

ORDINANCE NO. 23-S-24

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 2.1 ACRES OF LAND FROM NEIGHBORHOOD SERVICES DISTRICT (NS) AND PLANNED DEVELOPMENT DISTRICT (PDD) TO PLANNED DEVELOPMENT DISTRICT (PDD), KNOWN AS GUADALUPE COUNTY PARCEL ID 31970, 31971, 31972, 31973, 31980, 31981, 31982, 31983, GENERALLY LOCATED NORTHWEST OF THE INTERSECTION BETWEEN SCHERTZ PARKWAY AND WIEDERSTEIN ROAD, CITY OF SCHERTZ, GUADALUPE COUNTY, TEXAS.

WHEREAS, an application to rezone approximately 2.1 acres of land from Neighborhood Services District (NS) and Planned Development District (PDD) to Planned Development District (PDD) located northwest of the intersection between Schertz Parkway and Wiederstein Road, 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 27, 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 Planned Development District (PDD) in accordance with the development standards set forth in Exhibit B attached herein; and

WHEREAS, on October 17, 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, is hereby zoned Planned Development District (PDD) as described in the 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.

PASSED ON FIRST READING, the _____ day of _____ 2023.

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

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

(city seal)

Exhibit A
The Property

Exhibit B

Heritage Oaks II Planned Development District (PDD)



PLANNED DEVELOPMENT DISTRICT

HERITAGE OAKS II
SCHERTZ, TEXAS

May 15, 2023 (revised 7/19/23; 09/1523)

PLANNED DEVELOPMENT DISTRICT

HERITAGE OAKS II

Prepared By and For:

Anthony W. Eugenio

334 N Park Drive

San Antonio, TX 78216

(210) 826-9000

Date: May 15, 2023

(revised 7/19/23; 09/15/23)

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FIGURES

FIGURE 1.0: EXCERPT FROM LIVE OAK HILLS SUBDIVISION PLAT

EXHIBITS

EXHIBIT 1: PROPERTY DESCRIPTION

EXHIBIT 2: ZONING EXHIBIT

1) MAP

2) LIST- NEIGHBORS < 200'

