

**ORDINANCE NO. 23-S-35**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 65 ACRES OF LAND FROM GENERAL BUSINESS DISTRICT (GB) TO PLANNED DEVELOPMENT DISTRICT (PDD), KNOWN AS COMAL COUNTY PARCEL ID 75458 AND GUADALUPE COUNTY PARCEL ID 64005 GENERALLY LOCATED SOUTHEAST OF THE IH 35 AND SCHWAB ROAD INTERSECTION, CITY OF SCHERTZ, COMAL COUNTY AND GUADALUPE COUNTY, TEXAS.**

**WHEREAS**, an application to rezone approximately 65 acres of land from General Business District (GB) to Planned Development District (PDD) located southeast of the IH 35 and Schwab Road intersection, 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**, the proposed rezoning request is in conformance with the City’s Comprehensive Plan, and

**WHEREAS**, the proposed rezoning request is determined to meet the criteria outlined in the City’s Unified Development Code Section 21.5.4.D.

**WHEREAS**, on November 15, 2023, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation to City Council to approve the requested rezoning Planned Development District (PDD) in accordance with the development standards set forth in Exhibit B attached herein; and

**WHEREAS**, on January 9, 2024, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the requested zoning be approved as provided for herein.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:**

Section 1. The Property as shown and more particularly described in the attached Exhibit A, is hereby zoned Planned Development District (PDD) as described in the attached Exhibit B.

Section 2. The Official Zoning Map of the City of Schertz, described and referred to in Article 2 of the Unified Development Code, shall be revised to reflect the above amendment.

Section 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 4. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 8. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

Section 9. This Ordinance shall be cumulative of all other ordinances of the City of Schertz, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Schertz except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed.

PASSED ON FIRST READING, the \_\_\_\_ day of \_\_\_\_\_ 2024.

PASSED, APPROVED and ADOPTED ON SECOND READING, the \_\_\_\_\_ day of \_\_\_\_\_ 2024.

CITY OF SCHERTZ, TEXAS

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

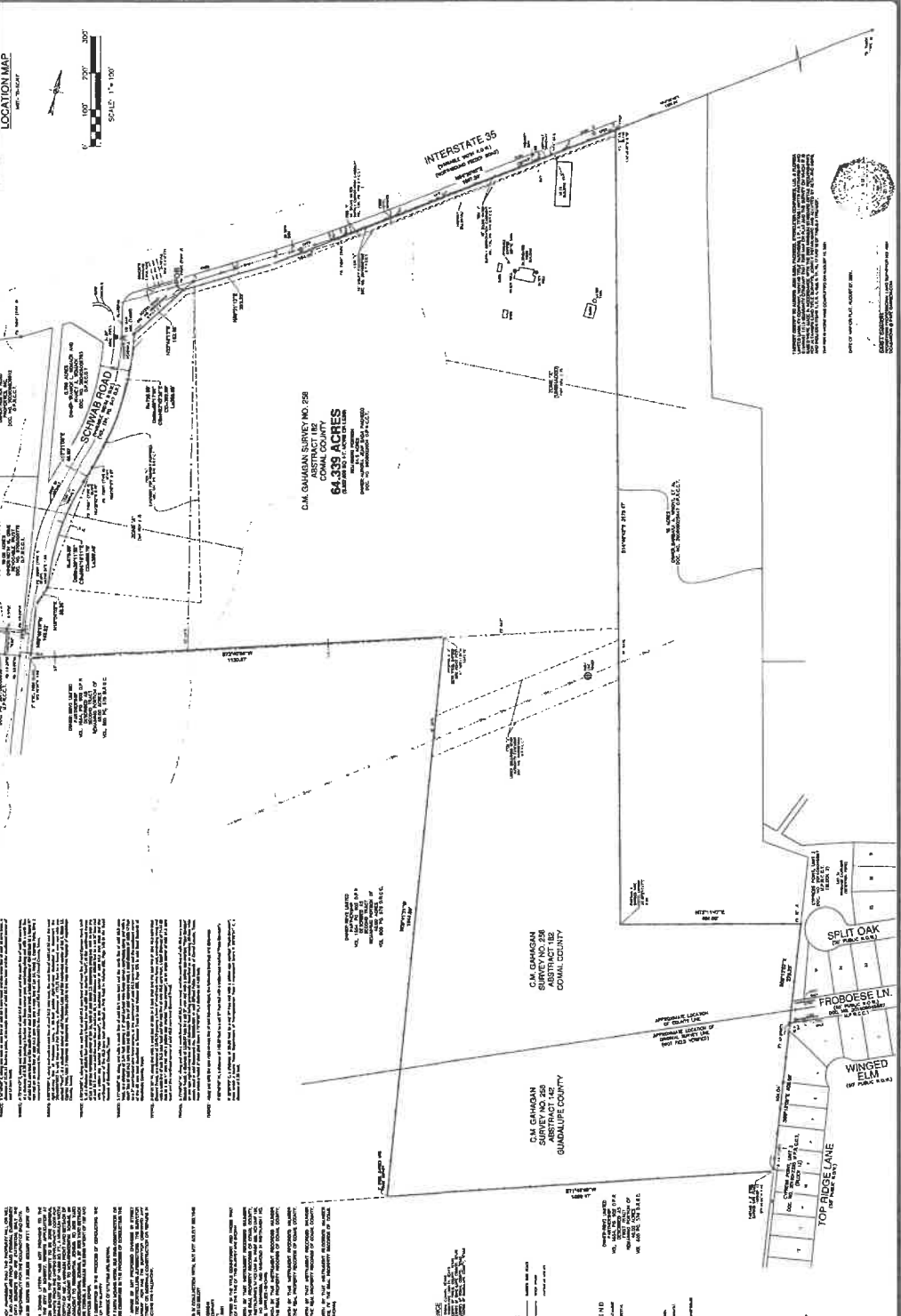
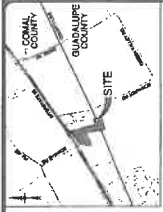
ATTEST:

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Sheila Edmondson, City Secretary

(city seal)

Exhibit A  
The Property



**NOTES AND NOTES EXPLANATION**

1. THIS SURVEY WAS MADE BY THE SURVEYOR IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING ACTS OF THE STATE OF FLORIDA, AND THE SURVEYOR'S CERTIFICATE OF QUALIFICATION IS ON FILE WITH THE DEPARTMENT OF REVENUE, TALLAHASSEE, FLORIDA.

2. THE SURVEY WAS MADE BY THE SURVEYOR IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING ACTS OF THE STATE OF FLORIDA, AND THE SURVEYOR'S CERTIFICATE OF QUALIFICATION IS ON FILE WITH THE DEPARTMENT OF REVENUE, TALLAHASSEE, FLORIDA.

3. THE SURVEY WAS MADE BY THE SURVEYOR IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING ACTS OF THE STATE OF FLORIDA, AND THE SURVEYOR'S CERTIFICATE OF QUALIFICATION IS ON FILE WITH THE DEPARTMENT OF REVENUE, TALLAHASSEE, FLORIDA.

**TABLE OF REFERENCES**

1. C.M. GARGAN SURVEY NO. 258, ABSTRACT 182, 64.339 ACRES, COGAL COUNTY, FLORIDA.

2. C.M. GARGAN SURVEY NO. 259, COGAL COUNTY, FLORIDA.

3. C.M. GARGAN SURVEY NO. 260, COGAL COUNTY, FLORIDA.

**SYMBOL LEGEND**

1. BOUNDARY LINE

2. SURVEY POINT

3. ROAD

4. RAILROAD

5. WATER

6. UNDEVELOPED LAND

7. DEVELOPED LAND

8. EASEMENT

9. ENCUMBRANCE

10. OTHER

**LINE LEGEND**

1. BOUNDARY LINE

2. SURVEY POINT

3. ROAD

4. RAILROAD

5. WATER

6. UNDEVELOPED LAND

7. DEVELOPED LAND

8. EASEMENT

9. ENCUMBRANCE

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Exhibit B

Schertz Gateway Planned Development District (PDD) Property

**Schertz Gateway Project**  
Planned Development District  
Schertz, Texas

**Schertz Gateway  
Planned Development District**

**Table of Contents**

I.	PDD Introduction	Page 3
II.	Project/PDD Summary	Page 3
	a. The Property & Project	Page 3
	b. PDD Areas	Page 4
III.	Area I	Page 5
IV.	Area II	Page 5
V.	Area III	Page 7
VI.	PDD Adjustment	Page 8

## **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 Gateway 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 64.339 acres (the “Property”) at the intersection of IH-35 and Schwab Road 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 Gateway 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 three (3) 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 three (3) areas are as follows and further shown on the PDD Plan which is the last page of this ordinance:

**- AREA I – Commercial/Retail**

Area I includes approximately 19.61 acres located along IH-35 and Schwab Road (near the IH-35 intersection). This Area will be developed with commercial uses, including retail, service, and/or office uses.

**- AREA II – Multi-Family**

Area II is approximately 14.8 acres located on the eastern side of the Property between the commercial highway frontage of Area I and the residential uses within Area III. This area will be developed for multi-family residential uses.

