



**MEETING AGENDA**  
**City Council**  
**REGULAR SESSION CITY COUNCIL**  
**March 7, 2023**

**HAL BALDWIN MUNICIPAL COMPLEX CIVIC CENTER**  
**GRAND BALLROOM**  
**1400 SCHERTZ PARKWAY BUILDING #5**  
**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, MARCH 7, 2023 at 6:00 p.m.**

**Call to Order**

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

**Proclamations**

- 311 Appreciation Day-March 11, 2023

**Employee Introductions:**

- Police: Andrew Cavzos-Police Cadet; Moises Ruiz-Police Cadet;
- Police-Communications-Abigail Ybarra- Communications Officer;
- Neighborhood Services: David Garcia-Code Enforcement Officer;
- GIS-Alexa Venezia-Dasse;
- Water/Wastewater :Ryan Rehfield-Service Worker 1; Miguel Sandoval-Service Worker 1; Keith Wiggins-Service Worker 1
- Planning-Ameriz Gamez
- Fire: Jacob Amerson-Firefighter; Joe Hernandez-Firefighter; Tori Howard-Firefighter; James Richards-Firefighter; Christopher Tippet-Firefighter; Ethan Schneider-Firefighter/EMT; Jamelle Owens-Firefighter/EMT

## City Events and Announcements

- Announcements of upcoming City Events (B. James/S. Gonzalez)
- Announcements and recognitions by the City Manager (S. Williams)
- 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 following minutes from the regular meeting on February 28, 2023. (S. Edmondson/S.Courney)
2. **Appointment/Reappointment For Boards/Commissions/Committees** (S.Edmondson)
  - Accept resignation of Sue Boissonneault of the Schertz Historical Preservation Committee.
  - Reappointment of the TIRZ Board Members: Michael Dahle, Mark Davis, Jill Whittaker, Clark McChesney Jr., Gary Inmon, Bradford Pittenger.
3. **Resolution 23-R-21-** Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing the Schertz Seguin Local Government Corporation (SSLGC) Budget Amendment for Fiscal Year 2022-23 in the amount of \$522,466 as a transfer to the Capital Outlay fund, \$750,000 as a transfer to the Professional Services fund, a total of \$4,534,000 to the Cowey & Elm Creek Pipeline Project, and \$2,000,000 as a transfer to the Capital Outlay fund and other matters in connection therewith. (B.James/L. Busch)



4. **Resolution 23-R-22** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing expenditures not to exceed \$75,000.00 with M&S Engineering for Additional Design Services for the renovation of Building 10 and other matters in connection therewith. (B. James/D. Hardin Trussell)
5. **Resolution 23-R-01** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing Agreements with ILF N-T Owner, LP for Subdivision Improvement Agreements for Homestead Unit 9 and Unit 11, an Amended Roadway Capital Recovery Offset Agreement and Reimbursement Agreement for Construction of Public Improvements. (S. Williams/B. James)
6. **Ordinance 23-S-01** - Consideration and/or action on a request to rezone approximately 12.5 acres of land from Planned Development District (PDD) to Planned Development District (PDD), generally located approximately 1,500 feet southwest of the intersection between Schertz Parkway and Maske Road, City of Schertz, Guadalupe County, Texas, also known as the Windy Meadows Subdivision Unit 4. (***Final Reading***) (B. James/ L. Wood/E. Delgado)

#### Discussion and Action Items

7. **Ordinance 23-S-02** - Consideration and/or action on a request to rezone approximately 25 acres of land from Pre-Development District (PRE) to Planned Development District (PDD), generally located approximately 2,200 feet southeast of the intersection of Country Club Boulevard and IH-35 access road, also known as a portion of Comal County Property Identification Number 377261 and Guadalupe County Property Identification 63833, City of Schertz, Comal County and Guadalupe County, Texas. (***Final Reading***) (B. James/ L. Wood/ E. Delgado)

#### Public Hearings

8. **Ordinance 23-S-04** - Conduct a public hearing and consideration and / or action on an Ordinance by the City Council of the City of Schertz, TX to rezone approximately 87 acres of land from General Business District (GB) and Single-Family Residential / Agricultural District (RA) to General Business District II (GB-2), located approximately 4,000 feet west of the intersection of IH 10 Access Road and FM 1518, also known as Bexar County Property Identification Number 619249, also known as 12625 IH 10E, City of Schertz, Bexar County, Texas. (***First Reading***) (B. James/ L. Wood/ E. Delgado)
9. **Ordinance No. 23-S-07**- Conduct a public hearing and consideration and/or action on an Ordinance by the City Council of the City of Schertz, Texas to amend Part III, Schertz Code of Ordinances, the Unified Development Code (UDC) Article 5 Zoning Districts, Subsections 21.5.2, 21.5.5 and 21.5.11; Article 9 Site Design Standards, Subsection 21.9.7 and 21.9.10; Article 10 Parking Standards, Subsections 21.10.2, 21.10.3, 21.10.4, 21.10.7.C and 21.10.9; and Article 14 Transportation, Subsection 21.14.3. (***First Reading***) (B. James/S. Williams)

## Roll Call Vote Confirmation

### Workshop

10. Presentation and discussion regarding the Schertz Family YMCA

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

11. **Monthly Update** - Major Projects in progress/CIP. (B. James/K. Woodlee)
12. **Monthly Update** - On FY 2022-23 Approved Expanded Programs (S. Williams/S. Gonzalez)

### 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, SHEILA EDMONDSON, 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 3rd DAY OF MARCH 2023 AT 5:00 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.

SHEILA EDMONDSON

**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 \_\_\_\_\_, 2023.**

**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 Board of Adjustments Investment Advisory Committee Main Street Committee Senior Center Advisory Board-Alternate	<b>Councilmember Davis– Place 1</b> Interview Committee for Boards and Commissions Main Street Committee - Chair Parks & Recreation Advisory Board Schertz Housing Authority Board Transportation Safety Advisory Commission TIRZ II Board
<b>Councilmember Watson– Place 2</b> Audit Committee Library Advisory Board Senior Center Advisory Board Cibolo Valley Local Government Corporation-Alternate	<b>Councilmember Whittaker– Place 3</b> Historical Preservation Committee Interview Committee for Boards and Commissions TIRZ II Board
<b>Councilmember Dahle – Place 4</b> Cibolo Valley Local Government Corporation Interview Committee for Boards and Commissions Planning & Zoning Commission TIRZ II Board	<b>Councilmember Scagliola – Place 5</b> Animal Advisory Commission - Alternate Hal Baldwin Scholarship Committee Schertz-Seguin Local Government Corporation
<b>Councilmember Heyward – Place 6</b> Animal Advisory Commission Audit Committee Building and Standards Commission Economic Development Corporation - Alternate Investment Advisory Committee Main Street Committee Interview Committee for Boards and Commissions-Alternate Senior Center Advisory Board-Alternate	<b>Councilmember Brown – Place 7</b> Economic Development Corporation Main Street Committee Schertz-Seguin Local Government Corporation - Alternate

**Agenda No.**

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:**                      **March 7, 2023**

**Department:**                                **City Secretary**

**Subject:**                                      **Proclamations**

- **311 Appreciation Day-March 11, 2023**
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**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** **March 7, 2023**  
**Department:** **City Secretary**  
**Subject:** **Minutes – Consideration and/or action regarding the approval of the following minutes from the regular meeting on February 28, 2023. (S. Edmondson/S.Courney)**

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**Attachments**

02-28-2023 Draft Minutes

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# DRAFT

## MINUTES REGULAR MEETING February 28, 2023

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on February 28, 2023, at 6:00 p.m. in the Hal Baldwin Municipal Complex Civic Center, 1400 Schertz Parkway, Building #5, Schertz, Texas. The following members present to-wit:

Present: Mayor Ralph Gutierrez; Councilmember Allison Heyward; Councilmember Mark Davis; Councilmember Michelle Watson; Councilmember Jill Whittaker; Councilmember Michael Dahle; Councilmember David Scagliola

Absent: Mayor Pro-Tem Tim Brown

City      City Manager Steve Williams; Deputy City Manager Brian James; Assistant City  
Staff:    Manager Sarah Gonzalez; City Attorney Daniel Santee; City Secretary Sheila  
            Edmondson

### **Call to Order**

Mayor Gutierrez called the meeting to order at 6:02 p.m.

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

Mayor Gutierrez recognized Councilmember Whittaker who provided the opening prayer and led the Pledges of Allegiance to the Flags of the United States and State of Texas.

### **Proclamations:**

- **Career and Technology Education Month - March 2023**

Mayor Gutierrez presented the Career and Technology Education Month Proclamation for the month of February to Ms. Amy Massey, CTE Coordinator for the Schertz-Cibolo-Universal City Independent School District. Ms Massey thanked the City Council and City of Schertz for their support of the CTE Program which has grown to 115 courses across SCUCISD.

- **National Employee Appreciation Day - March 3, 2023**

Mayor Gutierrez presented the National Employee Appreciation Day Proclamation recognizing March 3, 2023, as National Employee Appreciation Day to Ms. Jessica Kurz, Director of HR and Purchasing for the City of Schertz. Ms. Kurz thanked the Mayor and City Council for their support of the employees of the City of Schertz.

## City Events and Announcements

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

Mayor Gutierrez recognized Assistant City Manager Sarah Gonzalez who provided the following:

### **Saturday, March 4**

Kick Cancer Pep Rally and 5K Run

8:00 a.m. Check-in

9:00 a.m. Start

Pickrell Park

More information can be found on the website at [www.schertz.com](http://www.schertz.com)

### **Tuesday, March 7**

Next regular scheduled City Council Meeting

6:00 p.m.

Municipal Courtroom

- Announcements and recognitions by the City Manager (S. Williams)

No announcements and recognitions were made by City Manager Steve Williams.

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

Mayor Gutierrez thanked staff and community volunteers who participated in the "Clean the Creek" event.

## 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.**

Councilmember Heyward recognized the following:

Norman St. Clair who declined to speak.

Doug Yound, 3701 Hillside, Schertz, TX. Mr. Yound requested a procedural change. He stated that every resolution and ordinance in the packet has an approval date indicated when in fact they are not approved.

Maggie Titterington, 1730 Schertz Parkway, Schertz, TX. Ms. Titterington provided an

update on the following Chamber of Commerce events.

- Health and Home Show was a great success with almost 400 attendees in a 3-hour period. She thanked Council for their partnership. The Home portion was introduced this year and was hugely successful. They will expand the Home portion of the event, which will be held on the last Saturday of January at the Civic Center. Have a community sponsor for the Home portion that will be announced at a later date.
- She thanked the City for the State of the Cities address. Loved the skit version on the video.
- Two ribbon cuttings
  - March 15: UR Ship & Print at 4:00 p.m. on FM 78
  - March 22: Gray House Blooms at 10:00 a.m. on Main Street
- She thanked the City for the Local Flavor Grant that was awarded to Gray House Blooms
- April 1: Annual Shred Day. Residents can bring up to 5 boxes of paper to be shredded, but also any metal items such as laptops. Free service but are asking for \$5 donations which will go to Operation Comfort. 50% of the proceeds collected will go to Operation Comfort.

Charles Boyle, who declined to speak.

Councilmember David Scagliola recognized the following:

Reed Carr, 3509 Columbia Drive, in Northcliffe. Concerned with the Zoning change that will put a lot of people in a small space. Northcliffe is separate from Scenic Hills, Fairways and Fairhaven. Too many units proposed. Area cannot tolerate the additional traffic. This will be detrimental effect on the neighborhood.

Ana Bruno-Andino, 3701 Columbia Dr., concerned with overdevelopment of the area. Increase in air pollution and concern for the ground. Home had foundation fixed last year and is needing repair again due to drought. Golf course is used for walking, talking to neighbors, and place for children to play.

Maureen Maus, 3434 Wimbledon Dr., declined to speak.

Richard Maus, 3434 Wimbledon Dr., requested and was granted additional time prior to the meeting. Major concern this evening is Ordinance 23-S-02. Does not understand why application is being considered by City staff. It is clear in the City's UDC this area is not appropriate for multi-family homes. This will increase traffic congestion.

Carol Davis, 3337 Wimbledon Dr., expressed disdain and stated she felt her concerns for her neighborhood were not being addressed appropriately by City leaders.

Pedro and Sally Macias, 3777 Pebble Beach, did not respond to invitation to speak.

Samantha Goggans, 3401 Foxbriar Lane, concerns with the development in the area. Traffic congestion, school buses late every day, no coordination between the cities



developing in the area. New residents will add to the traffic congestion. Only one road out of the neighborhood to FM 1103. Drop-off at local schools is unsafe now due to the amount of vehicular travel. Cares about the community and asks that the Council look closer at the traffic issues that will be compounded.

Angela (Mike) Sills, 6108 Covers Cove, has pond behind her. Location where the Senior Center is planned to be built and now with Town Homes. People wanted that feel of living on the golf course which is why they purchased their homes. Asked Council to consider alternative developments, such as a community park. People walk the trail around the golf course and meet up at the pond. Putting buildings there will bring lights, traffic, and security issues.

## **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 Items #1 - 8 for the record.

1. **Minutes** – Consideration and/or action regarding the approval of the following minutes from the regular meeting on February 7, 2023. (S. Edmondson/S.Courney)
2. **Appointment/Reappointment For Boards/Commissions/Committees:**
  - Accept resignation of Robert Durham of the Schertz Historical Preservation Committee. (S. Edmondson)
3. **Resolution 23-R-14** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, TX, to approve an agreement with Southwest Regional Advisory Council (STRAC) to participate in the EMS Workforce Education Funding Program. (S. Williams/J. Mabbitt)
4. **Resolution 23-R-15** – Consideration and/or action approving a Resolution by the City Council of the City of Schertz, TX, to approve an agreement with SHIELD616 to participate in the SHIELD616 Program. (S. Williams/J. Mabbitt)
5. **Resolution No. 23-R-03** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing the City Manager to sign on behalf of the City of Schertz, applications to replat Lot 1, Block 41 of the Live Oak Hills Addition as part of the proposed Heritage Oaks Subdivision. (S. Williams/B. James)

6. **Resolution No.23-R-17-** Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, accepting the semi-annual report with respect to the progress of the Capital Recovery Capital Improvements Plan, and other matters in connection therewith. (B. James/K. Woodlee)
7. **Resolution 23-R-08** – Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing the City Manager to enter into agreements with Maldonado Nursery & Landscaping and Brightview Landscape Services, for landscape maintenance of medians, parkways, and public ground (S. Gonzalez/L. Shrum)
8. **Resolution No. 23-R-18** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving a request for a Schertz Main Street Local Flavor Economic Development Grant for 817 Main Street. (S.Williams/B. James)

Mayor Gutierrez asked for a motion to approve Consent Agenda Items #1-8.

Moved by Councilmember Mark Davis, seconded by Councilmember David Scagliola

AYE: Councilmember Allison Heyward, Councilmember Mark Davis,  
Councilmember Michelle Watson, Councilmember Jill Whittaker,  
Councilmember Michael Dahle, Councilmember David Scagliola

Passed

## Discussion and Action Items

9. **Resolution No. 23-R-20** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving and authorizing a CCN transfer between the City of Selma and City of Schertz to amend CCN boundaries and other matters in connection therewith. (B. James/L. Busch/S. Mayfield)

Mayor Gutierrez recognized Stephen Mayfield, Water/Wastewater Manager, City of Schertz, who explained the transfer of the certificate of needs and necessity from Selma CCN to the City of Schertz CCN. The area, located at the end of Tejas, is within Schertz CCN and is preparing for development.

Mayor Gutierrez asked for a motion to approve Resolution 23-R-20.

Moved by Councilmember David Scagliola, seconded by Councilmember Mark Davis

AYE: Councilmember Allison Heyward, Councilmember Mark Davis,  
Councilmember Michelle Watson, Councilmember Jill Whittaker,  
Councilmember Michael Dahle, Councilmember David Scagliola

Passed

- 10. Resolution No. 23-R-19** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas accepting the Annual Comprehensive Financial Report - ACFR Fiscal Year 2021-22. (S. Gonzalez/J. Walters)

Mayor Gutierrez recognized Babett Martin, Assistant Finance Director, who introduced Mr. Travis Rogers, CPA with Patillo, Brown, and Hill based out of Waco. Mr. Rogers presented the audit results for fiscal year ended September 30, 2022. Independent Auditors Report, letter issued by the auditors, format has been changed from prior years in accordance with GAAP and Auditing Standards. Opinion rendered stated the City of Schertz financial statements represent fairly in all material respects. This is the highest level of assurance the auditor is able to provide. Mr. Rogers asked if there were any questions or comments.

Mayor Gutierrez thanked Mr. Rogers for his presentation and opened the floor to Council discussion. Councilmember Scagliola thanked James Walters for overseeing the City's financial processes and Mr. Rogers for conducting such a thorough audit.

Mr. Walters thanked the City departments for their assistance to the auditors and Finance Department to get the audit done in such a timely manner.

Mayor Gutierrez thanked Mr. Walters for his comments and for the work he and his team do for the City.

Mayor Gutierrez asked for a motion to approve Resolution 23-R-19.

Moved by Councilmember David Scagliola, seconded by Councilmember Michael Dahle

AYE: Councilmember Allison Heyward, Councilmember Mark Davis, Councilmember Michelle Watson, Councilmember Jill Whittaker, Councilmember Michael Dahle, Councilmember David Scagliola

Passed

## **Workshop**

- 11. Annual Racial Profiling Report PD - 2022**

Mayor Gutierrez recognized Chief Lowery who presented the Racial Profiling Report for the City. He explained the legal definitions of Racial Profiling vs Criminal Profiling. He shared traffic stop statistics and explained the Schertz Police Department's (SPD) policy and training requirements. Written warnings for all traffic stops are required for data collection. SPD received zero racial profiling complaints in CY2022 as well as the prior year. 98-99% of traffic stops, the race of the driver is unknown. Average across Texas is 96-97%. The number of traffic stops

that are ticketed are equal across the board, no disparity by race. Additionally, the focus of the SPD is on the quality of traffic stops, not on the quantity of traffic stops.

Mayor Gutierrez thanked Chief Lowery for the presentation and everything he does to ensure the safety and security of the residents. He would like to see statistics based on sectors. He then opened the floor to council for discussion.

Mayor Gutierrez recognized Councilmember Dahle who asked what type of guidance is provided to officers regarding when to write citations. Chief responded that he encourages officer discretion. He avoids providing guidance that could lead to quotas. Officer should know before he gets out of his vehicle whether he will be writing a citation.

Mayor Gutierrez recognized Councilmember Davis who thanked Chief Lowery for the report and asked if it was the same as the one that is submitted to TCOLE. There was concern that some of the numbers were misleading. Chief Lowery responded that he wasn't sure how Council could have received information from a corrupted file and explained why the numbers could be different.

## Public Hearings

12. **Ordinance No. 23-S-01** - Conduct a public hearing and consideration and/or action on a request to rezone approximately 12.5 acres of land from Planned Development District (PDD) to Planned Development District (PDD), generally located approximately 1,500 feet southwest of the intersection between Schertz Parkway and Maske Road, City of Schertz, Guadalupe County, Texas, also known as the Windy Meadows Subdivision Unit 4. ***First Reading*** (B. James, L. Wood, E. Delgado)

Mayor Gutierrez recognized Emily Delgado, Planning Manager, who explained the request to rezone and showed Council a map of the subject property. The property aligns with Maske Road and is an established manufactured home community. Notice was sent to property owners surrounding the property on January 13, 2023. Public Hearing Notice was published in the Express-News on February 8, 2023. As of today's date no responses in support of or opposed to have been received. Ordinance passed in 2020 required homes to be 10 feet back from the fence location. Fence that was established is 10 feet inside subject property. By doing so they created spaces too small for full size manufactured homes. Proposed PDD to PDD will change the setback from 10 feet to 7.5 feet to allow for the full size manufactured homes only along the Maske Road side. Change was made due to traffic and safety concerns. Plan has been reviewed by Public Works and Engineering. Planning and Zoning committee recommended approval by unanimous vote. Staff recommended approval of Ordinance 23-S-01.

Mayor Gutierrez opened the Public Hearing. No one spoke.

Mayor Gutierrez opened the floor to Council for discussion. No discussion occurred.

Mayor Gutierrez asked for a motion to approve Ordinance 23-S-01.

Moved by Councilmember Jill Whittaker, seconded by Councilmember David Scagliola

AYE: Councilmember Allison Heyward, Councilmember Mark Davis,  
Councilmember Michelle Watson, Councilmember Jill Whittaker,  
Councilmember Michael Dahle, Councilmember David Scagliola

Passed

- 13. Ordinance No. 23-S-02** - Conduct a public hearing and consideration and/or action on a request to rezone approximately 25 acres of land from Pre-Development District (PRE) to Planned Development District (PDD), generally located approximately 2,200 feet southeast of the intersection of Country Club Boulevard and IH-35 access road, also known as a portion of Comal County Property Identification Number 377261 and Guadalupe County Property Identification 63833, City of Schertz, Comal County and Guadalupe County, Texas. ***First Reading*** (B. James, L. Wood, E. Delgado)

Mayor Gutierrez announced to individuals at the meeting that the replies from the Notice of Public Hearing could not be based on conditional statements. If the individual marked in favor of, then the vote was counted as such. They still had time, until the Second Reading, to submit an amended response if they chose to do so.

Mayor Gutierrez recognized Emily Delgado, Planning Manager, who explained the details of Ordinance 23-S-02, Villas at Bluebonnet Ridge. 117 Public Hearing mailers were sent to property owners surrounding the property on January 13, 2023. Public Hearing Notice was published in the Express-News on February 8, 2023. As of today's date 32 responses in support of and 45 opposed to and one neutral have been received. Only 14.012% so super majority vote is not required. Proposed as gated property, total 198 units, measuring 1300 - 1400 sq ft area each and 7.25 acres set aside for greenspace which includes the LCRA easement. Staff recommends approval of the plan with the addition of the trail.

Ms. Delgado recognized Mr. Buck Benson, 745 East Mulberry, representing the applicant. Mr. Benson provided a brief presentation of the development plans. Developer does not want the trail and doesn't believe it should be a condition on them. Developed the project to address concerns of density. They have capped the number of units at 198. They will be doing a traffic impact and drainage study prior to starting construction.

Mayor Gutierrez opened the floor to the Public Hearing.

The following residents spoke in opposition to Ordinance 23-S-02:  
Doug Yound, 3701 Hillside  
Heather Jackson, 3410 Wimbledon Dr.  
Cade Jackson, 3410 Wimbledon Dr.

Carter Jackson, 3410 Wimbledon Dr.  
Cole Jackson, 3410 Wimbledon Dr.  
Phil Jackson, 3410 Wimbledon Dr.  
Richard Maus, 3434 Wimbledon Dr.  
Charles Boyle, 3333 Wimbledon Dr.  
Roy Jones, 3422 Wimbledon Dr.  
James Hough, 5133 Black Horse  
Jorge Rodriguez, 3334 Foxbriar Ln.  
Samantha Goggans, 3401 Foxbriar Ln.  
Kenny Rogers, 5116 Eagle Valley St.  
Angel Santiago Colone, 5613 Fairways Dr  
Mary Salvaterra, 3422 Wimbledon Dr.  
Bill Edmonds, 4909 Crestwood Dr.  
Patsy Lorrie, 3405 Wimbledon Dr.  
Susan Degraffenried, Fairhaven HOA President  
Carmen Rodriguez, 5621 Fairways  
Allen Johanningmeier, 6058 Covers Cove  
Steven Simmers, 3713 Columbia Dr.  
Jan Baldwin, 3401 Columbia Dr., Northcliffe HOA VP  
Anthony Kobiak, 3322 Wimbledon Dr.

In favor of:

Gregory Sebold, 3841 Green Ridge, Scenic Hill HOA President

Mayor Gutierrez closed Public Hearing and opened the floor to Council discussion.

Mayor Gutierrez recognized Councilmember Scagliola who asked Deputy City Manager Brian James to address questions/concerns posed by residents who spoke during Public Hearing. Mr. James addressed those questions/concerns.

Councilmembers Scagliola and Davis stated they are not opposed to development, but it needs to be appropriate development. Concerns with density and traffic have not been addressed adequately to support this development.

Councilmembers Whittaker, Dahle, and Heyward provided their reasoning for support of the development as outlined in the application with the addition of the trail. The inclusion of the trail is in response to resident surveys done on multiple occasions where the desire for more parks and trails across the City was consistently noted as a high priority,

Mayor Gutierrez provided his view in support of the development.

Councilmember Scagliola made the motion to NOT approve the zoning change. Motion was seconded by Councilmember Davis. Mayor Ralph Gutierrez recognized the Negative Motion and provided clarification for the negative motion vote.

AYE: Councilmember David Scagliola, Councilmember Mark Davis,  
Councilmember Michelle Watson

NAY: Councilmember Jill Whittaker, Councilmember Michael Dahle,  
Councilmember Allison Heyward, Mayor Ralph Gutierrez

Motion to deny approving Ordinance 23-S-02 did not pass.

Following the negative motion, Mayor Gutierrez asked for a motion to approve Ordinance 23-S-02.

Moved by Councilmember Jill Whittaker, seconded by Councilmember Michael Dahle

AYE: Mayor Ralph Gutierrez, Councilmember Allison Heyward,  
Councilmember Jill Whittaker, Councilmember Michael Dahle

NAY: Councilmember Mark Davis, Councilmember Michelle Watson,  
Councilmember David Scagliola

Passed

### **Roll Call Vote Confirmation**

Mayor Gutierrez recognized City Secretary Sheila Edmondson who provided roll call for Consent Agenda Items #1-8, Agenda Items #9, 10, 12, and 13.

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

14. Quarterly Investment Reports

15. Mayor and Council Compensation. (S. Gonzalez/J. Walters)

### **Requests and Announcements**

- Announcements by the City Manager

No announcements by the City Manager.

- Requests by Mayor and Councilmembers for updates or information from Staff

No requests for updates or information from Staff.

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

No requests for future agenda were made.

- Announcements by Mayor and Councilmembers

- City and Community Events attended and to be attended

Councilmember Watson attended the Special Olympics Polar Plunge.

Councilmember Whittaker attended The Chamber State of the Cities luncheon.

Councilmember Dahle attended the CVLGC meeting.  
Councilmember Scaglio attended the Bexar County Trail Ride at Pickrell Park.  
Councilmember Heyward attended two ribbon cuttings, The Chamber State of the Cities luncheon, Schertz Development Subcommittee, TML, and will be out next week to attend the TML Risk Pool meeting in Orlando, FL

- 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**

Mayor Gutierrez adjourned the meeting at 9:51 p.m.

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Ralph Gutierrez, Mayor

ATTEST:

---

Sheila Edmondson, City Secretary



**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** March 7, 2023

**Department:** City Secretary

**Subject:** Appointment/Reappointment For  
Boards/Commissions/Committees (S.Edmondson)

- **Accept resignation of Sue Boissonneault of the Schertz Historical Preservation Committee.**
- **Reappointment of the TIRZ Board Members: Michael Dahle, Mark Davis, Jill Whittaker, Clark McChesney Jr., Gary Inmon, Bradford Pittenger.**

---

**BACKGROUND**

Ms. Sue Boissonneault has resigned from the Schertz Historical Preservation Committee.

Deputy Brian James explained that it was discussed that the current TIRZ Board Members would stay on the TIRZ Board and Board Members would be put on the council agenda for reappointment.

- Michael Dahle
  - Mark Davis
  - Jill Whittaker
  - Clark McChesney, Jr.
  - Gary Inmon
  - Bradford Pittenger
-

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** March 7, 2023

**Department:** Public Works

**Subject:** Resolution 23-R-21- Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing the Schertz Seguin Local Government Corporation (SSLGC) Budget Amendment for Fiscal Year 2022-23 in the amount of \$522,466 as a transfer to the Capital Outlay fund, \$750,000 as a transfer to the Professional Services fund, a total of \$4,534,000 to the Cowey & Elm Creek Pipeline Project, and \$2,000,000 as a transfer to the Capital Outlay fund and other matters in connection therewith. (B.James/L. Busch)

---

**BACKGROUND**

SSLGC Staff is recommending a transfer to the Capital Outlay fund in the amount of \$522,466 to appropriate funds for current projects; \$186,713 of this will be used for the High Service Pumps Repair/Replacement fund and \$335,753 of this will be used for the Wells Repair/Replacement fund.

SSLGC Staff is recommending a transfer to the Professional Services fund in the amount of \$750,000 to appropriate funds to the Owner's Representative Services Project that was approved by the board, but never included in the budget.

SSLGC Staff is recommending a transfer to the Cowey & Elm Creek Pipeline Projects in the amount of \$2,034,000 to appropriate funds due to the Gonzales High Service Pump Room #1 being re-prioritized in the Capital Improvements Program.

SSLGC Staff is recommending a transfer to the Capital Outlay fund to appropriate bond proceeds received in FY22; \$2,000,000 of this will be used for the Senate Bill 3 Emergency Preparedness and \$2,500,000 will be used for Cowey & Elm Creek Pipeline Projects.

The SSLGC Board approved this action at their regularly scheduled board meeting on February 16, 2023.

**GOAL**

Approve the SSLGC Budget Amendment transferring \$522,466 from the Retained Earnings Fund to the Capital Outlay fund; transferring \$750,000 from the Retained Earnings Fund to the Professional Services Fund; transferring \$2,034,000 from the Gonzales High Service Pump Room Project to the Cowey & Elm Creek Pipeline Projects; and transferring \$4,500,000 from the Retained Earnings Fund to the Capital Outlay fund.

**COMMUNITY BENEFIT**

The City of Schertz is a member of the SSLGC. It is through the SSLGC that the City provides water to its residents. Approval of the budget amendment will ensure that the citizens of Schertz will continue to receive this vital resource and service.

**SUMMARY OF RECOMMENDED ACTION**

Staff recommends approval of the Resolution for the Budget Amendment to the FY2022-2023 Annual Budget.

**FISCAL IMPACT**

This budget amendment is based on reallocated SSLGC funds.

**RECOMMENDATION**

Staff recommends approval of Resolution 23-R-21.

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**Attachments**

Resolution 23-R-21

Exhibit A SSLGC R23-03 Budget Amendment

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## **RESOLUTION NO. 23-R-21**

### **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS APPROVING A BUDGET AMENDMENT TO THE SCHERTZ SEGUIN LOCAL GOVERNMENT CORPORATION FISCAL YEAR 2022-2023 ANNUAL BUDGET, AND OTHER MATTERS IN CONNECTION THEREWITH.**

**WHEREAS**, the Schertz Seguin Local Government Corporation (SSLGC) is a corporation for the provision of and transportation of water wholly owned by both the City of Schertz and the City of Seguin; and

**WHEREAS**, SSLGC by-laws require that the corporation establish an annual budget and said annual budget must be approved by the SSLGC Board of Directors and both the City of Schertz and the City of Seguin; and

**WHEREAS**, the SSLGC's FY2022-2023 Annual Budget was approved by City Council; and

**WHEREAS**, the proposed budget amendment for FY 2022-2023 has been approved by the SSLGC Board of Directors at their regularly scheduled Board Meeting on February 16, 2023 as depicted in Exhibit A ("Resolution # SSLGC R23-03") and attached hereto; and

**WHEREAS**, the City staff of the City of Schertz (the "City") recommends that the City approve the Schertz Seguin Local Government Corporation Fiscal Year 2022-2023 Budget Amendment; and

**WHEREAS**, the City Council has determined that it is in the best interest of the City to approve the budget amendment to ensure that the citizens and businesses of Schertz continue to receive excellent and vital water service.

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

Section 1. The City Council hereby authorizes the approval of the Schertz Seguin Local Government Corporation Fiscal Year 2022-2023 Amended Annual Budget.

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 7<sup>th</sup> day of March, 2023.

CITY OF SCHERTZ, TEXAS

---

Ralph Gutierrez, Mayor

ATTEST:

---

Sheila Edmondson, City Secretary

(city seal)

## Exhibit A

A RESOLUTION AMENDING THE FISCAL YEAR 2023 SCHERTZ SEGUIN LOCAL GOVERNMENT CORPORATION FUTURE DEVELOPMENT FUND BUDGET.

NOW, THEREFORE, BE IT RESOLVED THAT THE FISCAL YEAR 2023 SCHERTZ SEGUIN LOCAL GOVERNMENT CORPORATION FUTURE DEVELOPMENT FUND BUDGET IS AMENDED AS FOLLOWS:

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**Schertz-Seguin Local Government Corporation Repair/Replacement Fund**

<b>Amount</b>	<b>Increase:</b>	<b>Increase:</b>
\$ 186,713	SSLGC-Repair/Replacement Fund Capital Outlay High Service Pumps Repair/Replacement 061-9000-703000	SSLGC-Repair/Replacement Fund Non-Departmental Use of Retained Earnings 061-9800-960000
\$ 335,753	SSLGC-Repair/Replacement Fund Capital Outlay Wells Repair/Replacement 061-9000-703000	SSLGC-Repair/Replacement Fund Non-Departmental Use of Retained Earnings 061-9800-960000

Reason requested: To appropriate additional funds for current projects that are over budget.

---

**Schertz-Seguin Local Government Corporation Future Development Fund**

<b>Amount</b>	<b>Increase:</b>	<b>Increase:</b>
\$ 750,000	SSLGC-Future Development Fund Professional Services Owner's Representative Services 062-9000-320500	SSLGC-Future Development Fund Non-Departmental Use of Retained Earnings 062-9800-960000

Reason requested: To appropriate funds to the Owner's Representative Services Project that was approved by the board, but never included in the budget.

---

**Impact Fund**

<b>Amount</b>	<b>Increase:</b>	<b>Decrease:</b>
\$2,034,000	SSLGC-Impact Fund Capital Outlay Cowey & Elm Creek Pipeline Projects 065-9000-703000	SSLGC-Impact Fund Capital Outlay Gonzales High Service Pump Room 065-9000-703000

Reason requested: To appropriate funds towards the Cowey & Elm Creek Pipeline projects from the Gonzales High Service Pump Room #1 Expansion project that will no longer be done.

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**2022 Bond Fund**

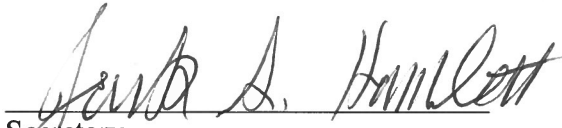
<b>Amount</b>	<b>Increase:</b>	<b>Increase:</b>
\$2,000,000	SSLGC-2022 Bonds Capital Outlay Senate Bill 3 Emergency Preparedness 067-9000-703000	SSLGC-2022 Bonds Non-Departmental Use of Retained Earnings 067-9800-960000
\$2,500,000	SSLGC-2022 Bonds Capital Outlay Cowey & Elm Creek Pipeline Projects 067-9000-703000	SSLGC-2022 Bonds Non-Departmental Use of Retained Earnings 067-9800-960000

Reason requested: To appropriate bond proceeds received in FY22.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE SCHERTZ-SEGUIN LOCAL GOVERNMENT CORPORATION, on this the 16<sup>th</sup> day of February, 2023.

  
\_\_\_\_\_  
President  
Schertz-Seguin Local Government Corporation

ATTEST:

  
\_\_\_\_\_  
Secretary

Or

\_\_\_\_\_  
Assistant Secretary



**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** March 7, 2023  
**Department:** Facility & Fleet  
**Subject:** Resolution 23-R-22 - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing expenditures not to exceed \$75,000.00 with M&S Engineering for Additional Design Services for the renovation of Building 10 and other matters in connection therewith. (B. James/D. Hardin Trussell)

---

**BACKGROUND**

City staff has determined a need to renovate Building 10 and has been working on the design of the front office space with M&S Engineering under the current Master Services Agreement approved by Resolution 21-R-12. City staff has determined a need for additional design services for code compliance in the warehouse and the relocation of the IT Communications closet which serves all the city facilities at 10, 11, and 27 Commercial Place (Parks, Public Works, Fleet & Facilities, and Engineering.) The original contracted amount with the firm was \$37,000.00 for design work and \$12,000.00 for construction phase oversight for a total of \$49,000.00 (as shown in the original task order agreement attached).

The additional services are expected to cost \$25,000.00. Staff is including an additional \$1,000.00 in contingencies for unforeseen challenges with a total not to exceed of \$75,000.00.

**GOAL**

The end goal is to improve the conditions of Building 10 for City staff to work comfortably and provide more storage, correct code compliance and ADA accessibility issues, and build an appropriate IT Communications closet to provide internet service to all of the city buildings on Commercial Place.

**COMMUNITY BENEFIT**

The community benefits of this renovated space is a community meeting room available to the public for Parks & Recreation Advisory Board meetings, BVYA and SYSA board meetings, Master Naturalist meetings and trainings, etc. The modern working space will allow city staff to better serve the public in an efficient way.

**SUMMARY OF RECOMMENDED ACTION**

Approval of resolution 23-R-22.

**FISCAL IMPACT**

City will fund the design services through Facilities budget. There is a current task order with M&S Engineering for \$49,000 in design services and construction phase oversight and the additional \$25,000 in design services, plus contingency of \$1,000 totals \$75,000.

**RECOMMENDATION**

Approval of resolution 23-R-22.

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**Attachments**

Task Order Additional Scope  
Res 21-R-12 for Master Agreement  
Original Design Task Order  
RESOLUTION 23-R-22

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**SUGGESTED FORM OF  
TASK ORDER**

This is Task Order  
No. 006, consisting of  
3 pages.

**Task Order**

---

***[NOTE TO USER: Modify as to scope, compensation, schedule, and other key items.]***

In accordance with Paragraph 1.01 of the Agreement Between Owner and Engineer for Professional Services – Task Order Edition, dated, February 27, 2023 ("Agreement"), Owner and Engineer agree as follows:

**1. Background Data**

- a. Effective Date of Task Order: February 27, 2023
- b. Owner: City of Schertz
- c. Engineer: M&S Engineering, LLC
- d. Specific Project (title): City of Schertz Building 10 A/E Services, Additional Scope
- e. Specific Project (description): The project will consist of providing professional architecture and engineering services for Building 10 Renovation. Our scope of work will include bringing electrical infrastructure up to code, IT room relocation, new entry canopy, warehouse restroom renovation, site lighting improvements, interior warehouse lighting, upgrade warehouse receptacles to GFCI's, skylight replacement, demo of existing plumbing, and general patching of exterior wall.

**2. Services of Engineer**

- A. The specific services to be provided or furnished by Engineer under this Task Order are:
  - ☐ As follows: See attached Proposal Letter, February 27, 2023
- B. Other Services: None
- C. All of the services included above comprise Basic Services for purposes of Engineer's compensation under this Task Order.

---

**Task Order Form**

EJCDC® E-505, Agreement Between Owner and Engineer for Professional Services – Task Order Edition.  
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and American Society of Civil Engineers. All rights reserved.

### 3. Additional Services

A. Additional Services that may be authorized or necessary under this Task Order are:

☐ As follows: See attached Proposal Letter, February 27, 2023

### 4. Owner's Responsibilities

Owner shall have those responsibilities set forth in Article 2 of the Agreement and in Exhibit B, subject to the following: **None**.

### 5. Task Order Schedule

In addition to any schedule provisions provided in Exhibit A or elsewhere, the parties shall meet the following schedule: ***We anticipate 3-6 month duration.***

### 6. Payments to Engineer

- A. Owner shall pay Engineer for services rendered under this Task Order as follows: See attached Proposal Letter, February 27, 2023.
- B. The terms of payment are set forth in Article 4 of the Agreement and in the applicable governing provisions of Exhibit C.

### 7. Consultants retained as of the Effective Date of the Task Order:

- A. Architectural: RVK Architecture
- B. Structural: Lundy and Franke Engineering

### 8. Other Modifications to Agreement and Exhibits: None

### 9. Attachments: Proposal Letter, February 27, 2023.

## 10. Other Documents Incorporated by Reference: None

## 11. Terms and Conditions

Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is Tuesday, February 27, 2023.

OWNER:

ENGINEER:

By: \_\_\_\_\_

By: 

Print Name: \_\_\_\_\_

Print Name: (Trey) Thurl D. Sims, P.E.

Title: \_\_\_\_\_

Title: MEP Division Manager

Engineer License or Firm's  
Certificate No. (if required): #F-1394  
State of: Texas

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: \_\_\_\_\_

Name: (Trey) Thurl D. Sims, P.E.

Title: \_\_\_\_\_

Title: MEP Division Manager

Address: \_\_\_\_\_

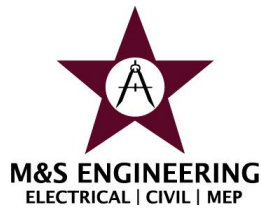
Address: 376 Landa St. New Braunfels, TX

E-Mail  
Address: \_\_\_\_\_

E-Mail  
Address: tsims@msengr.com

Phone: \_\_\_\_\_

Phone: (210) 289-9691



February 27, 2023

City Of Schertz  
Attn: Lauren Shrum  
11 Commercial Place, Schertz, TX 78154  
210-619-1850  
LShrum@schertz.com

Reference: City of Schertz Building 10 A/E Services Additional Scope

Ms. Shrum,

This letter is pursuant to our agreement between the City of Schertz and M&S Engineering, LLC dated July 19, 2022. M&S Engineering original agreement of \$49,000.00 is hereby amended to include the following scope:

Providing professional architecture and engineering services for Building 10 Renovation, bringing electrical infrastructure up to code, IT room relocation, new entry canopy, warehouse restroom renovation, site lighting improvements, interior warehouse lighting, upgrade warehouse receptacles to GFCI's, skylight replacement, demo of existing plumbing, and general patching of exterior wall.

Additional Scope shall not exceed \$25,000.00 without prior written authorization from the City of Schertz. Work performed will be billed monthly as progress is made during the course of the project.

Additional Scope is based upon work being performed per the original agreement. We truly appreciate the opportunity to support you in this project. If there is anything that you would like to discuss, please do not hesitate to contact us. Should you find the Amendment acceptable, please indicate so by signing and dating this document below.

Sincerely,

(Trey) Thurl D Sims III  
MEP Division Manager

---

Approved:

Date:

---

Print:

Title:

## **RESOLUTION NO. 21-R-12**

### **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING AND APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH M&S ENGINEERING FOR VARIOUS ON-CALL ENGINEERING SERVICES AND ALL MATTERS IN CONNECTION THEREWITH**

WHEREAS, the City staff of the City of Schertz (the "City") has determined that the City requires certain mechanical, electrical, plumbing, and structural engineering services on a regular basis throughout the year; and

WHEREAS the City has determined that there is a need for a professional services agreement with M&S Engineering, relating to various on-call engineering services for the City; and

WHEREAS, City staff has determined that M&S Engineering is qualified to provide such services for the City through a previously issued RFQ for on-call engineering services; and

WHEREAS, the City Council has determined that it is in the best interest of the City to contract with M&S Engineering, pursuant to the Professional Services Agreement for Various Engineering Services attached hereto as Exhibit A (the "Agreement"); and

WHEREAS, the agreement for On-Call MEP Engineering Services will remain in force through September 30, 2022 with the option to renew the contract up to two (2) terms of one (1) year each.

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 Professional Services Agreement with M&S Engineering, 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 2<sup>nd</sup> day of February, 2021.

CITY OF SCHERTZ, TEXAS

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

ATTEST:

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





**EXHIBIT A**

**AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES**

**SUGGESTED FORM OF  
TASK ORDER**

This is Task Order  
No. 004, consisting of  
3 pages.

**Task Order**

---

***[NOTE TO USER: Modify as to scope, compensation, schedule, and other key items.]***

In accordance with Paragraph 1.01 of the Agreement Between Owner and Engineer for Professional Services – Task Order Edition, dated Tuesday, July 19, 2022 ("Agreement"), Owner and Engineer agree as follows:

**1. Background Data**

- a. Effective Date of Task Order: Tuesday, July 19, 2022
- b. Owner: City of Schertz
- c. Engineer: M&S Engineering, LLC
- d. Specific Project (title): City of Schertz Building 10 A/E Services
- e. Specific Project (description): The project will consist of providing professional architecture and engineering services for Building 10 Renovation. Our scope of work will include As-Built Drawings unless Drawings will be provided, Programming, and evaluation/re-configuration of the existing building for Parks Department. Upon approval of the final Conceptual Plan, we will provide design drawings for permit and construction. The project Construction Budget is not yet determined.

**2. Services of Engineer**

- A. The specific services to be provided or furnished by Engineer under this Task Order are:
  - ☐ As follows: See attached Proposal Letter Tuesday, July 19, 2022
- B. Other Services: None
- C. All of the services included above comprise Basic Services for purposes of Engineer's compensation under this Task Order.

---

**Task Order Form**

EJCDC® E-505, Agreement Between Owner and Engineer for Professional Services – Task Order Edition.  
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and American Society of Civil Engineers. All rights reserved.

### 3. Additional Services

A. Additional Services that may be authorized or necessary under this Task Order are:

☐ As follows: See attached Proposal Letter Tuesday, July 19, 2022

### 4. Owner's Responsibilities

Owner shall have those responsibilities set forth in Article 2 of the Agreement and in Exhibit B, subject to the following: **None**.

### 5. Task Order Schedule

In addition to any schedule provisions provided in Exhibit A or elsewhere, the parties shall meet the following schedule: ***We anticipate 3-6 month duration.***

### 6. Payments to Engineer

- A. Owner shall pay Engineer for services rendered under this Task Order as follows: See attached Proposal Letter Tuesday, July 19, 2022.
- B. The terms of payment are set forth in Article 4 of the Agreement and in the applicable governing provisions of Exhibit C.

### 7. Consultants retained as of the Effective Date of the Task Order:

- A. Architectural: RVK Architecture
- B. Structural: Lundy and Franke Engineering

### 8. Other Modifications to Agreement and Exhibits: None

### 9. Attachments: Proposal Letter Tuesday, July 19, 2022.

**10. Other Documents Incorporated by Reference: None**

**11. Terms and Conditions**

Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is Tuesday, July 19, 2022.

OWNER:

By:



Print Name: Dr. Mark Browne

Title: City Manager

ENGINEER:

By:



Print Name: (Trey) Thurl D. Sims, P.E.

Title: MEP Division Manager

Engineer License or Firm's

Certificate No. (if required): #F-1394

State of: Texas

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: John Woolston

Title: Facilities Manager

Address: 1400 Schertz Parkway, Schertz, 78154

E-Mail  
Address: jwoolston@schertz.com

Phone: \_\_\_\_\_

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: (Trey) Thurl D. Sims, P.E.

Title: MEP Division Manager

Address: 376 Landa St. New Braunfels, TX

E-Mail  
Address: tsims@msengr.com

Phone: (210) 289-9691



July 19, 2022

The City of Schertz  
Attn: Scott McClelland, PE  
10 Commercial Place, Building 2  
Schertz, TX 78154  
Office: 210-619-1809  
smcclelland@schertz.com

Reference: City of Schertz Building 10 Architectural and Engineering Services.

Mr. McClelland,

Thank you for your interest in the capabilities of M&S Engineering (M&S) and allowing us the opportunity to work with you on this project. This proposal is based on our discussions with you and the following:

#### **Project Description**

1. The project will consist of providing professional design services for an existing approximate 3,000 SF building for the City of Schertz, Texas.
2. The scope would include:
  - a. Field Verification.
  - b. Schematic Design.
  - c. Design Development.
  - d. Construction Documents.
  - e. Procurement.
  - f. Construction Phase Services.
3. Bathrooms would need to be modified and ADA compliant.
4. New Fire Alarm and LED Lighting.
5. New HVAC systems or modifications to existing to comply with current code.
6. The project Construction Budget is not yet determined.
7. M&S would subcontract RVK Architecture to provide architectural services.

#### **Scope of Work**

M&S Engineering will provide professional services to assist you with the engineering for the project as described above. Our proposal includes providing the following services in support of the engineering required for this project:

#### **Architectural**

1. As-Built Drawings – We will conduct field verification and provide Auto-CAD drawings of the existing 1-story building including walls, doors, and windows, but excluding areas that are not accessible due to equipment and/or debris obstruction or, areas that are structurally unsafe.
2. Schematic Design —Based on Site and Program information you provided to us, we will prepare a Site Plan study illustrating the size and relationship of the Project components. We will develop

design sketches to determine the scale and character of the Project. We will prepare Schematic Floor plans.

3. Design Development - Based on the approved Schematic Design work, we will prepare additional drawings and other documents to adjust and describe the size and character of the Project.
4. Construction Documents - Based on the approved Design Development work, we will prepare architectural construction drawings and specifications setting forth the requirements for the construction of the project.
5. Structural – provide site visit and letter.
6. Construction Administration as stated below.

#### MEP Design

1. Conduct an assessment to document existing MEP system locations, conditions, capacities, and general code compliance.
2. Mechanical Design (Division 23)
  - a. Specify HVAC equipment.
  - b. Provide a mechanical floor plan showing locations of HVAC equipment, sized ductwork, supply and return air grilles.
  - c. Complete code compliance documentation (COM Check) for mechanical systems.
  - d. Provide applicable specifications.
3. Electrical Design (Division 26)
  - a. Provide one-line diagram and applicable panel schedules for new equipment.
  - b. Provide electrical floor plans of power receptacles and equipment connections.
  - c. Analyze photometrics, select light fixtures, select lighting controls. Provide designs for interior, exterior, and site lighting to meet IECC requirements.
  - d. Complete code compliance permit documentation (COM Check) for lighting.
  - e. Provide applicable specifications.
4. Plumbing Design (Division 22)
  - a. Coordinate with Civil Engineer and/or utility for water supply and sewer.
  - b. Analyze existing and proposed domestic water and sanitary sewer loads.
  - c. Coordinate fixture selections and create a fixture schedule.
  - d. Determine water heater size(s) and provide selections and schedule.
  - e. Provide water supply and sanitary sewer floor plans out to five feet beyond the building.
  - f. Complete code compliance permit documentation (COM Check) for water heaters.
  - g. Provide applicable specifications.
5. Construction Administration as stated below.

#### Construction Support & Administration

1. Based on 6-month construction duration. Additional site visits or services beyond 6-month would be additional services.
2. (In-office)
  - a. Engineer/Architect shall perform during the construction period in-office reviews of all material and equipment submittals; respond electronically to RFI's; and prepare and assist with ASI's when necessary.



3. (On-site)

- a. Engineer/Architect shall perform during the construction period site visits at the written request of Client whereby Engineer/Architect will assess construction progress and performance as compared to the requirements in the construction documents.
  - i. Assumption: one site visit per month for 6-month duration (6 total site visits RVK and 2 total site visits M&S).
  - ii. Observations shall be documented in a written Field Report and submitted to Client.
  - iii. Visit the construction site at intervals appropriate to the stage of construction to: become generally familiar with and keep the client generally informed about the progress and quality of the portion of the construction completed; make a reasonable effort to identify defects and deficiencies in the construction; determine generally whether the construction is being Performed in a manner indicating that the project, when fully completed, will be in accordance with the Architectural Plans and specifications.
  - iv. Notify the client in writing of any substantial deviation from the Plans and specifications that may Prevent the building from being occupied or utilized for its intended use.
- b. Pre-Construction meeting, substantial completion punch list, final inspections, code-required inspections, meetings, or any visit to the project site by Engineer or Architect shall be considered a construction site visit.

**Deliverables**

1. Progress Review Sets.
  - a. Field Verification. Architectural.
  - b. Schematic Design. Architectural.
  - c. Design Development. Architectural and MEP.
  - d. Construction Documents. Architectural and MEP.
2. Final Plans for permit and construction.

**Assumptions**

Our proposal is based on the following:

1. All M&S deliverable drawings will be provided in PDF format.
2. Free access to the site will be provided to M&S Staff and our subconsultants.

**Pricing**

M&S Engineering will provide the scope of work as described for the Not-to-Exceed amount of **\$49,000.00** without prior written authorization from the City. The project will be invoiced as follows:

- |                                   |             |
|-----------------------------------|-------------|
| 1. Design (construction drawings) | \$37,000.00 |
| 2. Construction Phase             | \$12,000.00 |



Project to be invoiced hourly per attached M&S billing rates. Subconsultant invoices will be invoiced lump sum as a reimbursable expense. Work performed will be billed monthly as progress is made during the project.

#### Exclusions

1. M&S Engineering's proposal is exclusive of any federal, county, and city permits required for the project. All submittals of plans for building permits and payment of permits shall be done by others.
2. Engineering activities will be performed from our facilities in New Braunfels, TX. Local presence through the duration of this project will not be required.
3. The following services:
  - a. Structural Engineer Plans.
  - b. Civil Engineer.
  - c. Geotechnical Testing.
  - d. Construction Testing.
  - e. Procurement.
  - f. Building Permit Services for Guadalupe County.
  - g. Texas Accessibility Submission.
  - h. Review and issue the contractor's monthly Application and Certificate for Payment.
  - i. Attendance at pre-construction meeting.
4. Any service not specifically listed in the above scope of work is excluded from this proposal.

Our proposal is based upon work being performed under our Professional Services Agreement dated February 11, 2021, between the City of Schertz and M&S Engineering, LLC. We truly appreciate the opportunity to support you in this project. If there is anything that you would like to discuss about this proposal, please do not hesitate to contact us. Should you find this proposal and terms acceptable, please indicate so by signing and dating this document below.

Sincerely,

  
(Trey) Thurl D Sims III  
MEP Division Manager

Approved: \_\_\_\_\_

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

Print: \_\_\_\_\_

Title: \_\_\_\_\_





## **RESOLUTION NO. 23-R-22**

### **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING EXPENDITURES IN EXCESS OF \$50,000. 00 WITH M&S ENGINEERING FOR ADDITIONAL DESIGN SERVICES FOR THE RENOVATION OF BUILDING 10 AND OTHER MATTERS IN CONNECTION THEREWITH.**

**WHEREAS**, city staff has determined a need to renovate Building 10 and has been working on the design with M&S Engineering via a task order issued under the current Master Services Agreement approved by Resolution 21-R-12; and

**WHEREAS**, city staff has identified the need for additional design work for the project; and

**WHEREAS**, the city has a policy to seek authorization for purchases in excess of \$50,000.00 with a single vendor; and

**WHEREAS**, the City of Schertz will fund the design services for Building 10 through the approved 2022-2023 annual Facilities Department budget.

### **NOW THEREFORE, 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 enter into a Task Order Agreement with M&S Engineering in substantially the form outlined in Attachment 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 7<sup>th</sup> day of March, 2023.

CITY OF SCHERTZ, TEXAS

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Ralph Gutierrez, Mayor

ATTEST:

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Sheila Edmondson, City Secretary

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** March 7, 2023  
**Department:** Executive Team  
**Subject:** Resolution 23-R-01 - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing Agreements with ILF N-T Owner, LP for Subdivision Improvement Agreements for Homestead Unit 9 and Unit 11, an Amended Roadway Capital Recovery Offset Agreement and Reimbursement Agreement for Construction of Public Improvements. (S. Williams/B. James)

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**BACKGROUND**

ILF N-T Owner, LP. is the developer of the Homestead Residential Development located on the south side of IH-35 one either side of Homestead Parkway. The developer is seeking approval of multiple agreements with the City.

The developer is seeking to defer construction of Sundown Parkway with Units 9 and 11. Currently, Sundown Parkway does not extend beyond Unit 11 to the east. As such this section of road would provide little benefit at this time. In an effort to better manage development costs the developer is seeking to delay construction for 3 years from the date of the recordation of the plats. Staff is supportive of this as the road provides little benefit at this time and the City would have to begin maintaining it upon acceptance.

The developer is also requesting a Reimbursement Agreement associated with the construction of Public Improvements. The developer is seeking an oversize reimbursement for upsizing waterlines from 8" to 12" in Units 7A and 3B and constructing a 12" waterline Unit 5. Additionally, the developer is seeking to increase the City's oversize participation in the offsite sewer forcemain. Per the initial reimbursement agreement from 2016, the City agreed to pay up to \$125,655.30 for the oversize of the offsite of the forcemain, based on the estimated cost of construction at that time. It took a significant amount of time for the developer to acquire the offsite easements and costs rose significantly - the City's portion is now \$321,544.76.

Finally, the developer is seeking an amendment to the Roadway Capital Recovery Offset Agreement. The developer initially entered into a Roadway Capital Recovery Offset Agreement in 2019 provided offsets for the construction of Homestead Parkway and Schwab Road. The commercial portion of the property was not eligible to utilize the offsets. In 2020 an amended Roadway Capital Recovery Agreement was approved by Council to add a couple of the residential units to be eligible to utilize the offsets that were incorrectly left out of the original agreement. That agreement was never executed. Since then the developer became aware that they would be required to construct Sundown Parkway west of Homestead Parkway. This requirement came about as a result of a change to the City limits between Schertz and Cibolo in 2017 that shifted this road into Schertz. The developer is requesting to amend the agreement to provide that no roadway impact fees are due from the residential portion of the Homestead as a result of the developer constructing adjacent sections of Homestead Parkway, Schwab Road and Sundown Parkway, all roadway impact fee system roads. With the rezoning to allow the multi-family units on 7B, 13 and 18, definitively determining the number of vehicle miles the

development will contribute is impossible. The developer proposed not tracking credits, so they can better estimate their costs, not have to push platting forward faster than they would normally do so simply to lock in a maximum assessable fee (when the City updates the Roadway Impact fee ordinance). It also ensures the City would not have to reimburse the developer for any unused credits. If the developer were to maximize the number of residential units allowed by zoning, the developer might not have to pay for up to 53 units. Given the history of this project, roads built before the impact fee ordinance adopted, the requirement to construct roads based on the City limits swap, the amount of roads being build and the uncertainty in determining the exact number of offsets or credits, staff is comfortable with the proposal.

#### **GOAL**

Provide for the orderly development of infrastructure within the City of Schertz.

#### **COMMUNITY BENEFIT**

Provide for development of infrastructure in a timely, cost-effective manner.

#### **SUMMARY OF RECOMMENDED ACTION**

Approval of Resolution 23-R-01 authorizing the City Manager to enter into Subdivision Improvement Agreements for Homestead Unit 9 and Unit 11, an Amended Roadway Capital Recovery Offset Agreement and Reimbursement Agreement for Construction of Public Improvements with ILF N-T Owner, LP.

#### **FISCAL IMPACT**

The developer is proposing to post a surety for 124% of the cost of roadway improvements being deferred with Units 9 and 11. The estimated road construction costs are \$194,616.10 and \$321,984.90 respectively.

The City is obligated to pay \$455,555.79 for water line upsizing and \$321,544.76 for the offsite sewer forcemain oversizing for a total of \$777,100.55.

The Roadway Impact Fee agreement ensures the City would not have to pay for any unused offsets, but likely means the City is foregoing up to approximately \$181,000 in roadway impact fee revenues. Credits for construction of system roadways are normally provided in the form of vehicle mile credits not dollar credits based on actual construction costs. For example, the estimated cost of Sundown Parkway is just over \$515,000 but the value of the credits equates to only \$327,000 or \$188,000.

#### **RECOMMENDATION**

Approval of Resolution 23-R-01.

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#### **Attachments**

Res 23 R 01

Unit 9 Sub Improvement

Unit 11 Sub Improvement

Roadway Offset Homestead

Reimbursement Homestead

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## **RESOLUTION NO. 23-R-01**

### **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING AGREEMENTS WITH ILF-N-T OWNER, LP FOR SUBDIVISION IMPROVEMENT AGREEMENTS FOR HOMESTEAD UNIT 9 AND UNIT 11, AN AMENDED ROADWAY CAPITAL RECOVERY OFFSET AGREEMENT AND REIMBURSEMENT AGREEMENT FOR CONSTRUCTION OF PUBLIC IMPROVEMENTS IN THE CITY OF SCHERTZ, TEXAS, AND RELATED MATTERS IN CONNECTION THEREWITH**

**WHEREAS**, the Landowner desires to defer certain dedication and public improvements obligations for Homestead Units 9 and 11; and

**WHEREAS**, pursuant to Section 21.4.15 of the City's Unified Development Code, the obligation to dedicate and construct improvements for the Subdivision may be deferred if an Improvement Agreement is executed and if sufficient surety is provided to secure the obligation to construct the improvements; and

**WHEREAS**, the City staff of the City of Schertz has recommended that the City enter into a Subdivision Improvement Agreement; and

**WHEREAS**, Developer intends to develop public roadways that are system facilities; and

**WHEREAS**, in accordance with Ordinance 18-M-13 Roadway Capital Recovery Fees, the City shall offset the reasonable value of system facilities through an offset agreement; and

**WHEREAS**, there is a lack of sewer service to serve an area of northern Schertz near the intersection of IH-35 and Schwab road; and

**WHEREAS**, the sewer forcemain improvements offsite sewer improvements are needed to provide adequate sewer service to these areas and there is limited space to provide this public infrastructure; and

**WHEREAS**, the Developer of the Homestead Subdivision agrees to construct sewer infrastructure of which the capacity is more than is required by the Homestead property; and

**WHEREAS**, there is a benefit to oversizing sewer infrastructure to serve other properties, and

**WHEREAS**, the developer has agreed to upsize certain a waterline in various phases of the Homestead development; and

**WHEREAS**, the City Council finds that it is in the best interest of the City to enter into the Agreement with Developer for acquisition of the easement necessary for the construction of Public Improvement in order to provide the infrastructure to serve other properties outside the boundary of the proposed Homestead Subdivision plat.

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

Section 1. The City Council hereby authorizes the City Manager to execute the agreements generally in the form attached subject to approval of minor changes approved by the City Attorney as shown 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 7<sup>th</sup> day of March, 2023.

CITY OF SCHERTZ, TEXAS

---

Ralph Gutierrez, Mayor

ATTEST:

---

Sheila Edmondson, City

Secretary (CITY SEAL)

## **Exhibit A**





1. Ownership of the Property. The Owner hereby represents and warrants that, as of the Effective Date, it has not conveyed, assigned, or transferred all or any portion of its interest in the Property to any other person or entity (any such person or entity referred to herein as “Purchaser”), nor is it a party to any contract or other understanding to do so that is not subject to this Agreement with the exception of contracts for the sales of lots in ordinary course and dedications of utility and public improvements (unrelated to this Agreement) in the ordinary course of business.

2. Construction of Improvements; Covenants. The Owner and the City covenant and agree to the following:

- a) The Owner is obligated by Section 21.12.10 of the City’s Unified Development Code to construct, or cause to be constructed, a roadway segment improvements more particularly shown on Exhibit “B” and in the “Construction Plans” approved March 11, 2022 and that are included as part of the application for final plat approval for the subdivision titled Homestead Subdivision Unit 9 (such improvements shall be referred to herein as the “Improvements”).
- b) The Improvements shall be built and completed in accordance with City design standards within three years (3 years) after the Final Plat Recordation.
- c) The cost of the uncompleted Improvements for Homestead Subdivision Unit 9 is estimated to be One-Hundred and Ninety-Four Thousand, Six-Hundred and Sixteen and Ten Cents (\$194,616.10), (the “Cost Estimate”), as more particularly shown on Exhibit “C” attached hereto and made a part hereof for all purposes. The Owner and the City agree that the amount of the Cost Estimate set forth herein is a commercially reasonable estimate of the cost of the Improvements.
- d) In lieu of the Owner’s obligation to construct, or cause to be constructed, the Improvements, at or before the Final Plat Recordation, Owner shall provide to the City, concurrent with the execution of this Agreement, surety in the form attached hereto as Exhibit “D” (the “Surety”) in an amount equal to 125% of the Cost Estimate amount Two-Hundred and Forty-Three Thousand, Two-Hundred and Seventy Dollars and 13 Cents (243,070.13), (the “Improvement Funds”).
- e) Owner agrees within three years (3 years) of the Final Plat Recordation to complete the construction of the Improvements in accordance with the Construction Plans and in full compliance with City of Schertz Unified Development Code Section 21.4.15, which is incorporated by reference herein as though fully set forth in this Section of this Agreement. For the purpose of clarification, and in no way limiting Owner’s obligations under

Section 21.4.15, the Parties agree that full completion of construction of the Improvements shall not occur until the City accepts the Improvements in the manner prescribed in Section 21.4.15. D., and Owner provides a warranty bond which may name the contractor as the principal (to expire twenty-four (24) months following such acceptance) which shall be exactly twenty percent (20%) of the total cost of construction of all the Improvements.

- f) In the event Owner fails to fully complete construction of the Improvements within three years (3 years) subject to subsection h) below, of the Final Plat Recordation in the manner prescribed herein, City may declare this Agreement to be in default and at the City's sole discretion:
  - (i) require that all Improvements be installed by Owner regardless of the extent of completion of the improvements on the Property at the time the Agreement is declared to be in default;
  - (ii) unilaterally draw from the Improvement Funds sufficient amount to complete the Improvements itself or through a third party; or
  - (iii) assign the Improvement Funds to any third party, including a subsequent owner of the Property, provided that such Improvements Funds shall only be assigned for the purpose of causing the construction of the Improvements by such third party and for no other purpose and in exchange for the subsequent owner's agreement and posting of security to complete the Improvements.
- g) Within 30 days of the City's acceptance of the Improvements, the City shall release the Surety to Owner and the Parties shall have no further obligation to each other under this Agreement.
- h) If Owner can document an inability to complete these improvements within the three (3) year timeframe due to causes beyond Owner's control, City will in good faith consider an extension.

3. Approval of Agreement. The City has approved the execution and delivery of this Agreement pursuant to Section 21.4.15(C.)(2.) of the City's Unified Development Code, and the Owner represents and warrants that it has taken all necessary action to authorize its execution and delivery of this Agreement.

4. Governmental Immunity. The City does not waive or relinquish any immunity or defense on behalf of itself, its officers, employees, Councilmembers, and agents as a result of the execution of this Agreement and the performance of the covenants and actions contained herein.

5. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, representatives, successors, and assigns, and the terms hereof shall run with the Property.

6. Counterparts. This Agreement may be executed in any number of counterparts with the same effect as if all signatory parties had signed the same document. All counterparts shall be construed together and shall constitute one and the same Agreement.

7. Integration. This Agreement is the complete agreement between the parties as to the subject matter hereof and cannot be varied except by the written agreement of the Owner and the City. The Owner and the City each agrees that there are no oral agreements, understandings, representations or warranties which are not expressly set forth herein.

8. Notices. Any notice or communication required or permitted hereunder shall be deemed to be delivered three (3) days after such notice is deposited in the United States mail, postage fully prepaid, registered or certified mail return receipt requested, and addressed to the intended recipient at the address shown herein. Any address for notice may be changed by written notice delivered as provided herein. All notices hereunder shall be in writing and served as follows:

If to the Owner:

ILF N-T Owner, LP  
500 Boylston Street  
Boston, MA 02116  
Attention: Jesse Baker

If to the City:

CITY OF SCHERTZ  
1400 Schertz Parkway  
Schertz, Texas 78154  
Attention: City Manager

With copy to:

Denton Navarro Rocha Bernal & Zech, P.C.  
2517 N. Main Avenue  
San Antonio, Texas 78212  
Attention: T. Daniel Santee

9. Legal Construction. If any provision in this Agreement is for any reason unenforceable, to the extent the unenforceability does not destroy the basis of the bargain among the parties, such unenforceability will not affect any other provision hereof, and this Agreement will be construed as if the unenforceable provision had never been a part of this Agreement. Whenever the context requires, the singular will include the plural and neuter include the masculine or feminine gender, and vice versa. Article and section headings in this Agreement are for reference only and are not intended to restrict or define the text of

any section. This Agreement will not be construed more or less favorably between the parties by reason of authorship or origin of language.

10. Recitals; Exhibits. Any recitals in this Agreement are represented by the parties hereto to be accurate, constitute a part of the parties' substantive agreement, and are fully incorporated herein as matters of contract and not mere recitals. Further, any exhibits to this Agreement are incorporated herein as matters of contract and not mere exhibits.

11. No Joint Venture. It is acknowledged and agreed by the parties that the terms hereof are not intended to, and shall not be deemed to, create a partnership or joint venture among the parties.

12. Choice of Law. This Agreement will be construed under the laws of the State of Texas without regard to choice-of-law rules of any jurisdiction. Venue shall be in the State District Courts of Guadalupe County, Texas with respect to any lawsuit arising out of or construing the terms and provisions of this Agreement. No provision of this Agreement shall constitute consent by suit by any party.

*[ Signatures and acknowledgments on the following pages ]*

**Signature Page to**  
**Improvement Agreement**

ILF N-T Owner, LP,  
a Delaware limited partnership

By: ILF N-T GP, LLC,  
a Delaware limited liability company,  
its General Partner

By: ILF N-T Holdings, LLC,  
a Delaware limited liability company,  
its Sole Member

By: FCA Nor-Tex, LLC  
a Delaware limited liability company,  
its Administrative Member

By: \_\_\_\_\_

Name:

Title: Authorized Signatory

**Signature Page to**  
**Improvement Agreement**

This Improvement Agreement has been executed by the parties as of the dates of the Acknowledgments to be effective as of the Effective Date.

City:

**CITY OF SCHERTZ,**  
a Texas municipal corporation

By: \_\_\_\_\_

Name: Steven Williams, its City Manager

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

THE STATE OF TEXAS           §  
  §  
COUNTY OF GUADALUPE       §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2023 by Steven Williams, City Manager of the City of Schertz, Texas, a Texas municipal corporation, on behalf of said City.

(SEAL)

\_\_\_\_\_  
Notary Public in and for  
The State of Texas

My Commission Expires:\_\_\_\_\_

**EXHIBIT “A”**

The Property

Approved Final Plat Exhibit  
and  
Legal Metes and Bounds

*[ See attached ]*



## EXHIBIT "A"



### PLANNING & COMMUNITY DEVELOPMENT

February 11, 2022

ILF N-T Owner, LP  
500 Boylston Street, Suite 2010  
Boston, Massachusetts, 02116  
RE: PC2022-008 Homestead Unit 9

via email: [contracts@freeholdcm.com](mailto:contracts@freeholdcm.com)

Dear Property Owner,

The City of Schertz Planning and Zoning Commission met on February 9, 2022 and has approved your application for the Homestead Unit 9 Final Plat.

Please provide the Planning office with the following to record your plat in Guadalupe County:

1. 1 CD with pdf. and AutoCAD drawings
2. 1 Set of 18" by 24" paper set for City
3. Original certified tax certificate(s)
4. Tax receipt(s) A check made payable to "Guadalupe County Clerk". Please use the following fee schedule from Guadalupe County to calculate the total amount to be listed on the check:
  - a. \$121.00 for the first plat page
  - b. \$100.00 for each additional plat page
  - c. \$4.00 for each tax certificate for the property (Please note that the tax certificates provided should encompass the full acreage that is included within the final exhibit)

\*\*\*Please note that if a personal check is provided, the date of birth and the driver's license number will be needed\*\*\*

**Please be aware that roadway impact fees may be collected at time of new construction building permit.**

The tree affidavit submitted indicates that no protected or heritage trees will be disturbed or removed, thus no fees are due.

