

MINUTES
PLANNING & ZONING COMMISSION OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Monday Evening, 09 January 2023

1. CALL TO ORDER: Chairman Ron Jackson at 6:00 p.m.
2. QUORUM CHECK: Michael Cassata, Development Services Director

Commission Members present:

Ron Jackson, Chair
Mary Andrews, Member
Zach Carlton, Member
Deborah Hernandez, Member
John Hudson, Member
Cynthia Spurlock, Member
Justin Villa, Member
Diane Woods, Member

Also Present:

Kim Turner, City Manager
Michael Cassata, Development Services Director
Maribel Garcia, Deputy City Clerk
Kevin C. White, Applicant
Chris Kowalski, Applicant
Ashley Fairman, Applicant
Billy Duncan, 2910 Pat Booker Rd
Cohen Young, 8202 Stoney Brook Dr
Cliff Fegett, 8727 Stoney Brook Dr
Savannah Nixon, 2910 Pat Booker Rd
Jan Mitchell, 205 De Vaca Dr
Quinn Elliot, 8711 Stoney Brook Dr
Charles May, 13415 Muses

Tardy:

Sheila Garcia, Member (6:10 p.m.)

3. MINUTES OF THE PREVIOUS MEETING

Regular Meeting – 05 December 2022

Ms. Andrews moved to accept the minutes as presented. Mr. Hudson seconded the motion.

The Motion was approved on an 8-0 vote.

4. NEW BUSINESS

Chair Jackson introduced the item and asked Mr. Cassata to provide a summary of the requests listed in agenda items A through H.

Mr. Cassata explained the applicant, White-Conlee, proposed an apartment complex on a 14-acre vacant unsubsidized tract. He explained that this lot used to be a junkyard. He listed the requests for the Commission and clarified that the Preliminary Plat approval would come back to the Commission as a Final Plat at a later date, if all requests are granted. Mr. Cassata gave a brief history of the City's interaction with the project. He listed project specifics and development regulations that were followed by White-Conlee and mentioned a traffic study that was done for the project. He also stated eighty-five legal notices were sent out and only one returned opposed to the project. He reiterated that PUD Approval Standards have been addressed by the applicant with input from City staff.

Chair Jackson explained to those in attendance that the day's agenda is all part of one project, and that each item relied on the other being passed in the agenda order.

- A. **Public Hearing:** P.C. 560 (ZC 231) – A request for an amendment to the **Future Land Use Plan** for an approximately 13.968-acre tract located at 2902 Pat Booker Road/SH218 (CB 5047 P-15 ABS 777) from CS+O-Commercial Services and Overlay to HDR-High Density Residential, per Zoning Ordinance 581.

Chair Jackson opened the public hearing at 6:12 p.m.

Ms. Fairman, who presented for White-Conlee, explained their PUD proposal. She displayed several examples of what the development would look like as part of a PowerPoint presentation.

Chair Jackson asked to clarify which buildings were two stories.

Ms. Fairman clarified two-story and three-story buildings are proposed. She went over architectural requirements met by the plan, listed the types of units included in this apartment complex proposal, and explained this is a market product; an unsubsidized and non-government funded project. She compared the density of the project to other apartments in Universal City and stated this development is newer and at less density than other apartments in the city. As part of the presentation, she showed a retention pond that would be part of the complex to address stormwater runoff.

Chair Jackson asked if the retention pond would have long-term standing water.

Mr. White answered that the pond would fill with water during periods of heavy rain and drain over 48 hours. It would drain into a greenbelt.

Ms. Hernandez asked where the retention drains would go. Ms. Fairman responded that there was an existing drainage easement. She continued with her presentation and stated that half of the proposed development would remain pervious cover, which would help prevent flooding. She mentioned the traffic study that was conducted, and discussed the downward lighting included in the project.

Chair Jackson commented that this used to be a junkyard and development of the site would be difficult because of leakage from old cars.

Ms. Fairman and Mr. White responded that there were Phase 1 and Phase 2 Environmental Studies conducted, and although substance levels were not high enough to report to the State, White-Conlee was working to address those issues.

Chair Jackson opened the floor to the public having had no further questions from the Commission.

Billy Duncan, 2910 Pat Booker, expressed concern about the efficacy of the retention pond due to having had three floods in fifteen years. He was also concerned that the apartments could bring more crime. He then asked whether the development would raise his taxes.

Cohen Young, 8202 Stoney Brook Dr, asked when the traffic study was conducted, concerned that it may yield inaccurate results if not conducted during the school year.

