



# CORRECTED AGENDA

**MEETING AGENDA**  
**Planning & Zoning Commission**  
**REGULAR SESSION PLANNING & ZONING COMMISSION**  
**September 13, 2023**

**HAL BALDWIN MUNICIPAL COMPLEX COUNCIL CHAMBERS**  
**1400 SCHERTZ PARKWAY BUILDING #4**  
**SCHERTZ, TEXAS 78154**

## **CITY OF SCHERTZ CORE VALUES**

**Do the right thing**

**Do the best you can**

**Treat others the way you want to be treated**

**Work cooperatively as a team**

## **AGENDA**

**WEDNESDAY, SEPTEMBER 13, 2023 at 6:00 p.m.**

**The Planning and Zoning Commission will hold the regularly scheduled meeting at 6:00p.m., Wednesday, September 13, 2023, at the City Council Chambers. In lieu of attending the meeting in person, residents will have the opportunity to watch the meeting via live stream on the City's YouTube Channel.**

**1. CALL TO ORDER**

**2. SEAT ALTERNATE TO ACT IF REQUIRED**

**3. HEARING OF RESIDENTS**

*Residents who choose to watch the meeting via live stream, but who would like to participate in Hearing of Residents, should email their comments to the Planning Division, at [planning@schertz.com](mailto:planning@schertz.com) by 5:00p.m. on Tuesday, September 12, 2023, so that the Planning Division may read the public comments into the record under the hearing of residents. In the body of the email please include your name, your address, phone number, agenda item number if applicable or subject of discussion, and your comments.*

*This time is set aside for any person who wishes to address the Planning and Zoning Commission. Each person should fill out the Speaker's register prior to the meeting. Presentations should be limited to no more than three (3) minutes. Discussion by the Commission of any item not on the agenda shall be limited to statements of specific factual information given in response to any inquiry, a recitation of existing policy in response to an inquiry, and/or a proposal to place the item on a future agenda. The presiding officer, during the Hearing of Residents portion of the agenda, will call on those persons who have signed up to speak in the order they have registered.*

**4. CONSENT AGENDA:**

**A. Minutes for the August 23, 2023 Regular Meeting.**

**5. PUBLIC HEARING:**

*The Planning and Zoning Commission will hold a public hearing related to zone change requests and replats within this agenda. The public hearing will be opened to receive a report from staff, the applicant, the adjoining property owners affected by the applicant's request, and any other interested persons. Upon completion, the public hearing will be closed. The Commission will discuss and consider the application, and may request additional information from staff or the applicant, if required. After deliberation, the Commission is asked to consider and act upon the following requests and make a recommendation to the City Council if necessary.*

- A. PLZC20230051– Hold a public hearing, consider and make a recommendation on a request to rezone approximately 21 acres of land from General Business District (GB) and Single-Family Residential / Agricultural District (R-A) to Apartment / Multi-Family Residential District (R-4), generally located approximately 3,000 feet east of the intersection of IH 35 access road and Cibolo Valley Drive, also known as Guadalupe County Property Identification Numbers: 68315, 68316, 68296, 68295, 68294, also known as 2204 Den-Ott Hill, 2228 Den-Ott Hill, 2300 Den-Ott Hill, City of Schertz, Guadalupe County, Texas.
- B. PLZC20230170 - Hold a public hearing, consider, and make a recommendation on a request to rezone approximately 14.3 acres 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 Rd, Schertz, Guadalupe County, Texas, also known as Guadalupe County Property Identification Number 63998 and 7263 Green Valley Road, Schertz, Guadalupe County, Texas, also known as Guadalupe County Property Identification Number 153815.
- C. PLPDD20230127 - Hold a public hearing, consider, and make a recommendation on a request to rezone approximately .21 acres of land from Neighborhood Services District (NS) to Planned Development District (PDD), located at 4571 Schertz Parkway, also known as Guadalupe County Parcel ID 31981, generally located northwest of the intersection between Schertz Parkway and Wiederstein Road, City of Schertz, Guadalupe County, Texas.  
**NO ACTION TO OCCUR / NOTICING ERROR**
- D. PLUDC20230214 - Hold a public hearing, workshop and discussion and possible action to make a recommendation on amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC) to Article 4, Section 21.4.12 Variances and Article 9, Section 21.9.7 Landscaping and Section 21.9.9 Tree Mitigation.

**6. ITEMS FOR INDIVIDUAL CONSIDERATION:**

- A. PLFP20230209 WAIVER- Consider and act upon a request for a waiver to the Unified Development Code Section 21.14.1. Streets subsection K Half Streets and Adjacent Streets, in order to not construct the 2,800 feet of the adjacent David Lack Boulevard in accordance with the Master Thoroughfare Plan for the IDV Schertz Subdivision, approximately 119 acres of land, known as 22867 IH 35, Schertz, Comal County, Texas, also known as Comal County Parcel ID 75290.
- B. PLFP20230209 - Consider and act upon a request for approval of a final plat of the IDV Schertz Subdivision, approximately 119 acres of land, known as 22867 IH 35, Schertz, Comal County, Texas, also known as Comal County Parcel ID 75290.

**7. REQUESTS AND ANNOUNCEMENTS:**

- A. Requests by Commissioners to place items on a future Planning and Zoning Agenda
- B. Announcements by Commissioners
  - City and community events attended and to be attended
  - Continuing education events attended and to be attended
- C. Announcements by City Staff.
  - City and community events attended and to be attended.

**8. INFORMATION AVAILABLE IN THE PLANNING AND ZONING COMMISSION PACKETS- NO DISCUSSION TO OCCUR**

**A.** Current Projects and City Council Status Update

**9. ADJOURNMENT OF THE REGULAR MEETING**

**CERTIFICATION**

I, Samuel Haas, Senior Planner, of the City of Schertz, Texas, do hereby certify that the above agenda was posted on the official bulletin boards on this the 7th day of September, 2023 at 2:00 p.m., which is a place readily accessible to the public at all times and that said notice was posted in accordance with chapter 551, Texas Government Code.

*Samuel Haas*

Samuel Haas, Senior Planner

**I certify that the attached notice and agenda of items to be considered by the Schertz Planning & Zoning Commission was removed from the official bulletin board on \_\_\_\_ day of \_\_\_\_\_, 2023. \_\_\_\_\_ title: \_\_\_\_\_**

*This facility is accessible in accordance with the Americans with Disabilities Act. Handicapped parking spaces are available. If you require special assistance or have a request for sign interpretative services or other services please call 619-1030 at least 24 hours in advance of meeting.*

The Planning and Zoning Commission for the City of Schertz reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Open Meetings Act.

Executive Sessions Authorized: This agenda has been reviewed and approved by the City's legal counsel and presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

**PLANNING AND ZONING COMMISSION MEETING: 09/13/2023**  
**Agenda Item 4 A**

TO: Planning and Zoning Commission  
PREPARED BY: Emily Delgado, Planning Manager  
SUBJECT: Minutes for the August 23, 2023 Regular Meeting.

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**Attachments**

Minutes for the August 23, 2023 Regular P&Z Meeting - DRAFT

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# DRAFT

## PLANNING AND ZONING MINUTES

August 23, 2023

The Schertz Planning and Zoning Commission convened on August 23, 2023 at 6:00 p.m. at the Municipal Complex, Council Chambers, 1400 Schertz Parkway Building #4, Schertz, Texas.

Present: Glen Outlaw, Chairman; Richard Braud, Vice Chairman; Gordon Rae, Commissioner; Roderick Hector, Commissioner; Danielle Craig, Commissioner- Not Seated; Judy Goldick, Commissioner; Tamara Brown, Commissioner; John Carbon, Commissioner

Absent: Patrick McMaster, Commissioner

Staff present: Emily Delgado, Planning Manager; Samuel Haas, Senior Planner; Ameriz Gamez, Planner; Daisy Marquez, Planner; Tiffany Danhof, Administrative Assistant

### 1. CALL TO ORDER

Chairman Mr. Outlaw called the meeting to order at 6:00 P.M.

### 2. SEAT ALTERNATE TO ACT IF REQUIRED

No one was seated.

### 3. HEARING OF RESIDENTS

*Residents who choose to watch the meeting via live stream, but who would like to participate in Hearing of Residents, should email their comments to the Planning Division, at [planning@schertz.com](mailto:planning@schertz.com) by 5:00p.m. on Tuesday, August 22, 2023, so that the Planning Division may read the public comments into the record under the hearing of residents. In the body of the email please include your name, your address, phone number, agenda item number if applicable or subject of discussion, and your comments.*

*This time is set aside for any person who wishes to address the Planning and Zoning Commission. Each person should fill out the Speaker's register prior to the meeting. Presentations should be limited to no more than three (3) minutes. Discussion by the Commission of any item not on the agenda shall be limited to statements of specific factual information given in response to any inquiry, a recitation of existing policy in response to an inquiry, and/or a proposal to place the item on a future agenda. The presiding officer, during the Hearing of Residents portion of the agenda, will call on those persons who have signed up to speak in the order they have registered.*

No one spoke.

### 4. CONSENT AGENDA:

A. Minutes for the August 9, 2023 Regular Meeting.

B. PLFP20230194 - Consider and act upon a request for approval of a final plat of the QT 4033 Subdivision, an approximately 7 acre tract of land, located northwest of the intersection of IH 35 Access Road and Cibolo Valley Drive, City of Schertz, Guadalupe County, Texas.

Motioned by Commissioner Tamara Brown to approve the consent agenda's, seconded by Commissioner John Carbon

**Vote:** 7 - 0 Passed

**5. PUBLIC HEARING:**

*The Planning and Zoning Commission will hold a public hearing related to zone change requests and replats within this agenda. The public hearing will be opened to receive a report from staff, the applicant, the adjoining property owners affected by the applicant's request, and any other interested persons. Upon completion, the public hearing will be closed. The Commission will discuss and consider the application, and may request additional information from staff or the applicant, if required. After deliberation, the Commission is asked to consider and act upon the following requests and make a recommendation to the City Council if necessary.*

- A.** PLZC20230144 - Hold a public hearing, consider, and make a recommendation on a request to rezone approximately 4.5 acres of land from General Business District (GB) to General Business-2 District (GB-2), located at the intersection of IH 35 Access Road and Legacy Oaks Parkway, also known as 16746 IH 35 N, Schertz, Guadalupe County, Texas, also known as Guadalupe County Property Identification Number 64672.

Mrs. Marquez and the applicant provided a presentation.

Mr. Outlaw opened the public hearing at 6:15 P.M.

No one spoke

Mr. Outlaw closed the public hearing at 6:16 P.M.

Motioned by Commissioner Tamara Brown to disapprove, seconded by Vice Chairman Richard Braud

**Vote:** 3 - 4 Failed

NAY: Vice Chairman Richard Braud  
Commissioner Roderick Hector  
Commissioner Judy Goldick  
Commissioner John Carbon

Motioned by Commissioner Judy Goldick to approve, seconded by Commissioner John Carbon

**Vote:** 5 - 2 Passed

NAY: Chairman Glen Outlaw  
Commissioner Tamara Brown

- B.** PLSPU20230146 - Hold a public hearing and make a recommendation on a Specific Use Permit to allow automobile sales on approximately 4.5 acres of land, located at the intersection of IH 35 N Access Road and Legacy Oaks Parkway, City of Schertz, Guadalupe County, Texas, property ID: 64672.

Mrs. Marquez and the applicant provided a presentation.

Mr. Outlaw opened the public hearing at 6:40 P.M.

No one spoke

Mr. Outlaw closed the public hearing at 6:41 P.M.

Motioned by Commissioner Roderick Hector to approve, seconded by Commissioner Judy Goldick

**Vote:** 7 - 0 Passed

**6. ITEMS FOR INDIVIDUAL CONSIDERATION:**

- A.** PLVP20230203 - Consider and act upon a request for approval of a vacating plat of the Pro-Tech Subdivision Lot 1 Block 1, an approximately 4.9 acre tract of land located southeast of the intersection of Doerr Lane and Tejas Way, also known as Parcel ID 45148, City of Schertz, Comal County, Texas.

Motioned by Commissioner Judy Goldick to approve, seconded by Vice Chairman Richard Braud

**Vote:** 7 - 0 Passed

- B.** PLRP20230204 - Consider and act upon a request for approval to replat the former Pro-Tech Subdivision Lot 1 Block 1 to establish the Schertz Industrial Park Subdivision Lot 15 Block 2, an approximately 6.2 acre tract of land located southeast of the intersection of Doerr Lane and Tejas Way, also known as Parcel ID 17308 and 45148, City of Schertz, Comal County, Texas.

Motioned by Commissioner John Carbon to approve, seconded by Commissioner Roderick Hector

**Vote:** 7 - 0 Passed

**7. REQUESTS AND ANNOUNCEMENTS:**

- A.** Requests by Commissioners to place items on a future Planning and Zoning Agenda

There were no requests by Commissioners.

- B.** Announcements by Commissioners

- City and community events attended and to be attended
- Continuing education events attended and to be attended

There were announcements by Chairman Mr. Outlaw.

- C.** Announcements by City Staff.

- City and community events attended and to be attended.

There were announcements by City staff.

**8. INFORMATION AVAILABLE IN THE PLANNING AND ZONING COMMISSION PACKETS- NO DISCUSSION TO OCCUR**

- A.** Current Projects and City Council Status Update

**9. ADJOURNMENT OF THE REGULAR MEETING**

Chairman Mr. Outlaw adjourned the regular meeting at 7:09 P.M.

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Chairman, Planning and Zoning Commission

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Recording Secretary, City of Schertz

**PLANNING AND ZONING COMMISSION MEETING: 09/13/2023**  
**Agenda Item 5 A**

TO: Planning and Zoning Commission  
 PREPARED BY: Emily Delgado, Planning Manager  
 CASE: PLZC20230051  
 SUBJECT: PLZC20230051– Hold a public hearing, consider and make a recommendation on a request to rezone approximately 21 acres of land from General Business District (GB) and Single-Family Residential / Agricultural District (R-A) to Apartment / Multi-Family Residential District (R-4), generally located approximately 3,000 feet east of the intersection of IH 35 access road and Cibolo Valley Drive, also known as Guadalupe County Property Identification Numbers: 68315, 68316, 68296, 68295, 68294, also known as 2204 Den-Ott Hill, 2228 Den-Ott Hill, 2300 Den-Ott Hill, City of Schertz, Guadalupe County, Texas.

**GENERAL INFORMATION:**

Owner: Harold Densberger  
 Applicant: Marstan Equities LLC

**APPLICATION SUBMITTAL DATE:**

|                |                         |
|----------------|-------------------------|
| <b>Date</b>    | <b>Application Type</b> |
| March 10, 2023 | Zone Change Request     |

**PUBLIC NOTICE:**

Twenty-One (21) public hearing notices were mailed to the surrounding property owners on August 30, 2023 with a public hearing notice to be published in the "San Antonio Express" prior to the City Council public hearing. At the time of this report, Staff has received five (5) responses opposed and eight (8) response in favor, and one (1) response neutral to the requested rezoning.

**ITEM SUMMARY:**

The applicant is proposing to rezone approximately twenty-one (21) acres of land from General Business District (GB) and Single-Family Residential / Agricultural District (R-A) to Apartment / Multi-Family Residential District (R-4) in order to develop a multi-family development with a maximum density of twenty-four (24) units per acre.

**LAND USES AND ZONING:**

|                 | Zoning   | Land Use                  |
|-----------------|--|---------------------------|
| <b>Existing</b> | General Business District (GB) and Single-Family Residential / Agricultural District (R-A) | Residential / Undeveloped |
| <b>Proposed</b> | Apartment / Multi-Family Residential District (R-4)  | Multi-Family / Apartments |

Adjacent Properties:

|              | Zoning   | Land Use                               |
|--------------|--|--|
| <b>North</b> | General Business District (GB)<br>Single-Family Residential / Agricultural District (R-A)<br>IH 35 Access Road | Residential, Undeveloped, Right of Way |
| <b>South</b> | Single-Family Residential / Agricultural District (R-A)  | Undeveloped                            |

|             |   |             |
|-------------|---|-------------|
| <b>East</b> | Single-Family Residential / Agricultural District (R-A) | Undeveloped |
| <b>West</b> | Manufacturing Light District (M-1)                      | Undeveloped |

**PROPOSED ZONING:**

The applicant is requesting to rezone the approximately 21 acres of land from General Business District (GB) and Single-Family Residential / Agricultural District (R-A) to Apartment / Multi-Family Residential District (R-4), in order to develop a multi-family residential development.

Per UDC Article 5 Section 21.5.7 below are the dimensional requirements associated with the proposed Apartment / Multi-Family Residential District (R-4). These dimensional requirements would be applicable for the property if the proposed zoning is approved.

| Code | Zoning District                             | Minimum Lot Size and Dimensions |           |           | Minimum Yard Setback |          |          | Miscellaneous Requirements  |                |                       |
|------|---|---------------------------------|-----------|-----------|----------------------|----------|----------|---|----------------|-----------------------|
|      |   | Area Sq. Ft                     | Width Ft. | Depth Ft. | Front Ft.            | Side Ft. | Rear Ft. | Min. Off Street Parking   | Max Height Ft. | Max. Impervious Cover |
| R-4  | Apartment/Multi-Family Residential District | 10,000                          | 100       | 100       | 25                   | 10       | 20       | 2 spaces per unit, plus additional guest parking provided at a ratio of 5% of required spaces | 35             | 75%                   |

Per UDC Article 5 Section 21.5.5, the maximum density for Apartment / Multi-Family Residential District (R-4) shall be twenty- four (24) units per acre. Additionally, twenty percent (20%) of the total platted area shall be provided as common, usable open space. The subject property is approximately 20.32 acres which would equate to a maximum density of 488 units.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN:**

The 2002 Comprehensive Land Plan identified the subject property as Commercial Campus and Industry, Technology and R and D. In 2017 Ordinance 17-S-20 amended this portion of the Comprehensive Land Use plan to Single Family Residential, which is what the property is currently identified as. The first 1,050 feet of the subject property (the portion that is the access to the IH 35 access road) is currently identified as Commercial Campus. The rest of the subject tract is identified as Single-Family Residential.

- **Comprehensive Plan Goals and Objectives:** The land use designation of Single-Family Residential is intended to utilize a traditional neighborhood design that includes a mixture of residential uses, as well as limited commercial development to support the daily activities of the development. The Commercial Campus land use designation is intended to encourage lower intensity commercial and office uses in addition to multi-family. Both the Commercial Campus and Single-Family Residential Comprehensive Land Use Plan designations support multi-family development.
- **Impact of Infrastructure:** If the proposed zone change is approved, the property will go through the development process to include platting, site plan, and building permits. During the platting process the public infrastructure improvements will be evaluated and any required infrastructure will be installed.
- **Impact of Public Facilities/Services:** The proposed zone change would have minimal impact to the public services, such as schools, fire, police, and parks.
- **Compatibility with Existing and Potential Adjacent Land Uses:** The property is adjacent to residential used property, along with undeveloped property, and commercial business. The Comprehensive Land Use Plan designation of Single-Family Residential and Commercial Campus is designed to provide a mixture of housing options along with limited commercial. The proposed rezoning to Apartment / Multi-Family

Residential (R-4) is compatible with the existing and potential adjacent land uses. Additionally, in the area approximately 650 feet to the west of the subject property is the proposed development Schertz Station and more specifically, the portion of the development designed to be multi-family.

**STAFF ANALYSIS AND RECOMMENDATION:**

The property has the land use designation under from the 2017 Comprehensive Land Use Plan Amendment as Single-Family Residential. The Single-Family Residential land use designation encourages the mixture of various residential type developments as well as maintaining the walkable neighborhood feel. The proposed rezoning to Apartment / Multi-Family Residential District (R-4) conforms to the Comprehensive Land use Plan designation as it would provide a mixture of housing types to the area. Per the Unified Development Code, the Apartment/Multi-Family Residential District (R-4) has a maximum density of 24 units per acre.

Based on the conformance to the Comprehensive Land Use Plan designation, staff is recommending approval of PLZC20230051 as presented.

|   |                          |
|---|--------------------------|
| <b>Planning Department Recommendation</b> |                          |
| X   | Approve as submitted     |
|   | Approve with conditions* |
|   | Denial                   |

\* While the Commission can impose conditions; conditions should only be imposed to meet requirements of the UDC.

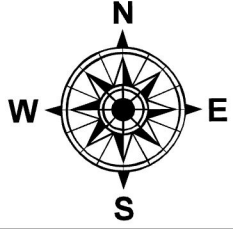
**COMMISSIONERS CRITERIA FOR CONSIDERATION:**

The Planning and Zoning Commission is making a recommendation to City Council on the proposed zoning application. In considering action on a zoning application, the Commission should consider the criteria within UDC Article 5, Section, 21.5.4 D.

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**Attachments**

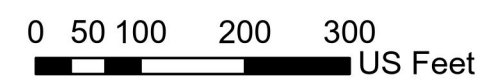
- Aerial Exhibit
  - Public Hearing Notice Map
  - Zoning Exhibit
  - Public Hearing Responses
-



**SCHERTZ**  
COMMUNITY • SERVICE • OPPORTUNITY

2204 Den-Ott Hill  
(PLZR20230051)

- |                    |                            |                                  |                                |    |         |                      |                      |                            |
|--------------------|----------------------------|----------------------------------|--------------------------------|----|---------|----------------------|----------------------|----------------------------|
| Highways           | Freeway                    | Planned Secondary Arterial       | Planned Residential Collector  | 1" | 8"      | Schertz Gravity      | Hydrant              | Project Boundary           |
| Major Roads        | Principal Arterial         | Secondary Rural Arterial         | Planned Commercial Collector B | 2" | 10"     | Schertz Pressure     | Manholes             | County Boundaries          |
| Minor Roads        | Planned Principal Arterial | Planned Secondary Rural Arterial | Commercial Collector A         | 3" | 12"     | Neighboring Gravity  | CCMA Lift Station    | Schertz Municipal Boundary |
| Secondary Arterial | Residential Collector      | Residential Collector            | Planned Commercial Collector A | 4" | 16"     | Private Pressure     | Private Lift Station | Schertz ETJ                |
|                    |                            |                                  |                                | 6" | 18"     | Schertz Lift Station | CCMA Treatment Plant |                            |
|                    |                            |                                  |                                |    | Unknown |                      |                      |                            |



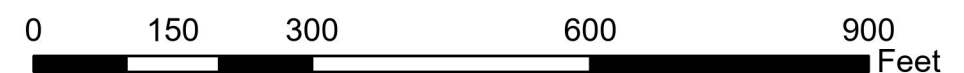
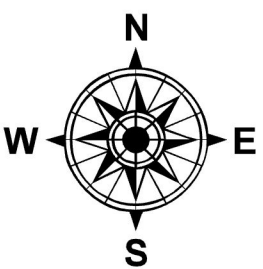


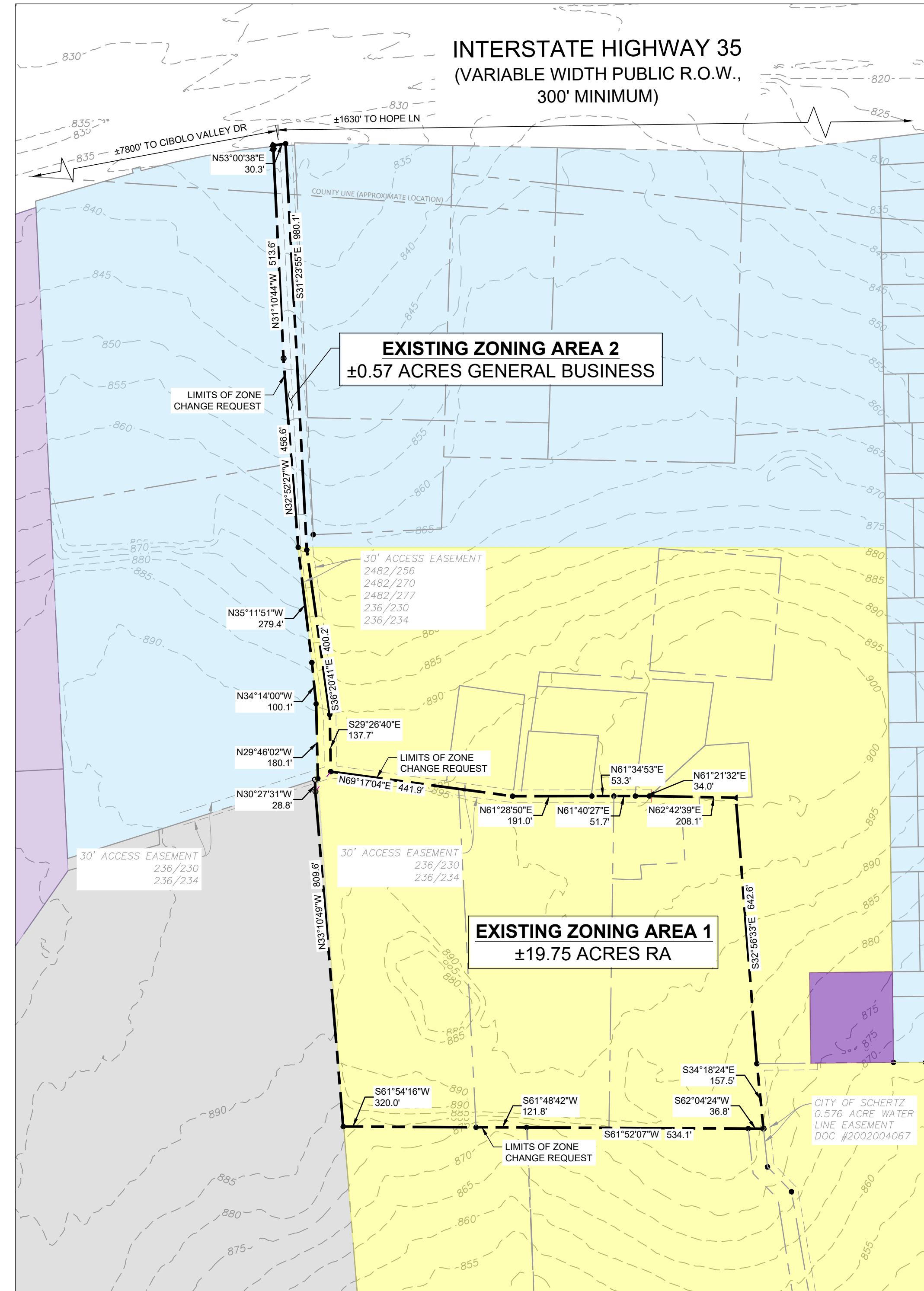
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# City of Schertz

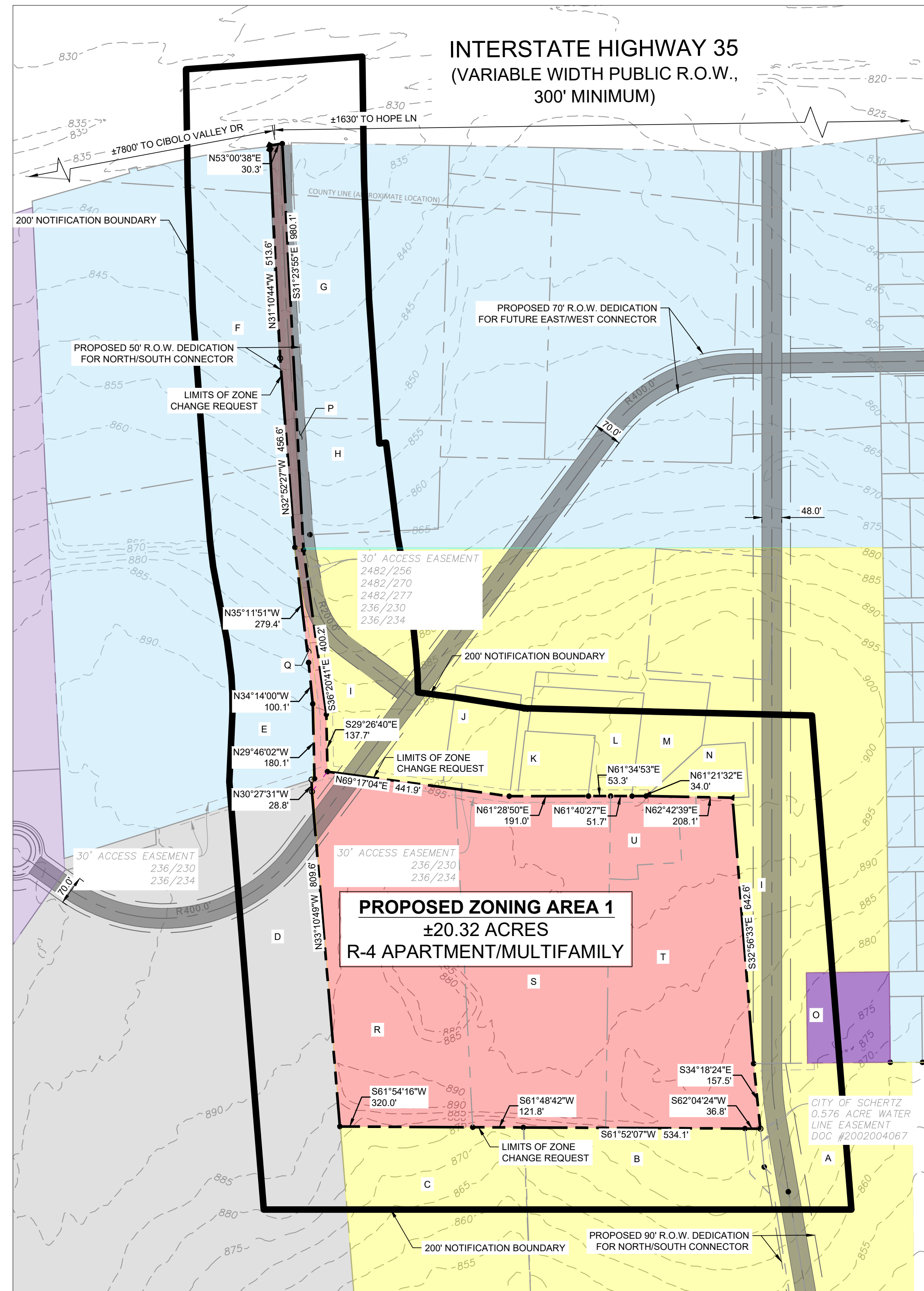
2044 Den-Ott Hill  
Zoning Variance  
(PLZC20230051)

 Project Area  
 200' Buffer





**EXISTING ZONING**  
SCALE = 1" = 200'

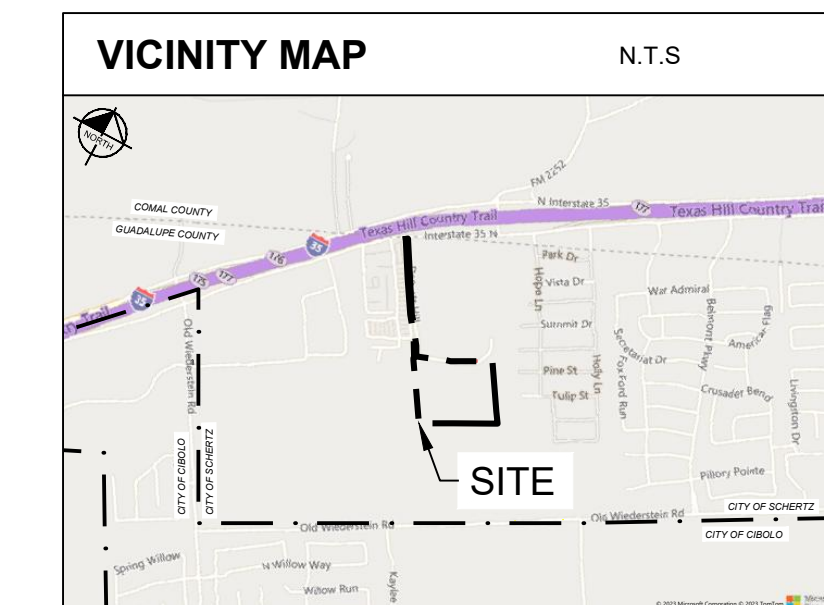


**PROPOSED ZONING**  
SCALE = 1" = 200'

| KEY | Owner Name                                      | Property ID Number | Address  | Land Use      | Zoning | Subdivision Name (If Applicable) | Recording Information   |
|-----|---|--------------------|--|---------------|--------|----------------------------------|-------------------------|
| A   | JASEK DOUGLAS E & NOREEN A BAKER & JOHN H JASEK | 68302              | 7726 SILENT FOREST DR SUGAR LAND, TX 77479     | Single Family | RA     | N/A                              | VOL. 3379, PG. 363      |
| B   | TUDYK JOSEPH B JR                               | 68330              | 18940 OLD WIEDERSTEIN RD, CIBOLO, TX 78108     | Single Family | RA     | N/A                              | VOL. 2022, PG. 99015476 |
| C   | FICUS PROPERTIES LLC                            | 68332              | 8417 MAHOGANY COURT, LAREDO TX, 78045          | Vacant land   | RA     | N/A                              | VOL. 2021, PG. 99037331 |
| D   | SCHERTZ CIBOLO UNIVERSAL CITY ISD               | 147296             | 1060 ELBEL ROAD SCHERTZ, TX 78154              | Vacant land   | M1     | N/A                              | VOL. 4216, PG. 0649     |
| E   | BUSSEY'S LTD                                    | 68170              | 18738 IH 35 N, SCHERTZ, TX 78154               | Commercial    | GB     | N/A                              | VOL. 717, PG. 727       |
| F   | BUSSEY'S LTD                                    | 68174              | 18738 IH 35 N, SCHERTZ, TX 78154               | Commercial    | GB     | N/A                              | VOL. 717, PG. 727       |
| G   | CARRILLO RON & CLARE                            | 68327              | P O BOX 690843, SCHERTZ, TX 78269              | Commercial    | GB     | N/A                              | VOL. 1471, PG. 0671     |
| H   | CARRILLO RON & CLARE                            | 68329              | P O BOX 690843, SCHERTZ, TX 78269              | Commercial    | GB     | N/A                              | VOL. 1471, PG. 0671     |
| I   | DENSBERGER DIANA OTT ETAL                       | 68319              | P O BOX 18155, CORPUS CHRISTI, TX 78480        | Vacant land   | GB/RA  | N/A                              | N/A                     |
| J   | OTT JAMES & BRENDA                              | 68320              | P O BOX 172, SCHERTZ, TX 78154                 | Single Family | RA     | N/A                              | VOL. 1076, PG. 0654     |
| K   | DENSBERGER HAROLD J & GLORIA L                  | 68326              | 18780 IH 35N #1, SCHERTZ, TX 78154             | Single Family | RA     | N/A                              | VOL. 764, PG. 476       |
| L   | SHARP NICOLE MARIE                              | 122093             | 18780 IH 35 NORTH LOT 2, SCHERTZ, TX 78154     | Single Family | RA     | N/A                              | VOL. 2216, PG. 0070     |
| M   | OTT DIANA                                       | 122576             | P O BOX 18155, CORPUS CHRISTI, TX 78480        | Single Family | RA     | N/A                              | VOL. 2243, PG. 24338    |
| N   | OTT SANDRA                                      | 175371             | 18780 IH 35N #5, SCHERTZ, TX 78154             | Vacant land   | RA     | N/A                              | VOL. 2019, PG. 99029565 |
| O   | City of Schertz                                 | 68324              |  | Water Tower   | PUB    | N/A                              | VOL. 730M PG. 799       |
| P   | DENSBERGER DIANA OTT ETAL                       | 68325              | P O BOX 18155, CORPUS CHRISTI, TX 78480        | Commercial    | GB     | N/A                              | VOL. 2020, PG. 99012670 |
| Q   | DENSBERGER HAROLD J                             | 68315              | 13834 JOLLY ROGER ST, CORPUS CHRISTI, TX 78418 | Commercial    | RA     | N/A                              | VOL. 2019, PG. 99027112 |
| R   | DENSBERGER HAROLD J                             | 68316              | 13834 JOLLY ROGER ST, CORPUS CHRISTI, TX 78418 | Single Family | RA     | N/A                              | VOL. 2019, PG. 99027112 |
| S   | DENSBERGER HAROLD J                             | 68296              | 13834 JOLLY ROGER ST, CORPUS CHRISTI, TX 78418 | Single Family | RA     | N/A                              | VOL. 2019, PG. 99027112 |
| T   | DENSBERGER HAROLD J                             | 68294              | 13834 JOLLY ROGER ST, CORPUS CHRISTI, TX 78418 | Single Family | RA     | N/A                              | VOL. 2019, PG. 99027112 |
| U   | DENSBERGER HAROLD J                             | 68295              | 13834 JOLLY ROGER ST, CORPUS CHRISTI, TX 78418 | Single Family | RA     | N/A                              | VOL. 2019, PG. 99027112 |

**200' NOTIFICATION OWNER TABLE**

| LEGEND |   |
|--------|---|
|        | RA - SINGLE FAMILY RESIDENTIAL / AGRICULTURAL |
|        | GB - GENERAL BUSINESS                         |
|        | PDD - PLANNED DEVELOPMENT                     |
|        | M1 - MANUFACTURING (LIGHT)                    |
|        | PUB - PUBLIC USE                              |
|        | R-4 APARTMENT / MULTIFAMILY                   |



**PROJECT CONTACT LIST:**

**SURVEYOR**

KIMLEY-HORN  
10101 REUNION PLACE, STE 400  
SAN ANTONIO, TEXAS 78216  
PHONE: 210-541-9166  
CONTACT: JOHN GREGORY MOSIER, R.P.L.S.

**CIVIL ENGINEER**

KIMLEY-HORN  
10101 REUNION PLACE, STE 400  
SAN ANTONIO, TEXAS 78216  
PHONE: 210-541-9166  
CONTACT: JASON LINK, P.E.

**OWNER**

HAROLD J DENSBERGER  
520 MAPLE DRIVE  
SCHERTZ, TX 78154  
PHONE: 347-481-8843

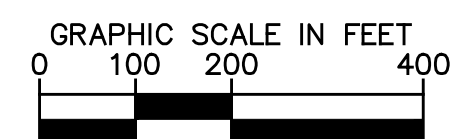
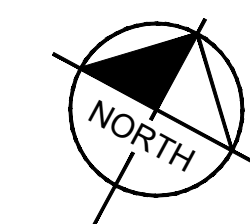
**DEVELOPER**

MARSTAN EQUITIES LLC  
1519 EAST 27TH STREET  
BROOKLYN, NY 11229  
PHONE: 347-481-8843  
CONTACT: STANLEY HILLELSOHN

FEMA FLOODPLAIN NOTE:  
ACCORDING TO FEMA FLOOD MAP 48187C0230F, DATED 11/02/2007, THE ENTIRETY OF THIS SITE FALLS WITHIN ZONE X (AREA OF MINIMAL FLOOD HAZARD).

EASEMENT RECORDATION NOTE:  
ALL EASEMENTS REFERENCE TO THE RECORDS OF GUADALUPE COUNTY, TEXAS UNLESS OTHERWISE NOTED

PROPOSED THOROUGHFARE NOTE:  
THE THOROUGHFARE ALIGNMENTS SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DO NOT SET THE ALIGNMENT. ALIGNMENT IS DETERMINED AT THE TIME OF FINAL PLAT.



NOTICE OF PUBLIC HEARING

August 30, 2023

Dear Property Owner,

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**PLZC20230051**– A request to rezone approximately 21 acres of land from General Business District (GB) and Single-Family Residential / Agricultural District (R-A) to Apartment / Multi-Family Residential District (R-4), generally located approximately 3,000 feet east of the intersection of IH 35 access road and Cibolo Valley Drive, also known as Guadalupe County Property Identification Numbers: 68315, 68316, 68296, 68295, 68294, also known as 2204 Den-Ott Hill, 2228 Den-Ott Hill, 2300 Den-Ott Hill, City of Schertz, Guadalupe County, Texas.

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Sincerely,

*Emily Delgado*

Emily Delgado  
Planning Manager

Reply Form

I am: in favor of  opposed to  neutral to  the request for **PLZC20230051**

COMMENTS: \_\_\_\_\_

NAME: Gloria Densberger (PLEASE PRINT) SIGNATURE: *Gloria Densberger*

STREET ADDRESS: 18780 IH 35 N lot #1 Schertz TX 78154

DATE: 9/5/23

NOTICE OF PUBLIC HEARING

August 30, 2023

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Sincerely,

Emily Delgado

Emily Delgado
Planning Manager

Reply Form

I am: in favor of [ ] opposed to [ ] neutral to [X] the request for PLZC20230051

COMMENTS:

NAME: Harold Densberger SIGNATURE: [Signature]

STREET ADDRESS: 18780 IH 35 W lot #1 Schertz, TX 78154

DATE: 9/5/23 OR: 2224 Den-Ott Hill

NOTICE OF PUBLIC HEARING

August 30, 2023

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Sincerely,

Emily Delgado

Emily Delgado
Planning Manager

Reply Form

I am: in favor of [ ] opposed to [X] neutral to [ ] the request for PLZC20230051 land.

COMMENTS: Concern over access on the road; crime, value

NAME: Sandra Ott SIGNATURE Sandra Ott

STREET ADDRESS: 16780 IH 35 N#3 Schertz, TX 78154

DATE: Sept. 5, 2023

NOTICE OF PUBLIC HEARING

August 30, 2023

Dear Property Owner,

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Sincerely,

*Emily Delgado*

Emily Delgado  
Planning Manager

Reply Form

I am: in favor of  opposed to  neutral to  the request for **PLZC20230051**

COMMENTS: \_\_\_\_\_

NAME: James OTT SIGNATURE *James Ott*  
(PLEASE PRINT) (2217 Den-Ott Hill)

STREET ADDRESS: 18780 IH 35A, #13 Schertz Tx 78154

DATE: 9-5-2023

## NOTICE OF PUBLIC HEARING

August 30, 2023

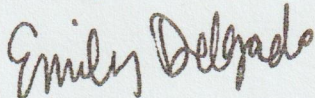
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Sincerely,



Emily Delgado  
Planning Manager

-----  
Reply Form

I am: in favor of  opposed to  neutral to  the request for PLZC20230051

COMMENTS: Property I.D.# 68294 owner vote

NAME: Harrold J. Densberger SIGNATURE Harrold J. Densberger  
(PLEASE PRINT)

STREET ADDRESS: 13834 Jelly Roger St. Corpus Christi, TX 78418

DATE: Sept 5, 2023

## NOTICE OF PUBLIC HEARING

August 30, 2023

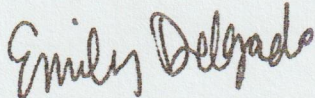
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Sincerely,



Emily Delgado  
Planning Manager

-----  
Reply Form

I am: in favor of  opposed to  neutral to  the request for PLZC20230051

COMMENTS: Property I.D. # 68295 owner vote

NAME: Harrold J. Densberger SIGNATURE Harrold J. Densberger  
(PLEASE PRINT)

STREET ADDRESS: 13834 Jolly Rogea St. Corpus Christi, TX 78418

DATE: Sept. 5, 2023

## NOTICE OF PUBLIC HEARING

August 30, 2023

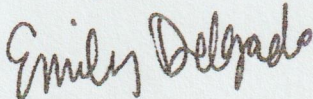
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Sincerely,



Emily Delgado  
Planning Manager

-----  
Reply Form

I am: in favor of  opposed to  neutral to  the request for PLZC20230051

COMMENTS: Property ID. 68296 owner vote

NAME: Harrold J. Densberger SIGNATURE: Harrold J. Densberger  
(PLEASE PRINT)

STREET ADDRESS: 13834 Jolly Roger St. Corpus Christi, TX 78418

DATE: Sept 5, 2023

NOTICE OF PUBLIC HEARING

August 30, 2023

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Sincerely,

Emily Delgado

Emily Delgado
Planning Manager

Reply Form

I am: in favor of [checked] opposed to [ ] neutral to [ ] the request for PLZC20230051

COMMENTS: Property I.D # 68315 owner vote

NAME: HAROLD J. DENSBERGER SIGNATURE [Signature] (PLEASE PRINT)

STREET ADDRESS: 13834 Jolly Roger St. Corpus Christi, TX 78418

DATE: 5 Sept. 2023

## NOTICE OF PUBLIC HEARING

August 30, 2023

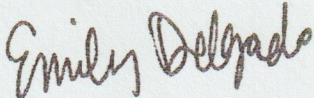
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Sincerely,



Emily Delgado  
Planning Manager

-----  
Reply Form

I am: in favor of  opposed to  neutral to  the request for **PLZC20230051**

COMMENTS: Property I.D. 68316 owner vote

NAME: Arnold J. Densberger SIGNATURE: Arnold J. Densberger  
(PLEASE PRINT)

STREET ADDRESS: 13834 Jolly Roger St. Corpus Christi, TX 78418

DATE: Sept. 5, 2023

**NOTICE OF PUBLIC HEARING**

August 30, 2023

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Sincerely,

*Emily Delgado*

Emily Delgado  
Planning Manager

Reply Form

I am: in favor of  opposed to  neutral to  the request for **PLZC20230051**

COMMENTS: I had to get a Variance for my Access point with my existing Home being already there

NAME: Adam Nicholas Sharp SIGNATURE [Signature]  
(PLEASE PRINT)

STREET ADDRESS: 2233 Den-off hill Schertz TX 78154

DATE: 9-5-2023

NOTICE OF PUBLIC HEARING

August 30, 2023

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Sincerely,

*Emily Delgado*

Emily Delgado  
Planning Manager

Reply Form

I am: in favor of  opposed to  neutral to  the request for **PLZC20230051**

COMMENTS: \_\_\_\_\_

NAME: Steven Smith SIGNATURE *Steven Smith*  
(PLEASE PRINT)

STREET ADDRESS: 18738 IH 35 N, SCHERTZ, TX 78154

DATE: 6 Sept 23

**PLANNING AND ZONING COMMISSION MEETING: 09/13/2023**  
**Agenda Item 5 B**

TO: Planning and Zoning Commission  
 PREPARED BY: Daisy Marquez, Planner  
 CASE: PLZC20230170  
 SUBJECT: PLZC20230170 - Hold a public hearing, consider, and make a recommendation on a request to rezone approximately 14.3 acres 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 Rd, Schertz, Guadalupe County, Texas, also known as Guadalupe County Property Identification Number 63998 and 7263 Green Valley Road, Schertz, Guadalupe County, Texas, also known as Guadalupe County Property Identification Number 153815.

**GENERAL INFORMATION:**

Owner: Mustang Oaks LLC  
 Applicant: KFW Engineers

**APPLICATION SUBMITTAL DATE:**

| Date          | Application Type    |
|---------------|---------------------|
| July 11, 2023 | Zone Change Request |

**PUBLIC NOTICE:**

On August 28, 2023, nine (9) public hearing notices were mailed to the surrounding property owners within a 200-foot boundary of the subject property. At the time of the staff report, (0) responses in favor, (0) responses neutral, and (0) responses in opposition have been received. A public hearing notice will be published in the San Antonio Express prior to the City Council meeting. Additionally, two (2) public hearing notice signs were placed on the property on September 1, 2023.

**ITEM SUMMARY:**

The applicant is proposing to rezone approximately 14.3 acres of land, a portion of 4600 Eckhardt Road and 7263 Green Valley Road, to Single-Family Residential District (R-2). The subject property is currently zoned General Business District (GB). The subject property is currently undeveloped.

**LAND USES AND ZONING:**

|                 | Zoning                                   | Land Use                  |
|-----------------|--|---------------------------|
| <b>Existing</b> | General Business District (GB)           | Undeveloped               |
| <b>Proposed</b> | Single-Family Residential District (R-2) | Single-Family Residential |

Adjacent Properties:

|              | Zoning   | Land Use                                  |
|--------------|--|---|
| <b>North</b> | Single-Family Residential District (R-6)<br>& Single-Family Residential District (R-2) | Single-Family Residences                  |
| <b>South</b> | Right of Way   | Green Valley Road                         |
| <b>East</b>  | Right of Way<br>& General Business District (GB)                                       | Eckhardt Rd Right of Way<br>& Undeveloped |

|      |                                |             |
|------|--------------------------------|-------------|
| West | General Business District (GB) | Undeveloped |
|------|--------------------------------|-------------|

**PROPOSED ZONING:**

The proposed zone change to Single-Family Residential District (R-2) is for a portion of the subject property of 4600 Eckhardt Road and subject property 7263 Green Valley Road, which are currently zoned General Business District (GB). The whole property of 4600 Eckhardt Road is currently zoned both Single-Family Residential (R-2) and General Business District (GB). The northern portion of 4600 Eckhardt Road was previously rezoned from General Business District (GB) to Single-Family Residential District (R-2) with Ordinance 22-S-42 in December 2022. Per the letter of intent submitted with the application, the applicant desires to rezone the southern portion 4600 Eckhardt Road and 7263 Green Valley Road to Single-Family Residential District (R-2) to be cohesive with the northern portion of 4600 Eckhardt Road that is already Single-Family Residential District (R-2). The intent of the rezoning is for the development of single family residences.

Per UDC Article 5, Section 21.5.7 below are the dimensional requirements associated with the proposed Single-Family Residential District (R-2). If the zoning change is approved, the property would have to adhere to these dimensional requirements.

| Single-Family Residential District (R-2) Dimensional Requirements |                 |                             |           |               |                       |          |          |                            |                |                          |
|---|-----------------|-----------------------------|-----------|---------------|-----------------------|----------|----------|----------------------------|----------------|--------------------------|
|   |                 | Minimum Lot Size Dimensions |           |               | Minimum Yard Setbacks |          |          | Miscellaneous Requirements |                |                          |
| Code  | Zoning District | Area Sq.Ft.                 | Width Ft. | Depth Sq. Ft. | Front Ft.             | Side Ft. | Rear Ft. | Minimum Off-Street Parking | Max Height Ft. | Maximum Impervious Cover |
| R-2   | Single-Family   | 8,400                       | 70        | 120           | 25                    | 10       | 20       | 2                          | 32             | 50%                      |

**CONFORMANCE WITH THE COMPREHENSIVE PLAN:**

The Comprehensive Land Use Plan (CLUP) designates this subject property as Single Family Residential. The Single Family Residential land use designation is intended to encourage the development of single family residential detached dwelling units with a traditional neighborhood design which may include limited commercial development to support daily activities.

- Comprehensive Plan Goals and Objectives: The current General Business District (GB) zoning of the subject property is not in conformance with the Single Family Residential land use designation of the Comprehensive Plan. The proposed zone change to Single-Family Residential (R-2) is in conformance with the intended Single-Family Residential land use designation.
- Impact of Infrastructure: The proposed zoning request should have minimal impact on existing infrastructure. If the zone change were approved, the property would be required to go through the platting process, site plan process, and building permits. During the development process any infrastructure improvements would be determined and required.
- Impact of Public Facilities/Services: The proposed zoning request would have minimal impact on existing public services.
- Compatibility with Existing and Potential Adjacent Land Uses: The subject property is currently adjacent to existing single family residences, vacant land, Eckhardt Road right of way, and Green Valley Road right of way. The proposed Single-Family Residential (R-2) is compatible with the existing and potential adjacent land uses.

**STAFF ANALYSIS AND RECOMMENDATION:**

The proposed zone change to Single-Family Residential (R-2) is for a portion of the subject property 4600 Eckhardt Road and subject property 7263 Green Valley Road, which are both currently zoned General Business District (GB). The whole subject property of 4600 Eckhardt Road is currently zoned Single-Family Residential (R-2) and General Business District (GB). The intent of the zone change is to match the existing Single-Family Residential District (R-2) of the northern portion of 4600 Eckhardt Road. The northern portion of the property was rezoned from General Business District (GB) to Single-Family Residential District (R-2) with Ordinance Number 22-S-42

in December 2022.

The intent of the Single-Family Residential District (R-2) is for the development of single-family detached residential dwelling units, together with schools, churches, and parks necessary to create basic neighborhood units. The proposed Single-Family Residential District (R-2) is consistent with the existing land uses and surrounding properties.

The proposed zone change to Single-Family Residential District (R-2) is compatible with adjacent land uses, will match the current zoning on the remaining portion of the property, and aligns with the Comprehensive Land Use Plan.

Therefore, Staff recommends approval of the proposed zone change from General Business District (GB) to Single-Family Residential District (R-2).

| Planning Department Recommendation |                          |
|------------------------------------|--------------------------|
| X                                  | Approve as submitted     |
|                                    | Approve with conditions* |
|                                    | Denial                   |

\* While the Commission can impose conditions; conditions should only be imposed to meet requirements of the UDC.

**COMMISSIONERS CRITERIA FOR CONSIDERATION:**

The Planning and Zoning Commission is making a recommendation to City Council on the proposed zoning application. In considering action on a zoning application, the Commission should consider the criteria within UDC Article 5, Section, 21.5.4 D.

