

ORDINANCE NO. 23-S-25

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 14.3 ACRES OF LAND FROM GENERAL BUSINESS DISTRICT (GB) TO SINGLE-FAMILY RESIDENTIAL DISTRICT (R-2), LOCATED APPROXIMATELY 483 FEET FROM THE INTERSECTION OF GREEN VALLEY ROAD AND ECKHARDT ROAD, ALSO KNOWN AS A PORTION OF 4600 ECKHARDT ROAD AND 7263 GREEN VALLEY ROAD, SCHERTZ, GUADALUPE COUNTY, TEXAS.

WHEREAS, an application to rezone approximately 14.3 acres of land from General Business District (GB) to Single-Family Residential District (R-2), located approximately 483 feet from the intersection of Green Valley Road and Eckhardt Road, and more specifically described in the Exhibit A and Exhibit B 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 13, 2023, 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 Single-Family Residential District (R-2); and

WHEREAS, on October 10, 2023, 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.

NOW THEREFORE, BE IT RESOLVED 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 and Exhibit B, is hereby zoned Single-Family Residential District (R-2)

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and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.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

PASSED ON FIRST READING, the _____ of _____ 2023.

PASSED, APPROVED and ADOPTED ON SECOND READING, the _____ of _____, 2023.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

(city seal)

Exhibit "A"
Property Description- Metes and Bounds

**METES AND BOUNDS DESCRIPTION
FOR
A PROPOSED 14.23 ACRE TRACT**

A **14.23 acre** tract of land, situated in the Emanuela De Los Santos Coy Survey Abstract No. Tate2, in the City of Schertz, Guadalupe County, Texas and being a portion of the 44.332 acre tract of land as conveyed to Mustang Oaks, LLC of record in Document Number 99000734 of the Official Public Records of Guadalupe County, Texas (OPR) and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the Northwest right-of-way line of Green Valley Road (a variable width right-of-way), for a corner of the 44.332 acre tract and the south corner of a 5.503 acre tract of land conveyed to Kathy Adams and Jason Lund of record in Volume 2416, Page 26 of the Official Public Records of Guadalupe County, Texas, and a corner of the herein described tract;

THENCE: S 60°17'00" W, with the Northwest right-of-way line of Green Valley Road and the southeast line of the 44.332 acre tract, a distance of **973.47 feet**, for the East corner of a called Tract One as conveyed to Schwab Credit Trust of record in Volume 4176, Page 767 of the Official Public Records of Guadalupe County, Texas, for the South corner of the herein described tract;

THENCE: N 25°24'38" W, along and with the Northeast line of said Tract One and the Southwest line of said 44.332 acre tract, a distance of **451.63 feet**, for a West corner of the herein described tract;

THENCE: over and across said 44.332 acre tract, the following five (5) courses:

1. **N 54°42'09" E**, a distance of **139.45 feet** to a point, for an angle point of the herein described tract,
2. **N 48°10'58" E**, a distance of **365.37 feet** to a point, for an angle point of the herein described tract,
3. **N 48°21'21" E**, a distance of **342.93 feet** to a point, for an angle point of the herein described tract,
4. **N 43°37'52" E**, a distance of **337.09 feet** to a point, for an angle point of the herein described tract,
5. **N 31°00'21" E**, a distance of **342.29 feet** to a point in the Southwest line of Eckhardt Road (a variable width right-of-way), for the North corner of the herein described tract;

THENCE: S 24°28'50" E, with the Southwest line of Eckhardt Road and the East line of said 44.332 acre tract, a distance of **330.14 feet**, for an East corner of the herein described tract;

THENCE: Along and with the common line between said 5.503 acre tract, and the 44.332 acre tract, the following three (3) courses:

1. **S 59°25'28" W**, a distance of **461.11 feet** to a point, for an angle point of the herein described tract,
2. **S 34°06'14" E**, a distance of **141.77 feet** to a point, for an angle point of the herein described tract;
3. **S 24°57'12" E**, a distance of **399.72 feet** to the **POINT OF BEGINNING** and containing **14.23 acres** more or less, in the City of Schertz, Guadalupe County, Texas and being described in accordance with an exhibit prepared by KFW Surveying.

