

**ORDINANCE NO. 25-S-003**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS TO REZONE APPROXIMATELY 20 ACRES OF LAND FROM GENERAL BUSINESS DISTRICT (GB), AGRICULTURAL DISTRICT (AD), AND PRE-DEVELOPMENT DISTRICT (PRE) TO MIDDLE DENSITY RESIDENTIAL DISTRICT (R-5), MORE SPECIFICALLY KNOWN AS 5524 ECKHARDT ROAD, ALSO KNOWN AS A PORTION OF COMAL COUNTY PROPERTY IDENTIFICATION NUMBERS 75449 AND 78233, CITY OF SCHERTZ, COMAL COUNTY, TEXAS**

**WHEREAS**, an application for a request to rezone approximately 20 acres of land from General Business District (GB), Agricultural District (AD), and Pre-Development District (PRE) to Middle Density Residential District (R-5), more specifically known as 5524 Eckhardt Road, also known as a portion of Comal County Property Identification Numbers 75449 and 78233, City of Schertz, Comal County, Texas, more specifically described in the Exhibit A and Exhibit B attached herein (herein, the “Property”) has been filed with the City; and

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

**WHEREAS**, on December 4, 2024, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation to City Council to approve the requested zoning; and

**WHEREAS**, on January 7, 2025, 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 Middle Density Residential District (R-5).

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, APPROVED and ADOPTED on this \_\_\_\_ day of \_\_\_\_\_ 2025.

CITY OF SCHERTZ, TEXAS

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

ATTEST:

\_\_\_\_\_  
Sheila Edmondson, City Secretary

(city seal)

Exhibit "A"

Property Metes and Bounds



METES AND BOUNDS DESCRIPTION  
FOR A  
6.855 ACRE TRACT

BEING 6.855 ACRES OF LAND (CALLED TRACT 1), SITUATED IN THE JOHN NOYES SURVEY NO. 259, ABSTRACT NO. 430, COMAL COUNTY, TEXAS, AND BEING ALL OF THAT SAME CERTAIN CALLED 6.855 ACRE TRACT OF LAND, AS CONVEYED TO BUTTRUM CONSTRUCTION, INC., AND RECORDED IN DOCUMENT NO. 202106033785, OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, AND SAID 6.855 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod found on the Southeasterly R.O.W. line of Interstate Highway 35, (a Variable Width R.O.W.), being the Northeast corner of a 20.00 acre tract, as conveyed to Buttrum Construction, Inc., and recorded in Document No. 202106061190, of the Official Public Records of Comal County, Texas, also being the Northwest corner of said 6.855 acre tract and the Northwest corner of this herein described tract;

THENCE along the Southeasterly R.O.W. line of said Interstate Highway 35 and the Northwesterly line of said 6.855 acre tract, N 54°20'32" E, a distance of 22.05 feet to a ½" iron rod set with a yellow plastic cap stamped "DAM #5348 PROP. COR." for the Northeast corner of said 6.855 acre tract, also being the Northwest corner of a 1.00 acre tract, called Tract 2, as conveyed to Buttrum Construction, Inc., and recorded in Document No. 202106033785, of the Official Public Records of Comal County, Texas, the Northeast corner of the herein described tract;

THENCE departing the Southeasterly R.O.W. line of said Interstate Highway 35 and along the common line of said 6.855 acre tract and said 1.00 acre tract, S 10°52'03" E, a distance of 379.57 feet to a ½" iron rod set with a yellow plastic cap stamped "DAM #5348 PROP. COR." for the Southwest corner of said 1.00 acre tract and N 54°19'57" E, a distance of 174.73 feet to a ½" iron rod set with a yellow plastic cap stamped "DAM #5348 PROP. COR." for the Southeast corner of said 1.00 acre tract, the Southwest line of a called 0.61 acre tract, as conveyed to Mario Saldana, and recorded in Document No. 201606034689, of the Official Public Records of Comal County, Texas, a Northeasterly corner of said 6.855 acre tract and of the herein described tract;

