

ORDINANCE NO. 24-S-147

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 1.61 ACRES OF LAND, LOCATED AT THE INTERSECTION OF SCHAEFER ROAD & FM 1518, ALSO KNOWN AS: 11786 SCHAEFER ROAD, BEXAR COUNTY PROPERTY IDENTIFICATION NUMBER: 1396038, CITY OF SCHERTZ, BEXAR COUNTY, TEXAS.

WHEREAS, an application for a Specific Use Permit to allow for an operation of a convenience store with gas pumps on approximately 1.61 acres of land, located at the intersection of Schaefer Road and FM 1518, also known as: 11786 Schaefer Road, and 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 August 7, 2024, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation to City Council to deny the requested Specific Use Permit with conditions; and

WHEREAS, on September 17, 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and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.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"

Survey
&
Specific Use Permit Exhibit



**FIELD NOTES
FOR
A 1.6081 ACRE TRACT**

A **1.6081 acre** tract of land, out of the J. Leal Survey No. 79, Abstract 424, County Block 5058 and being out of a remaining portion of a 30.06 acre tract of land conveyed to Fred Development, LLC of record in Volume 15244 Page 103 of the Official Public Records of Real Property of Bexar County, Texas (OPR) and being more particularly described by metes and bounds as follows:

BEGINNING at a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying" in the northwest right-of-way line of Brook Orchard, a variable width right-of-way, for the southeast corner of Lot 1, Block 6 of the Willow Gove Estates Unit 1, a subdivision plat of record in Volume 9649 Page 147 of the Deed and Plat Records of Bexar County, Texas (DPR), the southwest corner of the remaining 30.06 acre tract and the tract described herein;

THENCE: N 30°10'30" W along and with the northeast line of Lots 1-5, Block 6 and a 5' drainage right-of-way of the Willow Grove Estates Unit 1, at a distance of 419.10 feet passing a scribed "x" in concreted , for the northeast corner of the 5' drainage right-of-way and continuing for a total distance of **426.60 feet** to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying" in the southeast right-of-way line of Schaeffer, a variable width right-of-way, for the northwest corner of the remaining 30.06 acre tract and the tract described herein;

THENCE: N 59°47'47" E along and with the southeast right-of-way line of Schaeffer and the northwest line of the remaining 30.06 acre tract, a distance of **122.02 feet** to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying", for the north corner of the tract described herein, from which a found Texas Department of Transportation Type I Monument, for the original cutback Schaeffer with F.M. 1518, an variable width right-of-way bears, N 59°47'47" E, a distance of 28.00 feet;

THENCE: along and with the southwest right-of-way line of F.M. 1518 the following two (2) courses:

1. **S 75°31'59" E**, a distance of **70.27 feet** to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying", for an angle point of the tract described herein, and
2. **S 30°10'30" E**, a distance of **338.29 feet** to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying" in the northwest cutback of F.M. 1518 with Brook Orchard, for the easterly southeast corner of the tract described herein;

THENCE: along and with the northwest cutback line and the northwest right-of-way line of Brook Orchard the following three (3) courses:

1. **S 14°47'54" W**, a distance of **29.50 feet** to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying", for point of curvature to the left and angle point of the tract described herein,
2. with a non-tangent curve to the **left** having an arc of **48.23 feet**, a radius of **500.00 feet**, a delta of **05°31'36"** and a chord bears **S 54°52'26"W**, a distance of **48.21 feet** to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying", for a point of tangency of the tract described herein, and
3. **S 52°06'38" W**, a distance of **104.08 feet** to the ~~POINT OF BEGINNING~~ and containing 1.6081 acres or 70,050 square feet more or less, in Bexar County, Texas. Said tract being described in accordance with a survey prepared by KFW Surveying. Bearings are based on NAD83 Texas State Plane South Central Zone.

Job No.: 21-080
Prepared by: KFW Surveying
Date: June 9, 2021
File: S:\Draw 2021\21-080 FM 1518 and Schaefer Rd\DOCS\FN 1.6081ac tract.docx