---

**Attachments**

- Aerial Exhibit
  - Zoning Exhibit
  - Public Hearing Notice Map
-

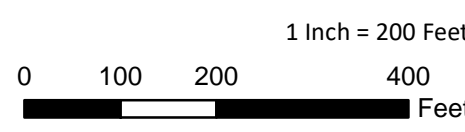


Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



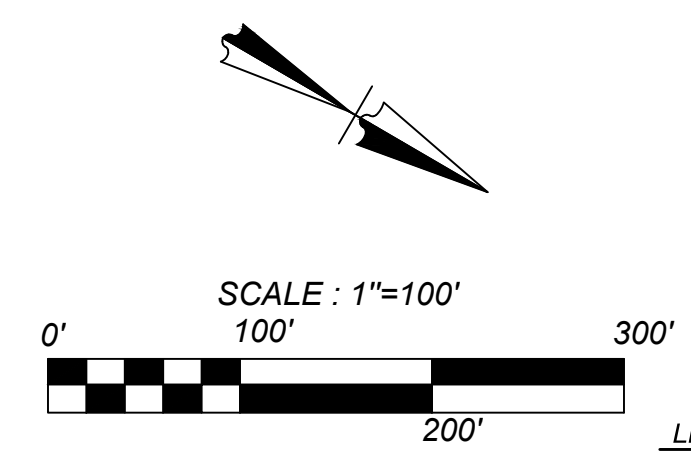
**ACKERMANN TRACT  
ZONE CHANGE  
(PLZC20230170)**

|  |  |  |  |  |  |  |  |  |  |  |
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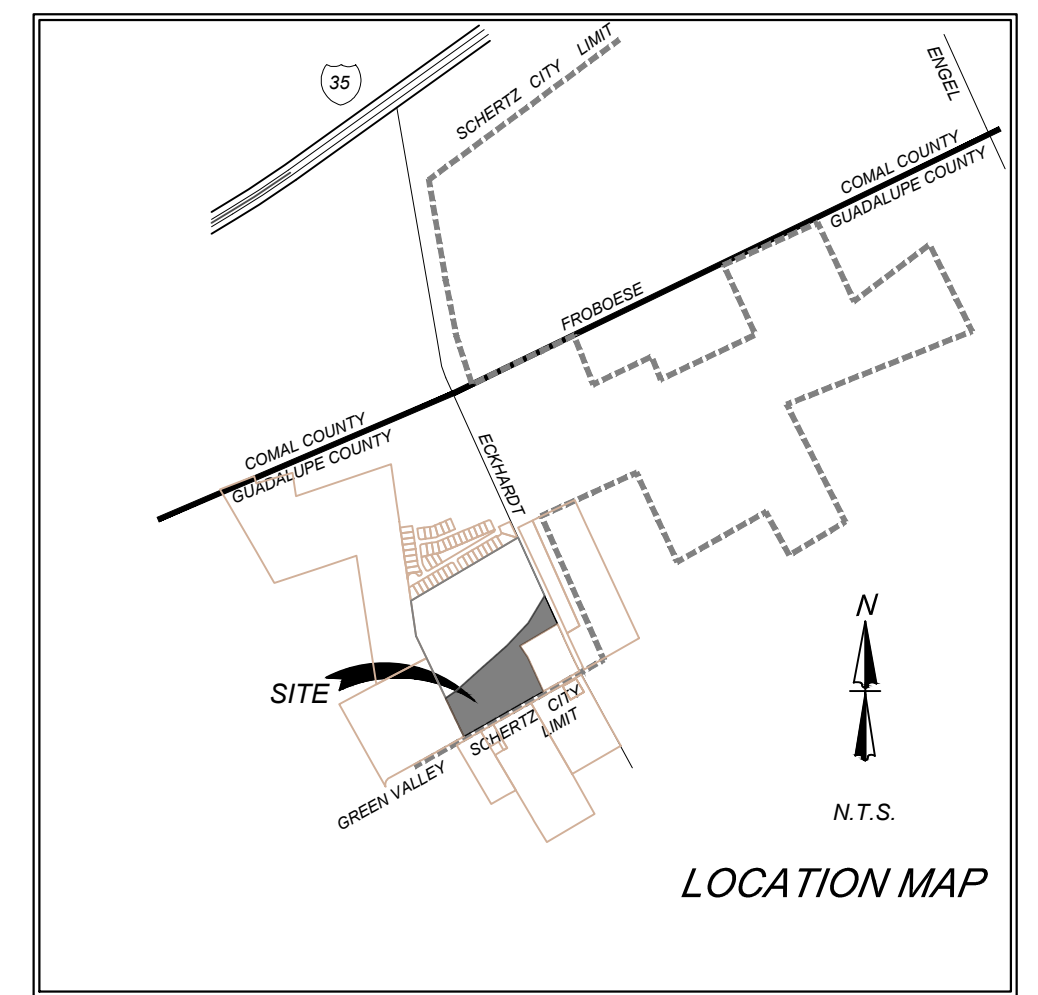
NOTE  
 REFERENCED PROPERTY IS IN ZONE X. AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SCALED FROM FEMA FLOOD MAP 90 OF 480, COMMUNITY PANEL NO. 48187C0090F, DATED NOVEMBER 2, 2007.

| 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 |



4.99 ACRE TRACT  
 LAND USE: SINGLE FAMILY-RESIDENTIAL  
 ZONING: (GUADALUPE COUNTY)  
 PROPERTY ID: 61591  
 (DOC.# 16165)  
 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. )  
 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

23.63 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

11.682 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  
 PROPERTY ID: 61526  
 ZONING: (GUADALUPE COUNTY)  
 (VOL. 669, PG. 102 O.P.R.)  
 OWNER: HAROLD M KLAERNER 7470  
 GREEN VALLEY RD  
 NEW BRAUNFELS, TX 78123

1.50 ACRE TRACT  
 LAND USE: N/A  
 ZONING: NONE  
 PROPERTY ID: 153815  
 (DOC.# 20399000734 )  
 OWNER: MUSTANG  
 OAKS LLC  
 4630 N LOOP 1604  
 WEST STE 514  
 SAN ANTONIO, TX 78249

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  
 LUND  
 4190 ECKHARDT ROAD  
 MARION, TX 78124

42.79 ACRE TRACT  
 LAND USE: AGRICULTURAL  
 ZONING: GB  
 PROPERTY ID: 63992  
 (DOC.# 202099005854)  
 OWNER: HESS HILLS DEVELOPMENT LLC  
 606 EAST 42ND ST.  
 AUSTIN, TX 78751

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

95.34 ACRE TRACT  
 LAND USE: AGRICULTURE  
 ZONING: GB  
 PROPERTY ID: 63994  
 (VOL. 1654, PG. 902 O.P.R.)  
 OWNER: RBV2 LIMITED PARTNERSHIP  
 8809 CARRIAGE DR  
 SAN ANTONIO, TX 78217

43.50 ACRE TRACT  
 OWNER: MUSTANG OAKS LLC  
 (DOC.# 202399000734 O.P.R.)

30.13 ACRES  
 LAND USE: SINGLE FAMILY-RESIDENTIAL  
 ZONING: R-2  
 PROPERTY ID: 63998  
 (DOC.# 202399000734 O.P.R.)  
 OWNER: MUSTANG OAKS LLC  
 4630 N LOOP 1604 WEST STE 514  
 SAN ANTONIO, TX 78249

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

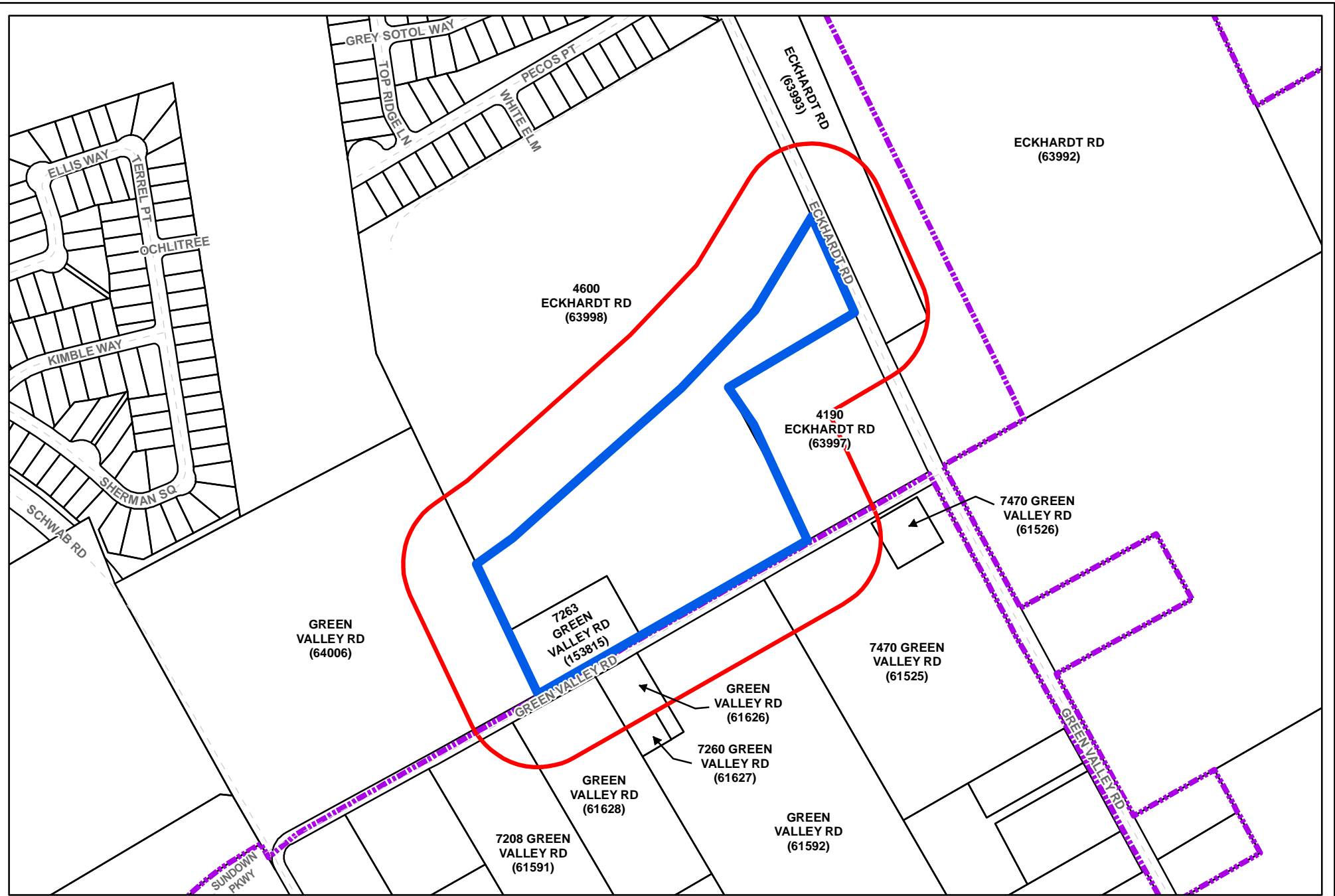
WHITE ELM



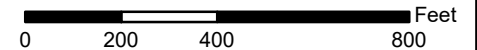
**ACKERMANN SUBDIVISION  
 ZONING EXHIBIT**  
 SCHERTZ, TEXAS  
 GUADALUPE COUNTY

LEGAL DESCRIPTION:  
 A 14.23 ACRE TRACT OF LAND, OUT OF THE CARROL M. GAHAGAN JR. SURVEY NO. 258, 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 202399000734 OF THE OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY, TEXAS AND SITUATED IN THE CITY OF SCHERTZ, GUADALUPE COUNTY, TEXAS.

PREPARED : JULY, 2023



City of Schertz  
ACKERMANN TRACT  
ZONE CHANGE  
(PLZC20230170)



**PLANNING AND ZONING COMMISSION MEETING: 09/13/2023**  
**Agenda Item 5 C**

TO: Planning and Zoning Commission  
 PREPARED BY: Samuel Haas, Senior Planner  
 CASE: PLPDD20230127  
 SUBJECT: PLPDD20230127 - Hold a public hearing, consider, and make a recommendation on a request to rezone approximately .21 acres of land from Neighborhood Services District (NS) to Planned Development District (PDD), located at 4571 Schertz Parkway, also known as Guadalupe County Parcel ID 31981, generally located northwest of the intersection between Schertz Parkway and Wiederstein Road, City of Schertz, Guadalupe County, Texas.  
**NO ACTION TO OCCUR / NOTICING ERROR**

**GENERAL INFORMATION:**

Owner/Applicant: Anthony Eugenio

**APPLICATION SUBMITTAL DATE:**

| Date    | Application Type |
|---------|------------------|
| 5/15/23 | Zone Change      |

**PUBLIC NOTICE:**

On August 30th, five (5) public hearing notices were mailed to the surrounding property owners within a 200-foot boundary of the subject property. At the time of the staff report, zero (0) response in favor, neutral, or opposed have been received. A public hearing notice will be published in the San Antonio Express prior to the City Council meeting.

**ITEM SUMMARY:**

The applicant is proposing to rezone approximately .21 acres of land from Neighborhood Services District (NS) to Planned Development District (PDD), located at 4571 Schertz Parkway, generally located northwest of the intersection between Schertz Parkway and Wiederstein Road. This PDD will conform to the Heritage Oaks Planned Development District development and design standards that was previously approved in Ordinance 21-S-15 on May 11th, 2021.

**LAND USES AND ZONING:**

|                 | Zoning                              | Land Use                  |
|-----------------|-------------------------------------|---------------------------|
| <b>Existing</b> | Neighborhood Services District (NS) | Undeveloped               |
| <b>Proposed</b> | Planned Development District (PDD)  | Single-Family Residential |

Adjacent Properties:

|              | Zoning                             | Land Use     |
|--------------|------------------------------------|--------------|
| <b>North</b> | Planned Development District (PDD) | Undeveloped  |
| <b>South</b> | Planned Development District (PDD) | Undeveloped  |
| <b>East</b>  | Schertz Parkway                    | Right of way |
| <b>West</b>  | Planned Development District (PDD) | Undeveloped  |

## **PROPOSED ZONING:**

The Heritage Oaks II PDD will conform with the development and design standards of the Heritage Oaks PDD. The full details of which can be found in Ordinance 21-S-15. The main development and design elements are listed below.

### **Coving Plan:**

The Heritage Oaks Subdivision is designed through a coving plan. Contrary to traditional urban grid patterns, the coving plan is characterized by winding roads and meandering setbacks that result in less impervious coverage, as well as increased open space and potential tree preservation.

### **Revised Lot Standards:**

The base zoning for the subject property will be Single-Family Residential District (R -1); the development of any residential lots will follow the R -1 zoning district unless otherwise stated in the Heritage Oaks PDD. The Heritage Oaks II PDD will have revised dimensional requirements, which outline a minimum lot size of 6,000 square feet, with a minimum width of 50 feet and a minimum depth of 120 feet.

### **Other Heritage Oaks PDD Features:**

- **Revised Street Standards to include:** Curvilinear Streets, Cul-de-sac Revisions, and Extended Block Lengths
- **Parkland and Trail Features to include:** Parkland Dedication Revisions, and 10 foot & 30 foot concrete trails
- **Landscaping and Tree Preservation/Mitigation Features to include:** 3 trees on each lot with a minimum of 15" inches caliper for the lot, and Preservation of 50% of Heritage Trees

## **CONFORMANCE WITH THE COMPREHENSIVE PLAN:**

- **Comprehensive Plan Goals and Objectives:** The Comprehensive Plan identifies the subject properties under the Single-Family Residential land use designation. Areas classified under the Single-Family Residential land use designation are intended to utilize a traditional neighborhood design that includes a mix of residential uses, as well as limited commercial development to support the daily activities of the development. The proposed zone change meets the goals and objectives of the Single-Family Residential future land use designation, and is therefore in conformance with the Comprehensive Land Use Plan.
- **Impact of Infrastructure:** The proposed zone change should have a negligible effect on the existing planned public water and wastewater system since the base zoning district of the proposed PDD is Single-Family Residential (R-1).
- **Impact of Public Facilities/Services:** The proposed rezoning request should have a minimal impact on public services, such as schools, fire, police, parks and sanitation services.
- **Compatibility with Existing and Potential Adjacent Land Uses:** The subject property is currently surrounded by land utilized as single-family residential, with a small amount of commercially zoned property to the north. The proposed zone change to PDD with R-1 as the base zoning district is compatible with the existing and potential adjacent land uses.

## **STAFF ANALYSIS AND RECOMMENDATION:**

### **Background:**

For background, the existing Live Oak Hills Subdivision was platted and individual lots were sold in 1963 without the necessary infrastructure improvements, such as water lines, sewer lines, and roads, which left hundreds of lots to remain undeveloped. These undeveloped lots in Live Oak Hills collectively formed what is commonly referred to as a 'paper subdivision', or a subdivision that is recognizable on paper, but not in the real world. This situation poses numerous development challenges; from various land ownership parties to cost-prohibitive infrastructure requirements for individual lot development, 'paper subdivisions' can often remain vacant for decades, as is the situation with most of the Live Oak Hills Subdivision.

The Heritage Oaks PDD aims to redevelop 45 acres of the existing Live Oak Hills subdivision plat along with an additional 21 acre tract into a 66 acre single-family residential subdivision. This PDD was approved in 2021 as

Ordinance 21-S-15. The proposed Heritage Oaks II PDD will incorporate Lot 13 Block 41 of the original Live Oak Hills subdivision that was not in the original Ordinance 21-S-15; this lot has since been acquired by the Heritage Oaks developer. Adding this lot will make the proposed subdivision more contiguous and more consistent.

Therefore, Staff is recommending approval of the proposed zone change to Planned Development District as discussed.

| Planning Department Recommendation |                          |
|------------------------------------|--------------------------|
| X                                  | Approve as submitted     |
|                                    | Approve with conditions* |
|                                    | Denial                   |

\* While the Commission can impose conditions; conditions should only be imposed to meet requirements of the UDC.

**COMMISSIONERS CRITERIA FOR CONSIDERATION:**

The Planning and Zoning Commission is making a recommendation to City Council on the proposed zoning application. In considering action on a zoning application, the Commission should consider the criteria within UDC Article 5 , Section, 21.5.4 D.

---

**Attachments**

- Aerial Exhibit
  - Public Hearing Notice Map
  - Zoning Exhibit
  - Heritage Oaks II PDD
  - Ord. 21-S-15 Heritage Oaks PDD
-



Guadalupe County

Schertz City Limits

SCHERTZ PKWY

ODELL LN

NILE LN

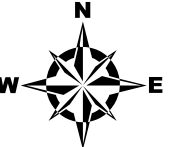
MORA LN

PINTO LN

QUAIL LN

LIMESTONE MESA

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



**SCHERTZ**  
COMMUNITY • SERVICE • OPPORTUNITY

**HERITAGE OAKS**  
(PLPDD20230127)

<all other values>

Highways

Major Roads

Minor Roads

Other Cities

<all other values>

Freeway

Principal Arterial

Planned Principal Arterial

Secondary Arterial

Planned Secondary Arterial

Secondary Rural Arterial

Planned Secondary Rural Arterial

Residential Collector

Planned Residential Collector

Commercial Collector B

Planned Commercial Collector B

Commercial Collector A

Planned Commercial Collector A

1" 8"

2" 10"

3" 12"

4" 16"

6" 18"

20"

24"

30"

36"

Schertz Gravity

Schertz Pressure

Neighboring Gravity

Private Pressure

Hydrant


Manholes

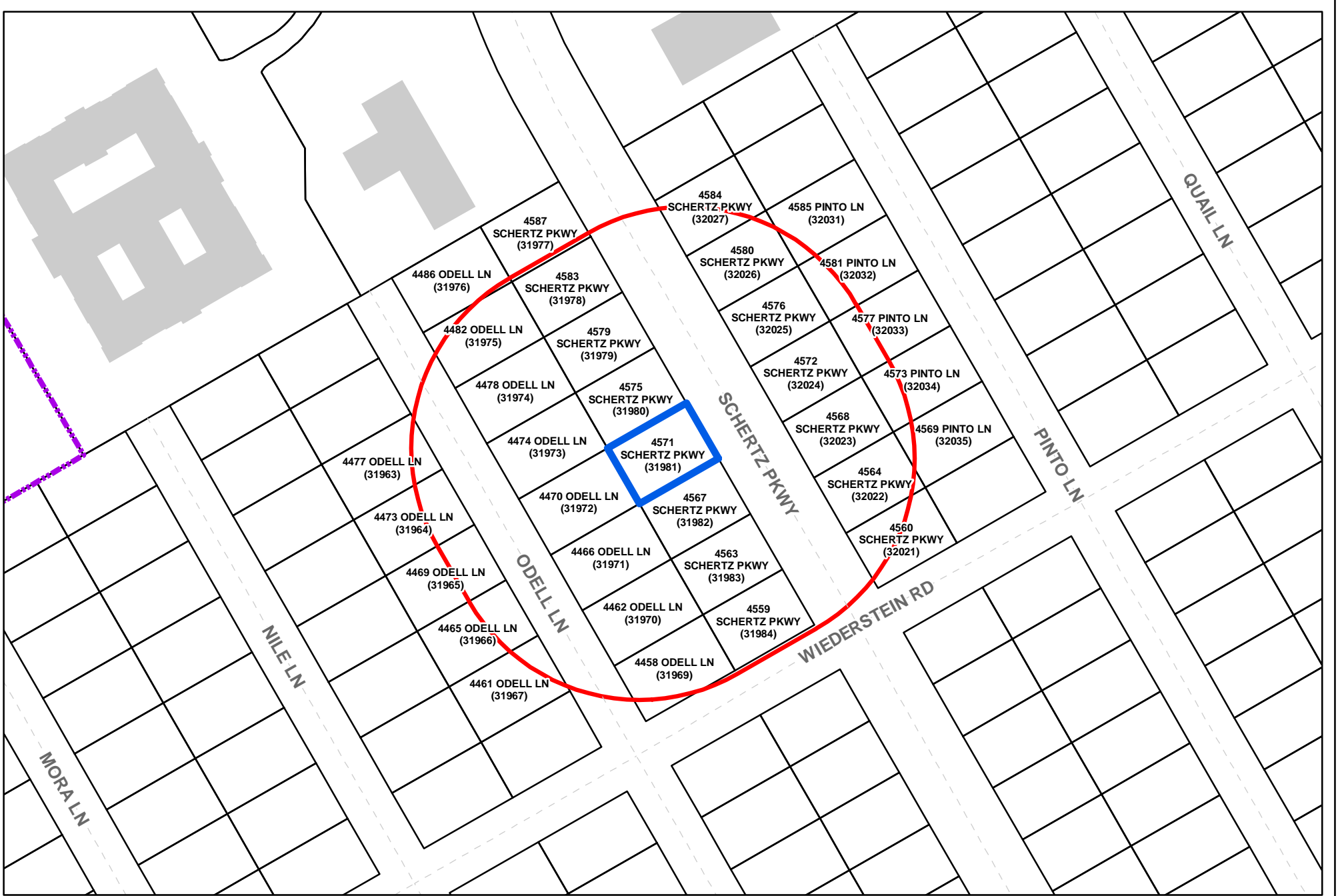
200' Buffer

Schertz Municipal Boundary

County Boundaries

1 Inch = 100 Feet





# City of Schertz

## HERITAGE OAKS (PLPDD20230127)



Project Area



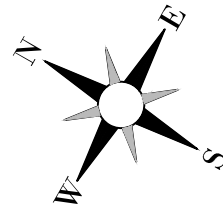
City Limit Boundary



200' Buffer



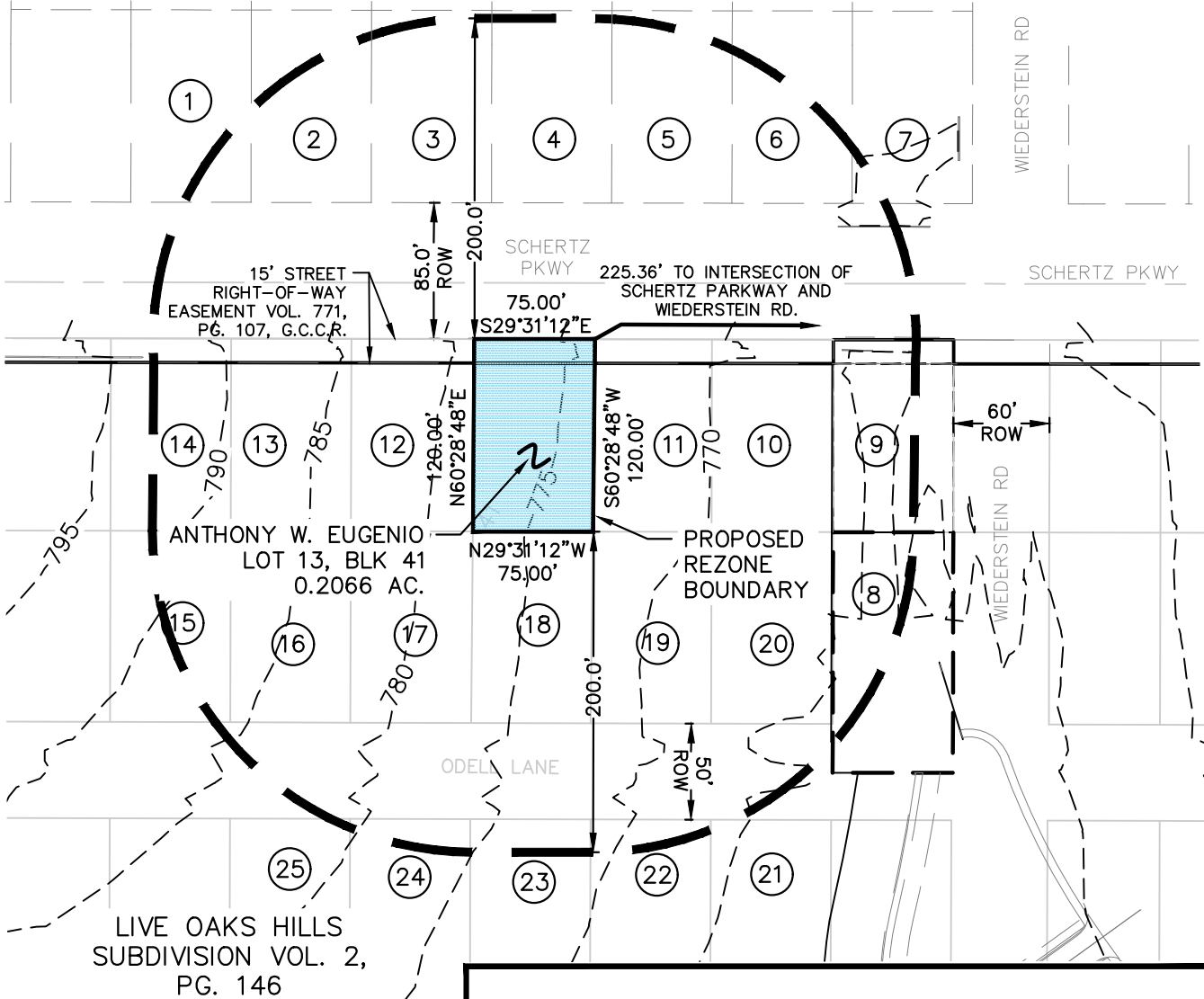
NOTE:  
NO 100-YR FLOODPLAIN EXIST ON THE PROPERTY



LIVE OAK HILL SUBDIVISION  
(VOL. 2, PGS. 146-147, M.P.R.)  
UNDEVELOPED  
ZONED: NS



SCALE: 1" = 100'



Legend

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

**PDD – REZONING 0.2066 AC.**



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

DRAWN BY: BGM  
CHECKED BY: JM

DATE: 2023  
JOB NO.: 2106.13

PROPERTY OWNERS

- ① 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
  
- ② 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
  
- ③ 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
  
- ④ 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
  
- ⑤ 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
  
- ⑥ 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
  
- ⑦ 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
  
- ⑧ CITY OF SCHERTZ  
1400 SCHERTZ PKWY SCHERTZ, TX 78154  
PROPERTY ID: 31969  
LIVE OAK HILL SUBDIVISION (VOL. 776, PG. 948)  
UNDEVELOPED; ZONED: NS
  
- ⑨ 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 0.2066 AC.**



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

DRAWN BY: BGM  
CHECKED BY: JM

DATE: 2023  
JOB NO.: 2106.13

PROPERTY OWNERS

⑩ ⑫ ⑭ ⑰  
⑱ ⑲ ⑳ EUGENIO ANTHONY W  
334 N. PARK DRIVE, SAN ANTONIO TX 78216  
PROPERTY ID: 31965, 31971, 31972, 31973, 31978, 31980, 31983  
LIVE OAK HILL SUBDIVISION (VOL. 1719, PG. 0732)  
UNDEVELOPED; ZONED:PDD

⑪ EUGENIO ANTHONY W  
334 N. PARK DRIVE, SAN ANTONIO TX 78216  
PROPERTY ID: 31982  
LIVE OAK HILL SUBDIVISION (VOL. 2448, PG. 900)  
UNDEVELOPED; ZONED:PDD

⑬ 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

⑮ ⑯ ⑳ ㉑ EUGENIO ANTHONY W  
334 N. PARK DRIVE, SAN ANTONIO TX 78216  
PROPERTY ID: 31964, 31967, 31974, 39175  
LIVE OAK HILL SUBDIVISION (VOL. 1719, PG. 0734)  
UNDEVELOPED; ZONED:PDD

㉒ EUGENIO ANTHONY W  
334 N. PARK DRIVE, SAN ANTONIO TX 78216  
PROPERTY ID: 31970  
LIVE OAK HILL SUBDIVISION (VOL. 4261, PG. 0144)  
UNDEVELOPED; ZONED:PDD

㉓ EUGENIO ANTHONY W  
334 N. PARK DRIVE, SAN ANTONIO TX 78216  
PROPERTY ID: 31966  
LIVE OAK HILL SUBDIVISION (DOC.#2015012203)  
UNDEVELOPED; ZONED:PDD

㉔ 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

PDD – REZONING 0.2066 AC.



Binkley & Barfield, Inc.  
TxEng F-257  
190 S Seguin Ave  
New Braunfels, TX 78130  
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DRAWN BY: BGM  
CHECKED BY: JM

DATE: 2023  
JOB NO.: 2106.13



# PLANNED DEVELOPMENT DISTRICT

HERITAGE OAKS II  
SCHERTZ, TEXAS

May 15, 2023 (revised 7/19/23)

# 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)

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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

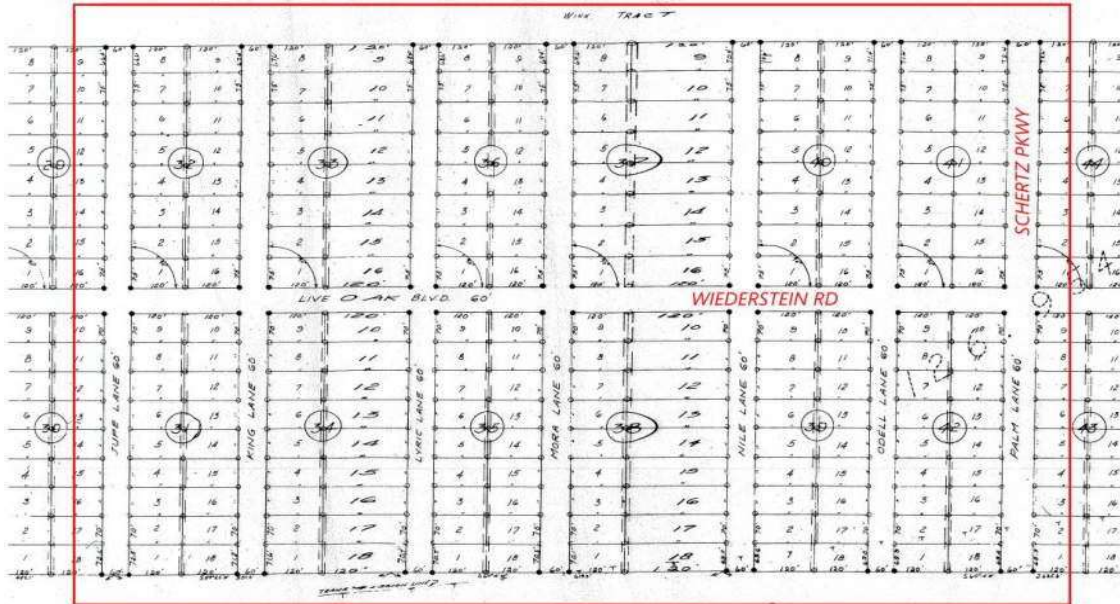
### SCHERTZ, TEXAS

## I. PROPERTY

The proposed rezoning of Lot 13, Block 41, Live Oak Hills Subdivision, City of Schertz, Guadalupe County, Texas (the “**Lot**”) from Neighborhood Services (NS) to PDD. If rezoned, the Lot will be the Heritage Oaks II PDD (“**Heritage II PDD**”) in conformance with the adjacent 65.97 acre 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 Lot.

It is the intent of this PDD rezoning that this Lot 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 this Lot 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 Lot.

Per the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), No. 48187C0210F, Effective Date November 2, 2007, none of the Lot 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 Lot are as follows:

### A. ARTICLE 5. – ZONING DISTRICTS

#### Sec. 21.5.7. – Dimensional and Development Standards

The Lot is presently zoned Neighborhood Services (NS). Proposed with the PDD for Heritage Oaks II is a base zoning Single-Family Residential District-1 (R-1). The Lot is 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 |
| <b>Planned Development District (PDD)</b> | 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 1/2 feet above existing ground level) are designated "**Heritage Trees**".

Trees with an 8" DBH (diameter at breast height-4 1/2 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**

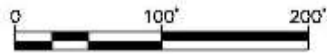
Lot 13, Block 41, Live Oak Hills Subdivision, City of Schertz, Guadalupe County, Texas, according to a Plat thereof recorded in Volume 2, Pages 146-147, Map and Plat Records, Guadalupe County, Texas

# **EXHIBIT 2**

## **ZONING EXHIBIT**

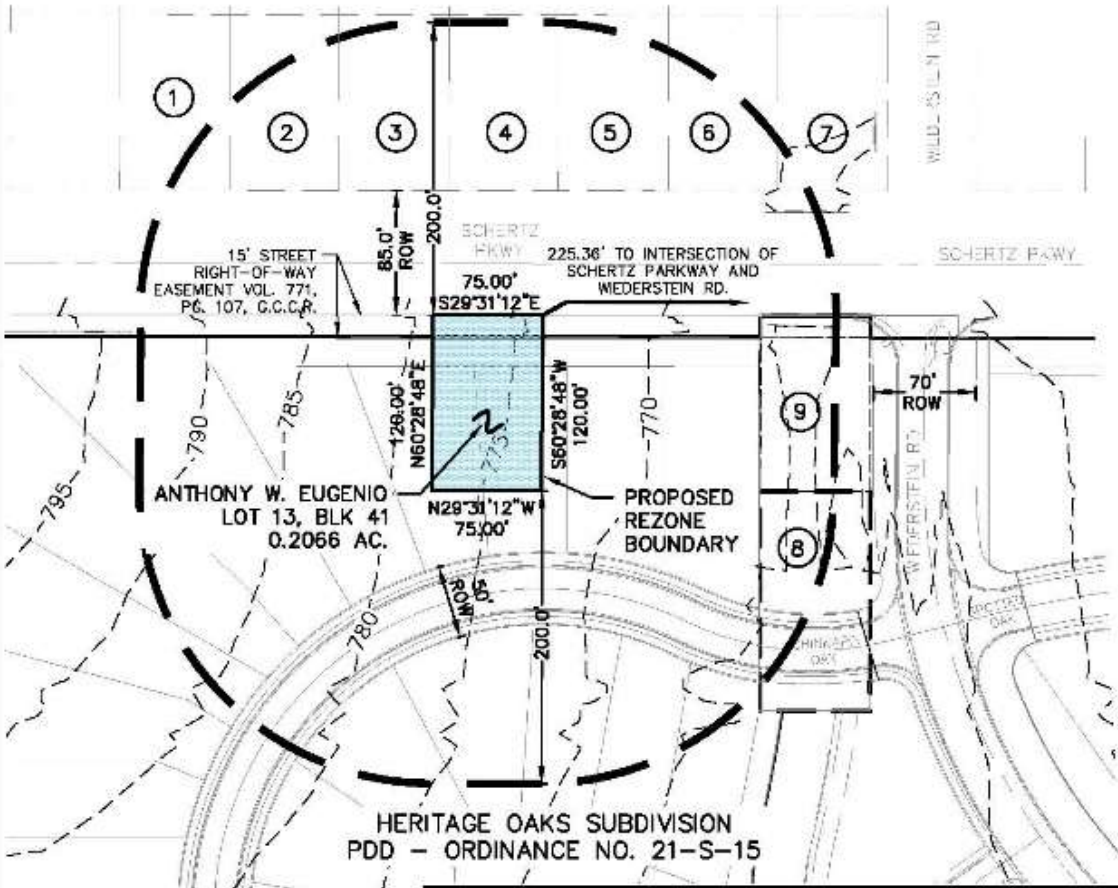
- 1) 200' zoning exhibit
- 2) List of Neighbors within 200'

NOTE:  
NO 100-YR FLOODPLAIN EXIST ON THE PROPERTY



SCALE: 1" = 100'

LIVE OAK HILL SUBDIVISION  
(VOL. 2, PGS. 146-147, M.P.R.)  
UNDEVELOPED  
ZONED: NS



ANTHONY W. EUGENIO  
LOT 13, BLK 41  
0.2066 AC.

PROPOSED  
REZONE  
BOUNDARY

HERITAGE OAKS SUBDIVISION  
PDD - ORDINANCE NO. 21-S-15

PDD - REZONING 0.2066 AC.

**Legend**

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

**Binkley & Barfield**  
**DCCM**

Binkley & Barfield, Inc.  
TxEng F-257  
190 S Seguin Ave  
New Braunfels, TX 78130  
830-606-3813  
BinkleyBarfield.com

DRAWN BY: BCM  
CHECKED BY: JW

DATE: 2023  
JOB NO.: 2106.13

7/19/2023 9:54 AM P:\Engineering\2021\2106\13\PHASE 1\DWG\Z\_ Rezoning-Exhibit\_2106\_13.dwg

PROPERTY OWNERS

- ① 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
- ② 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
- ③ 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
- ④ 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
- ⑤ 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
- ⑥ 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
- ⑦ 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
- ⑧ CITY OF SCHERTZ  
1400 SCHERTZ PKWY SCHERTZ, TX 78154  
PROPERTY ID: 31969  
LIVE OAK HILL SUBDIVISION (VOL. 776, PG. 948)  
UNDEVELOPED; ZONED: NS
- ⑨ 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 0.2066 AC.**



Binkley & Barfield, Inc.  
TxEng F-257  
190 S Seguin Ave  
New Braunfels, TX 78130  
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**ORDINANCE NO. 21-S-15**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 66 ACRES OF LAND TO PLANNED DEVELOPMENT DISTRICT (PDD), GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION BETWEEN SCHERTZ PARKWAY AND WIEDERSTEIN ROAD, CITY OF SCHERTZ, GUADALUPE COUNTY, TEXAS.**

**WHEREAS**, an application to rezone approximately 66 acres of land generally located southwest of the intersection between Schertz Parkway and Wiederstein 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 April 14, 2021, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation to City Council to disapprove the requested rezoning according to the development standards set forth in Exhibit C attached herein (the “Development Standards”); and

**WHEREAS**, on May 4, 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 and Exhibit B, is hereby zoned Planned Development District (PDD)

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 4<sup>th</sup> day of May, 2021.

PASSED, APPROVED AND ADOPTED on final reading the 11<sup>th</sup> day of May, 2021.

  
\_\_\_\_\_  
Ralph Gutierrez, Mayor

ATTEST:

  
\_\_\_\_\_  
Brenda Dennis, City Secretary

(SEAL OF THE CITY)



# Westwood

County of Guadalupe  
State of Texas

66.162 acres

Heritage Oaks  
May 8, 2020

**METES AND BOUNDS DESCRIPTION of a 66.162 acre tract of land situated in the Toribio Herrera Survey No. 68, Abstract No. 153, City of Schertz, Guadalupe County, Texas and being all of the following lands:**

**45.952 acres being Lots 10-18, Block 31, Lots 9-16, Block 32, Lots 1-17, Block 34, all of Blocks 35-38, Lots 1-17, Block 39, all of Block 40, Lots 2-8, and the remaining portions of 9-12 and 14-16, Block 41, and Lots 2-9, and the remaining portions of 10-16, Block 42 and the proposed vacated right-of-ways platted as King Lane, Lyric Lane, Mora Lane, Nile Lane, Odell Lane and that 1,607 foot section of Live Oak Blvd contained herein and as shown by plat of Live Oak Hills Subdivision recorded in Volume 2, Pages 146-147, Guadalupe County Plat Records,**

**AND, 20.210 acres out of the remaining portion of a 23.811 acre tract described by warranty deed recorded in Volume 2142, Page 582, Guadalupe County Official Public Records;**

**In all, said 66.162 acre tract being more particularly described as follows:**

**BEGINNING** at a ½" iron rod found on the southwest line of Schertz Parkway (a 86' width right of way) recorded in Volume 5, Page 73B, Guadalupe County Plat Records at the common southeast corner of Lot 4, Block 2, as shown by plat of Legacy at Forest Ridge Subdivision recorded in Volume 8, Pages 428, said Plat Records and the north corner of the remaining portion of said Lot 9, Block 41 and the north corner and **POINT OF BEGINNING** of the herein described tract of land;

**THENCE**, along the southwest line of said Schertz Pkwy, South 29° 53' 42" East, 297.30 feet to a ½" iron rod set (WESTWOOD),

**THENCE**, departing the southwest line of Schertz Pkwy and circumnavigating Lot 13, Block 41 of said Live Oak Hills, the following courses:

South 60° 21' 20" West, 105.00 feet to a ½" iron rod set (WESTWOOD),  
South 29° 53' 42" East, 75.00 feet a ½" iron rod set (WESTWOOD), and  
North 60° 21' 20" East, 105.00 feet a ½" iron rod set (WESTWOOD) returning to the southwest line of said Schertz Pkwy;

**THENCE**, South 29° 53' 42" West, at 223.81 feet pass the north corner of the vacating portion of said Live Oak Blvd., at 283.81 feet pass the east corner of the same, in all, a total of 773.77 feet to a ½" iron rod set (WESTWOOD) at the north corner of the remaining portion of Lot 17, Block 42 of said Live Oak Hills, for the southeast corner of the herein and described tract of land;

**THENCE**, departing southwest line of Schertz Pkwy and across said Live Oak Hills and along the north and west lines of said Lot 17, South 60° 32' 29" West, 107.04 feet to a ½" iron rod set

# Westwood

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(WESTWOOD), South 29° 48' 49" West, 70.00 feet to a ½" iron rod found (CEC) at the north corner of Lot 1, Block 42;

**THENCE**, continuing across said Live Oak Hills, South 60° 08' 07" West, at 120.02 feet passing a ½" iron rod (CEC), at 180.02 feet pass a ½" iron rod found (CEC), in all, a total distance of 300.27 feet to a ½" iron rod set (WESTWOOD) at the west corner of Lot 18, Block 39 of said Live Oak Hills and South 29° 48' 49" East, 69.67 feet to a ½" iron rod set (WESTWOOD) on the common northwest line of Carolina Crossing Subdivision Unit 8 recorded in Volume 6, Page 219, said Plat Records and the south line of said Live Oak Hills for a corner of the herein described tract of land;

**THENCE**, South 60° 04' 52" West, 120.05 feet passing a ½" iron rod, in all, a total distance of 179.91 feet to a ½" iron rod found and South 60° 00' 52" West, 5.16 feet to a ½" iron rod set (WESTWOOD) at the common northwest corner of said Carolina Crossing Unit 8, the north corner of said 23.811 acre tract and a reentrant corner of the herein described tract of land;

**THENCE**, along the southwest line of said Unit 8, the northeast line of said 23.811 acre tract, South 30° 01' 02" East, 1172.99 feet to a ½" iron rod found (CEC) on the northwest line of Carolina Crossing Subdivision Unit 7 recorded in Volume 6, Page 219, said Plat Records at the common south corner of said Carolina Crossing Unit 8 and the southeast corner of said 23.811 acre tract and the herein described tract of land;

**THENCE**, along the common northwest line of said Carolina Crossing Unit 7, the southeast line of said 23.811 acre tract, the following courses:

South 60° 01' 14" West, 232.61 feet to a ½" iron rod set (WESTWOOD),  
South 59° 56' 11" West, 464.59 feet to ½" iron rod set (WESTWOOD), and  
South 58° 45' 36" West, 53.53 feet to ½" iron rod found (CEC) for the common west corner of said Carolina Crossing Unit 7 and the northeast corner of Unit 1 P.U.D., Kensington Ranch Estates Subdivision recorded in Volume 8, Page 2 Guadalupe County Official Public Records, for a southeast corner of the herein described tract,

**THENCE**, continuing with the southeast line of said 23.811 acre tract and along the common northwest line said Kensington Ranch Estates, South 59° 50' 40" West, 175.30 feet to ½" iron rod set (WESTWOOD) at the east corner of 1.192 acre tract conveyed unto the City of Schertz by warranty deed recorded in Volume 2742, Page 269, said Official Public Records, for the south corner of the herein described tract of land;

**THENCE**, along the northeast line said 1.192 acre tract, and across the 23.811 acre tract, North 73° 37' 50" West, 207.43 feet to a ½" iron rod found at the beginning of a non-tangent curve to the right;

**THENCE**, along the arc of said curve with an arc length of 159.85 feet, a radius 275.52 feet, a delta of 33° 14' 33", and a chord bearing and distance of South 57° 00' 34" East, 157.62 feet to a ½" iron rod set at common north corner of said 1.192 acre tract and an east corner of those City of Schertz tracts recorded in Volume 2708, Page 726, said Official Public Records, for a west corner of the herein described tract of land;

**THENCE**, North 22° 29' 23" West, 385.88 feet to ½" iron rod set (WESTWOOD) at the south corner of a 9.167 acre tract conveyed unto Guadalupe Valley Electric Cooperative recorded in

# Westwood

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Volume 1145, Page 543, said Official Public Records, for a west corner of the herein described tract of land;

**THENCE**, along the common lines of said 9.167 acre tract and said 23.811 acre tract, North 59° 51' 25" East, 795.12 feet to a ½" iron rod set (WESTWOOD), and North 30° 04' 31" West, 500.00 feet to a ½" iron rod found on the southeast line of said Live Oak Hills coincident with the common northeast corner of said 9.167 acre tract for a reentrant corner of the herein described tract of land;

**THENCE**, along the northwest line of said 9.167 acre tract, South 60° 00' 52" West, 299.69 feet to a ½" iron rod found (CEC), at the east corner of Lot 18, Block 34 of said Live Oak Hills;

**THENCE**, circumnavigating said Lot 18, of same Block, the following courses:

North 29° 49' 32" West, 71.80 feet to a ½" iron rod set (WESTWOOD),  
South 59° 57' 05" West, 120.00 feet to a ½" iron rod set (WESTWOOD), and  
South 30° 14' 08" East, 72.11 feet to a ½" iron rod set (WESTWOOD) returning to the northwest line of said 9.167 acre tract for a corner of the herein described tract of land;

**THENCE**, South 59° 45' 52" West, 300.51 feet to a ½" iron rod set (WESTWOOD) on the east line of said City of Schertz tract for a west corner of the herein described tract of land;

**THENCE**, across said Block 31, North 29° 50' 00" West, 633.07 feet passing a ½" iron rod found, in all, for a total distance of 1284.52 feet to a ½" iron rod set (WESTWOOD) on the southeast line of Lot 1, Block 1, Chelsea Mixed-Use Subdivision recorded in Volume 7, Pages 530-531, said Plat Records for the west corner of the herein described tract of land;

**THENCE**, North 59° 58' 25" East, at 961.45 feet pass a ½" iron rod at the southwest corner of Lot 6, Block 2, Legacy at Forest Ridge recorded in Volume 8, Page 428, said Plat Records, in all, a total of 1,606.37 feet to the **POINT OF BEGINNING**.

Containing in all, 2,882,049 square feet, or 66.162 acres of land, more or less.

**The above description and area specifically excludes Lot 1, Block 41, said Live Oak Hills Subdivision, said Lot 1 being more particularly described as follows:**

**COMMENCING** at a ½" iron rod found on the southwest line of said Schertz Parkway at the common southeast corner of said Lot 4, Block 2, Legacy at Forest Ridge Subdivision, and the north corner of said remaining portion of said Lot 9, Block 41;

**THENCE**, along the southwest line of said Schertz Pkwy, South 29° 53' 42" East, at 297.30 feet passing the north corner of said Lot 13, Block 41, at 372.30 feet the east corner of the same, and continuing in all a total distance of 596.11 feet to the intersection of the southwest line of Schertz Pkwy and the northwest line of said Live Oak Blvd.;

**THENCE**, along the northwest line of said Live Oak Blvd., South 60° 08' 45" West, 105.00 feet to the east corner and **POINT OF BEGINNING** of the herein described tract of land;

**THENCE**, continuing along the northwest line of said Live Oak Blvd., South 60° 08' 45" West, 120.00 feet to the intersection of the northwest line of said Live Oak Blvd. and the northeast

# Westwood

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line of Odell Lane, a 60-foot right-of-way, proposed to be vacated, as shown by plat of said Live Oak Hills Subdivision;

**THENCE**, along the northeast line of said Odell Lane, North 29° 53' 42" West, 75.00 feet to the west corner of the herein described tract of land;

**THENCE**, departing the right-of-way of said Odell Lane, North 60° 08' 45" East, 120.00 feet to the north corner of the herein described tract of land;

**THENCE**, South 29° 53' 42" East, 75.00 feet to the **POINT OF BEGINNING**.

Containing in all, 9,005 square feet, or 0.207 acres of land, more or less.

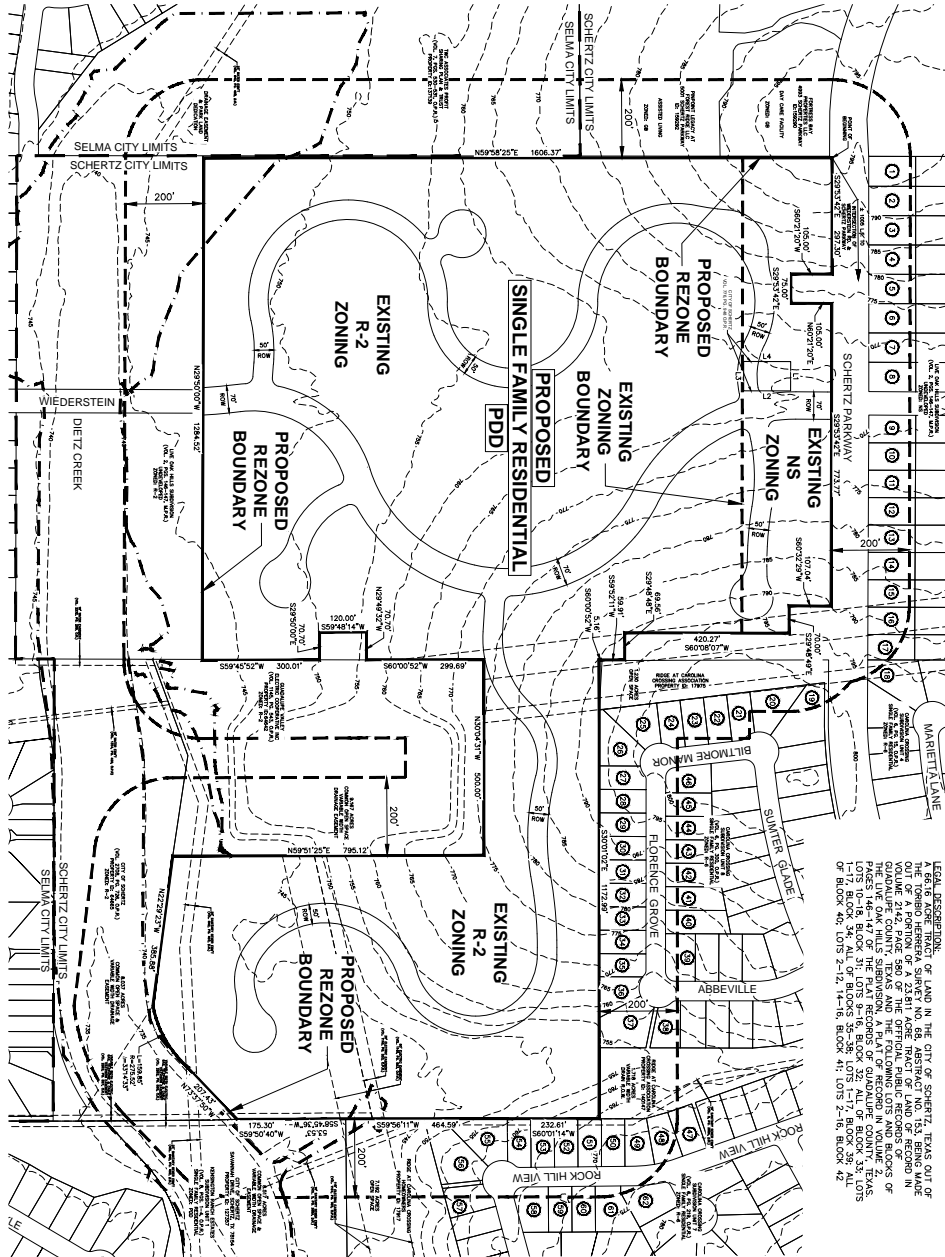
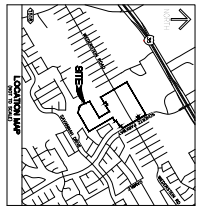
Bearings are based on Texas State Plane coordinates for the South Central Zone, 4204 (NAD83, 2011 adjustment).

This metes and bounds description of a 66.162 acre tract is for zoning and planning purposes only. This document of project number, 24313.00 and date, May 8, 2020, was prepared by Westwood Professional Services and shall not be used for conveyance nor construction purposes.



A handwritten signature in blue ink, appearing to read "Jason R. Gabriel".

File No. 1008333811 Permit Boundary City of Schertz Date: PDD-1.dwg

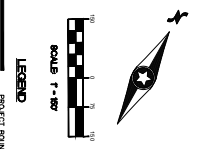


**LEGAL DESCRIPTION:**  
 A 66.16 ACRE TRACT OF LAND IN THE CITY OF SCHERTZ, TEXAS, CUT OUT OF A PORTION OF A 23.811 ACRE TRACT OF LAND OF RECORD IN QUADRAULE COUNTY, TEXAS AND THE FOLLOWING LOTS AND BLOCKS OF THE LIVE OAK HILLS SUBDIVISION, A PART OF RECORD IN VOLUME 12, LOTS 10-18, BLOCK 31; LOTS 9-16, BLOCK 32; ALL OF BLOCK 33; LOTS 17 OF BLOCK 34; LOTS 1-14, BLOCK 35; LOTS 15-24, BLOCK 36; LOTS 25-34, BLOCK 37; LOTS 1-14, BLOCK 38; LOTS 15-24, BLOCK 39; LOTS 25-34, BLOCK 40; LOTS 1-14, BLOCK 41; LOTS 15-24, BLOCK 42; LOTS 25-34, BLOCK 43; LOTS 1-14, BLOCK 44; LOTS 15-24, BLOCK 45; LOTS 25-34, BLOCK 46; LOTS 1-14, BLOCK 47; LOTS 15-24, BLOCK 48; LOTS 25-34, BLOCK 49; LOTS 1-14, BLOCK 50; LOTS 15-24, BLOCK 51; LOTS 25-34, BLOCK 52; LOTS 1-14, BLOCK 53; LOTS 15-24, BLOCK 54; LOTS 25-34, BLOCK 55; LOTS 1-14, BLOCK 56; LOTS 15-24, BLOCK 57; LOTS 25-34, BLOCK 58; LOTS 1-14, BLOCK 59; LOTS 15-24, BLOCK 60; LOTS 25-34, BLOCK 61; LOTS 1-14, BLOCK 62; LOTS 15-24, BLOCK 63; LOTS 25-34, BLOCK 64; LOTS 1-14, BLOCK 65; LOTS 15-24, BLOCK 66; LOTS 25-34, BLOCK 67; LOTS 1-14, BLOCK 68; LOTS 15-24, BLOCK 69; LOTS 25-34, BLOCK 70; LOTS 1-14, BLOCK 71; LOTS 15-24, BLOCK 72; LOTS 25-34, BLOCK 73; LOTS 1-14, BLOCK 74; LOTS 15-24, BLOCK 75; LOTS 25-34, BLOCK 76; LOTS 1-14, BLOCK 77; LOTS 15-24, BLOCK 78; LOTS 25-34, BLOCK 79; LOTS 1-14, BLOCK 80; LOTS 15-24, BLOCK 81; LOTS 25-34, BLOCK 82; LOTS 1-14, BLOCK 83; LOTS 15-24, BLOCK 84; LOTS 25-34, BLOCK 85; LOTS 1-14, BLOCK 86; LOTS 15-24, BLOCK 87; LOTS 25-34, BLOCK 88; LOTS 1-14, BLOCK 89; LOTS 15-24, BLOCK 90; LOTS 25-34, BLOCK 91; LOTS 1-14, BLOCK 92; LOTS 15-24, BLOCK 93; LOTS 25-34, BLOCK 94; LOTS 1-14, BLOCK 95; LOTS 15-24, BLOCK 96; LOTS 25-34, BLOCK 97; LOTS 1-14, BLOCK 98; LOTS 15-24, BLOCK 99; LOTS 25-34, BLOCK 100.

