

AGENDA
CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS
2150 Universal City Blvd, Universal City, TX 78148
Regular Meeting, Tuesday, October 15, 2024 @ 6:30 P.M.

1. CALL TO ORDER: Mayor Tom Maxwell at 6:30 p.m.
2. QUORUM CHECK and VOTE TO CONSIDER THE EXCUSE OF ABSENT MEMBERS (if applicable):
3. INVOCATION and PLEDGE OF ALLEGIANCE:
4. STAFF REPORTS AND OTHER DISCUSSION ITEMS: Items in this section are not expected to require action by City Council and are generally for information only. However, any item listed in this section may become an action item without further notice with the consent of the Mayor at the request of any Councilmember.
 - a. STAFF REPORT:
 - i. Meals on Wheels Presentation
 - ii. Olympia Hills Project Updates
 - b. CITY MANAGER'S REPORT:
 - i. Olympia Hills Parking Lot Expansion
5. EXECUTIVE SESSION:
NO TAB 1: Executive Session:
 - a) **Pursuant to Texas Gov't Code Sec. 551.071, Consultation with Attorney, to discuss and deliberate pending litigation titled Cause No. 2024CV06511: CAMINO NUEVO, LLC, a Texas Limited Liability Company vs. BOARD OF ADJUSTMENT OF THE CITY OF UNIVERSAL CITY and THE CITY OF UNIVERSAL CITY., in the Bexar County Clerk Court at Law 10; regarding property located at 205 W Byrd Blvd.**
 - b) Pursuant to Texas Gov't Code Sec. 551.072 regarding the purchase and value of real property if deliberation in open session would have a detrimental effect on the position of the corporation in negotiations with a third party; and for attorney consultation pursuant to Sec. 551.071(2); regarding: Transfer of 1.587 acres of vacant, undeveloped property owned by the City of Universal City located near Kitty Hawk Blvd and Universal City Boulevard to the Universal City Economic Development Corporation.
 - c) Reconvene in Open Session. -
6. CITIZENS TO BE HEARD: At this time, the public is invited to address the City Council and speak on any matter not specifically listed for public hearing elsewhere in this agenda. *PLEASE NOTE NO CITY COUNCIL DISCUSSION, RESPONSE, DELIBERATION, OR ACTION WILL BE TAKEN ON THIS TOPICS AT THIS TIME.* Please limit your comments to three minutes.
7. PUBLIC HEARINGS: At this time, the public is invited to address each item listed in this section. Please limit your comments to the topics of the specific Public Hearing. If more than one Public Hearing is listed in this section to be held, citizens will be allowed to speak during each individual hearing.
 - a. Public Hearing: P.C. 614 (SU 026) – A request for a Specific Use Permit at 234 Flintstone Lane (CB 5053B BLK 3 LOT 9) to allow an Accessory Residential Unit use (mother-in-law flat) in an R3-Medium Density Residential District, per Zoning Ordinance 581.
 - b. Public Hearing: P.C. 612 (ZC 261) – A request for an amendment to the Future Land Use Plan for an approximately 0.717-acre tract located at 205 W. Byrd Boulevard (CB 5768 BLK 7 LOT 11) from MDR-Medium Density Residential to GC-General Commercial, per Zoning Ordinance 581.
 - c. Public Hearing: P.C. 613 (ZC 262) – A request for a Zoning Map Amendment from R-OT "Old Town Residential" District to C4-General Commercial District for an approximately 0.717-acre tract located at 205 W. Byrd Boulevard (CB 5768 BLK 7 LOT 11), per Zoning Ordinance 581.
8. ANNOUNCEMENTS: With respect to items not listed elsewhere on this agenda, members may report on items of community interest e.g., community or employee awards, proclama, events, and recognitions. Members may also request specific information or a recitation of existing policy from Staff, or request placement of items on the agenda for discussion or action at a following meeting.
 - a. CITY MANAGER'S ANNOUNCEMENTS
 - b. COUNCILMEMBERS' ANNOUNCEMENTS
 - c. MAYOR'S ANNOUNCEMENTS

9. CONSENT AGENDA:

TAB A: All matters listed under this item are considered to be routine by City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and considered separately.

- 1) [Consider the minutes of the Tuesday, 02 October 2024 Regular Meeting.](#)

10. ACTION ITEMS:

NO TAB 1: Executive Session:

- d) Take action, if needed, on any item pertaining to or listed in the Executive Session section of this Agenda.

TAB B: Resolution No. 975-2024: A resolution of the City Council of the City of Universal City, Texas approving the sale of approximately 1.587 acres of Real Property to the Universal City Economic Development Corporation, for the economic development purposes of conveyance to Chick-Fil-A, Inc.; making findings; authorizing signatories; and establishing a savings clause and an effective date.

TAB C: Ordinance No. 655-S-2024 (PC 614 SU 026): An ordinance approving a Specific Use Permit to Sue Glenna Cannon for an Accessory Residential Unit Use in an R3-Medium Density Residential District on property located at 234 Flintstone Lane, Universal City, Texas (CB 5053B BLK 3 LOT 9); providing for non-severability; and establishing an effective date.

TAB D: Ordinance No. 632-PC 585-FLUP-2024: An ordinance amending the Future Land Use Plan to change Land Use Designation of property located at 205 W. Byrd Boulevard, Universal City, Texas (CB 5768 BLK 7 LOT 11) from MDR-Medium Density Residential to GC-General Commercial; providing for severability; and establishing an effective date.

TAB E: Ordinance No. 581-PC-603 (ZC 262)-2024: An ordinance of the City of Universal City approving a Zoning Map Amendment for an approximately 0.717-acre tract located at 205 W. Byrd Boulevard (CB 5768 BLK 7 LOT 11) from R-OT "Old Town Residential" District to C4-General Commercial District.

TAB F: Bid Acceptance for Kitty Hawk Thoroughfare & Roundabout Improvements.

TAB G: Authorization of Reimbursement for Pay Application #1 from D&D Contractors for CDBG Hillview Drive Street Improvement Project.

11. ADJOURNMENT:

TAB Z: Reports

In accordance with the requirements of Texas Government Code section 551.127, a member of the governing body may participate in this meeting from a remote location. A quorum of the governing body as well as the presiding officer shall be physically present at the above posted location, which shall be open to the public. The video and audio feed of those participating remotely shall be visible and audible to the public for all open portions of the meeting. A member of a governmental body who participates in a meeting remotely as provided by law, shall be counted as present at the meeting for all purposes.

All items on the agenda are eligible for possible discussion and action. The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices,) and 551.086 (Economic Development).

This facility is wheelchair accessible & accessible parking spaces are available. Requests for accommodation or interpretive services must be made 72 hours prior to this meeting. Please contact the city clerk's office at (210) 619-0701 if these services are needed.

CITY OF UNIVERSAL CITY

Date: 10/8/2024

TO: City Council

FROM: Kim M. Turner, City Manager

SUBJECT: Public Hearing: P.C. 614 (SU 026)— A request for a **Specific Use Permit** at 234 Flintstone Lane to allow an Accessory Residential Unit use (mother-in-law flat) in an R3-Medium Density Residential District, per zoning ordinance 581.

SUBJECT: Ordinance No. 655-S-2024— Request for a **Specific Use Permit** at 234 Flintstone Lane to allow an Accessory Residential Unit use (mother-in-law flat) in an R3-Medium Density Residential District, per zoning ordinance 581.

Historical Background

The property owner would like to build an Accessory Residential Unit in the form of a casita at the rear of the property. The dwelling unit would be approximately 450 square feet and have a living room, bedroom, kitchen and bathroom with all required utilities (electricity and water). The existing house has a one-car garage and since that side of the street does not have a sidewalk, the driveway is long enough to accommodate two vehicles, which meets the Zoning Code parking requirements. The side and rear yard setback requirements for accessory structures are both five feet, which the proposed unit will meet. The dwelling unit also meets the 10-foot height maximum and the entire property meets the 65% maximum lot coverage requirement.

The Zoning Code allows an Accessory Residential Unit in a residential district as a Specific Use. As such, the property owner is requesting a **Specific Use Permit**.

Thirty-six (36) notices were sent out to surrounding property owners; three (3) were returned identifying no opposition to the request. No one other than the property owner and the builder spoke “for” or “against” the proposed SUP at the Planning & Zoning Public Hearing. The members of the Planning & Zoning Commission unanimously approved the SUP and forwarded the SUP request to City Council for its final determination.

Action Requested

City Council will need to conduct a **Public Hearing** on the SUP and then make a final consideration on the **SUP Ordinance: Ord 655-S-2024**, attached. Per the City Charter, the Ordinance will require two readings.

Procurement Methodology

This is a zoning procedure only and requires no procurement by the City.

Source and Amount of Funding

This is a zoning procedure only and requires no funding by the City.

Staff Recommendation

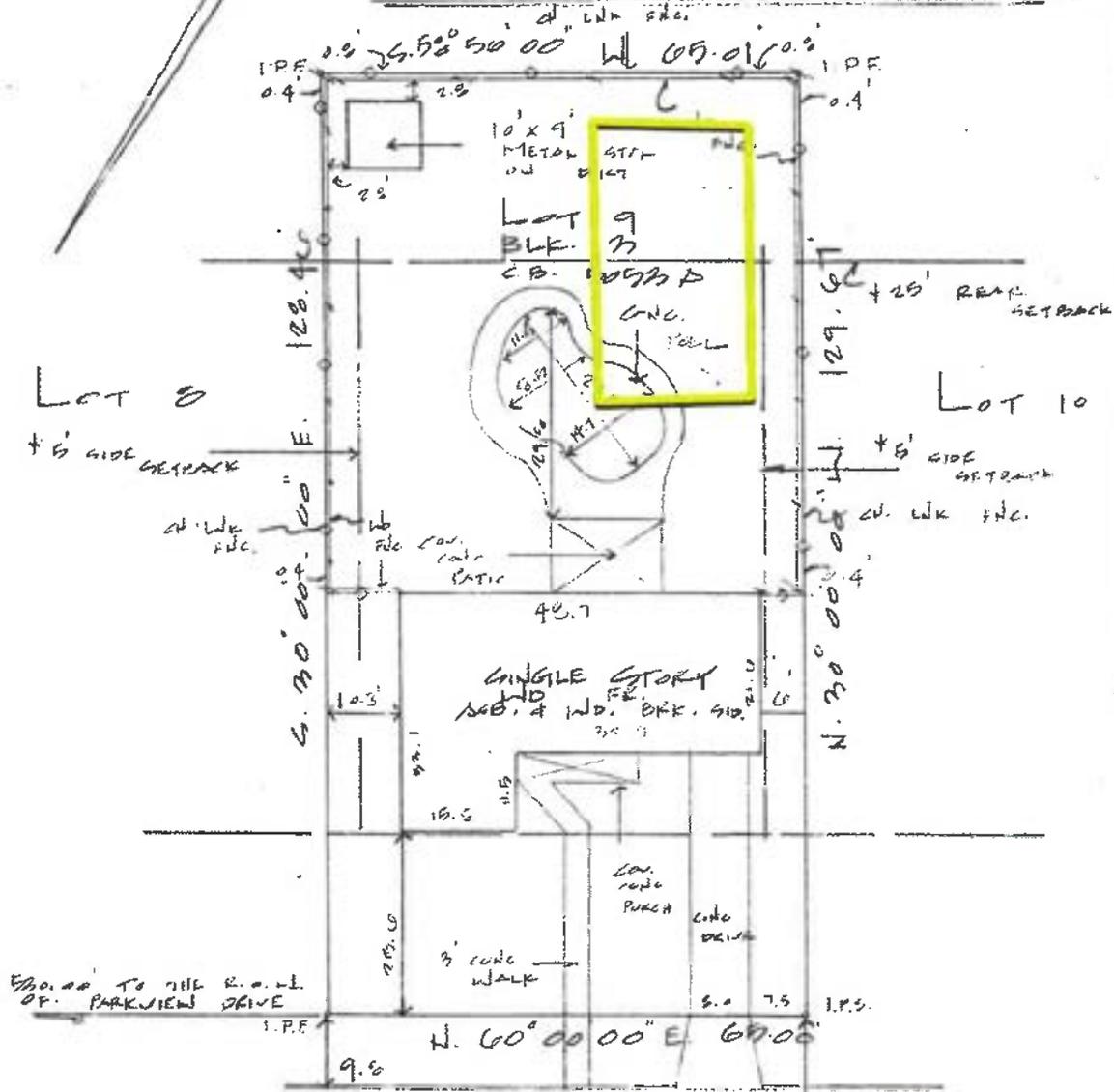
Staff recommends approval of the SUP for an Accessory Residential Unit use at 234 Flintstone Lane. The additional dwelling unit will serve as one component of a multi-generational property.

234 Flintstone Lane

Aerial Map



NORTHVIEW PARK SUBDIVISION
UNIT No. 2



Pool has been removed
450 ft.²
Height 10 feet

* REST: 510 | 250 PLAT OF SURVEY
SCALE 1" = 20 FT

LOT NO. 9 BLOCK NO. 3 ADDITION OR SUBDIVISION NORTHVIEW PARK SUB'D
SECTION OR UNIT UNIT No. 2 R.C.B. NO. 5077A VOL. 4700 PG. 20
STREET ADDRESS 234 FLINTSTONE CITY UNIVERSAL CITY
COUNTY BEXAR SURVEY FOR U.S. LIFE REFERENCE 10440
STATE OF TEXAS, COUNTY OF BEXAR

I HEREBY CERTIFY THAT THE ABOVE PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS OF BUILDINGS ON ADJOINING PROPERTY AND THAT ALL BUILDINGS ARE WHOLLY LOCATED ON THIS PROPERTY EXCEPT AS SHOWN ABOVE.

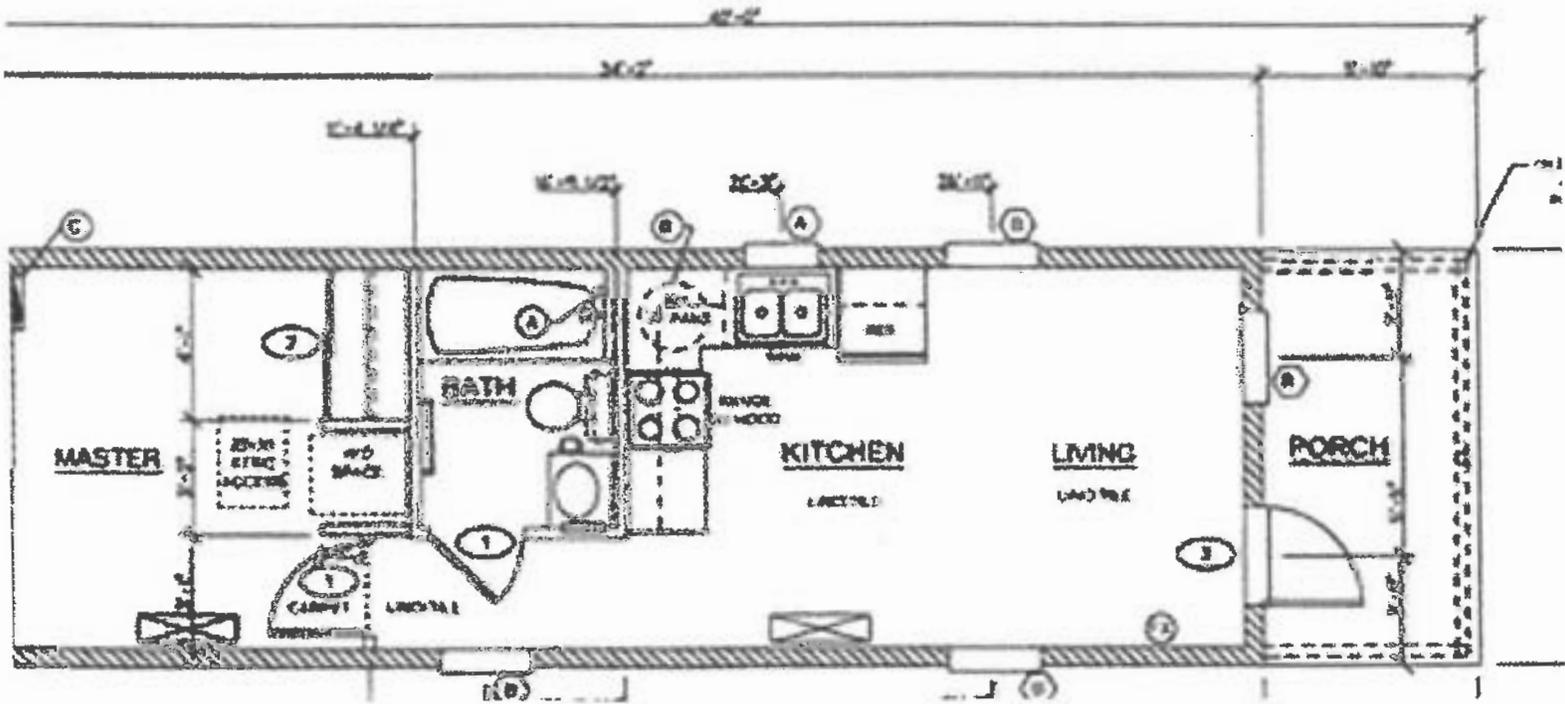


Preston • Fisher • Abrahamson & Associates Inc.
BUILDING DESIGN & PLANNING • CIVIL ENGINEERING • SURVEYING
442 BRESPOORT SAN ANTONIO, TEXAS 78216 512-341-2241

Neil F. Fisher
NEIL F. FISHER, P.E. & R.P.S. DATE
TEXAS 3942 12-7-82

INVOICE 12-7-82 WORK ORDER 82-12-134

Park Model Floor Plan











Motion to Approve:

PC 614 (SU 026)

After conducting a public hearing on the request for a Specific Use Permit for the property at 234 Flintstone Lane and receiving the Planning and Zoning Commission's recommendation, City Council has considered the request and moves to approve PC 614 (SU 026) and to grant a specific use permit to allow an Accessory Residential Unit use to Sue Glenna Cannon.

Date: 10/8/2024

TO: City Council**FROM:** Kim M. Turner, City Manager**SUBJECT: Public Hearings:** (1) P.C. 612 (ZC 261)— Request for an Amendment to the FLUP at 205 W. Byrd Blvd. from MDR-Medium Density Residential to GC-General Commercial & (2) P.C. 613 (ZC 262)— Request for a Zoning Map Amendment at 205 W. Byrd Blvd. from R-OT – “Old Town Residential” District to C4-General Commercial District.**SUBJECT: Ordinance No. 632-PC 585-FLUP-2024**— Request for an Amendment to the FLUP at 205 W. Byrd Blvd. from MDR-Medium Density Residential to GC-Genera Commercial & **Ordinance No. 581-PC-603 (ZC 262)-2024**— Request for a Zoning Map Amendment at 205 W. Byrd Blvd. from R-OT – “Old Town Residential” District to C4-General Commercial District.**Historical Background**

The property consists of two attached buildings that were erected in 1977 and 1981. Since that time, the buildings have been occupied by commercial users, in accordance with the zoning ordinance that was in effect at the time of construction – Ordinance 70-A. However, in 2007, the Zoning Map and related Zoning Code were updated, and the property’s land use district was re-classified to R-OT “Old Town Residential”. As a result, the property’s commercial uses became nonconforming but were allowed to continue operations, per the Code’s nonconforming section. However, on March 9, 2024, the property lost its non-conforming status resulting in potential users having to conform with the R-OT District regulations. As a result, the property owner is requesting a zoning change to the C4-General Commercial District in order to continue using the property in a commercial capacity. See **Exhibit A** for additional information. 24 notices were sent out to surrounding property owners; 4 letters of support were provided from nearby property owners. The members of the P&Z Commission failed to approve the requests for lack of a favorable vote and forwarded them to City Council for final determination.

Action Requested

City Council will need to conduct **Public Hearings** on the FLUP Amendment and rezoning requests and then make a final consideration on the respective ordinances: **Ord. No. 632-PC 585-FLUP-2024** and **Ordinance No. 581-PC-603 (ZC 262)-2024**, attached. Per the City Charter, the Ordinances will require two readings.

Procurement Methodology

This is a zoning procedure only and requires no procurement by the City.

Source and Amount of Funding

This is a zoning procedure only and requires no funding by the City.

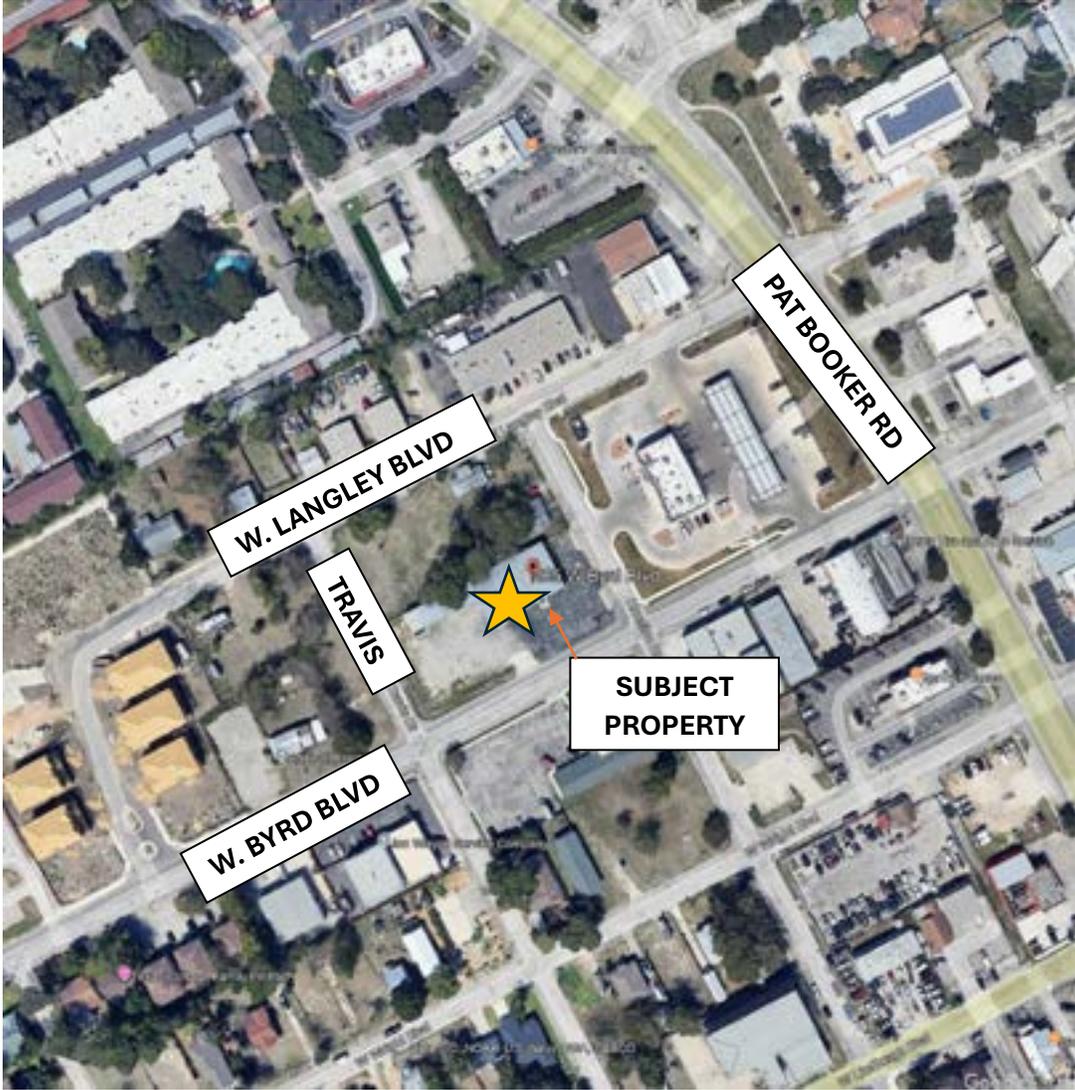
Staff Recommendation

Staff reminds City Council that its vote on the FLUP and Zone Change requests must be consistent with each other, as required by State Law; that is, if you approve a FLUP designation, then it is assumed that the Zone Change will be consistent with the FLUP designation or, if City Council denies a new FLUP designation, then it would also deny a new Zone Change. Staff recommends that City Council explore all its options for the FLUP Amendment and Zone Change request for 205 W. Byrd Blvd. Options City Council can explore follow:

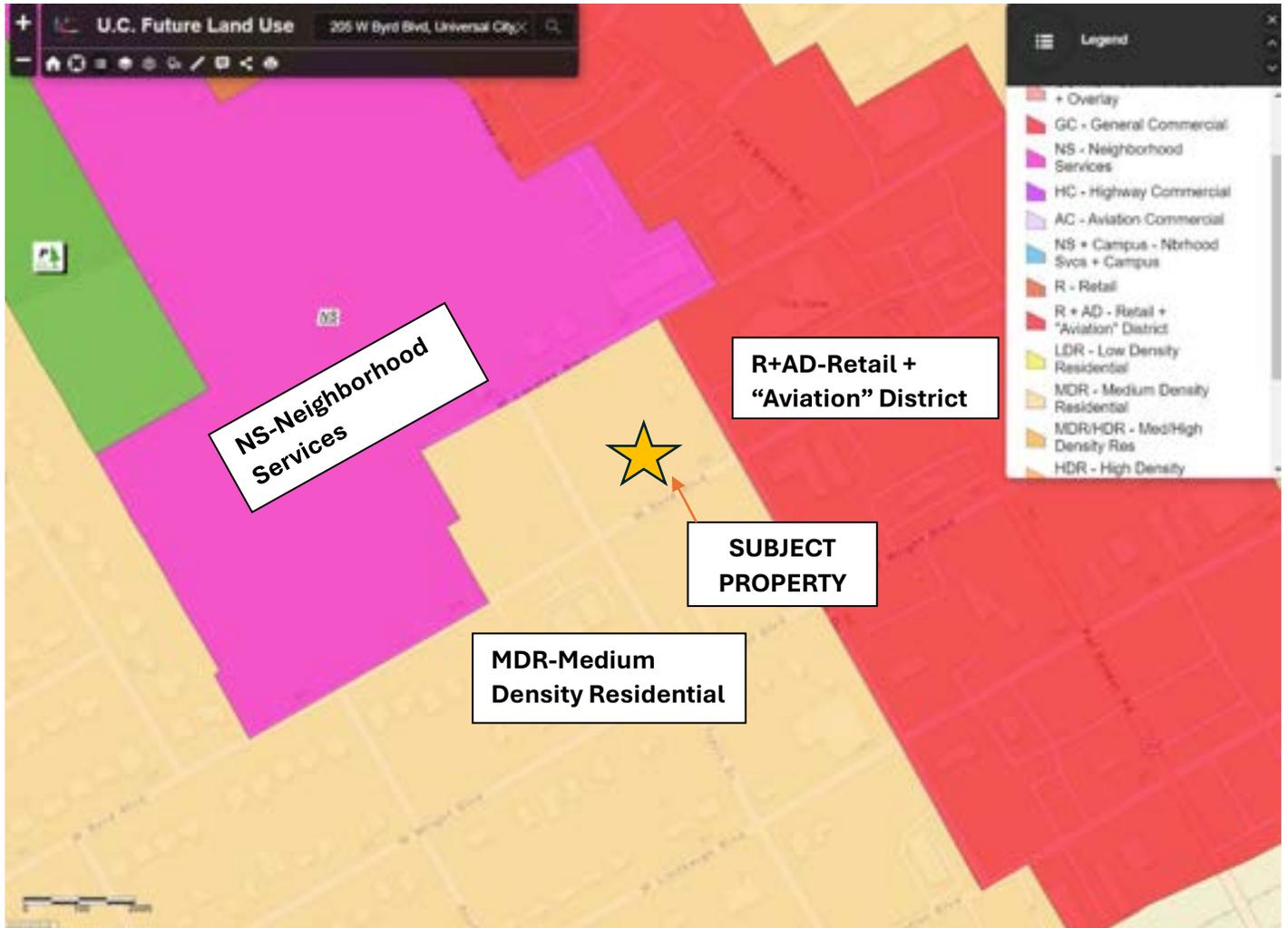
1. Approve FLUP GC-General Commercial and C4-General Commercial Zoning
2. Deny FLUP GC-General Commercial and C4-General Commercial Zoning
3. Consider a less intensive FLUP designation and Zone Change:
 - a. FLUP R-Retail and Zone Change C2-Retail
 - b. FLUP CS-Commercial Services and Zone Change C3-Commercial Services
 - c. Suggest applicant consider a Planned Unit Development

For Council review, the Zoning Use Table as it pertains to C4-General Commercial, C3-Commercial Services, and C2-Retail is attached as **Exhibit B**. Regardless of the direction that Council moves, it is imperative that Council’s votes for the FLUP and the Zone Change are consistent.

205 W. Byrd Boulevard
Aerial Map



205 W. Byrd Boulevard FLUP Map



Note: The masterplan reflects an expanded area showing recommended uses transitioning out of the study area.



Permitted Uses History

The following table identifies the history of both permitted uses (by-right) and uses requiring a Conditional Use Permit or Specific Use Permit.

	ORIGINAL CODE 70-A (1962) – B-1 DISTRICT	CODE 400 (1987) – CLASS 2 MEDIUM INTENSITY DISTRICT	CURRENT CODE 581 (2007 & 2020) – PROPOSED C4-GENERAL COMMERCIAL
USE	PERMITTED	PERMITTED	PERMITTED
Administrative & Business Offices	X	X	X
Indoor Sports & Recreation	X	X	X
Financial Services & Professional Offices	X	X	X
Laundry	X	X	X
Veterinary, Kennels & Pet Services	X	X (CUP)	X
Personal Improvement Services	X	X	X
Gas Station	X	X (CUP)	X (SUP)
Auto & Equipment Repair	X	X (CUP)	X
Funeral Services	X	X (CUP)	X
Agricultural Sales & Services			X (SUP)
Car Wash			X
Auto Sales & Rentals		X (CUP)	X (SUP)
Equipment Sales			X
Construction Sales & Services			X
Basic Industry			X (SUP)
Custom Manufacturing			X
Light Manufacturing			X
Warehousing & Distribution			X
Scrap & Salvage Services			X (SUP)
Vehicle Storage			X (SUP)
Bar	X	X	
Restaurant	X	X	
Retail	X	X	
Outdoor Sports & Recreation		X	X (SUP)

- Uses in Gold indicate compatibility throughout the property’s history & proposed district
- Uses in **bold** indicate incompatibility with Aviation District Masterplan
- Uses in Yellow conform with the Aviation District Masterplan but are not permitted in the C4 District

Outdoor Storage

Per Zoning Code Section 4-5-82, all three types of storage are permitted in the C4 District. See table below. note that outdoor storage was not allowed under the Zoning Code in use at the time the buildings were constructed.

Outdoor Display	<ul style="list-style-type: none"> • Within 5 feet of building wall • Only allowed outside during business hours
Limited Outdoor Storage	<ul style="list-style-type: none"> • Packaging on pallets, not storage containers • Must be screened by wall or fence
General Outdoor Storage	<ul style="list-style-type: none"> • Allowed in shipping containers, connexes, & semitrailers • Unlimited quantity if screened by wall or fence • Not allowed in parking areas or front & side setbacks • Temporary Use Permit required

Aviation District Masterplan

As you recall, the City generated an Aviation District Masterplan in 2020 to establish a framework and design guidelines for revitalization of the area. Included in the masterplan goals is the desire to provide for a mix of residential and commercial uses, as well as walkability in and around the Aviation District. The report further stated that infill redevelopment would allow Universal City to compete with neighboring towns, but to do so, would specifically require increased density, enhanced amenities and supportive retail. As identified in the C4 District Use Table above, several of the uses that are permitted by-right do not meet the vision of the Masterplan.

Use EXHIBIT B	C1	C2	C3	C4	C5
Administrative and business offices.	P	S	S	P	P
<p>Offices or private firms or organizations which are primarily used for the provision of executive, management or administrative services. Typical uses include administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, photocopy and reproduction, and business offices or public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.</p>					
Agricultural sales and services.	-	-	-	S	-
<p>Establishments or places of business engaged in sale (from the premises) of feed, grain, fertilizers, pesticides and similar goods or in the provision of agricultural related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, feed and grain stores and tree service firms.</p>					
Automotive washing.	S	-	P	P	-

Use EXHIBIT B	C1	C2	C3	C4	C5
Washing and cleaning of automobiles and related light equipment. Typical uses include auto laundries or car washes, not collocated with a gas station.					
Gas station.	S	-	P	S	P
An establishment for retail sale of petroleum products collocated with a local convenient store. Local convenient store collocation is required. May also be collocated with automotive washing with automotive washing as a secondary or ancillary use.					
Commercial off-street parking.	S	S	S	S	-
Parking of motor vehicles on a temporary basis within a private-owned off-street parking facility, other than accessory to a principal use. Typical uses include commercial parking lots or parking garages.					
Automotive rentals.	-	-	S	S	S

Use EXHIBIT B	C1	C2	C3	C4	C5
Rental of automobiles, noncommercial trucks, trailers and recreational vehicles, including incidental parking and servicing of vehicles available for rent or lease. Typical uses include auto rental agencies, trailer rental agencies and taxi-cab parking and dispatching.					
Automotive sales.	-	-	S	S	S
Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance and servicing. Typical uses include new and used car dealerships, motorcycle dealerships and boat, trailer and recreational vehicle dealerships.					
Equipment sales.	-	-	S	P	-

Use EXHIBIT B	C1	C2	C3	C4	C5
<p>Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, similar heavy equipment, including incidental storage, maintenance and servicing. Typical uses include truck dealerships, construction equipment dealerships and mobile home sales establishments.</p>					
<p>Automotive repair services.</p>	-	-	S	P	-
<p>Repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including the sale, installation and servicing of equipment and parts. Typical uses include muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops and similar repair and service activities, but excluding dismantling or salvage.</p>					
<p>Equipment repair services.</p>	-	-	-	P	-

Use EXHIBIT B	C1	C2	C3	C4	C5
<p>Repair of trucks, tractors, construction equipment, agricultural implements and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services and machine shops, but exclude dismantling or salvage.</p>					
<p>Building maintenance services.</p>	-	-	-	P	-
<p>Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance or window cleaning services.</p>					
<p>Business support services.</p>	-	-	S	P	S
<p>Establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, excluding automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.</p>					

Use EXHIBIT B	C1	C2	C3	C4	C5
Business or trade school.	S	-	P	-	S
A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university or public or private educational facility.					
Cocktail lounge.	S	P	P	-	P
A use engaged in the preparation and retail sales of alcohol beverages for consumption on the premises, including taverns, bars, cocktail lounges and similar uses.					
Indoor sports and recreation.	-	S	P	P	P
Uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks and arcades.					
Outdoor sports and recreation.	-	-	-	S	P

Use EXHIBIT B	C1	C2	C3	C4	C5
Uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, racquetball courts and marinas.					
Indoor entertainment.	-	S	P	-	P
Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls and dance halls.					
Outdoor entertainment.	-	-	-	-	S
Predominantly spectator uses conducted in open facilities. Typical uses include sports arenas, racing facilities and amusement parks. Subject to site plan review.					
Communications services.	-	-	-	P	S

Use	C1	C2	C3	C4	C5
EXHIBIT B Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as major utility facilities. Typical uses include television studios, telecommunication service centers or telegraph service offices.					
Construction sales and services.	-	-	S	P	S
Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale sale, from the premises, of materials used in the construction of buildings to other structures other than retail sale of paint, fixtures and hardware excluding those classified as one of the automotive and equipment services use types. Typical uses included building materials stores, tool and equipment rental or sales or building contractors.					
Consumer repair services.	S	S	P	P	P

Use	C1	C2	C3	C4	C5
EXHIBIT B Establishments primarily engaged in the provision or repair services to individuals and households rather than firms, but excluding automotive and equipment use types. Typical uses included appliance repair shops, watch or jewelry repair or musical instrument repair firms. All incidental storage shall be enclosed.					
Financial services.	S	-	S	P	P
Establishments primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, loan and lending activities and similar services.					
Food sales.	S	P	P	-	P
Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries and candy shops.					
Funeral services.	-	-	S	P	S

Use EXHIBIT B	C1	C2	C3	C4	C5
Establishments engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals.					
Events center.	-	-	S	-	S
A multi-use facility either run by a nonprofit or for-profit entity consisting of a building, group of buildings and/or outdoor areas intended for individuals and/or groups to gather and promote common interests, celebrations and events for commercial, civic, educational, political or social purposes.					
General retail sales.	P	P	P	-	P

Use EXHIBIT B	C1	C2	C3	C4	C5
<p>Sales or rental of commonly used goods and merchandise for personal or household use. Typical uses include department stores, apparel stores, furniture stores, mail order stores or establishments providing the following products: alcoholic beverages, antiques, appliances, art, art supplies, baked goods, bicycles, books, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronic equipment, fabric, flowers, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, medical supplies, musical instruments, pet food and/or pets, pharmaceuticals, photo finishing, picture frames, plants, printed material, produce, sporting goods, stationery, tobacco and related products, vehicle parts, and videos. Retail sale of petroleum products; that is, a gas station, is not considered General retail sales (see Gas station).</p>					
Kennels and pet services.	S	S	P	P	P

Use	C1	C2	C3	C4	C5
EXHIBIT B Boarding and care services for dogs, cats and similar small animals. Typical uses include boarding kennels, pet motels, or dog training centers. Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, dog bathing and clipping salons or pet grooming shops.					
Laundry services.	-	-	-	P	-
Establishments primarily engaged in the provision of laundering, dry cleaning or dyeing services other than those classified as personal services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.					
Liquor sales.	S	P	P	-	P
Establishments or places of business engaged in retail sale for consumption (off the premises) of alcoholic beverages. Typical uses include liquor stores, bottle shops or any licensed sales for off-site consumption.					
Health care offices.	P	S	P	-	P

Use EXHIBIT B	C1	C2	C3	C4	C5
A use providing consultation, diagnosis, therapeutic, preventative or corrective personal treatment services by physicians, dentists, medical and dental laboratories and similar practitioners of medical and healing arts, including emergency clinics.					
Personal improvement services.	S	P	P	P	P
Establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.					
Personal services.	P	P	P	-	P
Establishments or places of business primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops, seamstress, tailor, shoe repair shops and self-service laundry or self-service apparel cleaning services.					

Use EXHIBIT B	C1	C2	C3	C4	C5
Professional office.	P	S	P	P	P
A use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions.					
Restaurant—Convenience.	P	P	P	-	P
A use engaged in the preparation and retail sale of food and beverages (excluding alcoholic beverages), for on-premises consumption only. Typical uses include soda fountains, ice cream parlors, sandwich shops and coffee shops.					
Restaurant—General.	S	P	P	-	P

Use EXHIBIT B	C1	C2	C3	C4	C5
<p>A use engaged in the preparation and retail sale of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than fifty (50) percent of the gross income. A general restaurant may include live entertainment. Typical uses include restaurants, both full service and fast food, coffee shops, dinner houses and similar establishments with incidental alcoholic beverage service.</p>					
<p>Veterinary services.</p>	S	-	P	P	-
<p>Veterinary service for all animals. Typical uses include animal clinics and hospitals. Veterinary services shall not include the boarding of large animals.</p>					
<p>Hotel-motel.</p>	-	S	P	-	P
<p>Lodging services involving the provision of room and/or board. Typical uses include hotels and motels.</p>					
<p>Local convenience store.</p>	S	P	P	S	P

Use EXHIBIT B	C1	C2	C3	C4	C5
<p>A commercial activity engaged in the sale of commonly used goods and merchandise for personal or household use. May be collocated with a gas station with the gas station as the secondary or ancillary use. However, even as a secondary or ancillary use, a gas station is not permitted in the C2 District and may not be located in the C2 District.</p>					
<p>Artisan sales.</p>	S	P	P	P	S
<p>The manufacture and retail sale of hand-crafted wares such as pottery, jewelry, art, and similar products of craftsmanship.</p>					
<p>Restaurant—Neighborhood.</p>	S	P	P	-	P

Use EXHIBIT B	C1	C2	C3	C4	C5
<p>A use engaged in the preparation and retail sale of food and beverages, including the sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than twenty-five (25) percent of the gross income. A neighborhood restaurant does not include outdoor entertainment. Typical uses include restaurants, both full service and fast food, coffee shops, dinner houses, and similar establishments with incidental alcoholic beverage service.</p>					
<p>Accessory residential units—Commercial District</p>	S	-	P	-	-
<p>The residential occupancy of a portion of the principal use, not exceeding one-third ($\frac{1}{3}$) of the gross floor area, and is owner-occupied. Intended to serve for security it may include a full kitchen and must comply with all building and fire codes. One (1) additional off-street parking space is required.</p>					

Use	C1	C2	C3	C4	C5
Basic industry.	-	-	-	S	-
<p>A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials or a use utilizing flammable explosive or commonly recognized offensive conditions or materials.</p>					
Custom manufacturing.	-	-	-	P	-
<p>Establishments primarily engaged in the on-site, indoor production and storage of goods by hand manufacturing which involves only the use of hand tools or mechanical equipment. The direct sale to consumers of those goods produced on-site is prohibited. Basic industrial processing activities in Section 481 [501] [sic] are excluded.</p>					
Light manufacturing.	-	-	-	P	-

Use	C1	C2	C3	C4	C5
<p>A use engaged in the manufacture, predominantly from previously prepared materials, or finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and storage, sales and distribution of such products, but excluding basic industrial processing. Refer to Section 481 [501].</p>					
<p>Warehousing and distribution.</p>					
<p>A. <i>Convenience storage.</i> Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.</p>	-	-	S	P	S
<p>B. <i>General warehousing and distribution.</i> Open-air storage, distribution and handling of materials and equipment. Typical uses include monument or stone yards, or open storage yards.</p>	-	-	-	P	-

Use	C1	C2	C3	C4	C5
<p><i>C. Limited warehousing and distribution.</i> Wholesaling, storage and warehousing services within enclosed structures. Typical moving and storage firms and now retail mail order distribution centers.</p>	-	-	-	P	S
<p>Research services.</p>	-	-	-	P	S
<p>Establishments primarily engaged in research of an industrial or scientific nature but excludes product testing. Typical uses include electronics research laboratories, space research and development firms, or pharmaceutical research labs.</p>					
<p>Scrap and salvage services.</p>	-	-	-	S	-
<p>Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junk yards or paper salvage yards. (Subject to site plan review.)</p>					
<p>Vehicle storage.</p>	-	-	-	S	-

Use	C1	C2	C3	C4	C5
Long-term storage of operating or nonoperating vehicles. Typical uses include storage of private parking tow-aways or impound yards, but exclude dismantling or salvage.					

Motion to Approve – FLUP:

PC 612 (ZC 261)

After conducting a public hearing on the request for an amendment to the Future Land Use Plan for the property at 205 W. Byrd Boulevard, and receiving the Planning and Zoning Commission’s recommendation, City Council has considered the request and moves to approve PC 612 (ZC 261) and the amendment to the Future Land Use Plan from MDR-Medium Density Residential to GC-General Commercial for the subject property with the following condition:

1. City Council approval of the Zone Change from R-OT Old Town Residential to C4-General Commercial District

Motion to Approve – Zone Change:

PC 613 (ZC 262)

After conducting a public hearing on the request for a Zone Change for the property located at 205 W. Byrd Boulevard, and receiving the Planning and Zoning Commission’s recommendation, City Council has considered the request and moves to approve PC 613 (ZC 262) and the Zone Change from R-OT Old Town Residential to C4-General Commercial District for the subject property with the following condition:

1. City Council approval of the FLUP amendment from MDR-Medium Density Residential to GC-General Commercial

Date: 10/8/2024

TO: City Council**FROM:** Kim M. Turner, City Manager**SUBJECT: Public Hearings:** (1) P.C. 612 (ZC 261)— Request for an Amendment to the FLUP at 205 W. Byrd Blvd. from MDR-Medium Density Residential to GC-General Commercial & (2) P.C. 613 (ZC 262)— Request for a Zoning Map Amendment at 205 W. Byrd Blvd. from R-OT – “Old Town Residential” District to C4-General Commercial District.**SUBJECT: Ordinance No. 632-PC 585-FLUP-2024**— Request for an Amendment to the FLUP at 205 W. Byrd Blvd. from MDR-Medium Density Residential to GC-Genera Commercial & **Ordinance No. 581-PC-603 (ZC 262)-2024**— Request for a Zoning Map Amendment at 205 W. Byrd Blvd. from R-OT – “Old Town Residential” District to C4-General Commercial District.

Historical Background

The property consists of two attached buildings that were erected in 1977 and 1981. Since that time, the buildings have been occupied by commercial users, in accordance with the zoning ordinance that was in effect at the time of construction – Ordinance 70-A. However, in 2007, the Zoning Map and related Zoning Code were updated, and the property’s land use district was re-classified to R-OT “Old Town Residential”. As a result, the property’s commercial uses became nonconforming but were allowed to continue operations, per the Code’s nonconforming section. However, on March 9, 2024, the property lost its non-conforming status resulting in potential users having to conform with the R-OT District regulations. As a result, the property owner is requesting a zoning change to the C4-General Commercial District in order to continue using the property in a commercial capacity. See **Exhibit A** for additional information. 24 notices were sent out to surrounding property owners; 4 letters of support were provided from nearby property owners. The members of the P&Z Commission failed to approve the requests for lack of a favorable vote and forwarded them to City Council for final determination.

Action Requested

City Council will need to conduct **Public Hearings** on the FLUP Amendment and rezoning requests and then make a final consideration on the respective ordinances: **Ord. No. 632-PC 585-FLUP-2024** and **Ordinance No. 581-PC-603 (ZC 262)-2024**, attached. Per the City Charter, the Ordinances will require two readings.

Procurement Methodology

This is a zoning procedure only and requires no procurement by the City.

Source and Amount of Funding

This is a zoning procedure only and requires no funding by the City.