THENCE along the common line of said 6.855 acre tract with said 0.61 acre tract and a called 8.00 acre tract, as conveyed to Adan Morales, and recorded in Document No. 201806034342, of the Official Public Records of Comal County, Texas, S 25°26'22" E, a distance of 913.88 feet to a ½" iron rod found on the North line of a 69.82 acre tract, as conveyed to Beth Wetz and Brian Keith Wetz, and recorded in Document No. 201406013314, of the Official Public Records of Comal County, Texas, the Southeast corner of said 6.855 acre tract and of the herein described tract;

THENCE along the common line of said 6.855 acre tract and 69.82 acre tract, S 54°10'39" W, a distance of 450.41 feet to a ½" iron rod found in the Southeast line of said 20.00 acre tract, also being an interior corner of said 69.82 acre tract, for the Southwest corner of said 6.855 acre tract and of the herein described tract;

THENCE along the common line of said 6.855 acre tract and 20.00 acre tract, N 10°52'34" W, a distance of 1371.54 feet to the POINT OF BEGINNING and containing 6.855 acres of land.

Bearings based on the Texas State Plane Coordinate System, Texas South Central Zone (4204), North American Datum 1983.

Exhibit prepared this the 29th day of November, 2023.

  
Drew A. Mawyer  
Registered Professional Land Surveyor No. 5348  
TBPLS Firm Registration #10191500  
5151 W. SH 46, NEW BRAUNFELS, TX 78132  
BCH058 ECKHARDT -6.855 ACRES





METES AND BOUNDS DESCRIPTION  
FOR A  
20.00 ACRE TRACT

BEING 20.00 ACRES OF LAND SITUATED IN THE C.M. GAHAGAN SURVEY NO. 258, ABSTRACT NO. 182 AND THE JOHN NOYES SURVEY NO. 259, ABSTRACT NO. 430, COMAL COUNTY, TEXAS, AND BEING ALL OF THAT SAME CERTAIN CALLED 20.00 ACRE TRACT OF LAND, AS CONVEYED TO BUTTRUM CONSTRUCTION, INC., AND RECORDED IN DOCUMENT NO. 202106061190, OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, AND SAID 20.00 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a mag nail found on a TxDot Type III monument at the Northerly end of the cut back corner of the intersection of Eckhardt Road and Interstate Highway 35, (a Variable Width R.O.W.), being the Northwest corner of this herein described tract of land;

THENCE along the Southeasterly R.O.W. line of said Interstate Highway 35 and the Northwesterly line of said 20.00 acre tract, N 54°20'32" E, a distance of 542.40 feet to a ½" iron rod found for the Northeast corner of said 20.00 acre tract, also being the Northwest corner of a 6.855 acre tract, called Tract 1, as conveyed to Buttrum Construction, Inc., and recorded in Document No. 202106033785, of the Official Public Records of Comal County, Texas, the Northeast corner of the herein described tract;

THENCE departing the Southeasterly R.O.W. line of said Interstate Highway 35 and along the common line of said 20.00 acre tract and said 6.855 acre tract, S 10°52'34" E, at a distance of 1371.54 feet passing a ½" iron rod found for the Southwest corner of said 6.855 acre tract, and continuing on for a total distance of 1471.55 feet to a mag nail set for the Southeast corner of said 20.00 acre tract, also being a point in the North line of a 69.82 acre tract, as conveyed to Beth Wetz and Brian Keith Wetz, and recorded in Document No. 201406013314, of the Official Public Records of Comal County, Texas, the Southeast corner of the herein described tract;

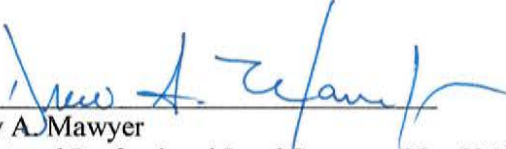
THENCE along the common line of said 20.00 acre tract and 69.82 acre tract, S 54°19'40" W, a distance of 688.36 feet to a ½" iron rod found for the Southwest corner of said 20.00 acre tract, also being a point in the East R.O.W. line of said Eckhardt Road, the Northwest corner of said 69.82 acre tract and the Southwest corner of the herein described tract;

THENCE along the common line of said 20.00 acre tract and said East R.O.W. line of Eckhardt Road, N 08°30'20" W, a distance of 1423.59 feet to a ½" iron rod set with a yellow plastic cap stamped "DAM #5348 PROP. COR." at the Southerly end of a cut back corner of the intersection of Eckhardt Road and Interstate Highway 35, for a Northwesterly corner of said 20.00 acre tract and of the herein described tract;

THENCE along said cut back corner, N 22°46'21" E, a distance of 132.77 feet to the POINT OF BEGINNING and containing 20.00 acres of land.

