

**ORDINANCE NO. 21-S-42**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 1.373 ACRES OF LAND TO SINGLE-FAMILY RESIDENTIAL/AGRICULTURAL DISTRICT GENERALLY LOCATED 750 FEET EAST OF THE INTERSECTION OF TRAINER HALE ROAD AND FM 1518, 9049 TRAINER HALE ROAD, ALSO KNOWN AS BEXAR COUNTY PROPERTY IDENTIFICATION NUMBE 310238, BEXAR COUNTY, TEXAS.**

**WHEREAS**, an application to rezone approximately 1.373 acres of land located 750 feet east from the intersection of Trainer Hale Road and FM 1518, also known as Bexar County Property Identification Number 310238, 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 September 8, 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; and

**WHEREAS**, on October 12, 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 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 Single-Family Residential/Agricultural District.

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and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.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 12<sup>th</sup> day of October, 2021.

PASSED, APPROVED AND ADOPTED on final reading the 26<sup>th</sup> day of October, 2021.

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Ralph Gutierrez, Mayor

ATTEST:

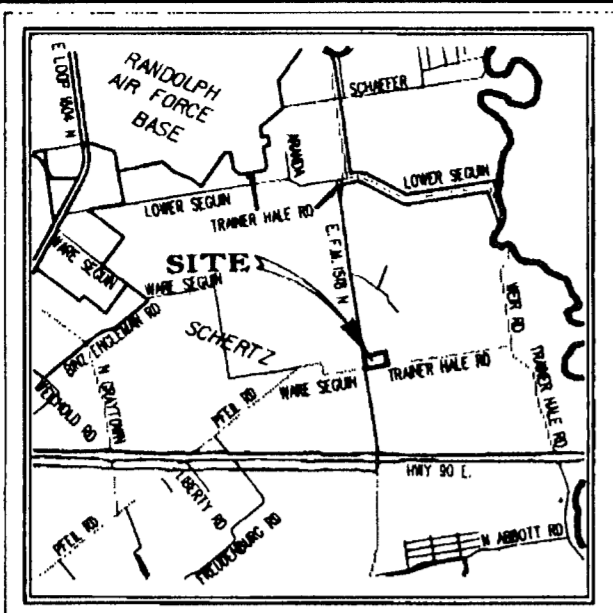
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Brenda Dennis, City Secretary  
(SEAL OF THE CITY)

# Exhibit A

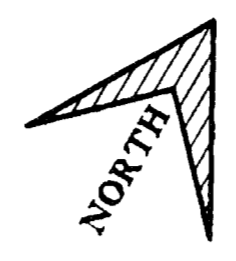
## SUBDIVISION PLAT ESTABLISHING TRAINER HALE SUBDIVISION

BEING A 14.037 ACRE TRACT OF LAND OUT OF THE JULIAN DIAZ SURVEY NO. 66, BEXAR COUNTY, TEXAS, AND BEING OUT OF THAT CERTAIN 112.59 ACRE TRACT RECORDED IN VOLUME 2162, PAGES 119-123, DEED RECORDS OF BEXAR COUNTY, TEXAS.



### LEGEND:

- EXIST. ELEC. ----- EXISTING ELECTRIC
- TEL. ----- TELEPHONE
- CATV ----- CABLE TELEVISION
- SAN. SWR. ----- SANITARY SEWER
- ESM'T. ----- EASEMENT
- R.O.W. ----- RIGHT-OF-WAY
- BLDG. ----- BUILDING
- N.C.B. ----- NEW CITY BLOCK
- BLK. ----- BLOCK
- E.T.V. & CATV ESM'T. --- ELECTRIC, TELEPHONE, & CABLE TELEVISION EASEMENT
- IRON ROD FOUND ----- IRON ROD FOUND
- IRON ROD SET ----- IRON ROD SET
- FOUND CONCRETE MONUMENT ----- FOUND CONCRETE MONUMENT



SCALE: 1" = 100'

BEARINGS BASED ON THE NORTH RIGHT-OF-WAY LINE OF TRAINER HALE RD.