# HERITAGE OAKS NEIGHBORHOOD

66.16 ACRES ~ TOTAL TRACT AREA

| LINE | LENGTH  | BEARING       |
|------|---------|---------------|
| L1   | 75.00'  | S29° 53' 42"E |
| L2   | 120.00' | S60° 06' 18"W |
| L3   | 75.00'  | N29° 53' 42"W |
| L4   | 120.00' | N60° 06' 45"E |



- LEGEND**
- 200' PROPOSED BOUNDARY
  - 500' PROPOSED BOUNDARY
  - 800' PROPOSED BOUNDARY
  - 1000' PROPOSED BOUNDARY
  - EXISTING BOUNDARY
  - PLANNED DEVELOPMENT DISTRICT
  - NEIGHBORHOOD SERVICES
  - SINGLE FAMILY RESIDENTIAL
  - SEE SHEET PDD-21

- GENERAL NOTES**
- THE THODOROPHANE ALUMINUMS SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DO NOT SET THE FINAL PLATING. A REVISION IS BEING MADE TO THE FINAL PLATING.
  - ALL OPEN SPACE, COMMON AREAS, GREENBELTS, LANDSCAPE, AND OTHER OPEN SPACE ARE TO BE PROVIDED BY THE OWNER'S SUCCESSORS AND/OR ASSIGNS.
  - ACCORDING TO FLOOD INSURANCE RATE MAP, THERE IS A 100-YEAR FLOODPLAIN, ZONE VE, WITH A 1% ANNUAL CHANCE OF FLOODING.
  - CONTIGUOUS ARE FROM SAN ANTONIO RIVER AUTHORITY LEAD.
  - AN ELEVATION CERTIFICATE WILL BE REQUIRED FOR ALL LOTS WITHIN 100' OF THE 100 YEAR FLOOD.
  - UTILITY SERVICE PROVIDED BY THE FOLLOWING ENTITIES:  
 WATER SERVICE - CITY OF SCHERTZ  
 SEWER SERVICE - CITY OF SCHERTZ  
 GAS & TELEPHONE - SPECTRUM  
 CABLE TELEVISION - DIRECTV

**HERITAGE OAKS ZONING TABLE**

| CONDITION | ZONING | AREA (AC.) |
|-----------|--------|------------|
| EXISTING  | NS     | 5.81       |
| EXISTING  | R-2    | 60.35      |
| PROPOSED  | PDD    | 66.16      |

**ENGINEER / APPLICANT:**  
 WESTWOOD PROFESSIONAL SERVICES, INC.  
 1718 DRY CREEK WAY, SUITE 110  
 SAN ANTONIO, TEXAS 78258  
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 JOHN R. WATSON, SURVEYOR  
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 SAN ANTONIO, TEXAS 78205  
 TEL: (210) 265-8300  
 FAX: (210) 265-8300

**OWNER / DEVELOPER:**  
 HERITAGE OAKS DEVELOPMENT, LLC, SUITE 500  
 1718 DRY CREEK WAY, SUITE 500  
 SAN ANTONIO, TEXAS 78258  
 TEL: (210) 265-8300

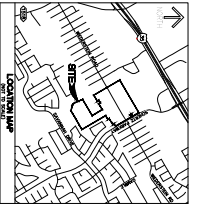
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Westwood Professional Services, Inc.  
 TPLS FIRM NO. 10190664 - TQPE FIRM NO. F-11756

## HERITAGE OAKS NEIGHBORHOOD PLANNED DEVELOPMENT DISTRICT ZONING EXHIBIT SCHERTZ, TEXAS

DATE: JANUARY 2020  
 SHEET: PDD-1



# HERITAGE OAKS NEIGHBORHOOD

## 66.16 ACRES ~ TOTAL TRACT AREA

### ADJACENT PROPERTY OWNERSHIP

- |   |   |
|---|---|
| <p><b>LINE OAKS HILLS SUBDIVISION</b></p> <ol style="list-style-type: none"> <li>1. SCHERTZ-CROSSING, UNIVERSAL CITY ISD</li> <li>2. MANOR SCHAEFER NON-EST EXEMPT TRUST FBO JANE SCHAEFER</li> <li>3. MANOR SCHAEFER NON-EST EXEMPT TRUST FBO JANE SCHAEFER</li> <li>4. SCHERTZ-CROSSING, UNIVERSAL CITY ISD</li> <li>5. SCHERTZ-CROSSING, UNIVERSAL CITY ISD</li> <li>6. SCHERTZ-CROSSING, UNIVERSAL CITY ISD</li> <li>7. SCHERTZ-CROSSING, UNIVERSAL CITY ISD</li> <li>8. CITY OF SCHERTZ</li> <li>9. MANOR SCHAEFER NON-EST EXEMPT TRUST FBO JANE SCHAEFER</li> <li>10. MANOR SCHAEFER NON-EST EXEMPT TRUST FBO JANE SCHAEFER</li> <li>11. MANOR SCHAEFER NON-EST EXEMPT TRUST FBO JANE SCHAEFER</li> <li>12. SCHERTZ PARKWAY, SCHERTZ, TX 78154</li> <li>13. SCHERTZ PARKWAY, SCHERTZ, TX 78154</li> <li>14. MANOR SCHAEFER NON-EST EXEMPT TRUST FBO JANE SCHAEFER</li> <li>15. MANOR SCHAEFER NON-EST EXEMPT TRUST FBO JANE SCHAEFER</li> <li>16. CITY OF SCHERTZ</li> <li>17. CITY OF SCHERTZ</li> </ol> | <p><b>CAROLINA, CROSSING, SUBDIVISION, UNIT 4</b></p> <ol style="list-style-type: none"> <li>18. GUNN R &amp; SANDRA K BREITZ</li> <li>19. OSOBE &amp; AMBERLY PAUREZ</li> <li>20. MARK D &amp; SANDRA MASON</li> <li>21. TRAVIS G &amp; LAMAR MCJANNET ROBERTS</li> <li>22. JAMES E &amp; JENNIFER SONG</li> <li>23. 3412 BILNORE MANOR, SCHERTZ, TX 78154</li> <li>24. JEFF R &amp; MARLYN P NGOMA</li> <li>25. NORA &amp; MARK HEDALGO</li> <li>26. MARIE &amp; PAUL J SAINT HILL</li> <li>27. STEVE A &amp; CATHY CHANDLER</li> <li>28. 3172 FLORENCE GROVE, SCHERTZ, TX 78154</li> <li>29. 3178 FLORENCE GROVE, SCHERTZ, TX 78154</li> <li>30. THOMAS K &amp; AMBERLY A CARROLL</li> <li>31. CINDY L ROLLETTE</li> </ol> |
| <ol style="list-style-type: none"> <li>32. MICHELLE L &amp; ERINA R VERTY</li> <li>33. YVONIA VANESSA &amp; PAUL PRADO PRADO</li> <li>34. GEORGE SULLOBERGROVE, SCHERTZ, TX 78154</li> <li>35. JIM &amp; JENNIFER SONG</li> <li>36. 3700 FLORENCE GROVE, SCHERTZ, TX 78154</li> <li>37. JAMES E &amp; JENNIFER SONG</li> <li>38. DONALD A &amp; KRISTIN K PACK</li> <li>39. STEVE B &amp; HOLLY A MANDY</li> <li>40. MICHAEL CHRISTOPHER MULLEN</li> <li>41. 3175 FLORENCE GROVE, SCHERTZ, TX 78154</li> <li>42. 3179 FLORENCE GROVE, SCHERTZ, TX 78154</li> <li>43. 3177 FLORENCE GROVE, SCHERTZ, TX 78154</li> <li>44. JOHN D, JR &amp; YVONNAY C HULSEY</li> <li>45. ROBERT &amp; SHARON ST CLAIR</li> <li>46. MICHELLE &amp; DONNIE L ST JOHN</li> </ol>  | <ol style="list-style-type: none"> <li>47. DOROTHY L HAVITT &amp; TROY H POCHER</li> <li>48. SALLY &amp; JOHN D BOULS</li> <li>49. JAMES P WURRAY JR</li> <li>50. GERALD A PETERSON</li> <li>51. ROBERT R &amp; MALDEN A GONZALEZ</li> <li>52. 3472 ROCK HILL, NEW SCHERTZ, TX 78154</li> <li>53. 3468 ROCK HILL, NEW SCHERTZ, TX 78154</li> <li>54. UNKNOWN</li> <li>55. RACHEL LEON JOHNSON</li> <li>56. KENNETH R &amp; NORMA W KESS</li> <li>57. RALPH E &amp; ROBERT E DORNBELTZ, TX 78154</li> <li>58. 3464 ROCK HILL, NEW SCHERTZ, TX 78154</li> <li>59. 3468 ROCK HILL, NEW SCHERTZ, TX 78154</li> <li>60. HEATHER SHERMAN &amp; VICTOR ISRAEL LEAL</li> <li>61. ROBERT T WILKS JR</li> </ol>                         |

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18PLS PPS# 00, 1019654 - 1208 PPS# 00, P 11756

## HERITAGE OAKS NEIGHBORHOOD PLANNED DEVELOPMENT DISTRICT ZONING EXHIBIT SCHERTZ, TEXAS

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# PLANNED DEVELOPMENT DISTRICT

HERITAGE OAKS NEIGHBORHOOD  
SCHERTZ, TEXAS

MAY 5, 2021

PREPARED BY:

**Westwood**

**Westwood**

# PLANNED DEVELOPMENT DISTRICT

**HERITAGE OAKS  
NEIGHBORHOOD**

**Prepared For:**

Presidio Group, LLC  
18618 Tuscany Stone  
San Antonio, TX 78258  
(210) 826-9000

**Prepared By:**

Westwood Professional Services  
1718 Dry Creek Way, Suite 110  
San Antonio, TX 78259  
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Project Number: R0024313.00

Date: May 5, 2021

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## **FIGURES**

FIGURE 1.0: EXCERPT FROM LIVE OAK HILLS SUBDIVISION PLAT

FIGURE 2.0: COVING PROPOSED W/ HERITAGE OAKS NEIGHBORHOOD

FIGURE 3.0: HERITAGE OAKS NEIGHBORHOOD BLOCK LENGTHS

FIGURE 4.0: HERITAGE OAKS NEIGHBORHOOD CUL-DE-SAC LENGTHS

FIGURE 5.0: PROPOSED WILDENSTEIN ROAD, A RESIDENTIAL COLLECTOR

## **EXHIBITS**

EXHIBIT 1: METES AND BOUNDS

EXHIBIT 2: CONCEPTUAL COVING PLAN

EXHIBIT 3: DRIVEWAY DETAIL

EXHIBIT 4: WIEDERSTEIN AND WEST DIETZ CREEK TRAIL PLAN

EXHIBIT 5: ZONING EXHIBIT

# HERITAGE OAKS NEIGHBORHOOD

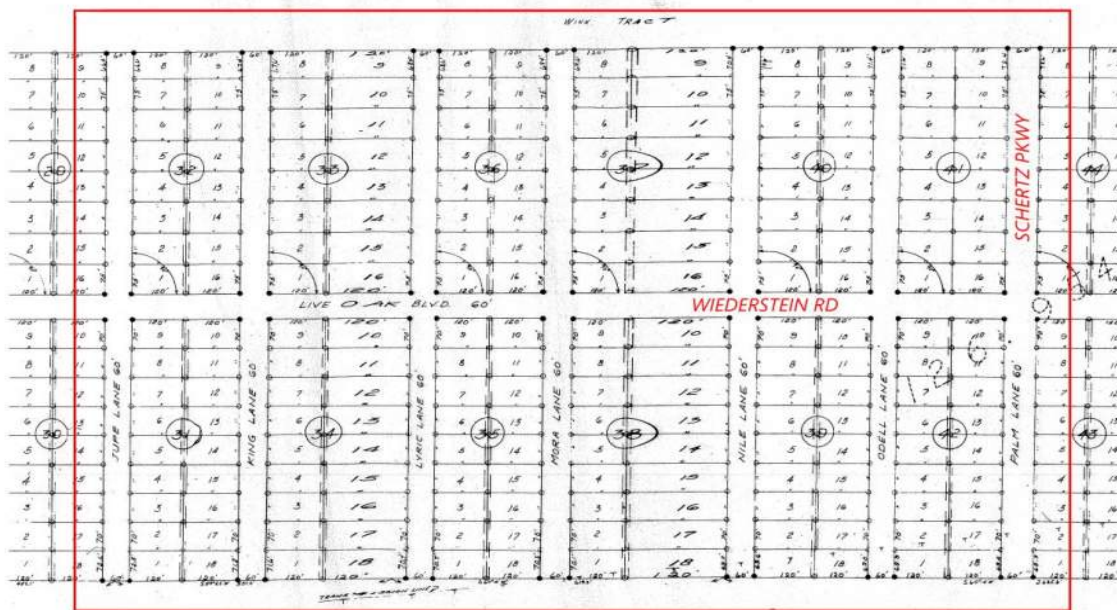
## A PLANNED DEVELOPMENT DISTRICT

### SCHERTZ, TEXAS

## I. PROPERTY

The proposed 65.97 acre Heritage Oaks Neighborhood (the “Heritage Oaks Neighborhood”) is located 0.5 mile to the southeast of IH 35 off Schertz Parkway within the corporate limits of the City of Schertz. Approximately 45.76 acres lies within the Live Oak Hills Subdivision, a Plat of Record in Volume 2, Pages 146-147 of the Map and Plat Records of Guadalupe County, Texas recorded on May 31, 1963. Refer to Exhibit “1” for the Metes & Bounds of the proposed tract.

**Figure 1: Excerpt from Live Oak Hills Subdivision Plat**



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

Wiederstein Road, which traverses Heritage Oaks Neighborhood east to west from Schertz Parkway, is a Residential Collector per the City of Schertz Master Thoroughfare Plan Update (2017). The posted speed limit is 20 mph and the pavement is presently in poor condition, 20-21 feet in width.

An approximate 5.5 acres adjacent to Schertz Parkway is zoned Neighborhood Services (NS) with the remainder of the tract being zoned Single-Family Residential District-2 (R-2). To the north lies an undeveloped tract within the corporate limits of the City of Selma and Legacy at Forest Ridge which is zoned General Business (GB). Dietz Creek runs along the western property line. And open space within the Kensington Ranch Estates, a PDD, lies at the southern corner of the

tract with Carolina Crossing, zoned Single-Family Residential District-6 (R-6), on the south/southeast property line.

An approximate 200 acres upstream of Schertz Parkway discharges onto the tract directly north of the Schertz Parkway/Wiederstein Road intersection. No defined channel exists with runoff sheet flowing across the property to Dietz Creek. Existing contours indicate an approximate 60 foot change in elevation from the most northern corner of the tract to the most southern corner of the tract with grades of 5-6% adjacent to Schertz Parkway and the Carolina Crossing Subdivision to the east and grades of approximately 1% adjacent to Dietz Creek to the west. Per the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), No. 48187C0210F, Effective Date November 2, 2007, Dietz Creek is located within Zone "AE" (Shaded) 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. COVING PLAN

In lieu of the conventional urban grid, coving is proposed with Heritage Oaks Neighborhood. A method of urban planning, coving was pioneered by Minneapolis-based urban designer Rick Harrison. Characterized by winding roads and meandering setbacks, coving results in less impervious area, more open space, tree preservation and a reduction in costs attributed to the non-uniform lots, placement of homes and reduction in pavement.

**Figure 2: Coving Proposed w/ Heritage Oaks Neighborhood**



Source: Rick Harrison Design Studio & Neighborhood Innovations, LLC

Rather than clearing the site and proceeding with 70'x120' lot minimums required by the Single-Family Residential District-2 (R-2) zoning, the intention with Heritage Oaks Neighborhood is to maximize the density while preserving trees. To this end, both realignment of and fronting lots off Wiederstein Road is proposed. The realignment and curvature of Wiederstein Road will serve to reduce speeds, and coupled with the meandering building setbacks, will create a corridor more pleasing than the typical straightaway with parallel fencing at the right-of-way limits. With regards to safety, "T" turnarounds for the driveways off of Wiederstein Road are proposed with the realignment. Rather than reversing onto the road, the turn arounds will allow cars to enter Wiederstein Road in drive. Refer to Exhibit "2" for the proposed Heritage Oaks Neighborhood Conceptual Coving Plan.

### III. 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 Heritage Oaks Neighborhood are as follows:

#### A. ARTICLE 5. – ZONING DISTRICTS

##### Sec. 21.5.7. – Dimensional and Development Standards

The tract is presently zoned Single-Family Residential District-2 (R-2) except for an approximate 5.5 acres adjacent to Schertz Parkway that is zoned Neighborhood Services (NS). Proposed with the PDD for Heritage Oaks Neighborhood is a base zoning Single-Family Residential District-1 (R-1). Lots are to be an absolute minimum of 6,000 square feet, variable width, 120 foot minimum depth (at the midplane of the lot) with minimum front and side yard setbacks of 20 foot and 5 foot, 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. The average lot size in the Heritage Oaks Neighborhood shall be an absolute minimum of 8,400 square feet. With the current layout, the average lot size for the tract is 9,020 square feet, while the median lot size is 8,432 square feet. The maximum impervious cover is to be 50 percent. Dimensional requirements for the existing zoning districts (residential/non-residential) are provided with **Tables 1 & 2**, respectively.

**Table 1 – Existing Dimensional Requirements, Residential Zoning Districts**

| Zoning District                                   | Minimum Lot Size/Dimensions |          |          | Minimum Yard Setback |         |         |                                   | Misc          |                  |
|---|-----------------------------|----------|----------|----------------------|---------|---------|-----------------------------------|---------------|------------------|
|   | Area Sq Ft                  | Width Ft | Depth Ft | Front Ft             | Side Ft | Rear Ft | Minimum Off-Street Parking Spaces | Max Height Ft | Max Imperv Cover |
| <b>Single-Family Residential District-2 (R-2)</b> | 8,400                       | 70       | 120      | 25                   | 10      | 20      | 2                                 | 35            | 50%              |

**Table 2 – Existing Dimensional Requirements, Non-Residential Zoning Districts**

| Zoning District            | Minimum Lot Size/Dimensions |          |          | Minimum Yard Setback (Ft) |                        |                    |                        |                    | Misc          |                  |
|----------------------------|-----------------------------|----------|----------|---------------------------|------------------------|--------------------|------------------------|--------------------|---------------|------------------|
|                            | Area Sq Ft                  | Width Ft | Depth Ft | Front Ft                  | Rear Adj. Non-Res Zone | Rear Adj. Res Zone | Side Adj. Non-Res Zone | Side Adj. Res Zone | Max Height Ft | Max Imperv Cover |
| Neighborhood Services (NS) | 10,000                      | 100      | 100      | 25                        | 0                      | 25                 | 0                      | 25                 | 35            | 80%              |

Minimum lot size and dimensions, maximum density, as well as maximum impervious cover proposed with the Heritage Oaks Neighborhood, a Planned Development District (PDD) with a base zoning Single-Family Residential District-1 (R-1) are provided with **Table 3**.

**Table 3 – Heritage Oaks Neighborhood, 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

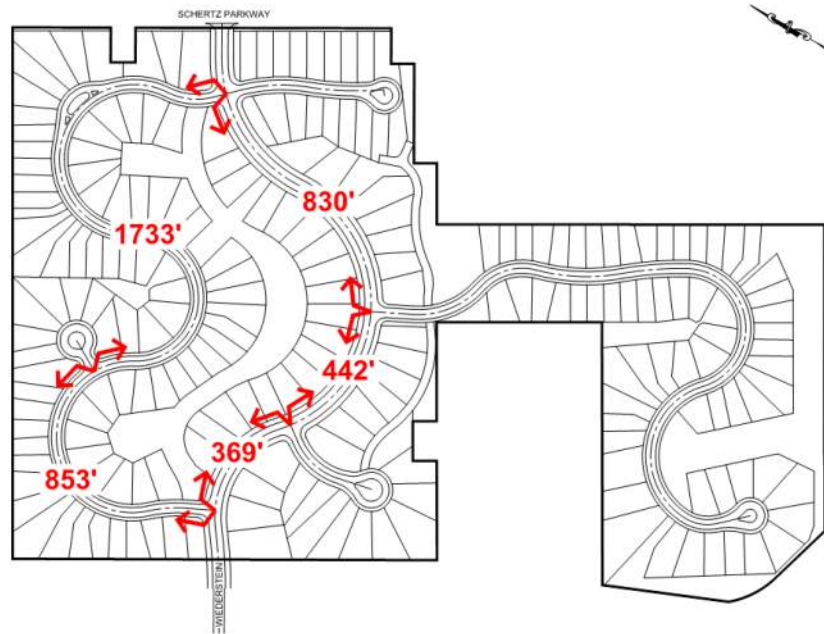
## B. ARTICLE 9 – SITE DESIGN STANDARDS

### Sec. 21.9.2 – Blocks

Coving allows for the preservation of trees through the reduction in pavement, larger lots and more green space. The length, width and shape of the blocks are dictated by the winding streets, non-uniform lots and variable setbacks.

D. A maximum block length of one thousand seven hundred and thirty-three feet (1,733') is proposed with the Heritage Oaks Neighborhood.

**Figure 3: Heritage Oaks Neighborhood Block Lengths**



**Sec. 21.9.3. – Lots**

Large non-uniform lots with variable frontage and setbacks are proposed with Heritage Oaks Neighborhood. 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:

H. Residential lots may front Wiederstein Road, a residential collector. Driveways for all residential lots fronting Wiederstein Road, without alley access, will have a “T” turnaround eliminating the need for vehicles to back onto the road. Dimensional requirements for proposed “T” turnarounds are provided with **Exhibit “3”**.

I. Lot lines are not required to be perpendicular to the local streets within the Heritage Oaks Neighborhood. 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 the Heritage Oaks Neighborhood 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 the Heritage Oaks Neighborhood 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 the Heritage Oaks Neighborhood.

### **Sec. 21.9.10. – Park and Open Space Dedication Requirements**

Park and Open Space Dedications requirements and fees will not apply to the Heritage Oaks Neighborhood. Open space within the Heritage Oaks Neighborhood is to be owned and maintained by the Homeowners Association (HOA). A trail will be provided along the drainage way from Schertz Parkway to West Dietz Creek as shown on **Exhibit "4"** (Wiederstein and West Dietz Creek Trail Plan), or as approved by the Parks Department. The trail shall be construction by the Heritage Oaks Neighborhood developer and dedicated to the City of Schertz for public use. Additionally, the developer shall transplant trees from the Neighborhood to the West Dietz Creek linear park and trail area.

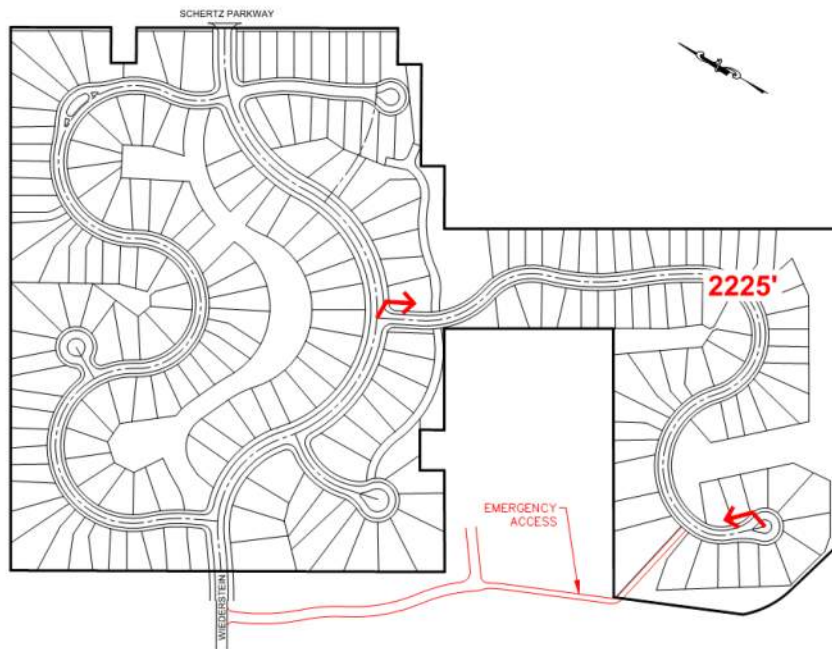
**C. ARTICLE 14 – TRANSPORTATION**

**Sec. 21.14.1. – Streets**

**E. Dead-End Streets and Cul-De-Sacs**

2. Cul-de-sac streets shall not exceed 500 feet in length and shall have a turnaround of not less than 120 feet in diameter of ROW in single-family residential areas. This provision may be modified upon approval of the Fire Chief and City Engineer. The length of the cul-de-sac south of Wiederstein Road in excess of 2,225 feet shall be allowed and is attributed to physical barriers, property ownership and adjacent existing subdivisions. A variable width emergency access drive is being provided back to Wiederstein Road given the length of the cul-de-sac.

**Figure 4: Heritage Oaks Neighborhood Cul-De-Sac Lengths**



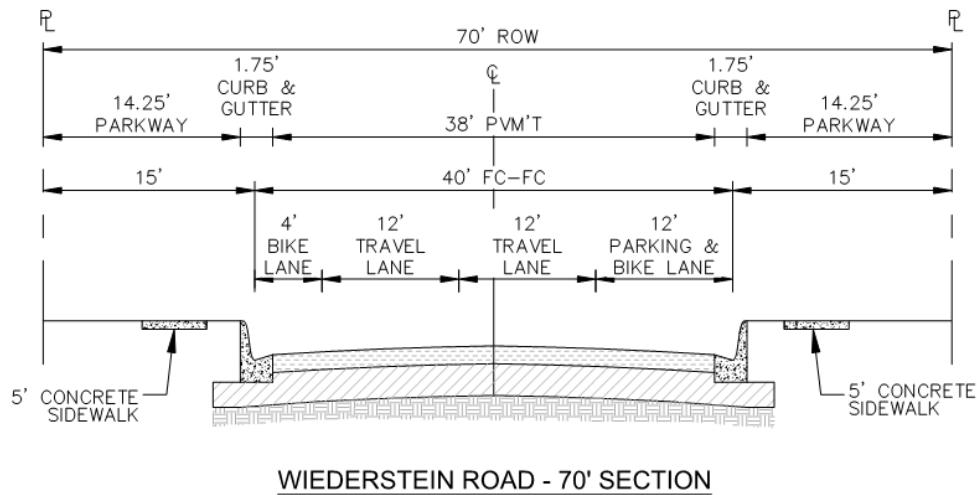
**F. Alignment**

Local streets within the Heritage Oaks Neighborhood will adhere to the minimum curvature allowed by the city, however the collector street running through the tract will provide a minimum radius of 300'. Each street section will utilize reverse curves rather than the required tangent length of 150'.

P. Street Improvements

1. The Wiederstein Road street section running through the Heritage Oaks Neighborhood has been designated as a 70’ ROW by the City of Schertz Master Thoroughfare Plan. This collector street section will consist of a 38’ pavement section, curb and gutter, with 5’ sidewalks on each side of the street. The 40’ street section from face of curb to face of curb will consist of (2) 12’ travel lanes, (1) 12’ parking and bike lane, and (1) 4’ bike lane, or as approved by the Parks, Department, Engineering Department, and Planning Division.

**Figure 5: Proposed Wiederstein Road, a Residential Collector**



**Sec. 21.14.4 - Alleys**

D. Dead End Alleys.

Although alleys are not designed for emergency access, on rare occasions they may be used. Alleys with only one access point will be designed to provide a “60-foot Y” turnaround at the dead end as defined by the International Fire Code, or other alternative accepted by the City of Schertz Fire Department.

H. PDD Zoning Districts.

Alleys will be provide rear ingress/egress on the south side of Wiederstein Road for certain lots within Blocks 3 & 4 as seen in **Exhibit “2”** (Conceptual Coving Plan). Alleys shall be allowed on the north side of Wiederstein, if approved by the Engineering and Planning Departments, as part of the master development plan process. The alleys will consist of a twenty foot (20’) asphalt paved section with header curbs bordering both sides.

### **Sec. 21.14.5 - Driveways**

#### D. “T-Turnaround” Driveways

Lots that front Wiederstein Road, and are not accessed by alleys, are required to have T-Turnaround Driveways, as shown on Figure 5. The turnarounds will allow cars to enter Wiederstein Road in drive rather than reversing onto the road. Dimensional requirements for proposed “T” turnarounds are provided with **Exhibit “3”**.

### **Sec. 21.14.6 – Sidewalks and Hike and Bike Trails**

#### H. Hike and Bike Trails.

A trail will be provided along the drainage way from Schertz Parkway to West Dietz Creek, and continue along West Dietz Creek as shown in **Exhibit “4”** (Wiederstein and West Dietz Creek Trail Plan), or as approved by the Parks Department. The hike and bike trail shall be constructed by the Heritage Oaks Neighborhood developer and dedicated to the City of Schertz for public use. The trail shall be 10 foot (10’) in width and paved with concrete, or alternative material as approved by the Parks Department.

## **IV. 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**  
**METES AND BOUNDS**

**METES AND BOUNDS DESCRIPTION of a 65.9707 acre tract of land situated in the Toribio Herrera Survey No. 68, Abstract No. 153, City of Schertz, Guadalupe County, Texas and being all of the following lands:**

**45.7603 acres being Lots 10-18, Block 31, Lots 9-16, Block 32, Lots 1-17, Block 34, all of Blocks 35-38, Lots 2-17, Block 39, all of Block 40, Lots 2-8, and the remaining portions of 9-12 and 14-16, Block 41, and Lots 2-9, and the remaining portions of 10-16, Block 42 and the proposed vacated right-of-ways platted as King Lane, Lyric Lane, Mora Lane, Nile Lane, Odell Lane and that 1,607 foot section of Live Oak Blvd contained herein and as shown by plat of Live Oak Hills Subdivision recorded in Volume 2, Pages 146-147, Guadalupe County Plat Records,**

**AND, 20.210 acres out of the remaining portion of a 23.811 acre tract described by warranty deed recorded in Volume 2142, Page 582, Guadalupe County Official Public Records;**

**In all, said 65.9707 acre tract being more particularly described as follows:**

**BEGINNING** at a ½" iron rod found on the southwest line of Schertz Parkway (a 86' width right of way) recorded in Volume 5, Page 73B, Guadalupe County Plat Records at the common southeast corner of Lot 4, Block 2, as shown by plat of Legacy at Forest Ridge Subdivision recorded in Volume 8, Pages 428, said Plat Records and the north corner of the remaining portion of said Lot 9, Block 41 and the north corner and **POINT OF BEGINNING** of the herein described tract of land;

**THENCE**, along the southwest line of said Schertz Pkwy, South 29° 53' 42" East, 297.30 feet to a ½" iron rod set (WESTWOOD),

**THENCE**, departing the southwest line of Schertz Pkwy and circumnavigating Lot 13, Block 41 of said Live Oak Hills, the following courses:

South 60° 21' 20" West, 105.00 feet to a ½" iron rod set (WESTWOOD),  
South 29° 53' 42" East, 75.00 feet a ½" iron rod set (WESTWOOD), and  
North 60° 21' 20" East, 105.00 feet a ½" iron rod set (WESTWOOD) returning to the southwest line of said Schertz Pkwy;

**THENCE**, South 29° 53' 42" West, at 223.81 feet pass the north corner of the vacating portion of said Live Oak Blvd., at 283.81 feet pass the east corner of the same, in all, a total of 773.77 feet to a ½" iron rod set (WESTWOOD) at the north corner of the remaining portion of Lot 17, Block 42 of said Live Oak Hills, for the southeast corner of the herein and described tract of land;

**THENCE**, departing southwest line of Schertz Pkwy and across said Live Oak Hills and along the north and west lines of said Lot 17, South 60° 32' 29" West, 107.04 feet to a ½" iron rod set

# Westwood

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(WESTWOOD), South 29° 48' 49" West, 70.00 feet to a ½" iron rod found (CEC) at the north corner of Lot 1, Block 42;

**THENCE**, continuing across said Live Oak Hills, South 60° 08' 07" West, at 120.02 feet passing a ½" iron rod (CEC), at 180.02 feet pass a ½" iron rod found (CEC), in all, a total distance of 420.27 feet to a ½" iron rod set (WESTWOOD) at the west corner of Lot 1, Block 39 of said Live Oak Hills and South 29° 48' 49" East, 69.78 feet to a ½" iron rod found (DAM) on the common northwest line of Carolina Crossing Subdivision Unit 8 recorded in Volume 6, Page 219, said Plat Records and the south line of said Live Oak Hills for a corner of the herein described tract of land;

**THENCE**, South 60° 04' 52" West, 59.91 feet to a ½" iron rod found and South 60° 00' 52" West, 5.16 feet to a ½" iron rod set (WESTWOOD) at the common northwest corner of said Carolina Crossing Unit 8, the north corner of said 23.811 acre tract and a reentrant corner of the herein described tract of land;

**THENCE**, along the southwest line of said Unit 8, the northeast line of said 23.811 acre tract, South 30° 01' 02" East, 1,172.99 feet to a ½" iron rod found (CEC) on the northwest line of Carolina Crossing Subdivision Unit 7 recorded in Volume 6, Page 219, said Plat Records at the common south corner of said Carolina Crossing Unit 8 and the southeast corner of said 23.811 acre tract and the herein described tract of land;

**THENCE**, along the common northwest line of said Carolina Crossing Unit 7, the southeast line of said 23.811 acre tract, the following courses:

South 60° 01' 14" West, 232.61 feet to a ½" iron rod set (WESTWOOD),  
South 59° 56' 11" West, 464.59 feet to ½" iron rod set (WESTWOOD), and  
South 58° 45' 36" West, 53.53 feet to ½" iron rod found (CEC) for the common west corner of said Carolina Crossing Unit 7 and the northeast corner of Unit 1 P.U.D., Kensington Ranch Estates Subdivision recorded in Volume 8, Page 2 Guadalupe County Official Public Records, for a southeast corner of the herein described tract,

**THENCE**, continuing with the southeast line of said 23.811 acre tract and along the common northwest line said Kensington Ranch Estates, South 59° 50' 40" West, 175.30 feet to ½" iron rod set (WESTWOOD) at the east corner of 1.192 acre tract conveyed unto the City of Schertz by warranty deed recorded in Volume 2742, Page 269, said Official Public Records, for the south corner of the herein described tract of land;

**THENCE**, along the northeast line said 1.192 acre tract, and across the 23.811 acre tract, North 73° 37' 50" West, 207.43 feet to a ½" iron rod found at the beginning of a non-tangent curve to the right;

**THENCE**, along the arc of said curve with an arc length of 159.85 feet, a radius 275.52 feet, a delta of 33° 14' 33", and a chord bearing and distance of South 57° 00' 34" East, 157.62 feet to a ½" iron rod set at common north corner of said 1.192 acre tract and an east corner of those City of Schertz tracts recorded in Volume 2708, Page 726, said Official Public Records, for a west corner of the herein described tract of land;

**THENCE**, North 22° 29' 23" West, 385.88 feet to ½" iron rod set (WESTWOOD) at the south corner of a 9.167 acre tract conveyed unto Guadalupe Valley Electric Cooperative recorded in

# Westwood

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Volume 1145, Page 543, said Official Public Records, for a west corner of the herein described tract of land;

**THENCE**, along the common lines of said 9.167 acre tract and said 23.811 acre tract, North 59° 51' 25" East, 795.12 feet to a ½" iron rod set (WESTWOOD), and North 30° 04' 31" West, 500.00 feet to a ½" iron rod found on the southeast line of said Live Oak Hills coincident with the common northeast corner of said 9.167 acre tract for a reentrant corner of the herein described tract of land;

**THENCE**, along the northwest line of said 9.167 acre tract, South 60° 00' 52" West, 299.69 feet to a ½" iron rod found (CEC), at the east corner of Lot 18, Block 34 of said Live Oak Hills;

**THENCE**, circumnavigating said Lot 18, of same Block, the following courses:

North 29° 49' 32" West, 71.80 feet to a ½" iron rod set (WESTWOOD),  
South 59° 57' 05" West, 120.00 feet to a ½" iron rod set (WESTWOOD), and  
South 30° 14' 08" East, 72.11 feet to a ½" iron rod set (WESTWOOD) returning to the northwest line of said 9.167 acre tract for a corner of the herein described tract of land;

**THENCE**, South 59° 45' 52" West, 300.51 feet to a ½" iron rod set (WESTWOOD) on the east line of said City of Schertz tract for a west corner of the herein described tract of land;

**THENCE**, across said Block 31, North 29° 50' 00" West, 633.07 feet passing a ½" iron rod found, in all, for a total distance of 1284.52 feet to a ½" iron rod set (WESTWOOD) on the southeast line of Lot 1, Block 1, Chelsea Mixed-Use Subdivision recorded in Volume 7, Pages 530-531, said Plat Records for the west corner of the herein described tract of land;

**THENCE**, North 59° 58' 25" East, at 961.45 feet pass a ½" iron rod at the southwest corner of Lot 6, Block 2, Legacy at Forest Ridge recorded in Volume 8, Page 428, said Plat Records, in all, a total of 1,606.37 feet to the **POINT OF BEGINNING**.

Containing in all, 2,873,682 square feet, or 65.9707 acres of land, more or less.

**The above description and area specifically excludes Lot 1, Block 41, said Live Oak Hills Subdivision, said Lot 1 being more particularly described as follows:**

**COMMENCING** at a ½" iron rod found on the southwest line of said Schertz Parkway at the common southeast corner of said Lot 4, Block 2, Legacy at Forest Ridge Subdivision, and the north corner of said remaining portion of said Lot 9, Block 41;

**THENCE**, along the southwest line of said Schertz Pkwy, South 29° 53' 42" East, at 297.30 feet passing the north corner of said Lot 13, Block 41, at 372.30 feet the east corner of the same, and continuing in all a total distance of 596.11 feet to the intersection of the southwest line of Schertz Pkwy and the northwest line of said Live Oak Blvd.;

**THENCE**, along the northwest line of said Live Oak Blvd., South 60° 08' 45" West, 105.00 feet to the east corner and **POINT OF BEGINNING** of the herein described tract of land;

**THENCE**, continuing along the northwest line of said Live Oak Blvd., South 60° 08' 45" West, 120.00 feet to the intersection of the northwest line of said Live Oak Blvd. and the northeast

# Westwood

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line of Odell Lane, a 60-foot right-of-way, proposed to be vacated, as shown by plat of said Live Oak Hills Subdivision;

**THENCE**, along the northeast line of said Odell Lane, North 29° 53' 42" West, 75.00 feet to the west corner of the herein described tract of land;

**THENCE**, departing the right-of-way of said Odell Lane, North 60° 08' 45" East, 120.00 feet to the north corner of the herein described tract of land;

**THENCE**, South 29° 53' 42" East, 75.00 feet to the **POINT OF BEGINNING**.

Containing in all, 9,005 square feet, or 0.2067 acres of land, more or less.

Bearings are based on Texas State Plane coordinates for the South Central Zone, 4204 (NAD83, 2011 adjustment).

This metes and bounds description of a 65.9707 acre tract is for zoning and planning purposes only. This document of project number, 24313.00 and date, May 8, 2020, was prepared by Westwood Professional Services and shall not be used for conveyance nor construction purposes. – REVISED APRIL 29, 2021 due to updated title information excluding Lot 1, Block 39 from Subject Parcel.



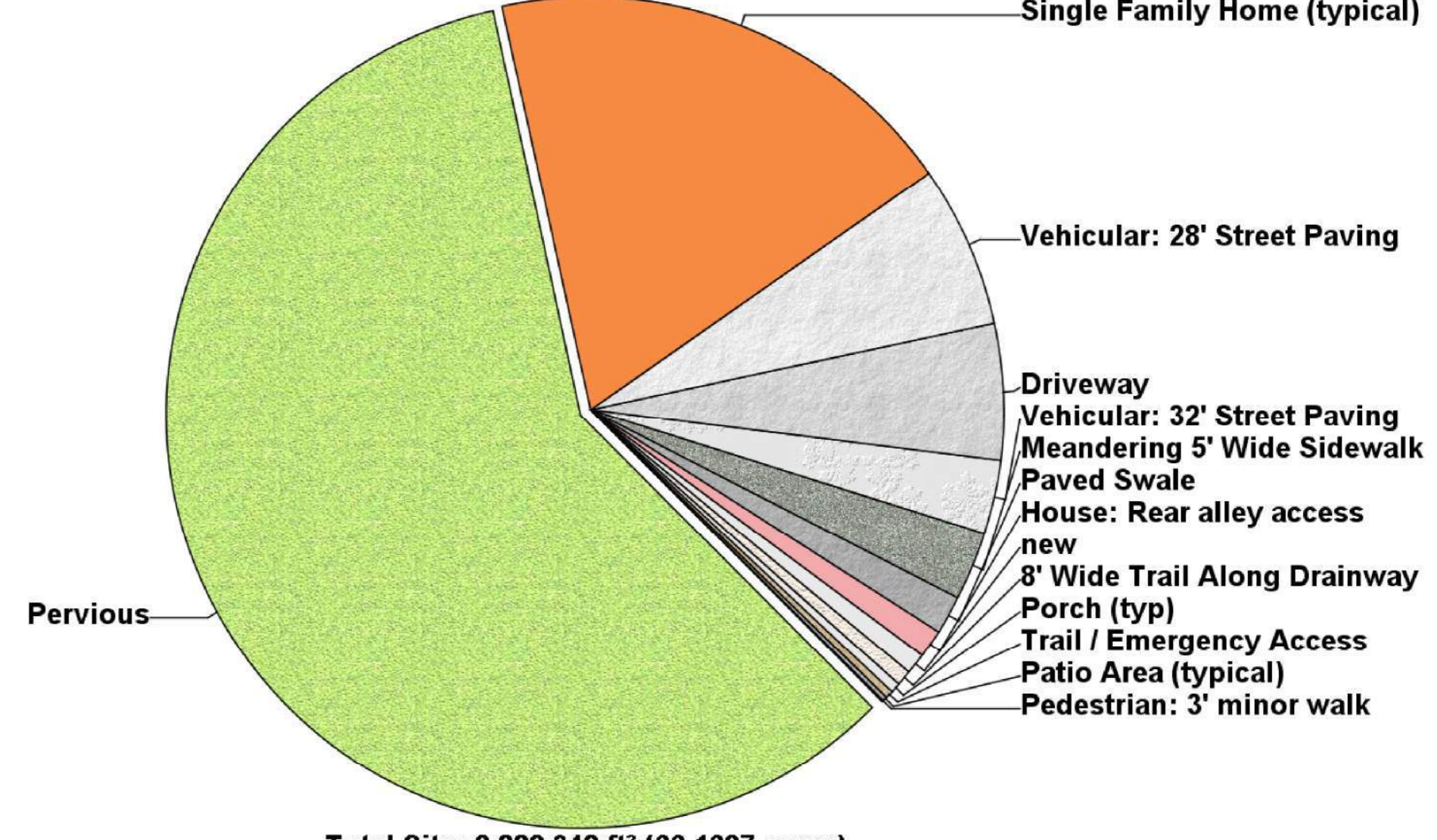
A handwritten signature in blue ink, appearing to read "Jason R. Gabriel".

**EXHIBIT 2**  
**CONCEPTUAL COVING PLAN**

1" = 80 feet



Environmental Density - Man-made Impacts (40.9%)



| Total Site: 2,882,048 ft <sup>2</sup> (66.1627 acres) |       |                           |                 |
|---|-------|---------------------------|-----------------|
| ■ Pedestrian: 3' minor walk...                        | 0.0%  | 1,300 ft <sup>2</sup>     | (0.0298 acres)  |
| ■ Trail / Emergency Access...                         | 0.3%  | 7,651 ft <sup>2</sup>     | (0.1756 acres)  |
| ■ 8' Wide Trail Along Drainway                        | 0.6%  | 16,988 ft <sup>2</sup>    | (0.3900 acres)  |
| ■ House: Rear alley access...                         | 1.1%  | 31,582 ft <sup>2</sup>    | (0.7250 acres)  |
| ■ Meandering 5' Wide Sidewalk                         | 2.7%  | 77,887 ft <sup>2</sup>    | (1.7880 acres)  |
| ■ Driveway  | 5.3%  | 153,918 ft <sup>2</sup>   | (3.5335 acres)  |
| ■ Single Family Home (typical)                        | 18.7% | 539,035 ft <sup>2</sup>   | (12.3745 acres) |
| ■ Pervious  | 59.1% | 1,703,376 ft <sup>2</sup> | (39.1041 acres) |
| ■ Patio Area (typical)                                | 0.2%  | 5,856 ft <sup>2</sup>     | (0.1344 acres)  |
| ■ Porch (typ)   | 0.4%  | 12,552 ft <sup>2</sup>    | (0.2882 acres)  |
| ■ new   | 0.8%  | 22,974 ft <sup>2</sup>    | (0.5274 acres)  |
| ■ Paved Swale   | 1.5%  | 44,124 ft <sup>2</sup>    | (1.0129 acres)  |
| ■ Vehicular: 32' Street Paving                        | 2.9%  | 82,513 ft <sup>2</sup>    | (1.8942 acres)  |
| ■ Vehicular: 28' Street Paving                        | 6.3%  | 182,292 ft <sup>2</sup>   | (4.1848 acres)  |

### Heritage Oaks Neighborhood Of Schertz, Texas

By: AWE Development Co., LLC.  
14502 Brook Hollow Boulevard  
San Antonio, Texas 78232

**Westwood**  
Multi-Disciplined  
Surveying & Engineering

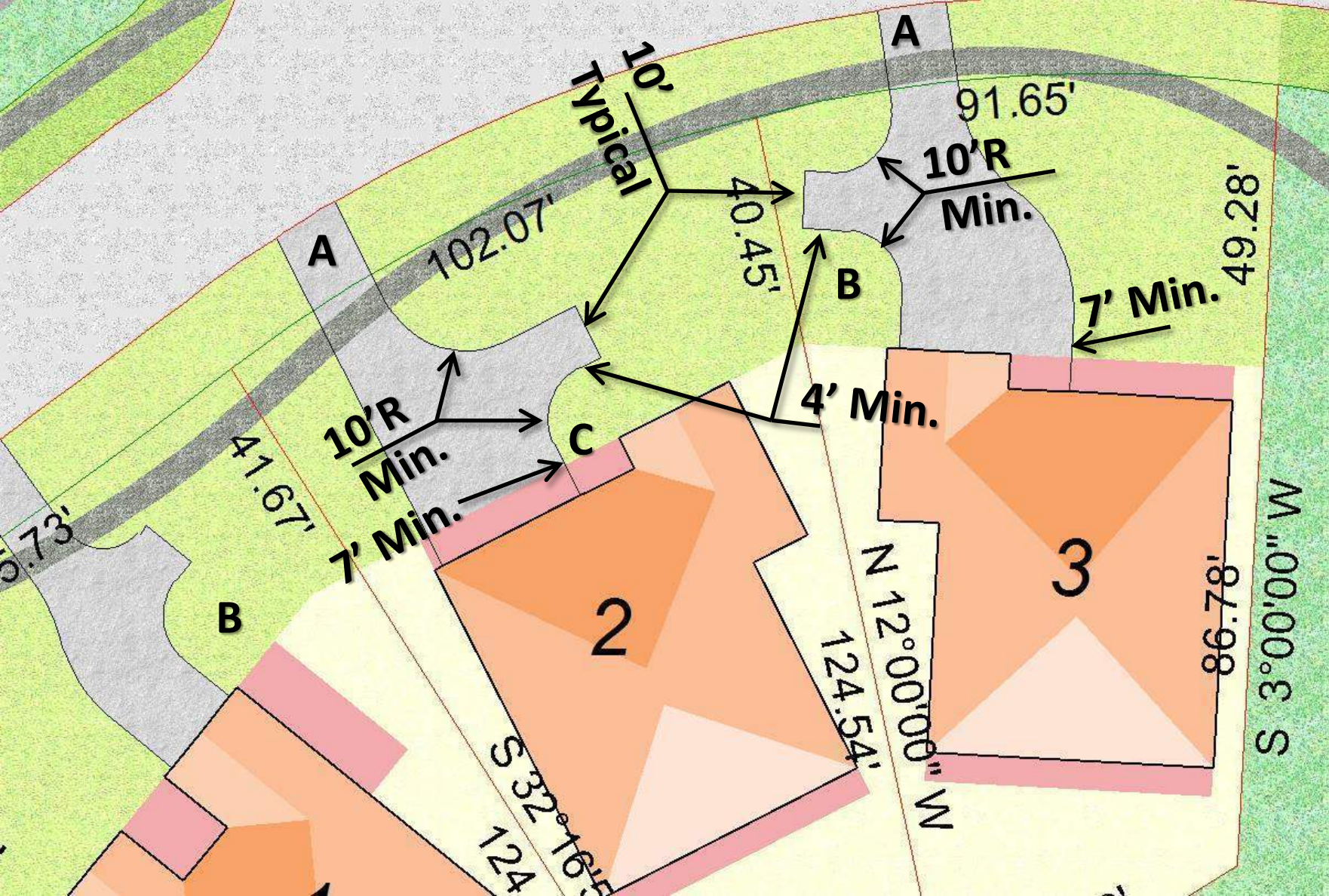


**Information:**

|   |               |
|---|---------------|
| Total Site Area:  | 66.162 Acres  |
| Total Number of Lots:   | 207           |
| Lots 60' Wide @ front Setback<br>(10,866.6 sq.ft. average lot size) | 50            |
| Lots 50' Wide @ front Setback<br>(8,432.2 sq.ft. average lot size)  | 157           |
| Linear feet of Street   | 7,735.9'      |
| Linear feet of Alley  | 1,163.3'      |
| Total Area Meandering Front Yard<br>(Front Setback to Curb)         | 13.7008 Acres |
| Park/Commons  | 12.163 Acres  |

Notes:  
The homes shown are for graphical purposes only. They show the opportunities for builders to take advantage of wider pads where they allow expansion in front or rear of the lots and allow homeowners to provide for future expansion.  
For more complete information in video format see [www.rhsdplanning.com/uploads/Schertz.mp4](http://www.rhsdplanning.com/uploads/Schertz.mp4)

**EXHIBIT 3**  
**DRIVEWAY DETAIL**



Notes:

A:

Driveway width at the street should be a minimum 10' wide to a maximum of 16' wide.

B:

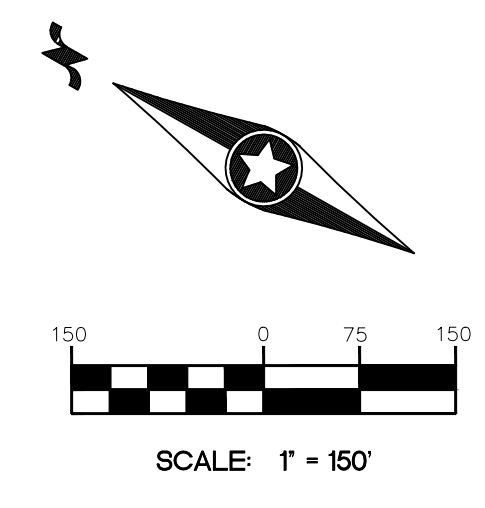
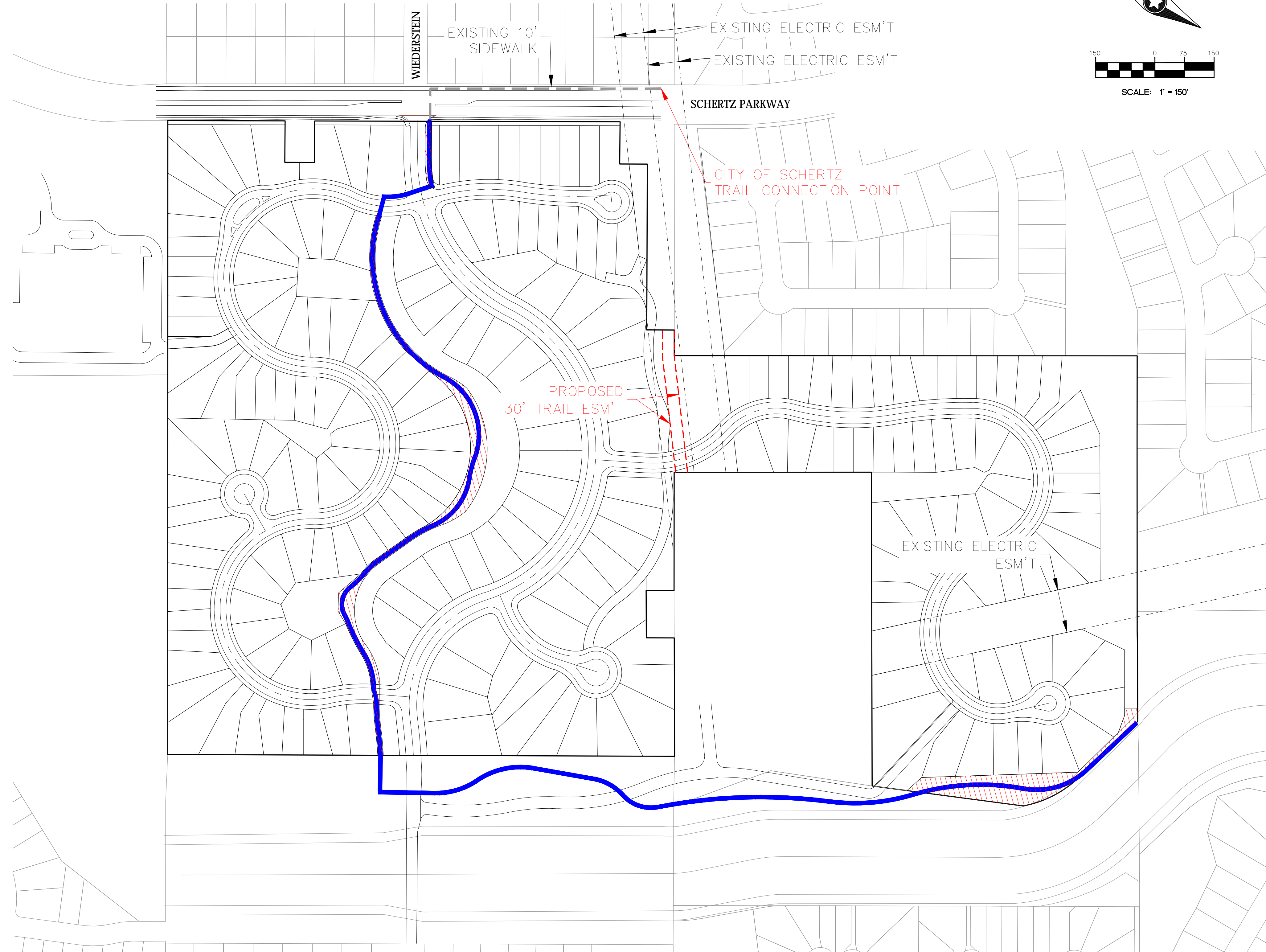
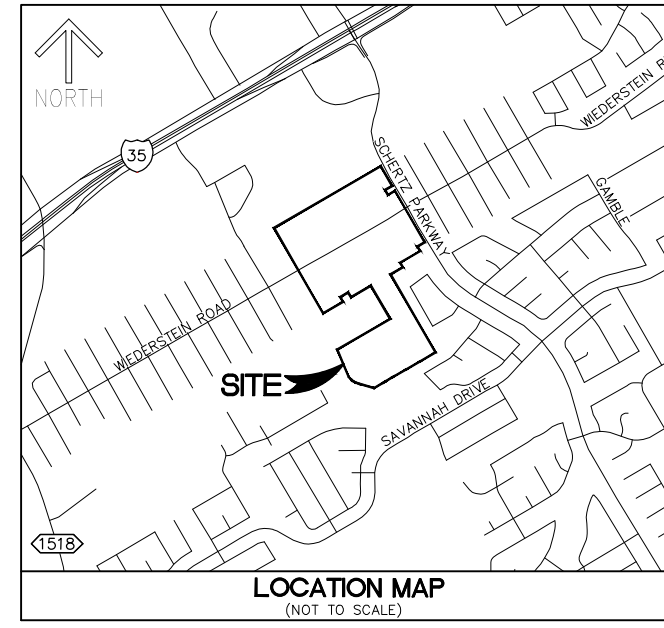
If the offset and angle of the garage to the side lot line allows the 'T' to be located towards the side yard instead of the front of the home, the 'T' should be located in the side instead of the front.

C:

On lots with extra deep setback, the 7' minimum can be increased.

# Driveway Detail

**EXHIBIT 4**  
**WIEDERSTEIN AND WEST DIETZ CREEK**  
**TRAIL PLAN**



**LEGEND**

|  |  |
|--|--|
|  | PARK AREA DEDICATED TO CITY OF SCHERTZ |
|  | TRAIL CONSTRUCTED BY DEVELOPER         |

# HERITAGE OAKS NEIGHBORHOOD

## 65.97 ACRES ~ TOTAL TRACT AREA

**ENGINEER / APPLICANT:**  
 WESTWOOD PROFESSIONAL SERVICES  
 1718 DRY CREEK WAY, SUITE 110  
 SAN ANTONIO, TEXAS 78259  
 TEL: (210) 265-8300

**SURVEYOR**  
 WESTWOOD PROFESSIONAL SERVICES  
 1718 DRY CREEK WAY, SUITE 110  
 SAN ANTONIO, TEXAS 78259  
 TEL: (210) 265-8300

**OWNER / DEVELOPER**  
 PRESIDIO GROUP, LLC  
 18618 TUSCANY STONE, SUITE 200  
 SAN ANTONIO, TEXAS 78258  
 TEL: (210) 826-9000

|           |      |
|-----------|------|
| BY        |      |
| REVISIONS |      |
| NO.       | DATE |
|           |      |

**Westwood**

Phone (210) 265-8300 1718 Dry Creek Way, Suite 110  
 Toll Free (888) 937-5150 San Antonio, TX 78259  
 westwoodps.com

Westwood Professional Services, Inc.  
 TBPLS FIRM NO. 10194064 - TBPE FIRM NO. F-11756

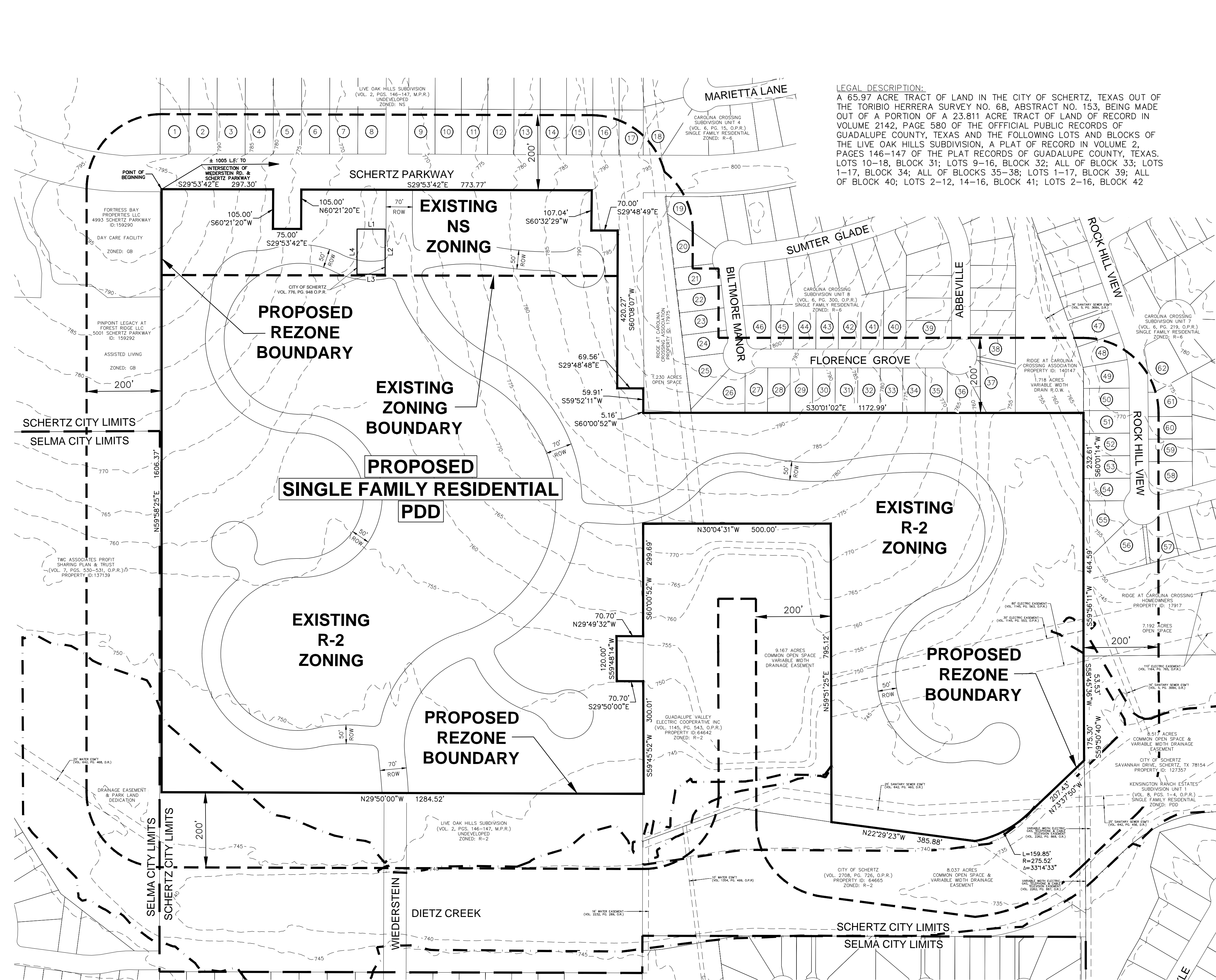
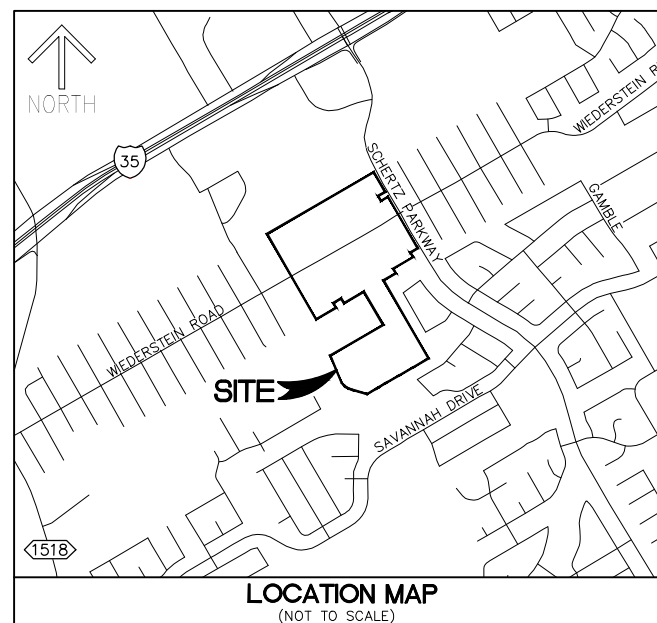
HERITAGE OAKS NEIGHBORHOOD  
 WIEDERSTEIN AND WEST DIETZ CREEK  
 TRAIL PLAN

|          |               |
|----------|---------------|
| JOB NO.: | 24313.00      |
| DATE:    | DECEMBER 2020 |
| DESIGN:  |               |
| DRAWN:   | DAD           |
| CHECKED: |               |

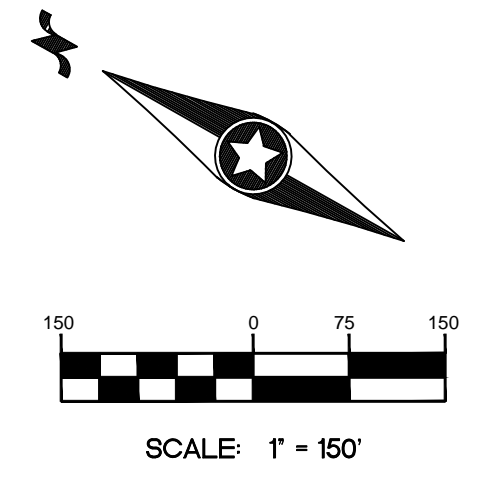
SHEET  
 EXHIBIT

File: N:\080213.000 - Project Drawings\Civil\Heritage Oaks - Trail Plan.dwg

**EXHIBIT 5**  
**ZONING EXHIBIT**



**LEGAL DESCRIPTION:**  
 A 65.97 ACRE TRACT OF LAND IN THE CITY OF SCHERTZ, TEXAS OUT OF THE TORIBIO HERRERA SURVEY NO. 68, ABSTRACT NO. 153, BEING MADE OUT OF A PORTION OF A 23.811 ACRE TRACT OF LAND OF RECORD IN VOLUME 2142, PAGE 580 OF THE OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY, TEXAS AND THE FOLLOWING LOTS AND BLOCKS OF THE LIVE OAK HILLS SUBDIVISION, A PLAT OF RECORD IN VOLUME 2, PAGES 146-147 OF THE PLAT RECORDS OF GUADALUPE COUNTY, TEXAS. LOTS 10-18, BLOCK 31; LOTS 9-16, BLOCK 32; ALL OF BLOCK 33; LOTS 1-17, BLOCK 34; ALL OF BLOCKS 35-38; LOTS 1-17, BLOCK 39; ALL OF BLOCK 40; LOTS 2-12, 14-16, BLOCK 41; LOTS 2-16, BLOCK 42



**LEGEND**

|  |  |
|--|--|
|  | PROJECT BOUNDARY                               |
|  | 200' NOTIFICATION BOUNDARY                     |
|  | 100YR FLOODPLAIN<br>FIRM PANEL NO. 48029C0095F |
|  | EXISTING CONTOURS                              |
|  | 800'   |
|  | PLANNED DEVELOPMENT DISTRICT                   |
|  | NEIGHBORHOOD SERVICES                          |
|  | SINGLE FAMILY RESIDENTIAL                      |
|  | ADJACENT PROPERTY OWNERSHIP<br>SEE SHEET PDD-2 |

- GENERAL NOTES**
- THE THOROUGHFARE ALIGNMENTS SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DO NOT SET THE ALIGNMENT. ALIGNMENT IS DETERMINED AT TIME OF FINAL PLATTING.
  - ALL OPEN SPACE, COMMON AREAS, GREENBELTS, LANDSCAPE, DRAINAGE EASEMENT OR OTHER AREAS IDENTIFIED AS PRIVATE SHALL BE THE RESPONSIBILITY OF THE OWNER OR OWNER'S SUCCESSORS AND/OR ASSIGNS.
  - ACCORDING TO FLOOD INSURANCE RATE MAP, PANEL 48187C0210F DATED NOV. 2, 2007, SITE IS WITHIN THE 100-YEAR FLOODPLAIN.
  - CONTOURS ARE FROM SAN ANTONIO RIVER AUTHORITY LIDAR.
  - AN ELEVATION CERTIFICATE WILL BE REQUIRED FOR ALL LOTS WITHIN 100' OF THE 100 YEAR FLOOD.
  - UTILITY SERVICE PROVIDED BY THE FOLLOWING ENTITIES:  
 WATER SERVICE - CITY OF SCHERTZ  
 SEWER SERVICE - CITY OF SCHERTZ  
 TELEPHONE SERVICE - AT&T  
 CABLE TELEVISION - SPECTRUM  
 GAS & ELECTRIC - GVEC

**HERITAGE OAKS ZONING TABLE**

| CONDITION | ZONING | AREA (AC.) |
|-----------|--------|------------|
| EXISTING  | NS     | 5.81       |
| EXISTING  | R-2    | 60.16      |
| PROPOSED  | PDD    | 65.97      |

**LINE TABLE**

| LINE | LENGTH  | BEARING       |
|------|---------|---------------|
| L1   | 75.00'  | S29° 53' 42"E |
| L2   | 120.00' | S60° 06' 18"W |
| L3   | 75.09'  | N29° 53' 42"W |
| L4   | 120.00' | N60° 08' 45"E |

# HERITAGE OAKS NEIGHBORHOOD

## 65.97 ACRES ~ TOTAL TRACT AREA

**ENGINEER / APPLICANT:**  
 WESTWOOD PROFESSIONAL SERVICES  
 1718 DRY CREEK WAY, SUITE 110  
 SAN ANTONIO, TEXAS 78259  
 TEL: (210) 265-8300

**SURVEYOR**  
 WESTWOOD PROFESSIONAL SERVICES  
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 SAN ANTONIO, TEXAS 78259  
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**OWNER / DEVELOPER**  
 PRESIDIO GROUP, LLC  
 18618 TUSCANY STONE, SUITE 200  
 SAN ANTONIO, TEXAS 78258  
 TEL: (210) 826-9000

|     |      |           |
|-----|------|-----------|
| NO. | DATE | REVISIONS |
|     |      |           |

**Westwood**  
 Phone (210) 265-8300  
 Toll Free (888) 937-5150  
 1718 Dry Creek Way, Suite 110  
 San Antonio, TX 78259  
 westwoodps.com  
 Westwood Professional Services, Inc.  
 TBPUS FIRM NO. 10194064 - TBPPE FIRM NO. F-11756

HERITAGE OAKS NEIGHBORHOOD  
 PLANNED DEVELOPMENT DISTRICT  
 ZONING EXHIBIT  
 SCHERTZ, TEXAS

|          |              |
|----------|--------------|
| JOB NO.: | 24313.00     |
| DATE:    | JANUARY 2020 |
| DESIGN:  |              |
| DRAWN:   | DAD          |
| CHECKED: |              |



PLANNING AND ZONING COMMISSION MEETING: 09/13/2023  
Agenda Item 5 D

TO: Planning and Zoning Commission  
PREPARED BY: Samuel Haas, Senior Planner  
CASE: PLUDC20230214  
SUBJECT: PLUDC20230214 - Hold a public hearing, workshop and discussion and possible action to make a recommendation on amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC) to Article 4, Section 21.4.12 Variances and Article 9, Section 21.9.7 Landscaping and Section 21.9.9 Tree Mitigation.