Bearings based on the Texas State Plane Coordinate System, Texas South Central Zone (4204), North American Datum 1983.

Exhibit prepared this the 29th day of November, 2023.

  
Drew A. Mawyer  
Registered Professional Land Surveyor No. 5348  
TBPLS Firm Registration #10191500  
5151 W. SH 46, NEW BRAUNFELS, TX 78132  
BCH058 ECKHARDT -20.00 ACRES





METES AND BOUNDS DESCRIPTION  
FOR A  
1.00 ACRE TRACT

BEING 1.00 ACRE OF LAND (CALLED TRACT 2), SITUATED IN THE JOHN NOYES SURVEY NO. 259, ABSTRACT NO. 430, COMAL COUNTY, TEXAS, AND BEING ALL OF THAT SAME CERTAIN CALLED 1.00 ACRE TRACT OF LAND, AS CONVEYED TO BUTTRUM CONSTRUCTION, INC., AND RECORDED IN DOCUMENT NO. 202106033785, OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, AND SAID 1.00 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod found on the Southeasterly R.O.W. line of Interstate Highway 35, (a Variable Width R.O.W.), being the Northwest corner of a called 0.61 acre tract, as conveyed to Mario Saldana, and recorded in Document No. 201606034689, of the Official Public Records of Comal County, Texas, the Northeast corner of said 1.00 acre tract and of the herein described tract;

THENCE departing the Southeasterly R.O.W. line of said Interstate Highway 35 and along the common line of said 1.00 acre tract and said 0.61 acre tract, S 25°23'42" E, a distance of 350.18 feet to a ½" iron rod set with a yellow plastic cap stamped "DAM #5348 PROP. COR." for a Northeasterly corner of a 6.855 acre tract, called Tract 1, as conveyed to Buttrum Construction, Inc., and recorded in Document No. 202106033785, of the Official Public Records of Comal County, Texas, the Southeast corner of said 1.00 acre tract and of the herein described tract;

THENCE along the common line of said 1.00 acre tract and said 6.855 acre tract, S 54°19'57" W, a distance of 174.73 feet to a ½" iron rod set with a yellow plastic cap stamped "DAM #5348 PROP. COR." for the Southwest corner of said 1.00 acre tract and N 10°52'03" W, a distance of 379.57 feet to a ½" iron rod set with a yellow plastic cap stamped "DAM #5348 PROP. COR." on the Southeasterly R.O.W. line of said Interstate Highway 35, being the Northeast corner of said 6.855 acre tract, the Northwest corner of said 1.00 acre tract and of the herein described tract;

THENCE along the Southeasterly R.O.W. line of said Interstate Highway 35, N 54°20'05" E, a distance of 77.97 feet to the POINT OF BEGINNING and containing 1.00 acre of land.

Bearings based on the Texas State Plane Coordinate System, Texas South Central Zone (4204), North American Datum 1983.

Exhibit prepared this the 29th day of November, 2023.

