

ORDINANCE NO. 21-S-36

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 42 ACRES OF LAND TO PLANNED DEVELOPMENT DISTRICT (PDD), GENERALLY LOCATED 2,500 FEET EAST OF THE INTERSECTION OF HUBERTUS ROAD AND INTERSTATE HIGHWAY 35, ALSO KNOWN AS COMAL COUNTY PROPERTY IDENTIFICATION NUMBERS 75290 AND 75369, COMAL COUNTY, TEXAS.

WHEREAS, an application to rezone approximately 42 acres of land located 2,500 feet east from the intersection of Hubertus Road and Interstate Highway 35, also known as Comal County Property Identification Numbers 75290 and 75369, and more specifically described in the Exhibit A attached herein (herein, the “Property”) has been filed with the City; and

WHEREAS, the City’s Unified Development Code Section 21.5.4.D. provides for certain criteria to be considered by the Planning and Zoning Commission in making recommendations to City Council and by City Council in considering final action on a requested zone change (the “Criteria”); and

WHEREAS, on August 25, 2021, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation to City Council to approve the requested rezoning to General Business District -2 (GB-2); and

WHEREAS, on September 7, 2021, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the requested zoning be approved to Planned Development District (PDD) as provided for herein.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS:
THAT:**

Section 1. The Property as shown and more particularly described in the attached Exhibit A, is hereby zoned Planned Development District (PDD) with the development standards as outlined in attached Exhibit “B”.

Section 2. The Official Zoning Map of the City of Schertz, described and referred to in Article 2 of the Unified Development Code, shall be revised to reflect the above amendment.

Section 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 4. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 7. 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 8. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

Section 9. This Ordinance shall be cumulative of all other ordinances of the City of Schertz, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Schertz except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed.

Approved on first reading the 7th day of September, 2021.

PASSED, APPROVED AND ADOPTED on final reading the 14th day of September, 2021.

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary
(SEAL OF THE CITY)

METES AND BOUNDS DESCRIPTION
FOR
ZONING – TRACT 1

A 27.890 acre tract of land situated within the corporate limits of the City of Schertz, Comal County, Texas, out of the Rafael Garza Survey No. 98, Abstract 175, being comprised of a portion of a 62.981 acre tract of land conveyed unto San Antonio Two Limited Partnership by deed executed January 27, 1992 and recorded in Volume 803, Page 789, Official Public Records of Comal County, Texas; a portion of a 58.264 acre tract of land conveyed unto Charles A. Forbes, Trustee by deed executed February 20, 1990 and recorded in Volume 712, Page 248, said Official Public Records; SAVE AND EXCEPT a 1.776 acre tract of land conveyed unto the State of Texas by judgement decreed September 16, 2005 and recorded in Document No. 200606001348, said Official Public Records; and SAVE AND EXCEPT a 0.6384 of an acre tract of land conveyed unto the State of Texas by deed executed August 20, 2020 and recorded in Document No. 202006040716, said Official Public Records. In all, said 27.890 acre tract being more particularly described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00:

BEGINNING: at a type III TxDOT monument found on the northwest line of Interstate Highway No. 35 (a variable width public right-of-way), same being on the northeast line of Lot 1, Block 1, WESTRIDGE SUBDIVISION, recorded in Document No. 201806029613, Map and Plat Records of Comal County, Texas for the south corner of this tract, from whence a type III TxDOT monument found at the east corner of said Lot 1 bears South 30° 48' 46" East, 12.67 feet;

THENCE: departing the northwest line of said Interstate Highway No. 35, with and along the northeast line of said Lot 1, and the northeast line of a 20.00 acre tract of land conveyed unto Schertz 35, LLC by deed executed November 15, 2016 and recorded in Document No. 201606044069, said Official Public Records, North 30° 48' 46" West, 442.75 feet to a point on the northeast line of said 20.00 acre tract;

THENCE: departing said northeast line, over and across said 62.981 acre tract and said 58.264 acre tract the following courses:

North 59° 36' 25" East, 1,635.71 feet to a point;

North 37° 56' 19" East, 186.67 feet to a point;

And North 59° 26' 28" East, 976.19 feet to a point on the common southwest line of a 19.43 acre tract of land conveyed unto Caverns Hills Center, LLC by deed executed January 12, 2010 and recorded in Document No. 201006001650, said Official Public Records, and the northeast line of said 58.264 acre tract;

THENCE: with and along said common line, South 30° 23' 35" East, 398.11 feet to a type III TxDOT monument found on the northwest line of said Interstate Highway No. 35, same being at the common south corner of said 19.43 acre tract and the east corner of this tract;

THENCE: with and along the northwest line of said Interstate Highway No. 35 the following courses:

South 54° 27' 34" West, 1,016.85 feet to a type II TxDOT monument found;

South 56° 13' 54" West, 327.90 feet to a type III TxDOT monument found;

North 30° 29' 14" West, 8.37 feet to a type III TxDOT monument found;

South 60° 07' 28" West, 568.53 feet to a type III TxDOT monument found at the beginning of a non-tangent curve whose radius point bears South 29° 49' 32" East, 3,067.91 feet;

Southwesterly with the arc of said non-tangent curve through a central angle of 04° 37' 56", having a chord bearing and distance of South 57° 51' 30" West, 247.97 feet, and an arc length of 248.03 feet to a type III TxDOT monument found at the beginning of a tangent reverse curve to the right;

Southwesterly with the arc of said reverse curve having a radius of 4,076.88 feet, through a central angle of 03° 48' 49", having a chord bearing and distance of South 57° 26' 56" West, 271.32 feet, and an arc length of 271.37 feet to a type III TxDOT monument found;

And South 59° 21' 21" West, 354.56 feet to the POINT OF BEGINNING, and CONTAINING 27.890 acres, or 1,214,909 square feet of land more or less. Said tract being described in conjunction with a graphic depiction thereof prepared under job number 30020-01 by Pape-Dawson Engineers, Inc.

"THIS DOCUMENT WAS PREPARED UNDER 22TAC663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED."

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: April 15, 2021
JOB NO. 30020-01
DOC. ID. N:\CIVIL\30020-01\Word\30020-01 FN_ZN 27.890 AC.docx



**METES AND BOUNDS DESCRIPTION
FOR
ZONING – TRACT 2**

A 14.754 acre tract of land situated within the corporate limits of the City of Schertz, Comal County, Texas, out of the Rafael Garza Survey No. 98, Abstract 175, being comprised of a portion of a 62.981 acre tract of land conveyed unto San Antonio Two Limited Partnership by deed executed January 27, 1992 and recorded in Volume 803, Page 789, Official Public Records of Comal County, Texas; and a portion of a 58.264 acre tract of land conveyed unto Charles A. Forbes, Trustee by deed executed February 20, 1990 and recorded in Volume 712, Page 248, said Official Public Records. In all, said 14.754 acre tract being more particularly described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00:

COMMENCING: at a type III TxDOT monument found on the northwest line of Interstate Highway No. 35 (a variable width public right-of-way), same being on the northeast line of Lot 1, Block 1, WESTRIDGE SUBDIVISION, recorded in Document No. 201806029613, Map and Plat Records of Comal County, Texas same also being the south corner of said 62.981 acre tract, from whence a type III TxDOT monument found at the east corner of said Lot 1 bears South 30° 48' 46" East, 12.67 feet;

THENCE: departing the northwest line of said Interstate Highway No. 35, with and along the northeast line of said Lot 1, and the northeast line of a 20.00 acre tract of land conveyed unto Schertz 35, LLC by deed executed November 15, 2016 and recorded in Document No. 201606044069, said Official Public Records, North 30° 48' 46" West, 442.75 feet to a point on the northeast line of said 20.00 acre tract for the south corner and POINT OF BEGINNING of this tract;