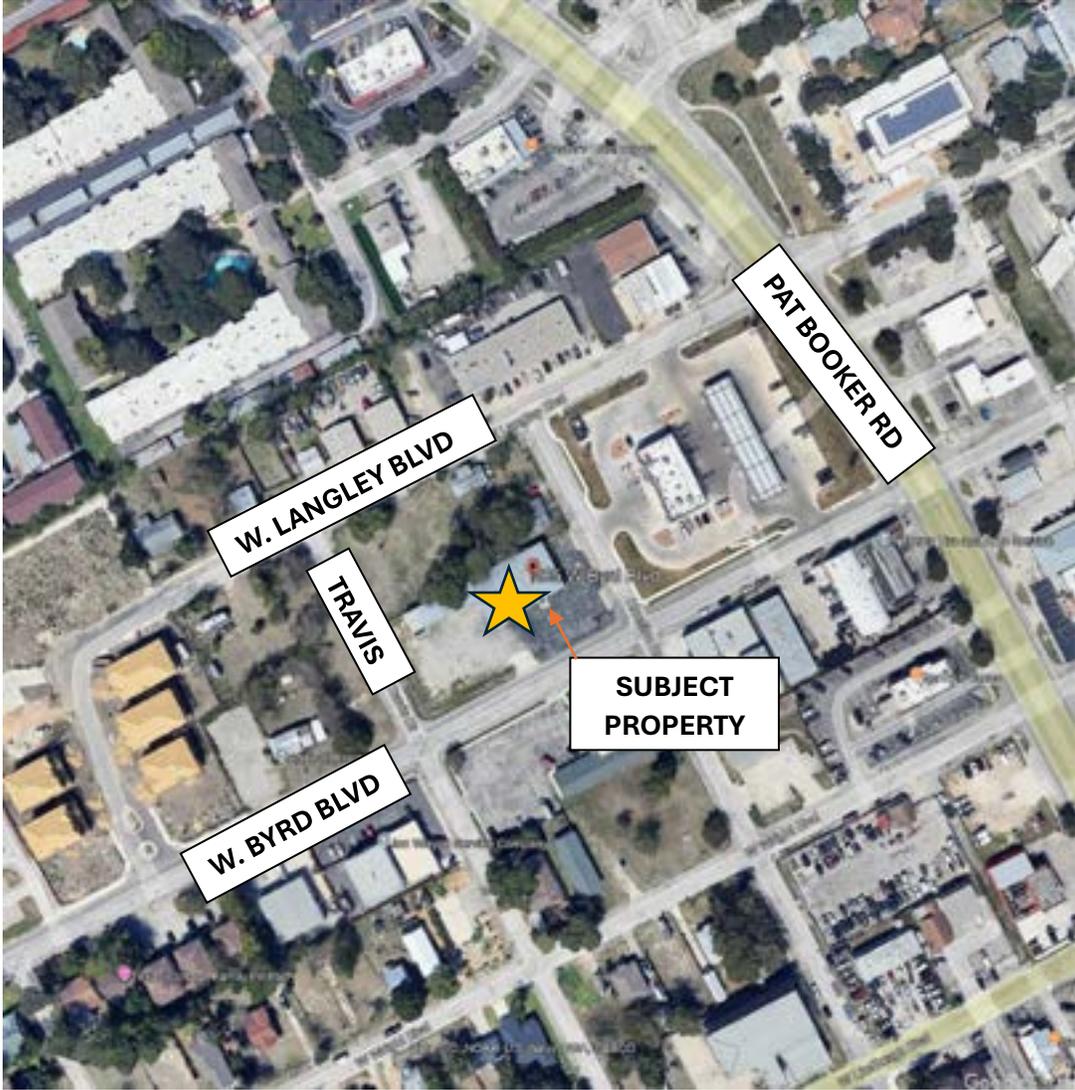
Staff Recommendation

Staff reminds City Council that its vote on the FLUP and Zone Change requests must be consistent with each other, as required by State Law; that is, if you approve a FLUP designation, then it is assumed that the Zone Change will be consistent with the FLUP designation or, if City Council denies a new FLUP designation, then it would also deny a new Zone Change. Staff recommends that City Council explore all its options for the FLUP Amendment and Zone Change request for 205 W. Byrd Blvd. Options City Council can explore follow:

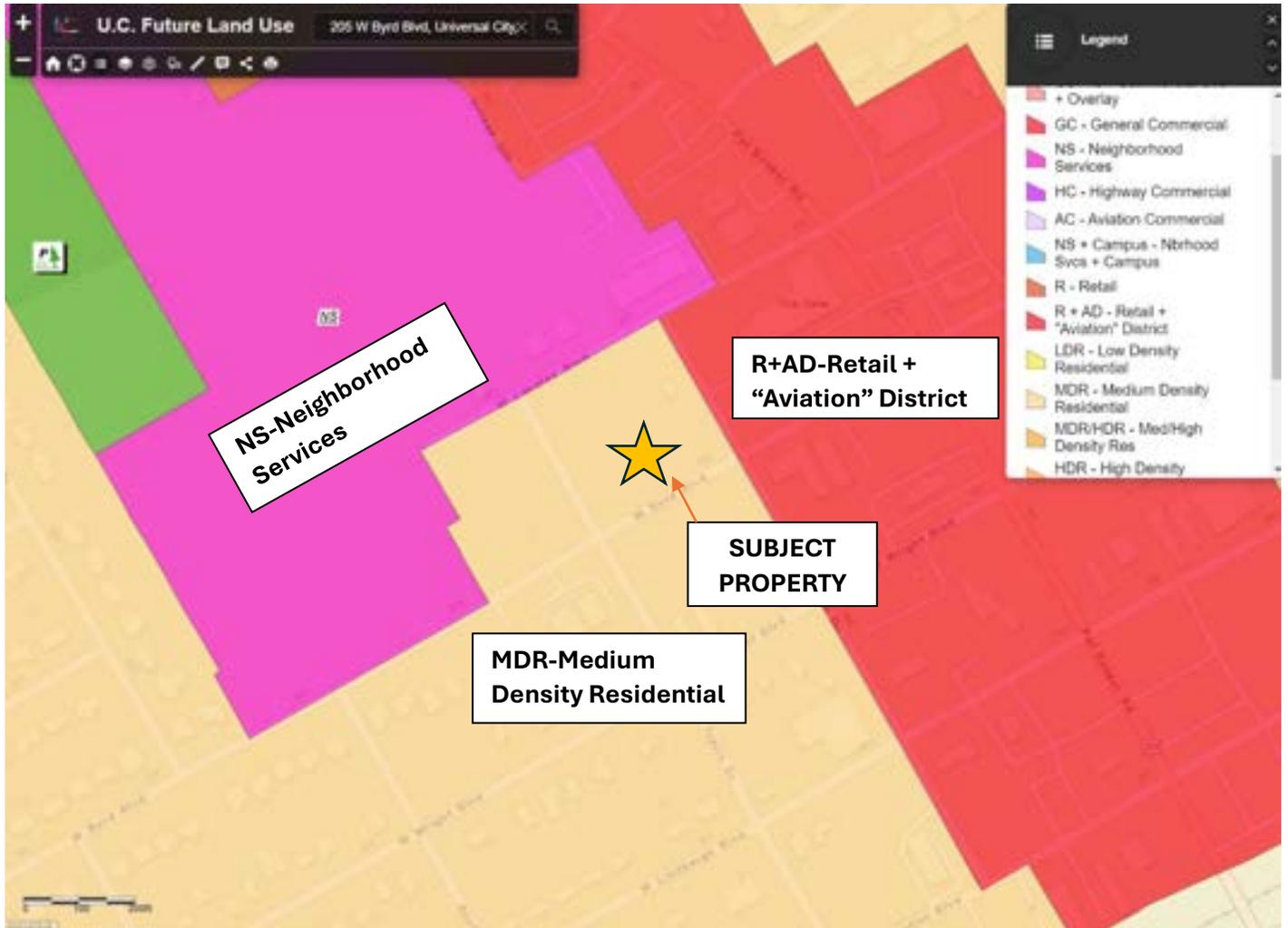
1. Approve FLUP GC-General Commercial and C4-General Commercial Zoning
2. Deny FLUP GC-General Commercial and C4-General Commercial Zoning
3. Consider a less intensive FLUP designation and Zone Change:
 - a. FLUP R-Retail and Zone Change C2-Retail
 - b. FLUP CS-Commercial Services and Zone Change C3-Commercial Services
 - c. Suggest applicant consider a Planned Unit Development

For Council review, the Zoning Use Table as it pertains to C4-General Commercial, C3-Commercial Services, and C2-Retail is attached as **Exhibit B**. Regardless of the direction that Council moves, it is imperative that Council’s votes for the FLUP and the Zone Change are consistent.

205 W. Byrd Boulevard
Aerial Map



205 W. Byrd Boulevard FLUP Map



Note: The masterplan reflects an expanded area showing recommended uses transitioning out of the study area.



Permitted Uses History

The following table identifies the history of both permitted uses (by-right) and uses requiring a Conditional Use Permit or Specific Use Permit.

	ORIGINAL CODE 70-A (1962) – B-1 DISTRICT	CODE 400 (1987) – CLASS 2 MEDIUM INTENSITY DISTRICT	CURRENT CODE 581 (2007 & 2020) – PROPOSED C4-GENERAL COMMERCIAL
USE	PERMITTED	PERMITTED	PERMITTED
Administrative & Business Offices	X	X	X
Indoor Sports & Recreation	X	X	X
Financial Services & Professional Offices	X	X	X
Laundry	X	X	X
Veterinary, Kennels & Pet Services	X	X (CUP)	X
Personal Improvement Services	X	X	X
Gas Station	X	X (CUP)	X (SUP)
Auto & Equipment Repair	X	X (CUP)	X
Funeral Services	X	X (CUP)	X
Agricultural Sales & Services			X (SUP)
Car Wash			X
Auto Sales & Rentals		X (CUP)	X (SUP)
Equipment Sales			X
Construction Sales & Services			X
Basic Industry			X (SUP)
Custom Manufacturing			X
Light Manufacturing			X
Warehousing & Distribution			X
Scrap & Salvage Services			X (SUP)
Vehicle Storage			X (SUP)
Bar	X	X	
Restaurant	X	X	
Retail	X	X	
Outdoor Sports & Recreation		X	X (SUP)

- Uses in Gold indicate compatibility throughout the property’s history & proposed district
- Uses in **bold** indicate incompatibility with Aviation District Masterplan
- Uses in Yellow conform with the Aviation District Masterplan but are not permitted in the C4 District

Outdoor Storage

Per Zoning Code Section 4-5-82, all three types of storage are permitted in the C4 District. See table below. note that outdoor storage was not allowed under the Zoning Code in use at the time the buildings were constructed.

Outdoor Display	<ul style="list-style-type: none"> • Within 5 feet of building wall • Only allowed outside during business hours
Limited Outdoor Storage	<ul style="list-style-type: none"> • Packaging on pallets, not storage containers • Must be screened by wall or fence
General Outdoor Storage	<ul style="list-style-type: none"> • Allowed in shipping containers, connexes, & semitrailers • Unlimited quantity if screened by wall or fence • Not allowed in parking areas or front & side setbacks • Temporary Use Permit required

Aviation District Masterplan

As you recall, the City generated an Aviation District Masterplan in 2020 to establish a framework and design guidelines for revitalization of the area. Included in the masterplan goals is the desire to provide for a mix of residential and commercial uses, as well as walkability in and around the Aviation District. The report further stated that infill redevelopment would allow Universal City to compete with neighboring towns, but to do so, would specifically require increased density, enhanced amenities and supportive retail. As identified in the C4 District Use Table above, several of the uses that are permitted by-right do not meet the vision of the Masterplan.

Use EXHIBIT B	C1	C2	C3	C4	C5
Administrative and business offices.	P	S	S	P	P
<p>Offices or private firms or organizations which are primarily used for the provision of executive, management or administrative services. Typical uses include administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, photocopy and reproduction, and business offices or public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.</p>					
Agricultural sales and services.	-	-	-	S	-
<p>Establishments or places of business engaged in sale (from the premises) of feed, grain, fertilizers, pesticides and similar goods or in the provision of agricultural related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, feed and grain stores and tree service firms.</p>					
Automotive washing.	S	-	P	P	-

Use EXHIBIT B	C1	C2	C3	C4	C5
Washing and cleaning of automobiles and related light equipment. Typical uses include auto laundries or car washes, not collocated with a gas station.					
Gas station.	S	-	P	S	P
An establishment for retail sale of petroleum products collocated with a local convenient store. Local convenient store collocation is required. May also be collocated with automotive washing with automotive washing as a secondary or ancillary use.					
Commercial off-street parking.	S	S	S	S	-
Parking of motor vehicles on a temporary basis within a private-owned off-street parking facility, other than accessory to a principal use. Typical uses include commercial parking lots or parking garages.					
Automotive rentals.	-	-	S	S	S

Use EXHIBIT B	C1	C2	C3	C4	C5
Rental of automobiles, noncommercial trucks, trailers and recreational vehicles, including incidental parking and servicing of vehicles available for rent or lease. Typical uses include auto rental agencies, trailer rental agencies and taxi-cab parking and dispatching.					
Automotive sales.	-	-	S	S	S
Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance and servicing. Typical uses include new and used car dealerships, motorcycle dealerships and boat, trailer and recreational vehicle dealerships.					
Equipment sales.	-	-	S	P	-

Use EXHIBIT B	C1	C2	C3	C4	C5
<p>Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, similar heavy equipment, including incidental storage, maintenance and servicing. Typical uses include truck dealerships, construction equipment dealerships and mobile home sales establishments.</p>					
<p>Automotive repair services.</p>	-	-	S	P	-
<p>Repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including the sale, installation and servicing of equipment and parts. Typical uses include muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops and similar repair and service activities, but excluding dismantling or salvage.</p>					
<p>Equipment repair services.</p>	-	-	-	P	-

Use EXHIBIT B	C1	C2	C3	C4	C5
<p>Repair of trucks, tractors, construction equipment, agricultural implements and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services and machine shops, but exclude dismantling or salvage.</p>					
<p>Building maintenance services.</p>	-	-	-	P	-
<p>Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance or window cleaning services.</p>					
<p>Business support services.</p>	-	-	S	P	S
<p>Establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, excluding automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.</p>					

Use EXHIBIT B	C1	C2	C3	C4	C5
Business or trade school.	S	-	P	-	S
A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university or public or private educational facility.					
Cocktail lounge.	S	P	P	-	P
A use engaged in the preparation and retail sales of alcohol beverages for consumption on the premises, including taverns, bars, cocktail lounges and similar uses.					
Indoor sports and recreation.	-	S	P	P	P
Uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks and arcades.					
Outdoor sports and recreation.	-	-	-	S	P

Use EXHIBIT B	C1	C2	C3	C4	C5
Uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, racquetball courts and marinas.					
Indoor entertainment.	-	S	P	-	P
Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls and dance halls.					
Outdoor entertainment.	-	-	-	-	S
Predominantly spectator uses conducted in open facilities. Typical uses include sports arenas, racing facilities and amusement parks. Subject to site plan review.					
Communications services.	-	-	-	P	S

Use	C1	C2	C3	C4	C5
EXHIBIT B Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as major utility facilities. Typical uses include television studios, telecommunication service centers or telegraph service offices.					
Construction sales and services.	-	-	S	P	S
Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale sale, from the premises, of materials used in the construction of buildings to other structures other than retail sale of paint, fixtures and hardware excluding those classified as one of the automotive and equipment services use types. Typical uses included building materials stores, tool and equipment rental or sales or building contractors.					
Consumer repair services.	S	S	P	P	P

Use	C1	C2	C3	C4	C5
EXHIBIT B Establishments primarily engaged in the provision or repair services to individuals and households rather than firms, but excluding automotive and equipment use types. Typical uses included appliance repair shops, watch or jewelry repair or musical instrument repair firms. All incidental storage shall be enclosed.					
Financial services.	S	-	S	P	P
Establishments primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, loan and lending activities and similar services.					
Food sales.	S	P	P	-	P
Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries and candy shops.					
Funeral services.	-	-	S	P	S

Use	C1	C2	C3	C4	C5
EXHIBIT B Establishments engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals.					
Events center.	-	-	S	-	S
A multi-use facility either run by a nonprofit or for-profit entity consisting of a building, group of buildings and/or outdoor areas intended for individuals and/or groups to gather and promote common interests, celebrations and events for commercial, civic, educational, political or social purposes.					
General retail sales.	P	P	P	-	P

Use EXHIBIT B	C1	C2	C3	C4	C5
<p>Sales or rental of commonly used goods and merchandise for personal or household use. Typical uses include department stores, apparel stores, furniture stores, mail order stores or establishments providing the following products: alcoholic beverages, antiques, appliances, art, art supplies, baked goods, bicycles, books, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronic equipment, fabric, flowers, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, medical supplies, musical instruments, pet food and/or pets, pharmaceuticals, photo finishing, picture frames, plants, printed material, produce, sporting goods, stationery, tobacco and related products, vehicle parts, and videos. Retail sale of petroleum products; that is, a gas station, is not considered General retail sales (see Gas station).</p>					
Kennels and pet services.	S	S	P	P	P

Use EXHIBIT B	C1	C2	C3	C4	C5
<p>Boarding and care services for dogs, cats and similar small animals. Typical uses include boarding kennels, pet motels, or dog training centers. Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, dog bathing and clipping salons or pet grooming shops.</p>					
<p>Laundry services.</p>	-	-	-	P	-
<p>Establishments primarily engaged in the provision of laundering, dry cleaning or dyeing services other than those classified as personal services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.</p>					
<p>Liquor sales.</p>	S	P	P	-	P
<p>Establishments or places of business engaged in retail sale for consumption (off the premises) of alcoholic beverages. Typical uses include liquor stores, bottle shops or any licensed sales for off-site consumption.</p>					
<p>Health care offices.</p>	P	S	P	-	P

Use EXHIBIT B	C1	C2	C3	C4	C5
A use providing consultation, diagnosis, therapeutic, preventative or corrective personal treatment services by physicians, dentists, medical and dental laboratories and similar practitioners of medical and healing arts, including emergency clinics.					
Personal improvement services.	S	P	P	P	P
Establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.					
Personal services.	P	P	P	-	P
Establishments or places of business primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops, seamstress, tailor, shoe repair shops and self-service laundry or self-service apparel cleaning services.					

Use EXHIBIT B	C1	C2	C3	C4	C5
Professional office.	P	S	P	P	P
A use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions.					
Restaurant—Convenience.	P	P	P	-	P
A use engaged in the preparation and retail sale of food and beverages (excluding alcoholic beverages), for on-premises consumption only. Typical uses include soda fountains, ice cream parlors, sandwich shops and coffee shops.					
Restaurant—General.	S	P	P	-	P

Use EXHIBIT B	C1	C2	C3	C4	C5
<p>A use engaged in the preparation and retail sale of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than fifty (50) percent of the gross income. A general restaurant may include live entertainment. Typical uses include restaurants, both full service and fast food, coffee shops, dinner houses and similar establishments with incidental alcoholic beverage service.</p>					
<p>Veterinary services.</p>	S	-	P	P	-
<p>Veterinary service for all animals. Typical uses include animal clinics and hospitals. Veterinary services shall not include the boarding of large animals.</p>					
<p>Hotel-motel.</p>	-	S	P	-	P
<p>Lodging services involving the provision of room and/or board. Typical uses include hotels and motels.</p>					
<p>Local convenience store.</p>	S	P	P	S	P

Use EXHIBIT B	C1	C2	C3	C4	C5
<p>A commercial activity engaged in the sale of commonly used goods and merchandise for personal or household use. May be collocated with a gas station with the gas station as the secondary or ancillary use. However, even as a secondary or ancillary use, a gas station is not permitted in the C2 District and may not be located in the C2 District.</p>					
<p>Artisan sales.</p>	S	P	P	P	S
<p>The manufacture and retail sale of hand-crafted wares such as pottery, jewelry, art, and similar products of craftsmanship.</p>					
<p>Restaurant—Neighborhood.</p>	S	P	P	-	P

Use EXHIBIT B	C1	C2	C3	C4	C5
<p>A use engaged in the preparation and retail sale of food and beverages, including the sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than twenty-five (25) percent of the gross income. A neighborhood restaurant does not include outdoor entertainment. Typical uses include restaurants, both full service and fast food, coffee shops, dinner houses, and similar establishments with incidental alcoholic beverage service.</p>					
<p>Accessory residential units—Commercial District</p>	S	-	P	-	-
<p>The residential occupancy of a portion of the principal use, not exceeding one-third ($\frac{1}{3}$) of the gross floor area, and is owner-occupied. Intended to serve for security it may include a full kitchen and must comply with all building and fire codes. One (1) additional off-street parking space is required.</p>					

Use	C1	C2	C3	C4	C5
Basic industry.	-	-	-	S	-
<p>A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials or a use utilizing flammable explosive or commonly recognized offensive conditions or materials.</p>					
Custom manufacturing.	-	-	-	P	-
<p>Establishments primarily engaged in the on-site, indoor production and storage of goods by hand manufacturing which involves only the use of hand tools or mechanical equipment. The direct sale to consumers of those goods produced on-site is prohibited. Basic industrial processing activities in Section 481 [501] [sic] are excluded.</p>					
Light manufacturing.	-	-	-	P	-

Use	C1	C2	C3	C4	C5
<p>A use engaged in the manufacture, predominantly from previously prepared materials, or finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and storage, sales and distribution of such products, but excluding basic industrial processing. Refer to Section 481 [501].</p>					
<p>Warehousing and distribution.</p>					
<p>A. <i>Convenience storage.</i> Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.</p>	-	-	S	P	S
<p>B. <i>General warehousing and distribution.</i> Open-air storage, distribution and handling of materials and equipment. Typical uses include monument or stone yards, or open storage yards.</p>	-	-	-	P	-

Use	C1	C2	C3	C4	C5
<p><i>C. Limited warehousing and distribution.</i> Wholesaling, storage and warehousing services within enclosed structures. Typical moving and storage firms and now retail mail order distribution centers.</p>	-	-	-	P	S
<p>Research services.</p>	-	-	-	P	S
<p>Establishments primarily engaged in research of an industrial or scientific nature but excludes product testing. Typical uses include electronics research laboratories, space research and development firms, or pharmaceutical research labs.</p>					
<p>Scrap and salvage services.</p>	-	-	-	S	-
<p>Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junk yards or paper salvage yards. (Subject to site plan review.)</p>					
<p>Vehicle storage.</p>	-	-	-	S	-

Use	C1	C2	C3	C4	C5
Long-term storage of operating or nonoperating vehicles. Typical uses include storage of private parking tow-aways or impound yards, but exclude dismantling or salvage.					

Motion to Approve – FLUP:

PC 612 (ZC 261)

After conducting a public hearing on the request for an amendment to the Future Land Use Plan for the property at 205 W. Byrd Boulevard, and receiving the Planning and Zoning Commission’s recommendation, City Council has considered the request and moves to approve PC 612 (ZC 261) and the amendment to the Future Land Use Plan from MDR-Medium Density Residential to GC-General Commercial for the subject property with the following condition:

1. City Council approval of the Zone Change from R-OT Old Town Residential to C4-General Commercial District

Motion to Approve – Zone Change:

PC 613 (ZC 262)

After conducting a public hearing on the request for a Zone Change for the property located at 205 W. Byrd Boulevard, and receiving the Planning and Zoning Commission’s recommendation, City Council has considered the request and moves to approve PC 613 (ZC 262) and the Zone Change from R-OT Old Town Residential to C4-General Commercial District for the subject property with the following condition:

1. City Council approval of the FLUP amendment from MDR-Medium Density Residential to GC-General Commercial

MINUTES
CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS
 Regular Meeting, Wednesday, 02 October 2024

1. CALL ORDER: Mayor Tom Maxwell at 6:30 P.M.

2. QUORUM CHECK and VOTE TO CONSIDER THE EXCUSE OF ABSENT MEMBERS (if applicable):

Maribel Garcia, Deputy City Clerk

Present:

Mayor Tom Maxwell
 Mayor Pro Tem, Christina Fitzpatrick
 Councilmember Ashton Bulman (Virtually)
 Councilmember Bear Goolsby
 Councilmember Lori Putt
 Councilmember Bernard Rubal
 Councilmember Phil Vaughan

Staff Present:

Kim Turner, City Manager
 Christine Green, Finance Director
 Maribel Garcia, Deputy City Clerk

Ms. Garcia confirmed a quorum was present.

3. INVOCATION and PLEDGE OF ALLEGIANCE:

Mayor Pro Tem Fitzpatrick gave the invocation. Mayor Maxwell led the Pledge of Allegiance to the United States and Texas flags.

4. STAFF REPORTS AND OTHER DISCUSSION ITEMS:

- a. **CITY MANAGER’S REPORT:** Mrs. Turner brief reports regarding water rights acquisitions, UCTV – the City’s upcoming public access channel, and the conclusion and outcome of the municipal court case reduction campaign.
- b. **STAFF REPORT:** None.

5. CITIZENS TO BE HEARD:

- John Williams, 13526 Mount Olympus, commended the Police Department for going above and beyond in the community, giving a personal example. He thanked Council for their recent decisions approving work at the golf course. He reported positive results at the course regarding recent drainage projects and greens replacement.
- Oly Schaefer, 103 Terra Cotta, wanted Council to know that there were over 100 volunteers unloading pumpkins at the Pumpkin Patch at the time of this meeting.
- Ken Taylor, 106 Granada, as a retired city manager, he said there were two types of councilmembers. He opined the worst type of councilmembers were know-it-all grandstanders who

6. ANNOUNCEMENTS:

a. **CITY MANAGER’S ANNOUNCEMENTS:**

Mrs. Turner updated Council and the public on Library, Pumpkin Patch and Olympia Hills Golf Course events. She also reminded everyone that early voting for the November 2024 election would begin

soon at the Library, with City Hall being an Election Day polling location. She informed everyone of Public Works Fall Clean-up days.

b. COUNCILMEMBERS' ANNOUNCEMENTS:

Mayor Pro Tem Fitzpatrick shared Pumpkin Patch events and encouraged fellow Councilmembers to attend Community Coffees on Thursdays. She encouraged everyone to attend Heroes Day at the Pumpkin Patch. She commented positively on National Night Out and reported on Judson ISD meetings regarding the potential closure of elementary schools.

Councilmember Putt commented on the Pumpkin Patch and volunteering for pumpkin delivery. She noted resident concerns regarding the length of Councilmember comments. She felt individual concerns should be handled with City Staff and Councilmembers should not direct departments as that is the role of City Manager. She asked to put the following discussion item on a future agenda: "a discussion that may limit the amount of time we [Councilmembers] take from three to five minutes, unless the Mayor gives consent to go longer" – regarding Councilmember Announcements. Mayor Maxwell noted this request.

Councilmember Bulman apologized for continued Zoom attendance but hoped she would be back in person soon.

Councilmember Rubal thanked resident Archie Wertheim for being a part of getting VIA Link to Northeast Lakeview College. He also commended Methodist Hospital for their expansion of their Outpatient Surgery unit at that Northeast location. He shared their 40-year plan for development to address population growth needs. He continued his laudations, noting CJ Cooley's (Code Enforcement Officer) work interacting with residents in difficult scenarios, and pointing out Public Works' labor to improve serviceability of alleys and emergency planning with CPS. He suggested that City Council consider beginning to develop a zero-scaping plan for development in the City given the state of South Texas water resources. Mayor Maxwell noted this request.

c. MAYOR'S ANNOUNCEMENTS:

Mayor Maxwell presented a Proclamation for Texas Teachers Day 2024 to Dr. Nicole Taguinod, Assistant Superintendent of Employee and Public Relations from Judson ISD. Councilmember Lori Putt read the proclamation.

Regarding the procurement of a consultant to develop a business plan for Olympia Hills Golf and Events Center, Mayor Maxwell recommended forming a committee with Golf Course and Food and Beverage Professionals to include Sal Garcia, Director of Golf Operations, Jeremy Laak, Golf Superintendent, Katie Rein, Director of Food and Beverage, Mayor Pro Tem Fitzpatrick, and Councilmember Vaughan to review contract proposal submissions and make a recommendation to City Council for awarding a contract for the development of a business plan for the golf course. The Mayor received a consensus from Council to create this committee.

