



**MEETING AGENDA  
SCHERTZ BOARD OF ADJUSTMENT  
July 8, 2024**

**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  
MONDAY, JULY 8, 2024 at 6:00 p.m.**

**The Board of Adjustment will hold this meeting at 6:00p.m., Monday, July 8, 2024 at the Municipal Complex 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 / ROLL CALL**

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

**3. HEARING OF RESIDENTS**

*This time is set aside for any person who wishes to address the Board of Adjustment. 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 Board 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 March 5, 2024 Regular Meeting.**

**5. PUBLIC HEARING:**

The Board of Adjustment will hold a public hearing related to variance requests 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 Board will discuss and consider the application, and may request additional information from staff or the applicant, if required. After deliberation, the Board will act on the applicant's request.

**A. PLVAR20240138 – Conduct a public hearing and consider a request for a variance to Ordinance 22-S-44, Schertz Station PDD, Area I, Section D- Transportation, to reduce the landscaping requirements along IH-35 N Access Road from 15 feet to 10 feet, located northeast of the intersection of IH-35 N Access Road and Cibolo Valley Drive, specifically known as a portion of Guadalupe Property Identification Number 197632, City of Schertz, Guadalupe County, Texas.**

- B. PLVAR20240139** – Conduct a public hearing and consider a request for a variance to Ordinance 07-S-14 A, Verde Enterprise Business Park PDD, Section VI- Amendments to Sign Standards, to allow properties within the Verde Enterprise Business Park PDD to utilize the provisions of Article 11-Signs and Advertising, of the City of Schertz Unified Development Code (UDC) as amended, known as Comal Property Identification Numbers 361995, 385226, 371452, and 383085, and Guadalupe Property Identification Numbers 137506, 171708, 64632, 64735, 135307, 144953, 171706, 199144, 199145, 186060, a portion of 186056, 186055, 131217, 131215, 171710, 171709, 148342, 191853, 145676, 148341, 134227, 134405, 134404, 166838, 166839, 166876, 191853, City of Schertz, Comal and Guadalupe County, Texas.

**6. ANNOUNCEMENTS:**

**A. Announcements by Members**

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

**B. Announcements by City Staff**

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

**7. ADJOURNMENT OF THE REGULAR MEETING**

**CERTIFICATION**

I, Daisy Marquez, Planner, of the City of Schertz, Texas, do hereby certify that the above agenda was posted on the official bulletin boards on this the 27th day of June, 2024 at 9:00 a.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.

*Daisy Marquez*  
Daisy Marquez, Planner

**I certify that the attached notice and agenda of items to be considered by the Schertz Board of Adjustment was removed from the official bulletin board on \_\_\_\_ day of \_\_\_\_\_, 2024. \_\_\_\_\_ 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 Board of Adjustment 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.

**BOARD OF ADJUSTMENT MEETING: 07/08/2024**  
**Agenda Item 4 A**

TO: Board of Adjustment  
PREPARED BY: Daisy Marquez, Planner  
SUBJECT: Minutes for the March 5, 2024 Regular Meeting.

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**Attachments**

Draft Minutes for the March 5, 2024 Regular Board of Adjustment Meeting

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# DRAFT

## BOARD OF ADJUSTMENT MINUTES

March 4, 2024

The Schertz Board of Adjustment convened on March 4, 2024 at 6:00 p.m. at the Municipal Complex, Council Chambers, 1400 Schertz Parkway Building #4, Schertz, Texas.

Present: Richard Dziewit, Chair  
Reginna Agee, Board Member  
Frank McElroy, Board Member  
Ferrando Heyward, Board Member  
Alfred Degollado, Board Member-Not Seated  
Yvonne Griffen, Board Member

Staff present: Brian James, Deputy City Manager  
Emily Delgado, Planning Manager  
Tiffany Danhof, Administrative Assistant  
Daisy Marquez, Planner  
Jim Bruce, Chief Building Official  
Erin Noah-Rastgoo, Plans Examiner

### 1. CALL TO ORDER / ROLL CALL

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

### 2. SEAT ALTERNATE TO ACT IF REQUIRED

Yvonne Griffin was seated as the alternate.

### 3. HEARING OF RESIDENTS

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No one spoke.

### 4. CONSENT AGENDA:

#### A. Minutes for the October 4, 2023 Regular Meeting.

Motioned by Board Member Frank McElroy, seconded by Board Member Reginna Agee to approve

**Vote: 5 - 0 Passed**

**5. PUBLIC HEARING:**

The Board of Adjustment will hold a public hearing related to variance requests 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 Board will discuss and consider the application, and may request additional information from staff or the applicant, if required. After deliberation, the Board will act on the applicant's request.

- A.** PLVAR20240018- Conduct a public hearing and consider a request for a variance to Unified Development Code Article 11 - Signs. The variance request is specifically in relation to Section 21.11.9.C. Maximum Number of Signs, to permit a secondary wall sign that is larger than seventy-five percent (75%) of the area of the primary wall sign, located at 650 Roy Richard, City of Schertz, Guadalupe County, Texas.

Mrs. Marquez gave a presentation.

Mr. Dziewit opened the public hearing at 6:11 P.M.

No one spoke.

Mr. Dziewit closed the public hearing at 6:11 P.M.

Motioned by Board Member Frank McElroy, seconded by Board Member Yvonne Griffen to approve

**Vote: 5 - 0 Passed**

**6. ANNOUNCEMENTS:**

**A.** Announcements by Members

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

There were announcements by Board Member Mr. McElroy.

**B.** Announcements by City Staff

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

There were no announcements by City Staff.

**7. ADJOURNMENT OF THE REGULAR MEETING**

Mr. Dziewit adjourned the regular meeting at 6:16 P.M.

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Chairman, Board of Adjustment

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Recording Secretary, City of Schertz

**BOARD OF ADJUSTMENT MEETING: 07/08/2024**  
**Agenda Item 5 A**

TO: Board of Adjustment  
PREPARED BY: Daisy Marquez, Planner  
CASE: PLVAR20240138  
SUBJECT: **PLVAR20240138** – Conduct a public hearing and consider a request for a variance to Ordinance 22-S-44, Schertz Station PDD, Area I, Section D- Transportation, to reduce the landscaping requirements along IH-35 N Access Road from 15 feet to 10 feet, located northeast of the intersection of IH-35 N Access Road and Cibolo Valley Drive, specifically known as a portion of Guadalupe Property Identification Number 197632, City of Schertz, Guadalupe County, Texas.

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**GENERAL INFORMATION:**

Owner: Schertz Station LTD  
Applicant: Merit  
Engineer: Kimley-Horn

**REQUEST**

Merit, on behalf of Schertz Station LTD, has requested a variance to Ordinance 22-S-44, Schertz Station PDD, Area I, Section D- Transportation, which requires a minimum 15-foot landscape buffer along IH-35 N Access Road.

The requested variance is to allow the landscape buffer along IH-35 N Access Road to be reduced to 10 feet. Ultimately, if approved, the variance would allow the landscape buffer width for all properties within the Schertz Station PDD in Area I and along IH-35 N Access Road, to be 10 feet with no changes requested to the required tree planting amounts.

**PUBLIC NOTICE:**

The public hearing notice was published in the "San Antonio Express" on June 19, 2024. There were five (5) notices mailed to surrounding property owners on June 21, 2024. At the time of this staff report, staff has received two (2) responses in favor, zero (0) responses neutral, and zero (0) responses in opposition.

**ITEM SUMMARY:**

The subject property is a total of approximately 75 acres that is zoned Planned Development District (PDD). A zone change was approved in December 2022, with Ordinance 22-S-44, to Planned Development District (PDD). The Schertz Station PDD consists of four (4) development areas that include commercial and retail along thoroughfares and multifamily rental units. Areas 1, 2, and 4 contain all the commercial and retail, with Area 3 being the multifamily component. The requested variance is for a portion of Area 1, specifically proposed Lots 1 through 7, which are all along IH-35 N Access Road.

Since the approval of Ordinance 22-S-44, the applicant has gone through the development process, specifically for Preliminary Plat Certification, Preliminary Plat, Final Plat Certification for the Multifamily, Final Plat Certification for the Commercial, Final Plat recordation for the Multifamily, Site Plan Certification for Lots 5,6,7,8, and has approved Site Plans for Lots 5,6,7,8, and has building permits for lots 5,6,7,8 ready to be released with the recordation of the Final Plat for the Commercial.

As the applicant was submitting applications and going through the development process, the Texas Department of Transportation (TxDOT) was simultaneously going through the beginning phases of the IH-35 Northeast Expansion (NEX) project. The subject property is affected by the "North Project" portion of the I-35 NEX project that is still in the design phases as per the Texas Department of Transportation Website. As per the letter of intent and variance justification form, the applicant was using the base survey for all development applications used in the

zone change application in 2022. With the submittal of the Final Plat Application for the Commercial Portion, the applicant discovered that the base survey used for the zone change and all other development applications did not account for additional Right-of-Way acquisitions made by TxDOT after the initial acquisitions by TxDOT, at the subject property. The updated survey moves the TxDOT Right-of-Way line approximately 5 to 6 feet into the subject property.

Although the Right-of-Way changes do not severely impact the plat applications, it does impact the site plan applications that were already certified and approved. The Schertz Station PDD, Area I, Section D- Transportation is written as follows.

*C. Landscape Buffer:* A minimum 15-foot 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. The landscape buffer shall require an irrigation system and shall be maintained by the property owner.

With the increase of TxDOT Right-of-Way, the applicant is still able to provide 10 feet of landscape buffer within their property and with all the required plantings. As per the provided variance exhibits, the total landscape width from IH-35 N Access Road to the proposed development parking will still be at a minimum of 30 feet in width and will meet the intent of the Unified Development Code. The variance for the landscape buffer is being requested because the City of Schertz measures the landscape buffer of any proposed development from the property line back and not from the right-of-way.

**SUBJECT PROPERTY GENERAL LOCATION, LAND USE AND ZONING:**

The property is located northeast of the intersection of IH-35 N Access Road and Cibolo Valley Drive.

Existing Zoning	Land Use
Planned Development District (PDD)	Undeveloped; Ordinance 22-S-44 Schertz Station PDD ( Planned Commercial, Retail, Restaurants, and Multifamily)

**Adjacent Properties:**

	Zoning	Land Use
North	Right-of-Way	IH-35 N Access Road
South	Planned Development District (PDD) and Planned Right-Of-Way	Schertz Station and Future Road
East	Right-of-Way	Cibolo Valley Drive
West	Planned Development District (PDD)	Ordinance 18-S-37; Evo Property

**CRITERIA FOR REVIEW**

According to the Unified Development Code (UDC), Article 3, Section 21.3.4.B, to make a finding of hardship and grant a variance from the zoning regulations of the UDC, the Board must determine the following:

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

As per UDC Article 14, Section 21.14.3- Additional Design Requirements, the purpose of the additional design requirements is to ensure uniform and quality development along certain streets to create attractive environments compatible with businesses and residential dwellings.

Ordinance 22-S-44, Schertz Station PDD, Area I, Section D- Transportation, requires a minimum fifteen-foot (15') wide landscape buffer adjacent to any public right-of-way. The applicant is proposing a reduction in the minimum landscape buffer width to 10 feet for the proposed Schertz Station Subdivision Lots 1-7, Block 1. Although a reduction in the landscape buffer width is being requested for the proposed Lots 1 through 7 along IH-35 N Access Road, the required tree plantings will still be provided at one (1) tree per twenty (20) linear feet.

Although there have been additional TxDOT Right-of-Way acquisitions at the subject property, the landscaping provided from IH-35 N Access Road to the subject property parking, will not be reduced. As per the variance exhibits provided by the applicant, the property boundaries are moving toward the proposed buildings, which is where the proposed development loses 5 feet of landscape buffer that was on their property. If the variance is approved, the landscape buffering that was being proposed will still be provided, but five feet will be within TxDOT property.

Due to the subject property still proposing to provide one (1) tree per twenty (20) linear feet and the landscape buffer remaining the same from IH-35 N Access Road to the proposed development parking, the requested variance to reduce the landscape buffer to 10-feet on the subject property does not violate the intent of the Unified Development Code 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 ;**

There are no special conditions in the restricted area, topography, or physical features that exist that are unique to the subject property that do not apply to other parcels of land in the same zoning district. However, the subject property is at the intersection of the IH-35 NEX Central and North Projects with a proposed Elevated Lanes Access Point at the intersection of TxDOT IH-35 N Access Road and Cibolo Valley Drive. The design process for the TxDOT projects resulted in additional right-of-way being acquired by TxDOT since the start of the project design process.

**3. The hardship is not the result of the applicant's own actions; or**

The hardship is not a result of the applicant's own actions. As per the letter of intent submitted by the applicant, the current plat applications and site plans used a base survey that did not account for the additional right-of-way acquisitions TxDOT made. The survey was the same one used in 2022 for Ordinance 22-S-44, the approved zone change request to Planned Development District.

The Texas Department of Transportation (TxDOT) has been acquiring right-of-way along IH-35 N Access Road for the I-35 Northeast Expansion (NEX) project. TxDOT acquired right-of-way from the subject property to accommodate their project, thus reducing the available acreage and moving the property lines of the subject property. At another point, TxDOT acquired additional right-of-way from the subject property and moved the property lines back again, which was not accounted for during the development process as TxDOT just informed the applicant and made them aware of the discrepancy.

