



ORDINANCE 1322

**AN ORDINANCE APPROVING THE REZONING OF 71 ACRES OF REAL PROPERTIES LOCATED BETWEEN GREEN VALLEY ROAD AND WIEDNER ROAD, NORTHWEST OF THE GATEWOOD SUBDIVISION, FROM LOW DENSITY SINGLE-FAMILY RESIDENTIAL (SF-2) TO MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL (SF-4); DECLARING COMPLIANCE WITH MUNICIPAL ZONING REGULATIONS, STATE LAW, PUBLIC NOTICE AND HEARING REQUIREMENTS, INCORPORATING RECITALS; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND DECLARING AN EFFECTIVE DATE**

**WHEREAS**, Texas Local Government Code Section 211.004 provides that zoning regulations and district boundaries must be adopted in accordance with a duly adopted Comprehensive Plan; and

**WHEREAS**, Texas Local Government Code Section 211.002 authorizes the City of Cibolo, as a home-rule municipality to adopt, repeal or amend zoning district boundaries in order to promote the public health, safety and general welfare of the City; and

**WHEREAS**, Section 9.02 of the City Charter of the City of Cibolo also provides that the City Council with the authority to fix City zoning district boundaries by ordinance, and provide for the alteration of said boundaries in any manner provided by law; and

**WHEREAS**, the City of Cibolo received an application from Blanton Family, LP, Donna Council, Peter A Blaha, and Daniel & Sabrina Pish to rezone 71 acres of real properties located between Green Valley Road and Wiedner Road and northwest of the Gatewood Subdivision, from Low Density Single-Family Residential (SF-2) to Medium Density Single-Family Residential (SF-4); and

**WHEREAS**, two public hearings were held to discuss the rezoning to the real property described herein; with the first public hearing being conducted by the Planning & Zoning Commission on Wednesday, November 18, 2020 at 6:30 p.m. in the Cibolo City Hall and the second public hearing being conducted by City Council on Tuesday, December 8, 2020 at 6:30 p.m. in the Cibolo City Hall; each being conducted for the purpose of providing all interested persons the opportunity to be heard concerning the proposed rezoning of 71 acres from SF-2 to SF-4, as described herein and depicted in Exhibit "A"; and

**WHEREAS**, legal notice notifying the public of both public hearings on the property proposed to be rezoned, was posted on the City's official website and published in the *Seguin Gazette*, a newspaper of general circulation in the City of Cibolo, on October 25, 2020, with said publications provided more than fifteen (15) days prior to the public hearing before the City Council; and

**WHEREAS**, written notice of the above public hearings before the Planning and Zoning Commission and the City Council were sent to each owner of real property, as indicated on the approved tax roll of the City of Cibolo, within 200 feet of the property to be rezoned, with said notice provided more than ten (10) days prior to the initial public hearing of the City Council as cited above; and

**WHEREAS**, the Planning and Zoning Commission recommended and the City Council, therefore determined that revising the zoning classifications of certain real property located between Green Valley Road and Wiedner Road and northwest of the Gatewood Subdivision, from SF-2 to SF-4, as reflected in

the attached Exhibit "A" would promote the health, safety, and general welfare of the City and the safe and orderly development of the City, be consistent with the adopted Comprehensive Plan, be compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood, and result in properties suitable for uses permitted by the new district.

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

**SECTION 1. AMENDMENT.**

- A. The zoning district for 71 acres of land in Guadalupe County, Texas, out of the Trinidad Garcia Survey, No. 94, Abstract 137 of Guadalupe County Public Records; said 71 acres of real properties being depicted in **EXHIBIT "A"** (the "Property"), and incorporated herein by reference, is hereby amended from Low Density Single-Family Residential (SF-2) to Medium Density Single-Family Residential (SF-4).
- B. The zoning map of the City of Cibolo is hereby amended to reflect the new zoning designations as created by this Ordinance, being more specifically defined on **EXHIBIT "B"**.