Mayor Maxwell reported on various events he had attended or were upcoming, including the Texas Passenger Rail Advisory Committee meeting held on the Amtrak commuter train between San Antonio and Austin and the Pumpkin Patch. He cautioned Councilmembers of potential walking quorums but was reassured that the appropriate notices were posted to avoid any issues. He emphasized the need to avoid discussing City business outside of open meetings.

He moved on to discuss procedures for adding agenda items to the agenda. He wished to ease this process a bit and reviewed the methods by which he intended to do so. This included email submissions of agenda item proposals following a template. These would either be forwarded to the appropriate departments to be addressed or could become agenda items. If item proposals were rejected, it would be within the Councilmembers' right to bring the item proposal before Council for consideration of placing the item on a future agenda.

7. CONSENT AGENDA:

Councilmember Goolsby moved to approve the following Consent Agenda items:

- 1) Consider the minutes of the Tuesday, 17 September 2024 Regular Meeting.
- 2) Ordinance No. 581-PC-602 (ZC 260)-2024: An ordinance of the City of Universal City approving a Zoning Map Amendment for an approximately 0.4880-acre tract located at 840 North Boulevard (CB 5053D BLK LOT 4 EXC S IRR 4.2 FT) from C2-Retail District to C1-Neighborhood Services District.
- 3) Ordinance No. 655-R-2024 (PC 610 SU 025): An ordinance approving a Specific Use Permit to Modern Geosciences for a Professional Office Use in a C2-Retail District on property located at 121 W. Wright Boulevard, Universal City, Texas (CB 5768 BLK 14 LOT 23 THRU 26); providing for non-severability; and establishing an effective date.

Mayor Pro Tem Fitzpatrick seconded the motion.

**Vote: Yeas: Goolsby, Fitzpatrick, Bulman, Putt, Rubal, Vaughan
Nays: None**

Motion to approve carried.

8. ACTION ITEMS:

B. Utility Bad Debt Write-Off.

Mrs. Turner explained that, as part of the annual audit process, Finance reviews utility accounts with outstanding balances. Writing off these balances did not mean stopping the collections process. Approximately 145 accounts would be written off to the total of \$30,843.11.

Mayor Pro Tem Fitzpatrick moved to approve the annual Utility bad debt write-off. Councilmember Goolsby seconded the motion.

**Vote: Yeas: Fitzpatrick, Goolsby, Bulman, Putt, Rubal, Vaughan
Nays: None**

Motion to approve carried.

C. Resolution 960-A-2024 (PFIA Policy): A resolution of the City of Universal City, Texas, outlining its Policy for the Investment of Public Funds.

Mrs. Turner explained that the policy had not changed from the prior year, but statute requires it to be readopted annually. She noted that she, Mrs. Green, and Mr. Mateo Garcia were all trained in the Public Funds Investment Act.

Councilmember Vaughan and Mrs. Green discussed future plans of investment, which were consistent with current investments.

Councilmember Vaughan moved to approve Resolution 960-A-2024. Councilmember Goolsby seconded the motion.

**Vote: Yeas: Vaughan, Goolsby, Bulman, Fitzpatrick, Putt, Rubal
Nays: None**

Motion to approve carried.

9. DISCUSSION ITEMS:

Mrs. Turner explained this new section of the agenda. It was to allow Council to discuss items and to reach consensus for direction to give Staff before an item is officially considered for action.

N.T. 1. Public Meeting Space Discussion.

Councilmember Vaughan explained that the previously discussed Library Meeting Room Policy amendments were more restrictive than prior years, which led to the want to discuss whether Council would like to offer other public meeting spaces. He wanted to consider this prior to acting on the Library Meeting Room Policy. He offered the following questions for consideration: 1) Should the City try to offer public meeting space? and 2) If yes, where? He suggested reviewing when facilities are under-utilized. He clarified for Councilmember Goolsby that the changes to the Library Meeting Room Policy proposed at a previous meeting make it easier for the Library to reschedule or cancel reservations. He felt this was an issue that restricted access to the space, leading to the review of other spaces as public meeting spaces.

Mrs. Turner assured Council that the only time programs were bumped from the Library is during election seasons when the room cannot be utilized. Typically, the programs bumped are organizations which have regular meetings that are disrupted by election periods. Furthermore, when the Library is not in use outside of its business hours, it is available for reservation. She noted the Library is free to use while other locations mentioned have rental fees.

Councilmember Vaughan expressed discomfort that the Library Meeting Room Policy made it so that there is not guaranteed use of the space. He was told policy guaranteed a 72-hour notice.

Councilmember Goolsby wondered how often people who reserve the Library Meeting Room were bumped from the space. He felt that creating a separate policy in response to a problem that may not exist would be unnecessary.

Mayor Pro Tem Fitzpatrick requested clarification regarding whether providing other facilities as public meeting spaces would make those spaces accessible at no charge; Councilmember Vaughan confirmed. She noted that anyone can currently rent Cimarron Clubhouse at a fee.

Council discussed whether facilities would be offered certain days for free for public meetings. They also discussed what constitutes a "public meeting" which would qualify for use of facilities for free under a proposed Public Meeting Space Policy. They received clarification and justifications for fees at public facilities for rental.

Mrs. Turner reminded Council that educational meetings and other public meetings are allowed at the Library. She explained the process to apply for use of the Library Meeting Room and reiterated that the only time these programs would be bumped is due to elections. People who

reserve the room would receive ample notice of cancellation and Library Staff attempt to relocate their events to the best of their ability.

Councilmember Bulman explained that she was in favor of exploring options for other free public meeting spaces to relieve pressure from the Library as well as address the issue of a more restrictive Library Meeting Room Policy.

Mrs. Turner explained Library Meeting Room allowed uses, said she would follow up to verify the changes in allowed uses, and clarified that any meeting for personal gain, such as a campaign event, would not be allowed by the Library. She emphasized that the Library Meeting Room is meant for educational public events. She felt there was confusion regarding Library Meeting Room uses, times of the uses, and frequency of cancellations caused by the Library.

Council agreed to wait for a report on the frequency of programs being bumped from the Library Meeting Room before moving forward with either the Library Meeting Room Policy or the Public Meeting Space Policy options. They would also receive clarification on approved uses for the Library Meeting Room.

Councilmember Rubal commented on the capacity of the Library Meeting Room, wondering if it could adequately house meetings for Comprehensive Plan participation.

Council received a justification for facility rental fees including cleaning costs and Staff time.

10. ADJOURNMENT: Mayor Maxwell adjourned the meeting at 7:32 P.M.

APPROVED:

Tom Maxwell, Mayor

ATTEST:

Maribel Garcia, Deputy City Clerk

CITY OF UNIVERSAL CITY

Date: 10/15/2024

TO: City Council
FROM: Kim M. Turner, City Manager
SUBJECT: Resolution 975-2024

Historical Background

The subject 1.587 tract of land was not included the Request for Proposals (RFP) in what is now referred to as the Reunion Project. The Texas Local Government Code 272.001 (b)(4) allows a City to convey the parcel to an end user by transferring the tract to an “independent foundation”. In the case of Universal City, the Universal City EDC is the independent foundation. The City has used this section of the TLGC on other projects with land being transferred to the EDC who then works with a specific developer as directed by Council.

Under this project, the EDC would then enter into a purchase sales agreement with the end user. Proceeds from the sale, minus expenses, would be conveyed back to the City with the City utilizing the funds as determined through the Purchase Sales Agreement, Development Agreement, or any other project specifications as negotiated.

Action Requested

Approve Resolution 975-2024 supporting the transfer of 1.587 AC tract to the Universal City EDC and authorize the City Manager, Mayor, and EDC Officers to sign any documents pertaining the land transfer and the Purchase Sales Agreement with the UCEDC and any related documents; and subsequently approve the UCEDC Purchase Sales Agreement with Chick-fil-A, Inc.

Procurement Methodology

This is a permissible land transfer per TLGC 272.001 (b)(4) and requires no procurement by the City.

Source and Amount of Funding

This is a permissible land transfer per TLGC 272.001 (b)(4) and requires no procurement by the City.

Staff Recommendation

Staff recommends approval of the 1.587 Acre Tract to the EDC

RESOLUTION NO. 975-2024

AN RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS APPROVING THE SALE OF APPROXIMATELY 1.587 ACRES OF REAL PROPERTY TO THE UNIVERSAL CITY ECONOMIC DEVELOPMENT CORPORATION, FOR THE ECONOMIC DEVELOPMENT PURPOSES OF CONVEYANCE TO CHICK-FIL-A, INC.; MAKING FINDINGS; AUTHORIZING SIGNATORIES; AND ESTABLISHING A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City of Universal City, Texas (sometimes “City”) is a home-rule municipality located in Bexar County, Texas and duly established under the Texas Constitution and the laws of this State; and

WHEREAS, the City is the owner of certain real property consisting of 1.587 acres, in Universal City, Bexar County, Texas, and as further depicted or described in the Exhibits to this Resolution (the "Property"); and

WHEREAS, Tex. Loc. Gov’t Code §272.001(b)(4) allows City to convey land it wants developed by contracting with an independent foundation without auction or soliciting competitive bids; and

WHEREAS, the Universal City Economic Development Corporation (sometimes “UEDC”) is a Texas non-profit corporation and qualifies as an independent foundation under Tex. Loc. Gov’t Code §272.001; and

WHEREAS, the City wishes to sell the Property to the UEDC for the purpose of facilitating economic development projects within the City, including but not limited to the development of a Chick-fil-A restaurant on the Property, which will contribute to the local economy and create new jobs; and

WHEREAS, the development of a Chick-fil-A restaurant on the Property is consistent with and complementary to ongoing City projects, such as the adjacent Reunion Development, which are designed to expand and promote economic development, improve infrastructure, attract new businesses, and enhance the quality of life for City residents and visitors; and

WHEREAS, the City recognizes that the sale of the Property to the EDC, with the requirement that the EDC subsequently convey the Property to Chick-fil-A for development as provided herein, will stimulate local economic growth, generate additional sales and property tax revenue, and promote the development of the City in line with the City's economic development goals; and

WHEREAS, the City finds and determines that by entering into this Agreement, the ultimate acquisition and development of the Property as contemplated herein will stimulate local business and commercial activity in the City of Universal City, and therefore provide a public benefit;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Approval and Authorization. The agreement attached hereto as **Exhibit “A”** is hereby approved and the City Manager is hereby authorized to execute an agreement, substantially similar to **Exhibit “A,”** and all documents necessary to accomplish the purposes of this Resolution.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the law of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application

of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. Open Meetings. It is hereby officially found, determined, and declared that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Section 7. Effective Date. This Resolution shall be effective immediately upon adoption by the City Council.

PASSED AND APPROVED THIS 15th DAY OF October, 2024.

CITY OF UNIVERSAL CITY, TEXAS

APPROVED:

Tom Maxwell, Mayor

ATTEST:

Maribel Garcia, Deputy City Clerk

EXHIBIT "A"

AGREEMENT TITLED: REAL ESTATE SALES CONTRACT

Real Estate Sales Contract

This Contract to buy and sell real property between The City of Universal City, a Texas home-rule municipality (“Seller”) and the Universal City Economic Development Corporation, a “Type B” economic development corporation (“Buyer”) is effective on the date of the last of the signatures by Seller and Buyer.

A. Purchase and Sale of Property

A.1. Purchase and Sale Agreement. Subject to the terms and provisions of this Real Estate Sales Contract (the “Contract”), Seller agrees to sell and convey to Buyer and Buyer agrees to buy and pay Seller for Subject to the terms and conditions in this Agreement, Purchaser agrees to buy and Seller agrees to sell the real property containing approximately 1.587 acres, in Universal City, Bexar County, Texas, being described or generally depicted on Exhibit “A,” together with any and all improvements, appurtenances, rights, privileges and easements benefiting, belonging or pertaining to the Land, and all right, title and interest of Seller in and to any land lying in the bed of any road in front of or adjoining the Land, together with any strips or gores relating to the Land (collectively, the “Property”).

B. Consideration; Purpose

B.1. Consideration. ONE MILLION NINE HUNDRED THOUSAND AND NO/100 DOLLARS (\$1,900,000.00) not including closing costs and related expenditures.

B.2. Buyer agrees that the Property is to be acquired, as required by the City herein, by Chick-Fil-A, Inc. (sometimes “CFA”), to facilitate the subsequent development of the Property, creation of jobs, and diversification of the economy, consistent with and to enhance the adjacent “Reunion Project;” all of which are in furtherance of public purposes of the EDC and City. Buyer agrees to serve as an independent foundation to convey the Property in order to have the Property developed as required by Seller, to wit: the development and operation of the Property as a Chick-fil-A restaurant with a "drive-thru" window with multiple lanes, multi-lane order points and canopies, a pylon and/or monument sign, a children's play facility and an outdoor seating area and as otherwise provided in the purchase and sale agreement included as Exhibit “C.”

C. Economic Development

Seller and Buyer agree and understand that the Property is being conveyed by Seller without competitive bids pursuant to Sec. 272.001(b)(4), Tex. Gov’t Code, for economic development purposes.

D. Closing

D.1. Closing. This transaction will either close (“Closing”) (1) concurrently with the closing of that certain purchase and sale contract dated _____, 2024, between the Universal City Economic Development Corporation as seller, and as Chick-Fil-A, Inc., as purchaser of the Property for development as a Chick-Fil-A restaurant (the “EDC-CFA Contract”); or (2) as otherwise agreed between the City and UCEDC (the “Closing Date”).

D.2. At Closing, Seller will deliver the following items:

Special Warranty Deed

Other items which may be necessary to close

D.3. At Closing, Buyer will deliver the following items:

The Purchase Price

Exhibit “C”— the Development Agreement, executed by Buyer and Seller

Exhibit “D”— the UCEDC-CFA Contract, executed by Buyer and CFA

Other items which may be necessary to close

E. Additional Terms

E.1. Entire Agreement. This Contract, its exhibits, and any Closing Documents are the entire agreement of the parties concerning the sale of the Property by Seller to Buyer.

E.2. Amendment. This Contract may be amended only by an instrument in writing signed by the parties.

E.3. Prohibition of Assignment. Buyer may not assign this Contract.

E.4. Choice of Law; Venue. THIS CONTRACT IS TO BE CONSTRUED UNDER THE LAWS OF THE STATE OF TEXAS, WITHOUT REGARD TO CHOICE-OF-LAW RULES OF ANY JURISDICTION. VENUE IS IN BEXAR COUNTY, TEXAS.

E.5. Severability. If a provision in this Contract is unenforceable for any reason, to the extent the unenforceability does not destroy the basis of the bargain among the parties, the unenforceability does not affect any other provision of this Contract, and this Contract is to be construed as if the unenforceable provision is not a part of the Contract.

E.6. Counterparts. If this Contract is executed in multiple counterparts, all counterparts taken together constitute this Contract. Copies of signatures to this Contract are effective as original signatures.

F. Exhibits

The following are attached to and are a part of this Contract:

Exhibit A—Legal Description of Land

Exhibit B—Representations; Environmental Matters

Exhibit C—Development Agreement between City and UCEDC

Exhibit D—UCEDC-CFA Agreement

SELLER:

City of Universal City

By: Kim. M. Turner

Its: City Manager

Date: _____

BUYER:

Universal City Economic Development Corporation

By: Richard "Dick" Crow

Its: President

Date: _____

Exhibit A

Legal Description of Land

Exhibit B

REPRESENTATIONS

A. Seller's Representations to Buyer

Seller represents to Buyer that the following are true and correct as of the Effective Date and will be true and correct on the Closing Date, unless Seller has given Buyer notice of any changes prior to the Closing Date that such circumstances have changed due to causes not reasonably within Seller's control.

A.1. Authority. Seller is a Home-Rule Municipality duly organized, validly existing, and in good standing under the laws of the state of Texas with authority to perform its obligations under this Contract. This Contract is binding on Seller. This Contract is, and all documents required by this Contract to be executed and delivered to Buyer at Closing will be, duly authorized, executed, and delivered by Seller.

A.6. Terrorist Organizations Lists. Seller is not, and Seller has no actual knowledge that any of its partners, members, shareholders, owners, employees, officers, directors, representatives, or agents is a person or entity with whom U.S. persons or entities are restricted from doing business under regulations of the Office of Foreign Asset Control of the Department of the Treasury or under any statute, executive order, or other governmental action.

D. Buyer's Representations to Seller

Buyer represents to Seller that the following are true and correct as of the Effective Date and will be true and correct on the Closing Date, unless Buyer has given Seller notice of any changes prior to the Closing Date that such circumstances have changed due to causes not reasonably within Buyer's control.

D.1. Authority. Buyer is a Type "B" Economic Development Corporation duly organized, validly existing, and in good standing under the laws of the state of Texas with authority to perform its obligations under this Contract. This Contract is binding on Buyer. This Contract is, and all documents required by this Contract to be executed and delivered to Seller at Closing will be, duly authorized, executed, and delivered by Buyer.

D.2. Terrorist Organizations Lists. Buyer is not, and Buyer has no actual knowledge that any of its partners, members, shareholders, owners, employees, officers, directors, representatives, or agents is a person or entity with whom U.S. persons or entities are restricted from doing business under regulations of the Office of Foreign Asset Control of the Department of the Treasury or under any statute, executive order, or other governmental action.

Exhibit C

DEVELOPMENT AGREEMENT

This Development Agreement (“Development Agreement”) is made and entered into as of _____, 2024, (the “Effective Date”) by and between The City of Universal City, a Texas home-rule municipality (“CITY”), and the Universal City Economic Development Corporation, a Texas Type “B” Economic Development Corporation (“UCEDC”) acting by and through their authorized representatives.

WHEREAS, pursuant to the Purchase and Sale Agreement between the CITY and UCEDC dated _____, wherein CITY conveys to UCEDC certain real property containing approximately 1.587 acres, in Universal City, Bexar County, Texas, being described or generally depicted on Exhibit A, together with any and all improvements, appurtenances, rights, privileges and easements benefiting, belonging or pertaining to the Land, and all right, title and interest of Seller in and to any land lying in the bed of any road in front of or adjoining the Land, together with any strips or gores relating to the Land (collectively, the "Property") (as provided by Exhibit “A”), a condition of the conveyance of the Property to the UCEDC is that the UCEDC develop the Property as provided herein and under the authority of Tex. Local Gov’t Code Sec. 272.001(b)(4); and

WHEREAS, the CITY’s conveyance of the Property to the UCEDC as contemplated by this Development Agreement is for the development of the Property in conformance with CITY’s development requirements as provided herein; and

WHEREAS, in consideration of the CITY’s conveyance of the Property to the UCEDC, the UCEDC has engaged Chick-Fil-A, Inc. (“CFA”) to acquire and develop the Property in conformance with CITY’s development requirements as provided herein;

NOW, THEREFORE, in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

Article I Definitions

For purposes of this Development Agreement, the following words and phrases shall have the following meanings unless the context clearly indicates a different meaning:

“Business Operations” shall mean those operations which are necessary for, consistent with, and ancillary to the operation of a Chick-Fil-A restaurant.

“Development” shall mean the development of the Property, which will consist of a Chick-Fil-A restaurant with a "drive-thru" window with multiple lanes, multi-lane order points and canopies, a pylon and/or monument sign, a children's play facility;

“Default” shall mean the failure of CFA to obtain all necessary Permits during the “Permitting Period,” as defined in the UEDC-CFA Agreement.

“Force Majeure” shall mean any contingency beyond the reasonable control of a party including, without limitation, acts of God or the public enemy, war riot, civil commotion, insurrection, strike, fires, explosions or floods, strikes, and rain delays and other weather-related delays caused by temperatures that are too cold to permit construction activities.

“Improvements” shall mean the structures, supporting improvements and other ancillary facilities required for the Development on the Property in the UEDC-CFA Agreement.

“Property” shall mean the real property consisting of approximately 1.587 acres, out of Lot 3, Block 70, in accordance with the CFA UC Subdivision 2 plat dated June 18, 2024.

Article II Development Requirements

2.1 Development of Property; Buildings. No lot or portion of the Property shall be owned, held leased, transferred, sold, mortgaged or conveyed for any use other than for the Development of the Property and construction of the Improvements. No building shall be constructed, reconstructed, erected, altered, or placed on any portion of the Property other than the Improvements or other structures that will be used in conformance with the Development.

2.2 Completion of Construction and Operation. Completion of Construction and commencement of Business Operations shall be realized no later than June 25, 2026, unless otherwise agreed in writing by the CITY.

Article III Miscellaneous

3.1 Enforcement. CITY shall have the right, but not the obligation, to enforce this Development Agreement, as the same may be amended as herein provided. The rights of CITY under this Development Agreement may not be waived or released except pursuant to an amendment or termination approved in accordance with the provisions hereof.

3.2 Default. In the event of Default, CITY shall have all enforcement rights available to it by law or equity.

3.3 Force Majeure. If a Force Majeure event causes a substantial delay to either CITY or UCEDC, which may in turn hamper the ability for Completion of Construction as provided herein, the deadlines and other obligations required by this Agreement may be extended by both CITY and UCEDC, as reflected in writing which has been duly-approved and signed by both parties.

3.4 Amendment. No amendment or any early termination of this Development Agreement shall be effective unless and until the governing bodies of CITY and the UEDC UCEDC has approved the same as evidenced in writing and signed by both parties.

3.5 Successors and Assigns. This Agreement shall bind, and inure to the benefit of, the parties and their respective successors and assigns.

3.6 Governing Law. This Agreement is entered into and is intended to be performed in the State of Texas, and the validity, enforceability, interpretation and construction hereof shall be determined and governed by the laws of the State of Texas. Venue for any action shall be in the state district court of Bexar County, Texas.

3.7 Entire Agreement. This Agreement constitutes the entire agreement between the parties hereto with respect to the subject matter hereof, and no statement, promise, representation or modification hereof by any person, if any, and whether oral or written, shall be binding upon any party.

(Signature Pages to Follow)

CITY:
City of Universal City

By: Kim. M. Turner
Its: City Manager

STATE OF TEXAS §
COUNTY OF BEXAR §

This instrument was acknowledged before me on the _____ day of _____, 2024, by KIM TURNER, the City Manager of the City of the Universal City, on behalf of said City.

NOTARY PUBLIC, THE STATE OF TEXAS

UCEDC:
Universal City Economic Development Corporation

By: Richard “Dick” Crow
Its: President

STATE OF TEXAS §
COUNTY OF BEXAR §

This instrument was acknowledged before me on the _____ day of _____, 2024, by _____, the _____ of the Universal City Economic Development Corporation, on behalf of said Corporation.

NOTARY PUBLIC, THE STATE OF TEXAS

CITY OF UNIVERSAL CITY

Date: 10/8/2024

TO: City Council

FROM: Kim M. Turner, City Manager

SUBJECT: Public Hearing: P.C. 614 (SU 026)— A request for a **Specific Use Permit** at 234 Flintstone Lane to allow an Accessory Residential Unit use (mother-in-law flat) in an R3-Medium Density Residential District, per zoning ordinance 581.

SUBJECT: Ordinance No. 655-S-2024— Request for a **Specific Use Permit** at 234 Flintstone Lane to allow an Accessory Residential Unit use (mother-in-law flat) in an R3-Medium Density Residential District, per zoning ordinance 581.

Historical Background

The property owner would like to build an Accessory Residential Unit in the form of a casita at the rear of the property. The dwelling unit would be approximately 450 square feet and have a living room, bedroom, kitchen and bathroom with all required utilities (electricity and water). The existing house has a one-car garage and since that side of the street does not have a sidewalk, the driveway is long enough to accommodate two vehicles, which meets the Zoning Code parking requirements. The side and rear yard setback requirements for accessory structures are both five feet, which the proposed unit will meet. The dwelling unit also meets the 10-foot height maximum and the entire property meets the 65% maximum lot coverage requirement.

The Zoning Code allows an Accessory Residential Unit in a residential district as a Specific Use. As such, the property owner is requesting a **Specific Use Permit**.

Thirty-six (36) notices were sent out to surrounding property owners; three (3) were returned identifying no opposition to the request. No one other than the property owner and the builder spoke “for” or “against” the proposed SUP at the Planning & Zoning Public Hearing. The members of the Planning & Zoning Commission unanimously approved the SUP and forwarded the SUP request to City Council for its final determination.

Action Requested

City Council will need to conduct a **Public Hearing** on the SUP and then make a final consideration on the **SUP Ordinance: Ord 655-S-2024**, attached. Per the City Charter, the Ordinance will require two readings.

Procurement Methodology

This is a zoning procedure only and requires no procurement by the City.

Source and Amount of Funding

This is a zoning procedure only and requires no funding by the City.

Staff Recommendation

Staff recommends approval of the SUP for an Accessory Residential Unit use at 234 Flintstone Lane. The additional dwelling unit will serve as one component of a multi-generational property.