This proposed development requires installation of public infrastructure improvements; please review the Unified Development Code, Sec. 21.4.15 Public Infrastructure Improvements Construction Plans and Community Facilities Agreements as it relates to performance and maintenance bond requirements.

The approval for the final plat shall remain in effect for a period of 2 years after the date the application was approved. If the final plat is not recorded within the two (2) year period, the final plat shall expire.

If you should have any questions or concerns, please feel free to contact me at 210-619-1782.

Sincerely,

A handwritten signature in black ink, appearing to read "M Harrison".

Megan Harrison  
Planner

cc: Behdad Zahrooni, Malone/Wheeler, Inc., via email [behdadz@malonewheeler.com](mailto:behdadz@malonewheeler.com)



## LINE AND CURVE TABLES

BLOCK 10 REVENUE/EXPENSE			BLOCK 10 REVENUE/EXPENSE			BLOCK 26 REVENUE/EXPENSE		
001	ADRENAL	SQ. FEET	001	ADRENAL	SQ. FEET	001	ADRENAL	SQ. FEET
002	0.00	0000	002	0.00	0000	002	0.00	0000
003	0.00	0000	003	0.00	0000	003	0.00	0000
004	0.00	0000	004	0.00	0000	004	0.00	0000
005	0.00	0000	005	0.00	0000	005	0.00	0000
006	0.00	0000	006	0.00	0000	006	0.00	0000
007	0.00	0000	007	0.00	0000	007	0.00	0000
008	0.00	0000	008	0.00	0000	008	0.00	0000
009	0.00	0000	009	0.00	0000	009	0.00	0000
010	0.00	0000	010	0.00	0000	010	0.00	0000
011	0.00	0000	011	0.00	0000	011	0.00	0000
012	0.00	0000	012	0.00	0000	012	0.00	0000
013	0.00	0000	013	0.00	0000	013	0.00	0000
014	0.00	0000	014	0.00	0000	014	0.00	0000
015	0.00	0000	015	0.00	0000	015	0.00	0000
016	0.00	0000	016	0.00	0000	016	0.00	0000
017	0.00	0000	017	0.00	0000	017	0.00	0000
018	0.00	0000	018	0.00	0000	018	0.00	0000
019	0.00	0000	019	0.00	0000	019	0.00	0000
020	0.00	0000	020	0.00	0000	020	0.00	0000
021	0.00	0000	021	0.00	0000	021	0.00	0000
022	0.00	0000	022	0.00	0000	022	0.00	0000
023	0.00	0000	023	0.00	0000	023	0.00	0000
024	0.00	0000	024	0.00	0000	024	0.00	0000
025	0.00	0000	025	0.00	0000	025	0.00	0000
026	0.00	0000	026	0.00	0000	026	0.00	0000
027	0.00	0000	027	0.00	0000	027	0.00	0000
028	0.00	0000	028	0.00	0000	028	0.00	0000
029	0.00	0000	029	0.00	0000	029	0.00	0000
030	0.00	0000	030	0.00	0000	030	0.00	0000
031	0.00	0000	031	0.00	0000	031	0.00	0000
032	0.00	0000	032	0.00	0000	032	0.00	0000
033	0.00	0000	033	0.00	0000	033	0.00	0000
034	0.00	0000	034	0.00	0000	034	0.00	0000
035	0.00	0000	035	0.00	0000	035	0.00	0000
036	0.00	0000	036	0.00	0000	036	0.00	0000
037	0.00	0000	037	0.00	0000	037	0.00	0000
038	0.00	0000	038	0.00	0000	038	0.00	0000
039	0.00	0000	039	0.00	0000	039	0.00	0000
040	0.00	0000	040	0.00	0000	040	0.00	0000
041	0.00	0000	041	0.00	0000	041	0.00	0000
042	0.00	0000	042	0.00	0000	042	0.00	0000
043	0.00	0000	043	0.00	0000	043	0.00	0000
044	0.00	0000	044	0.00	0000	044	0.00	0000
045	0.00	0000	045	0.00	0000	045	0.00	0000
046	0.00	0000	046	0.00	0000	046	0.00	0000
047	0.00	0000	047	0.00	0000	047	0.00	0000

[illegible]HEARING DATE: TEXAS STATE PLANE-COORDINATE SYSTEM,  
SOUTH CENTRAL ZONE, NAD83/UTM

**Delta Survey Group Inc.**  
 8213 BROOKS LANE, STE. 102 AUSTIN, TX 78745  
 OFFICE: (512) 282-5200 FAX: (512) 282-5230  
 TRIPLE FORM NO. 5000-0700  
 PREPARATION DATE: 8/8/21

FINAL SUBDIVISION PLAT OF HOMESTEAD SUBDIVISION UNIT 9  
BEING 16.70 ACRES OUT OF THE J. F. ZEPEDA SURVEY NUMBER 257, ABSTRACT 471,  
GUADALUPE COUNTY, TEXAS, BEING A REMAINDER OF A CALLED 522.18 ACRES  
CONVEYED TO ILF N-T OWNER, LP, DESCRIBED IN DOCUMENT NUMBER 2014022581,  
OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS

Homestead Subdivision Unit 9  
16.70 Acres

**DESCRIPTION OF A 16.70 ACRE TRACT, PREPARED BY DELTA SURVEY GROUP INC., IN JANUARY 2021, LOCATED IN THE P. SAN MIGUEL SURVEY NO. 256, ABSTRACT NO. 227, GUADALUPE COUNTY, TEXAS, BEING A PORTION OF THE REMAINDER OF A CALLED 522.18 ACRE TRACT CONVEYED TO ILF N-T OWNER, LP., AND DESCRIBED IN DOCUMENT NUMBER 2014022581, OFFICIAL PUBLIC RECORDS, GUADALUPE COUNTY, TEXAS, SAID 16.70 ACRE TRACT, AS SHOWN ON ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING** at a ½ inch iron rod with "KFW" cap found for the northwest corner of said remainder tract, same being in the east line of The Links at Scenic Hills Unit 1, a subdivision of record in Volume 7, Page 369, Official Public Records, Guadalupe County, Texas, and also being the southwest corner of a called 23.76 acre tract conveyed to Board of Trustees of the Shertz-Cibolo-Universal City Independent School District, described in Volume 4176, Page 283, Official Public Records, Guadalupe County, Texas, for the **POINT OF COMMENCEMENT**, from which a ½ inch iron rod with "KFW" cap found in the north line of said remainder tract, same being the south line of said 23.76 acre tract, bears N79°12'55"E, a distance of 596.06 feet;

**THENCE** crossing said remainder tract, S50°55'53"E, a distance of 1170.48 feet to a calculated point for the **POINT OF BEGINNING**;

**THENCE** continuing to cross said remainder tract, the following fifty-eight (58) courses and distances:

1. N25°18'06"E, a distance of 50.00 feet to a calculated point,
2. N26°38'38"E, a distance of 157.34 feet to a calculated point,
3. N26°43'24"E, a distance of 39.72 feet to a calculated point,
4. N28°12'01"E, a distance of 39.73 feet to a calculated point,
5. N30°13'20"E, a distance of 41.09 feet to a calculated point,
6. N32°16'42"E, a distance of 41.09 feet to a calculated point,
7. N34°20'04"E, a distance of 41.09 feet to a calculated point,
8. N36°23'25"E, a distance of 41.09 feet to a calculated point,
9. N38°26'47"E, a distance of 41.09 feet to a calculated point,
10. N40°30'09"E, a distance of 41.09 feet to a calculated point,
11. N42°37'38"E, a distance of 43.83 feet to a calculated point,
12. N44°49'13"E, a distance of 43.83 feet to a calculated point,
13. N47°00'48"E, a distance of 43.83 feet to a calculated point,
14. N49°12'24"E, a distance of 43.83 feet to a calculated point,
15. N51°23'59"E, a distance of 43.83 feet to a calculated point,
16. N53°35'34"E, a distance of 43.83 feet to a calculated point,
17. N55°53'56"E, a distance of 48.33 feet to a calculated point,
18. N58°19'03"E, a distance of 48.33 feet to a calculated point,
19. with the arc of a curve to the right an arc distance of 106.04 feet, through a central angle of 01°36'26", having a radius of 3780.00 feet, and whose chord bears S28°16'39"E, a distance of 106.04 feet to a calculated point,
20. with the arc of a curve to the right an arc distance of 22.50 feet, through a central angle of



## Homestead Subdivision Unit 9

16.70 Acres

- 85°57'05", having a radius of 15.00 feet, and whose chord bears S15°30'07"W, a distance of 20.45 feet to a calculated point,
21. with the arc of a curve to the left an arc distance of 27.99 feet, through a central angle of 01°33'52", having a radius of 1025.00 feet, and whose chord bears S57°41'43"W, a distance of 27.99 feet to a calculated point,
  22. S33°05'13"E, a distance of 50.00 feet to a calculated point,
  23. with the arc of a curve to the right an arc distance of 20.00 feet, through a central angle of 01°10'31", having a radius of 975.00 feet, and whose chord bears N57°30'03"E, a distance of 20.00 feet to a calculated point,
  24. with the arc of a curve to the right an arc distance of 25.04 feet, through a central angle of 95°39'35", having a radius of 15.00 feet, and whose chord bears S74°04'54"E, a distance of 22.23 feet to a calculated point,
  25. with the arc of a curve to the right an arc distance of 20.33 feet, through a central angle of 00°18'30", having a radius of 3780.00 feet, and whose chord bears S26°05'52"E, a distance of 20.33 feet to a calculated point,
  26. N64°03'23"E, a distance of 50.00 feet to a calculated point,
  27. with the arc of a curve to the left an arc distance of 15.00 feet, through a central angle of 00°13'28", having a radius of 3830.00 feet, and whose chord bears N26°03'21"W, a distance of 15.00 feet to a calculated point,
  28. N63°05'02"E, a distance of 120.01 feet to a calculated point,
  29. with the arc of a curve to the right an arc distance of 703.75 feet, through a central angle of 10°12'29", having a radius of 3950.00 feet, and whose chord bears S21°05'12"E, a distance of 702.82 feet to a calculated point,
  30. with the arc of a curve to the right an arc distance of 58.33 feet, through a central angle of 07°10'04", having a radius of 466.25 feet, and whose chord bears S12°23'56"E, a distance of 58.29 feet to a calculated point,
  31. S08°48'53"E, a distance of 100.03 feet to a calculated point,
  32. with the arc of a curve to the left an arc distance of 116.27 feet, through a central angle of 40°07'58", having a radius of 166.00 feet, and whose chord bears S34°37'30"W, a distance of 113.91 feet to a calculated point,
  33. S72°45'04"W, a distance of 4.34 feet to a calculated point,
  34. S17°14'56"E, a distance of 31.00 feet to a calculated point,
  35. S72°45'04"W, a distance of 34.96 feet to a calculated point,
  36. S12°56'39"E, a distance of 85.61 feet to a calculated point,
  37. S81°20'42"W, a distance of 62.56 feet to a calculated point,
  38. with the arc of a curve to the left an arc distance of 103.77 feet, through a central angle of 12°17'03", having a radius of 484.00 feet, and whose chord bears S75°12'11"W, a distance of 103.57 feet to a calculated point,
  39. with the arc of a curve to the left an arc distance of 207.75 feet, through a central angle of 17°52'54", having a radius of 665.67 feet, and whose chord bears S60°06'24"W, a distance of 206.91 feet to a calculated point,
  40. N38°50'19"W, a distance of 70.00 feet to a calculated point,
  41. with the arc of a curve to the right an arc distance of 16.82 feet, through a central angle of 01°18'41", having a radius of 735.00 feet, and whose chord bears N51°49'01"E, a distance of 16.82 feet to a calculated point,
  42. with the arc of a curve to the left an arc distance of 38.64 feet, through a central angle of

## Homestead Subdivision Unit 9

16.70 Acres

- 88°33'05", having a radius of 25.00 feet, and whose chord bears N08°11'49"E, a distance of 34.91 feet to a calculated point,
43. N36°04'43"W, a distance of 80.33 feet to a calculated point,
  44. with the arc of a curve to the left an arc distance of 23.69 feet, through a central angle of 90°29'33", having a radius of 15.00 feet, and whose chord bears N81°19'30"W, a distance of 21.30 feet to a calculated point,
  45. with the arc of a curve to the left an arc distance of 49.25 feet, through a central angle of 03°18'02", having a radius of 855.00 feet, and whose chord bears S51°46'42"W, a distance of 49.25 feet to a calculated point,
  46. N38°22'08"W, a distance of 175.85 feet to a calculated point,
  47. N56°27'47"E, a distance of 36.22 feet to a calculated point,
  48. N19°40'53"W, a distance of 255.72 feet to a calculated point,
  49. N30°11'26"W, a distance of 201.18 feet to a calculated point,
  50. S26°38'38"W, a distance of 162.57 feet to a calculated point,
  51. with the arc of a curve to the left an arc distance of 23.58 feet, through a central angle of 90°03'11", having a radius of 15.00 feet, and whose chord bears S18°22'58"E, a distance of 21.22 feet to a calculated point,
  52. with the arc of a curve to the right an arc distance of 12.00 feet, through a central angle of 05°30'08", having a radius of 125.00 feet, and whose chord bears S60°39'29"E, a distance of 12.00 feet to a calculated point,
  53. S32°05'36"W, a distance of 50.00 feet to a calculated point,
  54. with the arc of a curve to the left an arc distance of 27.60 feet, through a central angle of 105°25'51", having a radius of 15.00 feet, and whose chord bears S69°22'40"W, a distance of 23.87 feet to a calculated point,
  55. N73°20'15"W, a distance of 50.00 feet to a calculated point,
  56. with the arc of a curve to the right an arc distance of 12.15 feet, through a central angle of 01°32'50", having a radius of 450.00 feet, and whose chord bears N17°26'09"E, a distance of 12.15 feet to a calculated point,
  57. with the arc of a curve to the left an arc distance of 21.71 feet, through a central angle of 82°54'29", having a radius of 15.00 feet, and whose chord bears N23°14'40"W, a distance of 19.86 feet to a calculated point, and

Homestead Subdivision Unit 9

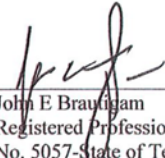
16.70 Acres

58. N64°41'54"W, a distance of 108.54 feet to the **POINT OF BEGINNING** and containing 16.70 acres of land, more or less.

**BEARING BASIS:** Texas State Plane Coordinate System, South Central Zone, NAD83/CORS

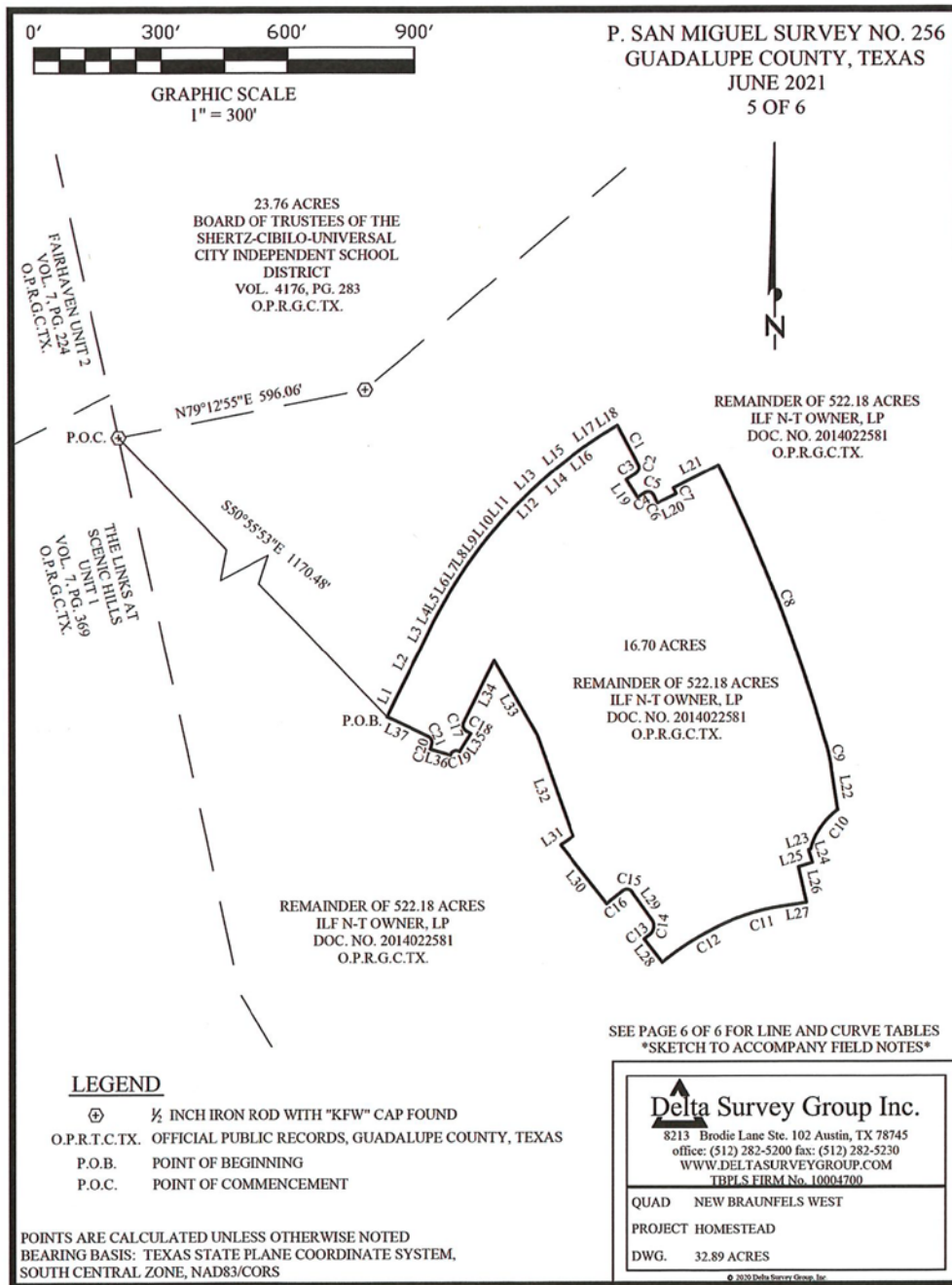
6-3-21

Date

  
\_\_\_\_\_  
John E. Brautigam  
Registered Professional Land Surveyor  
No. 5057-State of Texas



Delta Survey Group, Inc.  
8213 Brodie Lane, Suite 102  
Austin, Texas 78745  
TBPLS Firm No. 10004700





# LINE AND CURVE TABLES

LINE	BEARING	DISTANCE
L1	N25°18'06"E	50.00'
L2	N26°38'38"E	157.34'
L3	N26°43'24"E	39.72'
L4	N28°12'01"E	39.73'
L5	N30°13'20"E	41.09'
L6	N32°16'42"E	41.09'
L7	N34°20'04"E	41.09'
L8	N36°23'25"E	41.09'
L9	N38°26'47"E	41.09'
L10	N40°30'09"E	41.09'
L11	N42°37'38"E	43.83'
L12	N44°49'13"E	43.83'
L13	N47°00'48"E	43.83'
L14	N49°12'24"E	43.83'
L15	N51°23'59"E	43.83'
L16	N53°35'34"E	43.83'
L17	N55°53'56"E	48.33'
L18	N58°19'03"E	48.33'
L19	S33°05'13"E	50.00'
L20	N64°03'23"E	50.00'
L21	N63°05'02"E	120.01'
L22	S08°48'53"E	100.03'
L23	S72°45'04"W	4.34'
L24	S17°14'56"E	31.00'
L25	S72°45'04"W	34.96'
L26	S12°56'39"E	85.61'
L27	S81°20'42"W	62.56'
L28	N38°50'19"W	70.00'
L29	N36°04'43"W	80.33'
L30	N38°22'08"W	175.85'
L31	N56°27'47"E	36.22'
L32	N19°40'53"W	255.72'
L33	N30°11'26"W	201.18'
L34	S26°38'38"W	162.57'
L35	S32°05'36"W	50.00'
L36	N73°20'15"W	50.00'
L37	N64°41'54"W	108.54'

CURVE	RADIUS	ARC	CHORD	BEARING	DELTA
C1	3780.00'	106.04'	106.04'	S28°16'39"E	1°36'26"
C2	15.00'	22.50'	20.45'	S15°30'07"W	85°57'05"
C3	1025.00'	27.99'	27.99'	S57°41'43"W	1°33'52"
C4	975.00'	20.00'	20.00'	N57°30'03"E	1°10'31"
C5	15.00'	25.04'	22.23'	S74°04'54"E	95°39'35"
C6	3780.00'	20.33'	20.33'	S26°05'52"E	0°18'30"
C7	3830.00'	15.00'	15.00'	N26°03'21"W	0°13'28"
C8	3950.00'	703.75'	702.82'	S21°05'12"E	10°12'29"
C9	466.25'	58.33'	58.29'	S12°23'56"E	7°10'04"
C10	166.00'	116.27'	113.91'	S34°37'30"W	40°07'58"
C11	484.00'	103.77'	103.57'	S75°12'11"W	12°17'03"
C12	665.67'	207.75'	206.91'	S60°06'24"W	17°52'54"
C13	735.00'	16.82'	16.82'	N51°49'01"E	1°18'41"
C14	25.00'	38.64'	34.91'	N08°11'49"E	88°33'05"
C15	15.00'	23.69'	21.30'	N81°19'30"W	90°29'33"
C16	855.00'	49.25'	49.25'	S51°46'42"W	3°18'02"
C17	15.00'	23.58'	21.22'	S18°22'58"E	90°03'11"
C18	125.00'	12.00'	12.00'	S60°39'29"E	5°30'08"
C19	15.00'	27.60'	23.87'	S69°22'40"W	105°25'51"
C20	450.00'	12.15'	12.15'	N17°26'09"E	1°32'50"
C21	15.00'	21.71'	19.86'	N23°14'40"W	82°54'29"

**Delta Survey Group Inc.**

8213 Brodie Lane Ste. 102 Austin, TX 78745  
office: (512) 282-5200 fax: (512) 282-5230  
WWW.DELTASURVEYGROUP.COM  
TSPS FIRM No. 10004700

QUAD NEW BRAUNFELS WEST

PROJECT HOMESTEAD

DWG. 32.89 ACRES

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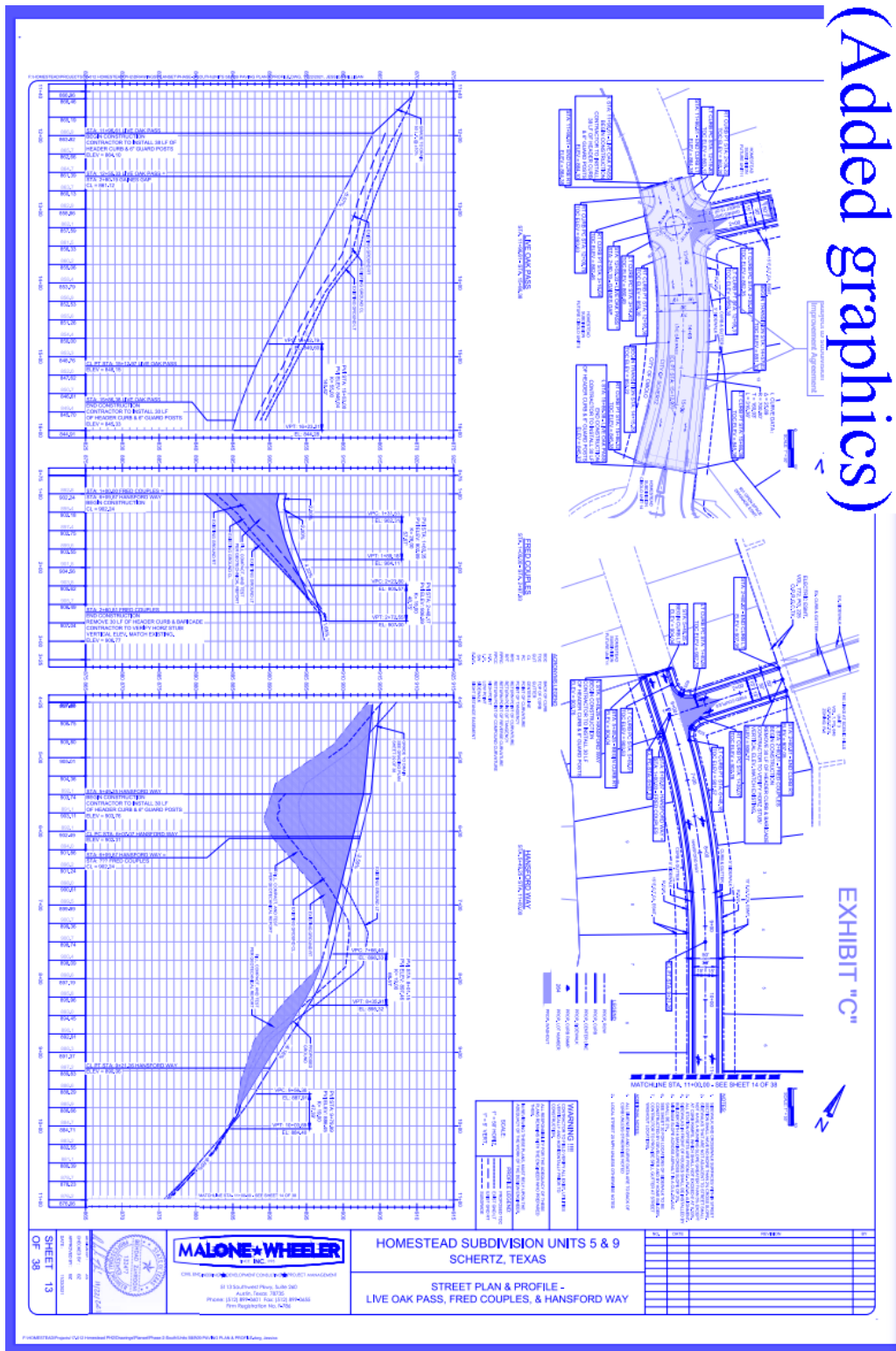
**EXHIBIT “B”**

The Improvements

*[ See attached ]*



(Added graphics)



## EXHIBIT "C"

The Cost Estimate

Homestead Subdivision Improvement Agreement Unit 9 1 31 2023

*[ See attached ]*

(Added graphics)



CIVIL ENGINEERING • DEVELOPMENT CONSULTING • PROJECT MANAGEMENT

Firm Registration No. F786

**HOMESTEAD UNITS 5 & 9 - SUNDOWN PARKWAY - SURFACE IMPROVEMENTS**

Engineer's Opinion of Probable Cost

SCHERTZ, TEXAS

MOBILIZATION / DEMOLITION / RELOCATE					
BID ITEM	DESCRIPTION	ENGINEER'S EST. QUANTITY	UNIT	UNIT PRICE	MASTER AMOUNT
DR1	Mobilization (2%)	1.00	LS	\$ 3,816.00	\$ 3,816.00
DR2	Remove Existing Header Curb and Barricade Post	30	LF	\$ 25.00	\$ 750.00
SUBTOTAL DEMOLITION / RELOCATE					\$ 4,566.00
PAVING AND GRADING IMPROVEMENTS					
BID ITEM	DESCRIPTION	ENGINEER'S EST. QUANTITY	UNIT	UNIT PRICE	MASTER AMOUNT
PG1	Geogrid Triax TX5	2,086	SY	\$ 4.35	\$ 9,074.10
PG2	Flexible Base 19" Thickness (Collector - N/S Collector Road)	2,086	SY	\$ 23.00	\$ 47,978.00
PG3	HMAC 3" Type "D" (Collector)	1,855	SY	\$ 15.00	\$ 27,825.00
PG4	Curb and Gutter	760	LF	\$ 17.00	\$ 12,920.00
PG5	Ribbon Curb & Timber Guard Post (@ street dead-ends)	92	LF	\$ 100.00	\$ 9,200.00
PG6	6" Sidewalk 4" Thickness (Developer)	373	LF	\$ 27.00	\$ 10,071.00
PG7	6" Sidewalk 4" Thickness (Developer)	322	LF	\$ 40.00	\$ 12,880.00
PG8	Pavement Marking and Signage	1.00	LS	\$ 2,500.00	\$ 2,500.00
SUBTOTAL PAVING AND GRADING IMPROVEMENTS					\$ 132,448.10
DRAINAGE IMPROVEMENTS					
BID ITEM	DESCRIPTION	ENGINEER'S EST. QUANTITY	UNIT	UNIT PRICE	MASTER AMOUNT
Storm Drain "G"					
SS-1	Trench Safety	267	LF	\$ 1.00	\$ 267.00
SS-2	18" RCP	53	LF	\$ 75.00	\$ 3,975.00
SS-3	24" RCP	214	LF	\$ 80.00	\$ 17,120.00
SS-4	10' Curb Inlet	2	EA	\$ 9,000.00	\$ 18,000.00
SS-5	10' Curb Inlet Extension	2	EA	\$ 6,500.00	\$ 13,000.00
SUBTOTAL STORM DRAIN G IMPROVEMENTS					\$ 52,362.00
EROSION AND SEDIMENTATION CONTROLS					
BID ITEM	DESCRIPTION	ENGINEER'S EST. QUANTITY	UNIT	UNIT PRICE	MASTER AMOUNT
ES1	Silt Fence	320	LF	\$ 4.50	\$ 1,440.00
ES2	ROW Revegetation	0.15	AC	\$ 4,000.00	\$ 600.00
ES3	Inlet Protection	160	LF	\$ 20.00	\$ 3,200.00
SUBTOTAL EROSION AND SEDIMENTATION CONTROLS					\$ 5,240.00
CONSTRUCTION COSTS SUMMARY					MASTER AMOUNT
SUBTOTAL DEMOLITION/RELOCATION IMPROVEMENTS					\$ 4,566.00
SUBTOTAL PAVING AND GRADING IMPROVEMENTS					\$ 132,448.10
SUBTOTAL DRAINAGE IMPROVEMENTS					\$ 52,362.00
SUBTOTAL EROSION AND SEDIMENTATION CONTROLS					\$ 5,240.00
Total Cost					\$ 194,616.10

Notes:

- 1) This Engineer's Opinion of Probable Cost (OPC) is prepared to provide cost basis for a public improvement agreement for the purpose of Sundown Parkway (Station 11+96.61-15+66.32) surface improvements deferral. Sundown Parkway improvements are proposed with Homestead Subdivision Units 5&9 construction documents.
- 2) This OPC assumes all applicable earthwork completion with Homestead Subdivision Units 5&9 as designed and approved per construction documents.
- 3) This OPC assumes underground water main (Line E) completion with Homestead Subdivision Units 5&9 as designed and approved per construction documents.
- 4) Unit prices are from the latest contractor bids within Homestead Subdivision and may be subject to change.
- 5) This OPC excludes dry-utility improvements.

Firm Registration No. F786



F:\HOMESTEAD\Projects\17-012 Homestead PHG\Documents\Phase-2-South\Sent to Others\2021\2025- NS Collector Road - OPC\Sundown Hwy - OPC

Page 1 of 1

**EXHIBIT “D”**

The Surety

*[ See attached ]*

<b>Summary report:</b> <b>Litera® Change-Pro for Word 10.14.0.46 Document comparison done on</b> <b>9/12/2022 5:06:41 PM</b>	
<b>Style name:</b> Default Style	
<b>Intelligent Table Comparison:</b> Active	
<b>Original filename:</b> Sub Impr Agr- Homestead 9 4 22 2022_3 CC Comments 6.16.22_4.docx	
<b>Modified filename:</b> Sub Impr Agr- Homestead 9 6 3 2022.docx	
<b>Changes:</b>	
<u>Add</u>	27
<u>Delete</u>	55
<u>Move From</u>	0
<u>Move To</u>	0
<u>Table Insert</u>	0
<u>Table Delete</u>	0
<u>Table moves to</u>	0
<u>Table moves from</u>	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	2
Embedded Excel	0
Format changes	0
<b>Total Changes:</b>	84



After Recording, Please Return To:  
City of Schertz  
1400 Schertz Parkway  
Schertz, Texas 78154  
Attention: City Manager

STATE OF TEXAS                   §  
   § KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF GUADALUPE       §

IMPROVEMENT AGREEMENT  
HOMESTEAD PHASE SUBDIVISION- UNIT 11– PUBLIC IMPROVEMENTS

This IMPROVEMENT AGREEMENT (the “Agreement”) is by and between ILF N-T Owner, LP (the “Owner”), and the CITY OF SCHERTZ, a Texas municipal corporation (the “City”) and is effective upon the execution of this Agreement by the Owner and the City (the “Effective Date”); and

WHEREAS, the Owner is the owner of that certain real property located in the City of Schertz, Guadalupe County, Texas, more specifically described on Exhibit “A”, attached hereto and made a part hereof for all purposes (the “Property” or “Homestead Subdivision Unit 11”); and

WHEREAS, the Owner seeks to develop a residential subdivision on the Property (the “Subdivision”) that requires the construction of certain public improvements: and

WHEREAS, this Agreement is made solely with respect to the final plat of Homestead Subdivision Unit 11 which was approved by the City of Schertz Planning and Zoning Commission on XXXX, 2022; and

**Commented [A1]:** TBD - still going through plan check will need to update once approved

WHEREAS, pursuant to Section 21.4.15(C.) (2.) and (F.) (1) of the City’s Unified Development Code, the obligation to construct the public improvements that serve the Subdivision may be deferred if an Improvement Agreement is executed and if sufficient surety is provided to secure the obligation to construct the public improvements; and

WHEREAS, the Owner seeks to defer the construction of the public improvements to a future date, not to exceed three years (3 years), after the recording of the final plat for Homestead Subdivision Unit 11 (the “Final Plat Recordation”) pursuant to this Agreement and Section 21.4.15 of the City’s Unified Development Code:

NOW THEREFORE, in consideration of the agreements set forth herein and for other reciprocal good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and stipulated by the Parties, the Owner and the City agree as follows:

1. Ownership of the Property. The Owner hereby represents and warrants that, as of the Effective Date, it has not conveyed, assigned, or transferred all or any portion of its interest in the Property to any other person or entity (any such person or entity referred to herein as “Purchaser”), nor is it a party to any contract or other understanding to do so that is not subject to

this Agreement with the exception of contracts for the sales of lots in ordinary course and dedications of utility and public improvements (unrelated to this Agreement) in the ordinary course of business.

2. Construction of Improvements; Covenants. The Owner and the City covenant and agree to the following:

- a) The Owner is obligated by Section 21.12.10 of the City's Unified Development Code to construct, or cause to be constructed, a roadway segment improvements more particularly shown on Exhibit "B" and in the "Construction Plans" approved [insert date approved] and that are included as part of the application for final plat approval for the subdivision titled Homestead **Subdivision Unit 11** (such improvements shall be referred to herein as the "Improvements").
- b) The Improvements shall be built and completed in accordance with City design standards within three years (3 years) after the Final Plat Recordation.
- c) The cost of the uncompleted Improvements for Homestead **Subdivision Unit 11** is estimated to be Three Hundred and Twenty-One Thousand Nine Hundred Eighty-Four Dollars and Ninety Cents (\$321,984.90), (the "Cost Estimate"), as more particularly shown on **Exhibit "C"** attached hereto and made a part hereof for all purposes. The Owner and the City agree that the amount of the Cost Estimate set forth herein is a commercially reasonable estimate of the cost of the Improvements.
- d) In lieu of the Owner's obligation to construct, or cause to be constructed, the Improvements, at or before the Final Plat Recordation, Owner shall provide to the City, concurrent with the execution of this Agreement, surety in the form attached hereto as **Exhibit "D"** (the "Surety") in an amount equal to 125% of the Cost Estimate amount **Four Hundred and Two Thousand Four Hundred and Eighty One Dollars and Twenty Five Cents (\$402,481.25)**, (the "Improvement Funds").
- e) Owner agrees within three years (3 years) of the Final Plat Recordation to complete the construction of the Improvements in accordance with the Construction Plans and in full compliance with City of Schertz Unified Development Code Section 21.4.15, which is incorporated by reference herein as though fully set forth in this Section of this Agreement. For the purpose of clarification, and in no way limiting Owner's obligations under Section 21.4.15, the Parties agree that full completion of construction of the Improvements shall not occur until the City accepts the Improvements in the manner prescribed in Section 21.4.15. D., and Owner provides a warranty bond which may name the contractor as the principal (to expire twenty-four (24) months following such acceptance) which shall be exactly twenty percent (20%) of the total cost of construction of all the Improvements.
- f) In the event Owner fails to fully complete construction of the Improvements within three years (3 years) subject to subsection h) below, of the Final Plat Recordation

in the manner prescribed herein, City may declare this Agreement to be in default and at the City's sole discretion:

- (i) require that all Improvements be installed by Owner regardless of the extent of completion of the improvements on the Property at the time the Agreement is declared to be in default;
  - (ii) unilaterally draw from the Improvement Funds sufficient amount to complete the Improvements itself or through a third party; or
  - (iii) assign the Improvement Funds to any third party, including a subsequent owner of the Property, provided that such Improvements Funds shall only be assigned for the purpose of causing the construction of the Improvements by such third party and for no other purpose and in exchange for the subsequent owner's agreement and posting of security to complete the Improvements.
- g) Within 30 days of the City's acceptance of the Improvements, the City shall release the Surety to Owner and the Parties shall have no further obligation to each other under this Agreement.
- h) If Owner can document an inability to complete these improvements within the three (3) year timeframe due to causes beyond Owner's control, City will in good faith consider an extension.

3. Approval of Agreement. The City has approved the execution and delivery of this Agreement pursuant to Section 21.4.15(C.) (2.) of the City's Unified Development Code, and the Owner represents and warrants that it has taken all necessary action to authorize its execution and delivery of this Agreement.

4. Governmental Immunity. The City does not waive or relinquish any immunity or defense on behalf of itself, its officers, employees, Councilmembers, and agents as a result of the execution of this Agreement and the performance of the covenants and actions contained herein.

5. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, representatives, successors, and assigns, and the terms hereof shall run with the Property.

6. Counterparts. This Agreement may be executed in any number of counterparts with the same effect as if all signatory parties had signed the same document. All counterparts shall be construed together and shall constitute one and the same Agreement.

7. Integration. This Agreement is the complete agreement between the parties as to the subject matter hereof and cannot be varied except by the written agreement of the Owner and the City. The Owner and the City each agrees that there are no oral agreements, understandings, representations or warranties which are not expressly set forth herein.

8. Notices. Any notice or communication required or permitted hereunder shall be deemed to be delivered three (3) days after such notice is deposited in the United States mail, postage fully prepaid, registered or certified mail return receipt requested, and addressed to the intended recipient at the address shown herein. Any address for notice may be changed by written notice delivered as provided herein. All notices hereunder shall be in writing and served as follows:

If to the Owner:

ILF N-T Owner, LP  
500 Boylston Street  
STE 2010  
Boston, MA 02116  
Attention: Jesse R. Baker

If to the City:

CITY OF SCHERTZ  
1400 Schertz Parkway  
Schertz, Texas 78154  
Attention: City Manager

With copy to:

Denton Navarro Rocha Bernal & Zech, P.C.  
2517 N. Main Avenue  
San Antonio, Texas 78212  
Attention: T. Daniel Santee

9. Legal Construction. If any provision in this Agreement is for any reason unenforceable, to the extent the unenforceability does not destroy the basis of the bargain among the parties, such unenforceability will not affect any other provision hereof, and this Agreement will be construed as if the unenforceable provision had never been a part of this Agreement. Whenever the context requires, the singular will include the plural and neuter include the masculine or feminine gender, and vice versa. Article and section headings in this Agreement are for reference only and are not intended to restrict or define the text of any section. This Agreement will not be construed more or less favorably between the parties by reason of authorship or origin of language.

10. Recitals; Exhibits. Any recitals in this Agreement are represented by the parties hereto to be accurate, constitute a part of the parties' substantive agreement, and are fully incorporated herein as matters of contract and not mere recitals. Further, any exhibits to this Agreement are incorporated herein as matters of contract and not mere exhibits.

11. No Joint Venture. It is acknowledged and agreed by the parties that the terms hereof are not intended to, and shall not be deemed to, create a partnership or joint venture among the parties.

12. Choice of Law. This Agreement will be construed under the laws of the State of Texas without regard to choice-of-law rules of any jurisdiction. Venue shall be in the State District Courts of Guadalupe County, Texas with respect to any lawsuit arising out of or construing the terms and provisions of this Agreement. No provision of this Agreement shall constitute consent by suit by any party.

*[ Signatures and acknowledgments on the following pages ]*

**Signature Page to**  
**Improvement Agreement**

ILF N-T Owner, LP,  
a Delaware limited partnership

By: ILF N-T GP, LLC,  
a Delaware limited liability company,  
its General Partner

By: ILF N-T Holdings, LLC,  
a Delaware limited liability company,  
its Sole Member

By: FCA Nor-Tex, LLC  
a Delaware limited liability company,  
its Administrative Member

By: \_\_\_\_\_  
Name: Jesse R. Baker  
Title: Authorized Signatory

**Signature Page to**  
**Improvement Agreement**

This Improvement Agreement has been executed by the parties as of the dates of the Acknowledgments to be effective as of the Effective Date.

City:

**CITY OF SCHERTZ,**  
a Texas municipal corporation

By: \_\_\_\_\_

Name: Steven Williams, its City Manager

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

THE STATE OF TEXAS       §  
  §  
COUNTY OF GUADALUPE   §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2023 by Steven Williams, City Manager of the City of Schertz, Texas, a Texas municipal corporation, on behalf of said City.

(SEAL)

\_\_\_\_\_  
Notary Public in and for  
The State of Texas

My Commission Expires: \_\_\_\_\_

**EXHIBIT “A”**

The Property

Approved Final Plat Exhibit  
and  
Legal Metes and Bounds

*[ See attached ]*



**EXHIBIT “B”**

The Improvements

*[ See attached ]*

**EXHIBIT “C”**

The Cost Estimate

*[ See attached ]*

**EXHIBIT “D”**

The Surety

*[ See attached ]*

THE STATE OF TEXAS   §  
§  
GUADALUPE COUNTY   §

**2023 AMENDED AND RESTATED HOMESTEAD**

**ROADWAY CAPITAL RECOVERY OFFSET AGREEMENT**

This agreement (“**AGREEMENT**”) is made by and between the City of Schertz, (hereinafter “**CITY**”) a Texas Home Rule municipality and ILF N-T Owner, LP (hereinafter “**DEVELOPER**”) a Limited Partnership created under the laws of Texas, collectively, the “**PARTIES**”.

**RECITALS**

**WHEREAS**, pursuant to City of Schertz Code of Municipal Ordinances Chapter 78, Article VII, the City of Schertz has adopted Roadway Capital Recovery Fees (sometimes hereinafter referred to as “**capital recovery fee**”); and,

**WHEREAS**, pursuant to City of Schertz Code of Municipal Ordinances Section 78-178, where, in order to serve new development, a developer is required to construct, contribute to, or dedicate, a capital improvement or facility expansion identified in the capital improvements plan the CITY and DEVELOPER may enter into this AGREEMENT whereby the developer is: (1) credited for the reasonable and necessary costs of the capital improvement or facility expansion against the impact fees otherwise due from the new development; or (2) reimbursed for all or a portion of the reasonable and necessary costs of the capital improvement or facility expansion from impact fees as received from other new developments that use the capital improvement or facility expansion; and,

**WHEREAS**, CITY and DEVELOPER entered into the initial Roadway Impact Fee Offset Agreement dated December 19, 2019 (the “**Prior Agreement**”); and,

**WHEREAS**, the City Council of the City of Schertz authorized the City Manager to enter into the First Amendment to the Roadway Capital Recovery Offset Agreement Between the City of Schertz and ILF N-T Owner, LP in order to memorialize Roadway Capital Recovery Fee Credits (sometimes hereinafter referred to as the “**Credits**”) achieved by DEVELOPER for reasonable and necessary costs of the capital improvement or facility expansion it incurred, but this agreement was never executed; and,

**WHEREAS**, CITY and DEVELOPER desire to amend and restate the Prior Agreement as a result of an additional section of Sundown Parkway which is designated as Project Number 24 of the

Final 2022 Roadway Impact Fee Program Amendment Technical Memorandum, adopted on April 5, 2022 per Resolution 22-R-24.

**NOW THEREFORE**, in consideration of the foregoing recitals and the mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the PARTIES hereto, intending to be legally bound, hereby agree as follows:

#### **Article I.**

##### **PROJECT DESCRIPTION**

- A. Project. The project is The Homestead master planned community.
- B. Location. The project is located at the southwest corner of IH-35 and Schwab Road, as more precisely described in *Exhibit “A”*.

#### **Article II.**

##### **ROADWAY CAPITAL RECOVERY FEES**

- A. Roadway Capital Recovery Fees. The Roadway Capital Recovery Fees for the project are currently assessed at \$1,647.53 or \$1,614.54 per service unit based on the plat filing date.

#### **Article III.**

##### **CAPITAL IMPROVEMENT PLAN IMPROVEMENTS MADE BY DEVELOPER**

- A. Rough Proportionality. The PARTIES acknowledge that as provided in Texas Local Government Code Section 212.904, the CITY may require DEVELOPER to contribute a portion of the costs of municipal infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs (collectively the “**Infrastructure Costs**”), provided DEVELOPER’S portion of Infrastructure Costs do not exceed the amount required for infrastructure improvements that are roughly proportionate to the PROJECT impact (the “**Proportionate Costs**”).

#### **Article IV.**

##### **ROADWAY CAPITAL RECOVERY FEE OFFSET CREDIT**

- A. Roadway Capital Recovery Fee Offset Credit Calculation.
  - i. The total number of service unit equivalents of capacity supplied by the system facilities contributed by the DEVELOPER is estimated to be 2,272 service units.

- ii. The Roadway Capital Recovery Fee Offset Credits that the DEVELOPER shall receive may be used to offset the roadway impact fees due in Units 1A, 1B, 2, 3A, 3B, 3C, 4, 5, 6, 7A, 7B, 8, 9, 10, 11, 13 and 18. The City shall assign Credits to the unit when a final plat is filed in accordance with this AGREEMENT.
- iii. The estimated number of single-family homes within the development is approximately 749 and the number of multi-family units is up to 211.
- iv. Given that the estimated number of service units being supplied by the system facilities contributed by the DEVELOPER is roughly equal to the number of vehicle miles being added to the system by the residential units within the project, the CITY and the DEVELOPER agree that no roadway impact fees shall be due from the development within the Project and no excess offsets shall be reimbursed by the CITY.

#### **Article V.**

#### **MISCELLANEOUS**

The following miscellaneous provisions are made part of this AGREEMENT:

- 1. CITY and DEVELOPER acknowledge that the Prior Agreement is hereby replaced in its entirety by this Agreement.
- 2. Additional Instruments. CITY and DEVELOPER agree and covenant to cooperate, negotiate in good faith, and to execute such other and further instruments and documents as may be reasonably required to fulfill the public purposes provided for and included within this AGREEMENT.
- 3. Amendments. This AGREEMENT constitutes the entire understanding and agreement of the parties as to the matters set forth in this AGREEMENT. No alteration of or amendment to this AGREEMENT shall be effective unless given in writing and signed by the party or parties sought to be charged or bound by the alteration or amendment.
- 4. Applicable Law and Venue. This AGREEMENT shall be governed by and construed in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Guadalupe County, Texas. Venue for any action arising under this AGREEMENT shall lie in the state district courts of Guadalupe County, Texas.

5. Assignment. The DEVELOPER may assign this AGREEMENT with the CITY's consent (such consent not to be unreasonably conditioned, withheld or delayed, but in no event shall the offsets provided for in the AGREEMENT be transferred to any development not subject to the plat associated with such offsets.
6. Binding Obligation. This AGREEMENT shall become a binding obligation on the signatories upon execution by all signatories hereto. The CITY warrants and represents that the individual executing this AGREEMENT on behalf of the CITY has full authority to execute this AGREEMENT and bind the CITY to the same. DEVELOPER warrants and represents that the individual executing this AGREEMENT on its behalf has full authority to execute this AGREEMENT and bind it to the same.
7. Counterparts. This AGREEMENT may be executed in one or more counterparts, each of which shall be deemed an original and all of which shall constitute one and the same document.
8. Construction. The PARTIES acknowledge that the PARTIES and their counsel have reviewed and revised the AGREEMENT and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of the AGREEMENT.
9. Enforcement. The City Attorney or his or her designee may enforce all legal rights and obligations under this AGREEMENT without further authorization. DEVELOPER shall provide to the City Attorney all documents and records that the City Attorney requests to assist in determining DEVELOPER'S compliance with this AGREEMENT.
10. Entire Agreement. This AGREEMENT constitutes the entire agreement between the Parties with respect to the subject matter covered in this AGREEMENT. There is no other collateral oral or written agreement between the Parties that, in any manner, relates to the subject matter of this AGREEMENT, except as provided for in any Exhibits attached hereto or duly approved amendments to this AGREEMENT, as approved by the City Council of the City of Schertz, Texas.
11. Execution of AGREEMENT.
  - a) City Council has authorized the City Manager to execute this AGREEMENT on behalf of the CITY, as evidenced by Resolution 23-R-01, dated February 14, 2023.

- b) Jesse R. Baker and Thomas C. Tischer are authorized to execute this AGREEMENT on its behalf, as evidenced by Company Resolution, dated May 18, 2015, and attached hereto as *Exhibit "B"*.
- 12. Exhibits and Attachments. All Exhibits and Attachments referenced in this AGREEMENT are attached hereto and incorporated herein for all purposes.
- 13. Force Majeure. It is expressly understood and agreed by the parties to this AGREEMENT that if the performance of any obligations hereunder is delayed by reason of war, civil commotion, acts of God, inclement weather, fire or other casualty, or court injunction, inability to obtain labor or materials or reasonable substitutes therefore, governmental restrictions, governmental regulations, governmental controls, governmental action, delay in issuance of permits or approvals (including, without limitation, fire marshal approvals), enemy or hostile governmental action, civil commotion, fire or other casualty, and other causes beyond the reasonable control of the obligated party and delays caused by the other party, the party so obligated or permitted shall be excused from doing or performing the same during such period of delay, so that the time period applicable to such obligation or requirement shall be extended for a period of time equal to the period such party was delayed.
- 14. Gender. The gender of the wording throughout this AGREEMENT shall always be interpreted to mean either sex, and where the context requires, the plural of any word shall include the singular.
- 15. Governmental Records. All invoices, records and other documents required for submission to the CITY pursuant to the terms of this AGREEMENT are Governmental Records for the purposes of Texas Penal Code Section 37.10.
- 16. Immunities and defenses.
  - a) By entering into this AGREEMENT, the PARTIES do not waive, and shall not be deemed to have waived, any rights, immunities, or defenses either may have, including the defense of parties, and nothing contained herein shall ever be construed as a waiver of sovereign, statutory or official immunity by the CITY with such rights being expressly reserved to the fullest extent authorized by law and to the same extent which existed prior to the execution hereof.
  - b) No employee of CITY, or any councilmember or agent of CITY, shall be personally responsible for any liability arising under or growing out of this AGREEMENT.



17. Mutual Assistance. CITY and DEVELOPER will do all things reasonably necessary or appropriate to carry out the terms and provisions of this AGREEMENT and to aid and assist each other in carrying out such terms and provisions.
18. Notices. Any notice, statement and/or communication required and/or permitted to be delivered hereunder shall be in writing and shall be mailed by first-class mail, postage prepaid, or delivered by hand, by messenger, by facsimile, or by reputable overnight carrier, and shall be deemed delivered when received at the addresses of the Parties set forth below, or at such other address furnished in writing to the other Parties thereto:

DEVELOPER: ILF N-T Owner, LP  
Attn: Legal Dept.  
500 Boylston Street  
Boston, MA 02116  
[legal@freeholdcm.com](mailto:legal@freeholdcm.com)

and

Matt D. Matthews  
8601 Ranch Road 2222  
Building 1, Suite 260  
Austin, TX 78730  
[mdm@freeholdcommunitites.com](mailto:mdm@freeholdcommunitites.com)

WITH COPY TO LEGAL COUNSEL:

Tony Corbett  
McLean & Howard L.L.P.  
Barton Oaks Plaza, Building II  
901 South MoPac Expy, Suite 225  
Austin, TX 78746  
[tcorbett@mcleanhowardlaw.com](mailto:tcorbett@mcleanhowardlaw.com)

City: City Manager  
City of Schertz  
1400 Schertz Parkway  
Schertz, TX 78154  
Phone: (210) 619-1000  
Fax: (210) 619-1029

WITH COPY TO: Denton Navarro Rocha Bernal & Zech  
A Professional Corporation  
Attn. T. Daniel Santee  
2517 N. Main Avenue  
San Antonio, Texas 78212  
Phone: (210) 227-3243  
Fax: (210) 225-4481

19. Ordinance Applicability. The signatories hereto shall be subject to all ordinances of the CITY, whether now existing or in the future arising provided however no ordinance shall reduce or diminish the contractual obligations contained herein. This AGREEMENT shall confer no vested rights on the PROJECT unless specifically enumerated herein.
20. Severability. In the event any provision of this AGREEMENT is illegal, invalid, or unenforceable under the present or future laws, then, and in that event, it is the intention of the PARTIES hereto that the remainder of this AGREEMENT shall not be affected thereby, and it is also the intention of the Parties to this AGREEMENT that in lieu of each clause or provision that is found to be illegal, invalid, or unenforceable a provision be added to this AGREEMENT which is legal, valid and enforceability and is a similar in terms as possible to the provision found to be illegal, invalid or unenforceable.
21. Survival of Covenants. Any of the representations, warranties, covenants, and obligations of the PARTIES, as well as any rights and benefits of the PARTIES, pertaining to a period of time following the termination of this AGREEMENT shall survive termination.

[Page Ends Here – Signature Pages Follow]

EXECUTED in duplicate originals to be effective as of the date of the last signature below.

DEVELOPER:

**ILF N-T OWNER, LP,**

a Delaware limited partnership

By: ILF N-T GP, LLC,  
a Delaware limited liability company,  
its General Partner

By: ILF N-T Holdings, LLC,  
a Delaware limited liability company,  
its Sole Member

By: FCA Nor-Tex, LLC,  
a Delaware limited liability company,  
its Administrative Member

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: Authorized Signatory

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

Commonwealth of Massachusetts

County of Suffolk

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the Authorized Signatory of FCA Nor-Tex, LLC, Administrative Member of ILF N-T Holdings, LLC, Sole Member of ILF N-T GP, LLC, General Partner of ILF N-T Owner, LP on behalf of said limited partnership and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated.

(Personalized Seal)

\_\_\_\_\_  
Notary Public's Signature

Signature Page to  
**2023 AMENDED AND RESTATED ROADWAY CAPITAL RECOVERY OFFSET AGREEMENT**

This Community Facilities Agreement has been executed by the parties as of the dates of the Acknowledgments to be effective as of the Effective Date.

City:

**CITY OF SCHERTZ,**  
a Texas municipal corporation

By: \_\_\_\_\_

Name: Steven Williams, its City Manager

THE STATE OF TEXAS           §

§

COUNTY OF GUADALUPE       §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2023 by Steven Williams, City Manager of the City of Schertz, Texas, a Texas municipal corporation, on behalf of said City.

(SEAL)

\_\_\_\_\_  
Notary Public in and for  
The State of Texas

My Commission Expires:\_\_\_\_\_

## **Exhibit “A”**

### **The Project**

**Exhibit “B”**  
**Company Resolution**

**REIMBURSEMENT AGREEMENT WITH DEVELOPER FOR  
CONSTRUCTION OF PUBLIC IMPROVEMENT**

THE STATE OF TEXAS           §  
  §    KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF GUADALUPE       §

This Development Agreement (the “Agreement”) is by and between the City of Schertz, a Texas municipal corporation (the “City”), and ILF N-T, LP., owner and developer of certain hereinafter described property located within the City (the “Developer”), all collectively referred to as “Parties”, and is effective upon the execution of this Agreement by the Developer and the City (the “Effective Date”).

**WHEREAS**, Developer wishes to develop certain property (the “Property”) located within the City limits, which is approximately 74.78 acres of land, Unit 3B being a 15.29 acres tract of land in the City of Schertz, Comal & Guadalupe County, Texas out of the J.F. Zapeda Survey No. 257, Abstract 685, The J.F. Zapeda Survey NO. 257, Abstract 471, and the P. San Miguel Survey No. 256, Abstract 227 and being out of a 522.18 acres tract of land; Unit 5 being 32.89 acres out of the J.F. Zapeda Survey Number 257, Abstract 471, Guadalupe County, Texas, being a remainder of a called 522.18 acres; and Unit 7A being a 26.60 acre tract of land, being out of the Pedro San Miguel Survey No. 256, Abstract 227, C.M. Gahagan Survey No. 258, Abstract 142 and State Survey, Abstract Tate2 of Guadalupe County and a 522.18 acre tract of land conveyed to ILF N-T Owner, LP of Record in Document Number 201406044206, official public records of Comal County, Texas.

**WHEREAS**, the Property is the subject of the applications for Subdivision Plat establishing Homestead Unit 3B, Homestead Unit 5 and Homestead Unit 7A; and

**WHEREAS**, during the development planning stage for the Property, the Developer submitted to the City a request that the City participate in the completion of the Improvements, which will benefit portions of the City beyond the Homestead Unit 3B, Homestead Unit 5 and Homestead Unit 7A Subdivisions; and

**WHEREAS**, Developer has requested that it be allowed to construct all Improvements to serve the Property and share the costs with the City; and

**WHEREAS**, Developer has constructed certain Improvements and commenced construction of the remainder of the Improvement; and

**WHEREAS**, the City and Developer find it to be to their mutual advantage to enter into this Agreement for the construction of appropriate and necessary public facilities; and

**WHEREAS**, Section 212.071, et. seq. of the Texas Local Government Code authorizes municipalities to enter into a contract with a developer of a subdivision or land in the municipality to construct public improvements related to the development without

complying with the competitive sealed bidding procedures of Chapter 252 of the Texas Local Government Code; and,

**WHEREAS**, Section 212.071, et. seq. of the Texas Local Government Code limits the participation by the municipality at a level not to exceed 30 percent of the total contract price.

**NOW THEREFORE**, for and in consideration of the premises and mutual obligations, covenants, and benefits hereinafter set forth, the Parties agree as follows:

#### **ARTICLE I – Definitions.**

The following terms and phrases used in this Agreement shall have the meanings ascribed hereto:

- 1.1. “Agreement” means this agreement, including any amendments hereto, between the City and Developer.
- 1.2. “Contractor” shall mean each person, firm, corporation, partnership, association, or other entity awarded a contract by Developer for the construction and installation of the Improvements (or portion thereof).
- 1.3. “Improvements” shall mean the improvements described on Exhibit “A”
- 1.4. “City’s Participation Costs” shall mean costs associated with the construction of the Improvements, as designated on Exhibit “C” as City of Schertz responsibility.

#### **ARTICLE II – Construction of Improvements.**

- 2.1. Acquisition of Easements. Developer has acquired and dedicated all necessary utility easements as illustrated in Exhibit “B” attached hereto at the Developer’s sole expense the City has approved and accepted the same and there shall be no participation by the City in any related easement acquisition costs. Easements were dedicated via approved recorded subdivision plat or through separate instrument approved by the City.
- 2.2. Construction of Improvements. Developer agrees to construct the Improvements in accordance with the plans and specifications for units 3B, 5 and 7A as approved by the City Engineer on 12/05/2018, 1/25/2022 and 4/01/2020, respectively, as illustrated in Exhibit “A” attached hereto. No change in the shall be made by Developer without the prior written consent of the City Engineer, which consent shall be unreasonably conditioned, withheld or delayed. The entire cost of the construction of the Improvements shall be the responsibility and obligation of Developer, except as herein provided.
- 2.3. Contracts for Construction. Developer shall utilize the competitive sealed bidding procedure as defined in Local Government Code Sec.252 Subchapter C to select a qualified Contractor to construct the Improvements in accordance with the approved plans and specifications if required per Local Government Code Sec. 212 Subchapter C. The contract may be awarded via one or more contracts to either to the lowest responsible bidder(s) or to the bidder(s) who provides goods and services at the best value for the municipality. The City Engineer shall review all bid documents, contract documents, and costs estimates. Developer shall be solely responsible for



payment of the work as it is completed, and shall make all payments in a timely manner to the Contractor, and any other parties under contract with the Developer in connection with the construction of the Improvements.

2.4. Performance, Payment and Warranty Bonds. Developer's Contractor shall post within the City faithful performance, payment, and warranty bonds for construction of the Improvements to ensure completion of the project. The bond must be executed by a corporate surety in accordance with Chapter 2253, Texas Government Code. The Developer shall covenant to warrant the public improvements for a period of two (2) years following acceptance by the City of all Improvements. A warranty bond shall be provided in the amount of 20% of the costs of the Improvements for such period.

2.5. Inspection. The City Engineer or designee shall periodically inspect the construction of the Improvements in the same manner, and shall possess the same authority, as is provided during the construction of subdivision improvements pursuant to the City of Schertz Subdivision Ordinance, as amended.

2.6. Insurance. The Contractor awarded the contract to construct the Improvements shall be required to carry Worker's Compensation Insurance on his employees and public liability and property damage insurance on his equipment and employees. The public liability insurance shall be not less than five hundred thousand dollars (\$500,000.00) per person and one million dollars (\$1,000,000.00) per occurrence, with property damage insurance of not less than five hundred thousand dollars (\$500,000.00). In addition, City shall be furnished with Certificates of Insurance and shall be named an additional named insured on such Certificates, and City shall be notified within thirty calendar days of any cancellation of such insurance.

2.7. Accounting. Developer shall submit to City a complete accounting of all costs incurred by Developer in the construction of the Improvements. City will not contribute or pay for any costs incurred by Developer which were not approved by City prior to it being incurred. Developer shall maintain the accounting of the Improvements for a period of two years from the date of acceptance by the City, and the City may inspect the Developer's books and records related to the Improvements at any time with reasonable notice.

**2.8. Indemnity. Developer agrees to protect, indemnify and save City harmless from and against all claims, demands and causes of action of every kind and character arising in favor of any third party on account of, or resulting from, the performance of this Agreement by Developer or Developer's agents, representatives, employees, contractors, or subcontractors.**

### **ARTICLE III – Obligations and Payments.**

3.1. Developer Obligations. The City agrees that the Developer has dedicated to the City all necessary easements as illustrated on Exhibit "B" either by the final plat of Homestead Unit 3B, Homestead Unit 5 and Homestead Unit 7A or by separate instrument.

3.2. City Obligations. The City agrees to pay to Developer City's Participation

Costs which shall equate to the actual costs for the City's responsibility at as illustrated on Exhibit "C". Notwithstanding any provision of this Agreement to contrary, City's Obligation shall only be for the reimbursement of costs incurred by Developer and shall not in any event exceed SEVEN-HUNDRED SEVENTY-SEVEN THOUSAND ONE-HUNDRED DOLLARS AND FIFTY-FIVE CENTS (\$777,100.55) (hereinafter the "City's Share").

3.3. Payment Procedures. City shall deliver to Developer full payment of the City's Share as provided in this this section.

3.2.1 Submittal and review. Developer shall submit and the City Engineer shall review documentation, as may be reasonably required by City Engineer, showing final, actual construction costs paid by the Developer.

3.2.2 Upon the City Engineer's review and approval of the documents, a final inspection on the Improvements shall be conducted, noting any required corrections or repairs. Once corrections or repairs are made and deemed acceptable, the City will accept the Improvements.

3.2.3 Developer shall submit and the City Engineer shall review documentation dedicating all required utility easements listed in Exhibit "B" to the extend not recorded. If not recoded as of the date hereof, utility easements shall be considered dedicated upon appropriate approval, execution, and recordation of any documents establishing the easements with the Guadalupe County Clerk's office. Developer shall be responsible for any associated recording fees.

3.2.4 Within 30 days of both the acceptance of the Improvements and the dedication of all necessary utility easements, the City will pay to Developer the City's Participation Costs (Exhibit "C"). The \$321,544.76 to be paid by the City for the oversize of the offsite sewer force main includes the ONE HUNDRED TWENTY-FIVE THOUSAND SIX HUNDRED FIFTY-FIVE DOLLARS AND 30 CENTS (\$125,655.30) that the City is already obligated to contribute per the existing Subdivision Improvement Agreement that is attached as Exhibit "D".

#### **Article IV – Assignment, Modification and Waiver.**

4.1. Assignment. This Agreement shall bind and benefit the respective Parties and their legal successors and shall not be assignable, in whole or in party, by any party without first obtaining written consent of the other party.

4.2. Amendment or Modification. Except as otherwise provided in this Agreement, this Agreement shall be subject to change, amendment or modification only in writing, and by the signatures and mutual consent of the Parties.

4.3. Parties in Interest. This Agreement shall be for the sole and exclusive benefit of the Parties hereto and shall not be construed to confer any rights upon any third party.

4.4. Remedies Not Exclusive. The rights and remedies contained in this Agreement

shall not be exclusive, but shall be cumulative of all rights and remedies now or hereinafter existing, by law or in equity.

4.5. Waiver. The failure of any party to insist in any one or more instances on the performance of any of the terms, covenants or conditions of this Agreement, or to exercise any of its rights, shall not be construed as a waiver or relinquishment of such term, covenant, or condition, or right with respect to further performance.

4.6. Entire Agreement. This Agreement constitutes the entire agreement between the Parties related to the subject matter of this Agreement and supersedes any and all prior agreements, whether oral or written, dealing with the subject matter of this Agreement.

4.7. Venue. This Agreement shall be performable and enforceable in Guadalupe County, Texas, and shall be construed in accordance with the laws of the State of Texas.

4.8. Severability. If any term or provision of this Agreement is held to be invalid, void or unenforceable by a court of competent jurisdiction, the remainder of the terms and provisions of this Agreement shall remain in full force and effect and shall not in any way be invalidated, impaired or affected.

4.9. Notices. Any notice provided or permitted to be given under this Agreement must be in writing and may be served by (i) depositing the same in the United States mail, addressed to the party to be notified, postage prepaid, registered or certified mail, return receipt requested; or (ii) by delivering the same in person to such party; or (iii) by overnight or messenger delivery service that retains regular records of delivery and receipt; or (iv) by facsimile; provided a copy of such notice is sent within one (1) day thereafter by another method provided above. The initial addresses of the parties for the purpose of notice under this Agreement shall be as follows:

If to City: CITY OF SCHERTZ  
1400 Schertz Parkway  
Schertz, TX 78154  
Attention: City Manager

With copy to: Denton Navarro Rocha Bernal & Zech, P.C.  
2417 N. Main Avenue  
San Antonio, TX 78212  
Attention: T. Daniel Santee

If to Developer: ILF N-T Owner, LP  
500 Boylston Street  
Boston, MA 02116  
Attention: Matt Matthews

4.10. No Joint Venture. Nothing contained in this Agreement is intended by the Parties to create a partnership or joint venture between the Parties and any implication to the contrary is hereby expressly disavowed. It is understood and agreed that this Agreement does not create a joint enterprise, nor does it appoint either Party as an agent of the other for any purpose whatsoever. Except, as

otherwise specifically provided herein, neither Party shall in any way assume any of the liability of the other for acts of the other or obligations of the other.

4.11. Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be considered an original, but all of which constitute one instrument.

*[ Signatures and acknowledgments on the following pages]*

**Signature Page to**  
**Agreement with Developer for Construction of Public Improvement**

ILF N-T Owner, LP,  
a Delaware limited partnership

By: ILF N-T GP, LLC,  
a Delaware limited liability company,  
its General Partner

By: ILF N-T Holdings, LLC,  
a Delaware limited liability company,  
its Sole Member

By: FCA Nor-Tex, LLC  
a Delaware limited liability company,  
its Administrative Member

By: \_\_\_\_\_

Name:

Title: Authorized Signatory

**Signature Page to**  
**Agreement with Developer for Construction of Public Improvement**

This Community Facilities Agreement has been executed by the parties as of the dates of the Acknowledgments to be effective as of the Effective Date.

City:

**CITY OF SCHERTZ,**  
a Texas municipal corporation

By: \_\_\_\_\_  
Name: Steve Williams, its City Manager

THE STATE OF TEXAS           §  
   §  
COUNTY OF GUADALUPE   §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2023 by Steve Williams, City Manager of the City of Schertz, Texas, a Texas municipal corporation, on behalf of said City.

(SEAL)

\_\_\_\_\_  
Notary Public in and for  
The State of Texas

My Commission Expires:\_\_\_\_\_

**EXHIBIT A**  
**Improvements**

**EXHIBIT B**  
**NECESSARY EASEMENTS**

**Ex. A1. Michael Scott Turner – 0.239 Acre**

**Ex. A2. Michael Scott Turner - 0.005 Acre**

**Ex. A3. Schertz Commercial Park, L.P. – 0.572 Acre**

**Ex. A4. Schertz Commercial Park, L.P. –0.062, 0.120 & 0,024 Acre**

**Ex. A5. Schertz Commercial Park, L.P. – 0.10 Acre**

**Ex. A6. Nolley Caribbean - 0.517 Acre**

**Ex. A7. Nolley Caribbean – 0.013 Acre**

**Ex. A8. Nolley Caribbean - 0.111 Acre**



**EXHIBIT C**  
**CITY'S PARTICIPATION COSTS**

Exhibit C

**City's Participation Costs for Water Line Upsizing**

1. \$19,560.00 - Upsizing of the water line in Unit 7A from 8" to 12" in Homestead Parkway
  2. \$101,970.00 - Upsizing of the water line in Unit 7A from 8" to 12" in Schwab Road and Archer Pass
  3. \$41,800.79 - Upsizing of the water line in Unit 3B from 8" to 12" in Winkler Trail
  4. \$292,225.00 - Providing a 12" water line in Unit 5 within the GVSUD CCN connecting Fred Couples way to Homestead Parkway
- \$455,555.79 Sub Total**

City's Participation Costs for Phase 2 Offsite Sewer Forcemain Improvements  
(per agreement City's participation share is 21% to be capped at \$348,966.64).

1. \$223,975.65 – 21% of \$1,066,550.70 for construction
  2. \$39,970.94 – 21% of \$190,337.81 for engineering
  3. \$57,598.17 – 21% of appraised value of easements
- \$321,544.76 Sub Total**

**\$777,100.55 Total City's Participation Costs**

**EXHIBIT D**  
**EXISTING SUBDIVISION IMPROVEMENT AGREEMENT**

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** March 7, 2023

**Department:** Planning & Community Development

**Subject:** Ordinance 23-S-01 - Consideration and/or action on a request to rezone approximately 12.5 acres of land from Planned Development District (PDD) to Planned Development District (PDD), generally located approximately 1,500 feet southwest of the intersection between Schertz Parkway and Maske Road, City of Schertz, Guadalupe County, Texas, also known as the Windy Meadows Subdivision Unit 4. *(Final Reading)* (B. James/ L. Wood/E. Delgado)

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**BACKGROUND**

At the February 28, 2023, City Council meeting the City Council voted to approve the proposed zone change as presented by a unanimous vote.