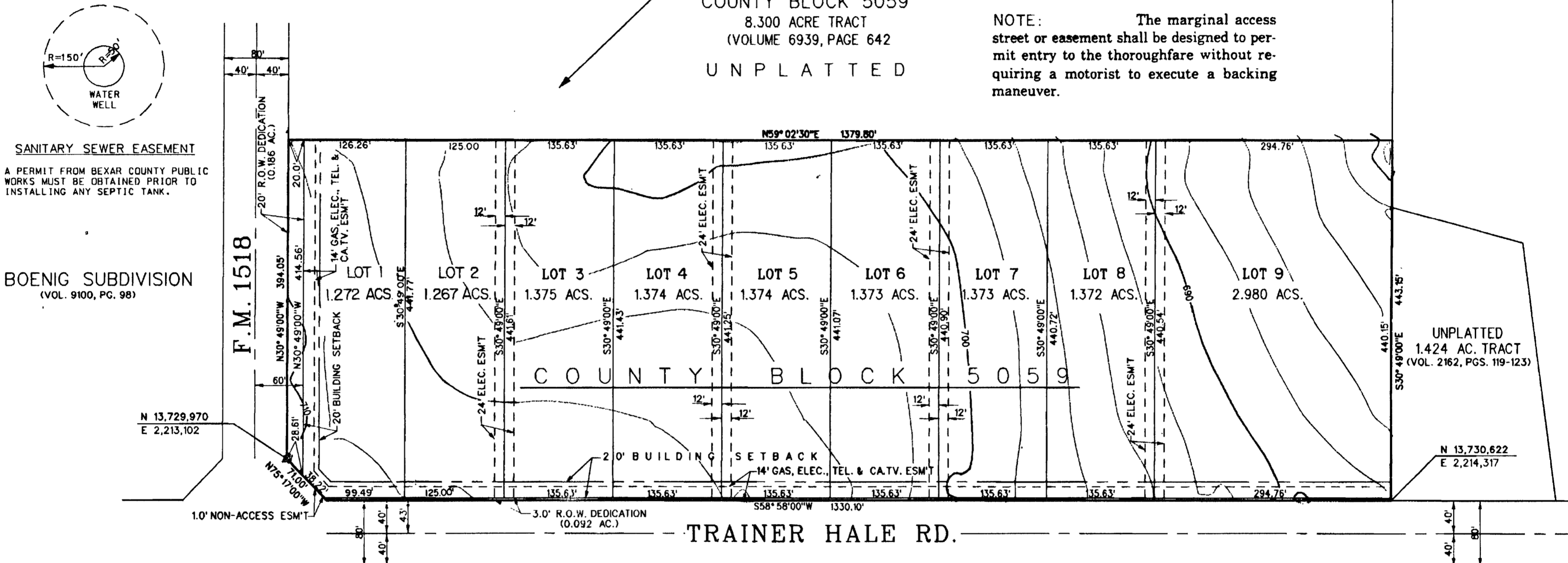
- NOTES:
1. ROTATE BEARINGS 00°40'46" CLOCKWISE TO OBTAIN STATE PLANE COORDINATE BEARING SYSTEM.
  2. STATE PLANE COORDINATES AS SHOWN HEREON WERE DERIVED FROM G.P.S. OBSERVATION AS OBTAINED FROM GEODETIX, INC.

- NOTES:
1. For residential development directly adjacent to State right of way, the Developer shall be responsible for adequate set-back and/or sound abatement measures for future noise mitigation.
  2. Owner/Developer is responsible for preventing any adverse impact to the existing drainage system within the highway right of way.
  3. Maximum access points to State highway from this property will be regulated as directed by "Regulations For Access Driveways To State Highways". This property is eligible for a maximum combined total of TWO access point, based on overall platted accessible highway frontage of 394.05.
  4. IF SIDEWALKS ARE REQUIRED BY APPROPRIATE CITY ORDINANCE, A SIDEWALK PERMIT MUST BE APPROVED BY TxDOT, PRIOR TO CONSTRUCTION WITHIN STATE RIGHT OF WAY. LOCATIONS OF SIDEWALKS WITHIN STATE RIGHT OF WAY SHALL BE AS DIRECTED BY TxDOT.

