

**ORDINANCE NO. 22-S-142**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS TO APPROVE A SPECIFIC USE PERMIT TO ALLOW FOR OPERATION OF A CONVENIENCE STORE WITH GAS PUMPS ON APPROXIMATELY 4.33 ACRES OF LAND, LOCATED AT THE INTERSECTION OF MASKE ROAD & E FM 1518, ALSO KNOWN AS GUADALUPE COUNTY PROPERTY ID: 64548, CITY OF SCHERTZ, GUADALUPE COUNTY, TEXAS.**

**WHEREAS**, an application for a Specific Use Permit to allow for an operation of a convenience store with gas pumps on approximately 4.33 acres of land, located at the intersection of Maske Road and E FM 1518, more specifically described in the Exhibit A 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 Specific Use Permit (the “Criteria”); and

**WHEREAS**, on June 5, 2024, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation to City Council to approve the requested Specific Use Permit with conditions; and

**WHEREAS**, on July 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 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, is hereby approved to allow a convenience store with gas pumps conditioned upon the following occurring:

- a) A building permit is approved within two years of the adoption of the Specific Use Permit Ordinance

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and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.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

Metes & Bounds  
&  
Specific Use Permit Exhibit

### Exhibit "A": Metes & Bounds

#### FIELD NOTES FOR

4.336 ACRES OUT OF THE TORIBIO HERRERA LEAGUE NUMBER 68, ABSTRACT NUMBER 153, GUADALUPE COUNTY, TEXAS, BEING OUT OF A 24.486 ACRE TRACT WHICH IS THAT SAME CERTAIN 25.000 ACRE TRACT RECORDED IN VOLUME 4255, PAGE 554 OF THE OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY, TEXAS, SAVE AND EXCEPT THAT PORTION CONVEYED IN VOLUME 4191, PAGE 727 OF THE OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

- BEGINNING: At a found 1/2" iron rod at the south end of the existing cut-back line joining the existing north right of way line of F.M. Hwy. 1518 (80' wide public right of way) and the existing southeast right of way line of Maske Road (variable width public right of way), having Texas State Plain grid coordinates of N=13,752,685.87 and E=2,193,270.09, South Central Zone, the southwest corner hereof;
- THENCE: North 01°51'48" West 70.71' with the existing cut-back line to a found 1/2" iron rod in pavement on the southeast right of way line of Maske Road, the west corner hereof;
- THENCE: North 59°38'09" East 38.51' with the southeast right of way line of Maske Road to a found cotton spindle in pavement;
- THENCE: South 30°21'51" East 15.00' with the southeast right of way line of Maske Road to a found 1/2" iron rod;
- THENCE: North 59°38'09" East 351.74' with the southeast right of way line of Maske Road to a set 1/2" iron rod stamped "GIBBONS", the north corner of this tract;
- THENCE: South 63°44'20" East 374.61' to a set 1/2" iron rod stamped "GIBBONS", the northeast corner of this tract;
- THENCE: South 26°15'40" West 376.32' to a set 1/2" iron rod stamped "GIBBONS" on the aforementioned north right of way line of F.M. Hwy. 1518, the beginning of a curve to the right, the southeast corner of this tract;
- THENCE: With the north right of way line of F.M. Hwy. 1518 and the curve to the right (concave to the northeast), having a radius of 2824.79, a delta of 03°18'01", an arc length of 162.71' and a chord bearing North 65°23'20" West to a found 1/2" iron rod;
- THENCE: North 63°44'20" West 405.86' with the north right of way line of F.M. Hwy. 1518 to the POINT OF BEGINNING of this 4.336 acre (188,981 square feet) tract in Guadalupe County, Texas.

THESE FIELD NOTES TOGETHER WITH A SURVEY MAP WERE PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND BY EMPLOYEES OF GIBBONS SURVEYING & MAPPING, INC. WHO WERE WORKING UNDER MY SUPERVISION AND DIRECTION.

