

**ORDINANCE NO. 23-S-22**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS TO APPROVE A SPECIFIC USE PERMIT TO ALLOW FOR AUTOMOBILE SALES ON APPROXIMATELY 4.5 ACRES OF LAND, LOCATED AT THE INTERSECTION OF IH 35 N ACCESS ROAD AND LEGACY OAKS PARKWAY, ALSO KNOWN AS 16746 IH 35 N, SCHERTZ, GUADALUPE COUNTY, TEXAS, ALSO KNOWN AS GUADALUPE COUNTY PROPERTY IDENTIFICATION NUMBER 64672.**

**WHEREAS**, an application for a Specific Use Permit to allow Automobile Sales on approximately 4.5 acres of land, located at the intersection of IH 35 Access Road and Legacy Oaks Parkway, also known as 16746 IH 35 N, also known as Guadalupe County Property ID 64672, more specifically described in the Exhibit A and Exhibit B attached (herein, the “Property”) has been filed with the City; and

**WHEREAS**, the City’s Unified Development Code Section 21.5.11. 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 specific use permit (the “Criteria”); and

**WHEREAS**, on August 23, 2023, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation to City Council to approve the Specific Use Permit for Automobile Sales; and

**WHEREAS**, on September 19, 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 Specific Use Permit be approved as provided for herein.

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

Section 1. A Specific Use Permit for Guadalupe County Property ID 64672, more particularly described in the attached Exhibit A and Exhibit B, is hereby approved to allow Automobile Sales conditioned upon the following occurring:

- a) A building permit is approved within two (2) years of the adoption of the SUP Ordinance in accordance with Unified Development Code Article 5, Section 21.5.11.F Expiration of Specific Use Permit.

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and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.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

PASSED ON FIRST READING, the \_\_\_\_ day of \_\_\_\_\_ 2023.

PASSED, APPROVED and ADOPTED ON SECOND READING, the \_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF SCHERTZ, TEXAS

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

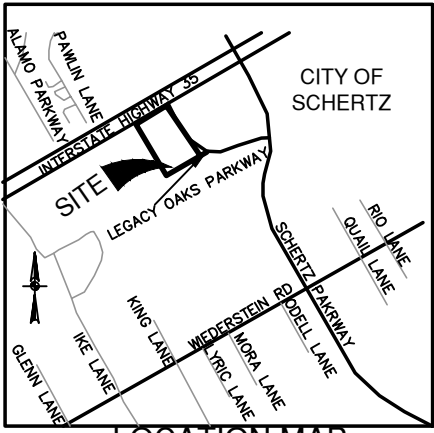
ATTEST:

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

(city seal)

Exhibit "A"  
Property Description

**Exhibit "A": Property Description-Metes and Bounds**



**LOCATION MAP**

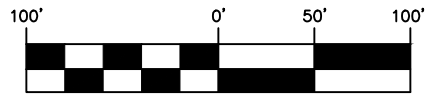
NOT-TO-SCALE

**LEGEND:**

OPR OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS  
 MPR PLAT RECORDS OF BEXAR COUNTY, TEXAS

**NOTES:**

1. THIS EXHIBIT IS ISSUED IN CONJUNCTION WITH A METES AND BOUNDS DESCRIPTION PREPARED UNDER JOB NO. 13035-01 BY PAPE-DAWSON ENGINEERS, INC.
2. THE BEARINGS ARE BASED ON THE DEED RECORDED IN VOLUME 2436, PAGES 382-388 IN THE OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY, TEXAS



SCALE: 1" = 100'



R=44.00'  
 Delta=90°01'10"  
 CB=S75°22'18"E  
 CD=62.24'  
 L=69.13'



R=400.00'  
 Delta=37°15'03"  
 CB=S48°59'53"E  
 CD=255.50'  
 L=260.06'

**4.495 ACRES**

THIS DOCUMENT WAS PREPARED UNDER 22TAC138.95, 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.



2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000  
 TEXAS ENGINEERING FIRM #470 | TEXAS SURVEYING FIRM #10028800

LOT 2, BLOCK 2  
 LEGACY OAKS APARTMENTS  
 (VOLUME 6, PAGE 671 M.P.R.)  
 LEGACY OAKS APARTMENTS  
 (VOLUME 2334, PAGE 155 O.P.R.)

P.O.B.