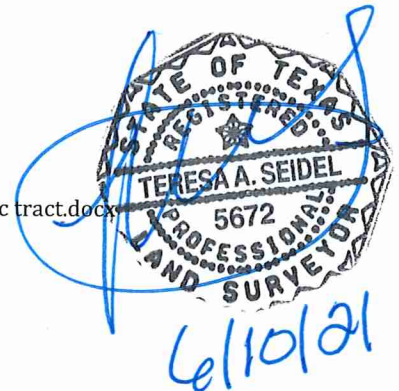
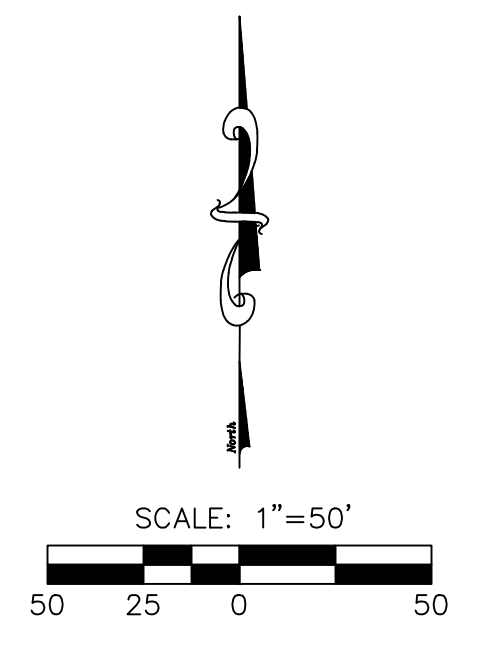
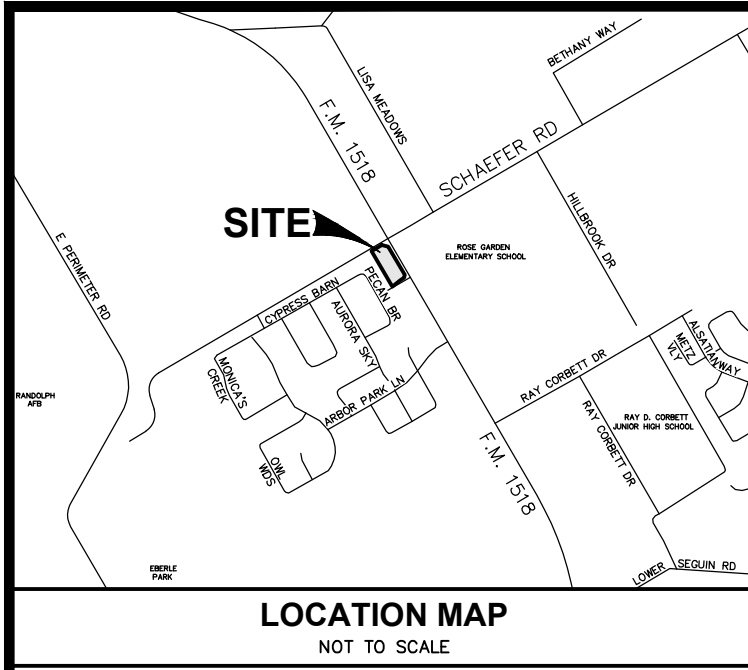


Exhibit A: SUP Exhibit



LEGEND

- PROPERTY BOUNDARY
- - - ADJACENT PROPERTY RECORD INFORMATION
- (---) WASTEWATER LINE
- WATER LINE
- MINOR CONTOUR
- MAJOR CONTOUR
- 200' NOTIFICATION BOUNDARY