The applicant is proposing to rezone approximately 12.5 acres of land from Planned Development District (PDD) to Planned Development District (PDD). The subject property is platted as the Windy Meadows Subdivision Unit 4 and has recently gone through the replat process and is awaiting recordation. The property is currently developed with existing manufactured homes.

The subject property was zoned Planned Development District in April of 2020. The current proposed zoning is to alter the existing PDD Design Standards due to site constraints based on changes in the field. Specifically, the modifications to the Design Standards are in relation to the setback from home to the perimeter property fencing.

**Public Notice:**

Twenty (20) public hearing notices were mailed to surrounding property owners on January 13, 2023, at the time of this report, staff has received zero (0) responses to the public hearing notices.

Additionally, on January 13, 2023 a Public Hearing notice sign was placed on the property.

A public hearing notice was published in the "San Antonio Express" on February 8, 2023 prior to the City Council public hearing.

**Proposed Zoning:**

Since 2020 when the original zone change ordinance was approved, the subject property has gone through the replat process including installation of public infrastructure, and required screening and landscaping.

Ordinance 20-S-01 stipulated that a screening fence was to be installed along Maske Road and that homes would be installed a minimum of ten feet (10') from perimeter property fencing. However, during the installation of the screening fence along Maske Road it was determined that if the fence was installed in the location previously determined during the PDD associated with Ord. 20-S-01 that it would create a safety issue for traffic along Maske Road. To try and prevent any traffic or safety concerns the fence was constructed ten feet (10') into the subject property away from Maske Road.

Due to the fence location being altered, there are site constraints in relation to placement of homes and

the minimum setback requirement of ten feet (10') from the fence established with the existing PDD Design Standards.

The proposed zone change from Planned Development District (PDD) to Planned Development District (PDD) is to propose a modification to the PDD Design Standards to address this issue. The proposed PDD Design Standards state "Each dwelling unit shall have a minimum setback of seven and a half feet (7.5') from perimeter property fencing." The proposed reduction of setback from ten feet (10') to seven and a half feet (7.5') would allow for a full size manufactured home, which is typically seventy-six feet (76'), to be placed along the Maske Road home pads and still meet the designated front setback.

The current Ordinance 20-S-01 stipulates any significant future changes from the established Dimensional Requirements for the approved PDD will cause the plan to be resubmitted for approval by the Planning & Zoning Commission and the City Council. Due to the proposed request being to modify the setback which falls under the established dimensional requirements, in order to request this PDD Design Standard modification the applicant was required to submit for a zone change application.

The PDD Design Standards proposes modifications to the following two sections:

- Section C of Minimum Site Requirements; which was modified to state "Each dwelling unit shall have a minimum setback of seven and a half feet (7.5') from perimeter property fencing".
- Section F (2) Street Screening (Maske Road); which was modified to indicate the screening fence along Mask Road is ten feet (10') offset from the right-of-way.

There are no proposed changes to the density / number of homes, front or side setbacks, or street buffer along the future Live Oak.

#### **GOAL**

The project goal is to rezone approximately 12.5 acres of land, generally located approximately 1,500 feet southwest of the intersection between Schertz Parkway and Maske Road, also known as the Windy Meadows Subdivision Unit 4, from Planned Development District (PDD) to Planned Development District (PDD) in order to modify the setback requirements adjacent to Maske Road.

#### **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 Plan, through the Future Land Use Plan, identifies the subject property as both Manufactured Housing and Single Family Residential. The proposed zone change to Planned Development District (PDD) with a base zoning of Manufactured Home Park (MHP) is compatible with the future land use designation and is therefore in conformance with the goals of the Comprehensive Plan. The proposed zone change should have minimal impact on existing infrastructure, public facilities and services and the existing and potential adjacent land uses as the proposed stays consistent as to what was previously approved and developed on the site. The proposed zone change to modify the setback along the perimeter property fence adjacent to Maske Road should have no adverse impact on the existing and potential adjacent land uses.

The proposed zone change will allow for a modification to the PDD Design Standards which will allow full size manufactured homes to be placed along Maske Road while still complying with the front and proposed rear setbacks. The change in the location of the screening fence along Maske Road was completed in an effort to decrease safety concerns, which ultimately caused site constraints for the home pads along Maske Road. The proposed PDD Design Standards modification would address those

constraints and would allow the installation of manufactured homes as previously approved.

## **RECOMMENDATION**

### **Staff Recommendation:**

The proposed PDD Design Standards and associated zone change have been reviewed by the Planning, Engineering, Public Works and Fire Department with no objections. Staff recommends approval of the zone change as submitted.

### **Planning and Zoning Commission Recommendation:**

The Schertz Planning and Zoning Commission met on January 25, 2023, and voted to recommend that City Council approve the proposed zone change by a unanimous vote.

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## **Attachments**

Ordinance No. 23-S-01

Exhibit A- Metes and Bounds

Exhibit B- Zoning Exhibit

Exhibit C- PDD Design Standards

Letter of Intent From Property Owner

Aerial Exhibit

Public Hearing Notice Map

City Council Presentation Slides

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## **ORDINANCE NO. 23-S-01**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 12.5 ACRES OF LAND TO PLANNED DEVELOPMENT DISTRICT (PDD), GENERALLY LOCATED APPROXIMATELY 1,500 FEET SOUTHWEST OF THE INTERSECTION BETWEEN SCHERTZ PARKWAY AND MASKE ROAD, CITY OF SCHERTZ, GUADALUPE COUNTY, TEXAS, ALSO KNOWN AS THE WINDY MEADOWS SUBDIVISION UNIT4**

**WHEREAS**, an application to rezone approximately 12.5 acres of land generally located approximately 1,500 feet southwest of the intersection between Schertz Parkway and Maske Road, 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 January 25, 2023, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation to City Council to approve the requested rezoning according to the development standards set forth in Exhibit C attached herein (the “Development Standards”); and

**WHEREAS**, on February 28, 2023, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the requested zoning be approved as provided for herein.

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

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

PASSED ON FIRST READING, the 28<sup>th</sup> day of February 2023.

PASSED, APPROVED and ADOPTED ON SECOND READING, the 7<sup>th</sup> day of March, 2023.

CITY OF SCHERTZ, TEXAS

---

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

(city seal)

Donnie Boerner Surveying Company L.P.

228 Holiday Road ♦ Comfort, Texas 78013

Phone: 830-377-2492

FIRM NO. 10193963

Field Notes for a 12.489 Acre Tract of Land

**Being** a 12.489 acre tract out of the T. Herrera Survey No. 68, Abstract No. 153, City of Schertz, Guadalupe County, Texas and being all of WINDY MEADOW UNIT 4 according to plat thereof recorded in Volume 5, Page 320B, Guadalupe County Plat Records, said 12.489 acre tract being more particularly described by metes and bounds as follows:

**Beginning** at a ½” steel rod found for the east corner of the herein described tract, the east corner of the above referenced WINDY MEADOW UNIT 4;

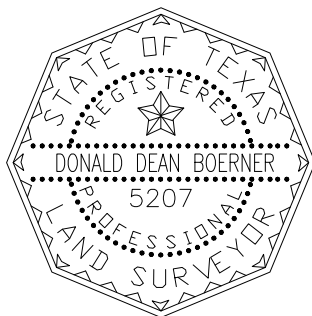
**Thence**, with the southeast line of WINDY MEADOW UNIT 4, South 60 degrees 00 minutes 00 seconds West, a distance of 464.98 feet to a point being the south corner of WINDY MEADOW UNIT 4;

**Thence**, with the southwest line of WINDY MEADOW UNIT 4, North 76 degrees 54 minutes 16 seconds West, a distance of 970.40 feet to a point being the west corner of WINDY MEADOW UNIT 4 and being in the southeast line of Maske Road as shown on plat recorded in Volume 5, Page 320B, Guadalupe County Plat Records;

**Thence**, with the northwest line of WINDY MEADOW UNIT 4, the southeast line of Maske Road, North 59 degrees 55 minutes 40 seconds East, a distance of 1173.55 feet to a point being the north corner of WINDY MEADOW UNIT 4;

**Thence**, departing the southeast line of Maske Road, with the northeast line of WINDY MEADOW UNIT 4, South 30 degrees 00 minutes 09 seconds East, a distance of 664.47 feet to the **Place of Beginning** and containing 12.489 acres of land.

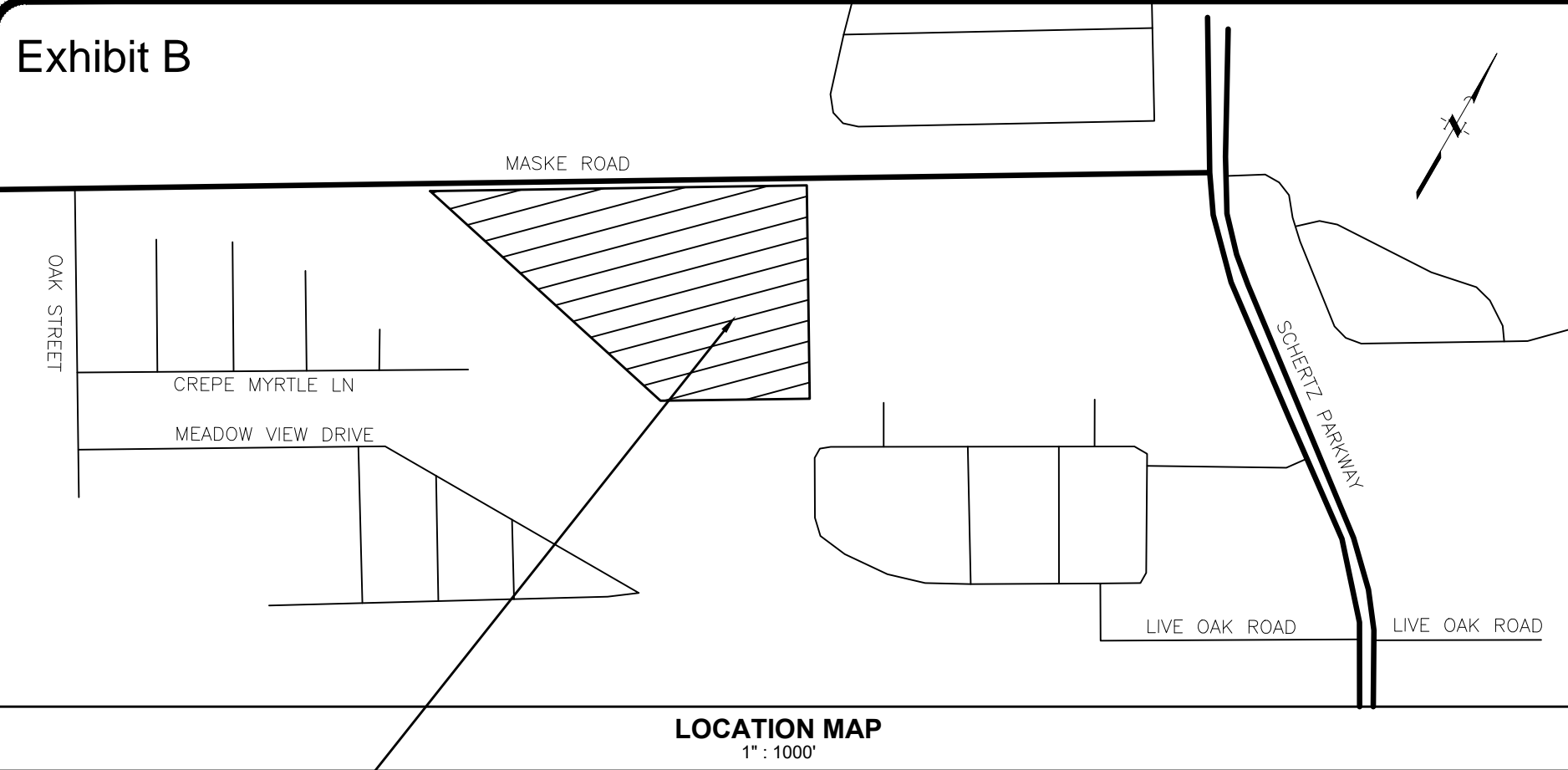
Note: This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



Donald Dean Boerner  
Registered Professional Land Surveyor No. 5207



Exhibit B



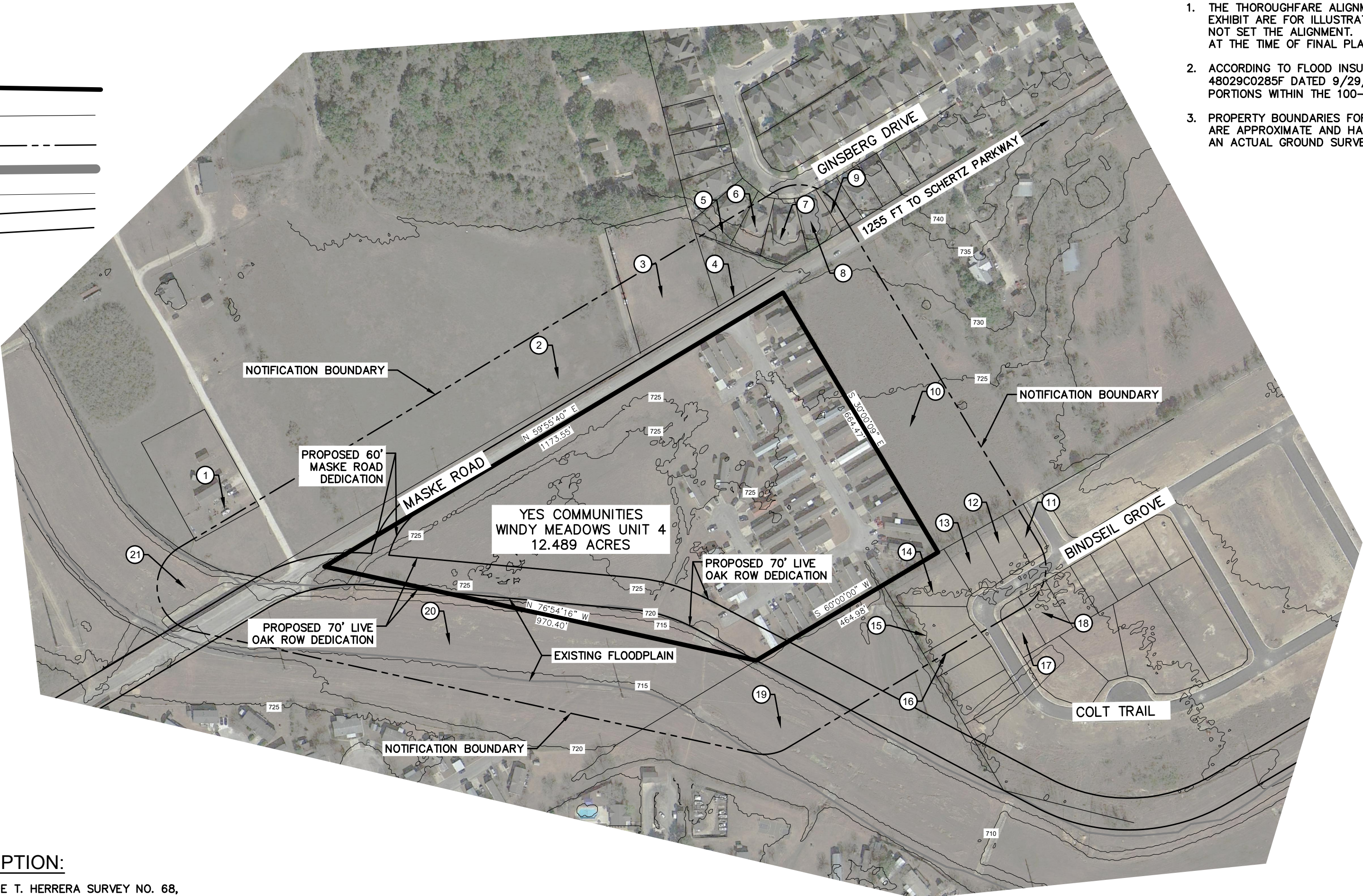
PROJECT LOCATION  
MASKE ROAD  
1255 FEET SOUTH WEST OF  
INTERSECTION OF MASKE ROAD  
AND SCHERTZ PARKWAY

PROPERTIES WITHIN 200 FEET NOTIFICATION AREA							
PROPERTY	OWNERS NAME	PROPERTY ID#	ADDRESS	ADDRESS TYPE	ZONING	SUBDIVISION NAME	RECORDING INFORMATION
1	ARMANDO AND KATRINA MIDDLETON MARTINEZ	115100	2415 BETTY JOE LN SCHERTZ TX 78154	SINGLE FAMILY	R-2	NULL	DEED V 1975 PG 148, DEED # 04488
2	BETTY JOE BOGGESE ESTATE	64578	2550 BETTY JOE SCHERTZ TX 78154	RURAL	R-2	NULL	OT V 1080 PG 400, DEED # 0
3	JON PENFIELD CHALKER	64593	MASKE RD SCHERTZ TX 78154	RURAL	R-2	NULL	OD V 2019 PG 99021700, DEED # 2019-99021700
4	JONAS WOODS HOMEOWNERS ASSOCIATION	111376	SCHERTZ TX 78154	SINGLE FAMILY	GH	JONAS WOODS UNIT 4	OT V 1527 PG 172, DEED # 0
5	NICHOLAS M & KARA M BRUMGARD	111378	2305 HAWTHORNE SCHERTZ TX 78154	SINGLE FAMILY	GH	JONAS WOODS UNIT 4	DEED V 2016 PG 10654, DEED # 2016010654
6	BRIAN K MOORE SR & MEGELA E CAMPBELL REVOCABLE TRUST	111377	2301 HAWTHORNE PASS SCHERTZ TX 78154	SINGLE FAMILY	GH	JONAS WOODS UNIT 4	DEED V 3099 PG 902, DEED # 12-004183
7	KYLE DAVID & LORI ANN PEVOTO	111375	500 GINSBERG DRIVE SCHERTZ TX 78154	SINGLE FAMILY	GH	JONAS WOODS UNIT 4	DEED V 2016 PG 18460, DEED # 2016-018460
8	JOHN HERINGER	111374	504 GINSBERG DRIVE SCHERTZ TX 78154	SINGLE FAMILY	GH	JONAS WOODS UNIT 4	DEED V 2017 PG 7723, DEED # 2017007723
9	DARRELL K JOHNSON	111373	508 GINSBERG DRIVE SCHERTZ TX 78154	SINGLE FAMILY	GH	JONAS WOODS UNIT 4	DEED V 2007 PG 226, DEED # 9856
10	ROSEMARIE ACKERMANN	64549	MASKE RD SCHERTZ TX 78154	RURAL	R-2	NULL	DEED V 3008 PG 495, DEED # 11-010969
11	MHI PARTNERSHIP LTD	170258	515 BINDSEIL GROVE TX	SINGLE FAMILY	R-7	BINDSEIL FARMS	SWD V 2018 PG 99014719, DEED # 201899014719
12	MYRNA ESCOBAR MCCLAIN	170259	511 BINDSEIL GROVE TX	SINGLE FAMILY	R-7	BINDSEIL FARMS	DEED V 2022 PG 99021519, DEED # 202299021519
13	KAVARI C STEEN	170260	507 BINDSEIL GROVE TX	SINGLE FAMILY	R-7	BINDSEIL FARMS	DEED V 2020 PG 99008841, DEED # 2022-99008841
14	FRANCISCO J JR & ELIZABETH MENDOZA	170261	503 BINDSEIL GROVE TX	SINGLE FAMILY	R-7	BINDSEIL FARMS	DEED V 2020 PG 99008614, DEED # 202099008614
15	MICHAEL WILLIAM & BRITTANY ANNE HEPBURN	170262	616 COLT TRAIL TX	SINGLE FAMILY	R-7	BINDSEIL FARMS	DEED V 2019 PG 99030043, DEED # 201999030043
16	MICHELLE SIMONE & GERALD ROBERSON	170263	620 COLT TRAIL TX	SINGLE FAMILY	R-7	BINDSEIL FARMS	DEED V 2020 PG 99010160, DEED # 202099010160
17	OSCAR JR & CAROLINA A GARZA	170306	506 BINDSEIL GROVE TX	SINGLE FAMILY	R-7	BINDSEIL FARMS	DEED V 2020 PG 99013818, DEED # 202099013818
18	SHACOBI LACOLE & ANDREW CORNEL HUNT	170305	510 BINDSEIL GROVE TX	SINGLE FAMILY	R-7	BINDSEIL FARMS	DEED V 2022 PG 99000385, DEED # 202299000385
19	YES COMPANIES WFC LLC	47091	MEADOW VIEW DRIVE SCHERTZ TX	PLAYGROUND	MHP	WINDY MEADOW	SWD V 2016 PG 17980, DEED # 2016-017980
20	YES COMPANIES WFC LLC	47419	MASKE ROAD SCHERTZ TX	CLA13	MHP	WINDY MEADOW #3	SWD V 2016 PG 17980, DEED # 2016-017980
21	CITY OF SCHERTZ	113896	MASKE ROAD SCHERTZ TX	RURAL	R2	DRAINAGE ROW	SWD V 2113 PG 243, DEED # 0501927

LEGEND:

- SUBJECT TRACT BOUNDARY
- ADJOURNING PROPERTY BOUNDARIES
- 200 FOOT NOTIFICATION BOUNDARY
- EXISTING FLOODPLAIN
- 5 FT AERIAL CONTOURS
- PROPOSED LIVE OAK ROW DEDICATION

EXISTING ZONING MHP 12.489 AC  
PROPOSED ZONING PDD 12.489 AC



REZONING NOTES:

- THE THOROUGHFARE ALIGNMENTS SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DO NOT SET THE ALIGNMENT. ALIGNMENT IS DETERMINED AT THE TIME OF FINAL PLAT.
- ACCORDING TO FLOOD INSURANCE RATE MAP, PANEL 48029C0285F DATED 9/29/2010, THE SITE HAS PORTIONS WITHIN THE 100-YEAR FLOODPLAIN.
- PROPERTY BOUNDARIES FOR ADJACENT PROPERTIES ARE APPROXIMATE AND HAVE NOT BEEN VERIFIED BY AN ACTUAL GROUND SURVEY.

OWNER:

YES! COMMUNITIES  
ATTN: MIKE ASKINS  
1900 16TH STREET, SUITE 950  
DENVER COLORADO 80202  
720-440-5588

LEGAL DESCRIPTION:

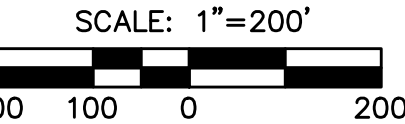
BEING A 12.489 ACRE TRACT OUT OF THE T. HERRERA SURVEY NO. 68, ABSTRACT NO. 153, CITY OF SCHERTZ, GUADALUPE COUNTY, TEXAS AND BEING ALL OF WINDY MEADOW UNIT 4 ACCORDING TO PLAT THEREOF RECORDED IN VOLUME 5, PAGE 320B, GUADALUPE COUNTY PLAT RECORDS.

CIVIL TECH, PLLC.  
ENGINEERS, CONSULTANTS, LAND PLANNERS  
Firm No. 13711 (210) 365-5029  
P.O. BOX 2203 BOERNE, TX. 78006

1/12/2023

YES COMMUNITIES  
MOBILE HOME PARK  
MASKE ROAD  
SCHERTZ TEXAS

ZONING SITE PLAN



PREPARED DATE: JAN 1ST 2019  
UPDATED: JAN 12TH 2023



**YES COMMUNITIES  
MANUFACTURED HOME PARK  
PLANNED DEVELOPMENT DISTRICT  
CITY OF SCHERTZ, GUADALUPE COUNTY TEXAS**

Revision #2

Prepared by



**CIVIL TECH, PLLC.**  
ENGINEERS, CONSULTANTS, LAND PLANNERS

**January 10, 2023  
Firm Number 13711**

For:

**YES COMMUNITIES, LLC.**

**Mike Askins  
5050 S. Syracuse Street, Suite 1200  
Denver Colorado 80237**

**Table of Contents:**

- General
- Purpose

**AFFECTED UDC ARTICLES**

1. Manufactured Homes and RV Parks (Article 6)
2. Amendments to the Planned Development District (PDD)

**APPENDIX**

Exhibit “A” – Zoning Exhibit

Exhibit “B” – Metes and Bounds

Exhibit “C” – Site Plan

- General

Yes Communities Manufactured Home Park is a proposed 12.825 acre single family residential type of development designed for the placement of homes that are transported to the site by means of attached axles or trailers. The site is located off of Maske Road approximately 1,500 feet west of Schertz Parkway within the City of Schertz, Guadalupe County, Texas. The property is partly developed with a manufactured home park, private streets, water, sewer, and electric lines serving the property consisting of approximately 12.85 acres. The owners wish to continue developing the remaining portion of the property; however, the city's master thoroughfare plan has the extension of Live Oak running through the subject tract as well as the site needing a second access point. This road dedication, floodplain and city's new changes to the development articles regarding manufactured homes will not allow for the continuation of the existing tract size, spacing or layout of the development as platted.

This development has been previously platted as one lot, Unit 4 Windy Meadows, and has an approved master plan. There is currently one lot as platted with multiple "Spaces" for manufactured homes. This development will not be creating or dividing out the ownership of the property, just provide lease spaces that will house the manufactured homes.

The Planned Development District (PDD) as described in the following documents will outline how the development can utilize the existing infrastructure while upholding a greater design standard for the manufactured home park.

- Purpose

Provide for adequate space and site diversification for residential purposes that accommodate the design criteria of manufactured homes as used for single family residences. This PDD will allow for adequate vehicular and pedestrian circulation, promote housing densities compatible with existing and future public support facilities, promote the best desirable land use for this property as well as promote stability of this development.

- Development Standards

This property will develop in accordance with the provisions of the City of Schertz unified Development Code (UDC) as amended. This property will develop in accordance with the base zoning district of Manufactured Home Parks District (MHP) with the following modifications.

## **AFFECTED UDC ARTICLES**

### **1. Manufactured Homes and RV Parks (Article 6)**

#### **C. Minimum Site Requirements:**

##### **(1) Setbacks:**

- (a) Each dwelling unit shall have a minimum setback of twenty feet (20') from all other dwelling units. Any structure attached to the home shall be considered a part of the home and must maintain the minimum separation distance.
- (b) Each dwelling unit shall have a minimum setback of fifteen feet (15') from access easements.
- (c) Each dwelling unit shall have a minimum setback of ten feet (10') from the public right-of-way.
- (d) Each dwelling unit shall have a minimum setback of seven and a half feet (7.5') from perimeter property fencing.

##### **(2) Storage Facilities:**

- (a) A maximum one hundred twenty (120) square foot accessory building may be provided for each dwelling unit to be utilized solely for storage of personal items belonging to the owner or tenant of the space. All accessory structures shall have a minimum setback of fifteen feet (15') from all other dwelling units.

#### **D. Access, Traffic Circulation and Parking:**

- (1) Private roads will be constructed from a standard pavement section consisting of compacted subgrade, base, and a surface treatment or engineered section. The pavement section will have a minimum pavement width of thirty (30) feet.
- (2) Common area parking will be provided at thirty-two (32) additional parking spaces located within the development separate from the parking pad located at each residence. The additional parking spaces will have a dimension of twenty (20) feet perpendicular to the curb and ten (10) feet parallel to the curb line. See the Site Plan for location.
- (3) Onsite parking will be provided with a private parking pad to serve each house. Parking pads will consist of concrete or asphalt pavement and have twenty (20) foot by twenty (20) foot dimensions.
- (4) Sidewalks
  - (a) Maske Road – Sidewalks along the frontage of Maske Road will not be constructed, as shown on the attached site plan and described in the City of Schertz's Public Works Design Criteria for rural road sections.
  - (b) Live Oak Road – Sidewalk along the frontage of the future Live Oak will not be constructed with this development and the right-of-way shall remain vacant. No public street or road sections to be constructed.

#### **E. Recreation Area:**

- (1) Individuals within this development shall have access to other YES Communities common areas within Units 1-3 of the Windy Meadows development. This is to include the amenity center, private park pavilion basketball court, swimming pool, and picnic and BBQ areas.

#### F. Screening and Buffering

##### (1) Street Buffer (Future Live Oak)

- (a) A five foot (5') street buffer for the future Live Oak alignment shall be placed along the proposed alignment of Live Oak as shown on the associated site plan. The buffer shall include a masonry fence that shall be no less than six feet (6') and no greater than eight feet (8') in height. The product known as "Fencecrete" will be an acceptable masonry material for this fence or approved equal. The fence shall terminate at the property boundaries or sooner if sight visibility becomes an issue at future or current intersections.
- (b) The landscaping within the street buffer shall consist of eight (8) planters spaced no less than eighty feet (80') and no more than one hundred feet (100') apart. Each planter shall include a total of twelve and a half caliper inches (12.5") of trees planted, with the minimum tree size being two and a half caliper inches (2.5") and the maximum number of trees being five (5). Each planter shall also include twenty (20) shrubs, with the minimum shrub size being five (5) gallons.

##### (2) Street Screening (Maske Road)

- (a) An upgraded screening fence shall be installed along Maske Road, ten feet (10') offset from the right-of-way. The fence shall consist of treated lumber including a top rail with concrete or masonry columns placed at maximum intervals of forty (40) feet or a fence of complete masonry similar to the Live Oak screening fence. The height of the fence shall be no less than six (6) feet and no greater than eight (8) feet. The fence shall terminate at the property boundaries or sooner if sight visibility becomes an issue at future or current intersections.

## 2. Amendments to the Planned Development District (PDD)

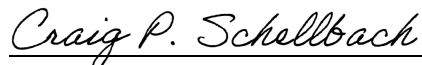
Any significant future changes from the established Dimensional Requirements for the approved PDD, or changes that alter the concept of the PDD and/or increase the density, will cause the plan to be re-submitted for approval by the Planning & Zoning Commission and the City Council, including a new public hearing with applicable fees. Minor changes which do not change the concept or intent of the development shall be approved or denied administratively.

**Yes Companies WFC, LLC.****Manufactured Home Park****Letter of Intent**

The subject tract consists of 12.489 acres being all of Windy Meadow Unit 4 Subdivision Plat, recorded in Volume 5, Page 320B Guadalupe County, Texas. The tract is located approximately 1300 feet south west of the intersection of Maske Road and Schertz Parkway.

The intent of this PDD Revision is to reduce the setback requirement from each individual home along Maske Road to the privacy fence along the boundary. The Original PDD accounted for a 10-foot minimum clearance between home and fence. However, due to site constraints and improvements found in the field, the fence as proposed would create a safety issue for traffic along Maske Road. Thus, the fence alignment was adjusted in the field and placed further into the developer's property away from Maske Road. The realignment created a conflict with the setback requirement of 10 feet from the fence and the back of the homes.

We are asking for 7.5-foot setback requirement in place of the 10-foot setback. This will allow for a full-size home (76 feet) to be placed along the Maske Road home pads and still fall between the setback requirements, both front and back.



Yes Companies WFC, LLC.

Owners Agent

Craig Schellbach, P.E.

Date: January 19, 2023



Guadalupe  
County

64585  
ANDERSON  
DEBRA K

64579  
BUSCH  
EBER G

BETTY JOE LN

64589  
BOGESS GEORGE  
& MARY EVELYN

BETTY JOE LN

115100  
MARTINEZ ARMANDO &  
KATRINA MIDDLETON

113896  
CITY OF  
SCHERTZ

(70' ROW) Planned  
Residential  
Collector (MASKE RD)

47419  
YES COMPANIES  
WFC LLC

ROSE SHARON DR

WINDY  
MEADOW CT

CREPE MYRTLE LN

OLEANDER DR

CHERRY BLOSSOM DR

64594  
CHALKER JON  
PENFIELD

111376  
JONAS WOODS  
HOMEOWNERS  
ASSOCIATION

MASKE RD

MARIGOLD LN

REDBUD WAY

47421  
YES COMPANIES  
WFC LLC

(70' ROW) Planned  
Residential  
Collector  
(EAST & WEST CONNECTOR)

LIVE OAK RD

47091  
YES COMPANIES  
WFC LLC

MEADOW  
VIEW DR

47089  
YES COMPANIES  
WFC LLC

64550  
ACKERMANN  
ROSEMARIE

64549  
ACKERMANN  
ROSEMARIE

170258

170259

170261

170262

170263

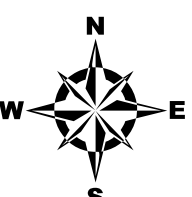
BINDSEIL  
GROVE

170305

170306

COLT TRAIL

170282  
BINDSEIL FARMS  
RESIDENTIAL  
COMMUNITY INC



**SCHERTZ**  
COMMUNITY • SERVICE • OPPORTUNITY

WINDY MEADOWS  
UNIT 4  
(PLPDD20220136)

- Highways
- Major Roads
- Minor Roads
- Other Cities
- Freeway
- Principal Arterial
- Planned Principal Arterial
- Secondary Arterial

- Planned Secondary Arterial
- Secondary Rural Arterial
- Planned Secondary Rural Arterial
- Residential Collector
- Planned Residential Collector

- Commercial Collector B
- Planned Commercial Collector B
- Commercial Collector A
- Planned Commercial Collector A

- Schertz Gravity
- Schertz Pressure
- Neighboring Gravity
- Private Gravity
- Private Pressure

- Hydrant
- Manholes
- 200' Buffer
- Schertz Municipal Boundary
- County Boundaries

1 Inch = 125 Feet  
0 62.5 125 250 375 500 Feet





Ord. No. 23-S-01

12.5 Acre Rezone Request from Planned  
Development District (PDD) to Planned  
Development District (PDD) for Windy Meadows  
Subdivision- Unit 4

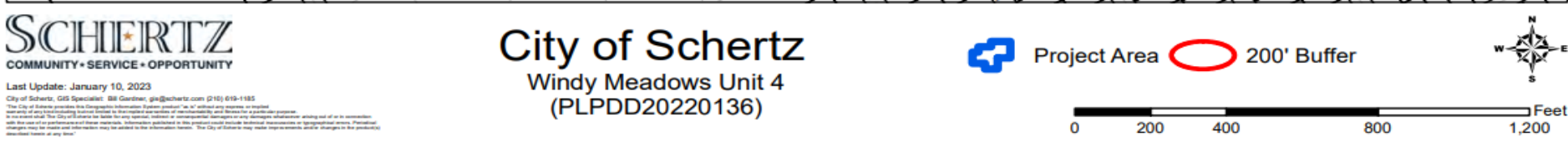
Emily Delgado  
Planning Manager  
March 7, 2023

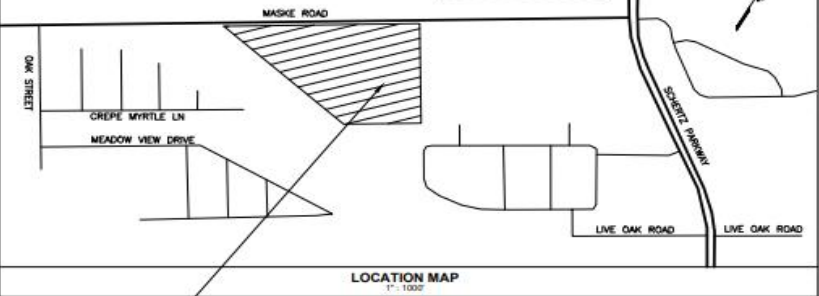






As of February 15th: No Responses Received.





PROJECT LOCATION  
MASKE ROAD  
1255 FEET SOUTH WEST  
INTERSECTION OF MASKE ROAD  
AND SCHERTZ PARKWAY

LEGEND:

- SUBJECT TRACT BOUNDARY
- ADJOINING PROPERTY BOUNDARIES
- 200 FOOT NOTIFICATION BOUNDARY
- EXISTING FLOODPLAIN
- 5 FT AERIAL CONTOURS
- PROPOSED LIVE OAK ROW DEDICATION

EXISTING ZONING MHP 12.489 AC  
PROPOSED ZONING PD0 12.489 AC

OWNER:

YES! COMMUNITIES  
ATTN: MIKE ASKINS  
1900 16TH STREET, SUITE 950  
DENVER COLORADO 80202  
720-440-5588

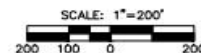
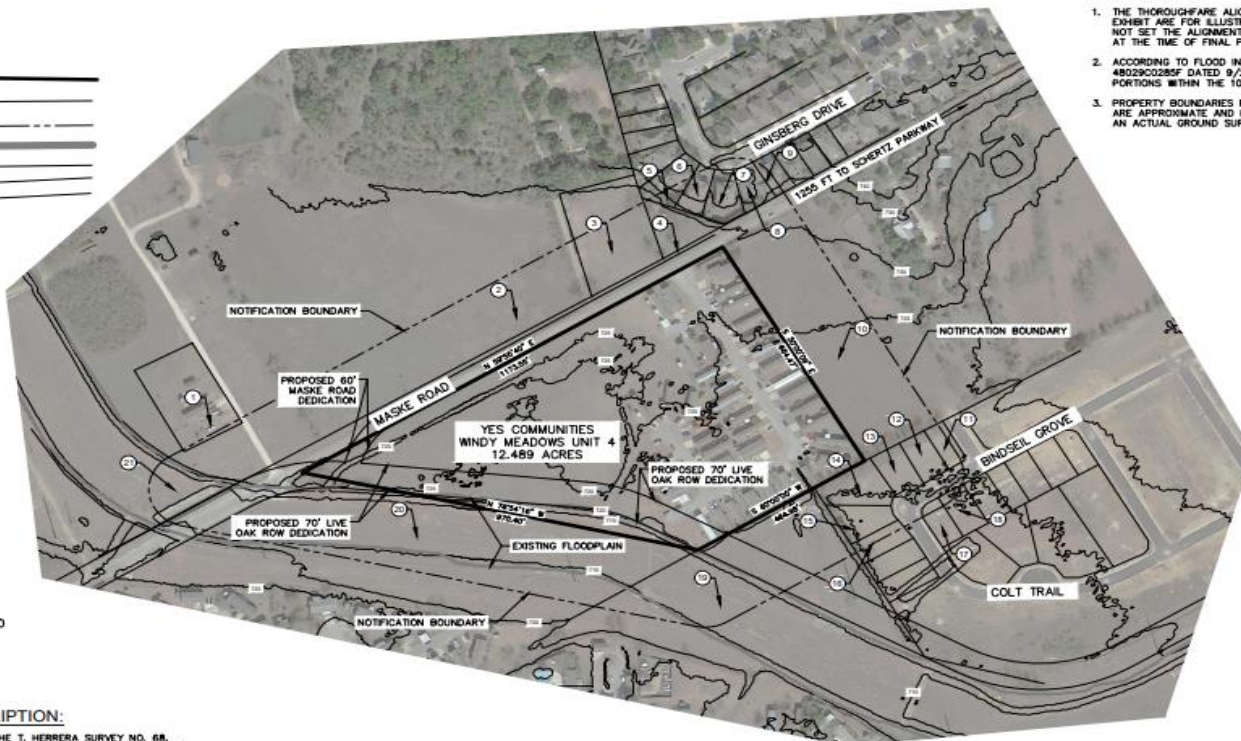
LEGAL DESCRIPTION:

BEING A 12.489 ACRE TRACT OUT OF THE T. HERRERA SURVEY NO. 68,  
ABSTRACT NO. 153, CITY OF SCHERTZ, GUADALUPE COUNTY, TEXAS AND BEING  
ALL OF WINDY MEADOW UNIT 4 ACCORDING TO PLAT THEREOF RECORDED IN  
VOLUME 5, PAGE 3208, GUADALUPE COUNTY PLAT RECORDS.

PROPERTY	OWNERS NAME	PROPERTY ID#	ADDRESS	ADDRESS TYPE	ZONING	SUBDIVISION NAME	RECORDING INFORMATION
1	ARMANDO AND KATRINA MIDDLETON MARTINEZ	111100	2415 BETTY JOE LN SCHERTZ TX 78154	SINGLE FAMILY	R-2	NULL	DEED V 0375 PG 148, DEED # 04488
2	BETTY JOE BOGGS ESTATE	64578	2550 BETTY JOE SCHERTZ TX 78154	RURAL	R-2	NULL	DT V 1080 PG 400, DEED # 0
3	JON PENFIELD CHALKER	64593	MASKE RD SCHERTZ TX 78154	RURAL	R-2	NULL	DT V 2015 PG 99021700, DEED # 2015-99021700
4	JONAS WOODS HOMEOWNERS ASSOCIATION	111376	SCHERTZ TX 78154	SINGLE FAMILY	GH	JONAS WOODS UNIT 4	DT V 1127 PG 172, DEED # 0
5	RICHARD M & BARA M BRUNGARD	111378	2302 HAWTHORNE SCHERTZ TX 78154	SINGLE FAMILY	GH	JONAS WOODS UNIT 4	DEED V 2016 PG 1854, DEED # 2016010054
6	BRIAN K MOORE DB & WEGELA CAMPBELL REVOCABLE TRUST	111377	2303 HAWTHORNE PASS SCHERTZ TX 78154	SINGLE FAMILY	GH	JONAS WOODS UNIT 4	DEED V 2009 PG 162, DEED # 12-004183
7	KYLE DAVID & LOBI ANN PEVOTO	111375	500 GINSBERG DRIVE SCHERTZ TX 78154	SINGLE FAMILY	GH	JONAS WOODS UNIT 4	DEED V 2016 PG 1846, DEED # 2016-023480
8	JOHN HERINGER	111374	504 GINSBERG DRIVE SCHERTZ TX 78154	SINGLE FAMILY	GH	JONAS WOODS UNIT 4	DEED V 2017 PG 1723, DEED # 2017070723
9	DARRELL & JONSON	111373	506 GINSBERG DRIVE SCHERTZ TX 78154	SINGLE FAMILY	GH	JONAS WOODS UNIT 4	DEED V 2007 PG 236, DEED # 0866
10	ROUSHARE ADEBAMAWI	64549	MASKE RD SCHERTZ TX 78154	RURAL	R-2	NULL	DEED V 2008 PG 416, DEED # 11-010989
11	MHF PARTNERSHIP LTD	170258	515 BINDSEIL GROVE TX	SINGLE FAMILY	B-7	BINDSEIL FARMS	SWD V 2018 PG 98014719, DEED # 201806014719
12	MYRNA ESCOBAR MCCLAIN	170259	511 BINDSEIL GROVE TX	SINGLE FAMILY	B-7	BINDSEIL FARMS	DEED V 2022 PG 9800841, DEED # 202209001119
13	KAVARI C STEEN	170260	507 BINDSEIL GROVE TX	SINGLE FAMILY	B-7	BINDSEIL FARMS	DEED V 2022 PG 9800841, DEED # 202209001119
14	FRANCISCO J JR & ELIZABETH MENDOZA	170261	503 BINDSEIL GROVE TX	SINGLE FAMILY	B-7	BINDSEIL FARMS	DEED V 2020 PG 9800841, DEED # 202009001119
15	MICHAEL WILLIAM & BRITTANY ANNE HEBURN	170262	616 COLT TRAIL TX	SINGLE FAMILY	B-7	BINDSEIL FARMS	DEED V 2020 PG 9801180, DEED # 202009001119
16	MICHELLE SHORE & GERALD ROBERSON	170263	620 COLT TRAIL TX	SINGLE FAMILY	B-7	BINDSEIL FARMS	DEED V 2020 PG 9801180, DEED # 202009001119
17	OSCAR JR & CAROLINA A GARZA	170266	506 BINDSEIL GROVE TX	SINGLE FAMILY	B-7	BINDSEIL FARMS	DEED V 2020 PG 9801180, DEED # 202009001119
18	SHACOB LACOLE & ANDREW CORNEL HUNT	170265	510 BINDSEIL GROVE TX	SINGLE FAMILY	B-7	BINDSEIL FARMS	DEED V 2022 PG 98000385, DEED # 202209000385
19	YES! COMMUNITIES WPC LLC	47081	MEADOW VIEW DRIVE SCHERTZ TX	PLAYGROUND	MHP	WINDY MEADOW	SWD V 2018 PG 17980, DEED # 2018-017980
20	YES! COMMUNITIES WPC LLC	47419	MASKE ROAD SCHERTZ TX	CLUBS	MHP	WINDY MEADOW K9	SWD V 2018 PG 17980, DEED # 2018-017980
21	CITY OF SCHERTZ	113896	MASKE ROAD SCHERTZ TX	RURAL	R2	DRAINAGE ROW	SWD V 2113 PG 241, DEED # 0501927

REZONING NOTES:

- THE THOROUGHFARE ALIGNMENTS SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DO NOT SET THE ALIGNMENT. ALIGNMENT IS DETERMINED AT THE TIME OF FINAL PLAT.
- ACCORDING TO FLOOD INSURANCE RATE MAP, PANEL 48029C0285F DATED 9/29/2010, THE SITE HAS PORTIONS WITHIN THE 100-YEAR FLOODPLAIN.
- PROPERTY BOUNDARIES FOR ADJACENT PROPERTIES ARE APPROXIMATE AND HAVE NOT BEEN VERIFIED BY AN ACTUAL GROUND SURVEY.



PREPARED DATE: JAN 15T 2019  
UPDATED: JAN 12T 2023

CIVIL TECH, PLLC.  
ENGINEERS, CONSULTANTS, LAND PLANNERS



Firm No. 13711 (210) 365-5029  
P.O. BOX 2203 BOERNE TX. 78006



YES COMMUNITIES  
MOBILE HOME PARK  
MASKE ROAD  
SCHERTZ TEXAS

ZONING SITE PLAN

# Background

- April 7, 2020, City Council approved Ord. 20-S-01 which rezoned the property from Manufactured Home Park District (MHP) to Planned Development District (PDD). Since the approval of the PDD the subject property has gone through the replat process including installation of public infrastructure and required screening and landscaping per the PDD.
- Ord. 20-S-01 stipulated that a screening fence was to be constructed along Maske Road and that homes would have a minimum setback of ten feet (10') from this perimeter fencing.

# Background

- However, during the platting and construction process it was determined that the location of this perimeter fence would need to be shifted ten feet (10') into the subject property away from Maske Road.
- The new location of the fence would provide increased safety for drivers along Maske Road and allow for drainage.
- However, the new location also created site constraints for installation of new manufactured homes that would comply with the 10' setback requirement.



## Yes Companies WFC, LLC.

### Manufactured Home Park

#### Letter of Intent

The subject tract consists of 12.489 acres being all of Windy Meadow Unit 4 Subdivision Plat, recorded in Volume 5, Page 320B Guadalupe County, Texas. The tract is located approximately 1300 feet south west of the intersection of Maske Road and Schertz Parkway.

The intent of this PDD Revision is to reduce the setback requirement from each individual home along Maske Road to the privacy fence along the boundary. The Original PDD accounted for a 10-foot minimum clearance between home and fence. However, due to site constraints and improvements found in the field, the fence as proposed would create a safety issue for traffic along Maske Road. Thus, the fence alignment was adjusted in the field and placed further into the developer's property away from Maske Road. The realignment created a conflict with the setback requirement of 10 feet from the fence and the back of the homes.

We are asking for 7.5-foot setback requirement in place of the 10-foot setback. This will allow for a full-size home (76 feet) to be placed along the Maske Road home pads and still fall between the setback requirements, both front and back.

*Craig P. Schellbach*

Yes Companies WFC, LLC.

Owners Agent

Craig Schellbach, P.E.

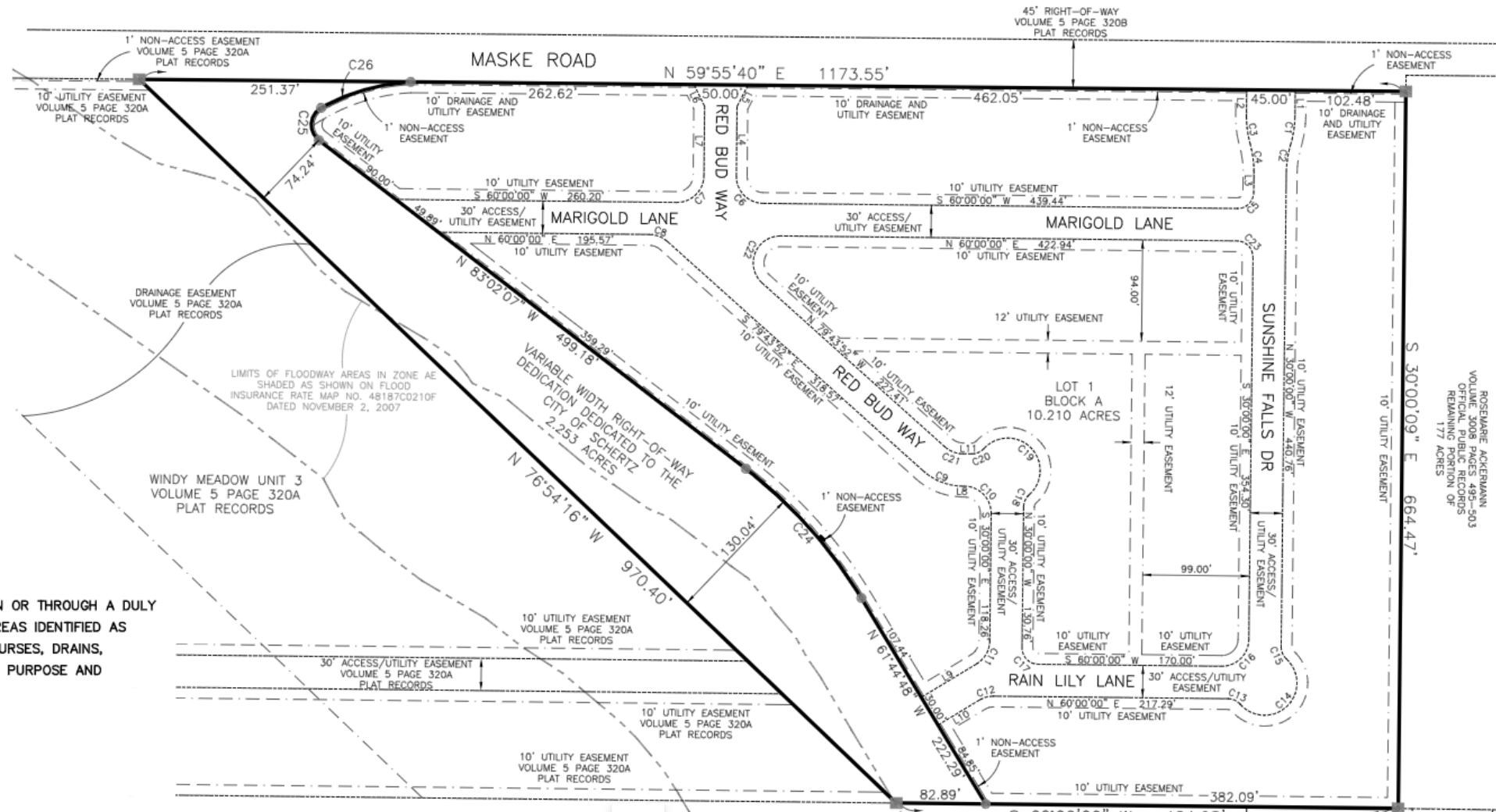
Date: January 19, 2023



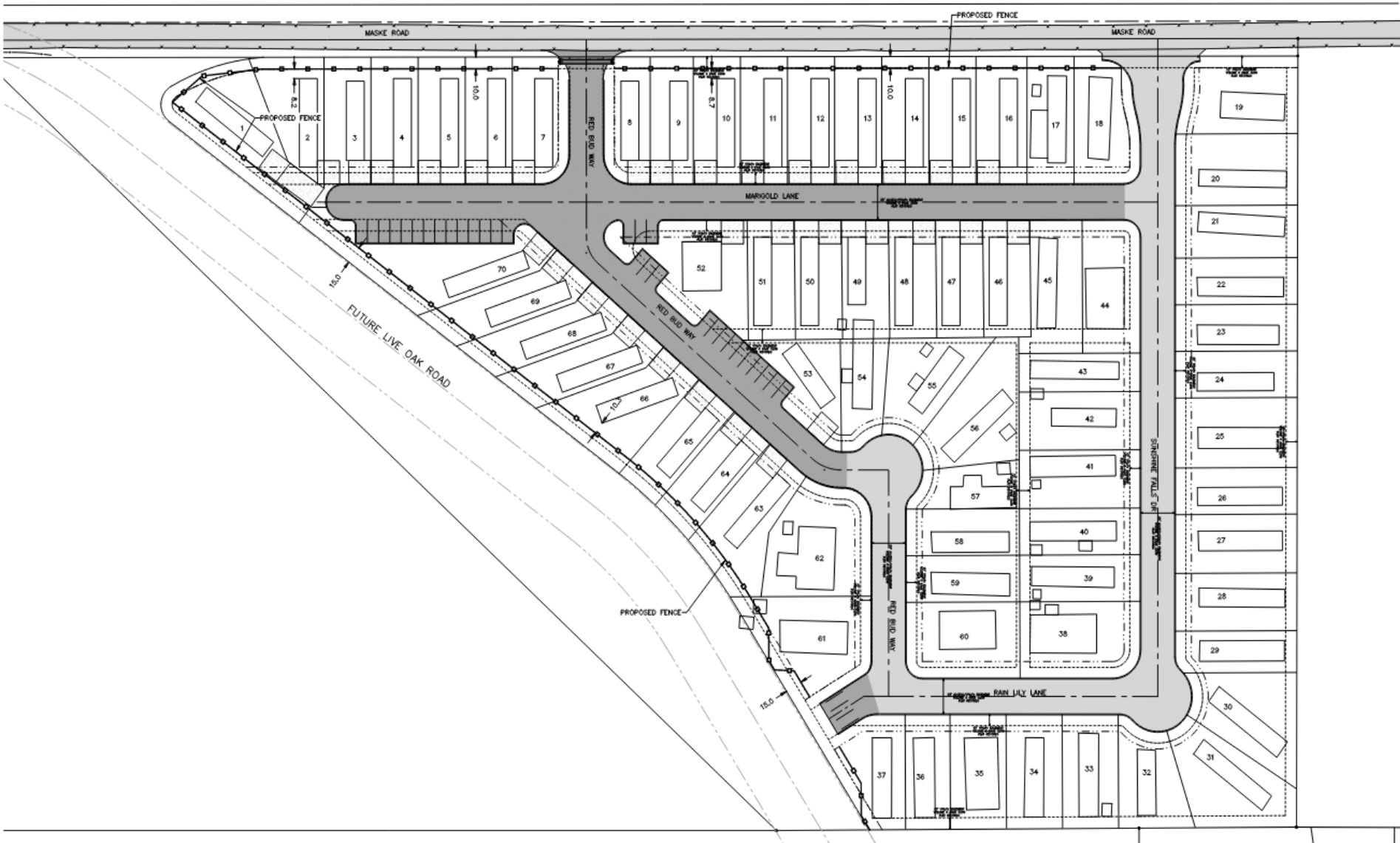
# Proposed PDD Modifications

- The proposed PDD Design Standards state:
  - "Each dwelling unit shall have a minimum setback of seven and a half feet (7.5') from perimeter property fencing."
- The proposed reduction of setback from ten feet (10') to seven and a half feet (7.5') would allow for a full-size manufactured home, which is typically seventy-six feet (76'), to be placed along the Maske Road home pads and still meet the designated front setback
- There are no proposed changes to the land use, other setbacks, or street buffer along the future Live Oak (already installed).
- There are two proposed changes within this PDD modification:
  - Section C of Minimum Site Requirements; which was modified to state, "Each dwelling unit shall have a minimum setback of seven and a half feet (7.5') from perimeter property fencing".
  - Section F (2) Street Screening (Maske Road); which was modified to indicate the screening fence along Mask Road is ten feet (10') offset from the right-of-way.

# Windy Meadows Unit 4- Replat Exhibit



# Windy Meadows Unit 4- Conceptual Plan



# Staff Analysis

- The change that was made to the location of the fencing along Maske Road was to improve safety for traffic, which ultimately cause site constraints.
- The proposed zone change would account for the site constraints and will allow for a modification to the PDD Design Standards which will allow for full size (76') manufactured homes to be placed along Maske Road while still complying with the front and proposed setback along Maske.
- The proposed PDD Design Standards modification does not change the intent of the previously approved PDD.

# Recommendation

- **Staff Recommendation:**

- The proposed PDD Design Standards and associated zone change have been reviewed by the Planning, Engineering, Public Works, and Fire Department with no objections.
- Staff recommends approval of the proposed zone change (Ord. No. 23-S-01) to Planned Development District (PDD) as presented which would allow a reduced setback of 7.5 feet from the property fencing adjacent to Maske Road.

- **Planning & Zoning Commission Recommendation:**

- The Schertz Planning and Zoning Commission met on January 25, 2023 and voted to recommend that City Council approve the proposed zone change by a unanimous vote.

## CITY COUNCIL MEMORANDUM

**City Council Meeting:** March 7, 2023

**Department:** Planning & Community Development

**Subject:** Ordinance 23-S-02 - Consideration and/or action on a request to rezone approximately 25 acres of land from Pre-Development District (PRE) to Planned Development District (PDD), generally located approximately 2,200 feet southeast of the intersection of Country Club Boulevard and IH-35 access road, also known as a portion of Comal County Property Identification Number 377261 and Guadalupe County Property Identification 63833, City of Schertz, Comal County and Guadalupe County, Texas. (*Final Reading*) (B. James/ L. Wood/ E. Delgado)

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### BACKGROUND

#### **Update from February 28, 2023 City Council Meeting:**

At the February 28th City Council meeting a public hearing was conducted in relation to this item. After the public hearing the City Council voted to approve the proposed zone change to Planned Development District as presented by staff, with the trail to be shown on future plans. The vote was a 4-3 vote with Council Members Heyward, Whittaker, Dahle, and Mayor Gutierrez voting in favor and Council Members Davis, Watson, and Scagliola voting nay.

The applicant is proposing to rezone approximately 25 acres of land from Pre-Development District (PRE) to Planned Development District (PDD) with a base zoning of Townhome District (TH).

#### **Public Notice:**

One hundred seventeen (117) public hearing notices were mailed to the surrounding property owners on January 13, 2023. At the time of this report (March 1, 2023), staff has received the following responses one (1) neutral, forty-seven (47) opposed, and thirty-three (33) in favor of the proposed zoned change request. Additionally, staff has received a letter of support from the Scenic Hills HOA. A public hearing notice was published in the "San Antonio Express" on February 8, 2023 prior to the City Council public hearing.

If a proposed zoning change is protested in writing and signed by the owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the proposed zoning change or zoning map amendment and extending 200 feet from that area, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths ( $\frac{3}{4}$ ) of all members of the City Council according to LGC, Local Government Code § 211.006(d). At the time of this staff report (March 1, 2023) the total percentage of the protested parcel acreage is 14.012%, therefore, the  $\frac{3}{4}$  vote has not been triggered for the City Council.

#### **Proposed Zoning Concept:**

The proposed zoning is to Planned Development District (PDD) with a base zoning of Townhome District (TH). The proposed development will be a gated community with no more than 198 units. These will be spread across fifty-one (51) buildings. Six (6) of the proposed buildings would have three (3) units and the remaining forty-five (45) buildings will have four (4) units. Each unit is proposed to be its own townhome and could be sold separately. Each unit will be between 1,300 square feet and 1,400

square feet. Every unit will feature 3 bedrooms, 2.5 baths, an eat in kitchen, two living rooms, a laundry room, an office/flex room, and a covered patio. Additionally, each unit will have its own garage, covered back patio, and a private yard. The proposed development would be maintained by the HOA and is proposed to have 7.52 acres of green space and amenities.

The PDD Design Standards propose to conform with the Townhome District zoning with modifications to the lot width and depth as shown in the table below.

Classification	Minimum Lot Size			Minimum Yard Setback		
	Area Square Footage	Width Ft.	Depth Ft.	Front Ft.	Side Ft.	Rear Ft.
Townhome District Per the Unified Development Code	2,500	25	100	25	10	20
Townhome (Type A)	3,045	35	87	25	10, 0	20
Townhome (Type B)	2,175	25	87	25	0, 0	20

\* Each lot will have a 10-foot side setback if on the end or a zero setback if in the interior, a 25- foot front setback, and a 20-foot rear setback.

#### **Parks and Amenities:**

The proposed PDD plans to incorporate 7.52 acres of green space and amenities. This would include a pavilion, playground for the community, a concrete walking path. Additionally, a mail center is proposed with a covered pavilion, and additional parking access. There is also a proposed 0.45 acre fenced-in private dog park, a 1.85 acre private picnic / trail / community garden area, 0.30 acre of miscellaneous green spaces and a 4.01 acre open space / easement.

#### **Fire Suppression and Fire Walls:**

Per the proposed PDD Design Standards due to the proposed reduced side yard setbacks, each townhome is proposed to have fire sprinklers, will require all A/C condensers to be in the rear yard, and exterior walls would be at least a minimum of a 1-hour fire rated.

#### **Parking:**

Per the proposed PDD Design Standards there are a proposed 654 parking space across the development.

#### **Additional Design Standards Proposed:**

Per the proposed PDD Design Standards the developer has proposed to create a twenty foot (20') buffer in the rear of the yards associated with the development that are adjacent to the Fairways at Scenic Hills neighborhood. Additionally, the developer will prohibit the placement of any structures, including but not limited to sheds, in the buffer area. In this proposed twenty-foot (20') buffer, the developer will plant one tree in the middle of said buffer.

#### **GOAL**

The project goal is to rezone approximately 25 acres of land, generally located approximately 2,200 feet southeast of the intersection of Country Club Boulevard and IH-35 access road, also known as a portion of Comal County Property Identification Number 377261 and Guadalupe County Property Identification 63833 from Pre-Development District (PRE) to Planned Development District (PDD).

#### **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**

In 2022 the applicant submitted a zone change request to a Planned Development District (PDD) with a base zoning of Apartment/ Multi-Family Residential (R4). That proposal included approximately 220 units to be developed as fourplexes. On September 27, 2022 the City Council was unable to obtain the super majority needed for the approval of that zone change application, which ultimately lead to the application being denied. During the discussion at the September 27, 2022 City Council meeting there were concerns with the proposed density.

Based on the previous City Council feedback the developer has made changes to the proposed PDD to address the concerns presented at the September 27th meeting. Rather than the previously proposed PDD with a base zoning of Apartment/ Multi-Family, the current proposal is for a PDD with a base zoning of Townhome District, which was directly discussed at the City Council meeting. This ultimately reduced the overall density proposed within the development.

The Schertz Sector Plan for Northern Schertz designates the subject property as Single-Family Residential. The Single-Family Residential land use designation encourages the mixture of various residential type development as well as maintaining a walkable neighborhood feel. The proposed rezoning to Planned Development District (PDD), with a base zoning of Townhome District (TH) does conform to the Comprehensive Land Use Plan designation as it would provide a needed mixture of housing type to Schertz. The proposed development would have a maximum of fifty-one (51) buildings consisting of no more than 198 units.

As previously stated, the applicant in September of 2022 proposed to rezone the property to Planned Development District, although that application was ultimately denied as part of that application the applicant was working with the Parks Department in relation to a trail that is shown on the 2017 Schertz Transportation Plan-Trails Network. The previous proposal was to dedicate land within the overhead utility easement to be utilized for a trail that would ultimately be part of the "Great Northern Trail". This proposed trail was shown on the previous concept plan and identified the public walking trail along with private exercise equipment and benches.

The current proposed development no longer accounts for, or proposes the dedication or construction of the walking trail within the overhead electrical easement. Based on the Trails Presentation at the January 10, 2023 City Council meeting, the City Council expressed their desire for trails within the City of Schertz and the importance of requiring trails to be constructed with developments. Based on City Council's desire to have trails and the subject property having an identified trail per the Schertz Transportation Plan-Trails Network, staff feels that the development should be required to dedicate and construct the trail per the plan.

#### **RECOMMENDATION**

##### **Staff Recommendation:**

Staff recommends approval of the proposed zone change to Planned Development District (PDD) with a condition that per the 2017 Schertz Transportation Plan-Trails Network the proposed project would include the trail on all future exhibits and plans and construct the identified trail on the subject tract.

##### **Planning and Zoning Commission Recommendation:**

The Schertz Planning and Zoning Commission met on January 25, 2023 and voted to recommend that City Council approve the proposed zone change with a condition that the proposed project would



include the trail on all future exhibits and plans by a 5-2 vote with Chairman Outlaw and Commissioner McMaster with the nay votes.

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### **Attachments**

Ordinance No. 23-S-02

Exhibit A- Metes and Bounds

Exhibit B- Zoning Exhibit

Exhibit C- PDD Design Standards

Conceptual Plan

Aerial Exhibit

Public Hearing Notice Map

Public Hearing Notice Responses as of 03.01.2023

Scenic Hills HOA Letter of Support

City Council Presentation Slides

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## **ORDINANCE NO. 23-S-02**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 25 ACRES OF LAND FROM PRE-DEVELOPMENT DISTRICT (PRE) TO PLANNED DEVELOPMENT DISTRICT (PDD), GENERALLY LOCATED APPROXIMATELY 2,200 FEET SOUTHEAST OF THE INTERSECTION OF COUNTRY CLUB BOULEVARD AND IH-35 ACCESS ROAD, ALSO KNOWN AS A PORTION OF COMAL COUNTY PROPERTY IDENTIFICATION 377261 AND GUADALUPE COUNTY PROPERTY IDENTIFICATION 63833, CITY OF SCHERTZ, COMAL AND GUADALUPE COUNTY, TEXAS**

**WHEREAS**, an application to rezone approximately 25 acres of land from Pre-Development District (PRE) to Planned Development District (PDD), generally located approximately 2,200 feet southeast of the intersection of Country Club Boulevard and IH-35 access road, 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 January 25, 2023, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation to City Council to approve with conditions the requested rezoning according to the development standards set forth in Exhibit C attached herein (the “Development Standards”); and

**WHEREAS**, on February 28, 2023, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the requested zoning be approved as provided for herein.

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

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

PASSED ON FIRST READING, the 28<sup>th</sup> day of February 2023.

PASSED, APPROVED and ADOPTED ON SECOND READING, the 7<sup>th</sup> day of March, 2023.

CITY OF SCHERTZ, TEXAS

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Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

(city seal)

**EXHIBIT "A" – PROPERTY**

24.19 acres out of the  
Rafael Garza Survey No. 98  
Abstract 138  
City of Schertz

THE STATE OF TEXAS  
COUNTIES OF GUADALUPE AND COMAL

METES AND BOUNDS DESCRIPTION OF A SURVEY OF

24.19 acres out of the Rafael Garza Survey No. 98, Abstract 138, City of Schertz, Guadalupe County and Comal County, Texas, being that 24.1784-acre tract of land described in deed of record in Document Number 2017013553 of the Official Public Records of Guadalupe County, Texas and in deed of record in Document Number 201706029109 of the Official Public Records of Comal County, Texas and being more particularly described by metes and bounds, as surveyed, as follows:

Beginning at an ½" iron bar with a red cap marked "Survey Ass." found set in the ground in the southwest right-of-way line of Columbia, an east corner of a 24.1784-acre tract of land described in deed of record in Document Number 2017013553 of the Official Public Records of Guadalupe County, Texas and in deed of record in Document Number 201706029109 of the Official Public Records of Comal County, Texas and the west corner of Block 16, The Fairways at Scenic Hills, Unit 3A as shown by plat of record in Volume 6 at page 762 of the Plat Records of Guadalupe County, Texas, for an east corner of this tract;

Thence S 14°44'52" W (called S 14°45'10" W) with the east boundary line of said 24.1784-acre tract and a west boundary line of said Block 16 a distance of 267.16 feet (called 267.10 feet) to an ½" iron bar with a yellow cap marked "Reg. No. 5464" set in the ground, a reentrant corner of said 24.1784-acre tract and a corner of said Block 16, for a reentrant corner of this tract;

Thence S 18°44'53" E (called S 18°41'26" E) with a northeast boundary line of said 24.1784-acre tract and a southwest boundary line of said Block 16 a distance of 31.65 feet (called 31.67 feet) to an ½" iron bar with an orange cap marked "SLS RPLS 5142" set in the ground, a corner of said 24.1784-acre tract and a corner of said Block 16, for a corner of this tract;

Thence S 25°24'20" E (called S 25°22'27" E) with a northeast boundary line of said 24.1784-acre tract and a southwest boundary line of said Block 16 a distance of 157.41 feet (called 157.55 feet) to an ½" iron bar with a yellow cap marked "Baker" found set in the ground, a corner of said 24.1784-acre tract and the south corner of said Block 16, for a corner of this tract;

Thence S 36°04'53" E (called S 36°43'13" E) with a northeast boundary line of said 24.1784-

acre tract a distance of 98.98 feet (called 100.40 feet) to an ½" iron bar with an orange cap marked "SLS RPLS 5142" set in the ground in the northwest boundary line of Block 21, The Ridge at Scenic Hills, Unit 1 as shown by plat of record in Volume 6 at page 763 of the Plat Records of Guadalupe County, Texas, the east corner of said 24.1784-acre tract, for the east corner of this tract;

Thence S 52°58'20" W (called S 53°03'32" W) with the southeast boundary line of said 24.1784-acre tract and the southwest boundary lines of said Block 21, and Block 1, Scenic Hills Community, Phase 1 as shown by plat of record in Volume 4 at pages 143-147 of the Plat Records of Guadalupe County, Texas a distance of 1,729.56 feet (called 1,729.56 feet) to an ½" iron bar with an orange cap marked "SLS RPLS 5142" set in the ground in the northeast right-of-way line of Country Club Blvd., the south corner of said 24.1784-acre tract and the west corner of said Block 1, for the south corner of this tract;

Thence N 30°23'09" W (called N 30°21'33" W) with the northeast right-of-way line of Country Club Blvd. and the southwest boundary line of said 24.1784-acre tract a distance of 560.34 feet (called 559.03 feet) to an ½" iron bar with an orange cap marked "SLS RPLS 5142" set in the ground, the west corner of said 24.1784-acre tract and the south corner of Block 14, Fairways at Scenic Hills, Section 2 as shown by plat of record in Volume 6 at page 745 of the Plat Records of Guadalupe County, Texas and Volume 15 at page 86 of the Plat Records of Comal County, Texas, for the west corner of this tract;

Thence N 53°30'56" E (called N 53°32'22" E) with the northwest boundary line of said 24.1784-acre tract and the southeast boundary line of said Block 14 a distance of 935.14 feet (called 935.05 feet) to an ½" iron bar with an orange cap marked "C&B" found set in the ground, a corner of said 24.1784-acre tract and a corner of said Block 14, for a corner of this tract;

Thence N 42°40'11" E (called N 42°37'53" E) with a northwest boundary line of said 24.1784-acre tract and a southeast boundary line of said Block 14 a distance of 348.59 feet (called 348.59 feet) to an ½" iron bar with an orange cap marked "SLS RPLS 5142" set in the ground, a corner of said 24.1784-acre tract and a corner of said Block 14, for a corner of this tract;

Thence N 41°39'37" E (called N 41°31'58" E) with a northwest boundary line of said 24.1784-acre tract and a southeast boundary line of said Block 14 a distance of 363.99 feet (called 364.04 feet) to an ½" iron bar with a yellow cap marked "Baker" found set in the ground, a corner of said 24.1784-acre tract and a corner of said Block 14, for a corner of this tract;

Thence N 56°01'58" E (called N 56°03'18" E) with a northwest boundary line of said 24.1784-acre tract and a southeast boundary line of said Block 14 a distance of 151.27 feet (called 151.28 feet) to an ½" iron bar with an orange cap marked "C&B" found set in the ground in the southwest right-of-way line of Columbia, the north corner of said 24.1784-acre tract and the east corner of said Block 14, for the north corner of this tract;

Thence S 54°25'16" E (called S 54°20'37" E) with a northeast boundary line of said 24.1784-acre tract a distance of 75.46 feet (called 75.87 feet) to an ½" iron bar with a yellow cap marked "Baker" found set in the ground, a reentrant corner of said 24.1784-acre tract, for a reentrant corner of this tract;

Thence N 44°58'13" E (called N 45°15'45" E) with a northwest boundary line of said 24.1784-acre tract a distance of 18.41 feet (called 18.40 feet) to an ½" iron bar with an orange cap marked "SLS RPLS 5142" set in the ground, in the southwest right-of-way line of Columbia, a north corner of said 24.1784-acre tract, for a north corner of this tract;

Thence S 67°23'54" E (called S 67°27'09" E) with the southwest right-of-way line of Columbia and the northeast boundary line of said 24.1784-acre tract a distance of 180.14 feet (called 180.08 feet) to the point of beginning.

