



**MEETING AGENDA  
City Council  
REGULAR SESSION CITY COUNCIL  
June 22, 2021**

**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**

**TUESDAY, JUNE 22, 2021 at 6:00 p.m.**

**City Council will hold its regularly scheduled meeting at 6:00 p.m., Tuesday, June 22, 2021, at the City Council Chambers. In lieu of attending the meeting in person, residents will have the opportunity to watch the meeting via live stream on the City's YouTube Channel.**

**Call to Order**

**Opening Prayer and Pledges of Allegiance to the Flags of the United States and State of Texas.  
(Councilmember Brown)**

**Presentations**

- **Sweetheart Court Presentation** - Introduction of the FY21-22 Sweetheart Court. (L. Shrum/M. Spence)

**City Events and Announcements**

- Announcements of upcoming City Events (B. James/C. Kelm/S. Gonzalez)
- Announcements by the City Manager (M. Browne)
- Announcements and recognitions by the Mayor (R. Gutierrez)

## Hearing of Residents

*This time is set aside for any person who wishes to address the City Council. Each person should fill out the speaker's register prior to the meeting. Presentations should be limited to no more than 3 minutes.*

***All remarks shall be addressed to the Council as a body, and not to any individual member thereof. Any person making personal, impertinent, or slanderous remarks while addressing the Council may be requested to leave the meeting.***

*Discussion by the Council 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.*

## Consent Agenda Items

The Consent Agenda is considered self-explanatory and will be enacted by the Council with one motion. There will be no separate discussion of these items unless they are removed from the Consent Agenda upon the request of the Mayor or a Councilmember.

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the regular meeting of June 8, 2021 and the minutes of the Special meeting of June 15, 2021. (B. Dennis)
2. **Resolution No. 21-R-55** - Consideration and/or action approving a Resolution authorizing a Community Development Block Grant Program Cooperative Agreement with Bexar County, and other matters in connection therewith. (M. Browne/B. James/B. Dennis)
3. **Boards, Commission and Committee Appointments** - Consideration and/or action appointing Dr. Susan Raiford to the Historical Preservation Committee. (B. Dennis/Mayor-Council)
4. **Resolution 21-R-56** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving and authorizing a right of way easement with Guadalupe Valley Electric Cooperative, Inc. on the City of Schertz 27 Commercial Place property, and other matters in connection therewith. (C. Kelm/S. Williams/S. McClelland)
5. **Ordinance No. 21-S-20** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas on a request to rezone approximately 2 acres of land from General Business District (GB) to General Business-2 (GB-2), generally located approximately 5,500 feet east of the intersection between Schwab Road and IH-35 Access Road, 6420 IH 35, also known as Property ID 67796, City of Schertz, Comal County, Texas. ***Final Reading*** (B. James/L. Wood/M. Harrison)



6. **Ordinance No. 21-S-21** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas on a request to rezone approximately 6 acres of land from General Business District (GB) and Manufacturing Light District (M-1) to General Business (GB) and Manufacturing Light District (M-1), generally located approximately 2,000 feet west of the intersection between FM 2252 and IH-35, also known as Comal County Property Identification Number 78020, City of Schertz, Comal County, Texas. ***Final Reading*** (B. James/L. Wood/M. Harrison)
7. **Ordinance No. 21-S-22** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas on a request to rezone approximately 61 acres of land from General Business District (GB), Single-Family Residential/ Agricultural District (R-A), and Planning Development District (PDD) to Planned Development District (PDD), located at 9661 E FM 1518N, 10105 E FM 1518N, and 7901 E FM 1518N, also known as Bexar County Property Identification Number 309889, 309923, and 1058761, City of Schertz, Bexar County, Texas. ***Final Reading*** (B. James/L. Wood/M. Harrison)
8. **Ordinance No. 21-T-25** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz Texas, authorizing an adjustment to the Fiscal Year 2020-2021 Budget to provide funding for Civic Center chairs, repealing all ordinances or parts of ordinances in conflict with this ordinance; and providing an effective date. ***Final Reading*** (S. Gonzalez/ L. Klepper)
9. **Ordinance No. 21-H-24** - Consideration and/or action approving an Ordinance of the City of Schertz to amend Ordinance 20-H-18 to establish an expiration date for the Declaration of Local Disaster to June 22, 2021 at 11:59 PM. ***Final Reading*** (M. Browne/C. Kelm/K. Long/S. Hall)
10. **Resolution No. 21-R-57** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing EMS debt revenue adjustments, Utility Billing debt revenue adjustments and Schertz Magazine debt revenue adjustments for certain inactive outstanding receivables and other matters in connection therewith. (B. James/J. Walters)
11. **Resolution 21-R-58** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz authorizing the City Manager to enter into an agreement with DAC, Inc. of New Braunfels, Texas, for the installation of the security systems as part of the Fleet Maintenance Building Project and other matters in connection therewith. (C. Kelm/S. Williams/S. McClelland)

## **Public Hearings**

12. **Ordinance No. 21-S-26**- Conduct a public hearing, consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas on a request to amend Part III, Schertz Code of Ordinances, Unified Development Code (UDC), specifically for subsections within Articles 5, 9 and 14 in order to establish a new zoning district, Main Street Mixed Use- New Development (MSMU-ND). (***First Reading***) (B. James/ L. Wood/E. Delgado)

## Roll Call Vote Confirmation

### Requests and Announcements

- Announcements by the City Manager.
- Requests by Mayor and Councilmembers for updates or information from staff.
- Requests by Mayor and Councilmembers that items or presentations be placed on a future City Council agenda.
- Announcements by Mayor and Councilmembers
  - City and community events attended and to be attended
  - City Council Committee and Liaison Assignments (see assignments below)
  - Continuing education events attended and to be attended
  - Recognition of actions by City employees
  - Recognition of actions by community volunteers

### Adjournment

#### CERTIFICATION

I, BRENDA DENNIS, CITY SECRETARY OF THE CITY OF SCHERTZ, TEXAS, DO HEREBY CERTIFY THAT THE ABOVE AGENDA WAS PREPARED AND POSTED ON THE OFFICIAL BULLETIN BOARDS ON THIS THE 18th DAY OF JUNE 2021 AT 3:00 P.M., WHICH IS A PLACE READILY ACCESSIBLE TO THE PUBLIC AT ALL TIMES AND THAT SAID NOTICE WAS POSTED IN ACCORDANCE WITH CHAPTER 551, TEXAS GOVERNMENT CODE.

BRENDA DENNIS

**I CERTIFY THAT THE ATTACHED NOTICE AND AGENDA OF ITEMS TO BE CONSIDERED BY THE CITY COUNCIL WAS REMOVED BY ME FROM THE OFFICIAL BULLETIN BOARD ON \_\_\_\_ DAY OF \_\_\_\_\_, 2021. 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 210-619-1030.*

**The City Council for the City of Schertz reserves the right to adjourn into closed 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.**

**Closed Sessions Authorized:** This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Closed 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.

#### COUNCIL COMMITTEE AND LIAISON ASSIGNMENTS

<b>Mayor Gutierrez</b> Audit Committee Investment Advisory Committee Main Street Committee	<b>Councilmember Scagliola – Place 5</b> Cibolo Valley Local Government Corporation - Alternate Hal Baldwin Scholarship Committee Interview Committee for Boards and Commissions - Alternate Schertz-Seguin Local Government Corporation
<b>Councilmember Davis– Place 1</b> Interview Committee for Boards and Commissions Main Street Committee - Chair Schertz Housing Authority Board TIRZ II Board	<b>Councilmember Scott – Place 2</b> Interview Committee for Boards and Commissions Schertz Animal Services Advisory Commission
<b>Councilmember Whittaker – Place 3</b> Audit Committee TIRZ II Board	<b>Councilmember Dahle – Place 4</b> Cibolo Valley Local Government Corporation Interview Committee for Boards and Commissions TIRZ II Board
<b>Councilmember Heyward – Place 6</b> Animal Advisory Committee Audit Committee Investment Advisory Committee Main Street Committee	<b>Councilmember Brown – Place 7</b> Main Street Committee Schertz-Seguin Local Government Corporation - Alternate

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** June 22, 2021  
**Department:** City Secretary  
**Subject:** Minutes – Consideration and/or action regarding the approval of the minutes of the regular meeting of June 8, 2021 and the minutes of the Special meeting of June 15, 2021. (B. Dennis)

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**BACKGROUND**

The City Council held a Regular City Council meeting on June 8, 2021 and a Special meeting on June 15, 2021.

**RECOMMENDATION**

Recommend Approval.

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**Attachments**

6-8-21 draft min

6-15-2021 Draft Min

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# DRAFT

## MINUTES REGULAR MEETING June 8, 2021

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on June 8, 2021, at 6:00 p.m. in the Hal Baldwin Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas. The following members present to-wit:

Present: Mayor Ralph Gutierrez; Mayor Pro-Tem Jill Whittaker; Councilmember Mark Davis; Councilmember Rosemary Scott; Councilmember Michael Dahle; Councilmember David Scagliola; Councilmember Allison Heyward; Councilmember Tim Brown

City      City Manager Dr. Mark Browne; Assistant City Manager Brian James; Assistant City Manager  
Staff:      Charles Kelm; City Attorney Daniel Santee; City Secretary Brenda Dennis; Assistant to the  
                 City Manager Sarah Gonzalez; Deputy City Secretary Sheila Edmondson

### Call to Order

Mayor Gutierrez called the meeting order at 6:00 pm.

### Opening Prayer and Pledges of Allegiance to the Flags of the United States and State of Texas. (Councilmember Heyward)

Councilmember Heyward provided the opening prayer followed by the Pledges of Allegiance to the Flag of the United States and the State of Texas.

### Presentations

- **Schertz 4th of July Schedule** - Presentation regarding the Schedule of Events for the Schertz 4th of July Jubilee. (B. James/L. Shrum/M. Spence)

Mayor Gutierrez recognized Events Manager Mary Spence who provided a PowerPoint presentation regarding the 4th of July Jubilee events.

Mayor Gutierrez recognized the following Councilmembers:

- Councilmember Michael Dahle stated he was looking forward to the Jubilee.
- Councilmember Rosemary Scott had some questions about the event. She wanted to know if the route for the parade is going to hinder churchgoers since the parade starts at 9:30 am. Events Manager Mary Spence reassured her that the parade route will not hinder residents wishing to get out of their subdivision. There will be police officers stationed at each intersection of the parade route to assist directing traffic as needed.
- Mayor Pro-Tem Whittaker asked if moving the 4th of July Jubilee to Monday, July 5th, 2021 was considered since July 4th, 2021 falls on a Sunday. Her concerns were about the start time of the parade coincided with many residents going to church. She also asked if we were strictly using

commercial food trucks vs. individual food vendors. Events Manager Mary Spence said they have migrated towards using the food trucks because logistically it was easier to have food trucks set up and depart quickly after the event.

- Councilmember Scagliola asked there were going to be a Posting of the Colors or ROTC after the National Anthem. Events Manager Mary Spence explained since the schedule of events are broken up and start at different times of the day, they won't be set up to have a formal opening when activities resume at 5:30 pm.
- Mayor Gutierrez wanted to make sure the gates over by the tennis courts are open for the Curtiss area because they will be blocked from the parade. Events Manager Mary Spence reassured the Mayor that the officer assigned to that area will have the gates open and traffic can come and go around the parade route.
- Dr. Mark Browne stated that it is not the fault of the Parks Dept that they are doing this on Sunday, July 4, 2021. This date was on the Master Calendar since December 2020 as they approved it.
- Mayor Gutierrez stated it was also City Council's responsibility to have noticed that July 4th, 2021 was on a Sunday when the Master Calendar was provided to them.

### **City Events and Announcements**

- Announcements of upcoming City Events (B. James/C. Kelm/S. Gonzalez)

Mayor Gutierrez recognized Assistant City Manager Brian James who provided the following announcements:

- Saturday, June 12th

Nature Discovery Series

“Discover Clues and Traces” – Find what animals leave behind Crescent Bend Nature Park  
10:00 AM-11:00 AM - Pre-registration is required by visiting [Schertz.com/parks-recreation](http://Schertz.com/parks-recreation)

Music & Movies in the Park

Pickrell Park, 703 Oak Street

Music--Austin Forrest, 7:00 PM

Movie--“Abominable”, 8:30 PM

- Tuesday, June 15th

Council on the Go Meeting

Ray Corbett Jr. High School Cafeteria, 12000 Ray Corbett Drive

6:00 PM – 6:30 PM – Meet and Greet

6:30 PM – 8:30 PM – Meeting

- Tuesday, June 1st -Sunday, June 27th

The Alamo Area Metropolitan Planning Organization is seeking your input from June 1st to 27th as they develop their two transportation plans. This goes into which projects get funded: (1) is the additional 18 million dollars for FM 1518 from I-10 to FM 78; Cibolo, Selma and Garden Ridge has some projects as well.

We are encouraging citizens to go on-line, the Alamo Regional Planning Organization website - "Your Move" is how they are marketing this. Your feedback will help them identify what is most important when it comes to their future transportation system. It will also help them prioritize projects to award federal transportation funding. Go to

[www.alamoareampo.org/yourmove](http://www.alamoareampo.org/yourmove) to learn more.

In addition to the online survey, please join them on:

Tuesday, June 15th  
Virtual Public Meeting  
6:00 PM

Hear a presentation from staff, submit your input, and review feedback already received regarding the future transportation system. Connect with the meeting through their website at [www.alamoareampo.org/yourmove](http://www.alamoareampo.org/yourmove) or watch live on Facebook

- Saturday, June 19th

Music & Movies in the Park  
Pickrell Park, 703 Oak Street  
Music--Mr. Will (Kids Music), 7:00 PM  
Movie--“Ralph Breaks the Internet”, 8:30 PM

- Tuesday, June 22nd

Next regular scheduled Council meeting

- Announcements and recognitions by the City Manager (M. Browne)

City Manager Dr. Browne emphasized the importance of the MPO project on FM 1518, it's the northern section of the project that is unfunded. They would take into considerations our residents and council input on that project. Participation in the MPO process of this project is going to be important for getting this project complete.

- Announcements and recognitions by the Mayor (R. Gutierrez)

Mayor Gutierrez stated that he would like to re-emphasize the emphasis on the MPO, it is very important. This is exactly how FM 1518 got funded. It is very important for us as residents to go out there and provide our input for the roads that need attention. Please go and submit your responses so that we can effectively make an impact on the input of our area.

## Hearing of Residents

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*Discussion by the Council 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.*

Mayor Pro-Tem Whittaker recognized the following residents who spoke:

- Mr. Frank Brown, 408 Roanoke Dr.- Mr. Brown has concerns about a drainage ditch problem that has approx. 6-8 inches of silt and grass that causes the water to back up on to the street when it rains. This has caused numerous car accidents over the years because of cars hydroplaning on slick roads. He would like the City to clean out that area which will help the water drain. Mr. Brown also asked about getting signage placed on the barrier where the water goes into the drainage ditch that has reflective arrows pointing left or right for drivers. He also asked if a speed hump could be placed at 408 or 500 Roanoke Dr. to let drivers know 20mph mean 20mph. Councilmember Scagliola let Mr. Frank Brown know that the right forum to bring up his concerns would be the Traffic and Safety Advisory Commission which meets the first Thursday of the month. Assistant City Manager Brian James said he would get Mr. Brown the information about TSAC meetings.
- Ms. Maggie Titterington, 1730 Schertz Pkwy.- Ms. Titterington wanted to reiterate the MPO Projects were posted on their Facebook page, Community Page and was sent out to members. The Chamber already picked the five projects that effects our area directly and are encouraging members to take the survey. The Chamber celebrated their 16th Anniversary and Ms. Titterington thanked all those who came out and celebrated with them. The Chamber Luncheon is June 15, 2021, and will have Mr. Jason Mezza from the Better Business Bureau to speak about the "7 Ways to Boost Your Digital Reputation". The Chamber Bowl will be August 20, 2021, and this is the annual fundraiser for the DECA Scholarship Program. Ms. Titterington also wanted to remind everyone to Save the Date for the REMAX Skylight Balloon Fest on Oct. 22-24, 2021.
- Ms. Ethel Ward, 414 Brook Ave.- Ms. Ward brought up concerns about the 4th of July Jubilee Parade being on Sunday, July 4th, 2021. She inquired about possibility of the Jubilee Parade being move to Monday, July 5th, 2021, but was told the plans are too far along to change now. She requested that in the future, when community active dates are being planned that they are not scheduled on Sundays. Ms. Ward also stated that she could not hear the Guest Speakers when they are facing the dais and hoped we could improve our sound system.
- Mayor Gutierrez stated that City Staff and City Council will be more aware of the days that community events are scheduled. The next time the 4th of July falls on a Sunday is 2027.

## Consent Agenda Items

The Consent Agenda is considered self-explanatory and will be enacted by the Council with one motion. There will be no separate discussion of these items unless they are removed from the Consent Agenda upon the request of the Mayor or a Councilmember.

Mayor Gutierrez read the following items into record:

1. **Minutes** – Consideration and/or action regarding the approval of the minutes from the regular meeting on June 1, 2021. (B. Dennis)
2. **Resolution No. 21-R-54** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing the approval of the Bexar Metro 911 Budget for Fiscal Year 2022, and other matters in connection therewith. (M. Browne/C. Kelm)

Mayor Gutierrez asked Council if there were any items they wished removed for separate action. Mayor Gutierrez recognized Councilmember Scott who asked that agenda Item 2 be removed for separate discussion. Mayor Gutierrez called for a motion to approve consent agenda Item 1.



Moved by Councilmember Allison Heyward, seconded by Mayor Pro-Tem Jill Whittaker to approve consent agenda Item 1.

AYE: Mayor Pro-Tem Jill Whittaker, Councilmember Mark Davis, Councilmember Rosemary Scott, Councilmember Michael Dahle, Councilmember David Scagliola, Councilmember Allison Heyward, Councilmember Tim Brown

Passed

## **Discussion and Action Items**

Mayor Gutierrez read the following items into record:

2. **Resolution No. 21-R-54** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing the approval of the Bexar Metro 911 Budget for Fiscal Year 2022, and other matters in connection therewith. (M. Browne/C. Kelm)

Mayor Gutierrez recognized Councilmember Scott who asked about the GIS Data Layers - Critical Errors information that was within the Bexar Metro 911 Annual Report and would he explain what this was. Assistant City Manager Charles Kelm stated that he would get back to her with the information.

Moved by Councilmember Rosemary Scott, seconded by Councilmember Allison Heyward to approve Resolution No. 21-R-54.

AYE: Mayor Pro-Tem Jill Whittaker, Councilmember Mark Davis, Councilmember Rosemary Scott, Councilmember Michael Dahle, Councilmember David Scagliola, Councilmember Allison Heyward, Councilmember Tim Brown

Passed

3. **COVID-19 UPDATE** - Discussion and update regarding the COVID-19 Virus and our current Ordinance No. 20-H-18 Declaration of Local Disaster. (M. Browne/K. Long/S. Hall)

Mayor Gutierrez recognized Emergency Management Coordinator Summer Hall who provided the following updated information:

City of Schertz - Response Activities

- EOC Activation: March 2020
- Declared Local State of Emergency
  - Enforce Safety Measures and Recoup Costs Associated with Response Activities
- Provided Personal Protective Equipment, Sanitation & Disinfectant Supplies
  - City Facilities (Installation of Protective Barriers & Temperature Check Stations at Public Facing Facilities)
  - Local Businesses
  - Doctor & Dentist Office
- PPE & Sanitation Donations to City of Schertz
  - Tito's Vodka
  - Bexar County 100 Club
  - J.J.'s Mae Rainbeau
- Expanded Remote Capabilities for City Staff and Services Available On-Line to the Community
- COVID-19 Testing Operations

- City Facilities & Employees
- Nursing Homes & Assisted Living Facilities
- COVID-19 Vaccinations
  - Local Clinics at the City of Schertz Civic Center
    - Partnership with Guadalupe County, City of Seguin, and Guadalupe Regional Medical Center
  - On-Site at Local Businesses and Assisted Living Facilities
  - Home-Bound and Mobility Challenged

Vaccination Clinics: Began week of January 4th:

Pfizer Dose 1 Administered 10,882

Pfizer Dose 1 Administered 14,239

Moderna Dose 1 Administered 4,698

Moderna Dose 2 Administered 3,927

J&J Doses Administered 1,445

**Total Doses Administered 35,191**

Clinic Staffing - Thank you to all Volunteers: City of Cibolo, City of Live Oak, City of Marion, City of New Berlin, City of New Braunfels, City of Santa Clara, City of Seguin, City of Selm, Guadalupe County, Baptist Children & Family Services (BCFS), Multiple Community Churches, Clemens High School Honor Society & COSA, Girl Scouts, GRMC & Methodist Health Systems, and over 200 unaffiliated Community volunteers.

Vaccination Update:

Guadalupe 12 + fully vaccinated 39.91%

Comal 12+ fully vaccinated 44.47%

Bexar 12+ fully vaccinated 45.16%

#### Current Numbers

Guadalupe Co.	Comal Co.	Bexar Co.
Confirmed Cases: 11,530	Confirmed Cases: 5,880	Confirmed Cases: 184,607
Probable Cases: 3,755	Probable Cases: 5,089	Probable Cases: 39,578
Fatalities: 219	Fatalities: 301	Fatalities: 3,585
Active Cases: 152	Active Cases: 181	Active Cases: 1,962
Recovered Cases: 14,890	Recovered Cases: 10,489	Recovered Cases: 218,638

Testing Positivity Rates: State of Texas 2.77% - Molecular; 1.45% - Antigen

Daily New Cases - State new confirmed 1,043

Hospitalization Rates (past 7 days): San Antonio 2.27%

Hospitalizations - Bexar County

DATE	PATIENTS	PATIENTS IN ICU	PATIENTS ON VENTILATION
5-4-21	223	71	42
5-11-21	210	68	34

5-18-21	171	52	26
6-3-21	140	41	23

4. **Ordinance No. 21-H-24** - Consideration and/or action approving an Ordinance of the City of Schertz to amend Ordinance 20-H-18 to establish an expiration date for the Declaration of Local Disaster to June 22, 2021 at 11:59 PM. **First Reading** (M. Browne/C. Kelm/K. Long/S. Hall)

Mayor Gutierrez read the above item into record.

Mayor Gutierrez recognized Emergency Management Coordinator Summer Hall who introduced this item stating that this is the first reading of an ordinance to establish an expiration date for the Declaration of Local Disaster to June 22, 2021 at 11:59 p.m.

Moved by Councilmember Michael Dahle, seconded by Councilmember Allison Heyward to approve Ordinance No. 21-H-24 on first reading.

AYE: Mayor Pro-Tem Jill Whittaker, Councilmember Mark Davis, Councilmember Rosemary Scott, Councilmember Michael Dahle, Councilmember David Scagliola, Councilmember Allison Heyward, Councilmember Tim Brown

Passed

5. **Ordinance No. 21-T-25** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz Texas, authorizing an adjustment to the Fiscal Year 2020-2021 Budget to provide funding for Civic Center chairs, repealing all ordinances or parts of ordinances in conflict with this ordinance; and providing an effective date. **First Reading** (S. Gonzalez/ L. Klepper)

Mayor Gutierrez read the above item into record and recognized Public Affairs Director Linda Klepper who introduced this item stating over the past two years, staff has made a concerted effort to complete necessary maintenance and upgrades to the facility including the replacement of the A/V system and a remodel of the Grand Ballroom and Bluebonnet Hall Kitchens. In FY 2020-2021, the Civic Center Grand Ballroom is scheduled to have the flooring replaced as the current flooring is damaged and worn down over 10+ years of use.

In addition to the flooring replacement, staff is recommending the purchase of 450 new chairs for the Grand Ballroom. As the facility ages, upkeep of the facility and also equipment has become increasingly important in order to maintain an attractive and functional gathering space for the community and local businesses.

Staff has researched various chairs for the ballroom and has found an appropriate replacement for the current chairs. This purchase supports Public Affairs' mission to promote Schertz, provide a high quality and fully functioning Civic Center for the community, and attract out-of-town guests/businesses.

Under Section 351.101(a)(1) Use of Tax Revenue in Texas Local Government Code, this project is qualified to use the City's HOT fund for this purchase. Upon approval of the budget adjustment, the estimated timeline for delivery of the new chairs is about 60 days, depending on the manufacturers' availability. Civic Center staff will work with purchasing to complete the purchase through a Group Purchasing Cooperative contract which offers the best value/pricing on

the chairs. A portion of the current Grand Ballroom chair inventory will be reassigned to the Facilities Division to help support in-house functions which require seating for staff. The remainder of the inventory will be sold on Gov Deals. Staff recommends approval.

Councilmembers Scott and Scagliola provided comments regarding the great pricing and the opportunity to utilize HOT funds.

Moved by Councilmember David Scagliola, seconded by Councilmember Rosemary Scott to approve Ordinance No. 21-T-25 on first reading.

AYE: Mayor Pro-Tem Jill Whittaker, Councilmember Mark Davis, Councilmember Rosemary Scott, Councilmember Michael Dahle, Councilmember David Scagliola, Councilmember Allison Heyward, Councilmember Tim Brown

Passed

## Public Hearings

Mayor Gutierrez read the following items into record.

6. **Ordinance No. 21-S-20** - Conduct a public hearing, consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas on a request to rezone approximately 2 acres of land from General Business District (GB) to General Business-2 (GB-2), generally located approximately 5,500 feet east of the intersection between Schwab Road and IH-35 Access Road, 6420 IH 35, also known as Property ID 67796, City of Schertz, Comal County, Texas.  
*First Reading* (B. James/L. Wood/M. Harrison)

Mayor Gutierrez recognized Planner Megan Harrison who introduced this item stating the applicant is proposing to rezone approximately 1.824 acres of land from General Business District (GB) to General Business District - 2 (GB-2). The property is located approximately 5,500 feet east of the intersection of Schwab Road and IH -35 Access Road, more specifically described as 6420 IH 35, Schertz, Texas.

Nine (9) public hearing notices were mailed to the surrounding property owners within two hundred (200) feet of the subject property on April 28, 2021, with a public hearing notice published in the "San Antonio Express" on May 19, 2021, prior to the City Council public hearing. At the time of this report, Staff has received zero (0) responses in favor, opposed, or neutral to the zoning request. A public hearing held at the April 28, 2021 Planning and Zoning Commission Meeting. During this public hearing, no residents spoke. The Planning and Zoning Commission conducted a public hearing on May 12, 2021, and offered a recommendation of approval with a 6-1 vote. Staff supports the Commissions recommendation and recommends approval of the proposed rezoning from General Business District (GB) to General Business District-2 (GB-2) as submitted.

Mayor Gutierrez recognized Mr. Michael Morris, Attorney for the applicant who briefly explained the request of the need to rezone.

Mayor Gutierrez opened the public hearing and recognized the following who spoke in favor of the rezone:

Ms. Maggie Titterington, The Chamber, 1730 Schertz Parkway. As no one else spoke; Mayor

Gutierrez closed the public hearing for Council comments. Ms. Harrison addressed questions.

Moved by Councilmember Mark Davis, seconded by Councilmember David Scagliola to approve Ordinance No. 21-S-20 on first reading.

AYE: Mayor Pro-Tem Jill Whittaker, Councilmember Mark Davis, Councilmember Rosemary Scott, Councilmember Michael Dahle, Councilmember David Scagliola, Councilmember Allison Heyward, Councilmember Tim Brown

Passed

7. **Ordinance No. 21-S-22** - Conduct a public hearing, consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas on a request to rezone approximately 61 acres of land from General Business District (GB), Single-Family Residential/ Agricultural District (R-A), and Planning Development District (PDD) to Planned Development District (PDD), located at 9661 E FM 1518N, 10105 E FM 1518N, and 7901 E FM 1518N, also known as Bexar County Property Identification Number 309889, 309923, and 1058761, City of Schertz, Bexar County, Texas. ***First Reading*** (B. James/L. Wood/M. Harrison)

Mayor Gutierrez recognized Planner Megan Harrison who introduced this item stating the applicant is proposing to rezone approximately sixty-one (61) acres of land to Planned Development District (PDD) as part of The Crossvine PDD. The 61 acres within the requested rezone consists of the following tracts:

1. A 1 acre tract, parcel 309889, currently zoned General Business District (GB)
2. A 5.77 acre tract, parcel 309923, currently zoned Single-Family Residential / Agricultural (R-A)
3. A 53.72 acre tract, parcel 1058761, currently zoned Planned Development District (PDD)

Ms. Harrison provided information on the Crossvine Project History. She stated twenty (20) public hearing notices were mailed to surrounding property owners on April 28, 2021, with a public hearing notice published in the "San Antonio Express" on May 19, 2021, prior to the City Council public hearing. At the time of this report staff has received one (1) response in favor and zero (0) responses opposed to the zone change.

### **Proposed Zoning:**

The Crossvine PDD 5th Amendment for Tract 1, a 1 acre property and Tract 2 a 5.77 acre property, will be subject to the zoning, and the terms, conditions, and requirements associated with the existing The Crossvine Module IIB and to be included into the entire The Crossvine PDD Project Area. The two tracts of land that will be incorporated into Module IIB will develop as mixed use in the proposed Town Center to the north of Lower Seguin Road.

The Crossvine PDD 5th Amendment for Tract 3, the 53.72 acres property, will be applicable to the zoning, and the terms, conditions and requirements associated with Module IIIA Unit 1. Module IIIA Unit 1 is proposed to develop as single-family residential and include a proposed Amenity Center. The proposed design of the Module IIIA Unit 1 will be a natural expansion of the land plan design and development of the aesthetic of The Crossvine; the expansion shall include design elements that have made development within The Crossvine unique, such as accessible green spaces, walking trails, meandering roadways, and intimate cul-de-sacs. In addition, the construction, landscaping, signage, and other features in Module IIIA Unit 1 will adhere to the Public Amenity and Architectural Standards as previously established in

The Crossvine Module 1 and Module IIA.

The Crossvine Module IIIA Unit 1 is proposed to develop as single-family residential lots consisting of 3 categories, identified below.

DSFR (4) will have a lot size no less than four thousand nine hundred and fifty (4,950) square feet with minimum dimensions of forty-five (45) feet wide by one hundred and ten (110) feet deep. The DSFR (4) will have a maximum dwelling size, of conditioned area, for a 1-story home of two thousand four hundred (2,400) square feet and a maximum dwelling size, of conditioned area, for a 2-story home of three thousand two hundred (3,200) square feet.

DSFR (5) will have a lot size no less than six thousand and fifty (6,050) square feet with minimum dimensions of fifty-five (55) feet wide by one hundred and ten (110) feet deep. The DSFR (5) will have a maximum dwelling size, of conditioned area, for a 1-story home of two thousand eight hundred and fifty (2,850) square feet and the maximum dwelling size, of conditioned area, for a 2-story home of three thousand six hundred and fifty (3,650) square feet.

DSFR (6) will have a lot size that is no less than seven thousand four hundred and seventy-five (7,475) square feet with minimum dimensions of sixty-five (65) feet wide by one hundred fifteen (115) feet deep. The DSFR (6) will have a maximum dwelling size, of conditioned area, for a 1-story home of three thousand three hundred (3,300) square feet and the maximum dwelling size, of conditioned area, for a 2-story home shall be four thousand one hundred (4,100) square feet.

Homes shall be placed in the center of the lot allowing for a minimum five foot (5') side yard setback. The air-conditioning units or HVAC pads shall be located at the rear or side of the home. There will be a minimum of a twenty foot (20') front yard setback, and a ten foot (10') rear yard setback for each lot. All private fencing shall attach to the house no further than five (5) feet from the primary rear wall of the home.

The DSFR (4), DSFR (5), and DSFR (6) land use categories were discussed.

\*Please note the proposed "5th Amendment" for the 53.72 acres is proposed to develop as DSFR 4, 5, 6.

In addition to the single-family residential, Module IIIA will include a proposed amenity center to be constructed concurrently with Module IIIA Unit 2. The proposed amenity center will include the following:

- A lap pool suitable for competitive swim meets with dimensions of no less than 25 meters in length and 10.5 meters in width
- A wading and/or splash pad appropriately sized in conjunction with other pool facilities
- A conditioned interior building area with:
  - No less than 400 square feet of office area
  - A community room of no less than 1,000 square feet
  - Restrooms
  - Storage area
- An outdoor open-air covered pavilion of no less than 1,750 square feet

Ms. Harrison stated based on Tract 1 abutting a major intersection of Lower Seguin Road and FM 1518, currently surrounded by The Crossvine PDD zoned properties, and the proposal to incorporate this additional 1 acre tract into The Crossvine Module IIB there should be a minimal impact on the adjacent properties. Since The Crossvine Module IIB is designed to be a "Town

Center" with a mix of commercial, retail, and residential uses the proposed zone change to incorporate this 1 acre tract is directly in line with the goals and objectives of the Mixed Use Core. Based on the conformance with the Comprehensive Land Use Plan and the adjacent zoning, staff recommends approval of the proposed 1 acre zone change to Planned Development District (PDD).

Tract 2 is directly adjacent to FM 1518 and properties already within The Crossvine PDD and proposed to be Module IIB, which is designed to be a mix of commercial, retail, and residential uses. The incorporation of an additional approximately 6 acres of land should have a minimal impact to the adjacent properties. Additionally, increasing the Module IIB area by the 6 acres is directly in conformance with the Comprehensive Land Use Plan goals and objectives for the Mixed Use Core. Based on the conformance with the Comprehensive Land Use Plan and the adjacent zoning, staff recommends approval of the proposed 6 acre zone change to Planned Development District (PDD).

Tract 3 is currently zoned as part of The Crossvine PDD. The proposed fifty-four (54) acres zone change included within The Crossvine PDD "5th Amendment" is essentially to update the current The Crossvine PDD regulations for the identified subject property. However, since this land is currently zoned for The Crossvine, the proposed amendments to the PDD Design standards should have a minimal impact on the adjacent land, the majority of which is also within The Crossvine PDD zoned property. Additionally, since the proposed amendment retains the design elements that make The Crossvine unique such as accessible green spaces, walking trails, meandering roadways, and intimate cul-de-sacs along with the proposed additional amenity center design features the requested "5th Amendment" should have a minimal impact. Staff recommends approval of the proposed zone change for the approximately 54 acres.

Ms. Harrison stated based on the conformance with the goals and objectives of the Comprehensive Land Use Plan and the minimal impact on the adjacent properties for Tract 1 and Tract 2, staff recommends approval of the zone change as presented. Additionally, based on Tract 3 existing as The Crossvine PDD zoned property, and the proposal to maintain the key design elements of The Crossvine, with the proposed modifications to the design standards.

The Planning and Zoning Commission conducted a public hearing on May 12, 2021, and offered a recommendation of approval with a vote of 7-0.

Staff recommends approval of the zone change for the following as submitted:

Tract 1: 1 acre from General Business District (GB) to Planned Development District (PDD)

Tract 2: 5.77 acres from Single-Family Residential/Agricultural District (R-A) to Planned Development District (PDD)

Tract 3: 53.72 acres from Planned Development District (PDD) to Planned Development District (PDD)

Mayor Gutierrez recognized Mr. Chris Price, the Developer who came forward providing history of the project as well as the proposed rezone request. Mayor Gutierrez opened the public hearing and recognized the following who spoke in favor of the request:

- Maggie Titterington, The Chamber 1730 Schertz Parkway.

As no one else spoke; Mayor Gutierrez closed the public hearing for Council comments.

Mayor Gutierrez recognized the following Councilmembers:

Councilmember Scott who asked about Tract 2 DSFR(4) stating there are 77 lots for Garden Homes and asked about the lot of sizes and average house size. In answer, the lots are 40 ft x 87 deep, frontage on a greenbelt with rear entry access. She stated she likes the fences, not a fan of the 5 foot between houses, but sees it makes homes more affordable for the military family. She indicated that the development is esthetically pleasing, likes the cul-de-sacs through-out, the green space and this is a model community.

Councilmember Dahle asked about the DSFR 4 & 5. He stated he likes the development and appreciates the work the developer has done making the suggested changes by staff. He also stated he appreciates the esthetics. Mr. Price commented saying this is a partnership with the City and is a better plan today as they have worked with staff.

Councilmember Scagliola stated this is a visionary development. Developer is receptive to changes, wants to see small houses on small lots, objects to putting a large home on a small lot, is not a fan of the 5 foot. He indicated he likes the amenities that Crossvine offers, good partner with the city of a number of years.

Moved by Councilmember Michael Dahle, seconded by Mayor Pro-Tem Jill Whittaker to approve Ordinance No. 21-S-20 on first reading.

AYE: Mayor Pro-Tem Jill Whittaker, Councilmember Mark Davis, Councilmember Rosemary Scott, Councilmember Michael Dahle, Councilmember David Scagliola, Councilmember Allison Heyward, Councilmember Tim Brown

Passed

8. **Ordinance No. 21-S-21** - Conduct a public hearing, consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas on a request to rezone approximately 6 acres of land from General Business District (GB) and Manufacturing Light District (M-1) to General Business (GB) and Manufacturing Light District (M-1), generally located approximately 2,000 feet west of the intersection between FM 2252 and IH-35, also known as Comal County Property Identification Number 78020, City of Schertz, Comal County, Texas. ***First Reading*** (B. James/L. Wood/M. Harrison)

Mayor Gutierrez recognized Planner Megan Harrison who introduced this item stating the applicant is proposing to rezone approximately 6 acres of land from General Business District (GB) and Manufacturing Light District (M-1) to General Business District (GB) and Manufacturing Light District (M-1). The property is located two thousand (2,000) feet west of the intersection of FM 2252 and IH 35 access road. Currently, the front approximately 4.5 acres of the property is zoned General Business District (GB) and the remainder 1.4 acres is zoned Manufacturing Light District (M-1). The applicant is proposing to adjust the zoning designation line in order to have the front 1.6 acres of the property to remain as General Business District (GB) and the remainder 4.3 acres to be rezoned Manufacturing Light District (M-1).

Nine (9) public hearing notices were mailed to the surrounding property owners within two hundred (200') feet of the subject property on April 28, 2021, with a public hearing notice published in the "San Antonio Express" on May 19, 2021, prior to the City Council public hearing. At the time of this report Staff has received one (1) response in favor of the request and zero (0) responses opposed to the zoning request. There was a public hearing held at the April 28, 2021 Planning and Zoning Commission Meeting. During this public hearing, no residents spoke.



Current Land Use: Existing: General Business District (GB) Manufacturing Light (M-1) - land use is Vacant/undeveloped, Proposed: General Business District (GB) Manufacturing Light (M-1) - land use is Office Warehouse.

Adjacent Properties:

	Zoning	Land Use
North	Manufacturing Light (M-1)	Vacant/Undeveloped
South	Right-of-way	N IH 35
East	General Business District (GB) Manufacturing Light (M-1)	Vacant/Undeveloped
West	Private Right-of-Way/General Business District ((GB) Manufacturing Home Park (MHP/Manufacturing Light (M-1)	Private Roadway :Main Street"/Vacant/Undeveloped

The proposed rezone is for approximately 5.851 acres of land from General Business District (GB) and Manufacturing Light District (M-1) to General Business District (GB) and Manufacturing Light District (M-1).

Currently, the front approximately 4.5 acres of the property is zoned General Business District (GB) and the remainder 1.4 acres is zoned Manufacturing Light District (M-1). The applicant is proposing to adjust the zoning designation line in order to have the front 1.6 acres of the property remain as General Business District (GB) and the remainder 4.3 acres be rezoned to Manufacturing Light District (M-1). Essentially, the applicant is requesting to reduce the acreage that is currently zoned General Business District (GB) and increase the acreage zoned Manufacturing Light District (M-1). The proposed area to remain as General Business District would comply with lot width and depth minimum dimensions for the zoning district.

The Comprehensive Land Use Plan (CLUP), through the Future Land Use Plan and the Schertz Sector Plan, designates the subject property as Commercial Campus. The objective of the Commercial Campus future land use designation is to accommodate the development of lower intensity commercial and office uses that utilize a variety of mostly office, flex-office, light industrial and educational and other institutional uses. The General Business District (GB) and Manufacturing Light (M-1) meets the goals and objectives of the Commercial Campus future land use designation by permitting lower intensity commercial and office uses along the frontage of IH-35.