**SECTION 2. DECLARATION OF COMPLIANCE.** The City Council finds that all required public notices for the rezoning of the Property described in **EXHIBIT "A"** have been published and the public hearings as required by Municipal Code of Ordinances and state law have been held to consider the application to amend the zoning district boundary.

**SECTION 3. INCORPORATION OF RECITALS.** The City Council finds the recitals in the preamble of this Ordinance are true and correct and incorporates them as findings of fact.


**SECTION 4. REPEALED.** All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.


**SECTION 5. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void; and that in lieu of each clause or provision of this Ordinance that is invalid, illegal, or unenforceable there be added by the Mayor as necessary with the approval of the City Attorney as to form, and as a part of the Ordinance a clause or provision as similar in terms to such invalid, illegal or unenforceable clause or provision as may be possible, legal, valid and enforceable.

**SECTION 6. EFFECTIVE DATE.** This ordinance shall become effective upon the adoption of this ordinance.

**PASSED, APPROVED, AND ADOPTED THIS 8 DAY OF December, 2020.**

ATTEST:

  
Peggy Cimics, TRMC  
City Secretary, City of Cibolo

  
Stosh Boyle  
Mayor, City of Cibolo





## EXHIBIT A: REZONING EXHIBIT (LEGAL DESCRIPTION)

### METES AND BOUNDS DESCRIPTION FOR MESA WESTERN ZONING EXHIBIT

A 71.751 acre, or 3,125,467 square feet more or less, tract of land, being comprised of all of a called 9.78-acre tract, described in deed to Daniel J. Pish and Sabina M. Pish recorded in Document No. 201899029086 of the Official Public Records of Guadalupe County, Texas, all of a called 21.168-acre tract, described in deed to Daniel J. Pish and Sabina M. Pish recorded in Volume 2657, Pages 11-15 of the Official Public Records of Guadalupe County, Texas and all of a called 13.684-acre tract, described in deed to Daniel J. Pish and Sabina M. Pish recorded in Volume 1565, Pages 13-15 of the Official Public Records of Guadalupe County, Texas, all of a called 10.87 acres described in deed to Blanton Family Limited Partnership recorded in Document Number 202099001908 of the Official Public Records of Guadalupe County, Texas, all of a called 1.429-acre tract, described in deed to Peter A. Blaha recorded in Volume 2074, Page 283 of the Official Public Records of Guadalupe County, Texas, all of a called 3.8180-acre tract, described in deed to Donna Lynn Council recorded in Document Number 201899014381 of the Official Public Records of Guadalupe County, Texas, all of a called 11.000-acre tract, described in deed to Duane M. Vollmer recorded in Document Number 201899024707 of the Official Public Records of Guadalupe County, Texas, out of the Trinidad Garcia Survey 94, Abstract 137, of the City of Cibolo, Guadalupe County, Texas. Said 71.751-acre tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00:

**BEGINNING:** At a found ½" iron rod, on the southeast right-of-way line of Green Valley Road, a variable width right-of-way, 40-foot minimum, the north corner of a 50.32-acre tract recorded in Volume 2803, Pages 606-612 of the Official Public Records of Guadalupe County, Texas, same being the west corner of said called 9.78-acre tract;

**THENCE:** N 59°50'40" E, with the southeast right-of-way line of said Green Valley Road, same being the northwest line of said called 9.78-acre tract, a distance of 319.11 feet to a found ½" iron rod, the west corner of a called 1.00-acre tract recorded in Document No. 201616026813 of the Official Public Records of Guadalupe County, Texas, same being the north corner of said called 9.78-acre tract;