Motion to Approve:

PC 614 (SU 026)

After conducting a public hearing on the request for a Specific Use Permit for the property at 234 Flintstone Lane and receiving the Planning and Zoning Commission's recommendation, City Council has considered the request and moves to approve PC 614 (SU 026) and to grant a specific use permit to allow an Accessory Residential Unit use to Sue Glenna Cannon.

ORDINANCE NO. 655-S-2024 (PC 614 SU 026)
(234 Flintstone Lane)

AN ORDINANCE APPROVING A SPECIFIC USE PERMIT TO SUE GLENNA CANNON FOR AN ACCESSORY RESIDENTIAL UNIT USE IN AN R3-MEDIUM DENSITY RESIDENTIAL DISTRICT ON PROPERTY LOCATED AT 234 FLINTSTONE LANE, UNIVERSAL CITY, TEXAS (CB 5053B BLK 3 LOT 9); PROVIDING FOR NON-SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in accordance with Section 4-5-54 of the Code of Ordinances, City Council may approve an application for a Specific Use Permit to provide some flexibility to traditional zoning by offering a mechanism to balance specific site constraints and development plans with the larger interest of the community and the integrity of the Zoning Ordinance; and

WHEREAS, as described in Section One of this Ordinance, an application has been made for a Specific Use Permit; and

WHEREAS, the Zoning Table of Uses authorizes City Council to issue the Specific Use Permit; and

WHEREAS, after proper delivery of notice, the Planning and Zoning Commission conducted a public hearing on the application for the Specific Use Permit on October 7, 2024; and

WHEREAS, at the conclusion of the public hearing, the Planning and Zoning Commission made a recommendation in favor of the application for the Specific Use Permit and made the findings required by Section 4-5-54 of the Code of Ordinances as follows:

- The proposed use is in accord with the objectives of these regulations and the purposes of the district in which the site is located.
- That the proposed use will comply with each of the applicable provisions of these regulations.
- That the proposed use and site development, together with any modifications applicable thereto, will be completely compatible with existing or permitted uses in the vicinity.
- That the conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and ensure compatibility with existing or permitted uses in the same district and the surrounding area, and that the prescribed zoning standards do not provide enough mitigation of the impacts identified, thus warranting stricter standards, if so recommended.
- The Commission has given due consideration to all technical information supplied by the applicant.
- That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity; and

WHEREAS, after proper publication of notice and receipt of the Planning and Zoning Commission's recommendation, City Council conducted a public hearing on the application for the Specific Use Permit on October 15, 2024; and

WHEREAS, after conducting a public hearing on the matter wherein the testimony and comments of members of the public were received, City Council made the findings required by Section 4-5-54 of the City Code as set out infra.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS:

SECTION 1. The recitals set out above are adopted herein for all purposes.

SECTION 2. The application for a Specific Use Permit by Sue Glenna Cannon for an Accessory Residential Unit use in an R3-Medium Density Residential District on property located at 234 Flintstone Lane, Universal City, Texas (CB 5053B BLK 3 LOT 9), is hereby approved, subject to the conditions set out in Section 3.

SECTION 3. Pursuant to Section 4-5-54 (entitled “Specific Use Regulations”) of Code of Ordinances, the following conditions are imposed:

No conditions are imposed.

SECTION 4. All provisions of the Code of Ordinances of the City of Universal City not herein amended or repealed shall remain in full force and effect.

SECTION 5. All other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 6. This ordinance is not severable.

SECTION 7. This ordinance will take effect upon its passage, approval and publication as provided by law.

PASSED, on first reading by the City Council of the City of Universal City on this the 15th day of October 2024.

PASSED AND APPROVED, on second reading by the City Council of the City of Universal City on this the 6th day of November 2024.

UNIVERSAL CITY

Tom Maxwell, Mayor

Attest:

Approved as to form:

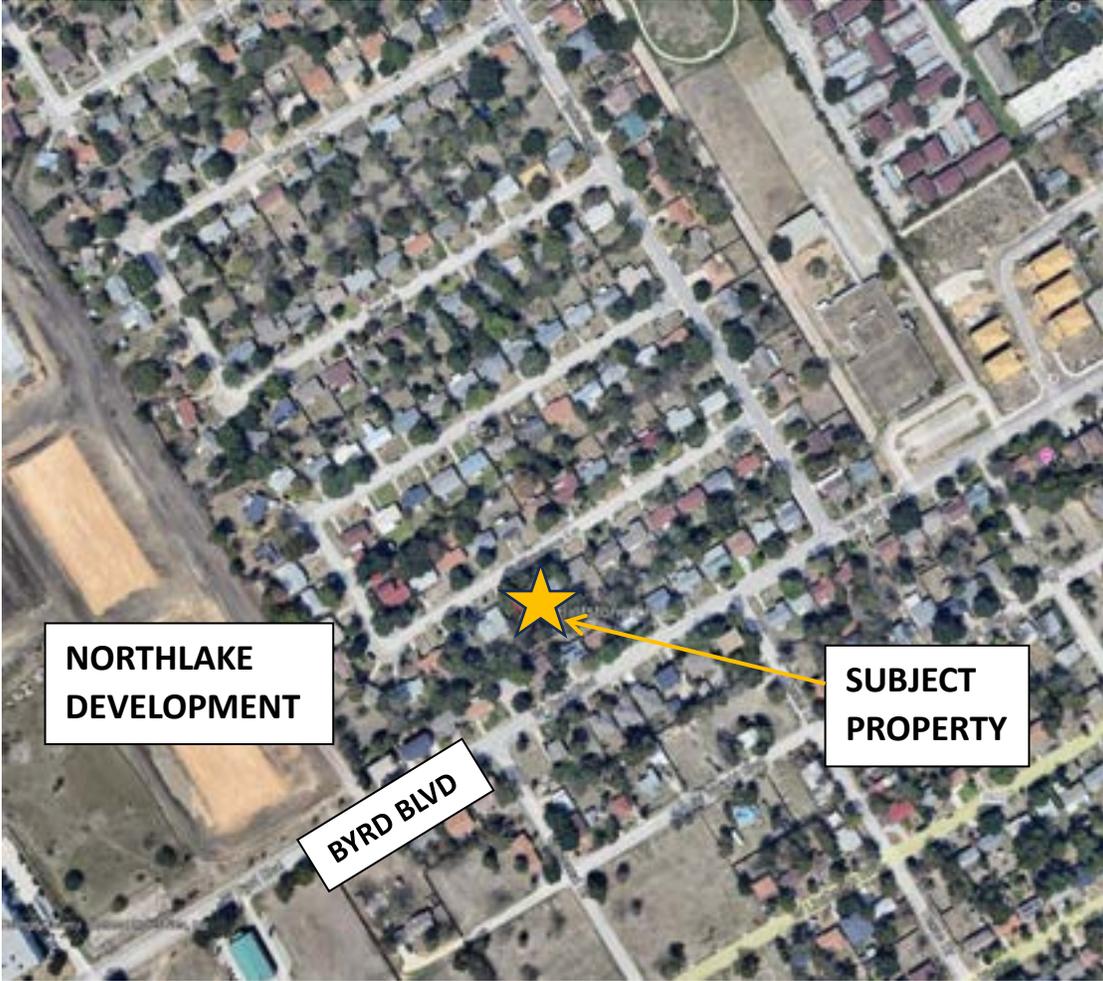
Maribel Garcia, Deputy City Clerk

Natalie Thamm, City Attorney
Denton Navarro Rodriguez Bernal Santy &
Zech, P.C.

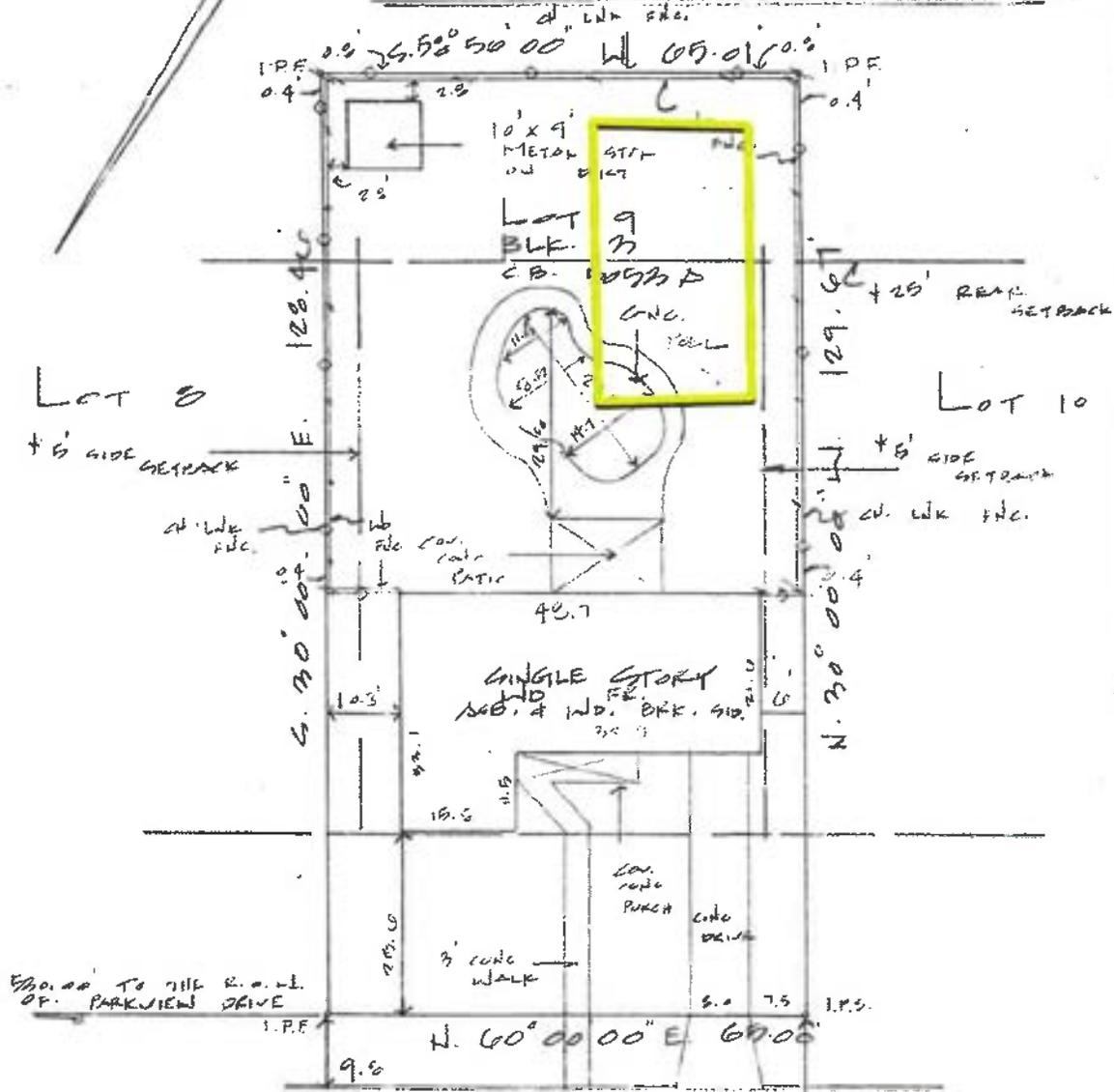
Background Materials - NOT PART OF ORDINANCE

234 Flintstone Lane

Aerial Map



NORTHVIEW PARK SUBDIVISION
UNIT No. 2



Pool has been removed
450 ft.²
Height 10 feet

* REST: 510 | 250 PLAT OF SURVEY
SCALE 1" = 20 FT

LOT NO. 9 BLOCK NO. 2 ADDITION OR SUBDIVISION NORTHVIEW PARK SUB'D
SECTION OR UNIT UNIT No. 2 R.C.B. NO. 5077A VOL. 4700 PG. 20
STREET ADDRESS 234 FLINTSTONE CITY UNIVERSAL CITY
COUNTY BEXAR SURVEY FOR U.S. LIFE REFERENCE 10440
STATE OF TEXAS, COUNTY OF BEXAR

I HEREBY CERTIFY THAT THE ABOVE PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS OF BUILDINGS ON ADJOINING PROPERTY AND THAT ALL BUILDINGS ARE WHOLLY LOCATED ON THIS PROPERTY EXCEPT AS SHOWN ABOVE.

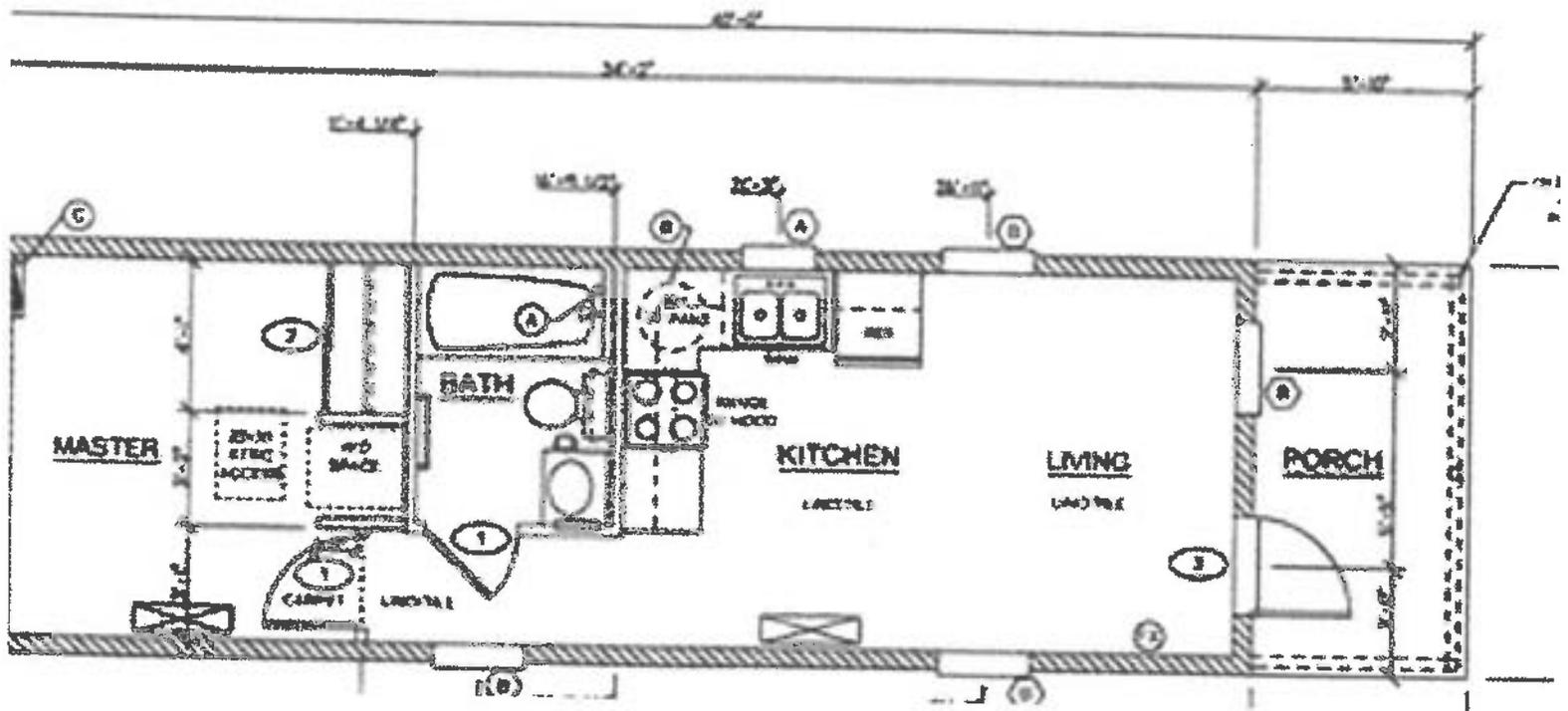


Preston • Fisher • Abrahamson & Associates Inc.
BUILDING DESIGN & PLANNING • CIVIL ENGINEERING • SURVEYING
442 BRESPOORT SAN ANTONIO, TEXAS 78216 512-341-2241

Neil F. Fisher
NEIL F. FISHER, P.E. & R.P.S. DATE
TEXAS 3942 12-7-82

INVOICE 12-7-82 WORK ORDER 82-12-134

Park Model Floor Plan











Date: 10/8/2024

TO: City Council**FROM:** Kim M. Turner, City Manager**SUBJECT: Public Hearings:** (1) P.C. 612 (ZC 261)— Request for an Amendment to the FLUP at 205 W. Byrd Blvd. from MDR-Medium Density Residential to GC-General Commercial & (2) P.C. 613 (ZC 262)— Request for a Zoning Map Amendment at 205 W. Byrd Blvd. from R-OT – “Old Town Residential” District to C4-General Commercial District.**SUBJECT: Ordinance No. 632-PC 585-FLUP-2024**— Request for an Amendment to the FLUP at 205 W. Byrd Blvd. from MDR-Medium Density Residential to GC-Genera Commercial & **Ordinance No. 581-PC-603 (ZC 262)-2024**— Request for a Zoning Map Amendment at 205 W. Byrd Blvd. from R-OT – “Old Town Residential” District to C4-General Commercial District.

Historical Background

The property consists of two attached buildings that were erected in 1977 and 1981. Since that time, the buildings have been occupied by commercial users, in accordance with the zoning ordinance that was in effect at the time of construction – Ordinance 70-A. However, in 2007, the Zoning Map and related Zoning Code were updated, and the property’s land use district was re-classified to R-OT “Old Town Residential”. As a result, the property’s commercial uses became nonconforming but were allowed to continue operations, per the Code’s nonconforming section. However, on March 9, 2024, the property lost its non-conforming status resulting in potential users having to conform with the R-OT District regulations. As a result, the property owner is requesting a zoning change to the C4-General Commercial District in order to continue using the property in a commercial capacity. See **Exhibit A** for additional information. 24 notices were sent out to surrounding property owners; 4 letters of support were provided from nearby property owners. The members of the P&Z Commission failed to approve the requests for lack of a favorable vote and forwarded them to City Council for final determination.

Action Requested

City Council will need to conduct **Public Hearings** on the FLUP Amendment and rezoning requests and then make a final consideration on the respective ordinances: **Ord. No. 632-PC 585-FLUP-2024** and **Ordinance No. 581-PC-603 (ZC 262)-2024**, attached. Per the City Charter, the Ordinances will require two readings.

Procurement Methodology

This is a zoning procedure only and requires no procurement by the City.

Source and Amount of Funding

This is a zoning procedure only and requires no funding by the City.

Staff Recommendation

Staff reminds City Council that its vote on the FLUP and Zone Change requests must be consistent with each other, as required by State Law; that is, if you approve a FLUP designation, then it is assumed that the Zone Change will be consistent with the FLUP designation or, if City Council denies a new FLUP designation, then it would also deny a new Zone Change. Staff recommends that City Council explore all its options for the FLUP Amendment and Zone Change request for 205 W. Byrd Blvd. Options City Council can explore follow:

1. Approve FLUP GC-General Commercial and C4-General Commercial Zoning
2. Deny FLUP GC-General Commercial and C4-General Commercial Zoning
3. Consider a less intensive FLUP designation and Zone Change:
 - a. FLUP R-Retail and Zone Change C2-Retail
 - b. FLUP CS-Commercial Services and Zone Change C3-Commercial Services
 - c. Suggest applicant consider a Planned Unit Development

For Council review, the Zoning Use Table as it pertains to C4-General Commercial, C3-Commercial Services, and C2-Retail is attached as **Exhibit B**. Regardless of the direction that Council moves, it is imperative that Council’s votes for the FLUP and the Zone Change are consistent.

Motion to Approve – FLUP:

PC 612 (ZC 261)

After conducting a public hearing on the request for an amendment to the Future Land Use Plan for the property at 205 W. Byrd Boulevard, and receiving the Planning and Zoning Commission’s recommendation, City Council has considered the request and moves to approve PC 612 (ZC 261) and the amendment to the Future Land Use Plan from MDR-Medium Density Residential to GC-General Commercial for the subject property with the following condition:

1. City Council approval of the Zone Change from R-OT Old Town Residential to C4-General Commercial District

Motion to Approve – Zone Change:

PC 613 (ZC 262)

After conducting a public hearing on the request for a Zone Change for the property located at 205 W. Byrd Boulevard, and receiving the Planning and Zoning Commission’s recommendation, City Council has considered the request and moves to approve PC 613 (ZC 262) and the Zone Change from R-OT Old Town Residential to C4-General Commercial District for the subject property with the following condition:

1. City Council approval of the FLUP amendment from MDR-Medium Density Residential to GC-General Commercial

ORDINANCE NO. 632-PC 585-FLUP-2024
(205 W. Byrd Boulevard)

AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN TO CHANGE LAND USE DESIGNATION OF THE PROPERTY LOCATED AT 205 W. BYRD BOULEVARD, UNIVERSAL CITY, TEXAS (CB 5768 BLK 7 LOT 11) FROM MDR-MEDIUM DENSITY RESIDENTIAL TO GC-GENERAL COMMERCIAL; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in accordance with Sections 4-5-24 of the Code of Ordinances, City Council may approve an application for a Future Land Use Plan Amendment based upon changed or changing conditions in a particular area or in the City generally, or to rezone an area, or to extend the boundary of an existing zoning district; and

WHEREAS, Chapter 213.003 of the Texas Local Government Code provides that the City may amend the City's comprehensive plan by ordinance following a public hearing at which the public is given the opportunity to give testimony and present written evidence and review by the City's Planning and Zoning Commission; and

WHEREAS, Camino Nuevo, LLC, the applicant, requested a change in zoning classification from R-OT Old Town Residential District to C4-General Commercial for the property described as CB 5768 BLK 7 LOT 11, Universal City, Bexar County, Texas and assigned the physical address of 205 W. Byrd Boulevard, Universal City, Texas which would require an amendment to the City's Future Land Use Plan; and

WHEREAS, after proper delivery of notice, the Planning and Zoning Commission conducted a public hearing on the application for the Future Land Use Plan Amendment on October 7, 2024, where the public had the opportunity to provide testimony and written evidence regarding the proposed amendment to the City's Future Land Use Plan; and

WHEREAS, at the conclusion of the public hearing, the Planning and Zoning Commission made a recommendation not in favor of the application for the Future Land Use Amendment; and

WHEREAS, after proper publication of notice and receipt of the Planning and Zoning Commission's recommendation, City Council conducted a public hearing on the application for the Future Land Use Plan Amendment on October 15, 2024, during which the public was provided another opportunity to give testimony and written evidence for or against the proposed amendment to the Future Land Use Plan; and

WHEREAS, after considering all of the testimony and written evidence provided by the public as well as the recommendation made by the Planning and Zoning Commission, the City Council finds that the proposed amendment to the Future Land Use Plan is commensurate with the overall vision and growth plan of the City and is in the best interest of the City of Universal City; and

WHEREAS, the City has complied with all conditions precedent necessary to take this action, has properly noticed and conducted all public hearings and public meetings pursuant to the Texas Local Government Code and Texas Government Code, as applicable.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS:

SECTION 1. Recitals. The recitals set out above are adopted herein for all purposes.

SECTION 2. The Property. The real property (“Property”) subject to the amendments authorized by this Ordinance is an approximate 0.717-acre parcel, more or less, legally described as CB 5768 BLK 7 LOT 11, Universal City, Bexar County, Texas and assigned the physical addresses of 205 W. Byrd Boulevard, Universal City, Texas.

SECTION 3. The Future Land Use Plan Amendment. The Future Land Use Plan is hereby amended by revising the Future Land Use for the Property from **MDR-MEDIUM DENSITY RESIDENTIAL TO GC-GENERAL COMMERCIAL**, subject to the conditions set out in Section 5.

SECTION 4. Map Revision. The City Manager is hereby authorized and directed to revise the Future Land Use Plan map and take all other steps reasonably necessary to facilitate the purpose of this ordinance, subject to the conditions set out in Section 5.

SECTION 5. Conditional Approval. Pursuant to Section 4-5-24 (entitled “Zoning Map Amendment Process”) of the Code of Ordinances, the following conditions are imposed:

No conditions are imposed.

SECTION 6. Continuation clause. All provisions of the Future Land Use Plan and Code of Ordinances of the City of Universal City not herein amended or repealed shall remain in full force and effect.

SECTION 7. Repealer clause. All other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 8. Severability clause. If any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

SECTION 9. This Ordinance shall be construed shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 10. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 11. Effective Date. This ordinance will take effect upon its passage, approval and publication as provided by law.

PASSED, on first reading by the City Council of the City of Universal City on this the 15th day of October 2024.

PASSED AND APPROVED, on second reading by the City Council of the City of Universal City on this the 6th day of November 2024.