Chair Jackson stated the commissioners would discuss this and asked staff what would happen if the current requests were not approved, as well as what would happen if the requests were approved but the developer then sold it to another party.

Mr. Cassata explained that under a Planned Unit Development, the approvals are unique to that specific project, and if the project is approved, then any future developer would have to abide by the regulations included in the approved ordinance granting the PUD or start the entire process from the beginning if something different were proposed.

Cliff Fegett, 8727 Stoney Brook Dr, conveyed his concern about the traffic, the greenbelt erosion in the back of the property, and management the property.

Jan Mitchell, 205 De Vaca, conveyed her belief that traffic on Pat Booker would follow the past years' trends and increase. She also speculated that there may be intention behind why the City Planners made the properties on Pat Booker commercial and not residential. She reiterated the point that turning left on Pat Booker would be difficult and added that a traffic light would stop the flow of traffic.

Chair Jackson asked if there were any other public comments to be made and, with none, opened the floor to the Commission.

Chair Jackson voiced his prediction that many people from Randolph AFB would be staying at these apartments. He noted the traffic study was full of the phrase "TXDOT could..." and not "TXDOT would..." He inquired about what a right-in/right-out turn is since this was a proposed solution.

Mr. White stated that Pat Booker is controlled by TXDOT which will dictate the number of curb cuts and types of traffic control devices, if any, required to be installed. He said that discussions with TXDOT are ongoing. He also mentioned that a traffic analysis showed the traffic impacts would be three times worse with a commercial development compared to the proposed project.

Ms. Fairman added that people leave their homes at different times, thereby dispersing traffic throughout the day.

Chair Jackson concluded that the traffic consequences are unknown.

A discussion continued regarding traffic impacts and mitigation measures, including clarification on the mechanics of a right-in/right-out ingress/egress device.

Mr. Carlton asked how many cars would be allowed at the apartment complex.

Mr. White responded that there would be an average of 1.5 to 2 cars per family home, but that the distribution of the parking would be split evenly across the property.

Ms. Woods pointed out that of the 268 units, 168 were single occupant households, meaning those would only have one car.

Ms. Garcia asked where guests would park.

Mr. White stated he does not anticipate the need for street parking. He explained there are proposed carports that would be designated as reserved parking, but that all other parking would be open-use and available for guests.

Ms. Spurlock asked how much handicap parking would be available.

Mr. White responded that as per regulation, about 2% of parking must be dedicated to accessible parking. He stated that other accessible spots could be added as needed.

Mr. Carlton asked for an estimate of rent costs compared to other apartment complexes.

Mr. White stated the proposed apartment complex rent would be higher than the average across the city as a result of higher building costs, and it being a new, market-rate, Class A apartment complex. He confirmed the project would not be subsidized.

Mr. Carlton expressed concern for military members in the area with the high rental rates and asked whether crime rates would increase due to the influx of tenants.

Mr. White suggested that higher rent rates bring wealthier tenants who have to have a salary that is three times the rental rate. He stated wealthier tenants tend to not contribute to increased crime.

Ms. Woods asked who would manage the apartments.

Mr. White explained there would be a third-party management company until the property is sold. He mentioned the property is likely to sell at \$50 million and larger management firms tend to manage these kinds of properties because properties of this kind need the resources for constant maintenance that a small, local company or person could not provide.

Ms. Spurlock asked whether there would be security on the property, and if there would be a back entrance.

Mr. White stated that security is not typical or necessary for a property like this but that there are proposed control access gates at the entrance for the development. He confirmed there would not be a back entrance.

Mr. Carlton asked if the entrance would be further back into the property so there would not be a line of traffic on Pat Booker. Mr. White confirmed this.

Mr. Villa asked how much water the retention pond would collect and the likelihood of pond overflow.

Mr. White said his engineers use a calculation to dictate how large the pond must be based on the existing rainfall. He also expressed this solution is better than the current non-existent one, and that this would help with flooding on Pat Booker as well.

Mr. Kowalski, the applicant's engineer, further answered the question by explaining the pond is likely to hold only 1-acre of water at any one point and will slowly release water as it gathers, though it could hold a full 3-acres of water, which is designed to accommodate an unlikely rainfall event.

Mr. White added the flooding would be worse with a commercial development because it would likely all be impervious ground cover.

Mr. Hudson asked how deep the retention pond is and if kids would be kept out by a fence.