Comprehensive Plan Goals and Objectives: The proposed rezoning of the property to General Business District (GB) and Manufacturing Light (M-1) is in conformance with the goals and objectives of the Comprehensive Plan; the proposed zone change supports the lower intensity commercial objectives of the Commercial Campus future land use designation, specifically along the IH 35 frontage.

Impact of Infrastructure: The proposed rezoning should have a minimal impact on the existing water system. Currently, there is a twelve (12) inch City of Schertz water line that runs along the frontage of the property. The property currently does not have sanitary sewer infrastructure in place; however, there is sewer across IH-35 that would be the closest connection. If the proposed zone change is approved, the applicant would be required during the development process to make any infrastructure improvements deemed necessary.

Impact of Public Facilities/Services: The proposed rezoning should have a minimal impact on public services, such as schools, fire, police, parks, and sanitation services.

Compatibility with Existing and Potential Adjacent Land Uses: The subject property is currently surrounded by several parcels that are zoned General Business District (GB) and Manufacturing Light (M-1). The rezoning of this property is compatible with the adjacent land uses as the General Business District (GB) is intended to provide a lower intensity commercial along the IH-35 frontage and then the Manufacturing Light District (M-1) would allow the proposed office/warehouse along the back portion of the property. Additionally, the property to the rear of the subject property is adjacent to the currently Manufacturing District (M-1) zoned portion of the property, so the proposed zone change should have minimal impact.

The Planning and Zoning Commission conducted a public hearing on May 12, 2021, and offered a recommendation of approval with a vote of 7-0.

The Comprehensive Land Use Plan designates the subject property as Commercial Campus which is intended to encourage the development of lower intensity commercial, light industrial, and office uses in the locations between major intersections as a buffer between the Interstate Highway and adjoining neighborhoods. The location of this property being along the IH-35 frontage makes it an ideal location for a lower intensity commercial with some light industrial type development. The proposed zone change which would maintain the General Business District (GB) on the front 1.6 acres will allow the lower intensity land uses that are desired immediately adjacent to IH 35. In addition, by increasing the Manufacturing Light District (M-1) from the current 1.4 acres to the proposed 4.3 acres will allow the property to be developed in accordance with the applicants desires in the rear of the but maintain the ability for the desired retail / commercial / office in the front adjacent to IH 35.

Based on the subject property location, adjacent zoning and land uses, and the Comprehensive Land Use Plan designation the proposed zone change is compatible. Additionally, based on the zone change being to modify the acreage of the existing zoning designations rather than to a different zoning designation entirely, the goals and desires to maintain the IH 35 frontage for commercial / retail / office are being met while allowing the portion proposed to be Manufacturing Light District (M-1) at the rear of the property will provide the applicant the ability to complete their desired development. Due to the nature of the proposed zone change to modify the acreage within each zoning designation.

Staff recommends approval of the proposed rezoning from General Business District (GB) and Manufacturing Light District (M-1) to General Business District (GB) and Manufacturing Light District (M-1) as submitted.

Mayor Gutierrez recognized Mr. Shane Klar, representative for the applicant who was present to take any questions. Mayor Gutierrez opened the public hearing, and as no one spoke; closed the public hearing for Council comments. No comments from Council.

Moved by Councilmember David Scagliola, seconded by Councilmember Allison Heyward approve Ordinance No. 21-S-21 on first reading.

AYE: Mayor Pro-Tem Jill Whittaker, Councilmember Mark Davis, Councilmember Rosemary Scott, Councilmember Michael Dahle, Councilmember David Scagliola, Councilmember Allison Heyward, Councilmember Tim Brown

Passed

## **Roll Call Vote Confirmation**

Mayor Gutierrez recognized Deputy City Secretary Sheila Edmondson who provided the roll call vote for Items 1-8.

## **Information available in City Council Packets - NO DISCUSSION TO OCCUR**

Mayor Gutierrez read into record agenda items 9 and 10 and mentioned that they are informational only and were provided in the city council packets and can be found on the city website.

9. **Alternate Councilmember Liaison to the Animal Services Advisory Committee** - Assignment of Councilmember Heyward as an alternate to the Animal Services Advisory Committee.
10. **Monthly update** - on major projects in progress/CIP. (B. James/K. Woodlee)

## **Requests and Announcements**

- Dr. Mark Browne thanked City Planner Megan Harrison for a great job presenting agenda items before the City Council. This was the first time Ms. Harrison presented items to the City Council.
- Requests by Mayor and Councilmembers for updates or information from staff.

Councilmember Scagliola asked about the review or discussion of the Zoning and Density and asked for an update. Dr. Mark Browne announced that on July 9, 2021 there will be a Joint Workshop for City Council and Planning and Zoning Commission. It will be a morning session.

Councilmember Scagliola stated he has been approached by several residents who have concerns about the Gutierrez Park's signage and asked if the Parks and Recreation Committee to address their concerns.

Concerning Gutierrez Park, Dr. Mark Browne stated that if we wanted to move any further on Gutierrez Park, it ought to go to Parks and Recreation Committee. City staff was not in favor of changing the name of the park at this time. If the Council would like the Parks and Recreation Committee to look at it, they definitely can do that. Mayor Gutierrez would like City Manager Browne to provide the email where he replied to the Councilmember and send it to the rest of the Council. At the next meeting if Council chooses to address it, they can send it to Parks and Recreation Committee.

- Requests by Mayor and Councilmembers that items or presentations be placed on a future City Council agenda.

No items requested.

## Announcements by Mayor and Councilmembers

- City and community events attended and to be attended
- City Council Committee and Liaison Assignments (see assignments below)
- Continuing education events attended and to be attended
- Recognition of actions by City employees
- Recognition of actions by community volunteers

Mayor Gutierrez recognized the following:

- Councilmember Michael Dahle attended the ribbon cutting ceremony for Willie's Grill and Icehouse Restaurant in Cibolo, TX.
- Councilmember David Scagliola attended the Chamber 16th Anniversary Celebration at Blue Bonnet
- Councilmember Allison Heyward attended the ribbon cutting ceremony for Willie's Grill and Icehouse Restaurant in Cibolo, TX and the Chamber 16th Anniversary Celebration at Blue Bonnet. Councilmember Heyward informed City Council that she has been taking part in the Facebook Summer Series and they are doing Government Outreach Programs. She participated in the Guadalupe Community Coalition via ZOOM meeting and today was able to go to the 2021 Leadership Core at RAFB.

## Adjournment

Mayor Gutierrez adjourned the meeting at 8:08 p.m.

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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary

# DRAFT

## MINUTES COUNCIL ON THE GO MEETING June 15, 2021

A Council on the Go Meeting was held by the Schertz City Council of the City of Schertz, Texas, on June 15, 2021, at 6:00 p.m. at Ray D. Corbett Jr. High School Cafeteria, 12000 Ray Corbett Drive, Schertz, Texas. The following members present to-wit:

Present: Mayor Ralph Gutierrez; Mayor Pro-Tem Jill Whittaker; Councilmember Mark Davis; Councilmember Rosemary Scott; Councilmember Michael Dahle; Councilmember David Scagliola; Councilmember Allison Heyward; Councilmember Tim Brown

City      City Manager Dr. Mark Browne; Assistant City Manager Brian James;  
Staff:    Assistant City Manager Charles Kelm; City Attorney Daniel Santee; City Secretary Brenda Dennis; Assistant to the City Manager Sarah Gonzalez; Deputy City Secretary Sheila Edmondson; Finance Director James Walters; City Engineer Kathy Woodlee; Engineer John Nowak; Public Works Director Suzanne Williams

### **Meet and Greet (6:00 p.m. to 6:30 p.m.)**

- Citizens meet and greet various City Departments.

### **Call to Order**

Mayor Ralph Gutierrez called the Council on the Go Meeting to order at 6:30 pm.

### **Welcome and Introduction**

- Mayor Ralph Gutierrez

Mayor Ralph Gutierrez welcomed all the citizens in attendance to the Council on the Go Meeting. Mayor Gutierrez recognized City Council Mayor Pro-Tem Jill Whittaker, Councilmember Mark Davis, Councilmember Rosemary Scott, Councilmember Michael Dahle, Councilmember David Scagliola, Councilmember Tim Brown, City Manager Dr. Mark Brown, Assistant City Manager Brian James, Assistant City Manager Charles Kelm and the City Staff.

## **Presentations regarding the specific topics:**

- State of the City video (M. Browne)

City Manager Dr. Mark Browne recognized and thanked Linda Klepper and Devan Christensen in the Public Affairs Department, who created the State of the City video.

- TxDot Road Project Updates - FM 1518, FM 1103, IH 35 and IH 10 (K. Woodlee/J. Nowak)

City Engineer Kathy Woodlee provided an update on the following projects:

### **IH 35 Operational Improvements**

- FM 2252 to Schwab Road
- Ramp Revisions (reversals)
- Intersection Improvements
- Frontage Road Operational Improvements
- VIA park & ride

### **Construction Contractor - Bridges and Roads, LLC**

- \$25.4 Million
- Schedule
- Construction began May 2019
- 65% Complete
- Current expected completion Late Fall 2021

### **FM 1103 Improvements**

Existing FM 1103 Includes:

- Two 11 foot travel lanes (one in each direction)
- The outside shoulders vary in width
- Left turn lanes at new developments
- Open ditches for the drainage

### **Proposed FM 1103 Typical Section Includes**

- Four 11 foot travel lanes (two in each direction)
- Raised medians and left turn lanes
- Two 5 foot bike lane (one in each direction)
- Adding curbs and 6 foot sidewalk along both sides of FM 1103
- Construct underground storm sewer for drainage

### **FM 1103 Improvements**

- Project has let.
- 6 Bidders
- Low bid, Hunter Industries, \$39,295,624.24 (\$1.7 million under estimate)

- Contract should be awarded within 30 days
- Ground-breaking expected September 2021
- Construction period expected is 4 years (includes construction in Schertz and Cibolo)

### **I-35 NEX (Northeast Expansion)**

- Project Limits:
  - South of I-140 South Interchange (AT&T Parkway) to FM 1103
  - Portion from Bexar/Guadalupe County Line to FM 1103-\$375 million
  - NOT a toll road
- Segment-410 N to FM 3009
  - Fully Funded
  - Design-Build Contract to be awarded July 2021
  - Construction Start Date- 2022 (some activity could start as early as Fall 2021)
- Segment 2-410 S to 410 N
  - Fully Funded
  - Construction Start Expected 2023
- Segment 3-FM 3009 to FM 1103
  - Not yet funded (maybe soon)
  - Construction Start Goal 2021
- City of Schertz Involvement
  - Relocation of Riata Lift Station (in design)
  - Reconfiguration of Riata Detention Facility (conceptual planning)
  - Both in Segment
- I-35 NEX: Between I-410 South and FM 3009
- I-35 NEX: FM 1103 connection-DWC

### **IH 10 Improvements**

#### **Project Limits:**

- Graytown Road to Bexar-Guadalupe County Line (funded through Santa Clara, widening ultimately to SH 130)
- Total Project cost-\$149 million
- Adding Lanes, Expanding Bridges
- Minimal Right of Way Acquisition
- Construction Underway
- Anticipate 3-4 years of construction

### **IH 10 at FM 1518**

- Adding Lanes, Turnaround Bridges, traffic signals

### **FM 1518 Improvements**

- Project Limits: FM 78- IH 10
- Environmental Clearance is Complete
- Right of Way Acquisition
  - 140+ parcels

- 97% complete
- 90% Design nearing completion
- Next Steps
  - Utility Relocations (including Schertz Water and Wastewater)
- Construction Contract to be Let Summer/Fall 2022
- 2 1/2 -3 year construction period
- Total project cost -\$60 million
- Current available funding-\$44 million
- Funded by TxDOT, Federal Funding, City of Schertz, Bexar County
- City of Schertz Contribution-> \$10 million commitment
  - \$600k paid to date toward right of way acquisition
  - \$600k budgeted for utility relocation design
  - approx. \$5.5 million needed for Schertz utility relocations
- Total project cost - >\$60 million
- Current available funding - \$44 million
- Funding of shortfall: TxDOT applying for additional Federal Funding through AAMPO.

### **FM 3009- FM 78 Intersection Realignment- Conceptual Feasibility Study**

- Studying the options at the FM 3009- FM 78 Intersection and the Railroad Crossing.

### **Road CIP/Repair Update**

Engineer John Nowak provided an update on the following projects:

### **Completed or Nearly completed Projects Overview**

- Cibolo Valley Drive is nearly complete
- Schertz Parkway overlay fully complete
- Tri-County Parkway fully complete from I-35 to Corridor Parkway
- Randolph Avenue from Main to Exchange fully complete
- Schertz Parkway concrete pavement repairs – start in June
- After the repairs – diamond grinding of the surface (July/August)
- Live Oak – pedestrian routes project underway; resurfacing will occur after pedestrian routes project completed
- Applying an additional surface to the chip sealed areas (this Summer)

### **Upcoming Projects**

- Most of these streets will be slurry sealed; headed to bid in the next couple of months
- Elbel design is almost complete and awaiting Council Authorization – bid next month
- Lindbergh is in design
- Tri-County Parkway from Corridor Parkway to FM 3009 in design – design complete in a couple of months; construction start this Summer
- How Do We Select Projects?



- PCI score
- Objective measure
- Look for a “cluster” of streets for economies of scale and to complete a neighborhood in one project
- Coordination with other project efforts (utility replacements, drainage improvements, etc.)
- Staff and Citizen knowledge and observations
- How do we select the treatment applied to the street?
  - Higher traffic volume roadways (arterials and some collectors) with turning movements require a different surface treatment – mill and overlay. A slurry seal or chip seal will not last the expected service life.
  - Lower volume roadways can be treated with a slurry seal or chip seal
  - Amount of base repairs needed and/or geotechnical investigation dictates a different strategy

## **Budget Recap**

Finance Director James Walters presented the Budget Recap which included:

- All Funds -Expenses, Historic Tax Rates
- FY20-21 Budget, New Positions and Funding
- FY20-21 Budget Highlights, Year to Date
- FY20-21 Budget Development

## **2020/2021 Accomplishments**

Public Works Director Suzanne Williams presented the City of Schertz 2020/2021 Accomplishments which included:

- City Website Redesign
- CivicReady- Emergency Alerts
- Customer Portal
- Library Grant Project
- Great Northern Trail
- Ashley Park Concrete Trail Loop
- Senior Citizen Parking Lot Renovation
- Johnie McDow Complex Shade Structures
- Implementation of Civic REC Software
- Guadalupe County Contract
- Drainage and Hydroturf
- Drainage FY20-21
- Capital Improvements

## **City Hall Communications:**

City Manager Dr. Mark Browne opened up the meeting to hear citizens' questions and concerns.

Citizen asked about the Old Wiederstein Road and the improvements it needs. In response City Manager Dr. Browne stated that the issues on Old Wiederstein Road are on the City's radar, but at this time it is not funded.

Citizen asked if Schwab Road would connect to IH-35. City Engineer John Nowak explained that Schwab Road is on the Master Thoroughfare Plan and will be addressed. Schwab Road is in several jurisdictions and the improvements will involve other cities.

Citizen commented that Lower Seguin Road around FM 1518 and Loop 1604 will be used more as a bypass road when IH-10 gets backed up.

Citizen Tyrone Tyler commented that there are areas on Lower Seguin Road towards Converse, that are in bad shape and the roadway plates are shifting.

Citizen asked if the potholes on Lower Seguin Road could be fixed and about the Cares Act and American Rescue Plan funding. City Manager Dr. Browne stated he will have staff address the potholes on Lower Seguin Road. He also explained the difference in the Cares Act funding and the American Rescue Plan funding and how the City of Schertz can utilize the additional funds.

Citizen thanked the City of Schertz for hosting all the shot clinics during the Covid-19 crisis. City Manager Dr. Browne thanked Mayor Ralph Gutierrez and Mrs. Raquel Gutierrez for all their help with the Shot Clinics. He also thanked Emergency Management Coordinator Summer Hall for her work with the Shot Clinics and all the volunteers.

Citizen asked if the City will work with the Boy Scouts and the 4th of July Jubilee plans. City Manager Dr. Browne stated City Staff is still working on the the 4th of July Jubilee plans.

## **Adjournment**

Mayor Ralph Gutierrez thanked the residents for coming to the Council on the Go meeting and adjourned the meeting at 7:36 pm.

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Ralph Gutierrez, Mayor

ATTEST:

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Sheila Edmondson, Deputy City Secretary

## CITY COUNCIL MEMORANDUM

**City Council Meeting:** June 22, 2021  
**Department:** Executive Team  
**Subject:** Resolution No. 21-R-55 - Consideration and/or action approving a Resolution authorizing a Community Development Block Grant Program Cooperative Agreement with Bexar County, and other matters in connection therewith. (M. Browne/B. James/B. Dennis)

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### BACKGROUND

In 2015 and 2018 the City of Schertz accepted an offer to participate with Bexar County in the Federal Housing and Urban Development (HUD) Community Development Block Grant (CDBG) and HOME Programs. Typically, suburban cities will “loan” their population to Bexar County Community Resources Department to increase funding available for the program which is then allocated by Bexar County Commissioners Court in the unincorporated portions of Bexar County and in participating cities. This made Schertz eligible to compete for projects as it did in the late 1980s and early 1990s.

This money can be used for many income-dependent projects including the following:

- senior citizen day care and community centers (not income-dependent),
- ADA sidewalks (not income-dependent),
- water systems and mains,
- street reconstruction,
- drainage projects,
- housing rehabilitation and
- public assistance for the elderly and low income citizens

In 2015 Schertz was awarded \$61,884 for the Pickrell Park ADA walkways project. Schertz subsequently applied for funds for waterline upgrades in Aviation Heights but was not awarded funds.

Additionally, Bexar County has several on-going programs Schertz residents are able to participate in including housing rehabilitation and housing replacement (income dependent).

Funding depends on Congress and is distributed to recipients (such as Bexar County Community Resources) based on formula. Bexar County will then issue a call for projects and then will issue awards.

Schertz is not eligible to become a direct recipient of funds from HUD until its population reaches 50,000.

In 2015 and 2018, Schertz entered into a 3 year agreement with Bexar County to participate in the program. The proposed agreement extends the City’s participation for another 3 years. If the City does not choose to continue to participate in the Bexar County program, it will be eligible to participate in the State Department of Agriculture’s CDBG program for rural communities.

### GOAL

Continued participation in Bexar County’s CDBG, HOME and ESG programs.

### COMMUNITY BENEFIT

Provide an additional funding source for projects throughout the City of Schertz.

## **SUMMARY OF RECOMMENDED ACTION**

Recommend approval of a resolution and agreement authorizing continued participation in Bexar County's CDBG, HOME and ESG programs.

## **FISCAL IMPACT**

None at this time.

## **RECOMMENDATION**

Staff recommends approval of a resolution and agreement authorizing participation in Bexar County's CDBG, HOME and ESG programs.

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### **Attachments**

Resolution 21-R-55

Renewal Letter

Agreement

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## **RESOLUTION NO. 21-R-55**

### **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING A COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM COOPERATIVE AGREEMENT WITH BEXAR COUNTY, TEXAS AND OTHER MATTERS IN CONNECTION THEREWITH**

WHEREAS, the City staff of the City of Schertz (the “City”) has recommended that the City reenter into an agreement with Bexar County, Texas to participate with Bexar County, Texas in its re-qualification process as an Urban County for continued participation in the Housing and Urban Development Community Development Block Grant, HOME and ESG Programs for the fiscal years 2022 to 2024; and

WHEREAS, the City Council has determined that it is in the best interest of the City to enter into an agreement with Bexar County, Texas pursuant to the Community Development Block Grant Program Cooperative Agreement, attached hereto as Exhibit A (the “Agreement”).

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

Section 1. The City Council hereby authorizes the Mayor to execute and deliver the Agreement with Bexar County, Texas in substantially the form set forth on Exhibit A.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution 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 Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 22nd day of June 2021.

CITY OF SCHERTZ, TEXAS

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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary

(CITY SEAL)

**EXHIBIT A**  
**COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM COOPERATIVE**  
**AGREEMENT**





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May 28, 2021

Honorable Ralph Gutierrez  
Mayor of Schertz  
1400 Schertz Parkway, Bldg 4  
Schertz, TX 78154

Dear Mayor Gutierrez:

Bexar County has begun its re-qualification process as an Urban County for continued participation in the U.S. Housing and Urban Development (HUD) Community Development Block Grant (CDBG), HOME Investment Partnerships Program, and Emergency Solutions Grant (ESG) programs for fiscal years 2022-2024.

Over the past thirty-two years, Bexar County and its partner cities have received substantial financial benefit of HUD entitlement funding to address priorities such as water systems and mains, day care and community centers, street reconstruction, drainage projects, housing rehabilitation and public assistance for the elderly and low-income citizens of Bexar County.

In an effort to continue these mutually beneficial community development activities, we are asking your city to join us in qualifying for the next three-year Urban County entitlement period. Bexar County Commissioners Court urges you to enter into a cooperative agreement for inclusion in the Urban County designation. The cooperative agreement is attached for your review and execution. This agreement will give your city access to CDBG, HOME, and ESG funds for the next three years.

In accordance with the directions and timetables provided to the County by HUD, this letter is being sent to advise you of the actions that your city council must take if your city wishes to be included in or excluded from participation in the Urban County designation for fiscal years 2022–2024.

If you wish to participate, please send the following:

- Letter notifying the county of your city's intent to participate
- City Council Resolution
- A copy of the ratified cooperation agreement

These documents must be sent to my office at the following address before **close of business Friday - June 25, 2021**:

Robert H. Reyna, Manager  
Community Development Division  
Bexar County Economic and Community Development Department  
233 N. Pecos, Suite 320  
San Antonio, Texas 78207

Note: Cooperation agreements will be ratified at Commissioners Court on Tuesday – July 13, 2021.

For current participating cities: Should your city decide that it no longer wishes to participate in Bexar County's Urban County designation, your written notice must be forwarded to both the County at the address listed above and HUD below:

Elva F. Garcia, Director  
Office of Community Planning and Development  
HUD - San Antonio  
H.F. Garcia Federal Building  
615 E. Houston Street, Suite 347  
San Antonio, TX 78205

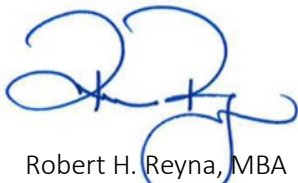
If your city participates in Bexar County's Urban County designation, it will be eligible for the County's funding but will not be eligible for funding through the Small Cities or State program.

Thank you for your consideration. We hope you will join the Urban County designation. If your city has any questions about the Urban County designation, HUD entitlement programs, or this process, please contact:

Robert H. Reyna, Manager  
[rhreyna@bexar.org](mailto:rhreyna@bexar.org)  
(210) 335-1098

Laura Montanez, Specialist  
[laura.montanez@bexar.org](mailto:laura.montanez@bexar.org)  
(210) 335-1079

Sincerely,



Robert H. Reyna, MBA  
Community Development Manager

**STATE OF TEXAS**  
**COUNTY OF BEXAR**

§  
§  
§

**COMMUNITY DEVELOPMENT**  
**BLOCK GRANT PROGRAM**  
**COOPERATIVE AGREEMENT**

This agreement (the "Agreement") is entered into by and between Bexar County ("COUNTY"), a political subdivision of the State of Texas, and **City of Schertz** ("CITY"), a municipal corporation under the laws of the State of Texas (also, individually, a "Party" or, collectively, the "Parties").

### **RECITALS**

1. Pursuant to Texas Local Government Code Chapter 373 and Section 381.003, Texas cities and counties are authorized to conduct essential housing and community development activities; and pursuant to Texas Government Code Chapter 791, Texas cities and counties are authorized to enter into cooperative agreements.
2. The specific purpose of the Housing and Community Development Act of 1974, as amended, is the development of viable communities.
3. CITY has chosen to have its population included as a portion of COUNTY's population in COUNTY's "Urban County" applications to the U.S. Department of Housing and Urban Development ("HUD") for the Community Development Block Grant ("CDBG") Program, the HOME Investment Partnership ("HOME") Program, and Emergency Solutions Grants ("ESG") Program (collectively, the "Grant Applications"), and COUNTY is willing to include CITY's population in the Grant Applications.
4. COUNTY wants to be designated as an "Urban County" by HUD in order to receive a formula share of program funds, provided that COUNTY has a population of 100,000 (excluding the population of its metropolitan cities) and has combined population of at least 200,000 included in its unincorporated areas and its included units of general local governments for essential Community Development and Housing-Assistance activities.

### **ARTICLE I** **POPULATIONS COMBINED**

1.01 CITY authorizes COUNTY to include CITY's population in the Grant Applications in order to qualify for a formula share of the entitlement funds through HUD's CDBG, HOME, and ESG Programs; and COUNTY agrees to include the same in the Grant Applications.

## **ARTICLE II**

### **TERM**

2.01 **Term.** This Agreement is effective for the three-year qualification period of Fiscal Years 2022, 2023, and 2024. This Agreement remains in effect until the CDBG, HOME, and ESG Program funds and income received with respect to the three-year qualification period and any successive qualification periods are expended and the funded activities are completed, and the Parties may not terminate or withdraw from this Agreement while it remains in effect.

2.02 **Automatic Renewal.** This Agreement will automatically renew for each new three-year Urban County qualification period, unless CITY or COUNTY provides written notice of its intention to end its participation in this Agreement to the other Party before the end of a three-year qualification period. The termination notice must also be sent to the HUD Field Office.

2.03 **Amendments.** No amendment, modification, or alteration of the terms of this Agreement will be binding unless it is in writing, dated subsequent to the date of this Agreement, and duly executed by the Parties.

2.04 **Termination.** COUNTY agrees to notify CITY in writing of its right to elect not to participate in a new qualification period by the date specified in the HUD's Urban County Qualification Notice for each new qualification period. A copy of COUNTY's notification to the jurisdiction must also be sent to the HUD Field Office.

2.05 **Default.** Failure by either Party to adopt an amendment to this Agreement incorporating all changes necessary to meet the requirements for cooperation agreements set forth in the Urban County Qualification Notice applicable for a new qualification period, and to submit the amendment to HUD, will void the automatic renewal of this Agreement.

## **ARTICLE III**

### **HUD REQUIREMENTS**

3.01 **Cooperation.** The Parties will cooperate to undertake, or assist in undertaking, community renewal and lower-income-housing-assistance activities.

3.02 **Compliance with Specific Statutes.**

A. **Urban-County-Certification.** The Parties will take all actions necessary to assure compliance with the Urban County's certification required by section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964, and implementing regulations at 24 CFR part 1, and the Fair Housing Act, and the implementing

regulations at 24 CFR part 100, will affirmatively further fair housing. The Parties will take all actions necessary to assure compliance with the Urban County's certification required by section 109 of Title I of the Housing and Community Development Act of 1974, and the implementing regulations at 24 CFR part 6, which incorporates Section 504 of the Rehabilitation Act of 1973, and the implementing regulations at 24 CFR part 8, Title II of the Americans with Disabilities Act, and the implementing regulations at 28 CFR part 35, the Age Discrimination Act of 1975, and the implementing regulation at 24 CFR part 146, and Section 3 of the Housing and Urban Development Act of 1968. The Parties will also comply with any other applicable laws.

B. Environmental and Civil-Rights. The Parties will take all required actions to comply with the provisions of the National Environment Policy Act of 1969, Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Section 104 (b) and Section 109 of Title I of the Housing and Community Development Act of 1974, as amended, and other applicable laws.

3.03 **Furtherance of Fair Housing.** COUNTY prohibits CDBG, HOME or ESG Program funding for activities in or in support of CITY that does not affirmatively further fair housing within its own jurisdiction or that impedes COUNTY's actions to comply with its Fair Housing Plan and fair housing certification.

3.04 **Excessive-Force Policies.** COUNTY and CITY have adopted and are enforcing:

- 1) a policy prohibiting the use of excessive force by law enforcement agencies with its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
- 2) a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within the jurisdiction.

3.05 **No Veto of Plan.** Neither Party to this Agreement may veto or in any other way obstruct the implementation of the approved Consolidated Plan (the "Plan") during the period for which COUNTY is seeking to qualify as an Urban County, nor may either Party be required to undertake any activities not specifically in the Plan. In addition, nothing contained in this Agreement will deprive any municipality or other unit of local government of any powers of zoning, development control or other lawful authority which it presently possesses.

3.06 **CITY is Subrecipient.** Pursuant to 24 CFR 570.501 (b), CITY is subject to the same requirements applicable to subrecipients, including the requirements for a written

agreement set forth in 24 CFR 570.503.

3.07 **No Transfer of Funds.** CITY may not sell, trade, or otherwise transfer all or any portion of such funds to another such metropolitan city, urban county, unit of general local government or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits, or non-Federal considerations, but must use such funds for activities eligible under title I of the Act.

3.08 **Urban County Program Responsibilities.** COUNTY will adhere to HUD requirements regarding public hearings and will have final responsibility for selection of projects, the filing of annual grant request, and the preparation of annual performance reports.

3.09 **State CDBG Program.** CITY may not apply for grants from appropriations under the State CDBG Program for fiscal years during the period in which it participates in COUNTY's CDBG program.

3.10 **HOME Program Allocation.** CITY may receive a formula allocation under the HOME Program only through the urban county.

3.11 **ESG Program Allocation.** CITY may receive a formula allocation under the ESG Program only through the urban county.

#### **ARTICLE IV**

#### **COMPLIANCE WITH LAWS**

4.01 It is the legal opinion of counsel for COUNTY, the Bexar County Criminal District Attorney, that the terms and provisions of the agreement are fully authorized under all applicable State and Local Law and that the agreement provides full legal authority for the COUNTY to undertake the responsibilities and obligations, which are the subject of this agreement. This legal opinion is affirmed by the signature of the assigned Assistant District Attorney provided herein.

#### **ARTICLE V**

#### **CURRENT REVENUES**

5.01 Each Party paying for the performance of governmental functions or services will make those payments from current revenues then available to the paying Party.

**ARTICLE VI**  
**NOTICES**

6.01 All notices required or permitted herein shall be in writing and shall be deemed to be delivered when deposited in the United States mail, postage prepaid, registered or certified mail, return receipt requested, to the Party's office or usual mailing address. For the purpose of notice, the addresses of the Parties shall be as follows:

TO COUNTY:                      Bexar County Judge  
                                        Paul Elizondo Tower  
                                        101 W. Nueva, Suite 1019  
                                        San Antonio, Texas 78205

TO CITY:                         Mayor of Schertz  
                                        1400 Schertz Parkway, Bldg 4  
                                        Schertz, TX 78154

**THIS AGREEMENT IS MADE AND EXECUTED IN DUPLICATE ORIGINALS ON THE DATE OF THE LAST SIGNATURE BELOW.**

**COUNTY OF BEXAR**

By: \_\_\_\_\_  
Nelson W. Wolff  
County Judge

Date: \_\_\_\_\_

**CITY OF SCHERTZ**

By: \_\_\_\_\_  
Ralph Gutierrez  
Mayor

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
City Secretary

APPROVED AS TO LEGAL FORM:

By: \_\_\_\_\_  
Juan A. Roque  
Assistant District Attorney  
Civil Division

APPROVED AS TO LEGAL FORM:

By: \_\_\_\_\_  
City Attorney

APPROVED AS TO FINANCIAL CONTENT:

By: \_\_\_\_\_  
Leo S. Caldera, CIA, CGAP  
County Auditor

By: \_\_\_\_\_  
David Smith  
County Manager

APPROVED:

By: \_\_\_\_\_  
Deborah Carter  
Director  
Economic Development



**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** June 22, 2021  
**Department:** City Secretary  
**Subject:** Boards, Commission and Committee Appointments - Consideration and/or action appointing Dr. Susan Raiford to the Historical Preservation Committee. (B. Dennis/Mayor-Council)

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**BACKGROUND**

The City Secretary's Department received a volunteer application from Dr. Susan Raiford to serve on the Historical Preservation Committee. Dr. Raiford's application was vetted through the Interview Committee and shared with the Chair and Vice Chair of the Committee. It was the consensus that Dr. Raiford would be a good fit to fill one of the vacancies that currently exist on the Historical Preservation Committee.

Staff recommends the appointment of Dr. Susan Raiford.

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**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** June 22, 2021  
**Department:** Public Works  
**Subject:** Resolution 21-R-56 - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving and authorizing a right of way easement with Guadalupe Valley Electric Cooperative, Inc. on the City of Schertz 27 Commercial Place property, and other matters in connection therewith. (C. Kelm/S. Williams/S. McClelland)

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**BACKGROUND**

As part of the Building 27 Fleet Renovation Project that is currently under construction at 27 Commercial Place, there is a need to have a new electrical service installed at the site in order to power the new facility. In order for Guadalupe Valley Electric Cooperative, Inc (GVEC) to install the new ground transformer for the service, the City needs to grant GVEC a right of way easement on the property in this location.

**GOAL**

The goal of Resolution 21-R-56 is to grant a right of way easement to GVEC.

**COMMUNITY BENEFIT**

Installation of the new electrical service is necessary in order to power the new Fleet Facility that is being renovated at 27 Commercial Place which will help provide better service to the entire City of Schertz Fleet.

**SUMMARY OF RECOMMENDED ACTION**

Staff recommends Council approve Resolution 21-R-56, approving and authorizing execution of the right of way easement with GVEC.

**FISCAL IMPACT**

There is no direct fiscal impact from this Resolution. The project has sufficient funds in order to pay for the new electrical service.

**RECOMMENDATION**

Staff recommends Council approve Resolution 21-R-56.

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**Attachments**

21-R-56

Exhibit A Right of Way Easement

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## **RESOLUTION NO. 21-R-56**

### **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS APPROVING AND AUTHORIZING A RIGHT OF WAY EASEMENT WITH GUADALUPE VALLEY ELECTRIC COOPERATIVE, INC. ON THE CITY OF SCHERTZ 27 COMMERCIAL PLACE PROPERTY, AND OTHER MATTERS IN CONNECTION THEREWITH**

WHEREAS, the City staff of the City of Schertz (the “City”) has recommended that the City enter into an agreement for a right of way easement with the Guadalupe Valley Electric Cooperative, Inc. (GVEC) (the “Grantor”), in the form attached hereto as Exhibit A (the “Agreement”); and

WHEREAS, the City needs GVEC to install a ground transformer in connection with the Building 27 Fleet Renovation Project, located on the property at 27 Commercial Place; and

WHEREAS, the City Council has determined that it is in the best interest of the City to agree to the right of way easement in accordance with the terms of the Agreement.

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

Section 1. The City Council hereby authorizes the City Manager to execute and deliver the Agreement with the Grantor in substantially the form set forth on Exhibit A and to provide the right of way easement in accordance with the terms of the Agreement.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution 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 Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 22nd day of June, 2021.

CITY OF SCHERTZ, TEXAS

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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary

(CITY SEAL)

RIGHT OF WAY EASEMENT

THE STATE OF TEXAS,  
COUNTY OF GUADALUPE

That the Undersigned, CITY OF SCHERTZ (hereinafter referred to as Grantor) for a good and valuable consideration, the receipt of which hereby acknowledged, do hereby grant unto GUADALUPE VALLEY ELECTRIC COOPERATIVE, INC. (hereinafter referred to as GVEC), a cooperative corporation, whose post office address is P.O. Box 118, Gonzales, Texas 78629, and to its successors or assigns, an easement for the purpose of erection, construction, reconstruction, replacement, removal, maintenance and use of one or more electric distribution lines, fiber optic and other communications equipment, (collectively "Facilities") for the transmission of electricity and communications upon and over the lands of the undersigned, and more particularly described as follows: Being a tract of 0.6810 acres of land, more or less out of the LOT: 31 BLK: 1 SCHERTZ BUISESS PARK 0.6810 AC. original survey, identified as parcel number 40833, and being the same land described in a deed from BIRY MICHAEL F & JENNIFER S to CITY OF SCHERTZ, dated the 27 day of SEPTEMBER, 2013, of record in Vol/Page or Document Number V. 4150 P. 0882 of the Official Records of Real Property of GUADALUPE County, Texas.

- **SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART OF THIS EASEMENT.**

GVEC shall have all rights necessary for the full use herein granted, including, but not limited to, the right of ingress and egress for pedestrians, equipment and vehicles over Grantor's adjacent lands to and from said right-of-way for the purpose of constructing said Facilities, including the installation of a variable number of guy wires, anchors, and appurtenances as needed, improving, reconstructing, upgrading, repairing, inspecting, patrolling, installing, said Facilities on Grantor's land described above, operating, maintaining, providing adequate clearances and removing said Facilities, over, under, and upon said land, and the right to remove, trim, cut down or chemically treat with herbicides, trees or shrubbery or parts thereof within 15 feet of said Facilities or any other obstructions which may endanger, interfere or impair the efficiency, safety or convenient operation of said Facilities and their appurtenances. Grantor shall not construct any structure or improvement, nor impound any water, nor place any temporary or permanent erection of any mast-type equipment or appurtenances nearer than 15 feet to Facilities in any manner as to conflict with the National Electric Safety Code or any applicable law, as either of the same now exists or may be amended in the future, and this restriction shall be a covenant running with the land. Such prohibited construction within the easement shall include but not be limited to new construction or major modification to a preexisting habitable structure, as well as, stock tanks, swimming pools, spas, water wells or oil wells including construction both above and below existing grade.

It is further understood that, whenever necessary, words used in this instrument in the singular shall be construed to read in the plural and that words used in the masculine gender shall be construed to read in the feminine.

This easement runs with the land, is assignable in whole or in part, and inures to the benefit of the parties and their respective successors and assigns.

The undersigned warrant that they are the owners of the above described lands.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

_____	_____
Printed	Printed
_____	_____
Signature of Grantor or Authorized Signatory	Signature of Grantor or Authorized Signatory

THE STATE OF TEXAS,  
COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_ (Grantor or Authorized Signatory)

_____	Notary Public in and for the State of Texas
_____	1794002
_____	Form #169-----02/18
Bottom of page intentionally left blank for County Clerk Use	

UTILITY EASEMENT - 0.02 ACRES

**LEGAL DESCRIPTION:** Being 0.02 acres of land for a Utility Easement out of Lot 31, Block 1, Schertz Business Park Resubdivision Plat, Guadalupe County, Texas according to the map or plat recorded thereof in Volume 5, Page 225-B of the Plat Records of Guadalupe County, Texas and also being out of that certain Tract 3 described in Volume 4150, Page 882 of the Official Public Records of Guadalupe County, Texas; Said 0.02 acre Utility Easement being more particularly described as follows and as surveyed under the supervision of Intrepid Surveying & Engineering Corporation in May, 2021:

**BEGINNING** at a point in northwest line of Lot 31 for the west corner hereof and from which a 1/2 inch iron rod found in the northwest line of Commercial Place for the east corner of Lot 31 bears South 38°24'41" East a distance of 299.44 feet.

THENCE North 59°57'54" East a distance of 20.00 feet along the northwest line of Lot 31 to a point for the north corner hereof;

THENCE over and across Lot 31, the following 3 courses:

1. South 29°44'12" East a distance of 39.30 feet to a point for the east corner hereof;
2. South 60°15'48" West a distance of 20.00 feet to a point for the south corner hereof;
3. North 29°44'12" West a distance of 39.19 feet to the **POINT OF BEGINNING** being 0.02 acres more or less for a Utility Easement, and as shown hereon.

- NOTE:
1. BEARINGS, DISTANCES & ACREAGE ARE GRID, NAD 83 US TX SOUTH CENTRAL ZONE AND ARE OBTAINED BY NORMAL GPS TECHNIQUES.
  2. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT. THERE MAY BE EASEMENTS AND/OR COVENANTS AFFECTING THIS PROPERTY, NOT SHOWN HEREON.
  3. IRON ROD SET ARE 1/2 INCH IRON REBAR WITH PLASTIC CAPS MARKED "INTREPID"
  4. ALL BURIED PIPELINES/UTILITIES SHOWN HEREON WERE LOCATED BY VISIBLE SURFACE EVIDENCE.
  5. **CONTRACTORS:** IT IS YOUR RESPONSIBILITY TO CALL DIGTESS 48 HOURS PRIOR TO STARTING CONSTRUCTION.

