

## **ORDINANCE NO. 22-S-11**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 9 ACRES OF LAND TO GENERAL BUSINESS DISTRICT AND GENERAL BUSINESS DISTRICT-2, GENERALLY LOCATED 3,000 FEET EAST OF THE INTERSECTOIN OF SCHWAB ROAD AND IH-35 ACCESS ROAD, ALSO KNOWN AS COMAL COUNTY PROPERTY IDENTIFICATION NUMBER, 78178, COMAL COUNTY, TEXAS.**

**WHEREAS**, an application to rezone approximately 9 acres of land located 3,000 feet east of the intersection of Schwab Road and IH-35 access road, also known as Comal County Property Identification Number 78178, 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 February 9, 2022, 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 March 22, 2022, 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 General Business District (GB) and General Business District-2 (GB2).

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and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.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 22<sup>nd</sup> day of March 22, 2022.

PASSED, APPROVED AND ADOPTED on final reading the 5<sup>th</sup> day of April, 2022.

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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary  
(SEAL OF THE CITY)

**EXHIBIT "A"**  
**A METES AND BOUNDS DESCRIPTION OF A**  
**9.000 ACRES OF LAND**

A metes and bounds description of a 9.000 acre (392,043 sq. ft.) tract of land, out of 113.93 acre tract, recorded in Document No. 200806006653, Official Public Records of Comal County, Texas (O.P.R.C.C.T.), being situated in the C M Gahagan JR Survey No. 258, Abstract No. 182, situated in Comal County, Texas, being more particularly described as follows:

**BEGINNING:** at a found 1/2" iron rod, on the southernmost corner of a 86.75 acre tract, recorded in Document No. 9806003256, (O.P.R.C.C.T.), being a point on the northeast boundary line of a 82.06 acre tract, recorded in Volume 84, Pages 491-492, (O.P.R.C.C.T.), the west corner of the aforementioned 113.93 acre tract, and the herein described tract, having a State Plane Grid Coordinate NAD 83, Texas South Central Zone, (N: 13,783,658.43, E: 2,220,663.96);

**THENCE:** North 45°22'03" East, departing the northeast line of the aforementioned 82.06 acre tract, along and with the southeast line of 86.75 acre tract, a distance of 375.21 feet to a set 1/2" iron rod with a plastic green cap marked "UP ENG & SURVEY", the north corner of the herein described tract;

**THENCE:** South 30°05'25" East, departing the southeast line of the aforementioned 86.75 acre tract, a distance of 1,108.88 feet to a set 1/2" iron rod with a plastic green cap marked "UP ENG & SURVEY", on the north right of way line of Interstate Highway 35, a variable width right-of-way (minimum 300' width), the east corner of the herein described tract, from which a found 1/2" iron rod, bears North 54°21'11" East, a distance of 1,224.37 feet for reference;

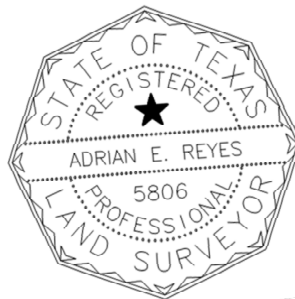
**THENCE:** South 54°21'11" West, along and with the north right of way line of Interstate Highway 35, a distance of 364.91 feet to a set 1/2" iron rod with a plastic green cap marked "UP ENG & SURVEY", the east corner of 82.06 acre tract, the south corner of the herein described tract;

**THENCE:** North 30°05'25" West, departing the north right of way line of Interstate Highway 35, along and with the northeast line of 82.06 acre tract, a distance of 1,050.00 feet to the **POINT OF BEGINNING** and containing 9.000 acres (392,043 sq. ft.) more or less.

Notes:

- 1) Bearings shown hereon are grid bearings of the Texas State Plane Coordinate System, South Central Zone (4204), NAD83, US Survey Feet.
- 2) Record information shown hereon is based upon a public records search performed by UP Engineering + Surveying. Owner name shown as provided. Record volume and page noted document provided by others.
- 3) Date of Survey: 12/16/2021

UP Engineering + Surveying  
11903 Jones Maltsberger Rd.  
Suite 102  
San Antonio, Texas 78216  
TBPELS Firm No. 10194606



Adrian E. Reyes Date: 12-22-2021  
Registered Professional Land Surveyor  
No. 5806 – State of Texas