Mr. White stated there would have to be a fence.

Mr. Kowalski stated the pond would be about 5-6 feet.

Ms. Andrews expressed concerns about traffic while building the apartments and asked if the construction area would be fenced.

Mr. White stated traffic should be unaffected, and the development would be fenced during construction.

Mr. Carlton asked whether they would maintain the proposed buffer between the development and the surrounding community during construction.

Mr. White said there would not be much activity in the buffer areas during construction, and there would only be activity in the area toward the end of the project for landscaping and fencing.

Chair Jackson asked if there were any other questions. Being none, **Chair Jackson closed the Public Hearing at 7:03 p.m.**

- B. **Consider:** P.C. 560 (ZC 231) – A request for an amendment to the **Future Land Use Plan** for an approximately 13.968-acre tract located at 2902 Pat Booker Road/SH218 (CB 5047 P-15 ABS 777) from CS+O-Commercial Services and Overlay to HDR-High Density Residential, per Zoning Ordinance 581.

Chair Jackson opened the floor for discussion but first asked for a motion.

Mr. Hudson made a motion to approve PC 560 (ZC 231) and the amendment to the Future Land Use Plan from CS+O Commercial Services & Overlay to HDR-High Density Residential for the property at 2902 Pat Booker Road with the following conditions:

1. City Council approval of the Zone Change from C3-Commercial Services to PUD 2023-101 District
2. City Council approval of the PUD Final Plan
3. Planning and Zoning Commission approval of the preliminary and final plats of subdivision within two years of PUD Final Plan approval by City Council.

Ms. Andrews seconded the motion.

Chair Jackson asked if there was any discussion to be had amongst the members.

Ms. Woods asked for clarification on how each vote affects the other votes.

Mr. Cassata clarified that if the PUD is not passed, then the Zoning and FLUP would be nullified because everything must pass together.

Cohen Young, 8202 Stoney Brook Dr, asked to further clarify the previous point.

Mr. Cassata explained that if another buyer comes along, they would also have to adhere to all of the specific requirements listed in the PUD ordinance, and FLUP, Zoning change, and Plat approvals.

There being no further discussion, Chair Jackson called for a vote.

The motion was approved on a 9-0 vote.

- C. **Public Hearing:** P.C. 561 (ZC 232) – A request for a **Zone Change** from C3-Commerical Services to PUD 2023-101 for an approximately 13.968-Acre tract located at 2902 Pat Booker Road/SH 218 (CB 5047 P-15 ABS 777), per Zoning Ordinance 581.

Chair Jackson opened the Public Hearing at 7:08 p.m. Seeing that there were no questions or comments for this item, **the Public Hearing was closed at 7:08 p.m.**

- D. **Consider:** A request for a **Zone Change** from C3-Commerical Services to PUD 2023-101 for an approximately 13.968-Acre tract located at 2902 Pat Booker Road/SH 218 (CB 5047 P-15 ABS 777), per Zoning Ordinance 581.

Chair Jackson opened the floor for discussion but first asked for a motion.

Mr. Hudson made a motion to approve PC 561 (ZC 232) and the Zone Change from C3-Commercial Services to PUD 2023-101 District for the property at 2902 Pat Booker Road with the following conditions:

1. City Council approval of the FLUP amendment from CS+O-Commercial Services & Overlay to HDR-High Density Residential
2. City Council approval of the PUD Final Plan
3. Planning and Zoning Commission approval of the preliminary and final plats of subdivision within two years of PUD Final Plan approval by City Council

Mr. Carlton seconded the motion.

There being no further discussion, Chair Jackson called for a vote.

The motion was approved on a 9-0 vote.

- E. **Public Hearing:** P.C. 562 (ZC 233) – A request for approval of **PUD Preliminary and Final Plans** for an approximately 13.968-Acre tract located at 2902 Pat Booker Road/SH 218 (CB 5047 P-15 ABS 777), per Zoning Ordinance 581.

Chair Jackson opened the Public Hearing at 7:10 p.m.

Mr. Young reiterated his concern and again asked when the traffic study was conducted.

Charles May, 13415 Muses, asked whether this plan included sidewalks.

Chair Jackson answered yes.

Regarding Mr. Young's question, Mr. Cassata explained it was his understanding the traffic counts were conducted in April while school was in session and June when school was not in session; however, he added, a formula was used to supplement the lower traffic numbers during the academic off-season.

Chair Jackson asked when TXDOT would make its decision on traffic solutions.