Containing 24.19 acres of land, more or less

The bearings for this survey are based on the Texas State Plane Coordinate System Grid, South Central Zone (4204), North American Datum 1983.

SINCLAIR LAND SURVEYING, INC.

Lemuel T. Sinclair,  
Registered Professional Land  
Surveyor No. 5142

**ACREAGE SUMMARY**

EXISTING: 24.1784 AC PRE-DEVELOPMENT ZONING  
PROPOSED: 24.1784 AC TOWNHOME PDD ZONING

NOTE:  
NO 100-YR FLOODPLAIN EXISTS ON THE  
PROPERTY AS DEFINED BY THE COMAL COUNTY,  
TEXAS COMMUNITY PANEL NUMBER  
48187C0090F, AS PREPARED BY THE FEDERAL  
EMERGENCY MANAGEMENT AGENCY, EFFECTIVE  
DATE NOVEMBER 2, 2007

**Owner/ Developer:**

HABI Land,LLC.  
7551 Callaghan RD, Suite 103, San Antonio, TX 78229  
(210) 683-5158

**Applicant:**

Eugenio Murillo / HABI Land,LLC.  
7551 Callaghan RD, Suite 103, San Antonio, TX 78229  
(210) 683-5158

**Engineer:**

Alejandro R. Gomez, PE / Gomez-Garcia & Associates, Inc.  
19230 Stone Oak Pkwy, Suite 302, San Antonio, TX 78258  
(210) 639-5193 TBPE #5362

**Surveyor:**

Lemuel T. Sinclair, RPLS / Sinclair Land Surveying, Inc.  
3411 Magic DR, San Antonio, TX 78229  
(210) 341-4518 TBPLS #10089000



**GOMEZ-GARCIA & ASSOCIATES, INC.**  
19230 Stone Oak Pkwy, Ste. 302, San Antonio, Tx 78258  
(210) 832-9608  
TBPE FIRM REGISTRATION #5362

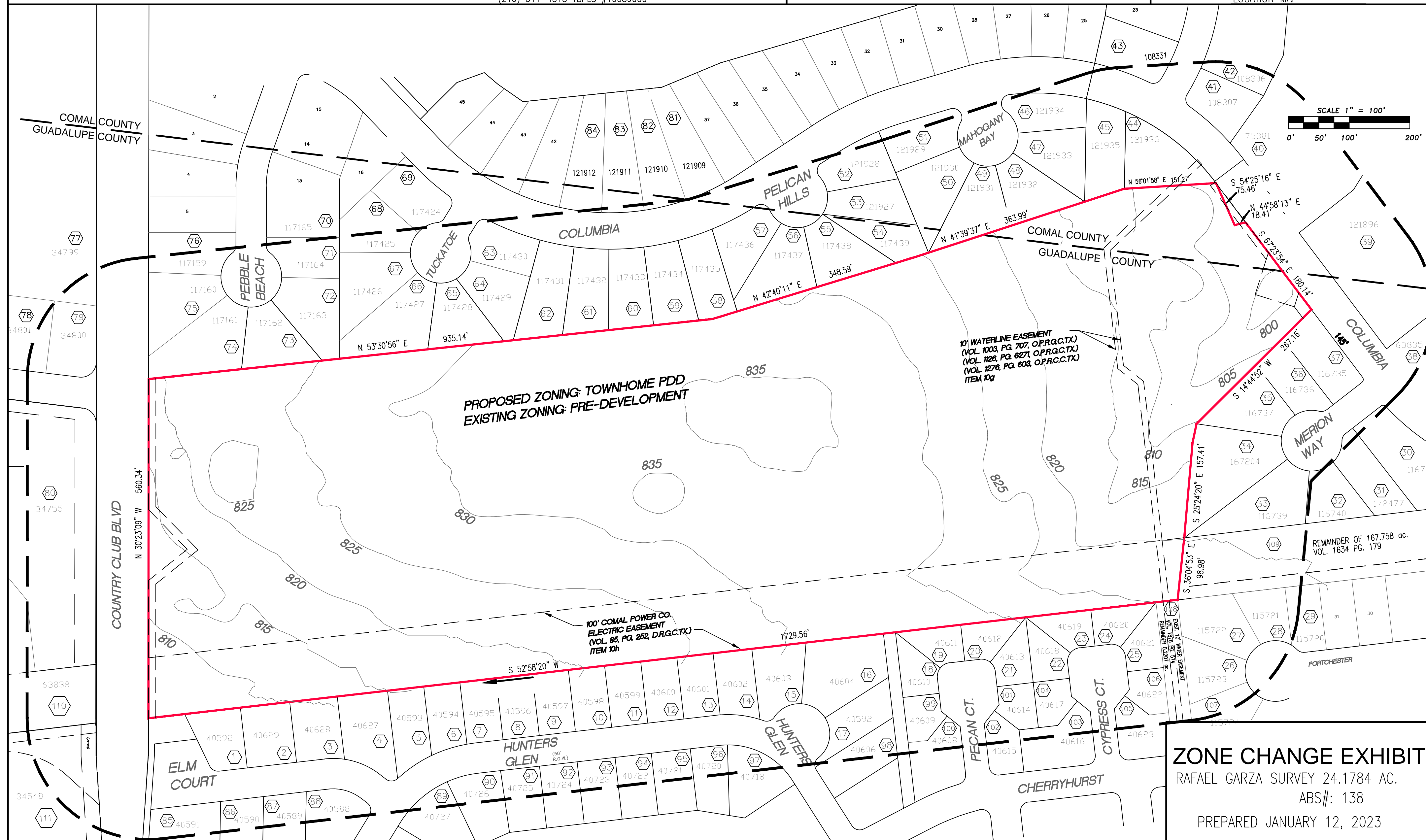
**LEGEND**

- ① PROPERTY INFORMATION. SEE TABLE FOR ADDITIONAL INFORMATION
- NOTIFICATION BOUNDARY
- ZONE CHANGE BOUNDARY
- 835 EXISTING CONTOUR LINES



LOCATION MAP

SCALE 1" = 100'  
0' 50' 100' 200'



**ZONE CHANGE EXHIBIT**

RAFAEL GARZA SURVEY 24.1784 AC.

ABS#: 138

PREPARED JANUARY 12, 2023





**GOMEZ-GARCIA & ASSOCIATES, INC.**  
19230 Stone Oak Pkwy, Ste. 302, San Antonio, Tx 78258  
(210) 832-9608  
TBPE FIRM REGISTRATION #5362

200-FT NOTIFICATION AREA PROPERTY INFORMATION								
PROPERTY #	COUNTY	LAND USE	ZONING	SUBDIVISION NAME	OWNER NAME	PROPERTY ADDRESS	PROPERTY ID#	RECORDING INFO
1	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	RIGHTNOUR MARK S & RHONDA L	3601 ELM CT SCHERTZ, TX 78154	40592	VOL. 2020 PG. 99007841
2	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	COOK DENNIS R	3609 ELM CT SCHERTZ, TX 78154	40629	VOL. 2019 PG. 99010004
3	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	WRIGHT WESLEY & MARCHETA	3613 ELM CT SCHERTZ, TX 78154	40628	VOL. 2022 PG. 99013714
4	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	MCGEHEE WILLIAM & LAURETE	3617 ELM CT SCHERTZ, TX 78154	40627	VOL. 2020 PG. 0703
5	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	STAHL DAVID EVERETT & IRIS CAMP MCNEER	3701 HUNTERS GLEN SCHERTZ, TX 78154	40593	VOL. 2021 PG. 99012278
6	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	PAYNE CHRIS R & KATHRYN L	3705 HUNTERS GLEN SCHERTZ, TX 78154	40594	VOL. 1410 PG. 0729
7	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	MILLER KELLY PATRICK & JOHN GARRETT MILLER & CASEY ALAN MILL	3709 HUNTERS GLEN SCHERTZ, TX 78154	40595	VOL. 2019 PG. 99029384
8	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	HANAWAY DAVID C & ELSIE L	3713 HUNTERS GLEN SCHERTZ, TX 78154	40596	VOL. 3017 PG. 0131
9	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	WARNER OTHANN B LIVING TRUST	3717 HUNTERS GLEN SCHERTZ, TX 78154	40597	VOL. 2020 PG. 99019376
10	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	MAURER GEORGE H & PATSY O	3721 HUNTERS GLEN SCHERTZ, TX 78154	40598	VOL. 2054 PG. 0438
11	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	CRAWFORD JEFFERY WILLIAM & PATRICIA LOUISE	3725 HUNTERS GLEN SCHERTZ, TX 78154	40599	VOL. 4271 PG. 0461
12	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	JENKINS CHARLES F & IRENE LIPSETT-JENKINS	3729 HUNTERS GLEN SCHERTZ, TX 78154	40600	VOL. 2020 PG. 99011788
13	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	ZAMZOW SHARILYN J & MELVIN	3733 HUNTERS GLEN SCHERTZ, TX 78154	40601	VOL. 3055 PG. 0890
14	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	WHEATON EDWARD C & BETTY I	3737 HUNTERS GLEN SCHERTZ, TX 78154	40602	VOL. 2935 PG. 0584
15	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	KNIGHT TOMMY WAYNE & JENNIFER SUZANNE	3741 HUNTERS GLEN SCHERTZ, TX 78154	40603	VOL. 2021 PG. 99003877
16	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	GRIFFIN KELLY K	3745 HUNTERS GLEN SCHERTZ, TX 78154	40604	VOL. 2018 PG. 99014066
17	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	LEACH DAVID & ANITA	3749 HUNTERS GLEN SCHERTZ, TX 78154	40605	VOL. 1454 PG. 0533
18	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	TAYLOR SCOTT	3917 PECAN CT SCHERTZ, TX 78154	40610	VOL. 2019 PG. 99018569
19	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	PERRY RICHARD J & SUSAN K	3913 PECAN CT SCHERTZ, TX 78154	40611	VOL. 4176 PG. 0959
20	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	ZAMZOW MARTIN O & BARBARA ZAMZOW BADGETT	3912 PECAN CT SCHERTZ, TX 78154	40612	VOL. 2015 PG. 023288
21	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	SCAPPEROTTI RICHARD & CAROL A	3908 PECAN CT SCHERTZ, TX 78154	40613	VOL. 2019 PG. 99007621
22	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	GALLAHER JOHN J & K P	4017 CYPRESS CT SCHERTZ, TX 78154	40618	VOL. 715 PG. 383
23	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	BERG MARY E	4013 CYPRESS CT SCHERTZ, TX 78154	40619	VOL. 3064 PG. 0355
24	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	LASANTE ROGER	4012 CYPRESS CT SCHERTZ, TX 78154	40620	VOL. 2021 PG. 99021111
25	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	MABIN JOHN QUINLAN & KATHLEEN J	4008 CYPRESS CT SCHERTZ, TX 78154	40621	VOL. 2016 PG. 011444
26	GUADALUPE CO.	RESIDENTIAL	R-6	RIDGE AT SCENIC HILLS	KUBECKA ERIC P & VICTORIA S	6101 PORTCHESTER SCHERTZ, TX 78154	115723	VOL. 2319 PG. 0120
27	GUADALUPE CO.	RESIDENTIAL	R-6	RIDGE AT SCENIC HILLS	RUIZ RUBEN T JR & FABIOLA	6105 PORTCHESTER SCHERTZ, TX 78154	115722	VOL. 2279 PG. 0491
28	GUADALUPE CO.	RESIDENTIAL	R-6	RIDGE AT SCENIC HILLS	CUMMINGS DAVID B	6109 PORTCHESTER SCHERTZ, TX 78154	115721	VOL. 2305 PG. 0459
29	GUADALUPE CO.	RESIDENTIAL	R-6	RIDGE AT SCENIC HILLS	BOISVERT MICHAEL ANDREW & GABRIELLE	6113 PORTCHESTER SCHERTZ, TX 78154	115720	VOL. 2019 PG. 99013617
30	GUADALUPE CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	HACKMAN MEGAN E & JEFF	6112 MERION WAY SCHERTZ, TX 78108	116742	VOL. 2017 PG. 024104
31	GUADALUPE CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	NULL	6108 MERION WAY SCHERTZ, TX 78108	172477	NULL
32	GUADALUPE CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	LACKEY MIRIAM	6104 MERION WAY SCHERTZ, TX 78108	116740	VOL. 2022 PG. 99003275
33	GUADALUPE CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	LAWRENCE WADE H & RUTH M	6100 MERION WAY SCHERTZ, TX 78108	116739	VOL. 2400 PG. 690
34	GUADALUPE CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	NULL	6101 MERION WAY SCHERTZ, TX 78108	167204	NULL
35	GUADALUPE CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	AVELLANAS LLC 6105 MERION PROTECTED SERIES	6105 MERION WAY SCHERTZ, TX 78108	116737	VOL. 2021 PG. 99019579
36	GUADALUPE CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	ALLOWAY AARON RAY & ALLOWAY JASON MICHAEL & ALLOWAY JOHN ROBERT	6109 MERION WAY SCHERTZ, TX 78108	116736	VOL. 2019 PG. 99024951
37	GUADALUPE CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	SWIFT M LORAINÉ	6113 MERION WAY SCHERTZ, TX 78108	116735	VOL. 2891 PG. 0386
38	GUADALUPE CO.	COMMERCIAL	PRE	FAIRWAYS AT SCENIC HILLS	NOLLEY CARIBBEAN PROPERTIES LLC	COUNTRY CLUB BLVD SCHERTZ, TX 78154	63835	VOL. 2017 PG. 013553
39	GUADALUPE CO.	COMMERCIAL	PRE	FAIRWAYS AT SCENIC HILLS	NOLLEY CARIBBEAN PROPERTIES LLC	S IH 35 SCHERTZ, TX 78154	121896	VOL. 201706029109
40	GUADALUPE CO.	COMMERCIAL	PRE	FAIRWAYS AT SCENIC HILLS	NOLLEY CARIBBEAN PROPERTIES LLC	O S IH 35 SCHERTZ, TX 78154	75381	VOL. 201706029109
41	COMAL CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	HENFEY PAUL J & JUDITH E	3811 PEBBLE BEACH CIBOLO, TX 78108	108307	VOL. 200306035280
42	COMAL CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	DAVIS CHRISTOPHER J & BOBBI L	3807 PEBBLE BEACH CIBOLO, TX 78108	108306	VOL. 201906002400
43	COMAL CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	BRECKENRIDGE PROPERTY FUND 2016 LLC	3808 PEBBLE BEACH CIBOLO, TX 78108	108331	VOL. 202206043303
44	COMAL CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	FARRA ZOOROB INVESTMENTS LP	3804 COLUMBIA CIBOLO, TX 78108	121936	VOL. 201306051364
45	COMAL CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	CHANDLER JAMES W JR & CHARLOTTE	3800 COLUMBIA CIBOLO, TX 78108	121935	VOL. 200806011224
46	COMAL CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	SCHAFIR HIRSHFELD ZOHAR	5708 MAHOGANY BAY CIBOLO, TX 78108	121934	VOL. 62445 PG. 158
47	COMAL CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	ALVA ALAN	5704 MAHOGANY BAY CIBOLO, TX 78108	121933	VOL. 201906009496
48	COMAL CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	BERGAMIN ISABEL J	5700 MAHOGANY BAY CIBOLO, TX 78108	121932	VOL. 201806031794
49	COMAL CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	SOLIS JOE D & MELANIE	5701 MAHOGANY BAY CIBOLO, TX 78108	121931	VOL. 200806000979
50	COMAL CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	GOODWIN THOMAS K & LORETTA A	5705 MAHOGANY BAY CIBOLO, TX 78108	121930	VOL. 201306024283
51	COMAL CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	GAGLIO CARMELO	5709 MAHOGANY BAY CIBOLO, TX 78108	121929	VOL. 201006005508
52	COMAL CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	HOLLINGSWORTH THOMAS	5708 PELICAN HILLS CIBOLO, TX 78108	121928	VOL. 200806035460
53	COMAL CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	GOODPASTURE JOE R	5704 PELICAN HILLS CIBOLO, TX 78108	121927	VOL. 2296 PG. 0912
54	GUADALUPE CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	GOODPASTURE JOE R	5704 PELICAN HILLS CIBOLO, TX 78108	117439	VOL. 2296 PG. 0912
55	GUADALUPE CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	ZULAICA WILLIAM M	5700 PELICAN HILLS CIBOLO, TX 78108	117438	VOL. 2019 PG. 99020577
56	GUADALUPE CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	NATALIROMAN GERALD L & KRISTEN	5705 PELICAN HILLS CIBOLO, TX 78108	117437	VOL. 3151 PG. 0544
57	GUADALUPE CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	GALLARDO DAVID JR & MONICA A	5709 PELICAN HILLS CIBOLO, TX 78108	117436	VOL. 4146 PG. 0618
58	GUADALUPE CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	MAIMIK GUNVIR S	3730 COLUMBIA SCHERTZ, TX 78154	117435	VOL. 2015 PG. 010933
59	GUADALUPE CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	REYES SONYA E	3726 COLUMBIA SCHERTZ, TX 78154	117434	VOL. 2015 PG. 004496
60	GUADALUPE CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	WALLACE ROBBIE & ROGER	3722 COLUMBIA SCHERTZ, TX 78154	117433	VOL. 2019 PG. 99017718
61	GUADALUPE CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	ST CLAIR NORMAN S & BOBBIE H	3718 COLUMBIA SCHERTZ, TX 78154	117432	VOL. 1680 PG. 0507
62	GUADALUPE CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	R-4 INVESTMENTS LP	3714 COLUMBIA SCHERTZ, TX 78154	117431	VOL. 2020 PG. 99032698
63	GUADALUPE CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	MOORE MICHAEL D & LETICIA A	3712 TUCKATOE SCHERTZ, TX 78154	117430	VOL. 2020 PG. 99005640
64	GUADALUPE CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	MILLER KRISTAL	5708 TUCKATOE SCHERTZ, TX 78154	117429	VOL. 2020 PG. 99016776
65	GUADALUPE CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	BOULER BERNICE	5704 TUCKATOE SCHERTZ, TX 78154	117428	VOL. 2842 PG. 0507
66	GUADALUPE CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	LERMA DAVID JOSE	5700 TUCKATOE SCHERTZ, TX 78154	117427	VOL. 4150 PG. 0099
67	GUADALUPE CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	FAKE JONATHAN L & BRANDY	5701 TUCKATOE SCHERTZ, TX 78154	117426	VOL. 2016 PG. 010624
68	GUADALUPE CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	CARDENAS TRISTAN A & JENNIFER	5705 TUCKATOE SCHERTZ, TX 78154	117425	VOL. 2015 PG. 003834
69	GUADALUPE CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	HUNDLEY LIVING TRUST	5709 TUCKATOE SCHERTZ, TX 78154	117424	VOL. 2419 PG. 0204
70	GUADALUPE CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	FOGEL ESTES E	3684 PEBBLE BEACH SCHERTZ, TX 78154	117165	VOL. 2472 PG. 0480
71	GUADALUPE CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	LAU HOWSON & HYESUK MIN	3678 PEBBLE BEACH SCHERTZ, TX 78154	117164	VOL. 3195 PG. 0529
72	GUADALUPE CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	MARCHESE EUGENE A JR & MELISSA ANNETTE	3674 PEBBLE BEACH SCHERTZ, TX 78154	117163	VOL. 2164 PG. 0434
73	GUADALUPE CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	RODRIGUEZ PATRICIA	3672 PEBBLE BEACH SCHERTZ, TX 78154	117162	VOL. 2015 PG. 010459
74	GUADALUPE CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	NULL	3671 PEBBLE BEACH SCHERTZ, TX 78154	117161	NULL
75	GUADALUPE CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	SEIDEL TIMOTHY & DENISE	3675 PEBBLE BEACH SCHERTZ, TX 78154	117160	VOL. 2020 PG. 99027706
76	GUADALUPE CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	MORALES MODESTO & LODIE	3679 PEBBLE BEACH SCHERTZ, TX 78154	117159	VOL. 2818 PG. 0327
77	GUADALUPE CO.	RESIDENTIAL	R-6	NORTHCLIFFE COUNTRY CLUB ESTATES	REYES RAY & ROSE	3522 FOXBRIAR LN CIBOLO, TX 78108	34799	VOL. 2349 PG. 0159
78	GUADALUPE CO.	RESIDENTIAL	R-6	NORTHCLIFFE COUNTRY CLUB ESTATES	HPA BORROWER 2017-1 ML LLC	3517 WIMBLEDON DR SCHERTZ, TX 78154	34801	VOL. 2018 PG. 001135
79	GUADALUPE CO.	RESIDENTIAL	R-6	NORTHCLIFFE COUNTRY CLUB ESTATES	WEINAUG JESSICA & CHAD	3521 WIMBLEDON DR CIBOLO, TX 78108	34800	VOL. 2999 PG. 1016
80	GUADALUPE CO.	COMMERCIAL	PRE	NORTHCLIFFE COUNTRY CLUB ESTATES	NOLLEY CARIBBEAN PROPERTIES LLC	5301 COUNTRY CLUB DR SCHERTZ, TX 78154	34755	VOL. 2017 PG. 013553
81	COMAL CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	JONES LAMPHEAR LAURIE A	3731 COLUMBIA CIBOLO, TX 78108	121909	VOL. 202106042737
82	COMAL CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	TOMLIN USA K	3727 COLUMBIA CIBOLO, TX 78108	121910	VOL. 201706035869
83	COMAL CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	ROMO SANDRA	3721 COLUMBIA CIBOLO, TX 78108	121911	VOL. 202006040410
84	COMAL CO.	RESIDENTIAL	R-6	FAIRWAYS AT SCENIC HILLS	CORTINAS ROXANNE M & JAMES D	3717 COLUMBIA CIBOLO, TX 78108	121912	VOL. 202306000599
85	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	MCMASTER PATRICK M & ANN	3604 ELM COURT, SCHERTZ, TX, 78108	40591	VOL. 2019 PG. 99028553
86	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	COURSER HARVEY E & AMELIA	3620 ELM COURT, SCHERTZ, TX, 78108	40590	VOL. 2021 PG. 99011580
87	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	KOSBIE JAMES	3624 ELM COURT, SCHERTZ, TX, 78108	40589	VOL. 2018 PG. 99019646
88	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	SPENCER JUDY G LIVING TRUST	3628 ELM COURT, SCHERTZ, TX, 78108	40588	VOL. 2020 PG. 99005664
89	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	IGEL MARGARET	3712 HUNTER GLEN, SCHERTZ, TX, 78108	40727	VOL. 2019 PG. 99015945
90	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	MALLAMS GERALD ROGER & NORENE LOUISE	3716 HUNTER GLEN, SCHERTZ, TX, 78108	40726	VOL. 2021 PG. 99031637
91	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	IRELAND DAVID G & DONNA L LIVING TRUST	3720 HUNTER GLEN, SCHERTZ, TX, 78108	40725	NULL
92	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	RADCLIFFE ROBERT F & RUTH A	3724 HUNTER GLEN, SCHERTZ, TX, 78108	40724	VOL. 2022 PG. 99011459
93	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	KLING DAVID A	3728 HUNTER GLEN, SCHERTZ, TX, 78108	40723	VOL. 1549 PG. 0360
94	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	MOORE STANLEY ROBERT & MARYLEDA GALLOWAY MOORE	3732 HUNTER GLEN, SCHERTZ, TX, 78108	40722	VOL. 2018 PG. 99021021
95	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	SHOLTIS MARIA	3736 HUNTER GLEN, SCHERTZ, TX, 78108	40721	VOL. 2022 PG. 99011262
96	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	BERG PHILUP	3740 HUNTER GLEN, SCHERTZ, TX, 78108	40720	VOL. 3064 PG. 1016
97	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	CLANCEY SHARON	3744 HUNTER GLEN, SCHERTZ, TX, 78108	40718	VOL. 2021 PG. 99042165
98	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	ENSMINGER GARY	3753 HUNTER GLEN, SCHERTZ, TX, 78108	40606	VOL. 2015 PG. 015199
99	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	WALKER SUSAN B	3921 PECAN CT, SCHERTZ, TX, 78108	40609	VOL. 2021 PG. 99030760
100	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	BEEBE JAMES W & IRENE	3925 PECAN CT, SCHERTZ, TX, 78108	40608	VOL. 1695 PG. 0849
101	GUADALUPE CO.	RESIDENTIAL	R-6	SCENIC HILLS	LARUE VICKI	3904 PECAN CT, SCHERTZ, TX, 78108	40614	VOL. 2021 PG. 99040697
102	GUADALUPE CO.	RESIDENTIAL	R-6					



**The Villas at  
Bluebonnet Ridge  
A PLANNED DEVELOPMENT DISTRICT  
City of Schertz  
January 2023**

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**Table of Contents**

1. Planned Development District -----	2
2. PDD Purpose and Intent -----	2
3. The Property -----	2-3
4. Parks and Amenities -----	3-4
5. Zoning District -----	4
6. Townhome District Zoning -----	4-5
7. Homeowners Association and Maintenance -----	5
8. Architectural Review Comittee -----	6
9. Site Design Standards -----	6
10. Fire Suppression and Fire Walls -----	6
11. Parking -----	6-7
12. Amendments to the Planned Development District (PDD) -----	7

**Exhibits**

- A. Meets and Bounds Description**
- B. The Villas at Bluebonnet Ridge**
- C. Zoning Exhibit**
- D. Amenities, Parks, Entry, Mail Station**
- E. Parking Exhibit Per Unit**

**January 2023**

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**Habi Land, LLC.**

**Authored by: Eugenio Murillo**



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# The Villas at Bluebonnet Ridge

## 198 Unit Development on 24.1784 Acres

**Planned Development District.** Understanding there may be circumstances in which a development might not be able to adhere to the strict regulations and design standards set forth in the Schertz Unified Development Code (UDC), the UDC established Article 5, and Section 21.5.10, a Planned Development District (PDD), as an alternative approach to conventional land development.

The City of Schertz Unified Development Code as amended will govern development of the property, except for the following statements.

**PDD Purpose and Intent.** The purpose of PDD regulations is to encourage and promote more creative, innovative, and imaginative land development than would be possible under the regulations found in a typical zoning district. The intent is to allow substantial flexibility in planning, design, and development standards in exchange for greater land values and amenities. Enhanced parkland and open space, preservation of natural resources, pedestrian friendly environment, and deviation from the typical traffic patterns are all a result of this allowed flexibility. It is this intrinsic flexibility, in the form of relief from the normal zoning ordinances, design standards, land use densities, and subdivision regulations, that allows for the definition of uses, densities and standards that will permit the alternative planning associated with a PDD and this development known as The Villas at Bluebonnet Ridge.

**The Property.** The location of the subject property is directly west of the Scenic Hills Neighborhood and directly east of The Fairways at Scenic Hills. The current condition of the property creates a unique opportunity for development. The approximately 24.1784-acre site was previously known as part of the Northcliffe Golf Club.

The property is bound by Country Club Boulevard to the south, Columbia Drive to the North, and existing single-family neighborhoods to the east and west.

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Analysis of the property via phase 1 ESA reports, geotechnical reports, and bore samples do not reveal any physical constraints, potential health, or safety hazards. Further evaluation of the tract by the Developer's engineers has confirmed utilities are available and the property's demands can be served.

The Villas at Bluebonnet Ridge (*Exhibit B*) is proposed. Such amenities will include both passive and active areas, as well as concrete pathways and crushed granite walking trails. Multi-purposed walkways and sidewalks will provide links between park areas, open spaces, resident units, and amenities. Amenities provided and shown on *Exhibit D* will include playscapes, picnic tables, and a neighborhood pavilion. All of which, promote a safe and pedestrian friendly environment and overall livable community. Also, Exhibit D will depict the entry gate and landscaping features.

Our current concept plan consists of a gated community with no more than 198 units. These units will be spread across 51 buildings. Six building will have 3 units in them, and the remaining forty-five buildings will have each have 4 units. Each unit will be a townhome and can be sold separately. Each unit will be between 1,300 sf and 1,400 sf. Every unit will feature 3 bedrooms, 2.5 baths, an eat in kitchen, two living rooms, a laundry room, an office/flex room, a covered patio, and a one car garage. All buildings will have its own fire sprinkler system meeting NFPA and local code requirements. Each unit will have its own garage, covered back patio, and private yard. This proposed community, will be managed, and maintained by The Villas at Bluebonnet Ridge "HOA". The community is designed to enhance the overall neighborhood standards by incorporating 7.52 acres of green space and amenities. This includes multiple Private Parks including an open space easement, all of which is outlined in the overall site plan *Exhibit B and Exhibit D*.

**Parks & Amenities.** The development's interior private park and amenities as shown on 0.59 acres, are designed to house a pavilion for birthday parties & special events, a playground for the community, and a concrete walking path. The mail center is designed with a covered pavilion, and additional parking access will be provided on 0.32 acres. In addition to the previously mentioned improvements, the development will also feature a 0.45 acre fenced in private dog park, a 1.85-acre private Picnic/Trail/Community

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Garden area, 0.30 of miscellaneous Green Spaces and a 4.01-acre open space. All the above is shown on *Exhibit B and Exhibit D*

**Zoning District.** There are circumstances, due to property constraints or external factors, which do not always support the notion that one size fits all especially in applying zoning subdivision codes as such relates to property development. As a planned development, the attached “The Villas at Bluebonnet Ridge” (*Exhibit B*) as well as this document define the types of uses for this proposed PDD. The plan delineates land use that allows for three and four-unit buildings as well as delineating parks, amenities, and open space. Specifically, UDC Sec. 21.9.7.G would ordinarily require the Developer to install a twenty-foot (20’) landscape buffer adjacent to the property line of the residential use or residentially zoned property. In this case, that would be the Fairways at Scenic Hills neighborhood. The Developer maintains installing this twenty-foot (20’) buffer outside the property boundaries would essentially create an alley between Fairways at Scenic Hills neighborhood and the proposed development. Given the length of the alley, the Developer maintains this could create an area for potential loitering as well as littering. The Developer would propose to create the twenty-foot (20’) buffer in the rear of the yards associated with the development that are adjacent to the Fairways at Scenic Hills neighborhood. The Developer will prohibit the placement of any structures, including but not limited to sheds, in the buffer area through the HOA restrictions. The Developer shall plant one tree in the middle of the twenty-foot (20’) buffer in each yard. The Developer believes in doing both, they have met the spirit of UDC Sec. 21.9.7.G.

**Townhome District Zoning.** The intent of the development is to conform with the Townhome District zoning district but to modify the lot width and depth as follows. Each lot is comprised of at least 3,045 sf or 2,175 sf with a minimum depth of 87-feet. Each lot will have a width of at least 25 feet or 35 feet. There will be 143 lots with a 25-foot width and 55 lots with a 35 foot width. Each area, as shown and identified on *Exhibit E*.

Each lot will have a 10-foot side setback if on the end or a zero setback of in the interior, a 25-foot front setback, and a 20-foot rear setback per the table below. Where residential lots have double frontage, running from one street to another, no access from the rear of the property will be permitted to the street. Only one access point will

be permitted from a residential lot, so long as the access is from the front of the lot. All lots with double frontage within that block will have the same restriction and orientation as the lot on either side.

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
TH Per UDC	Townhome District	2500	25	100	25	10	20	2	35	75%	h,j,k,l,m
TH (Type A)	Townhome District	3,045	35	87	25	10, 0	20	2	35	75%	h,j,k,l,m
TH (Type B)	Townhome District	2,175	25	87	25	0, 0	20	2	35	75%	h,j,k,l,m
Key:											
h.	Corner lot shall have minimum 15-foot yard setback from street right-of-way.										
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										

**Homeowners Association & Maintenance.** This development will be gated, and a Homeowners Association (HOA) will be established. The entire development both inside and outside of the gates to include irrigation will be maintained by the HOA's maintenance crew. This is to include the maintenance of common areas, all front yards, side yards, and back yards. This is also to include landscape buffers as defined in Sec. 21.9.7 Landscaping, and maintaining fences, and/or walls. The HOA's maintenance crew will have access to all back yards via side gates and interior gates between units. The HOA will have 102 master keyed locks to allow for access to maintain the interior unit's backyard of each building. An 8-foot masonry wall will be installed along the boundary with The Northcliffe neighborhood. The landscape buffer abutting The Fairways at Scenic Hills will all be maintained by the HOA in its entirety unless agreed upon otherwise with The Fairways at Scenic Hills Homeowners Association. Crushed granite walking trails, concrete pathways, neighborhood amenities, and multi-use paths within the development's common areas will all be maintained by "The Villas at Bluebonnet Ridge HOA" as well.



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**Architectural Review Committee.** The Developer will establish an Architectural Review Committee (ARC) which will be responsible for reviewing and approving construction plans for all residential construction within The Villas at Bluebonnet Ridge. The ARC will consist of members appointed by the Developer until all the property within the Villas at Bluebonnet Ridge has been transferred to an independent third-party purchaser or to the HOA.

Construction of residential and community amenities within the Villas at Bluebonnet Ridge shall first be submitted to the ARC for approval and to verify compliance with the terms, conditions, and obligations of the PDD and deed restrictions. The ARC shall review such contemplated construction and shall, if approved, provide verification in a form acceptable to the City by which the ARC verifies that the plan for the contemplated construction complies with the PDD and associated guidelines.

**Site Design Standards.** This proposed development conforms to the Comprehensive Land Plan for orderly and unified development of streets, utilities, neighborhood design, and public land and facilities. Streets, gates, and lighting will be maintained by the HOA. All public utilities will be maintained by the city with easements to be recorded for access and maintenance as detailed in the utility plan provided to the city.

**Fire Suppression and Fire Walls.** Due to the reduced side yard setbacks, each townhome within the Villas at Bluebonnet Ridge will have fire sprinklers, will require all A/C condensers to be in the rear yard, and exterior walls will be at least a minimum of a 1-hour fire rated.

**Parking.** According to UDC Section 21.10.4, each 3-bedroom unit within this development is required to have 2.5 off street parking spaces. Plus, additional guest parking at a ratio of 5% of the required spaces. The intent of the development is to conform to the UDC requirements but to modify the section to allow for garage parking to be counted as part of the required spaces. As noted, and shown in Exhibit E, each 3-bedroom unit has two driveway parking spaces in addition to one garage parking space for a total of 3 spaces per unit. In addition to the 594 off street parking spaces allocated across the development, there are an additional 16 parking spaces split between the

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interior parks and mail station and an additional 44 spaces available on street to use as overflow and guest parking. Total parking spaces available are 654.

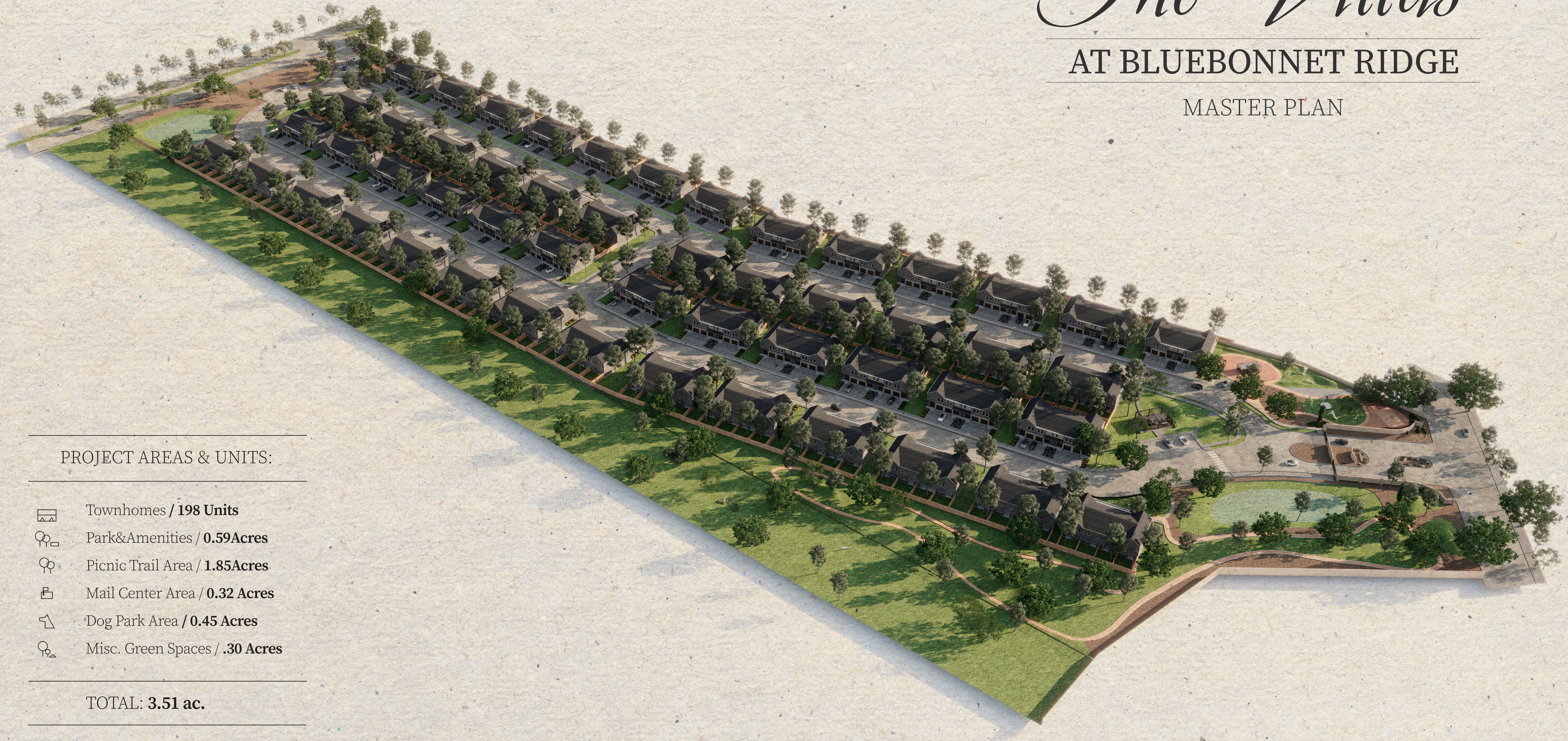
**Amendments to the Planned Development District (PDD).** Any significant future changes from the established Dimensional Requirements for the approved PDD, which alter the concept of the PDD or increase the density, will cause the plan to be re-submitted for approval by the Planning & Zoning Commission and the City Council, including a new public hearing with applicable fees. Minor changes which do not change the concept or intent of the development shall be approved or denied administratively.



# The Villas

## AT BLUEBONNET RIDGE

### MASTER PLAN



#### PROJECT AREAS & UNITS:

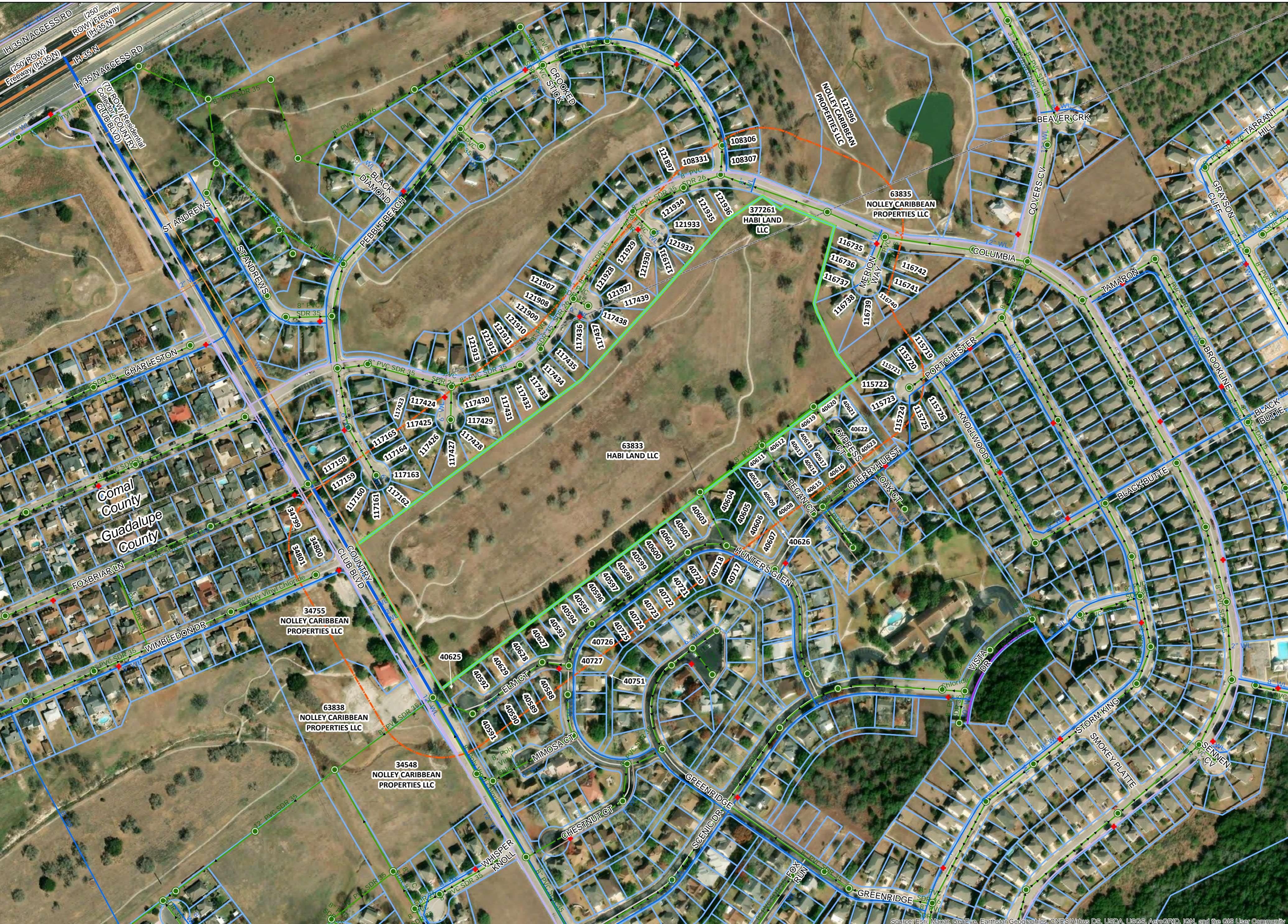
-  Townhomes / **198 Units**
-  Park & Amenities / **0.59 Acres**
-  Picnic Trail Area / **1.85 Acres**
-  Mail Center Area / **0.32 Acres**
-  Dog Park Area / **0.45 Acres**
-  Misc. Green Spaces / **.30 Acres**

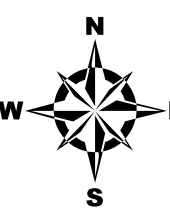
TOTAL: **3.51 ac.**

-  Detention Ponds / **0.66 Acres**
-  Open Space Eastment / **4.01 Acres**

ALL RENDERINGS & ILLUSTRATIONS SHOWN ARE FOR ILLUSTRATION PURPOSE ONLY.







THE VILLAS AT  
BLUEBONNET RIDGE  
(PLPDD20220186)

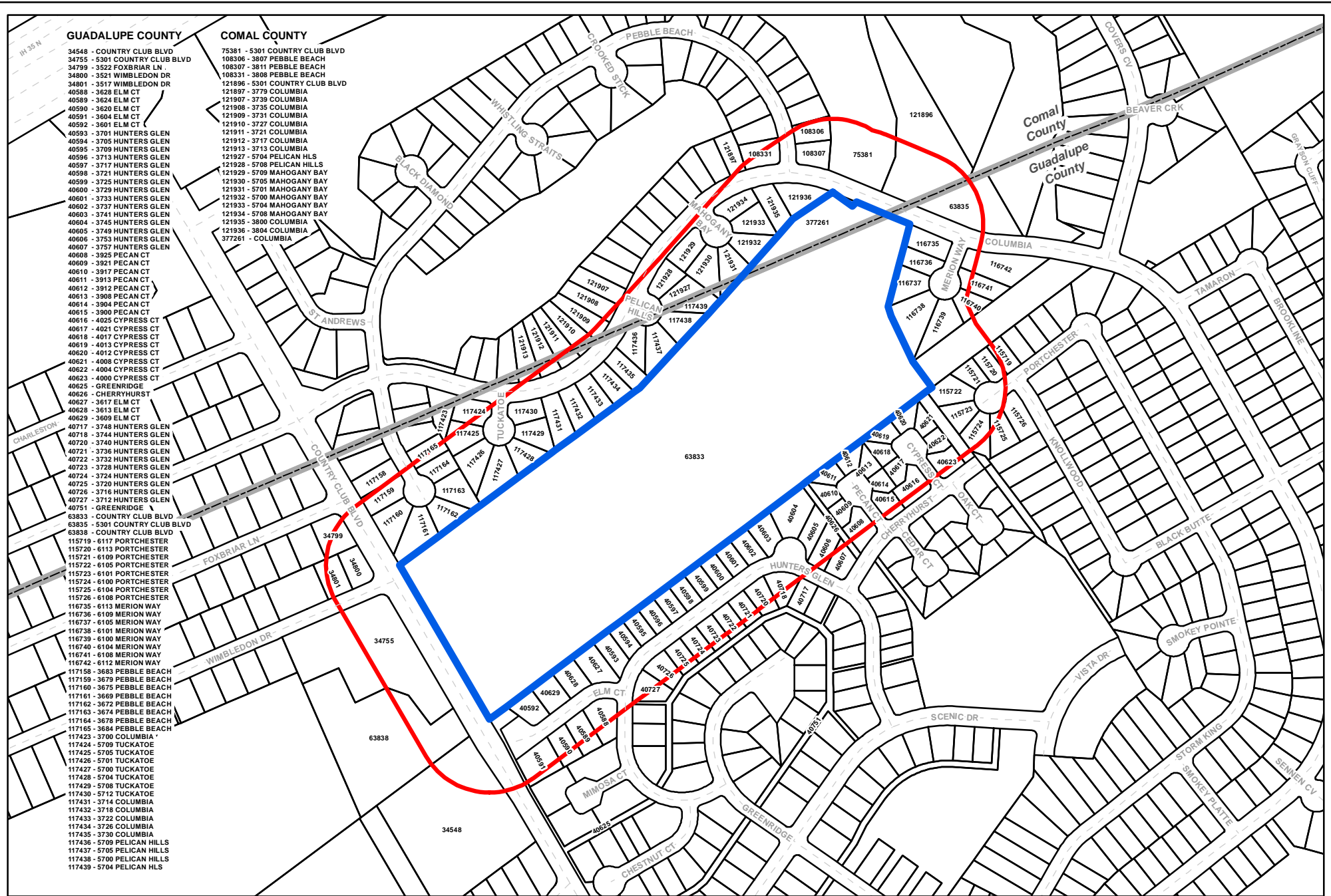
<all other values>	<all other values>	Planned Secondary Arterial	Commercial Collector B	1" 8" 20"	Schertz Gravity
Highways	Freeway	Secondary Rural Arterial	Planned Commercial Collector B	2" 10" 24"	Schertz Pressure
Major Roads	Principal Arterial	Planned Secondary Rural Arterial	Commercial Collector A	3" 12" 30"	Neighboring Gravity
Minor Roads	Planned Principal Arterial	Residential Collector	Planned Commercial Collector A	4" 16" 36"	Private Pressure
Other Cities	Secondary Arterial	Planned Residential Collector	Planned Residential Collector	6" 18"	

Hydrant	200' Buffer
Manholes	Schertz Municipal Boundary
	County Boundaries

1 Inch = 200 Feet

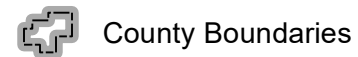
0 100 200 400 600 800 Feet





# City of Schertz

## The Villas at Bluebonnet Ridge (PLPDD20220186)



**NOTICE OF PUBLIC HEARING**

January 13, 2023

Dear Property Owner,

The Schertz Planning and Zoning Commission will conduct a public hearing on **Wednesday, January 25, 2023**, at **6:00 p.m.** located at the Schertz Civic Center, 1400 Schertz Parkway, Building #5, Schertz, Texas to consider and make recommendation on the following item:

**PLPDD20220186** – A request to rezone approximately 25 acres of land from Pre-Development District (PRE) to Planned Development District (PDD), generally located approximately 2,200 feet southeast of the intersection of Country Club Boulevard and IH-35 access road, also known as a portion Comal County Property Identification Number 377261 and Guadalupe County Property Identification 63833, City of Schertz, Comal County and Guadalupe County, Texas.

The Planning and Zoning Commission would like to hear how you feel about this request and invites you to attend the public hearing. *This form is used to calculate the percentage of landowners that support and oppose the request.* You may return the reply form below prior to the first public hearing date by mail or personal delivery to [shaas@schertz.com](mailto:shaas@schertz.com). If you have any questions, please feel free to call Samuel Haas, Planner directly at (210) 619-1783.

Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☐ opposed to ☐ neutral to ☒ the request for **PLPDD20220186**

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

NAME: \_\_\_\_\_

(PLEASE PRINT)

SIGNATURE \_\_\_\_\_

STREET ADDRESS: \_\_\_\_\_

DATE: \_\_\_\_\_

## Emily Delgado

---

**From:** Gregory Sebold  
**Sent:** Tuesday, February 28, 2023 11:26 AM  
**To:** Emily Delgado  
**Subject:** PLPDD20220186  
**Attachments:** completed public hearing notices.pdf

Hello Miss Emily,

I apologize for not sending these before now. I would also like to apologize for whatever extra workload this has caused you. Just so that you are aware, the support of this project is conditional on it being adopted in its original form. If the city tries to impose the Great Northern Walking Trail through this sector versus one of the other two options, every letter of support from the Scenic Hills Community Association will become a letter of opposition. Thank you for your assistance in this matter.

Kindest regards, respectfully submitted,  
Gregory Sebold, president SHCA



COMMUNITY  
SERVICE  
OPPORTUNITY

PLANNING & COMMUNITY  
DEVELOPMENT

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Sincerely,

Samuel Haas  
Planner

Reply Form

I am: in favor of ☒ opposed to ☐ neutral to ☐ the request for **PLPDD20220186**

COMMENTS: Without Walking Trail

NAME: Richard Scapperotti  
(PLEASE PRINT)

SIGNATURE

R. Scapperotti

STREET ADDRESS

3908 Pecan Ct Schertz TX

DATE:

2/27/23

NOTICE OF PUBLIC HEARING

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☒ opposed to ☐ neutral to ☐ the request for **PLPDD20220186**

COMMENTS: NO WALKING TRAIL

NAME: DAVID A. KLING SIGNATURE: David A. Kling  
(PLEASE PRINT)

STREET ADDRESS: 3728 HUNTERS GLEN

DATE: 26 FEB 23



## NOTICE OF PUBLIC HEARING

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Sincerely,

  
Samuel Haas  
Planner

## Reply Form

I am: in favor of ☒ opposed to ☐ neutral to ☐ the request for **PLPDD20220186**COMMENTS: I feel very safe here especially with the fencing aroundNAME: Sharon L Clancy SIGNATURE: Sharon L Clancy  
(PLEASE PRINT)STREET ADDRESS: 3744 Hunters GlenDATE: 2/26/23

I will Not feel with  
walking trail. Please do  
not add in the walking  
trail!

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January 13, 2023

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**PLPDD20220186** – A request to rezone approximately 25 acres of land from Pre-Development District (PRE) to Planned Development District (PDD), generally located approximately 2,200 feet southeast of the intersection of Country Club Boulevard and IH-35 access road, also known as a portion Comal County Property Identification Number 377261 and Guadalupe County Property Identification 63833, City of Schertz, Comal County and Guadalupe County, Texas.

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Sincerely,

Samuel Haas  
Planner

## Reply Form

I am: in favor of ☒ opposed to ☐ neutral to ☐ the request for **PLPDD20220186**COMMENTS: NO WALKING TRAILNAME: ANITA LEACH SIGNATURE Anita Leach  
(PLEASE PRINT)STREET ADDRESS: 3749 HUNTERS GLEN SCHERTZ-DATE: 26 Feb, 23

## NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,

Samuel Haas  
Planner

## Reply Form

I am: in favor of ☒ opposed to ☐ neutral to ☐ the request for **PLPDD20220186**COMMENTS: NO WALKING TRAILNAME: Judy G. Spencer SIGNATURE Judy G. Spencer  
(PLEASE PRINT)STREET ADDRESS: 9620 Elm Ct Schertz 78108DATE: 2/26/23

## NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,

Samuel Haas  
Planner

## Reply Form

I am: in favor of ☒ opposed to ☐ neutral to ☐ the request for PLPDD20220186COMMENTS: NO WALKING TRAILNAME: Laurie Jenks Hale SIGNATURE: Laurie Jenks Hale  
(PLEASE PRINT)STREET ADDRESS: 3900 Pecan Court Schertz, TX 78108DATE: 26 Feb 2023



## NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,

Samuel Haas  
Planner

## Reply Form

I am: in favor of ☒ opposed to ☐ neutral to ☐ the request for PLPDD20220186COMMENTS: Without WALKING TRAILNAME: Luis McNeer-Stakel SIGNATURE: Luis McNeer-Stakel  
(PLEASE PRINT)STREET ADDRESS: 3701 Hunters GlenDATE: 2/26/23

NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☒ opposed to ☐ neutral to ☐ the request for **PLPDD20220186**

COMMENTS: No Walking Trail

NAME: Robert Redcliffe

(PLEASE PRINT)

SIGNATURE Robert Redcliffe

STREET ADDRESS: 3724 Hunters Glen Schertz, TX

DATE: 2-26-23

NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☒ opposed to ☐ neutral to ☐ the request for **PLPDD20220186**

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

NAME: Shirley R. Olinik SIGNATURE Shirley R. Olinik  
(PLEASE PRINT)

STREET ADDRESS: 3817 Hunters Glen, Schertz

DATE: 01/25/2023

NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

---

Reply Form

I am: in favor of ☒ opposed to ☐ neutral to ☐ the request for **PLPDD20220186**

COMMENTS:

NAME: JAMES L. KOSIBIE SIGNATURE: James L. Kosibie  
(PLEASE PRINT)

STREET ADDRESS: 3624 ELM COURT, SCHERTZ TX

DATE: 1-19-2023



## NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,

Samuel Haas  
Planner

## Reply Form

I am: in favor of ☒ opposed to ☐ neutral to ☐ the request for **PLPDD20220186**COMMENTS: I have spoken to Doug Young and he addressed my concerns so I'm changing my reply "Vote!"NAME: Mary E "Betsy" Berg SIGNATURE   
(PLEASE PRINT)STREET ADDRESS: 4013 Cypress Court, Schertz, TX 78108DATE: 24 JAN 2023

Reply Form

I am: ☒ in favor of ☐ opposed to ☐ neutral to ☐ the request for PLPDD20220186

COMMENTS:

NAME: Liddy Spencer SIGNATURE Liddy Spencer  
(PLEASE/PRINT)

STREET ADDRESS: 3628 Elm Ct, Schertz 78108

DATE: 1/23/23

Reply Form

I am: ☒ in favor of ☐ opposed to ☐ neutral to ☐ the request for PLPDD20220186

COMMENTS:

NAME:

Verry Spicer  
(PLEASE PRINT)

SIGNATURE

Verry Spicer

STREET ADDRESS:

4021 Cypress Court Schertz Tx 78108

DATE:

1/24/23

1400 Schertz Parkway

Schertz, Texas 78154

210.619.1000

[schertz.com](http://schertz.com)

I am: ☒ in favor of ☐ opposed to ☐ neutral to ☐ the request for PLPDD20220186

COMMENTS: \_\_\_\_\_  
NAME: Amelia Courser SIGNATURE Amelia Courser

(PLEASE PRINT)

STREET ADDRESS: 3620 EIMC4-

DATE: Jan. 24, 2023



Reply Form

I am: ☒ in favor of ☐ opposed to ☐ neutral to ☐ the request for PLPDD20220186

COMMENTS:

NAME: Ann McMaster SIGNATURE *Ann McMaster*

(PLEASE PRINT)

STREET ADDRESS: 3604 Elm Ct Schertz

DATE: 1/24/23

NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,




Samuel Haas  
Planner

Reply Form

I am in favor of ☒ opposed to ☐ neutral to ☐ the request for **PLPDD20220186**

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

NAME: GEORGE H. MAURER SIGNATURE:   
(PLEASE PRINT)

STREET ADDRESS: 3721 HUNTERS GLN SCHERTZ, TX 78108

DATE: 1/24/23

NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☒ opposed to ☐ neutral to ☐ the request for **PLPDD20220186**

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

NAME: Wes + Marcheta Wright SIGNATURE: Wes + Marcheta Wright  
(PLEASE PRINT)

STREET ADDRESS: 3613 Elm Ct Schertz, TX 78108

DATE: 1-24-2023

NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☒ opposed to ☐ neutral to ☐ the request for **PLPDD20220186**

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

NAME: Robert F. Radcliffe SIGNATURE: Robert F. Radcliffe  
(PLEASE PRINT) Ruth A. Radcliffe Ruth Radcliffe  
STREET ADDRESS: 3724 Hunters Glen, Schertz TX 78108  
DATE: 1/24/2023



NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

---

Reply Form

I am: in favor of ☒ opposed to ☐ neutral to ☐ the request for **PLPDD20220186**

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

NAME: ROBERT LA SANTE SIGNATURE Robert LaSante  
(PLEASE PRINT)

STREET ADDRESS: 4012 Cypress Ct

DATE: 1-23-23

## NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,

  
Samuel Haas  
Planner

## Reply Form

I am in favor of ☒ opposed to ☐ neutral to ☐ the request for **PLPDD20220186**

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

NAME: Wesley Crawford  
(PLEASE PRINT)SIGNATURE STREET ADDRESS: 3725 Hunters Glen, Schertz, TX 78108DATE: 1/24/23

NOTICE OF PUBLIC HEARING

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☒ opposed to ☐ neutral to ☐ the request for **PLPDD20220186**

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

NAME: PATRICIA CRAWFORD SIGNATURE Patricia Crawford  
(PLEASE PRINT)

STREET ADDRESS: 3725 Hunters Glen, Schertz, TX 78108

DATE: Jan. 24, 2023

NOTICE OF PUBLIC HEARING

January 13, 2023

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Planner

Reply Form

I am: in favor of ☒ opposed to ☐ neutral to ☐ the request for **PLPDD20220186**

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

NAME: LYNN WHITE <sup>JUDYJANE</sup> WITTE SIGNATURE Lyn White  
(PLEASE PRINT) Judyjane Witte

STREET ADDRESS: 4025 CYPRESS CT

DATE: 1-24-2023



NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☒ opposed to ☐ neutral to ☐ the request for **PLPDD20220186**

COMMENTS: Thank you!

NAME: Laurie Jenks Hale SIGNATURE Laurie Jenks Hale  
(PLEASE PRINT)

STREET ADDRESS: 3900 Pecan Ct. Schertz, TX 78108

DATE: 01/24/2023

NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☒ opposed to ☐ neutral to ☐ the request for **PLPDD20220186**

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

NAME: SUSAN WALKER SIGNATURE: Susan Walker  
(PLEASE PRINT)

STREET ADDRESS: 3921 Pecan Ct.

DATE: 1/24/23

NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☒ opposed to ☐ neutral to ☐ the request for **PLPDD20220186**

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

NAME: OTHANN WARNER SIGNATURE: Othann B Warner  
(PLEASE PRINT)

STREET ADDRESS: 3717 Hunters Glen Schertz, TX

DATE: 1-24-23

NOTICE OF PUBLIC HEARING

January 13, 2023

Dear Property Owner,

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**PLPDD20220186** – A request to rezone approximately 25 acres of land from Pre-Development District (PRE) to Planned Development District (PDD), generally located approximately 2,200 feet southeast of the intersection of Country Club Boulevard and IH-35 access road, also known as a portion Comal County Property Identification Number 377261 and Guadalupe County Property Identification 63833, City of Schertz, Comal County and Guadalupe County, Texas.

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☒ opposed to ☐ neutral to ☐ the request for **PLPDD20220186**

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

NAME: Margaret Igel SIGNATURE: Margaret Igel  
(PLEASE PRINT)

STREET ADDRESS: 3712 Hunters Glen

DATE: 1-24-23



NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☒ opposed to ☐ neutral to ☐ the request for **PLPDD20220186**

COMMENTS:

NAME: Ken & Bonnie Miller SIGNATURE: Bonnie Miller  
(PLEASE PRINT)

STREET ADDRESS: 3709 Hunters Glen

DATE: 1/24/23

## NOTICE OF PUBLIC HEARING

January 13, 2023

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Samuel Haas  
Planner

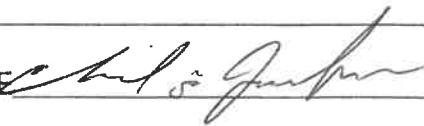
## Reply Form

I am: in favor of ☒ opposed to ☐ neutral to ☐ the request for **PLPDD20220186**

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

NAME: CHARLES J. JENKINS  
(PLEASE PRINT)

SIGNATURE

STREET ADDRESS: 3729 HUNTERS LANE, SCHERTZ, TX 78105DATE: 1/24/2023

NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☒ opposed to ☐ neutral to ☐ the request for **PLPDD20220186**

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

NAME: Kelly Griffin SIGNATURE Kelly Griffin  
(PLEASE PRINT)

STREET ADDRESS: 3745 HUNTERS GLEN SCHERTZ TX

DATE: 1/25/2023

NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☒ opposed to ☐ neutral to ☐ the request for **PLPDD20220186**

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

NAME: GARY ENSMINGER SIGNATURE:   
(PLEASE PRINT)

STREET ADDRESS: 3753 HUNTERS GLEN

DATE: 1/24/23



Reply Form

the request for PLPDD20220186

I am: ☒ in favor of

☐ opposed to

☐ neutral to

COMMENTS:

NAME:

SIGNATURE

(PLEASE PRINT)

STREET ADDRESS:

DATE:

1400 Schertz Parkway   ★   Schertz, Texas 78154   ★   210.619.1000   ★   [schertz.com](http://schertz.com)

## Emily Delgado

---

**From:** Douglas Young  
**Sent:** Thursday, February 23, 2023 5:29 PM  
**To:** Emily Delgado  
**Subject:** COMMENTS ON PENDING ACTION - PLPDD20220186

As a registered voter in Schertz, I am writing to urge you to approve PLPD20220186 (Villas at Bluebonnet Ridge) as originally submitted without the Great North Walking Trail through the project site. I believe that the walking trail suggested by city staff would jeopardize the security of all residents in SCHA. The reason I object to the inclusion of the walking trail in the submission by Bluebonnet is that it's inclusion will not allow the permanent seclusion of the Scenic Hills Subdivision and therefore prevent the permanent completion of the security for the Scenic Hills Subdivision and it's 210 property owners in the Scenic Hills Community Association with the security they deserve. Thank you for your assistance and consideration in this matter.

Douglas Young  
3701 Hillside  
Schertz, TX

NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for PLPDD20220186

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

NAME: Rose Carpinteyro - Reyes SIGNATURE Rose Carpinteyro - Reyes  
(PLEASE PRINT)

STREET ADDRESS: 3522 Foxbriar Ln Schertz, Tx 78108

DATE: 2-26-2023

SCHERTZ |

COMMUNITY  
SERVICE  
OPPORTUNITY

PLANNING & COMMUNITY  
DEVELOPMENT

NOTICE OF PUBLIC HEARING

January 13, 2023


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Sincerely,

  
Samuel Haas  
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for PLPDD20220186

COMMENTS: We prefer that the land be used as a plot for solar energy and park

NAME: Thomas Hernandez SIGNATURE:   
(PLEASE PRINT)

STREET ADDRESS: 5105 BLACK HORSE

DATE: 2/28/23

1400 Schertz Parkway

Schertz, Texas 78154

210.619.1000

[schertz.com](http://schertz.com)



## NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,

Samuel Haas  
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for **PLPDD20220186**

COMMENTS: negative impact on home valueNAME: Patricia Rodriguez SIGNATURE Patricia Rodriguez  
(PLEASE PRINT)STREET ADDRESS: 3672 Pebble BeachDATE: 2-28-2023

## Samuel Haas

**From:** Carol Allen <carol\_and\_dj@yahoo.com>  
**Sent:** Tuesday, February 28, 2023 12:37 PM  
**To:** Samuel Haas  
**Subject:** Opposed to PLPDd20220186

**SCHERTZ** | COMMUNITY SERVICE OPPORTUNITY

PLANNING & COMMUNITY DEVELOPMENT

NOTICE OF PUBLIC HEARING

January 13, 2023


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Sincerely,

  
Samuel Haas  
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for PLPDd20220186

COMMENTS: City of Schertz has totally ignored our neighborhoods  
until money brought in

NAME: Carol Davis SIGNATURE: Carol Davis  
(PLEASE PRINT)

STREET ADDRESS: 3337 Wimbrow Dr 78108

DATE: 2-28-2023

1400 Schertz Parkway • Schertz, Texas 78154 • 210.619.1000 • [schertz.com](http://schertz.com)

Sent from my iPhone

NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for PLPDD20220186

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

NAME: \_\_\_\_\_

(PLEASE PRINT)

SIGNATURE \_\_\_\_\_

STREET ADDRESS: \_\_\_\_\_

DATE: \_\_\_\_\_

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Reply Form

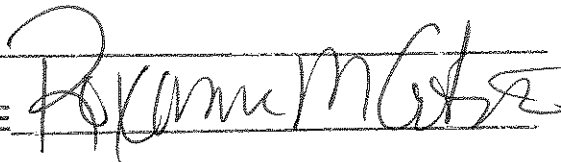
I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for PLPDD20220186

COMMENTS:

NAME:

Roxanne M. Cortinas  
(PLEASE PRINT)

SIGNATURE



STREET ADDRESS:

3717 Columbia

DATE:

2/25/23



NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for PLPDD20220186

COMMENTS:

NAME: KELLY MILLER SIGNATURE:   
(PLEASE PRINT)

STREET ADDRESS: 3714 COLUMBIA DR.

DATE: 2/25/23

NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for PLPDD20220186

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

NAME: GERARD L. NATALE SIGNATURE   
(PLEASE PRINT)

STREET ADDRESS: 5705 PELICAN HILLS,

DATE: 2/25/23

NOTICE OF PUBLIC HEARING

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for PLPDD20220186

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

NAME: William M Zulaica  
(PLEASE PRINT)

SIGNATURE 

STREET ADDRESS: 5700 Pelican HLS Schertz, TX 78108

DATE: 2-25-23

NOTICE OF PUBLIC HEARING

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Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for PLPDD20220186

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

NAME: Joe Goodpasture SIGNATURE: [Signature]  
(PLEASE PRINT)

STREET ADDRESS: 5704 Pelican Hill

DATE: 2-25-23



## NOTICE OF PUBLIC HEARING

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Sincerely,

Samuel Haas  
Planner

## Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for PLPDD20220186

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

NAME: William + Lorraine Lacy SIGNATURE [Signature]  
(PLEASE PRINT)STREET ADDRESS: 6113 Merion Way Schertz, TXDATE: 2/25/2023

78108

NOTICE OF PUBLIC HEARING

January 13, 2023

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Planner

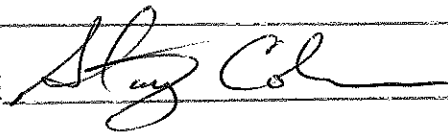
Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for PLPDD20220186

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

NAME: STACY COLEMAN  
(PLEASE PRINT)

SIGNATURE



STREET ADDRESS: 6101 MERION WAY

DATE: 2/25/23

NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for PLPDD20220186

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

NAME: Victoria Williamsen SIGNATURE: Victoria Williamsen  
(PLEASE PRINT)

STREET ADDRESS: 4113 Portchester Street 78180

DATE: 2/25/23

NOTICE OF PUBLIC HEARING

January 13, 2023

Dear Property Owner,

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Sincerely,



Samuel Haas  
Planner

Reply Form

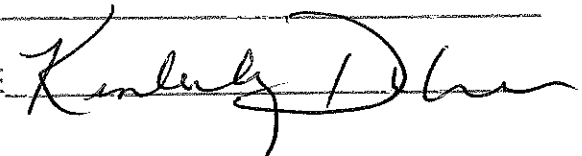
I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for PLPDD20220186

COMMENTS:

NAME:

Kim DuChene  
(PLEASE PRINT)

SIGNATURE



STREET ADDRESS: 6101 Portchester

DATE: 2-25-2023



NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for PLPDD20220186

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

NAME: Tisha Moore SIGNATURE Tisha Moore  
(PLEASE PRINT)

STREET ADDRESS: 5712 Tuckatoo; Schertz, TX 78108

DATE: 2/25/23

NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for PLPDD20220186

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

NAME: Lodie Morales SIGNATURE Lodie Morales  
(PLEASE PRINT)

STREET ADDRESS: 3679 Public Beach Schertz 78108

DATE: 2/25/23

NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for PLPDD20220186

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

NAME: CHRIS HERMOSILLO SIGNATURE:   
(PLEASE PRINT)

STREET ADDRESS: 3669 Pebble Beach 78108

DATE: 022523

NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for PLPDD20220186

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

NAME: Eugene A Marchese Jr SIGNATURE   
(PLEASE PRINT)

STREET ADDRESS: 3674 Pebble Beach 78108

DATE: 2-25-2023



NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for PLPDD20220186

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

NAME: Howson Lau SIGNATURE [Signature]  
(PLEASE PRINT)

STREET ADDRESS: 3678 Pebble Beach

DATE: 2/29/23

NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for PLPDD20220186

COMMENTS:

NAME: Estes E. Fogel SIGNATURE Estes E. Fogel  
(PLEASE PRINT)

STREET ADDRESS: 3684 Purple Bend 78108

DATE: 2-25-23

NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for PLPDD20220186

COMMENTS:

NAME: JUDY HENFEY  
(PLEASE PRINT)

SIGNATURE



STREET ADDRESS:

3811 Pebble Beach, Ciholo, TX 78108

DATE:

2/25/23

NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for PLPDD20220186

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

NAME: JW CHANDLER JR SIGNATURE [Handwritten Signature]  
(PLEASE PRINT)

STREET ADDRESS: 3800 COLUMBIA DR, LOCKPORT

DATE: 2/25/23

NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for PLPDD20220186

COMMENTS:

NAME: JOE D. SOLIS SIGNATURE   
(PLEASE PRINT)

STREET ADDRESS: 5701 MAHOGANY BAY SCHERTZ TX 78108

DATE: 2/25/23



NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for PLPDD20220186

COMMENTS: I feel these developers took a big Risk buying land not zoned for what they want it for. I feel that they should pay for that bad business investment, Not us.