Date: May 19, 2023, 11:17am User ID: Dmrcduakney  
 File: N:\GWL\13035-01\13035-01 EXZN 4.495 AC.dwg

MAY 19, 2023

SHEET 1 OF 1  
 JOB No.:13035-01

REFERENCE:



METES AND BOUNDS DESCRIPTION  
FOR ZONING

A 4.495 acre, tract of land being all of a called 4.495 acre tract described in deed to TWC Associates Profit Sharing Plan and Trust, recorded in Volume 2436, Pages 382-388, of the Official Public Records of Guadalupe County, Texas out of the Toribio Herrera Survey No. 68, Abstract No. 153, in the City of Schertz, Guadalupe County, Texas. Said 4.495 acre tract being more fully described as follows, with bearings based on the deed recorded in Volume 2436, Pages 362-388 of the Official Public Records of Guadalupe County, Texas:

- BEGINNING: At a point at the east corner of said 4.495 acre tract, at the northernmost corner of Lot 2, Block 2, Legacy Oaks Apartments recorded in Volume 6, Page 671 of the Map and Plat Records of Guadalupe County, Texas and on the southwest right-of-way line of Legacy Oaks Parkway, a 60-foot public right-of-way;
- THENCE: S 60°21'19" W, departing the southwest right-of-way line of said Legacy Oaks Parkway, with the southeast line of said 4.495 acre tract and the northwest line of said Lot 2, a distance of 444.96 feet to a point at the south corner of said 4.495 acre tract, at the west corner of said Lot 2 and on the northeast line of a called 11.131 acre tract recorded in Volume 693, Pages 161-163 of the Official Public Records of Guadalupe County, Texas;
- THENCE: N 30°00'29" W, with the southwest line of said 4.495 acre tract and the northeast line of said 11.131 acre tract, a distance of 523.00 feet to a point at the west corner of said 4.495 acre tract, at the north corner of said 11.131 acre tract and on the southeast right-of-way of Interstate Highway 35. A variable width public right-of-way;
- THENCE: N 59°37'07" E, with the northwest line of said 4.495 acre tract and the southeast right-of-way line of said Interstate Highway 35, a distance of 315.90 feet to a point at the west return at the south intersection of said Interstate Highway 35 and said Legacy Oaks Parkway;
- THENCE: Southeasterly, with said return, tangent curve to the right, said curve having a radius of 44.00 feet, a central angle of 90°01'10", a chord bearing of S 75°22'18" E, and distance of 62.24 feet, for an arc length of 69.13 feet to a point at the east end of said return;
- THENCE: With the northeast line of said 4.495 acre tract and the southwest right-of-way line of said Legacy Oaks Parkway, the following bearings and distances:  
S 30°23'38" E, a distance of 242.56 feet to a point;

## Exhibit "A": Property Description-Metes and Bounds

4.495 Acres  
Job No.: 13035-01  
Page 2 of 2

Southeasterly, Along a non-tangent curve to the left, said curve having a radius of 400.00 feet, a central angle of  $37^{\circ}15'03''$ , a chord bearing of  $S 48^{\circ}59'53'' E$ , and distance of 255.50 feet, for an arc length of 260.06 feet to the POINT OF BEGINNING and containing 4.495 acres in the City of Schertz, Guadalupe County, Texas. Said tract being described in conjunction with an exhibit under job number 13035-01 by Pape-Dawson Engineers, Inc.

This document was prepared under 22TAC138.95, 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: May 19, 2023  
JOB NO. 13035-01  
DOC. ID. N:\CIVIL\13035-01\Word\13035-01 FN 4.495 ACRES.docx



