

ORDINANCE NO. 23-0202

AN ORDINANCE OF THE CITY OF CHINA GROVE, TEXAS; AMENDING THE ZONING ORDINANCE BY REZONING PROPERTY LOCATED AT 6750 US Highway 87 E, (Rigsby Ave), CHINA GROVE, TEXAS, TO AUTHORIZE OPERATION OF A PRIVATE RECREATION FACILITY AS A CONDITIONAL USE

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 has been asked by the owner of property located at **6750 U.S Highway 87 E (Rigsby Ave)**, to rezone the property to allow a **PRIVATE RECREATION OPERATION** as a conditional use at said location; and

WHEREAS, City Council invited 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 **6750 U.S Highway 87 E (Rigsby Ave)**, China Grove, Texas. A legal description of the property is attached hereto as **Exhibit "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: **Private Recreation Facility** subject to the conditions that follow:

- **A. All activities associated with this use are restricted to the 3,000 square feet building as outlined on the site plan attached hereto as **Exhibit "B"**, and all activities associated with the conditional use must be contained indoors; and**
- **B. The building must pass a certificate of occupancy inspection including appropriately marked fire lanes being established and appropriate locking mechanisms for gates installed as required by City adopted building and fire codes; and**
- **C. The use begins operation within two (2) years of the approval date of this Conditional Use Permit.**

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 be effective upon the date of adoption hereof and satisfying the conditions listed in **Section 3.** PASSED, APPROVED, AND ADOPTED on the 2 day Feb, 2023.


Mary Ann Hajek, Mayor

ATTEST:


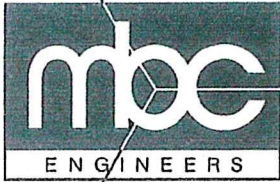

Susan Conaway
City Secretary

EXHIBIT A



MACINA • BOSE • COPELAND and ASSOCIATES, INC
CONSULTING ENGINEERS AND LAND SURVEYORS

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TBPE Firm Registration #784 | TBPLS Firm Registration #10011700 | SBE Certified #214046463
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METES AND BOUNDS DESCRIPTION
(TRACT 1)

1.697 ACRES OF LAND OUT OF AN 82.078 ACRE TRACT DEEDED TO J. & N. DEVELOPERS CORPORATION AND RECORDED IN VOLUME 4595, PAGE 409 OF THE DEED RECORDS OF BEXAR COUNTY, TEXAS AND OUT OF IDLE HOUR GARDENS SUBDIVISION, AS RECORDED IN VOLUME 980, PAGE 361, DEED AND PLAT RECORDS, BEXAR COUNTY, TEXAS, 1.697 BEING THE SAME PROPERTY DESCRIBED IN DEED RECORDED IN VOLUME 6981, PAGE 540, DEED RECORDS, BEXAR COUNTY, TEXAS. SAID 1.697 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

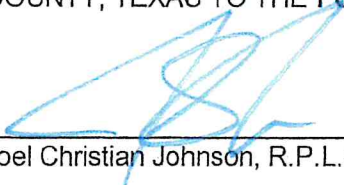
BEGINNING AT A 1/2" IRON ROD FOUND ON THE SOUTH RIGHT-OF-WAY LINE OF RIGSBY AVE (HIGHWAY 87) BEING THE NORTH LINE OF TRACT NO. 5 OF SAID IDLE HOUR GARDENS SUBDIVISION AND BEING THE NORTHWEST CORNER OF SAID 82.078 ACRE TRACT ALSO MARKING THE NORTHWEST CORNER OF THIS TRACT;

THENCE SOUTH 75 DEGREES 49 MINUTES 51 SECONDS EAST 204.05 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF RIGSBY AVE (HIGHWAY 87) TO A 5/8" IRON ROD FOUND MARKING THE NORTHEAST CORNER OF THIS TRACT;

THENCE SOUTH 13 DEGREES 58 MINUTES 41 SECONDS WEST 606.92 FEET TO A 1/2" IRON ROD SET WITH CAP MARKED "MBC ENGINEERS" MARKING THE SOUTHEAST CORNER OF THIS TRACT;

THENCE NORTH 78 DEGREES 58 MINUTES 38 SECONDS WEST 38.85 FEET ALONG THE NORTH LINE OF A 4.496 ACRE TRACT RECORDED IN VOLUME 17601, PAGE 1251, OFFICIAL PUBLIC RECORDS, BEXAR COUNTY, TEXAS TO A 1/2" IRON ROD FOUND MARKING THE SOUTHWEST CORNER OF THIS TRACT;

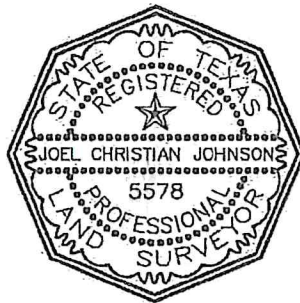
THENCE NORTH 01 DEGREES 11 MINUTES 20 SECONDS WEST 631.61 FEET ALONG THE EAST LINE OF A 9.583 ACRE TRACT RECORDED IN VOLUME 6173, PAGE 77, REAL PROPERTY RECORDS, BEXAR COUNTY, TEXAS TO THE **POINT OF BEGINNING**, AND CONTAINING 1.697 ACRES OF LAND.



Joel Christian Johnson, R.P.L.S.

9-10-17

Date



Survey drawing prepared this date to accompany this description
Basis of Bearings: Texas State Plane Coordinate System – South Central Zone - (NAD 83) (CORS)
Job No.: 31856-1669