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THE SURVEY INFORMATION FOUND ON THIS PLAT WAS DERIVED FROM ACTUAL FIELD NOTES OF ON-THE-GROUND SURVEYS MADE BY ME OR UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AT THE TIME OF THIS SURVEY. NO WARRANTY IS MADE OR INTENDED FOR THE LOCATION OF ANY OR ALL EASEMENTS THAT MAY EXIST WITHIN THE BOUNDS OF THIS SURVEY.

REGISTERED PROFESSIONAL LAND SURVEYOR  
05-28-2021

- LEGEND:
- |                   |                                   |   |                              |   |                       |
|-------------------|-----------------------------------|---|------------------------------|---|-----------------------|
| —P—P—P—P—         | BOUNDARY LINE                     | ● | POINT                        | ○ | AS MARKED             |
| —P—P—P—P—         | ADJOINER LINE                     | ⊙ | 1/2" IRON ROD FOUND          | ⊞ | PROPOSED PADMOUNT     |
| —P—P—P—P—         | SURVEY LINE                       | ○ | 1/2" IRON ROD SET            | ⊞ | ELECTRIC METER        |
| —X—X—X—X—         | FENCE                             | △ | 120D NAIL FOUND              | □ | AS MARKED             |
| —P—P—P—P—         | BURIED PIPELINE                   | ☆ | IRON PIPE FOUND              | ⊙ | BENCH MARK            |
| —UG—UG—UG—UG—     | PROPOSED OVERHEAD ELECTRIC LINE   | ⊙ | NAIL SET                     | ⊕ | GAS WELL              |
| —UG—UG—UG—UG—     | PROPOSED UNDERGROUND UTILITY LINE | ⊕ | 3/8" IRON ROD FOUND          | ⊕ | WATER WELL            |
| —OHE—OHE—OHE—OHE— | EXISTING OVERHEAD ELECTRIC LINE   | ⊕ | PIPE FENCE CORNER POST FOUND | ⊕ | EXISTING UTILITY POLE |
| —UG—UG—UG—UG—     | EXISTING UNDERGROUND UTILITY LINE | ⊕ | WOOD FENCE CORNER POST FOUND | ⊕ | PROPOSED UTILITY POLE |
- P.U.E. - PUBLIC UTILITY EASEMENT  
B.L. - BUILDING SETBACK LINE  
(BRG.-DIST.) RECORD CALL  
G.C.P.R. - GUADALUPE COUNTY PLAT RECORDS  
G.C.D.R. - GUADALUPE COUNTY DEED RECORDS  
G.C.O.P.R. - GUADALUPE COUNTY OFFICIAL PUBLIC RECORDS  
FILE: 2021\ENERGY\GVEC\PENDING\21-0413 27 Commercial Place

**INTREPID**  
SURVEYING & ENGINEERING

P.O. Box 519 • 1004 C STREET  
FLORESVILLE, TX 78114  
O. 830.393.8833 • F. 830.393.3388  
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TBPLS #10193936 • TBPE #16550

GVEC JOB No.:

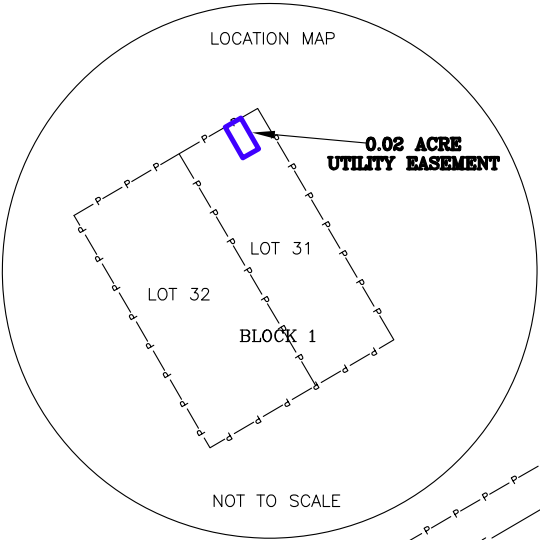
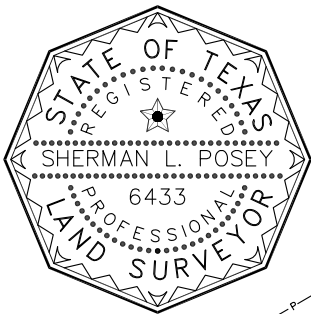
REV: --  
AFE No.: --  
DRAWN BY: AJS  
DATE: 20210528

JOB No.: 21-0413

PAGE 1 OF 1

**gvec**  
Your kind of power.®

GUADALUPE COUNTY, TEXAS  
SCHERTZ BUSINESS PARK RESUBDIVISION PLAT  
5/225-B G.C.P.R.  
EXHIBIT "A"



**BEGINNING**

FROM WHICH A 1/2  
INCH IRON ROD FOUND  
BEARS S 38°24'41" E  
A DISTANCE OF 299.44  
FEET.

**0.02 ACRE  
UTILITY EASEMENT**

TRACT 3  
4150/882 G.C.O.P.R.

LOT 31

LINE TABLE		
LINE #	BEARING	LENGTH
L1	N59° 57' 54"E	20.00'
L2	S29° 44' 12"E	39.30'
L3	S60° 15' 48"W	20.00'
L4	N29° 44' 12"W	39.19'

RECORD LINE TABLE		
LINE #	BEARING	LENGTH
L1	N60° 00' 00"E	----



GVEC

PROPOSED EASEMENT ON THE PROPERTY  
OF CITY OF SCHERTZ, TEXAS

## CITY COUNCIL MEMORANDUM

**City Council Meeting:** June 22, 2021  
**Department:** Planning & Community Development  
**Subject:** Ordinance No. 21-S-20 - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas on a request to rezone approximately 2 acres of land from General Business District (GB) to General Business-2 (GB-2), generally located approximately 5,500 feet east of the intersection between Schwab Road and IH-35 Access Road, 6420 IH 35, also known as Property ID 67796, City of Schertz, Comal County, Texas. *Final Reading (B. James/L. Wood/M. Harrison)*

---

### BACKGROUND

The applicant is proposing to rezone approximately 1.824 acres of land from General Business District (GB) to General Business District - 2 (GB-2). The property is located approximately 5,500 feet east of the intersection of Schwab Road and IH -35 Access Road, more specifically described as 6420 IH 35, Schertz, Texas.

Nine (9) public hearing notices were mailed to the surrounding property owners within two hundred (200) feet of the subject property on April 28, 2021, with a public hearing notice published in the "San Antonio Express" on May 19, 2021, prior to the City Council public hearing. At the time of this report, Staff has received zero (0) responses in favor, opposed, or neutral to the zoning request. A public hearing held at the April 28, 2021 Planning and Zoning Commission Meeting. During this public hearing, no residents spoke.

### GOAL

To zone change approximately 1.824 acres of land from General Business District (GB) to General Business District -2 (GB-2).

### COMMUNITY BENEFIT

It is the City's desire to promote safe, orderly, efficient development and ensure compliance with the City's vision of future growth.

### SUMMARY OF RECOMMENDED ACTION

The Comprehensive Land Use Plan (CLUP), through the Future Land Use Plan and the Northern Schertz Sector Plan, designates this subject property as Commercial Campus. The objective of the Commercial Campus future land use designation is to accommodate the development of lower intensity commercial and office uses that utilize a variety of mostly office, flex-office, light industrial, and educational and other institutional uses. Typically, the Commercial Campus future land use designation is associated with the General Business District (GB) based on the land uses allowed by right based on the Unified Development Code Permitted Use Table. The General Business District- 2 (GB-2), is a higher intensity zoning district which incorporates permitted land uses that are not allowed within the General Business District (GB). However, due to the existing structure on the property, previously land uses that would require General Business District -2 (GB-2) have been done at the property.

Comprehensive Plan Goals and Objectives: The proposed rezoning of the property to General Business District- 2 (GB-2) is not in conformance with the Comprehensive Plan as it can attract higher intensity commercial and industrial uses which would be permitted by right. The IH-35 corridor is primarily designated for the lower intensity/light industrial uses set forth in the General Business District (GB) zoning category. The existing building is constructed of metal siding, having roll up dock doors, and set back off the highway approximately 145 feet. Additionally, with the current surrounding properties the proposed rezoning to General Business District -2 (GB-2) is an appropriate zoning district for this subject property.

- Impact of Infrastructure: The proposed zone change should have a minimal impact on the infrastructure as there are currently two structures existing on the property.
- Impact of Public Facilities/Services: The proposed rezoning should have a minimal impact on the public services, such as schools, fire, police, parks, and sanitation services.
- Compatibility with Existing and Potential Adjacent Land Uses: The subject property is currently surrounded by parcels that are zoned General Business District (GB), and Pre-Development District (PRE), is adjacent to the City of New Braunfels city limits, and the IH 35 Access Road. Except for the property within the City of New Braunfels, the immediately adjacent properties are currently undeveloped. Due to the surrounding zoning land uses, the existing structures, and the previous land uses the rezoning to General Business District -2 (GB-2) is compatible.

## **FISCAL IMPACT**

None

## **RECOMMENDATION**

The Planning and Zoning Commission conducted a public hearing on May 12, 2021, and offered a recommendation of approval with a 6-1 vote.

- Commissioner Evans voted nay, and indicated that the applicant could come up with another solution instead of rezoning to General Business District-2 (GB-2).

Although, the Comprehensive Land Use Plan designation of Commercial Campus is traditionally associated with the General Business District (GB), which would not be supportive of the proposed zone change, the property has been most recently been occupied by a foundation repair company and existing surrounding land uses to this property are more in line with the proposed General Business District -2 (GB-2) zoning.

Staff supports the Commissions recommendation and recommends approval of the proposed rezoning from General Business District (GB) to General Business District-2 (GB-2) as submitted.

---

## **Attachments**

Ordinance

Exhibit A: Metes and Bounds

Exhibit B: Zone Change Exhibit

Aerial Map

Public Notification 200ft buffer

---



## **ORDINANCE NO. 21-S-20**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 1.824 ACRES OF LAND FROM GENERAL BUSINESS DISTRICT (GB) TO GENERAL BUSINESS DISTRICT -2 (GB-2), GENERALLY LOCATED APPROXIMATELY FIVE THOUSAND FIVE HUNDRED FEET EAST OF THE INTERSECTION OF SCHWAB ROAD AND IH-35 ACCESS ROAD, 6420 IH 35, ALSO KNOWN AS PROPERTY IDENTIFICATION NUMBER 67796, CITY OF SCHERTZ, COMAL COUNTY, TEXAS.**

**WHEREAS**, an application to rezone approximately 1.824 acres of land located approximately five thousand five hundred feet east of the intersection Schwab Road and IH-35, and more specifically described in the Exhibit A and Exhibit B attached herein (herein, the “Property”) has been filed with the City; and

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

**WHEREAS**, on May 12, 2021, 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; and

**WHEREAS**, on June 8, 2021, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the requested zoning be approved as provided for herein.

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

Section 1. The Property as shown and more particularly described in the attached Exhibit A, is hereby zoned General Business District-2 (GB-2).

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 8<sup>th</sup> day of June 2021.

PASSED, APPROVED AND ADOPTED on final reading the 22<sup>nd</sup> day of June 2021.

---

Ralph Gutierrez, Mayor

ATTEST:

---

Brenda Dennis, City Secretary  
(SEAL OF THE CITY)

METES AND BOUNDS DESCRIPTION  
FOR LOT 1, WML SUBDIVISION

Being a 1.824 acre tract, located in the John Noyes Survey, A-430, Comal County, Texas. Also being that same land described as Lot 1, WML Subdivision, recorded in Volume 13, Page 227 of the Map Records of Comal County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod found in the North margin of Interstate Highway 35 for the Southwest corner of Lot 1, WML Subdivision and the Southeast corner of a called 0.302 of an acre tract, described as the Third Tract, dedicated to the City of New Braunfels Utilities in Volume 586, Page 849 of the Comal County Deed Records;

THENCE with the West line of said Lot 1 and the East line of said 0.302 of an acre tract, North 33°21'20" West, a distance of 199.57 feet to a ½" iron rod found for the Northwest corner of Lot 1 and the Northeast corner of said 0.302 of an acre tract, lying in the South line of a called 81.8 acre tract, described in Document No. 200806006653, Official Public Records of Comal County, Texas;

THENCE with the North line of Lot 1 and the South line of said 81.8 acre tract, North 45°32'32" East, at a distance of 341.24 feet passing a ½" iron rod found for the Southeast corner of said 81.8 acre tract and the Southwest corner of Lot 24, Magnolia Springs Unit 8, a subdivision recorded in Document No. 201706037194 of the Official Public Records of Comal County, Texas, and continuing in all a total distance of 356.52 feet to a ½" iron rod found for the Northeast corner of Lot 1 and the Northwest corner of Lot 2, of said WML Subdivision;

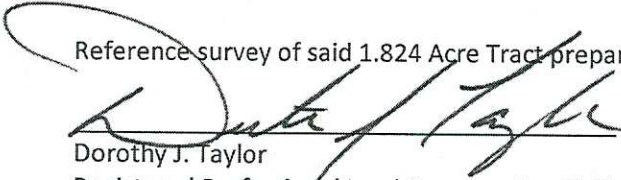
THENCE with the East line of Lot 1 and the West line of Lot 2, South 33°28'33" East, a distance of 254.22 feet to a mag nail found in concrete in the North margin of Interstate Highway 35, for the Southeast corner of Lot 1 and the Southwest corner of Lot 2;

THENCE with the North margin of Interstate Highway 35 and the South line of Lot 1, South 54°21'23" West, a distance of 350.66 feet to the POINT OF BEGINNING and containing 1.824 acres of land in Comal County, Texas.

Bearings shown hereon are based on the Texas Coordinate System, South Central Zone (4204), NAD 83.

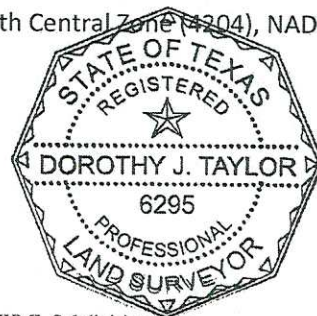
Written January 21, 2020.

Reference survey of said 1.824 Acre Tract prepared this same date.

  
Dorothy J. Taylor

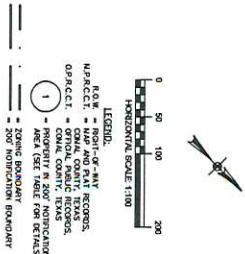
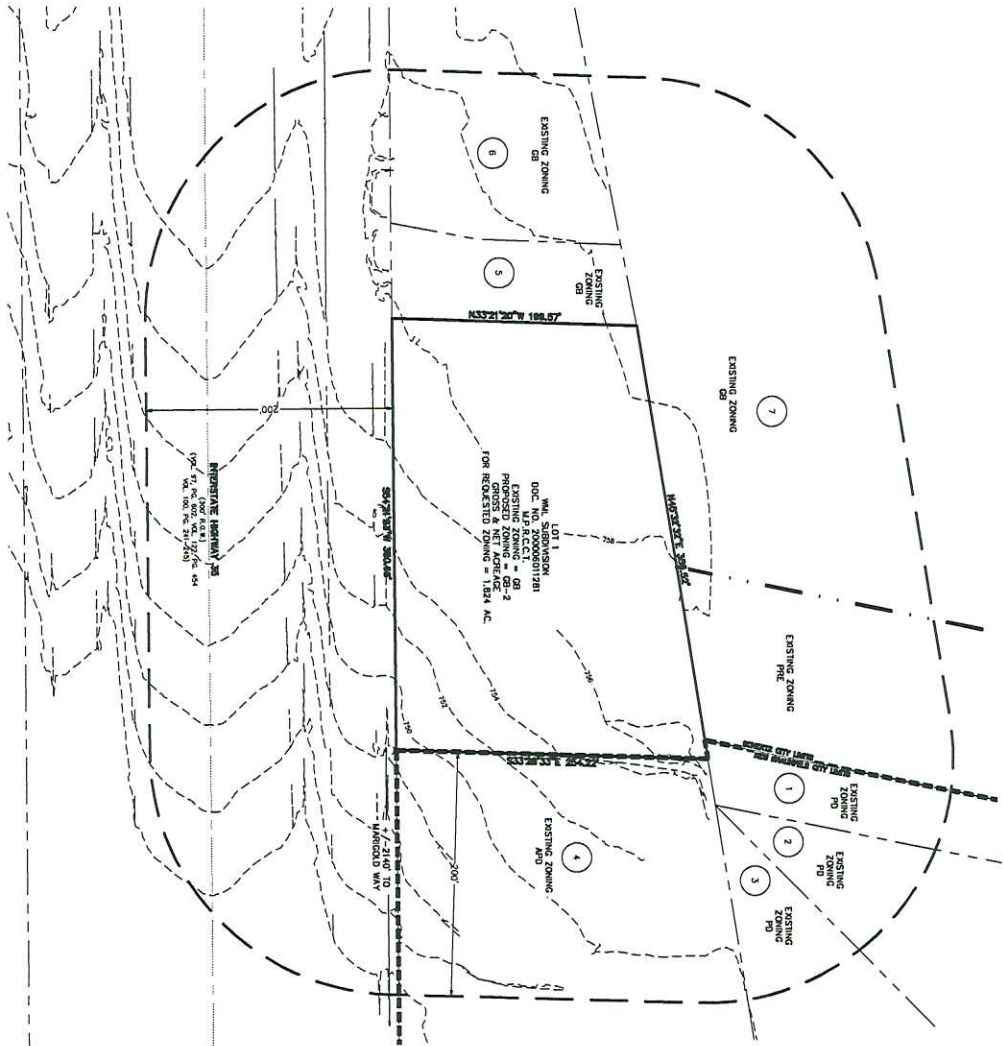
Registered Professional Land Surveyor No. 6295

S:\Projects\404 - Michael Morris\001 - 6410 & 6420 IH South Zoning Services\M&B\M&B Lot 1 WML Subdivision.docx





290 S. CASTELL AVE., STE. 100 NEW  
BRAUNFELS, TX 78130  
(830) 625-8655  
TBPUS FIRM F-10981  
TBPUS FIRM 10153800



PROPERTIES IN 200 NOTIFICATION AREA			
PROPERTY ID	OWNER/ADDRESS	LAND USE	RECORDING AGENCY
1 407740	UNIONDA SPRINGS HOLD, INC C/O P.O. BOX 342850 AUSTIN, TEXAS 78734	DRAINAGE PD	NEW BRAUNFELS MARIONET SPRINGS, UNIT 8 DOC. NO. 20170603194
2 407735	NEW BRAUNFELS MARIONET SPRINGS, UNIT 8 P.O. BOX 342850 AUSTIN, TEXAS 78734	RESIDENTIAL PD	NEW BRAUNFELS MARIONET SPRINGS, UNIT 8 DOC. NO. 20170603194
3 407741	KEVIN JONES & RACHEL 6333 HARBORCROSS C N THOMPSON	RESIDENTIAL PD	NEW BRAUNFELS MARIONET SPRINGS, UNIT 8 DOC. NO. 20170603194
4 67797	1102 N CHERRY SAN ANTONIO, TEXAS 78202	COMMERCIAL APD	NEW BRAUNFELS MARIONET SPRINGS, UNIT 8 DOC. NO. 20170603194
5 78352	CITY OF NEW BRAUNFELS ATTN: REAL ESTATE MGR NEW BRAUNFELS, TEXAS 78130	OPEN CB	UNLATTED VIA 506, PG. 849 OP.R.C.T.
6 78222	ENHANCED, LLC 2000 W. 10TH NEW BRAUNFELS, TEXAS 78130	COMMERCIAL CB	UNLATTED VIA 506, PG. 849 OP.R.C.T.
7 78178	1-35 INVESTMENT PROPERTIES 3508 LAM, TEXAS 77479	OPEN CB & PRE	UNLATTED VIA 506, PG. 849 OP.R.C.T.

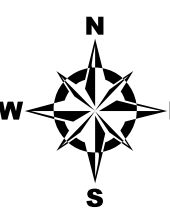
**OWNER/APPLICANT:**  
RANCHO WATNO, LLC  
1137 UNSCHEL, RD  
SPRING BRANCH, TX 78070

**NOTE:**  
NO 100-YEAR FLOODPLAIN  
EXISTS ON THE PROPERTY.

**ZONING EXHIBIT OF**  
LOT 1, W M L SUBDIVISION, DOCUMENT  
NO. 200006011281, OFFICIAL PUBLIC  
RECORDS, COMAL COUNTY, TEXAS  
PREPARED JANUARY 28, 2021

















































# SCHERTZ

COMMUNITY • SERVICE • OPPORTUNITY

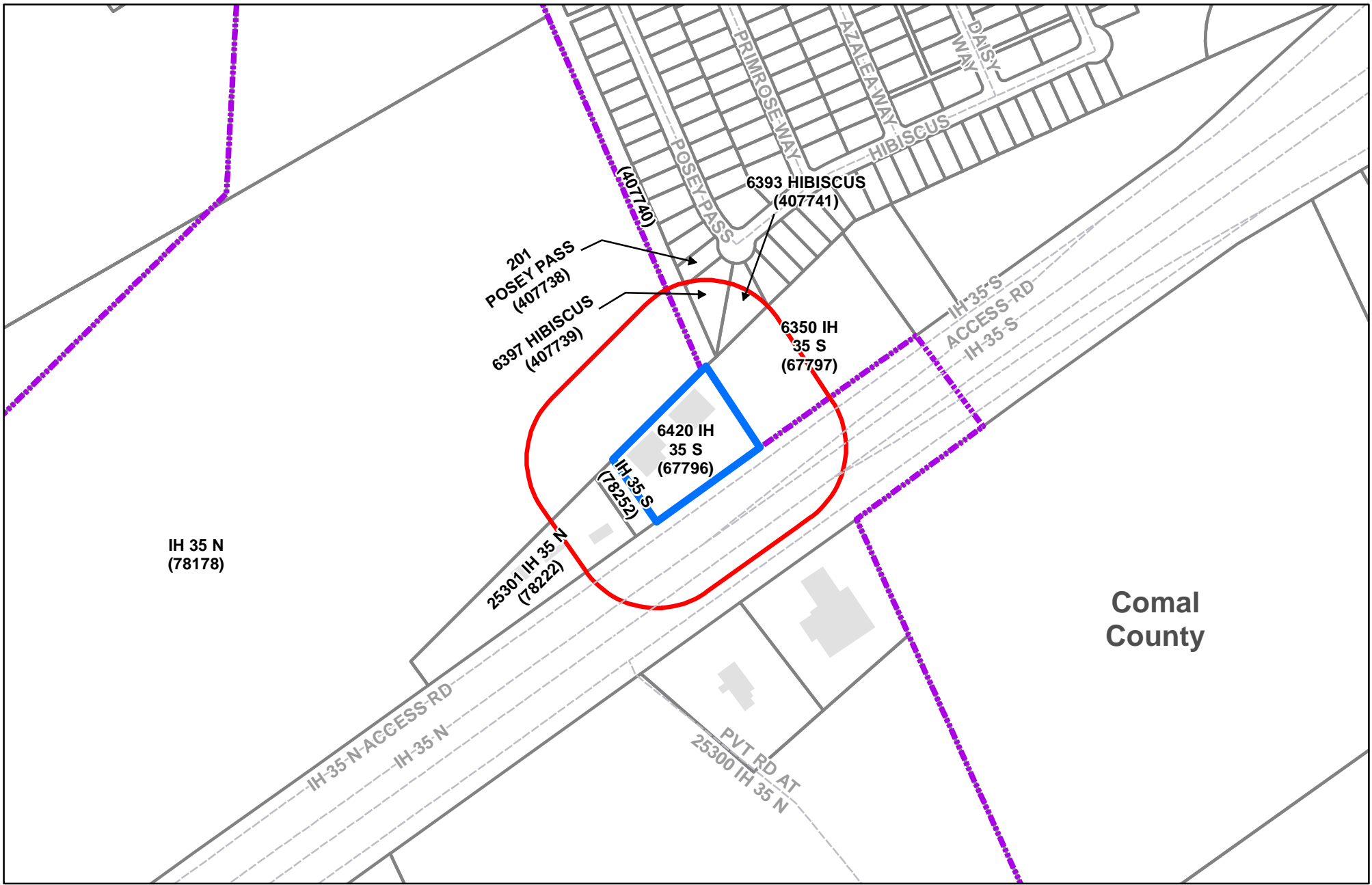
WML SUBDIVISION  
LOT 1

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

1 Inch = 150 Feet

0 75 150 300 Feet





# City of Schertz

## WML Subdivision

### Lot 1



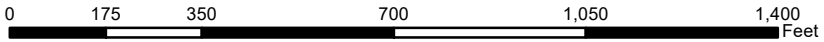
Parcel Boundaries



200' Notification Buffer



Schertz City Boundary



Last Update: March 24, 2021  
City of Schertz, GIS Specialist: Bill Gardner, [gis@schertz.com](mailto: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.

## CITY COUNCIL MEMORANDUM

**City Council Meeting:** June 22, 2021

**Department:** Planning & Community Development

**Subject:** Ordinance No. 21-S-21 - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas on a request to rezone approximately 6 acres of land from General Business District (GB) and Manufacturing Light District (M-1) to General Business (GB) and Manufacturing Light District (M-1), generally located approximately 2,000 feet west of the intersection between FM 2252 and IH-35, also known as Comal County Property Identification Number 78020, City of Schertz, Comal County, Texas. *Final Reading (B. James/L. Wood/M. Harrison)*

**BACKGROUND**

The applicant is proposing to rezone approximately 6 acres of land from General Business District (GB) and Manufacturing Light District (M-1) to General Business District (GB) and Manufacturing Light District (M-1). The property is located two thousand (2,000) feet west of the intersection of FM 2252 and IH 35 access road. Currently, the front approximately 4.5 acres of the property is zoned General Business District (GB) and the remainder 1.4 acres is zoned Manufacturing Light District (M-1). The applicant is proposing to adjust the zoning designation line in order to have the front 1.6 acres of the property to remain as General Business District (GB) and the remainder 4.3 acres to be rezoned Manufacturing Light District (M-1).

Nine (9) public hearing notices were mailed to the surrounding property owners within two hundred (200') feet of the subject property on April 28, 2021, with a public hearing notice published in the "San Antonio Express" on May 19, 2021, prior to the City Council public hearing. At the time of this report Staff has received one (1) response in favor of the request and zero (0) responses opposed to the zoning request. There was a public hearing held at the April 28, 2021 Planning and Zoning Commission Meeting. During this public hearing, no residents spoke.

**Current Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Existing</b>	General Business District (GB) / Manufacturing Light (M-1)	Vacant/Undeveloped
<b>Proposed</b>	General Business District (GB) / Manufacturing Light (M-1)	Office/Warehouse

**Adjacent Properties:**

	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	Manufacturing Light (M-1)	Vacant/ Undeveloped
<b>South</b>	Right-of-way	N IH 35
<b>East</b>	General Business District (GB) / Manufacturing Light (M-1)	Vacant/ Undeveloped

<b>West</b>	Private Right-of-way/ General Business District (GB)/ Manufacturing Home Park (MHP)/ Manufacturing Light (M-1)	Private Roadway "Main Street"/ Vacant/ Undeveloped
-------------	--	--

## **GOAL**

To rezone approximately 6 acres of land from General Business District (GB) and Manufacturing Light District (M-1) to General Business District (GB) and Manufacturing Light District (M-1). The applicant is proposing to adjust the zoning designation line in order to have the front 1.6 acres of the property remain as General Business District (GB) and the remainder 4.3 acres to be rezoned Manufacturing Light District (M-1).

## **COMMUNITY BENEFIT**

It is the City's desire to promote safe, orderly, efficient development and ensure compliance with the City's vision of future growth.

## **SUMMARY OF RECOMMENDED ACTION**

The proposed rezone is for approximately 5.851 acres of land from General Business District (GB) and Manufacturing Light District (M-1) to General Business District (GB) and Manufacturing Light District (M-1).

Currently, the front approximately 4.5 acres of the property is zoned General Business District (GB) and the remainder 1.4 acres is zoned Manufacturing Light District (M-1). The applicant is proposing to adjust the zoning designation line in order to have the front 1.6 acres of the property remain as General Business District (GB) and the remainder 4.3 acres be rezoned to Manufacturing Light District (M-1). Essentially, the applicant is requesting to reduce the acreage that is currently zoned General Business District (GB) and increase the acreage zoned Manufacturing Light District (M-1). The proposed area to remain as General Business District would comply with lot width and depth minimum dimensions for the zoning district.

The Comprehensive Land Use Plan (CLUP), through the Future Land Use Plan and the Schertz Sector Plan, designates the subject property as Commercial Campus. The objective of the Commercial Campus future land use designation is to accommodate the development of lower intensity commercial and office uses that utilize a variety of mostly office, flex-office, light industrial and educational and other institutional uses. The General Business District (GB) and Manufacturing Light (M-1) meets the goals and objectives of the Commercial Campus future land use designation by permitting lower intensity commercial and office uses along the frontage of IH-35.

- **Comprehensive Plan Goals and Objectives:** The proposed rezoning of the property to General Business District (GB) and Manufacturing Light (M-1) is in conformance with the goals and objectives of the Comprehensive Plan; the proposed zone change supports the lower intensity commercial objectives of the Commercial Campus future land use designation, specifically along the IH 35 frontage.
- **Impact of Infrastructure:** The proposed rezoning should have a minimal impact on the existing water system. Currently, there is a twelve (12) inch City of Schertz water line that runs along the frontage of the property. The property currently does not have sanitary sewer infrastructure in place; however, there is sewer across IH-35 that would be the closest connection. If the proposed



zone change is approved, the applicant would be required during the development process to make any infrastructure improvements deemed necessary.

- Impact of Public Facilities/Services: The proposed rezoning should have a minimal impact on public services, such as schools, fire, police, parks, and sanitation services.
- Compatibility with Existing and Potential Adjacent Land Uses: The subject property is currently surrounded by several parcels that are zoned General Business District (GB) and Manufacturing Light (M-1). The rezoning of this property is compatible with the adjacent land uses as the General Business District (GB) is intended to provide a lower intensity commercial along the IH-35 frontage and then the Manufacturing Light District (M-1) would allow the proposed office/warehouse along the back portion of the property. Additionally, the property to the rear of the subject property is adjacent to the currently Manufacturing District (M-1) zoned portion of the property, so the proposed zone change should have minimal impact.

## **FISCAL IMPACT**

None

## **RECOMMENDATION**

The Planning and Zoning Commission conducted a public hearing on May 12, 2021, and offered a recommendation of approval with a vote of 7-0.

The Comprehensive Land Use Plan designates the subject property as Commercial Campus which is intended to encourage the development of lower intensity commercial, light industrial, and office uses in the locations between major intersections as a buffer between the Interstate Highway and adjoining neighborhoods. The location of this property being along the IH-35 frontage makes it an ideal location for a lower intensity commercial with some light industrial type development. The proposed zone change which would maintain the General Business District (GB) on the front 1.6 acres will allow the lower intensity land uses that are desired immediately adjacent to IH 35. In addition, by increasing the Manufacturing Light District (M-1) from the current 1.4 acres to the proposed 4.3 acres will allow the property to be developed in accordance with the applicants desires in the rear of the but maintain the ability for the desired retail / commercial / office in the front adjacent to IH 35.

Based on the subject property location, adjacent zoning and land uses, and the Comprehensive Land Use Plan designation the proposed zone change is compatible. Additionally, based on the zone change being to modify the acreage of the existing zoning designations rather than to a different zoning designation entirely, the goals and desires to maintain the IH 35 frontage for commercial / retail / office are being met while allowing the portion proposed to be Manufacturing Light District (M-1) at the rear of the property will provide the applicant the ability to complete their desired development. Due to the nature of the proposed zone change to modify the acreage within each zoning designation.

Staff recommends approval of the proposed rezoning from General Business District (GB) and Manufacturing Light District (M-1) to General Business District (GB) and Manufacturing Light District (M-1) as submitted.

---

## **Attachments**

Ordinance

Exhibit A: Metes and Bounds

Exhibit B: Zone Change Exhibit

Aerial Map

Public Notification 200ft buffer



## **ORDINANCE NO. 21-S-21**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 6 ACRES OF LAND FROM GENERAL BUSINESS DISTRICT (GB) AND MANUFACTURING LIGHT DISTRICT (M-1) TO GENERAL BUSINESS DISTRICT (GB) AND MANUFACTURING LIGHT DISTRICT (M-1), LOCATED APPROXIMATELY TWO THOUSAND FEET WEST OF THE INTERSECTION OF FM 2252 AND IH-35 ACCESS ROAD, 18735 IH-35, ALSO KNOWN AS COMAL COUNTY PROPERTY IDENTIFICATION NUMBERS 78020, CITY OF SCHERTZ, COMAL COUNTY, TEXAS.**

**WHEREAS**, an application to rezone approximately 6 acres of land located approximately two thousand feet west of the intersection of FM 2252 and IH-35 Access Road, 18735 IH-35, also known as Comal County property identification numbers 78020, and more specifically described in the Exhibit A and Exhibit B attached herein (herein, the “Property”) has been filed with the City; and

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

**WHEREAS**, on May 12, 2021, 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; and

**WHEREAS**, on June 8, 2021, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the requested zoning be approved as provided for herein.

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

Section 1. The Property as shown and more particularly described in the attached Exhibit A and Exhibit B, is hereby zoned General Business District (GB) and Manufacturing Light District (M-1).

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 8<sup>th</sup> day of June, 2021.

PASSED, APPROVED AND ADOPTED on final reading the 22<sup>nd</sup> day of June, 2021.

---

Ralph Gutierrez, Mayor

ATTEST:

---

Brenda Dennis, City Secretary  
(SEAL OF THE CITY)



*Ace Surveying, Inc.*

**RHONDA K. BUTLER**  
REGISTERED PROFESSIONAL  
LAND SURVEYOR #5409  
FIRM #10160700

P. O. BOX 597  
DEVINE, TEXAS 78016  
Phone: 830-334-7264  
Fax: 830-665-5796

Email: [acesurveying@sbcglobal.net](mailto:acesurveying@sbcglobal.net)

**5.889 ACRES  
COMAL COUNTY, TEXAS**

A field note description of a 5.889 acre tract of land situated in the City of Schertz, Comal County, Texas, out of the Martin & Walker Survey 113, Abstract 414, being the same tract of land called 5.851 acres and described in deed recorded in Document #200906018773 of the Official Public Records of Comal County, Texas and being more particularly described by metes and bounds as follows: (Note: All iron pins set are ½" rebar with pink plastic cap stamped "RKB 5409", Basis of bearing is WGS 84)

Beginning at a TxDot Type II monument found for the south corner of the herein described tract and said 5.851 acres, in the northwest right-of-way line of Interstate Highway 35;

Thence N 32°35'05" W, along the southwest line of the herein described tract and said 5.851 acres and a northeast line of said Lot 3, at 4.77 feet pass a TxDot Type II monument found in the northwest right-of-way line of said Interstate Highway 35 and an east corner of Lot 3, Block 1 of the Stone Creek RV Park Subdivision according to plat recorded in Document #201206042305 of the Official Public Records of Comal County, Texas and continuing on the same course for a total distance of 1003.80 feet to an iron pin found for the west corner of the herein described tract and said 5.851 acre tract, an angle point of said Lot 3 and the south corner of a 5.404 acre tract of land described in deed recorded in Volume 739, Page 804;

Thence N 58°15'23" E, 259.99 feet along the northwest line of the herein described tract and said 5.851 acre tract and the southeast line of said 5.404 acre tract to an iron pin found for the north corner of the herein described tract and said 5.851 acres and the west corner of a 3.527 acre tract of land described in deed recorded in Volume 356, Page 729 of the Official Public Records of Comal County, Texas;

Thence S 32°44'39" E, along the northeast line of the herein described tract and said 5.851 acres and the southwest line of said 3.527 acres, at 941.47 feet pass an TxDot Type II monument found for the south corner of said 3.527 acre tract, in the northwest right-of-way line of aforesaid Interstate Highway 35, and continuing on the same course for a total distance of 955.39 feet to a nail found in concrete for the east corner of the herein described tract and said 5.851 acres and the northwest right-of-way line of said Interstate Highway 35;

Thence along the southeast boundary of the herein described tract and said 5.851 acres and the northwest right-of-way line of said Interstate Highway 35 the following 2 calls:

- 1) S 46°10'18" W, 142.98 feet to a nail found in concrete for an angle point;
- 2) S 49°38'12" W, 123.52 feet to the place of beginning and containing 5.889 acres of land according to a survey made on the ground on April 1, 2016 by Ace Surveying, Inc.

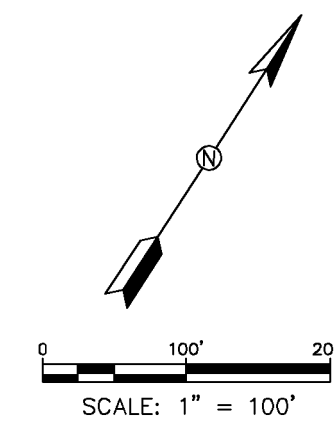


Rhonda K. Butler  
Registered Professional  
Land Surveyor #5409  
File: I35 K Wing & E Woolsey  
Corresponding Drawing Prepared



PROPOSED: 4.3 AC M-1 ZONING, 1.6 AC GB ZONING

NOTE:  
NO 100-YR FLOODPLAIN EXISTS ON THE  
PROPERTY AS DEFINED BY THE COMAL  
COUNTY, TEXAS COMMUNITY PANEL NUMBER  
48091C0485F, AS PREPARED BY THE FEDERAL  
EMERGENCY MANAGEMENT AGENCY, EFFECTIVE  
DATE SEPTEMBER 2, 2009.