202199013110

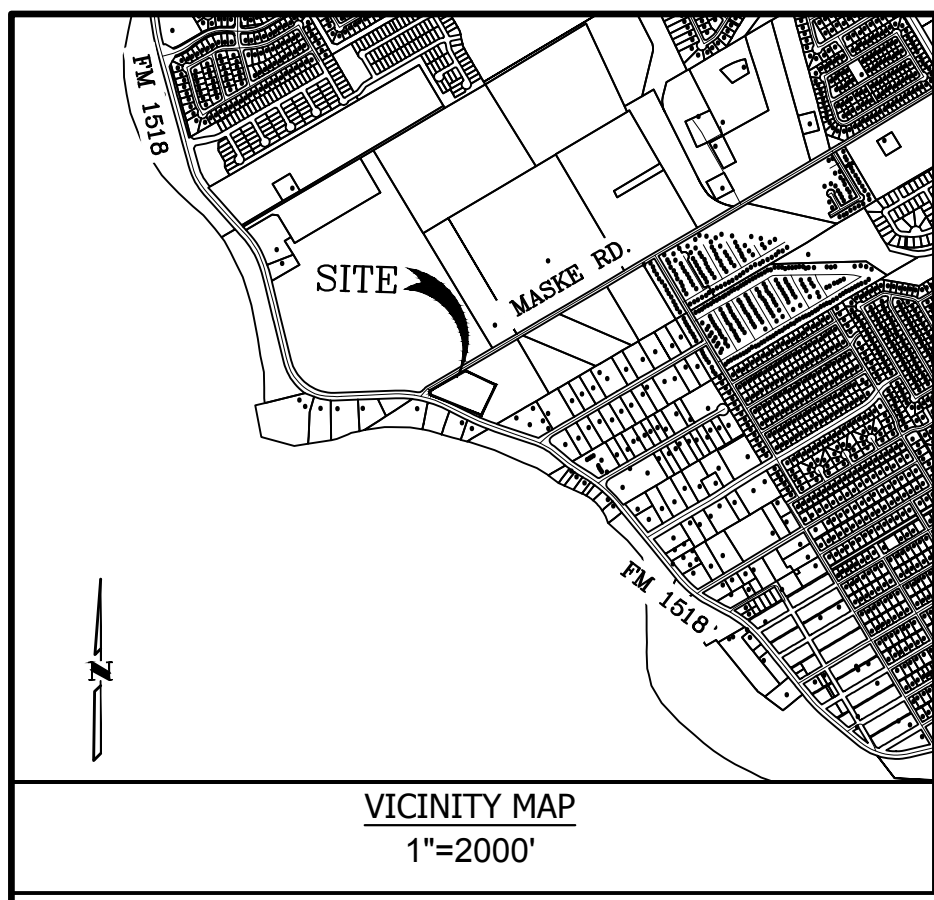
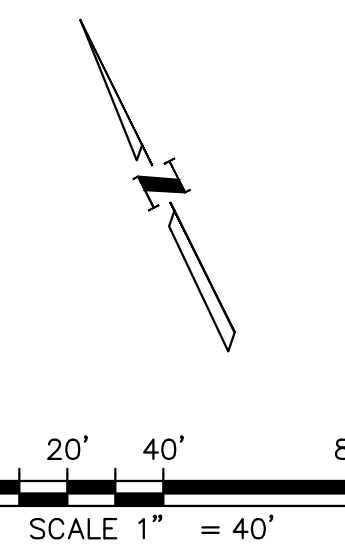
I certify this instrument was ELECTRONICALLY FILED and RECORDED in the OFFICIAL PUBLIC RECORDS of Guadalupe County, Texas on 04/19/2021 02:15:36 PM PAGES: 3 JEANNE TERESA KIEL, COUNTY CLERK



