

ORDINANCE NO. 07-S-14 A

AN ORDINANCE

BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) ORDINANCE 96-S-28 BY REZONING 127.25±, 68.21±, AND 14.25± ACRES OUT OF THE TORRIBIA HERRERA SURVEY NO. 68, ABSTRACT NO. 153, IN GUADALUPE COUNTY AND COMAL, SCHERTZ, TEXAS FROM MANUFACTURE DISTRICT-LIGHT (M-1) AND GENERAL BUSINESS DISTRICT (GB) TO PLANNED UNIT DEVELOPMENT DISTRICT (PUD); PROVIDING AN EFFECTIVE DATE; AND PROVIDING A REPEALING CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS:

THAT, UDC Ordinance No. 96-S-28 of the City of Schertz, Texas is hereby amended in the following manner.

SECTION I

“Rezoning 127.25±, 68.21±, and 14.25± acres being situated out of the Torribia Herrera Survey No.68, Abstract No. 153, Guadalupe and Comal County, Schertz Texas, being more particularly described in the Field Notes and Map, as attached hereto as Exhibit A, and made a part hereof, from Manufacturing District-Light (M-1)and General Business District (GB) to Planned Unit Development District (PUD), according to the guidelines set forth in Exhibit “B”.

SECTION II

THAT, The Zoning District Map described and referred to in Article III, of the UDC, Ordinance 96-S-28 shall be changed to reflect the above amendments.

SECTION III


THAT this Ordinance shall be effective from and after its final passage and any publication required by the City of Schertz.

SECTION IV

THAT all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

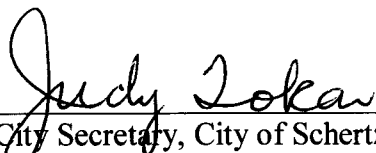
Approved on first reading the 20th day of February, 2007.

PASSED, APPROVED AND ADOPTED the 6th day of March, 2007.



Mayor, City of Schertz, Texas

ATTEST:



City Secretary, City of Schertz, Texas

(SEAL OF THE CITY)

EXHIBIT A

METES AND BOUNDS DESCRIPTION FOR A 127.252 ACRE TRACT OF LAND

Being 127.252 acres of land out of the Torribis Herrera Survey No. 68, Abstract No. 153, Guadalupe and Comal County, Texas, and being out of that certain 234.13 acre tract of land as described in deed recorded in Volume 768, Page 800 and Volume 768, Page 812 of the Official Records of Comal County, Texas, and said 127.252 acre tract of land being more particularly described as follows:

Beginning at a 1/2" iron pin found for the most Westerly corner of Lot 8, Tri-County Business & Industrial Park Unit 2 as recorded in Volume 8, Page 121-124 of the Map and Plat Records of Comal County, Texas;

Thence with the Southwest lines of said Tri-County Business & Industrial Park Unit 2, Gemine Parts Subdivision as recorded in Volume 5, Page 396B, and Lot 11, Lot 10, and Lot 9 of Tri-County Industrial Park Unit 1, S 30° 03' 50" E a distance of 3656.22 feet to a 1/2" iron pin found in the Northwest right-of-way line of Interstate Highway No. 35

Thence with the Northwest right-of-way line of Interstate Highway 35, S 60° 00' 10" W, a distance of 859.17 feet to a 1/2" iron pin with cap stamped "FISHER" found for the Easterly corner of a 8.050 acre tract of land as described in Volume 1484, Page 902 of the Deed Records of Guadalupe County, Texas;

Thence with the Northeast lines of said 8.050 acre tract of land N 29° 56' 45" W a distance of 281.95 feet to a 1/2" iron pin with cap stamped "FISHER" found for the Easterly corner of Beacon Circle Subdivision Unit 1, said Beacon Circle Unit 1 being a portion of said 8.050 acre tract of land;

Thence continuing with a Northeast line, N 30° 01' 22" W a distance of 543.98 feet to a 5/8" iron pin found for an interior corner of this herein described tract of land, the most Northerly corner of said 8.050 acre tract of land;

Thence S 62° 14' 03" W a distance of 386.17 feet to a 5/8" iron pin found for a corner of said 8.050 acre tract of land;

Thence S 30° 54' 31" E a distance of 294.17 feet to a 1/2" iron pin with orange cap stamped "C & B PROP COR." set for an interior corner of this herein described tract of land, a northerly corner of a 0.775 acre tract of land as described in Volume 1279, Page 483 of the Deed Records of Guadalupe County, Texas;