### LEGEND

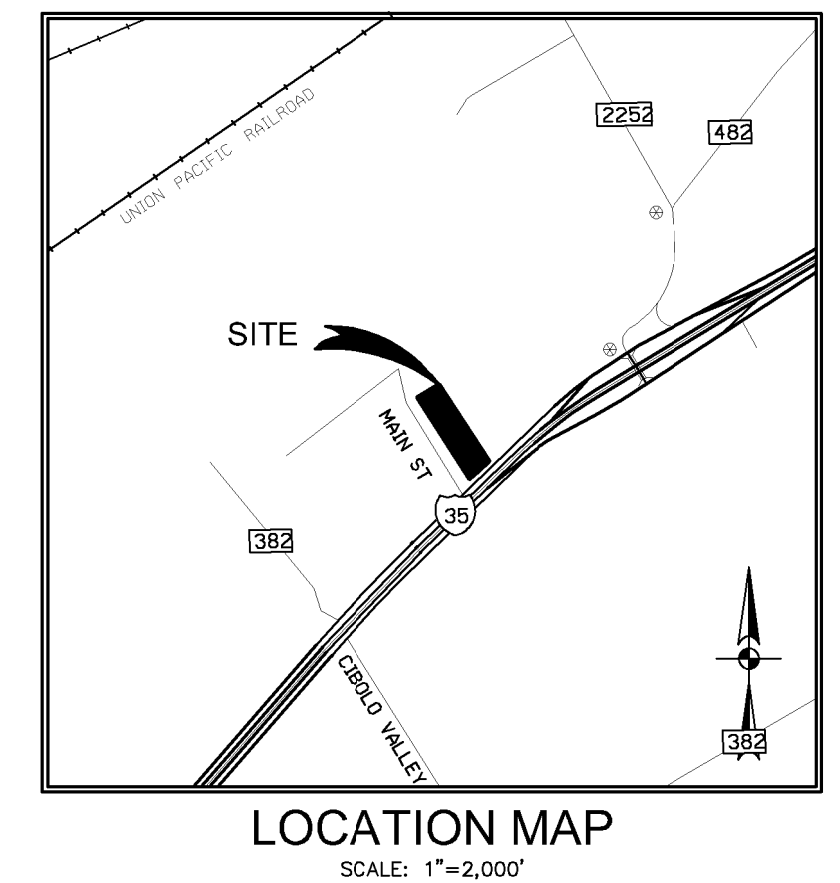
200'-FT NOTIFICATION BOUNDARY

M-1 ZONING

GB ZONING

1

PROPERTY #, SEE TABLE FOR ADDITIONAL INFORMATION



200-FT NOTIFICATION AREA PROPERTY INFORMATION							
PROPERTY #	LAND USE	ZONING	SUBDIVISION NAME	OWNER NAME	PROPERTY ADDRESS	PROPERTY ID#	RECORDING INFORMATION
1	UNDEVELOPED	GB	N/A	EDNA E – ESTATE & ROMAN KRAFT	N IH 35 SCHERTZ, TX 78154	R34178	VOL. 2868 PG. 1009
2	UNDEVELOPED	GB/M-1	N/A	ESTATE OF EDNA KRAFT	18691 IH 35 N SCHERTZ, TX 78154	R78049	DOC. 142-08-144368
3	UNDEVELOPED	M-1	N/A	PAUL DANIELS	IH 35 SCHERTZ, TX 78154	R400975	DOC. 201606037258
4	ACCESS ROAD	GB/MHP	N/A	VIOLA S BUECHE	18711 IH 35 N SCHERTZ, TX 78154	R146387	N/A
5	MOBILE HOME PARK	MHP	N/A	RICHARD & GUADALUPE BARTLETT	18701 IH 35 N SCHERTZ, TX 78154	R78043	DOC. 201406010219
6	STORAGE	GB/M-1	N/A	LOCK AWAY STORAGE SCHERTZ LLC	18913 IH 35 N SCHERTZ, TX 78154	R389410	DOC. 201406042727
7	UNDEVELOPED	GB/M-1	N/A	FRANCES MUEHL	S IH 35 SCHERTZ, TX 78154	R78032	VOL. 356 PG. 729

OWNER/DEVELOPER:  
FREDERICO MARTINEZ  
BEDSTONE LLC  
3736 BEE CAVES RD. #1159  
WEST LAKE HILLS, TX 78746  
512-632-9828

ENGINEER/SURVEYOR:  
MOELLER & ASSOCIATES  
SHANE KLAR, P.E. - ENGINEER  
2021 SH 46W, STE 105.  
NEW BRAUNFELS, TX. 78132  
(830) 358-7127

ACE SURVEYING, INC  
RHONDA K. BUTLER - SURVEYOR  
P.O. BOX 597  
DEVINE, TEXAS 78016  
(830) 334-7264

ZONE CHANGE EXHIBIT

MARTIN & WALKER SURVEY  
113. ABS #414

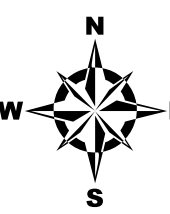
PREPARED: April 7, 2021



2021 SH 46W, Ste. 105  
New Braunfels, TX 78132  
ph: (830) 358-7127  
www.ma-tx.com TBPE FIRM F-13351
















































**SCHERTZ**  
COMMUNITY • SERVICE • OPPORTUNITY

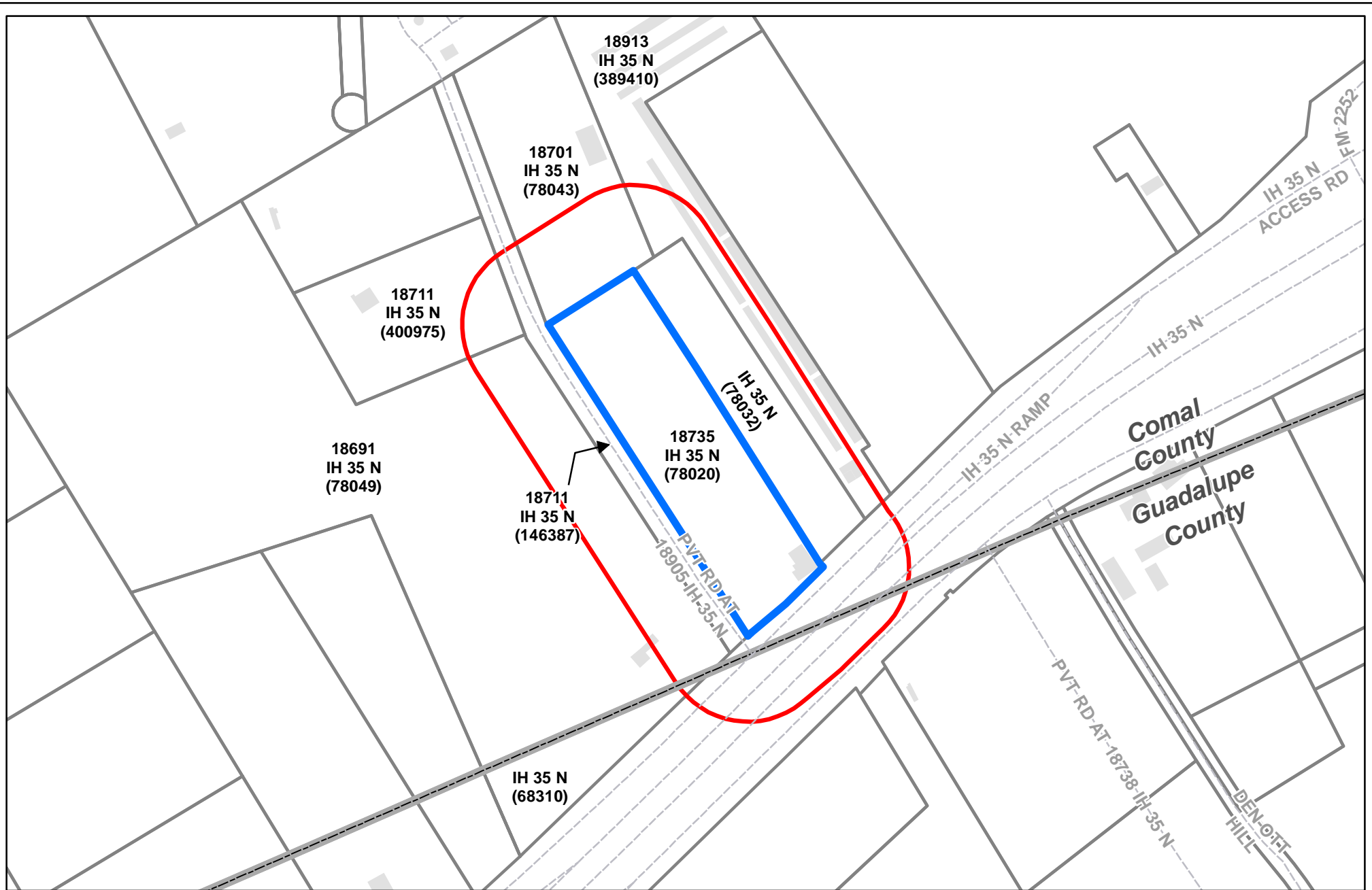
18735 IH 35 N

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

1 Inch = 200 Feet



0 100 200 400 Feet





**SCHERTZ**  
COMMUNITY • SERVICE • OPPORTUNITY

# City of Schertz 18735 IH 35 N

 200' Notification Buffer  Parcel Boundaries



0 175 350 700 1,050 1,400 Feet

Last Update: January 13, 2021

City of Schertz, GIS Specialist: Bill Gardner, [gis@schertz.com](mailto: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. Periodic 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

April 28, 2021

Dear Property Owner,

The Schertz Planning and Zoning Commission will conduct a public hearing on **Wednesday, May 12, 2021 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:

**ZC2021-001** – A request to rezone approximately 6 acres of land from General Business District (GB) and Manufacturing Light District (M-1) to General Business District (GB) and Manufacturing Light District (M-1), generally located approximately 2,000 feet west of the intersection between FM 2252 and IH-35 access road, 18735 N IH 35, also known as Comal County Property Identification Number 78020, City of Schertz, Comal 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 [mharrison@schertz.com](mailto:mharrison@schertz.com). If you have any questions please feel free to call Megan Harrison, Planner directly at (210) 619-1781.

Sincerely,



Megan Harrison  
Planner

Reply Form

I am: in favor of ☒ opposed to ☐ neutral to ☐ the request for **ZC2021-001**

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

NAME: Frances H Maehl SIGNATURE: Frances H Maehl  
(PLEASE PRINT)

STREET ADDRESS: 1046 Santa Clara Loop

DATE: 5-5-2021 Mission, Texas 78124-2048

## CITY COUNCIL MEMORANDUM

**City Council Meeting:** June 22, 2021

**Department:** Planning & Community Development

**Subject:** Ordinance No. 21-S-22 - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas on a request to rezone approximately 61 acres of land from General Business District (GB), Single-Family Residential/ Agricultural District (R-A), and Planning Development District (PDD) to Planned Development District (PDD), located at 9661 E FM 1518N, 10105 E FM 1518N, and 7901 E FM 1518N, also known as Bexar County Property Identification Number 309889, 309923, and 1058761, City of Schertz, Bexar County, Texas. *Final Reading* (B. James/L. Wood/M. Harrison)

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**BACKGROUND**

The applicant is proposing to rezone approximately sixty-one (61) acres of land to Planned Development District (PDD) as part of The Crossvine PDD. The 61 acres within the requested rezone consists of the following tracts:

1. A 1 acre tract, parcel 309889, currently zoned General Business District (GB)
2. A 5.77 acre tract, parcel 309923, currently zoned Single-Family Residential / Agricultural (R-A)
3. A 53.72 acre tract, parcel 1058761, currently zoned Planned Development District (PDD)

Tract	Location	Acreage	Zoning	Land Use
1	Northwest corner of FM 1518 and Lower Seguin Road	1 Acre	Existing: General Business District (GB) Proposed: Planned Development District (PDD)	Existing: Undeveloped Proposed: Mixed- Use
2	Approximately 1,600 feet northwest of the intersection of FM 1518 and Lower Seguin Road	6 Acres	Existing: Single-Family Residential / Agricultural District (R-A) Proposed: Planned Development District (PDD)	Existing: Undeveloped Proposed: Mixed-Use
3	Approximately 1,400 feet southwest of Founders Classical Academy / Approximately 2,600 feet northwest of the intersection of FM 1518 and Ware Seguin Road	53.74 Acres	Existing: Planned Development District (PDD) Proposed: Planned Development District (PDD)	Existing: Undeveloped Proposed: Residential

**Crossvine Project History:**

2005	Sedona Subdivision PUD was adopted for mix use development Ord. #05-S-49
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2006	Sedona Subdivision PUD was amended Ord. #06-S-36
2012	Sedona Trails PDD was adopted as a new mixed use development Ord. #12-S-01
2012	The Crossvine PDD was amended and adopted by Ord. #12-S-16; Changing Sedona to Crossvine
2014	The Crossvine PDD was amended and adopted by Ord. #14-S-08
2017	The Crossvine PDD was amended and adopted by Ord. #17-S-01 to allow for new Garden Home configuration the "3rd Amendment"
2021	The Crossvine PDD was amended and adopted by Ord. #21-S-08 to incorporate an additional 57.486 acres into the Crossvine PDD zoned area
2021	The proposed The Crossvine PDD "5th Amendment": to incorporate an additional approximately 7 acres into the Crossvine PDD zoned area and amend the regulations in place for approximately 54 acres currently within The Crossvine

Twenty (20) public hearing notices were mailed to surrounding property owners on April 28, 2021 with a public hearing notice published in the "San Antonio Express" on May 19, 2021, prior to the City Council public hearing. At the time of this report staff has received one (1) response in favor and zero (0) responses opposed to the zone change.

The following residents spoke at the May 12, 2021 Planning and Zoning Commission Public Hearing:

- Shannon and Tina Houy- 10105 E 1518, Lot 1
  - Concerned about the following:
    - Tract 2 as it depicted there land in the Town Center on the conceptual plan presented
    - Adverse impacts of drainage
    - Stormwater
    - Noise and Lights
    - Buffers against our property
    - Safety
  - Request to review the Planned Development District design requirements due to their property adjacency.
- Maria Jones- 7960 E FM1518N
  - Requested additional information in relation to the Planned Development District design requirements.
  - Requested additional information on the proposal and traffic impacts.

### **Proposed Zoning:**

The Crossvine PDD 5th Amendment for Tract 1, a 1 acre property and Tract 2 a 5.77 acre property, will be subject to the zoning, and the terms, conditions, and requirements associated with the existing The Crossvine Module IIB and to be included into the entire The Crossvine PDD Project Area. The two tracts of land that will be incorporated into Module IIB will develop as mixed use in the proposed Town Center to the north of Lower Seguin Road.

The Crossvine PDD 5th Amendment for Tract 3, the 53.72 acres property, will be applicable to the zoning, and the terms, conditions and requirements associated with Module IIIA Unit 1. Module IIIA Unit 1 is proposed to develop as single-family residential and include a proposed Amenity Center. The proposed design of the Module IIIA Unit 1 will be a natural expansion of the land plan design and development of the aesthetic of The Crossvine; the expansion shall include design elements that have made development within The Crossvine unique, such as accessible green spaces, walking

trails, meandering roadways, and intimate cul-de-sacs. In addition, the construction, landscaping, signage, and other features in Module IIIA Unit 1 will adhere to the Public Amenity and Architectural Standards as previously established in The Crossvine Module 1 and Module IIA.

The Crossvine Module IIIA Unit 1 is proposed to develop as single-family residential lots consisting of 3 categories, identified below.

- DSFR (4) will have a lot size no less than four thousand nine hundred and fifty (4,950) square feet with minimum dimensions of forty-five (45) feet wide by one hundred and ten (110) feet deep. The DSFR (4) will have a maximum dwelling size, of conditioned area, for a 1-story home of two thousand four hundred (2,400) square feet and a maximum dwelling size, of conditioned area, for a 2-story home of three thousand two hundred (3,200) square feet.
- DSFR (5) will have a lot size no less than six thousand and fifty (6,050) square feet with minimum dimensions of fifty-five (55) feet wide by one hundred and ten (110) feet deep. The DSFR (5) will have a maximum dwelling size, of conditioned area, for a 1-story home of two thousand eight hundred and fifty (2,850) square feet and the maximum dwelling size, of conditioned area, for a 2-story home of three thousand six hundred and fifty (3,650) square feet.
- DSFR (6) will have a lot size that is no less than seven thousand four hundred and seventy-five (7,475) square feet with minimum dimensions of sixty-five (65) feet wide by one hundred fifteen (115) feet deep. The DSFR (6) will have a maximum dwelling size, of conditioned area, for a 1-story home of three thousand three hundred (3,300) square feet and the maximum dwelling size, of conditioned area, for a 2-story home shall be four thousand one hundred (4,100) square feet.

Homes shall be placed in the center of the lot allowing for a minimum five foot (5') side yard setback. The air-conditioning units or HVAC pads shall be located at the rear or side of the home. There will be a minimum of a twenty foot (20') front yard setback, and a ten foot (10') rear yard setback for each lot. All private fencing shall attach to the house no further than five (5) feet from the primary rear wall of the home.

The DSFR (4), DSFR (5), and DSFR (6) land use categories, are further described in the below table and on the full table identified on page 27 of The Crossvine PDD Fifth Amendment-Design Standards

Land Use Dimensional Requirements:

Use Category	Min. Area Sq. Ft	Min. Width Ft.	Min. Depth Ft.
DSFR (4)	4,950	45	110
DSFR (5)	6,050	55	110
DSFR (6)	7,475	65	115

Within The Crossvine PDD "5th Amendment", Exhibit 8 on page 28, there is an included "Land Allocation Table" which identifies the proposed minimum, maximum, and planned number of units within The Crossvine Modules. Specifically, Module IIIA and IIIB are identified below:

Use Category	Minimum	Maximum	Planned
DSFR (1)	170	256	213
DSFR (4)	144	216	180
DSFR (5)	149	223	186
DSFR (6)	76	114	95

\*Please note the proposed "5th Amendment" for the 53.72 acres is proposed to develop as DSFR 4, 5, 6.

In addition to the single-family residential, Module IIIA will include a proposed amenity center to be constructed concurrently with Module IIIA Unit 2. The proposed amenity center will include the following:

- A lap pool suitable for competitive swim meets with dimensions of no less than 25 meters in length and 10.5 meters in width
- A wading and/or splash pad appropriately sized in conjunction with other pool facilities
- A conditioned interior building area with:
  - No less than 400 square feet of office area
  - A community room of no less than 1,000 square feet
  - Restrooms
  - Storage area
- An outdoor open-air covered pavilion of no less than 1,750 square feet

## **GOAL**

The goal of the proposed zone change is to incorporate an additional 7 acres into The Crossvine Planned Development District (PDD) and to modify the design requirements for the approximately 53.74 acres that is currently within The Crossvine Planned Development District.

## **COMMUNITY BENEFIT**

It is the City's desire to promote safe, orderly, efficient development and ensure compliance with the City's vision of future growth.

## **SUMMARY OF RECOMMENDED ACTION**

The Comprehensive Land Use Plan (CLUP) and Schertz Sector Plan Update identifies the subject properties of Tract 1: 1 acre and Tract 2: 5.77 acres as Mixed Use Core. The Mixed Use Core, is designated by the CLUP as a mix of retail, entertainment, restaurant, office, civic, and multi-family residential uses. The proposal to incorporate tracts 1 and 2 into The Crossvine Module IIB which is designated to be the "Town Center" is directly in conformance with the desires of the future land use designation Mixed Use Core.

The Comprehensive Land Use Plan and Schertz Sector Plan identifies the subject property, Tract 3: 53.72 acres as Estate Neighborhood. Traditionally, Estate Neighborhood is designed to be 0.5 acre tracts, but due to the fact that the property is already zoned as part of The Crossvine PDD, the Estate Neighborhood classification does not seem appropriate at this time.

- Impact of Infrastructure: The proposed zoning should have minimal impact on the existing and planned water and wastewater systems in the area.
- Impact of Public Facilities/Services: The proposed rezoning request should have minimal impact on public services, such as schools, fire, police, parks, and sanitation services.
- Compatibility with Existing and Potential Adjacent Land Uses: The subject properties are surrounded by single family residential, undeveloped land or the existing The Crossvine PDD zoned property. Staff believes that the rezoning request, essentially to incorporate an approximately seven (7) acres into the existing Crossvine PDD and amending approximately fifty-four (54) acres that is already within The Crossvine PDD, is compatible with the surrounding properties.

## **FISCAL IMPACT**

None

## **RECOMMENDATION**

Based on Tract 1 abutting a major intersection of Lower Seguin Road and FM 1518, currently surrounded by The Crossvine PDD zoned properties, and the proposal to incorporate this additional 1 acre tract into The Crossvine Module IIB there should be a minimal impact on the adjacent properties. Since The Crossvine Module IIB is designed to be a "Town Center" with a mix of commercial, retail, and residential uses the proposed zone change to incorporate this 1 acre tract is directly in line with the goals and objectives of the Mixed Use Core. Based on the conformance with the Comprehensive Land Use Plan and the adjacent zoning, staff recommends approval of the proposed 1 acre zone change to Planned Development District (PDD).

Tract 2 is directly adjacent to FM 1518 and properties already within The Crossvine PDD and proposed to be Module IIB, which is designed to be a mix of commercial, retail, and residential uses. The incorporation of an additional approximately 6 acres of land should have a minimal impact to the adjacent properties. Additionally, increasing the Module IIB area by the 6 acres is directly in conformance with the Comprehensive Land Use Plan goals and objectives for the Mixed Use Core. Based on the conformance with the Comprehensive Land Use Plan and the adjacent zoning, staff recommends approval of the proposed 6 acre zone change to Planned Development District (PDD).

Tract 3 is currently zoned as part of The Crossvine PDD. The proposed fifty-four (54) acres zone change included within The Crossvine PDD "5th Amendment" is essentially to update the current The Crossvine PDD regulations for the identified subject property. However, since this land is currently zoned for The Crossvine, the proposed amendments to the PDD Design standards should have a minimal impact on the adjacent land, the majority of which is also within The Crossvine PDD zoned property. Additionally, since the proposed amendment retains the design elements that make The Crossvine unique such as accessible green spaces, walking trails, meandering roadways, and intimate cul-de-sacs along with the proposed additional amenity center design features the requested "5th Amendment" should have a minimal impact. Staff recommends approval of the proposed zone change for the approximately 54 acres.

Based on the conformance with the goals and objectives of the Comprehensive Land Use Plan and the minimal impact on the adjacent properties for Tract 1 and Tract 2, staff recommends approval of the zone change as presented. Additionally, based on Tract 3 existing as The Crossvine PDD zoned property, and the proposal to maintain the key design elements of The Crossvine, with the proposed modifications to the design standards.

The Planning and Zoning Commission conducted a public hearing on May 12, 2021, and offered a recommendation of approval with a vote of 7-0.

Staff recommends approval of the zone change for the following as submitted:

Tract 1: 1 acre from General Business District (GB) to Planned Development District (PDD)

Tract 2: 5.77 acres from Single-Family Residential/Agricultural District (R-A) to Planned Development District (PDD)

Tract 3: 53.72 acres from Planned Development District (PDD) to Planned Development District (PDD)

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## **Attachments**

Ordinance

Exhibit A: Metes and Bounds  
Exhibit B: Zone Change Exhibit  
PDD Design Standards  
Aerial Maps  
Public Notification 200ft buffer  
Public Hearing Notice Response

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## **ORDINANCE NO. 21-S-22**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 61 ACRES OF LAND FROM GENERAL BUSINESS DISTRICT (GB), SINGLE-FAMILY RESIDENTIAL/ AGRICULTURAL DISTRICT (R-A) AND PLANNED DEVELOPMENT DISTRICT (PDD) TO PLANNED DEVELOPMENT DISTRICT (PDD), LOCATED AT 9661 E FM 1518N, 10105 E FM 1518N, AND 7901 E FM 1518N, ALSO KNOWN AS BEXAR COUNTY PROPERTY IDENTIFICATION NUMBERS 309889, 309923, AND 1058761 CITY OF SCHERTZ, BEXAR COUNTY, TEXAS.**

**WHEREAS**, an application to rezone approximately 61 acres of land located at 9661 E FM 1518N, 10105 E FM 1518N, and 7901 E FM 1518N, also known as Bexar County property identification numbers 309889, 309923, 1058761, and more specifically described in the Exhibit A and Exhibit B attached herein (herein, the “Property”) has been filed with the City; and

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

**WHEREAS**, on May 12, 2021, 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 C attached herein; and

**WHEREAS**, on June 8, 2021, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the requested zoning be approved as provided for herein.

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

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

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

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

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

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

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

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

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

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

Approved on first reading the 8<sup>th</sup> day of June, 2021.

PASSED, APPROVED AND ADOPTED on final reading the 22<sup>nd</sup> day of June, 2021.

---

Ralph Gutierrez, Mayor

ATTEST:

---

Brenda Dennis, City Secretary  
(SEAL OF THE CITY)

ADDITIONAL TRACT 1:

1.0 AC

FIELD NOTES

December 7, 2017

BEING 1.000 acre of land, more or less, out of the Geronimo Leal Survey No. 79, Abstract 424, County Block 5058, City of Schertz, Bexar County, Texas and also being described as a 1 acre tract in Volume 6505, Page 630 of the Deed Records of Bexar County, Texas and being more particularly described as follows:

BEGINNING at a concrete R.O.W. marker found in the existing north R.O.W. line of Lower Seguin Road at the south end of the cut-off line from the existing west R.O.W. line of F. M. Highway 1518 for a corner of this tract and a corner of the above referenced 1 acre tract;

THENCE, S 60°36'09" W, 91.56 feet (*S 60° W, 92.5 feet-6505/630*) along said south R.O.W. line to an iron rod found in same for the southwest corner of this tract and a corner of a 13.669 acre tract described in Volume 15542, Page 551 of the Real Property Records of Bexar County, Texas;

THENCE, N 09°49'00" W, 333.04 feet (*Ref. Brg. N 09°49' W, 334.5 feet-6505/630*) generally along an existing fence and the common line with said 13.669 acre tract to an iron pipe found for the northwest corner of this tract and an interior corner of said 13.669 acre tract;

THENCE, N 60°23'29" E, 143.04 feet (*N 60° E, 143.1 feet-6505/630*) generally along an existing fence and the common line with said 13.669 acre tract to a concrete R.O.W. marker found in the existing west line of F. M. Highway 1518 for the northeast corner of this tract and a corner of said 13.669 acre tract;

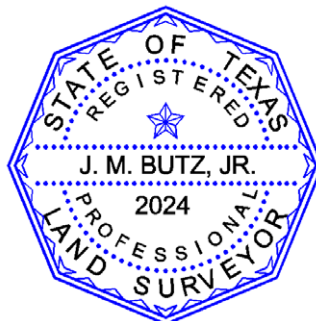
THENCE, along said west R.O.W. line in a southerly direction along a curve to the right and having a central angle of one°19'38," a radius of 2825.00 feet, a tangent distance of 32.73 feet, an arc length of 65.44 feet and a chord bearing and distance of S 100°7'00" E, 65.45 feet to an iron rod set for the end of this curve;

THENCE, S 09°27'11" E, (*S 09°49' E-6505/630*) 218.10 feet along said west R.O.W. line to an iron rod set in same at the north end of the cut-off line to the north line of Lower Seguin Road;

THENCE, S 25°17'49" W, 82.20 feet (*S 25°05' W, 83 feet-6505/630*) along said cut-off line to the POINT OF BEGINNING and containing 1.000 acre of land, more or less.

Note: Plat also prepared this day.

J. M. Butz, Jr.  
Registered Professional Land Surveyor  
No. 2024



FN17-145

## ADDITIONAL TRACT 2:

5.77 AC.

**CROSS BRANCH  
SURVEYING**  
2519 BOARDWALK  
SAN ANTONIO, TEXAS 78217  
(210) 828-1102

STATE OF TEXAS  
COUNTY OF BEXAR

5.77 ACRES  
F.M. 1518

Being a 5.77 acre tract of land out of a called 6.0 acre tract of land described in deed executed on June 18, 2015 from Arthur W. Hillert Jr., an individual, to Price Asset Management, Inc., a Texas Corporation recorded in Volume 17299, Page 1911 of the Official Public Records of Bexar County, Texas, situated in the Jeronimo Leal Survey No. 79, Abstract 424, County Block 5058 of Bexar County, Texas. Said 5.77 acre tract being more particularly described by metes and bounds as follows:

**BEGINNING** at a ½" iron rod found on the southwest right-of-way line of F.M. 1518, for the **POINT OF BEGINNING** of this herein described tract, same being the northeastern corner of a called 6.00 acres conveyed to Shannon N. Houy and Tina Marie Houy by deed recorded in Deed No. 20200130665 of the Official Public Records of Bexar County, Texas;

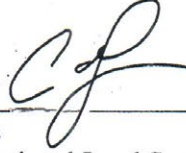
**THENCE**, S 30°16'49" E (the basis of bearings for this survey), a distance of 291.03 feet, with the southwest right-of-way line of F.M. 1518 to a ½" iron rod found for the northernmost corner of a called 34.007 acre tract conveyed to Schertz 1518, Ltd. By deed recorded in Volume 11492, Page 57 of the Official Public Records of Bexar County, Texas, same being the eastern most corner of this herein described tract;

**THENCE**, S 59°38'17" W, a distance of 862.71 feet, with the northwest line of said 34.007 acre tract, to a ½" iron rod found for an eastern corner of said Houy tract, same being the southernmost corner of this herein described tract;

**THENCE**, N 30°47'09" W, a distance of 291.04 feet, with the common line of the said Houy tract to a ½" iron rod found for the westernmost corner of this herein described tract;

**THENCE**, N 59°38'17" E, a distance of 568.28 feet, with the common line of said Houy tract to the **POINT OF BEGINNING** of this herein described tract, containing 5.77 acres (251,446 sq. ft.) of land, more or less, within these metes and bounds.

I hereby certify that this survey was performed upon the ground March 12th, 2021,  
under my direct supervision and is true and correct to the best of my knowledge.



Caesar A, Garcia  
Registered Professional Land Surveyor No. 5904  
WO #21-2-2B





## MODULE III A UNIT 1:

53.72 AC.



A 53.72 ACRES

A 53.72 acres tract of land, out of the Julian Diaz Survey No. 66, Abstract No. 187, County Block 5059, the E.R. Evans Survey No. 80, Abstract No. 216, County Block 5060 and being out of a 145.427 acre tract of land as conveyed to Schertz 1518, LTD. of record in Volume 11564 Page 1814 and a 91.288 acre tract of land as conveyed to Schertz 1518, LTD. of record in Volume 11601 Page 2280, all being of the Official Public Records of Bexar County, Texas and situated in the City of Schertz, Bexar County, Texas and being more particularly described by metes and bounds as follows:

**Commencing** at a found iron pipe, in the southwest right-of-way line of F.M. 1518, a variable width right-of-way and the northeast line of the 145.427 acre tract, for the southeast corner of Lot 1, Block 1 of the Washington Tyrannus School Of The Arts, a plat of record in Volume 9616, Page 24 of the Deed and Plat Records of Bexar County, Texas and a northeast corner of the 145.427 acre tract;

**THENCE:** along and with the northeast lines of the 145.427 acre tract and the north, west, and south lines of Lot 1, Block 1 of the Sedona Lift Station Subdivision, a plat of record in Volume 9611, Page 168 of the Deed and Plat Records of Bexar County, Texas, the following five (5) courses:

1. S 30°21'21" E, a distance of 363.82 feet to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for the northeast corner of Lot 1, Block 1 of the Sedona Lift Station Subdivision and an exterior corner of the 145.427 acre tract,
2. S 69°31'36" W, a distance of 119.34 feet to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for the northwest corner of Lot 1, Block 1 of the Sedona Lift Station Subdivision and an interior corner of the 145.427 acre tract,
3. S 20°28'24" E, a distance of 104.08 feet to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for the beginning of a curve to the right,
4. with a curve to the right, having an arc of 15.16 feet, a radius of 50.00 feet, a delta of 17°22'31", and a chord bears S 66°42'30" E, a distance of 15.10 feet to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of tangency, and
5. N 59°41'45" E, a distance of 126.48 feet to a calculated point, for the southeast corner of Lot 1, Block 1 and a northeast corner of the 145.427 acre tract;

**THENCE:** S 30°21'21" E, along and with a northeast line of the 145.427 acre tract, a distance of 703.73 feet to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for the **POINT OF BEGINNING** and the northeast corner of the tract described herein;

**THENE: S 30°21'21" E**, into and across the 145.427 acre tract, a distance of **577.63 feet** to a found ½" iron rod, for the northeast corner of a 9.977 acre tract of land as conveyed to Ware Seguin 1518, LLC of record in Volume 18693, Page 578 of the Official Public Records of Bexar County, Texas, the southeast corner of the 145.427 acre tract and the tract described herein;

**THENCE: S 59°19'19" W**, along and with the southeast line of the 145.427 acre tract and the northwest line of the 9.977 acre tract, a distance of **1749.17 feet** to a found ½" iron rod in the southeast line of the 145.427 acre tract, for the northwest corner of the 9.977 acre tract, the northeast corner of a 20.003 acre tract as conveyed to Ware Seguin 1518, LLC of record in Volume 19013, Page 2095 of the Official Public Records of Bexar County, Texas, and an angle point of the tract described herein;

**THENCE: S 59°39'56" W**, along and with the southeast line of the 145.427 acre tract and the northwest line of the 20.003 acre tract, a distance of **509.91 feet** to a post, in the northeast line of the 91.288 acre tract, for the northwest corner of the 20.003 acre tract, the southwest corner of the 145.427 acre tract and the tract described herein;

**THENCE:** into and across the 91.288 acre tract and the 145.427 acre tract the following seventeen (17) courses:

1. **N 83°06'36" W**, a distance of **160.98 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an angle point of the tract described herein,
2. **N 72°02'20" W**, a distance of **90.57 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an exterior corner of the tract described herein,
3. **N 17°57'40" E**, a distance of **8.58 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of curvature of the tract described herein,
4. With a curve to the **left**, having an arc of **76.05 feet**, a radius of **445.00 feet**, a delta of **9°47'32"**, and a chord bears **N 13°03'54" E**, a distance of **75.96 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of compound curvature of the tract described herein,
5. With a curve to the **left**, having an arc of **24.96 feet**, a radius of **15.00 feet**, a delta of **95°20'15"**, and a chord bears **N 39°29'59" W**, a distance of **22.18 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an exterior corner of the tract described herein,
6. **N 02°49'53" E**, a distance of **50.00 feet**, for a point of curvature of the tract described herein,
7. With a non-tangent curve to the **left**, having an arc of **24.96 feet**, a radius of **15.00 feet**, a delta of **95°20'15"**, and a chord bears **N 45°09'45" E**, a distance of **22.18 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of compound curvature of the tract described herein,
8. With a curve to the **left**, having an arc of **20.74 feet**, a radius of **445.00 feet**, a delta of **2°40'13"**, and a chord bears **N 03°50'29" W**, a distance of **20.74 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of tangency of the tract described herein,
9. **N 05°10'35" W**, a distance of **85.52 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an interior corner of the tract described herein,
10. **N 87°38'34" W**, a distance of **202.76 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an interior corner of the tract described herein,
11. **S 67°32'26" W**, a distance of **141.78 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an interior corner of the tract described herein,
12. **S 29°55'37" W**, a distance of **84.54 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an interior corner of the tract described herein,
13. **S 03°08'33" W**, a distance of **109.52 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an interior corner of the tract described herein,
14. **S 21°26'01" E**, a distance of **119.39 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an exterior corner of the tract described herein,
15. **S 22°49'58" W**, a distance of **156.59 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an angle point for the tract described herein,
16. **S 16°29'38" W**, a distance of **67.23 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an exterior corner of the tract described herein, and
17. **S 59°48'47" W**, a distance of **10.00 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for the southwest corner of the tract described herein;



**THENCE: N 30°11'13" W**, along and with the southwest line of the 91.288 acre tract and the northeast line of a 285.567 acre tract as conveyed to 3GG Properties, LLC of record in Volume 16527, Page 1683 of the Official Public Records of Bexar County, Texas, a distance of **694.82 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for the northwest corner of the tract described herein;

**THENCE:** into and across the 91.288 acre tract and the 145.427 acre tract the following forty-two (42) courses:

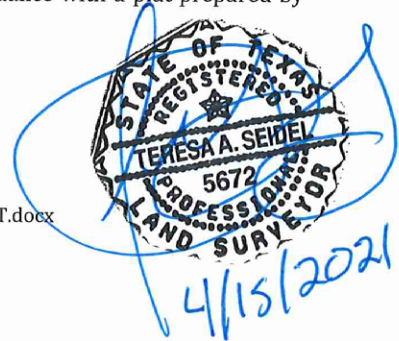
1. **N 69°35'40" E**, a distance of **200.04 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an interior corner of the tract described herein,
2. **N 20°24'20" W**, a distance of **129.56 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of curvature of a tract described herein,
3. With a non-tangent curve to the **left**, having an arc of **71.88 feet**, a radius of **60.00 feet**, a delta of **68°38'39"**, and a chord bears **N 02°28'31" E**, a distance of **67.66 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of reverse curvature of the tract described herein,
4. With a curve to the **right** having an arc of **22.56 feet**, a radius of **15.00 feet**, a delta of **86°10'39"**, and a chord bears **N 11°14'31" E**, a distance of **20.49 feet** to a set ½" iron rod with a Blue Cap Stamped "KFW Surveying", for a point of tangency of the tract described herein,
5. **N 54°19'50" E**, a distance of **38.98 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an exterior corner of the tract described herein,
6. **S 35°40'10" E**, a distance of **120.00 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an interior corner of the tract described herein,
7. **N 54°19'50" E**, a distance of **166.59 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an interior corner of the tract described herein,
8. **N 20°23'46" E**, a distance of **95.41 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an angle point of the tract described herein,
9. **N 14°38'50" E**, a distance of **89.78 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an angle point of the tract described herein,
10. **N 07°37'05" E**, a distance of **75.06 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for the north corner of the tract described herein,
11. **S 82°22'55" E**, a distance of **199.87 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of curvature of the tract described herein,
12. With a curve to the **right**, having an arc of **155.63 feet**, a radius of **275.00 feet**, a delta of **32°25'31"**, and a chord bears **S 66°10'10" E**, a distance of **153.56 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for point of tangency of the tract described herein,
13. **S 49°57'24" E**, a distance of **8.93 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an interior corner of the tract described herein,
14. **N 40°02'38" E**, a distance of **49.89 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an exterior corner of the tract described herein,
15. **S 52°49'09" E**, a distance of **48.85 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of curvature of the tract described herein,
16. With a curve to the **left**, having an arc of **34.51 feet**, a radius of **40.00 feet**, a delta of **49°25'53"**, and a chord bears **S 77°32'06" E**, a distance of **33.45 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of reverse curvature of the tract described herein,
17. With a curve to the **right**, having an arc of **13.25 feet**, a radius of **70.00 feet**, a delta of **10°50'43"**, and a chord bears **N 83°10'20" E**, a distance of **13.23 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of reverse curvature of the tract described herein,



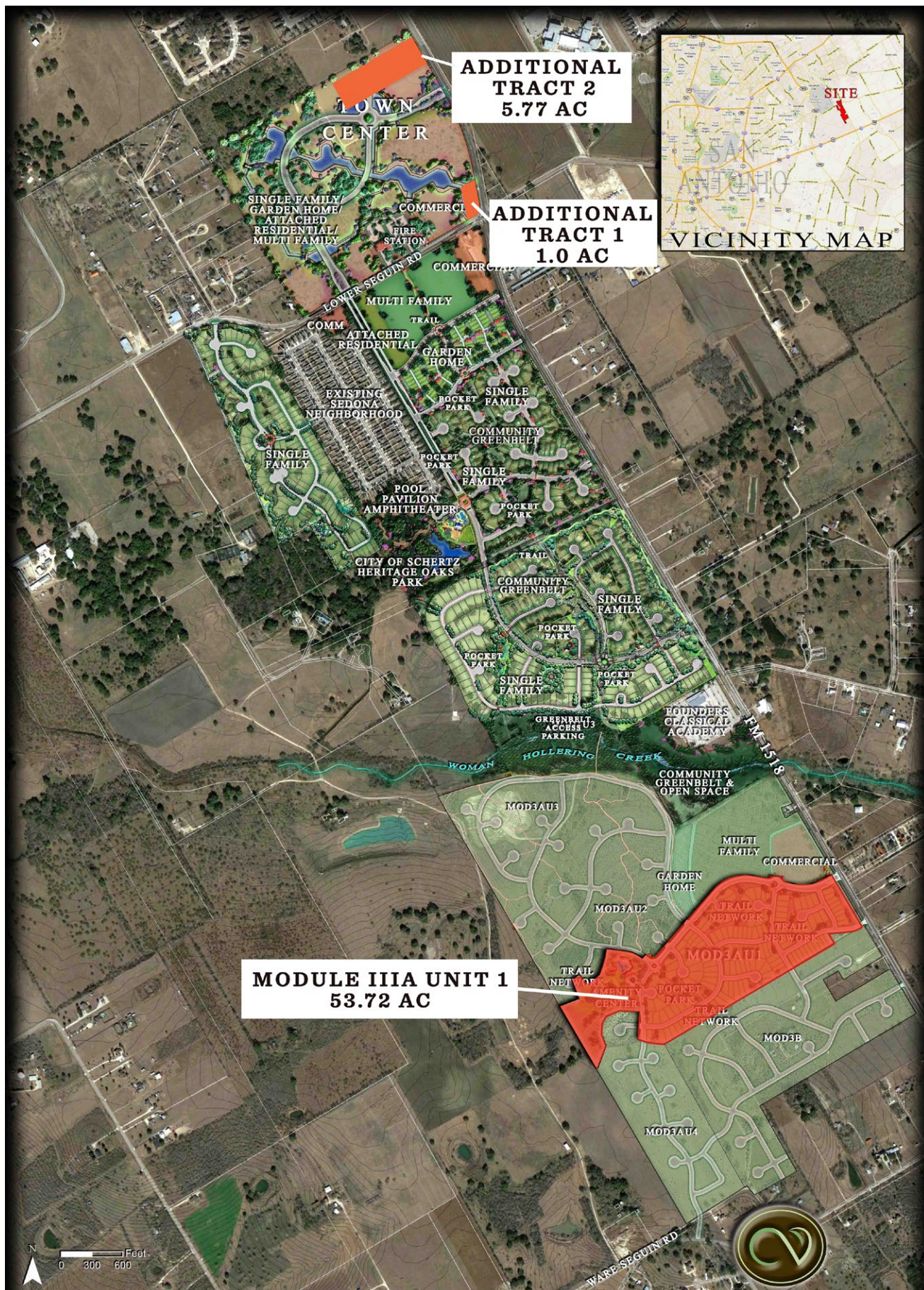
18. With a curve to the **left**, having an arc of **32.69 feet**, a radius of **41.00 feet**, a delta of **45°41'20"**, and a chord bears **N 65°45'01" E**, a distance of **31.83 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of tangency of the tract described herein,
19. **N 42°54'21" E**, a distance of **50.60 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an angle point of the tract described herein,
20. **N 40°02'36" E**, a distance of **63.91 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of curvature of the tract described herein,
21. With a curve to the **left**, having an arc of **23.56 feet**, a radius of **15.00 feet**, a delta of **90°00'00"**, and a chord bears **N 04°57'24" W**, a distance of **21.21 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of tangency of the tract described herein,
22. **N 49°57'24" W**, a distance of **1.00 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an exterior corner of the tract described herein,
23. **N 40°02'36" E**, a distance of **50.00 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an exterior corner of the tract described herein,
24. **S 49°57'24" E**, a distance of **1.00 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of curvature of the tract described herein,
25. With a curve to the **left**, having an arc of **23.56 feet**, a radius of **15.00 feet**, a delta of **90°00'00"**, and a chord bears **N 85°02'36" E**, a distance of **21.21 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of tangency of the tract described herein,
26. **N 40°02'36" E**, a distance of **207.56 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of curvature of the tract described herein,
27. With a curve to the **left**, having an arc of **24.28 feet**, a radius of **15.00 feet**, a delta of **92°44'06"**, and a chord bears **N 06°19'27" W**, a distance of **21.71 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of tangency of the tract described herein,
28. **N 52°41'30" W**, a distance of **1.00 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an exterior corner of the tract described herein,
29. **N 37°18'30" E**, a distance of **50.00 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an exterior corner of the tract described herein,
30. **S 52°41'30" E**, a distance of **4.82 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of curvature of the tract described herein,
31. With a curve to the **left**, having an arc of **22.85 feet**, a radius of **15.00 feet**, a delta of **87°15'54"**, and a chord bears **N 83°40'33" E**, a distance of **20.70 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of tangency of the tract described herein,
32. **N 40°02'36" E**, a distance of **354.50 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of curvature of the tract described herein,
33. With a curve to the **right**, having an arc of **458.60 feet**, a radius of **430.00 feet**, a delta of **61°06'26"**, and a chord bears **N 70°35'49" E**, a distance of **437.18 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of tangency of the tract described herein,
34. **S 78°50'58" E**, a distance of **77.40 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an angle point of the tract described herein,
35. **S 81°40'39" E**, a distance of **52.22 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of curvature of the tract described herein,
36. With a curve to the **left**, having an arc of **32.69 feet**, a radius of **41.00 feet**, a delta of **45°41'20"**, and a chord bears **N 75°28'41" E**, a distance of **31.83 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of reverse curvature of the tract described herein,

37. With a curve to the **right**, having an arc of **118.63 feet**, a radius of **70.00 feet**, a delta of **97°06'10"**, and a chord bears **S 78°48'54" E**, a distance of **104.94 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of reverse curvature of the tract described herein,
38. With a curve to the **left**, having an arc of **32.69 feet**, a radius of **41.00 feet**, a delta of **45°41'20"**, and a chord bears **S 53°06'29" E**, a distance of **31.83 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of tangency of the tract described herein,
39. **S 75°57'10" E**, a distance of **49.04 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an angle point of the tract described herein,
40. **S 78°50'58" E**, a distance of **51.29 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of curvature of the tract described herein,
41. With a curve to the **left**, having an arc of **300.64 feet**, a radius of **415.00 feet**, a delta of **41°30'23"**, and a chord bears **N 80°23'50" E**, a distance of **294.10 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of tangency of the tract described herein,
42. **N 59°38'39" E**, a distance of **103.34 feet** to the **POINT OF BEGINNING** and containing 53.72 acres more or less, in the City of Schertz, Bexar County, Texas and in accordance with a plat prepared by KFW Surveying.