CITY OF UNIVERSAL CITY, TEXAS

Tom Maxwell, Mayor

ATTEST:

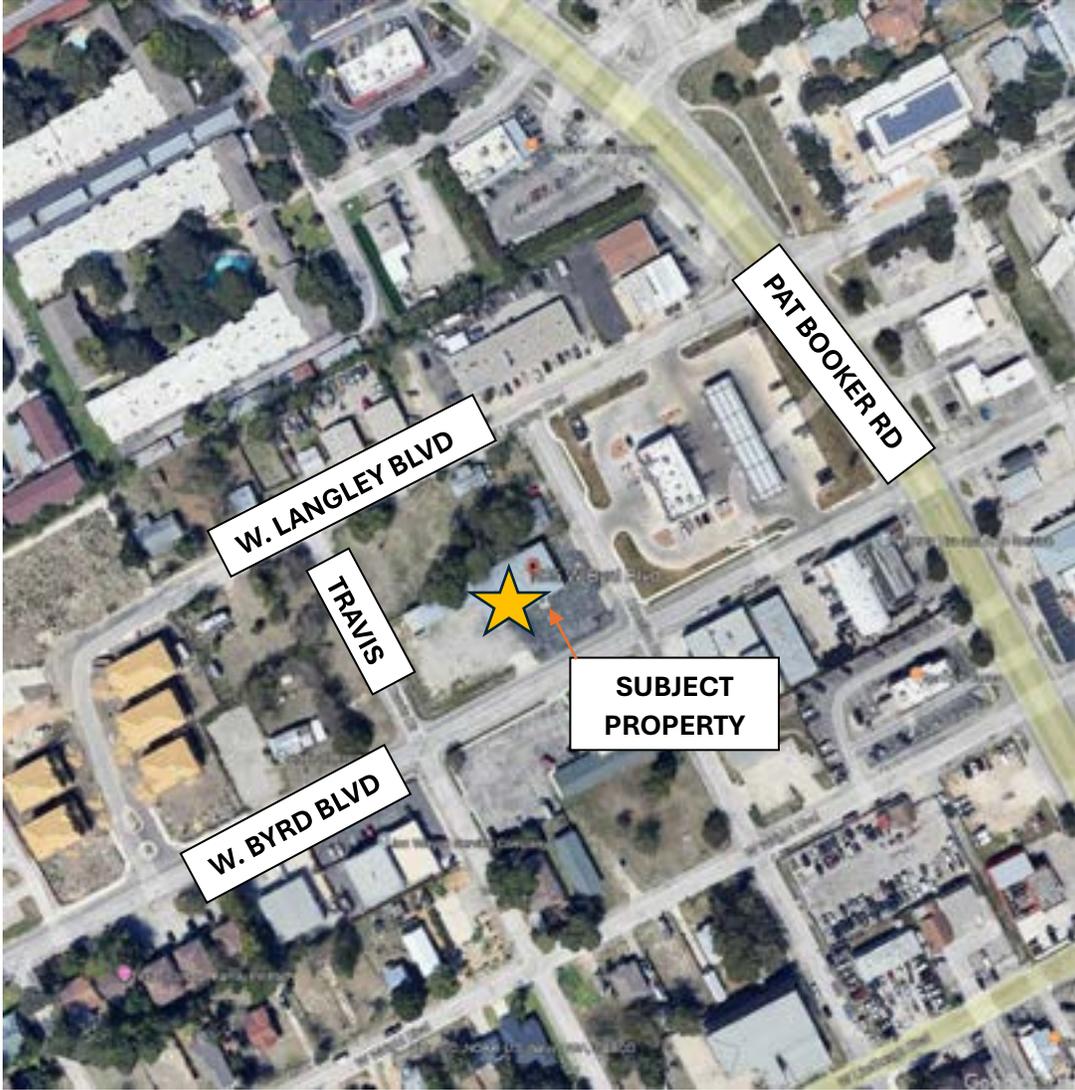
Maribel Garcia, Deputy City Clerk

APPROVED AS TO FORM:

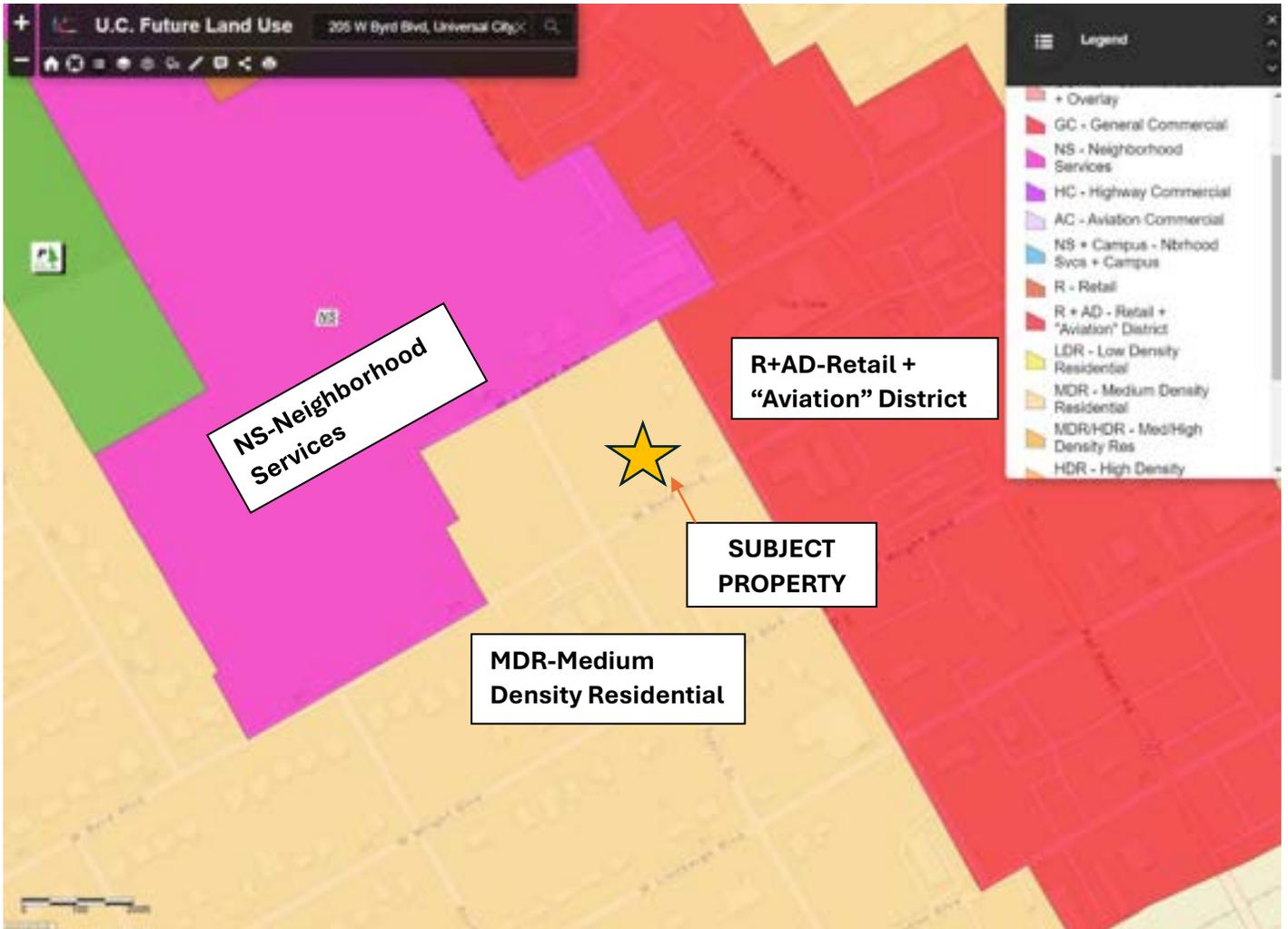
Natalie Thamm, City Attorney
DENTON NAVARRO RODRIGUEZ BERNAL SANTEE & ZECH, P.C.

Background Materials - NOT PART OF ORDINANCE

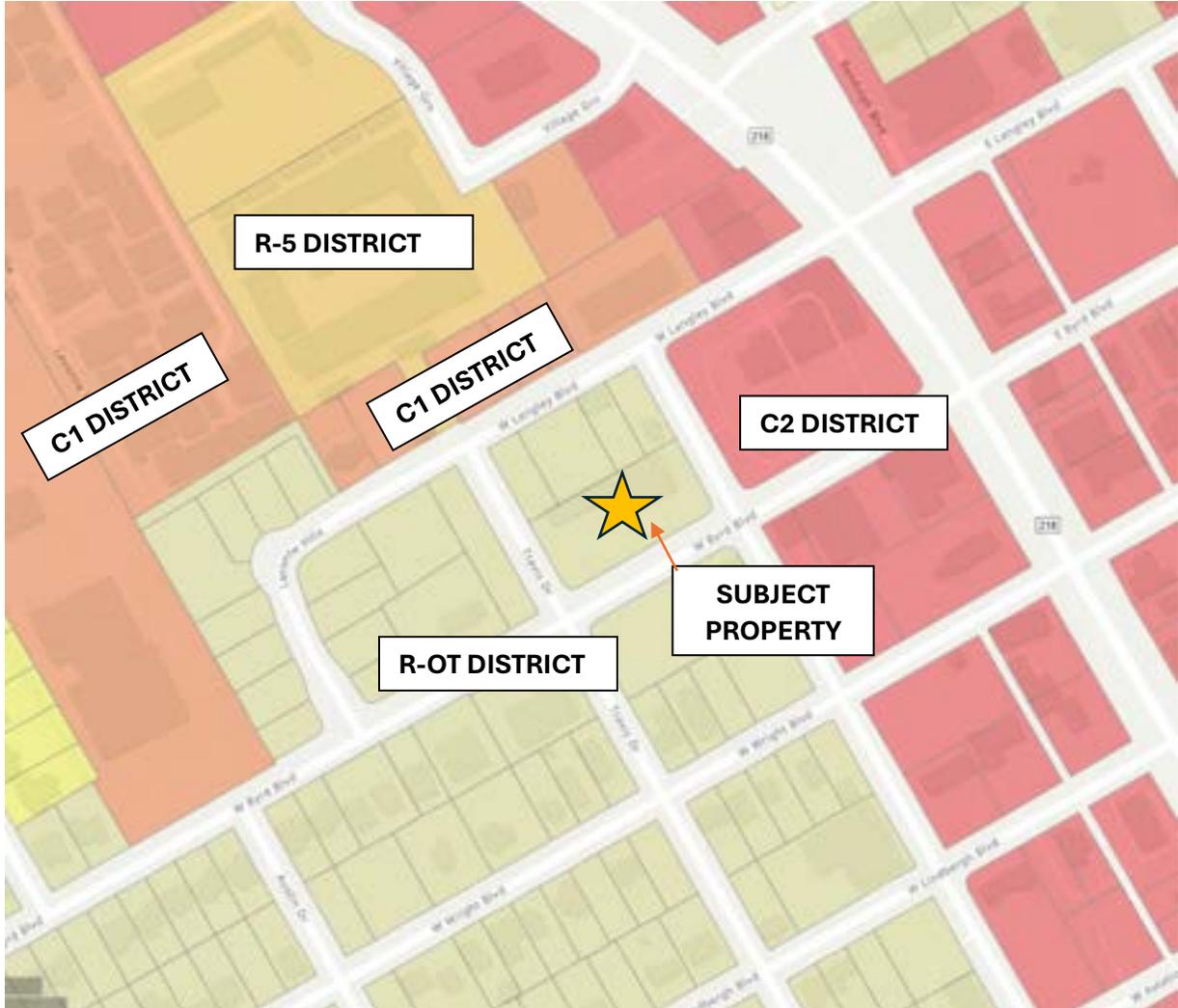
205 W. Byrd Boulevard
Aerial Map



205 W. Byrd Boulevard FLUP Map



**205 W. Byrd Boulevard
Zoning District Map**



Note: The masterplan reflects an expanded area showing recommended uses transitioning out of the study area.



Permitted Uses History

The following table identifies the history of both permitted uses (by-right) and uses requiring a Conditional Use Permit or Specific Use Permit.

	ORIGINAL CODE 70-A (1962) – B-1 DISTRICT	CODE 400 (1987) – CLASS 2 MEDIUM INTENSITY DISTRICT	CURRENT CODE 581 (2007 & 2020) – PROPOSED C4-GENERAL COMMERCIAL
USE	PERMITTED	PERMITTED	PERMITTED
Administrative & Business Offices	X	X	X
Indoor Sports & Recreation	X	X	X
Financial Services & Professional Offices	X	X	X
Laundry	X	X	X
Veterinary, Kennels & Pet Services	X	X (CUP)	X
Personal Improvement Services	X	X	X
Gas Station	X	X (CUP)	X (SUP)
Auto & Equipment Repair	X	X (CUP)	X
Funeral Services	X	X (CUP)	X
Agricultural Sales & Services			X (SUP)
Car Wash			X
Auto Sales & Rentals		X (CUP)	X (SUP)
Equipment Sales			X
Construction Sales & Services			X
Basic Industry			X (SUP)
Custom Manufacturing			X
Light Manufacturing			X
Warehousing & Distribution			X
Scrap & Salvage Services			X (SUP)
Vehicle Storage			X (SUP)
Bar	X	X	
Restaurant	X	X	
Retail	X	X	
Outdoor Sports & Recreation		X	X (SUP)

- Uses in Gold indicate compatibility throughout the property’s history & proposed district
- Uses in **bold** indicate incompatibility with Aviation District Masterplan
- Uses in Yellow conform with the Aviation District Masterplan but are not permitted in the C4 District

Outdoor Storage

Per Zoning Code Section 4-5-82, all three types of storage are permitted in the C4 District. See table below. note that outdoor storage was not allowed under the Zoning Code in use at the time the buildings were constructed.

Outdoor Display	<ul style="list-style-type: none"> • Within 5 feet of building wall • Only allowed outside during business hours
Limited Outdoor Storage	<ul style="list-style-type: none"> • Packaging on pallets, not storage containers • Must be screened by wall or fence
General Outdoor Storage	<ul style="list-style-type: none"> • Allowed in shipping containers, connexes, & semitrailers • Unlimited quantity if screened by wall or fence • Not allowed in parking areas or front & side setbacks • Temporary Use Permit required

Aviation District Masterplan

As you recall, the City generated an Aviation District Masterplan in 2020 to establish a framework and design guidelines for revitalization of the area. Included in the masterplan goals is the desire to provide for a mix of residential and commercial uses, as well as walkability in and around the Aviation District. The report further stated that infill redevelopment would allow Universal City to compete with neighboring towns, but to do so, would specifically require increased density, enhanced amenities and supportive retail. As identified in the C4 District Use Table above, several of the uses that are permitted by-right do not meet the vision of the Masterplan.

Use EXHIBIT B	C1	C2	C3	C4	C5
Administrative and business offices.	P	S	S	P	P
<p>Offices or private firms or organizations which are primarily used for the provision of executive, management or administrative services. Typical uses include administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, photocopy and reproduction, and business offices or public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.</p>					
Agricultural sales and services.	-	-	-	S	-
<p>Establishments or places of business engaged in sale (from the premises) of feed, grain, fertilizers, pesticides and similar goods or in the provision of agricultural related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, feed and grain stores and tree service firms.</p>					
Automotive washing.	S	-	P	P	-

Use EXHIBIT B	C1	C2	C3	C4	C5
Washing and cleaning of automobiles and related light equipment. Typical uses include auto laundries or car washes, not collocated with a gas station.					
Gas station.	S	-	P	S	P
An establishment for retail sale of petroleum products collocated with a local convenient store. Local convenient store collocation is required. May also be collocated with automotive washing with automotive washing as a secondary or ancillary use.					
Commercial off-street parking.	S	S	S	S	-
Parking of motor vehicles on a temporary basis within a private-owned off-street parking facility, other than accessory to a principal use. Typical uses include commercial parking lots or parking garages.					
Automotive rentals.	-	-	S	S	S

Use	C1	C2	C3	C4	C5
EXHIBIT B Rental of automobiles, noncommercial trucks, trailers and recreational vehicles, including incidental parking and servicing of vehicles available for rent or lease. Typical uses include auto rental agencies, trailer rental agencies and taxi-cab parking and dispatching.					
Automotive sales.	-	-	S	S	S
Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance and servicing. Typical uses include new and used car dealerships, motorcycle dealerships and boat, trailer and recreational vehicle dealerships.					
Equipment sales.	-	-	S	P	-

Use EXHIBIT B	C1	C2	C3	C4	C5
<p>Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, similar heavy equipment, including incidental storage, maintenance and servicing. Typical uses include truck dealerships, construction equipment dealerships and mobile home sales establishments.</p>					
<p>Automotive repair services.</p>	-	-	S	P	-
<p>Repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including the sale, installation and servicing of equipment and parts. Typical uses include muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops and similar repair and service activities, but excluding dismantling or salvage.</p>					
<p>Equipment repair services.</p>	-	-	-	P	-

Use EXHIBIT B	C1	C2	C3	C4	C5
<p>Repair of trucks, tractors, construction equipment, agricultural implements and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services and machine shops, but exclude dismantling or salvage.</p>					
<p>Building maintenance services.</p>	-	-	-	P	-
<p>Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance or window cleaning services.</p>					
<p>Business support services.</p>	-	-	S	P	S
<p>Establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, excluding automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.</p>					

Use EXHIBIT B	C1	C2	C3	C4	C5
Business or trade school.	S	-	P	-	S
A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university or public or private educational facility.					
Cocktail lounge.	S	P	P	-	P
A use engaged in the preparation and retail sales of alcohol beverages for consumption on the premises, including taverns, bars, cocktail lounges and similar uses.					
Indoor sports and recreation.	-	S	P	P	P
Uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks and arcades.					
Outdoor sports and recreation.	-	-	-	S	P

Use EXHIBIT B	C1	C2	C3	C4	C5
Uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, racquetball courts and marinas.					
Indoor entertainment.	-	S	P	-	P
Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls and dance halls.					
Outdoor entertainment.	-	-	-	-	S
Predominantly spectator uses conducted in open facilities. Typical uses include sports arenas, racing facilities and amusement parks. Subject to site plan review.					
Communications services.	-	-	-	P	S

Use	C1	C2	C3	C4	C5
EXHIBIT B Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as major utility facilities. Typical uses include television studios, telecommunication service centers or telegraph service offices.					
Construction sales and services.	-	-	S	P	S
Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale sale, from the premises, of materials used in the construction of buildings to other structures other than retail sale of paint, fixtures and hardware excluding those classified as one of the automotive and equipment services use types. Typical uses included building materials stores, tool and equipment rental or sales or building contractors.					
Consumer repair services.	S	S	P	P	P

Use	C1	C2	C3	C4	C5
EXHIBIT B Establishments primarily engaged in the provision or repair services to individuals and households rather than firms, but excluding automotive and equipment use types. Typical uses included appliance repair shops, watch or jewelry repair or musical instrument repair firms. All incidental storage shall be enclosed.					
Financial services.	S	-	S	P	P
Establishments primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, loan and lending activities and similar services.					
Food sales.	S	P	P	-	P
Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries and candy shops.					
Funeral services.	-	-	S	P	S

Use	C1	C2	C3	C4	C5
EXHIBIT B Establishments engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals.					
Events center.	-	-	S	-	S
A multi-use facility either run by a nonprofit or for-profit entity consisting of a building, group of buildings and/or outdoor areas intended for individuals and/or groups to gather and promote common interests, celebrations and events for commercial, civic, educational, political or social purposes.					
General retail sales.	P	P	P	-	P

Use EXHIBIT B	C1	C2	C3	C4	C5
<p>Sales or rental of commonly used goods and merchandise for personal or household use. Typical uses include department stores, apparel stores, furniture stores, mail order stores or establishments providing the following products: alcoholic beverages, antiques, appliances, art, art supplies, baked goods, bicycles, books, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronic equipment, fabric, flowers, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, medical supplies, musical instruments, pet food and/or pets, pharmaceuticals, photo finishing, picture frames, plants, printed material, produce, sporting goods, stationery, tobacco and related products, vehicle parts, and videos. Retail sale of petroleum products; that is, a gas station, is not considered General retail sales (see Gas station).</p>					
Kennels and pet services.	S	S	P	P	P

Use	C1	C2	C3	C4	C5
EXHIBIT B Boarding and care services for dogs, cats and similar small animals. Typical uses include boarding kennels, pet motels, or dog training centers. Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, dog bathing and clipping salons or pet grooming shops.					
Laundry services.	-	-	-	P	-
Establishments primarily engaged in the provision of laundering, dry cleaning or dyeing services other than those classified as personal services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.					
Liquor sales.	S	P	P	-	P
Establishments or places of business engaged in retail sale for consumption (off the premises) of alcoholic beverages. Typical uses include liquor stores, bottle shops or any licensed sales for off-site consumption.					
Health care offices.	P	S	P	-	P

Use EXHIBIT B	C1	C2	C3	C4	C5
<p>A use providing consultation, diagnosis, therapeutic, preventative or corrective personal treatment services by physicians, dentists, medical and dental laboratories and similar practitioners of medical and healing arts, including emergency clinics.</p>					
<p>Personal improvement services.</p>	S	P	P	P	P
<p>Establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.</p>					
<p>Personal services.</p>	P	P	P	-	P
<p>Establishments or places of business primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops, seamstress, tailor, shoe repair shops and self-service laundry or self-service apparel cleaning services.</p>					

Use EXHIBIT B	C1	C2	C3	C4	C5
Professional office.	P	S	P	P	P
A use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions.					
Restaurant—Convenience.	P	P	P	-	P
A use engaged in the preparation and retail sale of food and beverages (excluding alcoholic beverages), for on-premises consumption only. Typical uses include soda fountains, ice cream parlors, sandwich shops and coffee shops.					
Restaurant—General.	S	P	P	-	P

Use EXHIBIT B	C1	C2	C3	C4	C5
<p>A use engaged in the preparation and retail sale of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than fifty (50) percent of the gross income. A general restaurant may include live entertainment. Typical uses include restaurants, both full service and fast food, coffee shops, dinner houses and similar establishments with incidental alcoholic beverage service.</p>					
<p>Veterinary services.</p>	S	-	P	P	-
<p>Veterinary service for all animals. Typical uses include animal clinics and hospitals. Veterinary services shall not include the boarding of large animals.</p>					
<p>Hotel-motel.</p>	-	S	P	-	P
<p>Lodging services involving the provision of room and/or board. Typical uses include hotels and motels.</p>					
<p>Local convenience store.</p>	S	P	P	S	P

Use EXHIBIT B	C1	C2	C3	C4	C5
<p>A commercial activity engaged in the sale of commonly used goods and merchandise for personal or household use. May be collocated with a gas station with the gas station as the secondary or ancillary use. However, even as a secondary or ancillary use, a gas station is not permitted in the C2 District and may not be located in the C2 District.</p>					
<p>Artisan sales.</p>	S	P	P	P	S
<p>The manufacture and retail sale of hand-crafted wares such as pottery, jewelry, art, and similar products of craftsmanship.</p>					
<p>Restaurant—Neighborhood.</p>	S	P	P	-	P

Use EXHIBIT B	C1	C2	C3	C4	C5
<p>A use engaged in the preparation and retail sale of food and beverages, including the sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than twenty-five (25) percent of the gross income. A neighborhood restaurant does not include outdoor entertainment. Typical uses include restaurants, both full service and fast food, coffee shops, dinner houses, and similar establishments with incidental alcoholic beverage service.</p>					
<p>Accessory residential units—Commercial District</p>	S	-	P	-	-
<p>The residential occupancy of a portion of the principal use, not exceeding one-third ($\frac{1}{3}$) of the gross floor area, and is owner-occupied. Intended to serve for security it may include a full kitchen and must comply with all building and fire codes. One (1) additional off-street parking space is required.</p>					

Use	C1	C2	C3	C4	C5
Basic industry.	-	-	-	S	-
<p>A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials or a use utilizing flammable explosive or commonly recognized offensive conditions or materials.</p>					
Custom manufacturing.	-	-	-	P	-
<p>Establishments primarily engaged in the on-site, indoor production and storage of goods by hand manufacturing which involves only the use of hand tools or mechanical equipment. The direct sale to consumers of those goods produced on-site is prohibited. Basic industrial processing activities in Section 481 [501] [sic] are excluded.</p>					
Light manufacturing.	-	-	-	P	-

Use	C1	C2	C3	C4	C5
<p>A use engaged in the manufacture, predominantly from previously prepared materials, or finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and storage, sales and distribution of such products, but excluding basic industrial processing. Refer to Section 481 [501].</p>					
<p>Warehousing and distribution.</p>					
<p>A. <i>Convenience storage.</i> Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.</p>	-	-	S	P	S
<p>B. <i>General warehousing and distribution.</i> Open-air storage, distribution and handling of materials and equipment. Typical uses include monument or stone yards, or open storage yards.</p>	-	-	-	P	-

Use	C1	C2	C3	C4	C5
<p><i>C. Limited warehousing and distribution.</i> Wholesaling, storage and warehousing services within enclosed structures. Typical moving and storage firms and now retail mail order distribution centers.</p>	-	-	-	P	S
<p>Research services.</p>	-	-	-	P	S
<p>Establishments primarily engaged in research of an industrial or scientific nature but excludes product testing. Typical uses include electronics research laboratories, space research and development firms, or pharmaceutical research labs.</p>					
<p>Scrap and salvage services.</p>	-	-	-	S	-
<p>Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junk yards or paper salvage yards. (Subject to site plan review.)</p>					
<p>Vehicle storage.</p>	-	-	-	S	-

Use	C1	C2	C3	C4	C5
Long-term storage of operating or nonoperating vehicles. Typical uses include storage of private parking tow-aways or impound yards, but exclude dismantling or salvage.					