As per the letter of intent, the applicant became aware of the additional acquired right-of-way before the recordation of the proposed Final Plat that would record the Schertz Station Subdivision proposed Lots 1-10 and 12, Block 1. Additionally, the applicant already has a certified preliminary plat, final plat, and certified and approved site plans for the proposed commercial lots 5 through 8 that are located along IH-35 N Access Road. When the applicant became aware of the base survey error, they immediately notified Staff and demonstrated that although their property lines were changing, the landscaping along IH-35 was not changing.

**4. The interpretation of the provisions in this UDC or any amendments thereto would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions.**

The applicant submitted plat and site plan applications based on a survey they believed was still correct. When the applicant became aware of the additional acquisition and their base survey being incorrect, they immediately notified Staff and demonstrated that the purpose and intent of the additional design requirements for properties along IH-35 N Access Road were still being met.

If the requested variance is not approved, the applicant will need to go through the development process again. This would include resubmitting plat certification and formal applications, site plan certification and formal applications,

and building permit applications, which could cause delays in development and the potential loss of future tenants. Allowing this variance does not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.

**STAFF ANALYSIS AND RECOMMENDATION:**

Staff recommends approval of PLVAR20240138, to allow all properties within Area 1 of the Schertz Station PDD, located along IH-35 N Access Road, to reduce their landscape buffer width from 15 feet to 10 feet.

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**Attachments**

Aerial Exhibit

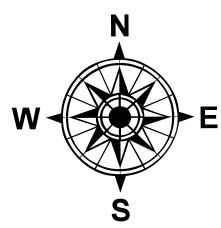
Public Hearing Notice Map

Public Hearing Responses

Variance Form and Exhibit

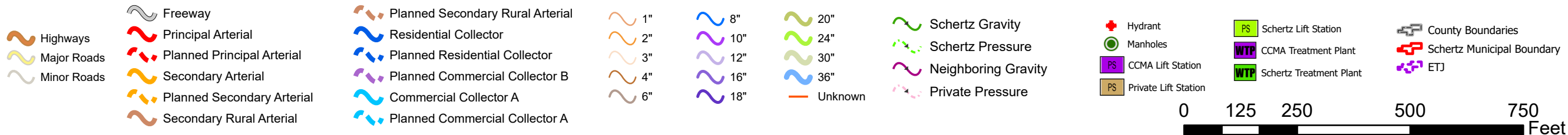
Ordinance 22-S-44 Schertz Station PDD

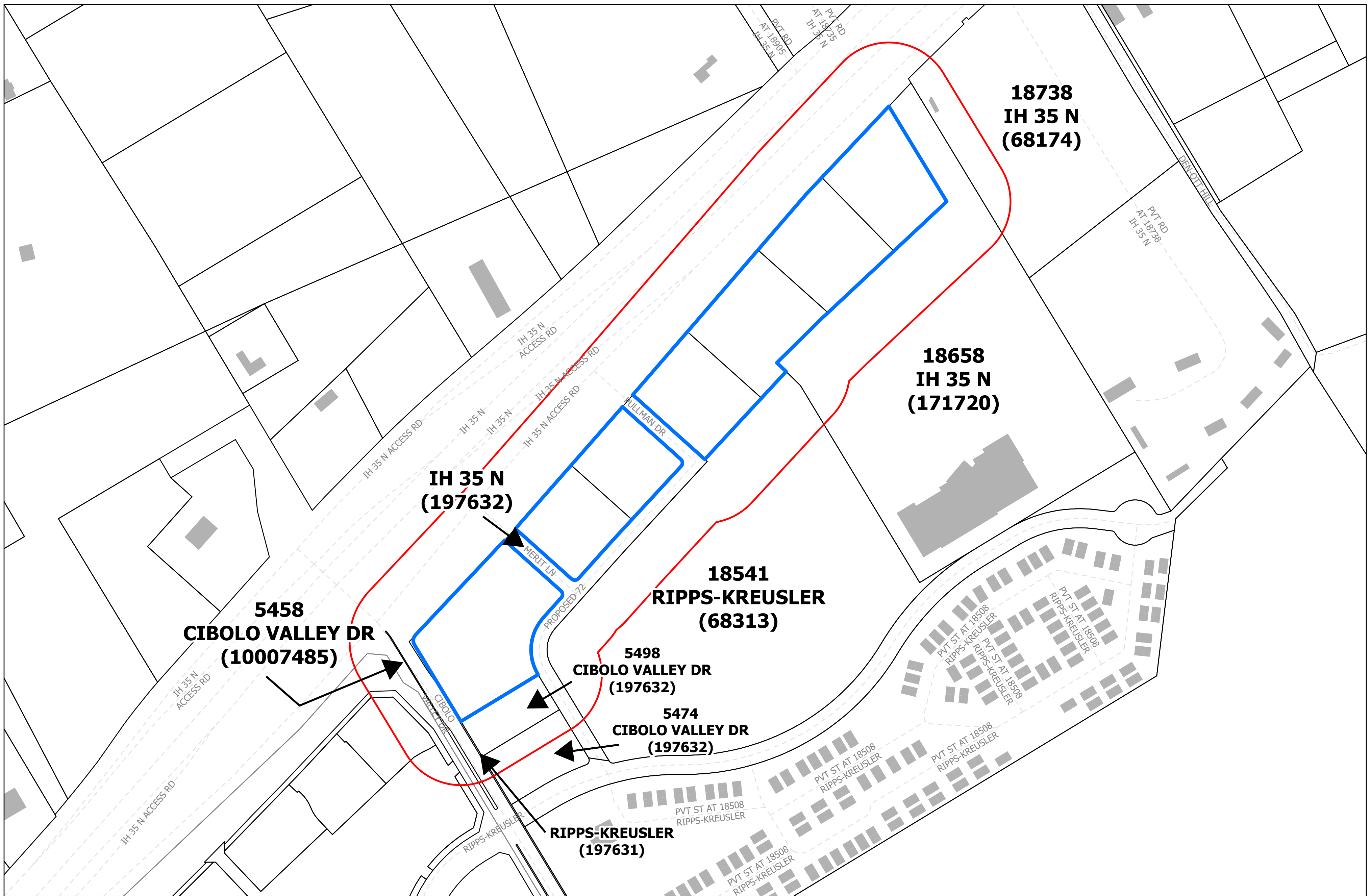
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**SCHERTZ**  
COMMUNITY • SERVICE • OPPORTUNITY

SCHERTZ STATION COMMERCIAL  
(PLVAR20240138)



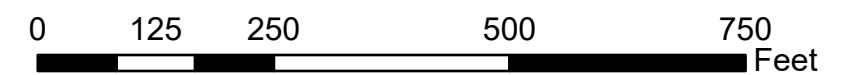
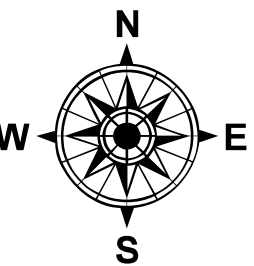


# City of Schertz

SCHERTZ STATION COMMERCIAL  
(PLVAR20240138)

 Project Boundary

 200' Buffer



NOTICE OF PUBLIC HEARING

June 21, 2024

To whom it may concern,

The City of Schertz Board of Adjustment will conduct a public hearing on Monday, July 8th, 2024 at 6:00 p.m. located at the Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas to consider and act upon the following item:

PLVAR20240138 – Conduct a public hearing and consider a request for a variance to Ordinance 22-S-44, Schertz Station PDD, Area I, Section D- Transportation, to reduce the landscaping requirements along IH-35 N Access Road from 15 feet to 10 feet, located northeast of the intersection of IH-35 N Access Road and Cibolo Valley Drive, specifically known as a portion of Guadalupe Property Identification Number 197632, City of Schertz, Guadalupe County, Texas.

Because you own property within 200 feet of the subject property, the Board of Adjustment would like to hear how you feel about this request and invites you to attend the public hearing. If you would like to express how you feel, please complete the bottom portion of this letter and return before the public hearing date by mail or personal delivery to Daisy Marquez, Planner, 1400 Schertz Parkway, Bldg. 1, Schertz, Texas 78154, or by e-mail planning@schertz.com. If you have any questions, please feel free to call Daisy Marquez, Planner directly at (210) 619-1782.

Sincerely,

[Handwritten signature of Daisy Marquez]

Daisy Marquez
Planner

Reply Form

I am: in favor of [checked] opposed to [ ] neutral to [ ] the request for PLVAR20240138

COMMENTS:

NAME: Schertz Station, Ltd. SIGNATURE [Handwritten Signature]
(PLEASE PRINT)

STREET ADDRESS: PO Box 790209, San Antonio, TX 78279

DATE: 6/26/24

NOTICE OF PUBLIC HEARING

June 21, 2024

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Sincerely,

[Handwritten signature of Daisy Marquez]

Daisy Marquez
Planner

Reply Form

I am: in favor of [checked] opposed to [ ] neutral to [ ] the request for PLVAR20240138

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

NAME: Ripps Kreisler, Ltd. SIGNATURE [Handwritten signature]
(PLEASE PRINT)


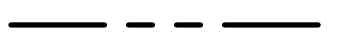
STREET ADDRESS: PO Box 790209, San Antonio, TX 78279

DATE: 6/26/24

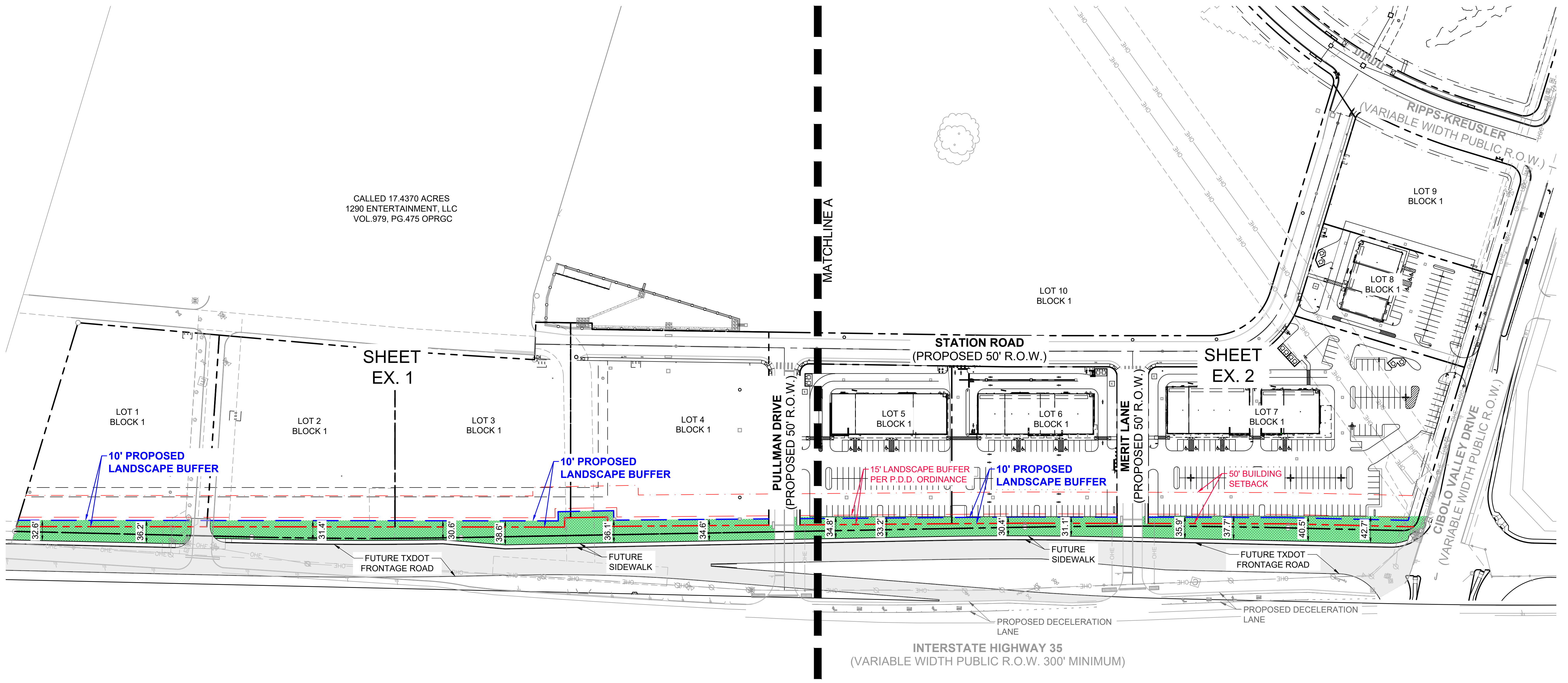
# VARIANCE JUSTIFICATION FORM

UDC 21.4.12: 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 permit any person a privilege in developing a parcel of land not permitted by this UDC to other parcels of land in the district.

