

ORDINANCE 25-S-009

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS TO APPROVE A SPECIFIC USE PERMIT TO ALLOW FOR A NURSERY, MAJOR ON APPROXIMATELY 4.3 ACRES OF LAND KNOWN AS COMAL COUNTY PROPERTY IDENTIFICATION NUMBER 75307, ALSO KNOWN AS 7444 FM 482, CITY OF SCHERTZ, COMAL COUNTY, TEXAS

WHEREAS, an application for a Specific Use Permit to allow for an operation of a Nursery, Major located at 7444 FM 482, known as Comal County Property Identification Number 75307, 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 zoning (the “Criteria”); and

WHEREAS, on February 5, 2025, 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 March 4, 2025, 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 Nursery, Major conditioned upon the following occurring:

- a) A building permit is approved within two years of the adoption of the Specific Use Permit Ordinance
- b) The applicant is not required to build an 8-foot masonry wall as required per Unified Development Code Section 21.9.7.D.14.b.ii provided the applicant increases the landscaping in the 20-foot buffer surrounding the property.

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and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.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 and ADOPTED, this ____ day of _____ 2025.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheree Courney, Deputy City Secretary

Exhibit "A"

Metes and Bounds
&
Survey

METES AND BOUNDS

Being 4.328 acres, more or less, out of the Rafael Garza Survey No. 98, Abstract 175, Comal County, Texas, and being that same tract described in Warranty Deed with Vendor's Lien recorded in Document No. 201506023730, Official Public Records of Comal County, Texas, said 4.328 acres being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for the northeast corner of this 4.328 acres, same being the South corner of the Mark Jenschke 0.721 acres (Conveyed in Document No. 202306006590, Described in Document No. 202106028090) and on the northwest Right-of-Way of F.M. 482, same also being the **POINT OF BEGINNING**;

THENCE along the northwest Right-of-Way of said F.M. 482 the following courses and distances:

South 29 degrees 16 minutes 21 seconds West (called South 29 degrees 43 minutes 43 seconds West), a distance of 468.13 feet to a 1/2 inch iron rod capped WALs set for an exterior corner of this 4.328 acres;

North 61 degrees 01 minutes 22 seconds West (called North 60 degrees 34 minutes 00 seconds West), a distance 92.30 feet to a 1/2 inch iron rod capped WALs set for an interior corner of this 4.328 acres;

South 28 degrees 58 minutes 38 seconds West (called South 29 degrees 26 minutes 00 seconds West), a distance of 50.00 feet to a 1/2 inch iron rod capped WALs set for an interior corner of this 4.328 acres;

South 16 degrees 01 minutes 22 seconds East (called South 15 minutes 34 minutes 00 seconds East), a distance of 106.70 feet to a 1/2 inch iron rod capped WALs set for an exterior corner of this 4.328 acres;

South 28 degrees 58 minutes 38 seconds West (called South 29 degrees 26 minutes 00 seconds West), a distance of 33.37 feet (called 33.49 feet) to a 1/2 inch iron rod capped WALs set for the South corner of this 4.328 acres, same being an exterior corner of the Hollis Lee Wooldridge, et ux 12.00 acres (Volume 985, Page 240);

THENCE along the lines common to this 4.328 acres and said Wooldridge 12.00 acres the following courses and distances:

North 30 degrees 27 minutes 12 seconds West (called North 29 degrees 59 minutes 50 seconds West), a distance of 512.43 feet (called 512.46 feet) to a 1/2 inch iron rod found for the West corner of this 4.328 acres, same being an interior corner of said Wooldridge 12.00 acres;

North 59 degrees 03 minutes 46 seconds East (called North 59 degrees 31 minutes 08 seconds East), a distance of 483.39 feet (called 483.32 feet) to a 1/2 inch iron rod found for the North corner of this 4.328 acres, same being on a southeast line of the Lorad Trust 5-06-2022 10.00 acres (Document No. 202206023724) and for the West corner of said Jenschke 0.721 acres;

THENCE along the line common to this 4.328 acres and said Jenschke 0.721 acres, South 47 degrees 37 minutes 48 seconds East (called South 47 degrees 13 minutes 15 seconds East), a distance of 224.25 feet (called 224.27 feet) to the **POINT OF BEGINNING**, and containing 4.328 acres of land, more or less.

I hereby certify that these field notes were prepared from an actual survey made on the ground under my supervision and are true and correct to the best of my knowledge and belief. A survey plat of the above described tract prepared this day is hereby attached to and made a part hereof. Bearings shown herein are based on actual GPS observations, Texas State Plane Coordinates, South Central Zone, Grid.