THENCE: S 30°55'07" E, departing the southeast right-of-way line of said Green Valley Road, with the southwest line of said called 1.00-acre tract, same being the northeast line of said called 9.78-acre tract, at a distance of 546.37 feet passing a found ½" iron rod, at the west corner of a called 5.73-acre tract, less & except an unlocated 19.5' x 360' strip recorded in Volume 1665, Pages 227-231 of the Official Public Records of Guadalupe County, Texas, same being the south corner of said called 1.00-acre tract, continuing with the northeast line of said called 9.78-acre tract, same being the southwest line of said called 5.73-acre tract, less & except an unlocated 19.5' x 360' strip, for a total distance of 1329.32 feet to a found ¼" iron rod, on the northwest line of the aforementioned called 21.168-acre tract, same being the south corner of said called 5.73-acre tract, less & except an unlocated 19.5' x 360' strip, same being the east corner of said called 9.78-acre tract;

THENCE: N 59°57'07" E, with the northwest line of said called 21.168-acre tract, same being the southeast line of said called 5.73-acre tract, less & except an unlocated 19.5' x 360' strip, at a distance of 298.96 feet passing the south corner of a called 10.16-acre tract recorded in Volume 1294, Pages 177-180 of the Official Public Records of Guadalupe County, Texas, same being the east corner of said called 5.73-acre tract, less & except an unlocated 19.5' x 360' strip, continuing with the northwest line of said called 21.168-acre tract, same being the southeast line of said called 10.16-acre tract, at a distance of 318.31 feet passing a found ½" iron rod, in the southeast line of said called 10.16-acre tract, continuing with the northwest line of said called 21.168-acre tract, same being the southeast line of said called 10.16-acre tract, at a distance of 628.94 feet passing the west corner of the aforementioned called 13.684-acre tract and the north corner of said 21.168-acre tract, from which a found ½" iron rod bears S 35°24'02" E, a distance of 1.87 feet, continuing with the southeast line of said called 10.16-acre tract, same being the northwest line of said called 13.684-acre tract, at a distance of 645.18 feet passing a found iron rod with a cap marked "MLS RPLS 4612", at the south corner of a called 8.522-acre tract recorded in Document No. 2017005479 of the Official Public Records of Guadalupe County, Texas, same being the east corner of said called 10.16-acre tract, continuing with the northwest line of said called 13.684-acre tract, same being the southeast line of said called 8.522-acre tract, at a distance of 966.35 feet passing the south corner of a called 10-acre tract recorded in Volume 1035, Pages 336-338 of the Official Public Records of Guadalupe County, Texas, same being the east corner of said called 8.522-acre tract, continuing with the northwest line of said called 13.684-acre tract, same being the southeast line of said called 10-acre tract, for a total distance of 1296.44 feet to a fence post, on the southwest line of a called 10.93-acre tract recorded in Document No. 2016016200 of the Official Public Records of Guadalupe County, Texas, same being the east corner of said called 10-acre tract, same being the north corner of said called 13.684-acre tract, from which a found ½" iron rod bears S 72°28'51" W, a distance of 0.69 feet;

THENCE: S 30°30'18" E, with the southwest line of said called 10.93-acre tract, same being the northeast line of said called 13.684-acre tract, at a distance of 723.96 feet passing the west corner of a called 1.80000-acre tract recorded in Volume 3181, Pages 65-67 of the Official Public Records of Guadalupe County, Texas, same being a south corner of said called 10.93-acre tract, continuing with the northeast line of said called 13.684-acre tract, same being the southwest line of said called 1.80000-acre tract, for a total distance of 947.33 feet to a fence post, on the northwest right-of-way line of Wiedner Road (C.R. 380), a variable width right-of-way, same being the south corner of said called 1.80000-acre tract, same being the east corner of said called 13.684-acre tract, from which a found ½" iron rod bears N 59°26'03" E, a distance of 1.04 feet;

THENCE: Along and with the northwest and southwest right-of-way line of said Wiedner Road (C.R. 380), the following bearings and distances:

S 59°26'03" W, same being the southeast line of said called 13.684-acre tract, a distance of 585.83 feet to a found ½" iron rod, at an east corner of the aforementioned 21.168-acre tract, same being the south corner of said called 13.684-acre tract;