*Jeanne Teresa Kiel*

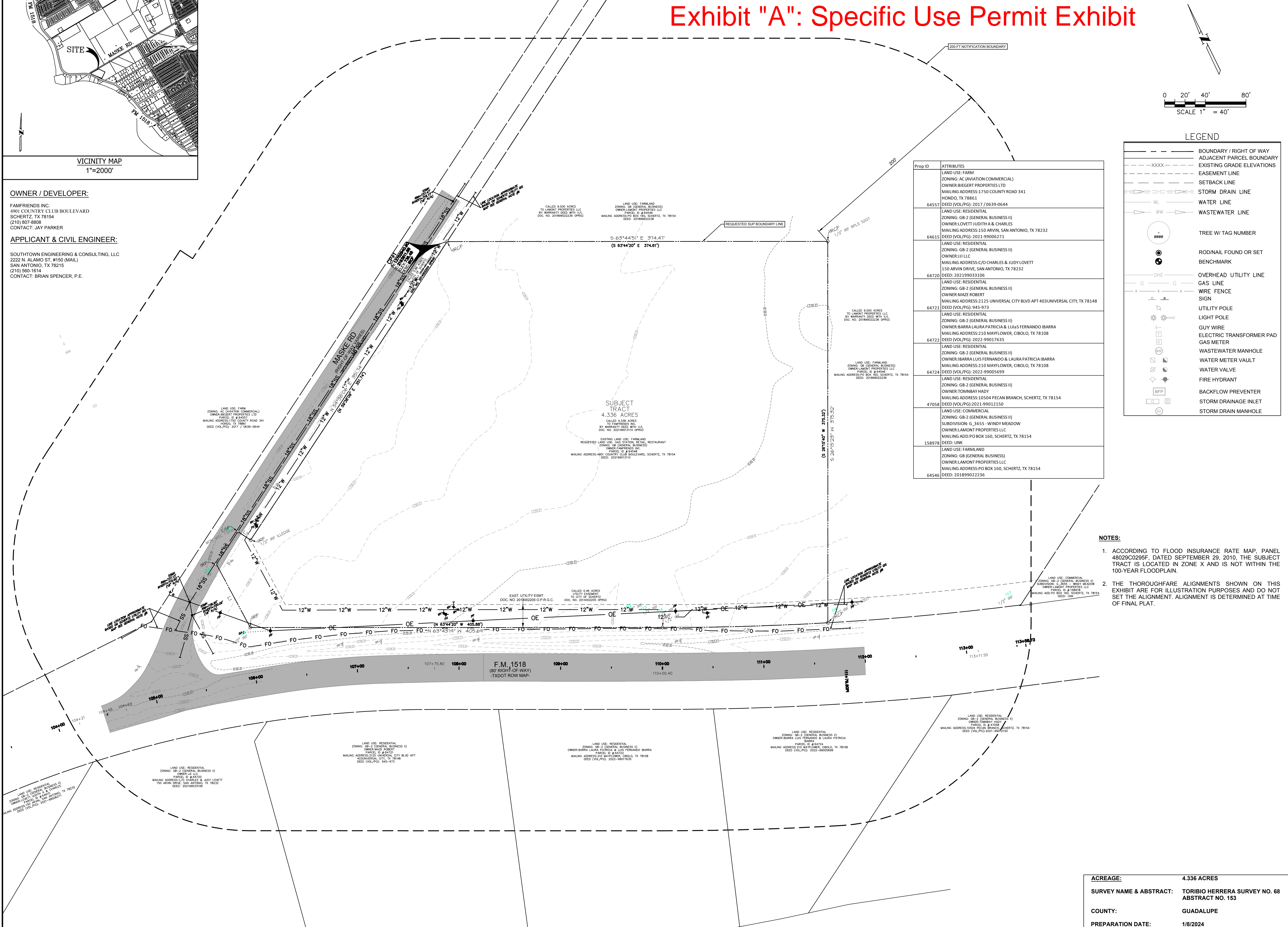
GUADALUPE COUNTY CLERK - NOT RECORDED - AN OFFICIAL COPY IS REQUIRED

# Exhibit "A": Specific Use Permit Exhibit

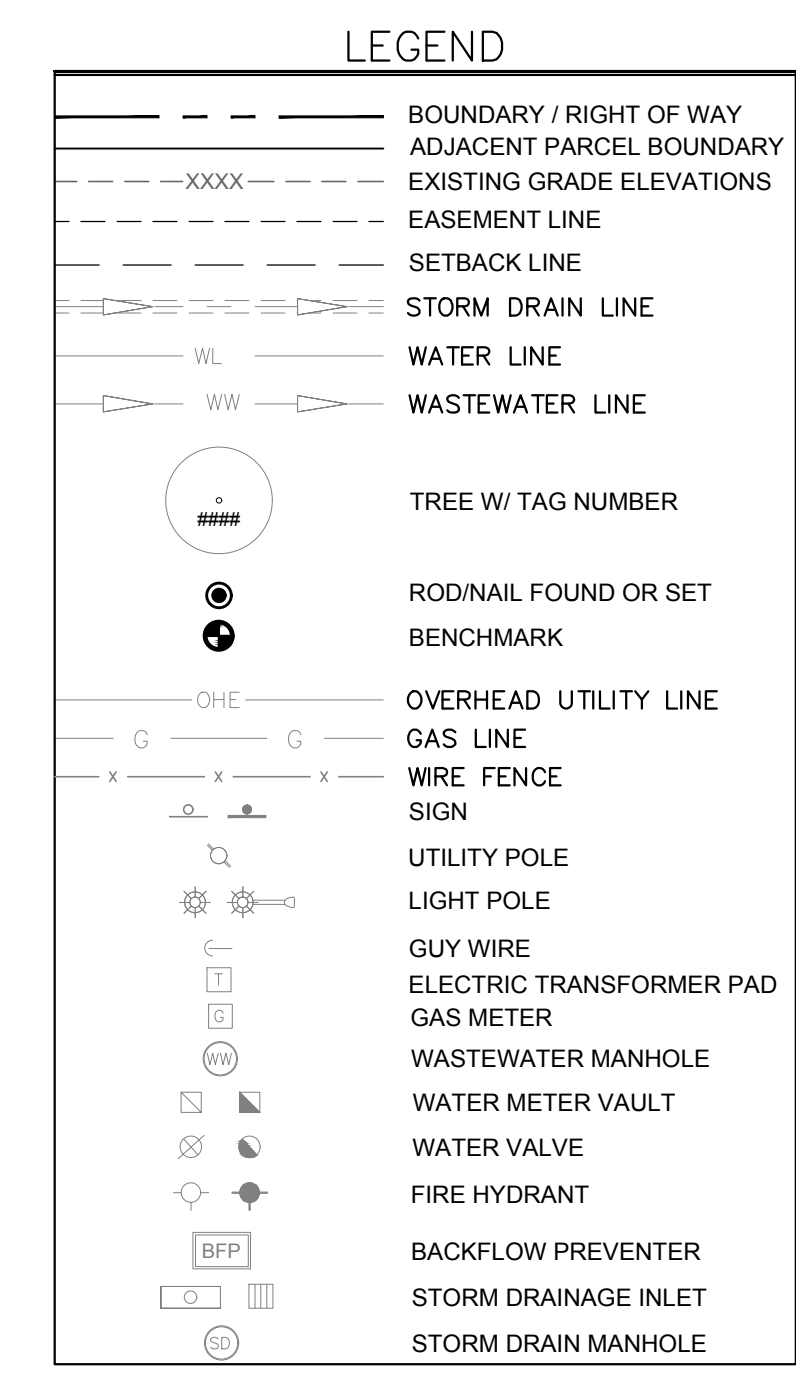


**OWNER / DEVELOPER:**  
 FAMFRIENDS INC.  
 4901 COUNTRY CLUB BOULEVARD  
 SCHERTZ, TX 78154  
 (210) 807-8808  
 CONTACT: JAY PARKER

**APPLICANT & CIVIL ENGINEER:**  
 SOUTHTOWN ENGINEERING & CONSULTING, LLC  
 2222 N. ALAMO ST, #150 (MAIL)  
 SAN ANTONIO, TX 78215  
 (210) 560-1614  
 CONTACT: BRIAN SPENCER, P.E.