1. Description of variance request and Unified Development Code (UDC) section the project or request is varying from:  
Variance request is for the Landscape Setback along TXDOT ROW for Lots 1-7 of the Schertz Station Subdivision Plat – Lot 1-10, 12 – Block 1. The request is for a 5' width reduction along Interstate Highway 35 (TXDOT ROW). Please reference Ordinance No. 22-S-44, Section III (Area I), (C - Landscape Buffer).
2. Does the requested variance violate the intent of the Unified Development Code or deprive the applicant of right commonly enjoyed by other properties in the same zoning district that comply with the same provisions?  
(YES,  NO) Explain:  
No. The variance would allow for a 10-ft Landscape Setback only along the Interstate Highway 35 frontage. The client still intends to provide the landscaping as shown on the approved Landscape Plans for the first 3 lots along this frontage. And there will be additional landscape area between the ROW line and the future TxDOT pavement for additional buffering between pavement areas (see exhibits included for illustration).
3. Do special conditions or restricted area, shape, topography, or physical features exist that are irregular to the subject parcel of land and not applicable to other parcels of land in the same zoning districts?  
(YES,  NO) Explain:  
Yes. This variance request is related to the previous ROW taking by TxDOT done in preparation of the future widening of IH-35. The limits of that taking had changed over time and is unique to this property. Due to the location of the now-established ROW boundary, other public streets planned for the south side of the lots, and the previously approved site plans, the full 15 ft of buffer width from the ROW line cannot be accommodated along IH-35.
4. Is the hardship the result of the applicant's own actions or intended for financial interest?  
(YES,  NO) Explain:  
No, this hardship is the result of the survey base for the project having had a previously proposed TxDOT ROW line that has been used for all of the planning work to date. Prior to recordation of the plat, we discovered that the survey base did not reflect the final limits of the TxDOT ROW taking.
5. Would granting this variance be detrimental to the public welfare or injurious to the value of property in the vicinity?  
(YES,  NO) Explain:  
No. In the ultimate condition, a landscape area between proposed pavement will still be provided along IH-35 in line with the intent of the UDC that is greater than 15 ft wide. Based on current preliminary TxDOT plans, at least 30 ft of landscaped area width is expected to be provided between the future TxDOT frontage road and the proposed pavement on Lots 1-7 as illustrated on the exhibits included with this application.

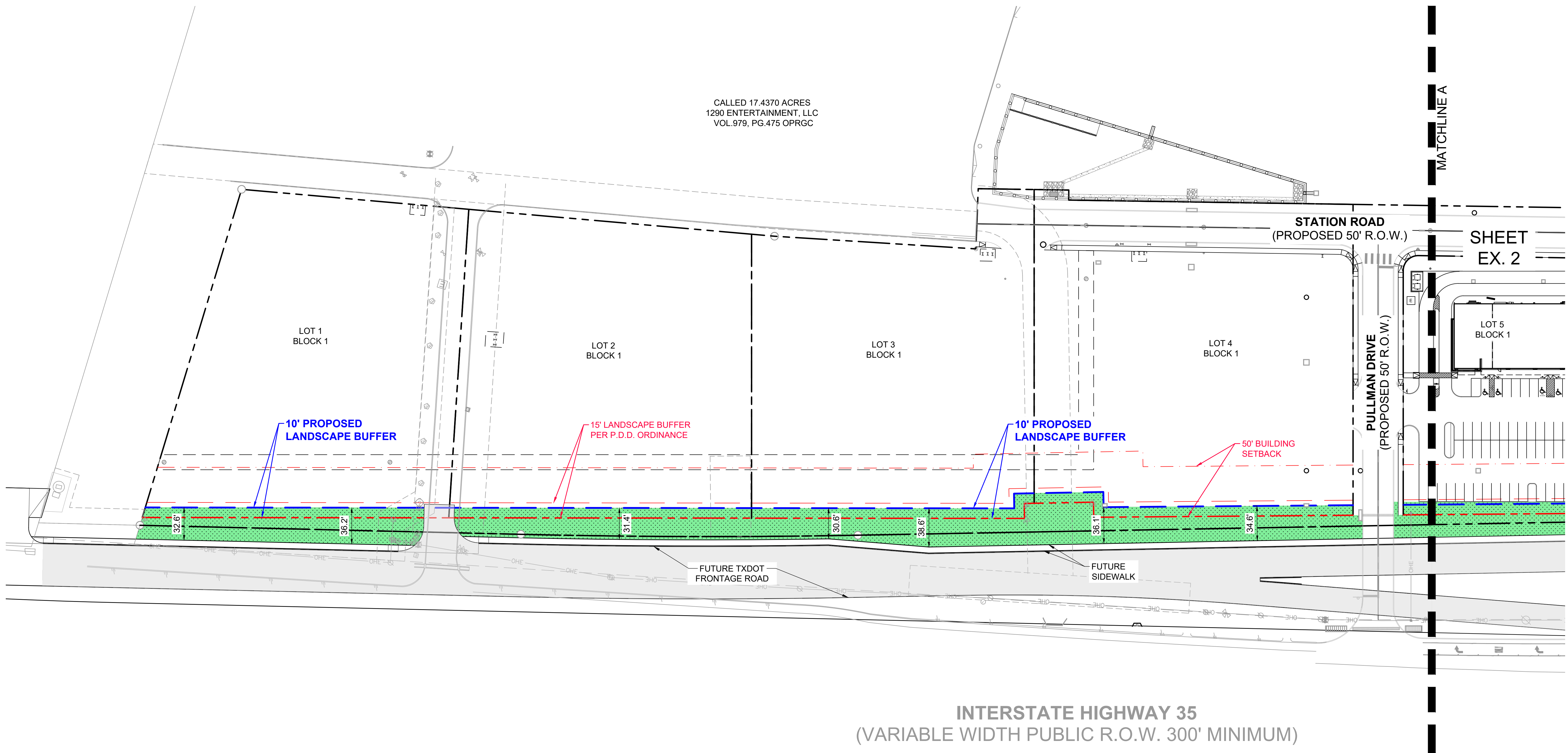
LEGEND	
	FINAL TXDOT ROW LINE
	PREVIOUS PROPOSED TXDOT ROW LINE

CALLED 17.4370 ACRES  
1290 ENTERTAINMENT, LLC  
VOL.979, PG.475 OPRGC

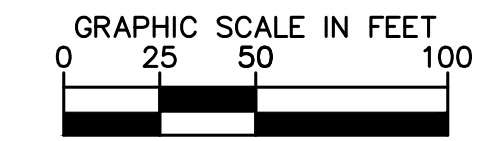
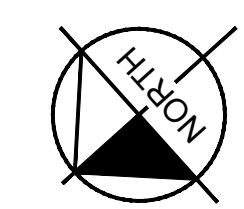


K:\SNA\_Civil\068725302\Schertz Station - Merit\CAD\Exhibits\Merit - Boundary Update - Ultimate - INDEX.dwg Layout1 Jun 18, 2024 3:11pm by Sebastian Galvan

LEGEND	
	FINAL TXDOT ROW LINE
	PREVIOUS PROPOSED TXDOT ROW LINE


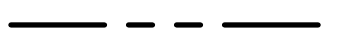


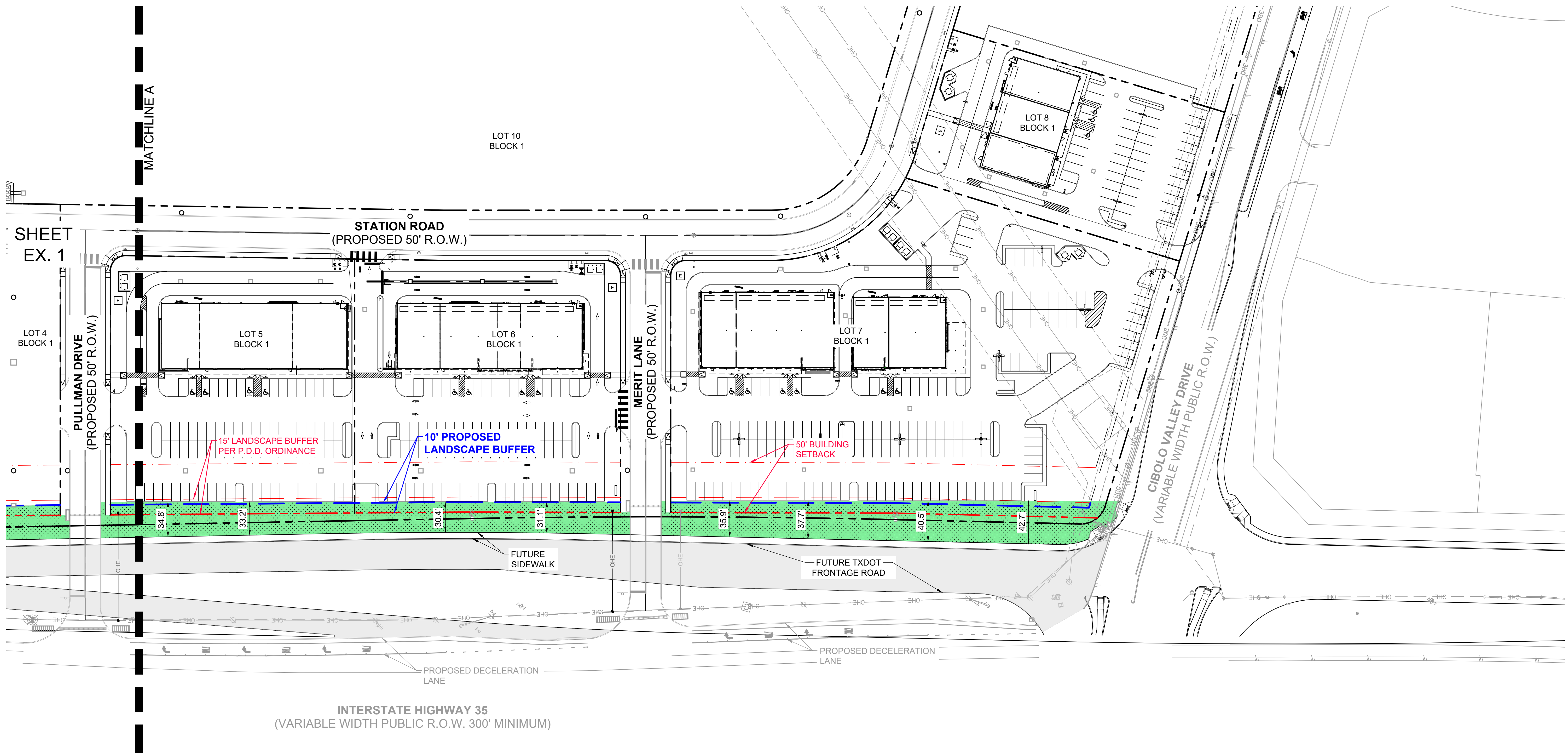
CALLED 17.4370 ACRES  
 1290 ENTERTAINMENT, LLC  
 VOL.979, PG.475 OPRGC



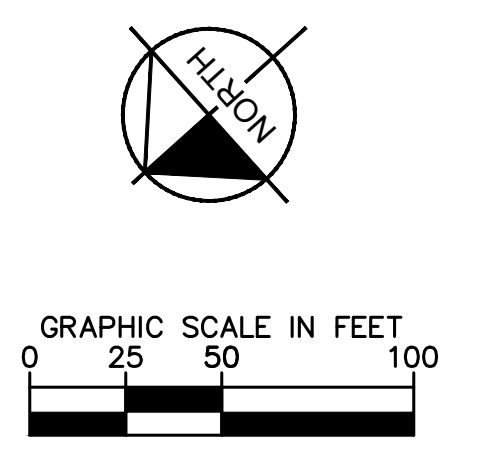
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THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGN PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC. COPYRIGHT KIMLEY-HORN AND ASSOCIATES, INC. 2022

LEGEND	
	FINAL TXDOT ROW LINE
	PREVIOUS PROPOSED TXDOT ROW LINE



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**ORDINANCE NO. 22-S-44**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 75 ACRES OF LAND TO PLANNED DEVELOPMENT DISTRICT (PDD), GENERALLY LOCATED SOUTHEAST OF THE INTERESECTION OF IH 35 AND CIBOLO VALLEY DRIVE, ALSO KNOWN AS GUADALUPE COUNTY PROPERTY IDENTIFICATION NUMBERS 68313, 68314, AND 148510, CITY OF SHCERTZ, GUDALUPE COUNTY, TEXAS**

**WHEREAS**, an application to rezone approximately 75 acres of land located southeast of the intersection of IH 35 and Cibolo Valley Drive, also known as Guadalupe County Property Identification Numbers 68313, 68314, and 148510, and more specifically described in the Exhibit A attached herein (herein, the “Property”) has been filed with the City; and

**WHEREAS**, the City’s Unified Development Code Section 21.5.4.D. provides for certain criteria to be considered by the Planning and Zoning Commission in making recommendations to City Council and by City Council in considering final action on a requested zone change (the “Criteria”); and

**WHEREAS**, on October 26, 2022, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation to City Council to approve the requested rezoning according to the development standards set forth in Exhibit B attached herein (the “Development Standards”); and

**WHEREAS**, on December 6, 2022, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the requested zoning be approved as provided for herein.

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

Section 1. The Property as shown and more particularly described in the attached Exhibit A, is hereby zoned 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.

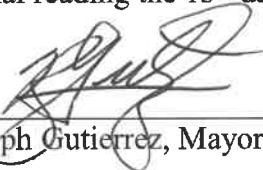
Section 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required 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 6<sup>th</sup> day of December, 2022.