S 59°51'18" W, same being a southeast line of said called 21.168-acre tract, a distance of 123.77 feet to a found ½" iron rod, at a point of intersection for the northwest and southwest right-of-way lines of said Wiedner Road (C.R. 380), same being an interior corner of said called 21.168-acre tract;

S 30°38'42" E, same being a northeast line of said called 21.168-acre tract, a distance of 29.54 feet to a found pinched pipe, at the north corner of said called 10.87-acre tract;

S 30°48'51" E, same being the northeast line of said called 10.87-acre tract, a distance of 632.85 feet to a point;

S 08°49'47" E, a distance of 37.72 feet to a found 60D nail;

S 10°32'44" W, a distance of 22.12 feet to a found 60D nail;

S 22°37'10" W, a distance of 26.60 feet to a found 60D nail;

S 38°01'35" W, a distance of 57.49 feet to a found 60D nail;

S 59°33'55" W, a distance of 557.61 feet to found 1/2" iron rod at an angle corner of said called 3.8180-acre tract and the east corner of said called 1.429-acre tract;

S 59°19'41" W, same being on the southeast line of said called 1.429-acre tract, a distance 245.07 feet to a point on the northeast line of said called 11.000-acre tract, same being the south corner of said 1.429-acre tract;

S 31°16'39" E, same being the southeast line of said called 11.000-acre tract, a distance of 7.64 feet to a point, same being the southeast corner of said called 11.000-acre tract;

S 59°17'43" W, same being the southeast line of said called 11.000-acre tract, a distance of 434.85 feet to a point, same being the south corner of said called 11.000-acre tract;

THENCE: N 29°29'24" W, along the southwest line of said called 11.000-acre tract, at a distance of 6.76 feet passing a point at an angle corner of said called 50.32-acre tract, continuing for a total distance of 1133.11 feet to a point, same being the northwest corner of said called 11.000-acre tract;

THENCE: Along the northeast lines of said 50.32-acre tract, the following bearings and distances:

N 59°16'01" E, same being the northwest line of said called 11.000-acre tract, a distance of 409.66 feet to a found 1/2" iron rod, on the southwest line of said called 21.168-acre tract;

N 30°38'35" W, same being the southwest line of said called 21.168-acre tract, a distance of 119.75 feet to a point;

N 30°44'10" W, same being the southwest line of said called 21.168-acre tract, a distance of 466.09 feet to a found 1/4" iron rod, at the south corner of the aforementioned 9.78-acre tract, same being the west corner of said called 21.168-acre tract;

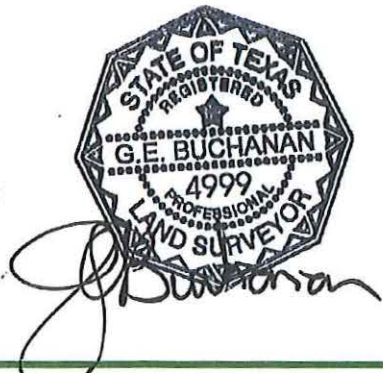
N 30°49'20" W, same being the southwest line of said 9.78-acre tract, a distance of 420.03 feet to a found 1/2" iron rod;

N 30°46'00" W, a distance of 541.78 feet to a found 1/2" iron rod, and;