Thence with the North and West boundary lines of said 0.775 acre tract of land the following calls:

S 59° 16' 06" W a distance of 60.00 feet to a 1/2" iron pin with orange cap stamped "C & B PROP COR." set at a point of curvature of a non tangent curve to the right,

Thence with said non tangent curve to the right having a radius of 172.39 feet, an interior angle of 33° 01' 36", an arc length of 99.37 feet, and a chord bearing and distance of S 14° 13' 09" E 98.00 feet to a 1/2" iron pin with orange cap stamped "C & B PROP COR." set;

Thence S 02° 24' 01" W a distance of 30.32 feet to a 1/2" iron pin with orange cap stamped "C & B PROP COR." set at a point of curvature of a curve to the left;

EXHIBIT A (page 2)

Thence with said curve to the left having a radius of 232.39 feet, an interior angle of $32^{\circ} 59' 25''$, an arc length of 133.81 feet, and a chord bearing and distance of $S 14^{\circ} 14' 12'' E$ 131.97 feet to a $\frac{1}{2}$ " iron pin with orange cap stamped "C & B PROP COR." set;

and $S 30^{\circ} 43' 54'' E$ a distance of 299.34 feet to a $\frac{1}{2}$ " iron pin with orange cap stamped "C & B PROP COR." set in the Northwest right-of-way line of said Interstate Highway No. 35;

Thence with said Northwest right-of-way line of IH 35, $S 60^{\circ} 00' 15'' W$ a distance of 113.55 feet to a $\frac{1}{2}$ " iron pin with cap stamped "FISHER" found for the most Southerly corner of this herein described 127.252 acre tract of land, the Easterly corner of a tract of land as recorded in Volume 584 Page 590 of the Deed Records of Guadalupe County, Texas;

Thence with the Southwesterly lines of this herein described tract of land, the following calls:

$N 30^{\circ} 06' 55'' W$ a distance of 1012.05 feet to an iron pin with cap stamped "FISHER" found for an interior corner of this herein described tract of land;
and $S 60^{\circ} 04' 32'' W$ a distance of 181.37 feet to an iron pin with cap stamped "FISHER" found in the East line of a 39.472 acre tract of land;

Thence $N 30^{\circ} 05' 15'' W$, passing an Easterly corner of a 27.741 acre tract of land at 768.09 feet, the Northerly corner of said 27.741 acre tract, the Easterly corner of a 14.232 acre tract of land at 1944.29 feet, and continuing a total distance of 2644.29 feet to a $\frac{1}{2}$ " iron pin found for the Northern corner of said 14.232 acre tract of land, the Westerly corner of this herein described 127.252 acre tract of land, and being in the Southeasterly line of a 38.753 acre tract of land called a Save and Except tract as described in deed and recorded in Volume 768, Page 800 and Volume 768, Page 812 of the Official Records of Comal County, Texas;

Thence departing said Westerly corner and across said 234.173 acre tract of land, $N 60^{\circ} 00' 57'' E$ a distance of 1672.17 feet to the Place Of Beginning and containing 127.252 acres of land.

Survey drawing prepared this day

January 26, 2005


Drew A. Mawyer
Registered Professional Land Surveyor No. 5348



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Revised 5/11/2005

EXHIBIT A (page 3)

METES AND BOUNDS DESCRIPTION FOR A 68.207 ACRE TRACT OF LAND

Being 68.207 acres of land out of the Torribia Herrera Survey No. 68, Abstract No. 153, Comal County, Texas, and being those certain tracts described as a 27.741 acres in Volume 2078, Page 983 of the Deed Records of Guadalupe County, Texas, and the remainder of an 87.58 acre tract of land as recorded on Volume 60, Page 546 of the Deed Records of Comal County, Texas, and said 68.207 acre tract of land being more particularly described as follows:

Beginning at a Texas Department of Transportation Type II monument found at the Northerly cutback of Interstate Highway 35 and Lookout Road, and being a Southerly corner of this herein described 68.207 acre tract of land;