Date: 10/8/2024

TO: City Council**FROM:** Kim M. Turner, City Manager**SUBJECT: Public Hearings:** (1) P.C. 612 (ZC 261)— Request for an Amendment to the FLUP at 205 W. Byrd Blvd. from MDR-Medium Density Residential to GC-General Commercial & (2) P.C. 613 (ZC 262)— Request for a Zoning Map Amendment at 205 W. Byrd Blvd. from R-OT – “Old Town Residential” District to C4-General Commercial District.**SUBJECT: Ordinance No. 632-PC 585-FLUP-2024**— Request for an Amendment to the FLUP at 205 W. Byrd Blvd. from MDR-Medium Density Residential to GC-Genera Commercial & **Ordinance No. 581-PC-603 (ZC 262)-2024**— Request for a Zoning Map Amendment at 205 W. Byrd Blvd. from R-OT – “Old Town Residential” District to C4-General Commercial District.

Historical Background

The property consists of two attached buildings that were erected in 1977 and 1981. Since that time, the buildings have been occupied by commercial users, in accordance with the zoning ordinance that was in effect at the time of construction – Ordinance 70-A. However, in 2007, the Zoning Map and related Zoning Code were updated, and the property’s land use district was re-classified to R-OT “Old Town Residential”. As a result, the property’s commercial uses became nonconforming but were allowed to continue operations, per the Code’s nonconforming section. However, on March 9, 2024, the property lost its non-conforming status resulting in potential users having to conform with the R-OT District regulations. As a result, the property owner is requesting a zoning change to the C4-General Commercial District in order to continue using the property in a commercial capacity. See **Exhibit A** for additional information. 24 notices were sent out to surrounding property owners; 4 letters of support were provided from nearby property owners. The members of the P&Z Commission failed to approve the requests for lack of a favorable vote and forwarded them to City Council for final determination.

Action Requested

City Council will need to conduct **Public Hearings** on the FLUP Amendment and rezoning requests and then make a final consideration on the respective ordinances: **Ord. No. 632-PC 585-FLUP-2024** and **Ordinance No. 581-PC-603 (ZC 262)-2024**, attached. Per the City Charter, the Ordinances will require two readings.

Procurement Methodology

This is a zoning procedure only and requires no procurement by the City.

Source and Amount of Funding

This is a zoning procedure only and requires no funding by the City.

Staff Recommendation

Staff reminds City Council that its vote on the FLUP and Zone Change requests must be consistent with each other, as required by State Law; that is, if you approve a FLUP designation, then it is assumed that the Zone Change will be consistent with the FLUP designation or, if City Council denies a new FLUP designation, then it would also deny a new Zone Change. Staff recommends that City Council explore all its options for the FLUP Amendment and Zone Change request for 205 W. Byrd Blvd. Options City Council can explore follow:

1. Approve FLUP GC-General Commercial and C4-General Commercial Zoning
2. Deny FLUP GC-General Commercial and C4-General Commercial Zoning
3. Consider a less intensive FLUP designation and Zone Change:
 - a. FLUP R-Retail and Zone Change C2-Retail
 - b. FLUP CS-Commercial Services and Zone Change C3-Commercial Services
 - c. Suggest applicant consider a Planned Unit Development

For Council review, the Zoning Use Table as it pertains to C4-General Commercial, C3-Commercial Services, and C2-Retail is attached as **Exhibit B**. Regardless of the direction that Council moves, it is imperative that Council’s votes for the FLUP and the Zone Change are consistent.

Motion to Approve – FLUP:

PC 612 (ZC 261)

After conducting a public hearing on the request for an amendment to the Future Land Use Plan for the property at 205 W. Byrd Boulevard, and receiving the Planning and Zoning Commission’s recommendation, City Council has considered the request and moves to approve PC 612 (ZC 261) and the amendment to the Future Land Use Plan from MDR-Medium Density Residential to GC-General Commercial for the subject property with the following condition:

1. City Council approval of the Zone Change from R-OT Old Town Residential to C4-General Commercial District

Motion to Approve – Zone Change:

PC 613 (ZC 262)

After conducting a public hearing on the request for a Zone Change for the property located at 205 W. Byrd Boulevard, and receiving the Planning and Zoning Commission’s recommendation, City Council has considered the request and moves to approve PC 613 (ZC 262) and the Zone Change from R-OT Old Town Residential to C4-General Commercial District for the subject property with the following condition:

1. City Council approval of the FLUP amendment from MDR-Medium Density Residential to GC-General Commercial

ORDINANCE NO. 581-PC-603 (ZC 262)-2024
(205 W. Byrd Boulevard)

AN ORDINANCE OF THE CITY OF UNIVERSAL CITY APPROVING A ZONING MAP AMENDMENT FOR AN APPROXIMATE 0.717-ACRE TRACT LOCATED AT 205 W. BYRD BOULEVARD (CB 5768 BLK 7 LOT 11) FROM R-OT “OLD TOWN RESIDENTIAL” DISTRICT TO C4-GENERAL COMMERCIAL DISTRICT

WHEREAS, Chapter 211 of the Texas Local Government Code empowers the City Council of the City of Universal City to enact zoning regulations and districts and provide for their administration, enforcement and amendment; and

WHEREAS, Chapter 211 of the Texas Local Government Code requires notice and public hearings prior to any zoning classification change; and

WHEREAS, Camino Nuevo, LLC, the property owner, has requested a change in zoning classification from R-OT “Old Town Residential” to C4-General Commercial District; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Universal City has complied with all notice and public hearing requirements of the Code of Ordinances of the City of Universal City and Chapter 211 of the Texas Local Government Code; and

WHEREAS, in keeping with the spirit and objectives of the City’s zoning regulations and policies, the City Council has given due consideration to all components of said district and the recommendations of the Planning and Zoning Commission concerning recommended requirements, conditions, and safeguards necessary to protect the best interests of the community; and

WHEREAS, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

WHEREAS, the City Council desires to amend the Zoning Map by rezoning an approximate 0.717-Acre tract located at 205 W. Byrd Boulevard (CB 5768 BLK 7 LOT 11) from R-OT “Old Town Residential” District to C4-General Commercial District; and

WHEREAS, the City Council specifically finds that the requirements specified herein are rationally related to protecting the public purposes of lessening congestion in the streets, securing the safety of its citizens from fire, panic, and other dangers; promoting the health and the general welfare of its citizens; preventing the overcrowding of land, and avoiding undue concentration of population.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY:

SECTION 1. The recitals set out above are adopted herein for all purposes.

SECTION 2. The Official Zoning Map of the City of Universal City, in accordance with the Property described and depicted in Exhibit “A”, is hereby amended by rezoning an approximate 0.717-Acre tract located at 205 W. Byrd Boulevard (CB 5768 BLK 7 LOT 11) from R-OT “Old Town Residential” District to C4-General Commercial District, subject to the conditions set out in Section 3.

SECTION 3. Pursuant to Section 4-5-24 (entitled “Zoning Map Amendment Process”) of the Code of Ordinances, the following conditions are imposed:

No conditions are imposed.

SECTION 4. All provisions of the Code of Ordinances of the City of Universal City not herein amended or repealed shall remain in full force and effect.

SECTION 5. All other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 6. This ordinance is not severable.

SECTION 7. This ordinance will take effect upon its passage, approval and publication as provided by law.

PASSED, on first reading by the City Council of the City of Universal City on this the 15th day of October 2024.

PASSED AND APPROVED, on second reading by the City Council of the City of Universal City on this the 6th day of November 2024.

UNIVERSAL CITY

Tom Maxwell, Mayor

Attest:

Approved as to form:

Maribel Garcia, Deputy City Clerk

Natalie Thamm, City Attorney
Denton Navarro Rodriguez Bernal Santee &
Zech, P.C.

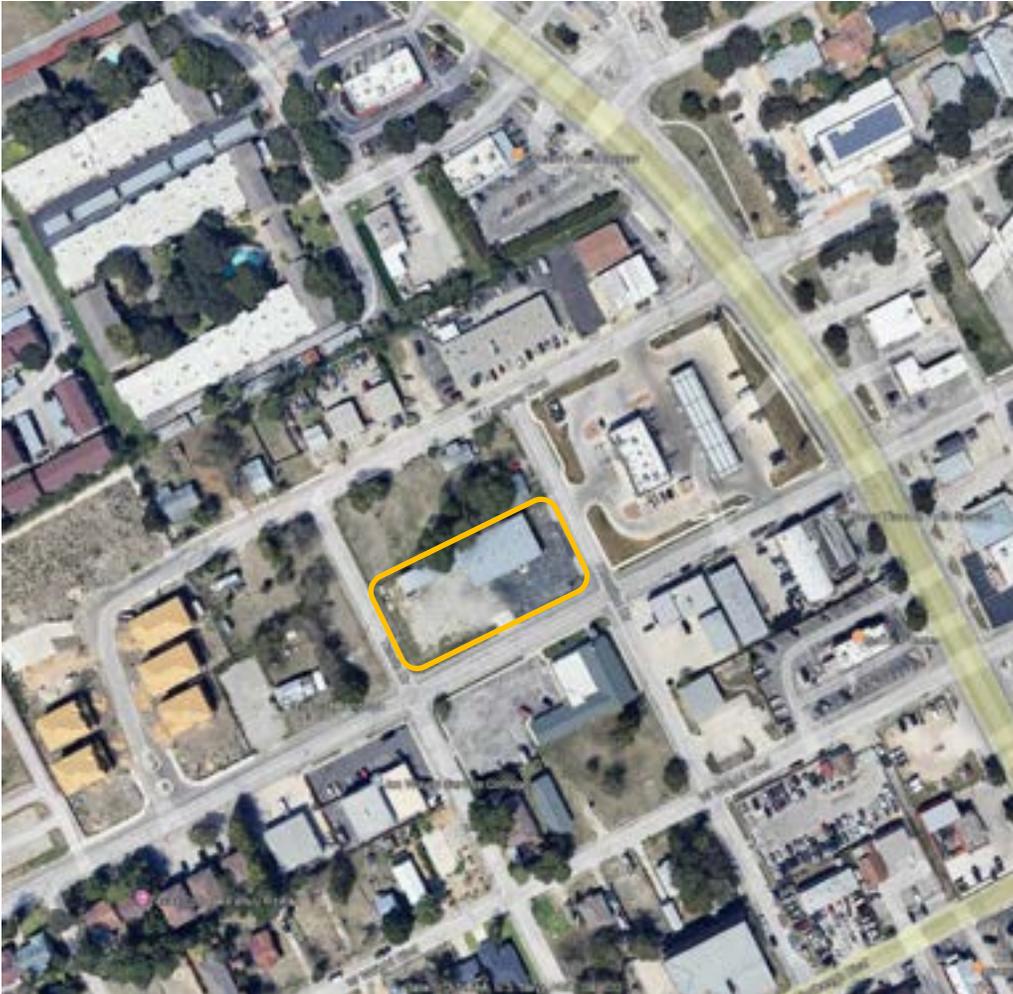
EXHIBIT "A"

PROPERTY DESCRIPTION & DEPICTION

PROPERTY DESCRIPTION: 205 W. BYRD BOULEVARD (CB 5768 BLK 7 LOT 11)

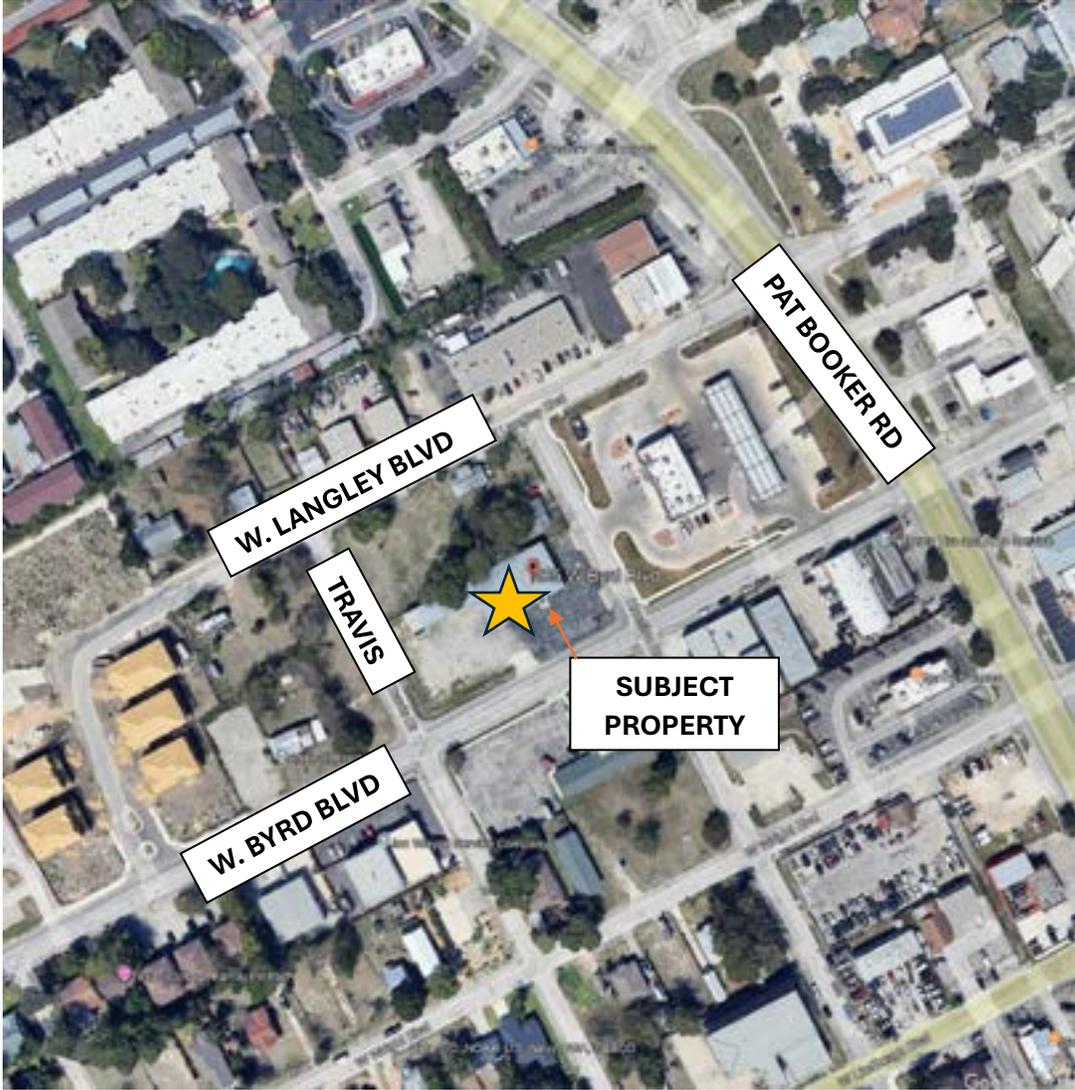
LOT 11, BLOCK 7, UNIVERSAL CITY, IN THE CITY OF UNIVERSAL CITY, BEXAR COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 8100, PAGE 16, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.

PROPERTY DEPICTION:

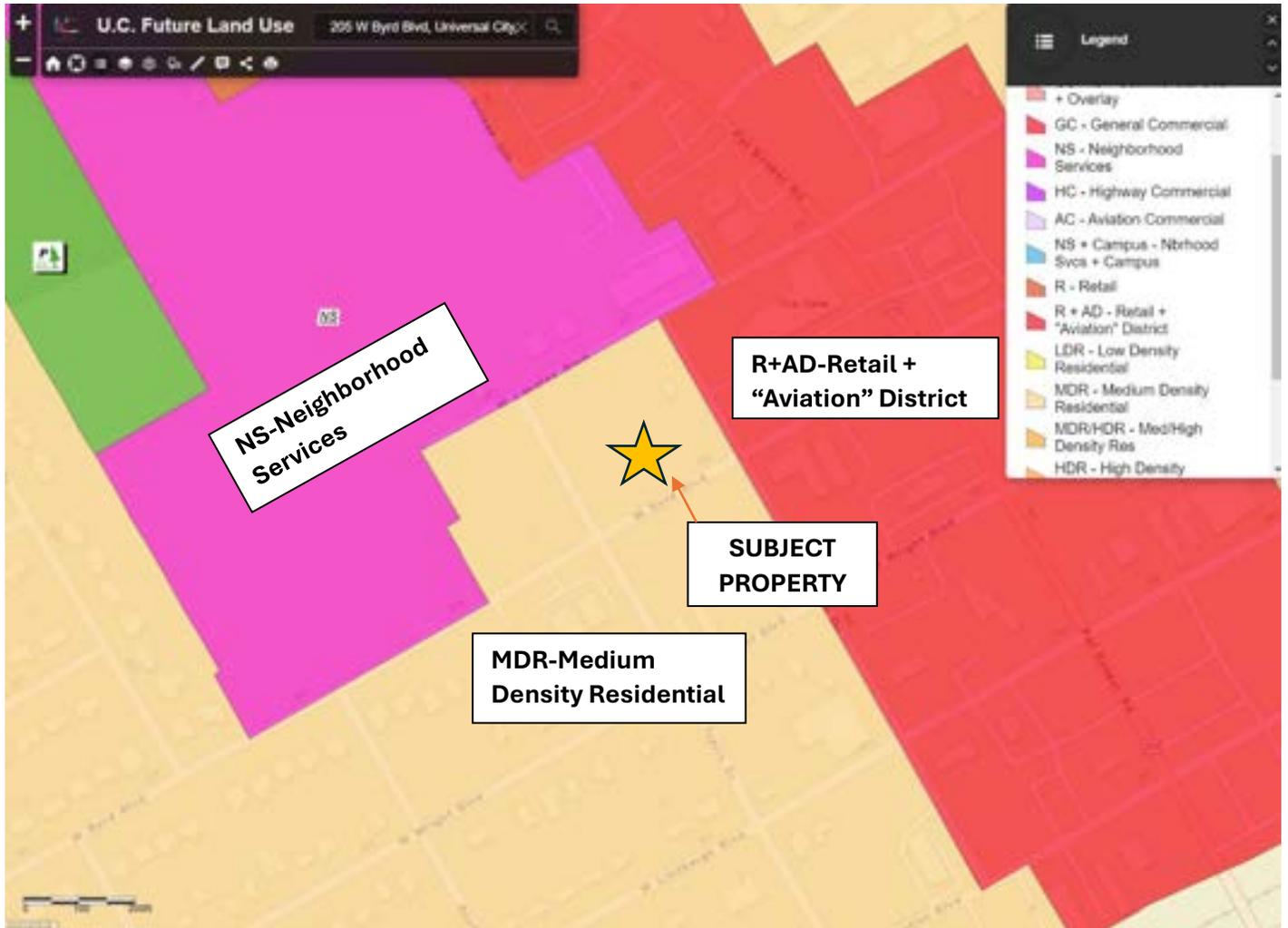


Background Materials - NOT PART OF ORDINANCE

205 W. Byrd Boulevard
Aerial Map



205 W. Byrd Boulevard FLUP Map



Note: The masterplan reflects an expanded area showing recommended uses transitioning out of the study area.



Permitted Uses History

The following table identifies the history of both permitted uses (by-right) and uses requiring a Conditional Use Permit or Specific Use Permit.

	ORIGINAL CODE 70-A (1962) – B-1 DISTRICT	CODE 400 (1987) – CLASS 2 MEDIUM INTENSITY DISTRICT	CURRENT CODE 581 (2007 & 2020) – PROPOSED C4-GENERAL COMMERCIAL
USE	PERMITTED	PERMITTED	PERMITTED
Administrative & Business Offices	X	X	X
Indoor Sports & Recreation	X	X	X
Financial Services & Professional Offices	X	X	X
Laundry	X	X	X
Veterinary, Kennels & Pet Services	X	X (CUP)	X
Personal Improvement Services	X	X	X
Gas Station	X	X (CUP)	X (SUP)
Auto & Equipment Repair	X	X (CUP)	X
Funeral Services	X	X (CUP)	X
Agricultural Sales & Services			X (SUP)
Car Wash			X
Auto Sales & Rentals		X (CUP)	X (SUP)
Equipment Sales			X
Construction Sales & Services			X
Basic Industry			X (SUP)
Custom Manufacturing			X
Light Manufacturing			X
Warehousing & Distribution			X
Scrap & Salvage Services			X (SUP)
Vehicle Storage			X (SUP)
Bar	X	X	
Restaurant	X	X	
Retail	X	X	
Outdoor Sports & Recreation		X	X (SUP)

- Uses in Gold indicate compatibility throughout the property’s history & proposed district
- Uses in **bold** indicate incompatibility with Aviation District Masterplan
- Uses in Yellow conform with the Aviation District Masterplan but are not permitted in the C4 District

Outdoor Storage

Per Zoning Code Section 4-5-82, all three types of storage are permitted in the C4 District. See table below. note that outdoor storage was not allowed under the Zoning Code in use at the time the buildings were constructed.

Outdoor Display	<ul style="list-style-type: none"> • Within 5 feet of building wall • Only allowed outside during business hours
Limited Outdoor Storage	<ul style="list-style-type: none"> • Packaging on pallets, not storage containers • Must be screened by wall or fence
General Outdoor Storage	<ul style="list-style-type: none"> • Allowed in shipping containers, connexes, & semitrailers • Unlimited quantity if screened by wall or fence • Not allowed in parking areas or front & side setbacks • Temporary Use Permit required

Aviation District Masterplan

As you recall, the City generated an Aviation District Masterplan in 2020 to establish a framework and design guidelines for revitalization of the area. Included in the masterplan goals is the desire to provide for a mix of residential and commercial uses, as well as walkability in and around the Aviation District. The report further stated that infill redevelopment would allow Universal City to compete with neighboring towns, but to do so, would specifically require increased density, enhanced amenities and supportive retail. As identified in the C4 District Use Table above, several of the uses that are permitted by-right do not meet the vision of the Masterplan.