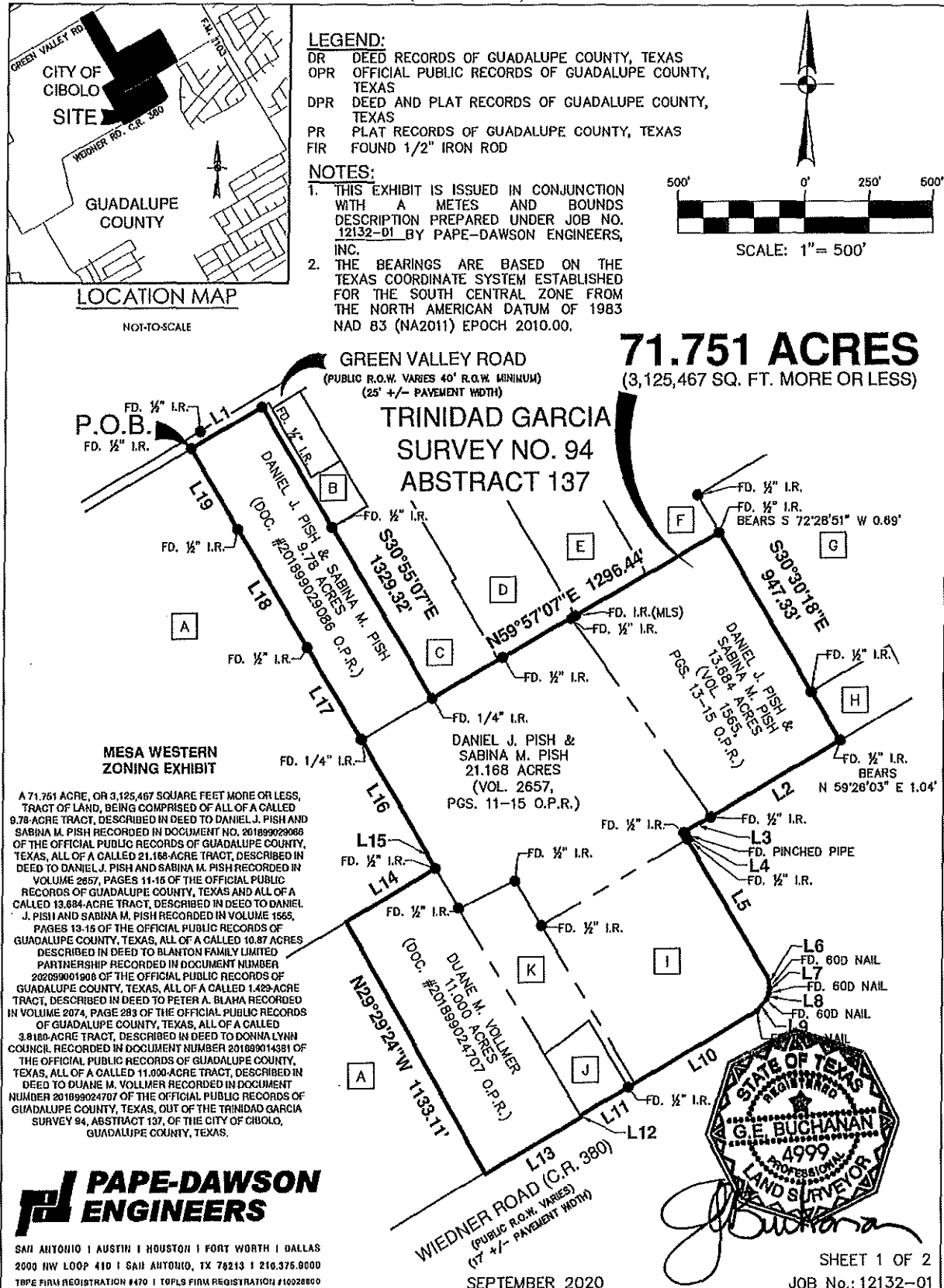
THENCE: N 30°40'19" W, a distance of 366.86 feet to the POINT OF BEGINNING and containing 71.751 acres in the City of Cibolo, Guadalupe County, Texas. Said tract being described in conjunction with an exhibit prepared under job number 12132-01 by Pape-Dawson Engineers, Inc.

This document was prepared under 22TAC663.21, 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.