- 1.) NINE (9) SINGLE FAMILY RESIDENTIAL LOTS ESTABLISHED.
- 2.) MONUMENTATION FOUND OR SET AT ALL PROPERTY CORNERS.
- 3.) RIGHT OF WAY STREET DEDICATION. (0.278 ACS.)

JULIAN DIAZ SURVEY NO. 66  
 ABSTRACT 187  
 COUNTY BLOCK 5059  
 8.300 ACRE TRACT  
 (VOLUME 6939, PAGE 642)  
 UNPLATTED

NOTE: The marginal access street or easement shall be designed to permit entry to the thoroughfare without requiring a motorist to execute a backing maneuver.



SANITARY SEWER EASEMENT  
 A PERMIT FROM BEXAR COUNTY PUBLIC WORKS MUST BE OBTAINED PRIOR TO INSTALLING ANY SEPTIC TANK.

BOENIG SUBDIVISION  
 (VOL. 9100, PG. 98)

UNPLATTED  
 1.424 AC. TRACT  
 (VOL. 2162, PGS. 119-123)

CERTIFICATE OF APPROVAL  
 THE UNDERSIGNED, COUNTY JUDGE OF BEXAR COUNTY, TEXAS AND PRESIDING OFFICER OF THE COMMISSIONERS COURT OF BEXAR COUNTY, DOES HEREBY CERTIFY THAT THE ATTACHED PLAT WAS FILED WITH THE COMMISSIONERS COURT OF BEXAR COUNTY, TEXAS, AND THAT AFTER EXAMINATION IT APPEARS THAT SAID PLAT IS IN CONFORMITY WITH THE STATUTES, RULES AND REGULATIONS GOVERNING SAME, AND THAT THIS PLAT HAS BEEN APPROVED BY THE SAID COMMISSIONERS COURT.

ON THIS 20th DAY OF Sept. 1999  
 ATTEST: *David L. Allen*  
 COUNTY JUDGE, BEXAR COUNTY, TEXAS



DEVELOPER/OWNER:  
 ROBERT W. BARNES  
 1900 NATIONS BANK PLAZA  
 300 CONVENT ST.  
 (210)225-1000

**mcc** MACINA, BOSE, COPELAND & ASSOCIATES, INC.  
 CONSULTING ENGINEERS AND LAND SURVEYORS  
 415 Breesport Drive, San Antonio, Texas 78216  
 27469

STATE OF TEXAS  
 COUNTY OF BEXAR  
 THE OWNER OF THE LAND SHOWN ON THIS PLAT IN PERSON OR THROUGH A duly authorized agent, dedicates to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown for the purpose and consideration therein expressed.

STATE OF TEXAS  
 COUNTY OF BEXAR  
 I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT TO THE MATTERS OF STREETS, LOTS, AND DRAINAGE LAYOUT AND TO THE BEST OF MY KNOWLEDGE THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE, EXCEPT FOR THOSE VARIANCES GRANTED BY THE PLANNING COMMISSION OF THE CITY.

*Jose L. Carmona*  
 REGISTERED PROFESSIONAL ENGINEER  
 SWORN TO AND SUBSCRIBED BEFORE ME THIS 6 DAY OF July, A.D. 1999

STATE OF TEXAS  
 COUNTY OF BEXAR  
 I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND UNDER MY SUPERVISION.