Mr. Cassata stated TXDOT would not make a firm decision until the Preliminary Plat is finalized.

Chair Jackson asked whether TXDOT changes would become part of the plan once finalized.

Mr. Cassata said yes, and that it is likely they would approve two curb cuts but not three.

F. **Consider:** P.C. 562 (ZC 233) – A request for approval of **PUD Preliminary and Final Plans** for an approximately 13.968-Acre tract located at 2902 Pat Booker Road/SH 218 (CB 5047 P-15 ABS 777), per Zoning Ordinance 581.

Chair Jackson asked for a motion, but first asked Mr. Cassata to go over any of the Findings of Fact, if necessary.

Mr. Cassata pointed out that the standards found in the packet are part of the PUD City Ordinance, which the applicant is required to address. He noted the redlines in the responses are City staff suggestions.

Chair Jackson requested a motion to approve this item.

Mr. Carlton made a motion to recommend approval of PC 562 (ZC 233) and the associated PUD Preliminary and Final Plans for the property at 2902 Pat Booker Road with the following conditions:

1. City Council approval of the FLUP amendment form CS+O-Commercial Services & Overlay to HDR-High Density Residential
2. City Council approval of the Zone Change from C3-Commercial Services to PUD 2023-101 District
3. Planning and Zoning Commission approval of the preliminary and final plats of subdivision within two years of PUD Final Plan approval by City Council

Mr. Hudson seconded the motion.

Chair Jackson asked if there was any discussion and seeing none asked for a vote.

The motion was approved on a 9-0 vote.

G. **Public Meeting:** P.C. 567– A request for approval of the **Preliminary Plat of Subdivision** for an approximately 13.968-Acre tract located at 2902 Pat Booker Road/SH 218 (CB 5047 P-15 ABS 777), per Zoning Ordinance 581.

Chair Jackson opened the Public Meeting at 7:19 p.m. but first explained that the Final Plat would include approval from TXDOT to be considered at another meeting, and that this consideration is for Preliminary Plat approval.

Mr. Duncan reiterated his concern about flooding and water flow.

Mr. Cassata explained an engineering study would be conducted to ensure the pond could accommodate the anticipated stormwater. He also explained there is a drainage channel near the pond that the water would be directed to, which is where the water is already flowing.

Savannah Nixon, 2910 Pat Booker Rd, explained she is the manager of the mobile home park next door and expressed concern about whether the development would affect utilities and sewage.

Mr. Cassata stated these considerations are part of the engineering studies and that CPS, public works, and the utility companies review the plans to ensure adequate capacity before construction begins.

Quinn Elliot, 8711 Stoney Brook St, asserted there is no drain to accommodate the stormwater flow.

Mr. Cassata pointed out the location of the existing drainage channel that excess stormwater would feed into.

With no further comments or questions, **Chair Jackson closed the Public Meeting at 7:25 p.m.**

- H. **Consider:** P.C. 567– A request for approval of the **Preliminary Plat of Subdivision** for an approximately 13.968-Acre tract located at 2902 Pat Booker Road/SH 218 (CB 5047 P-15 ABS 777), per Zoning Ordinance 581.

Chair Jackson opened the floor to discussion but first asked for a motion.

Mr. Carlton made a motion to approve PC 567 and the preliminary plat of subdivision with the following conditions:

1. City Council approval of the FLUP amendment from CS+O-Commercial Services & Overlay to HDR-High Density Residential
2. City Council approval of the Zone Change from C3-Commercial Services to PUD 2023-101 District
3. City Council approval of the PUD Final Plan

Mr. Hudson seconded the motion.

Chair Jackson asked if there needed to be discussion.

Mr. Carlton asked Mr. Cassata if he could show an example of a right in/right out ingress/egress in the City of Schertz. Mr. Cassata pulled up the Google Earth Street View of the location and there was no further discussion.

Chair Jackson called for a vote.

The motion was approved on a 9-0 vote.

5. CITY MANAGER'S REPORT

Ms. Turner wished everyone a Happy New Year and thanked the Commission for all the work they do. She told them to expect more projects, such as the one from this meeting, in the near future.

Chair Jackson thanked everyone and adjourned the meeting.

6. ADJOURNMENT: Chair Jackson adjourned the meeting at 7:30 p.m.

A handwritten signature in cursive script that reads "Ronald N. Jackson". The signature is written in black ink and is positioned above the printed name and title.

Ronald N. Jackson
Chairman