

## **ORDINANCE NO. 24-S-13**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS TO APPROVE A SPECIFIC USE PERMIT TO ALLOW FOR PORTABLE BUILDING SALES IN GENERAL BUSINESS DISTRICT (GB-2) ON APPROXIMATELY 11.7 ACRES OF LAND, KNOWN AS COMAL COUNTY PROPERTY IDENTIFICATION NUMBERS 78053 AND 116266, GUADALUPE COUNTY PROPERTY IDENTIFICATION NUMBERS 68327, 68329, 114080, AND 114082, GENERALLY LOCATED 500 FEET WEST OF THE INTERSECTION OF FM 2252 AND IH-35 FRONTAGE ROAD, SCHERTZ, GUADALUPE AND COMAL COUNTY, TEXAS.**

**WHEREAS**, an application for a Specific Use Permit to allow Portable Building Sales on approximately 11.7 acres of land, located approximately 500 feet west of the intersection of FM 2252 and IH-35 Frontage Road, also known as Comal County Property Identification Numbers 78053 and 116266, and Guadalupe County Property Identification Numbers 68327, 68329, 114080, and 114082, 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 March 6, 2024, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation to City Council to deny the Specific Use Permit for Portable Building Sales; and

**WHEREAS**, on April 2, 2024, 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 Comal County Property Identification Numbers 78053 and 116266, and Guadalupe County Property Identification Numbers 68327, 68329, 114080, and 114082, more particularly described in the attached Exhibit A and Exhibit B, is hereby approved to allow Portable Building 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 \_\_\_\_\_ 2024.

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- Metes and Bounds



# Stephen G. Cook Engineering Registered Land Surveyors

## METES AND BOUNDS DESCRIPTION July 25, 2023

Being 11.723 Acres out of the Robert Martin and John F. Walker Survey No. 113, Abstract 414, Comal County, Texas and Abstract 244, Guadalupe County, Texas, and being approximately 1.482 Acres located in Comal County, Texas and approximately 10.241 Acres located in Guadalupe County, Texas, recorded in Volume 1471, Pages 671-678 and Volume 1972, Pages 62-65 of the Official Public Records of Guadalupe County, Texas, said 11.723 Acres being more particularly described as follows;

BEGINNING at a 1/2" iron rod found for the most southeasterly corner of a 0.25 Acre tract described in Volume 2020, Page 99012670, of the Official Public Records of Guadalupe County, Texas, and for the most southerly corner of the herein described tract;

THENCE N 31°08'06" W, 945.13 feet along the easterly lot line of said 0.25 Acre easement and the westerly property line of the herein described tract to a 1/2" iron rod set in the southeasterly right-of-way line of North Interstate Highway 35 for the northerly corner of a 0.25 Acre easement described in Volume 2020, Page 99012670, of the Official Public Records of Guadalupe County, Texas, and for the most westerly corner of the herein described tract; ;

THENCE N 62°34'40" E, 631.26 feet along said southeasterly right-of-way line of North Interstate Highway 35 Frontage Road to a 1/2" iron rod set for the most westerly corner of 6.40 Acre tract described in Volume 2006, Page 133, of the Official Public Records of Guadalupe County, Texas, and the most northerly corner of the herein described tract;

THENCE S 26°53'22" E, 750.00 feet along the westerly lot line of said 6.40 Acre tract and the easterly lot line of the herein described tract to a record corner bearing N 57°59'19" E a distance of 2.70 feet from a found metal fence post for the most easterly corner of the herein described tract;

THENCE S 62°34'40" W, 252.19 feet along the lot line of the herein described tract to a 1/2" iron rod set;

THENCE S 26°43'20" E, 174.10 feet along the lot line of the herein described tract to a record corner bearing N 60°41'04" E a distance of 4.27 feet from a found metal fence post;

THENCE S 59°02'21" W, 309.36 feet along the southerly lot line of the herein described tract to the POINT OF BEGINNING.