PASSED, APPROVED AND ADOPTED on final reading the 13<sup>th</sup> day of December, 2022.

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

ATTEST:

  
\_\_\_\_\_  
Sheila Edmondson, Interim City Secretary  
(SEAL OF THE CITY)





**Schertz Station**

Planned Development District  
Schertz, Texas

**Schertz Station  
Planned Development District**

**Table of Contents**

I.	PDD Introduction	Page 3
II.	Project/PDD Summary	Page 3
	a. The Property	Page 3
	b. Project & PDD Areas	Page 3
III.	Area I	Page 5
IV.	Area II	Page 8
V.	Area III	Page 11
VI.	Area IV	Page 13
VII.	Public Street	Page 15
VIII.	PDD Adjustment	Page 16

## **I. Planned Development District (“PDD”)**

The City of Schertz (“City”) has adopted zoning and site design requirements for specific zoning classifications and uses, as set forth in the Schertz Unified Development Code (“UDC”). Recognizing that not all development may be able to adhere to the strict regulations and design standards set forth in a particular zoning classification, the City created the Planned Development District (“PDD”) as an alternative approach to conventional land development.

PDD zoning encourages and promotes creative and innovative project design that would otherwise not be possible under the regulations of typical Schertz zoning districts. In exchange for allowing flexibility under the PDD, the City is granted more control and certainty over what is actually constructed on a site. Through the PDD, permitted uses and design standards can be better defined.

The PDD Plan (attached) and this written document define the use and project design for the Schertz Station PDD. This document outlines the specific UDC articles and sections that are to be amended or modified pursuant to the City ordinance specific to this PDD. Development within the Property is subject to general development plan review and approval by the City, as required by the UDC.

## **II. The Project**

### **a. The Property**

The PDD project area includes approximately 74.58 acres (the “Property”) at the intersection of IH-35 and Cibolo Valley within the City of Schertz municipal boundaries. The Property is further described in the attached Exhibit “A”.

### **b. The Project**

Master planned projects allow for cohesive, thoughtful development that is an active and a desirable place for Schertz residents to live, work, and visit. The Schertz Station project will include a mixture of residential and commercial uses, as well as public improvements and infrastructure. Master Planning a project allows for integrated and cohesive uses, improvements, and aesthetics.

For purposes of the PDD, the Project is divided into four (4) different areas. The intent of the division is to adopt specific standards applicable to each area, and to provide the City with assurance of where each use will be located. These areas are not intended to be phases; development of different areas of the Project may occur simultaneously or in a different order than numbered.

The four (4) areas are as follows and further shown on the PDD Plan:

- **AREA I – Commercial/Retail**

Area I includes frontage along IH-35 and Cibolo Valley (near the IH-35 intersection). This Area will be developed with commercial uses, including retail, service, and/or office uses.

- **AREA II – Commercial/Retail**

Area II is located at the center of the Property between the commercial highway frontage of Area I and the residential within Area III. This Area will be developed with commercial uses, including retail, service, and/or office uses.

- **AREA III – Multi-Family**

Area III is south of Areas I and II, and planned for multi-family development.

- **AREA IV – Commercial/Retail**

Area IV is located at the corner of Cibolo Valley and Old Weiderstein Road. This Area is intended for additional commercial development.

In addition to commercial and residential development, the Project is also anticipated to include the extension of Ripps Kruesler public right-of-way. The standards for this roadway are further described in this PDD.

Each Area of the Project and the public improvements will be developed in accordance with the standards set forth in this PDD and on the attached PPD Plan. If this document and the PDD Plan are silent, then UDC standards shall control. This document and the PDD Plan shall control in the event of a conflict with the UDC.

### III. Area I

Area I of the Project will comply with UDC standards unless stated otherwise below. The following UDC Sections are amended as set forth herein:

**A. Zoning Districts (UDC Article 5)**

**UDC Section 21.5.7 -- Dimensional and Developmental Standards**

Unless excepted from herein, Area I shall comply with the City’s “GB” General Business District standards. The following Table I.A shall replace UDC Table 21.5.7.B as it applies to the Project:

<b>Table I.A – Dimensional Requirements</b>									
		Minimum Lot Size			Minimum, Yard Setback (ft)			Misc. Lot Requirements	
Code	Classification	Area sf.	Width ft.	Depth ft.	Front ft.	Side ft.	Rear ft.	Max. Ht.	Max. Cover
GB	General Business	10,000	100	100	20*	0	0	120	85%

\*The front setback shall increase to 50’ if fronting on the IH-35 frontage road in accordance with UDC 21.14.3

Development within the GB area shall comply with the following:

- a. UDC Parking standards unless otherwise noted for Area I in this PDD.
- b. Use standards outlined for Area I in this PDD.
- c. No variances may be permitted to exceed the maximum impervious cover limitations.
- d. Design requirements of UDC Article 14, Section 21.14.3 unless noted otherwise within this PDD.

**UDC Section 21.5.8 – Permitted Use Table**

Structures, land, or premises within Area I shall be used only in accordance with the GB uses permitted in UDC Section 21.5.8. Additionally, “Auto Repairs & Service, Medium” and “Retail Cabinet Sales” shall be permitted (and required to comply with Table II.A as a GB use).

“Auto Repairs & Service, Medium” shall be defined as:

An establishment that provides services, including engine tune-ups, oil changes and lubrication, wheel alignment or balancing, sales and installation of batteries or tires, transmission, drive train, radiator, fuel, electrical or muffler repairs, servicing of brakes, air conditioning or exhaust systems, incidental upholstery or similar

servicing or repairs not part of collision repair and normally not requiring any significant disassembly or overnight on-site storage of vehicles. No outdoor storage of materials such as tires, auto parts, etc. is allowed.

Uses not explicitly permitted herein and requiring a Specific Use Permit shall only be permitted with City Council approval through the Specific Use Permit process included in UDC Section 21.5.11.

## **B. Design Standards (UDC Article 9)**

### **UDC Section 21.9.3 – Lots**

Lot sizes and dimensions will conform to the minimum requirements recognized in “Table I.A – Dimensional Requirements” of this PDD.

### **UDC Section 21.9.5 – Exterior Construction and Design Standards.**

#### **D. Commercial Buildings.**

3. *Glazing.* All buildings must comply with the 2018 International Building Code and the International Energy Conservation Code for glass and glazing.

4. *Articulation and architectural features.*

a. Horizontal articulations or offsets are required on buildings that are equal to or less than 15,000 square feet on any wall greater in length than 30 linear feet, which is adjacent to or facing a public street. Horizontal articulations or offsets are required for buildings that are greater than 15,000 square feet on any wall greater in length than 100 linear feet, which is adjacent to or facing a public street.

(1) The depth of the articulation or offset shall be a minimum of two feet (2'). Articulations or offsets can be of varying depth as long as the minimum two feet (2') is met.

b. Vertical articulations or elevation changes are required on all walls facing a public street and should be designed to screen rooftop equipment.

(1) The height of the articulation or elevation change shall be a minimum of two feet (2'). Articulations or elevation changes can be of varying height as long as the minimum two feet (2') is met.

(2) The length of the new plane created by the articulation or elevation change shall be a minimum of 10% of the total length of the entire wall.

5. *Roof Treatments.* Façade articulations shall provide for vertical and horizontal screening of air conditioning units and all mechanical equipment located on rooftops.

## **UDC Section 21.9.7 – Landscaping**

### **E. Landscape Installation Required.**

2. A minimum of fifteen percent (15%) of Area I shall be landscaped, which includes trees, shrubs, sod or other ground cover. Floodplain and earthen detention/drainage areas may qualify as landscaped areas if they satisfy the conditions above.

### **H. Parking Area Landscaping.**

2. **Perimeter Landscaping.** Screening of parking lots and vehicular use areas from abutting properties and rights-of-way shall not be required.

## **C. Parking (UDC Article 10)**

### **Size of Parking Spaces (Section 21.10.3)**

A. Each standard off-street surface parking space shall measure not less than nine (9) feet by eighteen (18) feet (9'x18'), exclusive of access drives and aisles, and shall be of usable shape and condition.

B. *Wheel stops.* Wheel stops shall not be required.

### **Schedule of Off-Street Parking Requirements (Section 21.10.4)**

C. *Mixed uses.* Multiple users are intended to occupy PDD Areas I and II. The total requirements for off street parking shall be the sum of the requirements for the several uses computed separately unless it can be shown that the peak parking demands are offset, for example with retail and residential, or theater and office uses. In such case(s) the City Manager or his/her designee may reduce the parking required for uses within PDD Areas I and II by up to twenty-five percent (25%).

## **D. Transportation (UDC Article 14)**

### **Additional Design Requirements (UDC Section 21.14.3)**

C. *Landscape Buffer.* A minimum fifteen foot (15') 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. The landscape buffer shall require an irrigation system and shall be maintained by the property owner.

D. *Off-Street Parking.* Off street parking is permitted adjacent to the landscape buffer along the right-of-way. A waiver may be granted by the Planning and Zoning Commission which would allow a reduction in the minimum required landscape buffer when off-street parking is located entirely along the side or rear of the building or lot.

E. *Building Setback Line.* A minimum fifty foot (50') front building setback shall be required for lots fronting on the IH-35 frontage road. All other setbacks shall be in accordance with Table I.A.

G. *Screening.* No screening walls or fencing shall be required adjacent to public right-of-way.

## IV. Area II

Area II of the Project will comply with UDC standards unless stated otherwise below. The following UDC Sections are amended as set forth herein:

### A. Zoning Districts (UDC Article 5)

#### UDC Section 21.5.7 -- Dimensional and Developmental Standards

Unless excepted from herein, Area II shall comply with the City’s “GB” General Business District standards. The following Table II.A shall replace UDC Table 21.5.7.B as it applies to the Project:

<b>Table II.A – Dimensional Requirements</b>									
		Minimum Lot Size			Minimum, Yard Setback (ft)			Misc. Lot Requirements	
<b>Code</b>	<b>Classification</b>	<b>Area sf.</b>	<b>Width ft.</b>	<b>Depth ft.</b>	<b>Front ft.</b>	<b>Side ft.</b>	<b>Rear ft.</b>	<b>Max. Ht.</b>	<b>Max. Cover</b>
<b>GB</b>	<b>General Business</b>	<b>10,000</b>	<b>100</b>	<b>100</b>	<b>20</b>	<b>0*</b>	<b>0*</b>	<b>120 ft.</b>	<b>90%</b>

\* 20’ setback where adjacent to a residential use and not separated by a minimum 20’ wide street or drive.

Commercial (GB) development shall comply with the following:

- a. Parking standards outlined for Area II in this PDD.
- b. Use standards outlined for Area II in this PDD.
- c. No variances may be permitted to exceed the maximum impervious cover limitations.
- d. Design requirements of UDC Article 14, Section 21.14.3 unless noted otherwise within this PDD.

#### UDC Section 21.5.8 – Permitted Use Table

Structures, land, or premises within Area II shall be used only in accordance with the GB uses permitted in UDC Section 21.5.8. Additionally, “commercial amusement, outdoor” uses shall be permitted (and required to comply with Table II.A as a GB use). Uses

requiring a Specific Use Permit shall only be permitted with City Council approval through the Specific Use Permit process included in UDC Section 21.5.11.

**B. Design Standards (UDC Article 9)**

**Lots (Section 21.9.3)**

Lots sizes and dimensions will conform to the minimum requirements recognized in “Table II.A – Dimensional Requirements” of this PDD.

**UDC Section 21.9.5 – Exterior Construction and Design Standards.**

**E. Commercial Buildings.**

3. *Glazing.* All buildings must comply with the 2018 International Building Code and the International Energy Conservation Code for glass and glazing.

4. *Articulation and architectural features.*

a. Horizontal articulations or offsets are required on buildings that are equal to or less than 15,000 square feet on any wall greater in length than 30 linear feet, which is adjacent to or facing a public. Horizontal articulations or offsets are required for buildings that are greater than 15,000 square feet on any wall greater in length than 100 linear feet, which is adjacent to or facing a public street.

(1) The depth of the articulation or offset shall be a minimum of two feet (2'). Articulations or offsets can be of varying depth as long as the minimum two feet (2') is met.

b. Vertical articulations or elevation changes are required on all walls facing a public street and should be designed to screen rooftop equipment.

(1) The height of the articulation or elevation change shall be a minimum of two feet (2'). Articulations or elevation changes can be of varying height as long as the minimum two feet (2') is met.

(2) The length of the new plane created by the articulation or elevation change shall be a minimum of 10% of the total length of the entire wall.

5. *Roof Treatments.* Façade articulations shall provide for vertical and horizontal screening of air conditioning units and all mechanical equipment located on rooftops.

**Landscaping (Section 21.9.7)**

**E. Landscape Installation Required.**

2. A minimum of ten percent (10%) shall be landscaped, which includes and shall be comprised of trees, shrubs, sod or other ground cover.

**H. Parking Area Landscaping.**

2. **Perimeter Landscaping.** Screening of parking lots and vehicular use areas from abutting properties and rights-of-way shall not be required.

**C. Parking (UDC Article 10)**

**Size of Parking Spaces (Section 21.10.3)**

C. Each standard off-street surface parking space shall measure not less than nine (9) feet by eighteen (18) feet (9'x18'), exclusive of access drives and aisles, and shall be of usable shape and condition.