NAME: Ginger Hollingsworth SIGNATURE: Ginger Hollingsworth  
(PLEASE PRINT)

STREET ADDRESS: 5708 Pelican Hills, Schertz TX 78108

DATE: 2/25/23

NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

Reply Form.

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for PLPDD20220186

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

NAME: Julie Martin SIGNATURE:   
(PLEASE PRINT)

STREET ADDRESS: 5708 Mahogany Bay Schertz TX 78108

DATE: 2/25/23

NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

Text

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for **PLPDD20220186**

Strongly opposed to rezone. Rezone significantly increases basic  
COMMENTS: infrastructure necessities without adequate ability to meet

NAME: David A. Hermann  
(PLEASE PRINT)

SIGNATURE



STREET ADDRESS: 6037 Scenic Links, Schertz, TX

DATE: 2/26/2023



COMMUNITY  
SERVICE  
OPPORTUNITY

PLANNING & COMMUNITY  
DEVELOPMENT

NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,

Samuel Haas  
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for **PLPDD20220186**

COMMENTS:

*It's houses (rentals) in my backyard*

NAME:

*Heather Miller*

SIGNATURE

(PLEASE PRINT)

STREET ADDRESS:

*5708 Buckaroo*

DATE:

*5/17/23*

NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for **PLPDD20220186**

COMMENTS: No Town Homes - Only Residential Houses

NAME: David Cummings SIGNATURE: David Cummings  
(PLEASE PRINT)

STREET ADDRESS: 6109 Portchester

DATE: 1/18/23



## Samuel Haas

---

**From:**  
**Sent:** Saturday, January 21, 2023 3:37 PM  
**To:** Samuel Haas  
**Subject:** PLPDD20220186

Mr Samuel Haas  
Planner

Dear Mr Haas;  
I am opposed to the change in zoning proposed in PLPDD20220186.

I approve of single family homes on the site, same as ALL the developed land surrounding the site.  
As proposed, the change in NO WAY benefits the City of Schertz nor the neighbors of the property.

Thank you,  
Philip Berg  
3740 Hunters Glen  
Schertz, TX 78108

21 January 2023

## NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,

  
Samuel Haas  
Planner

## Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for **PLPDD20220186**COMMENTS: LOWER HOME VALUESNAME: JOHN ALLWAY SIGNATURE: John Allway  
(PLEASE PRINT)STREET ADDRESS: 6109 MERION WAYDATE: 1/19/23

## NOTICE OF PUBLIC HEARING

January 13, 2023


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Sincerely,

  
Samuel Haas  
Planner

## Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for **PLPDD20220186**

COMMENTS: Need area developed for recreation uses

NAME: JASON ALLOWAY  
(PLEASE PRINT)

SIGNATURE



STREET ADDRESS: 6109 Merion Way

DATE: 1/20/23

## NOTICE OF PUBLIC HEARING

January 13, 2023


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Sincerely,

  
Samuel Haas  
Planner

## Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for **PLPDD20220186**COMMENTS: APARTMENTS WILL DEVALUE OUR INVESTMENTNAME: Aaron Alloway SIGNATURE: Aaron Alloway  
(PLEASE PRINT)STREET ADDRESS: 6109 MENON WAYDATE: 1/18/23

## NOTICE OF PUBLIC HEARING

January 13, 2023


Dear Property Owner,

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Sincerely,

  
Samuel Haas  
Planner

## Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for **PLPDD20220186**COMMENTS: NEED GOLF COURSE not APARTMENTSNAME: RAT ALLOWAY  
(PLEASE PRINT)

SIGNATURE

STREET ADDRESS: 6109 Meridian WayDATE: 1/18/23



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January 13, 2023


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Sincerely,

  
Samuel Haas  
Planner

## Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for **PLPDD20220186**

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

NAME: Carmelita Alloway SIGNATURE: Carmelita Alloway  
(PLEASE PRINT)STREET ADDRESS: 6109 Meridian WayDATE: 1/18/23

## **Samuel Haas**

---

**From:**  
**Sent:** Monday, January 23, 2023 11:09 AM  
**To:** Samuel Haas  
**Subject:** Rezoning PLPDD20220186

I am opposed to PLPDD20220186.

Gail Johnson  
3757 Hunters Glen  
Schertz, TX 78108

## NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

## Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for PLPDD20220186

COMMENTS:

NAME: Laurie Lamphear SIGNATURE: Laurie Lamphear  
(PLEASE PRINT)

STREET ADDRESS: 3731 Columbia Dr., Cibola TX 78

DATE: 1/24/23

NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for **PLPDD20220186**

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

NAME: GEORGE KOLTERMANN SIGNATURE George Koltermann  
(PLEASE PRINT)

STREET ADDRESS: 374 B HUNTERS GLEN SCHERTZ TX

DATE: 1-21-2023 78108

Reply Form

I am: ☐ in favor of ☒ opposed to ☐ neutral to ☐ the request for PLPDD20220186

COMMENTS: Single Family Homes, No Apartments, No Townhouses.

NAME: Gwen + Melissa Marchese SIGNATURE Gwen + Melissa  
(PLEASE PRINT)

STREET ADDRESS: 3674 Pecble Beach, Schertz Texas 78108

DATE: 1-25-2023

1400 Schertz Parkway Schertz, Texas 78154 210.619.1000 schertztx.com





## NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,

Samuel Haas  
Planner

## Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for **PLPDD20220186**

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

NAME: Ruth LAWRENCESIGNATURE Ruth Lawrence

(PLEASE PRINT)

STREET ADDRESS: 6100 Merion Way, SchertzDATE: 1-25-23

## Samuel Haas

---

**From:**  
**Sent:** Tuesday, January 24, 2023 5:00 PM  
**To:** Samuel Haas  
**Subject:** Northcliffe Rezoning

Hello Mr. Haas,

I live off of the Northcliffe Golf Course, and wanted to be sure to let you know that although I don't live within the 200ft radius of the proposed area to be rezoned, I do strongly oppose the rezoning. It just doesn't make sense to plop multifamily housing in the middle of all single home neighborhoods. Schertz may have a need for this type of housing, but this is not the place for it. Thank you for your consideration.

Phil Jackson

James M. Hough  
5133 Black Horse  
Schertz, TX 78108

January 24, 2023

Good evening,

My name is James M. Hough (H-O-U-G-H...I pronounce my last name as H-U-F-F, like R-O-U-G-H). I live at 5133 Black Horse, Schertz, TX 78108. I am a retired Vietnam War veteran with 30 years of Military Service: 26 years as a USAF Chaplain, LtCol (Ret) and 4 years as a USN Personnelman, Second Class, E-5. My telephone number is

There are two reasons I am addressing the Schertz City Council tonight:

- 1) To pray for each member of the Schertz City Council and
- 2) To express my view about the proposed change of the Zoning for the Northcliffe Area.

First, let us pray,

“Dear Lord, we gather tonight to conduct the business of the Schertz City Council. It is our prayer that each City Council member: The Mayor, and each City Council member be richly blessed and their families. May they conduct the business and service of the City of Schertz with integrity by doing the right thing and always representing the people of Schertz, TX for the greatest good. In Your Holy Name we pray. Amen.”

Second, I would like to express my view of the proposed change for the Zoning area of Northcliffe. I have reflected on this proposal and strongly feel that this is not in the best interest of many people because:

- 1) The neighborhoods that are adjacent to this area need the Park facing their homes so that they can conveniently walk and enjoy its beautiful surroundings.

This is the major reason why our neighbors bought their home in the Fairway Ridge and Northcliffe neighborhoods. The closest park is farther away and does not directly connect with these homes as this current Park does.

- 2) I was disappointed that I did not receive a survey to express my view. I do not believe many of our neighbors were contacted either. However, we understand that we do not have to be notified since we are not within 200 feet of the area. QUESTION: Is there somewhere our residents can go to see all the details of this proposal?
- 3) A proposed housing area would become problematic if the project managers and builders do not live there. They would become like hired shepherds that would abandon the flock after the building was completed. We in our neighborhoods would never get to meet and know them as our neighbors.
- 4) Currently, our neighbors are hardworking and faithful tax payers citizens of Schertz, TX. We enjoy our neighbors and socializing with them. We have had neighbors that have rented homes here and we found them to be wonderful people. (We got to know them. They too enjoyed using the Park while living here.) We would like to keep this Park so that we all can enjoy it.

If the recommended Zoning has to be changed, **then** we recommend that it be changed to **A Single Family Residence** in keeping with the surrounding area. I feel that it is in **the best interest** of the City of Schertz, TX and citizens of Schertz and surrounding communities to allow **this Park and this Zoning** to remain **as is** for the best interest of all to enjoy.

Thank you,

James M. Hough

NOTICE OF PUBLIC HEARING

January 13, 2023


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Sincerely,

  
Samuel Haas  
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for PLPDD20220186

COMMENTS: I support the integrity of keeping this a single family neighborhood

NAME: D. DRAKE SIGNATURE: [Signature]  
(PLEASE PRINT)

STREET ADDRESS: 5621 CRESWOOD DR

DATE: 01/24/2023



## Samuel Haas

---

**From:** -  
**Sent:** Tuesday, January 24, 2023 9:36 AM  
**To:** Samuel Haas  
**Subject:** Northcliffe Rezoning Opposition

Mr. Haas,

My name is Heather Jackson. I live at 3410 Wimbledon Drive here in Schertz, TX. I am writing to you to let it be known that I strongly oppose the proposed rezoning of the 25 acres in the Northcliffe subdivision. I will be in attendance at the meeting Jan. 25th. Thank you for your time.

Sincerely,

Heather Jackson  
3410 Wimbledon Dr.  
Schertz, TX 78108

## NOTICE OF PUBLIC HEARING

January 13, 2023


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Sincerely,

  
Samuel Haas  
Planner

## Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for PLPDD20220186

COMMENTS: I oppose to any and all rezoning of the golf course for multi-home building. Improve it for the current residents to use instead.

NAME: Tammy KennedySIGNATURE Tammy Kennedy

(PLEASE PRINT)

STREET ADDRESS: 3712 Pebble Beach, Schertz, TX 78108DATE: January 22, 2023

NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for **PLPDD20220186**

I do not live within 200ft of the propose area, but I am in the subdivision. I oppose the rezoning  
COMMENTS: of this property.

NAME: Michelle Saunders SIGNATURE Michelle Saunders  
(PLEASE PRINT)

STREET ADDRESS: 3438 Foxbriar LN, Schertz, TX 78108

DATE: 1-23-2023

## NOTICE OF PUBLIC HEARING

January 13, 2023


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Sincerely,

  
Samuel Haas  
Planner

## Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for PLPDD20220186COMMENTS: Townhomes will Decrease property values. It will increase crime  
There isn't enough parking in Developer's plan,NAME: Linda Rasch SIGNATURE: Linda Rasch  
(PLEASE PRINT)STREET ADDRESS: 3509 Whisper Knoll Schertz, Tx 78108DATE: 1/21/23 Zone it for single family homes only  
like the rest of the neighborhood.



NOTICE OF PUBLIC HEARING

January 13, 2023

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Sincerely,



Samuel Haas  
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for PLPDD20220186

COMMENTS: No Way! Not in my Backyard!

NAME: David Cummings SIGNATURE: David Cummings  
(PLEASE PRINT)

STREET ADDRESS: 6109 Portchester

DATE: 2/26/23





January 24, 2023

Devin "Buck" Benson  
Spokesman for HABI, LLC  
745 E Mulberry Avenue, Suite 550  
San Antonio, Texas 78112

SUBJECT: SHCA support for PLPDD2022-0186

Dear Buck:

Per our previous discussions of the pending HABI development (PLPDD2022-0186) in Schertz, TX, I am pleased to inform you that the Scenic Hills Community Association, Inc. Board of Directors and membership hereby asserts our support of this planned development. I am pleasantly encouraged by the willingness of your client (HABI, LLC) to engage in fruitful negotiations regarding this development and its effects on our community. I am proud to say that our community has collectively given our board the authority to grant our approval.

Further, in my discussions with two other HOA presidents (Northcliffe and Fairways of Scenic Hills), I have been verbally advised that this project (PLPDD2022-0186) has garnered their approval as well.

We look forward to this addition to our neighborhood.

Respectfully submitted,

Gregory Sebold  
President, SHCA Board of Directors

Ord. No. 23-S-02

25 Acre Zone Change Request from Pre-  
Development District (PRE) to Planned  
Development District (PDD): The Villas at  
Bluebonnet Ridge

Emily Delgado  
Planning Manager  
March 7, 2023









**ACREAGE SUMMARY**  
 EXISTING: 24.1784 AC PRE-DEVELOPMENT ZONING  
 PROPOSED: 24.1784 AC TOWNHOME POD ZONING

**NOTE:**  
 NO 100-YR FLOODPLAIN EXISTS ON THE  
 PROPERTY AS DEFINED BY THE COMAL COUNTY,  
 TEXAS COMMUNITY PANEL NUMBER  
 48167C0009F, AS PREPARED BY THE FEDERAL  
 EMERGENCY MANAGEMENT AGENCY, EFFECTIVE  
 DATE NOVEMBER 2, 2007

**Owner/ Developer:**  
 H&B Land, LLC  
 7551 Callaghan Rd, Suite 103, San Antonio, TX 78229  
 (210) 683-5158

**Applicant:**  
 Eugenio Murillo / H&B Land, LLC  
 7551 Callaghan Rd, Suite 103, San Antonio, TX 78229  
 (210) 683-5158

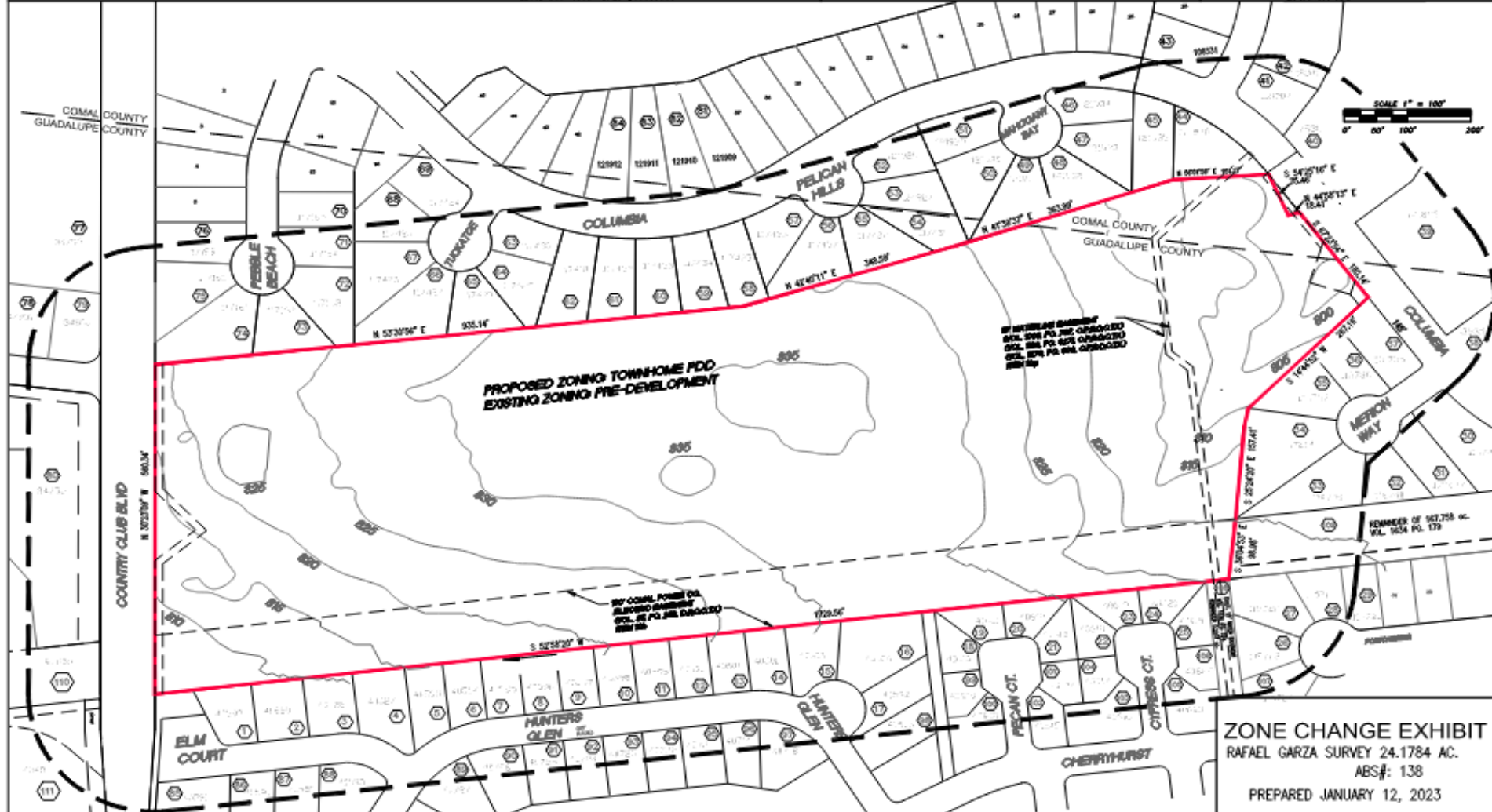
**Engineer:**  
 Alejandro R. Gomez, PE / Gomez-Garcia & Associates, Inc.  
 19230 Stone Oak Pkwy, Suite 302, San Antonio, TX 78258  
 (210) 639-5195 TEPIS #5362

**Surveyor:**  
 Lemuel T. Sinclair, RPLS / Sinclair Land Surveying, Inc.  
 3411 Magic Dr, San Antonio, TX 78229  
 (210) 341-4518 TEPIS #10069000

**GOMEZ-GARCIA & ASSOCIATES, INC.**  
 19230 Stone Oak Pkwy, Ste. 302, San Antonio, TX 78258  
 (210) 632-9608  
 TEPIS FIRM REGISTRATION #5362

## LEGEND

- ① PROPERTY INFORMATION. SEE TABLE FOR ADDITIONAL INFORMATION
- INDICATION BOUNDARY
- ZONE CHANGE BOUNDARY
- EXISTING CONTOUR LINES





# The Villa's at Bluebonnet Ridge- Proposed PDD

- The proposed rezone from Pre-Development District is to Planned Development District (PDD) with a base zoning of Townhome District (TH).
- The proposed development would consist of the following:
  - Gated Community / HOA Maintained
  - 51 buildings
    - 6 buildings with 3 units
    - 45 buildings with 4 units
  - 198 Units
    - Each unit will be its own townhome that could be sold separately
    - Each unit will be between 1,300 square feet and 1,400 square feet
  - 7.52 acres of green space and amenities

# The Villa's at Bluebonnet Ridge- Proposed PDD

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
TH Per UDC	Townhome District	2500	25	100	25	10	20	2	35	75%	h,j,k,l,m
TH (Type A)	Townhome District	3,045	35	87	25	10, 0	20	2	35	75%	h,j,k,l,m
TH (Type B)	Townhome District	2,175	25	87	25	0, 0	20	2	35	75%	h,j,k,l,m
Key:											
h.	Corner lot shall have minimum 15-foot yard setback from street right-of-way.										
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										

- Each lot will have a 10-foot side setback if on the end or a 0' setback of in the interior.
- Proposed: 143 lots with a 25' width and 55 lots with the 35' width

# The Villa's at Bluebonnet Ridge- Proposed PDD

- Parks & Amenities:
  - 7.52 acres of green space and amenities
  - Proposed to include: a pavilion, playground for the community, a concrete walking path, a mail center with covered pavilion and additional parking spaces, a 0.45 acre fenced in private dog park, a 1.85-acre private picnic / trail / community garden area. A 0.30 of miscellaneous green spaces, and 4.01 acre of open space / easement.
- Fire Suppression and Fire Walls:
  - The PDD states the following: “Due to the reduced side yard setbacks, each townhome within the Villas at Bluebonnet Ridge will have fire sprinklers, will require all A/C condensers to be in the rear yard, and exterior walls will be at least a minimum of a 1-hour fire rated.”
- Additional Design Standards Proposed:
  - 654 parking spaces proposed across the development
  - 8' masonry wall proposed along boundary with the Northcliffe neighborhood
  - 20' buffer in the rear yards adjacent to the Fairways at Scenic Hills, this 20' buffer will include 1 tree in each yard and no structures, including sheds will be permitted

# *The Villas*

---

## AT BLUEBONNET RIDGE

---

### MASTER PLAN



---

#### PROJECT AREAS & UNITS:



---

-  Townhomes / **198 Units**
-  Park & Amenities / **0.59 Acres**
-  Picnic Trail Area / **1.85 Acres**
-  Mail Center Area / **0.32 Acres**
-  Dog Park Area / **0.45 Acres**
-  Misc. Green Spaces / **.30 Acres**

---

**TOTAL: 3.51 ac.**

---

-  Detention Ponds / **0.66 Acres**
-  Open Space Eastment / **4.01 Acres**

ALL RENDERINGS & ILLUSTRATIONS SHOWN ARE FOR ILLUSTRATION PURPOSE ONLY.

# Changes from previous PDD proposal

- In 2022 the applicant submitted a zone change request for a PDD with a base zoning of Multi-family / Apartments (R-4). The original proposal was for 220 units that would be developed as fourplexes.
- On September 27, 2022 the application was denied by the City Council. During that meeting the City Council discussed concerns with the proposed density and discussed if the proposal was not apartments but instead townhomes.
- The new proposal decreases the maximum number of units to 198 and is a townhome product rather than apartments. This change was made based on feedback received at the City Council meeting.



# Changes from previous PDD proposal

- On the application from 2022 it was noted that the applicant was working with the Parks Department in relation to a trail that is shown on the 2017 Schertz Transportation Plan- Trails Network. The proposed PDD indicated that the land would be dedication within the overhead utility easement to be utilized for a portion of the “Great Northern Trail”.
- The current proposal no longer accounts for or proposes the dedication or construction of the walking trail within the overhead electrical easement.
- At the January 10, 2023 City Council meeting there was a presentation in relation to trails, where City Council expressed their desire for trails within the City of Schertz and the importance of requiring trails to be constructed with developments.

# Staff Analysis

- The Schertz Sector Plan identifies the subject property as Single-Family Residential which encourages a mixture of residential housing types. The proposed PDD with the base zoning of Townhome would provide for a variety of housing types not currently in the area.
- Additionally, the change from apartment to townhome is in line with the discussion that occurred at the previous City Council meetings. The current proposal reduces the overall density from the previously proposed zone change.
- However, based on the City Council discussion on January 10<sup>th</sup> in relation to the trails, staff feels that the development should be required to dedicate and construct the trail per the 2017 Schertz Transportation Plan- Trails Network.

# Recommendation

- **Staff Recommendation:**
  - Staff recommends approval of the proposed zone change (Ord. No. 23-S-02) to Planned Development District (PDD) with a condition that per the 2017 Schertz Transportation Plan – Trails Network the proposed project would include the trail on all future exhibits and plans and construct the identified trail on the subject tract.
- **Planning & Zoning Commission Recommendation:**
  - The Schertz Planning and Zoning Commission met on January 25, 2023 and voted to recommend that City Council approve the proposed zone change with a condition that the proposed project would include the trail on all future exhibits and plans by a 5-2 vote with Chairman Outlaw and Commissioner McMaster with the nay votes.

# February 28, 2023 City Council Update

- At the February 28, 2023 City Council meeting a public hearing was conducted for this proposed zone change.
- The City Council voted to approve the proposed zone change to PDD as presented by staff with the proposed trail to be shown. The vote for approval was a 4-3 vote with Council Members Heyward, Whittaker, Dahle, and Mayor Gutierrez voting in favor and Council Members Davis, Watson, and Scagliola voting nay.

## CITY COUNCIL MEMORANDUM

**City Council Meeting:** March 7, 2023

**Department:** Planning & Community Development

**Subject:** Ordinance 23-S-04 - Conduct a public hearing and consideration and / or action on an Ordinance by the City Council of the City of Schertz, TX to rezone approximately 87 acres of land from General Business District (GB) and Single-Family Residential / Agricultural District (RA) to General Business District II (GB-2), located approximately 4,000 feet west of the intersection of IH 10 Access Road and FM 1518, also known as Bexar County Property Identification Number 619249, also known as 12625 IH 10E, City of Schertz, Bexar County, Texas. (*First Reading*) (B. James/ L. Wood/ E. Delgado)

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### BACKGROUND

The applicant is proposing to rezone approximately 87 acres of land from General Business District (GB) and Single-Family Residential / Agricultural District (RA) to General Business District II (GB-2).

### Public Notice:

Fourteen (14) public hearing notices were mailed to surrounding property owners on January 27, 2023. Additionally, on January 27, 2023 Public Hearing notice signs were placed on the property. On February 15, 2023 a public hearing notice was published in the "San Antonio Express" for the City Council public hearing. At the time of this report (February 23, 2023), staff has received two (2) responses opposed to the requested zone change.

### GOAL

The project goal is to rezone approximately 87 acres of land, generally located approximately 4,000 feet west of the intersection of IH 10 Access Road and FM 1518, also known as Bexar County Property Identification Number 619249, also known as 12625 IH 10E from General Business District (GB) and Single-Family Residential / Agricultural District (RA) to General Business District II (GB-2). Per the letter of intent submitted with the application the applicant desires to develop the property for commercial purposes to include such uses as trailer sales and repair, transport refrigeration, and other associated sales.

### 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 Schertz Sector Plan, designates this subject property as Commercial Campus. The objective of the Commercial Campus land use designation is intended to accommodate the development of lower intensity commercial and office uses that utilize a variety of mostly office, flex-office, light industrial, and creating a campus like environment. The proposed zone change to General Business II District (GB-2) is in conformance with the Comprehensive Land Use designation of Commercial Campus. The General Business District



II (GB-2) zoning designation would allow for the desired office, flex office, light industrial or office / warehouse.

The subject property currently has two zoning designations, the rear of the property being Single Family Residential / Agricultural (R-A) and the front of the property along IH 10 being General Business District (GB). The proposed zone change would allow for one consistent zoning designation for the entire property.

In addition to having split zoning, the rear of the property is also within Accident Potential Zone II or APZ II for Joint Base San Antonio (JBSA) Randolph. Per UDC Article 5 Section 21.5.9.A in relation to properties within the AICUZ or APZ's in order to submit an application for a zone change a written acknowledgment from Randolph Air Force Base is required to be obtained prior to submitting the zone change application. The applicant has submitted a letter from JBSA Installation Encroachment Management from Randolph which indicated that JBSA does not object with the proposed request. The letter did indicate that proposed development within APZ II is limited to a maximum Floor Area Ratio of 0.28. Since JBSA Randolph does not object to the proposed zone change and development of the site, the applicant was able to submit for the zone change application.

#### **RECOMMENDATION**

##### **Staff Recommendation:**

Staff recommends approval of the request to rezone the approximately 87 acres to General Business District II (GB-2), based on the compatibility with the Comprehensive Land Use Plan, the compatibility with existing businesses in the area, and that JBSA Randolph does not object to the proposed zone change.

##### **Planning and Zoning Commission Recommendation:**

The Schertz Planning and Zoning Commission met on February 8, 2023 and voted to recommend that the City Council approve the proposed zone change as presented with a 5-2 vote with Chairman Outlaw and Commissioner Hector with the nay votes.

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#### **Attachments**

Ordinance No. 23-S-04

Exhibit A- Metes and Bounds

Exhibit B- Zoning Exhibit

Aerial Exhibit

Public Hearing Notice Map

Public Hearing Responses as of 02.23.2023

City Council Presentation Slides

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## **ORDINANCE NO. 23-S-04**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 87 ACRES OF LAND TO GENERAL BUSINESS DISTRICT II (GB-2), GENERALLY LOCATED APPROXIMATELY 4,000 FEET WEST OF THE INTERSECTION OF IH 10 ACCESS ROAD AND FM 1518, ALSO KNOWN AS BEXAR COUNTY PROPERTY IDENTIFICATION NUMBER 619249, ALSO KNOWN AT 12625 IH 10E, CITY OF SCHERTZ, BEXAR COUNTY, TEXAS**

**WHEREAS**, an application to rezone approximately 87 acres of land generally located approximately 4,000 feet west of the intersection of IH 10 Access Road and FM 1518 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 February 8, 2023, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation to City Council to approve the requested rezoning to General Business District II (GB-2); and

**WHEREAS**, on March 7, 2023, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the requested zoning be approved as provided for herein.

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

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

PASSED ON FIRST READING, the 7<sup>th</sup> day of March 2023.

PASSED, APPROVED and ADOPTED ON SECOND READING, the 14<sup>th</sup> day of March, 2023.

CITY OF SCHERTZ, TEXAS

---

Ralph Gutierrez, Mayor

ATTEST:

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Sheila Edmondson, City Secretary

(city seal)

Exhibit A to Special Warranty Deed

LEGAL DESCRIPTION

A 86.74 Acre tract of land situate in the Joseph Peasley Survey No. 318, Abstract No. 584, County Block 5084, Bexar County, Texas, said 86. 7 4 acre tract being the same Thomas J. Hammond Irrevocable Trust UAD 1/31/92 called 86.776 acre tract, recorded in Volume 13114, Page 2230, Official Public Records of Bexar County, Texas (OPR), said 86. 74 acre tract being more particularly described by metes and bounds as follows:

COMMENCING at a found TXDOT monument on the northern right-of-way (ROW) of I-H 10 at centerline station 578+ 18.28 at the end of a curve, from which a found TXDOT monument on the northern ROW of I-H 10 bears N68°20'11"E, a distance of 174.18 Feet, for reference;

THENCE in a westerly direction along the northern ROW of I-H 10, by a curve to the left, having an arc length of 6.32 feet, a radius of 2,899.90 feet, a central angle of 00°07'30", and a chord bearing and distance of S68°18'04"W for 6.32' to a set 1/2" iron rod with plastic cap stamped "KFW SURVEY" for the southwestern corner of the 1518 Land Investments, LP called 1.476 acre tract, the southeastern corner of this tract and the POINT OF BEGINNING;

THENCE continuing in a westerly direction along the southern boundary of this tract, the northern ROW of I-H 10, the three following courses and distances:

1. by a curve to the left, having an arc length of 423.95 feet, a radius of 2,899.90 feet, a central angle of 08°22'35", and a chord bearing and distance of S64°03'02"W for 423.57' to a found TXDOT monument;
2. S59°52'13"W, a distance of 210.71 Feet to a found TXDOT monument;
3. S68°19'25"W, a distance of 960.31 Feet to a point for the southwestern corner of this tract, the southeastern corner of the remainder of the Raymond Rappmund and Irene Rappmund called 58 acre tract, recorded in Volume 4253, Page 78, Deed Records of Bexar County, Texas (DR);

THENCE, N60°33'27"W, along the southwestern boundary of this tract, the northeastern boundary of said 58 acre tract, passing through a found 1" iron pipe at a distance of 0.80 feet, for a total distance of 1,226.06 Feet to a found 1/2" iron rod with no identification for a western corner of this tract, a southern corner of the Betty Brice called 5.514 acre tract, recorded in Volume 6843, Page 1406, OPR;

THENCE, N29°27'35"E, along a northwestern boundary of this tract, the southeastern boundary of said 5.514 acre tract, the southeastern boundary of Lot 2 and Lot 3 of Hilltop Ventures Subdivision, recorded in Volume 9505, Page 133, Deed and Plat Record of Bexar County, Texas (DPR), a distance of 742.01 Feet to a found 1/2" iron rod with no identification for an interior corner of this tract, the southeastern corner of said Lot 3;

THENCE, N24°37'18"W, along the western boundary of this tract, the eastern boundary of said Lot 3, a distance of 361.88 Feet to a found iron pipe with no identification for the northwestern

corner of this tract, the eastern corner of said Lot 3, the southwestern corner of Lot 4 of said Hilltop Ventures Subdivision;

THENCE, along a northwestern boundary of this tract, the four following courses and distances:

1. N43°00'44"E, along the southeastern boundary of said Lot 4, a distance of 248.02 Feet to a found 1/2" iron rod with no identification for the eastern corner of said Lot 4, the southern corner of Lot 5 of said Hilltop Ventures Subdivision;
2. N42°58'19"E, along the southeastern boundary of Lot 5, a distance of 540.10 Feet to a found 1/2" iron rod with no identification for the eastern corner of said Lot 5, the southern corner of Lot 6 of said Hilltop Ventures Subdivision;
3. N42°54'56"E, along the southeastern boundary of said Lot 6, a distance of 410.35 Feet, to a point for the eastern corner of said Lot 6, the southern corner of Lot 7 of said Hilltop Ventures Subdivision, from which a found fence post bears N00°07'39"E, a distance of 0.43 Feet for reference;
4. N43°30'17"E, along the southeastern boundary of said Lot 7, a distance of 388.10 Feet to a found 1" iron pipe for the northeastern corner of this tract, the southeastern corner of said Lot 7, the southern corner of Lot 8 of said Hilltop Ventures Subdivision, the southwestern corner of Lot 30, Block 3, of the Schertz Forest Subdivision, Unit 3, recorded in Volume 9589, Page 146, DPR, the northwestern corner of said Lot 29, Block 3, of said Schertz Forest Subdivision;

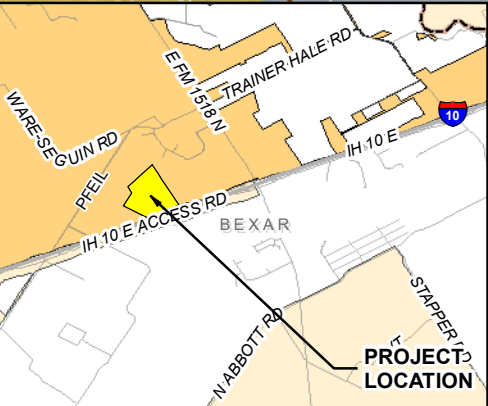
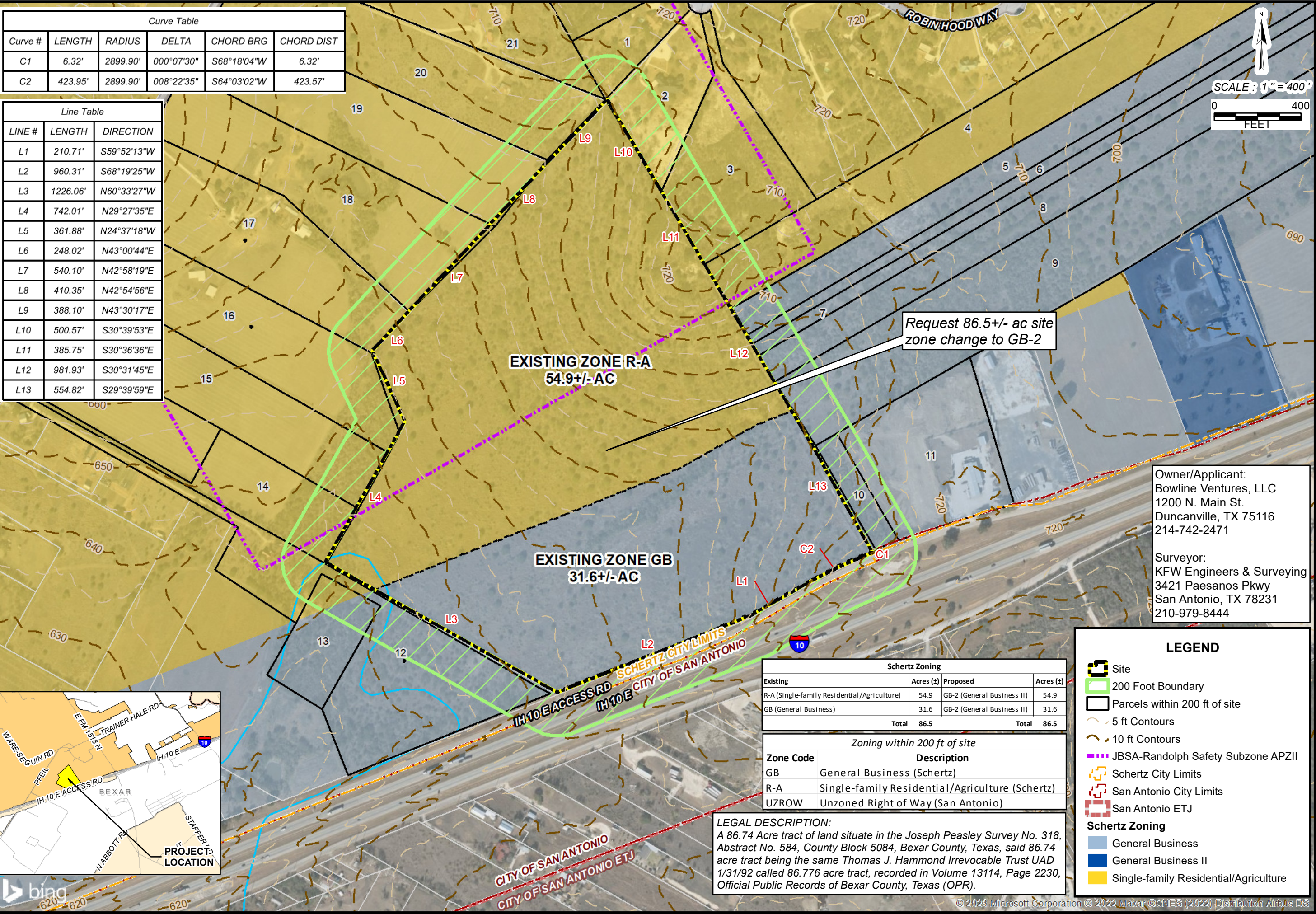
THENCE, along the eastern boundary of thus tract, the four following courses and distances:

1. S30°39'53"E, along the western boundary of said Lot 29, a distance of 500.57 Feet to a found 1/2" iron rod with plastic cap stamped "CEC" for the southwestern corner of said Lot 29, the northwestern corner of Lot 28, Block 3, of said Schertz Forest Subdivision;
2. S30°36'36"E, along the western boundary of said Lot 28, a distance of 385.75 Feet to a set 1/2" iron rod with plastic cap stamped "KFW SURVEY" for the southwestern corner of said Lot 28, the northwestern corner of the NAJDS Property Investments, Inc., called 20 acres, recorded in Document No. 20190188301, OPR;
3. S30°31'45"E, along the western boundary of said 20 acres, the western boundary of the 1518 Land Investments, LP called 60.920 acre tract, recorded in Volume 14133, Page 194, OPR, a distance of 981.93 Feet to a found 1/2" iron rod with no identification for the southwestern corner of said 60.920 acre tract, the northwestern corner of said 1.4 7 6 acre tract;
4. S29°39'59"E, along the western boundary of said 1.4 76 acre tract, a distance of 554.82 Feet to the POINT OF BEGINNING.



Curve Table					
Curve #	LENGTH	RADIUS	DELTA	CHORD BRG	CHORD DIST
C1	6.32'	2899.90'	000°07'30"	S68°18'04"W	6.32'
C2	423.95'	2899.90'	008°22'35"	S64°03'02"W	423.57'

Line Table		
LINE #	LENGTH	DIRECTION
L1	210.71'	S59°52'13"W
L2	960.31'	S68°19'25"W
L3	1226.06'	N60°33'27"W
L4	742.01'	N29°27'35"E
L5	361.88'	N24°37'18"W
L6	248.02'	N43°00'44"E
L7	540.10'	N42°58'19"E
L8	410.35'	N42°54'56"E
L9	388.10'	N43°30'17"E
L10	500.57'	S30°39'53"E
L11	385.75'	S30°36'36"E
L12	981.93'	S30°31'45"E
L13	554.82'	S29°39'59"E



Schertz Zoning			
Existing	Acres (±)	Proposed	Acres (±)
R-A (Single-family Residential/Agriculture)	54.9	GB-2 (General Business II)	54.9
GB (General Business)	31.6	GB-2 (General Business II)	31.6
Total	86.5	Total	86.5

Zoning within 200 ft of site	
Zone Code	Description
GB	General Business (Schertz)
R-A	Single-family Residential/Agriculture (Schertz)
UZROW	Unzoned Right of Way (San Antonio)

**LEGAL DESCRIPTION:**  
A 86.74 Acre tract of land situate in the Joseph Peasley Survey No. 318, Abstract No. 584, County Block 5084, Bexar County, Texas, said 86.74 acre tract being the same Thomas J. Hammond Irrevocable Trust UAD 1/31/92 called 86.776 acre tract, recorded in Volume 13114, Page 2230, Official Public Records of Bexar County, Texas (OPR).

Owner/Applicant:  
Bowline Ventures, LLC  
1200 N. Main St.  
Duncanville, TX 75116  
214-742-2471

Surveyor:  
KFW Engineers & Surveying  
3421 Paesanos Pkwy  
San Antonio, TX 78231  
210-979-8444

**LEGEND**

Site

200 Foot Boundary

Parcels within 200 ft of site

5 ft Contours

10 ft Contours

JBSA-Randolph Safety Subzone APZII

Schertz City Limits

San Antonio City Limits

San Antonio ETJ

**Schertz Zoning**

General Business

General Business II

Single-family Residential/Agriculture

**KFW**  
ENGINEERS + SURVEYING  
3421 PAESANOS PKWY SUITE 200 PHONE (210) 979-8444  
SAN ANTONIO, TEXAS 78231

ISSUE DATE: \_\_\_\_\_

REVISIONS: \_\_\_\_\_

**12625 E IH 10 (86.5± AC SITE)**  
**ZONE CHANGE REQUEST FROM R-A AND GB TO GB-2**  
**SCHERTZ, BEXAR COUNTY, TEXAS**

JOB NO. 941-02-01  
DATE: January 2023  
DRAWN: KL CHECKED: BC

SHEET NUMBER:  
**1 OF 1**



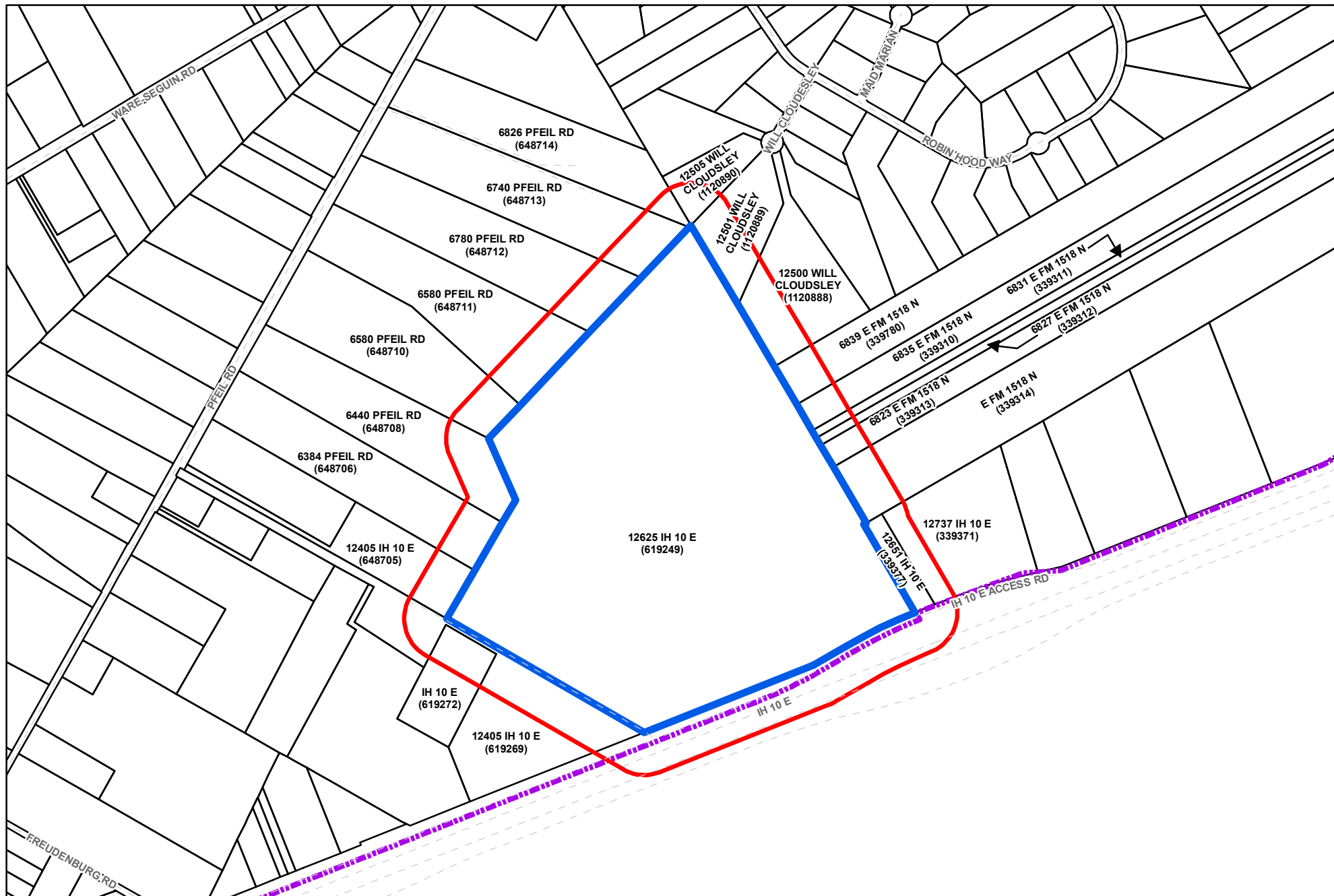
## 200 FT BUFFER PROPERTY OWNER INFORMATION

Label	Property ID	Owner	Owner Mailing Address				Zone	Subdivision	Land Use	Recording Information
1	1120890	CHEVALIER EDWARD J	12505 WILL CLOUDSLEY	SCHERTZ	TX	78154	R-A	Schertz Forest	Single-family Residential	Vol. 9589, Page 146-147, D.P.R.
2	1120889	JOHNSON BARNEY & SHARITA	12501 WILL CLOUDSLEY	SCHERTZ	TX	78154	R-A	Schertz Forest	Single-family Residential	Vol. 9589, Page 146-147, D.P.R.
3	1120888	RUDD NAKIA DEWAYNE & ROSE MARY T	12500 WILL CLOUDSLEY	SCHERTZ	TX	78154	R-A	Schertz Forest	Single-family Residential	Vol. 9589, Page 146-147, D.P.R.
4	339780	NAJDS PROPERTY INVESTMENTS INC	13183 INTERSTATE 10 E	SCHERTZ	TX	78154	R-A	GD APPR GEO #30 RUR AC (SC)	Single-family Residential	Unplatted (Doc #20190188301, O.P.R.)
5	339310	1518 LAND INVESTMENTS LP	14185 DALLAS PKWY STE 1150	DALLAS	TX	75254	GB	NBHD code 52500	Undeveloped	Unplatted (Vol. 14133, Page 194, O.P.R.)
6	339311	1518 LAND INVESTMENTS LP	14185 DALLAS PKWY STE 1150	DALLAS	TX	75254	GB	NBHD code 52500	Undeveloped	Unplatted (Vol. 14133, Page 194, O.P.R.)
7	339312	1518 LAND INVESTMENTS LP	14185 DALLAS PKWY STE 1150	DALLAS	TX	75254	GB	NBHD code 52500	Undeveloped	Unplatted (Vol. 14133, Page 194, O.P.R.)
8	339313	1518 LAND INVESTMENTS LP	14185 DALLAS PKWY STE 1150	DALLAS	TX	75254	GB	NBHD code 52500	Undeveloped	Unplatted (Vol. 14133, Page 194, O.P.R.)
9	339314	1518 LAND INVESTMENTS LP	14185 DALLAS PKWY STE 1150	DALLAS	TX	75254	GB	NBHD code 52500	Undeveloped	Unplatted (Vol. 14133, Page 194, O.P.R.)
10	339377	1518 LAND INVESTMENTS LP	14185 DALLAS PKWY STE 1150	DALLAS	TX	75254	GB	GD APPR GEO #30 RUR AC (SC)	Undeveloped	Unplatted (Vol. 14133, Page 194, O.P.R.)
11	339371	IAM PROPERTIES WALLER LLC	1500 HAMILTON RD	BOSSIER CITY	LA	71111	GB		General Business	Unplatted (Doc #20200120669, O.P.R.)
12	619269	RAPPMUND IRENE	12405 INTERSTATE 10 E	SCHERTZ	TX	78154	GB/R-A	WEICHOLD RD N. (JD/EC)	Single-family Residential	Unplatted (Vol. 4253, PG. 78, D.R.)
13	619272	RAPPMUND RANDY L	12405 INTERSTATE 10 E	SCHERTZ	TX	78154	GB/R-A	WEICHOLD RD N. (JD/EC)	General Business/Single-family Residential	Unplatted (Vol. 8775, Page 1425, O.P.R.)
14	648705	BRICE BETTY & BETTY RAE SEWELL	6580 PFEIL RD	SCHERTZ	TX	78154	GB/R-A	Hilltop Ventures	Undeveloped	Vol. 6843, Page 1406, O.P.R.
15	648706	HUGHES JANICE L	170 CLEAR OAK	UNIVERSAL CITY	TX	78148	R-A	Hilltop Ventures	Single-family Residential	Vol. 9505, Page 133-137, D.P.R.
16	648708	ISBERG DOLORES M L/E JO ANN BARGER	1635 ROCKY TOP CT	STAYTON	OR	97383	R-A	Hilltop Ventures	Single-family Residential	Vol. 9505, Page 133-137, D.P.R.
17	648710	BRICE BETTY & BETTY RAE SEWELL	6580 PFEIL RD	SCHERTZ	TX	78154	R-A	Hilltop Ventures	Single-family Residential	Vol. 9505, Page 133-137, D.P.R.
18	648711	BRICE BETTY & BETTY RAE SEWELL	6580 PFEIL RD	SCHERTZ	TX	78154	R-A	Hilltop Ventures	Single-family Residential	Vol. 9505, Page 133-137, D.P.R.
19	648712	BRICE BETTY & BETTY RAE SEWELL	6580 PFEIL RD	SCHERTZ	TX	78154	R-A	Hilltop Ventures	Single-family Residential	Vol. 9505, Page 133-137, D.P.R.
20	648713	HUDSON ALFONSO	775 CRESTWAY RD	SAN ANTONIO	TX	78239	R-A	Hilltop Ventures	Single-family Residential	Vol. 9505, Page 133-137, D.P.R.
21	648714	BURCH DOUGLAS E & BERTHA T	PO BOX 2295	UNIVERSAL CITY	TX	78148	R-A	Hilltop Ventures	Single-family Residential	Vol. 9505, Page 133-137, D.P.R.









January 27, 2023

## NOTICE OF PUBLIC HEARING

PLANNING & COMMUNITY  
DEVELOPMENT

Dear Property Owner,

The Schertz Planning and Zoning Commission will conduct a public hearing Wednesday, February 8, 2023, at 6:00 p.m. located at the Schertz Municipal Courtroom, 1400 Schertz Parkway, City Hall-Building #1, Schertz, Texas to consider and make recommendation on the following item:

**PLZC20220204**— A request to rezone approximately 87 acres of land from General Business District (GB) and Single-Family Residential / Agricultural District (RA), located approximately 4,000 feet west of the intersection of IH 10 Access Road and FM 1518, also known as Bexar County Property Identification Number 619249, also known as 12625 IH 10E, City of Schertz, Bexar County, Texas.

The Planning and Zoning Commission would like to hear how you feel about this request and invites you to attend the public hearing. *This form is used to calculate the percentage of landowners that support and oppose the request.* You may return the reply form below prior to the first public hearing date by mail or personal delivery to Emily Delgado, Planning Manager, 1400 Schertz Parkway, Schertz, Texas 78154, or by e-mail [edelgado@schertz.com](mailto:edelgado@schertz.com). If you have any questions, please feel free to call Emily Delgado, Planning Manager directly at (210) 619-1784.

Sincerely,

Emily Delgado  
Planning Manager

## Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for: **PLZC20220204**COMMENTS: We bought this property to be away from subdivisions and congestionNAME: Janice L. Hughes SIGNATURE Janice L. Hughes  
(PLEASE PRINT)STREET ADDRESS: 170 Clear Oak U.C. 78148DATE: 2-7-23



NOTICE OF PUBLIC HEARING

January 27, 2023

Dear Property Owner,

The Schertz Planning and Zoning Commission will conduct a public hearing **Wednesday, February 8, 2023, at 6:00 p.m.** located at the Schertz Municipal Courtroom, 1400 Schertz Parkway, City Hall-Building #1, Schertz, Texas to consider and make recommendation on the following item:

**PLZC20220204**– A request to rezone approximately 87 acres of land from General Business District (GB) and Single-Family Residential / Agricultural District (RA), located approximately 4,000 feet west of the intersection of IH 10 Access Road and FM 1518, also known as Bexar County Property Identification Number 619249, also known as 12625 IH 10E, City of Schertz, Bexar County, Texas.

The Planning and Zoning Commission would like to hear how you feel about this request and invites you to attend the public hearing. *This form is used to calculate the percentage of landowners that support and oppose the request.* You may return the reply form below prior to the first public hearing date by mail or personal delivery to Emily Delgado, Planning Manager, 1400 Schertz Parkway, Schertz, Texas 78154, or by e-mail [edelgado@schertz.com](mailto:edelgado@schertz.com). If you have any questions, please feel free to call Emily Delgado, Planning Manager directly at (210) 619-1784.

Sincerely,



Emily Delgado  
Planning Manager

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for: **PLZC20220204**

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

NAME: Edward Chevalier

(PLEASE PRINT)

SIGNATURE 

STREET ADDRESS: 12505 Will Cloudsley

DATE: 2/8/23

## Ord. No. 23-S-04

# 87 Acre Zone Change Request from General Business District (GB) and Single-Family Residential / Agricultural (RA) to General Business District II (GB-2)

Emily Delgado  
Planning Manager  
March 7, 2023



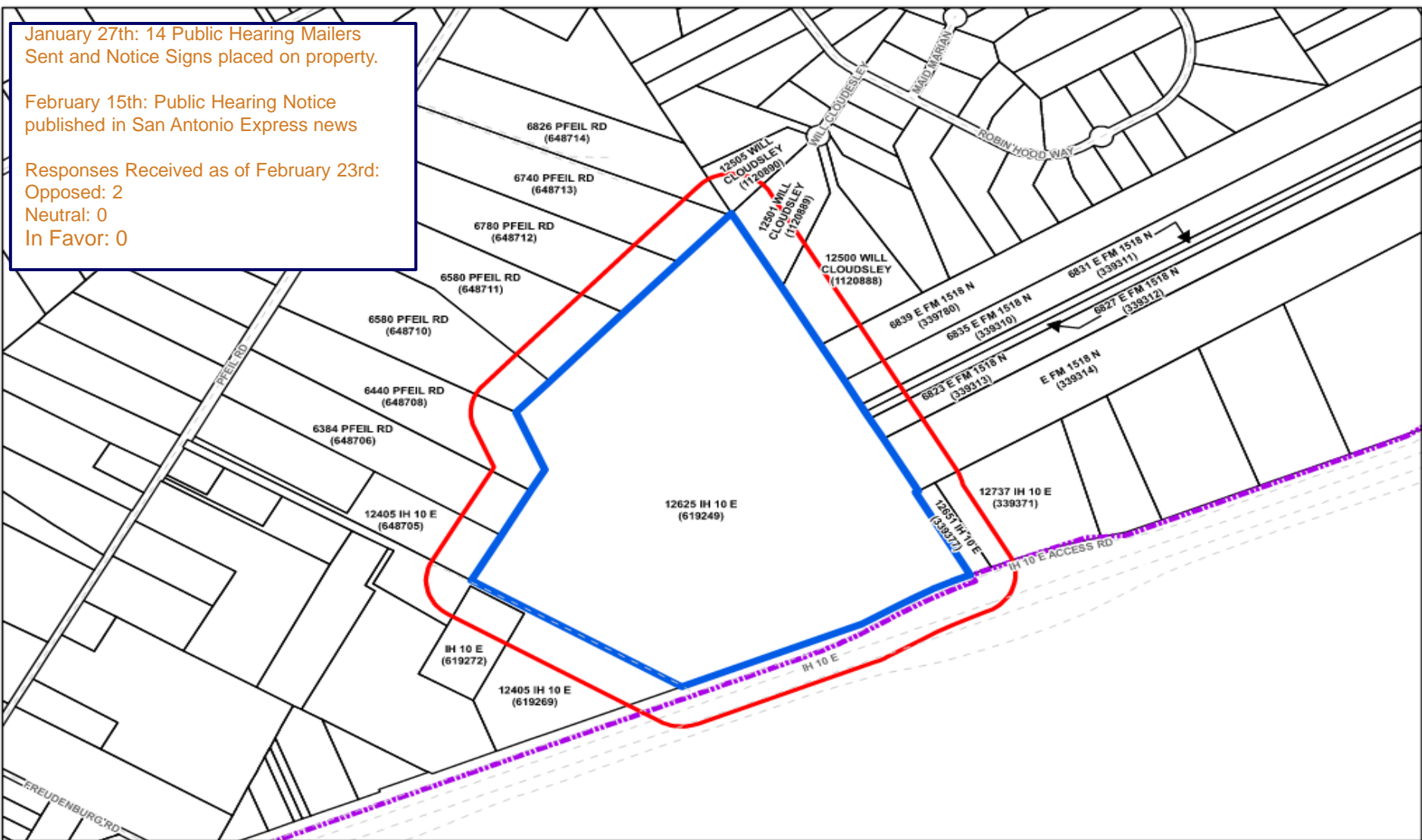




January 27th: 14 Public Hearing Mailers  
Sent and Notice Signs placed on property.

February 15th: Public Hearing Notice  
published in San Antonio Express news

Responses Received as of February 23rd:  
Opposed: 2  
Neutral: 0  
In Favor: 0



**SCHERTZ**  
COMMUNITY • SERVICE • OPPORTUNITY

City of Schertz, GIS Specialist: Dan Schneider, dschneider@schertz.com (214) 610-1100  
This City of Schertz map is for informational purposes only. It is not intended to be used for legal or financial purposes. The City of Schertz is not responsible for any errors or omissions in this map. The City of Schertz is not responsible for any damages or losses resulting from the use of this map. The City of Schertz is not responsible for any damages or losses resulting from the use of this map.

Last Update: January 11, 2023

**City of Schertz**

12625 IH 10 E  
(PLZC20220204)

Project Area

200' Buffer

N  
W E  
S

0 350 700 1,400 2,100 Feet

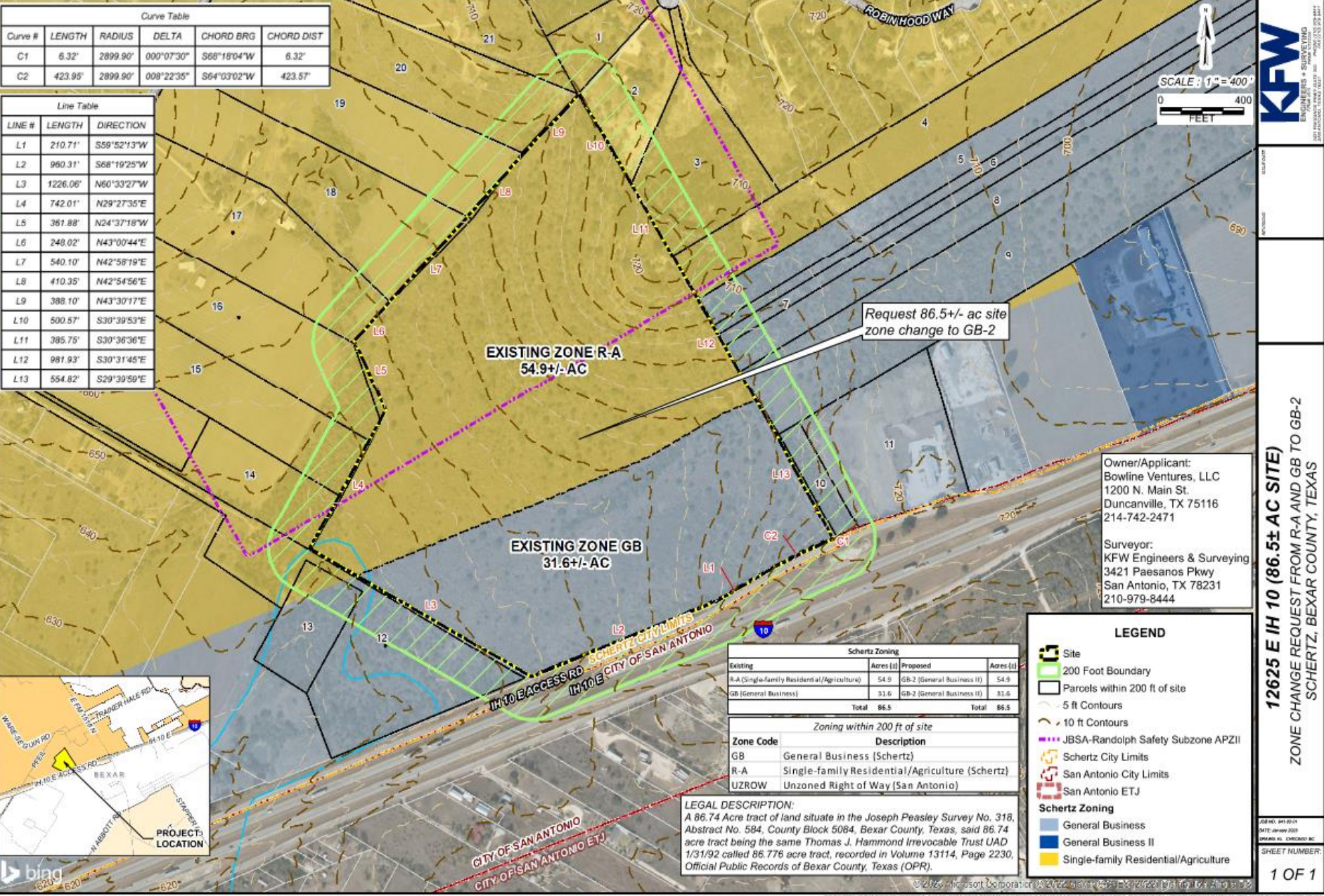


Curve Table					
Curve #	LENGTH	RADIUS	DELTA	CHORD BRG	CHORD DIST
C1	6.32'	2899.90'	000°07'30"	S66°19'04"W	6.32'
C2	423.95'	2899.90'	008°22'35"	S64°03'02"W	423.57'

Line Table		
LINE #	LENGTH	DIRECTION
L1	210.71'	S59°52'13"W
L2	960.31'	S68°19'25"W
L3	1226.06'	N60°33'27"W
L4	742.01'	N29°27'35"E
L5	361.88'	N24°37'18"W
L6	248.02'	N43°00'44"E
L7	540.10'	N42°58'19"E
L8	410.35'	N42°54'56"E
L9	388.10'	N43°30'17"E
L10	500.57'	S30°39'53"E
L11	385.75'	S30°36'36"E
L12	981.93'	S30°31'45"E
L13	554.82'	S29°39'50"E



PROJECT LOCATION



Schertz Zoning			
Existing	Acres (±)	Proposed	Acres (±)
R-A (Single-family Residential/Agriculture)	54.9	GB-2 (General Business II)	54.9
GB (General Business)	31.6	GB-2 (General Business II)	31.6
Total 86.5		Total 86.5	

Zoning within 200 ft of site	
Zone Code	Description
GB	General Business (Schertz)
R-A	Single-family Residential/Agriculture (Schertz)
UZROW	Unzoned Right of Way (San Antonio)

**LEGAL DESCRIPTION:**  
 A 86.74 Acre tract of land situate in the Joseph Peasley Survey No. 318, Abstract No. 584, County Block 5084, Bexar County, Texas, said 86.74 acre tract being the same Thomas J. Hammond Irrevocable Trust UAD 1/31/92 called 86.776 acre tract, recorded in Volume 13114, Page 2230, Official Public Records of Bexar County, Texas (OPR).

**LEGEND**

- Site
- 200 Foot Boundary
- Parcels within 200 ft of site
- 5 ft Contours
- 10 ft Contours
- JBSA-Randolph Safety Subzone APZII
- Schertz City Limits
- San Antonio City Limits
- San Antonio ETJ

**Schertz Zoning**

- General Business
- General Business II
- Single-family Residential/Agriculture

KFW ENGINEERS & SURVEYORS  
 3421 PAESANOS PKWY  
 SAN ANTONIO, TEXAS 78231  
 TEL: 210-979-8444  
 FAX: 210-979-8444

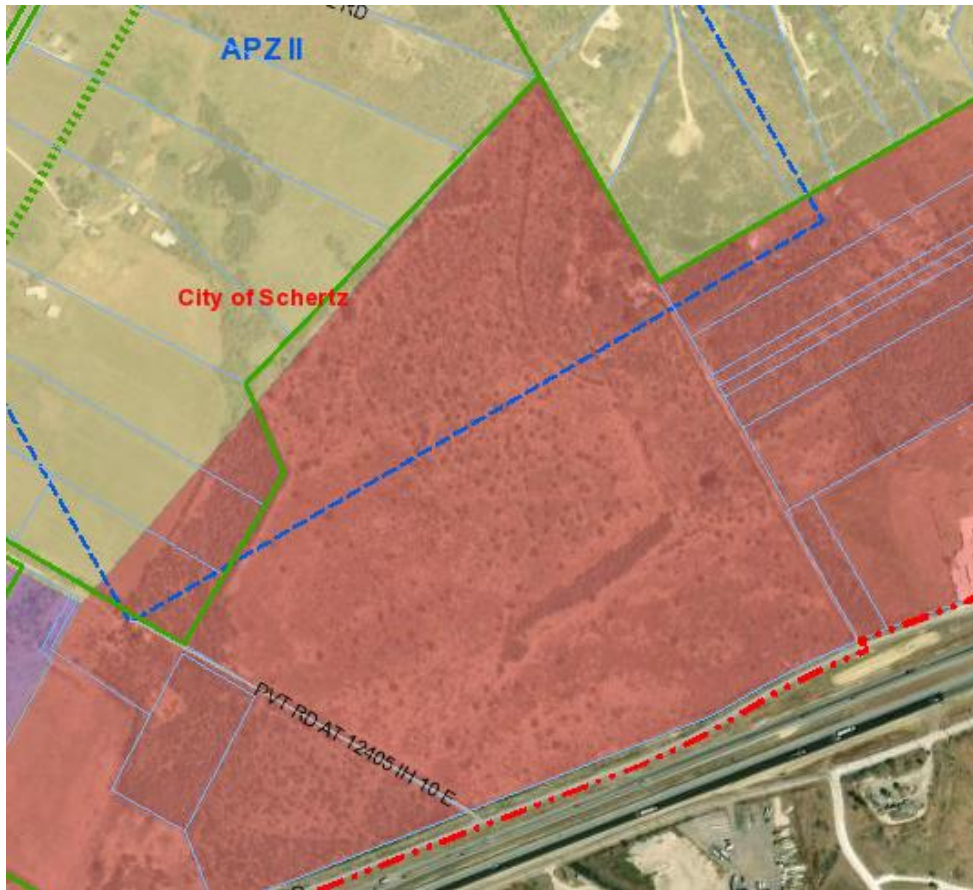
12625 E IH 10 (86.5± AC SITE)

ZONE CHANGE REQUEST FROM R-A AND GB TO GB-2  
 SCHERTZ, BEXAR COUNTY, TEXAS

DATE: January 2023  
 DRAWN BY: [Name]  
 SHEET NUMBER:  
 1 OF 1



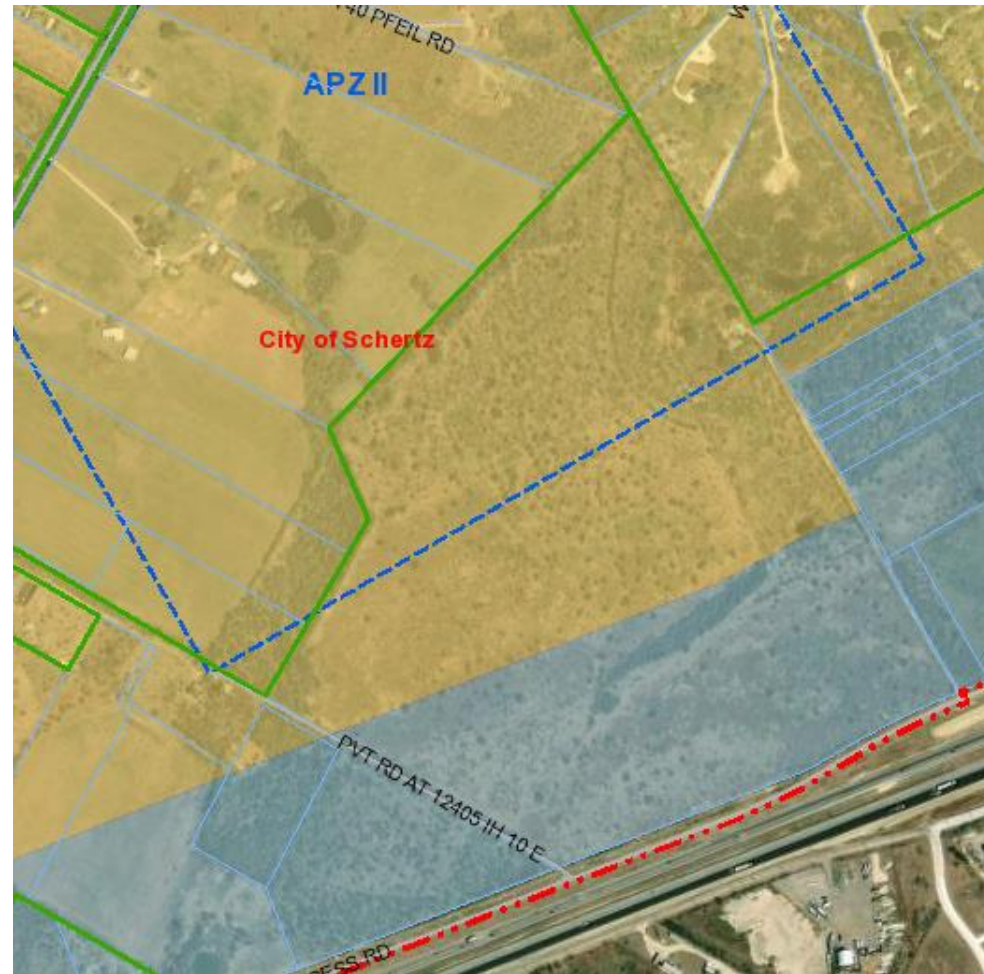
# Comprehensive Land Use Plan Designation



- The subject property is identified on the Future Land Use Plan as Commercial Campus, which is intended to accommodate lower intensity commercial, and offices uses in addition to flex-office and light industrial.
- The proposed General Business II District (GB-2) would allow for the desired office, flex office, and light industrial per the Comprehensive Land Use Plan.