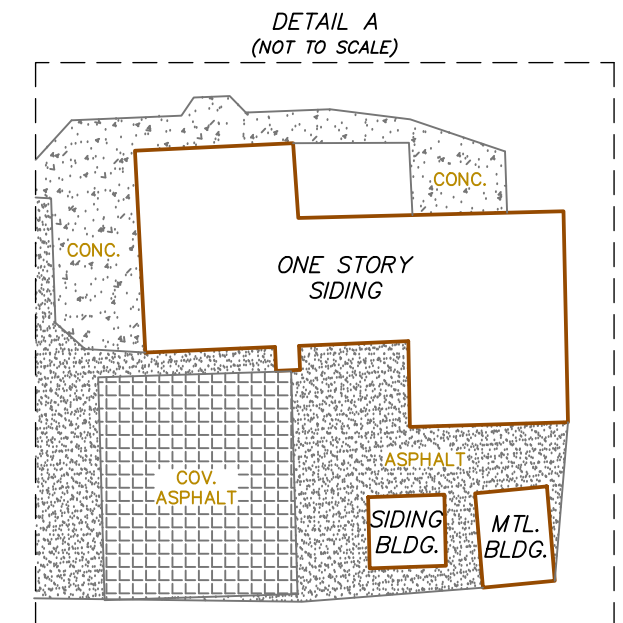
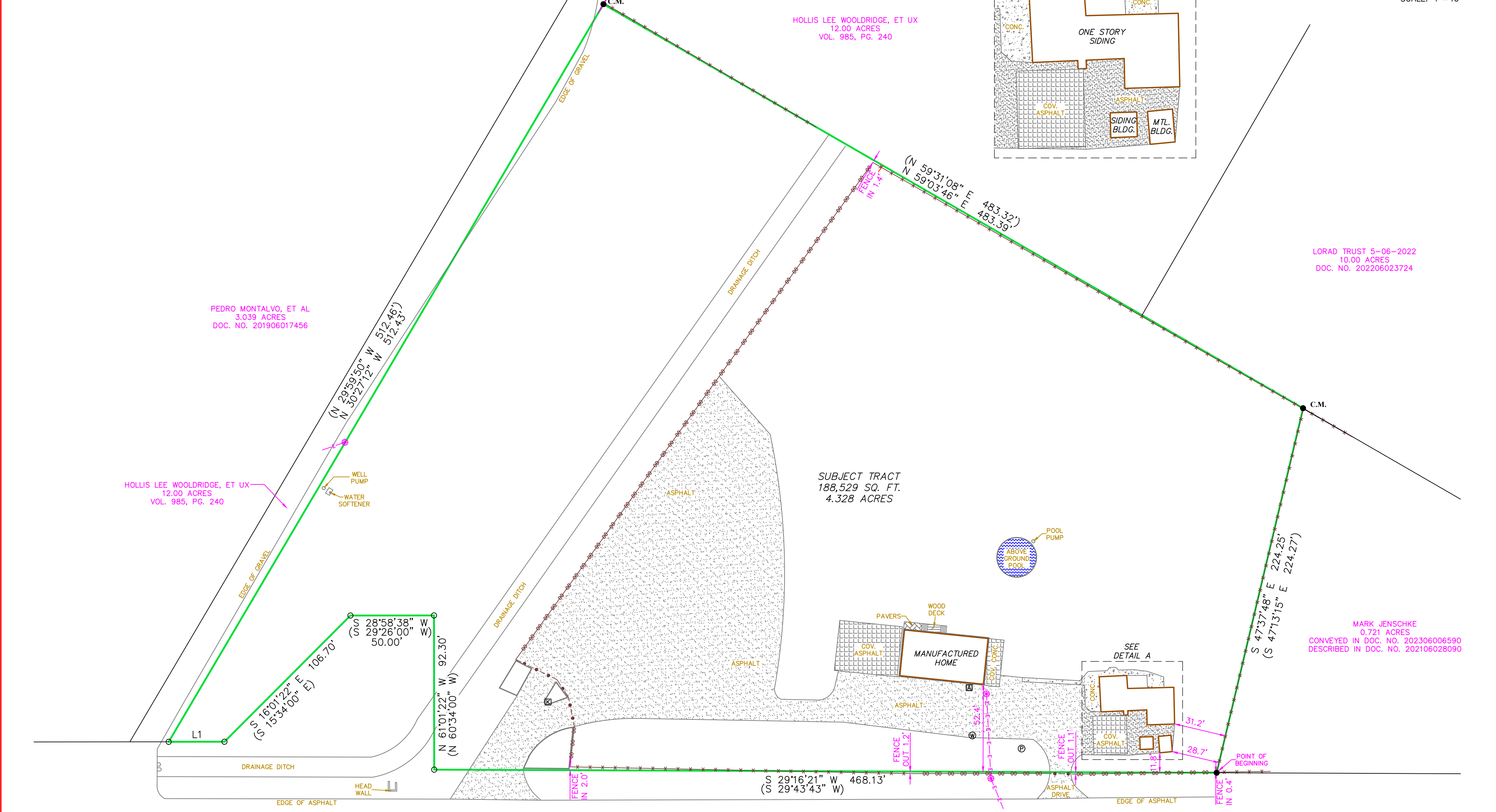
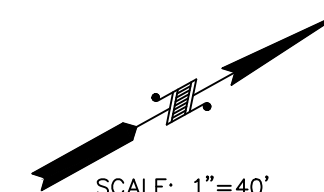