**GENERAL INFORMATION:**

As stated in the Unified Development Code (UDC), City Council from time to time, on its own motion, or at the recommendation of City staff amend, change, or modify text in any portion of the UDC to establish and maintain stable and desirable development. It is generally considered good practice to periodically review and update the development regulations due to changing conditions, community goals, and/or State and Federal regulations.

**PROPOSED AMENDMENTS**

**Background:**

Staff is proposing to make the city's Unified Development Code align more closely with the State of Texas Local Government Code (LGC). PLUDC20230214 will accomplish this by amendments to Article 4 - Variances, and two sections of Article 9. The Article 9 amendments are proposed in relation to tree caliper planting requirements.

**Proposed Amendments:**

The Variance section in Article 4 needs added language for clarification. Specifically, section 21.4.12.1.A states the following:

*"A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person a privilege in developing a parcel of land not permitted by this UDC to other parcels of land in the district."*

The Local Government Code in regards to the "economic gain or loss" criteria is slightly more nuanced than our UDC, and may be considered when granting variances. Fortunately, the Board of Adjustment has not denied nor has staff recommended denial for any variance within this regard. Staff is just being proactive.

In the Variance section, staff is proposing to simply add verbatim language from the Local Government Code Section 211.009 (b-1) to the end of Section 21.4.12. That language is listed below.

*In considering a variance as applied to a structure, the board may consider the following as grounds to determine whether an unnecessary hardship would result from compliance with the ordinance:*

- a. The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code;*
- b. Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;*
- c. Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;*
- d. Compliance would result in the unreasonable encroachment on an adjacent property or easement; or The municipality considers the structure to be a nonconforming structure*

Staff is proposing to lower Schertz's UDC planting requirement to two inches (2") to match the LGC minimum with relation to tree mitigation. This requires amendments in UDC Section 21.9.9 - Tree Mitigation. In LGC Section 212.905, the State has a minimum tree planting requirement of 2" inches. All trees planted above this requirement are eligible for mitigation credits. While the City of Schertz's current minimum of 2.5" inches is technically still permitted, the UDC has effectively built-in a credit process that may add complexity and confusion to the process.

Staff is also proposing to make the UDC more consistent and have the minimum planting requirements also lowered in UDC Section 21.9.7 - Landscaping. The City of Schertz is permitted to have the current minimum of 2.5" inches however, in order to avoid confusion staff is recommending to lower the tree planting minimum in this section as well to make all planting requirements match in the UDC and be more in line with the LGC.

Also, Staff is proposing to include clarifying language that such tree calipers are measured at 4.5 feet above the ground, an industry term known as Diameter at Breast Height (DBH). Currently, the UDC has language that states 4-foot requirements and 4.5-foot requirements. These proposed amendments will make the UDC more consistent and just use the industry standard of 4.5 feet DBH.

**STAFF ANALYSIS AND RECOMMENDATION:**

The proposed amendments would bring the Schertz UDC in compliance with the State law, it has been reviewed by our legal team with no objection.

Therefore, Staff recommends approval of the amendments to the Unified Development Code (UDC) as proposed and discussed.

**COMMISSIONERS CRITERIA FOR CONSIDERATION:**

The Planning and Zoning Commission in making a recommendation to City Council on the proposed Unified Development Code Amendment. In considering action on a UDC Amendment, the Commission should consider the criteria within UDC, Section 21.4.7.D:

1. The proposed amendment promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City;
2. An amendment to the text is consistent with other policies of this UDC and the City;
3. Any proposed amendment is consistent with the goals and objectives of this UDC and the City; and
4. Other criteria which, at the discretion of the Planning and Zoning Commission and the City Council, are deemed relevant and important in the consideration of the amendment.

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**Attachments**

- 21.9.7 Landscaping (redlines)
  - 21.9.7 Landscaping (clean)
  - 21.9.9 Tree Mitigation (redlines)
  - 21.9.9 Tree Mitigation (clean)
  - 21.14.12 Variance (redlines)
  - 21.14.12 Variance (clean)
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**Sec. 21.9.7. Landscaping.**

- A. *Purpose.* The purpose of this section is to establish landscaping requirements to enhance the community's ecological, environmental, and beautification efforts as well as its aesthetic qualities. It is the intent of this section to reduce the negative effects of glare, noise, erosion, and sedimentation caused by expanses of impervious and un-vegetated surfaces within the urban environment. It is the intent of this section to preserve and improve the natural and urban environment by recognizing that the use of landscaping elements can contribute to the processes of air purification, oxygen, regeneration, groundwater recharge, noise abatement, glare and heat, provision of habitats for wildlife, and enhance the overall beauty of the City.
- B. *Enforcement.* If at any time after the issuance of a Certificate of Occupancy, the approved landscaping is found to be in nonconformance with standards and criteria of this section, notice by the City may be issued to the owner, citing the violation and describing what action is required to comply with this section. The owner, tenant or agent shall have forty-five (45) days after the date of said notice to restore landscaping as required. The City may extend the time of compliance based on weather conditions. If the landscaping is not restored within the allotted time, such person shall be in violation of this UDC.

C. *Single Family and Duplex Residential*

*Installation and Maintenance.*

1. Prior to issuance of a Certificate of Occupancy sod shall be in place in full front and rear yards, except for landscape beds and gardens. On property containing a minimum of one-half (½) acre or greater, sod in front and rear yards shall be planted adjacent to the slab for a distance of fifty feet (50') and for a distance of twenty feet (20') in side yards.
2. All landscaped areas shall be irrigated with an approved automatic underground irrigation system unless the landscaped area has been designed utilizing xeriscaping methods. All irrigation systems shall be designed and sealed in accordance with the Texas Commission on Environmental Quality (TCEQ) and shall be professionally installed. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.
3. Vegetation other than grasses or ground cover under six inches (6") in height is prohibited in any City right-of-way unless specifically authorized in writing by the City Manager or his/her designee.
4. Landscape planting shall not be erected or installed in such a manner as to interfere with traffic view or impose a safety hazard.
5. New landscaped areas shall be prepared so as to achieve a soil depth of at least two inches (2").
6. Every single family residential lot shall provide a minimum of two (2) shade trees having a DBH (diameter at breast height) measured four and one half feet (4.5') above existing ground level which are a minimum of two ~~and one-half inches (2.5")~~ caliper measured at four feet (4') above ground level at the time of planting.

- D. *Nonresidential and Multi-Family.* The provisions of this section apply to new construction except public water and wastewater facilities for which only subsections 14 and 16 below apply.

Existing developments where all structures are not being demolished, do not have to comply with all of these requirements. Rather they cannot decrease compliance with an individual requirement to the point that they no longer comply with that individual requirement.

*Installation and Maintenance.*

1. Prior to issuance of a Certificate of Occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan approved as part of the Site Plan.

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2. In any case in which a Certificate of Occupancy is sought at a season of the year in which the City determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, a Temporary Certificate of Occupancy may be issued for up to four (4) months.
  3. All landscaped areas shall be irrigated with an approved automatic underground irrigation system unless the landscaped area has been designed utilizing xeriscaping methods. All irrigation systems shall be designed and sealed in accordance with the Texas Commission on Environmental Quality (TCEQ) and shall be professionally installed. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.
  4. Vegetation other than approved grasses or ground cover under six inches (6") in height is prohibited in any City right-of-way unless specifically authorized in writing by the City Manager or his/her designee, after consultation with the Director of Public Works or his/her designee.
  5. Trees planted having a DBH (diameter at breast height) measured four and one half feet (4.5') above existing ground level shall be a minimum of two and one half inches (2-5") caliper measured at four feet (4') above ground level at the time of planting. All trees planted to meet the minimum landscaping, requirements of this section shall be planted so as to provide for no impervious material within the drip line of the tree. For the purposes of determining the drip line to meet the requirements of this section, the drip line radius shall be measured as being ten (10) times the caliper of the tree. For example, a two and one half inch (2-5") tree will have a twenty five inch (205") radius or fiftyfour inch (540") diameter. Tree wells or tree grates may be utilized to meet the requirements of this section. The City may, at its option, require certification by a registered arborist that adequate space has been provided for pervious cover beneath the drip line of a tree.
  6. New landscaped areas shall be prepared so as to achieve a soil depth of at least two inches (2").
  7. The use of architectural planters in nonresidential districts may be permitted in fulfillment of landscape requirements subject to approval of the Planning and Zoning Commission at the time of Site Plan approval.
  8. Landscape planting shall not be erected or installed in such a manner as to interfere with traffic view or impose a safety hazard.
  9. A minimum twenty foot (20') wide landscape buffer shall be provided adjacent to any public right-of-way. Trees shall be planted at an average density of one (1) tree per twenty linear feet (20') of street frontage except for public schools. The landscape buffer shall require an irrigation system and shall be maintained by the property owner. The requirements of this section are not applicable to properties zoned Main Street Mixed-Use - New Development (MSMU-ND).
  10. A minimum of twenty percent (20%) of the total land area of any proposed multifamily or nonresidential development shall be landscaped and shall be comprised of trees, shrubs, sod or other ground cover. In the event of the construction of a phased development, the minimum twenty percent (20%) requirement shall apply to each phase as it is developed.
  11. All commercial and multi-family properties shall provide shade trees at a ratio of nine (9) trees per acre. Industrial property shall provide shade trees at a ratio of six (6) trees per acre. Public schools shall provide shade trees at a ratio of at least four (4) trees per acre. Existing trees may be counted toward meeting the requirements of this section.
  12. Interior Landscaping. A minimum of ten percent (10%) of the gross parking areas shall be devoted to living landscaping which includes grass, ground covers, plants, shrubs and trees. Gross parking area is to be measured from the edge of the parking and/or driveway and sidewalks. Interior landscaping requirements do not apply to public water and wastewater facilities if an eight feet (8') masonry fence is provide[d] at or near the property boundary.

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13. Interior areas of parking lots shall contain planting islands located so as to best relieve the expanse of paving. Planter islands must be located no further apart than every twenty (20) parking spaces and at the terminus of all rows of parking. Such islands shall be a minimum of 162 square feet or nine feet by eighteen feet (9' x 18') in size. Planter islands shall contain a combination of trees, shrubs, lawn, ground cover and other appropriate materials provided such landscaping does not cause visual interference within the parking area. This subsection does not apply to public schools.
  14. Perimeter Landscape Area - Where a nonresidential or multifamily use adjacent to a nonresidential or multifamily use that is zoned for nonresidential or multifamily uses shall provide a minimum five-foot (5') landscape buffer adjacent to those uses except where the building extends into that five foot (5') landscape buffer. A minimum of one (1) shade tree shall be planted for each one-hundred linear feet (100') of landscape buffer except where the entire five-foot (5') wide landscape buffer is encumbered by an easement that does not allow the planting of trees. A nonresidential or multifamily use adjacent to a single family or duplex residential use or single family or duplex residentially zoned property shall provide a minimum twenty-foot (20') landscape buffer adjacent to the proper line of the residential use or residentially zoned property. A minimum of one (1) shade tree [s]hall be planted for each thirty (30) linear feet of landscape buffer. The landscape buffer shall be covered with grass or another solid vegetative cover. The landscape buffer shall include a masonry wall which shall be eight feet (8') in height. The requirement of this subsection doe[s] not apply to public water and wastewater facilities if an eight foot (8') masonry wall is provided at or near the property boundary.

F. *Landscape Plan Required.* A landscape plan shall be submitted to the City for approval. The landscape plan may be submitted as a part of the Site Plan. The landscape plan shall contain the following information:

1. location of all existing trees with indication as to those to be preserved;
2. location of all plants and landscaping material to be used including paving, benches, screens, fountains, statues, or other landscaping features;
3. species of all plant material to be used;
4. size of all plant material to be used;
5. spacing of plant material where appropriate;
6. type of watering system and location of watering source, irrigation, sprinkler, or water system, including placement of water sources;
7. description of maintenance provisions of the landscaping plan; and
8. persons responsible for the preparation of the landscape plan.

(Ord. No. 16-S-27 , §§ 3, 4, 8-30-2016; Ord. No. 18-S-04 , § 1(Exh. A), 1-23-2018; Ord. No. 18-S-24 , § 1(Exh. A), 8-7-2018; Ord. No. 21-S-26 , § 1(Exh. A), 7-6-2021; Ord. No. 23-S-07 , § 1(Exh. A), 3-14-2023)

**Sec. 21.9.7. Landscaping.**

- A. *Purpose.* The purpose of this section is to establish landscaping requirements to enhance the community's ecological, environmental, and beautification efforts as well as its aesthetic qualities. It is the intent of this section to reduce the negative effects of glare, noise, erosion, and sedimentation caused by expanses of impervious and un-vegetated surfaces within the urban environment. It is the intent of this section to preserve and improve the natural and urban environment by recognizing that the use of landscaping elements can contribute to the processes of air purification, oxygen, regeneration, groundwater recharge, noise abatement, glare and heat, provision of habitats for wildlife, and enhance the overall beauty of the City.
- B. *Enforcement.* If at any time after the issuance of a Certificate of Occupancy, the approved landscaping is found to be in nonconformance with standards and criteria of this section, notice by the City may be issued to the owner, citing the violation and describing what action is required to comply with this section. The owner, tenant or agent shall have forty-five (45) days after the date of said notice to restore landscaping as required. The City may extend the time of compliance based on weather conditions. If the landscaping is not restored within the allotted time, such person shall be in violation of this UDC.

C. *Single Family and Duplex Residential*

*Installation and Maintenance.*

1. Prior to issuance of a Certificate of Occupancy sod shall be in place in full front and rear yards, except for landscape beds and gardens. On property containing a minimum of one-half (½) acre or greater, sod in front and rear yards shall be planted adjacent to the slab for a distance of fifty feet (50') and for a distance of twenty feet (20') in side yards.
2. All landscaped areas shall be irrigated with an approved automatic underground irrigation system unless the landscaped area has been designed utilizing xeriscaping methods. All irrigation systems shall be designed and sealed in accordance with the Texas Commission on Environmental Quality (TCEQ) and shall be professionally installed. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.
3. Vegetation other than grasses or ground cover under six inches (6") in height is prohibited in any City right-of-way unless specifically authorized in writing by the City Manager or his/her designee.
4. Landscape planting shall not be erected or installed in such a manner as to interfere with traffic view or impose a safety hazard.
5. New landscaped areas shall be prepared so as to achieve a soil depth of at least two inches (2").
6. Every single family residential lot shall provide a minimum of two (2) shade trees having a DBH (diameter at breast height) measured four and one half feet (4.5') above existing ground level which are a minimum of two inches (2") caliper at the time of planting.

- D. *Nonresidential and Multi-Family.* The provisions of this section apply to new construction except public water and wastewater facilities for which only subsections 14 and 16 below apply.

Existing developments where all structures are not being demolished, do not have to comply with all of these requirements. Rather they cannot decrease compliance with an individual requirement to the point that they no longer comply with that individual requirement.

*Installation and Maintenance.*

1. Prior to issuance of a Certificate of Occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan approved as part of the Site Plan.

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2. In any case in which a Certificate of Occupancy is sought at a season of the year in which the City determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, a Temporary Certificate of Occupancy may be issued for up to four (4) months.
  3. All landscaped areas shall be irrigated with an approved automatic underground irrigation system unless the landscaped area has been designed utilizing xeriscaping methods. All irrigation systems shall be designed and sealed in accordance with the Texas Commission on Environmental Quality (TCEQ) and shall be professionally installed. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.
  4. Vegetation other than approved grasses or ground cover under six inches (6") in height is prohibited in any City right-of-way unless specifically authorized in writing by the City Manager or his/her designee, after consultation with the Director of Public Works or his/her designee.
  5. Trees planted having a DBH (diameter at breast height) measured four and one half feet (4.5') above existing ground level shall be a minimum of two inches (2") caliper at the time of planting. All trees planted to meet the minimum landscaping, requirements of this section shall be planted so as to provide for no impervious material within the drip line of the tree. For the purposes of determining the drip line to meet the requirements of this section, the drip line radius shall be measured as being ten (10) times the caliper of the tree. For example, a two inch (2") tree will have a twenty inch (20") radius or forty inch (40") diameter. Tree wells or tree grates may be utilized to meet the requirements of this section. The City may, at its option, require certification by a registered arborist that adequate space has been provided for pervious cover beneath the drip line of a tree.
  6. New landscaped areas shall be prepared so as to achieve a soil depth of at least two inches (2").
  7. The use of architectural planters in nonresidential districts may be permitted in fulfillment of landscape requirements subject to approval of the Planning and Zoning Commission at the time of Site Plan approval.
  8. Landscape planting shall not be erected or installed in such a manner as to interfere with traffic view or impose a safety hazard.
  9. A minimum twenty foot (20') wide landscape buffer shall be provided adjacent to any public right-of-way. Trees shall be planted at an average density of one (1) tree per twenty linear feet (20') of street frontage except for public schools. The landscape buffer shall require an irrigation system and shall be maintained by the property owner. The requirements of this section are not applicable to properties zoned Main Street Mixed-Use - New Development (MSMU-ND).
  10. A minimum of twenty percent (20%) of the total land area of any proposed multifamily or nonresidential development shall be landscaped and shall be comprised of trees, shrubs, sod or other ground cover. In the event of the construction of a phased development, the minimum twenty percent (20%) requirement shall apply to each phase as it is developed.
  11. All commercial and multi-family properties shall provide shade trees at a ratio of nine (9) trees per acre. Industrial property shall provide shade trees at a ratio of six (6) trees per acre. Public schools shall provide shade trees at a ratio of at least four (4) trees per acre. Existing trees may be counted toward meeting the requirements of this section.
  12. Interior Landscaping. A minimum of ten percent (10%) of the gross parking areas shall be devoted to living landscaping which includes grass, ground covers, plants, shrubs and trees. Gross parking area is to be measured from the edge of the parking and/or driveway and sidewalks. Interior landscaping requirements do not apply to public water and wastewater facilities if an eight feet (8') masonry fence is provide[d] at or near the property boundary.

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13. Interior areas of parking lots shall contain planting islands located so as to best relieve the expanse of paving. Planter islands must be located no further apart than every twenty (20) parking spaces and at the terminus of all rows of parking. Such islands shall be a minimum of 162 square feet or nine feet by eighteen feet (9' x 18') in size. Planter islands shall contain a combination of trees, shrubs, lawn, ground cover and other appropriate materials provided such landscaping does not cause visual interference within the parking area. This subsection does not apply to public schools.
  14. Perimeter Landscape Area - Where a nonresidential or multifamily use adjacent to a nonresidential or multifamily use that is zoned for nonresidential or multifamily uses shall provide a minimum five-foot (5') landscape buffer adjacent to those uses except where the building extends into that five foot (5') landscape buffer. A minimum of one (1) shade tree shall be planted for each one-hundred linear feet (100') of landscape buffer except where the entire five-foot (5') wide landscape buffer is encumbered by an easement that does not allow the planting of trees. A nonresidential or multifamily use adjacent to a single family or duplex residential use or single family or duplex residentially zoned property shall provide a minimum twenty-foot (20') landscape buffer adjacent to the proper line of the residential use or residentially zoned property. A minimum of one (1) shade tree [s]hall be planted for each thirty (30) linear feet of landscape buffer. The landscape buffer shall be covered with grass or another solid vegetative cover. The landscape buffer shall include a masonry wall which shall be eight feet (8') in height. The requirement of this subsection doe[s] not apply to public water and wastewater facilities if an eight foot (8') masonry wall is provided at or near the property boundary.

F. *Landscape Plan Required.* A landscape plan shall be submitted to the City for approval. The landscape plan may be submitted as a part of the Site Plan. The landscape plan shall contain the following information:

1. location of all existing trees with indication as to those to be preserved;
2. location of all plants and landscaping material to be used including paving, benches, screens, fountains, statues, or other landscaping features;
3. species of all plant material to be used;
4. size of all plant material to be used;
5. spacing of plant material where appropriate;
6. type of watering system and location of watering source, irrigation, sprinkler, or water system, including placement of water sources;
7. description of maintenance provisions of the landscaping plan; and
8. persons responsible for the preparation of the landscape plan.

(Ord. No. 16-S-27 , §§ 3, 4, 8-30-2016; Ord. No. 18-S-04 , § 1(Exh. A), 1-23-2018; Ord. No. 18-S-24 , § 1(Exh. A), 8-7-2018; Ord. No. 21-S-26 , § 1(Exh. A), 7-6-2021; Ord. No. 23-S-07 , § 1(Exh. A), 3-14-2023)

## Sec. 21.9.9. Tree Preservation and Mitigation.

### A. Purpose and Intent.

1. The purpose of this section is to conserve, protect and enhance existing healthy trees and natural landscape. It is recognized that the preservation of existing trees contributes to the overall quality and environment of the City. Trees can and do contribute to the processes of purification, oxygenation, regeneration, groundwater recharge, reduction of pollution and contaminants in aquifers, erosion and dust control, abatement of noise, provision of wildlife habitat and enhancement property values. Indiscriminate clearing or stripping of natural vegetation on any parcel is prohibited.
2. It is hereby declared the intent of the City to encourage the preservation of all trees within the City limits. While the layout of a property with respect to the placement of buildings, parking facilities and other site requirements is at the discretion of the developer of the property, it is the policy of the City to promote site layout and design in a manner which preserves the maximum amount of Protected Class and Heritage Class trees possible.

### B. Applicability and Exemptions.

1. The provisions of this section are applicable to the following:
  - a. all new residential and nonresidential development within the City except public schools;
  - b. redevelopment of any residential or nonresidential property within the City that results in an increase in the building footprint or the total destruction and reconstruction except public schools;
  - c. any grading, filling or clearing of land in the City limits; and
  - d. any selective or individual removal of any Protected Class or Heritage Class Tree in the City limits.
2. The following definitions shall be applicable to the provisions of this section:
  - a. *Protected Class Trees*. Trees having a DBH (diameter at breast height measured four and one half feet above existing ground level) between eight inches (8") and less than twenty-four inches (24") are designated as "Protected Class Trees".
  - b. *Heritage Class Trees*. Trees having a DBH greater than or equal to twenty-four inches (24") are designated as "Heritage Class Trees".
  - c. *Damage*. Damage shall be considered any injury to a tree including, but not limited to:
    - i. uprooting;
    - ii. severance of the root system or main trunk;
    - iii. storage of topsoil, construction materials, debris or chemicals within the drip line area;
    - iv. compaction of soil within the drip line area;
    - v. a substantial change in the natural grade above a root system or within the drip line area;
    - vi. pruning or removal of more than twenty-five percent (25%) of the living tissue; or
    - vii. Paving with concrete, asphalt or other impervious material within the drip line area. Tree grates or tree wells may be provided to preserve pervious surface within the drip line area.
3. The following are exempt from the preservation, mitigation and permitting requirements of this section:

- a. Protected Class Trees located within the area of a proposed on-site sewage facility (OSSF) (A waiver to mitigation for Heritage Class trees may be requested) ;
- b. Protected Class and Heritage Class Trees located within a right-of-way to be dedicated to and maintained by the City and shown on the City's Master Thoroughfare Plan;
- c. Protected Class Trees located within any utility easement, Heritage Class Trees located within any utility easement are exempt from preservation requirements only (A waiver to mitigation for Heritage Class trees may be requested);
- d. Protected Class and Heritage Class trees damaged or destroyed by floods, fire, wind or other natural causes;
- e. Dangerous, diseased, damaged, dead or dying Protected Class or Heritage Class trees as determined by a tree survey and a letter from a certified Texas Arborist; provided, notwithstanding the title of this section; and
- f. Protected Class trees from the Undesirable Trees list in UDC Table 21.9.7F. (A waiver to mitigation for Heritage Class trees may be requested)
- g. Protected Class and Heritage Class trees located on property that has an existing one family or two-family dwelling that is occupied.
- h. Protected Class and Heritage Class trees of the following exempted tree species:

| Table 21.9.9 Exempted Trees |                      |
|-----------------------------|----------------------|
| Common Name                 | Scientific Name      |
| Hackberry                   | Celtis occidentalis  |
| Eastern Red Cedar           | Juniperus virginiana |
| Common Ashe Juniper         | Juniperis ashei      |
| Chinaberry                  | Melia azedarach      |
| Mesquite                    | Prosopis spp.        |
| Ligustrum                   | Ligustrum spp.       |

- C. *Tree Preservation.* The existing natural landscape character, especially native oaks, elms, and pecan trees, shall be preserved to the maximum extent reasonable and feasible. Except as otherwise exempted in section 21.9.9.B.3. above, a tree removal permit is required for the removal of any tree with a DBH greater than eight inches.
- 1. *Protected Trees.* Any Protected Trees not exempt from preservation in section B.3. above may be removed upon approval of a Tree Removal Permit by the Director of Parks, Recreation and Community Services Any decision of the Director of Parks, Recreation and Community Services regarding a tree removal permit may be appealed to the Planning and Zoning Commission in accordance with section 21.4.14 of this UDC.
  - 2. *Heritage Trees.* Any Heritage Trees to be removed may be removed upon approval of a Tree Removal Permit by the Director of Parks, Recreation and Community Services. Any decision by the Director of Parks, Recreation and Community Services regarding a tree removal permit may be appealed to the Planning and Zoning Commission in accordance with section 21.4.14 of this UDC. All Heritage Trees shall be required to meet the mitigation requirements of this section.
  - 3. *Minimum Preservation.* In the development of any site, at least twenty-five percent (25%) of all mitigatable Protected Class and Heritage Class trees must be preserved. (A waiver to the 25% preservation requirement may be requested)

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D. *Tree Mitigation.* Any trees that are removed or damaged as a result of the approval of a Tree Removal Permit shall be mitigated for on the same site as the proposed development. The species of trees planted for mitigation purposes may not include those listed as exempt in subsection 21.9.9.B.3. above nor any of the undesirable trees identified in table 21.9.7F. All trees planted for mitigation purposes must be a species of shade tree identified in table 21.9.7.A. In the event that mitigation is not feasible on the same site as the proposed development, an applicant may request to donate trees, meeting the mitigation requirements of this section, to be planted at public parks, schools, or other approved public facilities throughout the City or provide a fee-in-lieu of payment which will be used to place trees at public parks, schools, or other approved public facilities throughout the City. Tree mitigation funds may also be utilized to install irrigation, to repair or remove damaged or destroyed trees, to preserve and protect existing Protected Class and Heritage Class trees and to purchase equipment for the preservation or protection of existing trees. Mitigation requirements are:

1. *Protected Class Trees.* Protected trees shall be mitigated at a one-to-one (1:1) DBH inch ratio for every tree removed. Replacement trees shall have a minimum DBH of two ~~and one-half~~ inches (2-5").
2. *Heritage Class Trees.* Heritage Class trees shall be mitigated at a three-to-one (3:1) DBH inch ratio for every tree removed. Replacement trees shall have a minimum DBH of two ~~and one-half~~ inches (2-5").
3. *Damaged Trees.* Any trees that are designated for preservation and are damaged during the construction process or that die within two (2) years of issuance of a certificate of occupancy shall be mitigated for in accordance with subsection 21.9.9.D.1. and D.2. above.
4. *Mitigated Trees.* Trees planted and counted towards the necessary mitigation requirements that are damaged after planting or that die within two (2) years of issuance of a certificate of occupancy shall be mitigated for at a one-to-one (1:1) DBH inch ratio for every tree damaged or that dies.
5. The amount of tree mitigation per acre is capped at 100 inches per acre. For properties where the trees are generally clustered, staff has the discretion to define the acreage of the property as an area extending 20' beyond the tree canopy of the cluster in determining the acreage.

E. *Tree Protection Standards.*

1. All trees to be preserved on site shall be protected from damage caused by site excavation or construction in accordance with the following:
  - a. All trees shall be protected by a fence, frame or box constructed around the drip line of the preserved tree. Protection measures may not be removed until construction is complete.
  - b. A minimum of three inches (3") of mulch or compost shall be spread beneath the drip line of the preserved tree.
  - c. No person shall excavate any ditches, tunnels, or trenches, place any paving material or place any drive or parking area within the drip line of any Protected Class or Heritage Class Tree without prior written approval of the City Manager or his/her designee at the time of Site Plan approval.
  - d. No person shall attach any rope, wire, nails, advertising posters or other contrivance to any Protected Class or Heritage Class Tree.
2. It is the intent of the City to control and prevent the spread of Oak Wilt.
  - a. If any oak tree is wounded by intentional damage or pruning or as a result of natural causes, the damaged area shall be immediately treated with tree wound dressing.
  - b. All necessary and reasonable efforts shall be given during the permitted removal of any trees to utilize best known practices to prevent the spread of Oak Wilt disease to any other surrounding trees.

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- F. *Tree Preservation Credits—Nonresidential and Multifamily Developments.* To encourage the preservation of existing Protected Class or Heritage Class Trees contained within a proposed development, tree preservation credits may be requested to reduce the amount of new trees required on nonresidential and multifamily sites. Tree preservation credits can be issued for landscape buffer requirements when the tree being preserved is located within the buffer. Tree preservation credits can be issued to satisfy total trees per acre requirements of UDC Sec.21.9.7.E.2. The following minimum tree preservation credits may be requested:
1. Protected Class Trees shall receive a credit against the minimum required landscaping or mitigation standards at a one-to-one (1:1) caliper inch ratio;
  2. Heritage Class Trees shall receive a credit against the minimum required landscaping or mitigation standards at a three-to-one (3:1) caliper inch ratio;
- G. *Tree Survey Required.* Every application for a final plat for residential development or Site Plan for nonresidential and multifamily development shall be accompanied by a tree survey that includes the following information:
1. total number of DBH caliper inches of Protected Class and Heritage Class on the site;
  2. total number of DBH caliper inches of Protected Class and Heritage Class to be removed; and
  3. total number of DBH caliper inches of Protected Class and Heritage Class to be preserved.
- H. *Tree Removal Permit.* A tree removal permit is required for the removal of any Protected Class or Heritage Class trees not exempt in section 21.9.9.B.2. above. The permit must be accompanied by an appropriate application and shall contain a tree preservation plan showing the following:
1. existing/proposed topography;
  2. location of property lines, easement, rights-of-ways, setbacks, parking areas and sidewalks;
  3. location, species and size (in DBH) of each Protected Class and Heritage Class Tree, except those trees exempted by section 21.9.9.B.2.f. above;
  4. a tree inventory that summarizes the following:
    - a. total number of DBH caliper inches on the site;
    - b. total number of DBH caliper inches to be removed;
    - c. total number of DBH caliper inches to be preserved;
    - d. location of any proposed tree mitigation;
    - e. any proposed tree preservation credits; and
  5. a summary of the tree protection methods to be utilized.
- I. *Waiver.*
1. *General.* The City Manager or his/her designee may authorize waivers from the provisions of this Article when, in their opinion, undue hardship will result from requiring strict compliance. Waivers may be granted only to items specifically stated in this section. Waivers must meet one of the following eligibility requirements:
    - a. The tree is proposed for removal in order for the property to achieve compliance with other applicable City requirements and standards (i.e. site design or storm water management); or
    - b. The tree is proposed for removal because it is within a future public utility location.
  2. *Criteria for approval.* Waivers shall be evaluated using the following criteria:

- 
- a. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees or windbreaks;
  - b. The requested waiver does not violate the intent of this section or the UDC;
  - c. Strict interpretation of the provisions of the section would deprive the applicant of rights commonly enjoyed by other nearby properties in the same zoning district or with the same land use that would comply with the same provisions;
  - d. A reasonable effort to preserve the tree has been made and reasonable alternatives have been evaluated and determined to not be feasible.
3. Any decision of the City Manager or his/her designee regarding waivers to the provisions of this section may be appealed to the Planning and Zoning Commission. When considering an appeal, the Planning and Zoning Commission shall consider the same standards as the City Manager or his/her designee as outlined above.

(Ord. No. 16-S-27 , § 6, 8-30-2016; Ord. No. 17-S-40 , § 1(Exh. A), 10-24-2017; Ord. No. 18-S-08 , § 1(Exh. A), 2-27-2018; Ord. No. 18-S-24 , § 1(Exh. A), 8-7-2018; Ord. No. 22-S-18 , § 1(Exh. A), 4-26-2022)

**Sec. 21.9.9. Tree Preservation and Mitigation.**

A. *Purpose and Intent.*

1. The purpose of this section is to conserve, protect and enhance existing healthy trees and natural landscape. It is recognized that the preservation of existing trees contributes to the overall quality and environment of the City. Trees can and do contribute to the processes of purification, oxygenation, regeneration, groundwater recharge, reduction of pollution and contaminants in aquifers, erosion and dust control, abatement of noise, provision of wildlife habitat and enhancement property values. Indiscriminate clearing or stripping of natural vegetation on any parcel is prohibited.
2. It is hereby declared the intent of the City to encourage the preservation of all trees within the City limits. While the layout of a property with respect to the placement of buildings, parking facilities and other site requirements is at the discretion of the developer of the property, it is the policy of the City to promote site layout and design in a manner which preserves the maximum amount of Protected Class and Heritage Class trees possible.

B. *Applicability and Exemptions.*

1. The provisions of this section are applicable to the following:
  - a. all new residential and nonresidential development within the City except public schools;
  - b. redevelopment of any residential or nonresidential property within the City that results in an increase in the building footprint or the total destruction and reconstruction except public schools;
  - c. any grading, filling or clearing of land in the City limits; and
  - d. any selective or individual removal of any Protected Class or Heritage Class Tree in the City limits.
2. The following definitions shall be applicable to the provisions of this section:
  - a. *Protected Class Trees.* Trees having a DBH (diameter at breast height measured four and one half feet above existing ground level) between eight inches (8") and less than twenty-four inches (24") are designated as "Protected Class Trees".
  - b. *Heritage Class Trees.* Trees having a DBH greater than or equal to twenty-four inches (24") are designated as "Heritage Class Trees".
  - c. *Damage.* Damage shall be considered any injury to a tree including, but not limited to:
    - i. uprooting;
    - ii. severance of the root system or main trunk;
    - iii. storage of topsoil, construction materials, debris or chemicals within the drip line area;
    - iv. compaction of soil within the drip line area;
    - v. a substantial change in the natural grade above a root system or within the drip line area;
    - vi. pruning or removal of more than twenty-five percent (25%) of the living tissue; or
    - vii. Paving with concrete, asphalt or other impervious material within the drip line area. Tree grates or tree wells may be provided to preserve pervious surface within the drip line area.
3. The following are exempt from the preservation, mitigation and permitting requirements of this section:

- a. Protected Class Trees located within the area of a proposed on-site sewage facility (OSSF) (A waiver to mitigation for Heritage Class trees may be requested) ;
- b. Protected Class and Heritage Class Trees located within a right-of-way to be dedicated to and maintained by the City and shown on the City's Master Thoroughfare Plan;
- c. Protected Class Trees located within any utility easement, Heritage Class Trees located within any utility easement are exempt from preservation requirements only (A waiver to mitigation for Heritage Class trees may be requested);
- d. Protected Class and Heritage Class trees damaged or destroyed by floods, fire, wind or other natural causes;
- e. Dangerous, diseased, damaged, dead or dying Protected Class or Heritage Class trees as determined by a tree survey and a letter from a certified Texas Arborist; provided, notwithstanding the title of this section; and
- f. Protected Class trees from the Undesirable Trees list in UDC Table 21.9.7F. (A waiver to mitigation for Heritage Class trees may be requested)
- g. Protected Class and Heritage Class trees located on property that has an existing one family or two-family dwelling that is occupied.
- h. Protected Class and Heritage Class trees of the following exempted tree species:

| Table 21.9.9 Exempted Trees |                      |
|-----------------------------|----------------------|
| Common Name                 | Scientific Name      |
| Hackberry                   | Celtis occidentalis  |
| Eastern Red Cedar           | Juniperus virginiana |
| Common Ashe Juniper         | Juniperis ashei      |
| Chinaberry                  | Melia azedarach      |
| Mesquite                    | Prosopis spp.        |
| Ligustrum                   | Ligustrum spp.       |

- C. *Tree Preservation.* The existing natural landscape character, especially native oaks, elms, and pecan trees, shall be preserved to the maximum extent reasonable and feasible. Except as otherwise exempted in section 21.9.9.B.3. above, a tree removal permit is required for the removal of any tree with a DBH greater than eight inches.
- 1. *Protected Trees.* Any Protected Trees not exempt from preservation in section B.3. above may be removed upon approval of a Tree Removal Permit by the Director of Parks, Recreation and Community Services Any decision of the Director of Parks, Recreation and Community Services regarding a tree removal permit may be appealed to the Planning and Zoning Commission in accordance with section 21.4.14 of this UDC.
  - 2. *Heritage Trees.* Any Heritage Trees to be removed may be removed upon approval of a Tree Removal Permit by the Director of Parks, Recreation and Community Services. Any decision by the Director of Parks, Recreation and Community Services regarding a tree removal permit may be appealed to the Planning and Zoning Commission in accordance with section 21.4.14 of this UDC. All Heritage Trees shall be required to meet the mitigation requirements of this section.
  - 3. *Minimum Preservation.* In the development of any site, at least twenty-five percent (25%) of all mitigatable Protected Class and Heritage Class trees must be preserved. (A waiver to the 25% preservation requirement may be requested)

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D. *Tree Mitigation.* Any trees that are removed or damaged as a result of the approval of a Tree Removal Permit shall be mitigated for on the same site as the proposed development. The species of trees planted for mitigation purposes may not include those listed as exempt in subsection 21.9.9.B.3. above nor any of the undesirable trees identified in table 21.9.7F. All trees planted for mitigation purposes must be a species of shade tree identified in table 21.9.7.A. In the event that mitigation is not feasible on the same site as the proposed development, an applicant may request to donate trees, meeting the mitigation requirements of this section, to be planted at public parks, schools, or other approved public facilities throughout the City or provide a fee-in-lieu of payment which will be used to place trees at public parks, schools, or other approved public facilities throughout the City. Tree mitigation funds may also be utilized to install irrigation, to repair or remove damaged or destroyed trees, to preserve and protect existing Protected Class and Heritage Class trees and to purchase equipment for the preservation or protection of existing trees. Mitigation requirements are:

1. *Protected Class Trees.* Protected trees shall be mitigated at a one-to-one (1:1) DBH inch ratio for every tree removed. Replacement trees shall have a minimum DBH of two inches (2").
2. *Heritage Class Trees.* Heritage Class trees shall be mitigated at a three-to-one (3:1) DBH inch ratio for every tree removed. Replacement trees shall have a minimum DBH of two inches (2").
3. *Damaged Trees.* Any trees that are designated for preservation and are damaged during the construction process or that die within two (2) years of issuance of a certificate of occupancy shall be mitigated for in accordance with subsection 21.9.9.D.1. and D.2. above.
4. *Mitigated Trees.* Trees planted and counted towards the necessary mitigation requirements that are damaged after planting or that die within two (2) years of issuance of a certificate of occupancy shall be mitigated for at a one-to-one (1:1) DBH inch ratio for every tree damaged or that dies.
5. The amount of tree mitigation per acre is capped at 100 inches per acre. For properties where the trees are generally clustered, staff has the discretion to define the acreage of the property as an area extending 20' beyond the tree canopy of the cluster in determining the acreage.

E. *Tree Protection Standards.*

1. All trees to be preserved on site shall be protected from damage caused by site excavation or construction in accordance with the following:
  - a. All trees shall be protected by a fence, frame or box constructed around the drip line of the preserved tree. Protection measures may not be removed until construction is complete.
  - b. A minimum of three inches (3") of mulch or compost shall be spread beneath the drip line of the preserved tree.
  - c. No person shall excavate any ditches, tunnels, or trenches, place any paving material or place any drive or parking area within the drip line of any Protected Class or Heritage Class Tree without prior written approval of the City Manager or his/her designee at the time of Site Plan approval.
  - d. No person shall attach any rope, wire, nails, advertising posters or other contrivance to any Protected Class or Heritage Class Tree.
2. It is the intent of the City to control and prevent the spread of Oak Wilt.
  - a. If any oak tree is wounded by intentional damage or pruning or as a result of natural causes, the damaged area shall be immediately treated with tree wound dressing.
  - b. All necessary and reasonable efforts shall be given during the permitted removal of any trees to utilize best known practices to prevent the spread of Oak Wilt disease to any other surrounding trees.

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- F. *Tree Preservation Credits—Nonresidential and Multifamily Developments.* To encourage the preservation of existing Protected Class or Heritage Class Trees contained within a proposed development, tree preservation credits may be requested to reduce the amount of new trees required on nonresidential and multifamily sites. Tree preservation credits can be issued for landscape buffer requirements when the tree being preserved is located within the buffer. Tree preservation credits can be issued to satisfy total trees per acre requirements of UDC Sec.21.9.7.E.2. The following minimum tree preservation credits may be requested:
1. Protected Class Trees shall receive a credit against the minimum required landscaping or mitigation standards at a one-to-one (1:1) caliper inch ratio;
  2. Heritage Class Trees shall receive a credit against the minimum required landscaping or mitigation standards at a three-to-one (3:1) caliper inch ratio;
- G. *Tree Survey Required.* Every application for a final plat for residential development or Site Plan for nonresidential and multifamily development shall be accompanied by a tree survey that includes the following information:
1. total number of DBH caliper inches of Protected Class and Heritage Class on the site;
  2. total number of DBH caliper inches of Protected Class and Heritage Class to be removed; and
  3. total number of DBH caliper inches of Protected Class and Heritage Class to be preserved.
- H. *Tree Removal Permit.* A tree removal permit is required for the removal of any Protected Class or Heritage Class trees not exempt in section 21.9.9.B.2. above. The permit must be accompanied by an appropriate application and shall contain a tree preservation plan showing the following:
1. existing/proposed topography;
  2. location of property lines, easement, rights-of-ways, setbacks, parking areas and sidewalks;
  3. location, species and size (in DBH) of each Protected Class and Heritage Class Tree, except those trees exempted by section 21.9.9.B.2.f. above;
  4. a tree inventory that summarizes the following:
    - a. total number of DBH caliper inches on the site;
    - b. total number of DBH caliper inches to be removed;
    - c. total number of DBH caliper inches to be preserved;
    - d. location of any proposed tree mitigation;
    - e. any proposed tree preservation credits; and
  5. a summary of the tree protection methods to be utilized.
- I. *Waiver.*
1. *General.* The City Manager or his/her designee may authorize waivers from the provisions of this Article when, in their opinion, undue hardship will result from requiring strict compliance. Waivers may be granted only to items specifically stated in this section. Waivers must meet one of the following eligibility requirements:
    - a. The tree is proposed for removal in order for the property to achieve compliance with other applicable City requirements and standards (i.e. site design or storm water management); or
    - b. The tree is proposed for removal because it is within a future public utility location.
  2. *Criteria for approval.* Waivers shall be evaluated using the following criteria:

- 
- a. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees or windbreaks;
  - b. The requested waiver does not violate the intent of this section or the UDC;
  - c. Strict interpretation of the provisions of the section would deprive the applicant of rights commonly enjoyed by other nearby properties in the same zoning district or with the same land use that would comply with the same provisions;
  - d. A reasonable effort to preserve the tree has been made and reasonable alternatives have been evaluated and determined to not be feasible.
3. Any decision of the City Manager or his/her designee regarding waivers to the provisions of this section may be appealed to the Planning and Zoning Commission. When considering an appeal, the Planning and Zoning Commission shall consider the same standards as the City Manager or his/her designee as outlined above.

(Ord. No. 16-S-27 , § 6, 8-30-2016; Ord. No. 17-S-40 , § 1(Exh. A), 10-24-2017; Ord. No. 18-S-08 , § 1(Exh. A), 2-27-2018; Ord. No. 18-S-24 , § 1(Exh. A), 8-7-2018; Ord. No. 22-S-18 , § 1(Exh. A), 4-26-2022)

**Sec. 21.4.12. Variances.**

A. *Applicability.*

1. The BOA shall have the ability to authorize, in specific cases, a variance from the zoning regulations of this UDC if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of this UDC would result in unnecessary hardship, so that the spirit of this UDC is observed and substantial justice is done. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person a privilege in developing a parcel of land not permitted by this UDC to other parcels of land in the district.
2. Approval of a variance authorizes a property owner to submit subsequent development applications consistent with the approved variance.

B. *Application Requirements.* Any request for a variance shall be accompanied by an application prepared in accordance with the Development Manual.

C. *Processing of Application and Decision.*

1. *Submittal.* An application for a variance shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application for completeness in accordance with section 21.4.2. The City Manager or his/her designee may, at its option, request a recommendation from any other appropriate City department or consultant. The City Manager or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Manager or his/her designee shall forward a written recommendation to the BOA for consideration.
2. *Notification requirements.* An application for a variance requires the following notification in accordance with section 21.4.3:
  - a. Written notice; and
  - b. Published notice.
3. *Decision by the BOA.*
  - a. The BOA shall receive the recommendation of the City Manager or his/her designee and shall hold a public hearing in accordance with section 21.4.4. The Board may vote to approve, approve with conditions, or deny the variance.
  - b. The Board may, on its own motion or by request of the property owner, postpone consideration of the variance to a certain date that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the final decision.
  - c. The approval shall be effective for a period of 180 days after the date of such approval. If no application for building permit is submitted within that time, the variance shall become null and void.
  - d. The disapproval of a variance shall require compliance by the applicant, if applicable, within fifteen (15) days after the date of disapproval and upon written notification by staff.

D. *Criteria for approval.* In order to make a finding of hardship and grant a variance from the zoning regulations of this UDC, the Board must determine the following:

1. The requested variance does not violate the intent of this UDC or its amendments;

- 
2. Special conditions of restricted area, topography or physical features exist that are peculiar to the subject parcel of land and are not applicable to other parcels of land in the same zoning district;
  3. The hardship is in no way the result of the applicant's own actions; and
  4. The interpretation of the provisions in this UDC or any amendments thereto would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions.

5. In considering a variance as applied to a structure, the Board may consider the following as grounds to determine whether an unnecessary hardship would result from compliance with the ordinance:

- a. The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code;
- b. Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
- c. Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
- d. Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- e. The municipality considers the structure to be a nonconforming structure.

E. *Appeals of BOA Decisions.* Any person or persons aggrieved by any decision of the BOA, or any taxpayer or any officer, department, board of the City may appeal a decision of the BOA regarding any variance request in accordance with section 21.3.4 of this UDC.

F. *Finding of fact.* The board shall complete a finding of fact for Variance or appeal to support its conclusion for each variance or appeal presented to it.

(Ord. No. 18-S-04 , § 1(Exh. A), 1-23-2018)

**Sec. 21.4.12. Variances.**

A. *Applicability.*

1. The BOA shall have the ability to authorize, in specific cases, a variance from the zoning regulations of this UDC if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of this UDC would result in unnecessary hardship, so that the spirit of this UDC is observed and substantial justice is done. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person a privilege in developing a parcel of land not permitted by this UDC to other parcels of land in the district.
2. Approval of a variance authorizes a property owner to submit subsequent development applications consistent with the approved variance.

B. *Application Requirements.* Any request for a variance shall be accompanied by an application prepared in accordance with the Development Manual.

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1. *Submittal.* An application for a variance shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application for completeness in accordance with section 21.4.2. The City Manager or his/her designee may, at its option, request a recommendation from any other appropriate City department or consultant. The City Manager or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Manager or his/her designee shall forward a written recommendation to the BOA for consideration.
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  - a. Written notice; and
  - b. Published notice.
3. *Decision by the BOA.*
  - a. The BOA shall receive the recommendation of the City Manager or his/her designee and shall hold a public hearing in accordance with section 21.4.4. The Board may vote to approve, approve with conditions, or deny the variance.
  - b. The Board may, on its own motion or by request of the property owner, postpone consideration of the variance to a certain date that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the final decision.
  - c. The approval shall be effective for a period of 180 days after the date of such approval. If no application for building permit is submitted within that time, the variance shall become null and void.
  - d. The disapproval of a variance shall require compliance by the applicant, if applicable, within fifteen (15) days after the date of disapproval and upon written notification by staff.

D. *Criteria for approval.* In order to make a finding of hardship and grant a variance from the zoning regulations of this UDC, the Board must determine the following:

1. The requested variance does not violate the intent of this UDC or its amendments;

- 
2. Special conditions of restricted area, topography or physical features exist that are peculiar to the subject parcel of land and are not applicable to other parcels of land in the same zoning district;
  3. The hardship is in no way the result of the applicant's own actions; and
  4. The interpretation of the provisions in this UDC or any amendments thereto would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions.
  5. In considering a variance as applied to a structure, the Board may consider the following as grounds to determine whether an unnecessary hardship would result from compliance with the ordinance:
    - a. The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code;
    - b. Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
    - c. Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
    - d. Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
    - e. The municipality considers the structure to be a nonconforming structure.
- E. *Appeals of BOA Decisions.* Any person or persons aggrieved by any decision of the BOA, or any taxpayer or any officer, department, board of the City may appeal a decision of the BOA regarding any variance request in accordance with section 21.3.4 of this UDC.
- F. *Finding of fact.* The board shall complete a finding of fact for Variance or appeal to support its conclusion for each variance or appeal presented to it.

(Ord. No. 18-S-04 , § 1(Exh. A), 1-23-2018)

**PLANNING AND ZONING COMMISSION MEETING: 09/13/2023**  
**Agenda Item 6 A**

TO: Planning and Zoning Commission  
PREPARED BY: Daisy Marquez, Planner  
CASE: PLFP20230209 Waiver  
SUBJECT: PLFP20230209 WAIVER- Consider and act upon a request for a waiver to the Unified Development Code Section 21.14.1. Streets subsection K Half Streets and Adjacent Streets, in order to not construct the 2,800 feet of the adjacent David Lack Boulevard in accordance with the Master Thoroughfare Plan for the IDV Schertz Subdivision, approximately 119 acres of land, known as 22867 IH 35, Schertz, Comal County, Texas, also known as Comal County Parcel ID 75290.

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**GENERAL INFORMATION:**

Owner: IDV-BP Schertz, LLC.  
Applicant: Tyler Kozma/ Pape-Dawson Engineers, Inc.

**ITEM SUMMARY:**

The applicant is proposing to final plat approximately 119 acres of land in order to establish one (1) buildable lot for industrial use. The applicant is seeking approval of a waiver to the requirements in Unified Development Code Section 21.14.1.K: Half Streets or Adjacent Streets.

**GENERAL LOCATION AND SITE DESCRIPTION:**

The property is currently undeveloped and is located approximately 2,150 feet northwest of the intersection of IH 35 and Hubertus Road. The subject property is more specifically known as 22867 IH 35, Schertz, Comal County, Texas, also known as Comal County Parcel ID 75290.

**PUBLIC IMPROVEMENTS:**

The applicant is seeking approval of the waiver to Unified Development Code Section 21.14.1K, which would require the proposed subdivision to build one-half of any planned street from the Master Thoroughfare Plan abutting the subject property. The subdivision plat demonstrates dedications of right-of-way for the planned Commercial Collector (David Lack Boulevard extension), which requires a total planned 70-feet of right-of-way.

Unified Development Code Section 21.14.1.K states that right-of-way dedication for any additional right-of-way shall meet the street width required where a proposed subdivision abuts an existing street. Additionally, the minimum dedication and construction cost shall be equal to one-half of the proposed street.

Therefore, in this proposed subdivision, IDV-BP would be required to construct one-half of the approximately 2,800 feet of the proposed Commercial Connector, also known as the East and West Connector, and more specifically known as the David Lack Boulevard extension of the Master Thoroughfare Plan.

Based on the requirements of the Unified Development Code, not conforming to Section 21.14.1. K, a waiver is required to be granted by the Planning and Zoning Commission as detailed in the Unified Development Code Section 21.12.5: Waivers.

**STAFF ANALYSIS AND RECOMMENDATION:**

Staff cannot administratively waive the construction requirements of street improvements stated in Unified Development Code Section 21.14.1.K.

Unified Development Code Article 14: Transportation, Section 21.14.1.K Streets, Half Streets & Adjacent Streets requires new subdivisions to build one-half of the proposed Master Thoroughfare Plan streets and Comprehensive Plan streets. The current Master Thoroughfare Plan identifies an East & West Connector, also known as the future

extension of David Lack Boulevard, along the northern portion of the proposed IDV Subdivision Final Plat.

During the recent legislative session, Texas House Bill 3699 Section 12, amended Section 212.010, Local Government Code to not allow municipal authorities responsible for approving plats, to require dedication of land within a subdivision for a future street or alley that is not intended by the owner of tract or not included, funded, or approved in a Capital Improvement Plan. This legislative changes went into effect September 1, 2023, thus making Unified Development Code Section 21.14.1.K not compliant with the new Local Government Code changes. While Staff works on amending the Unified Development Code for state compliance, a waiver is still required for UDC Section 21.14.1.K for approval of the proposed IDV Subdivision Final Plat before UDC amendments can be made.