**- AREA III – Residential/Low Density Multi-Family**

Area III approximately 29.92 acres located south of Areas I and II and planned for low density multi-family development (attached or detached residential units) not to exceed the density limitations of this PDD.

In addition to commercial and residential development, the Project is also anticipated to include public right-of-way improvements including improvements to Schwab Road and the extension of a portion of Froboese Lane.

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. Area I shall be limited to “GB” uses, as shown in the Permitted Use Table, and subject to “GB” standards, except that a Convenience Store w/Gas Pumps is allowed as a permitted use.

#### **Design Standards (UDC Article 9) - Landscaping**

##### **Section 21.9.7 D**

5. Trees planted shall be a minimum of three inches (3") caliper measured at four and one-half feet (4.5') above ground level at the time of planting (rather than two inches (2")).
9. A minimum fifteen foot (15') wide landscape buffer shall be provided adjacent to any public right-of-way. Tree planting and other landscaping requirements within this buffer area shall remain unchanged.

#### **Transportation (UDC Article 14) - Additional Design Requirements**

##### **Section 21.14.3**

C. *Building Setback Line.* A minimum fifty foot (50') front building setback shall be required for lots fronting on the IH-35 frontage road. A minimum twenty-five foot (25') shall be required from all other public rights-of-way.

E. *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. Area II shall be limited to “R-4” uses as shown in the Permitted Use Table.

#### **Zoning Districts (UDC Article 5) - Dimensional and Developmental Standards**

##### **Section 21.5.7**

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

**Table II.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
R-4	Apartment/Multi-Family	10,000	100	100	25	10	20	45	75%

Multi-Family (R-4) development shall comply with the following:

- a. Maximum density shall not exceed 35 units per acre; maximum unit count of 518 units.
- b. Parking standards outlined for Area II in this PDD.
- c. Swimming pools count toward the maximum impervious cover limitations, unless the swimming pool is 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.

**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.

**Landscaping (Section 21.9.7 D)**

5. Trees planted shall be a minimum of three inches (3") caliper measured at four and one-half feet (4.5') above ground level at the time of planting (rather than two inches (2")).
9. A minimum fifteen foot (15') wide landscape buffer shall be provided adjacent to any public right-of-way. Tree planting and other landscaping requirements within this buffer area shall remain unchanged.
11. Shade trees shall be provided at a ratio of eleven (11) trees per acre.

**Parking (UDC Article 10)**

**Section 21.10.4**

- A. Off-street parking shall be provided in sufficient quantities to provide the following ratio of vehicle spaces for multi-family use:

Schedule of Off-Street Parking Requirements	
Use Type	Parking Requirement
Multi-Family	One and one half (1.5) parking space per bedroom (minimum), plus additional guest parking at a ratio of 5% of required spaces or Two (2) spaces per unit (minimum), plus additional guest parking at a ratio of 5% or required spaces

**Transportation (UDC Article 14)**

**UDC Section 21.14.3**

E. *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. Area III shall be limited to residential/low-density multi-family uses, as further limited herein, and shall be comprised of one (1) platted lot.

**Zoning Districts (UDC Article 5) - Dimensional and Developmental Standards**

**Section 21.5.7**

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

**Table III.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
R-4	Apartment/Multi-Family	10,000	100	100	25	10	20	35 ft.	75%

Residential development shall comply with the following:

- a. The overall density shall not exceed 10 units per acre; maximum unit count of 299 units.
- b. Parking shall comply with the City's "R-4" Multi-Family District standards.
- c. Swimming pools count toward the maximum impervious cover limitations, unless the swimming pool is 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.

**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.

**Landscaping (Section 21.9.7 D)**

- 5. Trees planted shall be a minimum of three inches (3") caliper measured at four and one-half feet (4.5') above ground level at the time of planting (rather than two inches (2")).
- 9. A minimum fifteen foot (15') wide landscape buffer shall be provided adjacent to any public right-of-way. A minimum forty (40') foot wide landscape buffer shall be provided between the Cypress Point Subdivision. Tree planting and other landscaping requirements within this buffer area shall remain unchanged.
- 11. Shade trees shall be provided at a ratio of eleven (11) trees per acre.

**Transportation (UDC Article 14)**

**UDC Section 21.14.3 – Additional Design Requirements**

C. *Building Setback Line.* All setbacks shall be in accordance with Table III.A, provided however, a minimum forty-foot (40') building setback shall be provided on the eastern boundary of Area III adjacent to existing and platted single-family residential lots.

E. *Screening.* No screening walls or solid fencing shall be required adjacent to public right-of-way. A six-foot (6') semi-open, decorative metal or similar material fence may be provided adjacent to public right-of-way.

**VI. 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.