*Joe Edward Hagle*  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 SWORN TO AND SUBSCRIBED BEFORE ME THIS 17th DAY OF July, A.D. 1999

THIS PLAT OF TRAINER HALE SUBDIVISION HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO, TEXAS AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS 17th DAY OF July, 1999  
 BY *Joe Edward Hagle* (Signature) CHAIRMAN

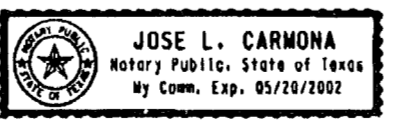
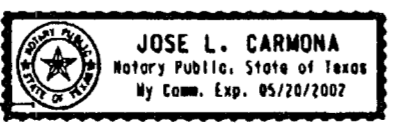
NOTE:  
 THE CITY OF SAN ANTONIO AS A PART OF ITS ELECTRIC AND GAS SYSTEM (CITY PUBLIC SERVICE BOARD) IS HEREBY DEDICATING THE EASEMENTS AND RIGHT-OF-WAY FOR ELECTRIC AND GAS DISTRIBUTION AND SERVICE FACILITIES IN THE AREAS DESIGNATED ON THIS PLAT AS "ELECTRIC EASEMENT", "GAS EASEMENT", "ANCHOR EASEMENT", "SERVICE EASEMENT", "OVERHANG EASEMENT", "UTILITY EASEMENT", AND "TRANSFORMER EASEMENT" FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, MAINTAINING, REMOVING, INSPECTING, PATROLLING, AND ERECTING POLES, HANGING OR BUYING WIRES, CABLES, CONDUITS, PIPELINES OR TRANSFORMERS, EACH WITH ITS NECESSARY APPURTENANCES; TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER ADJACENT LAND; THE RIGHT TO RELOCATE SAID FACILITIES WITHIN SAID EASEMENT AND RIGHT-OF-WAY AREAS, AND THE RIGHT TO REMOVE FROM SAID LANDS ALL TREES OR PARTS THEREOF, OR OTHER OBSTRUCTIONS WHICH ENHINDER OR MAY INTERFERE WITH THE EFFICIENCY OF SAID LINES OR APPURTENANCES THEREON. IT IS AGREED AND UNDERSTOOD THAT NO BUILDINGS, CONCRETE SLABS, OR WALLS WILL BE PLACED WITHIN SAID EASEMENT AREAS.

ANY CITY NON-HAZY LOSS RESULTING FROM MODIFICATIONS REQUIRED OF CPS EQUIPMENT, LOCATED WITHIN SAID EASEMENT DUE TO GRADE CHANGES OR GROUND ELEVATION ALTERATIONS SHALL BE CHARGED TO THE PERSON OR PERSONS DEEMED RESPONSIBLE FOR SAID GRADE CHANGES OR GROUND ELEVATION ALTERATION. THIS PLAT DOES NOT AMEND, ALTER, RELEASE OR OTHERWISE AFFECT ANY EXISTING ELECTRIC, GAS, WATER, SEWER, DRAINAGE, TELEPHONE, CABLE EASEMENTS OR ANY OTHER EASEMENTS FOR UTILITIES UNLESS THE CHANGES TO SUCH EASEMENTS ARE DESCRIBED BELOW.

STATE OF TEXAS  
 COUNTY OF BEXAR  
 I, GERRY RICHMOND COUNTY CLERK OF SAID COUNTY, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE 17th DAY OF Oct., A.D. 1999 AT 2:36 P.M. AND WAS RECORDED IN THE RECORDS OF SAID COUNTY, IN BOOK VOLUME 9545 ON PAGE 20 IN TESTIMONY WHEREOF, WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE, THIS 18th DAY OF Oct., A.D. 1999

BEFORE ME THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED ROBERT W. BARNES KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 6 DAY OF July, A.D. 1999  
*Jose L. Carmona*  
 NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



COUNTY CLERK, BEXAR COUNTY, TEXAS  
 BY *Gerry Richmond* DEPUTY

c:\james\jc\27469\27469.dgn Mar. 03, 1999 07:10:38 JJA