HERITAGE OAKS II

A PLANNED DEVELOPMENT DISTRICT

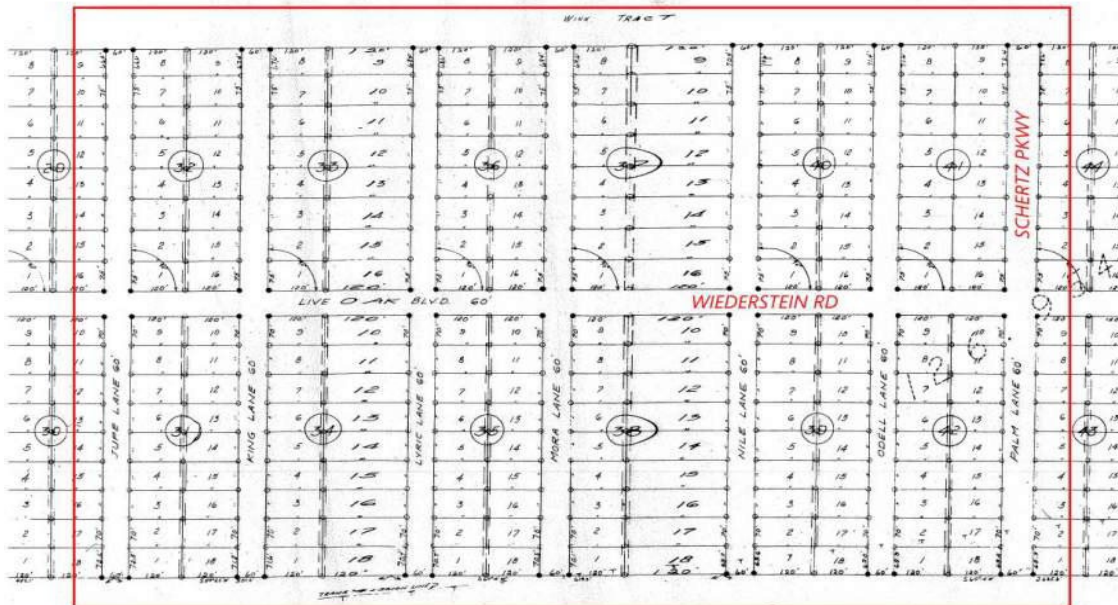
SCHERTZ, TEXAS

I. PROPERTY

The proposed rezoning of Lots 2, 3, 4, 5, 12, 13, 14, and 15, Block 41 and the portion of Lots 12, 13, 14, and 15, Block 40 located in the 60' ROW , Live Oak Hills Subdivision, City of Schertz, Guadalupe County, Texas (the “**Lots**”) from Neighborhood Services (NS) to PDD and PDD to PDD. If rezoned, the Lots will be the Heritage Oaks II PDD (“**Heritage II PDD**”) in conformance with the adjacent Heritage Oaks Neighborhood Planned Development District (the “**Heritage PDD**”) which is located 0.5 mile to the southeast of IH 35 off Schertz Parkway within the corporate limits of the City of Schertz. Refer to **Exhibit “1”** for the legal description of the Lots.

It is the intent of this PDD rezoning that this Lots rezoning be in conformance and comply with the provisions of the Heritage PDD approved May 11, 2021 as Ordinance No. 21-S-15. The rezoning of these Lots shall cause no modification to the Heritage PDD.

Figure 1: Excerpt from Live Oak Hills Subdivision Plat



Source: Live Oak Hills Subdivision; Vol. 2, Pg. 146-147, M.P.R.

Schertz Parkway, is located on the East side of the Lot, and the Heritage Oaks Neighborhood is zoned as the Heritage PDD and is on the North, West and South of the Lots.

Per the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), No. 48187C0210F, Effective Date November 2, 2007, none of the Lots is located within an area which is identified by FEMA as a special flood hazard area subject to inundation by the 1% annual chance flood (100-year flood) with Base Flood Elevations (BFEs) determined.

II. AFFECTED UDC ARTICLES/SECTIONS

A Planned Development District (PDD) allows for flexibility in planning, design and development standards while complying with the intent of the Unified Development Code (UDC). The article and section amendments proposed with the PDD for the Lots are as follows:

A. ARTICLE 5. – ZONING DISTRICTS

Sec. 21.5.7. – Dimensional and Development Standards

The Lots are presently zoned Neighborhood Services (NS) and PDD. Proposed with the PDD for Heritage Oaks II is a base zoning Single-Family Residential District-1 (R-1). The Lots are to be an absolute minimum of 6,000 square feet, variable width, 120 feet minimum depth (at the midplane of the lot) with minimum front and side yard setbacks of 20 feet and 5 feet, respectively. No permanent structures or heating, ventilation, and air conditioning equipment will be allowed in side yards less than 10 feet. Side yard fencing between homes shall be limited to no more than 20 feet from the rear corner of the home.

Minimum lot size and dimensions, maximum density, as well as maximum impervious cover proposed for the Lot with Heritage II PDD are a Planned Development District with a base zoning Single-Family Residential District -1 (R-1) are provided with **Table 1**.

Table 1 – The Lot for Heritage Oaks II, a Planned Development District (PDD)

Zoning District	Minimum Lot Size/Dimensions			Minimum Yard Setback				Maximum Density		Misc	
	Area Sq Ft	Width Ft	Depth Ft	Front Ft	Side Ft	Rear Ft	Minimum Off-Street Parking Spaces	Lots	Lots Per Acre	Max Height Ft	Max Imperv Cover
Planned Development District (PDD)	6,000	50	120**	20	5*	20	2	215	3.25	35	50%

*Rectangular shaped lots shall have minimum 6-foot side yard setback.

* Corner lot shall have minimum 10-foot side yard setback from street right-of-way.

**Minimum depth shall be taken at the midplane of the lot

B. ARTICLE 9 – SITE DESIGN STANDARDS

Sec. 21.9.3. – Lots

Large non-uniform lots with variable frontage and setbacks are proposed with Heritage Oaks II. Lot sizes and dimensions, as well as setbacks, shall be shown on all plats and shall conform to the minimum requirements recognized in the Dimension and Development Standards of this PDD. In addition, the following modified requirements to UDC Sec. 21.9.3 will apply:

- I. Lot lines are not required to be perpendicular to the local streets within Heritage Oaks
- II. The larger non-uniform lots, characteristic of a coving subdivision, provide more open space and tree preservation.

Sec. 21.9.7. – Landscaping

E.3.a Every single-family dwelling shall have a minimum of three shade trees with at least one in the front yard and one in the back yard. Each single family dwelling shall have a minimum of fifteen inches (15”) DBH of shade trees on the entire lot, including existing trees.

Sec. 21.9.9. – Tree Preservation and Mitigation

Trees with a 24" DBH (diameter at breast height-4 ½ feet above existing ground level) are designated "**Heritage Trees**".

