

ORDINANCE NO. 23-S-33

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS TO APPROVE A SPECIFIC USE PERMIT TO ALLOW FOR A TRUCK TERMINAL ON APPROXIMATELY 4 ACRES OF LAND, LOCATED APPROXIMATELY 660-FEET WEST OF THE INTERSECTION OF BAUGH LANE AND SCHWAB ROAD, COMAL COUNTY PROPERTY IDENTIFICATION NUMBER 464879, SCHERTZ, COMAL COUNTY, TEXAS.

WHEREAS, an application for a Specific Use Permit to allow a truck terminal on approximately 4 acres of land, located approximately 660-feet west from the intersection of Baugh Lane and Schwab Road, also known as Comal County Property ID 464879, 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 Truck Terminal; 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 Comal County Property Identification Number 464879, more particularly described in the attached Exhibit A and Exhibit B, is hereby approved to allow a Truck Terminal 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and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.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 19th day of December 2023.

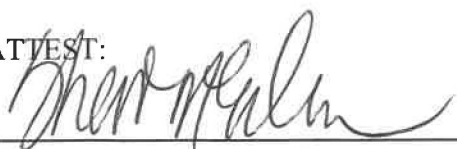
PASSED, APPROVED and ADOPTED ON SECOND READING, the 9th day of January 2024.

CITY OF SCHERTZ, TEXAS



Ralph Gutierrez, Mayor

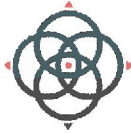
ATTEST:



Sheila Edmondson, City Secretary



Exhibit "A"
Property Description



WINDROSE
LAND SURVEYING | PLATTING

**DESCRIPTION OF
4.015 ACRES OR 174,870 SQ. FT.**

A TRACT OR PARCEL CONTAINING 4.015 ACRES OR 174,870 SQUARE FEET OF LAND, SITUATED IN THE CARROL M. GAHAGAN JR. SURVEY NO. 258, ABSTRACT NO. 182 AND THE JUAN FRANCISCO ZEPEDA SURVEY NO. 257, ABSTRACT NO. 658, COMAL COUNTY, BEING OUT OF A CALLED 25.185 ACRE TRACT, CONVEYED TO SAN ANTONIO ONE LIMITED PARTNERSHIP, AS RECORDED IN VOL. 803, PG. 781, OF THE COMAL COUNTY DEED RECORDS (C.C.D.R.), WITH SAID 4.015 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD83):

COMMENCING AT A 5/8 INCH IRON ROD FOUND FOR THE WEST CORNER OF A CALLED BAUGH LANE (60' WIDTH), AS RECORDED IN PLAT DOCUMENT NO. 201006026626, OF THE COMAL COUNTY PLAT RECORDS (C.C.P.R.), AND AN INTERIOR CORNER OF LOT 2, BLOCK 2, SYSCO-CENTRAL TEXAS, PLAT DOCUMENT NO. 201006026626, C.C.P.R.:

THENCE, NORTH 88 DEG. 24 MIN. 59 SEC. EAST, OVER AND ACROSS SAID BAUGH LANE, A DISTANCE OF 122.00 FEET, TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET ON THE SOUTH LINE OF SAID BAUGH LANE, BEING THE WEST CORNER OF LOT 1, BLOCK 2, QT 4032, AS RECORDED IN PLAT DOCUMENT NO. 202106053844, C.C.P.R., BEING THE NORTHEAST CORNER AND **POINT OF BEGINNING** OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 31 DEG. 02 MIN. 26 SEC. EAST, WITH THE WEST LINE OF LOT 1 AND LOT 2, OF SAID QT 4032, A DISTANCE OF 335.00 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, OVER AND ACROSS AFORESAID 25.185 ACRE TRACT, THE FOLLOWING THREE (3) COURSES AND DISTANCES:

SOUTH 58 DEG. 57 MIN. 34 SEC. WEST, A DISTANCE OF 522.00 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

NORTH 31 DEG. 02 MIN. 26 SEC. WEST, A DISTANCE OF 335.00 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

NORTH 58 DEG. 57 MIN. 34 SEC. EAST, A DISTANCE OF 522.00 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 4.015 ACRES OR 174,870 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 57659, PREPARED BY WINDROSE LAND SERVICES, INC.

ROBERT KNESS
R.P.L.S. NO. 6486
STATE OF TEXAS
FIRM REGISTRATION NO. 10108800



5-12-2022
DATE:

Exhibit "B"
Specific Use Permit Exhibit