D. *Wheel stops.* Wheel stops shall not be required.

**Schedule of Off-Street Parking Requirements (Section 21.10.4)**

A. Off-street parking shall be provided in sufficient quantities to provide the following ratio of vehicle spaces for the uses specified in the districts designated:

<b>Table II.B – Schedule of Off-Street Parking Requirements</b>	
<i>Use Type</i>	<i>Parking Requirement</i>
Commercial Uses	As required per use in the UDC, unless reduced per the Mixed Use allowance in Section C below.

C. *Mixed uses.* Multiple users are intended to occupy PDD Areas I and II. The total requirements for off street parking shall be the sum of the requirements for the several uses computed separately unless it can be shown that the peak parking demands are offset, for example with retail and residential, or theater and office uses. In such case the City Manager or his/her designee may reduce the parking required for uses within PDD Area I and Area II, but not more than twenty-five percent (25%).

**D. Transportation (UDC Article 14)**

**Additional Design Requirements (UDC Section 21.14.3)**

C. *Landscape Buffer.* A minimum fifteen foot (15') 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. The landscape buffer shall require an irrigation system and shall be maintained by the property owner.

D. *Off-Street Parking.* Off street parking is permitted adjacent to the landscape buffer along the right-of-way. A waiver may be granted by the Planning and Zoning Commission which would allow a reduction in the minimum required landscape buffer when off-street parking is located entirely along the side or rear of the building or lot.

G. *Screening.* No screening walls or fencing shall be required adjacent to public right-of-way.

**V. Area III**

Area III of the Project will comply with UDC standards unless stated otherwise below. The following UDC Sections are amended as set forth herein:

**A. Zoning Districts (UDC Article 5)**

**UDC Section 21.5.7 -- Dimensional and Developmental Standards**

Unless excepted from herein, Area III shall comply with the City’s “R-4” Multi-Family District standards. The following Table III.A shall replace UDC Table 21.5.7.A as it applies to the Project:

<b>Table III.A – Dimensional Requirements</b>									
		Minimum Lot Size			Minimum, Yard Setback (ft)			Misc. Lot Requirements	
Code	Classification	Area sf.	Width ft.	Depth ft.	Front ft.	Side ft.	Rear ft.	Max. Ht.	Max. Cover
<b>R-4</b>	Apartment/Multi-Family	10,000	100	100	20	10	10	35	80%
<p>Multi-Family (R-4) development shall comply with the following:</p> <ul style="list-style-type: none"> <li>a. Maximum density shall not exceed 12 units per acre.</li> <li>b. Parking standards outlined for Area III in this PDD.</li> <li>c. Swimming pools count toward the maximum impervious cover limitations, unless the swimming pool is</li> </ul>									

equipped with a water overflow device appropriate for such pool, and only if it drains into any pervious surface, in which case the water surface shall be excluded.

- d. No variances may be permitted to exceed the maximum impervious cover limitations.
- e. Design requirements of UDC Article 14, Section 21.14.3 unless noted otherwise within this PDD.

### **UDC Section 21.5.8 – Permitted Use Table**

Structures, land, or premises within Area III shall be used only in accordance with the R-4 uses included in UDC Section 21.5.8.

#### **B. Design Standards (UDC Article 9)**

##### **Lots (Section 21.9.3)**

Lots sizes and dimensions will conform to the minimum requirements recognized in “Table III.A – Dimensional Requirements” of this PDD.

##### **Landscaping (Section 21.9.7)**

#### **E. Landscape Installation Required.**

2. A minimum of twenty percent (20%) of the combined Project area shall be landscaped, which includes and shall be comprised of trees, shrubs, sod or other ground cover.

#### **H. Parking Area Landscaping.**

2. **Perimeter Landscaping.** Screening of parking lots and vehicular use areas from abutting properties and rights-of-way shall not be required.

#### **C. Parking (UDC Article 10)**

##### **Size of Parking Spaces (Section 21.10.3)**

E. Each standard off-street surface parking space shall measure not less than nine (9) feet by eighteen (18) feet (9’x18’), exclusive of access drives and aisles, and shall be of usable shape and condition.

F. *Wheel stops.* Wheel stops shall not be required.

#### **D. Schedule of Off-Street Parking Requirements (Section 21.10.4)**

B. Off-street parking shall be provided in sufficient quantities to provide the following

ratio of vehicle spaces for multi-family use:

<b>Table III.B – Schedule of Off-Street Parking Requirements</b>	
<i>Use Type</i>	<i>Parking Requirement</i>
Multi-Family	1.75 parking spaces per unit (minimum)

**E. Landscaping**

**Additional Design Requirements (UDC Section 21.14.3)**

C. *Landscape Buffer.* A minimum fifteen foot (15') wide landscape buffer shall be provided adjacent to Cibolo Valley. Trees shall be planted at an average density of one (1) tree per twenty linear feet (20') of street frontage. The landscape buffer shall require an irrigation system and shall be maintained by the property owner.

D. *Off-Street Parking.* Off street parking is permitted adjacent to the landscape buffer along the right-of-way.

E. *Building Setback Line.* Only the portion of the lot adjacent to Cibolo Valley Drive shall be treated as a front yard setback; others will be side or rear.

G. *Screening.* A six foot (6') tall fence shall be provided where the rear or side yard of any residential lot abuts a Principal or Secondary Arterial. The fence shall be constructed of metal or wrought iron and may include masonry columns.

**VI. AREA IV**

Area IV of the Project will comply with UDC standards unless stated otherwise below. The following UDC Sections are amended as set forth herein:

**A. Zoning Districts (UDC Article 5)**

**UDC Section 21.5.7 -- Dimensional and Developmental Standards**

Unless excepted from herein, Area IV shall comply with the City's "GB" General Business District standards. The following Table IV shall replace UDC Table 21.5.7.B as it applies to the Project:

**Table IV.A – Dimensional Requirements**

Code	Classification	Minimum Lot Size			Minimum, Yard Setback (ft)			Misc. Lot Requirements	
		Area sf.	Width ft.	Depth ft.	Front ft.	Side ft.	Rear ft.	Max. Ht.	Max. Cover
GB	General Business	10,000	100	100	20	0	0	35	85%

Development within the GB area shall comply with the following:

- a. UDC off street Parking space minimum requirements
- b. Use standards outlined for Area IV in this PDD.
- c. No variances may be permitted to exceed the maximum impervious cover limitations.
- d. Design requirements of UDC Article 14, Section 21.14.3 unless noted otherwise within this PDD.

**UDC Section 21.5.8 – Permitted Use Table**

Structures, land, or premises within Area IV shall be used only in accordance with the GB uses permitted in UDC Section 21.5.8. Uses requiring a Specific Use Permit shall only be permitted with City Council approval through the Specific Use Permit process included in UDC Section 21.5.11.

**B. Design Standards (UDC Article 9)**

**Lots (Section 21.9.3)**

Lots sizes and dimensions will conform to the minimum requirements recognized in “Table IV.A – Dimensional Requirements” of this PDD.

**Landscaping (Section 21.9.7)**

**E. Landscape Installation Required.**

- 2. A minimum of fifteen percent (15%) of the combined Project area shall be landscaped, which includes and shall be comprised of trees, shrubs, sod or other ground cover.

**H. Parking Area Landscaping.**

- 2. **Perimeter Landscaping.** Screening of parking lots and vehicular use areas from abutting properties and rights-of-way shall not be required.

**C. Parking (UDC Article 10)**

**Size of Parking Spaces (Section 21.10.3)**

- G. Each standard off-street surface parking space shall measure not less than nine feet (9') by eighteen (18) feet (9'x18'), exclusive of access drives and aisles, and shall be of usable shape and condition.
- H. *Wheel stops.* Wheel stops shall not be required.

**D. Transportation (UDC Article 14)**

**Additional Design Requirements (UDC Section 21.14.3)**

- C. *Landscape Buffer.* A minimum fifteen foot (15') 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.
- D. *Off-Street Parking.* Off street parking is permitted adjacent to the landscape buffer along the right-of-way.
- G. *Screening.* No screening walls or fencing shall be required adjacent to public right-of-way.

**VII. Public Street**

The extension of Ripps Kruesler through the Project is anticipated to be located in the general area shown on the PDD Plan. This location is not definite and may shift pending further study of the Property and the proposed development.

Construction of Ripps Kruesler will meet the following standards and be classified as a collector. These standards will replace any requirements of UDC Table 21.14.1:

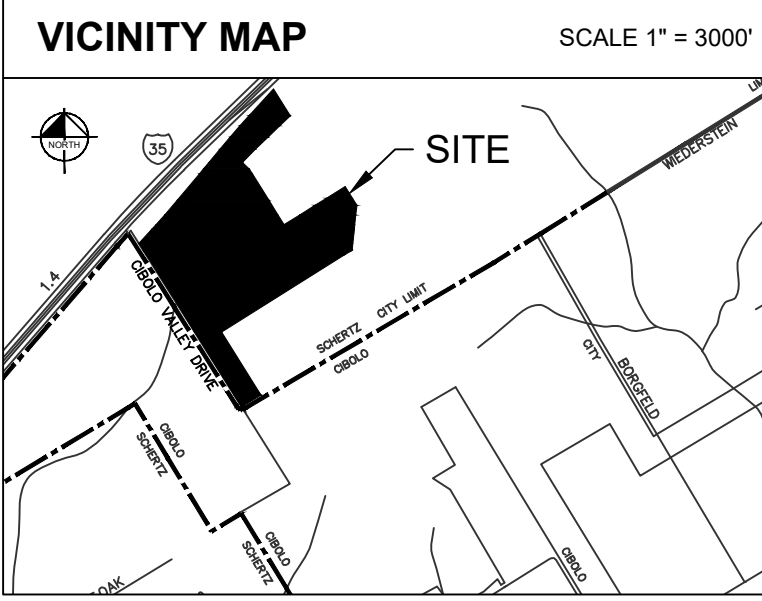
<b>Ripps Kruesler</b>				
Classification	ROW	Pavement	Drainage Width	Sidewalk Width Hike/Bike Trail
Collector	70 feet	38 feet	Curb or Curb and Gutter	5 feet both sides (minimum) or 8 foot hike/bike trail on one side

## **VIII. PDD Adjustments**

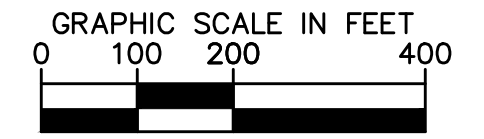
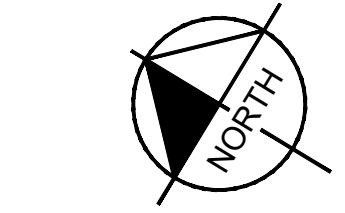
### **Adjustments to Planned Development District (PDD) Plan (UDC Section 21.5.10)**

Per UDC Section 21.5.10, the City Manager or his/her designee may permit an applicant to make minor amendments to the PDD Plan without the necessity of amending the ordinance that established the PDD. As the Project design and engineering is refined, it may be necessary to alter the boundaries between the Areas or the location of public improvements. The list of minor amendments included in Section 21.5.10 is further defined to allow Area boundaries to shift in location up to seventy-five feet (75') from what is shown on the PDD Plan.

Prepared by: [Name], [Title], [Date] (November 29, 2022) 05:03:16 PM. This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Please do not rely on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



NAME	ACREAGE (AC.)	FUTURE USE
AREA 1	18.6	COMMERCIAL/ RETAIL
AREA 2	19.2	COMMERCIAL/ RETAIL
AREA 3	33.5	MULTI-FAMILY
AREA 4	3.3	COMMERCIAL/ RETAIL