Trees with an 8" DBH (diameter at breast height-4 ½ feet above existing ground level) are designated "**Protected Trees**".

C. Tree Preservation

1. Single Family Residential Development:

- a. Heritage Trees. A minimum of fifty percent (50%) of the total Heritage Trees in Heritage Oaks II must be preserved.
 - i. Exemptions. Heritage Trees located within proposed right-of-way, utility easements, and drainage right-of-way/easements shall be exempt from the 50% tree save requirement.

- b. Protected Trees. No Protected Trees in Heritage Oaks II must be preserved, however any preserved shall be credited toward the minimum builder requirement of 15” DBH.

D. Tree Mitigation. There are no tree mitigation requirements for Protected and Heritage Class Trees in Heritage Oaks II.

III. PLANNED DEVELOPMENT DISTRICT (PDD) AMENDMENTS

Any significant future changes from the established Dimensional Requirements for the approved PDD, which alter the concept of the PDD or increase the density, will cause the plan to be resubmitted for approval by the Planning & Zoning Commission and the City Council, including a new public hearing with applicable fees. Minor changes which do not change the concept or intent of the development shall be approved or denied administratively.

EXHIBITS

EXHIBIT 1

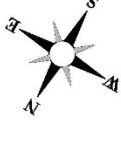
PROPERTY DESCRIPTION

Lots 2, 3, 4, 5, 12, 13, 14, and 15, Block 41 and the portion of Lots 12, 13, 14, and 15, Block 40 located in the 60' ROW , Live Oak Hills Subdivision, City of Schertz, Guadalupe County, Texas, according to a Plat thereof recorded in Volume 2, Pages 146-147, Map and Plat Records, Guadalupe County, Texas

EXHIBIT 2

ZONING EXHIBIT

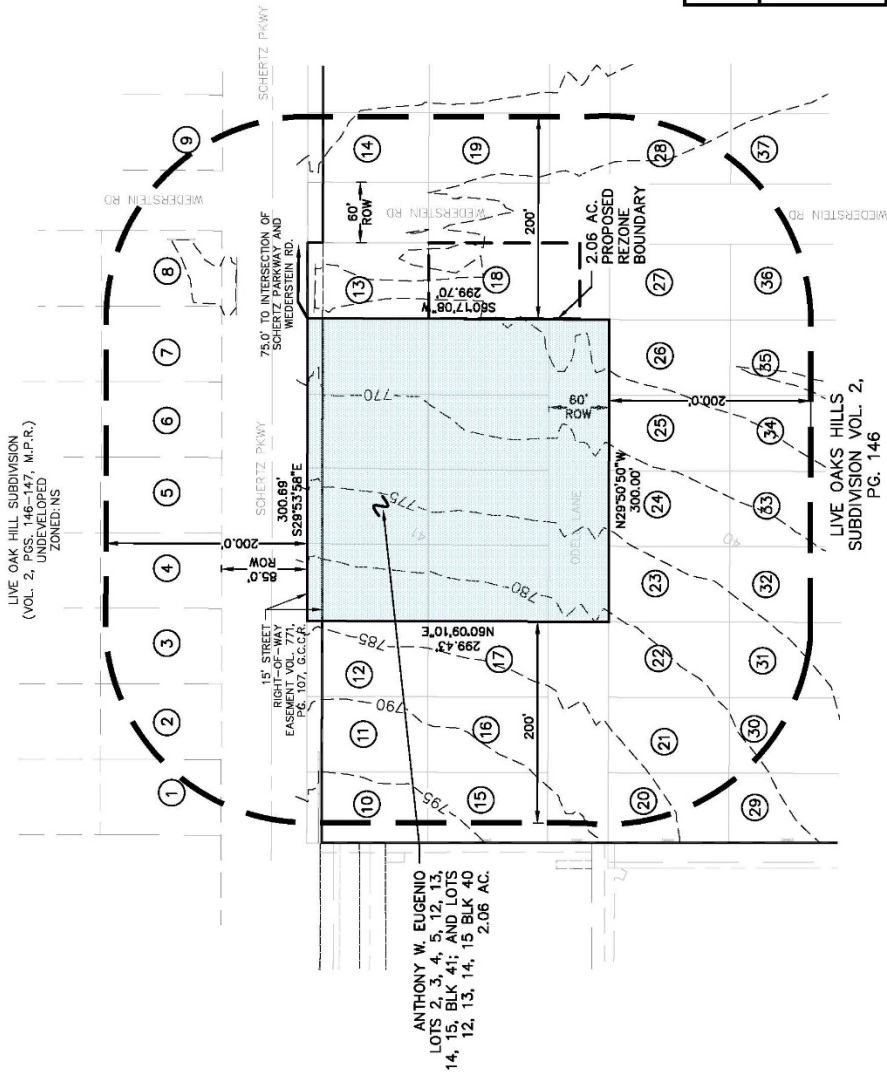
- 1) 200' zoning exhibit
- 2) List of Neighbors within 200'