Exhibit "A": Property Description - Metes and Bounds

"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."




Saul V. Castillo

07/10/2023
Date

Job No.: 21-232
Prepared by: KFW Surveying
Date: July 10, 2023
File: S:\Draw 2021\21-232 Eckhardt Rd\DOCS\FN 14.23 AC.docx

Exhibit "B"
Zone Change Exhibit

Exhibit "B": Zone Change Exhibit

4.99 ACRE TRACT
 LAND USE: SINGLE FAMILY-RESIDENTIAL
 ZONING: (GUADALUPE COUNTY)
 PROPERTY ID: 61591
 (DOC # 161659)
 OWNER: DAKE COLLEEN J
 7208 GREEN VALLEY RD
 CIBOLO, TX 78108

4.99 ACRE TRACT
 LAND USE: SINGLE FAMILY-RESIDENTIAL
 ZONING: (GUADALUPE COUNTY)
 PROPERTY ID: 61628
 (VOL. PG. 1)
 OWNER: GROVER E. & BA WRIGHT
 7260 GREEN VALLEY RD
 CIBOLO, TX 78108

0.75 ACRE TRACT
 LAND USE: SINGLE FAMILY-RESIDENTIAL
 ZONING: (GUADALUPE COUNTY)
 PROPERTY ID: 61626
 (VOL. 477, PG. 698 O.P.R.)
 OWNER: BARBARA ANN WRIGHT
 7260 GREEN VALLEY RD
 CIBOLO, TX 78108

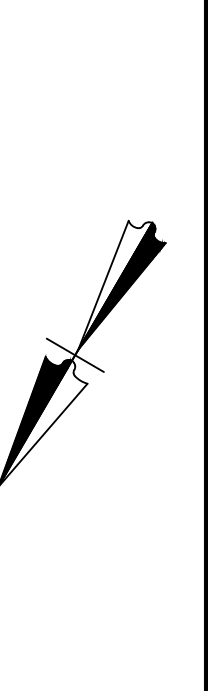
23.83 ACRE TRACT
 LAND USE: SINGLE FAMILY-RESIDENTIAL
 ZONING: (GUADALUPE COUNTY)
 PROPERTY ID: 61592
 (VOL. 2780, PG. 1073 O.P.R.)
 OWNER: BARBARA WRIGHT
 7260 GREEN VALLEY RD
 CIBOLO, TX 78108

11.882 ACRE TRACT
 LAND USE: SINGLE FAMILY-RESIDENTIAL
 ZONING: (GUADALUPE COUNTY)
 PROPERTY ID: 61525
 (VOL. 669, PG. 102 O.P.R.)
 OWNER: HAROLD M. KLAERNER
 7470 GREEN VALLEY RD
 NEW BRAUNFELS, TX 78132

0.630 ACRE TRACT
 LAND USE: SINGLE FAMILY-RESIDENTIAL
 ZONING: (GUADALUPE COUNTY)
 PROPERTY ID: 61526
 (VOL. 669, PG. 102 O.P.R.)
 OWNER: HAROLD M. KLAERNER
 7470 GREEN VALLEY RD
 NEW BRAUNFELS, TX 78132