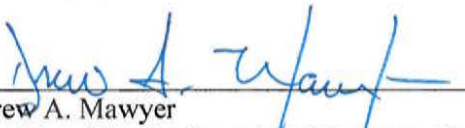
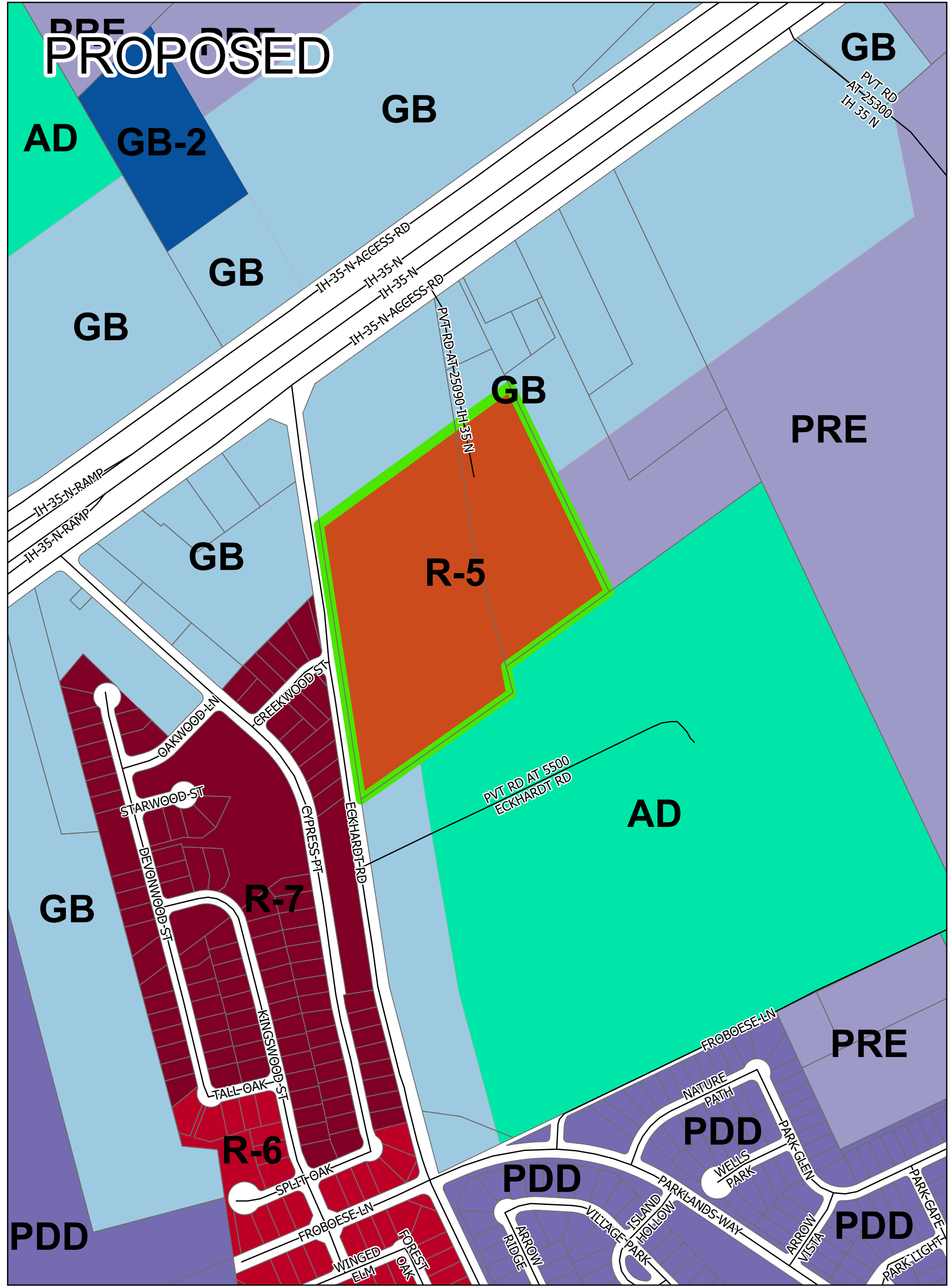
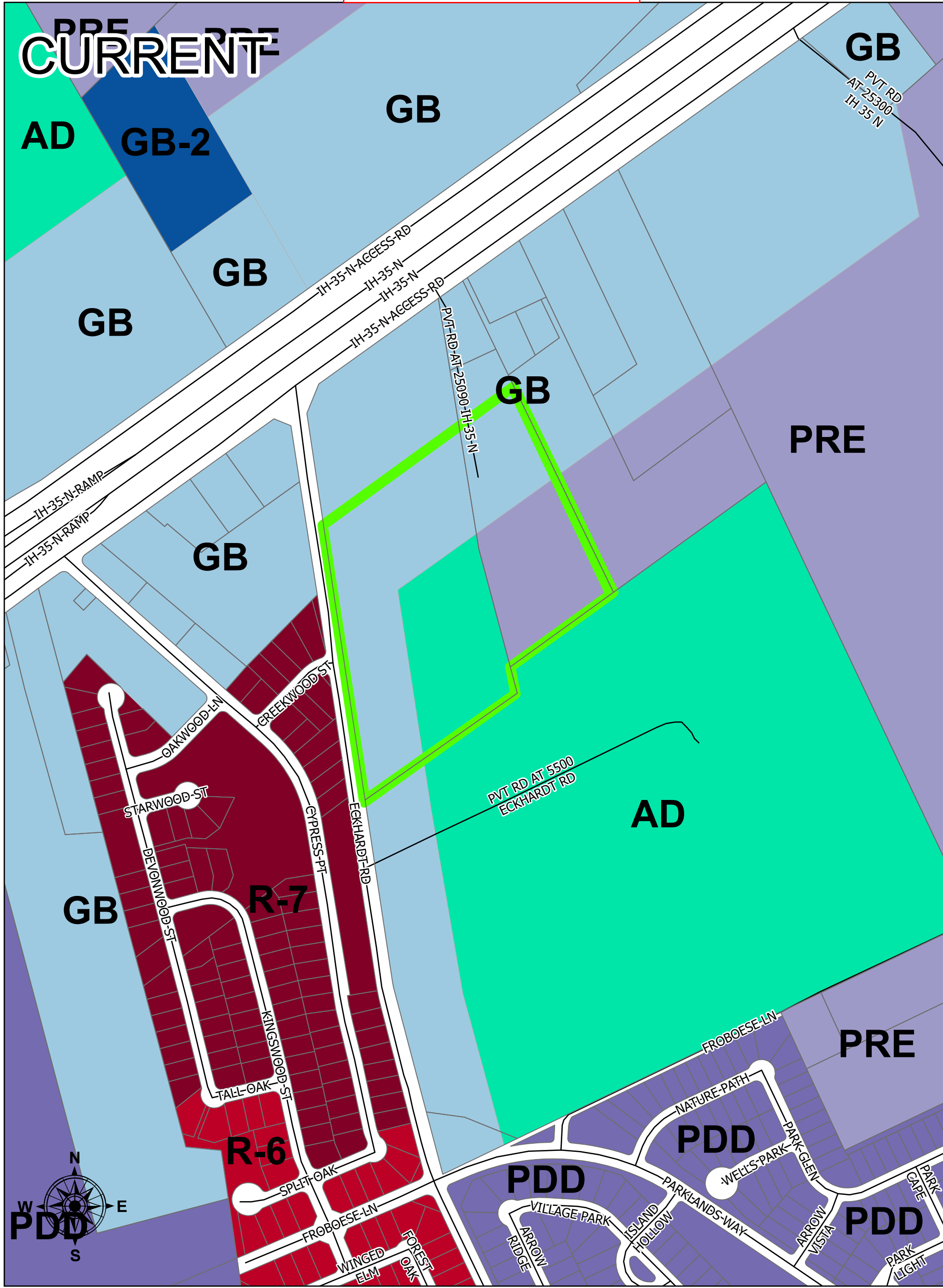
  