Legend

- PROJECT BOUNDARY
- - - 200' NOTIFICATION BOUNDARY
- - - PLANNED DEVELOPMENT DISTRICT
- ① ADJACENT PROPERTY OWNERS

NOTE:
NO 100-YR FLOODPLAIN EXIST ON THE PROPERTY



ANTHONY W. EUGENIO
LOTS 2, 3, 4, 5, 12, 13,
14, 15, BLK 41, AND LOTS
12, 13, 14, 15, BLK 40
2.06 AC.

PDD - REZONING 2.06 AC.

Binkley & Barfield
Binkley & Barfield, Inc.
1409 F-257 Ave
New Braunfels, TX 78130
830-606-3913
BinkleyBarfield.com

DCCM

DRAWN BY: BOM
CHECKED BY: JM
DATE: 2023
JOB NO.: 2108.13

PROPERTY OWNERS

- ② SCHAEFER NANCY NON GST EXEMPT TRUST FBO JANE SCHAEFER, STEVE PRESLEY--TRUSTEE
 334 N. PARK DRIVE, SAN ANTONIO TX 78216
 PROPERTY ID: 32027
 LIVE OAK HILL SUBDIVISION (VOL. 2, PGS. 146-147, M.P.R.)
 UNDEVELOPED; ZONED: NS
- ③ SCHAEFER NANCY NON GST EXEMPT TRUST FBO JANE SCHAEFER, STEVE PRESLEY--TRUSTEE
 334 N. PARK DRIVE, SAN ANTONIO TX 78216
 PROPERTY ID: 32026
 LIVE OAK HILL SUBDIVISION (VOL. 2, PGS. 146-147, M.P.R.)
 UNDEVELOPED; ZONED: NS
- ④ CITY OF SCHERTZ
 1400 SCHERTZ PKWY SCHERTZ, TX 78154
 PROPERTY ID: 32025
 LIVE OAK HILL SUBDIVISION (VOL. 2, PGS. 146-147, M.P.R.)
 UNDEVELOPED; ZONED: NS
- ⑤ CITY OF SCHERTZ
 1400 SCHERTZ PKWY SCHERTZ, TX 78154
 PROPERTY ID: 32024
 LIVE OAK HILL SUBDIVISION (VOL. 2, PGS. 146-147, M.P.R.)
 UNDEVELOPED; ZONED: NS
- ⑥ HERNANDEZ JESUS LOPEZ & DORIS REBECCA PRATHER
 814 CIBOLO TRAIL UNIVERSAL CITY TX 78148
 PROPERTY ID: 32023
 LIVE OAK HILL SUBDIVISION (VOL. 2, PGS. 146-147, M.P.R.)
 UNDEVELOPED; ZONED: NS
- ⑦ SCHAEFER NANCY NON GST EXEMPT TRUST FBO JANE SCHAEFER, STEVE PRESLEY--TRUSTEE
 334 N. PARK DRIVE, SAN ANTONIO TX 78216
 PROPERTY ID: 32022
 LIVE OAK HILL SUBDIVISION (VOL. 2, PGS. 146-147, M.P.R.)
 UNDEVELOPED; ZONED: NS
- ⑧ CITY OF SCHERTZ
 1400 SCHERTZ PKWY SCHERTZ, TX 78154
 PROPERTY ID: 32021
 LIVE OAK HILL SUBDIVISION (VOL. 2, PGS. 146-147, M.P.R.)
 UNDEVELOPED; ZONED: NS
- ⑱ CITY OF SCHERTZ
 1400 SCHERTZ PKWY SCHERTZ, TX 78154
 PROPERTY ID: 31969
 LIVE OAK HILL SUBDIVISION (VOL. 776, PG. 948)
 UNDEVELOPED; ZONED: NS
- ⑬ EUGENIO ANTHONY W
 334 N. PARK DRIVE, SAN ANTONIO TX 78216
 PROPERTY ID: 31984
 LIVE OAK HILL SUBDIVISION (VOL. 2997, PG. 0588)
 UNDEVELOPED; ZONED: PDD

PDD - REZONING 2.06 AC.