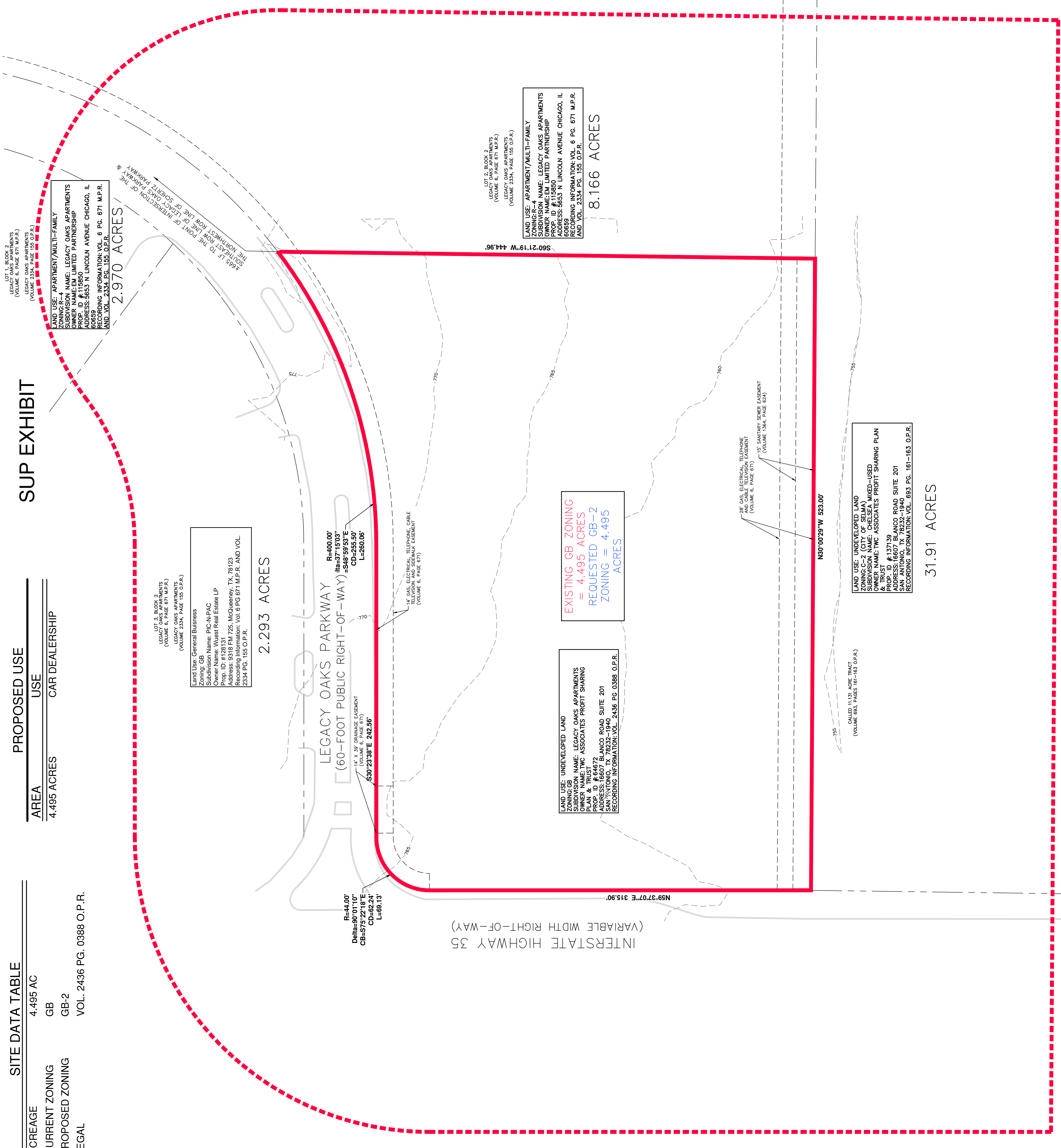
Exhibit "B"  
Specific Use Permit Exhibit

# Exhibit "B": Specific Use Permit Exhibit

SITE DATA TABLE	
ACREAGE	4.495 AC
CURRENT ZONING	GB
PROPOSED ZONING	GB-2
LEGAL	VOL. 2436 PG. 0388 O.P.R.

PROPOSED USE	
AREA	USE
4.495 ACRES	CAR DEALERSHIP

## SUP EXHIBIT



**Land Use: General Business**  
 Zoning: GB  
 Subdivision Name: PIC-IN-PAC  
 Owner Name: Wuest Real Estate LP  
 Address: 9312 FM 725, McQueeney, TX, 78123  
 Recording Information: Vol. 6 PG 671 M.P.R. AND VOL. 2334 PG. 155 O.P.R.

**LOT 3, BLOCK 2**  
 LEGACY OAKS APARTMENTS  
 (VOLUME 6, PAGE 671 M.P.R.)  
 LEGACY OAKS APARTMENTS  
 (VOLUME 2334, PAGE 155 O.P.R.)

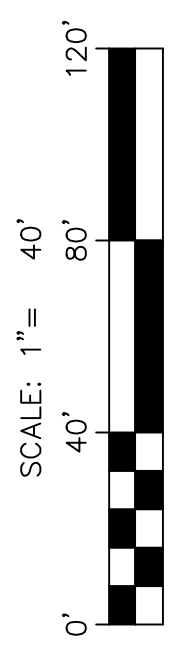
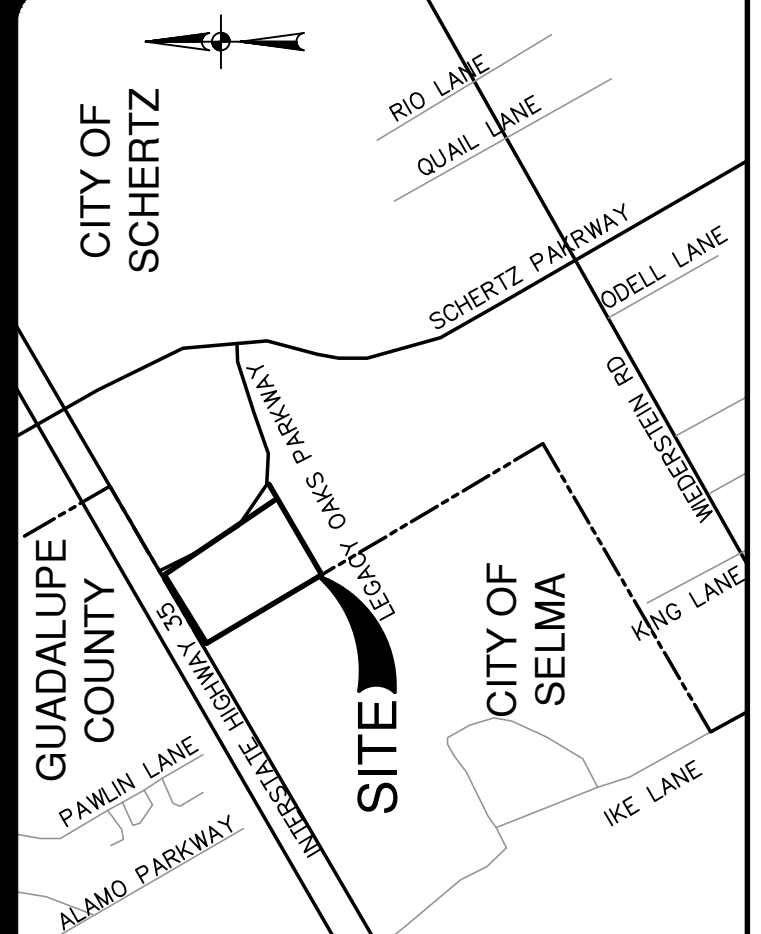
**LOT 1, BLOCK 2**  
 LEGACY OAKS APARTMENTS  
 (VOLUME 6, PAGE 671 M.P.R.)  
 LEGACY OAKS APARTMENTS  
 (VOLUME 2334, PAGE 155 O.P.R.)