THENCE: continuing with and along the northeast line of said 20.00 acre tract, North 30° 48' 46" West, 255.26 feet to a point;

THENCE: departing the northeast line of said 20.00 acre tract, over and across said 62.981 acre tract and said 58.264 acre tract, North 59° 31' 01" East, 2,787.25 feet to a point on the southwest line of a 48.625 acre tract of land conveyed unto Karen Friesenhahn by deed executed March 13, 2017 and recorded in Document No. 201706040416, said Official Public Records;

THENCE: with and along the southwest line of said 48.625 acre tract and the southwest line of a 19.43 acre tract of land conveyed unto Caverns Hills Center, LLC by deed executed January 12, 2010 and recorded in Document No. 201006001650, said Official Public Records, South 30° 23' 35" East, 187.89 feet to a point;

THENCE: departing the southwest line of said 19.43 acre tract, over and across said 58.264 acre tract and said 62.981 acre tract the following courses:

South 59° 26' 28" West, 976.19 feet to a point;

South 37° 56' 19" West, 186.67 feet to a point;

And South 59° 36' 25" West, 1,635.71 feet to the POINT OF BEGINNING, and CONTAINING 14.754 acres, or 642,692 square feet of land more or less. Said tract being described in conjunction with graphic depiction thereof prepared under job number 30020-01 by Pape-Dawson Engineers, Inc.

"THIS DOCUMENT WAS PREPARED UNDER 22TAC663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED."

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: April 15, 2021
JOB NO. 30020-01
DOC. ID. N:\CIVIL\30020-01\Word\30020-01 FN_ZN 14.754 AC.docx



Development Standards

Planned Development District for IDV Hubertus

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IDV Hubertus

- I. General**
 - A. Introduction

This property will develop in accordance with the provisions of the City of Schertz Unified Development Code (UDC) as amended. This property will develop in accordance with the base zoning districts of General Business District- 2 (GB2) with the following modifications to the UDC relating to permitted land uses and landscaping:

II. Zoning District (Article 5)

A. Permitted Land Uses (section 21.5.8)

Permitted Use Table. In addition to the permitted uses listed in UDC Table 21.5.8.

Permitted uses as amended, remove the following:

- Airport, Heliport, or Landing field
- Assisted Care or Living Facility
- Livestock
- Recycling Collection Center
- Recycling Collection Point
- Trailer/Manufactured Homes Sales
- Truck Sales, Heavy Equipment
- Truck Terminal

III. Site Design Standards (Article 8, 9, 14)

1. The City's ordinances and standards applicable to the uses on the commercial and industrial lots of the PDD will apply with the following amendments to the sub-sections of the UDC as amended:

Section 21.8.9.B.2.e- General Outdoor Storage. General outdoor storage items shall be completely enclosed or shall be moved to the rear of the structure, but in no event shall general outdoor storage items be visible from public right-of-way, such as trucks and trailers.

Tree Size – the minimum size for all required trees shall be 3 caliper inches

Section 21.14.3.C.- Landscape Buffer. In addition to the requirements of section 21.9.7 of this UDC for landscaping, a minimum twenty foot (20') wide landscape buffer shall be provided adjacent to any public right-of-way classified as a Principal Arterial or Secondary Arterial in accordance with Sec. 21.14.1. Trees shall be planted at an average density of one (1) tree per forty linear feet (35') of street frontage at 3 caliper size. The landscape buffer shall require an irrigation system and shall be maintained by the property owner.

IV. Amendments to the Planned Development District

- A. Any significant changes from the established standards for the approved PDD, or changes that later the concept of the PDD will cause the plan to be resubmitted for approval by the Planning and Zoning Commission and the City Council, including a new public hearing with applicable fees. Minor changes which do not alter the concept or intent of the development shall be approved or denied administratively.

V. Appendices and Attachments

- A. Conceptual Plan attached as Exhibit A
B. Building Elevations attached as Exhibit B

Exhibit B