Thence with the Northeasterly line of Lookout Road, N 30° 10' 34" W, passing a ½" iron pin with red cap stamped "VICKERY" found for the Southerly corner of a called 27.741 acre tract of land at 1730.29 feet, and continuing a total distance of 2996.54 feet to a ½" iron pin with yellow cap stamped "KOLODZIE" found for the Southerly corner of a called 14.100 acres in Volume 443, page 446 of the Deed Records of Guadalupe County, Texas and Volume 188, Page 886 of the Official Records of Comal County, Texas, and being the most Westerly corner of this herein described 68.207 acre tract of land;

Thence departing said Lookout Road and with the Southeasterly line of said 14.100 acre tract of land, N 65° 14' 52" E a distance of 996.34 feet to a ½" iron pin with yellow cap stamped "KOLODZIE" found in the Southwesterly line of a 234.13 acre tract of land as described in deed recorded in Volume 768, Page 800 and Volume 768, Page 812 of the Official Records of Comal County, Texas, and being the Easterly corner of said 14.100 acres, the most Northerly corner of this herein described 68.207 acre tract of land;

Thence with the Southwesterly line of said 234.13 acres, S 30° 05' 15" E, passing a ½" iron pin with red cap stamped "FISHER" found for the most Easterly corner of said 27.741 acre tract of land, and continuing a total distance of 2974.83 feet to a ½" iron pin with orange cap stamped "C & B PROP COR." set in the Northwesterly right-of-way line of Interstate Highway 35;

Thence with said Northwesterly right-of-way line of Interstate Highway 35, the following calls:

S 65° 16' 27" W a distance of 206.69 feet to a 1" square iron pin found for a corner;

S 59° 55' 20" W a distance of 319.15 feet to a ½" iron pin with red cap stamped "VICKERY" found for a corner;

S 60° 04' 50" W a distance of 412.39 feet to a Texas Department of Transportation Type II monument found at a cutback to Lookout Road;

and N 74° 55' 25" W a distance of 71.02 feet to the Place Of Beginning and containing 68.207 acres of land.

EXHIBIT A (page 4)

METES AND BOUNDS DESCRIPTION FOR A 14.254 ACRE TRACT OF LAND

Being 14.254 acres of land out of the Torribia Herrera Survey No. 68, Abstract No. 153, Comal County, Texas, and being that certain tract described as 14.100 acres in Volume 443, page 446 of the Deed Records of Guadalupe County, Texas and Volume 188, Page 686 of the Official Records of Comal County, Texas, and said 14.254 acre tract of land being more particularly described as follows:

Beginning at a $\frac{1}{2}$ " iron pin found for the most Westerly corner of a 234.13 acre tract of land as described in deed recorded in Volume 768, Page 800 and Volume 768, Page 812 of the Official Records of Comal County, Texas, and being in the Southeasterly line of a 38.753 acre tract of land called a Save and Except tract as described in deed and recorded in Volume 768, Page 800 and Volume 768, Page 812 of the Official Records of Comal County, Texas, and being the most northerly corner of this herein described 14.254 acre tract of land;

Thence with the Southwesterly line of said 234.13 acre tract, S 30° 05' 15" E a distance of 671.22 feet to a $\frac{1}{2}$ " iron pin with yellow cap stamped "KOLODZIE" found for the most Northerly corner of a called 27.741 acre tract of land as recorded in Volume 2078, Page 983 of the Deed Records of Guadalupe County, Texas, and being the most Easterly corner of this herein described 14.254 acre tract of land;

Thence departing the Southeasterly line of said 234.13 acre tract of land, the Northerly corner of said 27.741 acre tract of land, S 65° 14' 52" W, a distance of 996.34 feet to a $\frac{1}{2}$ " iron pin with yellow cap stamped "KOLODZIE" found for the most Westerly corner of said 27.741 acre tract of land, the Northeast line of Lookout Road, and being the most Southerly corner of this herein described 14.254 acre tract of land;

Thence departing the Westerly corner of said 27.741 acre tract of land, and with the Northeast line of Lookout Road, N 30° 10' 34" W, a distance of 580.12 feet to a $\frac{1}{2}$ " iron pin found for a Southerly corner of said 38.753 acre tract of land, and being the most Westerly corner of this herein described 14.254 acre tract of land;

Thence with the common line of said 38.753 acre tract of land, and this herein described 14.254 acre tract of land, N 60° 00' 07" E a distance of 992.92 feet to the Place Of Beginning and containing 14.254 acres of land.