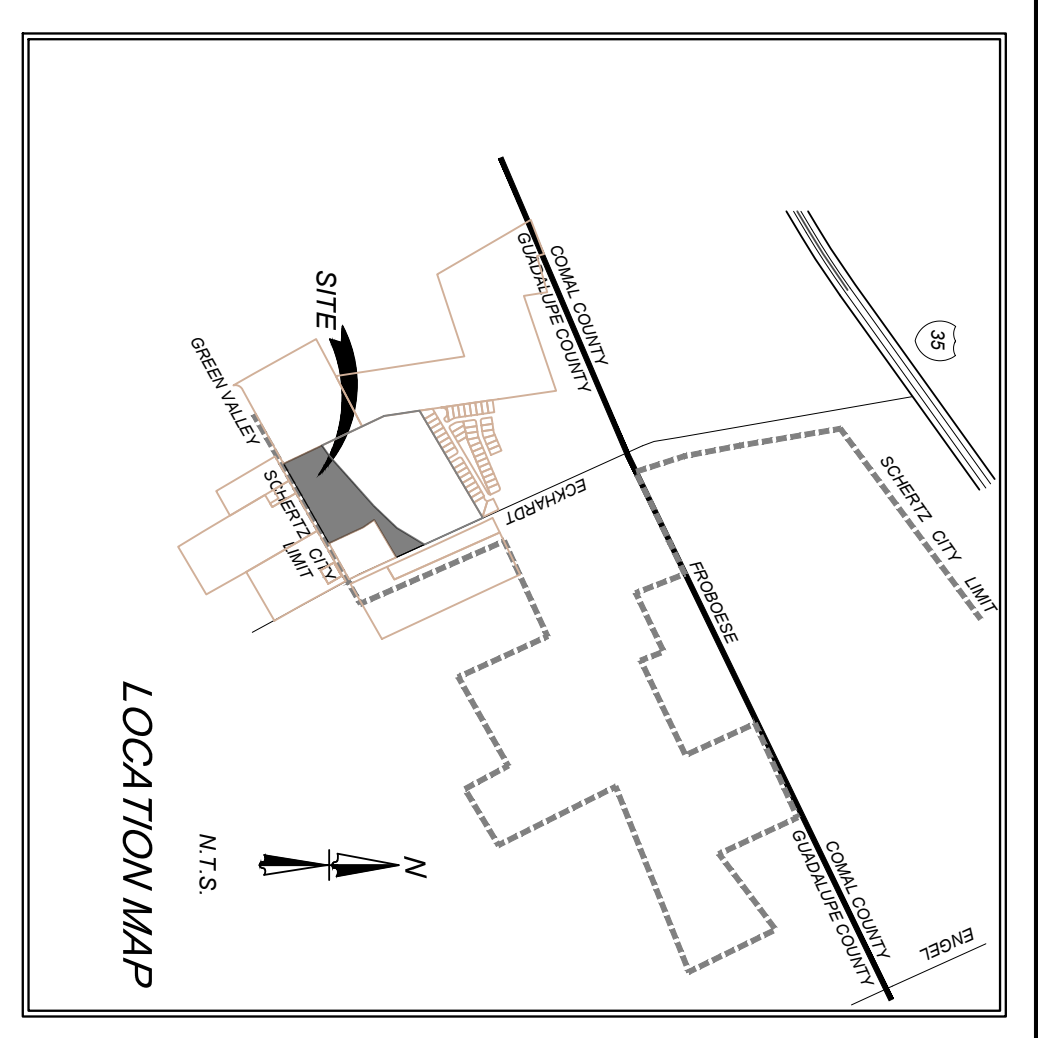
NOTE
 REFERENCED PROPERTY IS IN STATE AERIALS DETERMINED
 TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AS
 SCALE FROM FEMA FLOOD MAP 90 OF 480 COMMUNITY
 PANEL NO. 4818700096 DATED NOVEMBER 2, 2007

ZONING TABLE		
TOTAL ACREAGE	EXISTING ZONING	PROPOSED ZONING
14.23 ACRES	GB	R-2



LEGEND

- GB = GENERAL BUSINESS
- R-2 = SINGLE FAMILY - 2
- R-6 = SINGLE FAMILY - 6
- R.O.W. = RIGHT OF WAY
- O.P.R. = OFFICIAL PUBLIC RECORDS
- = SCHERTZ CITY LIMITS
- = BOUNDARY
- = EXISTING CONTOURS
- = 200' NOTIFICATION BOUNDARY