Drew A. Mawyer  
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5151 W. SH 46, NEW BRAUNFELS, TX 78132  
BCH058 ECKHARDT -1.00 ACRE



Exhibit "B"

Zoning Exhibit



**PROPOSED ZONING CHANGE**

**COMAL COUNTY  
PARCEL IDS:  
75449 & 78233**

Classification	
	(PRE) Pre-Development
	(PDD) Planned Development
	(PUB) Public Use
	(R-A) Single-Family Residential/Agricultural
	(R-1) Single-Family Residential
	(R-2) Single-Family Residential
	(R-3) Two-Family Residential
	(R-4) Apartment/Multi-Family Residential
	(R-5) Middle Density District
	(R-6) Single-Family Residential
	(R-7) Single-Family Residential
	(AD) Agricultural District
	(GH) Garden Home/Single-Family Residential (Zero Lot Line)
	(TH) Townhome
	(MHS) Manufactured Home Subdivision
	(MHP) Manufactured Home Parks
	(GB) General Business
	(GB-2) General Business II
	(NS) Neighborhood Services
	(OP) Office and Professional
	(MSMU) Main Street Mixed Use
	(MSMU-ND) Main Street Mixed Use New Development
	(M-1) Manufacturing (Light)
	(M-2) Manufacturing (Heavy)
	(DVL) Development Agreement (Delayed Annexation)



Last update: November 13th, 2024  
 City of Schertz, GIS Specialist: Alexa Venezia, avenezia@schertz.com (210) 619-1174  
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