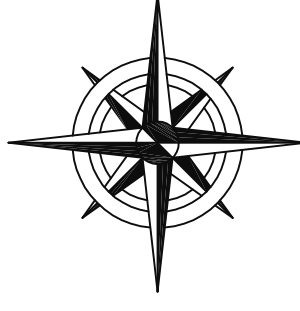
Stephen G. Cook  
Registered Professional Land Surveyor  
No. 5293

TBPLS Firm # 10005400

SCGE No. 6617




Exhibit "B"  
Specific Use Permit Exhibit

STEPHEN G. COOK  
  
 ENGINEERING, INC.  
 TBPE FIRM NO. F-184  
 13302 Thornridge Lane  
 San Antonio, TX 78232  
 (210) 481-2533  
 www.sgce.net



STEPHEN G. COOK, P.E. 01-29-2024  
 (PLANS APPROVED IF SIGNED & SEALED)

**SPECIFIC USE PERMIT (SUP) EXHIBIT OF  
 11.723 ACRE TRACT  
 SCHERTZ, TX**  
 BEING 11.723 ACRES OF LAND OUT OF THE ROBERT MARTIN & JOHN F. WALKER  
 SURVEY NO. 113, ABSTRACT NO. 414, COMAL COUNTY & ABSTRACT NO. 244,  
 GUADALUPE COUNTY, SCHERTZ, TEXAS.



SCALE 1:80  
 0 80 160

DRAWING DATE: 01-29-2024  
 PREPARED BY: J.A.R.  
 SGCE JOB #: 21993

**SPECIFIC USE PERMIT TO  
 ALLOW PORTABLE  
 BUILDING SALES IN  
 GENERAL BUSINESS  
 DISTRICT-2 (GB-2)  
 (SUP EXHIBIT)**

**LEGEND**

200' NOTIFICATION BUFFER	---
PROPERTY LINE, EXISTING & REQUESTED SUP LINE	---
COUNTY LINE	---
EXISTING CONTOUR	---
PROPERTY MEASUREMENT	N45°00'00"E 100.00'

**ABBREVIATIONS**

AC.	ACRE
EOP	EDGE OF PAVEMENT
EX.	EXISTING
POB	POINT OF BEGINNING
RD.	ROAD
R.O.W.	RIGHT-OF-WAY
VOL.	VOLUME

**FLOODPLAIN NOTE:**  
 ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NO. 48091C0485F, DATED SEPTEMBER 2, 2009, IS LOCATED IN ZONE X AND IS NOT WITHIN THE 100-YEAR FLOODPLAIN

**THOROUGHFARE NOTE:**  
 THE THOROUGHFARE ALIGNMENTS SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DO NOT SET ALIGNMENT. ALIGNMENT IS DETERMINED AT TIME OF FINAL PLAT.

**APPLICANT & OWNER:**  
 RON CARRILLO  
 110 SUNRISE DRIVE  
 SAN ANTONIO, TX 78228  
 210-432-0000

**ENGINEER & SURVEYOR:**  
 STEPHEN G. COOK ENGINEERING, INC.  
 13302 THORNIDGE LANE  
 SAN ANTONIO, TX 78232  
 210-481-2533

**SITE DATA TABLE**

ACREAGE:	11.723
CURRENT ZONING:	GB
PROPOSED ZONING:	GB-2
LEGAL:	VOL. 1471, PG. 671 & VOL. 1972, PG. 62

**EXISTING LAND USE**

AREA:	11.723 ACRES
EXISTING USE:	PORTABLE BUILDING SALES (MOBILE MINI SOLUTIONS, INC)

**PROPOSED LAND USE**

AREA:	11.723 ACRES
PROPOSED USE:	PORTABLE BUILDING SALES & RETAIL SHOPPING

**EXISTING ZONING: GB (11.723 ACRES)  
 PROPOSED ZONING: GB-2 (11.723 ACRES)**