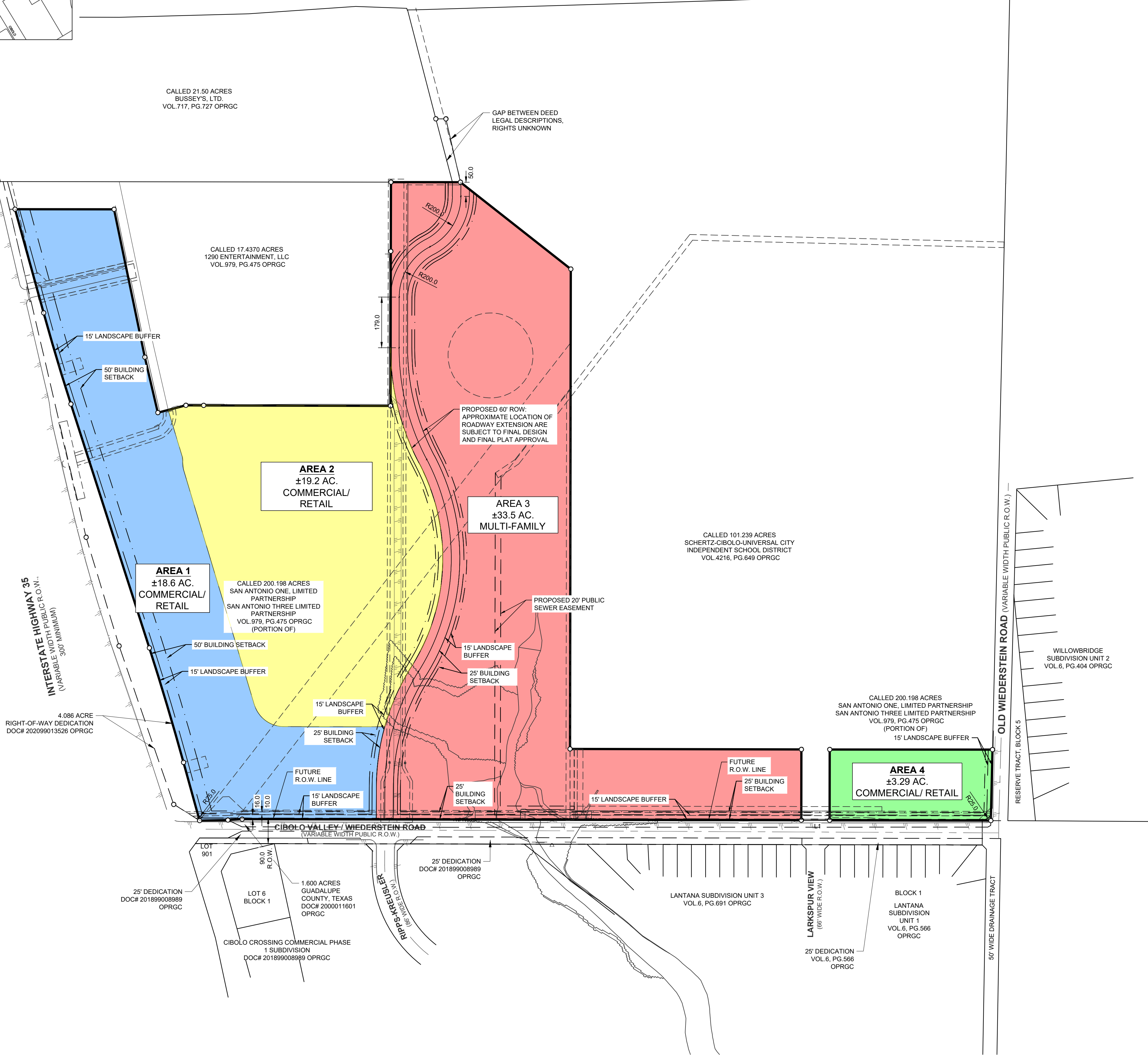
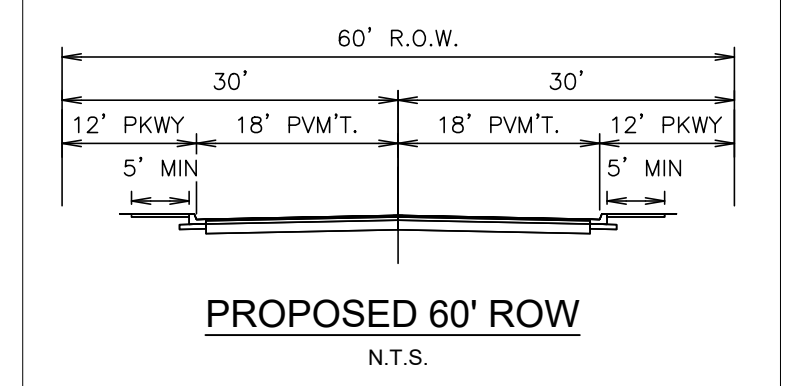
LEGEND	
	PROPERTY BOUNDARY
	EXISTING EDGE OF ASPHALT
	EXISTING OVERHEAD ELECTRIC
	EXISTING SANITARY LINE
	EXISTING WATER LINE
	EXISTING GAS LINE
	BENCHMARK

- NOTES**
- ACCORDING TO FLOOD INSURANCE RATE MAP PANEL 48187C0210F, DATED 11/2/2007, A PORTION OF THE SITE IS LOCATED IN ZONE A AND IS LOCATED IN THE 100-YR FLOODPLAIN. THE REMAINING SITE IS LOCATED IN ZONE X AND IS NOT WITHIN THE 100-YR FLOODPLAIN.
  - THE THROUGHFARE ALIGNMENTS SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DO NOT SET THE ALIGNMENT. ALIGNMENT IS DETERMINED AT THE TIME OF THE FINAL PLAT.

SITE DATA TABLE	
<b>GENERAL SITE DATA</b>	
LEGAL DESCRIPTION	74.579 ACRES, J.F. WALKER SURVEY NO. 113, ABSTRACT NO. 244, CITY OF SCHERTZ, GUADALUPE COUNTY, TEXAS
CURRENT ZONING	GENERAL BUSINESS (GB) & MANUFACTURING (LIGHT) (M-1)
REQUESTED ZONING	PLANNED DEVELOPMENT DISTRICT (74.579 AC.)
PROPOSED LAND USE	COMMERCIAL/RETAIL AND MULTI-FAMILY
SITE ACREAGE	74.5790
ADDRESS	NEC OF IH-35 & CIBOLO VALLEY DR., CITY OF SCHERTZ, TX

**PROJECT CONTACT LIST:**

<p><b>SURVEYOR OF RECORD</b>          KIMLEY-HORN          10101 REUNION PLACE, STE 400          SAN ANTONIO, TEXAS 78216          PHONE: 210-541-9166          CONTACT: JOHN GREGORY MOSIER, R.P.L.S.</p>	<p><b>CIVIL ENGINEER</b>          KIMLEY-HORN          10101 REUNION PLACE, STE 400          SAN ANTONIO, TEXAS 78216          PHONE: 210-541-9166          CONTACT: AARON PARENICA, P.E.</p>
<p><b>PROPERTY OWNER</b>          SAN ANTONIO ONE, LTD PARTNERSHIP          277 N LOOP 1604 E, STE. 150          SAN ANTONIO, TEXAS 78232          PHONE: 313-961-6451          CONTACT: CHARLES FORBES</p>	<p><b>DEVELOPER</b>          EMBREY          1020 NE LOOP 410, STE 700          SAN ANTONIO, TEXAS 78209          PHONE: 210-824-6044          CONTACT: OMAR RIVERA</p>



**FOR REVIEW ONLY**

**CONCEPTUAL & DEVELOPMENT PLAN**

**SCHERTZ STATION**  
 PREPARED FOR  
**EMBREY**

EMBREY: NEC IH-35 & CIBOLO VALLEY DR.

SHEET NUMBER

REVISIONS

DATE



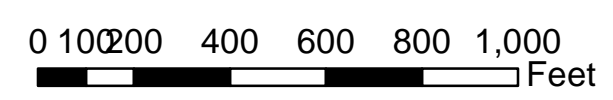
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



ALTA/NSPS LAND TITLE SURVEY  
 J.F. WALKER SURVEY NO. 113  
 ABSTRACT NO. 244 - 74.579 AC

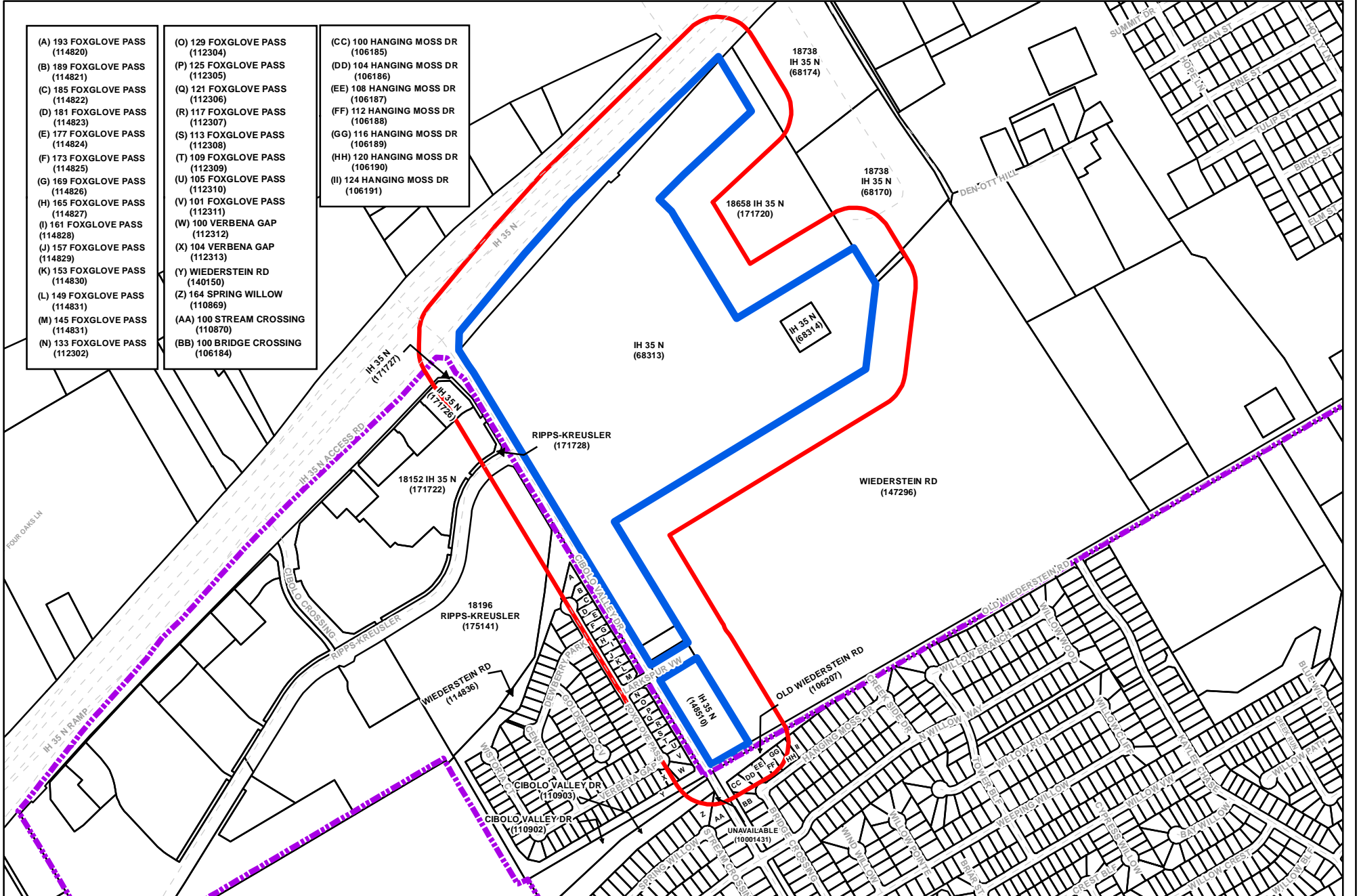
- |                    |                            |                                  |                                |    |     |     |                     |                   |                            |
|--------------------|----------------------------|----------------------------------|--------------------------------|----|-----|-----|---------------------|-------------------|----------------------------|
| <all other values> | <all other values>         | Planned Secondary Arterial       | Commercial Collector B         | 1" | 8"  | 20" | Schertz Gravity     | Hydrant           | 200' Buffer                |
| Highways           | Freeway                    | Secondary Rural Arterial         | Planned Commercial Collector B | 2" | 10" | 24" | Schertz Pressure    | Manholes          | Schertz Municipal Boundary |
| Major Roads        | Principal Arterial         | Planned Secondary Rural Arterial | Commercial Collector A         | 3" | 12" | 30" | Neighboring Gravity | County Boundaries |                            |
| Minor Roads        | Planned Principal Arterial | Residential Collector            | Planned Commercial Collector A | 4" | 16" | 36" | Private Pressure    |                   |                            |
| Other Cities       | Secondary Arterial         | Planned Residential Collector    |                                | 6" | 18" |     |                     |                   |                            |

1 Inch = 400 Feet



- (A) 193 FOXGLOVE PASS (114820)
- (B) 189 FOXGLOVE PASS (114821)
- (C) 185 FOXGLOVE PASS (114822)
- (D) 181 FOXGLOVE PASS (114823)
- (E) 177 FOXGLOVE PASS (114824)
- (F) 173 FOXGLOVE PASS (114825)
- (G) 169 FOXGLOVE PASS (114826)
- (H) 165 FOXGLOVE PASS (114827)
- (I) 161 FOXGLOVE PASS (114828)
- (J) 157 FOXGLOVE PASS (114829)
- (K) 153 FOXGLOVE PASS (114830)
- (L) 149 FOXGLOVE PASS (114831)
- (M) 145 FOXGLOVE PASS (114831)
- (N) 133 FOXGLOVE PASS (112302)
- (O) 129 FOXGLOVE PASS (112304)
- (P) 125 FOXGLOVE PASS (112305)
- (Q) 121 FOXGLOVE PASS (112306)
- (R) 117 FOXGLOVE PASS (112307)
- (S) 113 FOXGLOVE PASS (112308)
- (T) 109 FOXGLOVE PASS (112309)
- (U) 105 FOXGLOVE PASS (112310)
- (V) 101 FOXGLOVE PASS (112311)
- (W) 100 VERBENA GAP (112312)
- (X) 104 VERBENA GAP (112313)
- (Y) WIEDERSTEIN RD (140150)
- (Z) 164 SPRING WILLOW (110869)
- (AA) 100 STREAM CROSSING (110870)
- (BB) 100 BRIDGE CROSSING (106184)

- (CC) 100 HANGING MOSS DR (106185)
- (DD) 104 HANGING MOSS DR (106186)
- (EE) 108 HANGING MOSS DR (106187)
- (FF) 112 HANGING MOSS DR (106188)
- (GG) 116 HANGING MOSS DR (106189)
- (HH) 120 HANGING MOSS DR (106190)
- (II) 124 HANGING MOSS DR (106191)



# City of Schertz

## Schertz Station

(PLPDD20220020)

 Project Area
  City Limit Boundary

 200' Buffer



Last Update: October 14, 2022  
 City of Schertz, GIS Specialist: Bill Gardner, gis@schertz.com (210) 619-1185  
 \*The City of Schertz provides this Geographic Information System product "as is" without any express or implied warranty of any kind including but not limited to the implied warranties of merchantability and fitness for a particular purpose. In no event shall The City of Schertz be liable for any special, indirect or consequential damages or any damages whatsoever arising out of or in connection with the use of or performance of these materials. Information published in this product could include technical inaccuracies or typographical errors. Periodical changes may be made and information may be added to the information herein. The City of Schertz may make improvements and/or changes in the product(s) described herein at any time.