OWNER/APPLICANT:
 MUSTANG OAKS LLC
 4630 N LOOP 1604 WEST STE 514
 SAN ANTONIO, TX 78249
 (210) 415-0697

ENGINEER:
 KFW ENGINEERS & SURVEYING
 162 W MILL ST., NEW BRAUNFELS, TX 78130
 PHONE: (830) 220-6042
 FAX: (830) 627-9097

18.461 ACRE TRACT
 LAND USE: SINGLE FAMILY RESIDENTIAL
 ZONING: R6
 CYPRESS POINT, UNIT 4
 (VOL. 8, PGS. 729-730 M.P.R.)

30.13 ACRES
 LAND USE: SINGLE FAMILY-RESIDENTIAL
 ZONING: R-2
 PROPERTY ID: 63998
 (DOC # 20239900734 O.P.R.)
 OWNER: MUSTANG OAKS LLC
 4630 N LOOP 1604 WEST STE 514
 SAN ANTONIO, TX 78249

43.50 ACRE TRACT
 OWNER: MUSTANG OAKS LLC
 (DOC # 20239900734 O.P.R.)

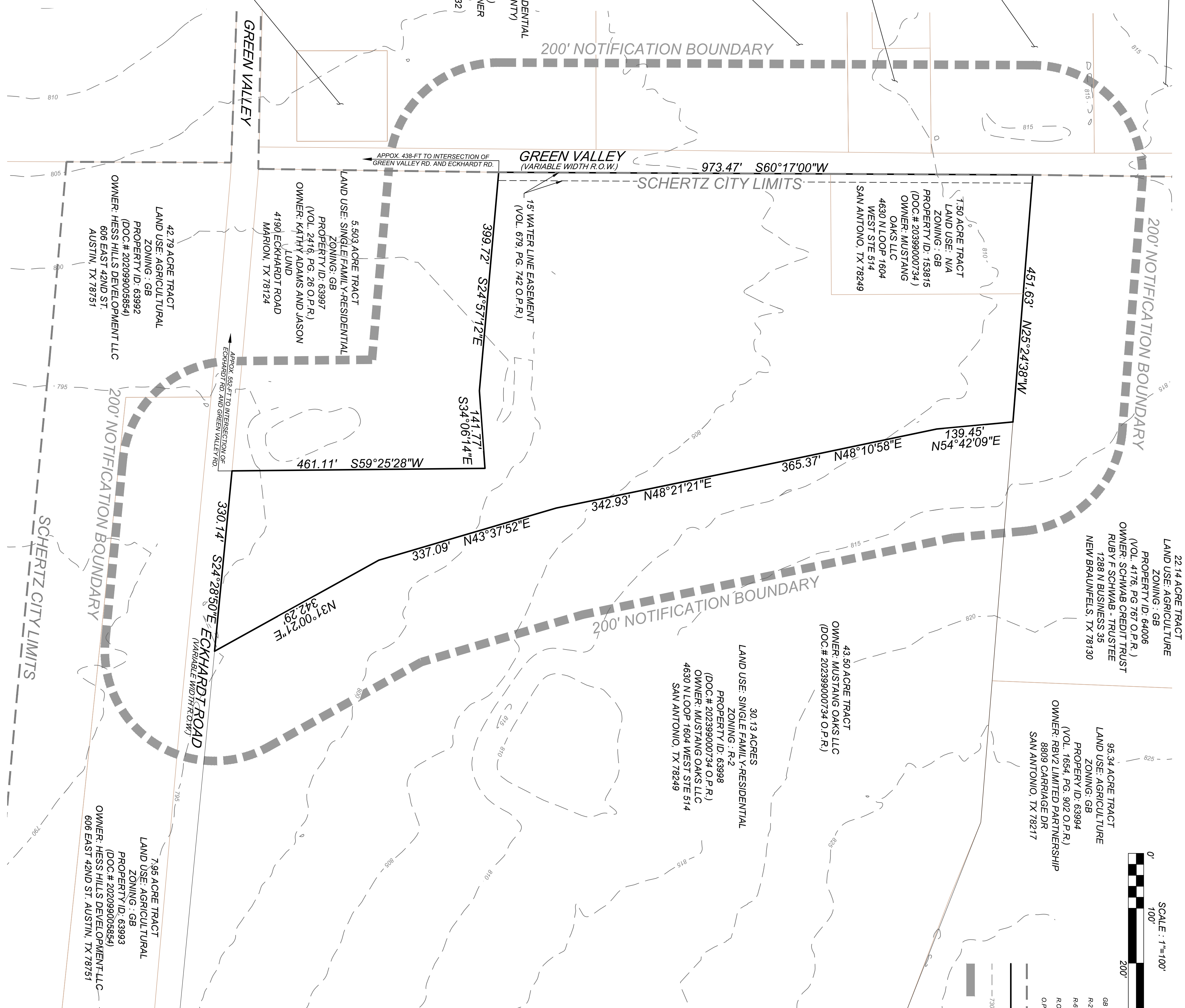
22.14 ACRE TRACT
 LAND USE: AGRICULTURE
 ZONING: GB
 PROPERTY ID: 64006
 (VOL. 4176, PG. 767 O.P.R.)
 OWNER: SCHWAB CREDIT TRUST
 RUBY F SCHWAB - TRUSTEE
 1288 N BUSINESS 35
 NEW BRAUNFELS, TX 78130