Although the applicant is no longer building or committing the construction costs for the future construction of David Lack Boulevard, the applicant is still granting the city the right-of-way for the proposed David Lack Boulevard Extension.

If approved, the applicant will not be required to build their required one-half of street adjacent to the proposed subdivision from the Master Thoroughfare Plan, nor commit the construction costs in the form of escrow as required by Unified Development Code Section 21.14.1 K.

Due to legislative changes, and the dedication of right-of-way, Staff recommends approval of this waiver request.

| Planning Department Recommendation |                          |
|------------------------------------|--------------------------|
| X                                  | Approve as submitted     |
|                                    | Approve with conditions* |
|                                    | Denial                   |

\* While the Commission can impose conditions; conditions should only be imposed to meet requirements of the UDC.

**COMMISSIONERS CRITERIA FOR CONSIDERATION:**

**Section 21.12.15.- Waivers**

A. *General.* The Planning and Zoning Commission may authorize waivers from the provisions of the Article when, in its opinion, undue hardship will result from requiring strict compliance. In granting a waiver, the Planning and Zoning Commission shall prescribe only conditions that it deems necessary or desirable to the public interest. In making their findings, the Planning and Zoning Commission shall take into account the nature of the proposed use of land involved and existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such waivers upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity. Waivers shall not be granted unless the Planning and Zoning Commission finds:

1. That the granting of the waiver will not be detrimental to the public health, safety, or welfare, or injurious to the other property in the area; and
2. That the granting of the waiver will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this UDC. Such findings of the Planning and Zoning Commission, together with the specified facts upon which such findings are based, shall be incorporated into the official minutes of the Planning and Zoning Commission meeting at which such waiver is granted. Waivers may be granted only when in harmony with the general purpose and intent of this UDC so that the public health, safety, and welfare may be secured and justice done.

B. The Planning and Zoning Commission may establish a time period for execution of granted waiver.

C. Such findings together with the specific facts on which such findings are based shall be incorporated into the official minutes of the Planning and Zoning Commission meeting at which such exception is granted.

D. Planning and Zoning Commission shall not authorize a waiver that would constitute a violation of a valid law, ordinance, code or regulation of the City.

E. Any decision of the Planning and Zoning Commission regarding waivers to the provisions of this Article may be appealed to the City Council. When considering an appeal, the City Council shall consider the same standards as the Planning and Zoning Commission as outline above.

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**Attachments**

Aerial Exhibit

Waiver Request Letter

Engineering Memo

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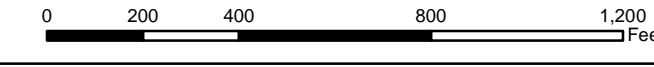
Source: Esri, Maxar, GeoEye, Earthstar, Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



IDV SCHERTZ  
(PLFP20230209)

|                    |               |                |               |            |     |     |                          |                   |                            |
|--------------------|---------------|----------------|---------------|------------|-----|-----|--------------------------|-------------------|----------------------------|
| <all other values> | 60' Expansion | 86' Extension  | 120' Proposed | 1", 1 1/2" | 8"  | 20" | Schertz Gravity          | Hydrant           | 200' Buffer                |
| Highways           | 60' Proposed  | 86' Proposed   | Abandoned     | 2", 2 1/2" | 10" | 24" | Schertz Pressure         | Manholes          | Schertz Municipal Boundary |
| Major Roads        | 60' Extension | 86' Extension  | Future TxDOT  | 3"         | 12" | 30" | Neighboring Main Gravity | County Boundaries |                            |
| Minor Roads        | 86' Expansion | 120' Extension | Highway       | 4"         | 16" | 36" | Private Pressure         |                   |                            |
| Other Cities       |               |                |               | 6"         | 18" | 48" |                          |                   |                            |

1 Inch = 400 Feet



August 24, 2023

City of Schertz  
Planning Division  
1400 Schertz Parkway, Building 1  
Schertz, TX 78154

Re: Final Plat – IDV Schertz – Request for waiver of Section 21.14.1.K of the Code of Ordinances

To Whom It May Concern:

This letter is provided on behalf of IDV-BP Schertz, LLC, owner of the property at 22867 IH 35 N (Comal County ID #75290) in Schertz, Texas to request a waiver from the City of Schertz Code of Ordinances section 21.14.1.K which requires construction costs to be committed upon plat recordation for one-half of any planned street from the Schertz Master Thoroughfare Plan abutting the subject property.

IDV-BP Schertz, LLC wishes to record their final plat and dedicate the necessary ROW for the planned collector street, but will not be committing construction costs in the form of an escrow agreement due to newly passed state legislature disallowing local municipalities from requiring commitments of this nature. The waiver request is necessary to comply with local regulations as Schertz is working to amend their UDC to conform with the new state law.

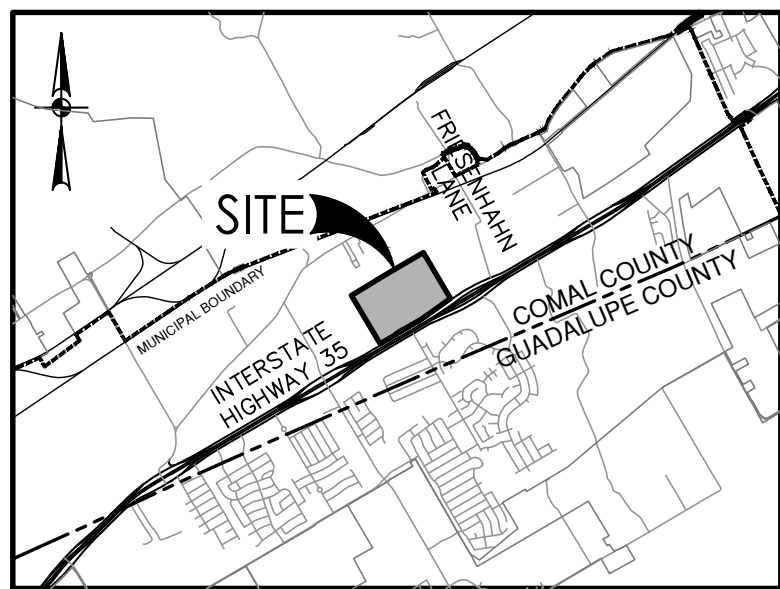
If you have any questions or require any additional information, please do not hesitate to contact our office at your earliest convenience.

Sincerely,  
Pape-Dawson Engineers, Inc.



Andrew Belton, P.E.  
Associate Vice President

P:\300\20\02\Word\Letters\221213 - Letter of Intent.docx



**LOCATION MAP**  
MAPSCO MAP GRID: 123X1  
NOI-TO-SCALE

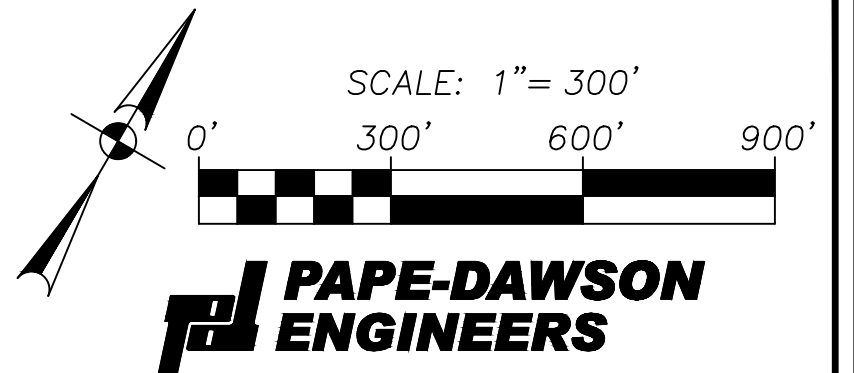
**TxDOT NOTES:**

- FOR RESIDENTIAL DEVELOPMENT DIRECTLY ADJACENT TO STATE RIGHT-OF-WAY, THE DEVELOPER SHALL BE RESPONSIBLE FOR ADEQUATE SETBACK AND/OR SOUND ABATEMENT MEASURES FOR FUTURE NOISE MITIGATION.
- THE OWNER/DEVELOPER IS RESPONSIBLE FOR PREVENTING ANY ADVERSE IMPACT TO THE EXISTING DRAINAGE SYSTEM WITHIN THE HIGHWAY RIGHT-OF-WAY. OUTFALLS FOR WATER QUALITY AND/OR DETENTION PONDS TREATING IMPERVIOUS COVER RELATED TO THE DEVELOPMENT AND STRUCTURES FOR REDUCTION OF DISCHARGE VELOCITY WILL NOT ENCRoACH BY STRUCTURE OR GRADING INTO STATE ROW OR INTO AREAS OF ROW RESERVATION OR DEDICATION. FOR PROJECTS IN THE EDWARDS AQUIFER RECHARGE, TRANSITION OR CONTRIBUTING ZONES, PLACEMENT OF PERMANENT STRUCTURAL BEST MANAGEMENT PRACTICE DEVICES OR VEGETATIVE FILTER STRIPS WITHIN STATE ROW OR INTO AREAS OF ROW RESERVATION OR DEDICATION WILL NOT BE ALLOWED. NO NEW EASEMENTS OF ANY TYPE SHOULD BE LOCATED IN AREAS OF ROW RESERVATION OR DEDICATION.
- MAXIMUM ACCESS POINTS TO STATE HIGHWAY FROM THIS PROPERTY WILL BE REGULATED AS DIRECTED BY TxDOT'S, "ACCESS MANAGEMENT MANUAL". THE PROPERTY IS ELIGIBLE FOR A MAXIMUM TOTAL OF 2 (TWO) ACCESS POINTS ALONG IH 35, BASED ON THE OVERALL PLATTED HIGHWAY FRONTAGE OF 2,787.24 LINEAR FEET. WHERE TOPOGRAPHY OR OTHER EXISTING CONDITIONS MAKE IT INAPPROPRIATE OR NOT FEASIBLE TO CONFORM TO THE CONNECTION SPACING INTERVALS, THE LOCATION OF REASONABLE ACCESS WILL BE DETERMINED WITH CONSIDERATION GIVEN TO TOPOGRAPHY, ESTABLISHED PROPERTY OWNERSHIPS, UNIQUE PHYSICAL LIMITATIONS, AND/OR PHYSICAL DESIGN CONSTRAINTS. THE SELECTED LOCATION SHOULD SERVE AS MANY PROPERTIES AND INTERESTS AS POSSIBLE TO REDUCE THE NEED FOR ADDITIONAL DIRECT ACCESS TO THE HIGHWAY. IN SELECTING LOCATIONS FOR FULL MOVEMENT INTERSECTIONS, PREFERENCE WILL BE GIVEN TO PUBLIC ROADWAYS THAT ARE ON LOCAL THOROUGHFARE PLANS.
- 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 DIRECTED BY TxDOT.
- ANY TRAFFIC CONTROL MEASURES (LEFT-TURN LANE, RIGHT-TURN LANE SIGNAL, ETC.) FOR ANY ACCESS FRONTING A STATE MAINTAINED ROADWAY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER/OWNER.

**CENTERPOINT ENERGY NOTE:**

CENTERPOINT ENERGY, BY AND THROUGH ITS GAS UTILITY SYSTEM, IS HEREBY DEDICATED EASEMENTS AND RIGHT-OF-WAYS FOR GAS DISTRIBUTION INFRASTRUCTURE AND SERVICE FACILITIES IN THE AREAS DESIGNATED ON THIS PLAT AS "GAS EASEMENT" FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, MAINTAINING, REMOVING, INSPECTING, AND PATROLLING SAID INFRASTRUCTURE AND SERVICE FACILITIES TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT LAND FOR THE PURPOSE OF ACCESSING ITS INFRASTRUCTURE AND SERVICE FACILITIES. CENTERPOINT ENERGY SHALL ALSO HAVE THE RIGHT TO RELOCATE SAID INFRASTRUCTURE AND SERVICE FACILITIES WITHIN EASEMENT AND RIGHT-OF-WAY AREAS, AND THE RIGHT TO REMOVE FROM SAID AREA LANDS ALL TREES OR PARTS THEREOF, OR OTHER OBSTRUCTIONS WHICH ENDANGER OR MAY INTERFERE WITH THE EFFICIENCY OF GAS DISTRIBUTION INFRASTRUCTURE AND SERVICE FACILITIES. NO BUILDINGS, CONCRETE SLABS, OR WALLS WILL BE PLACED WITHIN EASEMENT AREAS WITHOUT AN ENCROACHMENT AGREEMENT WITH CENTERPOINT ENERGY.

THIS PLAT OF THE IDV SCHERTZ PLAT HAS BEEN SUBMITTED AND APPROVED BY NEW BRAUNFELS UTILITIES ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ AD \_\_\_\_\_.



**PAPE-DAWSON ENGINEERS**  
SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS  
2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000  
TBPE FIRM REGISTRATION #470 | TBPLS FIRM REGISTRATION #10028800  
DATE OF PREPARATION: July 27, 2023

**NBU UTILITIES NOTES:**

- MAINTENANCE OF DEDICATED UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. ANY USE OF AN EASEMENT, OR ANY PORTION OF IT, INCLUDING LANDSCAPING OR DRAINAGE FEATURES, IS SUBJECT TO AND SHALL NOT CONFLICT WITH THE TERMS AND CONDITIONS IN THE EASEMENT, MUST NOT ENDANGER OR INTERFERE WITH THE RIGHTS GRANTED BY THE EASEMENT TO NEW BRAUNFELS UTILITIES, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE SUBJECT TO APPLICABLE PERMIT REQUIREMENTS OF THE CITY OF NEW BRAUNFELS OR ANY OTHER GOVERNING BODY. THE PROPERTY OWNER MUST OBTAIN, IN ADVANCE, WRITTEN AGREEMENT WITH THE UTILITIES TO UTILIZE THE EASEMENT, OR ANY PART OF IT.
- UTILITIES WILL POSSESS A 5' WIDE SERVICE EASEMENT TO THE BUILDING STRUCTURE ALONG THE SERVICE LINE TO THE SERVICE ENTRANCE. THIS EASEMENT WILL VARY DEPENDING UPON LOCATION OF BUILDING STRUCTURE AND SERVICE.
- UTILITIES SHALL HAVE ACCESS TO THE METER LOCATIONS FROM THE FRONT YARD AND METER LOCATIONS SHALL NOT BE LOCATED WITHIN A FENCE AREA.
- EACH LOT MUST HAVE ITS OWN WATER AND SEWER SERVICE AT THE OWNER'S/DEVELOPER'S EXPENSE.
- DO NOT COMBINE ANY NEW UTILITY EASEMENTS (UE) WITH DRAINAGE EASEMENTS (DE) OR MAKE CHANGES IN GRADE WITHIN THE UTILITY EASEMENTS (UE) WITHOUT WRITTEN APPROVAL FROM NEW BRAUNFELS UTILITIES.
- NBU IS NOT RESPONSIBLE FOR DAMAGES TO PROPERTY IMPROVEMENTS (I.E. LANDSCAPING, TREES, PAVEMENT, SIGNS, DRAINAGE STRUCTURES, PRIVATE UTILITIES, ETC.) THAT ARE PLACED IN ANY TYPE OF UTILITY EASEMENT. TO ENSURE NO CONFLICTS EXIST WITH UTILITY INFRASTRUCTURE IN THE EASEMENT, ALL SUCH IMPROVEMENTS PLACED IN ANY TYPE OF UTILITY EASEMENT MUST BE REVIEWED AND APPROVED THROUGH THE NBU EASEMENT ENCROACHMENT PROCESS. NBU EASEMENTS AND ROW FACILITATES THE EASEMENT ENCROACHMENT APPLICATION PROCESS.

STATE OF TEXAS  
COUNTY OF COMAL

THE OWNER OF LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO THE USE OF THE PUBLIC, EXCEPT AREAS IDENTIFIED AS PRIVATE OR PART OF AN ENCLAVE OR PLANNED UNIT DEVELOPMENT, FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

OWNER/DEVELOPER: IDV-BP SCHERTZ, LLC  
10375 RICHMOND AVENUE, SUITE 1950, HOUSTON TX 77042  
(832) 500-5202

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED IDV-BP SCHERTZ, LLC, 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 \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_.

NOTARY PUBLIC, \_\_\_\_\_ COUNTY, TEXAS

THIS PLAT OF IDV SCHERTZ HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF SCHERTZ, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED: THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, YEAR A.D. 20\_\_\_\_.

BY: \_\_\_\_\_ CHAIRPERSON

BY: \_\_\_\_\_ SECRETARY

**IDV SCHERTZ  
FINAL PLAT**

BEING A TOTAL OF 118,948 ACRE TRACT OF LAND, ESTABLISHING LOT 1, BLOCK 1, INCLUSIVE OF 2.244 ACRE OF 35' RIGHT-OF-WAY DEDICATION BASED ON THE CITY OF SCHERTZ MASTER THOROUGHFARE PLAN DATED 5/2017, BEING COMPRISED OF A 118,948 ACRE TRACT OF LAND RECORDED IN DOCUMENT NO. 202106057989 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, OUT OF THE RAFAEL GARZA SURVEY NO. 98, ABSTRACT 175 IN THE CITY OF SCHERTZ, COMAL COUNTY, TEXAS.

DATE OF PRINT: July 27, 2023

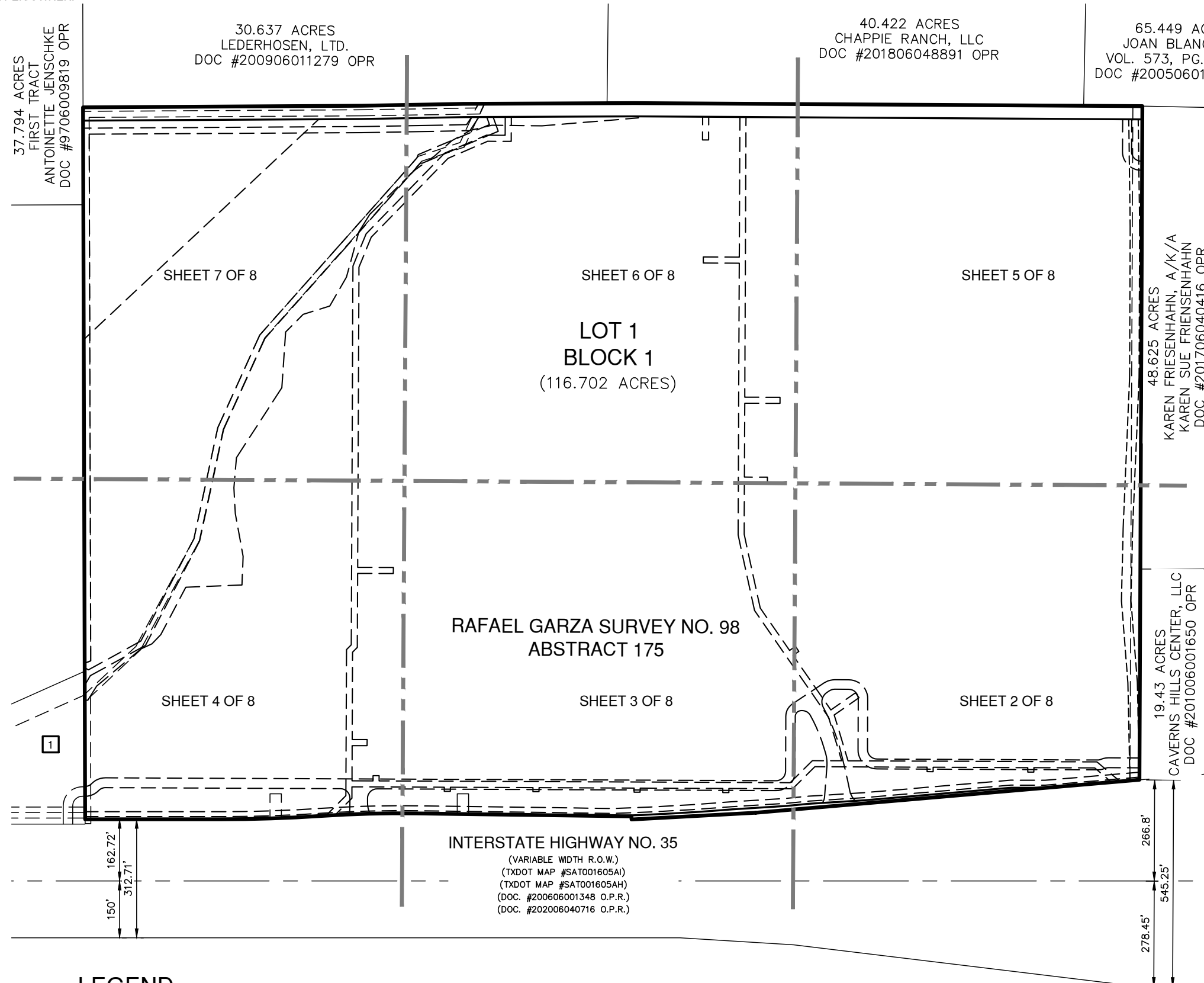
STATE OF TEXAS  
COUNTY OF COMAL

I, \_\_\_\_\_, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_ AT \_\_\_\_\_ AM AND DULY RECORDED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_ AT \_\_\_\_\_ M. IN THE MAP AND PLAT RECORDS IN SAID OFFICE, OF SAID COUNTY, IN DOCUMENT NO. \_\_\_\_\_ IN TESTIMONY WHEREOF WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_.

\_\_\_\_\_  
COUNTY CLERK, COMAL COUNTY, TEXAS

BY: \_\_\_\_\_, DEPUTY

**INDEX MAP**  
SCALE: 1"= 300'



**LEGEND**

- |  |   |   |
|--|---|---|
| AC ACRE(S)   | 15' SANITARY SEWER EASEMENT TO BE VACATED (VOL 830, PG 361 DR)          | 1 20' ELECTRIC, GAS, TELEPHONE AND CABLE TV EASEMENT  |
| BLK BLOCK  | 16' SANITARY SEWER EASEMENT TO BE VACATED (DOC #200906014112 OPR)       | 2 1' VEHICULAR NON-ACCESS EASEMENT (NOT TO SCALE)   |
| CB COUNTY BLOCK                                    | 25' SANITARY SEWER EASEMENT TO BE VACATED (DOC #9706003956 OPR)         | 3 16' SANITARY SEWER EASEMENT   |
| DOC DOCUMENT NUMBER                                | SIGN EASEMENT (DOC. #200606011466 OPR)                                  | 4 16' WATER EASEMENT  |
| DR DEED RECORDS OF COMAL COUNTY, TEXAS             | SIGN EASEMENT (DOC. #200606011467 OPR)                                  | 5 35' STREET RIGHT-OF-WAY DEDICATION BASED ON THE CITY OF SCHERTZ MASTER THOROUGHFARE PLAN DATED 5/2017. (2.246 AC. = 97,856.18 SF) |
| MPR MAP AND PLAT RECORDS OF COMAL COUNTY, TEXAS    | 0.0657 ACRE CROSS ACCESS EASEMENT (DOC. #201806029613 MPR)              | 6 12' VARIABLE WIDTH STREET RIGHT-OF-WAY DEDICATION TO TxDOT (0.6191 AC)  |
| OPR OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS | 14' GAS, ELECTRIC, TELEPHONE AND CATV EASEMENT (DOC. #201806029613 MPR) | 7 24' ACCESS EASEMENT   |
| VOL VOLUME   | 16' WATER EASEMENT (DOC. #201806029613 MPR)                             | 8 VARIABLE WIDTH CROSS ACCESS EASEMENT  |
| PG PAGE(S)   | 57' DRAINAGE EASEMENT (DOC. #201806029613 MPR)                          | 9 VARIABLE WIDTH DRAINAGE EASEMENT (13.083 AC)  |
| ROW RIGHT-OF-WAY                                   | FOUND 1/2" IRON ROD (UNLESS NOTED OTHERWISE)                            | 10 25' SANITARY SEWER EASEMENT  |
| SD STORM DRAIN                                     | SET 1/2" IRON ROD (PD)  | 11 VARIABLE WIDTH SANITARY SEWER EASEMENT   |
| SS SANITARY SEWER                                  | SET 1/2" IRON ROD (PD)-ROW  |   |
| W WATER  |   |   |
| FM FORCE MAIN                                      |   |   |
| SD STORM DRAIN                                     |   |   |



Certified By:

*Daisy Marquez*  
Daisy Marquez, Planner  
Planning and Community Development  
08/22/2023 11:55:08 AM

**CURVE AND LINE DATA  
ON SHEET 8 OF 8**  
**PLAT NOTES APPLY TO EVERY PAGE  
OF THIS MULTIPLE PAGE PLAT**

SHEET 1 OF 8

**NOTES:**

- NOTICE: SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF CITY ORDINANCES AND STATE LAW AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND PERMITS.
- ACCORDING TO FLOOD INSURANCE RATE MAP, PANEL 440 OF 505 OF COMAL COUNTY, MAP NO. 48091C0440F, DATED SEPTEMBER 2, 2009, THE SUBJECT PROPERTY IS LOCATED IN ZONE X AND IS NOT WITHIN THE 100-YEAR FLOODPLAIN.
- ALL OPEN SPACE, COMMON AREAS, GREENBELTS, DRAINAGE EASEMENT OR OTHER AREAS IDENTIFIED AS PRIVATE SHALL BE THE RESPONSIBILITY OF THE OWNER OR OWNERS SUCCESSORS AND/OR ASSIGNS PROVIDED SUCH SUCCESSOR OR ASSIGN IS APPROVED BY THE CITY.
- THERE IS ONE (1) BUILDABLE LOT.

**SURVEYOR'S NOTES:**

- PROPERTY CORNERS ARE MONUMENTED WITH CAP OR DISK MARKED "PAPE-DAWSON" UNLESS NOTED OTHERWISE.
- COORDINATES SHOWN ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 NAD83 (NA2011) EPOCH 2010.00 FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE DISPLAYED IN GRID VALUES DERIVED FROM THE NGS COOPERATIVE CORS NETWORK.
- DIMENSIONS SHOWN ARE SURFACE SCALE FACTOR: 1.00017
- BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 NAD83 (NA2011) EPOCH 2010.00, FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE.

THIS PROPOSED DEVELOPMENT HAS BEEN REVIEWED AND APPROVED BY THE CIBOLO CREEK MUNICIPAL AUTHORITY (COMA) FOR WASTEWATER TREATMENT PLANT CAPACITY AND EASEMENTS. ALL FEES DUE FOR IMPACT TO THE SYSTEM AT TIME OF CONNECTION WILL BE CALCULATED AT THE SUBMITTAL OF BUILDING PERMIT APPLICATION.

AGENT FOR CIBOLO CREEK MUNICIPAL AUTHORITY

I, THE UNDERSIGNED, CITY ENGINEER OF THE CITY OF SCHERTZ, TEXAS HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY AS TO WHICH THIS APPROVAL IS REQUIRED.

CITY ENGINEER

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. TO THE BEST OF MY KNOWLEDGE THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE, EXCEPT FOR THOSE VARIANCES GRANTED BY THE CITY OF SCHERTZ PLANNING AND ZONING COMMISSION.

DENNIS R. RION  
LICENSED PROFESSIONAL ENGINEER  
PAPE-DAWSON ENGINEERS, INC.  
2000 NW LOOP 410  
SAN ANTONIO, TEXAS 78213  
(210) 375-9000

STATE OF TEXAS  
COUNTY OF BEXAR

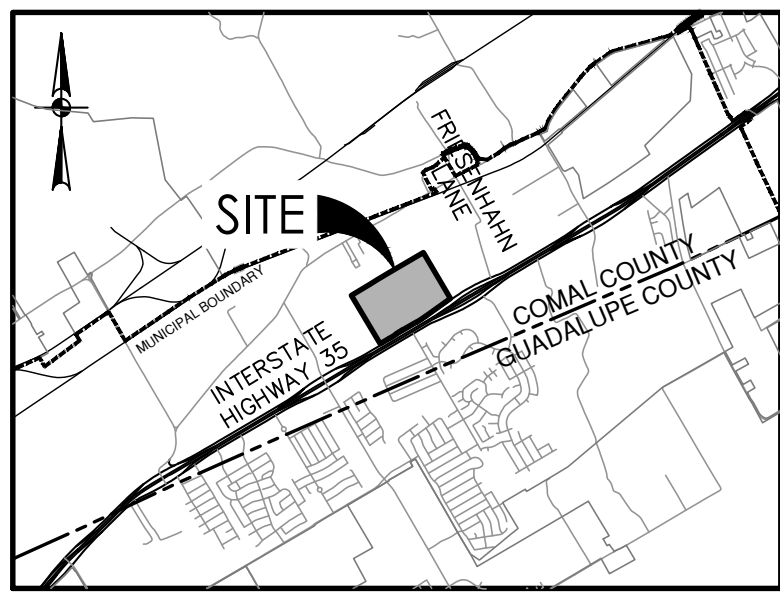
I, THE UNDERSIGNED ERIC SNELL, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE UNDER MY SUPERVISION AND IN COMPLIANCE WITH CITY AND STATE SURVEY REGULATIONS AND LAWS AND MADE ON THE GROUND AND THAT THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

ERIC SNELL  
REGISTERED PROFESSIONAL LAND SURVEYOR  
PAPE-DAWSON ENGINEERS, INC.  
2000 NW LOOP 410  
SAN ANTONIO, TEXAS 78213  
(210) 375-9000

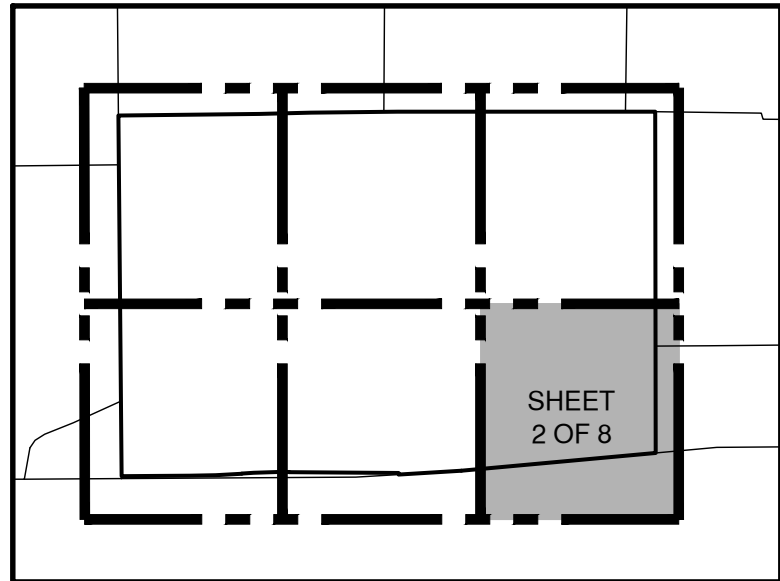
This document is released  
or INTERIM REVIEW purposes  
ONLY under the authorization  
of Dennis R. Rion, P.E.  
#67109 on 7/27/2023  
This document is not to be  
used for CONSTRUCTION.

Civil Job No. 30020-02; Survey Job No. 30020-01

IDV SCHERTZ



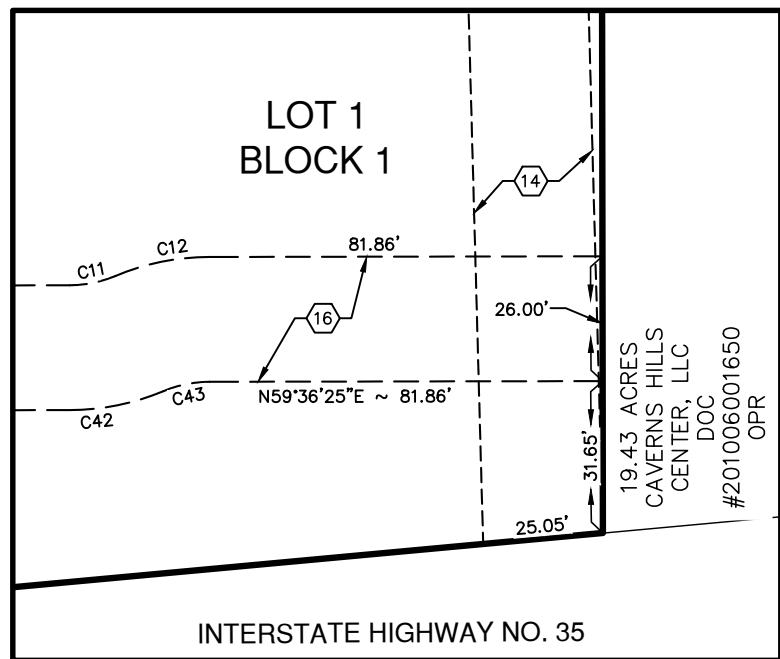
**LOCATION MAP**  
MAPSCO MAP GRID: 123X1  
NOT-TO-SCALE



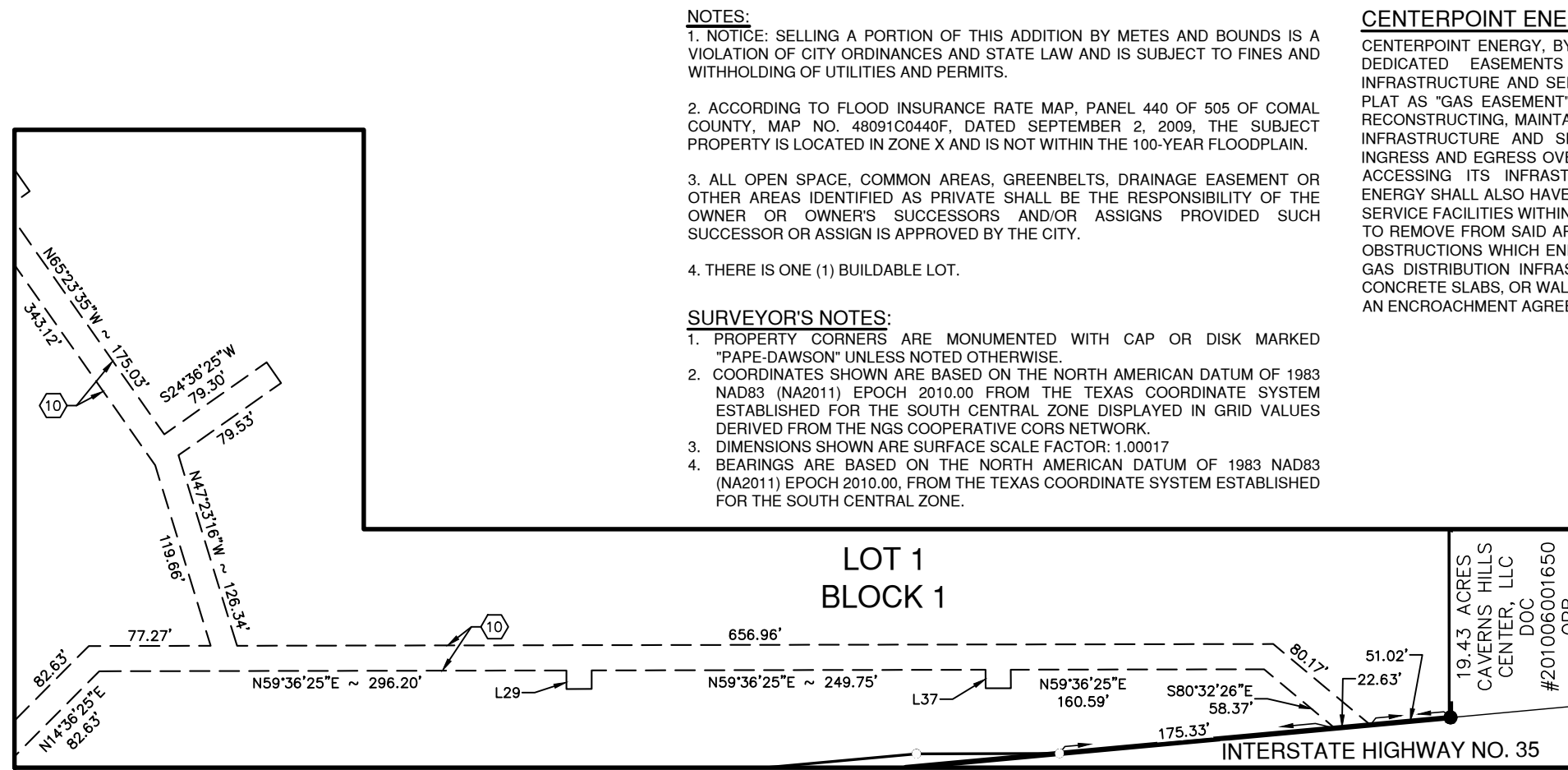
**INDEX MAP**  
SCALE: 1" = 1000'

**LEGEND**

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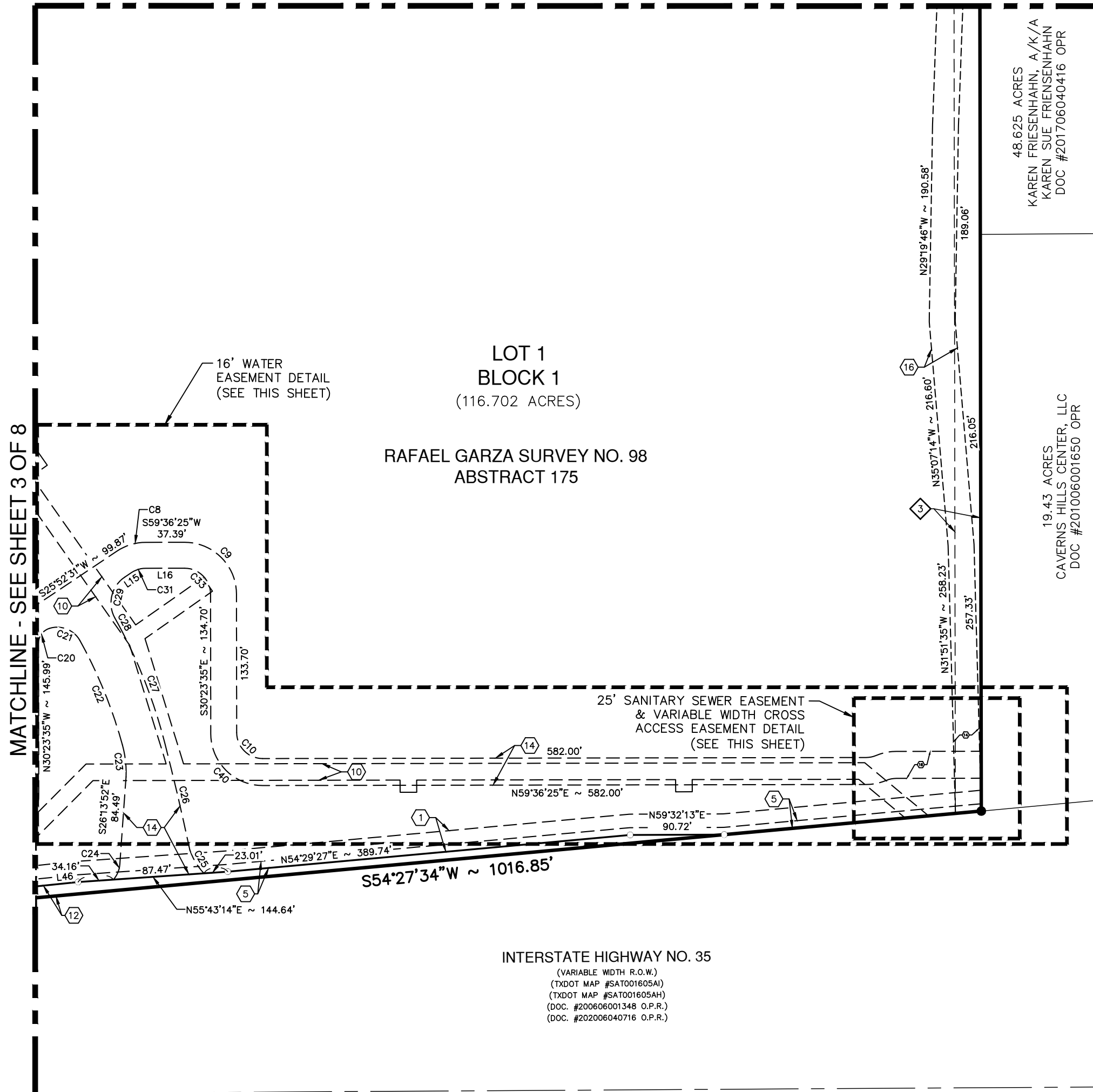


**25' SANITARY SEWER & VARIABLE WIDTH CROSS ACCESS EASEMENT DETAIL**  
NOT-TO-SCALE



**16' WATER EASEMENT DETAIL**  
NOT-TO-SCALE

MATCHLINE - SEE SHEET 7 OF 8



**LOT 1  
BLOCK 1**  
(116.702 ACRES)  
RAFAEL GARZA SURVEY NO. 98  
ABSTRACT 175

INTERSTATE HIGHWAY NO. 35  
(VARIABLE WIDTH R.O.W.)  
(TXDOT MAP #S41001605A4)  
(TXDOT MAP #S41001605A4)  
(DOC. #200606001348 O.P.R.)  
(DOC. #202006040716 O.P.R.)

**CENTERPOINT ENERGY NOTE:**

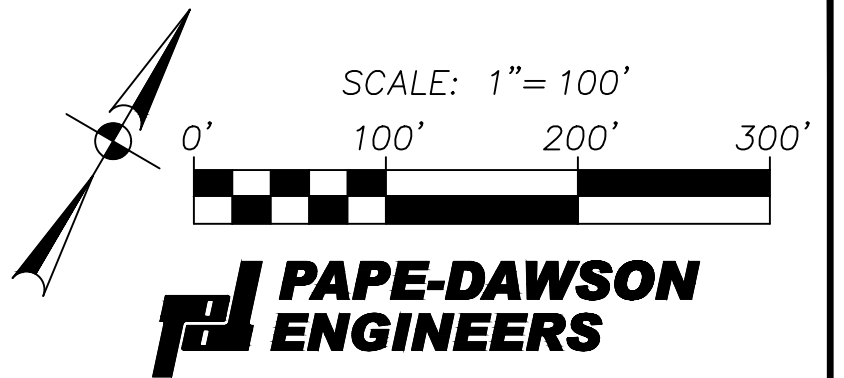
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**PAPE-DAWSON ENGINEERS**

SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS  
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DATE OF PREPARATION: July 27, 2023

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**IDV SCHERTZ  
FINAL PLAT**

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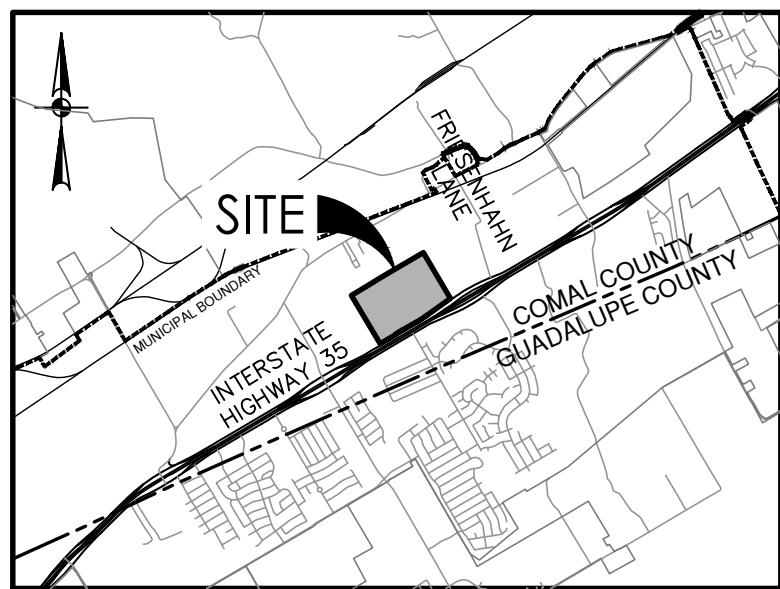
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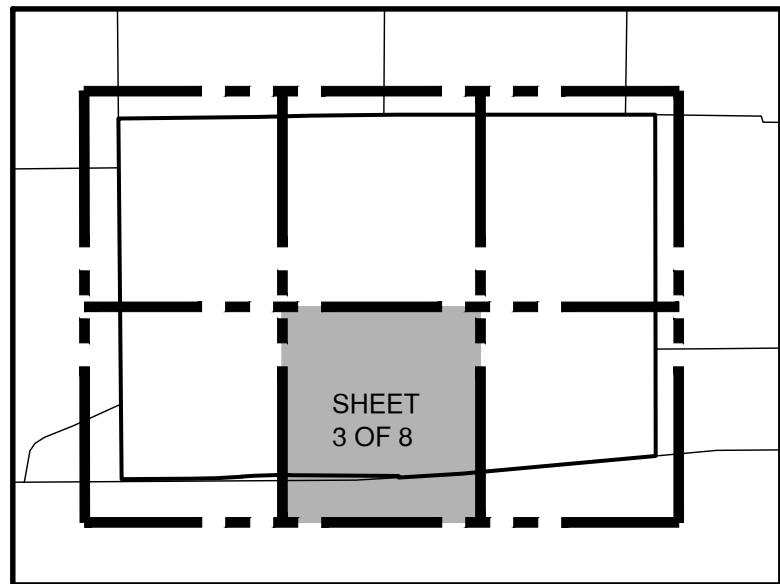
Certified By: *Daisy Marquez*  
Daisy Marquez, Planner  
Planning and Community Development  
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PLAT NOTES APPLY TO EVERY PAGE  
OF THIS MULTIPLE PAGE PLAT

IDV SCHERTZ  
Civil Job No. 30020-02; Survey Job No. 30020-01



LOCATION MAP  
MAPSCO MAP GRID: 123X1  
NOT-TO-SCALE



INDEX MAP  
SCALE: 1" = 1000'

LEGEND

- ① 15' SANITARY SEWER EASEMENT TO BE VACATED (VOL 830, PG 361 DR)
- ② 16' SANITARY SEWER EASEMENT TO BE VACATED (DOC #200906014112 OPR)
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SURVEYOR'S NOTES:

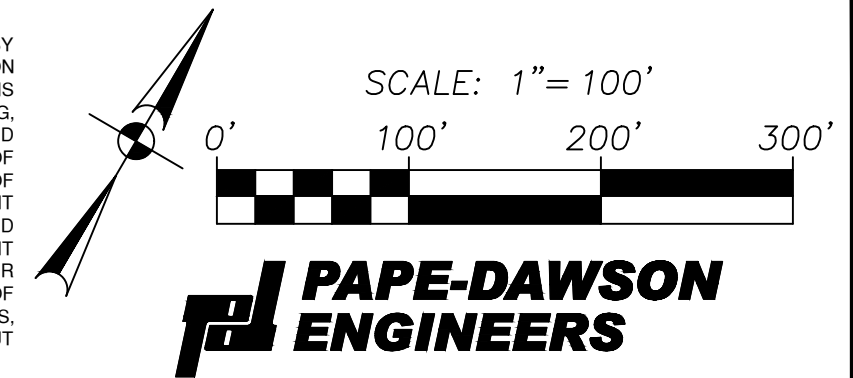
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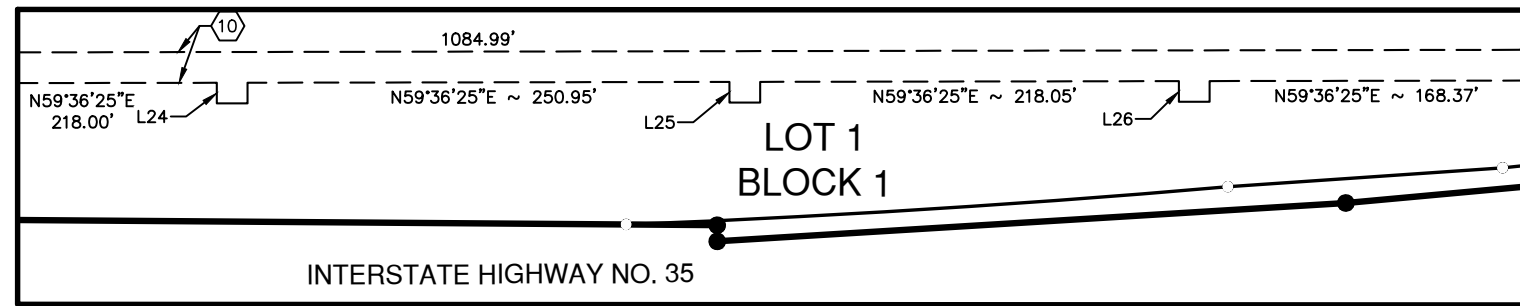


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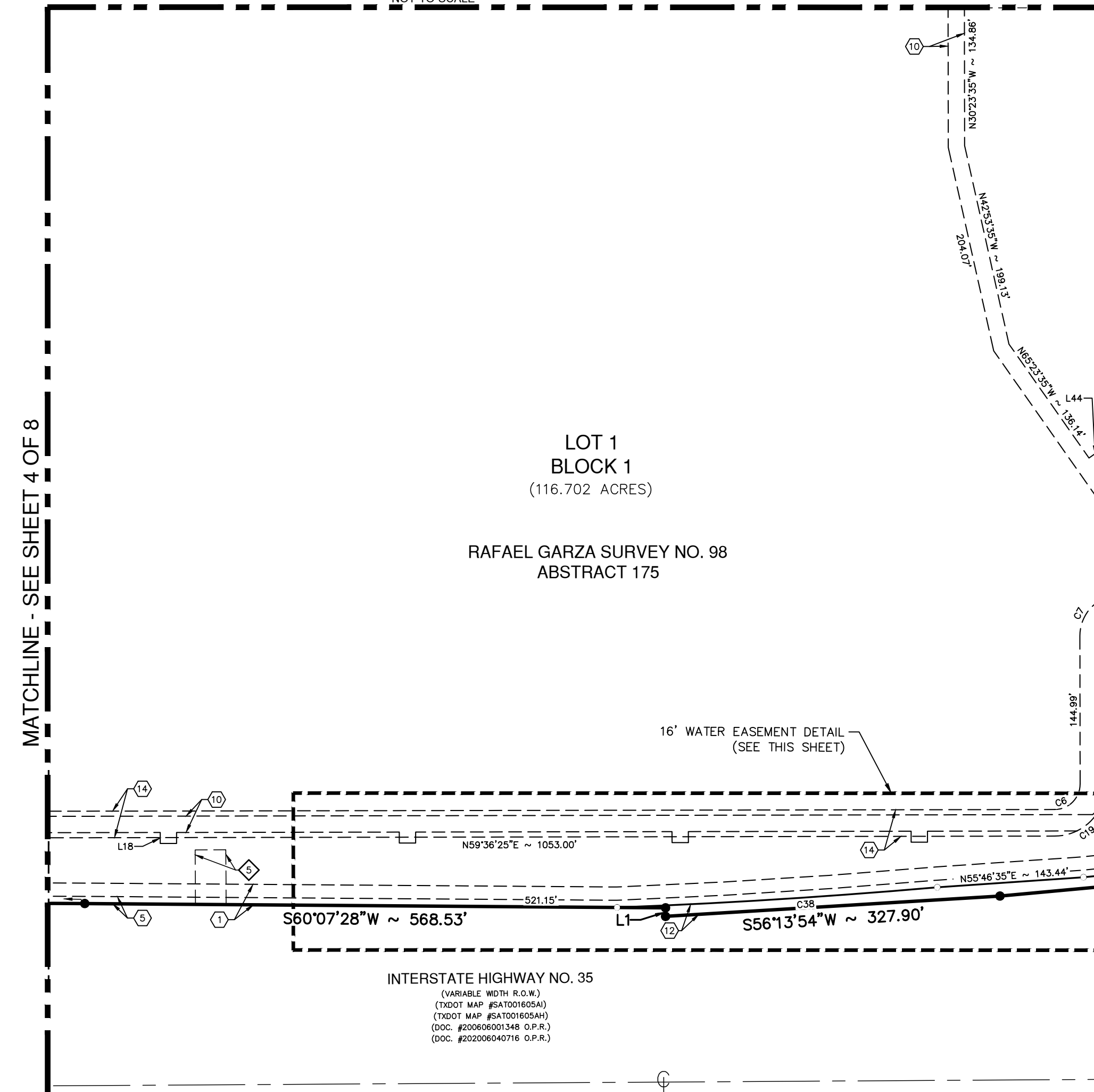
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16' WATER EASEMENT DETAIL  
NOT-TO-SCALE



LOT 1  
BLOCK 1  
(116.702 ACRES)

RAFAEL GARZA SURVEY NO. 98  
ABSTRACT 175

IDV SCHERTZ  
FINAL PLAT

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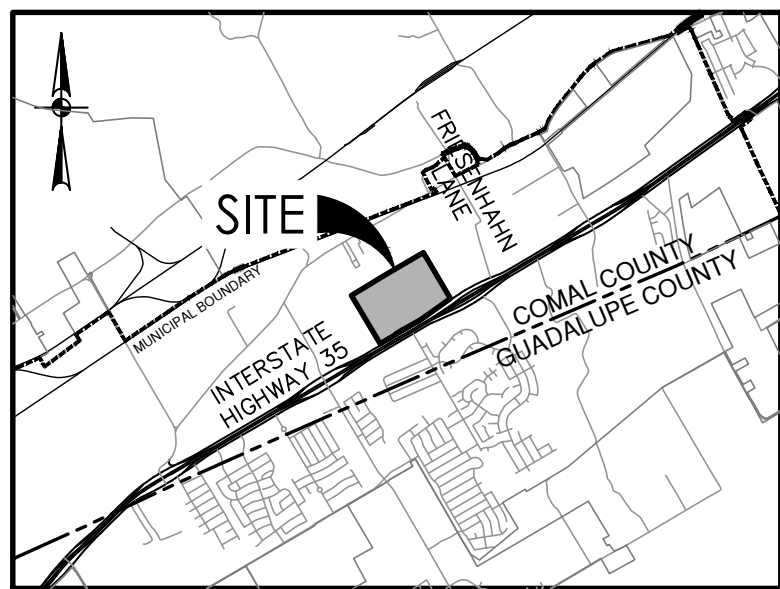


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Daisy Marquez, Planner  
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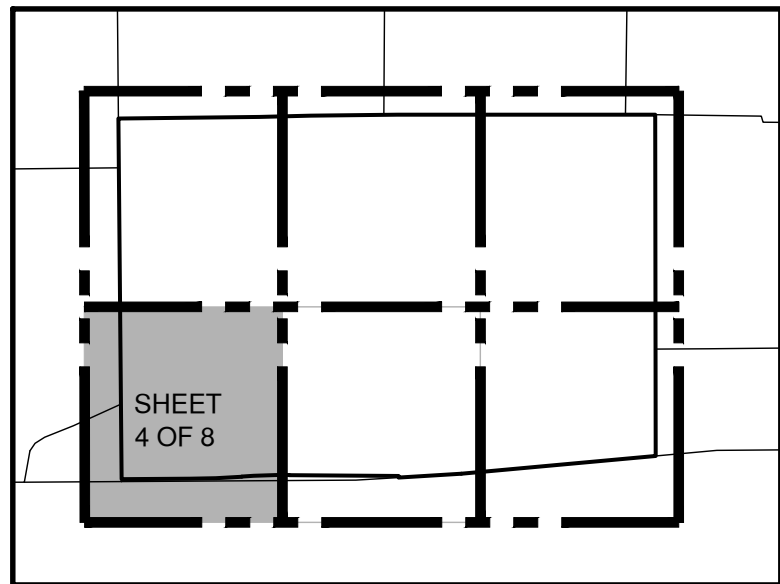
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SHEET 3 OF 8

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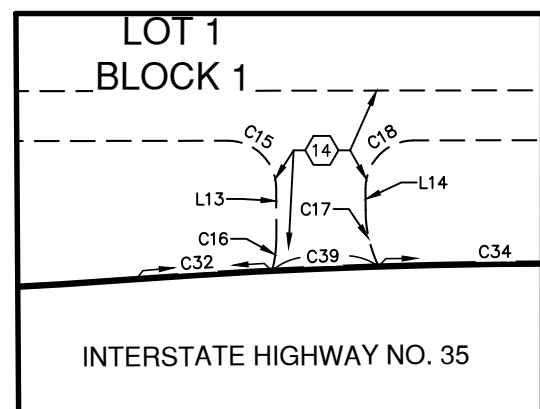
LOCATION MAP  
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VARIABLE WIDTH CROSS ACCESS EASEMENT  
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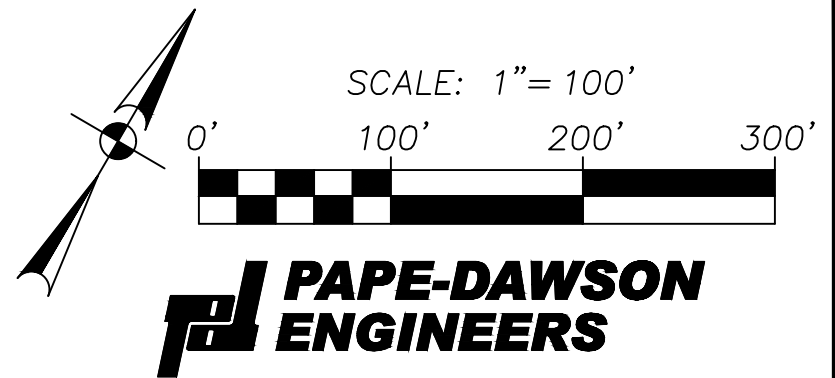
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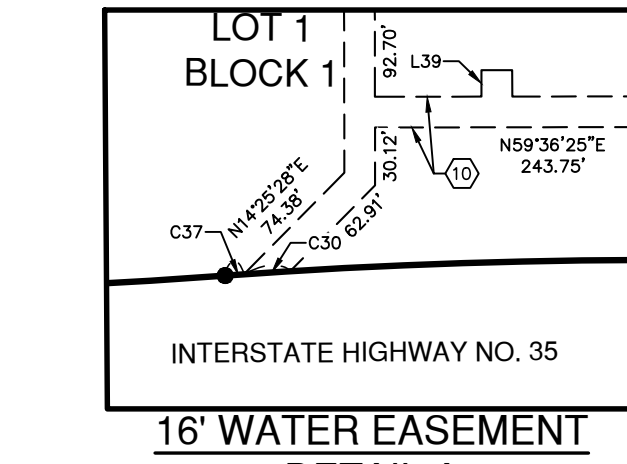


