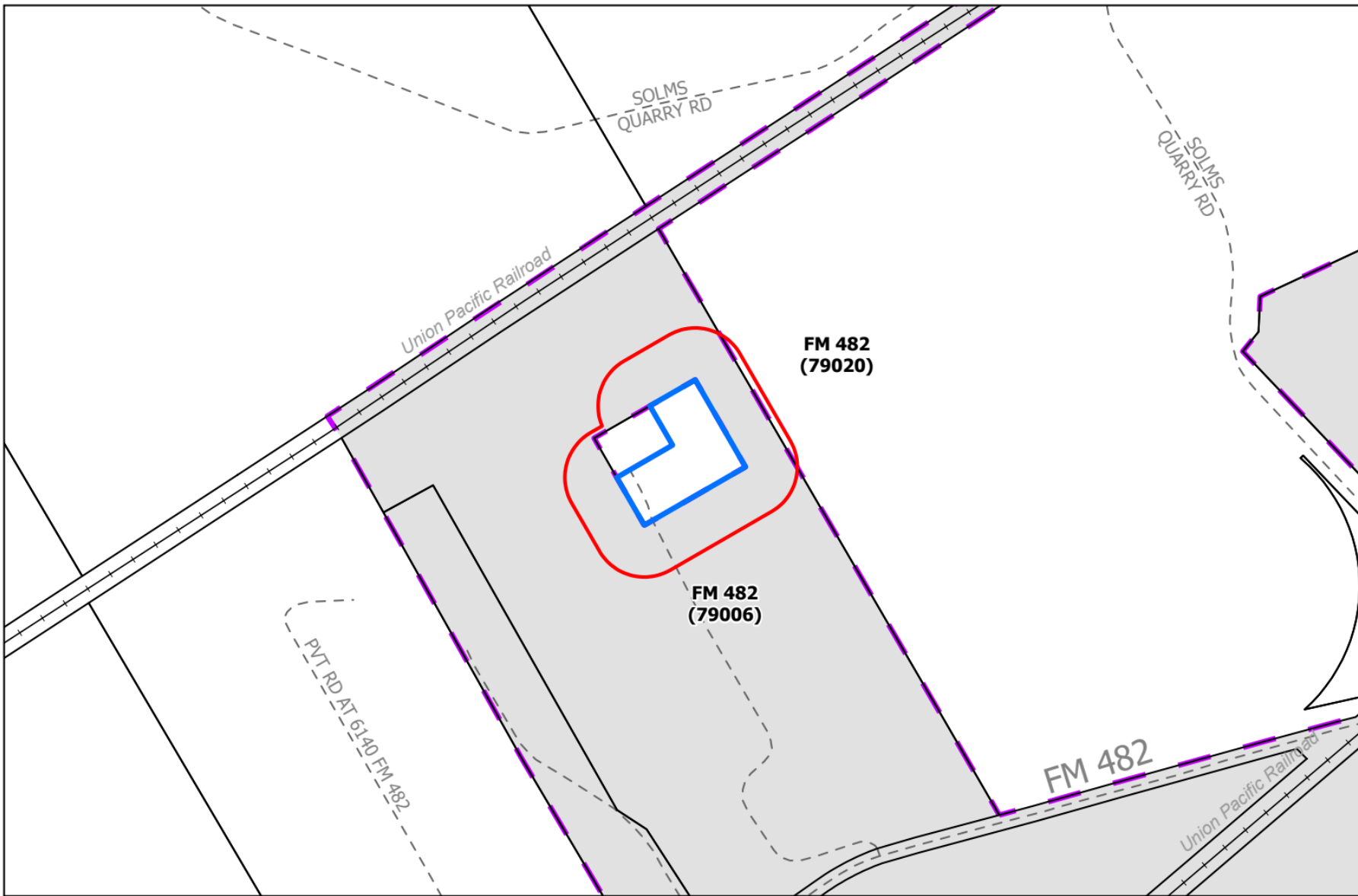
Proposed Zoning Change

FEY TRACT (3.014 AC)

A-484 SUR- 99 F RODRIGUEZ, ACRES 4.014



Last Update: November 7, 2024
 City of Schertz, GIS Department, gis@schertz.com (210) 619-1180
 This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



- 2 notices were sent on 10.22.24
 - (1) in favor
 - (0) Neutral
 - (0) in Opposition
- A public hearing notice will be published in the “San Antonio Express” before City Council
- Public Hearing notice sign was placed.
- Comal ISD was notified of the proposed zoning.