Job No.: 12-028  
Prepared by: KFW Surveying  
Date: April 3, 2020  
File: S:\Draw 2012\12-028 Sedona Trails\doc\ FN 53.72AC M3U1 PLAT.docx







THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO CHANGE.

PLANNED ENVIRONMENTS, INC. BECHTOLD GOLF DESIGN WATERS OF AMERICA  
 9104 ATWATER COVE, AUSTIN, TX 78733 (512) 474-0806 (512) 474-5438 fax: pohl@peinc.com



THE CROSSVINE  
 CONCEPTUAL MASTER PLAN

4/8/21





**THE**  
**CROSSVINE**

**SCHERTZ • TEXAS • 78154**

**THE CROSSVINE PDD**  
**5th AMENDMENT**  
**04-09-2021**

## **The Crossvine PDD Fifth Amendment**

The Sedona Trails PDD was approved by the Planning and Zoning Commission and the City Council of Schertz, Texas on January 24, 2012 (the "Sedona Trails PDD") by Ordinance 12-S-01. The history and prior iterations of the Sedona Trails PDD are more specifically detailed and set forth in the preamble to the Sedona Trails PDD which was approved on January 24, 2012. The Sedona Trails PDD was subsequently amended by (i) Ordinance 12-S-16 on August 21, 2012 (the "First Amendment"), (ii) Ordinance 14-S-08 on March 11<sup>th</sup>, 2014 (the "Second Amendment"), (iii) Ordinance 17-S-01 on February 28, 2017 (the "Third Amendment"), and (iii) Ordinance 21-S-08 on April 6, 2021 (the "Fourth Amendment"). The Sedona Trails PDD was renamed The Crossvine PDD and the First Amendment, the Second Amendment, the Third Amendment, and the Fourth Amendment detailed and defined certain items referenced in the Sedona Trails PDD which were unresolved and primarily focused on (i) Community and Public Amenity Standards, Architectural Design Standards for single-family residences, and related matters of clarification; (ii) development matters associated with Module I and Module IIA; and (iii) the addition of property to the jurisdiction of The Crossvine PDD (collectively, the Sedona Trails PDD, the First Amendment, the Second Amendment, the Third Amendment, and the Fourth Amendment are hereinafter referred to as "The Crossvine PDD").

As contemplated in The Crossvine PDD, this Amendment (the "Fifth Amendment") is the continuation of the definition of the Overall Conceptual Master Plan for The Crossvine. This Fifth Amendment is primarily focused on (i) the addition of property which will be part of Module IIB, and (ii) the development of Module IIIA Unit 1. For the purposes of this Fifth Amendment, defined terms set forth in The Crossvine PDD are hereby incorporated by reference and included herein and reference shall be made to The Crossvine PDD for specific elements which are not specifically defined or otherwise set forth herein.

The Crossvine PDD remains in full force and effect with the exception of the matters addressed herein which shall be considered to be amendments to The Crossvine PDD. Elements, requirements, and conditions previously set forth in The Crossvine PDD shall be deemed to apply to Module IIB, to Module IIIA Unit 1, as well as to those other portions of the Property addressed by this Fifth Amendment unless specifically excluded, expanded, changed, or modified herein. Similarly, modifications or amendments set forth in this Fifth Amendment shall be deemed to modify previously established elements, requirements, or conditions of The Crossvine PDD unless specifically noted herein.

The UDC for the City establishes certain requirements and standards for the development of Planned Development Districts. The version of the UDC (and regulations, fees, etc. associated therewith) applicable to the Project Area as set forth in the Sedona Trails PDD by Ordinance 12-S-01 shall control all development standards except to the extent modified by this Fifth Amendment, The Crossvine PDD, or by the original Sedona PUD. Provisions of the UDC shall be interpreted to be consistent with The Crossvine PDD (as amended) and, in the event of any apparent conflict, the UDC shall be deemed amended to give full effect to The Crossvine PDD (as amended).

## **Amendments to The Crossvine PDD Section 2: Legal Description/Metes and Bounds; Scope of Fifth Amendment**

### **2.1 Scope of this Fifth Amendment**

This Fifth Amendment and its specific terms, conditions, or requirements shall be applicable to Module IIB and to Module IIIA of The Crossvine PDD Project Area. Those parcels graphically depicted on Exhibit 1 and identified as Additional Tract 1 and Additional Tract 2 are being added to The Crossvine PDD Project Area by this Fifth Amendment. The legal descriptions for Additional Tract 1 and Additional Tract 2 are included herewith as Exhibit 2 and Exhibit 3. Exhibit 1 also graphically depicts and identifies Module IIIA Unit 1, which was originally part of The Crossvine PDD Project Area as reflected in Ordinance 12-S-01. The legal description for Module IIIA Unit 1 is included herewith as Exhibit 4.

This Fifth Amendment in its applicability to Module IIB is primarily to include Additional Tract 1 and Additional Tract 2 into The Crossvine PDD Project Area and to make the entire The Crossvine PDD applicable to such Additional Tracts. The remainder of this Fifth Amendment is primarily focused on the development of Module IIIA Unit 1 and the terms and conditions hereof shall apply to Module IIIA Unit 1 unless the text herein clearly designates a more restrictive or more expansive application of the terms of this Fifth Amendment.

### **Addition of Property to The Crossvine PDD Project Area**

“The Crossvine PDD Project Area” (hereinafter so called) is expanded by this Fifth Amendment to include two (2) additional tracts of land. Briefly described, the additional included tracts (collectively, the “Additional Tracts”) are:

1. A 1.00 acre tract graphically identified in *Exhibit 2* (“Additional Tract 1”).
2. A 5.77 acre tract graphically identified in *Exhibit 3* (“Additional Tract 2”).

### **Additional Tracts; Zoning and PDD Applicability**

The zoning for the Additional Tracts and the applicability of The Crossvine PDD to such Additional Tracts shall be:

- |                     |   |
|---------------------|---|
| Additional Tract 1: | Shall be shall be incorporated into Module IIB. The zoning, and the terms, conditions, and requirements associated with Module IIB shall apply to Additional Tract 1 as set forth in The Crossvine PDD, this Amendment, and contemplated subsequent amendments. |
| Additional Tract 2: | Shall be shall be incorporated into Module IIB. The zoning, and the terms, conditions, and requirements associated with Module IIB shall apply to Additional Tract 2 as set forth in The Crossvine PDD, this Amendment, and contemplated subsequent amendments. |

Provided, however, as it relates to the Additional Tracts, the current use of such property shall continue to be permitted, including, but not limited to additional improvements, renovations, structures, etc. which are ancillary to the current use of such property.

## **Amendments to The Crossvine PDD Section 3: Overall Conceptual Master Plan**

### **3.2 Module IIIA Unit 1 Conceptual Plan; Exhibit 5**

#### *3.2.1 and 3.3.1 Updated Module IIIA Unit 1 Conceptual Plan*

Section 3.2 and 3.3 of The Crossvine PDD are amended to provide that the Module IIIA Unit 1 Conceptual Plan (herein so called) attached hereto as Exhibit 5 graphically depicts the revised and anticipated development of Module IIIA Unit 1 and shall amend Section 3.2 of The Crossvine PDD and shall be in substitution for any depiction of Module IIIA Unit 1 in Section 3.3 of The Crossvine PDD. Exhibit 6 graphically depicts the location of Module IIIA Unit 1 in the overall The Crossvine project area.

The Module IIIA Unit 1 Conceptual Plan is a general depiction of the anticipated development of Module IIIA Unit 1. It is acknowledged that final engineering adjustments and input from City staff, drainage and utility requirements, and similar development matters may result in changes to the Module IIIA Unit 1 Conceptual Plan which may include adjusting the location and orientation of the anticipated Amenity Center, providing additional residential lots proximate to the Amenity Center, and similar adjustments. The approval of the final plat for Module IIIA Unit 1 (or any portion thereof) by the City of Schertz Planning and Zoning Commission and City Council shall be deemed acknowledgement that any such approved final plat is consistent with and substantially and materially in conformance with the Module IIIA Unit 1 Conceptual Plan set forth herein.

The Module IIIA Unit 1 Conceptual Plan, the Common Area Greenspaces, roadway configurations, and similar matters reflected in the Module IIIA Unit 1 Conceptual Plan may change slightly as drainage plans and other construction considerations are incorporated into the final construction plans. However, the Module IIIA Unit 1 Conceptual Plan shall remain materially representative of the overall configuration and general aesthetics of the land plan for Module IIIA Unit 1. The final construction plans for Module IIIA Unit 1 shall be materially consistent with the Module IIIA Unit 1 Conceptual Plan and shall materially comply with the specific terms, conditions, and requirements of The Crossvine PDD as amended by this Fifth Amendment.

## **Amendments to The Crossvine PDD Section 7: Module IIIA Unit 1**

### **7.1 Purpose and Overview; Zoning Designation**

The Module IIIA Unit 1 development area will be single-family residential development which will be composed of (i) DSFR(4), DSFR(5), and DSFR(6) lots and residences, as described by Exhibit 7, and (ii) an Amenity Center with associated facilities.

#### ***7.1.2 Module IIIA Unit 1***

Module IIIA Unit 1 is composed of 53.72 acres and is located in the southern portion of The Crossvine PDD Project Area. Module IIIA Unit 1 is separated from Modules I and II by Woman Hollering Creek to the north and is bordered by FM 1518 to the east.

### **7.2 Module IIIA Conceptual Land Plan**

The Module IIIA Unit 1 Conceptual Plan is approved pursuant to this Fifth Amendment.



## **Amendments to The Crossvine PDD Section 8: Infrastructure Standards**

The following amendments to Section 8 apply to The Crossvine PDD Project Area except to the extent specifically noted herein. All other provisions of The Crossvine PDD related to Infrastructure Standards shall remain in effect except as modified herein.

### **8.2 Roadways**

8.2.19 Roadway cross-sections previously approved in The Crossvine PDD are hereby ratified and confirmed for Module IIIA Unit 1.

8.2.20 The roadways and throughfares in Module III and in Module IIIA Unit 1 specifically shall be composed of one 60' Collector road with the remainder of the roadways being 50' Local roads.

### **8.5 Drainage**

8.5.5 The portions of The Crossvine located between Lower Seguin Rd. and Ware Seguin Rd., and which drain to Woman Hollering Creek prior to crossing the FM 1518 ROW, participate in regional storm water detention through a series of existing detention ponds located within and adjacent to The Crossvine PDD Project area. The Point of Analysis for those properties which participate in the regional storm water detention plan is the FM 1518 Bridge located along Woman Hollering Creek. The flow conditions used to determine the Pre-Developed Conditions and Post-Developed Conditions at the Point of Analysis will be established in the updated Engineering Master Plan to be prepared by Malone Wheeler and submitted to and approved by the City of Schertz.

### **8.12 Repairs and Maintenance**

The Developer shall provide that any Conditions, Covenants and Restrictions, any Declaration of Condominium Regime, any Development Area Declaration, any rules and regulations of any Property Owners' Association, or similar instruments shall contain clear language that the City of Schertz or any other utility provider shall not be responsible for the repair or replacement of landscaping other than the normal turf grass or similar ground cover.

### **8.13 Drainage Easements**

Drainage easements (whether for underground drainage facilities or for surface drainage) shall be a minimum of ten feet (10') in width.

### **8.17 Improvements in Flood Plain Area**

Improvements shall be allowed in any portion of The Crossvine PDD Project Area which is designated by FEMA to be within the 100 year flood plain subject to the following conditions: (i) Developer will provide a comparative hydraulic model that compares floodplain area without improvements to the floodplain area with requested improvements, (ii) such comparative model will assess the impact to flow based on such proposed improvements, and (iii) such proposed improvements will be allowed if they do not impede water flow such that it causes a rise to the FEMA floodplain outside the Crossvine PDD Project Area or to any area within the Crossvine PDD Project Area that has previously been developed. A rise of the FEMA floodplain within detention ponds or existing drainage conveyance facilities will be allowed as long as adequate capacity exists in such facilities.

### **8.18 Parking Requirements (Amenity Center)**

The Parking Requirements previously established in The Crossvine PDD shall apply to The Crossvine PDD Project Area with the following additions and modifications:

The parking requirements for the Amenity Center will be:

- 1 parking space for every 400 square feet of open air pavilion;
- 1 parking space for every 250 square feet of swimming pool surface area exclusive of wading pools, splash pads, etc.;
- 1 parking space for every 450 square feet of conditioned space exclusive of bathrooms, storage rooms, and mechanical rooms.

## **Amendments to The Crossvine PDD Section 9: Community and Public Amenity Standards**

The Community and Public Amenity Standards previously established in The Crossvine PDD shall apply to the Module IIIA Unit 1 of the Crossvine PDD Project Area except as specifically noted herein.

### **9.2 Landscape Design**

All Public Landscape requirements for land uses authorized in this Fifth Amendment to The Crossvine PDD are previously defined in The Crossvine PDD unless otherwise modified or amended as set forth below. All Private Landscaping requirements for land uses authorized in this Fifth Amendment to The Crossvine PDD are previously defined in The Crossvine PDD unless otherwise set forth below.

#### **9.2.2 Public Lighting**

Streetlights in The Crossvine PDD Project Area shall be the same as those previously installed in Module I.

#### **9.2.3.1 Public Screening and Landscaping; Maintenance**

9.2.3.1.1 The repair and maintenance of Public Screening and Landscaping shall be the responsibility of The Crossvine Homeowner's Association; except that Decorative Fencing which is placed (i) on the lot line between a private lot and any landscape lot, greenbelt, or similar area maintained by The Crossvine Master Association, (ii) on the lot line between two private lots, or (iii) connecting Private Fencing referenced in (i) or (ii) to the residential dwelling is designated as "Private Fencing" (hereinafter so called) and shall be the responsibility of the owner(s) of such private lot.

#### **9.2.8 Mail Kiosks**

The parking requirements for Mail Kiosks will be:

- 1 parking space for every 55 mailboxes in each Mail Kiosk. There shall be no less than two (2) mail kiosks in Module III.

#### **9.2.12.9 Private Fencing**

9.2.12.9.1 The repair and maintenance of Private Fencing shall be the responsibility of private lot owners. For the purposes of clarity, Private Fencing is Decorative Fencing which is placed (i) on the lot line between a private lot and any landscape lot, greenbelt, or similar area maintained by The Crossvine Master Association, (ii) on the lot line between two private lots, or (iii) connecting Private Fencing referenced in (i) or (ii) to the residential dwelling and shall be the responsibility of the owner(s) of such private lot.

### **9.7 Amenity Center**

9.7.1 The Amenity Center in Module IIIA shall be built concurrently with the construction of Module IIIA Unit 2.

9.7.2 The Amenity Center shall include the following minimum elements:

**9.7.2.1** A lap pool suitable for competitive swim meets with dimensions of no less than 25 meters in length and 10.5 meters in width.

**9.7.2.2** A wading and/or splash pad appropriately sized in conjunction with other pool facilities.

**9.7.2.3** Conditioned interior building area with:

9.7.2.3.1 No less than 400 square feet of office area

9.7.2.3.2 A community room of no less than 1,000 square feet

9.7.2.3.3 Restrooms

9.7.2.3.4 Storage area

**9.7.2.4** Outdoor open-air covered pavilion of no less than 1,750 square feet.

## **Amendments to The Crossvine PDD Section 10: Greenbelt, Park and Open Space Plan**

The following amendment to Section 10 applies only to the land uses referenced in this Fifth Amendment for Module IIIA Unit 1 except to the extent otherwise specifically noted herein. All other provisions of The Crossvine PDD related to Community and Public Amenity Standards shall remain in effect and shall also apply to Module IIIA Unit 1 except as modified herein.

### **10.2 Greenbelt, Park, and Open Space Plan**

The Crossvine PDD originally provided a Greenbelt, Parks, and Open Space Plan, graphically illustrating the greenbelts, parks, and open space network in the Community. The Module IIIA Unit 1 Conceptual Plan reflects the anticipated greenbelts, parks, and open space network in Module IIIA Unit 1 and is an amendment to this previous Greenbelt, Park, and Open Space Plan exhibit in the Crossvine PDD.

The approval of a final plat for any portion of Module IIIA Unit 1 of The Crossvine by the City of Schertz shall be deemed acknowledgement that the greenbelts, parks, and open spaces set forth in each such final plat are consistent with and substantially and materially in conformance with the PDD.

## **Amendments to The Crossvine PDD Section 11: Transportation Master Plan**

The following amendment to Section 11 applies to the land uses referenced in this Fifth Amendment for the development of Module IIIA Unit 1. All other provisions of The Crossvine PDD related to the Transportation Master Plan shall remain in effect except as modified herein.

### **11.5 Module IIIA Unit 1 Roadway Network Plan**

The Module IIIA Unit 1 Conceptual Plan graphically illustrates the roadway plan through Module IIIA Unit 1, including collector roads, local roads, and residential cul-de-sac streets. The roadway infrastructure reflected in the Module IIIA Unit 1 Conceptual Plan is deemed approved and in satisfaction of the requirements for Must-Build Roads in The Crossvine PDD for Module IIIA Unit 1.

### **11.7 Trails and Sidewalk Network Plan**

The Module IIIA Unit 1 Conceptual Plan graphically illustrates the pedestrian sidewalk plan through Module IIIA Unit 1. The approval of the final plat for any portion of Module IIIA Unit 1 of The Crossvine by the City of Schertz shall be deemed acknowledgement that any trails, sidewalks, and walking paths reflected therein are consistent with and substantially and materially in conformance with the requirements in The Crossvine PDD.



### **Amendments to The Crossvine PDD Section 12: Land Use Allocations**

The following additional single-family residential development lots and associated products shall be permitted in Module IIIA Unit 1 of The Crossvine:

#### **12.2.1.1.1 DSFR(4)**

This category represents lots which will be improved with a detached single-family residence with a lot size that is no less than 4,950 square feet with minimum dimensions of 45' wide x 110' deep. The width of each lot shall be measured at the front setback. The depth of each lot shall be measured at the longer of the two side lot lines. These residences will have a maximum DUE of one (1) per lot. The maximum dwelling size of conditioned area for a 1-story home shall be 2,400 square feet and the maximum dwelling size of conditioned area for a 2-story home shall be 3,200 square feet. The dimensional requirements of DSFR(4) are reiterated in the Land Use Dimensional Requirements Table (Exhibit 7).

Homes shall be placed in the center of the lot allowing for a minimum five foot (5') side yard setback, a minimum of a twenty foot (20') front yard setback, and a minimum of a ten foot (10') rear yard setback for each lot. The minimum separation between adjacent structures, exclusive of eaves (which may protrude 18" into the building separation area), and window sills, belt courses, cornices and other architectural features (which may protrude 12" into the building separation area), is no less than ten feet (10').

Air-conditioning units or HVAC pads shall be located at the rear or side of the home. Fencing shall be Decorative Fencing.

#### **12.2.1.1.1 DSFR(5)**

This category represents lots which will be improved with a detached single-family residence with a lot size that is no less than 6,050 square feet with minimum dimensions of 55' wide x 110' deep. The width of each lot shall be measured at the front setback. The depth of each lot shall be measured at the longer of the two side lot lines. These residences will have a maximum DUE of one (1) per lot. The maximum dwelling size of conditioned area for a 1-story home shall be 2,850 square feet and the maximum dwelling size of conditioned area for a 2-story home shall be 3,650 square feet. The dimensional requirements of DSFR(5) are reiterated in the Land Use Dimensional Requirements Table (Exhibit 7).

Homes shall be placed in the center of the lot allowing for a minimum five foot (5') side yard setback, a minimum of a twenty foot (20') front yard setback, and a ten foot (10') rear yard setback for each lot. The minimum separation between adjacent structures, exclusive of eaves which may protrude 18" into the building separation area, and window sills, belt courses, cornices and other architectural features which may protrude 12" into the building separation, is no less than ten feet (10').

Air-conditioning units or HVAC pads shall be located at the rear or side of the home. Fencing shall be Decorative Fencing.

#### 12.2.1.1.1 DSFR(6)

This category represents lots which will be improved with a detached single-family residence with a lot size that is no less than 7,475 square feet with minimum dimensions of 65' wide x 115' deep. The width of each lot shall be measured at the front setback. The depth of each lot shall be measured at the longer of the two side lot lines. These residences will have a maximum DUE of one (1) per lot. The maximum dwelling size of conditioned area for a 1-story home shall be 3,300 square feet and the maximum dwelling size of conditioned area for a 2-story home shall be 4,100 square feet. The dimensional requirements of DSFR(6) are reiterated in the Land Use Dimensional Requirements Table ([Exhibit 7](#)).

Homes shall be placed in the center of the lot allowing for a minimum five foot (5') side yard setback, a minimum of a twenty foot (20') front yard setback, and a ten foot (10') rear yard setback for each lot. The minimum separation between adjacent structures, exclusive of eaves which may protrude 18" into the building separation area, and windowsills, belt courses, cornices and other architectural features which may protrude 12" into the building separation, is no less than ten feet (10').

Air-conditioning units or HVAC pads shall be located at the rear or side of the home. All fencing shall be Decorative Fencing.

### 12.3 Land Use Dimensional Table ([Exhibit 7](#))

See [Exhibit 7](#) attached hereto for additional information regarding front, rear, and side yard setbacks and related lot and development restrictions associated with DSFR(4), DSFR(5), and DSFR(6).

#### 12.4.3 Land Use Allocation Table ([Exhibit 8](#))

The attached Land Use Allocation Table, [Exhibit 8](#), provides for minimum and maximum allocations of various land use categories for each Module as well as updates actual land uses for Module I and portions of Module IIA and Module III.

### **Amendments to The Crossvine PDD Section 13: Architectural Standards**

It is acknowledged that the Architectural Standards in The Crossvine PDD Project Area are an important element and that the maintenance of the established Architectural Standards is an important factor to the City. It is further acknowledged that the Second Amended and Restated Development Agreement for Reinvestment Zone Number Two of the City of Schertz, Texas (the "Development Agreement") specifically provides that the payment of Tax Increment collections to the Developer requires a written representation from the Developer that the Architectural Standards have not been amended, changed or modified, and that they have been consistently enforced and complied with. Further, the Developer has represented and warranted that The Crossvine PDD Project Area will comply with the Architectural Standards and that any construction or development will not materially diminish the Architectural Standards of the Project.

For the purposes of further clarity, "Architectural Standards" shall mean those standards and requirements for landscaping, fencing and screening, residential and commercial construction, building materials (including type of materials permitted, extent of materials, and their location on improvements), as well as all Public Improvements, entry features, green spaces and common areas, Must Build Trails and Roads, and similar elements which are established in or required by the PDD.

#### ***13.1.3 Private Fencing***

For the purposes of clarification of existing PDD requirements regarding Private Fencing in The Crossvine PDD Project Area: All Private Fencing which is cross fencing from the side lot-line fence shall attach to the house no further than five (5) feet from the primary rear wall of the house toward the front of the lot.

### **13.3 Module IIIA Unit 1 Architectural Standards**

The Architectural Standards established for Module I are hereby incorporated and shall be applicable to Module IIIA Unit 1 with the following additional considerations, modifications, and amendments:

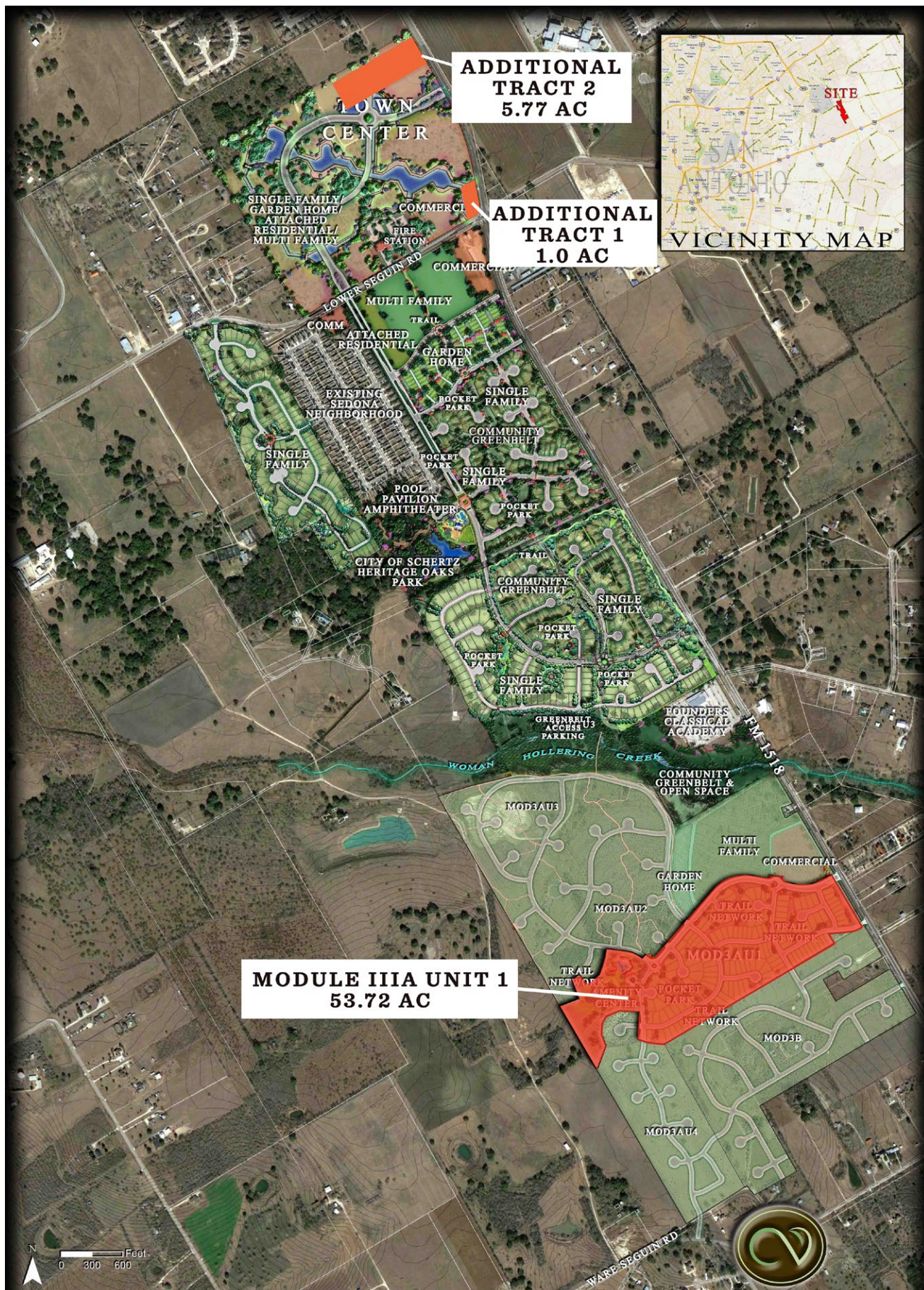
**13.3.1** The Architectural Standards shall be deemed to include any Conditions, Covenants, and Restrictions, Development Area Declarations, Design Guidelines, and similar instruments setting forth standards for construction, design, or materials associated with any construction or improvements in The Crossvine PDD Project Area.

**13.3.2** Maintenance of the Architectural Standards and determination if there has been a material diminution thereof shall include review, evaluation, and comparison to prior residential construction and improvements and to Public Improvements with the intent being that the quality of construction and aesthetic standards be maintained.

**13.3.3** The Developer as designated in the Development Agreement shall have the final responsibility for insuring the maintenance of the Architectural Standards. The Developer as specified in the Development Agreement shall exclusively serve and fulfill the role of The Crossvine Reviewer and may not defer or delegate such duties to any third party without a full and complete assignment of its obligations and responsibilities as well as its rights and entitlements under the Development Agreement, the Project Financing Plan, and the Interlocal Agreement to a third party which has assumed such obligations and responsibilities and which has been approved by the City. It is ratified and affirmed that building permits

will not be processed or issued without written approval of address specific plans by The Crossvine Reviewer.





THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO CHANGE.

PLANNED ENVIRONMENTS, INC. BECHTOLD GOLF DESIGN WATERS OF AMERICA  
 9104 ATWATER COVE, AUSTIN, TX 78733 (512) 474-0806 (512) 474-5438 fax: pohl@peinc.com



THE CROSSVINE  
 CONCEPTUAL MASTER PLAN

4/8/21



**ADDITIONAL TRACT 1:**

**1.0 AC**

**FIELD NOTES**

December 7, 2017

BEING 1.000 acre of land, more or less, out of the Geronimo Leal Survey No. 79, Abstract 424, County Block 5058, City of Schertz, Bexar County, Texas and also being described as a 1 acre tract in Volume 6505, Page 630 of the Deed Records of Bexar County, Texas and being more particularly described as follows:

BEGINNING at a concrete R.O.W. marker found in the existing north R.O.W. line of Lower Seguin Road at the south end of the cut-off line from the existing west R.O.W. line of F. M. Highway 1518 for a corner of this tract and a corner of the above referenced 1 acre tract;

THENCE, S 60°36'09" W, 91.56 feet (*S 60° W, 92.5 feet-6505/630*) along said south R.O.W. line to an iron rod found in same for the southwest corner of this tract and a corner of a 13.669 acre tract described in Volume 15542, Page 551 of the Real Property Records of Bexar County, Texas;

THENCE, N 09°49'00" W, 333.04 feet (*Ref. Brg. N 09°49' W, 334.5 feet-6505/630*) generally along an existing fence and the common line with said 13.669 acre tract to an iron pipe found for the northwest corner of this tract and an interior corner of said 13.669 acre tract;

THENCE, N 60°23'29" E, 143.04 feet (*N 60° E, 143.1 feet-6505/630*) generally along an existing fence and the common line with said 13.669 acre tract to a concrete R.O.W. marker found in the existing west line of F. M. Highway 1518 for the northeast corner of this tract and a corner of said 13.669 acre tract;

THENCE, along said west R.O.W. line in a southerly direction along a curve to the right and having a central angle of one°19'38," a radius of 2825.00 feet, a tangent distance of 32.73 feet, an arc length of 65.44 feet and a chord bearing and distance of S 100°7'00" E, 65.45 feet to an iron rod set for the end of this curve;

THENCE, S 09°27'11" E, (*S 09°49' E-6505/630*) 218.10 feet along said west R.O.W. line to an iron rod set in same at the north end of the cut-off line to the north line of Lower Seguin Road;

THENCE, S 25°17'49" W, 82.20 feet (*S 25°05' W, 83 feet-6505/630*) along said cut-off line to the POINT OF BEGINNING and containing 1.000 acre of land, more or less.

Note: Plat also prepared this day.

J. M. Butz, Jr.  
Registered Professional Land Surveyor  
No. 2024



FN17-145

**EXHIBIT 2**

**ADDITIONAL TRACT 2:**

**5.77 AC.**

**CROSS BRANCH  
SURVEYING  
2519 BOARDWALK  
SAN ANTONIO, TEXAS 78217  
(210) 828-1102**

STATE OF TEXAS  
COUNTY OF BEXAR

5.77 ACRES  
F.M. 1518

Being a 5.77 acre tract of land out of a called 6.0 acre tract of land described in deed executed on June 18, 2015 from Arthur W. Hillert Jr., an individual, to Price Asset Management, Inc., a Texas Corporation recorded in Volume 17299, Page 1911 of the Official Public Records of Bexar County, Texas, situated in the Jeronimo Leal Survey No. 79, Abstract 424, County Block 5058 of Bexar County, Texas. Said 5.77 acre tract being more particularly described by metes and bounds as follows:

**BEGINNING** at a ½" iron rod found on the southwest right-of-way line of F.M. 1518, for the **POINT OF BEGINNING** of this herein described tract, same being the northeastern corner of a called 6.00 acres conveyed to Shannon N. Houy and Tina Marie Houy by deed recorded in Deed No. 20200130665 of the Official Public Records of Bexar County, Texas;

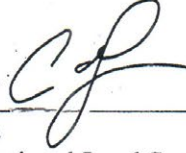
**THENCE**, S 30°16'49" E (the basis of bearings for this survey), a distance of 291.03 feet, with the southwest right-of-way line of F.M. 1518 to a ½" iron rod found for the northernmost corner of a called 34.007 acre tract conveyed to Schertz 1518, Ltd. By deed recorded in Volume 11492, Page 57 of the Official Public Records of Bexar County, Texas, same being the eastern most corner of this herein described tract;

**THENCE**, S 59°38'17" W, a distance of 862.71 feet, with the northwest line of said 34.007 acre tract, to a ½" iron rod found for an eastern corner of said Houy tract, same being the southernmost corner of this herein described tract;

**THENCE**, N 30°47'09" W, a distance of 291.04 feet, with the common line of the said Houy tract to a ½" iron rod found for the westernmost corner of this herein described tract;

**THENCE**, N 59°38'17" E, a distance of 568.28 feet, with the common line of said Houy tract to the **POINT OF BEGINNING** of this herein described tract, containing 5.77 acres (251,446 sq. ft.) of land, more or less, within these metes and bounds.

I hereby certify that this survey was performed upon the ground March 12th, 2021,  
under my direct supervision and is true and correct to the best of my knowledge.