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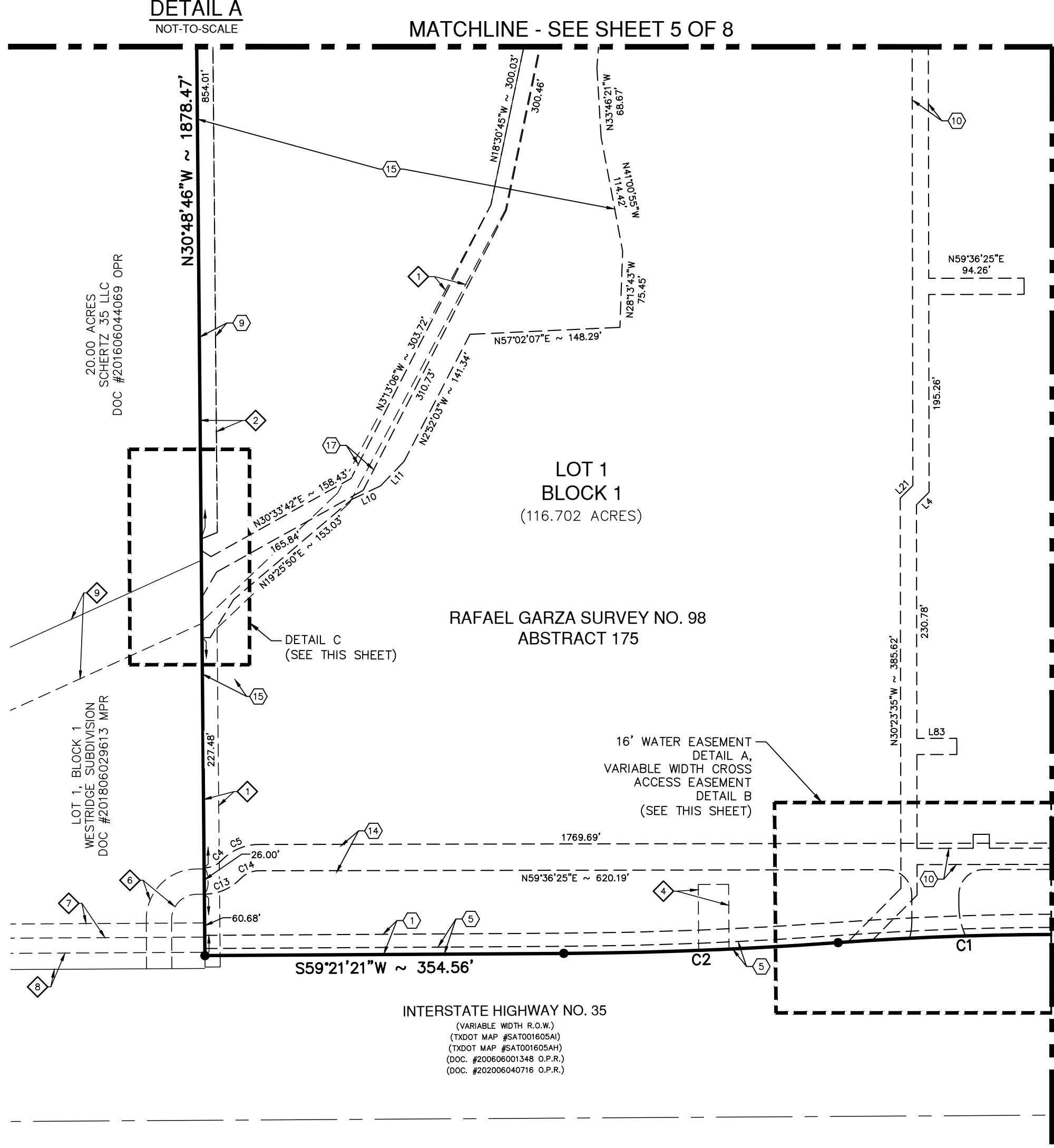
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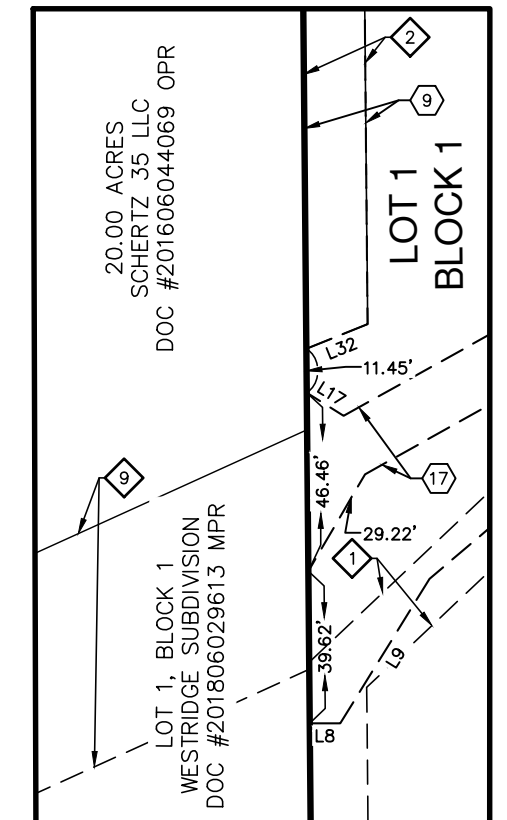
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16' WATER EASEMENT  
DETAIL A  
NOT-TO-SCALE



LOT 1  
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(116.702 ACRES)  
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ABSTRACT 175



DETAIL C  
NOT-TO-SCALE

IDV SCHERTZ  
FINAL PLAT

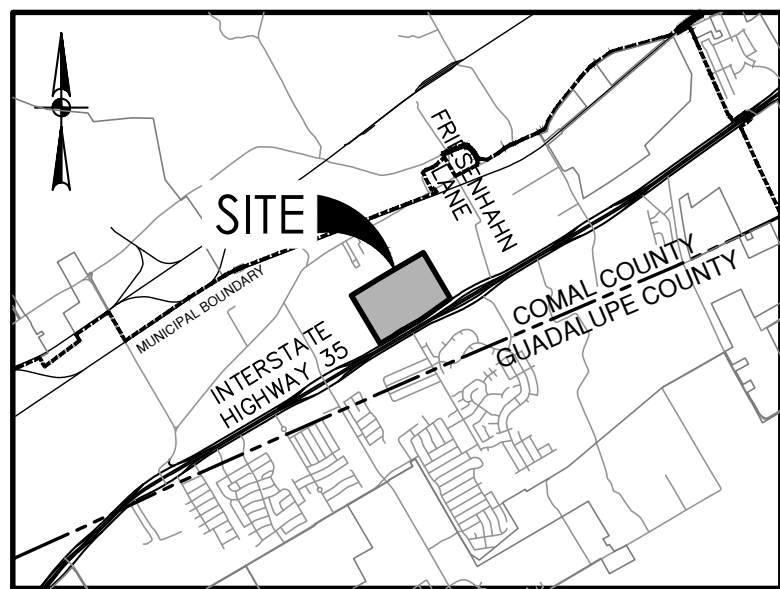
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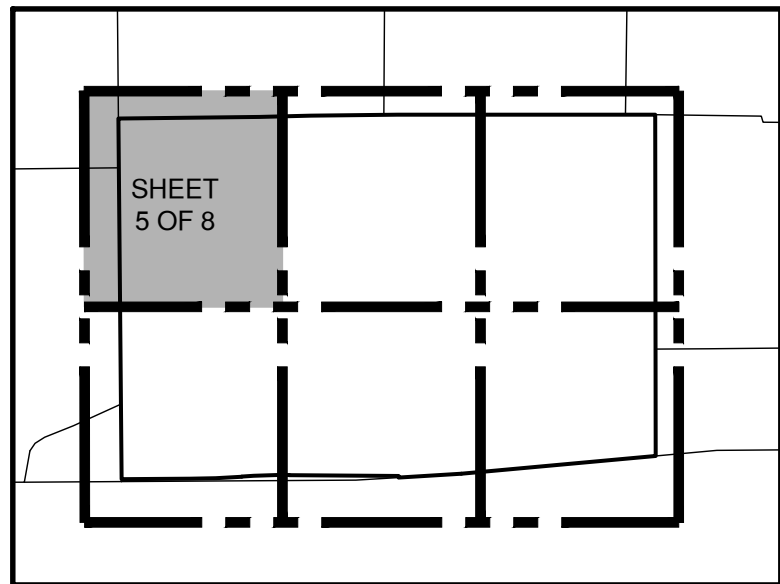


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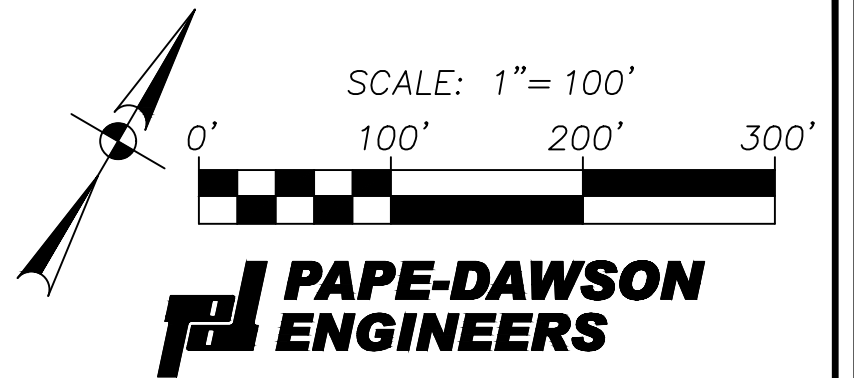
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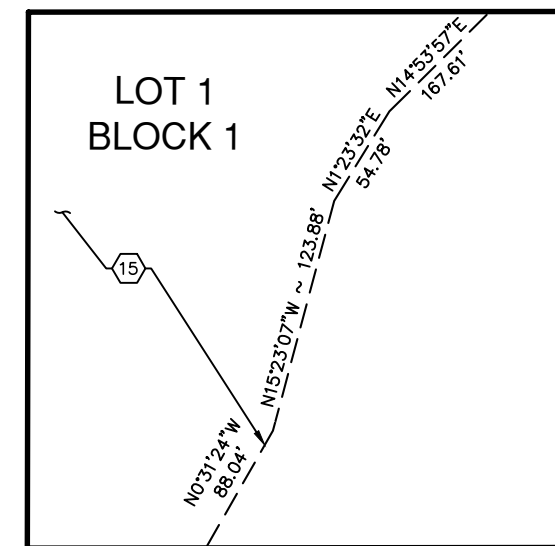
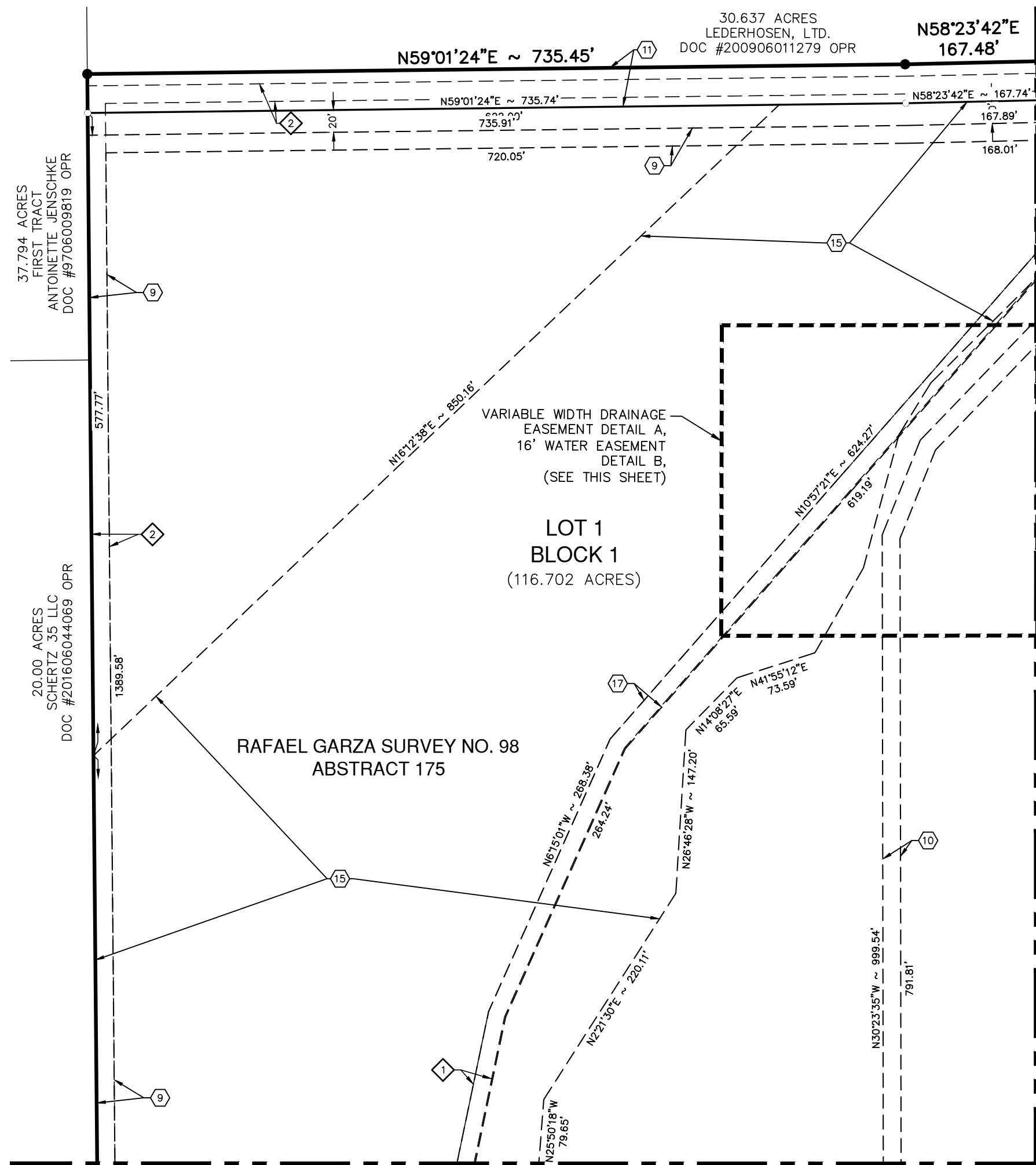
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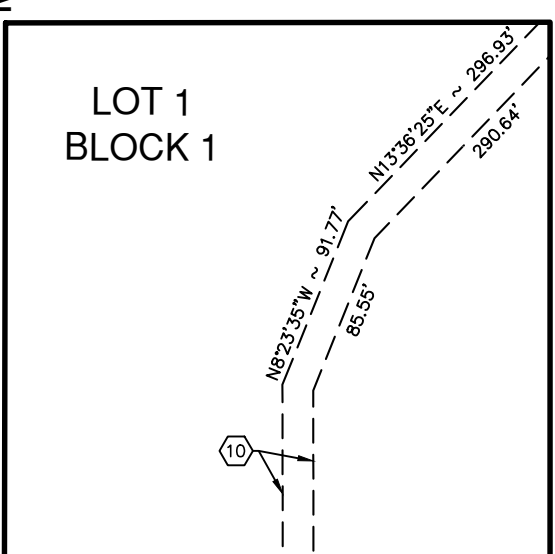
**PAPE-DAWSON ENGINEERS**  
SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS  
2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000  
TBPE FIRM REGISTRATION #470 | TBPLS FIRM REGISTRATION #10028800  
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**VARIABLE WIDTH DRAINAGE EASEMENT DETAIL A**  
NOT-TO-SCALE



**16' WATER EASEMENT DETAIL B**  
NOT-TO-SCALE

**LEGEND**

- |   |   |
|---|---|
| 15' SANITARY SEWER EASEMENT TO BE VACATED (VOL 830, PG 361 DR)    | SIGN EASEMENT (DOC. #200606011467 OPR)                                  |
| 16' SANITARY SEWER EASEMENT TO BE VACATED (DOC #200906014112 OPR) | 0.0657 ACRE CROSS ACCESS EASEMENT (DOC. #201806029613 MPR)              |
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| SIGN EASEMENT (DOC. #200606011466 OPR)                            | 16' WATER EASEMENT (DOC. #201806029613 MPR)                             |

**MATCHLINE - SEE SHEET 4 OF 8**

- |  |   |
|--|---|
| 57' DRAINAGE EASEMENT (DOC. #201806029613 MPR)     | 35' STREET RIGHT-OF-WAY DEDICATION BASED ON THE CITY OF SCHERTZ MASTER THOROUGHFARE PLAN DATED 5/2017, (2.246 AC. = 97,856.18 SF) |
| 20' ELECTRIC, GAS, TELEPHONE AND CABLE TV EASEMENT | VARIABLE WIDTH STREET RIGHT-OF-WAY DEDICATION TO TXDOT (0.6191 AC)  |
| 1" VEHICULAR NON-ACCESS EASEMENT (NOT TO SCALE)    | 24' WIDTH ACCESS EASEMENT   |
| 16' SANITARY SEWER EASEMENT                        | 16' WATER EASEMENT  |

- |                             |  |
|-----------------------------|--|
| 25' SANITARY SEWER EASEMENT | VARIABLE WIDTH CROSS ACCESS EASEMENT                                 |
| 16' SANITARY SEWER EASEMENT | VARIABLE WIDTH DRAINAGE EASEMENT (13.083 AC)                         |
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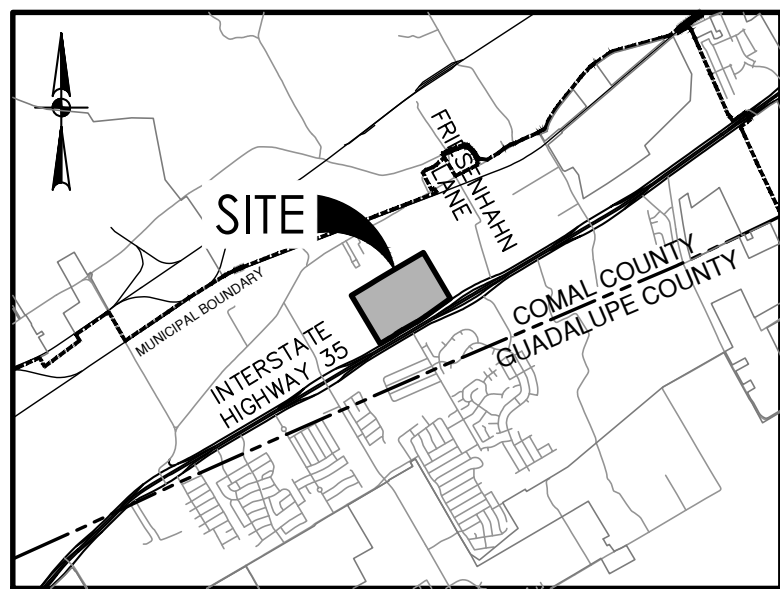
**PLAT NOTES APPLY TO EVERY PAGE OF THIS MULTIPLE PAGE PLAT**

**IDV SCHERTZ FINAL PLAT**

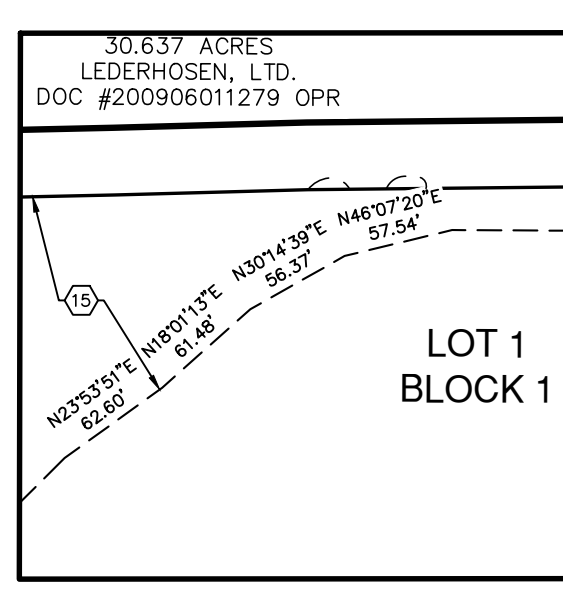
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DATE OF PRINT: July 27, 2023

Certified By:   
Daisy Marquez, Planner  
Planning and Community Development  
08/22/2023 11:54:54 AM





LOCATION MAP  
MAPSCO MAP GRID: 123X1  
NOT-TO-SCALE



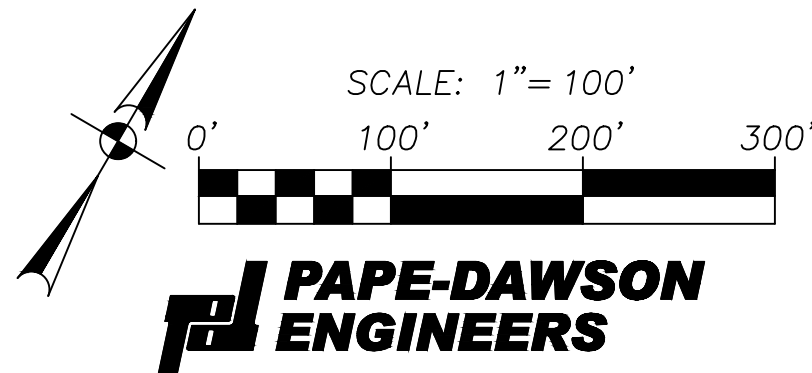
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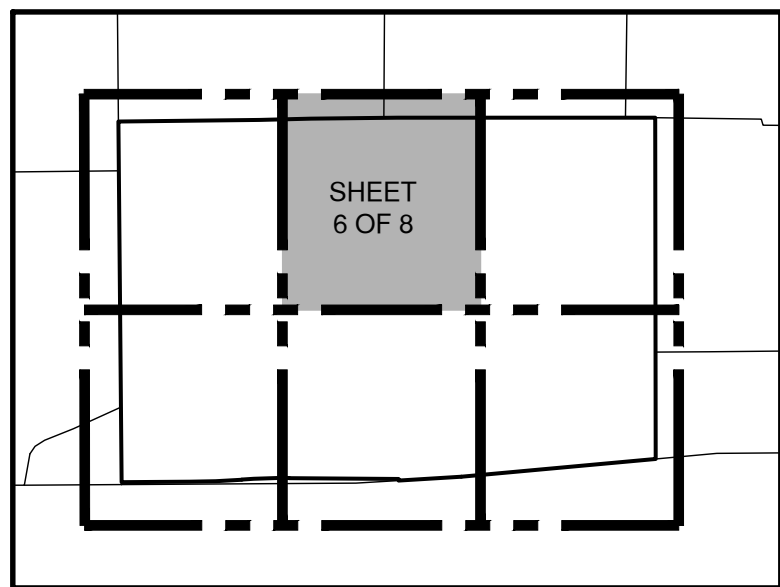
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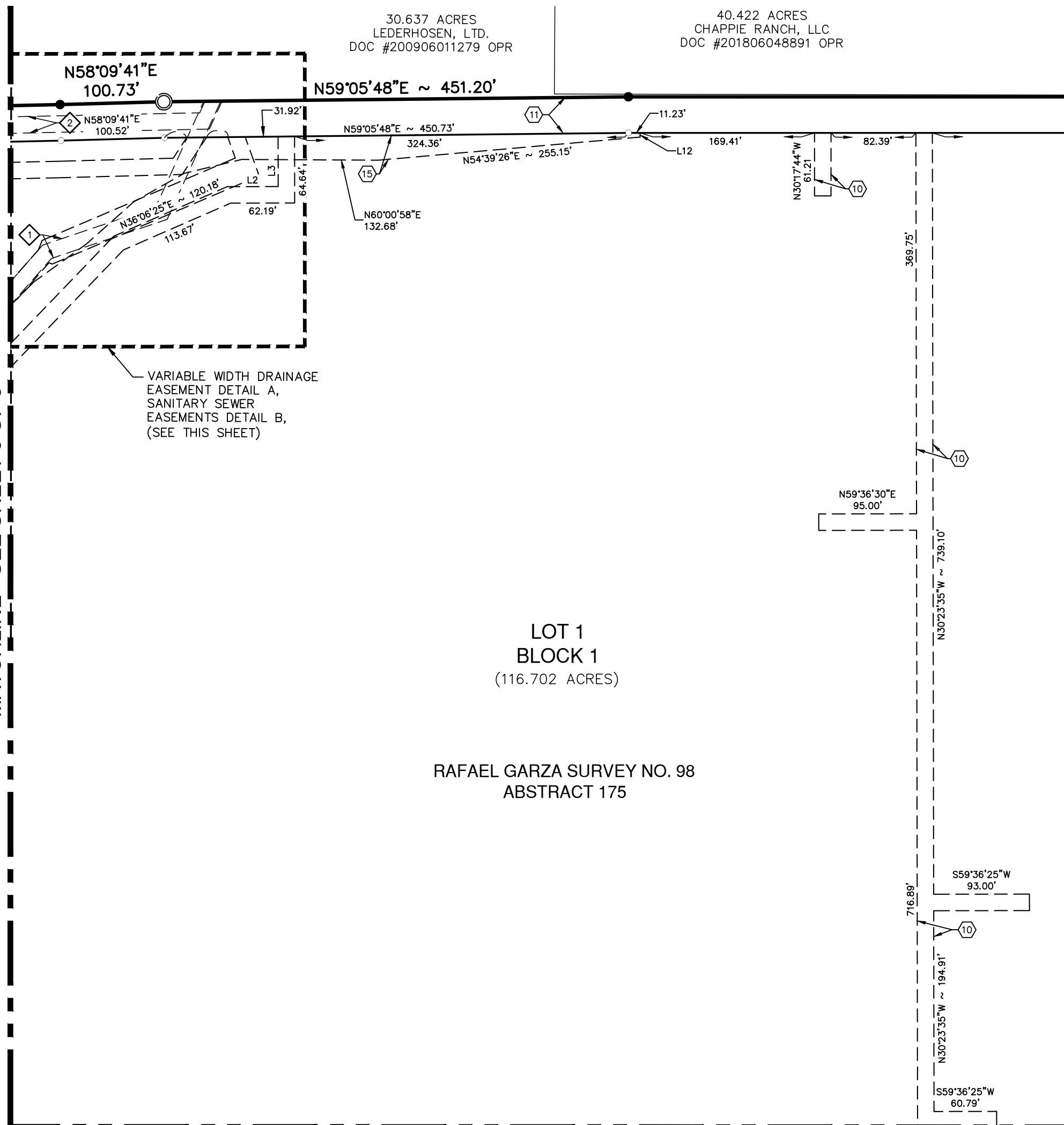
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INDEX MAP  
SCALE: 1" = 1000'



LOT 1  
BLOCK 1  
(116.702 ACRES)

RAFAEL GARZA SURVEY NO. 98  
ABSTRACT 175

**LEGEND**

- |   |   |
|---|---|
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|   | 25' SANITARY SEWER EASEMENT   |
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MATCHLINE - SEE SHEET 5 OF 8

MATCHLINE - SEE SHEET 7 OF 8

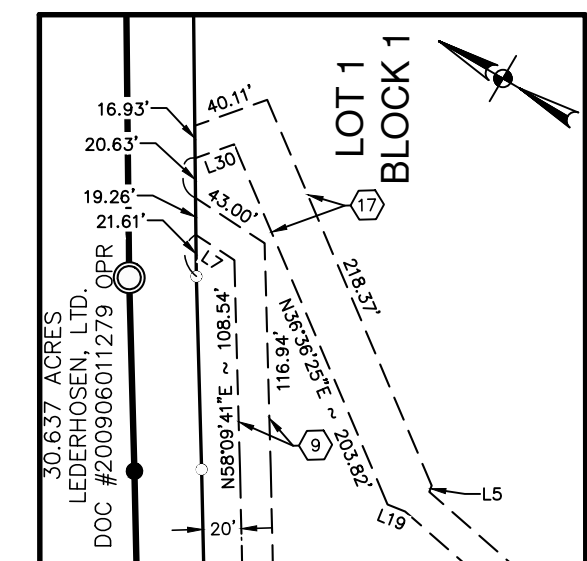
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|   |   | 16' WATER EASEMENT                                 |   |

MATCHLINE - SEE SHEET 3 OF 8

PLAT NOTES APPLY TO EVERY PAGE OF THIS MULTIPLE PAGE PLAT

SHEET 6 OF 8



SANITARY  
SEWER EASEMENT  
DETAIL B  
NOT-TO-SCALE

**IDV SCHERTZ  
FINAL PLAT**

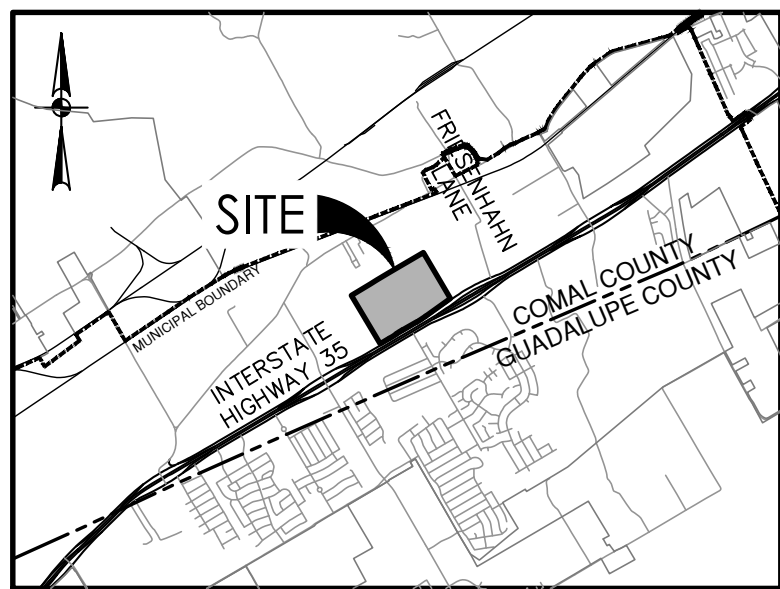
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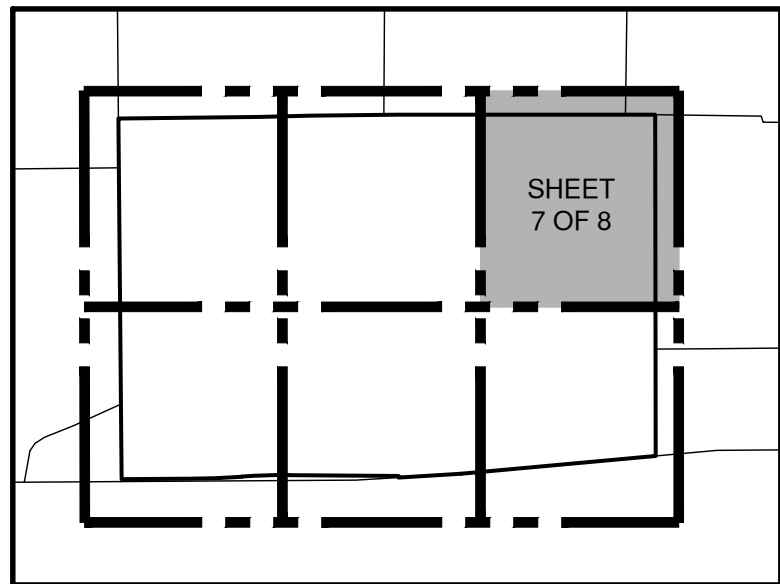


Certified By: *Daisy Marquez*  
Daisy Marquez, Planner  
Planning and Community Development  
08/22/2023 11:54:51 AM

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ONLY under the authorization  
of Dennis R. Rion, P.E.  
#67109 on 7/27/2023  
This document is not to be  
used for CONSTRUCTION.



**LOCATION MAP**  
MAPSCO MAP GRID: 123X1  
NOT-TO-SCALE



**INDEX MAP**  
SCALE: 1" = 1000'

**LEGEND**

- |   |   |
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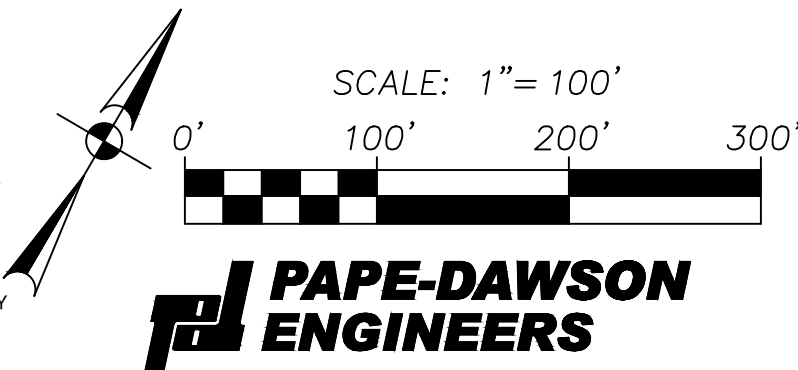
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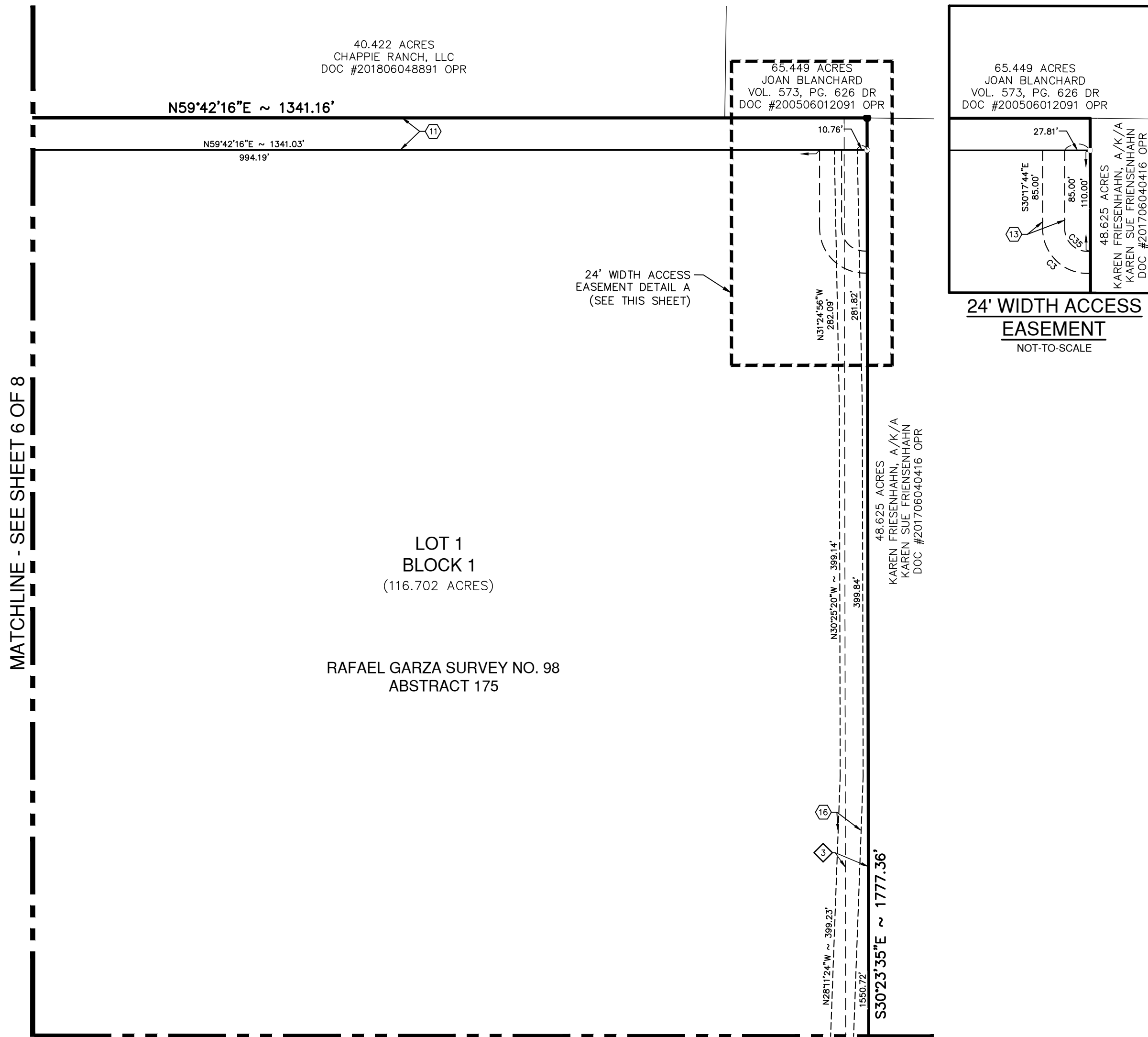
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DATE OF PREPARATION: July 27, 2023

**NBU UTILITIES NOTES:**

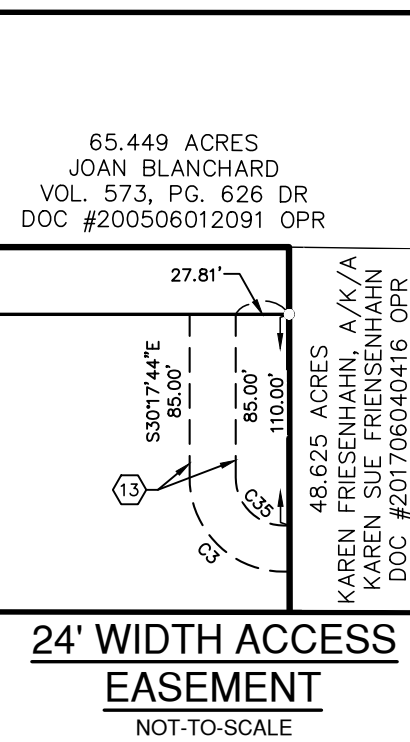
- MAINTENANCE OF DEDICATED UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. ANY USE OF AN EASEMENT, OR ANY PORTION OF IT, INCLUDING LANDSCAPING OR DRAINAGE FEATURES, IS SUBJECT TO AND SHALL NOT CONFLICT WITH THE TERMS AND CONDITIONS IN THE EASEMENT, MUST NOT ENDANGER OR INTERFERE WITH THE RIGHTS GRANTED BY THE EASEMENT TO NEW BRAUNFELS UTILITIES, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE SUBJECT TO APPLICABLE PERMIT REQUIREMENTS OF THE CITY OF NEW BRAUNFELS OR ANY OTHER GOVERNING BODY. THE PROPERTY OWNER MUST OBTAIN, IN ADVANCE, WRITTEN AGREEMENT WITH THE UTILITIES TO UTILIZE THE EASEMENT, OR ANY PART OF IT.
- UTILITIES WILL POSSESS A 5' WIDE SERVICE EASEMENT TO THE BUILDING STRUCTURE ALONG THE SERVICE LINE TO THE SERVICE ENTRANCE. THIS EASEMENT WILL VARY DEPENDING UPON LOCATION OF BUILDING STRUCTURE AND SERVICE.
- UTILITIES SHALL HAVE ACCESS TO THE METER LOCATIONS FROM THE FRONT YARD AND METER LOCATIONS SHALL NOT BE LOCATED WITHIN A FENCE AREA.
- EACH LOT MUST HAVE ITS OWN WATER AND SEWER SERVICE AT THE OWNER'S/DEVELOPER'S EXPENSE.
- DO NOT COMBINE ANY NEW UTILITY EASEMENTS (UE) WITH DRAINAGE EASEMENTS (DE) OR MAKE CHANGES IN GRADE WITHIN THE UTILITY EASEMENTS (UE) WITHOUT WRITTEN APPROVAL FROM NEW BRAUNFELS UTILITIES.
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MATCHLINE - SEE SHEET 6 OF 8

RAFAEL GARZA SURVEY NO. 98  
ABSTRACT 175

LOT 1  
BLOCK 1  
(116.702 ACRES)



24' WIDTH ACCESS  
EASEMENT DETAIL A  
(SEE THIS SHEET)

PLAT NOTES APPLY TO EVERY PAGE  
OF THIS MULTIPLE PAGE PLAT

SHEET 7 OF 8

MATCHLINE - SEE SHEET 2 OF 8

**IDV SCHERTZ  
FINAL PLAT**

BEING A TOTAL OF 118.948 ACRE TRACT OF LAND, ESTABLISHING LOT 1, BLOCK 1, INCLUSIVE OF 2.246 ACRE OF 35' RIGHT-OF-WAY DEDICATION BASED ON THE CITY OF SCHERTZ MASTER THOROUGHFARE PLAN DATED 5/2017, BEING COMPRISED OF A 118.948 ACRE TRACT OF LAND RECORDED IN DOCUMENT NO. 202106057989 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, OUT OF THE RAFAEL GARZA SURVEY NO. 98, ABSTRACT 175 IN THE CITY OF SCHERTZ, COMAL COUNTY, TEXAS.

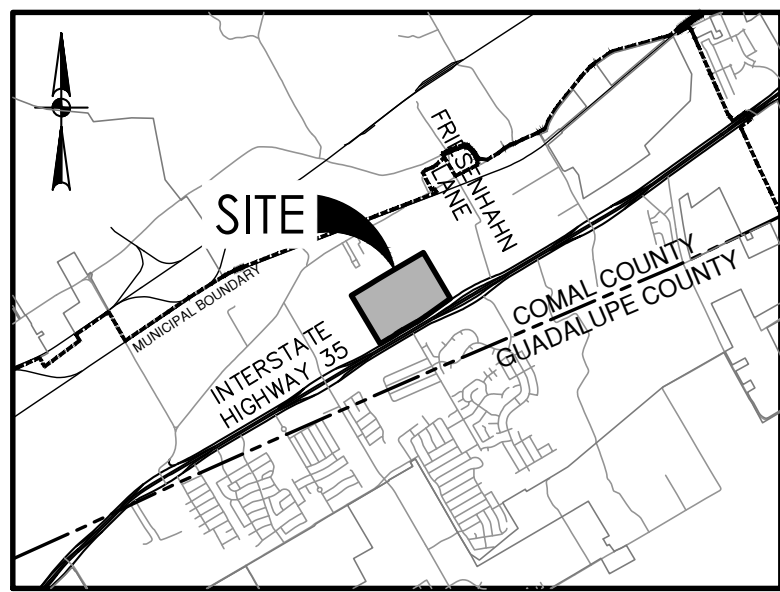
DATE OF PRINT: July 27, 2023



Certified By:

*Daisy Marquez*  
Daisy Marquez, Planner  
Planning and Community Development  
08/22/2023 11:54:48 AM

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ONLY under the authorization  
of Dennis R. Rion, P.E.  
#67109 on 7/27/2023  
This document is not to be  
used for CONSTRUCTION.



**LOCATION MAP**  
 MAPSCO MAP GRID: 123X1  
 NOI-TO-SCALE

**CENTERPOINT ENERGY NOTE:**

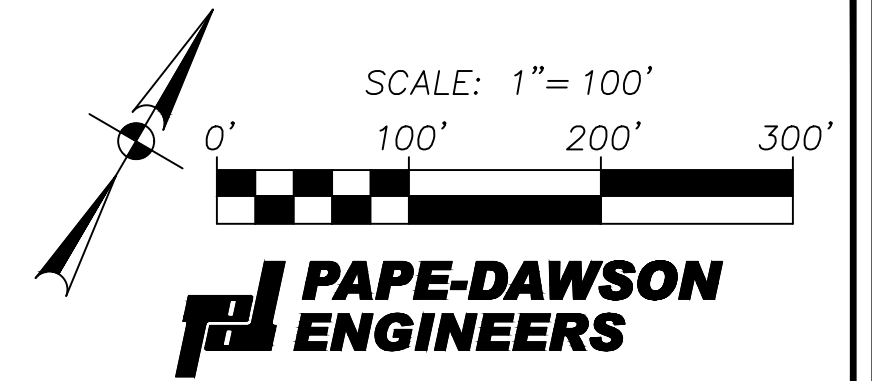
CENTERPOINT ENERGY, BY AND THROUGH ITS GAS UTILITY SYSTEM, IS HEREBY DEDICATED EASEMENTS AND RIGHT-OF-WAYS FOR GAS DISTRIBUTION INFRASTRUCTURE AND SERVICE FACILITIES IN THE AREAS DESIGNATED ON THIS PLAT AS "GAS EASEMENT" FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, MAINTAINING, REMOVING, INSPECTING, AND PATROLLING SAID INFRASTRUCTURE AND SERVICE FACILITIES TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT LAND FOR THE PURPOSE OF ACCESSING ITS INFRASTRUCTURE AND SERVICE FACILITIES. CENTERPOINT ENERGY SHALL ALSO HAVE THE RIGHT TO RELOCATE SAID INFRASTRUCTURE AND SERVICE FACILITIES WITHIN EASEMENT AND RIGHT-OF-WAY AREAS, AND THE RIGHT TO REMOVE FROM SAID AREA LANDS ALL TREES OR PARTS THEREOF, OR OTHER OBSTRUCTIONS WHICH ENDANGER OR MAY INTERFERE WITH THE EFFICIENCY OF GAS DISTRIBUTION INFRASTRUCTURE AND SERVICE FACILITIES. NO BUILDINGS, CONCRETE SLABS, OR WALLS WILL BE PLACED WITHIN EASEMENT AREAS WITHOUT AN ENCROACHMENT AGREEMENT WITH CENTERPOINT ENERGY.

**SURVEYOR'S NOTES:**

- PROPERTY CORNERS ARE MONUMENTED WITH CAP OR DISK MARKED "PAPE-DAWSON" UNLESS NOTED OTHERWISE.
- COORDINATES SHOWN ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 NAD83 (NA2011) EPOCH 2010.00 FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE DISPLAYED IN GRID VALUES DERIVED FROM THE NGS COOPERATIVE CORN NETWORK.
- DIMENSIONS SHOWN ARE SURFACE SCALE FACTOR: 1.00017
- BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 NAD83 (NA2011) EPOCH 2010.00, FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE.

**NOTES:**

- NOTICE: SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF CITY ORDINANCES AND STATE LAW AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND PERMITS.
- ACCORDING TO FLOOD INSURANCE RATE MAP, PANEL 440 OF 505 OF COMAL COUNTY, MAP NO. 48091C0440F, DATED SEPTEMBER 2, 2009, THE SUBJECT PROPERTY IS LOCATED IN ZONE X AND IS NOT WITHIN THE 100-YEAR FLOODPLAIN.
- ALL OPEN SPACE, COMMON AREAS, GREENBELTS, DRAINAGE EASEMENT OR OTHER AREAS IDENTIFIED AS PRIVATE SHALL BE THE RESPONSIBILITY OF THE OWNER OR OWNERS' SUCCESSORS AND/OR ASSIGNS PROVIDED SUCH SUCCESSOR OR ASSIGNS IS APPROVED BY THE CITY.
- THERE IS ONE (1) BUILDABLE LOT.



**PAPE-DAWSON ENGINEERS**  
 SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS  
 2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000  
 TBPE FIRM REGISTRATION #470 | TBPLS FIRM REGISTRATION #10028800  
 DATE OF PREPARATION: July 27, 2023

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| CURVE TABLE |          |           |               |         |         |
|-------------|----------|-----------|---------------|---------|---------|
| CURVE #     | RADIUS   | DELTA     | CHORD BEARING | CHORD   | LENGTH  |
| C1          | 3067.91' | 4°37'56"  | S57°51'30"W   | 247.97' | 248.03' |
| C2          | 4076.88' | 3°48'49"  | S57°26'56"W   | 271.32' | 271.37' |
| C3          | 49.00'   | 90°05'51" | S75°20'39"E   | 69.36'  | 77.05'  |
| C4          | 51.00'   | 46°10'13" | S36°31'19"W   | 39.99'  | 41.10'  |
| C5          | 51.00'   | 46°10'13" | S36°31'19"W   | 39.99'  | 41.10'  |
| C6          | 25.00'   | 90°00'00" | S14°36'25"W   | 35.36'  | 39.27'  |
| C7          | 40.00'   | 56°16'05" | S21°5'32"E    | 37.72'  | 39.28'  |
| C8          | 50.00'   | 33°43'55" | S42°44'28"W   | 29.01'  | 29.44'  |
| C9          | 50.00'   | 90°00'00" | N75°23'35"W   | 70.71'  | 78.54'  |
| C10         | 25.00'   | 90°00'00" | N75°23'35"W   | 35.36'  | 39.27'  |
| C11         | 24.50'   | 22°42'14" | S48°15'19"W   | 9.64'   | 9.71'   |
| C12         | 51.00'   | 22°42'14" | S48°15'19"W   | 20.08'  | 20.21'  |
| C13         | 50.00'   | 45°55'06" | N36°23'46"E   | 39.01'  | 40.07'  |
| C14         | 25.00'   | 46°10'13" | N36°31'19"E   | 19.60'  | 20.15'  |
| C15         | 25.00'   | 90°00'00" | S75°23'35"E   | 35.36'  | 39.27'  |
| C16         | 63.00'   | 15°31'00" | S22°38'04"E   | 17.01'  | 17.06'  |
| C17         | 68.00'   | 25°41'21" | N43°14'15"W   | 30.23'  | 30.49'  |
| C18         | 25.00'   | 90°00'00" | N14°36'25"E   | 35.36'  | 39.27'  |
| C19         | 50.00'   | 90°00'00" | N14°36'25"E   | 70.71'  | 78.54'  |
| C20         | 15.00'   | 72°11'48" | N5°42'19"E    | 17.68'  | 18.90'  |
| C21         | 25.00'   | 78°57'58" | N81°17'13"E   | 31.79'  | 34.46'  |
| C22         | 460.00'  | 13°34'38" | S52°26'29"E   | 108.75' | 109.01' |
| C23         | 100.00'  | 17°49'39" | S36°44'21"E   | 30.99'  | 31.11'  |
| C24         | 25.00'   | 37°14'15" | S7°36'45"E    | 15.96'  | 16.25'  |
| C25         | 63.00'   | 24°05'17" | N61°25'48"W   | 26.29'  | 26.49'  |
| C26         | 2595.69' | 2°20'25"  | N43°27'53"W   | 106.02' | 106.02' |
| C27         | 500.00'  | 13°04'55" | N51°10'34"W   | 113.91' | 114.16' |
| C28         | 500.00'  | 1°48'30"  | N58°37'16"W   | 15.78'  | 15.78'  |
| C29         | 30.00'   | 85°24'02" | N16°49'30"W   | 40.69'  | 44.72'  |
| C30         | 3067.91' | 0°27'03"  | S55°57'01"W   | 24.13'  | 24.13'  |
| C31         | 25.00'   | 33°43'55" | N42°44'28"E   | 14.51'  | 14.72'  |
| C32         | 3067.91' | 1°19'19"  | S56°12'11"W   | 70.78'  | 70.78'  |
| C33         | 25.00'   | 90°00'00" | S75°23'35"E   | 35.36'  | 39.27'  |
| C34         | 3067.91' | 2°16'22"  | S59°02'17"W   | 121.68' | 121.69' |
| C35         | 25.00'   | 90°05'51" | S75°20'39"E   | 35.39'  | 39.31'  |
| C37         | 3067.91' | 0°10'59"  | S55°38'01"W   | 9.79'   | 9.79'   |
| C38         | 6484.14' | 2°46'30"  | N56°06'45"E   | 314.03' | 314.06' |
| C39         | 3067.91' | 1°02'15"  | S57°22'58"W   | 55.56'  | 55.56'  |
| C40         | 50.00'   | 90°00'00" | S75°23'35"E   | 70.71'  | 78.54'  |
| C41         | 3067.91' | 4°37'56"  | S57°51'30"W   | 247.97' | 248.03' |
| C42         | 50.50'   | 22°42'14" | N48°15'19"E   | 19.88'  | 20.01'  |
| C43         | 25.00'   | 22°42'14" | N48°15'19"E   | 9.84'   | 9.91'   |
| C44         | 4076.88' | 3°48'49"  | S57°26'56"W   | 271.32' | 271.37' |
| C45         | 6484.14' | 2°46'30"  | N56°06'45"E   | 314.03' | 314.06' |

| CURVE TABLE |          |           |               |         |         |
|-------------|----------|-----------|---------------|---------|---------|
| CURVE #     | RADIUS   | DELTA     | CHORD BEARING | CHORD   | LENGTH  |
| C46         | 49.00'   | 90°05'51" | S75°20'39"E   | 69.36'  | 77.05'  |
| C47         | 24.00'   | 46°06'01" | S36°29'13"W   | 18.79'  | 19.31'  |
| C48         | 51.00'   | 46°10'13" | S36°31'19"W   | 39.99'  | 41.10'  |
| C49         | 25.00'   | 90°00'00" | S14°36'25"W   | 35.36'  | 39.27'  |
| C50         | 40.00'   | 56°16'05" | S21°5'32"E    | 37.72'  | 39.28'  |
| C51         | 50.00'   | 33°43'55" | S42°44'28"W   | 29.01'  | 29.44'  |
| C52         | 50.00'   | 90°00'00" | N75°23'35"W   | 70.71'  | 78.54'  |
| C53         | 25.00'   | 90°00'00" | N75°23'35"W   | 35.36'  | 39.27'  |
| C54         | 24.50'   | 22°42'14" | S48°15'19"W   | 9.64'   | 9.71'   |
| C55         | 51.00'   | 22°42'14" | S48°15'19"W   | 20.08'  | 20.21'  |
| C56         | 50.00'   | 45°55'06" | N36°23'46"E   | 39.01'  | 40.07'  |
| C57         | 25.00'   | 46°10'13" | N36°31'19"E   | 19.60'  | 20.15'  |
| C58         | 25.00'   | 90°00'00" | S75°23'35"E   | 35.36'  | 39.27'  |
| C59         | 63.00'   | 15°31'00" | S22°38'04"E   | 17.01'  | 17.06'  |
| C60         | 68.00'   | 25°41'21" | N43°14'15"W   | 30.23'  | 30.49'  |
| C61         | 25.00'   | 90°00'00" | N14°36'25"E   | 35.36'  | 39.27'  |
| C62         | 50.00'   | 90°00'00" | N14°36'25"E   | 70.71'  | 78.54'  |
| C63         | 15.00'   | 72°11'48" | N5°42'19"E    | 17.68'  | 18.90'  |
| C64         | 25.00'   | 78°57'58" | N81°17'13"E   | 31.79'  | 34.46'  |
| C65         | 460.00'  | 13°34'38" | S52°26'29"E   | 108.75' | 109.01' |
| C66         | 100.00'  | 17°49'39" | S36°44'21"E   | 30.99'  | 31.11'  |
| C67         | 25.00'   | 37°14'15" | S7°36'45"E    | 15.96'  | 16.25'  |
| C68         | 4040.88' | 3°42'19"  | N57°26'22"E   | 261.27' | 261.32' |
| C69         | 4056.88' | 3°37'54"  | N57°22'58"E   | 257.10' | 257.14' |
| C70         | 25.00'   | 90°05'51" | S75°20'39"E   | 35.39'  | 39.31'  |
| C71         | 3067.91' | 1°02'15"  | S57°22'58"W   | 55.56'  | 55.56'  |
| C72         | 63.00'   | 24°05'17" | N61°25'48"W   | 26.29'  | 26.49'  |
| C73         | 2595.69' | 2°20'25"  | N43°27'53"W   | 106.02' | 106.02' |
| C74         | 500.00'  | 13°04'55" | N51°10'34"W   | 113.91' | 114.16' |
| C75         | 500.00'  | 1°48'30"  | N58°37'16"W   | 15.78'  | 15.78'  |
| C76         | 30.00'   | 85°24'02" | N16°49'30"W   | 40.69'  | 44.72'  |
| C77         | 25.00'   | 33°43'55" | N42°44'28"E   | 14.51'  | 14.72'  |
| C78         | 25.00'   | 90°00'00" | S75°23'35"E   | 35.36'  | 39.27'  |
| C79         | 50.00'   | 90°00'00" | S75°23'35"E   | 70.71'  | 78.54'  |
| C80         | 50.50'   | 22°42'14" | N48°15'19"E   | 19.88'  | 20.01'  |
| C81         | 25.00'   | 22°42'14" | N48°15'19"E   | 9.84'   | 9.91'   |
| C82         | 3067.91' | 1°19'19"  | S56°12'11"W   | 70.78'  | 70.78'  |
| C83         | 3067.91' | 2°16'22"  | S59°02'17"W   | 121.68' | 121.69' |

| LINE TABLE |             |         |
|------------|-------------|---------|
| LINE #     | BEARING     | LENGTH  |
| L1         | N30°29'14"W | 8.37'   |
| L2         | N59°36'25"E | 49.51'  |
| L3         | N30°23'35"W | 48.50'  |
| L4         | S14°36'25"W | 17.68'  |
| L5         | S81°36'25"W | 3.46'   |
| L7         | N2°54'45"E  | 23.91'  |
| L8         | N59°36'25"E | 7.96'   |
| L9         | N1°23'14"E  | 44.20'  |
| L10        | N34°31'17"E | 31.48'  |
| L11        | N1°32'32"E  | 33.64'  |
| L12        | N30°17'44"W | 4.06'   |
| L13        | S30°23'35"E | 25.91'  |
| L14        | N30°23'35"W | 11.13'  |
| L15        | N25°52'31"E | 7.73'   |
| L16        | N59°36'25"E | 37.39'  |
| L17        | S88°12'54"E | 11.32'  |
| L18        | S30°23'35"E | 10.75'  |
| L19        | N8°23'35"W  | 9.86'   |
| L21        | N14°36'25"E | 17.68'  |
| L24        | S30°23'35"E | 10.75'  |
| L25        | S30°23'35"E | 10.75'  |
| L26        | S30°23'35"E | 10.75'  |
| L29        | S30°23'35"E | 11.75'  |
| L30        | N50°01'29"W | 21.56'  |
| L32        | S37°51'04"W | 17.18'  |
| L33        | S59°11'14"W | 25.00'  |
| L34        | N30°48'46"W | 25.62'  |
| L35        | N35°16'49"E | 27.35'  |
| L37        | S30°23'35"E | 11.75'  |
| L39        | N30°23'35"W | 13.76'  |
| L42        | N30°29'14"W | 8.37'   |
| L44        | S24°36'25"W | 18.77'  |
| L46        | N53°51'44"E | 60.03'  |
| L47        | N53°51'44"E | 60.03'  |
| L48        | N55°43'14"E | 144.64' |
| L49        | N2°54'45"E  | 23.91'  |
| L50        | N59°36'25"E | 7.96'   |
| L51        | N1°23'14"E  | 44.20'  |

| LINE TABLE |             |        |
|------------|-------------|--------|
| LINE #     | BEARING     | LENGTH |
| L52        | N34°31'17"E | 31.48' |
| L53        | N1°32'32"E  | 33.64' |
| L54        | N30°17'44"W | 4.06'  |
| L55        | S30°23'35"E | 25.91' |
| L56        | N30°23'35"W | 11.13' |
| L57        | S88°12'54"E | 11.32' |
| L58        | N14°21'16"E | 50.86' |
| L59        | N45°30'12"E | 63.34' |
| L60        | N57°35'02"E | 6.48'  |
| L61        | N14°36'25"E | 17.68' |
| L62        | N59°36'25"E | 49.51' |
| L63        | N30°23'35"W | 48.50' |
| L64        | N30°17'44"W | 51.06' |
| L65        | N14°36'25"E | 15.56' |
| L66        | N14°00'22"E | 19.02' |
| L67        | N59°25'28"E | 23.99' |
| L68        | S59°36'25"W | 39.50' |
| L69        | N30°23'35"W | 6.45'  |
| L70        | N59°36'25"E | 20.35' |
| L71        | S24°36'25"W | 92.00' |
| L72        | N30°23'35"W | 31.53' |
| L73        | S29°49'33"E | 6.00'  |
| L74        | N50°01'29"W | 26.07' |
| L75        | S30°48'46"E | 36.70' |
| L76        | N25°52'31"E | 7.73'  |
| L77        | N59°36'25"E | 37.39' |
| L78        | S80°32'26"E | 15.07' |
| L79        | S37°51'04"W | 17.19' |
| L83        | N59°36'25"E | 39.50' |

**IDV SCHERTZ FINAL PLAT**

BEING A TOTAL OF 118,948 ACRE TRACT OF LAND, ESTABLISHING LOT 1, BLOCK 1, INCLUSIVE OF 2.244 ACRE OF 33' RIGHT-OF-WAY DEDICATION BASED ON THE CITY OF SCHERTZ MASTER THOROUGHFARE PLAN DATED 5/2017, BEING COMPRISED OF A 118,948 ACRE TRACT OF LAND RECORDED IN DOCUMENT NO. 202106057989 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, OUT OF THE RAFAEL GARZA SURVEY NO. 98, ABSTRACT 175 IN THE CITY OF SCHERTZ, COMAL COUNTY, TEXAS.