Mark J. Ewald
Registered Professional Land Surveyor
Texas Registration No. 5095
August 11, 2022



FLOOD ZONE INTERPRETATION: IT IS THE RESPONSIBILITY OF ANY INTERESTED PERSONS TO VERIFY THE ACCURACY OF FEMA FLOOD ZONE DESIGNATION OF THIS PROPERTY WITH FEMA AND STATE AND LOCAL OFFICIALS, AND TO DETERMINE THE EFFECT THAT SUCH DESIGNATION MAY HAVE REGARDING THE INTENDED USE OF THE PROPERTY. The property made the subject of this survey appears to be included in a FEMA Flood Insurance Rate Map (FIRM), identified as Community No. 48091E, Panel No. 0440 E, which is Dated 9/27/2009. By scaling from that FIRM, it appears that all or a portion of the property may be in Flood Zone(s) X1. Because this is a boundary survey, the survey did not take any actions to determine the Flood Zone status of the surveyed property other than to interpret the information set out on FEMA's FIRM, as described above. THIS SURVEYOR DOES NOT CERTIFY THE ACCURACY OF THIS INTERPRETATION OF THE FLOOD ZONES, which may not agree with the interpretations of FEMA or state or local officials, and which may not agree with the tract's actual conditions. More information concerning FEMA's Special Flood Hazard Areas and Zones may be found at <https://msc.fema.gov/portal>.

LINE BEARING	DISTANCE
L1 S 28°58'38" W (S 29°26'00" W)	33.37' (33.49')



FM 482
(VARIABLE WIDTH R.O.W.)

ACCEPTED BY: _____

FIRM REGISTRATION NO. 10111700

Westar Alamo
LAND SURVEYORS, L.L.C.
P.O. BOX 1645 BOERNE, TEXAS 78006
PHONE (210) 372-9500 FAX (210) 372-9999

- LEGEND**
- SET MARK NAIL
 - SET 1/2" IRON ROD CAPPED WALS
 - FOUND 1/2" IRON ROD
 - RECORD INFORMATION
 - B.S. BUILDING SETBACK
 - CONTROLLING MONUMENT
 - WATER METER
 - PROPANE
 - KEYPAD
 - A/C PAD
 - POWER POLE
 - OVERHEAD ELECTRIC
 - WIRE FENCE
 - CHAIN LINK FENCE
 - METAL FENCE
- DWG: CS RVD: MJE

Property Address:
7444 FM 482

Property Description:
Being 4.328 acres, more or less, out of the Rafael Garza Survey No. 98, Abstract 175, Comal County, Texas, and being that same tract described in Warranty Deed with Vendor's Lien recorded in Document No. 201506023730, Official Public Records of Comal County, Texas, said 4.328 acres being more particularly described by metes and bounds attached hereto.

Owner:
T.B.D.



NOTE:
NO RESTRICTIVE COVENANTS OF RECORD WERE FOUND.

NOTE:
PRIOR SURVEY (WESTAR JOB NO. 123287) WAS USED FOR REFERENCE.

NOTE:
BEARINGS SHOWN HEREON ARE BASED ON ACTUAL GPS OBSERVATIONS, TEXAS STATE PLANE COORDINATES, SOUTH CENTRAL ZONE, GRID.

NOTE:
THE SIGNING SURVEYOR WAS NOT PROVIDED A CURRENT TITLE COMMITMENT AND THERE MAY BE EASEMENTS, RIGHTS OF WAY OR OTHER INSTRUMENTS OF RECORD WHICH MAY AFFECT THIS PROPERTY WHICH ARE NOT SHOWN ON THE FACE OF THIS SURVEY.

I, MARK J. EWALD, Registered Professional Land Surveyor, State of Texas, certify that the above plot represents an actual survey made on the ground under my supervision, and that my professional opinion is that there are no discrepancies, conflicts, shortages in area or boundary lines, or any encroachment or overlapping of improvements, except as may appear herein, to the best of my knowledge and belief.

Mark J. Ewald
MARK J. EWALD
Registered Professional Land Surveyor
Texas Registration No. 5095