NOTICE OF PUBLIC HEARING

October 14, 2022

Dear Property Owner,

The Schertz Planning and Zoning Commission will conduct a public hearing on Wednesday, October 26, 2022 at 6:00 p.m. located at the Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas to consider and make recommendation on the following item:

PLPDD20220020- A request to rezone approximately 75 acres of land from General Business District (GB) and Manufacturing District- Light (M-1) to Planned Development District (PDD), generally located southeast of the intersection of IH 35 and Cibolo Valley Drive, also known as Guadalupe County Property Identification Numbers 68313, 68314, and 148510, City of Schertz, Guadalupe County, Texas.

The Planning and Zoning Commission would like to hear how you feel about this request and invites you to attend the public hearing. This form is used to calculate the percentage of landowners that support and oppose the request. You may return the reply form below prior to the first public hearing date by mail or personal delivery to Emily Delgado, Planning Manager, 1400 Schertz Parkway, Schertz, Texas 78154, or by e-mail planning@schertz.com. If you have any questions, please feel free to call the Planning Division at (210) 619-1780.

Sincerely,

Emily Delgado

Emily Delgado
Planning Manager

Reply Form

I am: in favor of [ ] opposed to [X] neutral to [ ] the request for PLPDD20220020

COMMENTS: too much traffic / not enough roads / too much noise / too much lights

NAME: Eric Talamantez SIGNATURE: [Signature]
(PLEASE PRINT)

STREET ADDRESS: 112 Hanging Moss

DATE: 10-26-2022

Reply Form

I am: in favor of  opposed to  neutral to  the request for **PLPDD20220020**

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

NAME: Aaron Madrigal  
(PLEASE PRINT)

SIGNATURE 

STREET ADDRESS: 108 HANGING MOSS Dr CIBOLO, TX 78108

DATE: 10/25/2012



NOTICE OF PUBLIC HEARING

October 14, 2022

Dear Property Owner,

The Schertz Planning and Zoning Commission will conduct a public hearing on **Wednesday, October 26, 2022** at **6:00 p.m.** located at the Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas to consider and make recommendation on the following item:

**PLPDD20220020**— A request to rezone approximately 75 acres of land from General Business District (GB) and Manufacturing District- Light (M-1) to Planned Development District (PDD), generally located southeast of the intersection of IH 35 and Cibolo Valley Drive, also known as Guadalupe County Property Identification Numbers 68313, 68314, and 148510, 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 **PLPDD20220020**

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

NAME: JODI FLANAGAN SIGNATURE Jodi Flanagan  
(PLEASE PRINT) PRESIDENT of Third Eye Properties LLC.

STREET ADDRESS: 117 FOXGLOVE PASS, CIBOLO, TX 78108

DATE: 10/24/2022

NOTICE OF PUBLIC HEARING

October 14, 2022

Dear Property Owner,

The Schertz Planning and Zoning Commission will conduct a public hearing on Wednesday, October 26, 2022 at 6:00 p.m., located at the Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas to consider and make recommendation on the following item:

**PLPDD20220020**– A request to rezone approximately 75 acres of land from General Business District (GB) and Manufacturing District- Light (M-1) to Planned Development District (PDD), generally located southeast of the intersection of IH 35 and Cibola Valley Drive, also known as Guadalupe County Property Identification Numbers 68313, 68314, and 148510, City of Schertz, Guadalupe County, Texas.

The Planning and Zoning Commission would like to hear how you feel about this request and invites you to attend the public hearing. *This form is used to calculate the percentage of landowners that support and oppose the request.* You may return the reply form below prior to the first public hearing date by mail or personal delivery to Emily Delgado, Planning Manager, 1400 Schertz Parkway, Schertz, Texas 78154, or by e-mail [planning@schertz.com](mailto:planning@schertz.com). If you have any questions, please feel free to call the Planning Division at (210) 619-1780.

Sincerely,

*Emily Delgado*

Emily Delgado  
Planning Manager

Reply Form

I am: in favor of  opposed to  neutral to  the request for **PLPDD20220020**

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

NAME: Joshua Gangsei SIGNATURE *Joshua Gangsei*  
(PLEASE PRINT)

STREET ADDRESS: 116 Hunzinger Moss Dr Cibola, Tx, 78108

DATE: 10-25-22

**BOARD OF ADJUSTMENT MEETING: 07/08/2024**  
**Agenda Item 5 B**

**TO:** Board of Adjustment  
**PREPARED BY:** Daisy Marquez, Planner  
**CASE:** PLVAR20240139  
**SUBJECT:** **PLVAR20240139** – Conduct a public hearing and consider a request for a variance to Ordinance 07-S-14 A, Verde Enterprise Business Park PDD, Section VI- Amendments to Sign Standards, to allow properties within the Verde Enterprise Business Park PDD to utilize the provisions of Article 11-Signs and Advertising, of the City of Schertz Unified Development Code (UDC) as amended, known as Comal Property Identification Numbers 361995, 385226, 371452, and 383085, and Guadalupe Property Identification Numbers 137506, 171708, 64632, 64735, 135307, 144953, 171706, 199144, 199145, 186060, a portion of 186056, 186055, 131217, 131215, 171710, 171709, 148342, 191853, 145676, 148341, 134227, 134405, 134404, 166838, 166839, 166876, 191853, City of Schertz, Comal and Guadalupe County, Texas.

**GENERAL INFORMATION:**

Applicant: City of Schertz

**REQUEST**

The City of Schertz, Planning Division requests a variance, on behalf of all properties within the Verde Enterprise Business Park PDD as described in Ordinance 07-S-14 A, to utilize the City of Schertz Unified Development Code Article 11- Signs and Advertising, as amended.

**PUBLIC NOTICE:**

The public hearing notice was published in the "San Antonio Express" on June 19, 2024. There were fifty-one (51) notices mailed to surrounding property owners on June 21, 2024. At the time of this staff report, staff has received one (1) response in favor, zero (0) responses neutral, and zero (0) responses in opposition.

**ITEM SUMMARY:**

The Verde Enterprise Business Park PDD, also known as Ordinance 07-S-14A, was approved in 2007. Under Section II- General Development Standards, the PDD stipulates as seen below:

*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.*

This statement restricts the development within the Verde Enterprise Business Park PDD to the Unified Development Code exactly as it was adopted in 2007. In 2007, the City of Schertz was using the Unified Development Code adopted in 1996 for development applications. The Unified Development Code was adopted with Ordinance 96-S-28 in September 1996. Section IX- Signs of the 1996 UDC was amended twice with Ordinance 02-S-02 in February 2002 and Ordinance 06-S-29 in June 2006. Although there was a major Unified Development Code Update in 2009, all development within the Verde Enterprise Business Park PDD is restricted to the 1996 UDC if a section is not amended by the PDD.

Since 2013, there have been a total of eight (8) sign variances that have come to the Board of Adjustment and were approved within the Verde Enterprise Park Planned Development District. All variances were approved on the basis that the proposed signs met the current Unified Development Code sign regulations.

Board of Adjustment Meeting Date	Variance Application	Sign Variance
September 23, 2013	BOA 2013-008	Wall Signs
September 28, 2015	BOA 2015-006 BOA 2015-007 BOA 2015-008	Wall Signs Multi-Tenant Sign Multi-Tenant Sign

August 27, 2018	BOA 2018-006	Wall Signs
July 8, 2019	BOA 2019-001	Wall Signs
July 27, 2020	BOA 2020-001	Wall Signs
June 5, 2023	PLVAR20230069	Wall Signs

**SUBJECT PROPERTY GENERAL LOCATION, LAND USE AND ZONING:**

The subject property is approximately 210 acres located generally at the northeast corner of Schertz Parkway and IH-35 N Access Road.

Existing Zoning	Land Use
Planned Development District (PDD)	Verde Enterprise Business Park PDD; Industrial and Commercial Uses

**Adjacent Properties:**

	Zoning	Land Use
<b>North</b>	Right-of-Way and Manufacturing District-Light (M-1)	Lookout Road & Enterprise Industrial Park
<b>South</b>	Right-of-Way and General Business District (GB)	IH-35 N Access Road and
<b>East</b>	General Business District (GB) & Manufacturing District-Light (M-1)	Commercial and Industrial
<b>West</b>	Outside City Limits	City of Selma

**CRITERIA FOR REVIEW**

According to Unified Development Code (UDC), Article 3, Section 21.3.4.B, in order to make a finding of hardship and grant a variance from the zoning regulations of the UDC, the Board must determine the following:

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

The requested variance would allow all subject properties within the Verde Enterprise Business Park PDD to utilize the City of Schertz Unified Development Code Article 11- Signs and Advertising, as amended. This does not violate the intent of the UDC or its amendments as it would require all properties within the Verde Enterprise Business Park PDD to utilize the same sign standards as all other properties within the City of Schertz with straight zoning.

**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 ;**

The properties within the Verde Enterprise Business Park PDD are currently subject to the Planned Development District sign regulations which only allow for smaller and stricter sign regulations than what is presently permitted in Article 11-Signs and Advertising of the Unified Development Code. Additionally, Staff has received frequent requests for development within the Verde Enterprise Business Park PDD to meet the current Unified Development Code- Article 11- Signs and Advertising, as amended, as it is more clear and consistent with current development.

**3. The hardship is the result of the applicant's own actions; or**

The hardship is not a result of the applicant's actions. The Planned Development District was established for these properties in 2007 and all development applications have been held to the PDD standards, except for the sign variances that this board has granted. Sign variances for properties in the Verde Enterprise Business Park PDD were approved in 2013, 2015, 2018, 2019, 2020, and 2023 for a total of eight (8) sign variances.

**4. The interpretation of the provisions in this UDC or any amendments thereto (would not) deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions.**

The interpretation of the provisions in this UDC or any amendments would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions. If this variance is granted, then all properties within the Verde Enterprise Business Park PDD will be held to the sign standards of the Unified Development Code Article 11- Signs and Advertising, as amended. These are the same standards that all other properties within the City of Schertz are held to.

**STAFF ANALYSIS AND RECOMMENDATION:**

Staff recommends approval of PLVAR20240139 to allow the utilization of the Unified Development Code Article 11, as amended in the Verde Enterprise Park Planned Development District.