Use EXHIBIT B	C1	C2	C3	C4	C5
Administrative and business offices.	P	S	S	P	P
<p>Offices or private firms or organizations which are primarily used for the provision of executive, management or administrative services. Typical uses include administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, photocopy and reproduction, and business offices or public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.</p>					
Agricultural sales and services.	-	-	-	S	-
<p>Establishments or places of business engaged in sale (from the premises) of feed, grain, fertilizers, pesticides and similar goods or in the provision of agricultural related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, feed and grain stores and tree service firms.</p>					
Automotive washing.	S	-	P	P	-

Use EXHIBIT B	C1	C2	C3	C4	C5
Washing and cleaning of automobiles and related light equipment. Typical uses include auto laundries or car washes, not collocated with a gas station.					
Gas station.	S	-	P	S	P
An establishment for retail sale of petroleum products collocated with a local convenient store. Local convenient store collocation is required. May also be collocated with automotive washing with automotive washing as a secondary or ancillary use.					
Commercial off-street parking.	S	S	S	S	-
Parking of motor vehicles on a temporary basis within a private-owned off-street parking facility, other than accessory to a principal use. Typical uses include commercial parking lots or parking garages.					
Automotive rentals.	-	-	S	S	S

Use	C1	C2	C3	C4	C5
EXHIBIT B Rental of automobiles, noncommercial trucks, trailers and recreational vehicles, including incidental parking and servicing of vehicles available for rent or lease. Typical uses include auto rental agencies, trailer rental agencies and taxi-cab parking and dispatching.					
Automotive sales.	-	-	S	S	S
Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance and servicing. Typical uses include new and used car dealerships, motorcycle dealerships and boat, trailer and recreational vehicle dealerships.					
Equipment sales.	-	-	S	P	-

Use EXHIBIT B	C1	C2	C3	C4	C5
<p>Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, similar heavy equipment, including incidental storage, maintenance and servicing. Typical uses include truck dealerships, construction equipment dealerships and mobile home sales establishments.</p>					
<p>Automotive repair services.</p>	-	-	S	P	-
<p>Repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including the sale, installation and servicing of equipment and parts. Typical uses include muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops and similar repair and service activities, but excluding dismantling or salvage.</p>					
<p>Equipment repair services.</p>	-	-	-	P	-

Use EXHIBIT B	C1	C2	C3	C4	C5
<p>Repair of trucks, tractors, construction equipment, agricultural implements and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services and machine shops, but exclude dismantling or salvage.</p>					
<p>Building maintenance services.</p>	-	-	-	P	-
<p>Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance or window cleaning services.</p>					
<p>Business support services.</p>	-	-	S	P	S
<p>Establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, excluding automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.</p>					

Use EXHIBIT B	C1	C2	C3	C4	C5
Business or trade school.	S	-	P	-	S
A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university or public or private educational facility.					
Cocktail lounge.	S	P	P	-	P
A use engaged in the preparation and retail sales of alcohol beverages for consumption on the premises, including taverns, bars, cocktail lounges and similar uses.					
Indoor sports and recreation.	-	S	P	P	P
Uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks and arcades.					
Outdoor sports and recreation.	-	-	-	S	P

Use EXHIBIT B	C1	C2	C3	C4	C5
Uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, racquetball courts and marinas.					
Indoor entertainment.	-	S	P	-	P
Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls and dance halls.					
Outdoor entertainment.	-	-	-	-	S
Predominantly spectator uses conducted in open facilities. Typical uses include sports arenas, racing facilities and amusement parks. Subject to site plan review.					
Communications services.	-	-	-	P	S

Use	C1	C2	C3	C4	C5
EXHIBIT B Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as major utility facilities. Typical uses include television studios, telecommunication service centers or telegraph service offices.					
Construction sales and services.	-	-	S	P	S
Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale sale, from the premises, of materials used in the construction of buildings to other structures other than retail sale of paint, fixtures and hardware excluding those classified as one of the automotive and equipment services use types. Typical uses included building materials stores, tool and equipment rental or sales or building contractors.					
Consumer repair services.	S	S	P	P	P

Use	C1	C2	C3	C4	C5
EXHIBIT B Establishments primarily engaged in the provision or repair services to individuals and households rather than firms, but excluding automotive and equipment use types. Typical uses included appliance repair shops, watch or jewelry repair or musical instrument repair firms. All incidental storage shall be enclosed.					
Financial services.	S	-	S	P	P
Establishments primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, loan and lending activities and similar services.					
Food sales.	S	P	P	-	P
Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries and candy shops.					
Funeral services.	-	-	S	P	S

Use	C1	C2	C3	C4	C5
EXHIBIT B Establishments engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals.					
Events center.	-	-	S	-	S
A multi-use facility either run by a nonprofit or for-profit entity consisting of a building, group of buildings and/or outdoor areas intended for individuals and/or groups to gather and promote common interests, celebrations and events for commercial, civic, educational, political or social purposes.					
General retail sales.	P	P	P	-	P

Use EXHIBIT B	C1	C2	C3	C4	C5
<p>Sales or rental of commonly used goods and merchandise for personal or household use. Typical uses include department stores, apparel stores, furniture stores, mail order stores or establishments providing the following products: alcoholic beverages, antiques, appliances, art, art supplies, baked goods, bicycles, books, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronic equipment, fabric, flowers, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, medical supplies, musical instruments, pet food and/or pets, pharmaceuticals, photo finishing, picture frames, plants, printed material, produce, sporting goods, stationery, tobacco and related products, vehicle parts, and videos. Retail sale of petroleum products; that is, a gas station, is not considered General retail sales (see Gas station).</p>					
Kennels and pet services.	S	S	P	P	P

Use	C1	C2	C3	C4	C5
EXHIBIT B Boarding and care services for dogs, cats and similar small animals. Typical uses include boarding kennels, pet motels, or dog training centers. Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, dog bathing and clipping salons or pet grooming shops.					
Laundry services.	-	-	-	P	-
Establishments primarily engaged in the provision of laundering, dry cleaning or dyeing services other than those classified as personal services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.					
Liquor sales.	S	P	P	-	P
Establishments or places of business engaged in retail sale for consumption (off the premises) of alcoholic beverages. Typical uses include liquor stores, bottle shops or any licensed sales for off-site consumption.					
Health care offices.	P	S	P	-	P

Use EXHIBIT B	C1	C2	C3	C4	C5
<p>A use providing consultation, diagnosis, therapeutic, preventative or corrective personal treatment services by physicians, dentists, medical and dental laboratories and similar practitioners of medical and healing arts, including emergency clinics.</p>					
<p>Personal improvement services.</p>	S	P	P	P	P
<p>Establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.</p>					
<p>Personal services.</p>	P	P	P	-	P
<p>Establishments or places of business primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops, seamstress, tailor, shoe repair shops and self-service laundry or self-service apparel cleaning services.</p>					

Use EXHIBIT B	C1	C2	C3	C4	C5
Professional office.	P	S	P	P	P
A use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions.					
Restaurant—Convenience.	P	P	P	-	P
A use engaged in the preparation and retail sale of food and beverages (excluding alcoholic beverages), for on-premises consumption only. Typical uses include soda fountains, ice cream parlors, sandwich shops and coffee shops.					
Restaurant—General.	S	P	P	-	P

Use EXHIBIT B	C1	C2	C3	C4	C5
<p>A use engaged in the preparation and retail sale of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than fifty (50) percent of the gross income. A general restaurant may include live entertainment. Typical uses include restaurants, both full service and fast food, coffee shops, dinner houses and similar establishments with incidental alcoholic beverage service.</p>					
<p>Veterinary services.</p>	S	-	P	P	-
<p>Veterinary service for all animals. Typical uses include animal clinics and hospitals. Veterinary services shall not include the boarding of large animals.</p>					
<p>Hotel-motel.</p>	-	S	P	-	P
<p>Lodging services involving the provision of room and/or board. Typical uses include hotels and motels.</p>					
<p>Local convenience store.</p>	S	P	P	S	P

Use EXHIBIT B	C1	C2	C3	C4	C5
<p>A commercial activity engaged in the sale of commonly used goods and merchandise for personal or household use. May be collocated with a gas station with the gas station as the secondary or ancillary use. However, even as a secondary or ancillary use, a gas station is not permitted in the C2 District and may not be located in the C2 District.</p>					
<p>Artisan sales.</p>	S	P	P	P	S
<p>The manufacture and retail sale of hand-crafted wares such as pottery, jewelry, art, and similar products of craftsmanship.</p>					
<p>Restaurant—Neighborhood.</p>	S	P	P	-	P

Use EXHIBIT B	C1	C2	C3	C4	C5
<p>A use engaged in the preparation and retail sale of food and beverages, including the sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than twenty-five (25) percent of the gross income. A neighborhood restaurant does not include outdoor entertainment. Typical uses include restaurants, both full service and fast food, coffee shops, dinner houses, and similar establishments with incidental alcoholic beverage service.</p>					
<p>Accessory residential units—Commercial District</p>	S	-	P	-	-
<p>The residential occupancy of a portion of the principal use, not exceeding one-third ($\frac{1}{3}$) of the gross floor area, and is owner-occupied. Intended to serve for security it may include a full kitchen and must comply with all building and fire codes. One (1) additional off-street parking space is required.</p>					

Use	C1	C2	C3	C4	C5
Basic industry.	-	-	-	S	-
<p>A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials or a use utilizing flammable explosive or commonly recognized offensive conditions or materials.</p>					
Custom manufacturing.	-	-	-	P	-
<p>Establishments primarily engaged in the on-site, indoor production and storage of goods by hand manufacturing which involves only the use of hand tools or mechanical equipment. The direct sale to consumers of those goods produced on-site is prohibited. Basic industrial processing activities in Section 481 [501] [sic] are excluded.</p>					
Light manufacturing.	-	-	-	P	-

Use	C1	C2	C3	C4	C5
<p>A use engaged in the manufacture, predominantly from previously prepared materials, or finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and storage, sales and distribution of such products, but excluding basic industrial processing. Refer to Section 481 [501].</p>					
<p>Warehousing and distribution.</p>					
<p>A. <i>Convenience storage.</i> Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.</p>	-	-	S	P	S
<p>B. <i>General warehousing and distribution.</i> Open-air storage, distribution and handling of materials and equipment. Typical uses include monument or stone yards, or open storage yards.</p>	-	-	-	P	-

Use	C1	C2	C3	C4	C5
<p><i>C. Limited warehousing and distribution.</i> Wholesaling, storage and warehousing services within enclosed structures. Typical moving and storage firms and now retail mail order distribution centers.</p>	-	-	-	P	S
<p>Research services.</p>	-	-	-	P	S
<p>Establishments primarily engaged in research of an industrial or scientific nature but excludes product testing. Typical uses include electronics research laboratories, space research and development firms, or pharmaceutical research labs.</p>					
<p>Scrap and salvage services.</p>	-	-	-	S	-
<p>Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junk yards or paper salvage yards. (Subject to site plan review.)</p>					
<p>Vehicle storage.</p>	-	-	-	S	-

Use	C1	C2	C3	C4	C5
Long-term storage of operating or nonoperating vehicles. Typical uses include storage of private parking tow-aways or impound yards, but exclude dismantling or salvage.					

CITY OF UNIVERSAL CITY

TO: City Council

Date: 10/15/2024

FROM: Kim M. Turner, City Manager

SUBJECT: Consider Bid Acceptance for Kitty Hawk Thoroughfare & Roundabout Improvements.

Historical Background

In 2024, the UCEDC approved \$5.3 million in sales tax revenue bonds of which \$4.3 million was designated for this project and \$1 million was designated for the Reunion project, if needed. Kimley-Horn, the City's engineer on this project, provided an Engineers Opinion of Probable Construction Costs (EOPCC) that came to approximately \$4.3 million, which included engineering design and construction fees, as well as a 30% contingency fee. While the EOPCC total cost, minus contingency, came to \$3,677,000, the lowest bid came in at \$3,039,296.86 from E-Z Bel Construction.

Action Requested

The UCEDC will be making a recommendation to City Council at their October 10th, 2024 meeting. Staff is recommending that the UCEDC and the City Council accept the proposed bid by E-Z Bel Construction in the amount of \$3,039,296.86. The cost is in line with the budget for this project. Voting in favor of this item will allow the City Manager and the UCEDC Board of Directors to execute the contract to proceed with project scheduling.

Procurement Methodology

The Public Works Department advertised for bids and received a total of five (5) responsive bids with E-Z Bel Construction as the lowest responsive bidder. Please refer to the bid opening sheet.

Source and Amount of Funding

The Kitty Hawk Thoroughfare & Roundabout Improvements will be funded through UCEDC sales tax revenue bonds.

Staff Recommendation

Staff recommends approval of the low base bid in the amount of \$3,039,296.86 to E-Z Bel Construction for the Kitty Hawk Thoroughfare & Roundabout Improvements.

Kimley-Horn and Associates, Inc.
 10101 Reunion Place, Ste. 400
 San Antonio, Texas 78216
 Phone: 210-541-9166

BID SUMMARY

PROJECT Universal City Thoroughfare and Roundabout Improvements

*Council
10-15-24*

OWNER City of Universal City, TEXAS
 DATE: October 2, 2014

Bidder	Addendum Acknowledgement	Bid Bond Yes or No	Qualifications Statement Yes or No	Total Base Bid
	No. 1			
J-3 Company				\$ 3,198,854.25
VK Knix-Hon				\$ 3,746,942.25
D+D Contractors				\$ 3,533,070.33
D-Plata Construction Company				\$ 3,699,626.52
E-2 Rel Construction				\$ 3,039,296.86

CITY OF UNIVERSAL CITY

Date: 10/15/2024

TO: City Council

FROM: Kim M. Turner, City Manager

SUBJECT: Authorization of Reimbursement for Pay Application #1 from D&D Contractors for CDBG Hillview Dr. Street Improvements Project.

Historical Background

On March 19, 2024, City Council approved Resolution 896-D-2024: A resolution authorizing the filing of a grant application with the Bexar County Community Development Block Grant (CDBG) Program Year 2024 for an Infrastructure Construction Grant; authorizing the City Manager to act on behalf of the City in all matters related to the application; and pledging that if a grant is received, the City will comply with the grant requirements of the Community Development Block Grant. The City is receiving Federal CDBG grant funds for this project which requires a City balance fund match and requires City Council authorization of this project to receive federal grant funds

Action Requested

The attached pay application #1 invoice in the amount of \$12,670.58 requires the approval of City Council for the City to receive federal funding reimbursement from the Bexar County Community Development Block Grant (CDBG).

Procurement Methodology

The City Council awarded the bid for the CDBG Hillview Drive Street Improvement Project to D&D Contractors after the project went through the competitive bid process.

Source and Amount of Funding

The Hillview Drive Street Improvements CDBG matching grant funds were provided in this year's General fund CIP Budget for the Street improvements in the amount of \$600,000. The City also received a CDBG grant award of \$300,000.00 for Hillview Drive street improvements totaling \$900,000.00 for this project.

Staff Recommendation

Staff recommends approval of pay application #1 in the amount of \$12,670.58 to D&D Contractors Inc. for the Hillview Drive Street Improvements construction.

APPLICATION FOR PAYMENT

CAP702
Page: 1 of 3

To:
Universal City Economic Development
2150 Universal City Blvd
Universal City, TX 78148

PROJECT:
1426 - HILLVIEW
HILLVIEW STREET IMPROVEMENTS

Application No.: 1 Application Date: AUG 29, 2024 Period To: AUG 29, 2024 Contract Date: AUG 29, 2024
Project Nos:

From Contractor:
D&D CONTRACTORS, INC.
1463 Bolton Rd
Marion, TX 78124

VIA ENGINEER:
Givier Engineering, INC.
515 Busby Drive
San Antonio, TX 78209
210-342-3981

Distribution List: Owner Construction Mgr
 Contractor Field
 Other

CONTRACT FOR:

Contractor's Application for Payment

Application is made for payment as shown below, with attached Continuation Sheet.

1. Original Contract Amount: \$ 710,056.17
2. Net of Change Orders: \$ 0.00
3. Net Amount of Contract: \$ 710,056.17
4. Total Completed & Stored to Date: \$ 14,078.42
5. Retainage Summary:
 - a. 10.00 % of Completed Work \$ 1,407.84
 - b. 0.00 % of Stored Material \$ 0.00
 - Total Retainage: \$ 1,407.84
6. Total Completed Less Retainage: \$ 12,670.58
7. Less Previous Applications: \$ 0.00
8. Current Payment Due, This Application: \$ 12,670.58

9. Contract Balance (Including Retainage): \$ 697,385.59

CHANGE ORDER Activity	Additions	Subtractions
Total previously approved:	0.00	0.00
Total approved this Month:	0.00	0.00
Sub Totals:	0.00	0.00
NET of Change Orders:	0.00	

CONTRACTOR'S CERTIFICATION:

The Contractor's signature here certifies that, to the best of their knowledge, this document accurately reflects the work completed in this Application for Payment. The Contractor also certifies that all payments have been made for work on previous Applications for Payment and also that the Current Payment is Due.

(Authorizing Signature) _____
D&D CONTRACTORS, INC.

Date: AUG 29, 2024

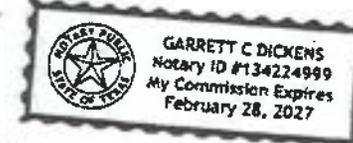
State Authorized: Texas

County of: Brewster

Subscribed and sworn to before me this 30 day of August

Notary Public: _____

My Commission expires: 02/28/27



ENGINEER'S CERTIFICATION:

The Engineer's signature here certifies that, based on their own observations, the Contract Documents and the information contained herein, this document accurately reflects the work completed in this Application for Payment. The Engineer also certifies the Contractor is entitled to the amount certified for payment.

AMOUNT CERTIFIED: \$12,670.58

(Engineer's Signature) _____

Date: 9/23/2024

(City Managers Signature) _____

Date: 9/25/24

Acct # 03-5640-4900-4944

PROJECT: Ivy Lane Street Improvements Contractor Project ID Number: 1411 CONTRACTOR: D&D Contractors, Inc.							Estimate #: 1						
Original Contract Amount: \$710,056.16							Contract \$710,056.16 Estimate Period:						
BID ITEM NO.	ITEM DESCRIPTION	UNIT	BID QTY	UNIT PRICE	ITEM PRICE	PREVIOUS QTY DONE	QTY THIS PERIOD	REMAINING QTY	% COMP	Amount \$ Remaining	TOTAL QTY DONE	PAY AMOUNT THIS PERIOD	TOTAL AMOUNT COMPLETED
1	Mobilization	LS	1.00	\$ 48,062.68	\$ 48,062.68			1.00	0%	\$ 48,062.68	0.00	\$0.00	\$0.00
2	Insurance & bonds	LS	1.00	\$ 14,078.42	\$ 14,078.42	1.00	0.00	100%	0%	\$ -	1.00	\$14,078.42	\$14,078.42
3	PROJECT SIGN	EA	1.00	\$ 1,535.83	\$ 1,535.83		1.00	0%	0%	\$ 1,535.83	0.00	\$0.00	\$0.00
4	Storm Water Pollution Prevention Plan	LS	1.00	\$ 8,817.06	\$ 8,817.06		1.00	0%	0%	\$ 8,817.06	0.00	\$0.00	\$0.00
5	Traffic Control & Protection	LS	1.00	\$ 2,984.52	\$ 2,984.52		1.00	0%	0%	\$ 2,984.52	0.00	\$0.00	\$0.00
6	REMOVE CONCRETE HEADER CURB	LF	1379.10	\$ 3.57	\$ 4,923.39		1379.10	0%	0%	\$ 4,923.39	0.00	\$0.00	\$0.00
7	REMOVE SIDEWALK	SY	656.00	\$ 16.18	\$ 10,614.08		656.00	0%	0%	\$ 10,614.08	0.00	\$0.00	\$0.00
8	REMOVE CONCRETE RESIDENTIAL ENTRY SIDEWALK	SY	25.60	\$ 8.89	\$ 227.58		25.60	0%	0%	\$ 227.58	0.00	\$0.00	\$0.00
9	REMOVE DRIVEWAY APRON WITH FLUSH CURB	SY	581.70	\$ 17.19	\$ 9,999.42		581.70	0%	0%	\$ 9,999.42	0.00	\$0.00	\$0.00
10	REMOVE & STORE MAILBOXES	EA	28.00	\$ 98.09	\$ 2,746.52		28.00	0%	0%	\$ 2,746.52	0.00	\$0.00	\$0.00
11	REMOVE & STORE Pavers	SY	9.30	\$ 52.23	\$ 485.74		9.30	0%	0%	\$ 485.74	0.00	\$0.00	\$0.00
12	ROADWAY EXCAVATION INCLUDING HAULING	CY	2132.10	\$ 31.59	\$ 67,353.04		2132.10	0%	0%	\$ 67,353.04	0.00	\$0.00	\$0.00
13	Remove & Replace Residential Water Meters (meters provided by city)	EA	29.00	\$ 334.61	\$ 9,703.69		29.00	0%	0%	\$ 9,703.69	0.00	\$0.00	\$0.00
14	INSTALL 4" CONCRETE SIDEWALK	SY	759.20	\$ 77.24	\$ 58,640.61		759.20	0%	0%	\$ 58,640.61	0.00	\$0.00	\$0.00
15	INSTALL CONCRETE CURB & GUTTER	LF	1486.90	\$ 26.45	\$ 39,328.51		1486.90	0%	0%	\$ 39,328.51	0.00	\$0.00	\$0.00
16	INSTALL Concrete Residential Entry Sidewalk	SY	25.60	\$ 115.07	\$ 2,945.79		25.60	0%	0%	\$ 2,945.79	0.00	\$0.00	\$0.00
17	INSTALL RESIDENTIAL CONCRETE DRIVEWAY APRON INCLUDING LAYDOWN CURB	SY	621.90	\$ 117.61	\$ 73,141.68		621.90	0%	0%	\$ 73,141.68	0.00	\$0.00	\$0.00
18	Replace Pavers	SY	9.30	\$ 189.69	\$ 1,764.12		9.30	0%	0%	\$ 1,764.12	0.00	\$0.00	\$0.00
19	Adjust Existing San Sewer Manholes to grade	EA	2.00	\$ 2,659.67	\$ 5,319.34		2.00	0%	0%	\$ 5,319.34	0.00	\$0.00	\$0.00
20	LIME STABILIZE SUBGRADE	SY	3829.00	\$ 17.38	\$ 66,471.44		3829.00	0%	0%	\$ 66,471.44	0.00	\$0.00	\$0.00
21	INSTALL TENSAR GEOGRID TX-5 ON LIME-STABILIZED SUBGRADE	SY	3829.00	\$ 5.22	\$ 19,987.38		3829.00	0%	0%	\$ 19,987.38	0.00	\$0.00	\$0.00
22	Embankment	CY	50.00	\$ 19.97	\$ 998.50		50.00	0%	0%	\$ 998.50	0.00	\$0.00	\$0.00
23	INSTALL CRUSHED MOISTURE CONDITIONED LIMESTONE FLEXIBLE BASE 16" COMPACTED DEPTH	SY	3829.00	\$ 17.34	\$ 66,394.86		3829.00	0%	0%	\$ 66,394.86	0.00	\$0.00	\$0.00
24	PRIME COAT	GAL	600.00	\$ 5.12	\$ 3,072.00		600.00	0%	0%	\$ 3,072.00	0.00	\$0.00	\$0.00
25	INSTALL ASPHALT TREATED BASE (4" COMPACTED DEPTH)	SY	3166.00	\$ 32.00	\$ 101,312.00		3166.00	0%	0%	\$ 101,312.00	0.00	\$0.00	\$0.00
26	Pave 2" Type D HMA 70-22 V1 In Mix	SY	3166.00	\$ 20.48	\$ 64,839.68		3166.00	0%	0%	\$ 64,839.68	0.00	\$0.00	\$0.00
27	Restore Mailboxes	EA	29.00	\$ 194.71	\$ 5,646.59		29.00	0%	0%	\$ 5,646.59	0.00	\$0.00	\$0.00
28	Sodding & Topsoil	SY	1182.00	\$ 16.06	\$ 18,861.72		1182.00	0%	0%	\$ 18,861.72	0.00	\$0.00	\$0.00
Adjusted Contract Amount: \$ 710,056.16													
										695,977.74	\$14,078.42	\$14,078.42	
										0.10	(10%) Retainage \$	1,407.84	\$ 1,407.84
											Previous Paid \$	-	\$ -
											Amount Due \$	12,670.58	\$ 12,670.58
											% of Contract Billed	1.98%	1.98%

D & D CONTRACTORS, INC.

CONDITIONAL WAIVER AND RELEASE ON PROGRESS PAYMENT

Project: Hillview Drive Street Reconstruction 1426

Pay Application #: _____

On receipt by the signer of this document of a check from City of Universal City (owner) in the sum of \$ 230,803.63 payable TO D&D CONTRACTORS, INC. and when the check has been properly endorsed and has been paid by the bank on which it is drawn, this document becomes effective to release any mechanic's lien right, any right arising from a payment bond that complies with a state or federal statute, any common law payment bond right, any claim for payment, and any rights under any similar ordinance, rule, or statute related to claim or payment rights for persons in the signer's position that the signer has on the property of City of Universal City (owner) located at Hillview Drive Street Reconstruction (Project) to the following extent: Road Reconstruction Scope of work

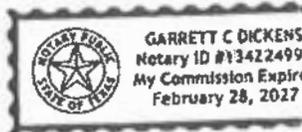
This release covers a progress payment to the signer for all labor, services, equipment, or materials furnished to the property or to D&D CONTRACTORS INC. (person with whom signer contracted) as indicated in the attached statement(s) or progress payment request(s), except for unpaid retention, pending modifications and changes, or other items furnished. Before any recipient of this document relies on this document, the recipient should verify evidence of payment to the signer.

The signer warrants that the signer has already paid or will use the funds received from this progress payment to promptly pay in full all of the signer's laborers, subcontractors, materialmen, and supplier's for all work, materials, equipment, or services provided for or to the above referenced project in regard to the attached statement(s) or progress payment request(s).

Date: 8/29/2024

By: [Signature] acting on behalf of D & D as Project Manager This instrument was executed and acknowledged before me on this 30 day of August, 2024. Gerald McLeod known to me as the person whose name is subscribed above as the (title) of D & D Contractors Inc. on behalf of and as the authorized act of said entity.

(notary signature)



1463 Bolton Road, Marion, Texas 78124 p. 830.914.2000 www.danddcontractors.com

DEVELOPMENT SERVICES DEPARTMENT

MONTHLY REPORT

SEPTEMBER 2024

BUILDING		
<u>PERMITS ISSUED</u> 94	<u>CERTIFICATES OF OCCUPANCY</u> 3	
<u>TOTAL INSPECTIONS</u> 250	<u>1ST TIME INSPECTIONS</u> 216	<u>RE-INSPECTIONS</u> 34
HEALTH		
<u>TOTAL INSPECTIONS</u> 45	<u>1ST TIME INSPECTIONS</u> 31	<u>RE-INSPECTIONS</u> 14
CODE COMPLIANCE		
<u>CASES OPENED</u> 89	<u>CASES CLOSED</u> 36	