# APZ II / JBSA Randolph

- Per UDC Article 5 Section 21.5.9.A in relation to properties within the AICUZ or APZ's in order to submit an application for a zone change a written acknowledgment from Randolph Air Force Base is required to be obtained prior to submitting the zone change application.
- The applicant has submitted a letter from JBSA Installation Encroachment Management from Randolph which indicated that JBSA does not object with the proposed zone change request. The letter did indicate that proposed development within APZ II is limited to a maximum Floor Area Ratio of 0.28.
- Since JBSA Randolph does not object to the proposed zone change and development of the site, the applicant was able to submit for the zone change application



# APZ II / JBSA Randolph Response Letter



DEPARTMENT OF THE AIR FORCE  
502D AIR BASE WING  
JOINT BASE SAN ANTONIO



18 November 2022

MEMORANDUM FOR CITY OF SCHERTZ

FROM: 502 ABW/CMI

JBSA Installation Encroachment Management  
2080 Wilson Way  
Fort Sam Houston, TX 78234

SUBJECT: Joint Base San Antonio review of 12625 E IH-10, Schertz TX 78154.

1. Development at 12625 E IH-10, Schertz, TX 78154, reviewed by JBSA-RND organizations. JBSA does not object with request; however, there are additional comments for consideration in planning and development.

a. The proposed development is within APZ II and is limited to a maximum FAR of 0.28. This area also lies within the projected noise contours of 65-70 dB, but no restrictions applied (SLUCM No. 20, 40, and 50) according to JBSA/Randolph Air Installations Compatible Use Zones (AICUZ) Study dated October 2017.

b. Any construction plans, equipment (cranes/lifts), or towers (communication or water), will need to be evaluated.

c. In order to mitigate potential interference with existing JBSA operational systems, please coordinate with 502 CS Spectrum Manager prior to use of any Spectrum dependent systems (i.e.: two-way radio communications, or any type of wireless technologies) during construction. If applicable, coordination requested by facility user prior to installation/use of any Spectrum dependent commercial or manufacturing equipment.

2. The items presented above are efforts to enhance the safety of the community and minimize noise impacts due to the proximity of low flying aircraft. Improperly managed development may create unnecessary risk to both the community and flight operations as well as affect the overall capability of the military at this location.

3. Point of contact for this action is Sharonn D. Brew, 502 ABW/CMI. She can be reached at 210-221-0564 or by email at [Sharonn.brew@us.af.mil](mailto:Sharonn.brew@us.af.mil) or [502ABW.ABW.Community\\_initiative@us.af.mil](mailto:502ABW.ABW.Community_initiative@us.af.mil).

ANDERSON.JOHN.HENRY.1067670600 Digitally signed by ANDERSON.JOHN.HENRY.1067670600  
JOHN H. ANDERSON, GS-14, USAF  
JBSA Installation Encroachment Manager  
Date: 2022.11.18 16:47:41 -06'00'

# Staff Analysis

- The subject property currently has two zoning designations, the rear of the property being Single Family Residential / Agricultural (R-A) and the front of the property along IH 10 being General Business District (GB). The proposed zone change would allow for one consistent zoning designation for the entire property.
- The proposed General Business District II (GB-2) is compatible with the Comprehensive Land Use designation of Commercial Campus as it would allow for the desired commercial, office, and light industrial uses that are desired per the plan.



# Recommendation

- **Staff Recommendation:**
  - Staff recommends approval of the request to rezone the approximately 87 acres to General Business District II (GB-2), based on the compatibility with the Comprehensive Land Use Plan, the compatibility with existing businesses in the area, and that JBSA Randolph does not object to the proposed zone change.
- **Planning & Zoning Commission Recommendation:**
  - The Schertz Planning and Zoning Commission met on February 8, 2023 and voted to recommend that the City Council approve the proposed zone change as presented with a 5-2 vote with Chairman Outlaw and Commissioner Hector with the nay votes.

CITY COUNCIL MEMORANDUM

City Council Meeting: March 7, 2023

Department: Executive Team

Subject: Ordinance No. 23-S-07- Conduct a public hearing and consideration and/or action on an Ordinance by the City Council of the City of Schertz, Texas to amend Part III, Schertz Code of Ordinances, the Unified Development Code (UDC) Article 5 Zoning Districts, Subsections 21.5.2, 21.5.5 and 21.5.11; Article 9 Site Design Standards, Subsection 21.9.7 and 21.9.10; Article 10 Parking Standards, Subsections 21.10.2, 21.10.3, 21.10.4, 21.10.7.C and 21.10.9; and Article 14 Transportation, Subsection 21.14.3. (*First Reading*) (B. James/S. Williams)

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BACKGROUND

Staff is proposing a number of amendments to the Unified Development Code (UDC). Some of these amendments are the culmination of the work of the City Council and Planning and Zoning Commission Subcommittee on PDD Standards. Others are amendments to various development standards that have proven challenging from a staff or developer standpoint.

The proposed change amends Section 21.5.5 Statement of Purpose and Intent for Residential Districts and 21.5.2 Zoning Districts Established to eliminate the current prohibition on granting new R-6 and R-7 single family zoning. The R-6 District allows for a minimum lot size of 7,200 square feet and the R-7 District allows for a minimum lot size of 6,600 square feet. The granting of new zoning to these two zoning districts was prohibited by City Council in 2010.

The proposed change also amends Section 21.5.11 Specific Use Permit (SUP) to eliminate the requirement for a site plan. It does provide that a site layout, less detail than a site plan, can be required by the Planning and Zoning Commission if they deem it necessary to mitigate adverse effects of the proposed use. After the Planning and Zoning Commission consideration, staff added a recommendation that the requirement to pull a building permit be extended from one to two years, lest the SUP expire.

A major overhaul is proposed to Article 9, Site Design Standards, Section 21.9.7 Landscaping. Currently, Section 21.9.7 Landscaping is 10 pages long. With the proposed revisions it has been reduced to 3 pages. The proposed changes separate the requirements for single family and duplex development from the requirements for nonresidential and multifamily residential development for clarity. Much of the reduction in length of section is the result of eliminating the Approved Landscape Planting List. This will allow builders, developers and landscape architects to select the most appropriate plants for their project. The changes also decrease and adjust the requirements for landscaping for commercial projects. The change also incorporates modified standards from Section 21.14.3 Additional Design Requirements, that impact landscaping, to avoid confusion and problems that arise from developers not being aware of these requirements.

Staff is proposing a number of changes to the parking requirements. The most significant is the change in minimum parking space size from 10' x 20' to 9' x 18'. The Planning and Zoning Commission did not support this change. Reducing the size of parking spaces reduces the amount of land that is taken up by

parking. Currently, each parking space is 200 square feet. With the proposed change it would be 162 square feet - this is about 80% of the current size. The next most significant change is the reduction in parking for multifamily projects. At present multifamily requires 1.5 spaces per 1 bedroom unit, 2 spaces per 2 bedroom unit and 2.5 spaces per 3+ bedroom units and an additional 5% for visitors/guests. Staff and the Planning and Zoning Commission are proposing 1.7 spaces per unit with 5% additional spaces. This makes determining the parking requirement more straightforward and staff believes will provide adequate parking. There are a few other changes to wheel stops, parking requirements for older sites that expand and stacking for bank drive-thrus.

#### **GOAL**

To amend the UDC to review and update the development regulations due to changing conditions and community goals in order to 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**

Approval of Ordinance 23-S-07 amending Part III, Schertz Code of Ordinances, the Unified Development Code (UDC) Article 5 Zoning Districts, Subsections 21.5.2, 21.5.5 and 21.5.11; Article 9 Site Design Standards, Subsection 21.9.7 and 21.9.10; Article 10 Parking Standards, Subsections 21.10.2, 21.10.3, 21.10.4, 21.10.7.C and 21.10.9; and Article 14 Transportation, Subsection 21.14.3

The Planning and Zoning Commission voted to approve the changes as proposed except for the parking space size - the Planning and Zoning Commission felt that leaving the current standard of 10' x 20' was appropriate. Additionally, the proposed change to extend the time for a SUP holder to pull a building permit from 1 to 2 years was added after P&Z consideration.

#### **RECOMMENDATION**

Approval of Ordinance 23-S-07.

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#### **Attachments**

Ord 23 S 07

Exhibit A Proposed Changes

Current Ordinances

Redline Proposed Changes

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## **ORDINANCE NO. 23-S-07**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS TO AMEND PART III, SCHERTZ CODE OF ORDINANCES, THE UNIFIED DEVELOPMENT CODE (UDC) ARTICLE 5 ZONING DISTRICTS, SUBSECTIONS 21.5.2, 21.5.5, AND 21.5.11, ARTICLE 9 SITE DESIGN STANDARDS, SUBSECTION 21.9.7, ARTICLE 10 PARKING STANDARDS, SUBSECTIONS 21.10.2, 21.10.3, 21.10.4, 21.10.7.C, 21.10.9 AND ARTICLE 14 TRANSPORTATION, SUBSECTION 21.14.3**

**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 December 14, 2022 and January 11, 2023, the Planning and Zoning Commission conducted public hearings and, thereafter recommended approval; and

**WHEREAS**, on March 7, 2023, 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. 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.

Section 8. 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 7th day of March, 2023.

PASSED, APPROVED AND ADOPTED on final reading the 14<sup>th</sup> day of March, 2023.

---

Ralph Gutierrez, Mayor

ATTEST:

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Sheila Edmondson, City Secretary  
(SEAL OF THE CITY)

## Exhibit “A”

### Sec. 21.5.2. Zoning Districts Established

The City is hereby geographically divided into zoning districts and the boundaries of those districts herein are delineated upon the Official Zoning Map of the City. The use and dimensional regulations as set out in this Article are uniform in each district. Zoning districts are established in compliance with adopted Comprehensive Land Plan and Master Thoroughfare Plan. The districts established shall be known as follows:

Table 21.5.2	
Symbol	Zoning District Name
PRE	Predevelopment District
R-1	Single-Family Residential District
R-2	Single-Family Residential District
R-3	Two-Family Residential District
R-4	Apartment/Multi-Family Residential District
R-6	Single-Family Residential District
R-7	Single-Family Residential District
R-A	Single-Family Residential/Agricultural District
GH	Garden Home Residential District
TH	Townhome District
MHS	Manufactured Home Subdivision District
MHP	Manufactured Home Park District
OP	Office and Professional District
NS	Neighborhood Services District
GB	General Business District
GB-2	General Business District-2
M-1	Manufacturing District (Light)
M-2	Manufacturing District (Heavy)
GC	Golf Course District
PUB	Public Use District
PDD	Planned Development District
AD	Agricultural District
AC	Agricultural Conservation District
EN	Estate Neighborhood PDD
MU	Mixed Use District
HCOD	Highway Commercial Design Overlay District
CCOD	Campus Commercial Overlay District
IOD	Industrial Overlay District
DO	Downtown Overlay Districts
MSMU	Main Street Mixed-Use District

( Ord. No. 13-S-22, § 1, 7-16-2013 ; Ord. No. 14-S-47 , § 1, 11-18-2014)

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### **Sec. 21.5.5. Statement of Purpose and Intent for Residential Districts.**

- A. *Predevelopment District (PRE)*. Intended for use for undeveloped land in the City or as a temporary designation for existing uses for newly annexed property. This zoning is also suitable for areas where development is premature due to lack of utilities, capacity or service and for areas that are unsuitable for development because of physical constraints or potential health or safety hazards. No improvements, construction or structures may be undertaken without obtaining a building permit and no occupancy of such improvements and structures without obtaining a certificate of occupancy.
- B. *Single-Family Residential District (R-1)*. Comprised of single-family detached residential dwellings on a minimum lot size of 9,600 square feet, together with the schools, churches, and parks necessary to create basic neighborhood units.
- C. *Single-Family Residential District (R-2)*. Comprised of single-family detached residential dwellings with a minimum lot size of 8,400 square feet, together with the schools, churches, and parks necessary to create basic neighborhood units.
- D. *Two-Family Residential District (R-3)*. Comprised of two (2) single-family attached residential dwellings with a minimum lot size of 9,000 square feet, together with the schools, churches, and parks necessary to create basic neighborhood units.
- E. *Apartment/Multi-Family Residential District (R-4)*. Intended for apartment and multi-family developments including, but not limited to apartment buildings, duplex, garden apartments, condominium units, assisted living centers, nursing homes and other similar uses. Due to the infrastructure requirements for such districts, the City may require the applicant seeking such zoning classification to establish (i) the adequacy of available access and utility facilities, (ii) sufficiency of drainage, and (iii) provision of sufficient open space. The minimum lot size in such district is 10,000 square feet for three (3) units and 1,800 square feet for each additional dwelling unit. The maximum density shall be twenty-four (24) units per acre. Apartment/Multi-Family Residential Districts should not be located in areas where they would increase traffic through single-family neighborhoods and should be located adjacent to arterial streets with sufficient capacity to carry the increased traffic generated. Multi-family developments are suitable buffers between single-family districts and commercial uses. Multi-family districts should be buffered from non-residential land uses and from pollution sources and environmental hazards. Twenty percent (20%) of the total platted area shall be provided as common, usable open space.
- F. *Single-Family Residential District (R-6)*. Comprised of single-family detached residential dwellings that are on a minimum lot size of 7,200 square feet, together with the schools, churches, and parks necessary to create basic neighborhood units. This district is intended to be developed using the more contemporary building styles and allowing those dwellings to be constructed on relatively small lots. The maximum size tract that can be zoned R-6 is 30 acres.
- G. *Single-Family Residential District (R-7)*. Comprised of single-family detached residential dwellings on a minimum lot size of 6,600 square feet, together with the schools, churches, and parks necessary to create basic neighborhood units. This district is intended to be developed using the more contemporary building styles and allowing those dwellings to be constructed on relatively small lots. The maximum size tract that can be zoned R-7 is 40 acres.
- H. *Single-Family Residential/Agricultural District (RA)*. Intended to provide for areas in which agricultural land may be held in such use for as long as is practical and reasonable. Residences in this District are intended to be on a minimum lot size of 21,780 square feet (one-half acre). This District is suitable for areas where development is premature due to lack of utilities, capacity or service, and for areas that are unsuitable for development because of physical restraints or potential health or safety hazards.



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- I. *Garden Homes Residential District (GH)*. Comprised of single-family detached residential dwellings on a minimum lot size of 5,000 square feet together with the schools, churches, and parks necessary to create basic neighborhood units. This District allows the main structure to be constructed coincident with one (1) of the side property lines, and requires only one (1) side yard setback in order to maximize lot usage and yet maintain a neighborhood character consistent with conventional single-family detached homes.

No area shall be designated GH that contains less than five (5) adjoining lots on a street. Zero lot line homes shall have no windows on the side of the house, which abuts the property line. Entire frontage of one (1) side of the street in the block must be included in the GH designation. Exception may be made where an alley breaks the block on that side of the street. Homes will be uniformly located on the same side of the lot within a street block.

- J. *Townhome District (TH)*. Comprised of an attached residential dwelling unit in structures built to accommodate three (3) to six (6) units per structure. Density shall not exceed twelve (12) units per gross acre. Townhome units shall be constructed on a single lot, or on adjacent individual lots. Individual ownership of the townhome units is encouraged. Minimum lot area shall not be less than 2,500 square feet per dwelling unit. Ten percent (10%) of the total platted area shall be provided as common, usable open space. This District should not be located in areas where it would increase traffic through single-family neighborhoods and should be adjacent to arterial streets with sufficient capacity to carry the increased traffic generated.
- K. *Manufactured Home Subdivision District (MHS)*. Intended to recognize that certain areas of the City are suitable for a mixture of single-family dwelling units and HUD-Code manufactured homes, to provide adequate space and site diversification for residential purposes designed to accommodate the peculiarities and design criteria of manufactured homes, along with single-family residences, to promote the most desirable use of land and direction of building development, to promote stability of development, to protect the character of the district, to conserve the value of land and buildings, and to protect the City's tax base. This District provides for the creation and/or subdivision of any lot, tract or parcel of land used for the placement of manufactured homes. This District is not intended to prohibit or unduly restrict any type of housing but to ensure compatibility in housing types between manufactured home subdivisions and surrounding single family residential subdivisions and recognizing their inherent differences.
- L. *Manufactured Home Park District (MHP)*. Intended to provide adequate space and site diversification for residential purposes designed to accommodate the peculiarities and design criteria of manufactured homes, to promote the most desirable use of land and direction of building development, to promote stability of development, to protect the character of the district, to conserve the value of land and buildings, and to protect the City's tax base. This District provides for the creation of tracts of land used for the placement of multiple manufactured homes on a single lot, tract or parcel of land and utilized for rent or lease. This District is not intended to prohibit or unduly restrict any type of housing but to ensure compatibility between manufactured home parks and surrounding properties and recognizing the inherent differences in housing types between manufactured home parks and other residential districts.
- M. *Agricultural District (AD)*. Intended to provide as a base zoning district in areas designated as agricultural conservation on the North and South Schertz Framework Plans. Residences in this District are intended to be on a minimum lot size of 217,800 square feet (five acres). Clustering of up to two homes may be allowed on the same lot subject to setback requirements. This District is suitable for areas where development is premature due to lack of utilities, capacity or service, and for areas that are unsuitable for development because of physical restraints or potential health or safety hazards.
- 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.

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- 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.

( Ord. No. 13-S-22, § 2, 7-16-2013 ; Ord. No. 14-S-47 , § 2, 11-18-2014; Ord. No. 21-S-26 , § 1(Exh. A), 7-6-2021)

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### **Sec. 21.5.11. Specific Use Permit (SUP).**

- A. *Applicability.* Specific Use Permits allow for discretionary City Council approval of uses with unique or widely varying operating characteristics or unusual site development features, subject to the terms and conditions set forth in this UDC. These uses and the districts where they may be located are listed in Table 21.5.8. Certain uses located within the AICUZ zone require an SUP. Approval of a Specific Use Permit authorizes a property owner to submit subsequent development applications consistent with the approved sup.
- B. *Application Requirements.*
1. *Application Required.* Any request for a Specific Use Permit (SUP) shall be accompanied by an application and SUP exhibit prepared in accordance with the Development Manual.
  2. *Tax Certificate Required.* All applications made as a request for a Specific Use Permit shall be accompanied by a copy of a Tax Certificate.
- C. *Processing of Application and Decision.*
1. *Submittal.* An application for a Specific Use Permit shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application for completeness in accordance with section 21.4.2. The City Manager or his/her designee may, at its option, request a recommendation from any other City Department or consultant. The City Manager or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Manager or his/her designee shall forward a written recommendation to the Planning and Zoning Commission for consideration.
  2. *Notification requirements.* An application for a Specific Use Permit requires the following notification in accordance with section 21.4.3:
    - a. Written notice prior to consideration by the Planning and Zoning Commission; and
    - b. Published notice prior to consideration by the City Council.
  3. *Commission Recommendation.* The Planning and Zoning Commission shall hold a public hearing in accordance with the Texas Open Meetings Act and section 21.4.4 and make a written recommendation regarding a proposed Specific Use Permit to the City Council. The Planning and Zoning Commission may recommend approval, approval with conditions, or denial of the SUP. The Planning and Zoning Commission may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the recommendation to the City Council.
  4. *Decision by City Council.* The City Council shall receive the written recommendation of the Planning and Zoning Commission regarding a proposed Specific Use Permit and shall hold a public hearing in accordance with the Texas Open Meetings Act and section 21.4.4. The City Council may vote to approve, approve with conditions, or deny the SUP. The City Council may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the final decision.
- D. *Criteria for Approval.* The Planning and Zoning Commission, in making its recommendation, and the City Council, in considering final action on a Specific Use Permit, should consider the following criteria:
1. The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Land Plan;

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2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
  3. The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as safety, traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;
  4. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;
  5. The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;
  6. The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed use on adjacent properties;
  7. The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood;
  8. The proposed promotes the health, safety or general welfare of the City and the safe, orderly, efficient and healthful development of the City;
  9. No application made under these provisions will receive final approval until all back taxes owed to the City have been paid in full; and
  10. Other criteria which, at the discretion of the Planning and Zoning Commission and City Council are deemed relevant and important in the consideration of the Specific Use Permit.
- E. *Conditions.* The Planning and Zoning Commission, in making its recommendation, and the City Council, in considering final action, may require such modifications in the proposed use and attach such conditions to the Specific Use Permit as deemed necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of this section. Conditions and modifications may include but are not limited to limitation of building size or height, increased open space, limitations on impervious surfaces, enhanced loading and parking requirements, additional landscaping, curbing, sidewalk, vehicular access and parking improvements, placement or orientation of buildings and entryways, buffer yards, landscaping and screening, signage restrictions and design, maintenance of buildings and outdoor areas, duration of the permit, hours of operation, and requiring a site layout.
- F. *Expiration of Specific Use Permit.* A Specific Use Permit shall expire if any of the following occurs:
1. A building permit, if necessary, for the use has not been approved within two (2) years after the approval of the SUP;
  2. A building permit approved as a result of the approval of the SUP expires within two (2) years after the approval of the SUP;
  3. The use has been abandoned or discontinued for a period of time exceeding six (6) months; or
  4. The SUP expires in accordance with its terms.

(Ord. No. 18-S-04 , § 1(Exh. A), 1-23-2018)



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### **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. *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).

#### **D. *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.

#### **E. *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.

(Ord. No. 16-S-27 , § 9, 8-30-2016; Ord. No. 17-S-40 , § 1(Exh. A), 10-24-2017; Ord. No. 21-S-26 , § 1(Exh. A), 7-6-2021)

## ARTICLE 10. PARKING STANDARDS

### Sec. 21.10.1. Purpose.

The purpose of this Article is to establish the number of required off-street vehicular parking spaces so as to provide for the needs of occupants, customers, visitors or others involved in the use or occupancy of any building or structure, to eliminate the undue use of the surface street system for parking purposes, to require allocation of sufficient off-street/on-site loading facilities by business and industry which ensures that the loading and unloading of vehicles will not interfere with traffic flow or block roadways and/or fire lanes, to promote and protect the public health, safety, comfort, convenience and general welfare, and to grant and define the administrative powers and duties necessary to enforce this Article.

### Sec. 21.10.2. General provisions.

- A. Required off-street parking in residential districts shall be provided on the same site, lot or tract as the main use for which the parking is provided.
- B. Required off-street parking in nonresidential districts may be located on the same site, lot or tract as the main use for which the parking is provided or on a site, lot or tract located within the same zoning district and within 150 feet of the main use.
- C. If specific requirements for off-street parking result in a fraction of a parking space, the next larger whole number of spaces is required.
- D. Whenever a building or use constructed or established before February 24, 2009 is changed or enlarged in floor area, number of dwelling units, seating capacity or otherwise, to create a need for an increase in the minimum number of required parking spaces, such additional spaces shall be provided at 50% of the normal rate to accommodate the enlargement or change.
- E. All driveways and all required off-street parking spaces shall be on a paved concrete or asphalt surface. All drive approaches shall be of paved concrete.
- F. Parking spaces provided within a public right-of-way shall not be counted as meeting the minimum requirements of this Article.
- G. In the event of the construction of a phased development, the minimum number of parking spaces provided shall apply to each phase as it is developed.
- H. In computing the parking requirements for any building or development with multiple uses, the total parking requirements shall be the sum of the specific parking requirements for each individual use included in the building or development.
- I. *Residential curb cuts.*
  - 1. *Straight driveways.* Curb cuts for residential driveway aprons shall be not less than ten feet (10') in width, and not more than twelve feet (12') in width for a single driveway apron nor more than twenty-four feet (24') in width for a double driveway apron. Curb cuts will be permitted only for driveway aprons providing access to a garage, carport or hardstand. Not more than one curb cut will be permitted for each residential parcel of land except as follows for circular driveways.

2. **Circular driveways.** Circular driveways are allowed for lots with a minimum of one hundred feet (100') of frontage. Circular driveways shall have a maximum of two sixteen-foot curb cuts with a minimum of thirty feet (30') between each cut.
- J. Detached accessory, ancillary or storage structures in commercial and manufacturing districts shall not be located in a manner that decreases the minimum number of parking spaces required.
- K. Areas intended for outdoor displays and general outdoor storage shall not be allowed in designated off-street parking areas or fire lanes and shall not be located in a manner that decreases the minimum number of parking spaces required.
- L. Parking and storage, including vehicles awaiting repair, employee, customers and vendors, for automobile repairs and service located on Main Street, cannot occur in the public right-of-way.

(Ord. No. 22-S-19 , § 1(Exh. A), 4-26-2022)

### Sec. 21.10.3. Size of space.

- A. Each standard off-street surface parking space shall measure not less than nine feet by 18 feet, exclusive of access drives and aisles, and shall be of usable shape and condition.
- B. **Wheel stops.** If wheel stops are not provided at locations where vehicles extend over the sidewalk areas, a minimum of eight feet (8') of free walking area, exclusive of vehicle over hang, width must be provided.
- C. Each parking space designed for parallel parking shall have a minimum dimension of eight feet by twenty-two feet (8' x 22').
- D. Each standard parking space located in a parking garage shall measure not less than nine feet by eighteen feet (9' x 18'), exclusive of access drives or aisles.
- E. **Handicap accessible parking.**
  1. The number and size of the handicap parking spaces required must follow the Federal Americans with Disabilities Act and Texas Accessibility Standards. The number of handicap parking spaces required is based on the total number of spaces provided. Accessible spaces for cars must have at least a sixty inch (60") wide access aisle located adjacent to the designated parking space. Van parking spaces need to have a wider access aisle of ninety-six inches (96") to accommodate a wheelchair lift and vertical clearance to accommodate van height.

**Table 21.10.3**

**Minimum Number of Handicap Accessible Parking Spaces**

Total number of parking spaces provided (per lot)	Total minimum number of accessible parking spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total parking provided in lot
1,001 and over	20 plus 1 for each 100 over 1,000

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2. *Location.*

- a. Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances and at the most level ground close to the accessible entrance.
- b. An accessible route must always be provided from the accessible parking to the accessible entrance. An accessible route never has curbs or stairs, must be at least three feet (3') wide, and has a firm, stable, slip-resistant surface. The slope along the accessible route should not be greater than 1:12 in the direction of travel.
- c. Accessible parking spaces may be clustered in one or more lots if equivalent or greater accessibility is provided in terms of distance from the accessible entrance, parking fees, and convenience. Van-accessible parking spaces located in parking garages may be clustered on one floor (to accommodate the ninety-eight inch (98") minimum vertical height requirement).

3. *Signage.* A sign with the international symbol of accessibility must be mounted in accordance with applicable state and federal laws to see marking each disabled parking space. Van accessible spaces must have a sign with "van accessible" on it in addition to the international symbol of accessibility.

**Sec. 21.10.4. Schedule of off-street parking requirements.**

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

Table 21.10.4 Schedule of Off-Street Parking Requirements	
Use Type	Parking Requirement
Amusement, Commercial (Indoor)	1 space for each 200 square feet of gross floor area
Amusement, Commercial (Outdoor)	1 space per 500 square feet of outdoor site area plus 1 space per each 4 fixed spectator seats
Assisted Care, Living Facility, Care Facility	1 parking space for each 2 beds
Bank, Savings And Loan, Or Other Financial Institution	1 space for each 250 square feet of gross floor area
Bar Or Night Club	1 space for each 50 square feet of gross floor area
Bed And Breakfast	1 space for each guest room plus 1 space per employee
Bowling Alley	5 parking spaces for each lane
Car Wash	1 space for each 200 Square feet of floor area
Day Care Center	1 space per 250 square feet of gross floor area
Fitness Center/Gym	1 space for each 250 square feet of gross floor area
Convenience Store/Gas Station	1 space for each 250 square feet of gross floor area. Spaces provided for fueling at the pump stations shall not be considered parking spaces.
Group Home	4 spaces
Hospital	1 parking space for each bed
Hotel Or Motel	1 space for each sleeping room or suite plus 1 space for every 200 square feet of common area not designated as sleeping rooms
Lodging Houses And Boarding Houses	1 parking space for each bedroom



Manufacturing, Processing Or Repairing	1 space for each 2 employees or 1 space for each 1,000 square feet of total floor area, whichever is greater
Medical Or Dental Clinic	1 space for each 200 square feet of total floor area
Mini-warehouse/Public Storage	1 space for each 300 square feet of office floor area plus 1 space for each 3,000 square feet of storage area
Mortuary/Funeral Home	1 parking space for each 50 square feet of floor space in service rooms or 1 space for each 3 seats, whichever is less based on maximum design capacity)
Multifamily, Duplex, Two-Family, Condominium Or Other Similar Use	1.5 spacs for 1 & 2 bedroom units 2 spaces per 3+ bedroom unit Plus additional guest parking provided at a ratio of 5% of required spaces
Nursery	1 space per 300 square feet of total sales area Wholesale nursery: 1 parking space per employee of the largest work shift, plus 1 space per 10,000 square feet of display area and 1 space per acre of growing areas
Offices	1 space for each 250 square feet of gross floor area
Outdoor Facilities (Outdoor Recreational Fields i.e. Football, Soccer, etc.)	20 spaces per designated field or 1 per 4 person design capacity
Public Use	Parking shall be provided at a ratio approved by City staff based on a parking study provided by the applicant
Residence Halls, Fraternity Buildings And Sorority Buildings	1 space per person capacity of permanent sleeping facilities
Residential Subdivision Mailbox Kiosk	2 spaces—these may be in the right-of-way but not in the traffic lane—an expansion of the road surface is required and the kiosk must be covered to provide shelter for people using the kiosk
Restaurants	1 parking space for each 100 square feet of gross floor area, or 1 space for each 4 seats, whichever is less (based on maximum design capacity)
Retail Sales And Service	1 space for each 250 square feet of gross floor area
School, High School, Vocational, All Other Schools	Parking shall be provided at a ratio approved by City staff based on a parking study provided by the applicant that shall include vehicle stacking requirements
Single Family Attached And Detached Dwelling Units	2 parking spaces per dwelling unit
Theaters, Auditoriums, Churches, Assembly Halls, Sports Arenas, Stadiums, Conference Center, Convention Center, Dance Hall, Exhibition Halls, Or Other Place Of Public Assembly	1 space for each 4 seats or 1 space for every 100 square feet of gross floor area, whichever is less (based on maximum design capacity)
Automobile Sales Or Rental	1 space for each 3,000 square feet of sales area (open and enclosed) devoted to the sale, display or rental of vehicles
Automobile Service, Repair, Garage	1 space for each 200 square feet of total floor area
Warehouse	1 space for each 1,000 square feet of total floor area

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B. *New and Unlisted Uses.* When a proposed land use is not classified in this section or a single use which have varying parking needs depending on the function of that specific single use, an applicant may submit a parking ratio based on best/current planning and transportation practices.

1. A best/current parking ratio application should include the following:

- a. An application shall fully cite the sources used to derive the applicant-submitted parking ratio, possible resources include parking standards material from the Institute of Transportation Engineers (ITE) or the American Planning Association (APA).
- b. The City Manager or his/her designee shall review the applicant submitted parking ratio to confirm best/current planning practices for a use.
- c. The City Manager or his/her designee shall approve, modify, or deny the applicant submitted parking ratio.

2. Parking ratio determination where no application is submitted

- a. If the applicant does not submit a parking ratio, then the City Manager or his/her designee shall determine the parking ratio based on the best/current planning and transportation practices.

C. *Mixed uses.* In the event that several users occupy a single structure, or parcels of land, the total requirements for off street parking shall be the sum of the requirements for the several uses computed separately unless it can be shown that the peak parking demands are offset, for example with retail and residential, or theater and office uses. In such case the City Manager or his/her designee may reduce the total requirements accordingly, but not more than twenty-five percent (25%).

D. *Joint use of facilities.* Required parking facilities of two (2) or more uses, structures, or parcels of land may be satisfied by the same parking facility used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap and provided that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing the joint use.

E. *Properties zoned main street mixed-use.* Properties zoned Main Street Mixed-Use shall only be required to provide two (2) on-site parking spaces but must still provide the minimum required number of handicapped spaces on site.

(Ord. No. 14-S-47 , § 5, 11-18-2014; Ord. No. 16-S-27 , § 7, 8-30-2016; Ord. No. 18-S-03 , § 1(Exh. A), 1-23-2018; Ord. No. 22-S-19 , § 1(Exh. A), 4-26-2022)

#### **Sec. 21.10.5. Striping.**

A. All parking lots shall be striped in a manner that will clearly delineate parking spaces, fire lanes and pedestrian crosswalks.

B. Directional arrows shall be provided in all drive lanes and driveways.

#### **Sec. 21.10.6. Shared access and cross lot access easements.**

Notwithstanding any other provisions of this UDC, unless otherwise approved by the City, to reduce the number of curb cuts and access driveways, the dedication of joint-use, private access driveway easements and cross lot access easements shall be required for all commercial development.

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**Sec. 21.10.7. Stacking requirement for drive-through facilities.**

- A. A stacking space shall be an area on a site measuring eight feet by twenty feet (8' x 20') with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area.
- B. All stacking spaces shall be located entirely within the lot and shall be outside of any right-of-way, fire lane or similar access.
- C. For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of three (3) stacking spaces.
- D. For each service window of a drive-through restaurant, a minimum of seven stacking spaces shall be provided.
- E. For kiosks, a minimum of three (3) stacking spaces for each service window shall be provided.

**Sec. 21.10.8. Off-Street loading/unloading requirements.**

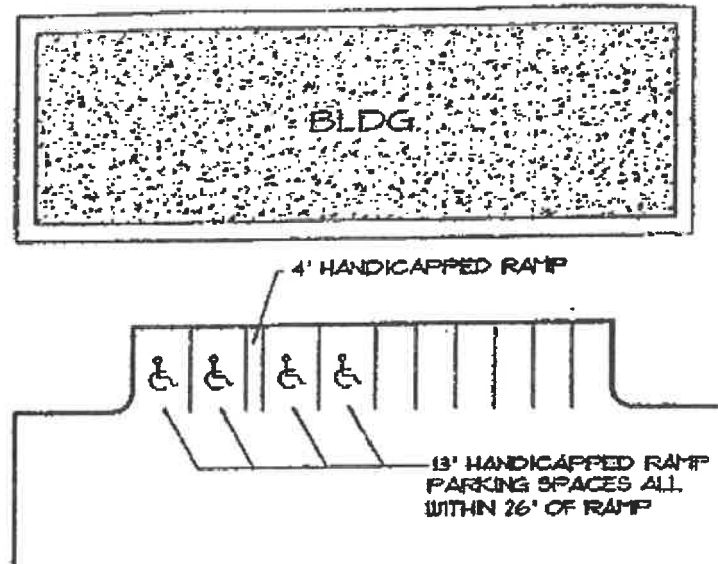
All retail, commercial, industrial and service structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. All public schools shall provide adequate stacking for vehicles based on a parking study approved by City Staff. Such off-street loading space may be adjacent to a public alley or private service drive or may consist of a truck berth within the structure. Such off-street loading space or truck berth shall consist of a minimum area of ten feet (10') by forty feet (40') and the spaces or berths shall be provided in accordance with the following schedule:

<b>Table 21.10.8 Off-Street Loading Requirements</b>	
<b>Square Feet of Gross Floor Area in Structure</b>	<b>Minimum Required Spaces or Berths</b>
0—5,000	None
5,000—15,000	1
15,000—50,000	2
50,000—100,000	3
100,000—150,000	4
Each Additional 50,000 over 150,000	1

(Ord. No. 16-S-27 , § 8, 8-30-2016)

**Sec. 21.10.9. Additional regulations and illustrations.**

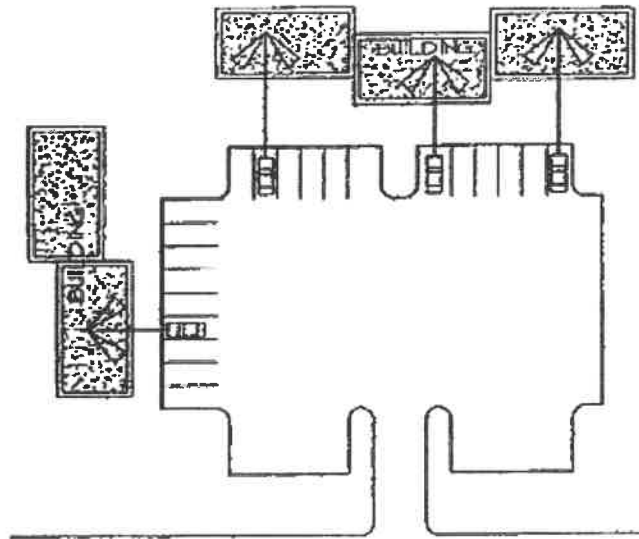
- A. *Handicapped ramps.*



### HANDICAPPED RAMPS: within 26' of Parking Spaces

The location of handicapped parking spaces should be:  
 1. as close as possible to principal handicapped accessible entrance(s).  
 2. Dispersed in a multi-building development or shopping center to ensure easy access and to minimize the travel distance for the handicapped.

#### B. *Handicapped parking space dispersal.*

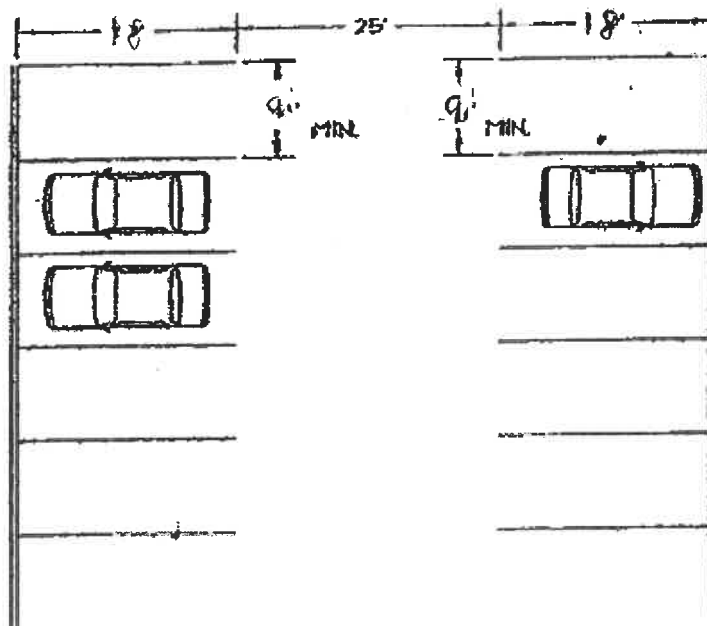


### HANDICAPPED PARKING SPACE DISPERSAL

#### C. *90° parking dimensions.*

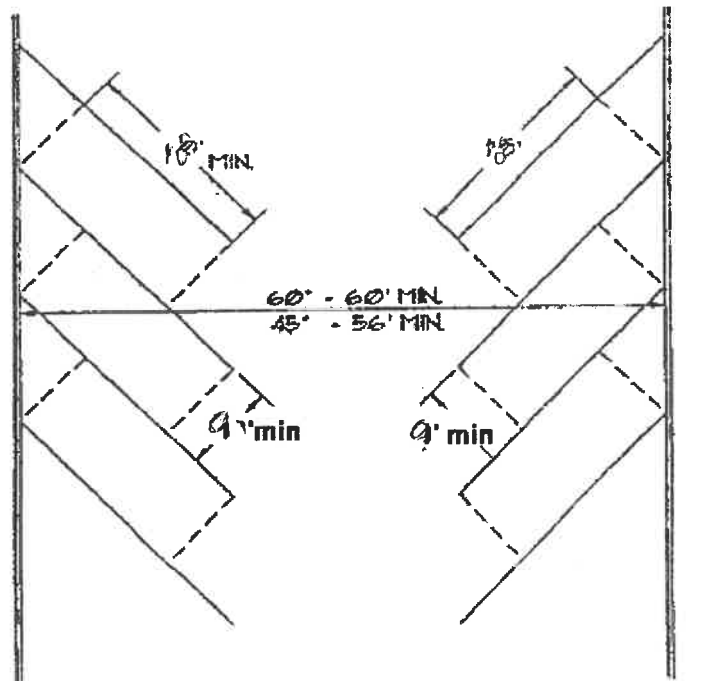


## 90° PARKING DIMENSIONS.

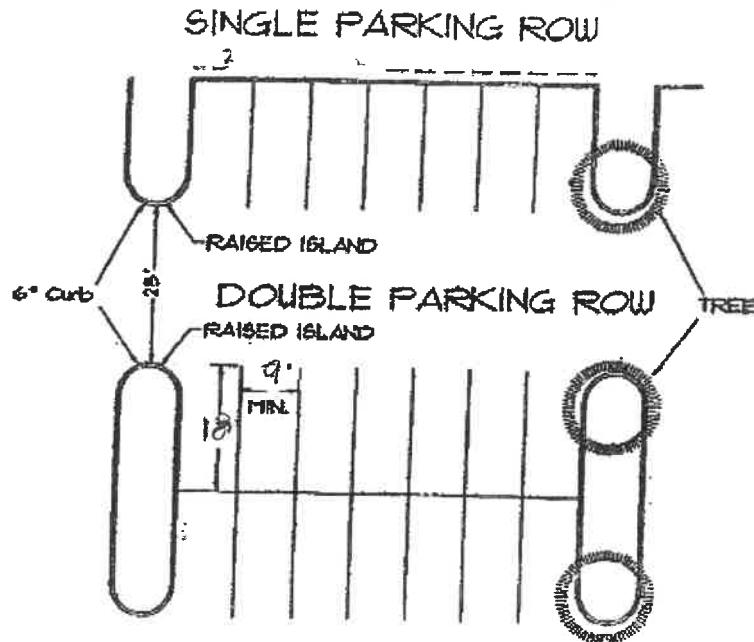


D. Angle parking dimensions.

## ANGLE PARKING DIMENSIONS

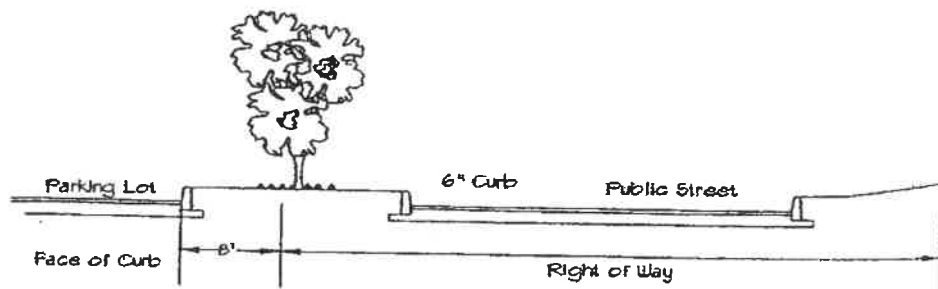


E. Drive aisle dimensions.



NOTES: Maximum of 20 spaces between islands on peripheral row  
Maximum of 15 spaces between islands on interior row

F. Separation of right-of way and parking areas.



G. Landscaping and fencing.



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### **Sec. 21.9.7. Landscaping.**

- A. *Purpose.* The purpose of this section is to establish landscaping requirements to enhance the community's ecological, environmental, and beautification efforts as well as its aesthetic qualities. It is the intent of this section to reduce the negative effects of glare, noise, erosion, and sedimentation caused by expanses of impervious and un-vegetated surfaces within the urban environment. It is the intent of this section to preserve and improve the natural and urban environment by recognizing that the use of landscaping elements can contribute to the processes of air purification, oxygen, regeneration, groundwater recharge, noise abatement, glare and heat, provision of habitats for wildlife, and enhance the overall beauty of the City.
- B. *Enforcement.* If at any time after the issuance of a Certificate of Occupancy, the approved landscaping is found to be in nonconformance with standards and criteria of this section, notice by the City may be issued to the owner, citing the violation and describing what action is required to comply with this section. The owner, tenant or agent shall have forty-five (45) days after the date of said notice to restore landscaping as required. The City may extend the time of compliance based on weather conditions. If the landscaping is not restored within the allotted time, such person shall be in violation of this UDC.

C. **Single Family and Duplex Residential**

*Installation and Maintenance.*

1. Prior to issuance of a Certificate of Occupancy sod shall be in place in full front and rear yards, except for landscape beds and gardens. On property containing a minimum of one-half ( $\frac{1}{2}$ ) acre or greater, sod in front and rear yards shall be planted adjacent to the slab for a distance of fifty feet (50') and for a distance of twenty feet (20') in side yards.
2. All landscaped areas shall be irrigated with an approved automatic underground irrigation system unless the landscaped area has been designed utilizing xeriscaping methods. All irrigation systems shall be designed and sealed in accordance with the Texas Commission on Environmental Quality (TCEQ) and shall be professionally installed. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.
3. Vegetation other than approved grasses or ground cover under six inches (6") in height is prohibited in any City right-of-way unless specifically authorized in writing by the City Manager or his/her designee, after consultation with the Director of Public Works or his/her designee.
4. Landscape planting shall not be erected or installed in such a manner as to interfere with traffic view or impose a safety hazard.
5. New landscaped areas shall be prepared so as to achieve a soil depth of at least two inches (2").
6. Every single family residential lot shall provide a minimum of two (2) shade trees which are a minimum of two and one-half inches (2.5") caliper measured at four feet (4') above ground level at the time of planting .

D. **Nonresidential and Multi-Family**

The provisions of this Article shall apply to all development except public water and wastewater facilities.

*Installation and Maintenance.*

1. Prior to issuance of a Certificate of Occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan approved as part of the Site Plan.

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2. In any case in which a Certificate of Occupancy is sought at a season of the year in which the City determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, a Temporary Certificate of Occupancy may be issued for up to four (4) months.
  3. All landscaped areas shall be irrigated with an approved automatic underground irrigation system unless the landscaped area has been designed utilizing xeriscaping methods. All irrigation systems shall be designed and sealed in accordance with the Texas Commission on Environmental Quality (TCEQ) and shall be professionally installed. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.
  4. Vegetation other than approved grasses or ground cover under six inches (6") in height is prohibited in any City right-of-way unless specifically authorized in writing by the City Manager or his/her designee, after consultation with the Director of Public Works or his/her designee.
  5. Trees planted shall be a minimum of two and one-half inches (2.5") caliper measured at four feet (4') above ground level at the time of planting. All trees planted to meet the minimum landscaping requirements of this section shall be planted so as to provide for no impervious material within the drip line of the tree. For the purposes of determining the drip line to meet the requirements of this section, the drip line radius shall be measured as being ten (10) times the caliper of the tree. For example, a two and one-half inch (2.5") tree will have a twenty five inch (25") radius or fifty inch (50") diameter. Tree wells or tree grates may be utilized to meet the requirements of this section. The City may, at its option, require certification by a registered arborist that adequate space has been provided for pervious cover beneath the drip line of a tree.
  6. New landscaped areas shall be prepared so as to achieve a soil depth of at least two inches (2").
  7. The use of architectural planters in nonresidential districts may be permitted in fulfillment of landscape requirements subject to approval of the Planning and Zoning Commission at the time of Site Plan approval.
  8. Landscape planting shall not be erected or installed in such a manner as to interfere with traffic view or impose a safety hazard.

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

The provisions of this section apply to new construction. Existing developments where all structures are no being demolished, so not have to comply with all of these requirements. Rather they cannot decrease compliance with an individual requirement to the point that they no longer comply with that individual requirement.

1. 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).
2. A minimum of twenty percent (20%) of the total land area of any proposed multifamily or nonresidential development shall be landscaped and shall be comprised of trees, shrubs, sod or other ground cover. In the event of the construction of a phased development, the minimum twenty percent (20%) requirement shall apply to each phase as it is developed.
3. All commercial and multi-family properties shall provide shade trees at a ratio of nine (9) trees per acre. Industrial property shall provide shade trees at a ratio of six (6) trees per acre. Public schools shall provide shade trees at a ratio of at least four (4) trees per acre. Existing trees may be counted toward meeting the requirements of this section.
4. *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



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to be measured from the edge of the parking and/or driveway and sidewalks. 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.

5. 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 twenty (20) parking spaces and at the terminus of all rows of parking. Such islands shall be a minimum of 162 square feet or nine feet (') by eighteen feet (18') in size. 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.
6. Perimeter Landscape Area – Where a nonresidential or multifamily use adjacent to a nonresidential or multifamily use that is zoned for nonresidential or multifamily uses shall provide a minimum five-foot (5') landscape buffer adjacent to those uses except where the building extends into that five foot (5') foot landscape buffer. A minimum of one (1) shade tree shall be planted for each one-hundred linear feet (100') of landscape buffer except where the entire five-foot (5') wide landscape buffer is encumbered by an easement that does not allow the planting of trees. A nonresidential or multifamily use adjacent to a single family or duplex residential use or single family or duplex residentially zoned property shall provide a minimum twenty-foot (20') landscape buffer adjacent to the proper line of the residential use or residentially zoned property. A minimum of one (1) shade tree hall be planted for each thirty (30) linear feet of landscape buffer. The landscape buffer shall be covered with grass or another solid vegetative cover. The landscape buffer shall include a masonry wall which shall be eight feet (8') in height. The requirement of this subsection doe not apply to public water and wastewater facilities if an eight foot (8') masonry wall is provided at or near the property boundary.

F. *Landscape Plan Required.* A landscape plan shall be submitted to the City for approval. The landscape plan may be submitted as a part of the Site Plan. The landscape plan shall contain the following information:

1. location of all existing trees with indication as to those to be preserved;
2. location of all plants and landscaping material to be used including paving, benches, screens, fountains, statues, or other landscaping features;
3. species of all plant material to be used;
4. size of all plant material to be used;
5. spacing of plant material where appropriate;
6. type of watering system and location of watering source, irrigation, sprinkler, or water system, including placement of water sources;
7. description of maintenance provisions of the landscaping plan; and
8. persons responsible for the preparation of the landscape plan.

### Sec. 21.5.2. Zoning Districts Established; Limitations on R-6 and R-7.

The City is hereby geographically divided into zoning districts and the boundaries of those districts herein are delineated upon the Official Zoning Map of the City. The use and dimensional regulations as set out in this Article are uniform in each district. Zoning districts are established in compliance with adopted Comprehensive Land Plan and Master Thoroughfare Plan. The districts established shall be known as follows:

Table 21.5.2	
Symbol	Zoning District Name
PRE	Predevelopment District
R-1	Single-Family Residential District
R-2	Single-Family Residential District
R-3	Two-Family Residential District
R-4	Apartment/Multi-Family Residential District
R-6	Single-Family Residential District (See Ordinance No. 10-S-29)
R-7	Single-Family Residential District (See Ordinance No. 10-S-29)
R-A	Single-Family Residential/Agricultural District
GH	Garden Home Residential District
TH	Townhome District
MHS	Manufactured Home Subdivision District
MHP	Manufactured Home Park District
OP	Office and Professional District
NS	Neighborhood Services District
GB	General Business District
GB-2	General Business District-2
M-1	Manufacturing District (Light)
M-2	Manufacturing District (Heavy)
GC	Golf Course District
PUB	Public Use District
PDD	Planned Development District
AD	Agricultural District
AC	Agricultural Conservation District
EN	Estate Neighborhood PDD
MU	Mixed Use District
HCOD	Highway Commercial Design Overlay District
CCOD	Campus Commercial Overlay District
IOD	Industrial Overlay District
DO	Downtown Overlay Districts
MSMU	Main Street Mixed-Use District

( Ord. No. 13-S-22, § 1, 7-16-2013 ; Ord. No. 14-S-47 , § 1, 11-18-2014)

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### **Sec. 21.5.5. Statement of Purpose and Intent for Residential Districts.**

- A. *Predevelopment District (PRE)*. Intended for use for undeveloped land in the City or as a temporary designation for existing uses for newly annexed property. This zoning is also suitable for areas where development is premature due to lack of utilities, capacity or service and for areas that are unsuitable for development because of physical constraints or potential health or safety hazards. No improvements, construction or structures may be undertaken without obtaining a building permit and no occupancy of such improvements and structures without obtaining a certificate of occupancy.
- B. *Single-Family Residential District (R-1)*. Comprised of single-family detached residential dwellings on a minimum lot size of 9,600 square feet, together with the schools, churches, and parks necessary to create basic neighborhood units.
- C. *Single-Family Residential District (R-2)*. Comprised of single-family detached residential dwellings with a minimum lot size of 8,400 square feet, together with the schools, churches, and parks necessary to create basic neighborhood units.
- D. *Two-Family Residential District (R-3)*. Comprised of two (2) single-family attached residential dwellings with a minimum lot size of 9,000 square feet, together with the schools, churches, and parks necessary to create basic neighborhood units.
- E. *Apartment/Multi-Family Residential District (R-4)*. Intended for apartment and multi-family developments including, but not limited to apartment buildings, duplex, garden apartments, condominium units, assisted living centers, nursing homes and other similar uses. Due to the infrastructure requirements for such districts, the City may require the applicant seeking such zoning classification to establish (i) the adequacy of available access and utility facilities, (ii) sufficiency of drainage, and (iii) provision of sufficient open space. The minimum lot size in such district is 10,000 square feet for three (3) units and 1,800 square feet for each additional dwelling unit. The maximum density shall be twenty-four (24) units per acre. Apartment/Multi-Family Residential Districts should not be located in areas where they would increase traffic through single-family neighborhoods and should be located adjacent to arterial streets with sufficient capacity to carry the increased traffic generated. Multi-family developments are suitable buffers between single-family districts and commercial uses. Multi-family districts should be buffered from non-residential land uses and from pollution sources and environmental hazards. Twenty percent (20%) of the total platted area shall be provided as common, usable open space.
- F. *Single-Family Residential District (R-6)*. Comprised of single-family detached residential dwellings that are on a minimum lot size of 7,200 square feet, together with the schools, churches, and parks necessary to create basic neighborhood units. This district is intended to be developed using the more contemporary building styles and allowing those dwellings to be constructed on relatively small lots. (See Ordinance No. 10-S-29)
- G. *Single-Family Residential District (R-7)*. Comprised of single-family detached residential dwellings on a minimum lot size of 6,600 square feet, together with the schools, churches, and parks necessary to create basic neighborhood units. This district is intended to be developed using the more contemporary building styles and allowing those dwellings to be constructed on relatively small lots. (See Ordinance No. 10-S-29)
- H. *Single-Family Residential/Agricultural District (RA)*. Intended to provide for areas in which agricultural land may be held in such use for as long as is practical and reasonable. Residences in this District are intended to be on a minimum lot size of 21,780 square feet (one-half acre). This District is suitable for areas where development is premature due to lack of utilities, capacity or service, and for areas that are unsuitable for development because of physical restraints or potential health or safety hazards.
- I. *Garden Homes Residential District (GH)*. Comprised of single-family detached residential dwellings on a minimum lot size of 5,000 square feet together with the schools, churches, and parks necessary to create basic neighborhood units. This District allows the main structure to be constructed coincident with one (1) of

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the side property lines, and requires only one (1) side yard setback in order to maximize lot usage and yet maintain a neighborhood character consistent with conventional single-family detached homes.

No area shall be designated GH that contains less than five (5) adjoining lots on a street. Zero lot line homes shall have no windows on the side of the house, which abuts the property line. Entire frontage of one (1) side of the street in the block must be included in the GH designation. Exception may be made where an alley breaks the block on that side of the street. Homes will be uniformly located on the same side of the lot within a street block.

- J. ***Townhome District (TH)***. Comprised of an attached residential dwelling unit in structures built to accommodate three (3) to six (6) units per structure. Density shall not exceed twelve (12) units per gross acre. Townhome units shall be constructed on a single lot, or on adjacent individual lots. Individual ownership of the townhome units is encouraged. Minimum lot area shall not be less than 2,500 square feet per dwelling unit. Ten percent (10%) of the total platted area shall be provided as common, usable open space. This District should not be located in areas where it would increase traffic through single-family neighborhoods and should be adjacent to arterial streets with sufficient capacity to carry the increased traffic generated.
- K. ***Manufactured Home Subdivision District (MHS)***. Intended to recognize that certain areas of the City are suitable for a mixture of single-family dwelling units and HUD-Code manufactured homes, to provide adequate space and site diversification for residential purposes designed to accommodate the peculiarities and design criteria of manufactured homes, along with single-family residences, to promote the most desirable use of land and direction of building development, to promote stability of development, to protect the character of the district, to conserve the value of land and buildings, and to protect the City's tax base. This District provides for the creation and/or subdivision of any lot, tract or parcel of land used for the placement of manufactured homes. This District is not intended to prohibit or unduly restrict any type of housing but to ensure compatibility in housing types between manufactured home subdivisions and surrounding single family residential subdivisions and recognizing their inherent differences.
- L. ***Manufactured Home Park District (MHP)***. Intended to provide adequate space and site diversification for residential purposes designed to accommodate the peculiarities and design criteria of manufactured homes, to promote the most desirable use of land and direction of building development, to promote stability of development, to protect the character of the district, to conserve the value of land and buildings, and to protect the City's tax base. This District provides for the creation of tracts of land used for the placement of multiple manufactured homes on a single lot, tract or parcel of land and utilized for rent or lease. This District is not intended to prohibit or unduly restrict any type of housing but to ensure compatibility between manufactured home parks and surrounding properties and recognizing the inherent differences in housing types between manufactured home parks and other residential districts.
- M. ***Agricultural District (AD)***. Intended to provide as a base zoning district in areas designated as agricultural conservation on the North and South Schertz Framework Plans. Residences in this District are intended to be on a minimum lot size of 217,800 square feet (five acres). Clustering of up to two homes may be allowed on the same lot subject to setback requirements. This District is suitable for areas where development is premature due to lack of utilities, capacity or service, and for areas that are unsuitable for development because of physical restraints or potential health or safety hazards.
- 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



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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.

( Ord. No. 13-S-22, § 2, 7-16-2013 ; Ord. No. 14-S-47 , § 2, 11-18-2014; Ord. No. 21-S-26 , § 1(Exh. A), 7-6-2021)

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### **Sec. 21.5.11. Specific Use Permit (SUP).**

- A. *Applicability.* Specific Use Permits allow for discretionary City Council approval of uses with unique or widely varying operating characteristics or unusual site development features, subject to the terms and conditions set forth in this UDC. These uses and the districts where they may be located are listed in Table 21.5.8. Certain uses located within the AICUZ zone require an SUP. Approval of a Specific Use Permit authorizes a property owner to submit subsequent development applications consistent with the approved sup.
- B. *Application Requirements.*
1. *Application Required.* Any request for a Specific Use Permit (SUP) shall be accompanied by an application and SUP exhibit prepared in accordance with the Development Manual.
  2. *Accompanying Applications.* An application for a Specific Use Permit shall be accompanied by a Site Plan prepared in accordance with section 21.12.14. Approval of a Site Plan as part of a Specific Use Permit shall meet the requirements for Site Plan approval under section 21.12.14.
  3. *Tax Certificate Required.* All applications made as a request for a Specific Use Permit shall be accompanied by a copy of a Tax Certificate.
- C. *Processing of Application and Decision.*
1. *Submittal.* An application for a Specific Use Permit shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application for completeness in accordance with section 21.4.2. The City Manager or his/her designee may, at its option, request a recommendation from any other City Department or consultant. The City Manager or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Manager or his/her designee shall forward a written recommendation to the Planning and Zoning Commission for consideration.
  2. *Notification requirements.* An application for a Specific Use Permit requires the following notification in accordance with section 21.4.3:
    - a. Written notice prior to consideration by the Planning and Zoning Commission; and
    - b. Published notice prior to consideration by the City Council.
  3. *Commission Recommendation.* The Planning and Zoning Commission shall hold a public hearing in accordance with the Texas Open Meetings Act and section 21.4.4 and make a written recommendation regarding a proposed Specific Use Permit to the City Council. The Planning and Zoning Commission may recommend approval, approval with conditions, or denial of the SUP. The Planning and Zoning Commission may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the recommendation to the City Council.
  4. *Decision by City Council.* The City Council shall receive the written recommendation of the Planning and Zoning Commission regarding a proposed Specific Use Permit and shall hold a public hearing in accordance with the Texas Open Meetings Act and section 21.4.4. The City Council may vote to approve, approve with conditions, or deny the SUP. The City Council may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the final decision.
- D. *Criteria for Approval.* The Planning and Zoning Commission, in making its recommendation, and the City Council, in considering final action on a Specific Use Permit, should consider the following criteria:

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1. The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Land Plan;
  2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
  3. The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as safety, traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;
  4. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;
  5. The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;
  6. The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed use on adjacent properties;
  7. The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood;
  8. The proposed use and associated Site Plan promote the health, safety or general welfare of the City and the safe, orderly, efficient and healthful development of the City;
  9. No application made under these provisions will receive final approval until all back taxes owed to the City have been paid in full; and
  10. Other criteria which, at the discretion of the Planning and Zoning Commission and City Council are deemed relevant and important in the consideration of the Specific Use Permit.
- E. *Conditions.* The Planning and Zoning Commission, in making its recommendation, and the City Council, in considering final action, may require such modifications in the proposed use and attach such conditions to the Specific Use Permit as deemed necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of this section. Conditions and modifications may include but are not limited to limitation of building size or height, increased open space, limitations on impervious surfaces, enhanced loading and parking requirements, additional landscaping, curbing, sidewalk, vehicular access and parking improvements, placement or orientation of buildings and entryways, buffer yards, landscaping and screening, signage restrictions and design, maintenance of buildings and outdoor areas, duration of the permit and hours of operation.
- F. *Expiration of Specific Use Permit.* A Specific Use Permit shall expire if any of the following occurs:
1. A building permit, if necessary, for the use has not been approved within one (1) year after the approval of the SUP;
  2. A building permit approved as a result of the approval of the SUP expires within two (2) years after the approval of the SUP;
  3. The use has been abandoned or discontinued for a period of time exceeding six (6) months; or
  4. The SUP expires in accordance with its terms.

(Ord. No. 18-S-04 , § 1(Exh. A), 1-23-2018)

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### **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.

#### **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.



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- 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.

(Ord. No. 16-S-27 , § 9, 8-30-2016; Ord. No. 17-S-40 , § 1(Exh. A), 10-24-2017; Ord. No. 21-S-26 , § 1(Exh. A), 7-6-2021)

## ARTICLE 10. PARKING STANDARDS

### Sec. 21.10.1. Purpose.

The purpose of this Article is to establish the number of required off-street vehicular parking spaces so as to provide for the needs of occupants, customers, visitors or others involved in the use or occupancy of any building or structure, to eliminate the undue use of the surface street system for parking purposes, to require allocation of sufficient off-street/on-site loading facilities by business and industry which ensures that the loading and unloading of vehicles will not interfere with traffic flow or block roadways and/or fire lanes, to promote and protect the public health, safety, comfort, convenience and general welfare, and to grant and define the administrative powers and duties necessary to enforce this Article.

### Sec. 21.10.2. General provisions.

- A. Required off-street parking in residential districts shall be provided on the same site, lot or tract as the main use for which the parking is provided.
- B. Required off-street parking in nonresidential districts may be located on the same site, lot or tract as the main use for which the parking is provided or on a site, lot or tract located within the same zoning district and within 150 feet of the main use.
- C. If specific requirements for off-street parking result in a fraction of a parking space, the next larger whole number of spaces is required.
- D. Whenever a building or use constructed or established after the effective date of this UDC is changed or enlarged in floor area, number of dwelling units, seating capacity or otherwise, to create a need for an increase in the minimum number of required parking spaces, such spaces shall be provided to accommodate the enlargement or change.
- E. All driveways and all required off-street parking spaces shall be on a paved concrete or asphalt surface. All drive approaches shall be of paved concrete.
- F. Parking spaces provided within a public right-of-way shall not be counted as meeting the minimum requirements of this Article.
- G. In the event of the construction of a phased development, the minimum number of parking spaces provided shall apply to each phase as it is developed.
- H. In computing the parking requirements for any building or development with multiple uses, the total parking requirements shall be the sum of the specific parking requirements for each individual use included in the building or development.
- I. *Residential curb cuts.*
  - 1. *Straight driveways.* Curb cuts for residential driveway aprons shall be not less than ten feet (10') in width, and not more than twelve feet (12') in width for a single driveway apron nor more than twenty-four feet (24') in width for a double driveway apron. Curb cuts will be permitted only for driveway aprons providing access to a garage, carport or hardstand. Not more than one curb cut will be permitted for each residential parcel of land except as follows for circular driveways.

2. **Circular driveways.** Circular driveways are allowed for lots with a minimum of one hundred feet (100') of frontage. Circular driveways shall have a maximum of two sixteen-foot curb cuts with a minimum of thirty feet (30') between each cut.
- J. Detached accessory, ancillary or storage structures in commercial and manufacturing districts shall not be located in a manner that decreases the minimum number of parking spaces required.
  - K. Areas intended for outdoor displays and general outdoor storage shall not be allowed in designated off-street parking areas or fire lanes and shall not be located in a manner that decreases the minimum number of parking spaces required.
  - L. Parking and storage, including vehicles awaiting repair, employee, customers and vendors, for automobile repairs and service located on Main Street, cannot occur in the public right-of-way.

(Ord. No. 22-S-19 , § 1(Exh. A), 4-26-2022)

### **Sec. 21.10.3. Size of space.**

- A. Each standard off-street surface parking space shall measure not less than ten feet by 20 feet, exclusive of access drives and aisles, and shall be of usable shape and condition.
- B. **Wheel stops.** Wheel stops shall be required for all areas of head-in parking adjacent to a landscaped area required in section 21.9.7. Wheel stops shall be designed so that the overhang of vehicles is contained totally within the parking space. If wheel stops are not provided at locations where vehicles extend over the sidewalk areas, a minimum of five feet (5') of free walking area, exclusive of vehicle over hang, width must be provided.
- C. Each parking space designed for parallel parking shall have a minimum dimension of eight feet by twenty-two feet (8' x 22').
- D. Each standard parking space located in a parking garage shall measure not less than ten feet by eighteen feet (10' x 18'), exclusive of access drives or aisles.
- E. **Handicap accessible parking.**
  1. The number and size of the handicap parking spaces required must follow the Federal Americans with Disabilities Act and Texas Accessibility Standards. The number of handicap parking spaces required is based on the total number of spaces provided. Accessible spaces for cars must have at least a sixty inch (60") wide access aisle located adjacent to the designated parking space. Van parking spaces need to have a wider access aisle of ninety-six inches (96") to accommodate a wheelchair lift and vertical clearance to accommodate van height.

<b>Table 21.10.3</b>	
<b>Minimum Number of Handicap Accessible Parking Spaces</b>	
<b>Total number of parking spaces provided (per lot)</b>	<b>Total minimum number of accessible parking spaces</b>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9

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501 to 1,000	2% of total parking provided in lot
1,001 and over	20 plus 1 for each 100 over 1,000

2. *Location.*

- Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances and at the most level ground close to the accessible entrance.
- An accessible route must always be provided from the accessible parking to the accessible entrance. An accessible route never has curbs or stairs, must be at least three feet (3') wide, and has a firm, stable, slip-resistant surface. The slope along the accessible route should not be greater than 1:12 in the direction of travel.
- Accessible parking spaces may be clustered in one or more lots if equivalent or greater accessibility is provided in terms of distance from the accessible entrance, parking fees, and convenience. Van-accessible parking spaces located in parking garages may be clustered on one floor (to accommodate the ninety-eight inch (98") minimum vertical height requirement).

- Signage.* A sign with the international symbol of accessibility must be mounted in accordance with applicable state and federal laws to see marking each disabled parking space. Van accessible spaces must have a sign with "van accessible" on it in addition to the international symbol of accessibility.

**Sec. 21.10.4. Schedule of off-street parking requirements.**

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

<b>Table 21.10.4 Schedule of Off-Street Parking Requirements</b>	
Use Type	Parking Requirement
Amusement, Commercial (Indoor)	1 space for each 200 square feet of gross floor area
Amusement, Commercial (Outdoor)	1 space per 500 square feet of outdoor site area plus 1 space per each 4 fixed spectator seats
Assisted Care, Living Facility, Care Facility	1 parking space for each 2 beds
Bank, Savings And Loan, Or Other Financial Institution	1 space for each 250 square feet of gross floor area
Bar Or Night Club	1 space for each 50 square feet of gross floor area
Bed And Breakfast	1 space for each guest room plus 1 space per employee
Bowling Alley	5 parking spaces for each lane
Car Wash	1 space for each 200 Square feet of floor area
Day Care Center	1 space per 250 square feet of gross floor area
Fitness Center/Gym	1 space for each 250 square feet of gross floor area
Convenience Store/Gas Station	1 space for each 250 square feet of gross floor area. Spaces provided for fueling at the pump stations shall not be considered parking spaces.
Group Home	4 spaces
Hospital	1 parking space for each bed
Hotel Or Motel	1 space for each sleeping room or suite plus 1 space for every 200 square feet of common area not designated as sleeping rooms

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Lodging Houses And Boarding Houses	1 parking space for each bedroom
Manufacturing, Processing Or Repairing	1 space for each 2 employees or 1 space for each 1,000 square feet of total floor area, whichever is greater
Medical Or Dental Clinic	1 space for each 200 square feet of total floor area
Mini-warehouse/Public Storage	1 space for each 300 square feet of office floor area plus 1 space for each 3,000 square feet of storage area
Mortuary/Funeral Home	1 parking space for each 50 square feet of floor space in service rooms or 1 space for each 3 seats, whichever is less based on maximum design capacity)
Multifamily, Duplex, Two-Family, Condominium Or Other Similar Use	1.5 spaces per 1 bedroom unit 2 spaces per 2 bedroom unit 2.5 spaces per 3+ bedroom unit Plus additional guest parking provided at a ratio of 5% of required spaces
Nursery	1 space per 300 square feet of total sales area Wholesale nursery: 1 parking space per employee of the largest work shift, plus 1 space per 10,000 square feet of display area and 1 space per acre of growing areas
Offices	1 space for each 250 square feet of gross floor area
Outdoor Facilities (Outdoor Recreational Fields i.e. Football, Soccer, etc.)	20 spaces per designated field or 1 per 4 person design capacity
Public Use	Parking shall be provided at a ratio approved by City staff based on a parking study provided by the applicant
Residence Halls, Fraternity Buildings And Sorority Buildings	1 space per person capacity of permanent sleeping facilities
Residential Subdivision Mailbox Kiosk	2 spaces—these may be in the right-of-way but not in the traffic lane—an expansion of the road surface is required and the kiosk must be covered to provide shelter for people using the kiosk
Restaurants	1 parking space for each 100 square feet of gross floor area, or 1 space for each 4 seats, whichever is less (based on maximum design capacity)
Retail Sales And Service	1 space for each 250 square feet of gross floor area
School, High School, Vocational, All Other Schools	Parking shall be provided at a ratio approved by City staff based on a parking study provided by the applicant that shall include vehicle stacking requirements
Single Family Attached And Detached Dwelling Units	2 parking spaces per dwelling unit
Theaters, Auditoriums, Churches, Assembly Halls, Sports Arenas, Stadiums, Conference Center, Convention Center, Dance Hall, Exhibition Halls, Or Other Place Of Public Assembly	1 space for each 4 seats or 1 space for every 100 square feet of gross floor area, whichever is less (based on maximum design capacity)
Automobile Sales Or Rental	1 space for each 3,000 square feet of sales area (open and enclosed) devoted to the sale, display or rental of vehicles
Automobile Service, Repair, Garage	1 space for each 200 square feet of total floor area

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B. *New and Unlisted Uses.* When a proposed land use is not classified in this section or a single use which have varying parking needs depending on the function of that specific single use, an applicant may submit a parking ratio based on best/current planning and transportation practices.