Caesar A, Garcia  
Registered Professional Land Surveyor No. 5904  
WO #21-2-2B





## MODULE III A UNIT 1:

53.72 AC.



A 53.72 ACRES

A 53.72 acres tract of land, out of the Julian Diaz Survey No. 66, Abstract No. 187, County Block 5059, the E.R. Evans Survey No. 80, Abstract No. 216, County Block 5060 and being out of a 145.427 acre tract of land as conveyed to Schertz 1518, LTD. of record in Volume 11564 Page 1814 and a 91.288 acre tract of land as conveyed to Schertz 1518, LTD. of record in Volume 11601 Page 2280, all being of the Official Public Records of Bexar County, Texas and situated in the City of Schertz, Bexar County, Texas and being more particularly described by metes and bounds as follows:

**Commencing** at a found iron pipe, in the southwest right-of-way line of F.M. 1518, a variable width right-of-way and the northeast line of the 145.427 acre tract, for the southeast corner of Lot 1, Block 1 of the Washington Tyrannus School Of The Arts, a plat of record in Volume 9616, Page 24 of the Deed and Plat Records of Bexar County, Texas and a northeast corner of the 145.427 acre tract;

**THENCE:** along and with the northeast lines of the 145.427 acre tract and the north, west, and south lines of Lot 1, Block 1 of the Sedona Lift Station Subdivision, a plat of record in Volume 9611, Page 168 of the Deed and Plat Records of Bexar County, Texas, the following five (5) courses:

1. S 30°21'21" E, a distance of 363.82 feet to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for the northeast corner of Lot 1, Block 1 of the Sedona Lift Station Subdivision and an exterior corner of the 145.427 acre tract,
2. S 69°31'36" W, a distance of 119.34 feet to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for the northwest corner of Lot 1, Block 1 of the Sedona Lift Station Subdivision and an interior corner of the 145.427 acre tract,
3. S 20°28'24" E, a distance of 104.08 feet to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for the beginning of a curve to the right,
4. with a curve to the right, having an arc of 15.16 feet, a radius of 50.00 feet, a delta of 17°22'31", and a chord bears S 66°42'30" E, a distance of 15.10 feet to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of tangency, and
5. N 59°41'45" E, a distance of 126.48 feet to a calculated point, for the southeast corner of Lot 1, Block 1 and a northeast corner of the 145.427 acre tract;

**THENCE:** S 30°21'21" E, along and with a northeast line of the 145.427 acre tract, a distance of 703.73 feet to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for the **POINT OF BEGINNING** and the northeast corner of the tract described herein;

**THENE:** S 30°21'21" E, into and across the 145.427 acre tract, a distance of **577.63 feet** to a found ½" iron rod, for the northeast corner of a 9.977 acre tract of land as conveyed to Ware Seguin 1518, LLC of record in Volume 18693, Page 578 of the Official Public Records of Bexar County, Texas, the southeast corner of the 145.427 acre tract and the tract described herein;

**THENCE:** S 59°19'19" W, along and with the southeast line of the 145.427 acre tract and the northwest line of the 9.977 acre tract, a distance of **1749.17 feet** to a found ½" iron rod in the southeast line of the 145.427 acre tract, for the northwest corner of the 9.977 acre tract, the northeast corner of a 20.003 acre tract as conveyed to Ware Seguin 1518, LLC of record in Volume 19013, Page 2095 of the Official Public Records of Bexar County, Texas, and an angle point of the tract described herein;

**THENCE: S 59°39'56" W**, along and with the southeast line of the 145.427 acre tract and the northwest line of the 20.003 acre tract, a distance of **509.91 feet** to a post, in the northeast line of the 91.288 acre tract, for the northwest corner of the 20.003 acre tract, the southwest corner of the 145.427 acre tract and the tract described herein;

**THENCE:** into and across the 91.288 acre tract and the 145.427 acre tract the following seventeen (17) courses:

1. **N 83°06'36" W**, a distance of **160.98 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an angle point of the tract described herein,
2. **N 72°02'20" W**, a distance of **90.57 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an exterior corner of the tract described herein,
3. **N 17°57'40" E**, a distance of **8.58 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of curvature of the tract described herein,
4. With a curve to the **left**, having an arc of **76.05 feet**, a radius of **445.00 feet**, a delta of **9°47'32"**, and a chord bears **N 13°03'54" E**, a distance of **75.96 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of compound curvature of the tract described herein,
5. With a curve to the **left**, having an arc of **24.96 feet**, a radius of **15.00 feet**, a delta of **95°20'15"**, and a chord bears **N 39°29'59" W**, a distance of **22.18 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an exterior corner of the tract described herein,
6. **N 02°49'53" E**, a distance of **50.00 feet**, for a point of curvature of the tract described herein,
7. With a non-tangent curve to the **left**, having an arc of **24.96 feet**, a radius of **15.00 feet**, a delta of **95°20'15"**, and a chord bears **N 45°09'45" E**, a distance of **22.18 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of compound curvature of the tract described herein,
8. With a curve to the **left**, having an arc of **20.74 feet**, a radius of **445.00 feet**, a delta of **2°40'13"**, and a chord bears **N 03°50'29" W**, a distance of **20.74 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of tangency of the tract described herein,
9. **N 05°10'35" W**, a distance of **85.52 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an interior corner of the tract described herein,
10. **N 87°38'34" W**, a distance of **202.76 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an interior corner of the tract described herein,
11. **S 67°32'26" W**, a distance of **141.78 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an interior corner of the tract described herein,
12. **S 29°55'37" W**, a distance of **84.54 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an interior corner of the tract described herein,
13. **S 03°08'33" W**, a distance of **109.52 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an interior corner of the tract described herein,
14. **S 21°26'01" E**, a distance of **119.39 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an exterior corner of the tract described herein,
15. **S 22°49'58" W**, a distance of **156.59 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an angle point for the tract described herein,
16. **S 16°29'38" W**, a distance of **67.23 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an exterior corner of the tract described herein, and
17. **S 59°48'47" W**, a distance of **10.00 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for the southwest corner of the tract described herein;



**THENCE: N 30°11'13" W**, along and with the southwest line of the 91.288 acre tract and the northeast line of a 285.567 acre tract as conveyed to 3GG Properties, LLC of record in Volume 16527, Page 1683 of the Official Public Records of Bexar County, Texas, a distance of **694.82 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for the northwest corner of the tract described herein;

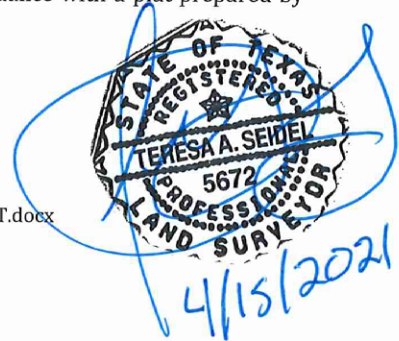
**THENCE:** into and across the 91.288 acre tract and the 145.427 acre tract the following forty-two (42) courses:

1. **N 69°35'40" E**, a distance of **200.04 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an interior corner of the tract described herein,
2. **N 20°24'20" W**, a distance of **129.56 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of curvature of a tract described herein,
3. With a non-tangent curve to the **left**, having an arc of **71.88 feet**, a radius of **60.00 feet**, a delta of **68°38'39"**, and a chord bears **N 02°28'31" E**, a distance of **67.66 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of reverse curvature of the tract described herein,
4. With a curve to the **right** having an arc of **22.56 feet**, a radius of **15.00 feet**, a delta of **86°10'39"**, and a chord bears **N 11°14'31" E**, a distance of **20.49 feet** to a set ½" iron rod with a Blue Cap Stamped "KFW Surveying", for a point of tangency of the tract described herein,
5. **N 54°19'50" E**, a distance of **38.98 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an exterior corner of the tract described herein,
6. **S 35°40'10" E**, a distance of **120.00 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an interior corner of the tract described herein,
7. **N 54°19'50" E**, a distance of **166.59 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an interior corner of the tract described herein,
8. **N 20°23'46" E**, a distance of **95.41 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an angle point of the tract described herein,
9. **N 14°38'50" E**, a distance of **89.78 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an angle point of the tract described herein,
10. **N 07°37'05" E**, a distance of **75.06 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for the north corner of the tract described herein,
11. **S 82°22'55" E**, a distance of **199.87 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of curvature of the tract described herein,
12. With a curve to the **right**, having an arc of **155.63 feet**, a radius of **275.00 feet**, a delta of **32°25'31"**, and a chord bears **S 66°10'10" E**, a distance of **153.56 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for point of tangency of the tract described herein,
13. **S 49°57'24" E**, a distance of **8.93 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an interior corner of the tract described herein,
14. **N 40°02'38" E**, a distance of **49.89 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an exterior corner of the tract described herein,
15. **S 52°49'09" E**, a distance of **48.85 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of curvature of the tract described herein,
16. With a curve to the **left**, having an arc of **34.51 feet**, a radius of **40.00 feet**, a delta of **49°25'53"**, and a chord bears **S 77°32'06" E**, a distance of **33.45 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of reverse curvature of the tract described herein,
17. With a curve to the **right**, having an arc of **13.25 feet**, a radius of **70.00 feet**, a delta of **10°50'43"**, and a chord bears **N 83°10'20" E**, a distance of **13.23 feet** to a set ½" iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of reverse curvature of the tract described herein,

18. With a curve to the **left**, having an arc of **32.69 feet**, a radius of **41.00 feet**, a delta of **45°41'20"**, and a chord bears **N 65°45'01" E**, a distance of **31.83 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of tangency of the tract described herein,
19. **N 42°54'21" E**, a distance of **50.60 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an angle point of the tract described herein,
20. **N 40°02'36" E**, a distance of **63.91 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of curvature of the tract described herein,
21. With a curve to the **left**, having an arc of **23.56 feet**, a radius of **15.00 feet**, a delta of **90°00'00"**, and a chord bears **N 04°57'24" W**, a distance of **21.21 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of tangency of the tract described herein,
22. **N 49°57'24" W**, a distance of **1.00 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an exterior corner of the tract described herein,
23. **N 40°02'36" E**, a distance of **50.00 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an exterior corner of the tract described herein,
24. **S 49°57'24" E**, a distance of **1.00 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of curvature of the tract described herein,
25. With a curve to the **left**, having an arc of **23.56 feet**, a radius of **15.00 feet**, a delta of **90°00'00"**, and a chord bears **N 85°02'36" E**, a distance of **21.21 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of tangency of the tract described herein,
26. **N 40°02'36" E**, a distance of **207.56 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of curvature of the tract described herein,
27. With a curve to the **left**, having an arc of **24.28 feet**, a radius of **15.00 feet**, a delta of **92°44'06"**, and a chord bears **N 06°19'27" W**, a distance of **21.71 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of tangency of the tract described herein,
28. **N 52°41'30" W**, a distance of **1.00 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an exterior corner of the tract described herein,
29. **N 37°18'30" E**, a distance of **50.00 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an exterior corner of the tract described herein,
30. **S 52°41'30" E**, a distance of **4.82 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of curvature of the tract described herein,
31. With a curve to the **left**, having an arc of **22.85 feet**, a radius of **15.00 feet**, a delta of **87°15'54"**, and a chord bears **N 83°40'33" E**, a distance of **20.70 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of tangency of the tract described herein,
32. **N 40°02'36" E**, a distance of **354.50 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of curvature of the tract described herein,
33. With a curve to the **right**, having an arc of **458.60 feet**, a radius of **430.00 feet**, a delta of **61°06'26"**, and a chord bears **N 70°35'49" E**, a distance of **437.18 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of tangency of the tract described herein,
34. **S 78°50'58" E**, a distance of **77.40 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an angle point of the tract described herein,
35. **S 81°40'39" E**, a distance of **52.22 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of curvature of the tract described herein,
36. With a curve to the **left**, having an arc of **32.69 feet**, a radius of **41.00 feet**, a delta of **45°41'20"**, and a chord bears **N 75°28'41" E**, a distance of **31.83 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of reverse curvature of the tract described herein,

37. With a curve to the **right**, having an arc of **118.63 feet**, a radius of **70.00 feet**, a delta of **97°06'10"**, and a chord bears **S 78°48'54" E**, a distance of **104.94 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of reverse curvature of the tract described herein,
38. With a curve to the **left**, having an arc of **32.69 feet**, a radius of **41.00 feet**, a delta of **45°41'20"**, and a chord bears **S 53°06'29" E**, a distance of **31.83 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of tangency of the tract described herein,
39. **S 75°57'10" E**, a distance of **49.04 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for an angle point of the tract described herein,
40. **S 78°50'58" E**, a distance of **51.29 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of curvature of the tract described herein,
41. With a curve to the **left**, having an arc of **300.64 feet**, a radius of **415.00 feet**, a delta of **41°30'23"**, and a chord bears **N 80°23'50" E**, a distance of **294.10 feet** to a set  $\frac{1}{2}$ " iron rod with a Blue Plastic Cap Stamped "KFW Surveying", for a point of tangency of the tract described herein,
42. **N 59°38'39" E**, a distance of **103.34 feet** to the **POINT OF BEGINNING** and containing 53.72 acres more or less, in the City of Schertz, Bexar County, Texas and in accordance with a plat prepared by KFW Surveying.

Job No.: 12-028  
Prepared by: KFW Surveying  
Date: April 3, 2020  
File: S:\Draw 2012\12-028 Sedona Trails\doc\ FN 53.72AC M3U1 PLAT.docx







THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO CHANGE.
















4/8/21





THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO CHANGE.

PLANNED ENVIRONMENTS, INC. RECHTOL GOLF DESIGN WATERS/AMERICA  
 9104 AT WATER COVE, AUSTIN, TX 78733 (512)474-0806 (512)474-5438 fax: paul@peinc.com



THE  
**CROSSVINE**  
 CONCEPTUAL MASTER PLAN

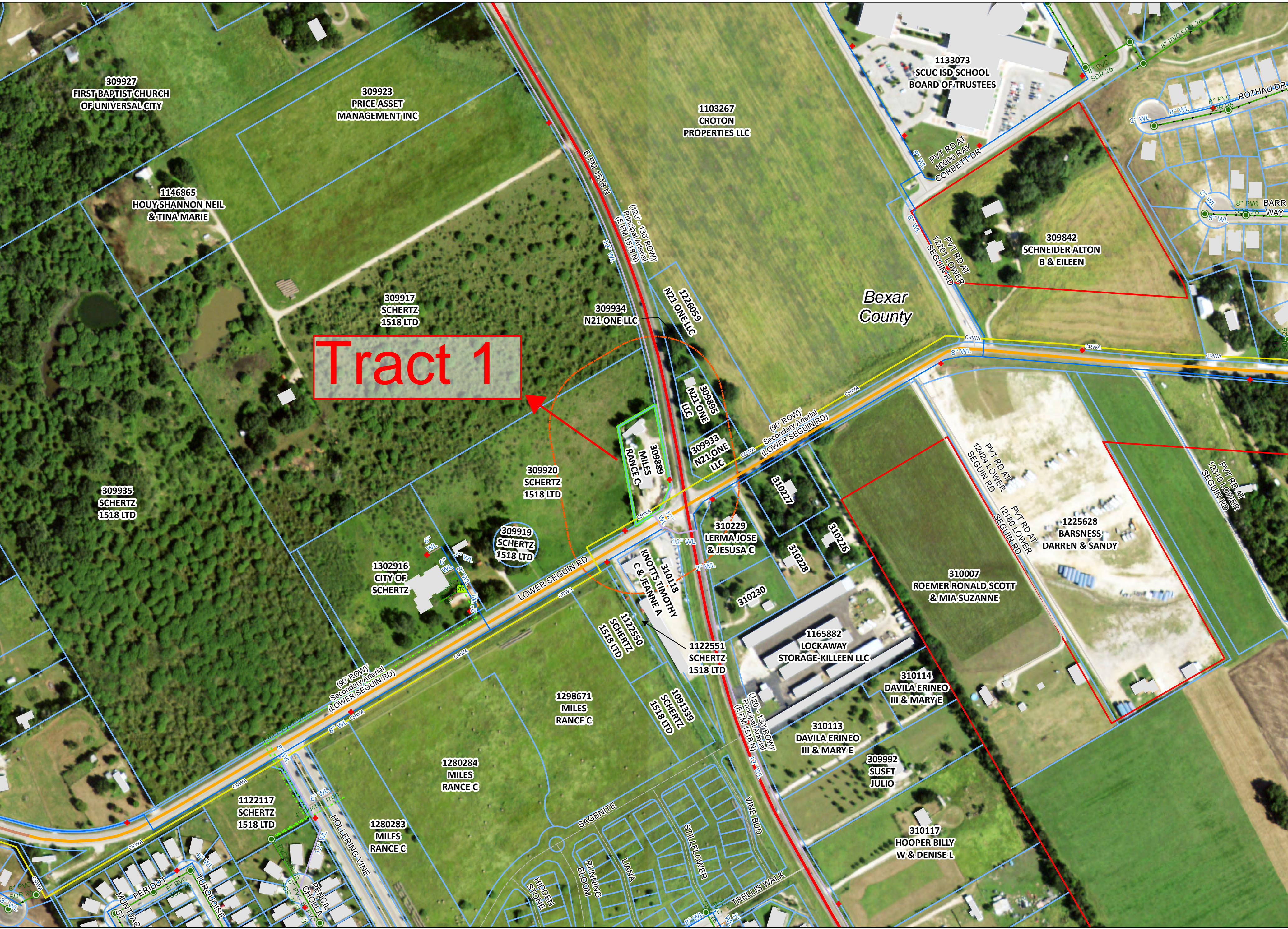
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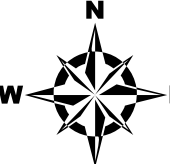


Land Use Dimensional Requirements - Module IIIA													
Use Category	Min. Lot Size and Dimensions			Minimum Setback (Ft.)					Misc. Requirements				
	Area Sq. Ft.	Width Ft.	Depth Ft.	Front Ft.	Side Ft. - Resid.	Side Ft. Non-Resid.	Rear Ft. Resid	Rear Ft. Non Resid	Min. Off-Street Pkg	Max. Height (Ft.)	Max. Imperv Cover	DUE Allocation	Max. Home Size (conditioned area) (in sq. ft.)
Improved Property Land Use - Resid.													
Detached Single Family Residential													
DSFR(4) DSFR(5) DSFR(6)	4,950	45	110	20*	5	5	10	10	2	38	65%	1	2,400
	6,050	55	110	20*	5	5	10	10	2	38	65%	1	2,850
	7,475	65	115	20*	5	5	10	10	2	38	65%	1	3,300
*20 ft. minimum set back is from ROW line to garage. Porch, patio, courtyard or house may protrude into setback by no more than 5 ft.													

Land Allocation Table												
	Overall Project Area			Module I			Module II			Module IIIA and IIIB		
Aggregate DUE Total	2600			520			1380			700		
	Min.	Max		Min.	Max	Actual	Min.	Max		Min.	Max	Planned
Residential												
Detached Single Family Residential												
DSFR(1)	TBD	TBD		208	442	260	TBD	TBD		170	256	213
DSFR(2)	TBD	TBD		78	338	136	TBD	TBD		NA	NA	NA
DSFR(3)	TBD	TBD		0	130	105	TBD	TBD		NA	NA	NA
DSFR(4)	TBD	TBD		NA	NA	NA	TBD	TBD		144	216	180
DSFR(5)	TBD	TBD		NA	NA	NA	TBD	TBD		149	223	186
DSFR(6)	TBD	TBD		NA	NA	NA	TBD	TBD		76	114	95
DSFR(7)	TBD	TBD		NA	NA	NA	TBD	TBD		NA	NA	NA
DSFR(8)	TBD	TBD		NA	NA	NA	TBD	TBD		NA	NA	NA
DSFR(9)	TBD	TBD		NA	NA	NA	TBD	TBD		NA	NA	NA
Garden Home												
GH(1)	TBD	TBD		TBD	TBD	TBD	TBD	TBD		TBD	TBD	TBD
GH(2)	TBD	TBD		TBD	TBD	TBD	TBD	TBD		TBD	TBD	TBD
GH(3)	TBD	TBD		TBD	TBD	TBD	77	200		TBD	TBD	TBD
Attached Single Family Residential												
ASFR(1)	TBD	TBD		NA	NA	NA	TBD	TBD		TBD	TBD	TBD
ASFR(2)	TBD	TBD		NA	NA	NA	TBD	TBD		TBD	TBD	TBD
ASFR(3)	TBD	TBD		NA	NA	NA	TBD	TBD		TBD	TBD	TBD
Multistory Single Family Residential												
MSR(1)	TBD	TBD		NA	NA	NA	TBD	TBD		TBD	TBD	TBD
MSR(2)	TBD	TBD		NA	NA	NA	TBD	TBD		TBD	TBD	TBD
Non-Residential (allocated by acreage)												
Office/Professional	TBD	TBD		NA	NA	NA	TBD	TBD		TBD	TBD	TBD
Neighborhood Svcs.	TBD	TBD		NA	NA	NA	TBD	TBD		TBD	TBD	TBD
General Business	TBD	TBD		NA	NA	NA	TBD	TBD		TBD	TBD	TBD
General Business 2	TBD	TBD		NA	NA	NA	TBD	TBD		TBD	TBD	TBD
Light Mfg.	TBD	TBD		NA	NA	NA	TBD	TBD		TBD	TBD	TBD
Heavy Mfg.	TBD	TBD		NA	NA	NA	TBD	TBD		TBD	TBD	TBD
Public Use District	TBD	TBD		NA	NA	NA	TBD	TBD		TBD	TBD	TBD







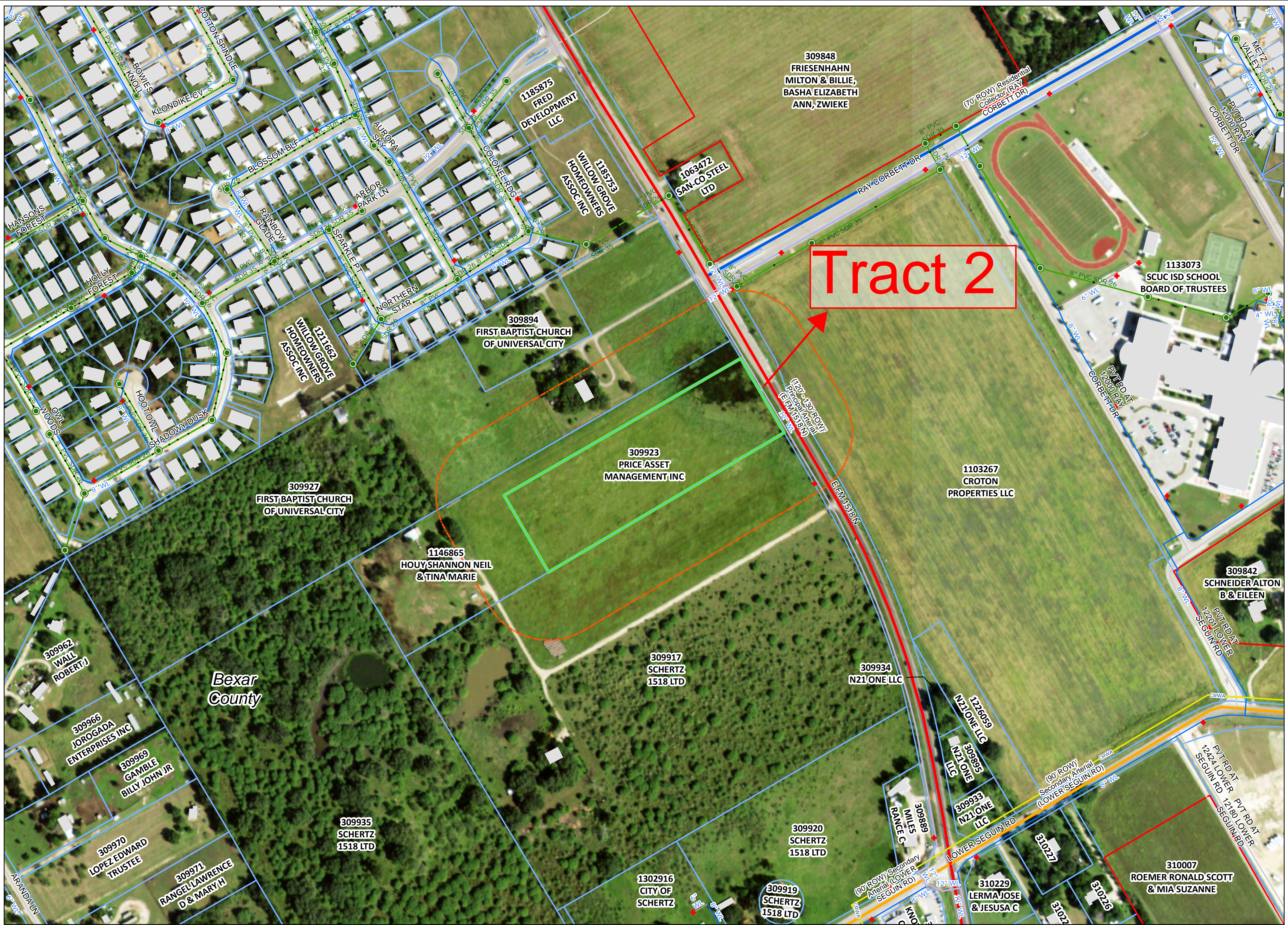
THE CROSSVINE  
PDD AMENDMENT 5  
TRACT 1

Highways	Freeway	Planned Secondary Arterial	Commercial Collector B	1", 1 1/2"	10"	Schertz Gravity	Hydrant	200' Buffer
Major Roads	Principal Arterial	Secondary Rural Arterial	Planned Commercial Collector B	2", 2 1/2"	12"	Schertz Pressure	Manholes	Schertz Municipal Boundary
Minor Roads	Planned Principal Arterial	Planned Secondary Rural Arterial	Commercial Collector A	3"	16"	Neighboring Main	County Boundaries	
Other Cities	Secondary Arterial	Residential Collector	Planned Commercial Collector A	4"	18"	Private		
		Planned Residential Collector		6"	20"	Private Pressure		
				8"	24"			

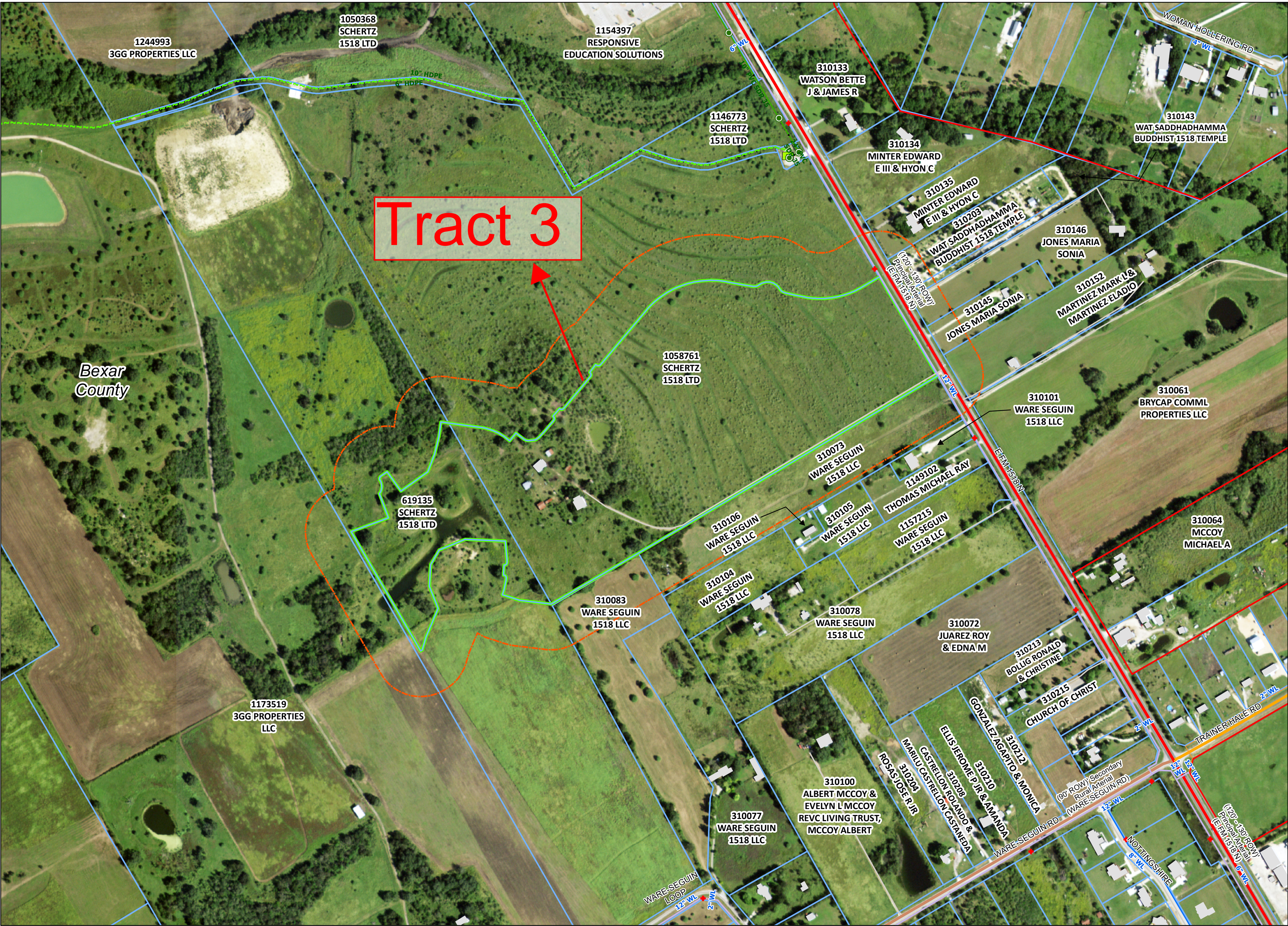
1 Inch = 200 Feet

0 100 200 400 Feet



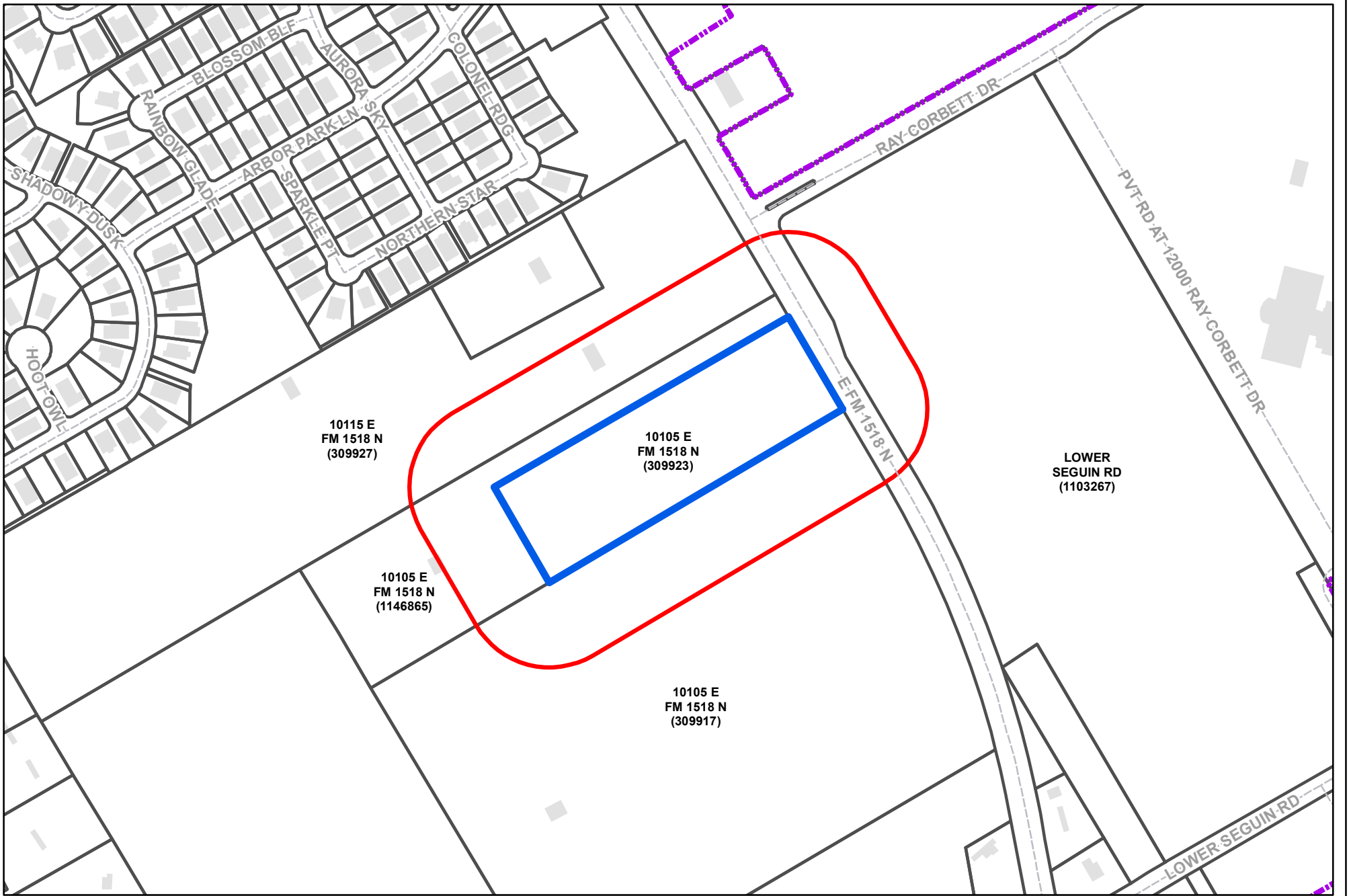








City of Schertz, GIS Specialist: Bill Gardner, [gis@schertz.com](mailto:gis@schertz.com) (210) 619-1185



# SCHERTZ **Tract 2** City of Schertz

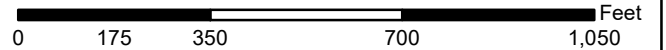
COMMUNITY \* SERVICE \* OPPORTUNITY

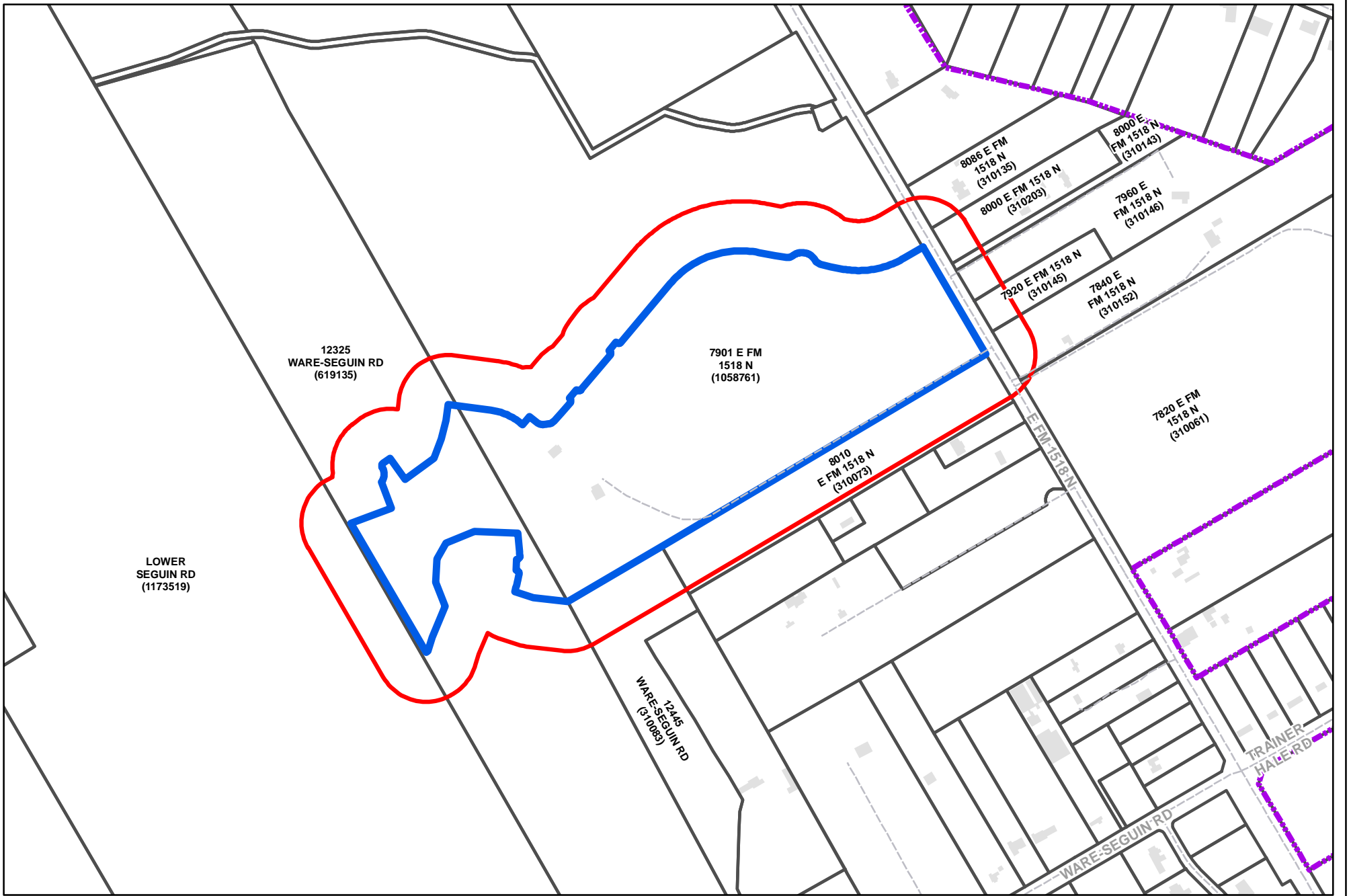
Last Update: April 22, 2021

City of Schertz, GIS Specialist: Bill Gardner, gis@schertz.com (210) 619-1185

## THE CROSSVINE PDD - 5TH AMENDMENT TRACT 2

-  Parcel Boundaries
-  Schertz City Boundary
-  200' Notification Buffer





**SCHERTZ**  
COMMUNITY • SERVICE • OPPORTUNITY

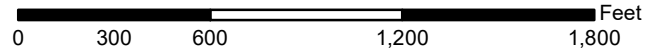
# Tract 3 City of Schertz

Last Update: April 22, 2021  
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."

THE CROSSVINE PDD - 5TH AMENDMENT  
MODULE 3A UNIT 1 AREA

- Parcel Boundaries
- Schertz City Boundary
- 200' Notification Buffer





MAY 03 2021

PLANNING & COMMUNITY  
DEVELOPMENT

NOTICE OF PUBLIC HEARING

April 28, 2021

Dear Property Owner,

The Schertz Planning and Zoning Commission will conduct a public hearing on **Wednesday, May 12, 2021 at 6:00 p.m.** located at the Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas to consider and make a recommendation on the following item:

**ZC2021-004**— A request to rezone approximately 61 acres of land from General Business District (GB), Single-Family Residential / Agricultural District (R-A), and Planned Development District (PDD) to Planned Development District (PDD), located at 9661 E FM 1518N, 10105 E FM 1518N, and 7901 E FM 1518N, also known as Bexar County Property Identification Numbers 309889, 309923, and 1058761, City of Schertz, Bexar County, Texas.

The proposed zone change is further defined as:

1. A request to rezone approximately 1 acre of land, 9661 E FM 1518N, Bexar County Prop. ID: 309889 from General Business District (GB) to Planned Development District (PDD).
2. A request to rezone approximately 6 acres of land, 10105 E FM 1518N, Bexar County Prop. ID: 309923 from Single-Family Residential / Agricultural District (R-A) to Planned Development District (PDD).
3. A request to rezone approximately 54 acres of land, 7901 E FM 1518N, Bexar County Prop. ID: 1058761 from Planned Development District (PDD) to Planned Development District (PDD).

*You are receiving this notice because your property is located within two hundred feet (200') of the tract identified above as number 1.*

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 **Megan Harrison, Planner, 1400 Schertz Parkway, Schertz, Texas 78154**, by fax (210) 619-1789, or by e-mail [mharrison@schertz.com](mailto:mharrison@schertz.com). If you have any questions please feel free to call Megan Harrison, Planner directly at (210) 619-1781.

Sincerely,



Megan Harrison  
Planner

Reply Form

I am: in favor of ☒ opposed to ☐ neutral to ☐ the request for **ZC2021-004**

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

NAME: RANCE C. MILES SIGNATURE: Rance C. Miles  
(PLEASE PRINT)

STREET ADDRESS: 5151 Beltline Road - Suite 455 - Dallas, TX 75254

DATE: May 4, 2021

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** June 22, 2021  
**Department:** City Secretary  
**Subject:** Ordinance No. 21-T-25 - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz Texas, authorizing an adjustment to the Fiscal Year 2020-2021 Budget to provide funding for Civic Center chairs, repealing all ordinances or parts of ordinances in conflict with this ordinance; and providing an effective date. *Final Reading* (S. Gonzalez/ L. Klepper)

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**BACKGROUND**

The Schertz Civic Center was built in 2006 as part of a CO bond from 2004. The facility cost \$3 million to build and is currently being used for rental space and office space for Public Affairs staff. Since it was built, there have not been any major upgrades done to rental equipment and until recently there had not been any major improvements to the facility since it was built in 2006.

Over the past two years, staff has made a concerted effort to complete necessary maintenance and upgrades to the facility including the replacement of the A/V system and a remodel of the Grand Ballroom and Bluebonnet Hall Kitchens. In FY 2020-2021, the Civic Center Grand Ballroom is scheduled to have the flooring replaced as the current flooring is damaged and worn down over 10+ years of use. In addition to the flooring replacement, staff is recommending the purchase of 450 new chairs for the Grand Ballroom. As the facility ages, upkeep of the facility and also equipment has become increasingly important in order to maintain an attractive and functional gathering space for the community and local businesses.

Staff has researched various chairs for the ballroom and has found an appropriate replacement for the current chairs. This chair is an upholstered stack chair and has a cushion in the seat and on the back of the chair. This equipment will be more comfortable, suitable, and appealing to our renters. The purchase of 450 chairs will cost \$44,887.50. This purchase supports Public Affairs' mission to promote Schertz, provide a high quality and fully functioning Civic Center for the community, and attract out-of-town guests/businesses.

Under Section 351.101(a)(1) Use of Tax Revenue in Texas Local Government Code, this project is qualified to use the City's HOT fund for this purchase. Upon approval of the budget adjustment, the estimated timeline for delivery of the new chairs is about 60 days, depending on the manufacturers' availability. Civic Center staff will work with purchasing to complete the purchase through a Group Purchasing Cooperative contract which offers the best value/pricing on the chairs.

A portion of the current Grand Ballroom chair inventory will be reassigned to the Facilities Division to help support in-house functions which require seating for staff. The remainder of the inventory will be sold on Gov Deals.

**GOAL**

The goal of this ordinance is to amend the fiscal year 2020-2021 budget to provide funding for 450 new chairs in the Civic Center Grand Ballroom.

### **COMMUNITY BENEFIT**

Upgrading the facility and inventory benefits the customers of the Civic Center internally and externally and helps attract guests, and increase hotel occupancies and additional rental opportunities.