EXHIBIT-B

February 8, 2007 Update

Enterprise Business Park PUD Standards

I. DEFINITIONS

A. Commercial Area

That certain area designated as "Commercial Area" on Schedule 1 attached hereto and made a part hereof for all purposes.

B. Façade

Any exterior wall of a building exposed to public view [7.9C (a)].

C. General Open Space

An outdoor or unenclosed area located on the ground or on a roof, balcony, deck, porch or terrace, designed and accessible for outdoor recreation, pedestrian access or landscaping, excluding parking facilities and driveways [7.6A(a)].

D. Gross Floor Area (GFA)

The total area of the covered floor space measured between the center line of party walls, including the thickness of external walls, but excluding voids.

E. Industrial Area

That certain area designated as "Industrial Area" on Schedule 1.

F. Major Electric/Telephone/Transmission Lines

Any electric/telephone/transmission or other service line not having a direct building service/feed and which runs from metal poles [7.6C(i)].

G. Permitted Uses

All uses permitted by right within an "M-1" (Manufacture District – Light) zoning district under the Unified Development Code (Article IV, Section 5), and all uses permitted by right within a "GB" (General Business District) zoning district under the UDC (Article IV, Section 5), unless otherwise listed below under "Prohibited Uses".

H. Prohibited Uses

The following uses shall be prohibited on the property:

1. Animal control facility;
2. Flea market;
3. Portable building sales;
4. Recreational vehicle sales and service;
5. Sexually Oriented Business;
6. Trailer/Manufactured homes sales;
7. Truck sales/heavy equipment;

8. Waste disposal facility (public);
9. Wrecking or salvage yard; and
10. Any use that emits noxious or hazardous odors.

I. Significant Natural Features

Unique natural features, the destruction of which would constitute a significant loss for a larger community (local, state, national or global), including, but not limited to, wetlands, creeks or rivers or karst formations (limestone caves) [7.6A(b)].

- J. Tractor-Trailer** An articulated truck consisting of a towing engine and a semi-trailer (plus possible additional trailers) that carries freight.

K. Typical Utility Mains/Service Lines

Water mains, sanitary sewer mains, electrical lines, telephone lines, cable television lines, fiber optic lines or similar lines, and storm drain pipes/box culverts other than Major Electric/Telephone/Transmission Lines [7.6C(i)].

L. UDC

The City of Schertz Unified Development Code, which is Ordinance No. 96-S-28.

Note: Any corresponding existing UDC provision, proposed for amendment or requiring additional specificity in the form of new definitions below, is referenced in brackets.

II. GENERAL DEVELOPMENT STANDARDS

Except as noted herein, the terms of the City of Schertz Planned Unit Development (PUD) Ordinance 05-S-50, which is Section 7 of the UDC, shall apply. Unless otherwise specified herein, all future development on the Property shall be governed by the terms of the UDC in effect of the effective date of this zoning ordinance.

III. AMENDMENTS TO GENERAL DEVELOPMENT STANDARDS

A. General Open Space Provisions

1. General Open Space shall not be required to exceed landscaped areas (excluding medians) and drainage channels [7.6A(a)].
2. The Property has no significant natural features to preserve [7.6A(b)].
3. All six (6) inch DBH (Diameter at Breast Height) hardwood trees shall be preserved or mitigated and

inventoried, except for those located within a proposed building footprint [7.6A(e)].

4. All medians and drainage channels shall be maintained as common areas by business park management [7.6B(b)].

B. Screening and Buffering

Screening and buffering may be accomplished via landscaping, trees (including existing trees), fences, walls, or any combination thereof. Fences and walls may be at heights desired by Developer, but with a minimum height of six (6) feet [7.6C (e)].

C. Interconnectivity

Vehicular interconnectivity shall be provided for all contiguous buildings in the Commercial Area along the IH-35 frontage road [7.6C(f)].

D. Screening of Trash Enclosures

All trash enclosures shall be screened from view utilizing landscaping, trees, fences, walls, or any combination thereof, and shall have a minimum height of six (6) feet [7.6C(g)].

E. Utilities

Typical Utility Mains/Service Lines shall be buried, except for Major Electric/Telephone/Transmission Lines [7.6C(i)].

F. Stormwater

The project shall demonstrate that, as compared with the condition that would have existed on the Property without development, no phase of the PUD shall result in a net loss in storage capacity for stormwater. The project must comply with Federal Emergency Management Administration (FEMA) requirements, including the Code of Federal Regulations (CFR) 44 [7.6C(j)].

