

**ORDINANCE NO. 23-S-32**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS TO APPROVE A SPECIFIC USE PERMIT TO ALLOW FOR A CONVENIENCE STORE WITH GAS PUMPS ON APPROXIMATELY 7.8 ACRES OF LAND, LOCATED AT APPROXIMATELY 51-FEET WEST FROM THE INTERSECTOPM OF IH-35 N ACCESS ROAD AND FM 2252, SCHERTZ, GUADALUPE AND COMAL COUNTY, TEXAS, ALSO KNOWN AS GUADALUPE COUNTY PROPERTY IDENTIFICATION NUMBER 114083 AND COMAL COUNTY PROPERTY IDENTIFICATION NUMBER 119021.**

**WHEREAS**, an application for a Specific Use Permit to allow a convenience store with gas pumps on approximately 7.8 acres of land, located approximately 51-feet west from the intersection of IH-35 N Access Road and FM 2252, also known as Guadalupe County Property Identification Number 114083 and Comal County Property Identification number 119021, 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 November 15, 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 a convenience store with gas pumps; and

**WHEREAS**, on December 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 Identification Number 114083 and Comal County Property Identification Number 119021, more particularly described in the attached Exhibit A and Exhibit B, is hereby approved to allow a convenience store with gas pumps 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 \_\_\_\_\_, 2024.

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

METES AND BOUNDS  
7.744 Acre Tract  
Surveyed by Total Geo Data Surveying LLC

Being a 7.744 Acre (337,329 Square Foot) Tract, in the Robert Martin & John Falls Walker Survey No. 113, Abstract 414, Comal County and Abstract 244, Guadalupe County, Texas, described as 7.748 acres recorded in Document No. 201606011073 of the Official Public Records (O.P.R.), of Comal County and also recorded in Volume 2006 Page 133 O.P.R. of Guadalupe County, Texas, said 7.744 acre tract being more particularly described as follows, with all bearings being referenced to the North American Datum of 1983, Texas State Plane Coordinate System, South Central Zone, based on a VRS RTKNet solution:

BEGINNING at a found ½" rebar with cap stamped Ford Engineering on the south right of way (R.O.W.) line of Interstate Highway 35. (R.O.W. width varies) at the northwest corner of a so called believed 35.73 Acre Tract recorded in Document No. 202006019300 O.P.R. Comal County and recorded in Document No. 202099012670 O.P.R. Guadalupe County, being the northeast corner of the tract herein described;

THENCE, leaving said R.O.W. line and along the common line between said tracts, South 26° 39' 14" East, a distance of 749.56 feet (South 26° 20' 02" East, 750.00 feet record) to a found ½" rebar with cap stamped Ford Engineering at an interior corner of said 35.73 acres being the southeast corner of the tract herein described;

THENCE, continuing along said common line, South 62° 51' 03" West, a distance of 449.98 feet (South 63° 08' 00" West, 450.00 feet record) to a found 3 ½" metal fence post at the southeast corner of a so called 4.304 Acre Tract recorded in Document No. 200406007163 O.P.R. Comal County and recorded in Volume 1972, Page 62 O.P.R. Guadalupe County, being the southwest corner of the tract herein described;

THENCE, along the common line with said 4.304 acres, North 26° 39' 19" West, a distance of 749.76 feet (North 26° 20' 02" West, 750.00 feet record) to a set ½" rebar with cap stamped TOTAL GEO DATA 6042 on said south IH 35 R.O.W. line at the northeast corner of said 4.304 acres, being the northwest corner of the tract herein described;

THENCE, along the said R.O.W. line, North 62° 52' 32" East, at a distance of 129.21 feet passing a found Texas Department of Transportation Type I concrete monument, at a distance of 149.88 feet passing a found ½" rebar, continuing for a total distance of 450.00 feet (North 63° 08' 00" East, 450.00 feet record), returning to the POINT OF BEGINNING and containing 7.744 Acres (337,329 square feet) of land more or less.

This survey was performed on the ground by persons working under my supervision and completed on August 24, 2023. A survey drawing accompanies this description.

 10/11/23

John E. DeHan, R.P.L.S.  
Registered Professional Land Surveyor  
Texas Registration No. 6042  
Firm No. 10193904

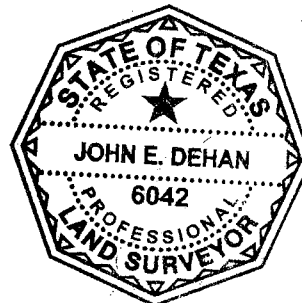


Exhibit "B"  
Specific Use Permit Exhibit

