

ORDINANCE NO. 20-0806-3

AN ORDINANCE OF THE CITY OF CHINA GROVE, TEXAS; AMENDING THE ZONING CODE BY AUTHORIZING A WAREHOUSING and STORAGE OPERATION AS A CONDITIONAL USE AT 7222 WHIPPOORWILL LN., Suite #1; CHINA GROVE, TEXAS; PROVIDING FOR NON-SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of China Grove, Texas has the authority to regulate the zoning of property pursuant to Texas Local Government Code Chapter 211; and

WHEREAS, in accordance with such authority City Council adopted a Zoning Ordinance (Ordinance No. 960711); and

WHEREAS, City Council amended Ordinance No. 960711, by the passage of Ordinance No. 200109-1 to allow “warehousing and storage” as Conditional Uses in the Class -2 Medium Intensity Land Use District; and

WHEREAS, City Council has been asked by the owner of property located at **7222 WHIPPOORWILL LN., Suite #1** to rezone the property to allow a warehousing and storage operation as a conditional use at said location;

WHEREAS, City Council provided members of the public to provide testimony and comments regarding the merits of the proposed zoning amendment and published notice of the public hearing by publication in the official city newspaper and by mailing notice as required by Texas Local Government Code Chapter 211.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHINA GROVE, TEXAS:

Section 1. Findings. The findings set out herein are found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes.

Section 2. Property subject to the Zoning Amendment. The Subject Property is the property located at **7222 WHIPPOORWILL LN. Suite #1**; China Grove, Texas. A legal description of the property is attached hereto as Exhibits “A”. The Subject Property is currently zoned “Class -2 Medium Intensity Land Use.”

Section 3. Conditional Use Permit. The Subject Property is hereby rezoned to Class -2 Medium Intensity Land Use – Conditional Use: “warehousing and storage operation;” subject to the conditions that follows:

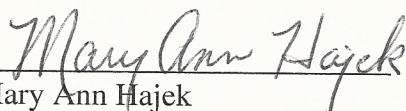
- The conditional use must comply with the site plan attached hereto as Exhibit “B”
- No Oxygen or oxygen cylinders shall be stored on premises inside or outside of building

Section 4. Cumulative Clause. This Ordinance shall be cumulative of all provisions of the City, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

Section 5. Non-Severability. This ordinance is not severable; and should any provision of this ordinance be found to be void or unenforceable by a court of competent jurisdiction then in such case this enter ordinance shall be void ab initio.

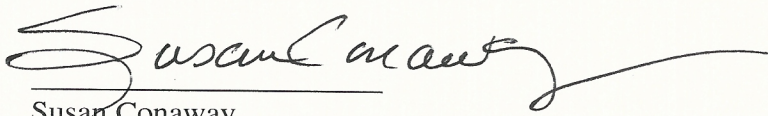
Section 6. Effective Date. This Ordinance shall take effect immediately from and after its passage.

PASSED, APPROVED, AND ADOPTED this 6th day of August 2020.



Mary Ann Hajek
Mayor

ATTEST:



Susan Conaway
City Secretary/Administrator

EXHIBIT "A"

A tract of land containing 0.286 acres out of the Northeast part of A.R. Broussard, Sr. 1.482 acre tract, out of John H. Lucas Survey 54, Abstract 430, County Block 5134, City of China Grove, Bexar County, Texas. Said 0.286 acre tract fronts on the South line of Whippoorwill Lane, about 9 miles in an Easterly direction from the Courthouse, Bexar County, Texas, commonly known as 7222 Whippoorwill, San Antonio, Texas 78263, being more particularly described as follows:

BEGINNING at a steel rod on the South line of Whippoorwill Lane for the Northwest corner of this tract and being South $75^{\circ} 39'$ East 119.40 feet along the South line of Whippoorwill Lane from the East line of Oma Drive;

THENCE with the South line of Whippoorwill Lane, South $75^{\circ} 39'$ East, 125.00 feet to an iron fence post set in concrete, the Northeast corner of this tract;

THENCE with fence along the East line of A.R. Broussard, Sr. tract, South $12^{\circ} 07'$ West, 100.00 feet to a steel rod, the Southeast corner of this tract;

THENCE North $75^{\circ} 39'$ West, 125.00 feet to a steel rod, the Southwest corner of this tract;

THENCE North $12^{\circ} 07'$ East, 100.00 feet to the POINT OF BEGINNING.

EXHIBIT "B"