IV. AMENDMENTS TO COMMERCIAL AREA DEVELOPMENT STANDARDS

A. Building Height

Commercial building height shall be limited to a maximum of sixty (60) feet [7.9A(a)].

B. Parking

One hundred percent (100 %) of parking spaces shall abut either a landscaped separation or a sidewalk, except for service parking areas behind the buildings [7.9A(g)].

C. Commercial Architectural and Site Design

1. Every one hundred (100) feet of building length shall incorporate a minimum of one (1) architectural element, such as an arcade, roof, alcove, portico or awning [7.9C(a)].
2. The primary orientation of the commercial/retail buildings shall be toward a street, excepting any office pad sites within the Commercial Area. For the purposes of this requirement, a building shall be deemed oriented toward a street if the major entry feature of the building generally faces the street. [7.9C(d)].
3. Loading docks shall be located at the rear of commercial/retail buildings [7.9C(f)].
4. Windows shall be inset a minimum of three (3) inches [7.9C(h) & 7.9C(i)].

V. AMENDMENTS TO INDUSTRIAL AREA DEVELOPMENT STANDARDS

A. Building Height

Industrial building height shall be limited to a maximum of forty-five (45) feet [7.10B(a)].

B. Screening

1. Service or storage yards shall be screened with a minimum height of six (6) feet, but they may be located other than at the rear of the building [7.10B(c)(3)].
2. Loading docks shall be screened with landscaping, trees, fences, or walls, or any combination thereof, and at a minimum height of six (6) feet [7.10B(d)].

C. Industrial Architectural and Site Design

1. Awnings will be incorporated into the building designs where commercially reasonable [7.10D(a) & 7.10D(b)].
2. Parking shall be permitted in the front of buildings [7.10D(g)].

VI. AMENDMENTS TO SIGN STANDARDS

A. Permitting [Article IX, 5.1]

1. Commercial Area
Permitting from the City of Schertz is required initially for each sign in the Commercial Area. However, no permits are required to relocate "For Sale" or "For Lease" signs in the Commercial Area.

2. Industrial Area
Permitting is not required for the installation of “For Sale” or “For Lease” signs in the Industrial Area.

B. Number of Signs (General Provisions)

Except as noted herein, all businesses/tenants shall be permitted two (2) exterior on-premise signs: one (1) wall sign and one (1) free-standing sign. Additionally, if the façade length of a building exceeds five hundred (500) feet, two (2) monument signs shall be permitted at a distance of at least four hundred (400) feet from each other [Article IX, 7.3].

C. Maximum Height (Monument Signs)

Project identification monument signs along Interstate 35 shall not exceed a maximum of nine (9) feet in height. Monument signs within the Commercial Area shall not exceed five (5) feet six (6) inches in height. Monument signs in the Industrial Area shall not exceed twelve (12) feet, four (4) inches in height [Article IX, 7.5C].

D. Maximum Square Footage (Monument Signs)

Monument signs along Interstate 35 shall not exceed two hundred fifty (250) total square feet per sign side. Other monument signs (i.e., not located along IH-35) shall not exceed one hundred eighty (180) total square feet per sign side [Article IX, 7.5D].

E. Number of Signs (Industrial Area Monument Signs)

One (1) monument sign shall be permitted for each building in the Industrial Area; provided, however, if the façade length of a building exceeds five hundred (500) feet, two (2) monument signs shall be permitted at a distance of at least four hundred (400) feet from each other [Article IX, 7.5E].

F. For Sale or Lease Signs (Real Estate Signs)

There shall be a maximum of one (1) “For Sale” or “For Lease” sign for each building façade fronting a public or private street or private driveway, unless the building façade length exceeds five hundred (500) feet, in which case two (2) “For Sale” or “For Lease” signs shall be permitted, but no closer than within four hundred (400) feet of each other [Article IX, 7.13(3)].

G. Number of Signs (Multi-Tenant)

In addition to the signs otherwise permitted herein, multi-tenant buildings shall be permitted to have a directory sign at each intersection of a public or private street or private driveway [Article IX, 8.9B(1)].

H. Maximum Square Footage (Multi-Tenant)

Tenant signs grouped in a directory arrangement shall not exceed twenty four (24) square feet for each tenant sign [Article IX, 8.9B(2)].