Binkley & Barfield, Inc.
 TxEng F-257
 190 S Seguin Ave
 New Braunfels, TX 78130
 830-606-3913
 BinkleyBarfield.com

DRAWN BY: BGM

DATE: 2023

CHECKED BY: JM

JOB NO.: 2106.13

PROPERTY OWNERS

11 24 14 34
 EUGENIO ANTHONY W
 334 N. PARK DRIVE, SAN ANTONIO TX 78216
 PROPERTY ID: 31965, 31971, 31972, 31973, 31978, 31980, 31983, 31994, 31955
37
 LIVE OAK HILL SUBDIVISION (VOL. 1719, PG. 0732)
 UNDEVELOPED; ZONED: PDD

12
 EUGENIO ANTHONY W
 334 N. PARK DRIVE, SAN ANTONIO TX 78216
 PROPERTY ID: 31979
 LIVE OAK HILL SUBDIVISION (VOL. 3141, PG. 0502)
 UNDEVELOPED; ZONED: PDD

16 17 26 23
 EUGENIO ANTHONY W
 334 N. PARK DRIVE, SAN ANTONIO TX 78216
 PROPERTY ID: 31964, 31967, 31974, 39175, 31961, 31962, 31960, 31959, 31957, 31956,
20 21 29 30
 31954, 31968, 31944
 LIVE OAK HILL SUBDIVISION (VOL. 1719, PG. 0734)
27 35 33 32
 UNDEVELOPED; ZONED: PDD
28

25
 EUGENIO ANTHONY W
 334 N. PARK DRIVE, SAN ANTONIO TX 78216
 PROPERTY ID: 31966
 LIVE OAK HILL SUBDIVISION (DOC.#2015012203)
 UNDEVELOPED; ZONED: PDD

22
 EUGENIO ANTHONY W
 334 N. PARK DRIVE, SAN ANTONIO TX 78216
 PROPERTY ID: 31963
 LIVE OAK HILL SUBDIVISION (VOL. 3027, PG. 0574)
 UNDEVELOPED; ZONED: PDD

1
 CITY OF SCHERTZ
 1400 SCHERTZ PKWY SCHERTZ, TX 78154
 PROPERTY ID: 32028
 LIVE OAK HILL SUBDIVISION, DOC#202399003490
 UNDEVELOPED; ZONED: NS

9
 SCHAEFER NANCY NON GST EXEMPT TRUST FBO JANE SCHAEFER
 STEVE PRESLEY-TRUSTEE
 334 N. PARK DRIVE, SAN ANTONIO TX 78216
 PROPERTY ID: 32011
 LIVE OAK HILL SUBDIVISION, DOC#201899007549
 UNDEVELOPED; ZONED: NS

PDD - REZONING 2.06 AC.



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DRAWN BY: BGM
 CHECKED BY: JM

DATE: 2023
 JOB NO.: 2106.13

PROPERTY OWNERS

- ①9 EUGENIO ANTHONY W
334 N. PARK DRIVE, SAN ANTONIO TX 78216
PROPERTY ID: 31993
LIVE OAK HILL SUBDIVISION (VOL. 2749, PG. 0283)
UNDEVELOPED; ZONED: PDD

- ⑩ EUGENIO ANTHONY W
334 N. PARK DRIVE, SAN ANTONIO TX 78216
PROPERTY ID: 31977
LIVE OAK HILL SUBDIVISION (VOL. 3157, PG. 0384)
UNDEVELOPED; ZONED: PDD

- ⑮ EUGENIO ANTHONY W
334 N. PARK DRIVE, SAN ANTONIO TX 78216
PROPERTY ID: 31976
LIVE OAK HILL SUBDIVISION (VOL. 4075, PG. 0490)
UNDEVELOPED; ZONED: PDD

- ③1 EUGENIO ANTHONY W
334 N. PARK DRIVE, SAN ANTONIO TX 78216
PROPERTY ID: 31958
LIVE OAK HILL SUBDIVISION (VOL. 4163, PG. 0398)
UNDEVELOPED; ZONED: PDD

- ③6 EUGENIO ANTHONY W
334 N. PARK DRIVE, SAN ANTONIO TX 78216
PROPERTY ID: 31953
LIVE OAK HILL SUBDIVISION
UNDEVELOPED; ZONED: PDD

PDD - REZONING 2.06 AC.



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