96.34 ACRE TRACT
 LAND USE: AGRICULTURE
 ZONING: GB
 PROPERTY ID: 63994
 (VOL. 1654, PG. 902 O.P.R.)
 OWNER: RBVZ LIMITED PARTNERSHIP
 8809 CARRIAGE DR
 SAN ANTONIO, TX 78217

15' WATER LINE EASEMENT
 (VOL. 679, PG. 742 O.P.R.)

5.503 ACRE TRACT
 LAND USE: SINGLE FAMILY-RESIDENTIAL
 ZONING: GB
 PROPERTY ID: 63997
 (VOL. 2416, PG. 26 O.P.R.)
 OWNER: KATHY ADAMS AND JASON MARION, TX 78124

42.79 ACRE TRACT
 LAND USE: AGRICULTURAL
 ZONING: GB
 PROPERTY ID: 63992
 (DOC # 20209005854)
 OWNER: HESS HILLS DEVELOPMENT LLC
 606 EAST 42ND ST.
 AUSTIN, TX 78751



7.95 ACRE TRACT
 LAND USE: AGRICULTURAL
 ZONING: GB
 PROPERTY ID: 63993
 (DOC # 20209005854)
 OWNER: HESS HILLS DEVELOPMENT LLC
 606 EAST 42ND ST. AUSTIN, TX 78751

ACKERMANN SUBDIVISION ZONING EXHIBIT

SCHERTZ, TEXAS
 GUADALUPE COUNTY



1600 North Meador Ave Suite 1017, New Braunfels, TX 78130
 Phone #: (830) 220-6042 • Fax #: (830) 627-9097
 Email: info@kfw.com • Website: www.kfw.com
 1987 S. Fm 1987 • New Braunfels, TX 78130

LEGAL DESCRIPTION:
 A 14.23 ACRE TRACT OF LAND, OUT OF THE GARROL M. GAHAGAN JR. SURVEY NO. 298,
 ABSTRACT NO. 142, THE EMANUELA DE LOS SANTOS COY SURVEY ABSTRACT NO. 93,
 BEING OUT OF THE 44.36 ACRE TRACT OF LAND AS CONVEYED TO MUSTANG OAKS LLC
 OF RECORD IN DOCUMENT NUMBER 20239900734 OF THE OFFICIAL PUBLIC RECORDS
 OF GUADALUPE COUNTY, TEXAS AND SITUATED IN THE CITY OF SCHERTZ, GUADALUPE
 COUNTY, TEXAS.

PREPARED: JULY, 2023