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CURVE AND LINE DATA ON THIS SHEET

PLAT NOTES APPLY TO EVERY PAGE OF THIS MULTIPLE PAGE PLAT

SHEET 8 OF 8




Certified By: *[Signature]*  
 Daisy Marquez, Planner  
 Planning and Community Development  
 08/22/2023 11:54:42 AM

Civil Job No. 30020-02; Survey Job No. 30020-01

IDV SCHERTZ

# Memo

**To:** Planning and Zoning Commission via Daisy Marquez, Planner  
**From:** John Nowak, P.E., Engineer   
**Date:** September 6, 2023  
**Re:** Recommendation for Waiver to Requirement to Improve the Roadway  
Adjacent to the Proposed IDV Schertz Subdivision

---

The request is for a waiver to the requirement in UDC Section 21.14.1.K to construct new or improve substandard roadways adjacent to proposed subdivision plats. The proposed IDV Schertz Subdivision (north side of I-35 between Hubertus Road and Friesenhahn Lane) would be required to construct one half of the David Lack Boulevard extension along their frontage as identified in the Master Thoroughfare Plan and the Comprehensive Land Use Plan. However, during the recent Legislative Session, HB 3699 was passed by the Legislature and the Governor signed the bill into law.

HB3699 took effect September 1, 2023 and precludes the City of Schertz from requiring a developer construct roadway improvements adjacent to their development. In order to be in compliance with the new State Law, a waiver from the requirements of UDC Section 21.14.1.K must be granted as Staff cannot administratively waive construction of the street improvements. Therefore, Staff recommends approval of a waiver to not construct adjacent street improvements for the proposed IDV Schertz Subdivision. The proposed plat is dedicating right-of-way to provide for the future David Lacks extension, even though the developer is not required to as per HB 3699.

PLANNING AND ZONING COMMISSION MEETING: 09/13/2023
Agenda Item 6 B

TO: Planning and Zoning Commission
PREPARED BY: Daisy Marquez, Planner
CASE: PLFP20230209
SUBJECT: PLFP20230209 - Consider and act upon a request for approval of a final plat of the IDV Schertz Subdivision, approximately 119 acres of land, known as 22867 IH 35, Schertz, Comal County, Texas, also known as Comal County Parcel ID 75290.

GENERAL INFORMATION:

Owner: IDV-BP Schertz, LLC
Applicant: Tyler Kozma/ Pape-Dawson Engineers, LLC

APPLICATION SUBMITTAL DATE:

Date: August 25, 2023
Application Submittal Type: Final Plat

ITEM SUMMARY:

The applicant is requesting to Final Plat approximately 119 acres of land in order to establish one lot. The subject property is currently zoned Planned Development (PDD) and Manufacturing District -Light (M-1).

GENERAL LOCATION AND SITE DESCRIPTION:

The property is undeveloped and located approximately 2,150-feet northwest of the intersection of IH-35 and Hubertus Road.

ACCESS AND CIRCULATION:

The property is along IH 35 frontage road. TXDOT has reviewed the plat and has provided a no objection letter. According to TXDOT, the property is eligible for 2 access points along IH 35 frontage road. According to the Master Thoroughfare Plan, there is a planned commercial collector that runs along the northern portion of the property that will require a 70-foot wide right-of-way, also known as the David Lack Boulevard Extension.

TREE MITIGATION AND PRESERVATION:

The applicant will be responsible for complying with the Unified Development Code (UDC), Section 21.9.9 Tree Preservation and Mitigation. A tree survey and mitigation plan was submitted with the application, but tree removal is not proposed with the final plat.

PUBLIC SERVICES:

The site will be serviced by the City of Schertz for water and sewer, Cibolo Creek Municipal Authority (CCMA), CenterPoint Energy for gas, CPS, Spectrum, AT&T, and NBU.

PUBLIC IMPROVEMENTS:

All public improvements required for this subdivision are required to be installed prior to recording of the final plat per UDC, Section 21.4.15., unless otherwise specified in an approved improvement agreement.

Water: The property will be serviced by the City of Schertz for water through a 12" water line that runs along IH 35.

Sewer: The property will be serviced by the City of Schertz for sewer. There is an 8" line along the east of the property and a 12" line along the west of the property.

Drainage: The applicant is responsible for all drainage associated with the subject property, and for compliance with Stormwater regulations. A drainage report has been reviewed and approved by the City Engineer.

Sidewalks: The Engineering Department has reviewed the plat and has determined that sidewalks are not required.

Road Improvements: The applicant is requesting a waiver to UDC Section 21.14.1.K, but is still dedicating the right of way required for the future expansion of David Lack Boulevard, the proposed East & West Connector from the Master Thoroughfare Plan that is identified as 70-feet of right-of-way.

**STAFF ANALYSIS AND RECOMMENDATION:**

The proposed Final Plat is generally consistent with the applicable requirements for the property, ordinances, and regulations. The plat has been reviewed with no objections by the Engineering, Public Works, Fire, and Planning Departments.

Therefore, Staff recommends approval of PLFP20230209 as proposed and discussed.

| <b>Planning Department Recommendation</b> |                          |
|---|--------------------------|
| X   | Approve as submitted     |
|   | Approve with conditions* |
|   | Denial                   |

\* While the Commission can impose conditions; conditions should only be imposed to meet requirements of the UDC.

**COMMISSIONERS CRITERIA FOR CONSIDERATION:**

The Planning and Zoning Commission is the final approval authority of the proposed final plat. In considering final action on a final plat, the Commission should consider the criteria within UDC, Section 21.12.10 D.

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**Attachments**

Aerial Exhibit  
Plat Exhibit

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Source: Esri, Maxar, GeoEye, Earthstar, Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

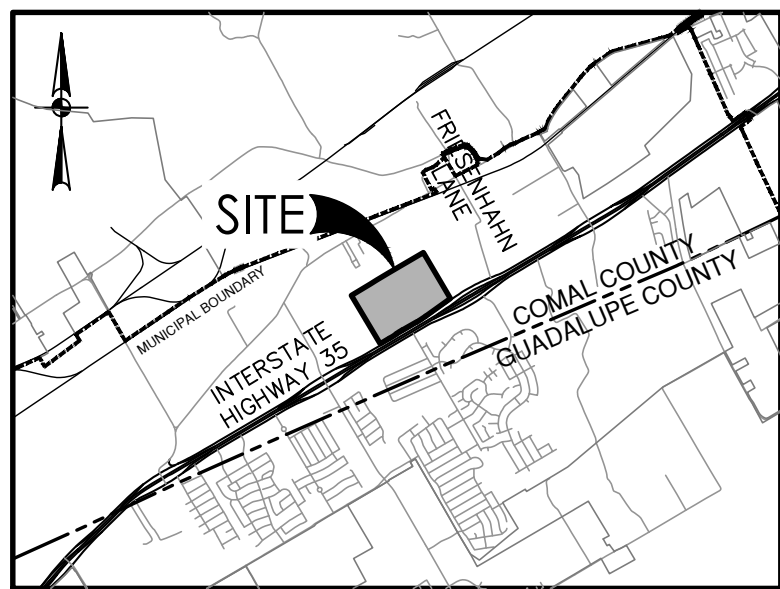


IDV SCHERTZ  
(PLFP20230209)

|                    |               |                |               |            |     |     |                     |                   |                            |
|--------------------|---------------|----------------|---------------|------------|-----|-----|---------------------|-------------------|----------------------------|
| <all other values> | 60' Expansion | 86' Extension  | 120' Proposed | 1", 1 1/2" | 8"  | 20' | Schertz Gravity     | Hydrant           | 200' Buffer                |
| Highways           | 60' Proposed  | 86' Proposed   | Abandoned     | 2", 2 1/2" | 10" | 24' | Schertz Pressure    | Manholes          | Schertz Municipal Boundary |
| Major Roads        | 60' Extension | 86' Extension  | Future TxDOT  | 3"         | 12" | 30' | Neighboring Gravity | County Boundaries |                            |
| Minor Roads        | 86' Expansion | 120' Extension | Highway       | 4"         | 16" | 36" | Private Pressure    |                   |                            |
| Other Cities       |               |                |               | 6"         | 18" | 36" |                     |                   |                            |
|                    |               |                |               |            |     | 24' | Neighboring Main    |                   |                            |
|                    |               |                |               |            |     | 30' | Private Main        |                   |                            |

1 Inch = 400 Feet





**LOCATION MAP**  
MAPSCO MAP GRID: 123X1  
NOI-TO-SCALE

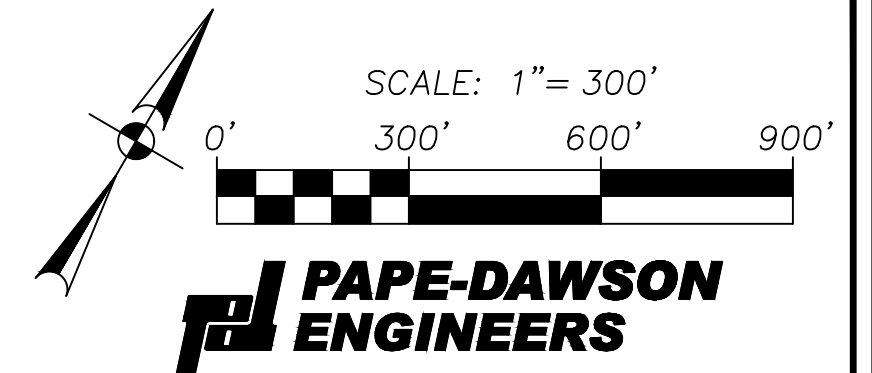
**TxDOT NOTES:**

- FOR RESIDENTIAL DEVELOPMENT DIRECTLY ADJACENT TO STATE RIGHT-OF-WAY, THE DEVELOPER SHALL BE RESPONSIBLE FOR ADEQUATE SETBACK AND/OR SOUND ABATEMENT MEASURES FOR FUTURE NOISE MITIGATION.
- THE OWNER/DEVELOPER IS RESPONSIBLE FOR PREVENTING ANY ADVERSE IMPACT TO THE EXISTING DRAINAGE SYSTEM WITHIN THE HIGHWAY RIGHT-OF-WAY. OUTFALLS FOR WATER QUALITY AND/OR DETENTION PONDS TREATING IMPERVIOUS COVER RELATED TO THE DEVELOPMENT AND STRUCTURES FOR REDUCTION OF DISCHARGE VELOCITY WILL NOT ENCRoACH BY STRUCTURE OR GRADING INTO STATE ROW OR INTO AREAS OF ROW RESERVATION OR DEDICATION. FOR PROJECTS IN THE EDWARDS AQUIFER RECHARGE, TRANSITION OR CONTRIBUTING ZONES, PLACEMENT OF PERMANENT STRUCTURAL BEST MANAGEMENT PRACTICE DEVICES OR VEGETATIVE FILTER STRIPS WITHIN STATE ROW OR INTO AREAS OF ROW RESERVATION OR DEDICATION WILL NOT BE ALLOWED. NO NEW EASEMENTS OF ANY TYPE SHOULD BE LOCATED IN AREAS OF ROW RESERVATION OR DEDICATION.
- MAXIMUM ACCESS POINTS TO STATE HIGHWAY FROM THIS PROPERTY WILL BE REGULATED AS DIRECTED BY TxDOT'S, "ACCESS MANAGEMENT MANUAL". THE PROPERTY IS ELIGIBLE FOR A MAXIMUM TOTAL OF 2 (TWO) ACCESS POINTS ALONG IH 35, BASED ON THE OVERALL PLATTED HIGHWAY FRONTAGE OF 2,787.24 LINEAR FEET. WHERE TOPOGRAPHY OR OTHER EXISTING CONDITIONS MAKE IT INAPPROPRIATE OR NOT FEASIBLE TO CONFORM TO THE CONNECTION SPACING INTERVALS, THE LOCATION OF REASONABLE ACCESS WILL BE DETERMINED WITH CONSIDERATION GIVEN TO TOPOGRAPHY, ESTABLISHED PROPERTY OWNERSHIPS, UNIQUE PHYSICAL LIMITATIONS, AND/OR PHYSICAL DESIGN CONSTRAINTS. THE SELECTED LOCATION SHOULD SERVE AS MANY PROPERTIES AND INTERESTS AS POSSIBLE TO REDUCE THE NEED FOR ADDITIONAL DIRECT ACCESS TO THE HIGHWAY. IN SELECTING LOCATIONS FOR FULL MOVEMENT INTERSECTIONS, PREFERENCE WILL BE GIVEN TO PUBLIC ROADWAYS THAT ARE ON LOCAL THOROUGHFARE PLANS.
- 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 DIRECTED BY TxDOT.
- ANY TRAFFIC CONTROL MEASURES (LEFT-TURN LANE, RIGHT-TURN LANE SIGNAL, ETC.) FOR ANY ACCESS FRONTING A STATE MAINTAINED ROADWAY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER/OWNER.

**CENTERPOINT ENERGY NOTE:**

CENTERPOINT ENERGY, BY AND THROUGH ITS GAS UTILITY SYSTEM, IS HEREBY DEDICATED EASEMENTS AND RIGHT-OF-WAYS FOR GAS DISTRIBUTION INFRASTRUCTURE AND SERVICE FACILITIES IN THE AREAS DESIGNATED ON THIS PLAT AS "GAS EASEMENT" FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, MAINTAINING, REMOVING, INSPECTING, AND PATROLLING SAID INFRASTRUCTURE AND SERVICE FACILITIES TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT LAND FOR THE PURPOSE OF ACCESSING ITS INFRASTRUCTURE AND SERVICE FACILITIES. CENTERPOINT ENERGY SHALL ALSO HAVE THE RIGHT TO RELOCATE SAID INFRASTRUCTURE AND SERVICE FACILITIES WITHIN EASEMENT AND RIGHT-OF-WAY AREAS, AND THE RIGHT TO REMOVE FROM SAID AREA LANDS ALL TREES OR PARTS THEREOF, OR OTHER OBSTRUCTIONS WHICH ENDANGER OR MAY INTERFERE WITH THE EFFICIENCY OF GAS DISTRIBUTION INFRASTRUCTURE AND SERVICE FACILITIES. NO BUILDINGS, CONCRETE SLABS, OR WALLS WILL BE PLACED WITHIN EASEMENT AREAS WITHOUT AN ENCROACHMENT AGREEMENT WITH CENTERPOINT ENERGY.

THIS PLAT OF THE IDV SCHERTZ PLAT HAS BEEN SUBMITTED AND APPROVED BY NEW BRAUNFELS UTILITIES ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ AD \_\_\_\_\_.



**PAPE-DAWSON ENGINEERS**  
SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS  
2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000  
TBPE FIRM REGISTRATION #470 | TBPLS FIRM REGISTRATION #10028800  
DATE OF PREPARATION: July 27, 2023

**NBU UTILITIES NOTES:**

- MAINTENANCE OF DEDICATED UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. ANY USE OF AN EASEMENT, OR ANY PORTION OF IT, INCLUDING LANDSCAPING OR DRAINAGE FEATURES, IS SUBJECT TO AND SHALL NOT CONFLICT WITH THE TERMS AND CONDITIONS IN THE EASEMENT, MUST NOT ENDANGER OR INTERFERE WITH THE RIGHTS GRANTED BY THE EASEMENT TO NEW BRAUNFELS UTILITIES, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE SUBJECT TO APPLICABLE PERMIT REQUIREMENTS OF THE CITY OF NEW BRAUNFELS OR ANY OTHER GOVERNING BODY. THE PROPERTY OWNER MUST OBTAIN, IN ADVANCE, WRITTEN AGREEMENT WITH THE UTILITIES TO UTILIZE THE EASEMENT, OR ANY PART OF IT.
- UTILITIES WILL POSSESS A 5' WIDE SERVICE EASEMENT TO THE BUILDING STRUCTURE ALONG THE SERVICE LINE TO THE SERVICE ENTRANCE. THIS EASEMENT WILL VARY DEPENDING UPON LOCATION OF BUILDING STRUCTURE AND SERVICE.
- UTILITIES SHALL HAVE ACCESS TO THE METER LOCATIONS FROM THE FRONT YARD AND METER LOCATIONS SHALL NOT BE LOCATED WITHIN A FENCE AREA.
- EACH LOT MUST HAVE ITS OWN WATER AND SEWER SERVICE AT THE OWNER'S/DEVELOPER'S EXPENSE.
- DO NOT COMBINE ANY NEW UTILITY EASEMENTS (UE) WITH DRAINAGE EASEMENTS (DE) OR MAKE CHANGES IN GRADE WITHIN THE UTILITY EASEMENTS (UE) WITHOUT WRITTEN APPROVAL FROM NEW BRAUNFELS UTILITIES.
- NBU IS NOT RESPONSIBLE FOR DAMAGES TO PROPERTY IMPROVEMENTS (I.E. LANDSCAPING, TREES, PAVEMENT, SIGNS, DRAINAGE STRUCTURES, PRIVATE UTILITIES, ETC.) THAT ARE PLACED IN ANY TYPE OF UTILITY EASEMENT. TO ENSURE NO CONFLICTS EXIST WITH UTILITY INFRASTRUCTURE IN THE EASEMENT, ALL SUCH IMPROVEMENTS PLACED IN ANY TYPE OF UTILITY EASEMENT MUST BE REVIEWED AND APPROVED THROUGH THE NBU EASEMENT ENCROACHMENT PROCESS. NBU EASEMENTS AND ROW FACILITATES THE EASEMENT ENCROACHMENT APPLICATION PROCESS.

**NOTES:**

- NOTICE: SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF CITY ORDINANCES AND STATE LAW AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND PERMITS.
- ACCORDING TO FLOOD INSURANCE RATE MAP, PANEL 440 OF 505 OF COMAL COUNTY, MAP NO. 48091C0440F, DATED SEPTEMBER 2, 2009, THE SUBJECT PROPERTY IS LOCATED IN ZONE X AND IS NOT WITHIN THE 100-YEAR FLOODPLAIN.
- ALL OPEN SPACE, COMMON AREAS, GREENBELTS, DRAINAGE EASEMENT OR OTHER AREAS IDENTIFIED AS PRIVATE SHALL BE THE RESPONSIBILITY OF THE OWNER OR OWNERS SUCCESSORS AND/OR ASSIGNS PROVIDED SUCH SUCCESSOR OR ASSIGN IS APPROVED BY THE CITY.
- THERE IS ONE (1) BUILDABLE LOT.

**SURVEYOR'S NOTES:**

- PROPERTY CORNERS ARE MONUMENTED WITH CAP OR DISK MARKED "PAPE-DAWSON" UNLESS NOTED OTHERWISE.
- COORDINATES SHOWN ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 NAD83 (NA2011) EPOCH 2010.00 FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE DISPLAYED IN GRID VALUES DERIVED FROM THE NGS COOPERATIVE CORS NETWORK.
- DIMENSIONS SHOWN ARE SURFACE SCALE FACTOR: 1.00017.
- BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 NAD83 (NA2011) EPOCH 2010.00, FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE.

THIS PROPOSED DEVELOPMENT HAS BEEN REVIEWED AND APPROVED BY THE CIBOLO CREEK MUNICIPAL AUTHORITY (COMA) FOR WASTEWATER TREATMENT PLANT CAPACITY AND EASEMENTS. ALL FEES DUE FOR IMPACT TO THE SYSTEM AT TIME OF CONNECTION WILL BE CALCULATED AT THE SUBMITTAL OF BUILDING PERMIT APPLICATION.

AGENT FOR CIBOLO CREEK MUNICIPAL AUTHORITY

I, THE UNDERSIGNED, CITY ENGINEER OF THE CITY OF SCHERTZ, TEXAS HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY AS TO WHICH THIS APPROVAL IS REQUIRED.

CITY ENGINEER

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. TO THE BEST OF MY KNOWLEDGE THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE, EXCEPT FOR THOSE VARIANCES GRANTED BY THE CITY OF SCHERTZ PLANNING AND ZONING COMMISSION.

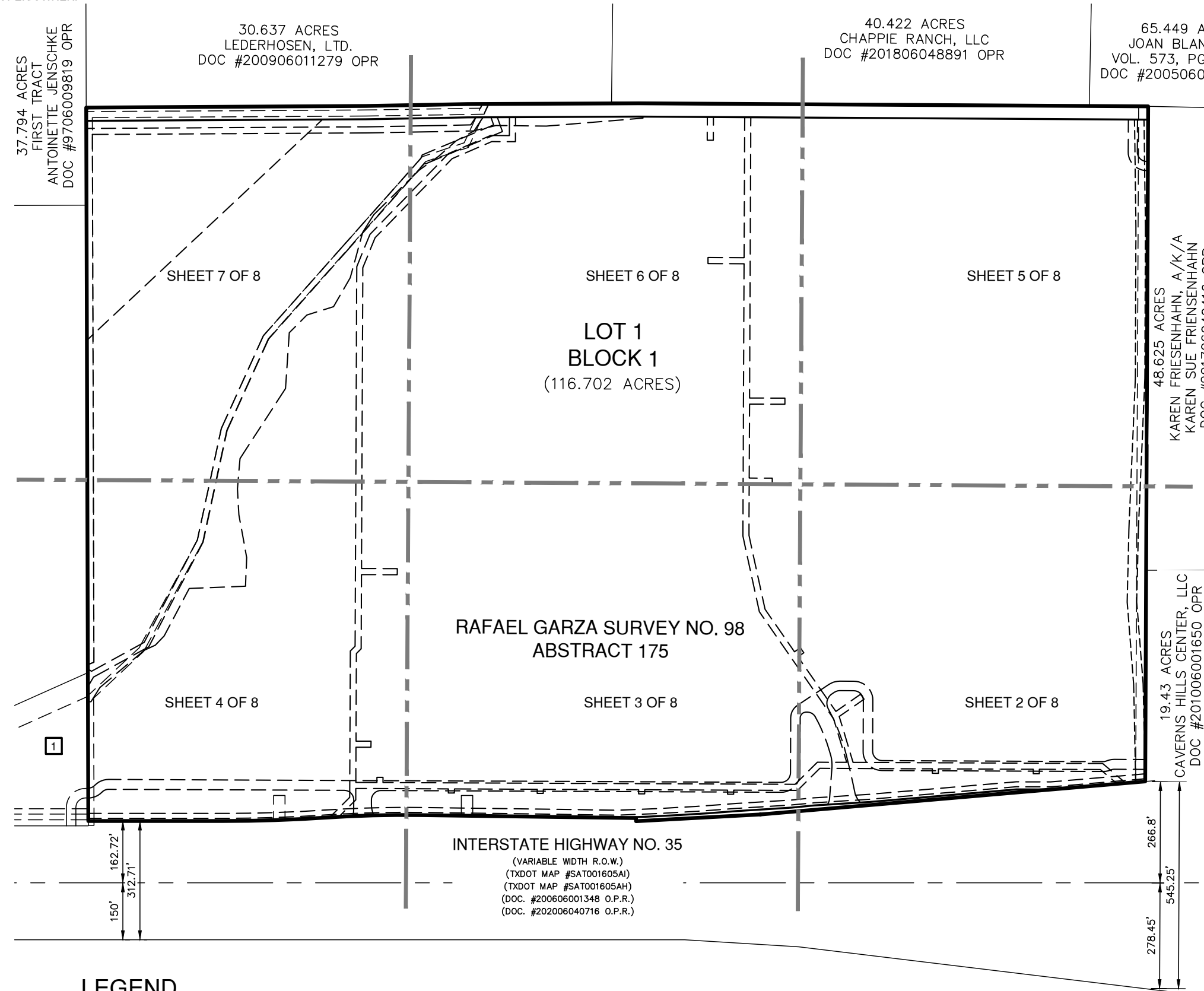
DENNIS R. RION  
LICENSED PROFESSIONAL ENGINEER  
PAPE-DAWSON ENGINEERS, INC.  
2000 NW LOOP 410  
SAN ANTONIO, TEXAS 78213  
(210) 375-9000

STATE OF TEXAS  
COUNTY OF BEXAR

I, THE UNDERSIGNED ERIC SNELL, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE UNDER MY SUPERVISION AND IN COMPLIANCE WITH CITY AND STATE SURVEY REGULATIONS AND LAWS AND MADE ON THE GROUND AND THAT THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

ERIC SNELL  
REGISTERED PROFESSIONAL LAND SURVEYOR  
PAPE-DAWSON ENGINEERS, INC.  
2000 NW LOOP 410  
SAN ANTONIO, TEXAS 78213  
(210) 375-9000

**INDEX MAP**  
SCALE: 1" = 300'



**LEGEND**

- |  |   |   |
|--|---|---|
| AC ACRE(S)   | 15' SANITARY SEWER EASEMENT TO BE VACATED (VOL 830, PG 361 DR)          | 20' ELECTRIC, GAS, TELEPHONE AND CABLE TV EASEMENT  |
| BLK BLOCK  | 16' SANITARY SEWER EASEMENT TO BE VACATED (DOC #2009060114112 OPR)      | 1' VEHICULAR NON-ACCESS EASEMENT (NOT TO SCALE)   |
| CB COUNTY BLOCK                                    | 25' SANITARY SEWER EASEMENT TO BE VACATED (DOC #9706003956 OPR)         | 16' SANITARY SEWER EASEMENT   |
| DOC DOCUMENT NUMBER                                | SIGN EASEMENT (DOC. #200606011466 OPR)                                  | 16' WATER EASEMENT  |
| DR DEED RECORDS OF COMAL COUNTY, TEXAS             | SIGN EASEMENT (DOC. #200606011467 OPR)                                  | 35' STREET RIGHT-OF-WAY DEDICATION BASED ON THE CITY OF SCHERTZ MASTER THOROUGHFARE PLAN DATED 5/2017. (2.246 AC. = 97,856.18 SF) |
| MPR MAP AND PLAT RECORDS OF COMAL COUNTY, TEXAS    | 0.0657 ACRE CROSS ACCESS EASEMENT (DOC. #201806029613 MPR)              | 14' GAS, ELECTRIC, TELEPHONE AND CATV EASEMENT (DOC. #201806029613 MPR)   |
| OPR OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS | 14' GAS, ELECTRIC, TELEPHONE AND CATV EASEMENT (DOC. #201806029613 MPR) | 24' ACCESS EASEMENT   |
| VOL VOLUME   | 16' WATER EASEMENT (DOC. #201806029613 MPR)                             | VARIABLE WIDTH CROSS ACCESS EASEMENT  |
| PG PAGE(S)   | 57' DRAINAGE EASEMENT (DOC. #201806029613 MPR)                          | VARIABLE WIDTH DRAINAGE EASEMENT (13.083 AC)  |
| ROW RIGHT-OF-WAY                                   | FOUND 1/2" IRON ROD (UNLESS NOTED OTHERWISE)                            | 25' SANITARY SEWER EASEMENT   |
| SD STORM DRAIN                                     | SET 1/2" IRON ROD (PD)  | VARIABLE WIDTH SANITARY SEWER EASEMENT  |
| SS SANITARY SEWER                                  | SET 1/2" IRON ROD (PD)-ROW  |   |
| W WATER  |   |   |
| FM FORCE MAIN                                      |   |   |
| SD STORM DRAIN                                     |   |   |

**CURVE AND LINE DATA ON SHEET 8 OF 8**  
**PLAT NOTES APPLY TO EVERY PAGE OF THIS MULTIPLE PAGE PLAT**

SHEET 1 OF 8

STATE OF TEXAS  
COUNTY OF COMAL

THE OWNER OF LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO THE USE OF THE PUBLIC, EXCEPT AREAS IDENTIFIED AS PRIVATE OR PART OF AN ENCLAVE OR PLANNED UNIT DEVELOPMENT, FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

OWNER/DEVELOPER: IDV-BP SCHERTZ, LLC  
10375 RICHMOND AVENUE, SUITE 1950, HOUSTON TX 77042  
(832) 500-5202

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED IDV-BP SCHERTZ, LLC, 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 \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_.

NOTARY PUBLIC, \_\_\_\_\_ COUNTY, TEXAS

THIS PLAT OF IDV SCHERTZ HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF SCHERTZ, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED: THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, YEAR A.D. 20\_\_\_\_.

BY: \_\_\_\_\_ CHAIRPERSON

BY: \_\_\_\_\_ SECRETARY

**IDV SCHERTZ  
FINAL PLAT**

BEING A TOTAL OF 118,948 ACRE TRACT OF LAND, ESTABLISHING LOT 1, BLOCK 1, INCLUSIVE OF 2.246 ACRE OF 35' RIGHT-OF-WAY DEDICATION BASED ON THE CITY OF SCHERTZ MASTER THOROUGHFARE PLAN DATED 5/2017, BEING COMPRISED OF A 118,948 ACRE TRACT OF LAND RECORDED IN DOCUMENT NO. 202106057989 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, OUT OF THE RAFAEL GARZA SURVEY NO. 98, ABSTRACT 175 IN THE CITY OF SCHERTZ, COMAL COUNTY, TEXAS.

DATE OF PRINT: July 27, 2023

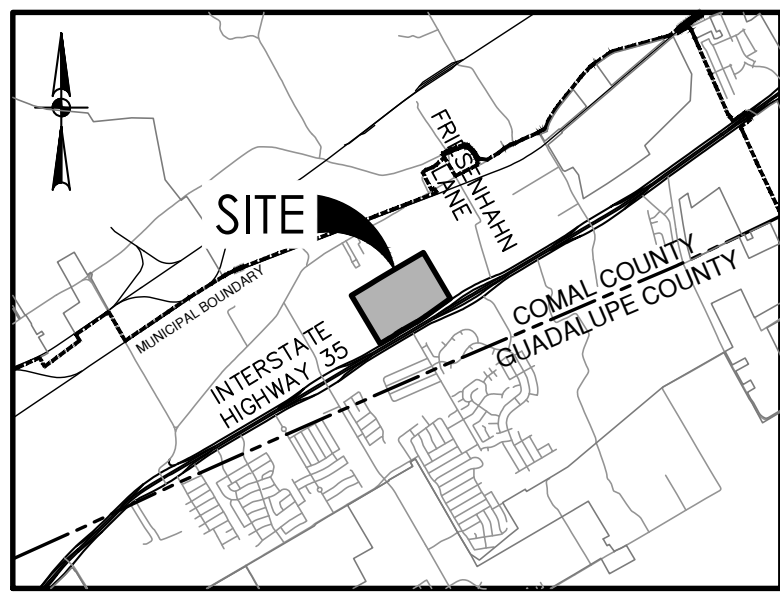
STATE OF TEXAS  
COUNTY OF COMAL

I, \_\_\_\_\_, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_ AT \_\_\_\_\_ AM AND DULY RECORDED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_ AT \_\_\_\_\_ M. IN THE MAP AND PLAT RECORDS IN SAID OFFICE, OF SAID COUNTY, IN DOCUMENT NO. \_\_\_\_\_ IN TESTIMONY WHEREOF WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_.

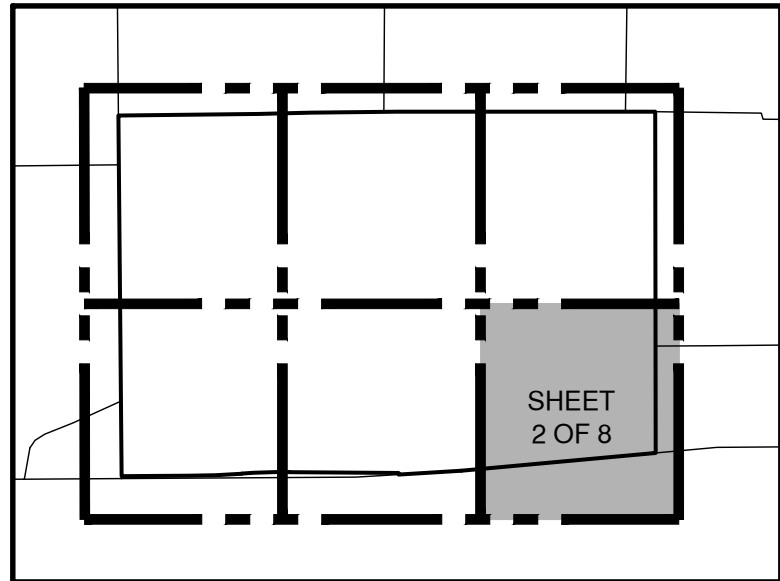
\_\_\_\_\_  
COUNTY CLERK, COMAL COUNTY, TEXAS

BY: \_\_\_\_\_, DEPUTY

This document is released or INTERIM REVIEW purposes ONLY under the authorization of Dennis R. Rion, P.E. #67109 on 7/27/2023. This document is not to be used for CONSTRUCTION.



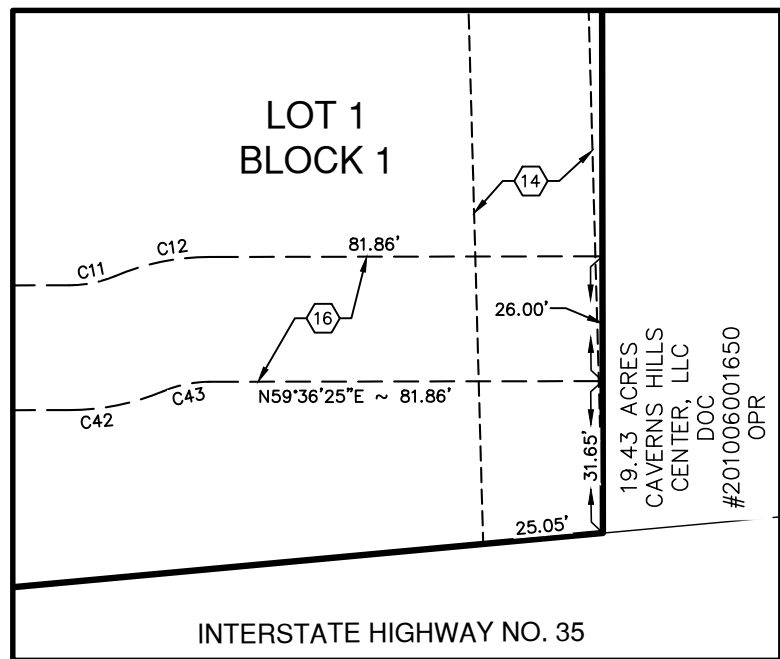
**LOCATION MAP**  
MAPSCO MAP GRID: 123X1  
NOT-TO-SCALE



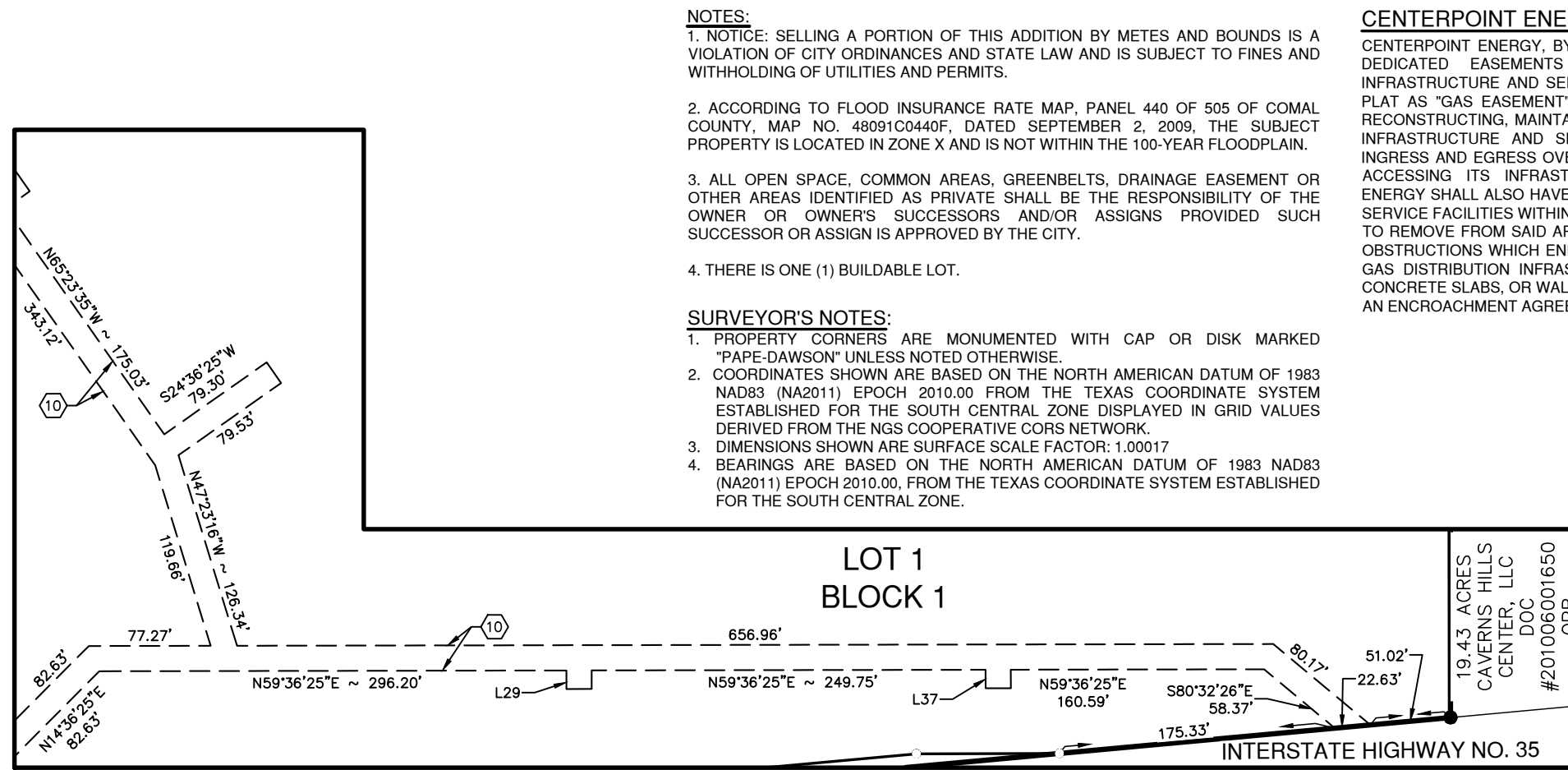
**INDEX MAP**  
SCALE: 1" = 1000'

**LEGEND**

- |   |   |
|---|---|
| ① 15' SANITARY SEWER EASEMENT TO BE VACATED (VOL 830, PG 361 DR)          | ① 20' ELECTRIC, GAS, TELEPHONE AND CABLE TV EASEMENT  |
| ② 16' SANITARY SEWER EASEMENT TO BE VACATED (DOC #200906014112 OPR)       | ② 1" VEHICULAR NON-ACCESS EASEMENT (NOT TO SCALE)   |
| ③ 25' SANITARY SEWER EASEMENT TO BE VACATED (DOC #9706003956 OPR)         | ③ 16' SANITARY SEWER EASEMENT   |
| ④ SIGN EASEMENT (DOC. #200606011466 OPR)                                  | ④ 16' WATER EASEMENT  |
| ⑤ SIGN EASEMENT (DOC. #200606011467 OPR)                                  | ⑤ 35' STREET RIGHT-OF-WAY DEDICATION BASED ON THE CITY OF SCHERTZ MASTER THOROUGHFARE PLAN DATED 5/2017, (2.246 AC. = 97,856.18 SF) |
| ⑥ 0.0657 ACRE CROSS ACCESS EASEMENT (DOC. #201806029613 MPR)              | ⑥ VARIABLE WIDTH STREET RIGHT-OF-WAY DEDICATION TO TXDOT (0.6191 AC)  |
| ⑦ 14' GAS, ELECTRIC, TELEPHONE AND CATV EASEMENT (DOC. #201806029613 MPR) | ⑦ 24' WIDTH ACCESS EASEMENT   |
| ⑧ 16' WATER EASEMENT (DOC. #201806029613 MPR)                             | ⑧ VARIABLE WIDTH CROSS ACCESS EASEMENT  |
| ⑨ 57' DRAINAGE EASEMENT (DOC. #201806029613 MPR)                          | ⑨ VARIABLE WIDTH DRAINAGE EASEMENT (13.083 AC)  |
|   | ⑩ 25' SANITARY SEWER EASEMENT   |
|   | ⑪ VARIABLE WIDTH SANITARY SEWER EASEMENT  |

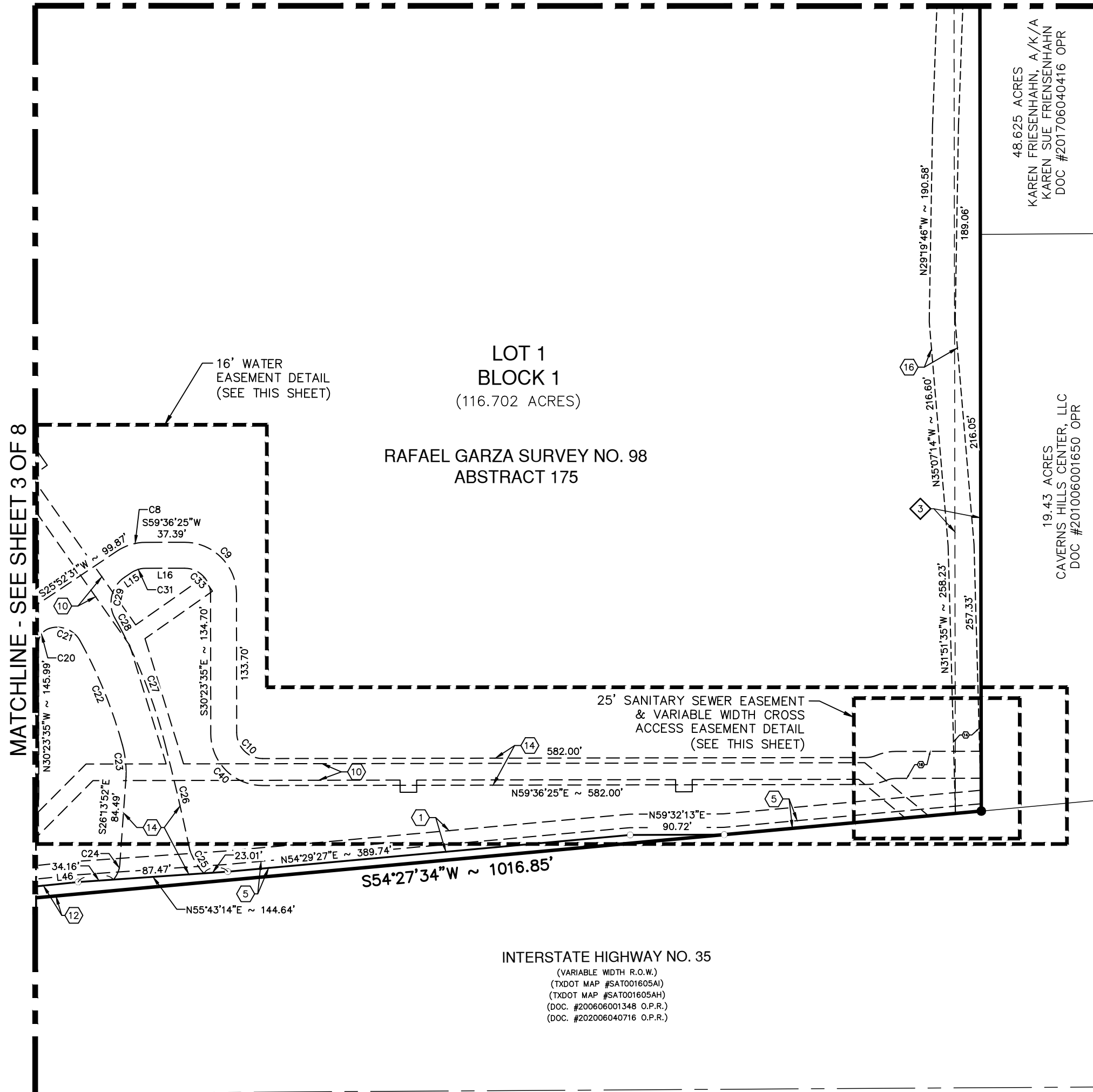


**25' SANITARY SEWER & VARIABLE WIDTH CROSS ACCESS EASEMENT DETAIL**  
NOT-TO-SCALE



**16' WATER EASEMENT DETAIL**  
NOT-TO-SCALE

MATCHLINE - SEE SHEET 7 OF 8



**LOT 1  
BLOCK 1**  
(116.702 ACRES)  
RAFAEL GARZA SURVEY NO. 98  
ABSTRACT 175

INTERSTATE HIGHWAY NO. 35  
(VARIABLE WIDTH R.O.W.)  
(TXDOT MAP #S41001605A4)  
(TXDOT MAP #S41001605AH)  
(DOC. #200606001348 O.P.R.)  
(DOC. #202006040716 O.P.R.)

PLAT NOTES APPLY TO EVERY PAGE OF THIS MULTIPLE PAGE PLAT

SHEET 2 OF 8

**NOTES:**

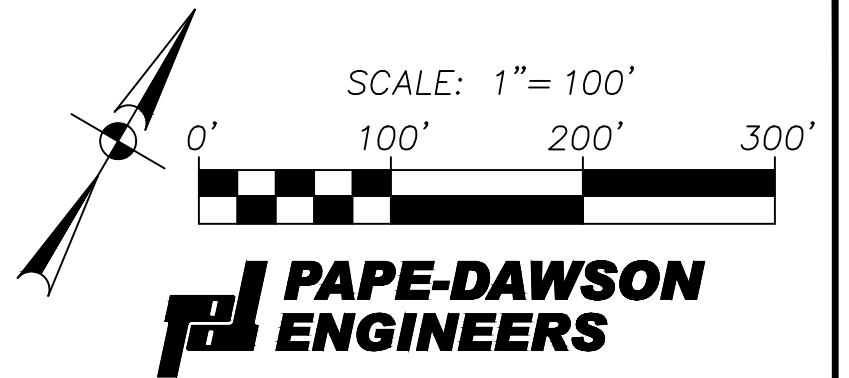
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DATE OF PREPARATION: July 27, 2023

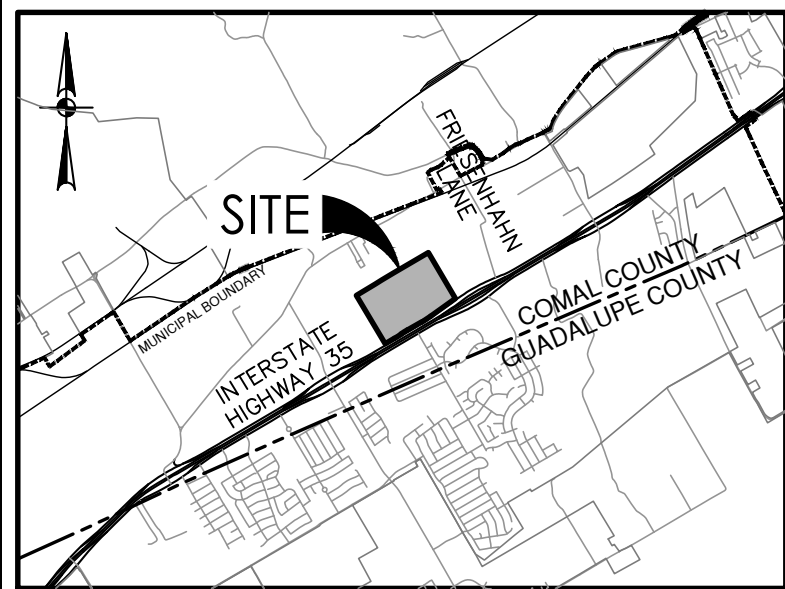
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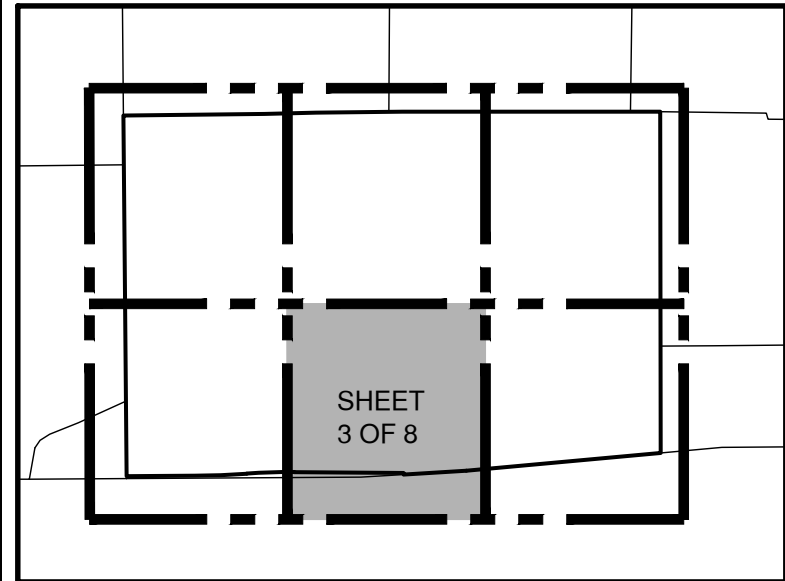
**IDV SCHERTZ  
FINAL PLAT**

BEING A TOTAL OF 118,948 ACRE TRACT OF LAND, ESTABLISHING LOT 1, BLOCK 1, INCLUSIVE OF 2.246 ACRE OF 35' RIGHT-OF-WAY DEDICATION BASED ON THE CITY OF SCHERTZ MASTER THOROUGHFARE PLAN DATED 5/2017, BEING COMPRISED OF A 118,948 ACRE TRACT OF LAND RECORDED IN DOCUMENT NO. 202106057989 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, OUT OF THE RAFAEL GARZA SURVEY NO. 98, ABSTRACT 175 IN THE CITY OF SCHERTZ, COMAL COUNTY, TEXAS.

DATE OF PRINT: July 27, 2023



**LOCATION MAP**  
MAPSCO MAP GRID: 123X1  
NOT-TO-SCALE



**INDEX MAP**  
SCALE: 1" = 1000'

**LEGEND**

- |   |   |
|---|---|
| ① 15' SANITARY SEWER EASEMENT TO BE VACATED (VOL 830, PG 361 DR)          | ① 20' ELECTRIC, GAS, TELEPHONE AND CABLE TV EASEMENT  |
| ② 16' SANITARY SEWER EASEMENT TO BE VACATED (DOC #200906014112 OPR)       | ② 1" VEHICULAR NON-ACCESS EASEMENT (NOT TO SCALE)   |
| ③ 25' SANITARY SEWER EASEMENT TO BE VACATED (DOC #9706003956 OPR)         | ③ 16' SANITARY SEWER EASEMENT   |
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| ⑤ SIGN EASEMENT (DOC. #200606011467 OPR)                                  | ⑤ 35' STREET RIGHT-OF-WAY DEDICATION BASED ON THE CITY OF SCHERTZ MASTER THOROUGHFARE PLAN DATED 5/2017, (2.246 AC. = 97,856.18 SF) |
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| ⑨ 57' DRAINAGE EASEMENT (DOC. #201806029613 MPR)                          | ⑨ VARIABLE WIDTH DRAINAGE EASEMENT (13.083 AC)  |
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|   | ⑪ VARIABLE WIDTH SANITARY SEWER EASEMENT  |

**SURVEYOR'S NOTES:**

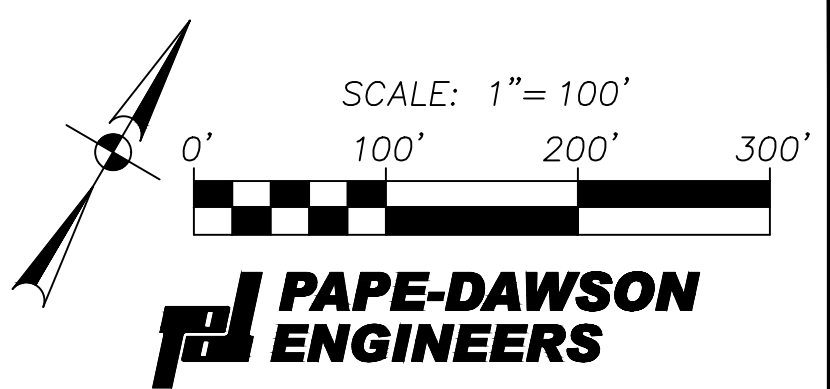
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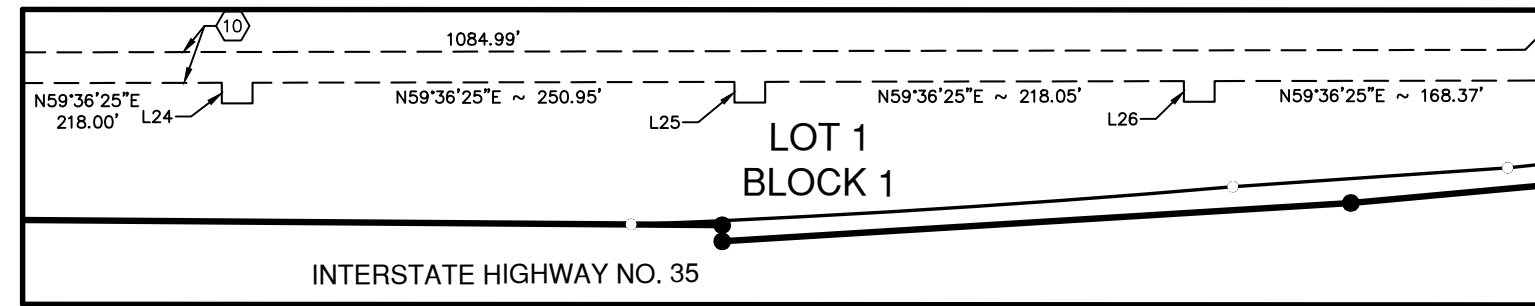
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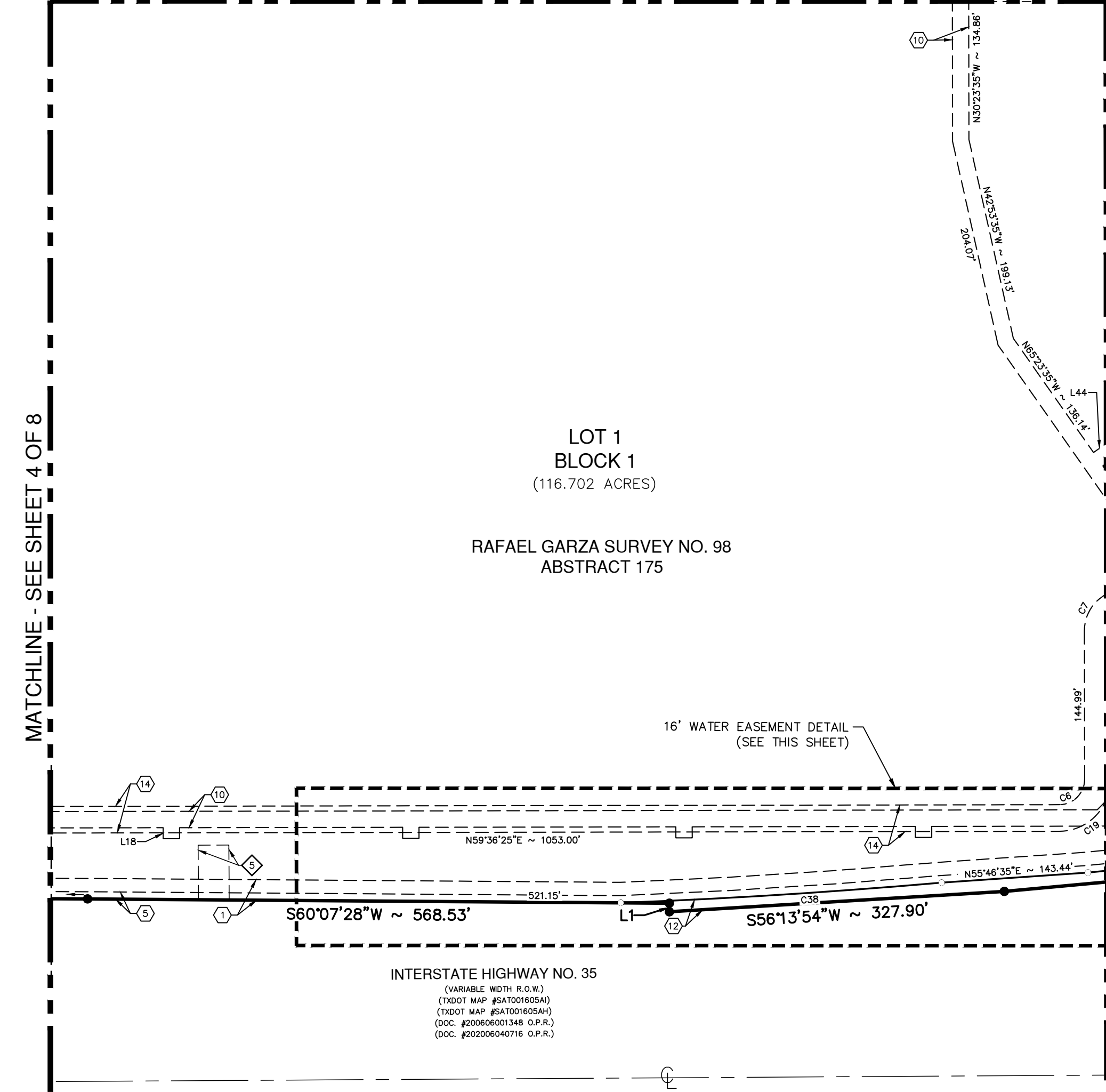


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**16' WATER EASEMENT DETAIL**  
NOT-TO-SCALE



LOT 1  
BLOCK 1  
(116.702 ACRES)

RAFAEL GARZA SURVEY NO. 98  
ABSTRACT 175

INTERSTATE HIGHWAY NO. 35  
(VARIABLE WIDTH R.O.W.)  
(TXDOT MAP #SAT0016054A)  
(TXDOT MAP #SAT0016054H)  
(DOC. #200606001348 O.P.R.)  
(DOC. #202006040716 O.P.R.)