UDC SECTION 21.5.4.D Criteria for Approval

1. Whether the proposed zoning change implements the policies of the adopted Comprehensive Land Plan, or any other applicable adopted plans;

- Ordinance 24-S-159 is proposed to zone approximately 3.014 acres to Agricultural District (AD) based on the subject property's existing land use, the property's location, and the designation on the Future Land Use Map as adopted by Ordinance 24-S-06.
- Comal County Property Identification Number 79004 is identified as Development Deferment which is typically utilized for large tracts that house heavy industrial.
- Development Deferment is utilized for sites that should be reconsidered for applicable land uses in Future Land Use Map updates.
- Although the subject parcel is identified as Development Deferment, the proposed Agricultural District (AD) is consistent with the Comprehensive Land Use designation.



Complete Neighborhood
Development Deferment
Industrial Hub
Local Corridor
Main Street
Mixed Use Center
Public Use
Regional Corridor
Rural Living

UDC SECTION 21.5.4.D Criteria for Approval

1. Whether the proposed zoning change implements the policies of the adopted Comprehensive Land Plan, or any other applicable adopted plans;

- The Future Land Use Map within the Comprehensive Land Use Plan is a guiding document for determining appropriate land uses and development types for the future vision of Schertz.
- However, the existing conditions and existing land uses need to be considered when reviewing zoning applications.
- The proposed zoning is not based on a proposed development, but strictly due to the annexation of the subject parcel into the City of Schertz. If the subject property were proposed to be developed in the future, the zoning designation will also need to be reviewed in conjunction with the Comprehensive Land Use Plan and Future Land Use Map.

UDC SECTION 21.5.11.D Criteria for Approval

2. Whether the proposed zoning change promotes the health, safety, and general welfare 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.
- Agricultural District (AD) is intended to be a base zoning district for agricultural and residential land uses. Residences in this district are intended to be on a minimum lot size of 217,800 square feet (five acres). Clustering of up to two homes may be allowed on the same lot subject to setback requirements.
- 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.
- The proposed zoning district designation is compatible with the surrounding land uses and existing zoning designations of the surrounding properties. The subject property is owned by the same property owner as the surrounding properties which are currently going through the zoning process due to their annexation in July 2024. The proposed Agricultural District (AD) would allow the agricultural operations to remain in a conforming status.

UDC SECTION 21.5.11.D Criteria for Approval

3. Whether the uses permitted by the proposed change will be consistent and appropriate with existing uses in the immediate area;

- The subject parcel is currently utilized for agricultural purposes.
- The proposed zoning designation of Agricultural District (AD) is appropriate in the immediate area of the land to be zoned.
- Since the proposed zoning designation is based on conformance with the Comprehensive Land Use Plan- Future Land Use Map and with the existing land uses on the subject properties, the subject properties' land use will be in conformance with the proposed zoning designation of Agricultural District (AD).
- The proposed zoning designation is appropriate in the immediate area of the land to be zoned.

UDC SECTION 21.5.11.D Criteria for Approval

4. Whether other factors are deemed relevant and important in the consideration of the amendment.

- Per Resolution 24-R-81, the Development Agreement between the City of Schertz and Timothy and Sharlene Fey, approved July 16, 2024, states "City agrees that the Agricultural Tract shall be permanently zoned simultaneously with annexation of the Property". Since the subject 3.014 acres is utilized for agricultural purposes the agreement states that it is subject to annexation.
- At the October 15, 2024 City Council meeting Resolution 24-R-131 initiated the annexation process. Since the acreage is now going through the annexation process, per the Development Agreement the City has agreed to establish a permanent zoning at the same time.
- The rest of the Fey's properties that were annexed in July of 2024, specifically Comal County 79006 and Comal County 79009 are actively going through the zoning process, starting with the public hearing held at the October 2, 2024 Planning and Zoning Commission meeting.
- By Ordinance 24-S-159 proposing to zone the 3.014 acres to Agricultural District (AD) if approved and the zoning for 79006 and 79009 if approved, would ensure that all of Timothy and Sharlene Fey's agricultural properties, with the exception of their residential homestead would be annexed into the City of Schertz and zoned Agricultural District (AD).

Recommendation

- Due to the Development Agreement authorized by City Council and the annexation of the proposed 3.014 acres, it is best practice to have a zoning designation established for the subject property during the annexation process.
- The proposed zoning designation of Agricultural District (AD) is in conformance with the Comprehensive Land Use Plan- Future Land Use Map and is consistent with the other properties that were annexed in July of 2024 and zoned Agricultural District (AD).
- Staff recommends approval of Ordinance 24-S-159 to establish a zoning designation of Agricultural District (AD) for approximately 3.014 acres.

Planning & Zoning Commission Recommendation

- The Planning and Zoning Commission met on Wednesday, November 6, 2024, held a public hearing and made a unanimous recommendation of approval with a 4-0 vote.