VII. PARKING [Article X, 7.2]

The following parking ratios shall be:

1. Commercial
Office: 3 spaces/1000 sf GFA; and
Retail: 4 spaces/1000 sf GFA;
2. Warehouse Buildings under 150,000 sf
Office: 3 spaces/1000 sf GFA; and
Warehouse: 1 space/5000 sf GFA;
3. Warehouse Buildings over 150,000 sf
Office: 3 spaces/1000 sf GFA; and
Warehouse: 1 space /10000 sf GFA; and
4. Excess Tractor-Trailer Parking Ratios
Buildings containing 300,000 square feet of GFA or more shall have a staging area requirement of one (1) trailer per five (5) dock doors, with staging allowed against any buildings that have no dock doors.

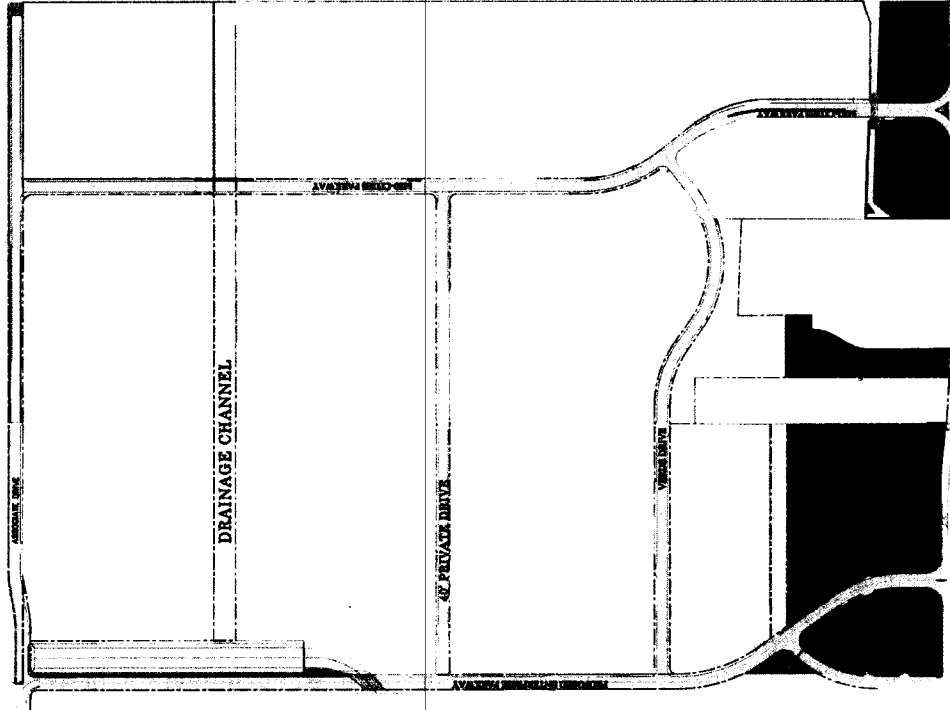
VIII. PARKING LIGHTING [Article X, 9.3]

1. Commercial Area
In the Commercial Area, lighting shall be shielded to reduce lighting of adjacent properties.
2. Industrial Area
In the Industrial Area, lighting shall be appropriate to provide adequate security for the area.