Prop ID	ATTRIBUTES
64557	LAND USE: FARM ZONING: AC (AVIATION COMMERCIAL) OWNER: BIEGERT PROPERTIES LTD MAILING ADDRESS: 1750 COUNTY ROAD 341 HONDO, TX 78861 DEED (VOL/PG): 2017 / 0639-0644
64615	LAND USE: RESIDENTIAL ZONING: GB-2 (GENERAL BUSINESS II) OWNER: LOVETT JUDITH & CHARLES MAILING ADDRESS: 150 ARVIN, SAN ANTONIO, TX 78232 DEED (VOL/PG): 2021-9906271
64720	LAND USE: RESIDENTIAL ZONING: GB-2 (GENERAL BUSINESS II) OWNER: J1 LLC MAILING ADDRESS: C/O CHARLES & JUDY LOVETT 150 ARVIN DRIVE, SAN ANTONIO, TX 78232 DEED: 202199033106
64721	LAND USE: RESIDENTIAL ZONING: GB-2 (GENERAL BUSINESS II) OWNER: MAZE ROBERT MAILING ADDRESS: 2125 UNIVERSAL CITY BLVD APT 403 UNIVERSAL CITY, TX 78148 DEED (VOL/PG): 2022-99017635
64722	LAND USE: RESIDENTIAL ZONING: GB-2 (GENERAL BUSINESS II) OWNER: BARRA LAURA PATRICIA & LUIS FERNANDO IBARRA MAILING ADDRESS: 210 MAYFLOWER, CIBOLO, TX 78108 DEED (VOL/PG): 2022-99017635
64724	LAND USE: RESIDENTIAL ZONING: GB-2 (GENERAL BUSINESS II) OWNER: BARRA LAUIS FERNANDO & LAURA PATRICIA IBARRA MAILING ADDRESS: 210 MAYFLOWER, CIBOLO, TX 78108 DEED (VOL/PG): 2022-99005699
47058	LAND USE: COMMERCIAL ZONING: GB-2 (GENERAL BUSINESS II) SUBDIVISION: G-3555 - WINNET MEADOW OWNER: LAMONT PROPERTIES LLC MAILING ADDRESS: PO BOX 160, SCHERTZ, TX 78154 DEED: UNK
158978	LAND USE: FARMLAND ZONING: GB (GENERAL BUSINESS) OWNER: LAMONT PROPERTIES LLC MAILING ADDRESS: PO BOX 160, SCHERTZ, TX 78154 DEED: 201899022236



- NOTES:**
- ACCORDING TO FLOOD INSURANCE RATE MAP, PANEL 48029C0295F, DATED SEPTEMBER 29, 2010, THE SUBJECT TRACT IS LOCATED IN ZONE X AND IS NOT WITHIN THE 100-YEAR FLOODPLAIN.
  - THE THOROUGHFARE ALIGNMENTS SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DO NOT SET THE ALIGNMENT. ALIGNMENT IS DETERMINED AT TIME OF FINAL PLAT.

NO.	DATE	REVISION

**SOUTHTOWN**  
 ENGINEERING & CONSULTING LLC  
 2222 N. ALAMO ST, #150 (MAIL)  
 SAN ANTONIO, TX, 210.560.1614  
 TEXAS FIRM REGISTRATION NO. F-21723

**BRIAN C. SPENCER**  
 133585  
 PROFESSIONAL ENGINEER  
 CIVIL  
 STATE OF TEXAS  
 EXPIRES 09/09/2024

**MASKE RETAIL AND GAS STATION**  
 MASKE RD & FM 1518  
 SCHERTZ, GUADALUPE COUNTY, TEXAS 78154

**SPECIFIC USE PERMIT EXHIBIT**

CLIENT: TROPHY PROPERTIES  
 DRAWN BY: BCS  
 DESIGNER: BCS  
 REVIEWER: AN/P/CS

SEC. PROJECT # 121.003

**SHEET**  
**EXH-1**

**ACREAGE:** 4.336 ACRES  
**SURVEY NAME & ABSTRACT:** TORIBIO HERRERA SURVEY NO. 68 ABSTRACT NO. 153  
**COUNTY:** GUADALUPE  
**PREPARATION DATE:** 1/8/2024

Plot Modified: Jan 08 24 - 10:32  
 Drawing: S:\02\_Projects\121 - Site Plan\_SUP - SITE PLAN\_SUP 1/9/2024 10:33 AM  
 121.003 - CS100 - CS100 - Retail & Gas Station\01 - CHA\01-Exhibit\121.003 - CS100 - SITE PLAN\_SUP.dwg