1. A best/current parking ratio application should include the following:

- a. An application shall fully cite the sources used to derive the applicant-submitted parking ratio, possible resources include parking standards material from the Institute of Transportation Engineers (ITE) or the American Planning Association (APA).
- b. The City Manager or his/her designee shall review the applicant submitted parking ratio to confirm best/current planning practices for a use.
- c. The City Manager or his/her designee shall approve, modify, or deny the applicant submitted parking ratio.

2. Parking ratio determination where no application is submitted

- a. If the applicant does not submit a parking ratio, then the City Manager or his/her designee shall determine the parking ratio based on the best/current planning and transportation practices.

C. *Mixed uses.* In the event that several users occupy a single structure, or parcels of land, the total requirements for off street parking shall be the sum of the requirements for the several uses computed separately unless it can be shown that the peak parking demands are offset, for example with retail and residential, or theater and office uses. In such case the City Manager or his/her designee may reduce the total requirements accordingly, but not more than twenty-five percent (25%).

D. *Joint use of facilities.* Required parking facilities of two (2) or more uses, structures, or parcels of land may be satisfied by the same parking facility used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap and provided that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing the joint use.

E. *Properties zoned main street mixed-use.* Properties zoned Main Street Mixed-Use shall only be required to provide two (2) on-site parking spaces but must still provide the minimum required number of handicapped spaces on site.

(Ord. No. 14-S-47 , § 5, 11-18-2014; Ord. No. 16-S-27 , § 7, 8-30-2016; Ord. No. 18-S-03 , § 1(Exh. A), 1-23-2018; Ord. No. 22-S-19 , § 1(Exh. A), 4-26-2022)

#### **Sec. 21.10.5. Striping.**

- A. All parking lots shall be striped in a manner that will clearly delineate parking spaces, fire lanes and pedestrian crosswalks.
- B. Directional arrows shall be provided in all drive lanes and driveways.

#### **Sec. 21.10.6. Shared access and cross lot access easements.**

Notwithstanding any other provisions of this UDC, unless otherwise approved by the City, to reduce the number of curb cuts and access driveways, the dedication of joint-use, private access driveway easements and cross lot access easements shall be required for all commercial development.

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**Sec. 21.10.7. Stacking requirement for drive-through facilities.**

- A. A stacking space shall be an area on a site measuring eight feet by twenty feet (8' x 20') with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area.
- B. All stacking spaces shall be located entirely within the lot and shall be outside of any right-of-way, fire lane or similar access.
- C. For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five stacking spaces.
- D. For each service window of a drive-through restaurant, a minimum of seven stacking spaces shall be provided.
- E. For kiosks, a minimum of three (3) stacking spaces for each service window shall be provided.

**Sec. 21.10.8. Off-Street loading/unloading requirements.**

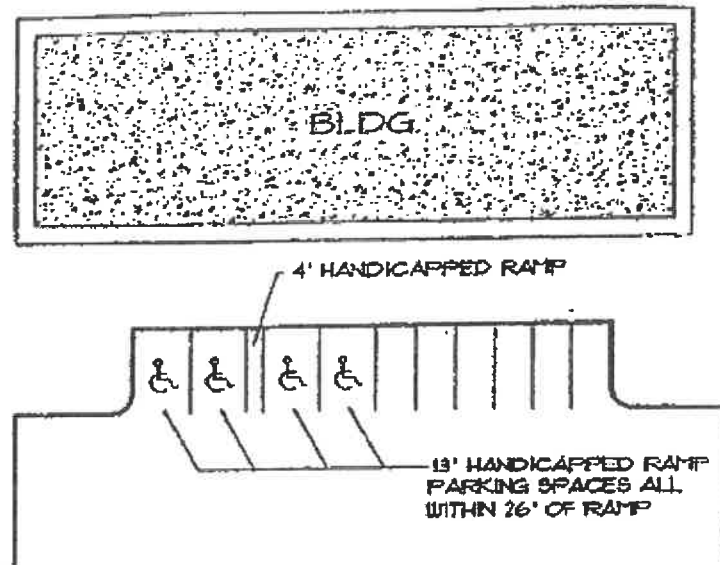
All retail, commercial, industrial and service structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. All public schools shall provide adequate stacking for vehicles based on a parking study approved by City Staff. Such off-street loading space may be adjacent to a public alley or private service drive or may consist of a truck berth within the structure. Such off-street loading space or truck berth shall consist of a minimum area of ten feet (10') by forty feet (40') and the spaces or berths shall be provided in accordance with the following schedule:

<b>Table 21.10.8 Off-Street Loading Requirements</b>	
<b>Square Feet of Gross Floor Area in Structure</b>	<b>Minimum Required Spaces or Berths</b>
0—5,000	None
5,000—15,000	1
15,000—50,000	2
50,000—100,000	3
100,000—150,000	4
Each Additional 50,000 over 150,000	1

(Ord. No. 16-S-27 , § 8, 8-30-2016)

**Sec. 21.10.9. Additional regulations and illustrations.**

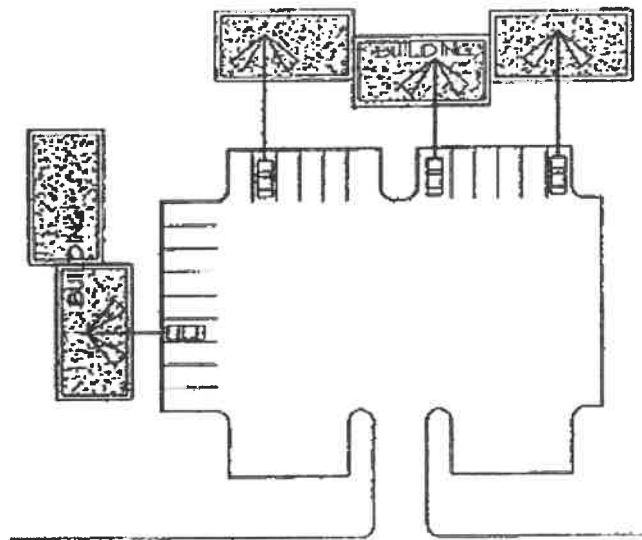
- A. *Handicapped ramps.*



### HANDICAPPED RAMPS: within 26' of Parking Spaces

The location of handicapped parking spaces should be:  
 1. as close as possible to principal handicapped accessible entrance(s);  
 2. Dispersed in a multi-building development or shopping center to ensure easy access and to minimize the travel distance for the handicapped.

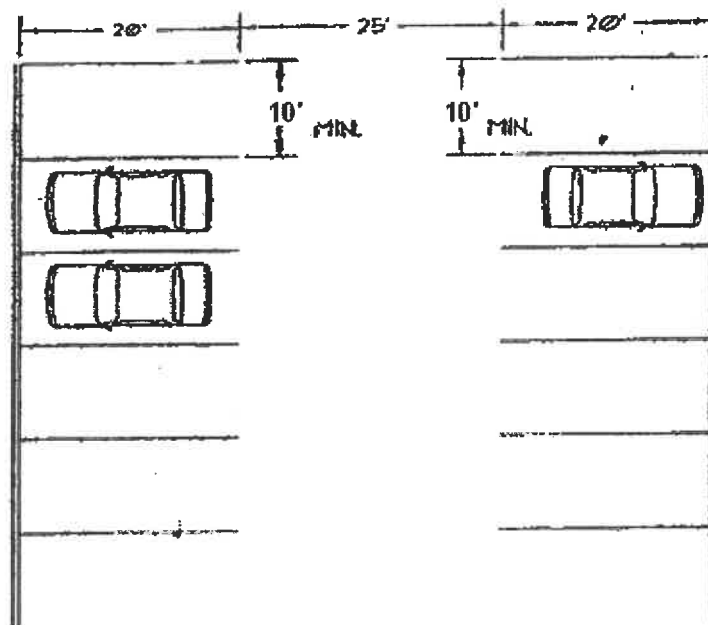
#### B. *Handicapped parking space dispersal.*



### HANDICAPPED PARKING SPACE DISPERSAL

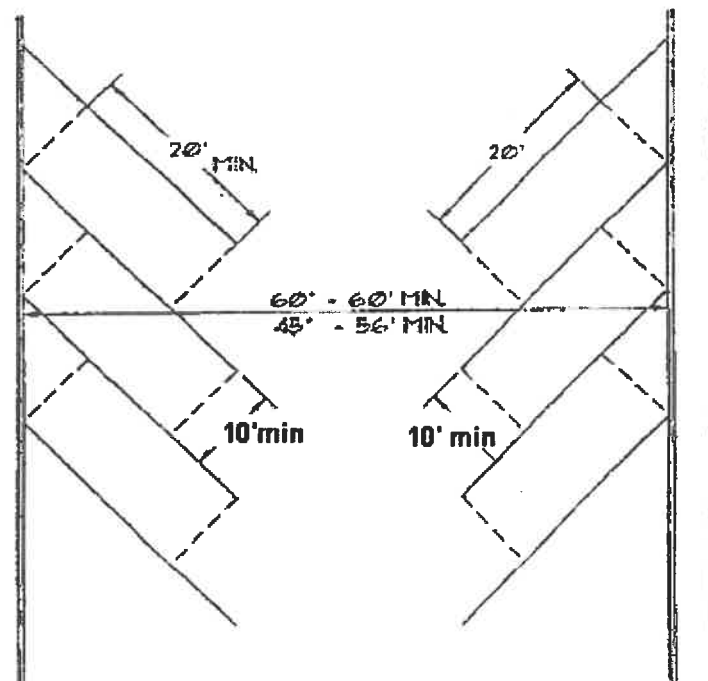
#### C. *90° parking dimensions.*

## 90° PARKING DIMENSIONS.



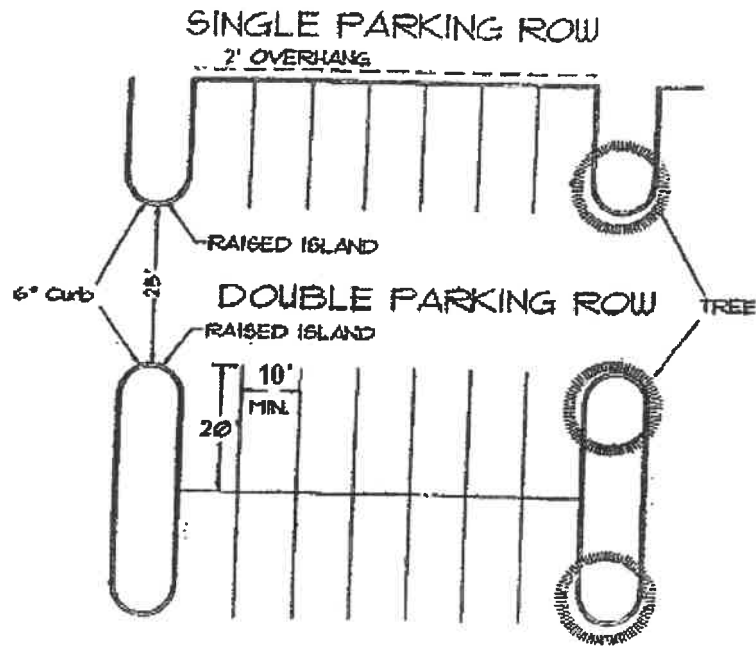
D. *Angle parking dimensions.*

## ANGLE PARKING DIMENSIONS



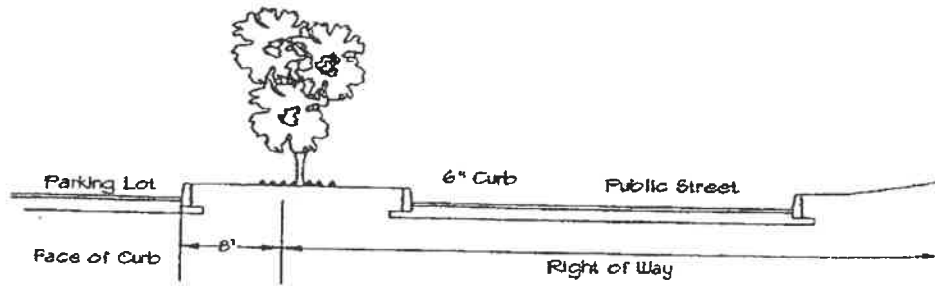
E. *Drive aisle dimensions.*





NOTES: Maximum of 20 spaces between islands on peripheral row  
Maximum of 15 spaces between islands on interior row

F. Separation of right-of way and parking areas.



G. Landscaping and fencing.



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### **Sec. 21.9.7. Landscaping.**

- A. *Purpose.* The purpose of this section is to establish landscaping requirements to enhance the community's ecological, environmental, and beautification efforts as well as its aesthetic qualities. It is the intent of this section to reduce the negative effects of glare, noise, erosion, and sedimentation caused by expanses of impervious and un-vegetated surfaces within the urban environment. It is the intent of this section to preserve and improve the natural and urban environment by recognizing that the use of landscaping elements can contribute to the processes of air purification, oxygen, regeneration, groundwater recharge, noise abatement, glare and heat, provision of habitats for wildlife, and enhance the overall beauty of the City.
- B. *Enforcement.* If at any time after the issuance of a Certificate of Occupancy, the approved landscaping is found to be in nonconformance with standards and criteria of this section, notice by the City may be issued to the owner, citing the violation and describing what action is required to comply with this section. The owner, tenant or agent shall have forty-five (45) days after the date of said notice to restore landscaping as required. The City may extend the time of compliance based on weather conditions. If the landscaping is not restored within the allotted time, such person shall be in violation of this UDC.
- C. *Installation and Maintenance.*
1. Prior to issuance of a Certificate of Occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan approved as part of the Site Plan which shall include sod in full front and rear yards, except for landscape beds and gardens. On property containing a minimum of one-half (½) acre or greater, sod in front and rear yards shall be planted adjacent to the slab for a distance of fifty feet (50') and for a distance of twenty feet (20') in side yards.
  2. The property owner shall be responsible for the maintenance of all landscape areas. The areas shall be maintained so as to present a healthy, neat and orderly appearance at all times.
  3. Should any of the plant material used in any landscaping required under this section die, the owner of the property shall have ninety (90) days after notification from the City to obtain and install suitable replacement plant material. Synthetic or artificial lawn or plant material shall not be used to satisfy the requirements of this UDC.
  4. In any case in which a Certificate of Occupancy is sought at a season of the year in which the City determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, a Certificate of Occupancy may be issued notwithstanding the fact that the landscaping required by the Landscape Plan has not been completed provided the applicant posts fiscal surety in a form acceptable to the City in the amount of the estimated cost of such landscaping. Such surety shall be conditioned upon the installation of all landscaping required by the Landscape Plan within six (6) months of the date of the application and shall give the City the right to draw upon the surety to complete the said landscaping if the applicant fails to do so.
  5. Landscaped areas shall be kept free of trash, litter, weeds, and other material or plants not a part of the landscaping.
  6. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year.
  7. All landscape materials shall be installed according to American Nursery and Landscape Association (AN&LA) standards.
  8. All landscaped areas shall be irrigated with an approved automatic underground irrigation system unless the landscaped area has been designed utilizing xeriscaping methods. All irrigation systems shall be designed and sealed in accordance with the Texas Commission on Environmental Quality (TCEQ)

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and shall be professionally installed. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.

9. Vegetation other than approved grasses or ground cover under six inches (6") in height is prohibited in any City right-of-way unless specifically authorized in writing by the City Manager or his/her designee, after consultation with the Director of Public Works or his/her designee.

D. *General Landscaping Requirements.*

1. Trees planted shall be a minimum of two and one-half inches (2.5") caliper measured at four feet (4') above ground level at the time of planting.
2. All trees planted to meet the minimum landscaping, mitigation or preservation requirements of this section shall be planted so as to provide for no impervious material within the drip line of the tree. For the purposes of determining the drip line to meet the requirements of this section, the drip line radius shall be measured as being ten (10) times the caliper of the tree. For example, a six inch (6") tree will have a sixty inch (60") or five foot (5') radius or a ten foot (10') diameter. Tree wells or tree grates may be utilized to meet the requirements of this section. The City may, at its option, require certification by a registered arborist that adequate space has been provided for pervious cover beneath the drip line of a tree.
3. Shrubs, vines and ground cover planted pursuant to this section should be good, healthy nursery stock. Shrubs shall be a minimum of one-gallon container size at the time of planting.
4. Grass areas are encouraged to be planted in species normally grown as permanent lawns in the City, including Bermuda, Buffalo Grass, Zoysia, or other drought-tolerant grass. Grass areas may be sodded, plugged, sprigged or seeded, except in swales or other areas subject to erosion which shall require installation of solid sod.
5. New landscaped areas shall be prepared so as to achieve a soil depth of at least six inches (6").
6. The use of architectural planters in nonresidential districts may be permitted in fulfillment of landscape requirements subject to approval of the Planning and Zoning Commission at the time of Site Plan approval.
7. Developers and homebuilders are encouraged to use xeriscape plant materials on model homes to promote use of water-wise landscaping.
8. Landscape planting shall not be erected or installed in such a manner as to interfere with traffic view or impose a safety hazard.
9. Not less than forty percent (40%) of the total required landscaping shall be located in the designated front yard.

E. *Landscape Installation Required.*

1. *Applicability.* The provisions of this section shall apply to all development except public water and wastewater facilities.
2. A minimum of twenty percent (20%) of the total land area of any proposed multifamily or nonresidential development shall be landscaped and shall be comprised of trees, shrubs, sod or other ground cover. In the event of the construction of a phased development, the minimum twenty percent (20%) requirement shall apply to each phase as it is developed.
3. All properties shall provide shade trees at a ratio of nine (9) trees per acre (43,560 square feet) of gross lot area. Industrial property shall provide shade trees at a ratio of nine (9) trees per acre, calculated at sixty percent (60%) of the gross lot area or by exclusion of the main enclosure structure ground floor area from the gross lot area, whichever is less. Public schools shall provide shade trees at a ratio of at

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least four (4) trees per acre. Existing trees may be counted toward meeting the requirements of this section.

- a. Every single family residential lot shall provide a minimum of three (3) shade trees which shall include a minimum of one (1) tree in the front yard and one (1) tree in the rear yard.
  - b. Any property that is unable to satisfy the tree requirements of this section shall be required to pay tree mitigation fees in accordance with section 21.9.9 of this UDC.
4. The use of native and adapted, drought tolerant plants is encouraged to meet the requirements of this section.
  5. Artificial plants or turf shall not be counted towards meeting the requirements of this section.

F. ***Landscape Plan Required.*** A landscape plan shall be submitted to the City for approval. The landscape plan may be submitted as a part of the Site Plan. The landscape plan shall contain the following information:

1. location of all existing trees with indication as to those to be preserved;
2. location of all plants and landscaping material to be used including paving, benches, screens, fountains, statues, or other landscaping features;
3. species of all plant material to be used;
4. size of all plant material to be used;
5. spacing of plant material where appropriate;
6. type of watering system and location of watering source, irrigation, sprinkler, or water system, including placement of water sources;
7. description of maintenance provisions of the landscaping plan; and
8. persons responsible for the preparation of the landscape plan.

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

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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.

I. *Approved Landscaping Plant List.*



1. *Approved Trees.*

Table 21.9.7A Approved Shade Trees	
Common Name	Scientific Name
American elm	Ulmus Americana
Anaqua	Ehretia anacua
Arizona cypress	Cupressus arizonica
Bald cypress	Taxodium distichum
Bigtooth maple	Acer grandidentatum
Black walnut	Juglans nigra
Bur oak	Quercus macrocarpa
Canby's oak	Quercus canbyi
Carolina basswood	Tilia carolina
Cedar elm	Ulmus crassifolia
Chinkapin or Chinquapin oak	Quercus muhlenbergii
Chisos red, Graves	Quercus gravesii
Durand oak	Quercus durandii
Fragrant ash	Fraxinus cuspidate
Green ash	Fraxinus Pennsylvania
Lacey oak	Quercus glaucoides
Little, Texas walnut	Juglans microcarpa
Mexican live or Monterrey oak	Quercus polymorpha
Mexican sycamore	Platanus mexicana
Nuttall Oak	Quercus nuttallii
Pecan	Carya illinoensis
Red oak	Quercus texana
Shin oak	Quercus mohriana
Southern live oak	Quercus virginiana
Texas ash	Fraxinus texensis
Texas red oak	Quercus buckleyi (texana)
Texas sycamore	Platanus occidentalis
Vasey oak	Quercus pungens var.vaseyana

Table 21.9.7B Approved Ornamental, Evergreen and Palm Trees	
Common Name	Scientific Name
Aleppo pine	Pinus halepensis
Anacacho orchid tree	Bauhinia congesta
Bradford Pear	Pyrus calleryana
California fan (exotic)	Washingtonia filifera
Carolina buckthorn	Rhamnus caroliniana
Condalia, brazil	Condalia hookeri
Crepe myrtle, etc. (exotic)	Lagerstroemia indica, fauriei, and X's
Desert willow	Chilopsis linearis
Dwarf Palmetto	Sabel minor
Eastern red cedar	Juniperus virginiana
Escarpment live oak	Quercus fusiformis
Evergreen Sumac	Rhus virens

Flameleaf sumac	Rhus lanceolata
Goldenball leadtree	Leucaena retusa
Lavender tree	Vitex agnus-castus
Mediterranean fan palm (exotic)	Chamaerops humilis
Mexican buckeye	Ungnadia speciosa
Mexican Palmetto, sable	Sabal mexicana
Mexican pinyon pine, Remote pine	Pinus cembroides
Mexican redbud	Cercis reniformis
Mountain laurel or mescal bean	Sophora secundiflora
Possum-haw holly	Ilex deciduas
Rusty blackhaw	Viburnum rufidulum
Texas Crabapple	Mollis texana
Texas or Oklahoma redbud	Cercis canadensis var. texensis
Texas Palmetto, sable	Sabal texana
Texas persimmon	Diospyrus texana
Texas Pistache	Pistacia texana
Texas sophora or Eve's Necklace	Sophora affinis
Wild olive, Mexican wild olive	Cordia boissieri
Yaupon holly	Ilex vomitoria

2. *Approved shrubs, vines, perennials and ground cover.*

Table 21.9.7C Approved Shrubs, Vines, Perennials and Ground Cover	
Common Name	Scientific Name
Agarita, Agarito	Berberis (Mahonia) trifoliata
Agarita, Tx. Barberry	Berberis spp.
Althea, Rose-of-Sharon	Hibiscus syriacus
American Beauty	Callicarpa americana
Artemesia	Artemesia spp.
Asian Jasmine	Trachelospermum asiaticum
Asparagus Fern	Asparagus sprengeri
Aster	Aster spp.
Autumn Sage	Salvia greggii
Bird of Paradise	Caesalpinia gilliesii
Blue Sage, Mealy Sage	Salvia farenaceae
Blue Shrub Sage	Salvia ballotaeflora
Bottlebrush	Callistemon spp
Bougainvillea	Bougainvillea
Brazilian Sky Flower	Duranta repens
Buckley Yucca	Yucca constricta
Bush Morning-Glory	Ipomea filifolia
Butterfly Bush	Buddleia spp.
Butterfly Vine	Mascagnia spp.
Orchid Vine	Stigmaphyllon littorale
Cape Honeysuckle	Tecoma capensis
Caroline Jessamine	Gelsemium sempervirens
Cat Claw Mimosa, Fragrant Mimosa	Mimosa bluncifera

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Century Plant	Agave americans
Cigar Plants	Cuphea spp.
Columbine	Aquilegia spp.
Confederate Jasmine, Star Jasmine	Trachelospermum jasminoides
Coppertone Loquat	Eriobotrya x "Coppertone"
Coral Honeysuckle	Lonicera sempervirens
Coral Vine, Rosa-De-Montana, Queens Wreath	Antigonon leptopus
Coralberry	Symphoricarpos orbiculatus
Dwarf Nandina	Nandina domestica "nana" etc.
Dwarf Yaupon	Ilex vomitoria nana
Elderberry	Sambucus Canadensis
Evening Primrose	Oenothera speciosa
Fern Acacia	Acacia hirta
Firecracker Plant	Russelia equisetiformis
Fireman's Cap, Coral Tree	Erythrina crista-galli
Four-nerve Daisy	Hymenoxys scaposa
Frogfruit	Phyla humilis
Gayfeather	Liatris spp.
Giant Liriope	Liriope gigantea
Golden Shrub Daisy	Euryops pectinatus
African Bush Daisy	Gamolepis chrysanthemoides
Guara	Gaura spp
Hawthorn	Crataegus spp.
Heartleaf Hibiscus	Hibiscus cardiophyllus
Hibiscus, Texas Star	Hibiscus coccineus
Hummingbird Bush	Anisacanthus spp.
Illinois Bundleflower	Desmanthus illinoensis
Iris	Iris spp
Italian Jasmine	Jasminum floridum
Juniper	Juniper spp
Lady Banksia Rose	Rosa Banksiae
Lantana	Lantana spp.
Lily Turf, Liriope (Std., "Big Blue")	Liriope muscari vars
Lindheimer Senna	Cassia lindheimeriana
Mexican Bird of Paradise	Caesalpinia mexicana
Mexican Butterfly Weed	Asclepias tuberosa
Mexican Flame Vine/Love Vine	Senecio confuses
Mexican Marigold	Tagetes lucida
Mexican Oregano	Poliomentha longiflora
Mexican Shrimp Plant	Justicia suberecta
Mist Flower	Eupatorium spp.
Mondo Grass, Monkey Grass	Ophiopogon japonica
Mountain Sage	Salvia regia
Nandina	Nandina domestica spp.
Narrow-leaf Yucca	Yucca agustifolia
Passion Vine	Passiflora allatocaerulea (P. pfordtii)
Passionflower	Passiflora incarnate

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Pigeonberry	Rivina humilis
Pink Skullcap	Scutellaria spp.
Pomegranate (Regular and Dwarf)	Punica granatum
Prairie Phlox	Phlox spp.
Primrose Jasmine	Jasminum mesnyi
Primrose	Primrose spp.
Prostrate Rosemary	Rosemarinus officinales vars.
Purple Coneflower	Echinacea purpurea
Red Yucca	Hesperaloe parviflora
Rock Rose	Pavonia lasiopetala
Rosemary	Rosemarinus spp.
Salvia	Salvia spp.
Santolina	Santolina spp.
Shrimp Plant	Justicia spp.
Silk Tassel	Garrya ovata lindheimer
Softleaf Yucca	Yucca pendula
Sotol	Dasyliirion spp.
Spanish Dagger	Yucca treculeana
St. John's Wort	Hypericum spp
Texas Clematis, Scarlet Leatherflower	Clematis texensis
Texas Elbow Bush	Foresteriera pubesebs
Texas Silverleaf, Sage, Cenizo	Leucophyllum frutescens
Texas Wisteria	Wisteria macrostachya
Thompson Yucca	Yucca thompsonia
Trumpet Vine, Trumpet Creeper	Campsis radicans x "Madame Galen"
Turk's Cap	Malvaviscus drummondii
Twisted-leaf Yucca	Yucca rupicola
Verbena	Verbena spp.
Virginia Creeper	Parthenocissus quinquefolia
Wax Myrtle - Dwarf, Standard	Myrica cerifera
White Bush Honeysuckle	Lonicera albiflora
Winecup	Callirhoe involuerata
Wisteria, evergreen	Wisteria millettia veticulata
Witchhazel	Hamamelis virginiana
Yarrow	Achillea millefolium
Yew	Podocarpus macrophyllus
Yucca	Yucca spp.

### 3. *Approved ornamental grasses.*

Table 21.9.7D Approved Ornamental Grasses	
Common Name	Scientific Name
Bamboo Muhly	Muhlenbergia dumosa
Big Bluestern	Andropogon gerardii
Deer Muhly	Muhlenbergia rigens
Eastern Gama grass	Tripsacum dactyloides
Gulf Muhly	Muhlenbergia capillaris

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Indian Grass	Sorghastrum nutans
Inland Sea Oats	Chasmanthium latifolium
Lindheimer Muhly	Muhlenbergia lindheimeri
Little Bluestem	Schizachyrium scoparium
Mexican Feathergrass	Stipa tenuissima
Pine Muhly	Muhlenbergia dubia
Seep Muhly	Muhlenbergia reverchonii
Sideoats grama	Bouteloua curtipendula
Switch Grass	Panicum virgatum
Weeping Muhly	Muhlenbergia dubioides
Western Wheatgrass	Agropyron smithii

4. *Approved turf grasses.*

Table 21.9.7E Approved Turf Grasses	
Common Name	Scientific Name
Bermuda grass	Cynodon dactylon var. dactylon
Buffalograss	Buchloe dactyloides
Blue Grama	Bouteloua gracilis
Zoysia Grass Varieties	Zoysia sp.

5. *Undesirable trees.*

Table 21.9.7F Undesirable Trees	
Common Name	Scientific Name
Arizona Ash	Fraxinus velut
Ashe-Juniper or Mountain Cedar	Juniperus ashei
Box Elder	Acer negundo
Chinaberry tree	Melia azedarach L.
Chinese Loquat or Loquat	Eriobotrya japonica
Chinese Parasol/Varnish Tree	Firmiana simplex
Chinese Tallow	Sapium sebiferum
Golden-Rain Tree	Koeleria paniculata
Huisache or Sweet Acacia	Acacia farnesiana
Japanese Plum	Prunus salicina
Ligustrum or Privet	Ligustrum japonicum
Lombardy Poplar	Populus nigra "italica"
Mesquite	Prosopis glandulosa
Mimosa	Albizia julibrissin
Mexican Fan Palm	Washingtonia robusta
Paper Mulberry	Broussonetia papyrifera (L.) L=(Her. ex. Vent.)
Saltcedar	Tamarix ramosissima Ledeb.
Sugarberry or Hackberry	Celtis laevigata
Tree of Heaven	Ailanthus altissima



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(Ord. No. 16-S-27 , §§ 3, 4, 8-30-2016; Ord. No. 18-S-04 , § 1(Exh. A), 1-23-2018; Ord. No. 18-S-24 , § 1(Exh. A), 8-7-2018; Ord. No. 21-S-26 , § 1(Exh. A), 7-6-2021)

### Sec. 21.5.2. Zoning Districts Established; ~~Limitations on R-6 and R-7.~~

The City is hereby geographically divided into zoning districts and the boundaries of those districts herein are delineated upon the Official Zoning Map of the City. The use and dimensional regulations as set out in this Article are uniform in each district. Zoning districts are established in compliance with adopted Comprehensive Land Plan and Master Thoroughfare Plan. The districts established shall be known as follows:

Table 21.5.2	
Symbol	Zoning District Name
PRE	Predevelopment District
R-1	Single-Family Residential District
R-2	Single-Family Residential District
R-3	Two-Family Residential District
R-4	Apartment/Multi-Family Residential District
R-6	Single-Family Residential District <del>(See Ordinance No. 10-S-29)</del>
R-7	Single-Family Residential District <del>(See Ordinance No. 10-S-29)</del>
R-A	Single-Family Residential/Agricultural District
GH	Garden Home Residential District
TH	Townhome District
MHS	Manufactured Home Subdivision District
MHP	Manufactured Home Park District
OP	Office and Professional District
NS	Neighborhood Services District
GB	General Business District
GB-2	General Business District-2
M-1	Manufacturing District (Light)
M-2	Manufacturing District (Heavy)
GC	Golf Course District
PUB	Public Use District
PDD	Planned Development District
AD	Agricultural District
AC	Agricultural Conservation District
EN	Estate Neighborhood PDD
MU	Mixed Use District
HCOD	Highway Commercial Design Overlay District
CCOD	Campus Commercial Overlay District
IOD	Industrial Overlay District
DO	Downtown Overlay Districts
MSMU	Main Street Mixed-Use District

( Ord. No. 13-S-22, § 1, 7-16-2013 ; Ord. No. 14-S-47 , § 1, 11-18-2014)

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## **Sec. 21.5.5. Statement of Purpose and Intent for Residential Districts.**

- A. *Predevelopment District (PRE)*. Intended for use for undeveloped land in the City or as a temporary designation for existing uses for newly annexed property. This zoning is also suitable for areas where development is premature due to lack of utilities, capacity or service and for areas that are unsuitable for development because of physical constraints or potential health or safety hazards. No improvements, construction or structures may be undertaken without obtaining a building permit and no occupancy of such improvements and structures without obtaining a certificate of occupancy.
- B. *Single-Family Residential District (R-1)*. Comprised of single-family detached residential dwellings on a minimum lot size of 9,600 square feet, together with the schools, churches, and parks necessary to create basic neighborhood units.
- C. *Single-Family Residential District (R-2)*. Comprised of single-family detached residential dwellings with a minimum lot size of 8,400 square feet, together with the schools, churches, and parks necessary to create basic neighborhood units.
- D. *Two-Family Residential District (R-3)*. Comprised of two (2) single-family attached residential dwellings with a minimum lot size of 9,000 square feet, together with the schools, churches, and parks necessary to create basic neighborhood units.
- E. *Apartment/Multi-Family Residential District (R-4)*. Intended for apartment and multi-family developments including, but not limited to apartment buildings, duplex, garden apartments, condominium units, assisted living centers, nursing homes and other similar uses. Due to the infrastructure requirements for such districts, the City may require the applicant seeking such zoning classification to establish (i) the adequacy of available access and utility facilities, (ii) sufficiency of drainage, and (iii) provision of sufficient open space. The minimum lot size in such district is 10,000 square feet for three (3) units and 1,800 square feet for each additional dwelling unit. The maximum density shall be twenty-four (24) units per acre. Apartment/Multi-Family Residential Districts should not be located in areas where they would increase traffic through single-family neighborhoods and should be located adjacent to arterial streets with sufficient capacity to carry the increased traffic generated. Multi-family developments are suitable buffers between single-family districts and commercial uses. Multi-family districts should be buffered from non-residential land uses and from pollution sources and environmental hazards. Twenty percent (20%) of the total platted area shall be provided as common, usable open space.
- F. *Single-Family Residential District (R-6)*. Comprised of single-family detached residential dwellings that are on a minimum lot size of 7,200 square feet, together with the schools, churches, and parks necessary to create basic neighborhood units. This district is intended to be developed using the more contemporary building styles and allowing those dwellings to be constructed on relatively small lots. ~~(See Ordinance No. 10-S-29)~~  
The maximum size tract that can be zoned R-6 is 30 acres.
- G. *Single-Family Residential District (R-7)*. Comprised of single-family detached residential dwellings on a minimum lot size of 6,600 square feet, together with the schools, churches, and parks necessary to create basic neighborhood units. This district is intended to be developed using the more contemporary building styles and allowing those dwellings to be constructed on relatively small lots. ~~(See Ordinance No. 10-S-29)~~  
The maximum size tract that can be zoned R-7 is 40 acres.
- H. *Single-Family Residential/Agricultural District (RA)*. Intended to provide for areas in which agricultural land may be held in such use for as long as is practical and reasonable. Residences in this District are intended to be on a minimum lot size of 21,780 square feet (one-half acre). This District is suitable for areas where development is premature due to lack of utilities, capacity or service, and for areas that are unsuitable for development because of physical restraints or potential health or safety hazards.

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- I. *Garden Homes Residential District (GH)*. Comprised of single-family detached residential dwellings on a minimum lot size of 5,000 square feet together with the schools, churches, and parks necessary to create basic neighborhood units. This District allows the main structure to be constructed coincident with one (1) of the side property lines, and requires only one (1) side yard setback in order to maximize lot usage and yet maintain a neighborhood character consistent with conventional single-family detached homes.

No area shall be designated GH that contains less than five (5) adjoining lots on a street. Zero lot line homes shall have no windows on the side of the house, which abuts the property line. Entire frontage of one (1) side of the street in the block must be included in the GH designation. Exception may be made where an alley breaks the block on that side of the street. Homes will be uniformly located on the same side of the lot within a street block.

- J. *Townhome District (TH)*. Comprised of an attached residential dwelling unit in structures built to accommodate three (3) to six (6) units per structure. Density shall not exceed twelve (12) units per gross acre. Townhome units shall be constructed on a single lot, or on adjacent individual lots. Individual ownership of the townhome units is encouraged. Minimum lot area shall not be less than 2,500 square feet per dwelling unit. Ten percent (10%) of the total platted area shall be provided as common, usable open space. This District should not be located in areas where it would increase traffic through single-family neighborhoods and should be adjacent to arterial streets with sufficient capacity to carry the increased traffic generated.
- K. *Manufactured Home Subdivision District (MHS)*. Intended to recognize that certain areas of the City are suitable for a mixture of single-family dwelling units and HUD-Code manufactured homes, to provide adequate space and site diversification for residential purposes designed to accommodate the peculiarities and design criteria of manufactured homes, along with single-family residences, to promote the most desirable use of land and direction of building development, to promote stability of development, to protect the character of the district, to conserve the value of land and buildings, and to protect the City's tax base. This District provides for the creation and/or subdivision of any lot, tract or parcel of land used for the placement of manufactured homes. This District is not intended to prohibit or unduly restrict any type of housing but to ensure compatibility in housing types between manufactured home subdivisions and surrounding single family residential subdivisions and recognizing their inherent differences.
- L. *Manufactured Home Park District (MHP)*. Intended to provide adequate space and site diversification for residential purposes designed to accommodate the peculiarities and design criteria of manufactured homes, to promote the most desirable use of land and direction of building development, to promote stability of development, to protect the character of the district, to conserve the value of land and buildings, and to protect the City's tax base. This District provides for the creation of tracts of land used for the placement of multiple manufactured homes on a single lot, tract or parcel of land and utilized for rent or lease. This District is not intended to prohibit or unduly restrict any type of housing but to ensure compatibility between manufactured home parks and surrounding properties and recognizing the inherent differences in housing types between manufactured home parks and other residential districts.
- M. *Agricultural District (AD)*. Intended to provide as a base zoning district in areas designated as agricultural conservation on the North and South Schertz Framework Plans. Residences in this District are intended to be on a minimum lot size of 217,800 square feet (five acres). Clustering of up to two homes may be allowed on the same lot subject to setback requirements. This District is suitable for areas where development is premature due to lack of utilities, capacity or service, and for areas that are unsuitable for development because of physical restraints or potential health or safety hazards.
- 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.

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- 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.

( Ord. No. 13-S-22, § 2, 7-16-2013 ; Ord. No. 14-S-47 , § 2, 11-18-2014; Ord. No. 21-S-26 , § 1(Exh. A), 7-6-2021)



### **Sec. 21.5.11. Specific Use Permit (SUP).**

- A. *Applicability.* Specific Use Permits allow for discretionary City Council approval of uses with unique or widely varying operating characteristics or unusual site development features, subject to the terms and conditions set forth in this UDC. These uses and the districts where they may be located are listed in Table 21.5.8. Certain uses located within the AICUZ zone require an SUP. Approval of a Specific Use Permit authorizes a property owner to submit subsequent development applications consistent with the approved sup.
- B. *Application Requirements.*
1. *Application Required.* Any request for a Specific Use Permit (SUP) shall be accompanied by an application and SUP exhibit prepared in accordance with the Development Manual.
  2. ~~*Accompanying Applications.* An application for a Specific Use Permit shall be accompanied by a Site Plan prepared in accordance with section 21.12.14. Approval of a Site Plan as part of a Specific Use Permit shall meet the requirements for Site Plan approval under section 21.12.14.~~
  3. *Tax Certificate Required.* All applications made as a request for a Specific Use Permit shall be accompanied by a copy of a Tax Certificate.
- C. *Processing of Application and Decision.*
1. *Submittal.* An application for a Specific Use Permit shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application for completeness in accordance with section 21.4.2. The City Manager or his/her designee may, at its option, request a recommendation from any other City Department or consultant. The City Manager or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Manager or his/her designee shall forward a written recommendation to the Planning and Zoning Commission for consideration.
  2. *Notification requirements.* An application for a Specific Use Permit requires the following notification in accordance with section 21.4.3:
    - a. Written notice prior to consideration by the Planning and Zoning Commission; and
    - b. Published notice prior to consideration by the City Council.
  3. *Commission Recommendation.* The Planning and Zoning Commission shall hold a public hearing in accordance with the Texas Open Meetings Act and section 21.4.4 and make a written recommendation regarding a proposed Specific Use Permit to the City Council. The Planning and Zoning Commission may recommend approval, approval with conditions, or denial of the SUP. The Planning and Zoning Commission may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the recommendation to the City Council.
  4. *Decision by City Council.* The City Council shall receive the written recommendation of the Planning and Zoning Commission regarding a proposed Specific Use Permit and shall hold a public hearing in accordance with the Texas Open Meetings Act and section 21.4.4. The City Council may vote to approve, approve with conditions, or deny the SUP. The City Council may, on its own motion or by request of the property owner, postpone consideration of the request to a certain date that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the final decision.
- D. *Criteria for Approval.* The Planning and Zoning Commission, in making its recommendation, and the City Council, in considering final action on a Specific Use Permit, should consider the following criteria:

1. The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Land Plan;
  2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
  3. The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as safety, traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;
  4. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;
  5. The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;
  6. The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed use on adjacent properties;
  7. The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood;
  8. The proposed use ~~and associated Site Plan~~ promotes the health, safety or general welfare of the City and the safe, orderly, efficient and healthful development of the City;
  9. No application made under these provisions will receive final approval until all back taxes owed to the City have been paid in full; and
  10. Other criteria which, at the discretion of the Planning and Zoning Commission and City Council are deemed relevant and important in the consideration of the Specific Use Permit.
- E. *Conditions.* The Planning and Zoning Commission, in making its recommendation, and the City Council, in considering final action, may require such modifications in the proposed use and attach such conditions to the Specific Use Permit as deemed necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of this section. Conditions and modifications may include but are not limited to limitation of building size or height, increased open space, limitations on impervious surfaces, enhanced loading and parking requirements, additional landscaping, curbing, sidewalk, vehicular access and parking improvements, placement or orientation of buildings and entryways, buffer yards, landscaping and screening, signage restrictions and design, maintenance of buildings and outdoor areas, duration of the permit and hours of operation, ~~and requiring a site layout.~~
- F. *Expiration of Specific Use Permit.* A Specific Use Permit shall expire if any of the following occurs:
1. A building permit, if necessary, for the use has not been approved within ~~two one~~ (12) years after the approval of the SUP;
  2. A building permit approved as a result of the approval of the SUP expires within two (2) years after the approval of the SUP;
  3. The use has been abandoned or discontinued for a period of time exceeding six (6) months; or
  4. The SUP expires in accordance with its terms.

(Ord. No. 18-S-04 , § 1(Exh. A), 1-23-2018)

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### **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.

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- 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.

(Ord. No. 16-S-27 , § 9, 8-30-2016; Ord. No. 17-S-40 , § 1(Exh. A), 10-24-2017; Ord. No. 21-S-26 , § 1(Exh. A), 7-6-2021)

#### Sec. 21.9.7. Landscaping.

- A. *Purpose.* The purpose of this section is to establish landscaping requirements to enhance the community's ecological, environmental, and beautification efforts as well as its aesthetic qualities. It is the intent of this section to reduce the negative effects of glare, noise, erosion, and sedimentation caused by expanses of impervious and un-vegetated surfaces within the urban environment. It is the intent of this section to preserve and improve the natural and urban environment by recognizing that the use of landscaping elements can contribute to the processes of air purification, oxygen, regeneration, groundwater recharge, noise abatement, glare and heat, provision of habitats for wildlife, and enhance the overall beauty of the City.
- B. *Enforcement.* If at any time after the issuance of a Certificate of Occupancy, the approved landscaping is found to be in nonconformance with standards and criteria of this section, notice by the City may be issued to the owner, citing the violation and describing what action is required to comply with this section. The owner, tenant or agent shall have forty-five (45) days after the date of said notice to restore landscaping as required. The City may extend the time of compliance based on weather conditions. If the landscaping is not restored within the allotted time, such person shall be in violation of this UDC.

#### C. Single Family and Duplex Residential

##### *Installation and Maintenance.*

1. Prior to issuance of a Certificate of Occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan approved as part of the Site Plan which shall include sod shall be in place in full front and rear yards, except for landscape beds and gardens. On property containing a minimum of one-half (½) acre or greater, sod in front and rear yards shall be planted adjacent to the slab for a distance of fifty feet (50') and for a distance of twenty feet (20') in side yards.
2. The property owner shall be responsible for the maintenance of all landscape areas. The areas shall be maintained so as to present a healthy, neat and orderly appearance at all times.
3. Should any of the plant material used in any landscaping required under this section die, the owner of the property shall have ninety (90) days after notification from the City to obtain and install suitable replacement plant material. Synthetic or artificial lawn or plant material shall not be used to satisfy the requirements of this UDC.
4. In any case in which a Certificate of Occupancy is sought at a season of the year in which the City determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, a Certificate of Occupancy may be issued notwithstanding the fact that the landscaping required by the Landscape Plan has not been completed provided the applicant posts fiscal surety in a form acceptable to the City in the amount of the estimated cost of such landscaping. Such surety shall be conditioned upon the installation of all landscaping required by the Landscape Plan within six (6) months of the date of the application and shall give the City the right to draw upon the surety to complete the said landscaping if the applicant fails to do so.
5. Landscaped areas shall be kept free of trash, litter, weeds, and other material or plants not a part of the landscaping.
6. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year.
7. All landscape materials shall be installed according to American Nursery and Landscape Association (AN&LA) standards.



28. All landscaped areas shall be irrigated with an approved automatic underground irrigation system unless the landscaped area has been designed utilizing xeriscaping methods. All irrigation systems shall be designed and sealed in accordance with the Texas Commission on Environmental Quality (TCEQ) and shall be professionally installed. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.
93. Vegetation other than approved grasses or ground cover under six inches (6") in height is prohibited in any City right-of-way unless specifically authorized in writing by the City Manager or his/her designee, after consultation with the Director of Public Works or his/her designee.
4. Landscape planting shall not be erected or installed in such a manner as to interfere with traffic view or impose a safety hazard.
5. New landscaped areas shall be prepared so as to achieve a soil depth of at least six two inches (62").
6. Every single family residential lot shall provide a minimum of three two (3 2) shade trees which shall be a minimum of two and one-half inches (2.5") caliper measured at four feet (4') above ground level at the time of planting

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D. Nonresidential and Multi-Family

The provisions of this Article shall apply to all development except public water and wastewater facilities.

Installation and Maintenance:

1. Prior to issuance of a Certificate of Occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan approved as part of the Site Plan.
2. In any case in which a Certificate of Occupancy is sought at a season of the year in which the City determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, a Temporary Certificate of Occupancy may be issued for up to four (4) months.
3. All landscaped areas shall be irrigated with an approved automatic underground irrigation system unless the landscaped area has been designed utilizing xeriscaping methods. All irrigation systems shall be designed and sealed in accordance with the Texas Commission on Environmental Quality (TCEQ) and shall be professionally installed. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.
4. Vegetation other than approved grasses or ground cover under six inches (6") in height is prohibited in any City right-of-way unless specifically authorized in writing by the City Manager or his/her designee, after consultation with the Director of Public Works or his/her designee.
5. Trees planted shall be a minimum of two and one-half inches (2.5") caliper measured at four feet (4') above ground level at the time of planting. All trees planted to meet the minimum landscaping requirements of this section shall be planted so as to provide for no impervious material within the drip line of the tree. For the purposes of determining the drip line to meet the requirements of this section, the drip line radius shall be measured as being ten (10) times the caliper of the tree. For example, a two and one-half inch (2.5") tree will have a twenty five inch (25") radius or fifty inch (50") diameter. Tree wells or tree grates may be utilized to meet the requirements of this section. The City may, at its option, require certification by a registered arborist that adequate space has been provided for pervious cover beneath the drip line of a tree.
6. New landscaped areas shall be prepared so as to achieve a soil depth of at least two inches (2")

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7. The use of architectural planters in nonresidential districts may be permitted in fulfillment of landscape requirements subject to approval of the Planning and Zoning Commission at the time of Site Plan approval.

8. Landscape planting shall not be erected or installed in such a manner as to interfere with traffic view or impose a safety hazard.

E. *Landscape Installation Required.*

The provisions of this section apply to new construction. Existing developments where all structures are no being demolished, so not have to comply with all of these requirements. Rather they cannot decrease compliance with an individual requirement to the point that they no longer comply with that individual requirement.

1. 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).
2. A minimum of twenty percent (20%) of the total land area of any proposed multifamily or nonresidential development shall be landscaped and shall be comprised of trees, shrubs, sod or other ground cover. In the event of the construction of a phased development, the minimum twenty percent (20%) requirement shall apply to each phase as it is developed.
3. All commercial and multi-family properties shall provide shade trees at a ratio of nine (9) trees per acre. Industrial property shall provide shade trees at a ratio of six (6) trees per acre. Public schools shall provide shade trees at a ratio of at least four (4) trees per acre. Existing trees may be counted toward meeting the requirements of this section.
4. *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. 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.
5. 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 twenty (20) parking spaces and at the terminus of all rows of parking. Such islands shall be a minimum of 162 square feet or nine feet (9') by eighteen feet (18') in size. 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.
6. *Perimeter Landscape Area* - Where a nonresidential or multifamily use adjacent to a nonresidential or multifamily use that is zoned for nonresidential or multifamily uses shall provide a minimum five foot (5') landscape buffer adjacent to those uses except where the building extends into that five foot (5') foot landscape buffer. A minimum of one (1) shade tree shall be planted for each one-hundred linear feet (100') of landscape buffer except where the entire five-foot (5') wide landscape buffer is encumbered by an easement that does not allow the planting of trees. A nonresidential or multifamily use adjacent to a single family or duplex residential use or single family or duplex residentially zoned property shall provide a minimum twenty-foot (20') landscape buffer adjacent to the proper line of the residential use or residentially zoned property. A minimum of one (1) shade tree shall be planted for each thirty (30) linear feet of landscape buffer. The landscape buffer shall be covered with grass or another solid vegetative cover. The landscape buffer shall include a masonry wall which shall be eight feet (8') in height. The requirement of this subsection does not apply to public water and wastewater facilities if an eight foot (8') masonry wall is provided at or near the property boundary. *General Landscaping Requirements.*

1. ~~--- Trees planted shall be a minimum of two and one-half inches (2.5") caliper measured at four feet (4') above ground level at the time of planting.~~
2. ~~--- All trees planted to meet the minimum landscaping, mitigation or preservation requirements of this section shall be planted so as to provide for no impervious material within the drip line of the tree. For the purposes of determining the drip line to meet the requirements of this section, the drip line radius shall be measured as being ten (10) times the caliper of the tree. For example, a six inch (6") tree will have a sixty inch (60") or five foot (5') radius or a ten foot (10') diameter. Tree wells or tree grates may be utilized to meet the requirements of this section. The City may, at its option, require certification by a registered arborist that adequate space has been provided for pervious cover beneath the drip line of a tree.~~
3. ~~--- Shrubs, vines and ground cover planted pursuant to this section should be good, healthy nursery stock. Shrubs shall be a minimum of one-gallon container size at the time of planting.~~
4. ~~--- Grass areas are encouraged to be planted in species normally grown as permanent lawns in the City, including Bermuda, Buffalo Grass, Zoysia, or other drought-tolerant grass. Grass areas may be sodded, plugged, sprigged or seeded, except in swales or other areas subject to erosion which shall require installation of solid sod.~~
5. ~~--- New landscaped areas shall be prepared so as to achieve a soil depth of at least six inches (6").~~
6. ~~--- The use of architectural planters in nonresidential districts may be permitted in fulfillment of landscape requirements subject to approval of the Planning and Zoning Commission at the time of Site Plan approval.~~
7. ~~--- Developers and homebuilders are encouraged to use xeriscape plant materials on model homes to promote use of water-wise landscaping.~~
8. ~~--- Landscape planting shall not be erected or installed in such a manner as to interfere with traffic view or impose a safety hazard.~~
9. ~~--- Not less than forty percent (40%) of the total required landscaping shall be located in the designated front yard.~~
- E. ~~--- Landscape Installation Required.~~
  1. ~~--- Applicability. The provisions of this section shall apply to all development except public water and wastewater facilities.~~
  2. ~~--- A minimum of twenty percent (20%) of the total land area of any proposed multifamily or nonresidential development shall be landscaped and shall be comprised of trees, shrubs, sod or other ground cover. In the event of the construction of a phased development, the minimum twenty percent (20%) requirement shall apply to each phase as it is developed.~~
  3. ~~--- All properties shall provide shade trees at a ratio of nine (9) trees per acre (42,560 square feet) of gross lot area. Industrial property shall provide shade trees at a ratio of nine (9) trees per acre, calculated at sixty percent (60%) of the gross lot area or by exclusion of the main enclosure structure ground floor area from the gross lot area, whichever is less. Public schools shall provide shade trees at a ratio of at least four (4) trees per acre. Existing trees may be counted toward meeting the requirements of this section.~~
    - a. ~~--- Every single family residential lot shall provide a minimum of three (3) shade trees which shall include a minimum of one (1) tree in the front yard and one (1) tree in the rear yard.~~
    - b. ~~--- Any property that is unable to satisfy the tree requirements of this section shall be required to pay tree mitigation fees in accordance with section 21-9-9 of this UDC.~~
  4. ~~--- The use of native and adapted, drought tolerant plants is encouraged to meet the requirements of this section.~~

~~5. Artificial plants or turf shall not be counted towards meeting the requirements of this section.~~

- F. **Landscape Plan Required.** A landscape plan shall be submitted to the City for approval. The landscape plan may be submitted as a part of the Site Plan. The landscape plan shall contain the following information:
1. location of all existing trees with indication as to those to be preserved;
  2. location of all plants and landscaping material to be used including paving, benches, screens, fountains, statues, or other landscaping features;
  3. species of all plant material to be used;
  4. size of all plant material to be used;
  5. spacing of plant material where appropriate;
  6. type of watering system and location of watering source, irrigation, sprinkler, or water system, including placement of water sources;
  7. description of maintenance provisions of the landscaping plan; and
  8. persons responsible for the preparation of the landscape plan.

~~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.

h. — *Approved Landscaping Plant List.*

1. — *Approved Trees.*

Table 21.9.7A Approved Shade Trees	
Common Name	Scientific Name
American elm	Ulmus Americana
Anaqua	Ehretia anaqua
Arizona cypress	Cupressus arizonica
Bald cypress	Taxodium distichum
Bigtooth maple	Acer grandidentatum
Black walnut	Juglans nigra

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Bur oak	<i>Quercus macrocarpa</i>
Canby's oak	<i>Quercus canbyi</i>
Carolina basswood	<i>Tilia caroliniana</i>
Cedar elm	<i>Ulmus crassifolia</i>
Chinkapin or Chinquapin oak	<i>Quercus muhlenbergii</i>
Chisos red, Graves	<i>Quercus gravesii</i>
Durand oak	<i>Quercus durandii</i>
Fragrant ash	<i>Fraxinus cuspidate</i>
Green ash	<i>Fraxinus Pennsylvania</i>
Lacey oak	<i>Quercus glaucoides</i>
Little, Texas walnut	<i>Juglans microcarpa</i>
Mexican live or Monterrey oak	<i>Quercus polymorpha</i>
Mexican sycamore	<i>Platanus mexicana</i>
Nuttall Oak	<i>Quercus nuttallii</i>
Pecan	<i>Carya illinoensis</i>
Red oak	<i>Quercus texana</i>
Shin oak	<i>Quercus mohriana</i>
Southern live oak	<i>Quercus virginiana</i>
Texas ash	<i>Fraxinus texensis</i>
Texas red oak	<i>Quercus buckleyi (texana)</i>
Texas sycamore	<i>Platanus occidentalis</i>
Vasey oak	<i>Quercus pungens var. vaseyana</i>

Table 21.9-7B Approved Ornamental, Evergreen and Palm Trees	
Common Name	Scientific Name
Aleppo pine	<i>Pinus halepensis</i>
Anacacho orchid tree	<i>Bauhinia congesta</i>
Bradford Pear	<i>Pyrus calleryana</i>
California fan (exotic)	<i>Washingtonia filifera</i>
Carolina buckthorn	<i>Rhamnus caroliniana</i>
Condalia, Brazil	<i>Condalia hookeri</i>
Crepe myrtle, etc. (exotic)	<i>Lagerstroemia indica, fauriei, and X's</i>
Desert willow	<i>Chilopsis linearis</i>
Dwarf Palmetto	<i>Sabal minor</i>
Eastern red cedar	<i>Juniperus virginiana</i>
Escarpment live oak	<i>Quercus fusiformis</i>
Evergreen Sumac	<i>Rhus virens</i>
Flameleaf sumac	<i>Rhus lanceolata</i>
Goldenball lead tree	<i>Leucaena retusa</i>
Lavender tree	<i>Vitex agnus-castus</i>
Mediterranean fan palm (exotic)	<i>Chamaerops humilis</i>
Mexican buckeye	<i>Ungnadia speciosa</i>
Mexican Palmetto, sable	<i>Sabal mexicana</i>
Mexican pinyon pine, Remote pine	<i>Pinus cembroides</i>
Mexican redbud	<i>Cercis reniformis</i>
Mountain laurel or mesquite bean	<i>Sophora secundiflora</i>

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Possum-haw holly	Ilex deciduas
Rusty-blackhaw	Viburnum rufidulum
Texas Crabapple	Mollis texana
Texas or Oklahoma redbud	Cercis canadensis var. texensis
Texas Palmetto, sable	Sabal texana
Texas persimmon	Diospyrus texana
Texas Pistache	Pistacia texana
Texas sophora or Eve's Necklace	Sophora affinis
Wild olive, Mexican wild olive	Cordia boissieri
Yaupon holly	Ilex vomitoria

2.— Approved shrubs, vines, perennials and ground cover.

Table 21.9.7C Approved Shrubs, Vines, Perennials and Ground Cover	
Common Name	Scientific Name
Agarita, Agarito	Berberis (Mahonia) trifoliata
Agarita, Tx. Barberry	Berberis spp.
Althea, Rose-of-Sharon	Hibiscus syriacus
American Beauty	Callicarpa americana
Artemesia	Artemesia spp.
Asian Jasmine	Trachelospermum asiaticum
Asparagus Fern	Asparagus sprengeri
Aster	Aster spp.
Autumn Sage	Salvia greggii
Bird of Paradise	Caesalpinia gilliesii
Blue Sage, Mealy Sage	Salvia farinacea
Blue Shrub Sage	Salvia ballotaeflora
Bottlebrush	Callistemon spp.
Bougainvillea	Bougainvillea
Brazilian Sky Flower	Duranta repens
Buckley Yucca	Yucca constricta
Bush Morning-Glory	Ipomea fistulosa
Butterfly Bush	Buddleia spp.
Butterfly Vine	Mascagnia spp.
Orchid Vine	Stigmaphyllon littorale
Cape Honeysuckle	Tecoma capensis
Caroline Jessamine	Gelsemium sempervirens
Cat Claw Mimosa, Fragrant Mimosa	Mimosa bluncifera
Century Plant	Agave americans
Cigar Plants	Cuphea spp.
Columbine	Aquilegia spp.
Confederate Jasmine, Star Jasmine	Trachelospermum jasminoides
Coppertone Loquat	Eriobotrya x "Coppertone"
Coral Honeysuckle	Lonicera sempervirens
Coral Vine, Rosa-De-Montana, Queens Wreath	Antigonon leptopus
Coralberry	Symphoricarpos orbiculatus
Dwarf Nandina	Nandina domestica "nana" etc.

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Dwarf Yaupon	Ilex vomitoria nana
Elderberry	Sambucus Canadensis
Evening Primrose	Oenothera speciosa
Fern Acacia	Acacia hirta
Firecracker Plant	Russelia equisetiformis
Fireman's Cap, Coral Tree	Erythrina crista-galli
Four-nerve Daisy	Hymenoxys scaposa
Frogfruit	Phyla humilis
Gayfeather	Liatris spp.
Giant Liriope	Liriope gigantea
Golden Shrub Daisy	Euryops pectinatus
African Bush Daisy	Gamolepis chrysanthemoides
Guara	Gaura spp.
Hawthorn	Crataegus spp.
Heartleaf Hibiscus	Hibiscus cardiophyllus
Hibiscus, Texas Star	Hibiscus coccineus
Hummingbird Bush	Anisacanthus spp.
Illinois Bundleflower	Desmanthus illinoensis
Iris	Iris spp.
Italian Jasmine	Jasminum floridum
Juniper	Juniper spp.
Lady Banksia Rose	Rosa Banksiae
Lantana	Lantana spp.
Lily Turf, Liriope (Std., "Big Blue")	Liriope muscari vars.
Lindheimer Senna	Cassia lindheimeriana
Mexican Bird of Paradise	Caesalpinia mexicana
Mexican Butterfly Weed	Asclepias tuberosa
Mexican Flame Vine/Love Vine	Senecio confusus
Mexican Marigold	Tagetes lucida
Mexican Oregano	Polio mentha longiflora
Mexican Shrimp Plant	Justicia suberecta
Mist Flower	Eupatorium spp.
Mondo Grass, Monkey Grass	Ophiopogon japonica
Mountain Sage	Salvia regia
Nandina	Nandina domestica spp.
Narrow-leaf Yucca	Yucca agustifolia
Passion Vine	Passiflora allatocaerulea (P. pfordtii)
Passionflower	Passiflora incarnate
Pigeonberry	Rivina humilis
Pink Skullcap	Scutellaria spp.
Pomegranate (Regular and Dwarf)	Punica granatum
Prairie Phlox	Phlox spp.
Primrose Jasmine	Jasminum mesnyi
Primrose	Primrose spp.
Prostrate Rosemary	Rosemarinus officinales vars.
Purple Coneflower	Echinacea purpurea
Red Yucca	Hesperaloe parviflora

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(Supp. No. 6)

Rock Rose	<i>Pavonia lasiopetala</i>
Rosemary	<i>Rosemarinus</i> spp.
Salvia	<i>Salvia</i> spp.
Santolina	<i>Santolina</i> spp.
Shrimp Plant	<i>Justicia</i> spp.
Silk Tassel	<i>Garrya ovata</i> lindheimer
Softleaf Yucca	<i>Yucca pendula</i>
Sotol	<i>Dasylirion</i> spp.
Spanish Dagger	<i>Yucca treculeana</i>
St. John's Wort	<i>Hypericum</i> spp.
Texas Clematis, Scarlet Leatherflower	<i>Clematis texensis</i>
Texas Elbow Bush	<i>Forsteriera pubescebs</i>
Texas Silverleaf, Sage, Cenizo	<i>Leucophyllum frutescens</i>
Texas Wisteria	<i>Wisteria macrostachya</i>
Thompson Yucca	<i>Yucca thompsonia</i>
Trumpet Vine, Trumpet Creeper	<i>Campsis radicans</i> x "Madame Galen"
Turk's Cap	<i>Malvaviscus drummondii</i>
Twisted-leaf Yucca	<i>Yucca rupicola</i>
Verbena	<i>Verbena</i> spp.
Virginia Creeper	<i>Parthenocissus quinquefolia</i>
Wax Myrtle – Dwarf, Standard	<i>Myrica cerifera</i>
White Bush Honeysuckle	<i>Lonicera albiflora</i>
Winecup	<i>Callirhoe involucrata</i>
Wisteria, evergreen	<i>Wisteria millettia reticulata</i>
Witchhazel	<i>Hamamelis virginiana</i>
Yarrow	<i>Achillea millefolium</i>
Yew	<i>Pedocarpus macrophyllus</i>
Yucca	<i>Yucca</i> spp.

3. — Approved ornamental grasses:

Table 21.9.7D Approved Ornamental Grasses	
Common Name	Scientific Name
Bamboo Muhly	<i>Muhlenbergia dumosa</i>
Big Bluestem	<i>Andropogon gerardii</i>
Deer Muhly	<i>Muhlenbergia rigens</i>
Eastern Gama grass	<i>Tripsacum dactyloides</i>
Gulf Muhly	<i>Muhlenbergia capillaris</i>
Indian Grass	<i>Sorghastrum nutans</i>
Inland Sea Oats	<i>Chasmanthium latifolium</i>
Lindheimer Muhly	<i>Muhlenbergia lindheimer</i>
Little Bluestem	<i>Schizachyrium scoparium</i>
Mexican Feathergrass	<i>Stipa tenuissima</i>
Pine Muhly	<i>Muhlenbergia dubia</i>
Seep Muhly	<i>Muhlenbergia reverchonii</i>
Sideoats grama	<i>Bouteloua curtipendula</i>
Switch Grass	<i>Panicum virgatum</i>

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Weeping Muhly	Muhlenbergia dubioides
Western Wheatgrass	Agropyron smithii

4. — Approved turf grasses.

Table 21.9.7E Approved Turf Grasses	
Common Name	Scientific Name
Bermuda grass	Cynodon dactylon var. dactylon
Buffalograss	Buchloe dactyloides
Blue Grama	Bouteloua gracilis
Zoysia Grass Varieties	Zoysia sp.

5. — Undesirable trees.

Table 21.9.7F Undesirable Trees	
Common Name	Scientific Name
Arizona Ash	Fraxinus velut
Ash-Juniper or Mountain Cedar	Juniperus ashei
Box Elder	Acer negundo
Chinaberry tree	Melia azedarach L.
Chinese Loquat or Loquat	Eriobotrya japonica
Chinese Parasol/Varnish Tree	Firmiana simplex
Chinese Tallow	Sapium sebiferum
Golden-Rain Tree	Koelerenteria paniculata
Huisache or Sweet Acacia	Acacia farnesiana
Japanese Plum	Prunus salicina
Ligustrum or Privet	Ligustrum japonicum
Lombardy Poplar	Populus nigra "italica"
Mesquite	Prosopis glandulosa
Mimosa	Albizia julibrissin
Mexican Fan Palm	Washingtonia Robusta
Paper Mulberry	Broussonetia papyrifera (L.) L=(Her. ex. Vent.)
Salteedar	Tamarix ramosissima Ledeb.
Sugarberry or Hackberry	Celtis laevigata
Tree of Heaven	Ailanthus altissima

(Ord. No. 16 S 27, § 2, 4, 8-30-2016; Ord. No. 18 S 04, § 1(Exh. A), 1-23-2018; Ord. No. 18 S 24, § 1(Exh. A), 8-7-2018; Ord. No. 21 S 26, § 1(Exh. A), 7-6-2021)



## ARTICLE 10. PARKING STANDARDS

### Sec. 21.10.1. Purpose.

The purpose of this Article is to establish the number of required off-street vehicular parking spaces so as to provide for the needs of occupants, customers, visitors or others involved in the use or occupancy of any building or structure, to eliminate the undue use of the surface street system for parking purposes, to require allocation of sufficient off-street/on-site loading facilities by business and industry which ensures that the loading and unloading of vehicles will not interfere with traffic flow or block roadways and/or fire lanes, to promote and protect the public health, safety, comfort, convenience and general welfare, and to grant and define the administrative powers and duties necessary to enforce this Article.

### Sec. 21.10.2. General provisions.

- A. Required off-street parking in residential districts shall be provided on the same site, lot or tract as the main use for which the parking is provided.
- B. Required off-street parking in nonresidential districts may be located on the same site, lot or tract as the main use for which the parking is provided or on a site, lot or tract located within the same zoning district and within 150 feet of the main use.
- C. If specific requirements for off-street parking result in a fraction of a parking space, the next larger whole number of spaces is required.
- D. Whenever a building or use constructed or established ~~before after February 24, 2009~~ ~~the effective date of this UDC~~ is changed or enlarged in floor area, number of dwelling units, seating capacity or otherwise, to create a need for an increase in the minimum number of required parking spaces, such ~~additional~~ spaces shall be provided ~~at 50% of the normal rate~~ to accommodate the enlargement or change.
- E. All driveways and all required off-street parking spaces shall be on a paved concrete or asphalt surface. All drive approaches shall be of paved concrete.
- F. Parking spaces provided within a public right-of-way shall not be counted as meeting the minimum requirements of this Article.
- G. In the event of the construction of a phased development, the minimum number of parking spaces provided shall apply to each phase as it is developed.
- H. In computing the parking requirements for any building or development with multiple uses, the total parking requirements shall be the sum of the specific parking requirements for each individual use included in the building or development.
- I. *Residential curb cuts.*
  - 1. *Straight driveways.* Curb cuts for residential driveway aprons shall be not less than ten feet (10') in width, and not more than twelve feet (12') in width for a single driveway apron nor more than twenty-four feet (24') in width for a double driveway apron. Curb cuts will be permitted only for driveway aprons providing access to a garage, carport or hardstand. Not more than one curb cut will be permitted for each residential parcel of land except as follows for circular driveways.

2. *Circular driveways.* Circular driveways are allowed for lots with a minimum of one hundred feet (100') of frontage. Circular driveways shall have a maximum of two sixteen-foot curb cuts with a minimum of thirty feet (30') between each cut.
  - J. Detached accessory, ancillary or storage structures in commercial and manufacturing districts shall not be located in a manner that decreases the minimum number of parking spaces required.
  - K. Areas intended for outdoor displays and general outdoor storage shall not be allowed in designated off-street parking areas or fire lanes and shall not be located in a manner that decreases the minimum number of parking spaces required.
  - L. Parking and storage, including vehicles awaiting repair, employee, customers and vendors, for automobile repairs and service located on Main Street, cannot occur in the public right-of-way.
- (Ord. No. 22-S-19 , § 1(Exh. A), 4-26-2022)

### Sec. 21.10.3. Size of space.

- A. Each standard off-street surface parking space shall measure not less than ~~nineteen~~ feet by ~~1820~~ feet, exclusive of access drives and aisles, and shall be of usable shape and condition.
- B. *Wheel stops.* ~~Wheel stops shall be required for all areas of head-in parking adjacent to a landscaped area required in section 21.9.7. Wheel stops shall be designed so that the overhang of vehicles is contained totally within the parking space.~~ If wheel stops are not provided at locations where vehicles extend over the sidewalk areas, a minimum of ~~eight~~ ~~five~~ feet (~~58~~) of free walking area, exclusive of vehicle over hang, width must be provided.
- C. Each parking space designed for parallel parking shall have a minimum dimension of eight feet by twenty-two feet (8' x 22').
- D. Each standard parking space located in a parking garage shall measure not less than ~~nineteen~~ feet by eighteen feet (~~910~~' x 18'), exclusive of access drives or aisles.
- E. *Handicap accessible parking.*
  1. The number and size of the handicap parking spaces required must follow the Federal Americans with Disabilities Act and Texas Accessibility Standards. The number of handicap parking spaces required is based on the total number of spaces provided. Accessible spaces for cars must have at least a sixty inch (60") wide access aisle located adjacent to the designated parking space. Van parking spaces need to have a wider access aisle of ninety-six inches (96") to accommodate a wheelchair lift and vertical clearance to accommodate van height.