SCHEDULE 1

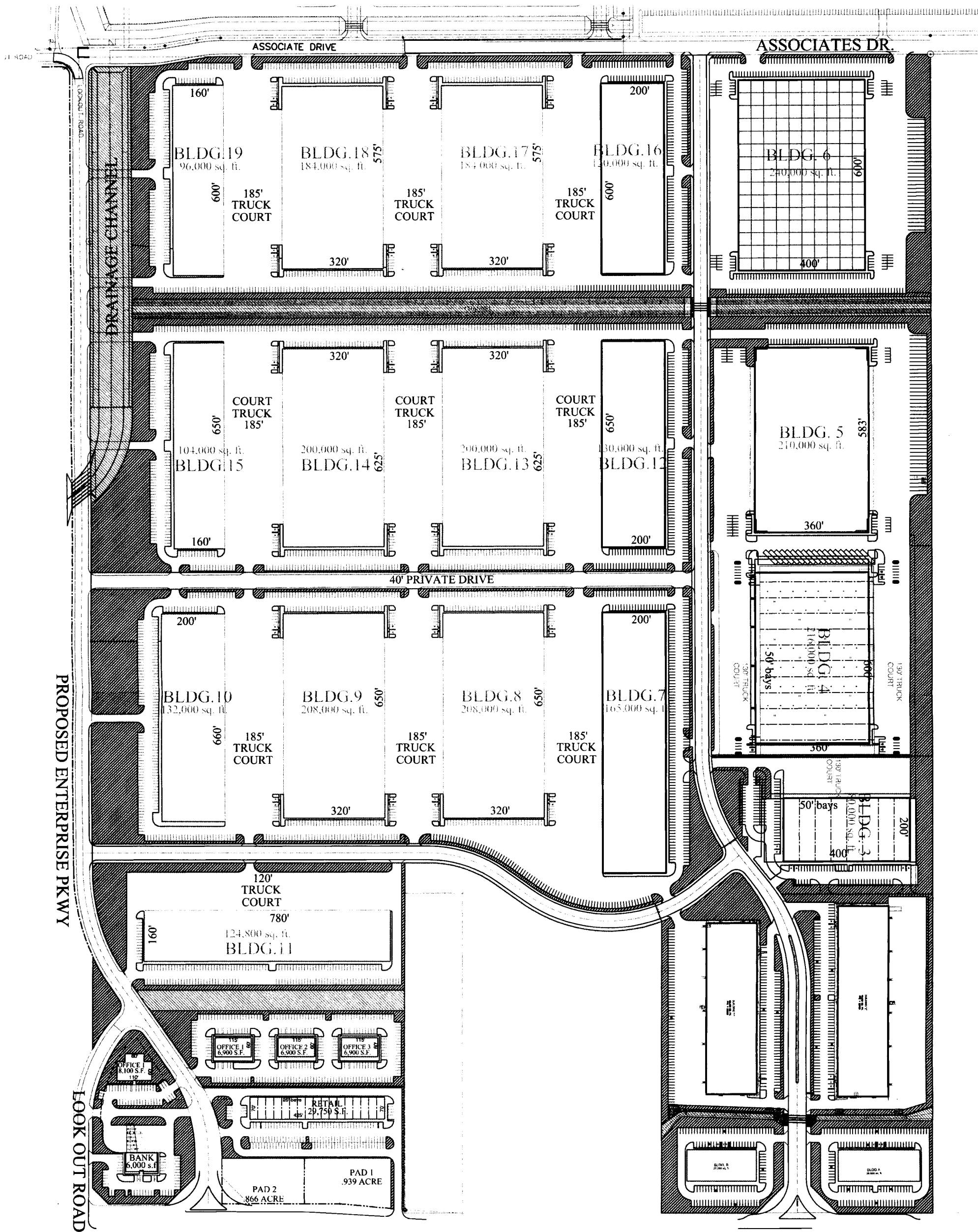
INDUSTRIAL
AREA

 COMMERCIAL
AREA



MASTER PLAN
VERDE ENTERPRISE BUSINESS PARK
SCHERTZ, TEXAS





INTERSTATE HIGHWAY 35
 EXHIBIT "D"
 LANDSCAPE GENERAL OPEN SPACE PLAN



NOT TO SCALE

Affidavit of Publisher

An ordinance by the City Council of the City of Schertz, Texas amending the Unified Development Code (UDC) Ordinance 96-S-28 by rezoning 127.25, 68.21±, and 14.25± acres out of the Torribia Herrera Survey No. 68, Abstract No. 153, Guadalupe and Comal County, Texas from Manufacture District-Light (M-1) and General Business (GB) to Planned Unit Development District (PUD); providing an effective date; and providing a repealing clause.

Approved on first reading this the 20th day of February 2007.

PASSED, APPROVED, AND ADOPTED on this the 6th day of March 2007.

/s/HAL BALDWIN
Mayor

Attest: Judy Tokar
City Secretary
3/19

STATE OF TEXAS
COUNTY OF BEXAR
City of Schertz

Before me, the undersigned authority, on this day personally appeared Helen I. Luttrell, a single female, known to me to be the Publisher of the Commercial Recorder, a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and she here to attached has been published in every issue of said newspaper on the following days, to wit:

03/19/2007.

Helen I. Luttrell

Sworn to and subscribed before me this 19th day of of March, 2007.

Martha L. Machuca