### **SUMMARY OF RECOMMENDED ACTION**

Council approved this item at their meeting of June 8, 2021. Staff recommends the approval of Ordinance 21-T-25 on final reading authorizing the budget adjustment.

### **FISCAL IMPACT**

This ordinance will allocate \$44,887.50 from the City's HOT Fund account. As of June 1, 2021 the HOT Fund account balance is \$2,035,000.00.

### **RECOMMENDATION**

Staff recommends approval of Ordinance 21-T-25 on final read

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#### **Attachments**

Ordinance 21-T-25

Chair Quote

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## **ORDINANCE NO. 21-T-25**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING AN ADJUSTMENT TO THE FISCAL YEAR 2020-2021 HOTEL OCCUPANCY TAX BUDGET FOR THE PURCHASE OF CIVIC CENTER CHAIRS TOTALING \$44,887.50, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, pursuant to Ordinance 20-T-31, the City of Schertz (the “City”) adopted the budget for the City for the fiscal year 2020-2021 (the “Budget”), which provides funding for the City’s operations throughout the 2020-2021 fiscal year; and

WHEREAS, the City needs to authorize budget amounts of \$44,887.5 from the Hotel Occupancy Tax Budget for the purchase of 450 chairs for the Civic Center Grand Ballroom; and

WHEREAS, City staff recommends that the City Council of the City adjust the Budget and approve the ordinance; and

WHEREAS, in section 351.101 (a)(1) Use of Tax Revenue in Texas Local Government Code states that revenue from the municipal hotel occupancy tax may be used only to promote tourism and the convention and hotel industry, and that use is limited to the following: the acquisition of site for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities; and

WHEREAS, the City Council of the City has determined that it is in the best interest of the City to adjust the Budget and increase the budget amount for the Hotel Occupancy Tax Budget, as more fully set forth in this Ordinance.

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

Section 1. The City shall increase the budget by \$44,887.50 from the Hotel Occupancy Tax reserves for the purchase of the chairs.

Section 2. 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 3. 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 4. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. 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 6. 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 7. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

PASSED ON FIRST READING, the 8th day of June, 2021.

PASSED, APPROVED and ADOPTED ON SECOND READING, the 22nd day of June, 2021.

CITY OF SCHERTZ, TEXAS

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Mayor

ATTEST:

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City Secretary

(CITY SEAL)



*Equipment for Educators™*

Highway 65 South, Conway, AR 72032 - orders@virco.com  
2027 Harpers Way, Torrance, CA 90501 - orders@virco.com

**QUOTATION #8240849**  
r.1

**Sold To:**  
CITY OF SCHERTZ  
1400 SCHERTZ PARKWAY  
SCHERTZ TX 78154

**Ship To:**  
CITY OF SCHERTZ  
1400 SCHERTZ PARKWAY  
SCHERTZ TX 78154  
REFERENCE: 8920SB

Quotation Date: 4/8/2021

We appreciate the opportunity to quote the enclosed prices for our products. Unless otherwise indicated, prices are net and do not include sales tax. Please refer to the above referenced Quotation Number when corresponding with Virco regarding this quote. We offer our quotation priced from the US COMMUNITIES 2021 CONTRACT #R-TC-18004 CLASSROOM FURNITURE Contract. You will need to be registered for US Communities and provide your TIN number prior to acceptance of your purchase order. We offer our quotation subject to the following terms and conditions:

- 1) **FOB Point:** FOB Destination - Tailgate Delivery
- 2) **Payment Terms:** Net 30 days (subject to credit approval)
- 3) **Prices Are Firm:** For Orders Received By 12/31/2021 Orders received after this date are subject to re-quote
- 4) **For Shipment By:** Customer Must Take Delivery Before 12/31/2021
- 5) **Shipment from Virco:** PLEASE NOTE: Lead-times in our popular Quick Ship program are five (5) business days or less; however, due to the overwhelming demand on individual student desks and other key products caused by the COVID-19 pandemic, any order of 500 units or more for a single item may be extended by several days. For a more accurate lead-time estimate on large requests, please contact your local Territory Sales Manager.
  - Quick Ship – Usually 5 Business Days
  - Campus Basics – 4 to 6 weeks
  - Custom Products or Specials – Consult Territory Sales Manager

If products with different lead-times are on the same purchase order, the longest lead-time will apply to the entire order. Additional shipping and handling charges will apply to orders that are requested to be partial shipped before the Virco acknowledged due date. Orders that specify shipment later than the preceding dates will be subject to re-quote.

- 6) **Color:** Standard Virco colors only unless specified otherwise
- 7) **Purchase Order:** We require customer approval by purchase order or signed quote to be emailed to Orders@virco.com or faxed to (800) 258-7367 or (800) 396-8232





Highway 65 South, Conway, AR 72032 - orders@virco.com  
2027 Harpers Way, Torrance, CA 90501 - orders@virco.com

*Equipment for Educators™*

**QUOTATION #8240849**  
r.1

- 8) Acknowledgement: Final acceptance and acknowledgement of orders will be as stated on the standard Virco Purchase Order Acknowledgment
- 9) Quantity: Any change in quantities may result in a price change

**COVID-19 NOTICE**

Thank you for the opportunity to provide a quote for your furniture and equipment needs. Due to the Covid-19 pandemic, Virco wants to ensure your order will be processed with little to no interruption. If this quote generates a purchase order from your district, please include any and all detailed delivery instructions including point of contact, direct phone number to confirm delivery, and requested delivery date. Orders that do not include specific delivery instructions will be entered and processed to ship as soon as product is available.

In the event you experience an unexpected closure of your facility due to COVID-19, and your shipments are already in transit, Virco will help redirect your shipments to a local destination of your choice.

If you are unable to receive your shipments, Virco can arrange to return your products to our warehouse and store your shipments until your facility has been approved to receive your furniture. All associated fees will be passed along to the customer for transportation cost, storage & handling fees as well as redelivery fees.

# How To Place Your Order With Virco

## 3 Ways To Order:

1. Email your PDF quote from Virco to [orders@virco.com](mailto:orders@virco.com) (please make sure the quote is signed before submitting)
2. Email your standard PO to [orders@virco.com](mailto:orders@virco.com)
3. Order online at [Shop.Virco.com](http://Shop.Virco.com) (must register with Inside Sales)

## What to Expect Once Order Is Placed *(see below to complete the order process)*

- We will respond to let you know your order was received.
- Once we process your order, an electronic or paper acknowledgment will be sent

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## In Order to Complete the Order Process, Virco Must Receive The Following Information

### Account Info

- ☒ "Sold To" Information
- ☒ "Ship To" Information
- ☒ Pricing source

### Delivery Info

- ☒ Delivery contact information (name and phone number for a call before delivery)
- ☒ Special delivery requests such as specific delivery hours
- ☒ Requested delivery date if applicable (orders without requested delivery dates will be entered under ASAP priority and will be shipped as soon as product is ready)

**\*\*Please note - our system only allows 8 lines of 30 characters each so please make sure to prioritize any delivery info\*\***

### Product Info

- ☒ Model (Ex: 9018, ZBOOMMFG)

### Color/Finish for the Following:

#### CHAIRS

- ☒ Bucket Color ☒ Frame Color ☒ Glide
- (Ex: Navy/Chrome/Nylon Glides)

#### TABLES/DESKS

- ☒ Top/Edge Banding ☒ Frame Color ☒ Glide
- (Ex: Dry Creek Plum/Adobe/Silver Mist/Felt Glides)

#### FILING CABINETS

- ☒ Frame Color
- (Ex: Moonstone)





Equipment for Educators™

**QUOTATION #8240849**  
r.1

**Shipping To: CITY OF SCHERTZ**

Item #	Supplier/Model #	Description	Unit Price	Qty	Extension
1	Virco Inc #8920SB	Upholstered Stack Chair-Tulip Back-Crown Seat-2.5 Seat Thickness-With Stack Bars 450 ea Upholstery-> Linen Grey (GRY142) Frame-> Silver Mist (GRY02)	\$99.75	450	\$44,887.50
<b>Total</b>					<b>\$44,887.50</b>

**The undersigned certifies understanding and agreement of this Quote Letter  
and has authority to sign for purchase.**

CITY OF SCHERTZ  
1400 SCHERTZ PARKWAY  
SCHERTZ TX 78154

X \_\_\_\_\_  
PO # (if available)

X \_\_\_\_\_  
Name (Print)

X \_\_\_\_\_  
Authorized Signature

If paying by credit card, please call 877-311-9157. The credit specialist will be pleased to assist with your payment.



Item #	Supplier/Model #	Description
1	Virco Inc #8920SB	Upholstered Stack Chair-Tulip Back-Crown Seat-2.5 Seat Thickness-With Stack Bars 450 ea Upholstery-> Linen Grey (GRY142) Frame-> Silver Mist (GRY02)



Image Does Not Reflect Actual Color Priced



**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** June 22, 2021  
**Department:** City Secretary  
**Subject:** Ordinance No. 21-H-24 - Consideration and/or action approving an Ordinance of the City of Schertz to amend Ordinance 20-H-18 to establish an expiration date for the Declaration of Local Disaster to June 22, 2021 at 11:59 PM. *Final Reading* (M. Browne/C. Kelm/K. Long/S. Hall)

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**BACKGROUND**

This ordinance will amend the previous ordinance for the declaration of local disaster to expire on June 22, 2021 at 11:59 pm after our final vaccination clinic.

All CARES fund related expenditures have been submitted for and received reimbursement.

We will continue to request COVID related expenditures be reimbursed through the remaining open funding streams (Public Assistance and American Rescue Plan Act of 2021).

Council approved this on first reading at their meeting of June 8, 2021. Staff recommends approval of Ordinance 21-H-24 on final reading.

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**Attachments**

Ordinance 21-H-24

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## **Ordinance No. 21-H-24**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCHERTZ TO AMEND ORDINANCE 20-H-18 TO ESTABLISH AN EXPIRATION DATE FOR THE DECLARATION OF LOCAL DISASTER TO JUNE 22, 2021, AT 11:59 PM.**

**WHEREAS**, in December 2019 a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province, China. Symptoms of COVID-19 include fever, cough, and shortness of breath. Outcomes have ranged from mild to severe illness, and in some cases death; and

**WHEREAS**, on January 20, 2020, the World Health Organization (WHO) Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern (PHEIC), advising countries to prepare for the containment, detection, isolation, and case management, contact tracing and prevention of onward spread of the disease; and

**WHEREAS**, on March 13, 2020, President Trump declared a state of emergency due to COVID- 19; and

**WHEREAS**, President Trump has invoked the Stafford Act, which will allow state and local governments to access federal disaster relief funds; and

**WHEREAS**, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying that COVID-19 poses an imminent threat of disaster for counties in the state of Texas; and

**WHEREAS**, Texas must continue to protect lives while restoring livelihoods, both of which can be achieved with the expert advice of medical professionals and business leaders and the continued reopening of Texas pursuant to GA-36 and subsequent orders of the Governor; and

**WHEREAS**, pursuant to the Texas Disaster Act of 1975, the Mayor is designated as the Emergency Management Director of the City of Schertz, and may exercise the powers granted by the governor on an appropriate local scale; and

**WHEREAS**, Ralph Gutierrez, the Mayor of the City of Schertz previously determined and declared that extraordinary and immediate measures must be taken to respond quickly, prevent and alleviate the suffering of people exposed to and those infected with the virus, as well as those that could potentially be impacted by COVID-19; and

**WHEREAS**, a declaration of local disaster and public health emergency includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease, including isolation, surveillance, quarantine, or placement of persons under public health observation, including the provision of temporary housing or emergency shelters for persons misplaced or evacuated and request assistance from the governor of state resources.

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

- Section 1. 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 City Council.
- Section 2. That the local state of disaster and public health emergency declared by Mayor Ralph Gutierrez for the City of Schertz, Texas, pursuant to §418.108(a) of the Texas Government Code and renewed and extended by City Council Ordinance 20-H-15 including all rules and regulations, is hereby further amended, and extended until June 22, 2021, at 11:59 pm.
- Section 3. Pursuant to §418.108(c) of the Government Code, this declaration of a local state of disaster and public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
- Section 4. Pursuant to §418.108(d) of the Government Code, this declaration of a local state of disaster and public health emergency activates the City of Schertz, Texas, emergency management plan.
- Section 5. All ordinances 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 herein except those portions deemed to conflict with any emergency orders of Governor Abbott.
- Section 6. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 7. 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 Council hereby declares that this Ordinance would have been enacted without such invalid provision.
- Section 8. 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, Texas Government Code, as amended.
- Section 9. Should Governor Abbott lift the statewide disaster declaration and orders now in place prior to the date of expiration stated herein, this ordinance shall no longer be subject to enforcement by the City and shall be repealed by the City Council at the first legally posted meeting thereafter.

Section 10. Any person, firm, corporation, or agent who shall violate a provision of this ordinance, or fail to comply therewith, or with any other requirements thereof, shall be guilty of a Class C misdemeanor. Such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or continued, and upon conviction of any such violation, such person shall be punished by a fine not to exceed \$2,000.00.

Section 11. Any peace officer or other person with lawful authority is further authorized to enforce the provisions of this Ordinance or the orders of the Governor in accordance with the authority granted under the Texas Disaster Act of 1975, as applicable, which allows a fine not to exceed \$1000.00 and confinement not to exceed 180 days pursuant to Government Code 418.173.

Section 12. This Ordinance shall be in force and effect from its first and final passage, and any publication required by law.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ TEXAS**

PASSED ON FIRST READING, THE 8<sup>TH</sup> DAY OF JUNE 8, 2021.

PASSED, APPROVED AND ADOPTED ON SECOND READING, THE \_\_\_\_ DAY OF JUNE 2021.

CITY OF SCHERTZ, TEXAS

By: \_\_\_\_\_  
Ralph Gutierrez, Mayor

ATTEST:

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



**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** June 22, 2021

**Department:** Finance

**Subject:** Resolution No. 21-R-57 - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing EMS debt revenue adjustments, Utility Billing debt revenue adjustments and Schertz Magazine debt revenue adjustments for certain inactive outstanding receivables and other matters in connection therewith. (B. James/J. Walters)

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**BACKGROUND**

In the EMS, Utility Billing, and Magazine functions, services are provided to customers up front and billing is settled later. Since services are provided before receiving payment, inevitably the City has customers that do not pay for the services provided.

When this occurs, staff reaches out to the customer to try to collect the outstanding payment including follow-up notices and phone calls to try to reach out to the customer to remind them of the outstanding balance and encourage payment. However, the longer the customer account goes without a payment the less likely that any payment will be received.

Once a customer account reaches 180 days without payment, Staff brings those accounts to the City Council to be “written off”. This process is an accounting procedure following the Generally Accepted Accounting Principles (GAAP), which lays the framework of accounting practices in the U.S. This designation means it is unlikely those outstanding balances will ever be collected. This leads to an accounting adjustment on the City’s Financial Statements to accurately show how much is still outstanding and is reasonable to expect collection.

If a customer’s account has been written off, this does not erase or forgive that debt. The city can and does collect some portion of the amount owed by those customers. This can be through the debt collection agency used by EMS or if the customer returns to the City and requests new services through the Magazine or Utility Billing.

On August 27, 2019, City Council approved the Schertz EMS Charity Care Policy. Approving the Charity Care Policy benefits our citizens who do not have insurance and do not have the ability to pay for ambulance services. In the past, these accounts were sent to collections and written off throughout year with little expectation to recover any revenue.

The resolution authorizes the debt for these areas that is more than 180 days outstanding as of June 1, 2021, to be written off. These write-offs come before council quarterly and last came before council on April 6, 2021.

Previous Write off Amount:

February 2017:	\$621,138.97
June 2017:	\$544,944.16
September 2017:	\$510,516.01
January 2018:	\$510,637.79

March 2018:	\$433,427.15
June 2018:	\$439,627.14
September 2018:	\$521,281.82
December 2018:	\$727,307.39
March 2019:	\$564,227.77
June 2019:	\$580,155.10
September 2019:	\$586,664.65
December 2019:	\$591,829.90
March 2020:	\$616,900.00
June 2020:	\$552,157.34
September 2020:	\$605,161.66
December 2020:	\$467,802.06

#### With Charity Care

March 2021:	\$1,330,234.88
June 2021:	\$904,511.15

Charity Care for March 2021 was for an entire year, August 2019 through July 2020. For June 2021, Charity Care was for 5 months, August 2020 through December 2021. Going forward, these adjustments will be done quarterly.

### **GOAL**

To approve write-offs of bad debt in accordance with the standards laid out by GAAP.

### **COMMUNITY BENEFIT**

This will show the City's Financial Statements according to national standards and City policy.

### **SUMMARY OF RECOMMENDED ACTION**

Approve Resolution No. 21-R-57 to write off receivables that are older than 180 days.

### **FISCAL IMPACT**

This accounting adjustment will not affect the City's Budget or financial standing. The amount written off is estimated during the budget process and is accounted for in the revenue estimations and the bad debt expense accounts. The action taken tonight will reduce the amount shown as owed to the City by \$904,511.15 and set it equal to the amount seen as still reasonably collectible. The breakdown is as follows:

EMS -	\$879,160.20
Utility Billing -	\$25,350.95
Magazine -	\$0.00

### **RECOMMENDATION**

Staff recommends Council approve Resolution No. 21-R-57.

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### **Attachments**

Resolution 21-R-57

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## RESOLUTION NO. 21-R-57

### **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING EMS DEBT REVENUE ADJUSTMENTS, UTILITY BILLING DEBT REVENUE ADJUSTMENTS AND SCHERTZ MAGAZINE DEBT REVENUE ADJUSTMENTS FOR CERTAIN INACTIVE OUTSTANDING RECEIVABLES AND OTHER MATTERS IN CONNECTION THEREWITH.**

WHEREAS, the City staff of the City of Schertz (the “City”) has recommended that the City maintains quarterly debt revenue adjustments for inactive outstanding accounts; and

WHEREAS, The Centers for Medicare and Medicaid Services requires a charity care policy to continue participating in the Texas Ambulance Services Supplemental Payment Program (TASSPP); and

WHEREAS, the City Council has determined that it is in the best interest of the City that all inactive outstanding accounts after 180 days nonpayment will be sent to City Council for consideration for write offs.

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

Section 1. The City Council hereby authorizes the write off, including Charity Care, in the amount and distribution of accounts below:

<i>Function</i>	<i>Amount</i>
EMS	\$879,160.20
Utility Billing	\$25,350.95
Magazine	\$0.00
Total	\$904,511.15

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and finding of the City Council.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.



Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution 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 Resolution, was given, all as required by Chapter 551, Texas

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 22<sup>nd</sup> day of June, 2021.

CITY OF SCHERTZ, TEXAS

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Mayor Ralph Gutierrez, Mayor

ATTEST:

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City Secretary, Brenda Dennis

(CITY SEAL)

## CITY COUNCIL MEMORANDUM

**City Council Meeting:** June 22, 2021  
**Department:** Public Works  
**Subject:** Resolution 21-R-58 - Consideration and/or action approving a Resolution by the City Council of the City of Schertz authorizing the City Manager to enter into an agreement with DAC, Inc. of New Braunfels, Texas, for the installation of the security systems as part of the Fleet Maintenance Building Project and other matters in connection therewith. (C. Kelm/S. Williams/S. McClelland)

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### BACKGROUND

The City of Schertz has an existing building (Building 27 on Commercial Place), that was earmarked to be renovated into a state of the art Fleet Maintenance Building. The renovations to the building include creation of office spaces, fleet shop area, and sign shop.

On April 6, 2021, City Council approved Resolution 21-R-25 awarding the Guaranteed Maximum Price (GMP) contract for the general construction to FA Nunnally. As detailed in the information provided with Resolution 21-R-25, the project team identified certain scope items that were more cost-effective to be managed directly by City Staff. The security system was one of the items proposed to be performed under a separate contract because City Staff was able to pre-negotiate a contract with line item quantities with our existing security system install DAC, Inc. The review of the proposal was completed by both IT and Public Works. The IT Department has been pleased with the performance by DAC, Inc. on all contracts that have been awarded to date.

The cost associated with the DAC Inc proposal was included in the overall building renovation budget previously reviewed and approved by Council.

### GOAL

Authorize the City Manager to enter into an agreement with DAC, Inc. of New Braunfels, Texas for the installation of the security systems as part of the Fleet Maintenance Building Project.

### COMMUNITY BENEFIT

Outfitting City Facilities with proper security systems help protect the assets inside the facilities. Facilities, like the Fleet Maintenance Building, that have expensive equipment and tools housed inside are even more important to properly protect with a robust security system.

### SUMMARY OF RECOMMENDED ACTION

Staff recommends Council approve Resolution 21-R-58.

### FISCAL IMPACT

The proposal by DAC, Inc of 78,519.39 came in within the proposed budget estimate included in the original building renovation budget. The budget has been previously approved for the entire Building 27 project and this proposal is within that budget. The total approved project budget is \$1,846,814.00.

### RECOMMENDATION

Staff recommends Council approve Resolution 21-R-58.

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**Attachments**

21-R-58

Exhibit A DAC, Inc. Proposal

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## **RESOLUTION NO. 21-R-58**

### **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH DAC, INC. OF NEW BRAUNFELS, TEXAS, FOR THE INSTALLATION OF THE SECURITY SYSTEMS AS PART OF THE FLEET MAINTENANCE BUILDING PROJECT AND OTHER MATTERS IN CONNECTION THEREWITH**

WHEREAS, the City of Schertz (the “City”) has identified the building at 27 Commercial Place for renovation for the Fleet Maintenance Building; and

WHEREAS, the City currently utilizes DAC, Inc. to install all security system components throughout the City; and

WHEREAS, City Staff have evaluated the DAC, Inc. proposal for completeness and overall value; and

WHEREAS, City has dedicated Facilities Maintenance Improvement Bond funds for the completion of this project.

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

Section 1. The City Council hereby authorizes the City Manager to execute and deliver an agreement with DAC, Inc. of New Braunfels, Texas in accordance with the proposal provided in Exhibit A.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution 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 Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 22<sup>nd</sup> day of June, 2021

CITY OF SCHERTZ, TEXAS

---

Ralph Gutierrez, Mayor

ATTEST:

---

Brenda Dennis, City Secretary

(CITY SEAL)

Exhibit A

# SECURITY

City of Schertz  
27 Commercial Place  
Security Systems Proposal





March 8, 2021

Attention: Jennifer A. Black, PE  
Vice President of Engineering Services  
Sledge Engineering LLC  
Phone: 817.559.2842  
Email: [jennifer@sledge.biz](mailto:jennifer@sledge.biz)

RE: City of Schertz – 27 Commercial Place Security System Layout and Proposal

Dear Ms. Black,

We are pleased to present DAC's proposal to serve The City of Schertz. Our entire team is enthusiastic about the prospect of servicing the security infrastructure at your installation. We are committed to integrity and quality, and we are proud of our record and reputation.

DAC, Inc. understand the scope as defined in this document to meet the needs of the site to upgrade the Access Control and CCTV systems as defined below.

- A. Open Options Access Control Additions
- B. CCTV Surveillance Additions

Thank you for your consideration. We are committed to exceeding your expectations and look forward to working with you on this opportunity.

Respectfully,

Roy Charbonneau  
Branch Manager  
DAC, Inc.  
Email: [rcharbonneau@dac-inc.com](mailto:rcharbonneau@dac-inc.com)  
Phone: 281-507-7014

Jonathan Rackel  
Business Development Manager  
DAC, Inc.  
Email: [jrackel@dac-inc.com](mailto:jrackel@dac-inc.com)  
Phone: 713-206-9669



DAC, Inc. has put together the following information and attached drawings to define the scope and placement of the new security devices. The scope is based a full turn-key system installation to include all cabling and equipment necessary for a fully functional system.

**Scope Includes:**

**Access Control:** (13) New Access Control Doors

**Equipment Covered:**

- Open Options Access Control Controllers
- Open Options Access Control Controller Licenses (as required)
- New Card Reader(s) for new location access control door and elevator access control
- Electrified Door Hardware (As Required by door at the site)
- Door Position Sensors
- Egress Motion Detectors (REX)
- Electrified Lock Power Supplies
- New composite cabling
- Installation Labor
- Programming Labor

**CCTV System:** (19) Additional CCTV Cameras

**Equipment Covered:**

- New Interior CCTV Cameras
- New Exterior CCTV Cameras
- New Mounting Brackets (as required for each camera)
- New Surge protectors for exterior mounted CCTV cameras
- New Cat6 Cabling to all camera locations
- Installation Labor
- Programming Labor

**\*\* See attached drawings for all device locations**

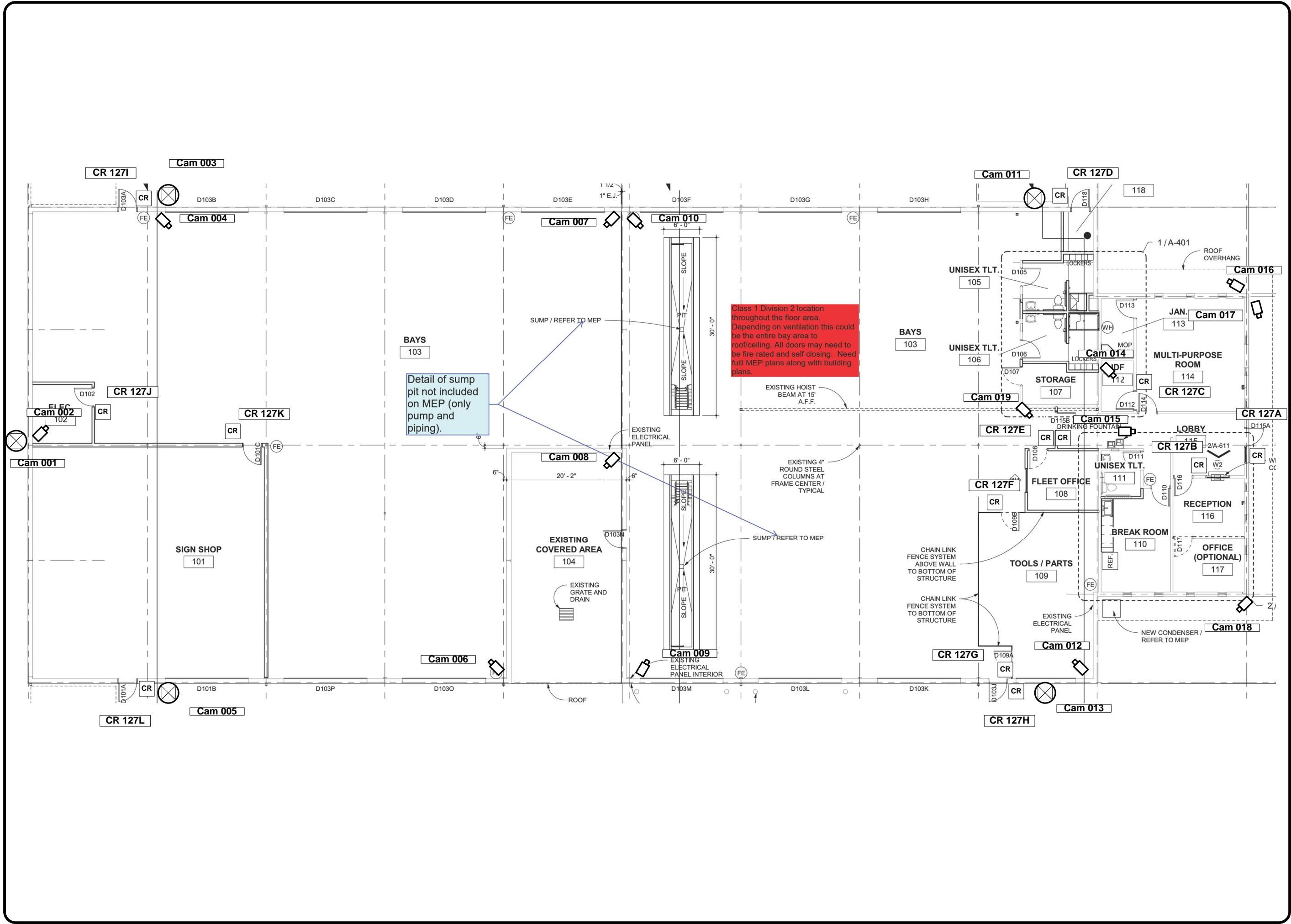
# PRICING

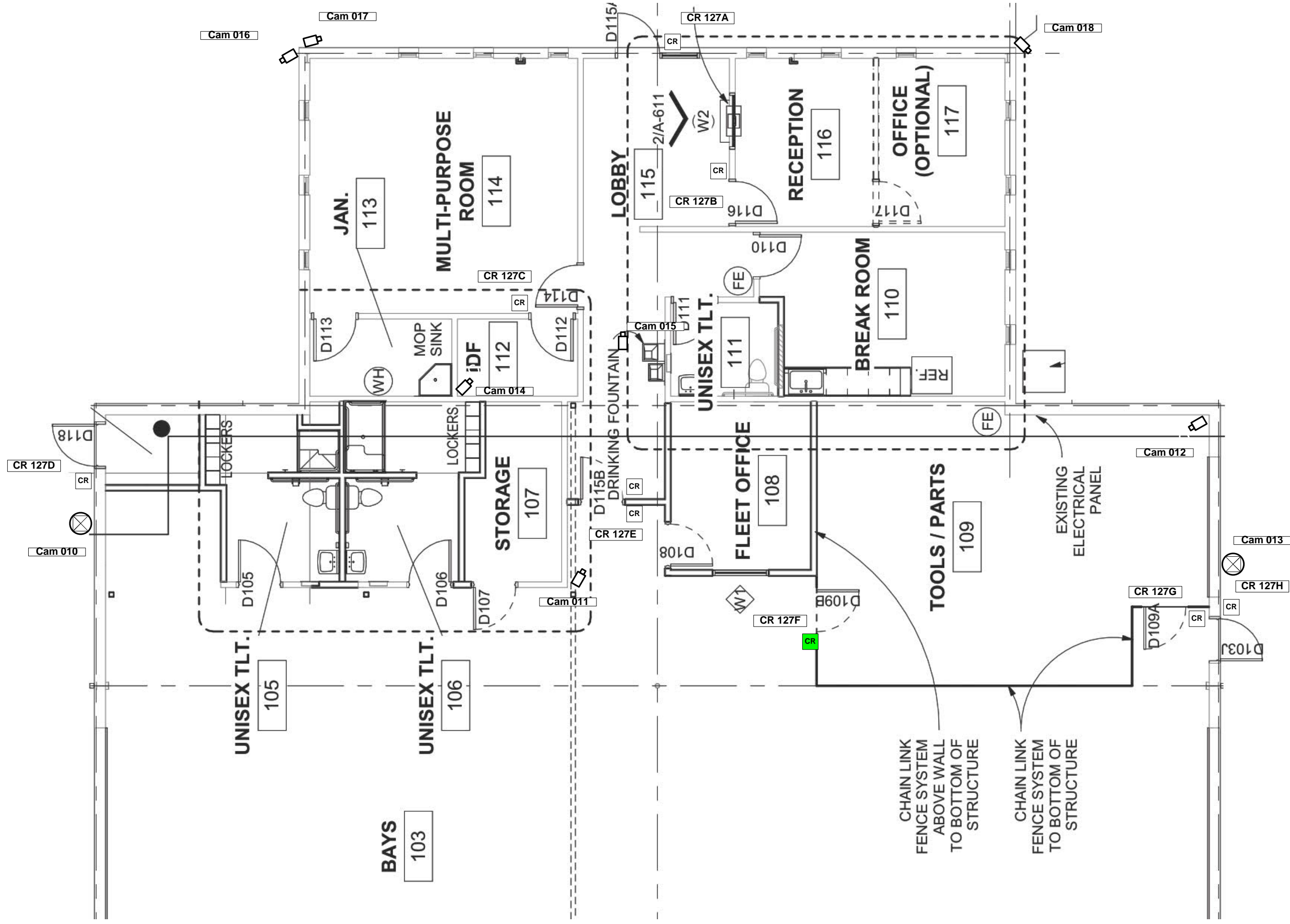
Description	Manufacturer	Part #	QTY	Price Ea	Total Price
Main Controllers	Open Options	SSP-D2	1	\$ 1,479.00	\$ 1,479.00
Door Controller	Open Options	RSC-2	6	\$ 670.50	\$ 4,023.00
Card Reader	HID	RP40	13	\$ 232.50	\$ 3,022.50
REX	Bosch	BOS-ISCCDL1WA12G	5	\$ 64.97	\$ 324.83
Door Hardware	IDN Acme		1	\$ 14,386.46	\$ 14,386.46
Door Power Supplies			1	\$ 332.99	\$ 332.99
Head In Build Out Materials			2	\$ 150.00	\$ 300.00
Enclosure			1	\$ 375.00	\$ 375.00
Wire/Cable Management			1	\$ 75.00	\$ 75.00
Weather/Fire Proofing Materials			1	\$ 37.50	\$ 37.50
Composite Cable			4	\$ 937.50	\$ 3,750.00
				\$ -	\$ -
OUTDOOR, 5MP BOX VARIFOCAL 2.8-10MM	AXIS	P1377-LE,	10	\$ 1,093.91	\$ 10,939.05
8.3MP180 DEGREE	AXIS	P3807-PVE	5	\$ 1,477.16	\$ 7,385.78
Axis Mini Dome	Axis	M3205-LVE	2	\$ 546.41	\$ 1,092.81
Axis Back Box	Axis	T94S01P	1	\$ 130.31	\$ 130.31
Axis Mini Dome IDF	Axis	M3065-V	2	\$ 294.56	\$ 589.11
CAT 6 Cable				\$ 340.50	\$ -
Surge Protector	AXIS	T8061	15	\$ 108.41	\$ 1,626.08
Lift Rental				\$ -	\$ -
				\$ -	\$ -
				\$ -	\$ -
				\$ -	\$ -
CAT 6 Cable				\$ -	\$ -
<b>Total Materials</b>					<b>\$ 49,869.39</b>
Tech Labor	DAC		1	\$ 17,550.00	\$ 17,550.00
Programming Labor	DAC		1	\$ 3,300.00	\$ 3,300.00
PM Labor	DAC		1	\$ 7,800.00	\$ 7,800.00
<b>Labor Total</b>					<b>\$ 28,650.00</b>
<b>Total Material and Labor</b>					<b>\$ 78,519.39</b>

## Exclusions:

Pricing does not include 120V power, conduits, raceway or back boxes. Pricing does not include POE switches servers or workstation required.







Job Number

File Name  
27 Commercial Place

Date  
3/4/2021

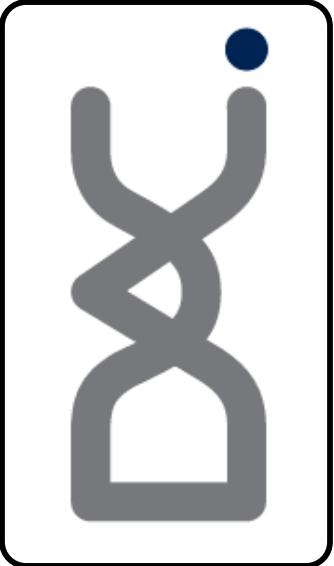
Page 2

**SCHERTZ**  
COMMUNITY • SERVICE • OPPORTUNITY  
27 Commercial Place  
Office Detail



## 27 Commercial Place Door Camera Schedule

Project Name:		City of Schertz	Server Network Settings		Server Network Settings		Server Network Settings	
System		ONSSI	IP		IP		IP	
Type		VMS	Subnet		Subnet		Subnet	
Contact info		DAC Service Dept: (713)975-8160	Gateway		Gateway		Gateway	
			Patch/Switch Port		Patch/Switch Port		Model	

[illegible]

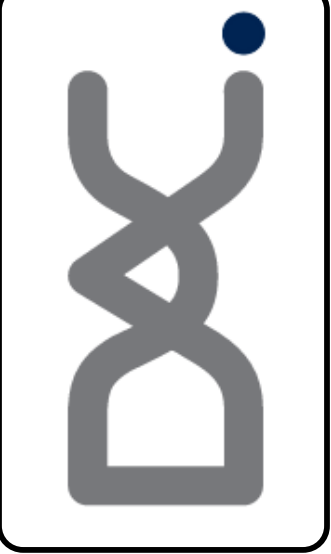


27 Commercial Place Door Hardware Schedule

Door Opening ID001	D103J, D109A, D109B, D115B, D118, D103A, D102, D101C, D101A
5000C-630	HES electric strike
70-10G04-LL-26D	Sargent cylindrical lever lock, storeroom function
8501-689	Norton door closer
3360000N626xxxM	Medeco x4 SFIC core, factory master keyed
Door Opening ID002	D114
20-70-10G04-LL-26D	Sargent cylindrical lever lock, storeroom function, 2 3/8" backset
3360000N626xxxM	Medeco x4 SFIC core, factory master keyed
Door Opening ID003	D112
5000C-630	HES electric strike
1-20-70-10G04-LL-26D	Sargent cylindrical lever lock, storeroom function, 1 3/8" thick door, 2 3/8" backset
8501-689	Norton door closer
3360000N626xxxM	Medeco x4 SFIC core, factory master keyed
Door Opening ID004	D113
1-20-70-10G04-LL-26D	Sargent cylindrical lever lock, storeroom function, 1 3/8" thick door, 2 3/8" backset
3360000N626xxxM	Medeco x4 SFIC core, factory master keyed
Door Opening ID005	D115A
5000C-630	HES electric strike
4510-x-5-2-01-628	Adams Rite deadlatch lock
4591-02-00-628	Adams Rite paddle trim
33602012N626xxxCTZ02M	Medeco x4 SFIC mortise cylinder, Adams Rite cam, factory master keyed
Door Opening ID006	D116
5000C-630	HES electric strike
20-70-10G04-LL-26D	Sargent cylindrical lever lock, storeroom function, 2 3/8" backset
8501-689	Norton door closer
3360000N626xxxM	Medeco x4 SFIC core, factory master keyed
Door Opening ID007	D117, D107
70-10G04-LL-26D	Sargent cylindrical lever lock, storeroom function
3360000N626xxxM	Medeco x4 SFIC core, factory master keyed
Door Opening ID008	D111
20-10U65-LL-26D	Sargent cylindrical lever lock, privacy function, 2 3/8" backset
Door Opening ID009	D110
20-70-10G05-LL-26D	Sargent cylindrical lever lock, entrance function, 2 3/8" backset
3360000N626xxxM	Medeco x4 SFIC core, factory master keyed
Door Opening ID010	D105, D106
10U65-LL-26D	Sargent cylindrical lever lock, privacy function
Door Opening ID011	D103N
70-10G04-LL-26D	Sargent cylindrical lever lock, storeroom function
8501-689	Norton door closer
3360000N626xxxM	Medeco x4 SFIC core, factory master keyed

27 Commercial Place Door Access Control Door Schedule

Project Name:		City of Schertz			Intelligent Controller Settings		Intelligent Controller Settings		Server Network Settings		
System		Open Options			IP		IP		IP		
Type		Access Control			Subnet		Subnet		Subnet		
Contact info		DAC Service Dept: (713)975-8160			Gateway		Gateway		Gateway		
					Patch/Switch Port		Patch/Switch Port		Model		
Door ID	Name	Floor	Hardware	Hardware Set	Panel Location	Reader Port	Input Port	Output Port	Installed	Programmed	Tested
CR 127A	D115A	1	005	Card Reader Accrss							
CR 127B	D116	1	006	Card Reader Accrss							
CR 127C	D112	1	003	Card Reader Accrss							
CR 127D	D118	1	001	Card Reader Accrss							
CR 127E	D115B	1	001	Card Reader Accrss							
CR 127F	D109B	1	001	Card Reader Accrss							
CR 127G	D109A	1	001	Card Reader Accrss							
CR 127H	D103J	1	001	Card Reader Accrss							
CR 127I	D103A	1	001	Card Reader Accrss							
CR 127J	D102	1	001	Card Reader Accrss							
CR 127K	D101C	1	001	Card Reader Accrss							
CR 127L	D101A	1	001	Card Reader Accrss							



SCHERTZ

COMMUNITY • SERVICE • OPPORTUNITY

27 Commercial Place  
Door Hardware Schedule  
Access Control Schedule

## CITY COUNCIL MEMORANDUM

**City Council Meeting:** June 22, 2021

**Department:** Planning & Community Development

**Subject:** Ordinance No. 21-S-26- Conduct a public hearing, consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas on a request to amend Part III, Schertz Code of Ordinances, Unified Development Code (UDC), specifically for subsections within Articles 5, 9 and 14 in order to establish a new zoning district, Main Street Mixed Use- New Development (MSMU-ND). *(First Reading)* (B. James/ L. Wood/E. Delgado)

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### BACKGROUND

As stated in the Unified Development Code (UDC), City Council from time to time, on its own motion, or at the recommendation of City staff amend, change, or modify text in any portion of the UDC to establish and maintain stable and desirable development. It is generally considered good practice to periodically review and update the development regulations due to changing conditions, community goals, and/or State and Federal regulations. The proposed UDC Amendment includes the creation of a new zoning district titled Main Street Mixed Use- New Development (MSMU-ND).