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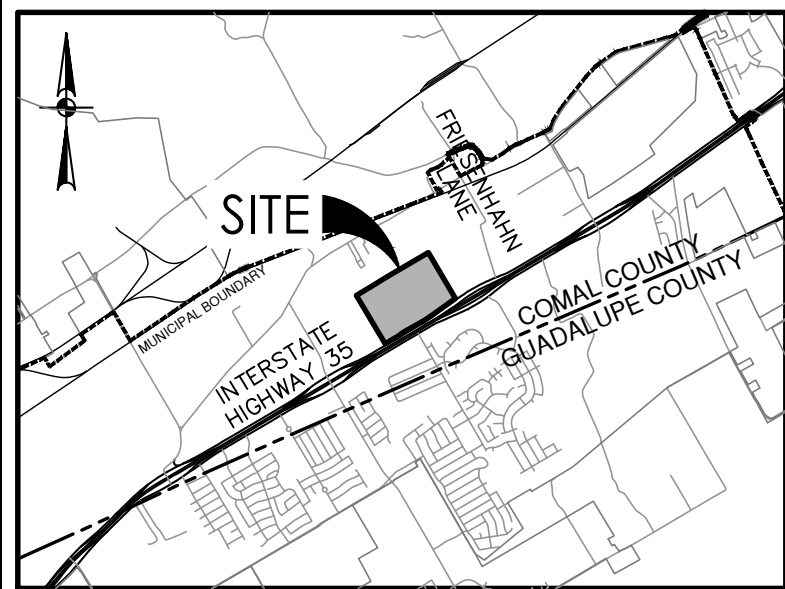
SHEET 3 OF 8

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or INTERIM REVIEW purposes  
ONLY under the authorization  
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#67109 on 7/27/2023  
This document is not to be  
used for CONSTRUCTION.

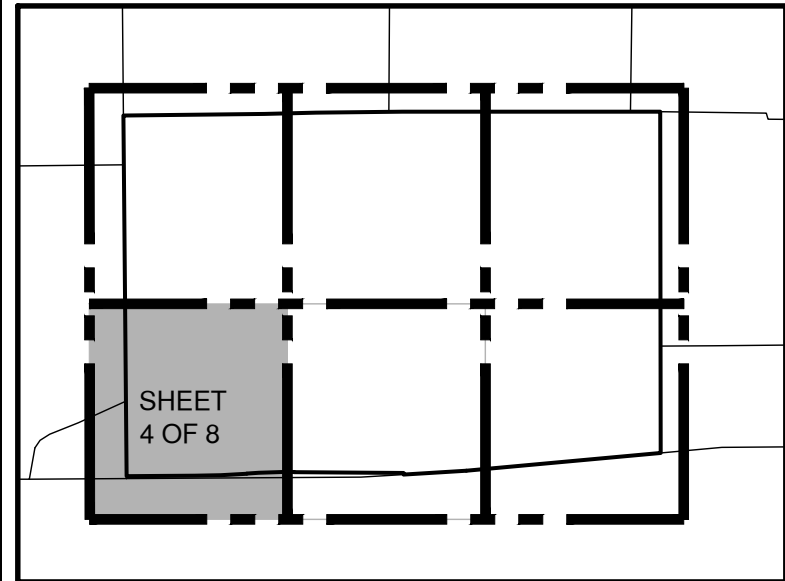
Civil Job No. 30020-02; Survey Job No. 30020-01

IDV SCHERTZ

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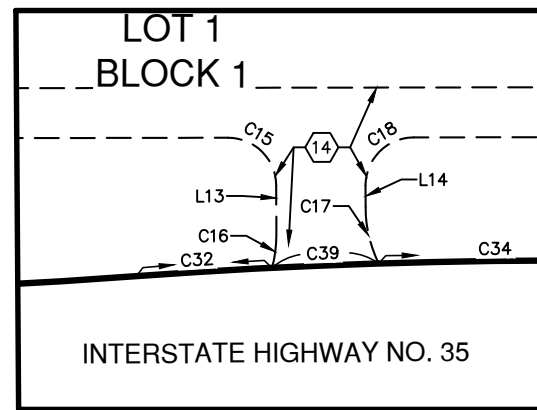
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MAPSCO MAP GRID: 123X1  
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**LEGEND**

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**VARIABLE WIDTH CROSS ACCESS EASEMENT**  
**DETAIL B**  
NOT-TO-SCALE

**SURVEYOR'S NOTES:**

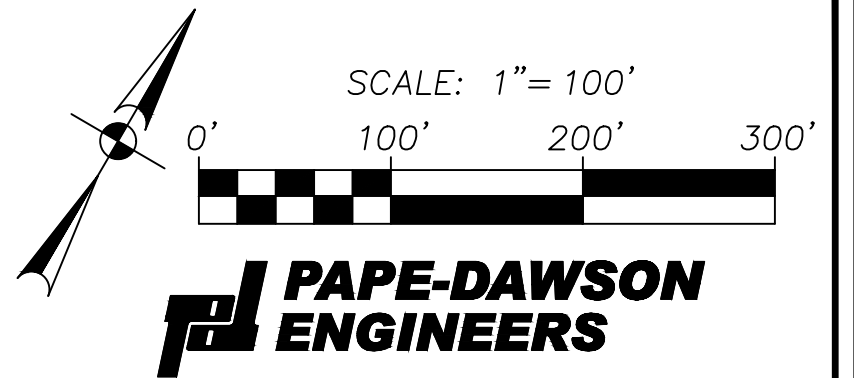
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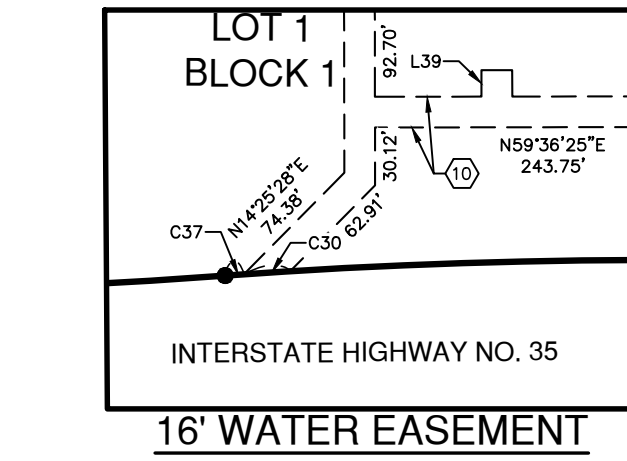
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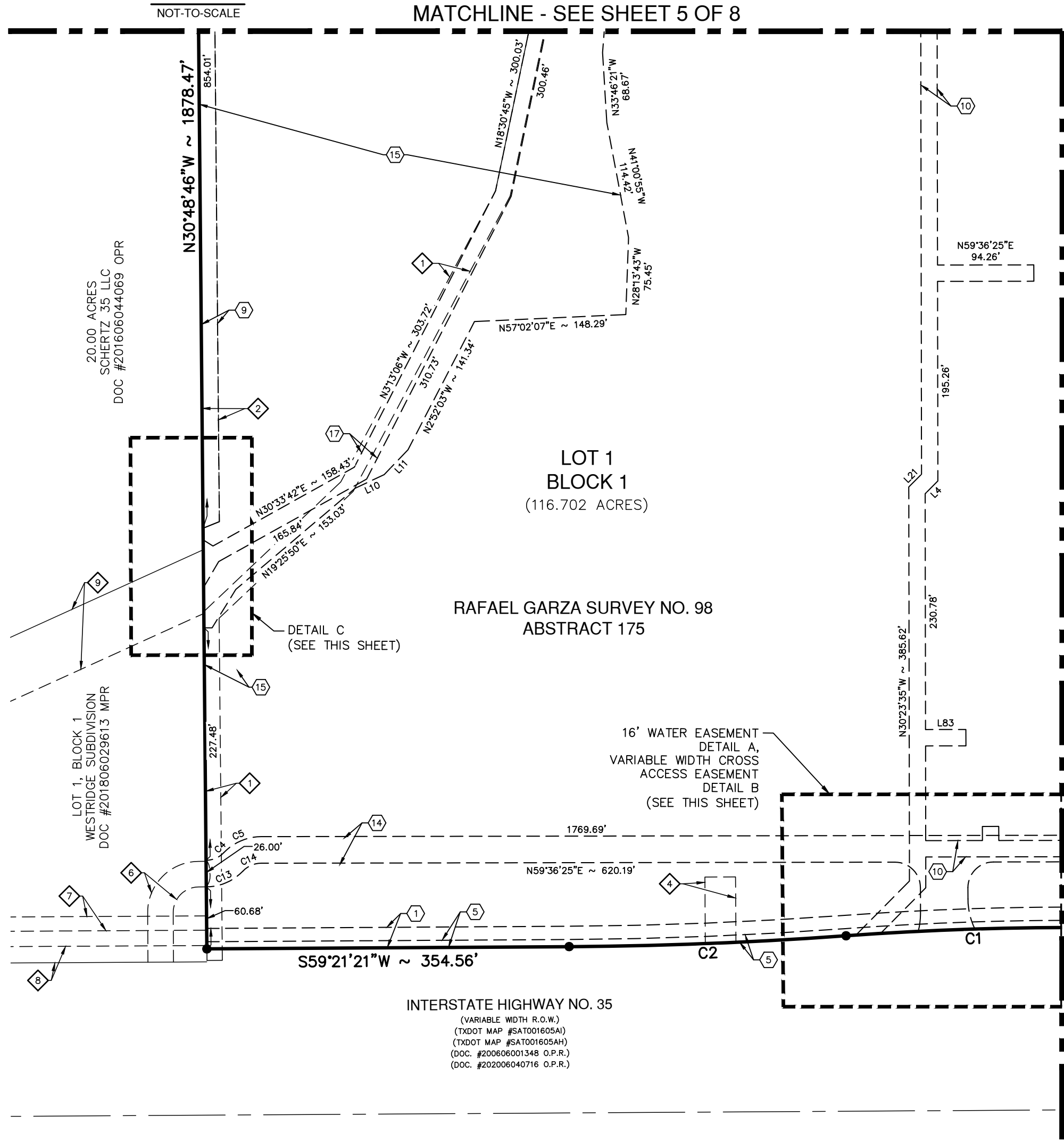
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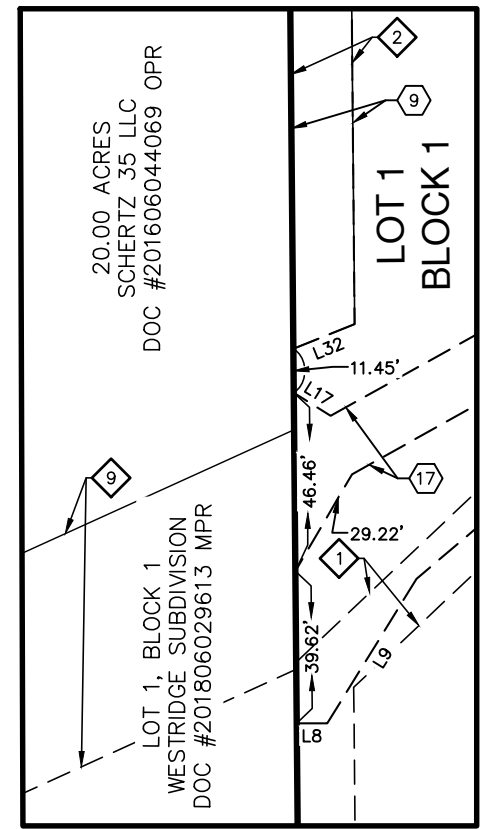
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**16' WATER EASEMENT**  
**DETAIL A**  
NOT-TO-SCALE



**LOT 1 BLOCK 1**  
(116.702 ACRES)  
**RAFAEL GARZA SURVEY NO. 98**  
**ABSTRACT 175**



**VARIABLE WIDTH DRAINAGE EASEMENT**  
**DETAIL C**  
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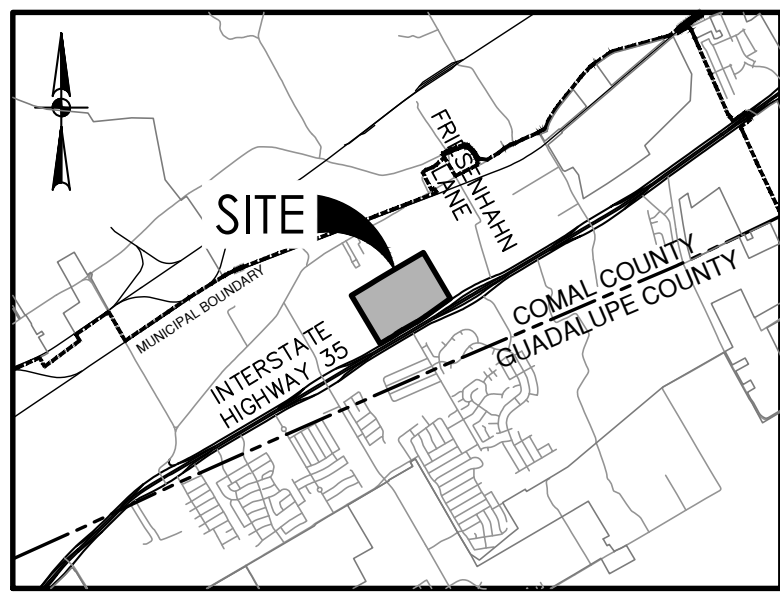
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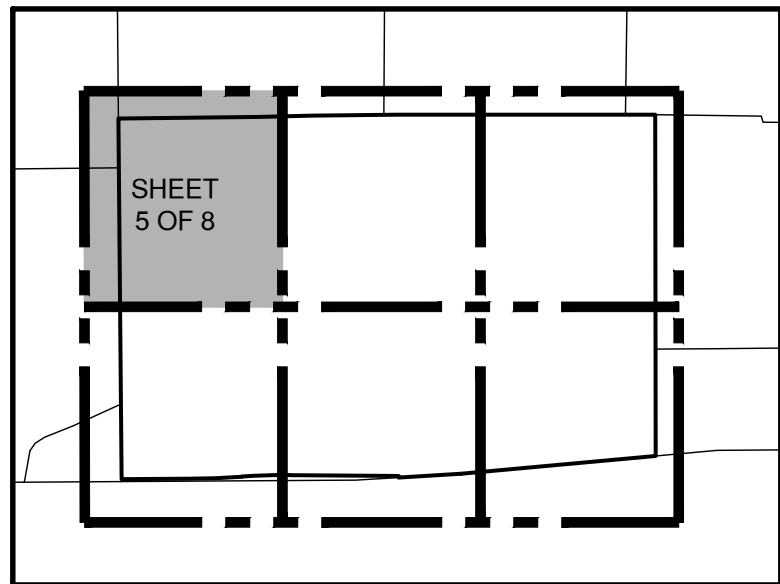
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SHEET 4 OF 8



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| 25' SANITARY SEWER EASEMENT TO BE VACATED (DOC #9706003956 OPR)         | 16' SANITARY SEWER EASEMENT   |
| SIGN EASEMENT (DOC. #200606011466 OPR)                                  | 16' WATER EASEMENT  |
| SIGN EASEMENT (DOC. #200606011467 OPR)                                  | 35' STREET RIGHT-OF-WAY DEDICATION BASED ON THE CITY OF SCHERTZ MASTER THOROUGHFARE PLAN DATED 5/2017, (2.246 AC. = 97,856.18 SF) |
| 0.0657 ACRE CROSS ACCESS EASEMENT (DOC. #201806029613 MPR)              | VARIABLE WIDTH STREET RIGHT-OF-WAY DEDICATION TO TXDOT (0.6191 AC)  |
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| 16' WATER EASEMENT (DOC. #201806029613 MPR)                             | VARIABLE WIDTH CROSS ACCESS EASEMENT  |
| 57' DRAINAGE EASEMENT (DOC. #201806029613 MPR)                          | VARIABLE WIDTH DRAINAGE EASEMENT (13.083 AC)  |
|   | 25' SANITARY SEWER EASEMENT   |
|   | VARIABLE WIDTH SANITARY SEWER EASEMENT  |

**SURVEYOR'S NOTES:**

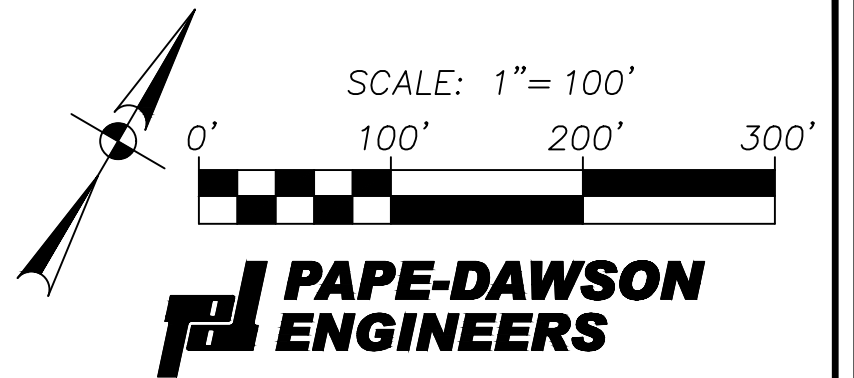
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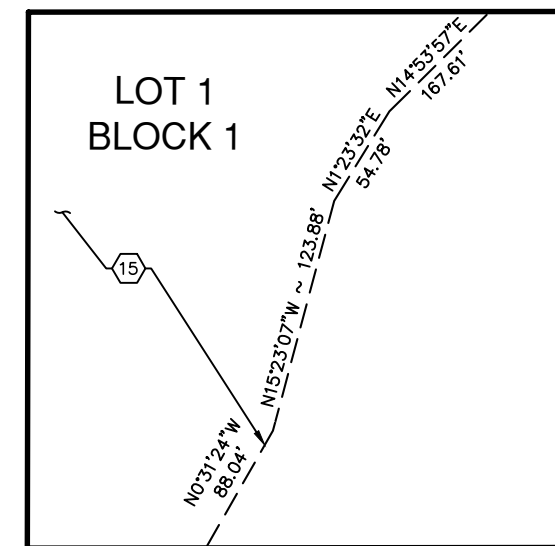
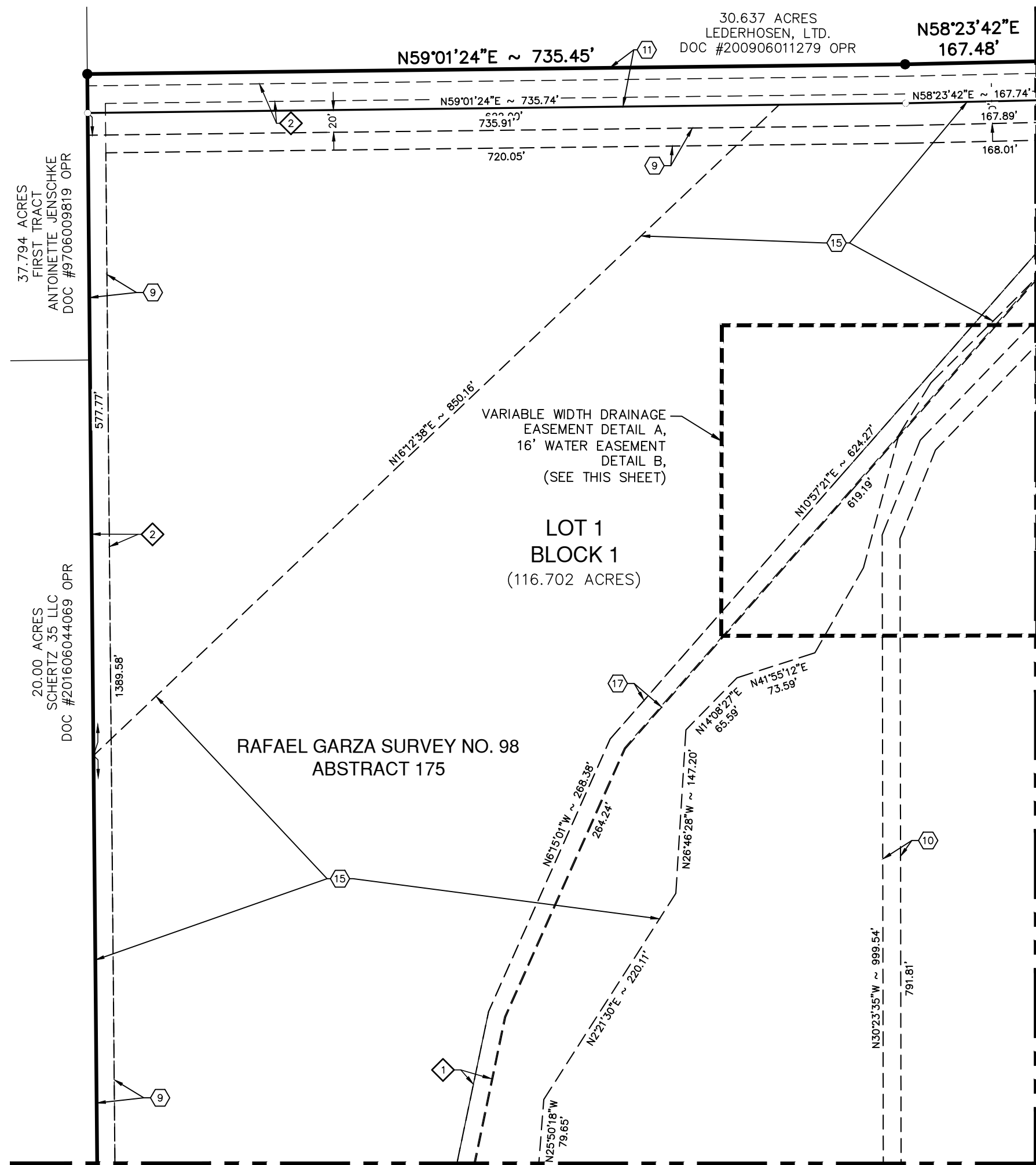
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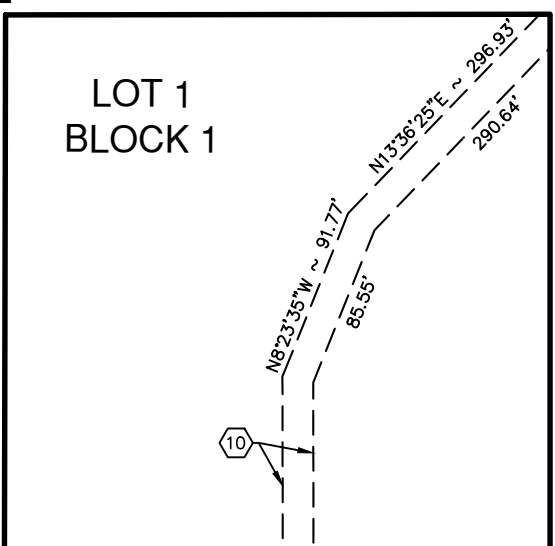
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**VARIABLE WIDTH DRAINAGE EASEMENT DETAIL A**  
NOT-TO-SCALE



**16' WATER EASEMENT DETAIL B**  
NOT-TO-SCALE

**LEGEND**

- |   |   |
|---|---|
| 15' SANITARY SEWER EASEMENT TO BE VACATED (VOL 830, PG 361 DR)    | SIGN EASEMENT (DOC. #200606011467 OPR)                                  |
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**MATCHLINE - SEE SHEET 4 OF 8**

- |  |   |
|--|---|
| 57' DRAINAGE EASEMENT (DOC. #201806029613 MPR)     | 35' STREET RIGHT-OF-WAY DEDICATION BASED ON THE CITY OF SCHERTZ MASTER THOROUGHFARE PLAN DATED 5/2017, (2.246 AC. = 97,856.18 SF) |
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| 1" VEHICULAR NON-ACCESS EASEMENT (NOT TO SCALE)    | 24' WIDTH ACCESS EASEMENT   |
| 16' SANITARY SEWER EASEMENT                        | 16' WATER EASEMENT  |

- |                             |                           |
|-----------------------------|---------------------------|
| 16' SANITARY SEWER EASEMENT | 16' WATER EASEMENT        |
| 16' WATER EASEMENT          | 24' WIDTH ACCESS EASEMENT |

- |   |  |
|---|--|
| 35' STREET RIGHT-OF-WAY DEDICATION BASED ON THE CITY OF SCHERTZ MASTER THOROUGHFARE PLAN DATED 5/2017, (2.246 AC. = 97,856.18 SF) | VARIABLE WIDTH CROSS ACCESS EASEMENT         |
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| 24' WIDTH ACCESS EASEMENT   | 25' SANITARY SEWER EASEMENT                  |

- |  |  |
|--|--|
| VARIABLE WIDTH CROSS ACCESS EASEMENT         | OFF-LOT VARIABLE WIDTH SANITARY SEWER TURNAROUND EASEMENT (0.018 AC) |
| VARIABLE WIDTH DRAINAGE EASEMENT (13.083 AC) |  |
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**PLAT NOTES APPLY TO EVERY PAGE OF THIS MULTIPLE PAGE PLAT**

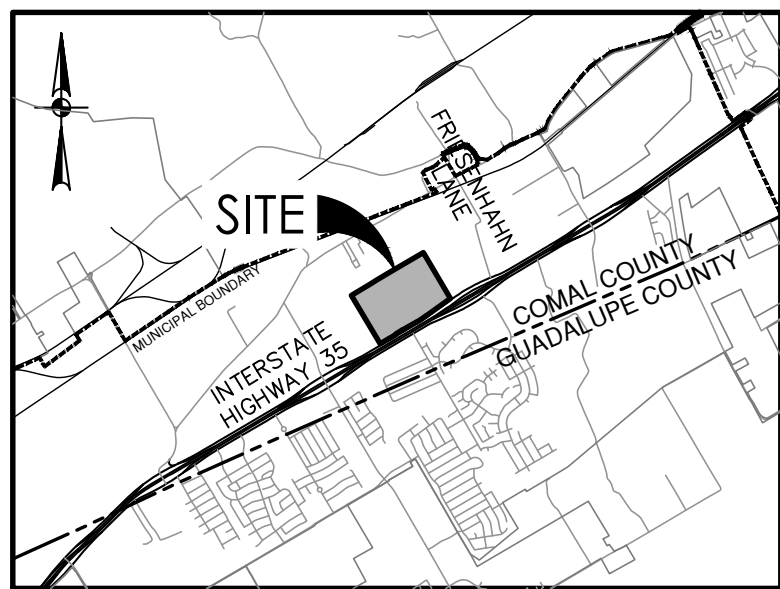
**IDV SCHERTZ FINAL PLAT**

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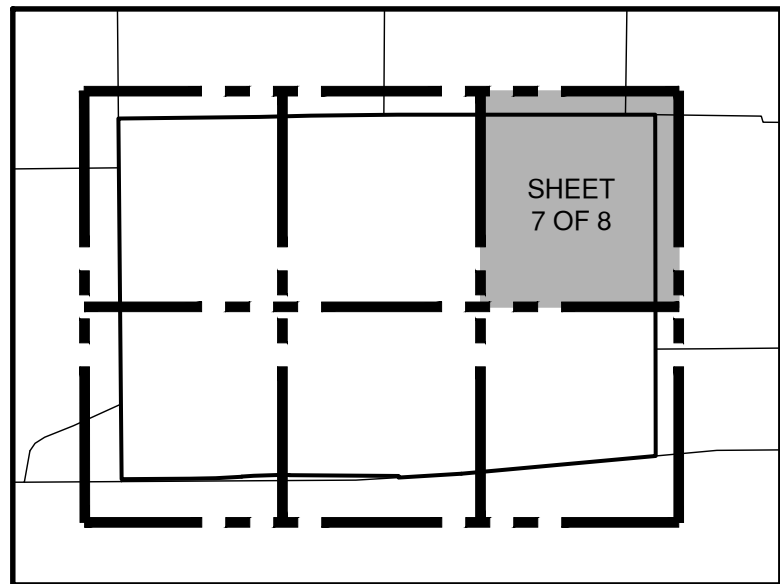
DATE OF PRINT: July 27, 2023

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**LOCATION MAP**  
MAPSCO MAP GRID: 123X1  
NOT-TO-SCALE



**INDEX MAP**  
SCALE: 1" = 1000'

**LEGEND**

- |   |   |
|---|---|
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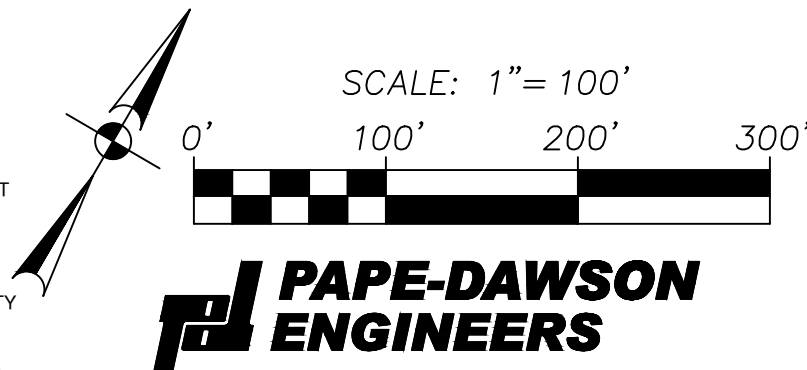
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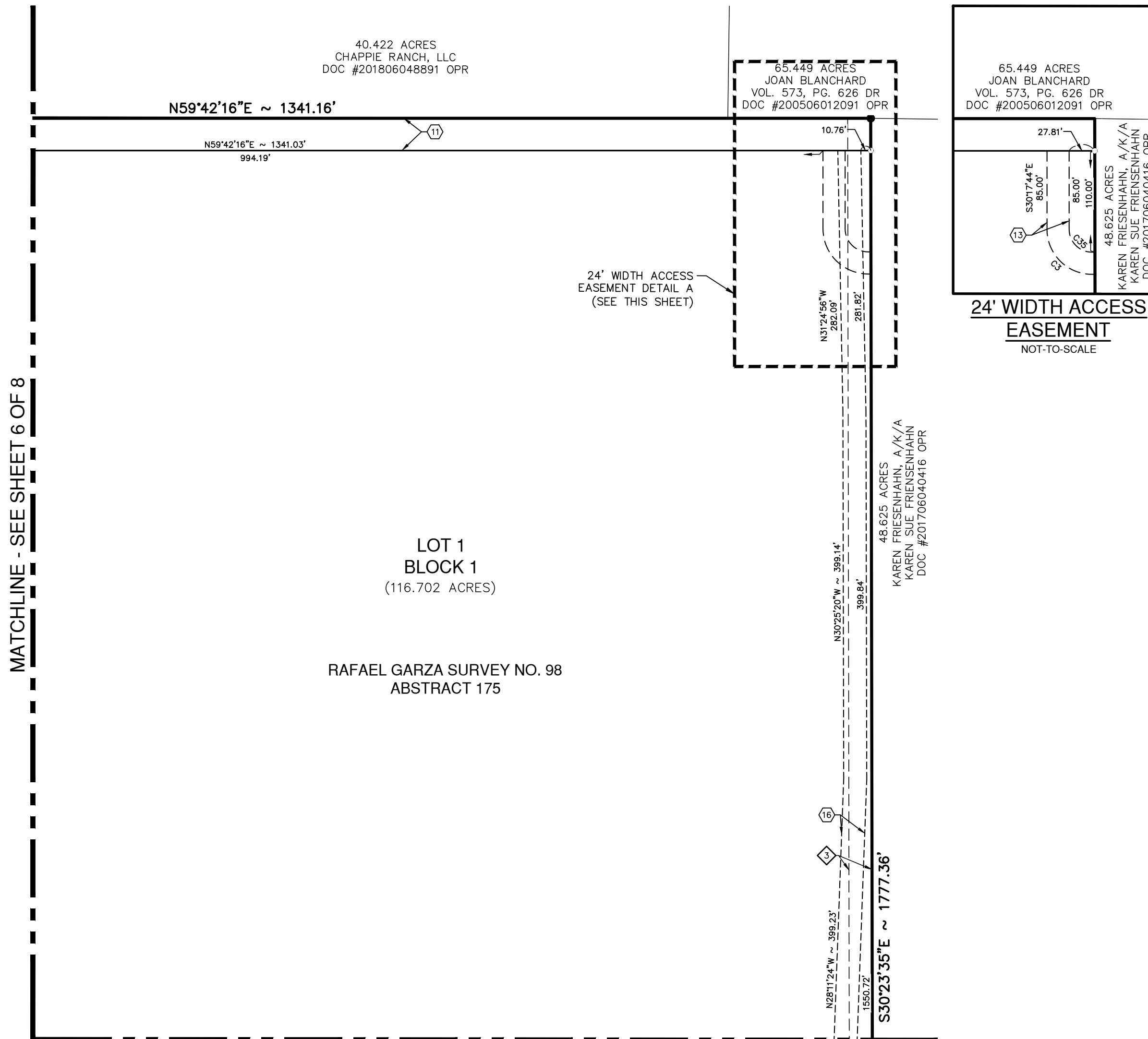
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MATCHLINE - SEE SHEET 6 OF 8

RAFAEL GARZA SURVEY NO. 98  
ABSTRACT 175

MATCHLINE - SEE SHEET 2 OF 8

PLAT NOTES APPLY TO EVERY PAGE  
OF THIS MULTIPLE PAGE PLAT

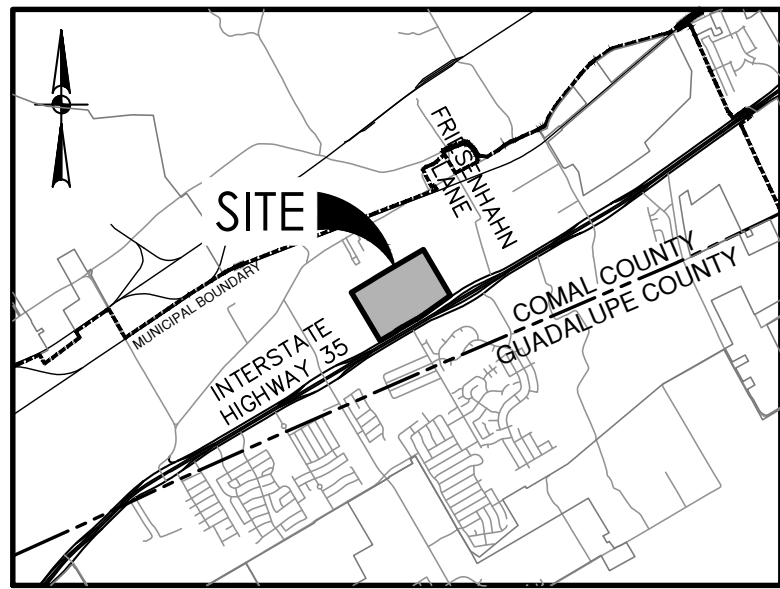
SHEET 7 OF 8

**IDV SCHERTZ  
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**LOCATION MAP**  
 MAPSCO MAP GRID: 123X1  
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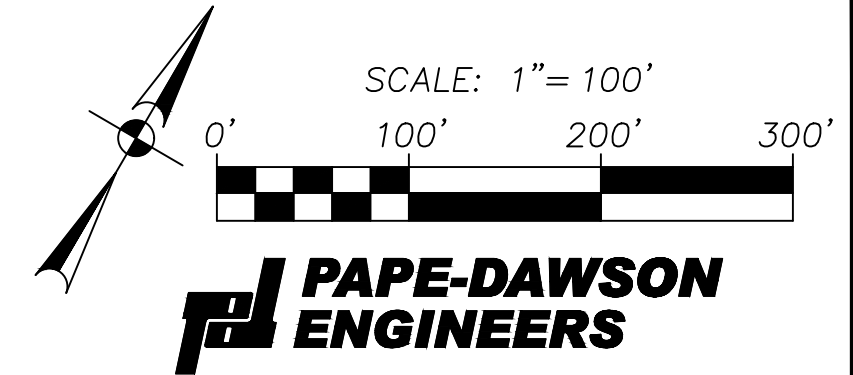
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- MAINTENANCE OF DEDICATED UTILITY EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. ANY USE OF AN EASEMENT, OR ANY PORTION OF IT, INCLUDING LANDSCAPING OR DRAINAGE FEATURES, IS SUBJECT TO AND SHALL NOT CONFLICT WITH THE TERMS AND CONDITIONS IN THE EASEMENT. MUST NOT ENDANGER OR INTERFERE WITH THE RIGHTS GRANTED BY THE EASEMENT TO NEW BRAUNFELS UTILITIES, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE SUBJECT TO APPLICABLE PERMIT REQUIREMENTS OF THE CITY OF NEW BRAUNFELS OR ANY OTHER GOVERNING BODY. THE PROPERTY OWNER MUST OBTAIN, IN ADVANCE, WRITTEN AGREEMENT WITH THE UTILITIES TO UTILIZE THE EASEMENT, OR ANY PART OF IT.
- UTILITIES WILL POSSESS A 5' WIDE SERVICE EASEMENT TO THE BUILDING STRUCTURE ALONG THE SERVICE LINE TO THE SERVICE ENTRANCE. THIS EASEMENT WILL VARY DEPENDING UPON LOCATION OF BUILDING STRUCTURE AND SERVICE.
- UTILITIES SHALL HAVE ACCESS TO THE METER LOCATIONS FROM THE FRONT YARD AND METER LOCATIONS SHALL NOT BE LOCATED WITHIN A FENCE AREA.
- EACH LOT MUST HAVE ITS OWN WATER AND SEWER SERVICE AT THE OWNER'S/DEVELOPER'S EXPENSE.
- DO NOT COMBINE ANY NEW UTILITY EASEMENTS (UE) WITH DRAINAGE EASEMENTS (DE) OR MAKE CHANGES IN GRADE WITHIN THE UTILITY EASEMENTS (UE) WITHOUT WRITTEN APPROVAL FROM NEW BRAUNFELS UTILITIES.
- NBU IS NOT RESPONSIBLE FOR DAMAGES TO PROPERTY IMPROVEMENTS (I.E. LANDSCAPING, TREES, PAVEMENT, SIGNS, DRAINAGE STRUCTURES, PRIVATE UTILITIES, ETC.) THAT ARE PLACED IN ANY TYPE OF UTILITY EASEMENT. TO ENSURE NO CONFLICTS EXIST WITH UTILITY INFRASTRUCTURE IN THE EASEMENT, ALL SUCH IMPROVEMENTS PLACED IN ANY TYPE OF UTILITY EASEMENT MUST BE REVIEWED AND APPROVED THROUGH THE NBU EASEMENT ENCROACHMENT PROCESS. NBU EASEMENTS AND ROW FACILITATES THE EASEMENT ENCROACHMENT APPLICATION PROCESS.

| CURVE TABLE |          |           |               |         |         |
|-------------|----------|-----------|---------------|---------|---------|
| CURVE #     | RADIUS   | DELTA     | CHORD BEARING | CHORD   | LENGTH  |
| C1          | 3067.91' | 4°37'56"  | S57°51'30"W   | 247.97' | 248.03' |
| C2          | 4076.88' | 3°48'49"  | S57°26'56"W   | 271.32' | 271.37' |
| C3          | 49.00'   | 90°05'51" | S75°20'39"E   | 69.36'  | 77.05'  |
| C4          | 51.00'   | 46°10'13" | S36°31'19"W   | 39.99'  | 41.10'  |
| C5          | 51.00'   | 46°10'13" | S36°31'19"W   | 39.99'  | 41.10'  |
| C6          | 25.00'   | 90°00'00" | S14°36'25"W   | 35.36'  | 39.27'  |
| C7          | 40.00'   | 56°16'05" | S21°5'32"E    | 37.72'  | 39.28'  |
| C8          | 50.00'   | 33°43'55" | S42°44'28"W   | 29.01'  | 29.44'  |
| C9          | 50.00'   | 90°00'00" | N75°23'35"W   | 70.71'  | 78.54'  |
| C10         | 25.00'   | 90°00'00" | N75°23'35"W   | 35.36'  | 39.27'  |
| C11         | 24.50'   | 22°42'14" | S48°15'19"W   | 9.64'   | 9.71'   |
| C12         | 51.00'   | 22°42'14" | S48°15'19"W   | 20.08'  | 20.21'  |
| C13         | 50.00'   | 45°55'06" | N36°23'46"E   | 39.01'  | 40.07'  |
| C14         | 25.00'   | 46°10'13" | N36°31'19"E   | 19.60'  | 20.15'  |
| C15         | 25.00'   | 90°00'00" | S75°23'35"E   | 35.36'  | 39.27'  |
| C16         | 63.00'   | 15°31'00" | S22°38'04"E   | 17.01'  | 17.06'  |
| C17         | 68.00'   | 25°41'21" | N43°14'15"W   | 30.23'  | 30.49'  |
| C18         | 25.00'   | 90°00'00" | N14°36'25"E   | 35.36'  | 39.27'  |
| C19         | 50.00'   | 90°00'00" | N14°36'25"E   | 70.71'  | 78.54'  |
| C20         | 15.00'   | 72°11'48" | N5°42'19"E    | 17.68'  | 18.90'  |
| C21         | 25.00'   | 78°57'58" | N81°17'13"E   | 31.79'  | 34.46'  |
| C22         | 460.00'  | 13°34'38" | S52°26'29"E   | 108.75' | 109.01' |
| C23         | 100.00'  | 17°49'39" | S36°44'21"E   | 30.99'  | 31.11'  |
| C24         | 25.00'   | 37°14'15" | S7°36'45"E    | 15.96'  | 16.25'  |
| C25         | 63.00'   | 24°05'17" | N61°25'48"W   | 26.29'  | 26.49'  |
| C26         | 2595.69' | 2°20'25"  | N43°27'53"W   | 106.02' | 106.02' |
| C27         | 500.00'  | 13°04'55" | N51°10'34"W   | 113.91' | 114.16' |
| C28         | 500.00'  | 1°48'30"  | N58°37'16"W   | 15.78'  | 15.78'  |
| C29         | 30.00'   | 85°24'02" | N16°49'30"W   | 40.69'  | 44.72'  |
| C30         | 3067.91' | 0°27'03"  | S55°57'01"W   | 24.13'  | 24.13'  |
| C31         | 25.00'   | 33°43'55" | N42°44'28"E   | 14.51'  | 14.72'  |
| C32         | 3067.91' | 1°19'19"  | S56°12'11"W   | 70.78'  | 70.78'  |
| C33         | 25.00'   | 90°00'00" | S75°23'35"E   | 35.36'  | 39.27'  |
| C34         | 3067.91' | 2°16'22"  | S59°02'17"W   | 121.68' | 121.69' |
| C35         | 25.00'   | 90°05'51" | S75°20'39"E   | 35.39'  | 39.31'  |
| C37         | 3067.91' | 0°10'59"  | S55°38'01"W   | 9.79'   | 9.79'   |
| C38         | 6484.14' | 2°46'30"  | N56°06'45"E   | 314.03' | 314.06' |
| C39         | 3067.91' | 1°02'15"  | S57°22'58"W   | 55.56'  | 55.56'  |
| C40         | 50.00'   | 90°00'00" | S75°23'35"E   | 70.71'  | 78.54'  |
| C41         | 3067.91' | 4°37'56"  | S57°51'30"W   | 247.97' | 248.03' |
| C42         | 50.50'   | 22°42'14" | N48°15'19"E   | 19.88'  | 20.01'  |
| C43         | 25.00'   | 22°42'14" | N48°15'19"E   | 9.84'   | 9.91'   |
| C44         | 4076.88' | 3°48'49"  | S57°26'56"W   | 271.32' | 271.37' |
| C45         | 6484.14' | 2°46'30"  | N56°06'45"E   | 314.03' | 314.06' |

| CURVE TABLE |          |           |               |         |         |
|-------------|----------|-----------|---------------|---------|---------|
| CURVE #     | RADIUS   | DELTA     | CHORD BEARING | CHORD   | LENGTH  |
| C46         | 49.00'   | 90°05'51" | S75°20'39"E   | 69.36'  | 77.05'  |
| C47         | 24.00'   | 46°06'01" | S36°29'13"W   | 18.79'  | 19.31'  |
| C48         | 51.00'   | 46°10'13" | S36°31'19"W   | 39.99'  | 41.10'  |
| C49         | 25.00'   | 90°00'00" | S14°36'25"W   | 35.36'  | 39.27'  |
| C50         | 40.00'   | 56°16'05" | S21°5'32"E    | 37.72'  | 39.28'  |
| C51         | 50.00'   | 33°43'55" | S42°44'28"W   | 29.01'  | 29.44'  |
| C52         | 50.00'   | 90°00'00" | N75°23'35"W   | 70.71'  | 78.54'  |
| C53         | 25.00'   | 90°00'00" | N75°23'35"W   | 35.36'  | 39.27'  |
| C54         | 24.50'   | 22°42'14" | S48°15'19"W   | 9.64'   | 9.71'   |
| C55         | 51.00'   | 22°42'14" | S48°15'19"W   | 20.08'  | 20.21'  |
| C56         | 50.00'   | 45°55'06" | N36°23'46"E   | 39.01'  | 40.07'  |
| C57         | 25.00'   | 46°10'13" | N36°31'19"E   | 19.60'  | 20.15'  |
| C58         | 25.00'   | 90°00'00" | S75°23'35"E   | 35.36'  | 39.27'  |
| C59         | 63.00'   | 15°31'00" | S22°38'04"E   | 17.01'  | 17.06'  |
| C60         | 68.00'   | 25°41'21" | N43°14'15"W   | 30.23'  | 30.49'  |
| C61         | 25.00'   | 90°00'00" | N14°36'25"E   | 35.36'  | 39.27'  |
| C62         | 50.00'   | 90°00'00" | N14°36'25"E   | 70.71'  | 78.54'  |
| C63         | 15.00'   | 72°11'48" | N5°42'19"E    | 17.68'  | 18.90'  |
| C64         | 25.00'   | 78°57'58" | N81°17'13"E   | 31.79'  | 34.46'  |
| C65         | 460.00'  | 13°34'38" | S52°26'29"E   | 108.75' | 109.01' |
| C66         | 100.00'  | 17°49'39" | S36°44'21"E   | 30.99'  | 31.11'  |
| C67         | 25.00'   | 37°14'15" | S7°36'45"E    | 15.96'  | 16.25'  |
| C68         | 4040.88' | 3°42'19"  | N57°26'22"E   | 261.27' | 261.32' |
| C69         | 4056.88' | 3°37'54"  | N57°22'58"E   | 257.10' | 257.14' |
| C70         | 25.00'   | 90°05'51" | S75°20'39"E   | 35.39'  | 39.31'  |
| C71         | 3067.91' | 1°02'15"  | S57°22'58"W   | 55.56'  | 55.56'  |
| C72         | 63.00'   | 24°05'17" | N61°25'48"W   | 26.29'  | 26.49'  |
| C73         | 2595.69' | 2°20'25"  | N43°27'53"W   | 106.02' | 106.02' |
| C74         | 500.00'  | 13°04'55" | N51°10'34"W   | 113.91' | 114.16' |
| C75         | 500.00'  | 1°48'30"  | N58°37'16"W   | 15.78'  | 15.78'  |
| C76         | 30.00'   | 85°24'02" | N16°49'30"W   | 40.69'  | 44.72'  |
| C77         | 25.00'   | 33°43'55" | N42°44'28"E   | 14.51'  | 14.72'  |
| C78         | 25.00'   | 90°00'00" | S75°23'35"E   | 35.36'  | 39.27'  |
| C79         | 50.00'   | 90°00'00" | S75°23'35"E   | 70.71'  | 78.54'  |
| C80         | 50.50'   | 22°42'14" | N48°15'19"E   | 19.88'  | 20.01'  |
| C81         | 25.00'   | 22°42'14" | N48°15'19"E   | 9.84'   | 9.91'   |
| C82         | 3067.91' | 1°19'19"  | S56°12'11"W   | 70.78'  | 70.78'  |
| C83         | 3067.91' | 2°16'22"  | S59°02'17"W   | 121.68' | 121.69' |

| LINE TABLE |             |         |
|------------|-------------|---------|
| LINE #     | BEARING     | LENGTH  |
| L1         | N30°29'14"W | 8.37'   |
| L2         | N59°36'25"E | 49.51'  |
| L3         | N30°23'35"W | 48.50'  |
| L4         | S14°36'25"W | 17.68'  |
| L5         | S81°36'25"W | 3.46'   |
| L7         | N2°54'45"E  | 23.91'  |
| L8         | N59°36'25"E | 7.96'   |
| L9         | N1°23'14"E  | 44.20'  |
| L10        | N34°31'17"E | 31.48'  |
| L11        | N1°32'32"E  | 33.64'  |
| L12        | N30°17'44"W | 4.06'   |
| L13        | S30°23'35"E | 25.91'  |
| L14        | N30°23'35"W | 11.13'  |
| L15        | N25°52'31"E | 7.73'   |
| L16        | N59°36'25"E | 37.39'  |
| L17        | S88°12'54"E | 11.32'  |
| L18        | S30°23'35"E | 10.75'  |
| L19        | N8°23'35"W  | 9.86'   |
| L21        | N14°36'25"E | 17.68'  |
| L24        | S30°23'35"E | 10.75'  |
| L25        | S30°23'35"E | 10.75'  |
| L26        | S30°23'35"E | 10.75'  |
| L29        | S30°23'35"E | 11.75'  |
| L30        | N50°01'29"W | 21.56'  |
| L32        | S37°51'04"W | 17.18'  |
| L33        | S59°11'14"W | 25.00'  |
| L34        | N30°48'46"W | 25.62'  |
| L35        | N35°16'49"E | 27.35'  |
| L37        | S30°23'35"E | 11.75'  |
| L39        | N30°23'35"W | 13.76'  |
| L42        | N30°29'14"W | 8.37'   |
| L44        | S24°36'25"W | 18.77'  |
| L46        | N53°51'44"E | 60.03'  |
| L47        | N53°51'44"E | 60.03'  |
| L48        | N55°43'14"E | 144.64' |
| L49        | N2°54'45"E  | 23.91'  |
| L50        | N59°36'25"E | 7.96'   |
| L51        | N1°23'14"E  | 44.20'  |

| LINE TABLE |             |        |
|------------|-------------|--------|
| LINE #     | BEARING     | LENGTH |
| L52        | N34°31'17"E | 31.48' |
| L53        | N1°32'32"E  | 33.64' |
| L54        | N30°17'44"W | 4.06'  |
| L55        | S30°23'35"E | 25.91' |
| L56        | N30°23'35"W | 11.13' |
| L57        | S88°12'54"E | 11.32' |
| L58        | N14°21'16"E | 50.86' |
| L59        | N45°30'12"E | 63.34' |
| L60        | N57°35'02"E | 6.48'  |
| L61        | N14°36'25"E | 17.68' |
| L62        | N59°36'25"E | 49.51' |
| L63        | N30°23'35"W | 48.50' |
| L64        | N30°17'44"W | 51.06' |
| L65        | N14°36'25"E | 15.56' |
| L66        | N14°00'22"E | 19.02' |
| L67        | N59°25'28"E | 23.99' |
| L68        | S59°36'25"W | 39.50' |
| L69        | N30°23'35"W | 6.45'  |
| L70        | N59°36'25"E | 20.35' |
| L71        | S24°36'25"W | 92.00' |
| L72        | N30°23'35"W | 31.53' |
| L73        | S29°49'33"E | 6.00'  |
| L74        | N50°01'29"W | 26.07' |
| L75        | S30°48'46"E | 36.70' |
| L76        | N25°52'31"E | 7.73'  |
| L77        | N59°36'25"E | 37.39' |
| L78        | S80°32'26"E | 15.07' |
| L79        | S37°51'04"W | 17.19' |
| L83        | N59°36'25"E | 39.50' |

**IDV SCHERTZ  
 FINAL PLAT**

BEING A TOTAL OF 118,948 ACRE TRACT OF LAND, ESTABLISHING LOT 1, BLOCK 1, INCLUSIVE OF 2.244 ACRE OF 35' RIGHT-OF-WAY DEDICATION BASED ON THE CITY OF SCHERTZ MASTER THOROUGHFARE PLAN DATED 5/2017, BEING COMPRISED OF A 118,948 ACRE TRACT OF LAND RECORDED IN DOCUMENT NO. 202106057989 OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, OUT OF THE RAFAEL GARZA SURVEY NO. 98, ABSTRACT 175 IN THE CITY OF SCHERTZ, COMAL COUNTY, TEXAS.

DATE OF PRINT: July 27, 2023

This document is released or INTERIM REVIEW purposes ONLY under the authorization of Dennis R. Rion, P.E. #67109 on 7/27/2023. This document is not to be used for CONSTRUCTION.

CURVE AND LINE DATA ON THIS SHEET

PLAT NOTES APPLY TO EVERY PAGE OF THIS MULTIPLE PAGE PLAT

SHEET 8 OF 8

Civil Job No. 30020-02; Survey Job No. 30020-01

IDV SCHERTZ

Scale: 1" = 100' 0' 100' 200' 300'

**PLANNING AND ZONING COMMISSION MEETING: 09/13/2023**  
**Agenda Item 8 A**

TO: Planning and Zoning Commission  
PREPARED BY: Emily Delgado, Planning Manager  
SUBJECT: Current Projects and City Council Status Update

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**BACKGROUND**

**DEVELOPMENT INFORMATION**

The following is being provided for information purposes only so that the Planning and Zoning Commission is aware of the current status of new site plan applications, status of applications heard by the Commission and recommended for final action by the City Council, and the status of administratively approved applications.

**NEW SITE PLAN APPLICATIONS:** The following development applications were submitted between August 15, 2023 and September 7, 2023.

- IDV Schertz (22867 Ih 35)
  - Construction of six (6) office warehouse buildings on a 118.948 acre Planned Development District (PDD) and Manufacturing Light (M-1) zoned property.

**CITY COUNCIL RESULTS:** The following development applications were recommended for final action to the City Council:

- Ord. 23-S-14 Conduct a public hearing and consideration and/or action on a request to rezone approximately 25 acres of land from Pre-Development District (PRE) to Planned Development District (PDD), generally located approximately 2,200 feet southeast of the intersection of Country Club Boulevard and IH-35 access road, also known as Comal County Property Identification Number 377261 and Guadalupe County Property Identification 63833, City of Schertz, Comal County and Guadalupe County, Texas.
  - Recommendation for approval at the June 14, 2023 P&Z Meeting (5-1)
  - Approved via first reading at the July 18, 2023 CC Meeting (4-3)
  - Tabled at the request of applicant at the August 1, 2023 CC Meeting
  - On September 5, 2023 prior to the City Council meeting, the applicant withdrew the requested zone change. No action was taken at the September 5, 2023 City Council meeting
- Ord. 23-S-15 Conduct a public hearing, and consideration and/or action on amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC) to Article 8, Section 21.8.4 Home Occupations.
  - Recommended for approval at the June 28, 2023 P&Z Meeting (7-0)
  - Approved via first reading at the August 15, 2023 CC Meeting (7-0)
  - Approved via second reading at the September 5, 2023 CC Meeting (7-0)
- Ord. 23-S-16 Conduct a public hearing and consideration and/or action on a request for a Specific Use Permit to allow a convenience store with gas pumps on approximately 5.5 acres of land, more specifically described 1008 and 1020 FM 78, Schertz, TX 78154, also known as Guadalupe County Property Identification Number: 67650 and 67552, City of Schertz, Guadalupe County, Texas.
  - Recommended for approval with modifications at the July 26, 2023 P&Z Meeting (7-0)
  - Approved via first reading at the September 5, 2023 CC Meeting (7-0)
  - Scheduled for final reading at the September 19, 2023 CC Meeting
- Ord. 23-S-21 Conduct a public hearing and consideration and/or action on a request to rezone approximately 4.5 acres of land from General Business District (GB) to General Business-2 District (GB-2), located at the intersection of IH 35 Access Road and Legacy Oaks Parkway, also known as 16746 IH 35 N, Schertz,

Guadalupe County, Texas, also known as Guadalupe County Property Identification Number 64672.

- Recommended for approval at the August 23, 2023 P&Z Meeting (5-2)
- Scheduled for first reading at the September 19, 2023 CC Meeting
- Ord. 23-S-22 Conduct a public hearing and consideration and/or action on a request for a Specific Use Permit to allow automobile sales on approximately 4.5 acres of land, located at the intersection of IH 35 Access Road and Legacy Oaks Parkway, also known as 16746 IH 35 N, Schertz, Guadalupe County, Texas, also known as Guadalupe County Property Identification Number 64672.
  - Recommended for approval at the August 23, 2023 P&Z Meeting (7-0)
  - Scheduled for first reading at the September 19, 2023 CC Meeting

**ADMINISTRATIVELY APPROVED PROJECTS:**

- There were no development applications administratively approved between August 15, 2023 and September 7, 2023.
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