**LOT 2, BLOCK 2**  
 LEGACY OAKS APARTMENTS  
 (VOLUME 6, PAGE 671 M.P.R.)  
 LEGACY OAKS APARTMENTS  
 (VOLUME 2334, PAGE 155 O.P.R.)

NO.	REVISION	DATE

### LOCATION MAP

NOT-TO-SCALE



### LEGEND

- PROPERTY LINE
- 200-FOOT NOTIFICATION BUFFER
- LOT LINE
- EXISTING CURB
- EXISTING CONTOURS MAJOR ACRES(S)
- AC
- BLK
- CATV
- CABLE TELEVISION
- VOL
- PG
- PAGE(S)
- DOC
- DOCUMENT NUMBER
- DPR
- DEED AND PLAT RECORDS OF GUADALUPE COUNTY, TEXAS
- DR
- DEED RECORDS OF GUADALUPE COUNTY, TEXAS
- NCB
- NEW CITY BLOCK
- OPR
- OFFICIAL PUBLIC RECORDS (OFFICIAL PUBLIC RECORDS OF REAL PROPERTY) OF GUADALUPE COUNTY, TEXAS
- GB
- General Business District
- GB-2
- General Business District - 2

**Pape-Dawson ENGINEERS**  
 2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9800  
 TEXAS ENGINEERING FIRM #470 | TEXAS SURVEYING FIRM #10028800

## SUP EXHIBIT OF 4.495 AC TRACT

SCHERTZ, TEXAS

A 4.495 ACRE TRACT OF LAND BEING ALL OF A CALLED 4.495 ACRE TRACT DESCRIBED IN DEED TO TWC ASSOCIATES PROFIT SHARING PLAN AND TRUST, RECORDED IN VOLUME 2436, PAGES 382-388, OF THE OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY, TEXAS OUT OF THE TOMIBO HERREFA SURVEY NO. 86, AS DISTRICT NO. 153, IN THE CITY OF SCHERTZ, GUADALUPE COUNTY, TEXAS.

**LOCAL PLAN NOTE:**  
 FLOOD INSURANCE RATE MAP, PANEL 4818702210F, DATED 11/2/2007. SITE IS NOT WITHIN THE 100-YEAR FLOODPLAIN.

**APPLICANT:**  
 TMC ASSOCIATES PROFIT-SHARING PLAN & TRUST  
 16607 BLANCO ROAD SUITE 201  
 SAN ANTONIO, TX 78232  
 Phone: (210)240-9847

**OWNER:**  
 TMC ASSOCIATES PROFIT-SHARING PLAN & TRUST  
 16607 BLANCO ROAD SUITE 201  
 SAN ANTONIO, TX 78232  
 Phone: (210) 374-9000

**PREPARED BY:**  
 PAPE-DAWSON CONSULTING ENGINEERS, LLC  
 2000 NW LOOP 410 | SAN ANTONIO, TX 78213  
 (210) 375-9800

**SURVEYOR:**  
 JON COOPER, PLS  
 2000 NW LOOP 410 | SAN ANTONIO, TX 78213  
 (210) 375-9800

PLAT NO. ---  
 JOB NO. 13035-01  
 DATE JUNE 2023  
 DESIGNER JLV  
 CHECKED DRAWN/JVES  
 SHEET 1 OF 1