**Table 21.10.3**

**Minimum Number of Handicap Accessible Parking Spaces**

Total number of parking spaces provided (per lot)	Total minimum number of accessible parking spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9

501 to 1,000	2% of total parking provided in lot
1,001 and over	20 plus 1 for each 100 over 1,000

2. *Location.*

- Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances and at the most level ground close to the accessible entrance.
- An accessible route must always be provided from the accessible parking to the accessible entrance. An accessible route never has curbs or stairs, must be at least three feet (3') wide, and has a firm, stable, slip-resistant surface. The slope along the accessible route should not be greater than 1:12 in the direction of travel.
- Accessible parking spaces may be clustered in one or more lots if equivalent or greater accessibility is provided in terms of distance from the accessible entrance, parking fees, and convenience. Van-accessible parking spaces located in parking garages may be clustered on one floor (to accommodate the ninety-eight inch (98") minimum vertical height requirement).

- Signage.* A sign with the international symbol of accessibility must be mounted in accordance with applicable state and federal laws to see marking each disabled parking space. Van accessible spaces must have a sign with "van accessible" on it in addition to the international symbol of accessibility.

**Sec. 21.10.4. Schedule of off-street parking requirements.**

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

<b>Table 21.10.4 Schedule of Off-Street Parking Requirements</b>	
Use Type	Parking Requirement
Amusement, Commercial (Indoor)	1 space for each 200 square feet of gross floor area
Amusement, Commercial (Outdoor)	1 space per 500 square feet of outdoor site area plus 1 space per each 4 fixed spectator seats
Assisted Care, Living Facility, Care Facility	1 parking space for each 2 beds
Bank, Savings And Loan, Or Other Financial Institution	1 space for each 250 square feet of gross floor area
Bar Or Night Club	1 space for each 50 square feet of gross floor area
Bed And Breakfast	1 space for each guest room plus 1 space per employee
Bowling Alley	5 parking spaces for each lane
Car Wash	1 space for each 200 Square feet of floor area
Day Care Center	1 space per 250 square feet of gross floor area
Fitness Center/Gym	1 space for each 250 square feet of gross floor area
Convenience Store/Gas Station	1 space for each 250 square feet of gross floor area. Spaces provided for fueling at the pump stations shall not be considered parking spaces.
Group Home	4 spaces
Hospital	1 parking space for each bed
Hotel Or Motel	1 space for each sleeping room or suite plus 1 space for every 200 square feet of common area not designated as sleeping rooms

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(Supp. No. 6)

Lodging Houses And Boarding Houses	1 parking space for each bedroom
Manufacturing, Processing Or Repairing	1 space for each 2 employees or 1 space for each 1,000 square feet of total floor area, whichever is greater
Medical Or Dental Clinic	1 space for each 200 square feet of total floor area
Mini-warehouse/Public Storage	1 space for each 300 square feet of office floor area plus 1 space for each 3,000 square feet of storage area
Mortuary/Funeral Home	1 parking space for each 50 square feet of floor space in service rooms or 1 space for each 3 seats, whichever is less based on maximum design capacity)
Multifamily, Duplex, Two-Family, Condominium Or Other Similar Use	1.5 spaces per 1-bedroom-unit 2-spaces per 2-bedroom-unit 2.5-spaces per 3+ bedroom-unit 1.7 spaces per unit Plus additional guest parking provided at a ratio of 5% of required spaces
Nursery	1 space per 300 square feet of total sales area Wholesale nursery: 1 parking space per employee of the largest work shift, plus 1 space per 10,000 square feet of display area and 1 space per acre of growing areas
Offices	1 space for each 250 square feet of gross floor area
Outdoor Facilities (Outdoor Recreational Fields i.e. Football, Soccer, etc.)	20 spaces per designated field or 1 per 4 person design capacity
Public Use	Parking shall be provided at a ratio approved by City staff based on a parking study provided by the applicant
Residence Halls, Fraternity Buildings And Sorority Buildings	1 space per person capacity of permanent sleeping facilities
Residential Subdivision Mailbox Kiosk	2 spaces—these may be in the right-of-way but not in the traffic lane—an expansion of the road surface is required and the kiosk must be covered to provide shelter for people using the kiosk
Restaurants	1 parking space for each 100 square feet of gross floor area, or 1 space for each 4 seats, whichever is less (based on maximum design capacity)
Retail Sales And Service	1 space for each 250 square feet of gross floor area
School, High School, Vocational, All Other Schools	Parking shall be provided at a ratio approved by City staff based on a parking study provided by the applicant that shall include vehicle stacking requirements
Single Family Attached And Detached Dwelling Units	2 parking spaces per dwelling unit
Theaters, Auditoriums, Churches, Assembly Halls, Sports Arenas, Stadiums, Conference Center, Convention Center, Dance Hall, Exhibition Halls, Or Other Place Of Public Assembly	1 space for each 4 seats or 1 space for every 100 square feet of gross floor area, whichever is less (based on maximum design capacity)
Automobile Sales Or Rental	1 space for each 3,000 square feet of sales area (open and enclosed) devoted to the sale, display or rental of vehicles

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Automobile Service, Repair, Garage	1 space for each 200 square feet of total floor area
Warehouse	1 space for each 1,000 square feet of total floor area

- B. *New and Unlisted Uses.* When a proposed land use is not classified in this section or a single use which have varying parking needs depending on the function of that specific single use, an applicant may submit a parking ratio based on best/current planning and transportation practices.
1. A best/current parking ratio application should include the following:
    - a. An application shall fully cite the sources used to derive the applicant-submitted parking ratio, possible resources include parking standards material from the Institute of Transportation Engineers (ITE) or the American Planning Association (APA).
    - b. The City Manager or his/her designee shall review the applicant submitted parking ratio to confirm best/current planning practices for a use.
    - c. The City Manager or his/her designee shall approve, modify, or deny the applicant submitted parking ratio.
  2. Parking ratio determination where no application is submitted
    - a. If the applicant does not submit a parking ratio, then the City Manager or his/her designee shall determine the parking ratio based on the best/current planning and transportation practices.
- C. *Mixed uses.* In the event that several users occupy a single structure, or parcels of land, the total requirements for off street parking shall be the sum of the requirements for the several uses computed separately unless it can be shown that the peak parking demands are offset, for example with retail and residential, or theater and office uses. In such case the City Manager or his/her designee may reduce the total requirements accordingly, but not more than twenty-five percent (25%).
- D. *Joint use of facilities.* Required parking facilities of two (2) or more uses, structures, or parcels of land may be satisfied by the same parking facility used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap and provided that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing the joint use.
- E. *Properties zoned main street mixed-use.* Properties zoned Main Street Mixed-Use shall only be required to provide two (2) on-site parking spaces but must still provide the minimum required number of handicapped spaces on site.

(Ord. No. 14-S-47 , § 5, 11-18-2014; Ord. No. 16-S-27 , § 7, 8-30-2016; Ord. No. 18-S-03 , § 1(Exh. A), 1-23-2018; Ord. No. 22-S-19 , § 1(Exh. A), 4-26-2022)

#### **Sec. 21.10.5. Striping.**

- A. All parking lots shall be striped in a manner that will clearly delineate parking spaces, fire lanes and pedestrian crosswalks.
- B. Directional arrows shall be provided in all drive lanes and driveways.

#### **Sec. 21.10.6. Shared access and cross lot access easements.**

Notwithstanding any other provisions of this UDC, unless otherwise approved by the City, to reduce the number of curb cuts and access driveways, the dedication of joint-use, private access driveway easements and cross lot access easements shall be required for all commercial development.



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**Sec. 21.10.7. Stacking requirement for drive-through facilities.**

- A. A stacking space shall be an area on a site measuring eight feet by twenty feet (8' x 20') with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area.
- B. All stacking spaces shall be located entirely within the lot and shall be outside of any right-of-way, fire lane or similar access.
- C. For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of ~~three (3)~~five stacking spaces.
- D. For each service window of a drive-through restaurant, a minimum of seven stacking spaces shall be provided.
- E. For kiosks, a minimum of three (3) stacking spaces for each service window shall be provided.

**Sec. 21.10.8. Off-Street loading/unloading requirements.**

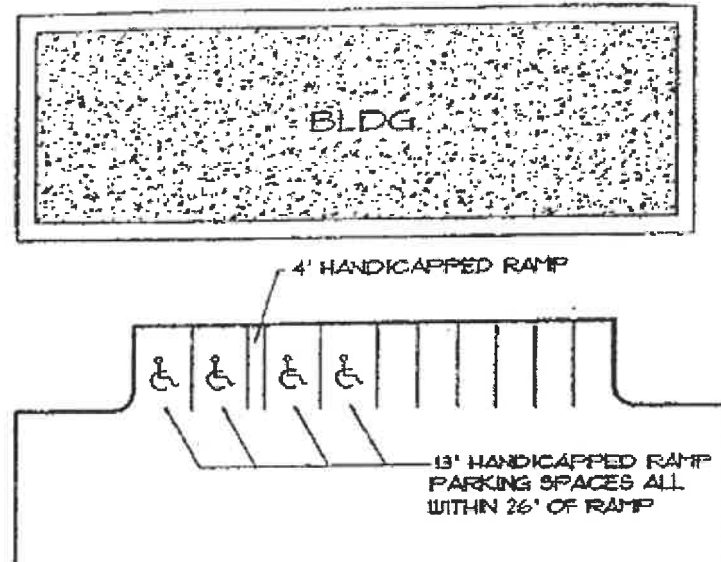
All retail, commercial, industrial and service structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. All public schools shall provide adequate stacking for vehicles based on a parking study approved by City Staff. Such off-street loading space may be adjacent to a public alley or private service drive or may consist of a truck berth within the structure. Such off-street loading space or truck berth shall consist of a minimum area of ten feet (10') by forty feet (40') and the spaces or berths shall be provided in accordance with the following schedule:

<b>Table 21.10.8 Off-Street Loading Requirements</b>	
Square Feet of Gross Floor Area in Structure	Minimum Required Spaces or Berths
0—5,000	None
5,000—15,000	1
15,000—50,000	2
50,000—100,000	3
100,000—150,000	4
Each Additional 50,000 over 150,000	1

(Ord. No. 16-S-27 , § 8, 8-30-2016)

**Sec. 21.10.9. Additional regulations and illustrations.**

- A. *Handicapped ramps.*

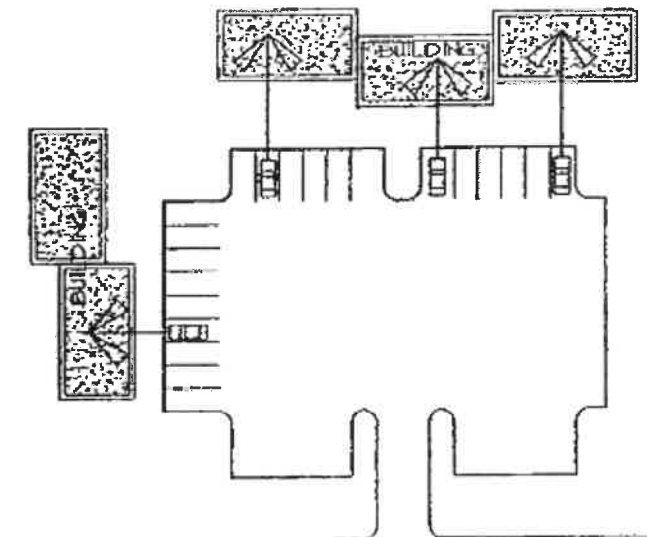


### HANDICAPPED RAMPS: within 26' of Parking Spaces

The location of handicapped parking spaces should be:

1. as close as possible to principal handicapped accessible entrance(s).
2. Dispersed in a multi-building development or shopping center to ensure easy access and to minimize the travel distance for the handicapped.

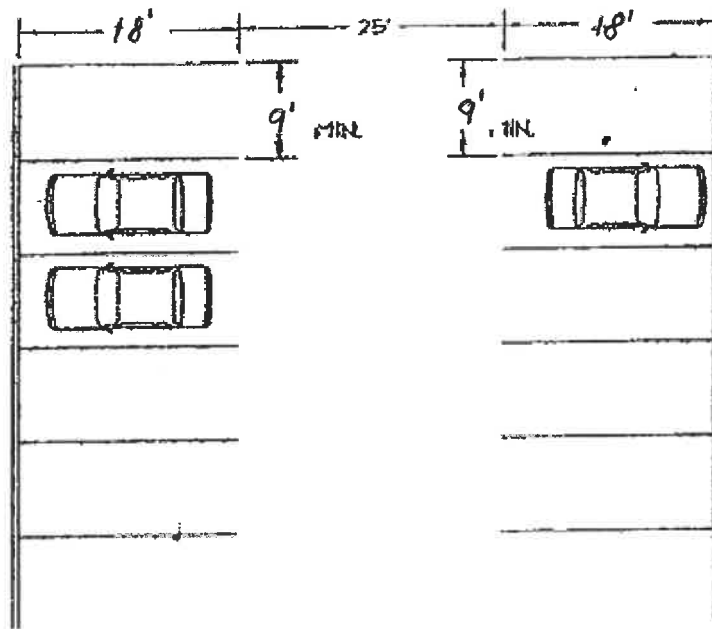
#### B. *Handicapped parking space dispersal.*



### HANDICAPPED PARKING SPACE DISPERSAL

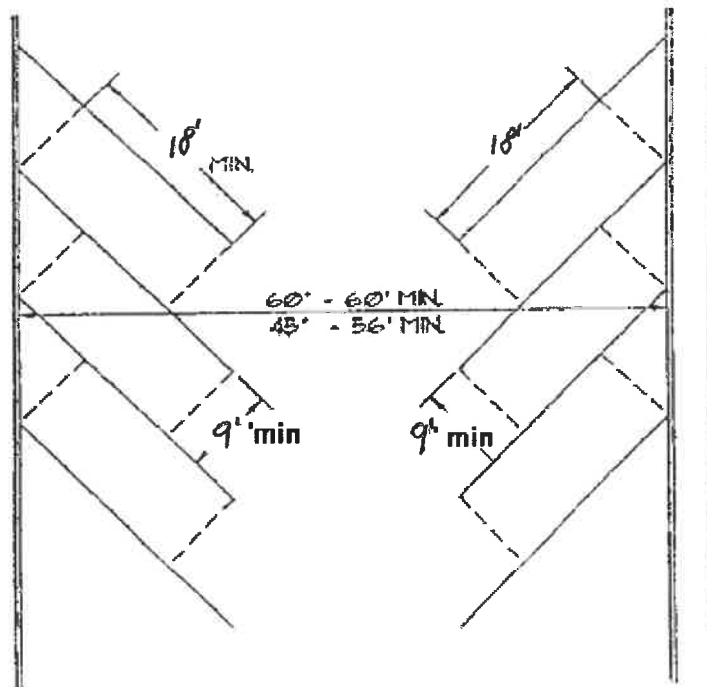
#### C. *90° parking dimensions.*

## 90° PARKING DIMENSIONS.

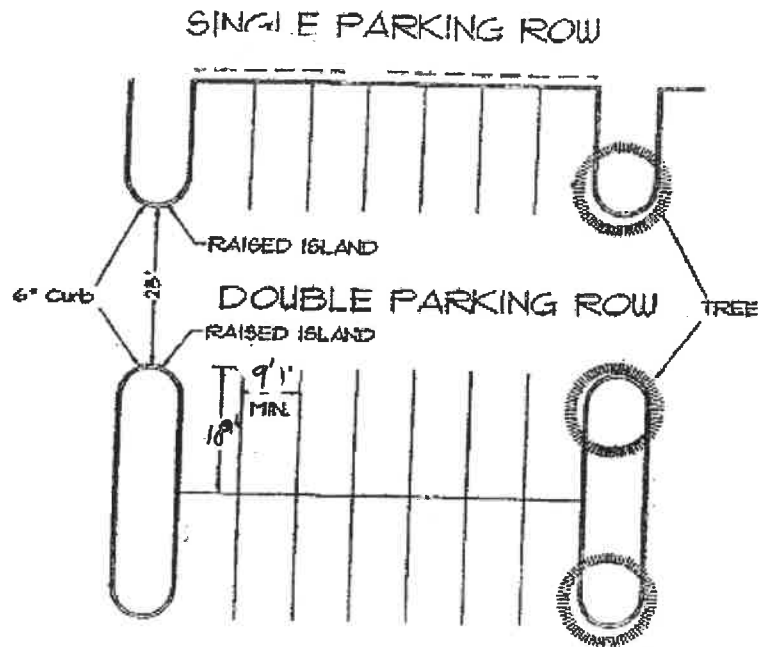


D. Angle parking dimensions.

## ANGLE PARKING DIMENSIONS

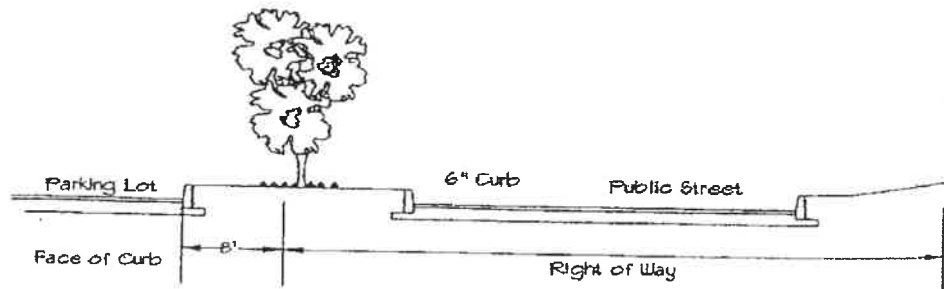


E. Drive aisle dimensions.

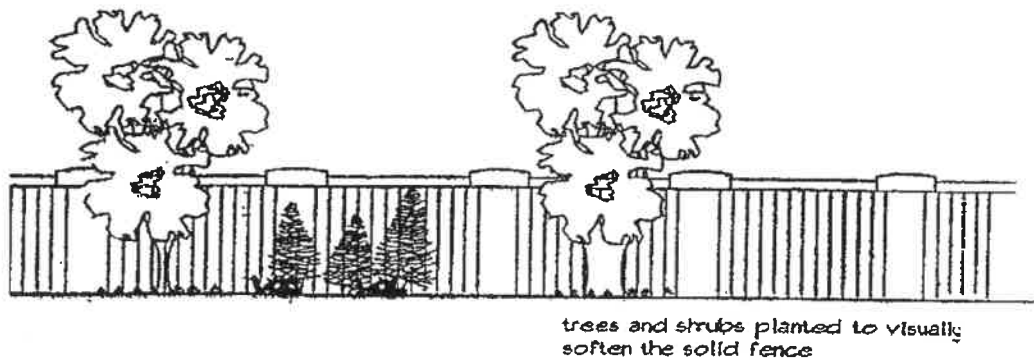


NOTES: Maximum of 20 spaces between islands on peripheral row  
Maximum of 15 spaces between islands on interior row

F. Separation of right-of way and parking areas.



G. Landscaping and fencing.



**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** March 7, 2023  
**Department:** Executive Team  
**Subject:** Presentation and discussion regarding the Schertz Family YMCA

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**BACKGROUND**

The City of Schertz contracts with the YMCA for operations of its Recreation Center. Louis Lopez, President & CEO of the YMCA of Greater San Antonio, will give a presentation that will cover areas of impact, who is served, operating performance updates, community investment/events/engagement and community feedback.

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**Attachments**

YMCA SATX Schertz Presentation

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FOR YOUTH DEVELOPMENT®  
FOR HEALTHY LIVING  
FOR SOCIAL RESPONSIBILITY

# CREATING LASTING CHANGE

**SCHERTZ FAMILY YMCA**

YMCA OF GREATER SAN ANTONIO

# WHO WE ARE



# WHO WE ARE

**March 2010:**  
Schertz Family YMCA  
Grand Opening



## DID YOU KNOW?

**696** Charter Members joined the Y by opening date in March 2010.

By May 2010, **1,551** Members joined the Schertz Family YMCA.

## OUR MISSION

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To put Judeo-Christian principles into practice through programs that build healthy spirit, mind and body for all.

## OUR HISTORY

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For over 147 years, we have been listening and responding to our community's most critical social needs, ensuring that everyone has the chance to learn, grow and thrive, regardless of age, income, ability, ethnicity or faith. We focus on youth development, healthy living, and social responsibility, and incorporate core values of caring, honesty, respect, responsibility, and faith into all we do.

# AREAS OF IMPACT

# AREAS OF IMPACT

Empowering young people to reach their full potential.

## Programs

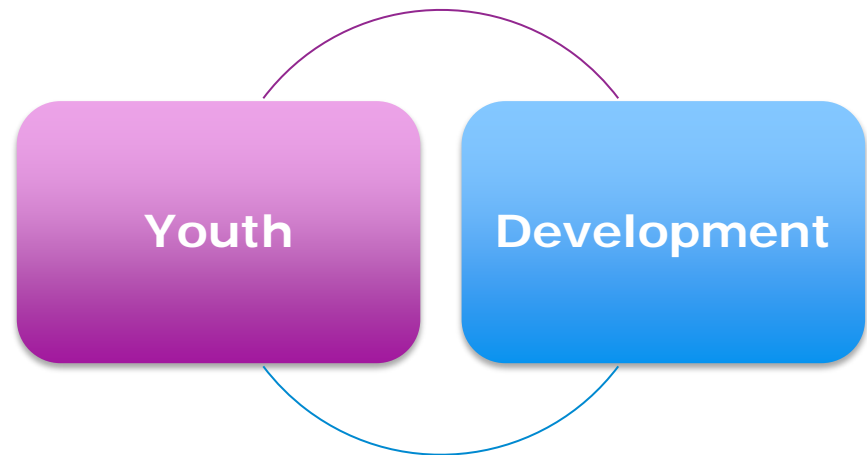
Afterschool Programs serve over **3,000** youth at 11 sites.

Summer Camp Day served over **975** youth.

**100** Teens participated in the Y's VolunTeen program.

**3,413** youth participated in life-saving swim lessons.

- **Childcare**
- **Education & Leadership, Teens**
- **Swim, Sports & Play**





# AREAS OF IMPACT

Improving individual and community well-being.

## Programs

- Group Exercise Classes
- Personal Training
- Healthy Living Programs



**Healthy**

**Living**

**24** participants benefitted from the Y Diabetes Prevention & Weight Loss Programs

**40** participants enrolled in Blood Pressure Monitoring Programs

**YMCA Investment: \$18,050**

# AREAS OF IMPACT

Giving back and inspiring action in our communities.

## Community

**\$49,482** raised  
through Fundraising  
efforts in 2022.



**Social**

**Responsibility**

### Partners in the Community Include:

SCUCISD, Food Bank, Chick-fil-a, Lions Club, Fully Promoted Signarma, Christian Brothers, Schertz/Cibolo/Selma Chamber of Commerce, New Day Church, and Raising Canes among others.

# IMPACT TO SCHERTZ COMMUNITY



**\$463,625** awarded to the community in Financial Assistance from 2018-2022.

**4,750** kids engaged in youth sports from 2018-2022.

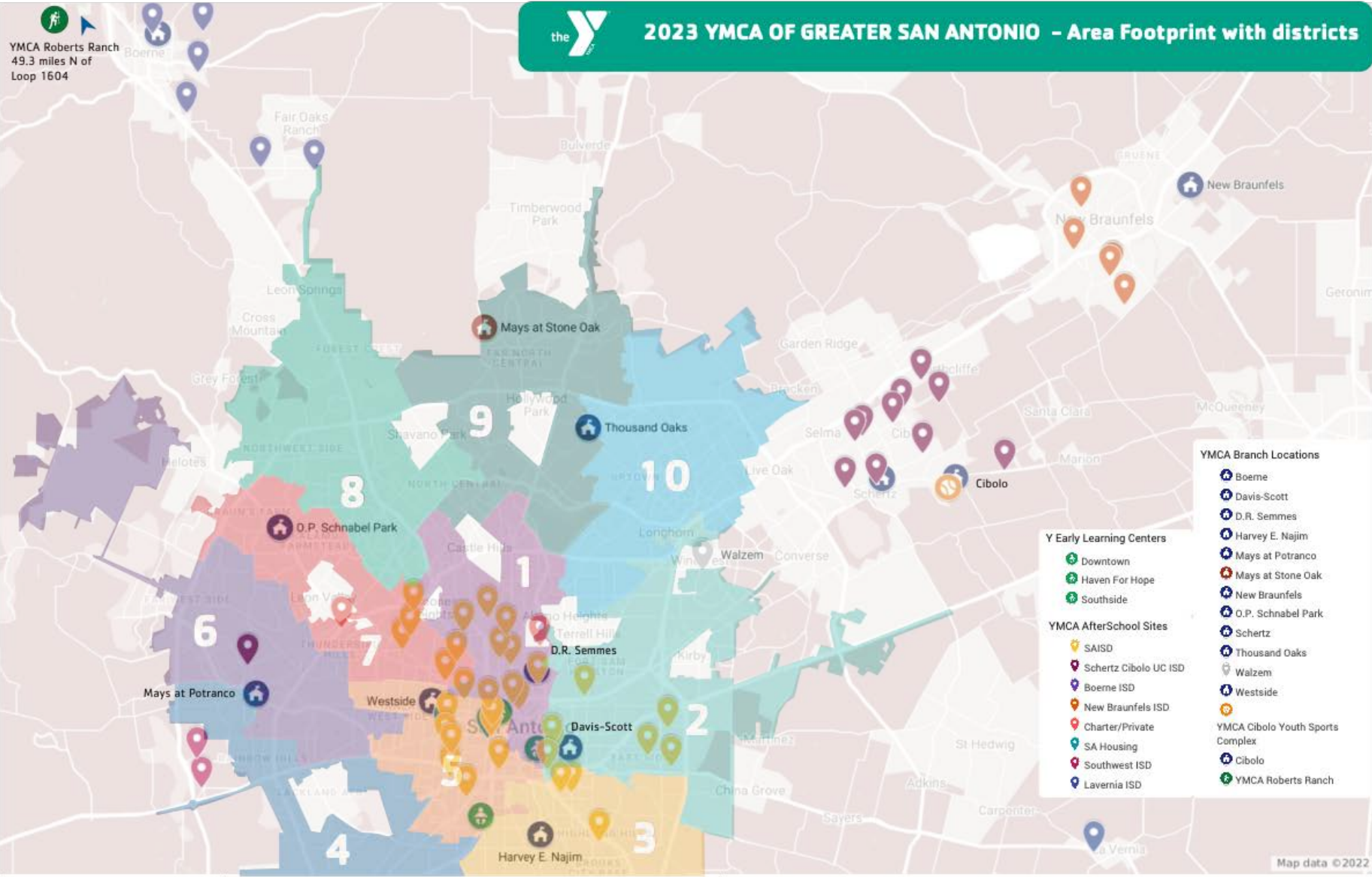
Hosted over **60** community events in the last 4 years alone.

**975** campers attended Y Summer Day Camp from 2018-2022.

An average of **13,900** individual members were served monthly in 2022.

The Schertz Family YMCA received a **total of \$122K in improvements** in 2022, to include new flooring in main wellness center, personal training studio, electrical work, new mirrors, painting throughout the facility and new wall padding in the basketball gym.

# WHO WE SERVE





# VALUE PROPOSITION OF YMCA MEMBERSHIP

Citywide &  
Nationwide  
Membership

YMCA 360  
Virtual Access

Volunteer  
Opportunities

Member Pricing  
Benefits

Community &  
Family Events

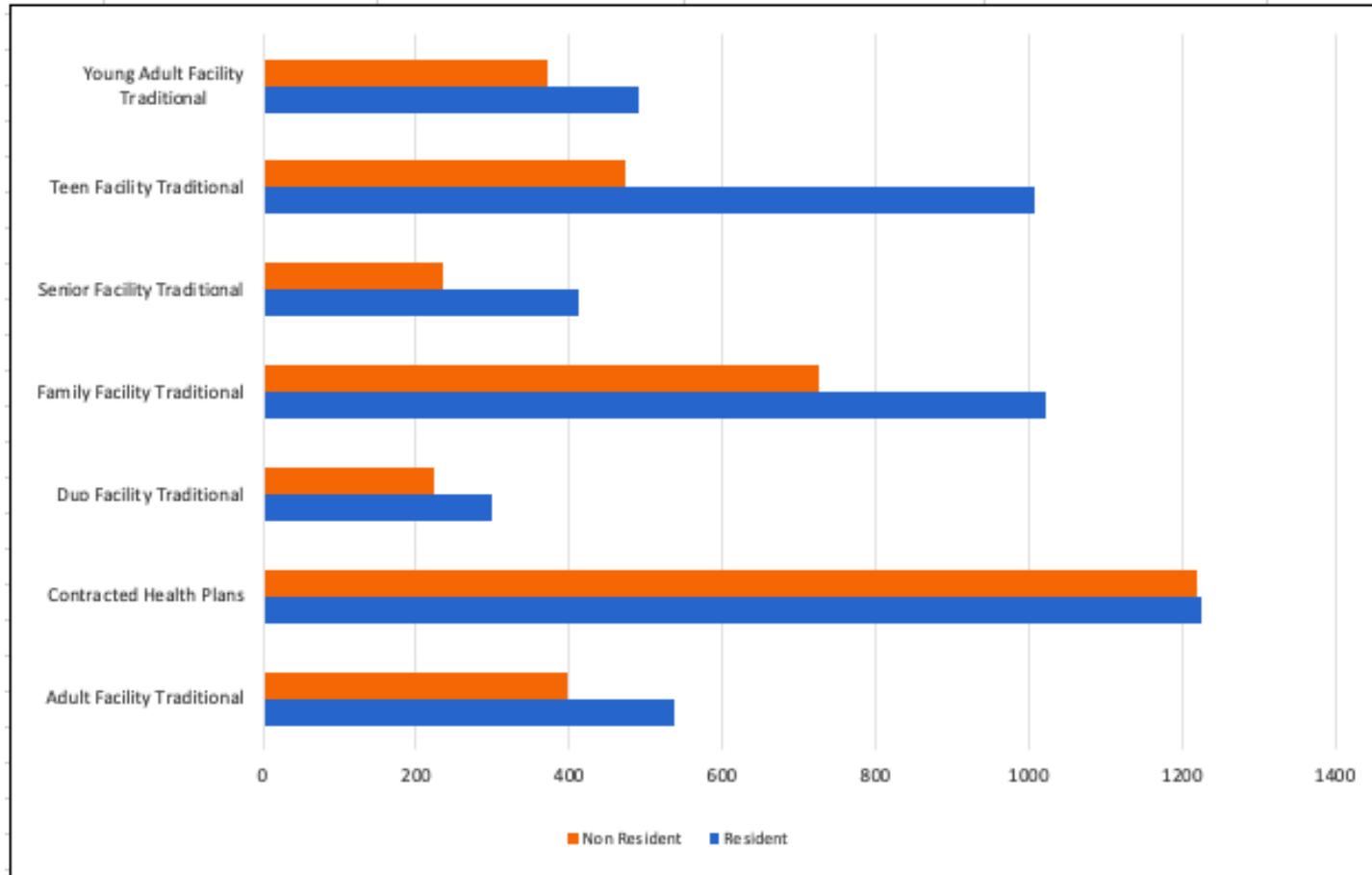
Financial  
Assistance

Access to  
Community-  
Based  
Programs

Partnerships &  
Funding  
Opportunities

National  
Programming

# MEMBERSHIP MIX OVER THE YEARS



# VALUE OF YMCA OPERATING FACILITY

Fiscal Predictability

Operational Expertise

Mobilization of Staff and  
Volunteers

National Support (Y-USA)

Facility & Equipment  
Reinvestment

147 years of community  
presence

Added value of programs:  
Summer Day Camps,  
Swim Lessons, Livestrong  
at the Y, Healthy Living  
programs, and community  
events

Community Connector

Teen Programs

# YMCA & THE CITY OF SCHERTZ

## Financial Investment:

- **YMCA:** \$2M over 20 years (\$100K annually) for the Natatorium Construction Bond Debt Service
- **City:** \$100K annually for the Membership Fee Reduction Grant
- **City:** \$399K (*less 20% of previous year's surplus*) annually for the Pool Operations Grant

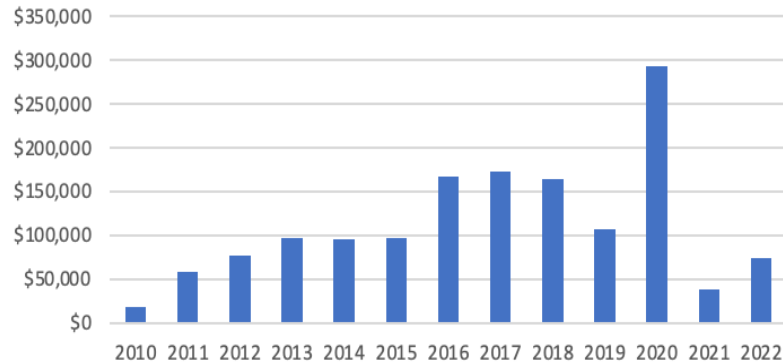
# OPERATING PERFORMANCE UPDATE



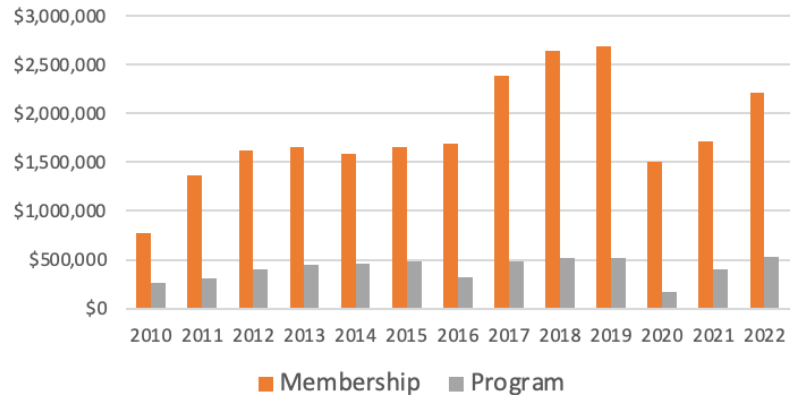
# OPERATIONAL PERFORMANCE

(INCLUSIVE OF OUTDOOR POOLS & SENIOR CENTER MANAGEMENT)

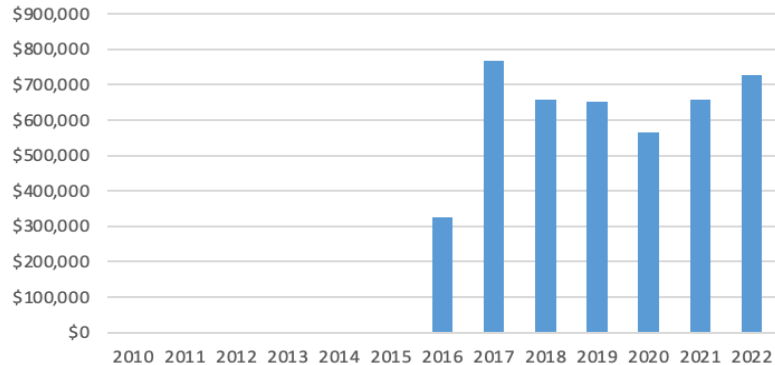
## Contributed Support



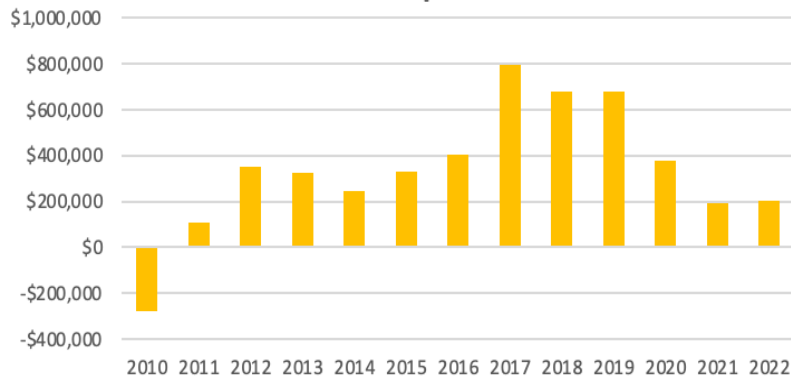
## Earned Revenue



## City Funding

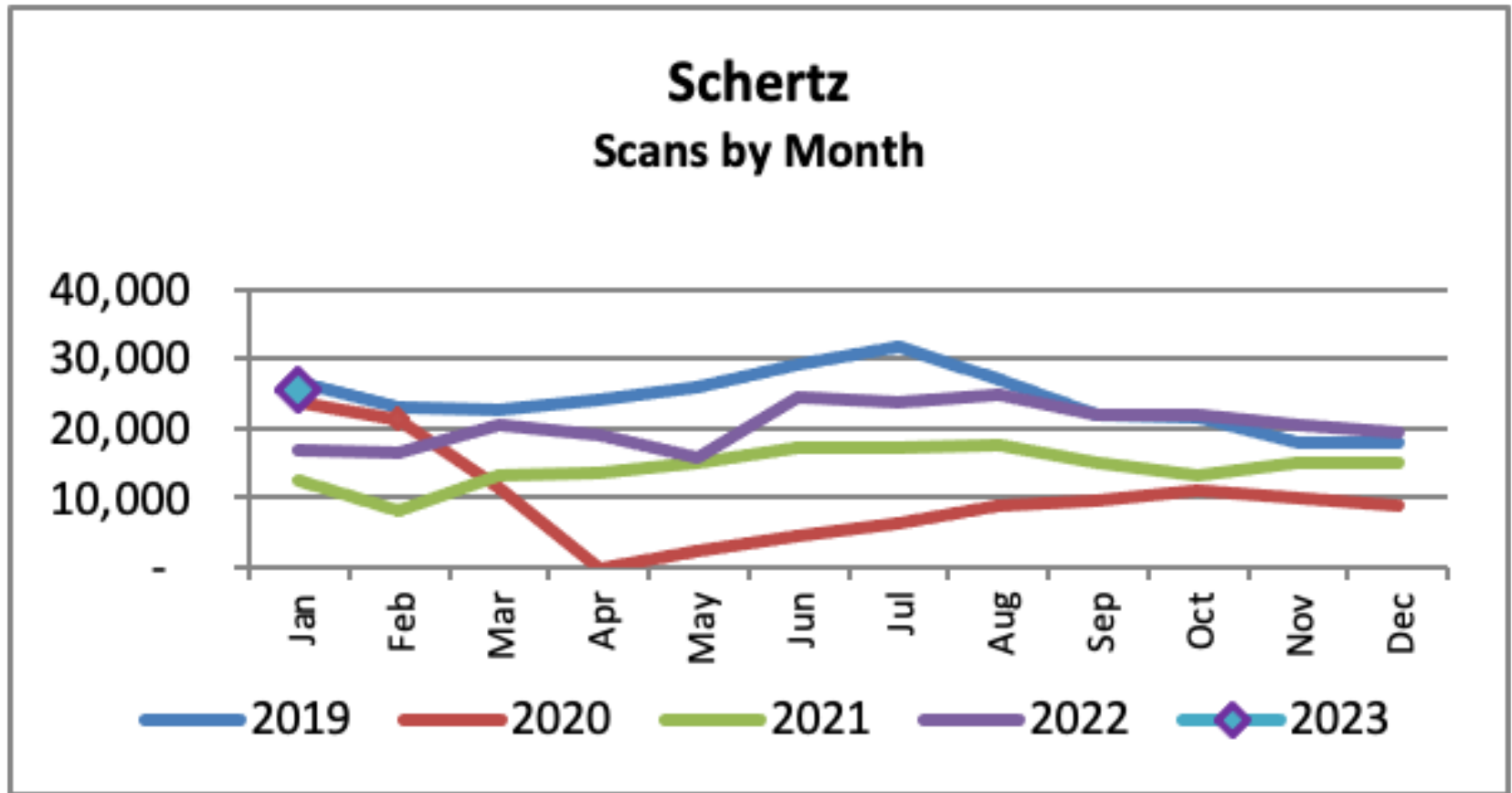


## Net Surplus



- The Y has grown operations due to our long-standing industry expertise, commitment to the Schertz community, and national Y resources and support.
- Capital Expenditures of **\$765,333** have been re-invested into the Schertz facility (Audio/Visual, Fitness Equipment, Furniture, Flooring, and Facility Renovations)

# OPERATIONAL PERFORMANCE



- Monthly scans recovered to pre-COVID levels for the first time in Fall 2022.
- Membership has grown by **3,769** units since the March 2010 opening.

**COMMUNITY  
INVESTMENT /  
EVENTS /  
ENGAGEMENT**

# PROGRAMS & SERVICES

## SCHERTZ AREA SENIOR CENTER

The Schertz Area Senior Center is owned by the City of Schertz and managed through a partnership with the Schertz Family YMCA.

Menu of services: Art Classes, Canasta, Health Screenings, Yoga, Aqua Aerobics, Chair Volleyball, Poker, Zumba, Bible Study, Coloring Book, Technology Classes, Bingo Club, Dances, Silver Sneakers, Bunco, Dominoes, Wii Bowling and more.



# PROGRAMS & SERVICES

## POLAR BEAR PLUNGE

This event invites community to take a dip in a cold pool to help raise money.

Each year, the Y offers scholarships that teach children life-saving water safety skills to children most at risk of drowning.

**199** participants from 2019-2023.





# PROGRAMS & SERVICES

## DUNKIN' FOR PUMPKINS

Each year, the Schertz Family YMCA partners with the City of Schertz to host a floating pumpkin patch at the Schertz Aquatic Center to raise funds for the YMCA's Open Doors Scholarship Program, giving everyone a chance to join the Y.

**706 youth** have participated.



# PROGRAMS & SERVICES

## TRUNK OR TREAT

An Annual Event in partnership with the City of Schertz, Trunk or Treat offers a safe alternative to Traditional Trick or Treating. Hundreds of youth enjoy the annual event.

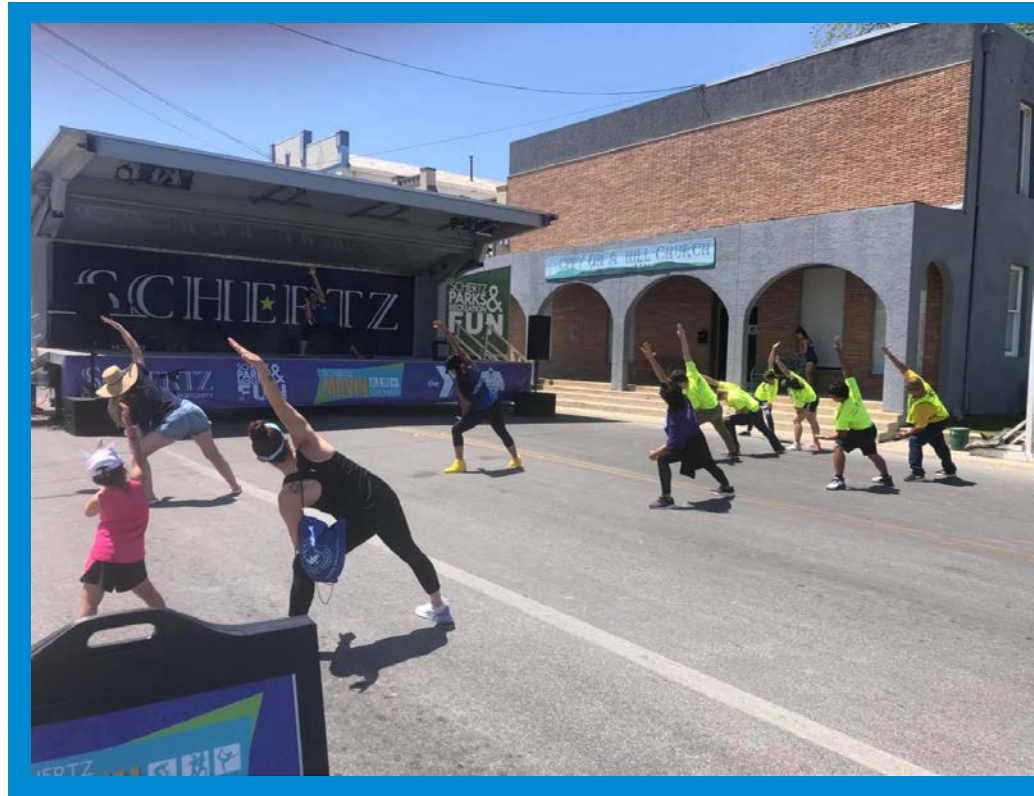


# PROGRAMS & SERVICES

## MOVIN ON MAIN

Annually, in partnership with the City of Schertz, the Schertz Family YMCA provides group exercise classes and instructors during the event for families to experience.

Zumba, Dance, Hip-Hop and many more formats are offered.





# PROGRAMS & SERVICES

## EASTER EGG-STRAVAGANZA

Families participate yearly in this Egg search event. In partnership with the City of Schertz and the Schertz Aquatic Center. Many families participate in the fun, food and activities.

Over the year **990** youth participated.



# COMMUNITY FEEDBACK



# HOW WE COMPARE

*"I love that the programs and activities are always welcoming. If there are any issues, they are always taken care of."*

*"Love the program leaders & cleanliness of the facility."*

*"Staff and members are very friendly and welcoming."*



Experience Based



Nationally – top 10 percentile (75 NPS)



The YMCA Experience is focused on 4 attributes:



Welcoming



Connecting



Supporting



Inviting

# FEEDBACK FROM SCHERTZ FAMILY YMCA MEMBERS

Themes Over Time





# THANK YOU

Louis Lopez, President & CEO  
YMCA OF GREATER SAN ANTONIO  
210-246-9600  
[LouisL@ymcasatx.org](mailto:LouisL@ymcasatx.org)

**CITY COUNCIL MEMORANDUM**

**City Council Meeting: March 7, 2023**

**Department: Engineering**

**Subject: Monthly Update - Major Projects in progress/CIP. (B. James/K. Woodlee)**

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**Attachments**

March 2023 Major Project Update

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## CITY COUNCIL MEMORANDUM

**City Council Meeting:** March 7, 2023  
**Department:** City Manager  
**Subject:** Update on Major Projects in Progress

### Background

This is the monthly update on large projects that are in progress or in the planning process. This update is being provided so Council will be up to date on the progress of these large projects. If Council desires more information on any project or on projects not on this list, please reach out to staff and that information will be provided.

### Facilities Projects:

#### 1. Borgfeld Facility Renovation Project

- Project Status: Scope development phase/ Demo of existing drywall, insulation, HVAC system and water heater.
- Projected Completion: Unknown.
- Project Update: No change from last update. Project is on hold at this time. Project consists of renovating approximately 1600 SF of office space. This will be primarily done in house by the Facilities Team. Holes in metal siding and roofing have been sealed to keep out wildlife. New door has been installed leading to old kennel area to keep out wildlife.

#### 2. Building 10 Parks Renovation

- Project Status: Design phase
- Projected Completion: Unknown
- Estimated Cost: \$250,000
- Project Update: M&S Engineering is working on Architectural, Mechanical, Electrical and Plumbing plans. Scope of Engineering work is being updated to include work in the bay area of the building.

#### 3. Kramer House Deck Replacement

- Project Status: Partially complete.
- Projected Completion: Fall 2022
- Estimated Cost: Estimated \$85,000 - \$100,000
- Project Update: No change from last update. Complete deck replacement was put out for RFP. No bids were received. All surface decking was replaced with additional minor structural repairs were done in house by the Facilities team at a cost of less than \$8,000. Items still pending include painting of deck boards, shrub removal, and landscaping.



#### **4. Fleet Building Parking Lot**

- Project Status: Permit phase
- Consultant: M&S Engineering
- Contractor: To Be Determined
- Project Completion: 2023
- Project Update: Site Plan Certification for project in process. A proposal is under review for professional services relating to the replat of the subdivision, as four lots are currently being used as one purpose.

### **Drainage Projects:**

#### **1. FM 78 South Channel Silt Removal**

- Project Status: Design
- Design Engineer: Unintech Consulting Engineers, Inc.
- Project Start: September 2022
- Project Cost: \$32,100 (Design) + \$4,600 Drainage Report
- Project Update: The construction documents are completed. The Engineer is preparing the bid documents and City Staff are preparing the bid schedule.

### **Water and Wastewater Projects:**

#### **1. Woman Hollering Creek Wastewater Interceptor Main and Lift Station**

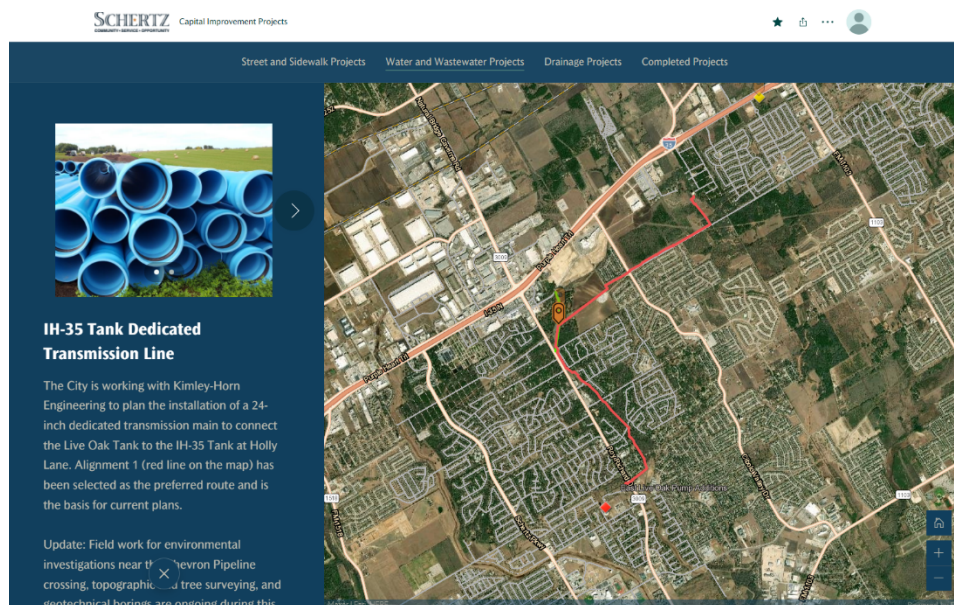
- Project Status: Construction
- Construction Contractor: Thalle Construction Co., Inc.
- Construction Management: AG|CM
- Design Engineer: Cobb, Fendley & Associates, Inc.
- Construction Start: January 2022
- Estimated Cost of Construction (including construction and ancillary contracts): \$12 million
- Project Update: Installation of the 30-inch gravity pipe and manholes is approximately 60 percent complete. The lift station wet well and storage well are under construction.
- Issues:
  - The contractor continues to track delayed delivery of electrical components for the lift station which may impact the completion date of the project. Completion was initially scheduled for February 2023 however, material and equipment delays are causing the date to shift by several months – possibly to July 2023. Staff and the Contractor are investigating the feasibility of possible methods to be able to operate the lift station prior to final installation of complete electrical and control equipment installation.

#### **2. 24" Dedicated Transmission Main Design Phase II**

Overall project intent is the construction of a 24" dedicated water transmission main to connect the Live Oak water storage facility to the IH 35 storage tank. Phase 1 (route study, land acquisition coordination) was completed in March 2021.

- Project Status: Design Phase
- Consultant: Kimley-Horn & Associates
- Design Project Start Date: June 1, 2021

- Project Completion Date: Spring 2023
- Project Cost (Phase 2 Design): \$1,508,875.50



- Project Update: The final route of the Dedicated Transmission Main is provided on the CIP Map. 100% design is ongoing and expected to be under review by the end of February. The IH-35 Tank will require a test shut-down for this project and Public Works will monitor pressures throughout the system during the test shut-down. Easement acquisition has not been initiated. Delay in easement acquisition and final design are due to property title research on several unplatted properties. Land acquisition agents have begun reaching out to property owners for easement related to temporary (construction) or permanent easements.

### 3. Riata Lift Station Relocation (Design Phase)

Overall project intent is to relocate the Riata Lift Station ahead of TxDOT's IH-35 NEX Project to remove it from conflict with the proposed improvements. The design phase will identify a new site for the lift station, design the new lift station, and design the abandonment of the existing lift station.

- Project Status: Design Phase
- Consultant: Utility Engineering Group, PLLC (UEG)
- Design Project Start Date: August 2020
- Expected Design Project Completion Date: Summer 2022
- Total Project Cost (Design Phase): \$129,795 (NTE \$143,000)
- Project Update: UEG is completing the Standard Utility Agreement (SUA) with TxDOT. This SUA is planned to be presented to council in March for approval. Once approved, site acquisition will be finalized and the project will move to bidding and construction.

### 4. FM 1518 Utility Relocations

Overall project intent is to relocate the water and sewer utilities to avoid conflicts as part of the TxDOT FM 1518 Project. The current contract is for the design services of the project.

- Project Status: Design Phase
- Consultant: Halff Associates
- Design Project Start Date: June 2021
- Expected Design Project Completion Date: September 2022
- Total Project Cost (Design Only): \$548,370 (NTE \$600,000)
- Project Update: Halff is completing the easement acquisition for the 16" water line proposed across Aztec Lane. The joint bid design is pending final review by TxDOT. The latest update from TxDOT is that they are planning for a July 2023 letting date. A Standard Utility Agreement is being completed for reimbursement of a 10" sewer line that is currently located within an easement.

## **5. Corbett Ground Storage Tank**

Overall project intent is the construction of a 3.0 Million Gallon ground storage tank for filling the Corbett Elevated Storage Tank, the East Live Oak Elevated Storage Tank, plus additional storage.

- Project Status: Contract Phase
- Consultant: Unintech Consulting Engineers, Inc. (previously Ford Engineering)
- Construction Start Date: January 7, 2023 (approx.)
- Expected Project Completion Date: 550 calendar days after the date the contract is initiated
- Total Design Cost: Design \$466,265.00
- Total Construction Cost: \$7,028,017.00
- Project Update: The Contractor has started providing submittals for review and approval. Delay in the project start is due to long lead times of electrical equipment. An environmental study has been initiated in order to comply with federal funding regulations. Field work is complete for the environmental scope of work and a categorical exclusion was submitted to the EPA on December 23, 2022. This project is awaiting clarification on federal regulations relating to American Iron and Steel preferences of the Build America, Buy America act.

## **Street Projects:**

### **1. 2018 Street Preservation and Maintenance Resurfacing Project**

- Project Status: Under Construction
- Construction Start: March 2020
- Construction Completion: Summer 2020 (remedial efforts ongoing)
- Cost of Construction: \$791,174.34
- Project Update: The project has been completed. The fog seal has been applied on top of all the chip sealed areas. Staff will do a detailed inspection of the finished work this Summer to see if there are any warranty issues that need to be resolved.

### **2. Elbel Road Storm Drain and Paving**

- Project Status: Design
- Consultant: Unintech Consulting Engineers, Inc. (previously Ford Engineering)
- Project Start Date: October 4, 2021
- Project Completion Date: Fall 2022
- Total Project Cost: \$1,964,000
- Project Update: The project is fully complete.

### **3. 2020 Street Preservation and Maintenance (Resurfacing) Project**

- Project Status: Under Construction
- Consultant: Kimley-Horn & Associates
- Project Start Date: November 15, 2021
- Project Completion Date: Fall 2022
- Final Cost of Construction: \$1,905,701.32
- Project Update: The project is fully complete.

### **4. Tri-County Parkway Reconstruction Project**

- Project Status: Construction
- Consultant: Halff Associates
- Construction Start: Spring 2022
- Estimated Cost of Construction: \$4,900,000
- Project Update: Some of the rainy weather in the past month has caused delays in the project. The paving on Lookout Road and Tri-County Parkway between Corridor Parkway and Lookout Road has been completed. Paving is ongoing on the south side of Tri-County Parkway and is nearing completion. The contractor is scheduling the removal of the large monument sign at IH-35. Because of the size of the sign, it will be necessary to close a lane on the frontage road and close Tri-County Parkway at the IH-35 intersection. The removal should take two days to complete, and the contractor is coordinating with TxDOT to get a traffic control plan and schedule created. Businesses and the public will be notified of the closures in advance of the work. The project is close to being “substantially complete.”

### **5. Main Street Improvements Project**

- Project Status: Design
- Consultant: Kimley-Horn Associates
- Project Update: Initial meetings have been held with the various utility companies with facilities along Main Street. Staff has also met with TxDOT to provide them with an update on the project and receive additional feedback from them. Information gleaned from these meetings is being incorporated into the project plans and some utility companies are starting their process to relocate their facilities to accommodate the project. The consultant is working on revised construction plans incorporating all the feedback received to date. Revised plans will be provided to Staff for review around the middle of this month. The revised plans will also be shared with all the utility companies to help facilitate and refine their relocation plans.

### **6. Schertz Parkway/Lookout Road Signalization**

- Project Status: Design
- Consultant: Halff Associates
- Project Status: 90% plans have been reviewed by Staff and with the City of Selma. Comments have been provided to the consultant to finalize the plans. Once the plans are complete, the project will be bid. Staff anticipates bringing an award recommendation to Council in early April.

## **7. Lookout Road Reconstruction**

- Project Status: Design
- Consultant: Halff Associates
- Project Update: Development of 70% plans is underway and the plans are expected to be complete in April. The Subsurface Utility Engineering (SUE) data collection has been completed and a utility conflict matrix is being developed. The matrix will be used to coordinate with the utility companies to get their facilities relocated out of the way of the project. The consultant has created some exhibits showing widening of the Schertz Parkway and Doerr Lane intersections to better accommodate turning movements of larger vehicles. These exhibits are being used to identify any right-of-way needs for the proposed widening. Staff will be reviewing the exhibits with the City of Selma in the near future to finalize any widening plans. In early April, Staff will begin outreach efforts to the proximate businesses concerning the project.

## **Parks & Recreation Projects:**

### **1. Wendy Swan Memorial Park Splashpad**

- Project Status: Under Construction
- Construction Start Date: September 29, 2022
- Construction Contractor: T.F. Harper & Associates
- Estimated Project Completion: March 2023
- Project Cost: \$297,350.09
- Project Status: Demolition of pool has been completed and new slab has been poured with integrated plumbing for splashpad features. Water play features have been installed and plumbing and electrical work are on-going to connect the controllers to the water play features. The pump equipment foundation was poured, and the equipment enclosure is under construction. The splashpad surface paint is being scheduled for installation.

### **2. Cibolo Valley Medians Landscaping Project**

- Project Status: Under Construction
- Construction Start Date: November 28, 2022
- Construction Contractor: CutRite Landscaping
- Estimated Project Completion: January 2023
- Project Cost: \$134,611.32
- Project Status: Final inspections took place after a few plants were replaced after the hard freeze. Project is complete.

### **3. Schertz Soccer Complex Irrigation Water Storage Project**

- Project Status: Phase 1 Under Construction, Phase II pending schedule
- Construction Start Date: October 2022
- Construction Management: City staff
- Construction Contractor: various subcontractors
- Estimated Project Completion: March 2023
- Project Estimated Cost: \$107,036.90
- Project Status: Original single bid received over the summer was rejected due to being significantly higher than engineer's estimate. Project was phased out into various subspecialties and is being managed by city staff to contract individual subcontractors. Phase I included demolition of existing fence and placing of temporary fencing. Phase II was electrical work to bring panel up to code and add capacity for larger pumps and is



completed. Phase III is replacing the well pump and piping and bids have been received and the work is being scheduled.

### **TxDOT Roadway Projects:**

1. **FM 1103 Improvement Project:** No change from initial construction project update. A groundbreaking ceremony was held on November 16, 2022 and the project is officially under construction. Anticipated completion of the project that runs from IH 35 to Rodeo Way in Cibolo is currently fall of 2026.
2. **FM 1518 Improvement Project:** No change from last update. TxDOT is in the Plans, Specs, and Estimates (PS&E) stage of the project. At this time, the design consultant for TxDOT has prepared 98% construction plans. The scheduled let date for the project remains July 2023. Acquisition of needed right of way from JBSA appears to be proceeding positively so that full build out can be completed without the need for an interim solution along that stretch of roadway.
3. **IH-35 NEX (I-410 South to FM 1103):** The central segment of the I-35 Northeast Expansion project is underway with Alamo NEX Construction handling the design-build project. The central section runs from 410 N to FM 3009. TxDOT has communicated that significant construction activities are underway and are mainly occurring overnight to minimize impact to traffic through the corridor. Current activities visible in Schertz include the occurrence of geotechnical borings the results of which will provide data to be used to design columns for the elevated lanes and other structural elements of the project.

Utility coordination work for the northern segment of the project is underway. TxDOT consultants have met with Public Works and Engineering Staff to begin establishing relocation needs. The City will be reimbursed for costs of all needed relocations except for any upsizing or improvements above current conditions.

4. **IH-10 Graytown Road to Guadalupe County Line:** Work for the widening of the main lanes and utility relocations continues. Work on the FM 1518 bridge over IH 10 continues and will involve numerous episodes of the rerouting of traffic including shifting lanes and detours as necessary. Final completion of the bridge including turnarounds and full signalization is expected in summer 2023.

TxDOT worked recently to slightly modify grades associated with the westbound access road between Trainer Hale and FM 1518 in order to coordinate with the planned driveway for the City's Woman Hollering Creek Wastewater Lift Station. Staff has expressed appreciation to TxDOT and its consultants and contractors for the accommodation.

### **Studies and Plans:**

1. **Water and Wastewater Master Plan Update and Impact Fee Study**
  - Project Status: Study
  - Consultant: Lockwood, Andrews, and Newnam, Inc.
  - Project Start Date: December 2019
  - Project Completion Date: TBD 2023
  - Total Project Cost: \$467,280 (NTE \$500,000)

- Project Update: Staff has provided review comments regarding proposed water and wastewater improvements identified as needs for immediate, 2030, and 2050 planning periods. The outcome of this effort will result in the Capital Improvement Plans, the costs of which will then be used for calculation of new maximum capital recovery fees for water and wastewater service.

## **2. Stormwater Control Inventory and City Operations Assessment**

The work of this project is an action included in the City's Stormwater Management Plan (Plan). The Plan is the blueprint of activities needed to comply with the City's Texas Commission on Environmental Quality (TCEQ) Texas Pollutant Discharge Elimination System (TPDES) General Permit required by virtue of the City's classification as Municipal Separate Storm Sewer System (MS4).

This project specifically consists of development of an inventory of City facility stormwater controls and an assessment of city operations as related to stormwater control and quality.

- Project Status: Study
- Consultant: Utility Engineering Group, PLLC
- Project Start Date: July 2020
- Project Completion Date: Summer 2023
- Total Project Cost: \$35,000
- Project Update: No change from last project update. Consultant and City staff have visited City sites for information collection. Consultant has submitted a final draft from the compiled information and Inventory Assessment is under review by staff.

## **3. PCI Data Collection Study**

- Project Status: Nearly fully complete
- Consultant: Fugro, Inc.
- Project Cost: \$123,200
- Project Update: Staff is still waiting on a revised PAVER data file from the consultant. The previously discussed corrections are taking longer than anticipated to complete. Staff expects to receive the revised file this month.

## **Planning and Community Development Projects:**

### **1. Comprehensive Land Use Plan Update**

With City Council approval on December 6, 2022, a contract has been executed with Freese and Nichols, Inc. for their professional services on the Comprehensive Plan amendment. Staff met with Freese and Nichols for staff introductions on February 10, 2023 in preparation for the staff/consultant kick off meeting coming soon.

## **Information Technologies Projects**

### **1. Master Communications Plan Citywide Network Upgrade**

It has been discovered that two towers need additional mounts installed for the radio equipment (IH-35 and Nacogdoches). The vendor has provided quotes for the required work. There is also a need for hydro trenching at the Nacogdoches tower. These will have to be brought to council for approval. Supply chain issues continue to affect final deployment. Final completion is expected to be mid to late spring 2023.

## **2. Council Chambers AV Upgrade**

Work began December 16<sup>th</sup>. The new Dias countertop has been installed, unfortunately the contractor did not build to specifications. The choice was made to leave as is and the contractor will build a new Dias and install when there is an opening in the Council schedule. The bulk of the wiring modifications have been completed. Most equipment is onsite and is currently being programmed and installed in the rack. The project schedule calls for an 8-week time frame for completion. Council meetings during that time frame will be relocated. Minor alterations to the project to accommodate the use of the facility by Court were approved by Council.

CITY COUNCIL MEMORANDUM

**City Council Meeting:** March 7, 2023  
**Department:** Executive Team  
**Subject:** Monthly Update - On FY 2022-23 Approved Expanded Programs (S. Williams/S. Gonzalez)

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**BACKGROUND**

City staff has provided the attached update.

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**Attachments**

March 2023 Expanded Program Update

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## CITY COUNCIL MEMORANDUM

**City Council Meeting:** March 7, 2023

**Department:** City Manager

**Subject:** FY 2022-23 Expanded Program Budget Update – March 2023

### Background

City Staff held a Council Workshop on October 21, 2022. At this workshop staff committed to providing monthly updates to Council on the expanded programs and personnel that were approved as part of the FY 2022-23 budget. If Council desires more information on any item, please reach out to staff and that information will be provided.

Note: Completed programs reflected in green.

### Fire

- 3 Firefighters – Complete – Proposed start date 2/13/23 for all 3 positions and on shift 3/11/23.
- Fire Inspector – Position has been posted internally; if can't fill it, then will look to open externally
- Public Safety Radios – No update since last month – Looking at additional vendor to ensure best pricing; evaluating the new technology to see if it's a better fit for Schertz

### Engineering

- Engineer Inspector – Complete – Position started December 2022
- Engineer – Position was reposted, 2 applications received; working to schedule interview
- Water/Sewer Gems software – No update since last month – Software will be purchased in concert with water and wastewater model training to be provided by LAN (master plan consultant); IT is working with vendor on pricing and demo of software

### IT

- GIS Specialist – Complete – Position started 1/17/23
- Internet Upgrades – Complete – IT is in the process of verifying improved bandwidth
- Public Safety Technician – Position has been posted and applications are coming in
- Fiber Upgrades – Vendor has been selected and the process is moving forward
- Security Cameras at Public Safety Buildings – Pending approval of PD for count and locations
- Hard drive shredder – Identified several options; negotiated a shared location with EMS in Bldg. #6
- Office 365 training – Feedback received from department heads; IT is piloting a sample program to compile some core curriculum



## Parks

- Recreation Coordinator – Complete – Position started December 2022
- 3 Parks Maintenance Technicians – Complete
- Trail Funding – No update since last month – Utilizing funding as cash match for an application to TxDOT for Transportation Alternatives Funding due 1/27/23; the project is the West Dietz Creek Trail

## Planning & Community Development

- Plans Examiner – Complete – Position started 10/2022 (from promotion of a Building Inspector). Building Inspector position has been backfilled with a Neighborhood Services Officer
- Permit Tech – Complete – Position started 1/4/23
- Neighborhood Services Officer – Complete – position started December 2022
- Cibolo Creek Clean-Up – Complete - the Cibolo Creek Clean Up occurred on December 16, 2022 and was completed by 44 staff members from several different departments including City Management, P&CD, Fire, EDC, Engineering, Public Works, and Utility Billing. Staff successfully collected and properly disposed of 4 truck beds full of trash. This staff completed clean up focused on the portion of Cibolo Creek from the Cibolo Creek Trail Head along the primitive trail all the way to the bridge near E Aviation Blvd.; Update – a public volunteer clean up was held on 2/25/23; this clean up focus area was on the creek North of the FM 78 bridge adjacent to the City of Schertz Palm Park

## Police

- 2 School Resource Officers – Complete – Positions started October and November 2022
- Records Specialist – Complete – Position started November 2022
- Traffic Officer – Complete
- Cellebrite system – Complete
- RMS Replacement - Drafting RFP in collaboration with IT; expected to be completed in less than 30 days
- Replace body armor for SWAT team – Bids in queue and being reviewed for ballistic protection
- Breaching tools and shields – Shields have arrived; breaching tools due to arrive any day
- Additional job advertisements and hiring incentives – No update to provide at time of report (funding is in HR budget)

## Public Works

- 600-gallon Emulsion Tank – Complete – Approved for purchase (22-R-100 on September 13<sup>th</sup>)
- Skid steer with mulch head – Complete – Approved for purchase (22-R-117 on October 25<sup>th</sup>)
- Parts Clerk – Complete – Position started 1/17/23
- Building 27 Parking Lot – No update since last month – Parking lot design was finalized with Building 27 Project; site plan has been submitted based on current design
- SPAM Funding – Coordinating with Public Works and Engineering staff to finalize road priorities based on this years projected funding
- Manager+ Upgrade – Under review – Public Works, IT, Purchasing, and Finance are coordinating on a demo of the software to ensure all required features are available;

demos are being scheduled with other vendors to explore software options compatible with more departments needs

- Mobile bypass pump – Staff is waiting on updated pricing from vendors based on identified specifications
- Noise mitigation tiles for Library – No update since last month – Facilities staff needs to coordinate meeting with Library staff to review project requirements

#### Library

- 2 10-hour positions to 2 20-hour positions – Complete
- Hotspot Program – Complete – 11 hotspots are in circulation
- Library Materials – Complete – Vox books are currently being cataloged and processed; first delivery of Wonderbooks has arrived and is being processed, remaining Wonderbooks will arrive quarterly through a standing order plan; all purchased books are in circulation and remaining purchases in this FY are on a standing order plan
- PT Programming Specialist – Interviews scheduled
- Increase cleaning contract for emergency cleanings – No change since last month – discussion with Facilities about emergency cleaning; they are working on procedures

#### Public Affairs

- Event Attendant – Complete - Position started October 2022

#### EMS

- 5 Paramedics/EMTS – Completed – Hired 5 EMTs
- 3 Paramedics/EMTS – In process – have sent 2 paramedic names to HR for background checks
- Mental health canine – No change since last month – have sent a draft policy to HR for review

#### Purchasing

- eProcurement Software – 13 submissions were received as part of the RFI. Purchasing is currently in the process of evaluating the responses and identifying the top 3-5 for demonstrations. Anticipate these demos being scheduled for late March.

#### Utility Billing

- Utility bill text messaging service – Complete – First round of texts went out December 2022; staff has successfully started late notice checks and is working with vendor to get bill notifications ready