PREPARED BY: Pape-Dawson Engineers, Inc.  
DATE: September 14, 2020  
JOB NO. 12132-01  
DOC. ID. N:\CIVIL\12132-01\Word\12132-01 FN 71.751 AC.docx



# EXHIBIT A: REZONING EXHIBIT (MAPPED)



LINE TABLE		
LINE	BEARING	LENGTH
L1	N59°50'40"E	319.11'
L2	S59°26'03"W	585.83'
L3	S59°51'18"W	123.77'
L4	S30°38'42"E	29.54'
L5	S30°48'51"E	632.85'
L6	S08°49'47"E	37.72'
L7	S10°32'44"W	22.12'
L8	S22°37'10"W	26.60'
L9	S38°01'35"W	57.49'
L10	S59°33'55"W	557.61'
L11	S59°19'41"W	245.07'
L12	S31°16'39"E	7.64'
L13	S59°17'43"W	434.85'
L14	N59°16'01"E	409.66'
L15	N30°38'35"W	119.75'
L16	N30°44'10"W	466.09'
L17	N30°49'20"W	420.03'
L18	N30°46'00"W	541.78'
L19	N30°40'19"W	366.86'

SCHERTZ CIBOLO UNIVERSAL CITY INDEPENDENT SCHOOL DISTRICT

**A** 50.32 ACRES  
(VOL. 2803, PGS. 606-612 O.P.R.)

**B** JOSEPH ADAM LEE COLLINS &  
JACQUELINE ELAINE COLLINS  
1.00 ACRES  
(DOC. #201616026813 O.P.R.)

**C** JESUS POLINO & EDY G. POLINO  
5.73 ACRES  
LESS & EXCEPT AN UNLOCATED  
19.5' X 360' STRIP  
(VOL. 1665, PGS. 227-231 O.P.R.)

**D** JAMES SCOFIELD & JUDY SCOFIELD  
10.16 ACRES  
(VOL. 1294, PGS. 177-180 O.P.R.)

DAVID L. EMSLIE & DOROTHY G. EMSLIE, CO-TRUSTEES OF THE DAVID  
L. & DOROTHY G. EMSLIE LIVING REVOCABLE TRUST  
8.522 ACRES