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**Attachments**

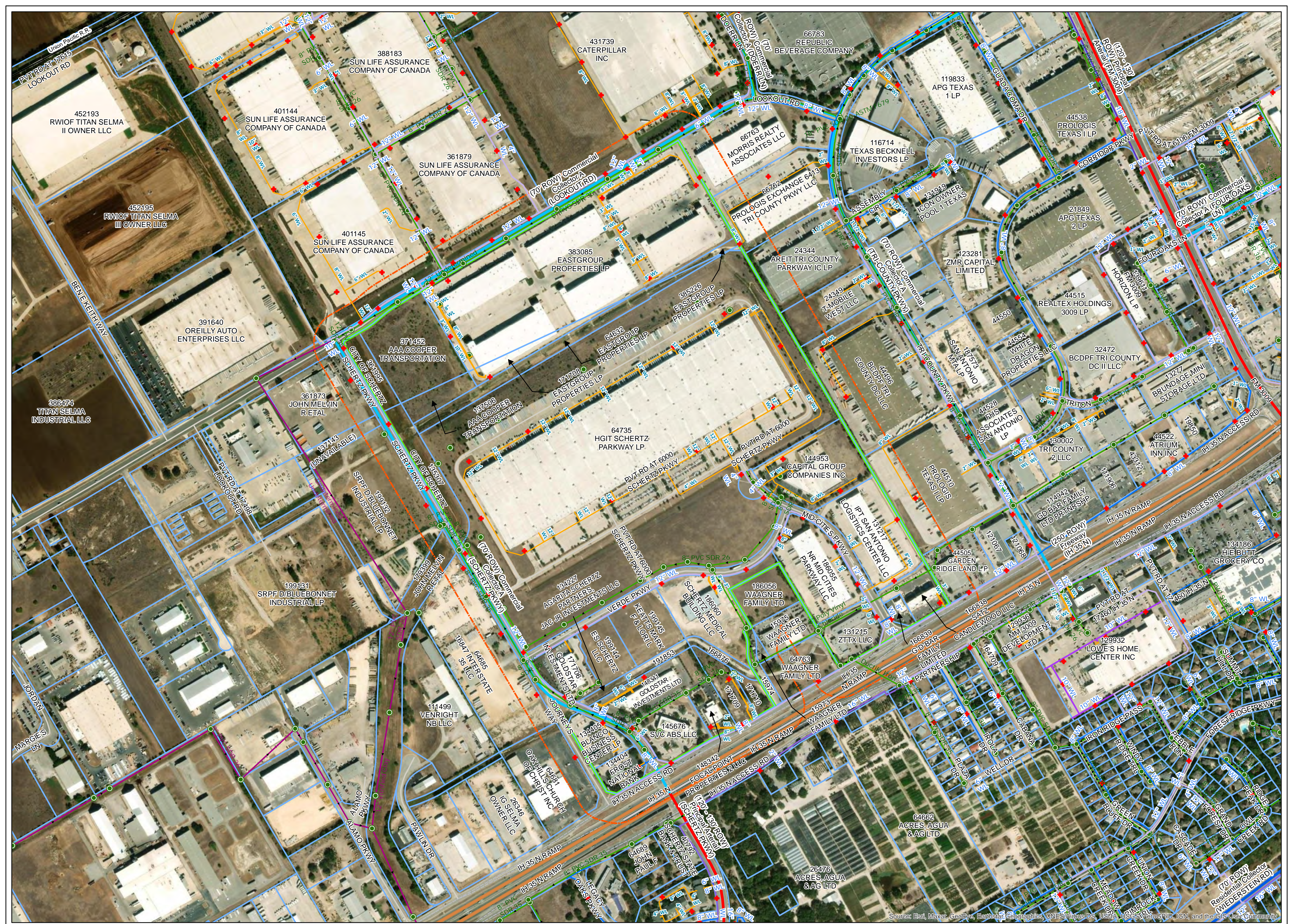
Aerial Exhibit

Public Hearing Notice Map

Public Hearing Responses

Ordinance 07-S-14A Verde Enterprise Business Park PDD

---



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

**SCHERTZ**  
COMMUNITY • SERVICE • OPPORTUNITY

**VERDE ENTERPRISE  
BUSINESS PARK - PDD**

<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	120" Expansion	Future TxDOT	3"	12"	30"	Neighboring Gravity	County Boundaries	
Minor Roads	86" Expansion	120" Extension	Highway	4"	16"	36"	Private Main	Private Pressure	
Other Cities				6"	18"				

1 Inch = 400 Feet



NOTICE OF PUBLIC HEARING

June 21, 2024

To whom it may concern,

The City of Schertz Board of Adjustment will conduct a public hearing on Monday, July 8th, 2024 at 6:00 p.m. located at the Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas to consider and act upon the following item:

PLVAR20240139- Conduct a public hearing and consider a request for a variance to Ordinance 07-S-14 A, Verde Enterprise Business Park PDD, Section VI- Amendments to Sign Standards, to allow properties within the Verde Enterprise Business Park PDD to utilize the provisions of Article 11-Signs and Advertising, of the City of Schertz Unified Development Code (UDC) as amended, known as Comal Property Identification Numbers 361995, 385226, 371452, and 383085, and Guadalupe Property Identification Numbers 137506, 171708, 64632, 64735, 135307, 144953, 171706, 199144, 199145, 186060, a portion of 186056, 186055, 131217, 131215, 171710, 171709, 148342, 191853, 145676, 148341, 134227, 134405, 134404, 166838, 166839, 166876, 191853, City of Schertz, Comal and Guadalupe County, Texas.

Because you own property within 200 feet of the subject property, the Board of Adjustment would like to hear how you feel about this request and invites you to attend the public hearing. If you would like to express how you feel, please complete the bottom portion of this letter and return before the public hearing date by mail or personal delivery to Daisy Marquez, Planner, 1400 Schertz Parkway, Bldg. 1, Schertz, Texas 78154, or by e-mail planning@schertz.com. If you have any questions, please feel free to call Daisy Marquez, Planner directly at (210) 619-1782.

Sincerely,

[Handwritten Signature]

Daisy Marquez
Planner

Reply Form

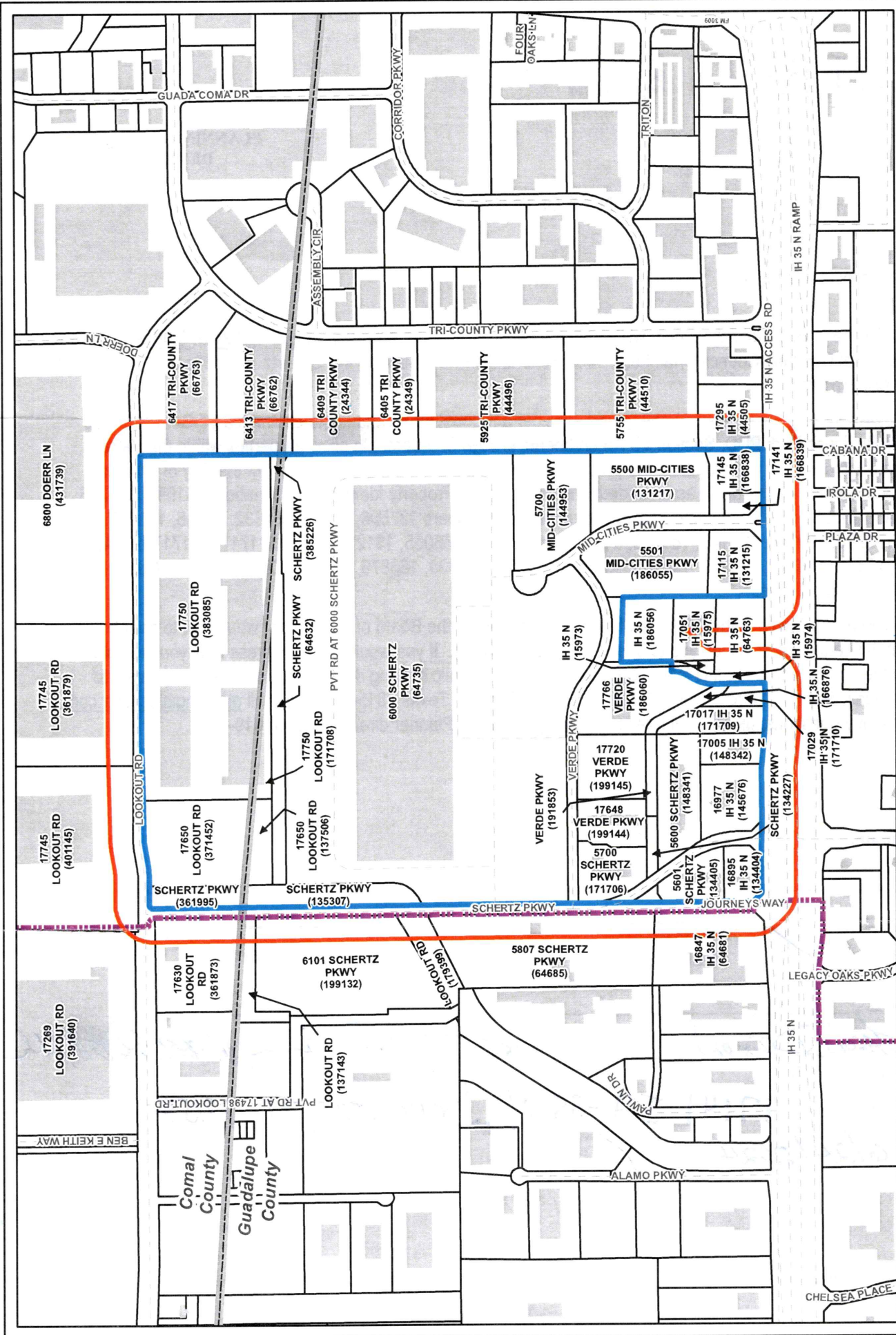
I am: in favor of [checked] opposed to [ ] neutral to [ ] the request for PLVAR20240139

COMMENTS:

NAME: [Handwritten Name] SIGNATURE: [Handwritten Signature]
(PLEASE PRINT)

STREET ADDRESS: 17141 IH-35 N, SCHERTZ, TX 78154

DATE: 6/24/2024



City Limit Boundary  
 Project Area  
 200' Buffer  
 County Boundaries



# City of Schertz

## VERDE ENTERPRISE BUSINESS PARK PDD

**SCHERTZ**  
 COMMUNITY • SERVICE • OPPORTUNITY

Last Update: June 13, 2024  
 City of Schertz, GIS Department, gis@schertz.com  
 This map is for informational purposes only and does not constitute a contract. The City of Schertz is not responsible for any errors or omissions. The City of Schertz is not responsible for any damages or liabilities arising out of or from the use of this map. The City of Schertz is not responsible for any damages or liabilities arising out of or from the use of this map. The City of Schertz is not responsible for any damages or liabilities arising out of or from the use of this map.

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**

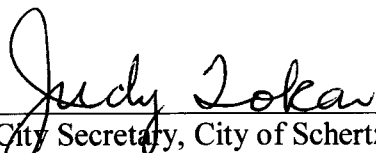
**THAT** all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

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



S:\10264 022-Schertz-Tri-City, Ind. Pd\survey\56420 ac\_MAB.doc

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]**

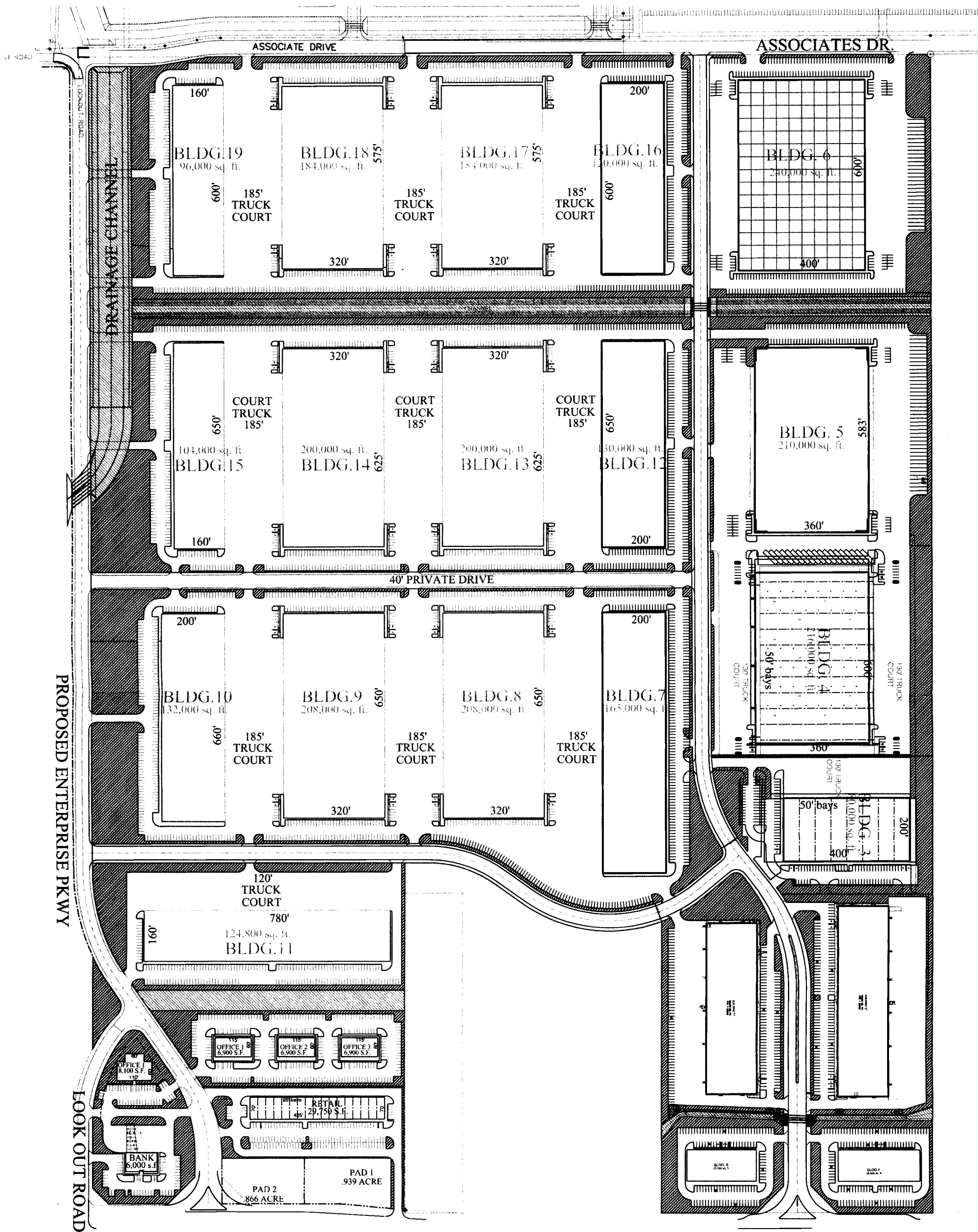
The following parking ratios shall be:

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.





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 r  
by me duly sworn, says on oath that she is Publisher of the Commercial Recorder, a r  
general circulation in the City of San Antonio, in the State and County aforesaid, and t  
Ordinance 07-14-14 here to attached has been published in every issue of said nev  
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*