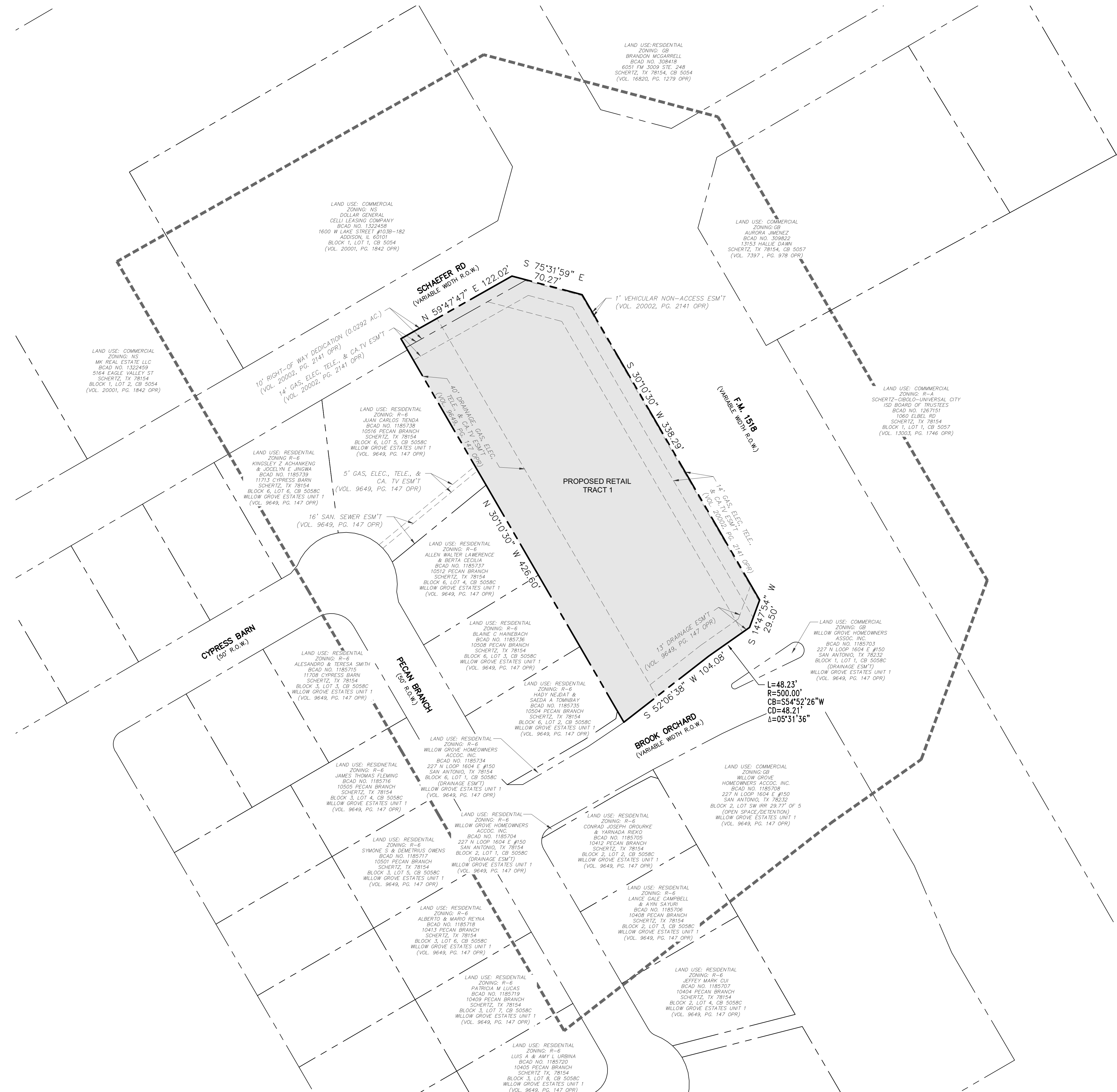
RECORD OWNERS/DEVELOPERS:
 TEG SCHERTZ VENTURES, LLC
 BCAD NO. 1396038
 SCHAEFER RD
 SCHERTZ, TX 78154
 BLOCK 6, LOT 20, CB 5058C
 J. LEAL SURVEY NO. 79, ABS 424
 (VOL. 20002, PG. 2141 OPR)

**11786 SCHAEFER RD
 SPECIFIC USE PERMIT TRACT 1**

LOT 20, BLOCK 6, C.B. 5058C OF THE WILLOW GROVE ESTATES COMMERCIAL RECORDED IN VOLUME 20002, PAGE 2141 IN THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS.

ACCORDING TO FLOOD INSURANCE MAP, PANEL 48029C0295F, DATED 9/29/2010, IS LOCATED IN ZONE X AND IS NOT WITHIN THE 100-YEAR FLOODPLAIN.

TRACT	ACREAGE	EXIST. ZONING	PROP. ZONING
1	1.61	GB	GB



REVISIONS:

NO.	DATE	DESCRIPTION

OWNER:
 TEG SCHERTZ VENTURE, LLC
 7801 N LAMAR, STE. B168
 AUSTIN, TX 78752

SCHAEFER RD STRIP CENTER
 WILLOW GROVE ESTATES COMMERCIAL
 11786 SCHAEFER RD
 SCHERTZ, TEXAS 78154
 BEING 1.597 ACRES OF THE J. LEAL SURVEY NO. 79, ABSTRACT 424, BEXAR COUNTY, TEXAS, AS SHOWN ON THE ATTACHED FLOOD INSURANCE MAP, PANEL 48029C0295F, DATED 9/29/2010, IS LOCATED IN ZONE X AND IS NOT WITHIN THE 100-YEAR FLOODPLAIN. ESTATE COMMERCIAL RECORDED IN VOLUME 20002, PAGE 2141 IN THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS.

SPECIFIC USE PERMIT EXHIBIT

DESIGNED BY: AJB
 DRAWN BY: CT
 SCALE: 1"=50'
 DATE: 10/3/23
 SHEET NO.