**E** (DOC. #2017005479 O.P.R.)

**F** THE BAROWSKI FAMILY  
LIMITED PARTNERSHIP  
10 ACRES  
(VOL. 1035, PGS. 336-338 O.P.R.)

**G** S P MOHAN PROPERTIES I, LLC  
10.93 ACRES  
(DOC. #2016016200 O.P.R.)

**H** DANIEL J. PISH & SABINA M. PISH  
1.80000 ACRES  
(VOL. 3181, PGS. 65-67 O.P.R.)

**I** BLANTON FAMILY LIMITED PARTNERSHIP  
10.87 ACRES  
(DOC. #202099001908 O.P.R.)

**J** PETER A. BLAHA  
1.429 ACRES  
(VOL. 2074, PG. 283 O.P.R.)

**K** DONNA LYNN COUNCIL  
3.8180 ACRES  
(DOC. #201899014381 O.P.R.)



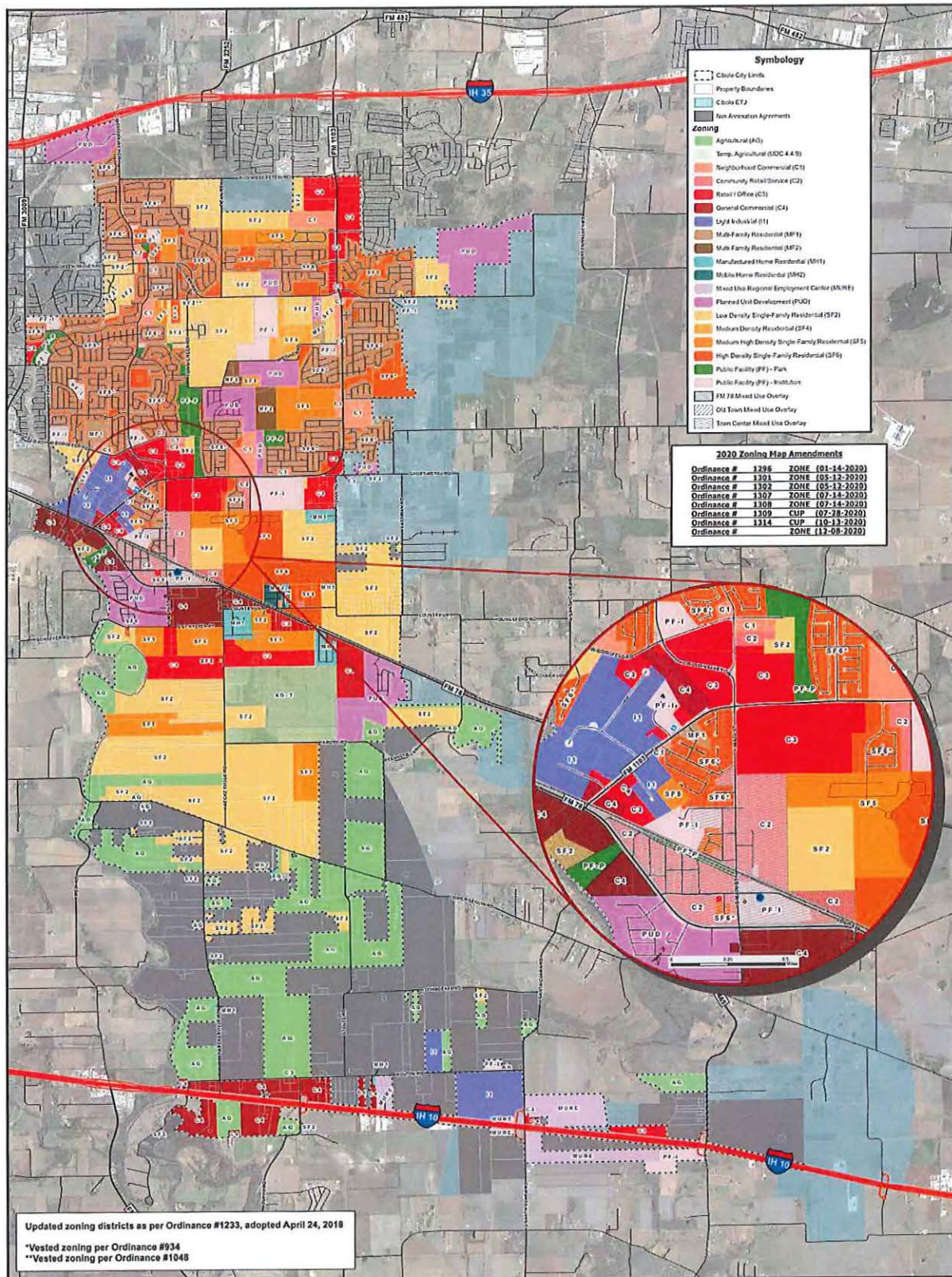
SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS  
2000 HW LOOP 410 | SAN ANTONIO, TX 78213 | 210.376.9000  
TSP ERM REGISTRATION #479 | TSP ERM REGISTRATION #10028800

SEPTEMBER 2020

SHEET 2 OF 2  
JOB No.: 12132-01



# EXHIBIT B: UPDATED OFFICIAL ZONING MAP - CITY OF CIBOLO, TEXAS



1:24,000

## OFFICIAL ZONING MAP

City of Cibolo

December 08, 2020

0 0.5 1 2 Miles

This is to certify that this is the Official Zoning Map referred to in the City of Cibolo Code of Ordinances, Appendix A, commonly referred to as the Unified Development Code (UDC), Adopted by Ordinance Number \_\_\_\_\_ on \_\_\_\_\_ by the City Council of the City of Cibolo, Texas.

SIGNED \_\_\_\_\_

Stash Boy's, Mayor

(City Seal Goes Here)

ATTEST \_\_\_\_\_

Peggy Gricks, City Secretary