Within the UDC the existing Main Street Mixed-Use District (MSMU) is intended to provide a base zoning district for the area along Main Street. This zoning district has unique characteristics including reduced setbacks and parking requirements due to the physical constraints of the properties along Main Street and the ability to use the properties as residential or commercial.

Although the existing Main Street Mixed-Use (MSMU) zoning district has proven beneficial for property owners that want to utilize the existing structures on Main Street, it does not lend itself to development with new structures. Rather than making modifications to the existing MSMU zoning district, staff determined that it would be more appropriate to create another zoning district that was specifically designed for properties along Main Street that the property owner desires to redevelop the property and construct a new structure, rather than utilizing the existing structure.

On May 26, 2021, the Planning and Zoning Commission conducted a public hearing in relation to this proposed UDC amendment. No one spoke during this public hearing. A public hearing notice was published in the "San Antonio Express" on June 2, 2021 for the public hearing to be held at City Council.

### Proposed Amendments:

Staff is proposing the creation of the Main Street Mixed-Use New Development (MSMU-ND) zoning district, which is structured off the existing Main Street Mixed-Use zoning district with the following changes in order to allow for increased flexibility for redevelopment of properties along Main Street.

UDC Section	Proposed MSMU-ND Regulation
-------------	-----------------------------

Article 5, Section 21.5.5- Statement of Purpose and Intent for Residential Districts	O. Main Street Mixed- Use New Development District (MSMU-ND). Intended to provide a base zoning district in the area along Main Street, specifically for new development of existing properties. This district is intended to mirror The Main Street Mixed-Use District (MSMU), allowing for both single-family residential uses and low intensity commercial uses. Reduced setbacks, parking requirements, along with reduced landscape buffers are provided as part of this district due to physical restraints of the existing properties.
Article 5, Section 21.5.7- Dimensional and Developmental Standards- Table 21.5.7.A Dimensional Requirements	<p>Lot Size: 5,000sqft</p> <p>Width: 50 feet</p> <p>Depth: 100 feet</p> <p>Front Yard Setback: 10 feet</p> <p>Side Yard Setback: 5 feet</p> <p>Rear Yard Setback: 10 feet</p> <p>Parking Spaces: Parking spaces are determined based on the square footage of the structure:</p> <p>0 sqft - 1,500 sqft requires 2 parking spaces</p> <p>1,501 sqft - 5,000 sqft requires 5 parking spaces; unless the proposed land use would require less.</p> <p>5,0001 sqft - 10,000 sqft requires 10 parking spaces; unless the proposed land use would require less.</p> <p>Over 10,000 sqft requires 20 parking spaces; unless the proposed land use would require less.</p> <p>Max Height: 35 Feet</p> <p>Impervious Coverage: 80%</p> <p>Key: j, k, m</p>
Article 5, Section 21.5.8 Permitted Use Table- Table 21.5.8	Addition of MSMU-ND with all the same permitted uses as currently permitted within the MSMU zoning district
Article 9, Section 21.9.7 Landscaping, G Nonresidential and Multifamily Landscape Buffer Requirements	Addition of #3: Due to the flexibility in residential / nonresidential for the Main Street Mixed Use (MSMU) and Main Street Mixed Use- New Development (MSMU-ND) zoning districts, the twenty-foot (20') landscape buffer requirement is not applicable.
Article 9, Section 21.9.7 Landscaping, H.2 Perimeter Landscaping	Addition of text within subsection 2.a: The requirements of this subsection do not apply to properties zoned Main Street Mixed Use (MSMU) and Main Street Mixed Use- New Development (MSMU-ND). Properties under these zoning districts shall provide a minimum landscape buffer of five (5) feet adjacent to a public right-of-way when off-street parking or vehicular use areas abut.
Article 9, Section 21.9.8 Screening and Fencing, B Fences in Nonresidential and Multifamily Areas	Addition of text within subsection 3: Due to the flexibility in residential / nonresidential for the Main Street Mixed Use (MSMU) and Main Street Mixed Use- New Development (MSMU-ND) zoning districts, the masonry wall requirement is not applicable.



Article 14, Section 21.14.3 Additional Design Requirements	Addition of text within subsection C, D, and E in relation to Landscape Buffer, Off-Street Parking, and Building Setback Line: The requirements of this section are not applicable to properties zoned Main Street Mixed-Use- New Development (MSMU-ND).
--	--

The full proposed UDC amendment language red lines can be reviewed in the attachments to this staff report.

## **GOAL**

To amend the UDC to review and update the development regulations due to changing conditions, community goals and State and Federal regulations as well as establish and maintain sound stable and desirable development.

## **COMMUNITY BENEFIT**

It is the City's desire to promote safe, orderly, efficient development and ensure compliance with the City's vision of future growth.

## **SUMMARY OF RECOMMENDED ACTION**

Approve Ordinance 21-S-26 amending the Unified Development Code (UDC), specifically for subsections within Article 5, 9, and 14 in order to establish a new zoning district, Main Street Mixed Use- New Development (MSMU-ND).

## **FISCAL IMPACT**

None.

## **RECOMMENDATION**

Based on recent communications with property owners and developers interested in revitalizing and redeveloping properties along Main Street, that are facing difficulties in complying with the current Main Street Mixed-Use zoning district, staff feels that the creation of a new zoning district is the most appropriate solution. The proposed zoning district and UDC amendments will allow greater flexibility and achieve the desired goals for the redevelopment and new construction to occur on Main Street.

By creating flexibility in landscaping and screening not only for MSMU-ND but also incorporating the changes for MSMU will truly allow the properties to be able to convert from residential to commercial and vice versa without the requirement to install an eight-foot masonry wall or the twenty-foot landscape buffer. Additionally, the proposed modifications to parking and setbacks will allow for greater flexibility for developing properties on Main Street.

The Planning and Zoning Commission offered a recommendation of approval with a vote of 7-0, with changes to two sections of the proposed UDC amendments which were discussed during the meeting. These changes included adding additional clarity for which subsections within UDC Article 14, Section 21.14.3 are not applicable to the Main Street Mixed Use-New Development (MSMU-ND) zoning district and to add additional square footage scales in relation to required parking for Main Street Mixed Use- New Development (MSMU-ND). Both of these changes were incorporated into the proposed amendments included within this ordinance.

Staff recommends approval of Ordinance 21-S-26, the proposed amendments to the Unified Development Code (UDC) for the indicated subsections within Article 5, 9, and 14 as presented.

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**Attachments**

Ord. No 21-S-26

Proposed UDC Amendment Language Red Lines

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## **ORDINANCE NO. 21-S-26**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING PART III, SCHERTZ CODE OF ORDINANCES, THE UNIFIED DEVELOPMENT CODE (UDC) SUBSECTIONS WITHIN ARTICLE 5, ARTICLE 9, AND ARTICLE 14; SPECIFICALLY FOR THE CREATION OF THE MAIN STREET MIXED USE- NEW DEVELOPMENT (MSMU-ND) ZONING DISTRICT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, pursuant to Ordinance No. 10-S-06, the City of Schertz, Texas (the “City”) adopted as Amended and Restated Unified Development Code on April 13, 2010, as further amended (the “Current UDC”); and

**WHEREAS**, City Staff has reviewed the Current UDC and have recommended certain revision and updates to, and reorganization of, the Current UDC;

**WHEREAS**, on May 26, 2021 the Planning and Zoning Commission conducted a public hearing and thereafter recommended approval; and

**WHEREAS**, on June 22, 2021 the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the proposed amendments are appropriate and in the interest of the public safety, health and welfare;

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

Section 1. The current UDC is hereby amended as set forth on Exhibit A hereto.

Section 2. 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 3. 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 4. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. 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 6. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.



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.

Approved on first reading the 22<sup>nd</sup> day of June, 2021.

PASSED, APPROVED AND ADOPTED on final reading the 6<sup>th</sup> day of July, 2021.

---

Ralph Gutierrez, Mayor

ATTEST:

---

Brenda Dennis, City Secretary  
(SEAL OF THE CITY)

Exhibit A

Unified Development Code  
Amendments to Subsections within Articles 5, 9, and 14

See Attached-  
*Red Text Identifies New UDC Language*

## **Sec. 21.5.5. - Statement of Purpose and Intent for Residential Districts.**

- O. *Main Street Mixed- Use New Development District (MSMU-ND)*. Intended to provide a base zoning district in the area along Main Street, specifically for new development of existing properties. This district is intended to mirror The Main Street Mixed-Use District (MSMU), allowing for both single-family residential uses and low intensity commercial uses. Reduced setbacks, parking requirements, along with reduced landscape buffers are provided as part of this district due to physical restraints of the existing properties.



## Sec. 21.5.7. - Dimensional and Developmental Standards.

- A. *General.* All projects or developments shall comply with all of the applicable dimensional and development standards of this Article. Additional requirements may also apply as required in other sections of this UDC. All area requirements and lot sizes shall be calculated based on gross acres.

Table 21.5.7.A DIMENSIONAL REQUIREMENTS  
RESIDENTIAL ZONING DISTRICTS

		Minimum Lot Size And Dimensions			Minimum Yard Setback (Ft)				Miscellaneous Lot Requirements		
Code	Zoning District	Area Sq. Ft.	Width Ft.	Depth Ft.	Front Ft.	Side Ft.	Rear Ft.	Minimum Off-Street Parking Spaces	Max Heigh t Ft.	Max Imperv Cover	Key
MSM U- ND	Main Street Mixed Use- New Development	5,000	50	100	10	5	10	<p>Parking Spaces are determined based on the square footage of the structure.</p> <p>0 sqft – 1,500 sqft requires 2 parking spaces.</p> <p>1,501 sqft - 5,000 sqft, requires 5 parking spaces; unless the proposed land use would require less.</p> <p>5,001 sqft - 10,000 sqft, requires 10 parking spaces; unless the proposed land use</p>	35	80%	j,k,m

								would require less.  Over 10,000sqft requires 20 parking spaces; unless the proposed land use would require less.			
--	--	--	--	--	--	--	--	---	--	--	--

Key:

a.	Add 1,800 square feet of area for each unit after the first 3 units. Maximum density shall not exceed 24 units per acre.
b.	1.5 parking spaces per bedroom.
c.	Zero lot line Garden Homes.
d.	20-foot paved alley for ingress/egress to all rear garages.
e.	5-foot shall be designated maintenance easement.
f.	Corner lot shall have 10-foot side yard setback from street right-of-way.
g.	25-foot set back to property line adjoining public street.
h.	Corner lot shall have minimum 15-foot side yard setback from street right-of-way.
i.	Minimum lot area for each unit.
j.	Site Plan approval required.
k.	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.
l.	No variances may be permitted to exceed the maximum impervious cover limitations
m.	Refer to Article 14, section 21.14.3 for additional design requirements
n.	All single family residential dwelling units constructed within this district shall be constructed with an enclosed garage.
o.	Side yard setback of 7.5 ft. for R-1, R-2, R-3, R-6, R-7, and MHS continues in effect for all subdivisions vested on the date of adoption of Ordinance No. 11-S-15.

**Article 5, Section 21.5.8- Permitted Use Table:**

<b>MSMU-ND</b>	<b>PERMITTED USES</b>
<b>P</b>	Accessory Building, Residential
	Agricultural/Field Crops
	Airport, Heliport or Landing Field
	Alcohol Package Sales
	Antenna and/or Antenna Support Structure, Commercial
<b>P</b>	Antique Shop
	Appliances, Furniture and Home Furnishings Store
<b>P</b>	Art Gallery/Library/Museum
	Assisted Care or Living Facility
	Athletic Stadium, Private
	Athletic Stadium, Public
	Automobile Parking Structure/Garage
	Automobile Parts Sales
	Automobile Repairs & Service, Major
	Automobile Repairs & Service, Minor
	Automobile Sales
<b>P</b>	Bakery
<b>P</b>	Bank, Saving and Loan, Credit Union
<b>P</b>	Beauty Salon/Barber Shop
<b>P</b>	Bed and Breakfast Inn
<b>P</b>	Book Store
	Bottling Works
	Building Material and Hardware Sales
	Cabinet or Upholstery Shop
	Car Wash, Automated
	Car Wash, Self Serve
	Cemetery or Mausoleum
<b>S</b>	Church, Temple, Synagogue, Mosque, or Other Place of Worship
	Civic/Convention Center



	College, University, Trade, or Private Boarding School
	Commercial Amusement, Indoor
	Commercial Amusement, Outdoor
	Community Center
	Concrete/Asphalt Batching Plant
	Convenience Store w/o Gas Pumps
	Convenience Store w/ Gas Pumps
	Dance Hall/Night Club
<b>P</b>	Day Care Center
	Department Store
	Dry Cleaning, Major
<b>P</b>	Dry Cleaning, Minor
	Family or Group Home
<b>P</b>	Farmers Market
	Flea Market, Inside
	Flea Market, Outside
<b>P</b>	Florist
	Fraternity, Sorority, Civic Club or Lodge
<b>P</b>	Furniture Sales
	Gasoline Station/Fuel Pumps
	Gated Community
	General Manufacturing/Industrial Use
	Golf Course and/or Country Club
<b>P</b>	Governmental Facilities
<b>P</b>	Gymnastics/Dance Studio
	Hazardous Waste
<b>P</b>	Health/Fitness Center
	Heavy Equipment Sales, Service or Rental
	Home Improvement Center
	Hospital
	Hotel/Motel
	Household Appliance Service and Repair
<b>S</b>	In-Home Day Care
	Landfill
	Laundromat
	Livestock
<b>P</b>	Locksmith/Security System Company

<b>P</b>	Medical, Dental or Professional Office/Clinic
	Mini-Warehouse/Public Storage
	Manufactured/Mobile Homes
	Manufacturing
	Mortuary/Funeral Home
	Multi-Family Apartment Dwelling
	Municipal Uses Operated by the City of Schertz
<b>P</b>	Museum
	Nursery, Major
	Nursery, Minor
	Office Showroom
	Office-Warehouse/Distribution Center
	One-Family Dwelling Attached
<b>P</b>	One-Family Dwelling Detached
<b>P</b>	Packaging/Mailing Store
<b>P</b>	Park/Playground/Similar Public Site
	Pawn Shop
	Pet Store
<b>P</b>	Pharmacy
	Portable Building Sales
<b>P</b>	Post Office
	Print Shop, Major
<b>P</b>	Print Shop, Minor
	Private Club
	Railroad/Bus Passenger Station
	Recreational Vehicle Park
	Recreational Vehicle Sales and Service
	Recycling Collection Center
	Recycling Collection Point
	Recycling Facility
	Rehabilitation Care Facility
	Restaurant, Drive-In
<b>P</b>	Restaurant or Cafeteria
<b>P</b>	Retail Stores and Shops
<b>P</b>	School, Public or Private
	Sexually Oriented Business (See Ordinance No. 02-L-16)
	Stable, Commercial

	Storage or Wholesale Warehouse
	Tattoo Parlors/Studios
<b>P</b>	Tavern
	Taxidermist
	Theater, Outdoor
	Theater, Indoor
	Tool Rental
	Trailer/Manufactured Homes Sales
	Truck Sales, Heavy Equipment
	Truck Terminal
	Two-Family Dwelling
	Veterinarian Clinic/Kennel, Indoor
	Veterinarian Clinic/Kennel, Outdoor
	Welding/Machine Shop
	Wrecking or Salvage Yard
<b>S</b>	New and Unlisted Uses



## Sec. 21.9.7. - Landscaping.

### G. *Nonresidential and Multifamily Landscape Buffer Requirements.*

1. In addition to any screening requirements of section 21.9.8, a nonresidential or multifamily use adjacent to a residential use or residentially zoned property shall provide a minimum twenty foot (20') landscape buffer adjacent to the property line of the residential use or residentially zoned property. A minimum of one (1) shade tree shall be planted for each thirty linear feet (30') of landscape buffer. A minimum of ten (10) shrubs shall be planted for each fifty linear feet (50') of landscape buffer. All other areas within the landscape buffer shall be covered with grass or another solid vegetative cover approved at the time of Site Plan approval.
2. The landscape buffer and planting requirements do not apply to public water and wastewater facilities if an eight feet (8') masonry fence is provided at or near the property boundary.
3. Due to the flexibility in residential / nonresidential for the Main Street Mixed-Use (MSMU) and Main Street Mixed-Use - New Development (MSMU-ND) zoning districts, the twenty-foot (20') landscape buffer requirement is not applicable.

### H. *Parking Area Landscaping.* Parking lots, vehicular use areas and parked vehicles are to be effectively screened from the public view and adjacent property. Both the interior and perimeter of such areas shall be landscaped in accordance with the following criteria. Areas used for parking or vehicle storage that are under, on or within buildings are exempt from these standards. Section H does not apply to public schools.

1. *Interior Landscaping.* A minimum of ten percent (10%) of the gross parking areas shall be devoted to living landscaping which includes grass, ground covers, plants, shrubs and trees. Gross parking area is to be measured from the edge of the parking and/or driveway and sidewalks. The following additional criteria shall apply to the interior of parking lots. Interior landscaping requirements do not apply to public water and wastewater facilities if an eight feet (8') masonry fence is provide at or near the property boundary.
  - a. Interior landscape areas shall be protected from vehicular encroachment of overhang through appropriate wheel stops or curbs.
  - b. There shall be a minimum of one (1) shade tree planted for each 400 square feet or fraction thereof of required interior landscape area.
  - c. Interior areas of parking lots shall contain planting islands located so as to best relieve the expanse of paving. Planter islands must be located no further apart than every twelve (12) parking spaces and at the terminus of all rows of parking. Such islands shall be a minimum of 200 square feet or ten feet (10') by twenty feet (20') in size.
  - d. Planter islands shall contain a combination of trees, shrubs, lawn, ground cover and other appropriate materials provided such landscaping does not cause visual interference within the parking area.
2. *Perimeter Landscaping.* All parking lots and vehicular use areas shall be screened from all abutting properties with a wall, fence, hedge, berm or other durable landscape barrier. All parking lots and vehicular use areas shall be screened from all abutting public rights-of-way with a wall, berm or combination of hedge and berm. Any living barrier shall be established in a minimum five foot (5') planting strip. Plants and materials used in living barriers shall be at least thirty inches (30") high at the time of planting and shall be of a type and species that will attain a minimum height of three feet (3') one (1) year after planting. Any landscape barrier not containing live plants or trees shall be a minimum of three feet (3') high at time of installation. Perimeter landscaping shall be designed to screen off-street parking lots and other vehicular use areas from public rights-of-way and adjacent residential properties.
  - a. Whenever an off-street parking or vehicular use area abuts a public right-of-way, except a public alley, a perimeter landscape area of at least fifteen feet (15') in depth shall be maintained between the abutting right-of-way and the off-street parking or vehicular area. An appropriate landscape screen or barrier shall be installed in this area and the remaining

area shall be landscaped with at least grass or other ground cover. Necessary access ways from the public right-of-way shall be permitted through all such landscaping. The requirements of this subsection do not apply to properties zoned Main Street Mixed Use (MSMU) and Main Street Mixed-Use - New Development (MSMU-ND). Properties under these zoning districts shall provide a minimum landscape buffer of five (5) feet adjacent to a public right-of-way when off-street parking or vehicular use areas abut.

- b. Whenever an off-street parking or vehicular use area abuts an adjacent residential property line, a perimeter landscape area of at least ten feet (10') in width shall be maintained between the edge of the parking area and the adjacent property line. Access ways between lots may be permitted through all perimeter landscape areas. Landscaping shall be designed to visually screen the parking area. Whenever such property is zoned or used for single family residential purposes, a landscape buffer shall include a masonry wall and hedge, or berm which shall be a minimum of three feet (3') in height and a maximum of eight feet (8') in height. The requirements of this subsection do not apply to public water and wastewater facilities if an eight feet (8') masonry fence is provide at or near the property boundary.
- c. Perimeter landscape areas shall contain at least one (1) shade tree for each fifty linear feet (50'), or fraction thereof, of perimeter area.

## Sec. 21.9.8. - Screening and Fencing.

### B. *Fences in Nonresidential and Multifamily Areas.*

1. *Height.* No fence, screen, or wall shall exceed eight feet (8') in height. No fence, screen, or wall within a required front yard shall exceed eight feet (8') in height. Fences constructed in the front yard shall be non-opaque and shall not interfere with the sight visibility triangle as required by this UDC or any other applicable City ordinances, codes and regulations. All fences for public water and wastewater facilities are allowed to be opaque.
2. *Fence Materials.*
  - a. *Materials Permitted.* Fences may be constructed of pressure treated wood, decorative metal, chain link or similar woven wire mesh, stone, brick, above ground electrical fencing or other materials traditionally used in private fence construction.
  - b. *Prohibited Materials.* Hog wire or chicken wire, screening slats within chain link, and barbed wire are prohibited except on parcels or lots one acre or greater in size in conjunction with the containment of livestock or farm animals. Three strand barbed wire on top of chain link fencing is permitted when associated with public water and wastewater facilities and when not visible from public rights-of-way or adjacent properties.
3. *Fences Adjacent to Residential Property.* Where any nonresidential or multifamily use, lot or parcel except public schools is adjacent to or separated by only a local street or alley from a lot or parcel that is zoned for single family residential use, the nonresidential or multifamily use shall construct a masonry screening wall a minimum of eight feet (8') in height. The screen shall be located no closer to the street than the property line. Such screening wall shall be maintained in good condition. Any sections of this UDC or any other City ordinances, codes or regulations concerning sight obstructions of intersections shall be applicable to the screen where it is intersected by a right-of-way. Where any nonresidential or multifamily use, lot or parcel is located in such a manner so as to be at a higher elevation than an adjacent lot or parcel that is zoned for single family residential use, the required masonry screening wall shall be constructed on the higher elevation so as to mitigate the adjacent residential property from the impacts of the adjacent use. **Due to the flexibility in residential / nonresidential for the Main Street Mixed Use (MSMU) and Main Street Mixed-Use - New Development (MSMU-ND) zoning districts, the masonry wall requirement is not applicable.**
4. *Screening of Trash Receptacles.* All trash receptacles shall be screened from public view by a solid screening wall a minimum of eight feet (8') in height and constructed of a masonry material. Gates shall be of solid metal and shall be closed at all times except when loading and unloading.
5. *Fences within Public Easements.* Fences within a public easement shall have a gate or removable panel to allow for maintenance access to such easement. The City shall not be responsible for damage to any fence that may occur as a result of maintenance of any utility within the easement.
6. *Gates for Vehicular Access.* Gates designed for vehicular access shall be set back from the property line a

### Sec. 21.14.3. - Additional Design Requirements.

#### A. *Purpose and Applicability.*

1. The purpose of this Section is to establish additional development standards applicable to certain streets within the City to ensure uniform and quality development resulting in an attractive environment compatible with businesses and residential dwellings which does the following:
  - a. provides an environment and living conditions favorable to the public;
  - b. provides a creative approach to land use and related physical development;
  - c. creates a pattern of development which preserves trees and outstanding natural topography and prevents soil erosion and pollution;
  - d. encourages mixed use development through innovative uses of modern development concepts; and
  - e. produces open space and recreation areas.
2. The requirements of this section shall be applicable to all roadways classified as Principal Arterials or Secondary Arterials in accordance with section 21.14.1 including, but not limited to, Schertz Parkway, FM 3009, Old Wiederstein Road, Country Club Blvd, FM 78, FM 1518, FM 482, and Wiederstein Road.

#### B. *Permitted Uses.* Buildings, structures and land shall be used in accordance with the uses permitted in the applicable zoning district and shall comply with the dimensional requirements of that district in accordance with Article 5 of this UDC.

#### C. *Landscape Buffer.* In addition to the requirements of section 21.9.7 of this UDC for landscaping, a minimum twenty foot (20') wide landscape buffer shall be provided adjacent to any public right-of-way. Trees shall be planted at an average density of one (1) tree per twenty linear feet (20') of street frontage except for public schools. The landscape buffer shall require an irrigation system and shall be maintained by the property owner. **The requirements of this section are not applicable to properties zoned Main Street Mixed-Use - New Development (MSMU-ND).**

#### D. *Off-Street Parking.* Off street parking is permitted adjacent to the landscape buffer along the right-of-way. Parking and vehicular use areas adjacent to the right-of-way shall have land berm walls or a vegetative hedge barrier to reduce vehicular reflections to 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. **The requirements of this section are not applicable to properties zoned Main Street Mixed-Use - New Development (MSMU-ND).**

#### E. *Building Setback Line.* A minimum fifty foot (50') building setback shall be required adjacent to all rights-of-way. A waiver may be granted by the Planning and Zoning Commission which would allow for a reduction in the minimum required setback when an alternative site layout and design provides for additional open space or landscaping and off-street parking will be located entirely at the rear of the building or lot. In no case shall the minimum building setback be reduced less than the minimum required setback for the applicable zoning district in. **The requirements of this section are not applicable to properties zoned Main Street Mixed-Use - New Development (MSMU-ND).**

#### F. *Driveways and Access (Connectivity).* Access shall be limited to provide for safe traffic flow and the design shall provide interior drives to limit the number of accesses to the public right-of-way. Access easement should be utilized to limit the number of driveway accesses. Accesses should be planned to match existing driveways or street intersections on the opposite side of the street. All driveways shall have a minimum sight distance of 240 feet.

#### G. *Screening.* A masonry screening wall a minimum of eight foot (8') in height shall be provided where the rear yard of any residential or nonresidential lot abuts a Principal or Secondary Arterial. Any masonry screening wall constructed as part of a new residential subdivision shall be constructed of a like and similar material and color as screening walls in adjacent subdivisions to provide a consistent streetscape.



***Proposed UDC amendments  
to establish the MSMU-ND Zoning District***

*\*Existing Main Street Mixed-Use District (MSMU) UDC language included for reference\**

**Sec. 21.5.5. - Statement of Purpose and Intent for Residential Districts.**

- N. *Main Street Mixed-Use District (MSMU)*. Intended to provide a base zoning district in the area along Main Street. In light of the history of the area and variety of land uses that exist, this zoning district allows for both single-family residential uses and low intensity commercial uses. Reduced setbacks and parking requirements are provided as part of this district due to physical restraints.
- O. *Main Street Mixed- Use New Development District (MSMU-ND)*. Intended to provide a base zoning district in the area along Main Street, specifically for new development of existing properties. This district is intended to mirror The Main Street Mixed-Use District (MSMU), allowing for both single-family residential uses and low intensity commercial uses. Reduced setbacks, parking requirements, along with reduced landscape buffers are provided as part of this district due to physical restraints of the existing properties.

## Sec. 21.5.7. - Dimensional and Developmental Standards.

- A. *General.* All projects or developments shall comply with all of the applicable dimensional and development standards of this Article. Additional requirements may also apply as required in other sections of this UDC. All area requirements and lot sizes shall be calculated based on gross acres.

Table 21.5.7.A DIMENSIONAL REQUIREMENTS  
RESIDENTIAL ZONING DISTRICTS

		Minimum Lot Size And Dimensions			Minimum Yard Setback (Ft)				Miscellaneous Lot Requirements		
Code	Zoning District	Area Sq. Ft.	Width Ft.	Depth Ft.	Front Ft.	Side Ft.	Rear Ft.	Minimum Off-Street Parking Spaces	Max Height Ft.	Max Imperv Cover	Key
MSMU	Main Street Mixed Use	5,000	50	100	10	5	20	2	35	80%	h,j,k,m,n
MSMU-ND	Main Street Mixed Use-New Development	5,000	50	100	10	5	10	Parking Spaces are determined based on the square footage of the structure.  0 sqft – 1,500 sqft requires 2 parking spaces.  1,501 sqft - 5,000 sqft, requires 5 parking spaces; unless the proposed land use would require less.	35	80%	j,k,m

								<p>5,001 sqft - 10,000 sqft, requires 10 parking spaces; unless the proposed land use would require less.</p> <p>Over 10,000sqft requires 20 parking spaces; unless the proposed land use would require less.</p>			
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Key:

a.	Add 1,800 square feet of area for each unit after the first 3 units. Maximum density shall not exceed 24 units per acre.
b.	1.5 parking spaces per bedroom.
c.	Zero lot line Garden Homes.
d.	20-foot paved alley for ingress/egress to all rear garages.
e.	5-foot shall be designated maintenance easement.
f.	Corner lot shall have 10-foot side yard setback from street right-of-way.
g.	25-foot set back to property line adjoining public street.
h.	Corner lot shall have minimum 15-foot side yard setback from street right-of-way.
i.	Minimum lot area for each unit.

j.	Site Plan approval required.
k.	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.
l.	No variances may be permitted to exceed the maximum impervious cover limitations
m.	Refer to Article 14, section 21.14.3 for additional design requirements
n.	All single family residential dwelling units constructed within this district shall be constructed with an enclosed garage.
o.	Side yard setback of 7.5 ft. for R-1, R-2, R-3, R-6, R-7, and MHS continues in effect for all subdivisions vested on the date of adoption of Ordinance No. 11-S-15.



## Article 5, Section 21.5.8- Permitted Use Table:

### Proposed Full Permitted Use Table for Main Street Mixed-Use New Development

(existing MSMU permitted uses included for reference)

<b>MSMU-ND</b>	<b>MSMU</b>	<b>PERMITTED USES</b>
<b>P</b>	P	Accessory Building, Residential
		Agricultural/Field Crops
		Airport, Heliport or Landing Field
		Alcohol Package Sales
		Antenna and/or Antenna Support Structure, Commercial
<b>P</b>	P	Antique Shop
		Appliances, Furniture and Home Furnishings Store
<b>P</b>	P	Art Gallery/Library/Museum
		Assisted Care or Living Facility
		Athletic Stadium, Private
		Athletic Stadium, Public
		Automobile Parking Structure/Garage
		Automobile Parts Sales
		Automobile Repairs & Service, Major
		Automobile Repairs & Service, Minor
		Automobile Sales
<b>P</b>	P	Bakery
<b>P</b>	P	Bank, Saving and Loan, Credit Union
<b>P</b>	P	Beauty Salon/Barber Shop
<b>P</b>	P	Bed and Breakfast Inn
<b>P</b>	P	Book Store
		Bottling Works
		Building Material and Hardware Sales
		Cabinet or Upholstery Shop
		Car Wash, Automated
		Car Wash, Self Serve
		Cemetery or Mausoleum
<b>S</b>	S	Church, Temple, Synagogue, Mosque, or Other Place of Worship
		Civic/Convention Center
		College, University, Trade, or Private Boarding School

		Commercial Amusement, Indoor
		Commercial Amusement, Outdoor
		Community Center
		Concrete/Asphalt Batching Plant
		Convenience Store w/o Gas Pumps
		Convenience Store w/ Gas Pumps
		Dance Hall/Night Club
P	P	Day Care Center
		Department Store
		Dry Cleaning, Major
P	P	Dry Cleaning, Minor
		Family or Group Home
P	P	Farmers Market
		Flea Market, Inside
		Flea Market, Outside
P	P	Florist
		Fraternity, Sorority, Civic Club or Lodge
P	P	Furniture Sales
		Gasoline Station/Fuel Pumps
		Gated Community
		General Manufacturing/Industrial Use
		Golf Course and/or Country Club
P	P	Governmental Facilities
P	P	Gymnastics/Dance Studio
		Hazardous Waste
P	P	Health/Fitness Center
		Heavy Equipment Sales, Service or Rental
		Home Improvement Center
		Hospital
		Hotel/Motel
		Household Appliance Service and Repair
S	S	In-Home Day Care
		Landfill
		Laundromat
		Livestock
P	P	Locksmith/Security System Company
P	P	Medical, Dental or Professional Office/Clinic
		Mini-Warehouse/Public Storage
		Manufactured/Mobile Homes
		Manufacturing

		Mortuary/Funeral Home
		Multi-Family Apartment Dwelling
		Municipal Uses Operated by the City of Schertz
P	P	Museum
		Nursery, Major
		Nursery, Minor
		Office Showroom
		Office-Warehouse/Distribution Center
		One-Family Dwelling Attached
P	P	One-Family Dwelling Detached
P	P	Packaging/Mailing Store
P	P	Park/Playground/Similar Public Site
		Pawn Shop
		Pet Store
P	P	Pharmacy
		Portable Building Sales
P	P	Post Office
		Print Shop, Major
P	P	Print Shop, Minor
		Private Club
		Railroad/Bus Passenger Station
		Recreational Vehicle Park
		Recreational Vehicle Sales and Service
		Recycling Collection Center
		Recycling Collection Point
		Recycling Facility
		Rehabilitation Care Facility
		Restaurant, Drive-In
P	P	Restaurant or Cafeteria
P	P	Retail Stores and Shops
P	P	School, Public or Private
		Sexually Oriented Business (See Ordinance No. 02-L-16)
		Stable, Commercial
		Storage or Wholesale Warehouse
		Tattoo Parlors/Studios
P	P	Tavern
		Taxidermist
		Theater, Outdoor
		Theater, Indoor
		Tool Rental

		Trailer/Manufactured Homes Sales
		Truck Sales, Heavy Equipment
		Truck Terminal
		Two-Family Dwelling
		Veterinarian Clinic/Kennel, Indoor
		Veterinarian Clinic/Kennel, Outdoor
		Welding/Machine Shop
		Wrecking or Salvage Yard
<b>S</b>	S	New and Unlisted Uses



## Sec. 21.9.7. - Landscaping.

### G. *Nonresidential and Multifamily Landscape Buffer Requirements.*

1. In addition to any screening requirements of section 21.9.8, a nonresidential or multifamily use adjacent to a residential use or residentially zoned property shall provide a minimum twenty foot (20') landscape buffer adjacent to the property line of the residential use or residentially zoned property. A minimum of one (1) shade tree shall be planted for each thirty linear feet (30') of landscape buffer. A minimum of ten (10) shrubs shall be planted for each fifty linear feet (50') of landscape buffer. All other areas within the landscape buffer shall be covered with grass or another solid vegetative cover approved at the time of Site Plan approval.
2. The landscape buffer and planting requirements do not apply to public water and wastewater facilities if an eight feet (8') masonry fence is provided at or near the property boundary.
3. Due to the flexibility in residential / nonresidential for the Main Street Mixed-Use (MSMU) and Main Street Mixed-Use - New Development (MSMU-ND) zoning districts, the twenty-foot (20') landscape buffer requirement is not applicable.

### H. *Parking Area Landscaping.* Parking lots, vehicular use areas and parked vehicles are to be effectively screened from the public view and adjacent property. Both the interior and perimeter of such areas shall be landscaped in accordance with the following criteria. Areas used for parking or vehicle storage that are under, on or within buildings are exempt from these standards. Section H does not apply to public schools.

1. *Interior Landscaping.* A minimum of ten percent (10%) of the gross parking areas shall be devoted to living landscaping which includes grass, ground covers, plants, shrubs and trees. Gross parking area is to be measured from the edge of the parking and/or driveway and sidewalks. The following additional criteria shall apply to the interior of parking lots. Interior landscaping requirements do not apply to public water and wastewater facilities if an eight feet (8') masonry fence is provide at or near the property boundary.
  - a. Interior landscape areas shall be protected from vehicular encroachment of overhang through appropriate wheel stops or curbs.
  - b. There shall be a minimum of one (1) shade tree planted for each 400 square feet or fraction thereof of required interior landscape area.
  - c. Interior areas of parking lots shall contain planting islands located so as to best relieve the expanse of paving. Planter islands must be located no further apart than every twelve (12) parking spaces and at the terminus of all rows of parking. Such islands shall be a minimum of 200 square feet or ten feet (10') by twenty feet (20') in size.
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  - a. Whenever an off-street parking or vehicular use area abuts a public right-of-way, except a public alley, a perimeter landscape area of at least fifteen feet (15') in depth shall be maintained between the abutting right-of-way and the off-street parking or vehicular area. An appropriate landscape screen or barrier shall be installed in this area and the remaining area shall be landscaped with at least grass or other ground cover. Necessary access ways from the public right-of-way shall be permitted through all such landscaping. The requirements of this subsection do not apply to properties zoned Main Street Mixed Use (MSMU) and Main Street Mixed-Use - New Development (MSMU-ND). Properties under these zoning districts shall provide a minimum landscape buffer of five (5) feet adjacent to a public right-of-way when off-street parking or vehicular use areas abut.
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or used for single family residential purposes, a landscape buffer shall include a masonry wall and hedge, or berm which shall be a minimum of three feet (3') in height and a maximum of eight feet (8') in height. The requirements of this subsection do not apply to public water and wastewater facilities if an eight feet (8') masonry fence is provide at or near the property boundary.

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## Sec. 21.9.8. - Screening and Fencing.

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2. *Fence Materials.*
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  - b. *Prohibited Materials.* Hog wire or chicken wire, screening slats within chain link, and barbed wire are prohibited except on parcels or lots one acre or greater in size in conjunction with the containment of livestock or farm animals. Three strand barbed wire on top of chain link fencing is permitted when associated with public water and wastewater facilities and when not visible from public rights-of-way or adjacent properties.
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5. *Fences within Public Easements.* Fences within a public easement shall have a gate or removable panel to allow for maintenance access to such easement. The City shall not be responsible for damage to any fence that may occur as a result of maintenance of any utility within the easement.
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#### B. *Permitted Uses.* Buildings, structures and land shall be used in accordance with the uses permitted in the applicable zoning district and shall comply with the dimensional requirements of that district in accordance with Article 5 of this UDC.

#### C. *Landscape Buffer.* In addition to the requirements of section 21.9.7 of this UDC for landscaping, a minimum twenty foot (20') wide landscape buffer shall be provided adjacent to any public right-of-way. Trees shall be planted at an average density of one (1) tree per twenty linear feet (20') of street frontage except for public schools. The landscape buffer shall require an irrigation system and shall be maintained by the property owner. **The requirements of this section are not applicable to properties zoned Main Street Mixed-Use - New Development (MSMU-ND).**

#### D. *Off-Street Parking.* Off street parking is permitted adjacent to the landscape buffer along the right-of-way. Parking and vehicular use areas adjacent to the right-of-way shall have land berm walls or a vegetative hedge barrier to reduce vehicular reflections to 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. **The requirements of this section are not applicable to properties zoned Main Street Mixed-Use - New Development (MSMU-ND).**

#### E. *Building Setback Line.* A minimum fifty foot (50') building setback shall be required adjacent to all rights-of-way. A waiver may be granted by the Planning and Zoning Commission which would allow for a reduction in the minimum required setback when an alternative site layout and design provides for additional open space or landscaping and off-street parking will be located entirely at the rear of the building or lot. In no case shall the minimum building setback be reduced less than the minimum required setback for the applicable zoning district in. **The requirements of this section are not applicable to properties zoned Main Street Mixed-Use - New Development (MSMU-ND).**

#### F. *Driveways and Access (Connectivity).* Access shall be limited to provide for safe traffic flow and the design shall provide interior drives to limit the number of accesses to the public right-of-way. Access easement should be utilized to limit the number of driveway accesses. Accesses should be planned to match existing driveways or street intersections on the opposite side of the street. All driveways shall have a minimum sight distance of 240 feet.

#### G. *Screening.* A masonry screening wall a minimum of eight foot (8') in height shall be provided where the rear yard of any residential or nonresidential lot abuts a Principal or Secondary Arterial. Any masonry screening wall constructed as part of a new residential subdivision shall be constructed of a like and similar material and color as screening walls in adjacent subdivisions to provide a consistent streetscape.