

ORDINANCE NO. 22-0316

**AN ORDINANCE OF THE CITY OF CHINA GROVE, TEXAS
AMENDING THE OFFICIAL ZONING MAP BY REZONING
APPROXIMATELY 160 ACRES OF LAND FROM CLASS 1 DISTRICT
TO PLANNED DEVELOPMENT DISTRICT (PDD)**

WHEREAS, the City of China Grove (“City”) is a Texas General Law Municipality operating under the laws of the State of Texas; and

WHEREAS, the City is empowered by Chapter 211 of the Texas Local Government Code to establish a zoning ordinance establishing zoning districts and permissible land uses within the incorporated limits of the City; and

WHEREAS, the City Council has previously adopted zoning regulations with the approval of Ordinance #960711 as amended; and

WHEREAS, the City Council may from time to time choose to amend, supplement, change or modify the City’s zoning regulations, boundaries, or classifications; and

WHEREAS, an application has been filed with the City to rezone approximately 160 acres of land generally located on the east side of Foster Road 1,800 feet south of the intersection of Foster Road and FM 1346 and more specifically described in Exhibit “A” (“Property”), from Class 1 District to Planned Development District and develop in accordance with the conceptual plan and development standards set forth in Exhibit “B” and Exhibit C attached here in; and

WHEREAS, on February 9, 2022, notice of a public hearing was published in the Wilson County News newspaper; and

WHEREAS, the City Council has duly held public hearings and given proper notice, as necessary, pertaining to changing zoning classifications; and

WHEREAS, on March 16, 2022, the City Council conducted a public hearing and after consideration determined that the requested zoning be approved as provided herein.

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

Section 1. The Property as shown and more particularly described in the attached Exhibit “A”, is hereby zoned Planned Development District (PDD) and shall develop in accordance with the conceptual plan and development standards set forth in Exhibit “B” and Exhibit “C” attached here in.

Section 2. The Official Zoning Map of the City of China Grove, shall be revised to reflect the above amendment.

Section 3. The foregoing recitals are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section 4. If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

Section 5. This Ordinance shall be cumulative of all provisions of ordinances of the City except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 6. This Ordinance shall be construed and enforced in accordance with the laws of the state of Texas and the United States of America.

Section 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Section 8. This Ordinance will take effect upon its adoption by the City Council.

PASSED AND APPROVED this 16th day of March 2022.

CITY OF CHINA GROVE, TEXAS

By: Mary Ann Hajek
Mary Ann Hajek, Mayor

ATTEST:

Leslie Bettice

Leslie Bettice, City Secretary



Exhibit A

Foster Commerce Center Legal Description

159.931 acres of land, being the combined land of: a called 58.94 acre tract in the A. A Gardiner Survey No. 56, Abstract No. 75, County Block No. 5126, Bexar County, Texas and being the same land conveyed to Texas Commerce Bank, N.A., as successor Trustee of the Page Southerland Page Retirement Plan in a deed of record in Volume 7256, Page 1386 of the Official Public Records of Real Property, Bexar County, Texas and being further described in a conveyance to NCNB Texas National Bank, Successor Trustee in a deed of record in Volume 5188, Page 455 of the Official Public Records of Real Property, Bexar County, Texas; and a called 100.947 acre tract out of a 161 Acre Tract out of the Aaron A. Gardiner Survey No. 56, Abstract 275, County Block 5126, recorded in Volume 3037, Page 153, Deed Records, Bexar County, Texas, all being more particularly described as follows;

Commencing at 1" iron pipe found at the corner common to Lots 93, 94 and Foster Road of the aforementioned County Block 5875-A, Gardendale Acreage No. 2;

Thence South 00°11'31" East, a distance of 607.78 feet to the Southwest corner of Lot 99, County Block 5875-A, Gardendale Acreage No. 2 and the Northwest corner of the aforementioned called 100.947 acre tract;

Thence South 76°25'45" East along the South lines of Lots 99-123, a distance of 3903.85 feet to a 1" iron pipe found at the common Northerly corner with a tract currently owned by Kristin Morgan;

Thence South 12°49'23" West along the Morgan line and continuing along the common line with a tract owned by Tom Gillette, a distance of 1904.65 feet to a ½" iron bar found at the Southerly corner common with Gillette;

Thence North 76°24'49" West along the North line common with the Mesquite Trails Subdivision, a distance of 3462.46 feet to a ½" iron bar found at the corner common to the aforesaid called 58.94 acre tract, land currently owned by Dag LLC and the East right of way line of South Foster Road;

Thence North 00°11'31" West along said East right of way, a distance of 429.51 feet to a ½" iron bar found at the Southwest corner of the Hunt lands called a 1.0598 acres;

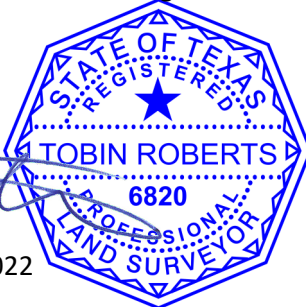

Thence South 76°30'26" East along the South line of said Hunt lands, a distance of 206.42 feet;

Thence North 10°39'19" East along the East line of said Hunt lands, a distance of 217.47 feet;

Thence North 82°49'15" West along the North line of said Hunt lands, a distance of 243.50 feet to the East right of way of South Foster Road;

Thence North 00°11'31" West along said right of way, a distance of 1334.33 feet to the true POINT OF BEGINNING.

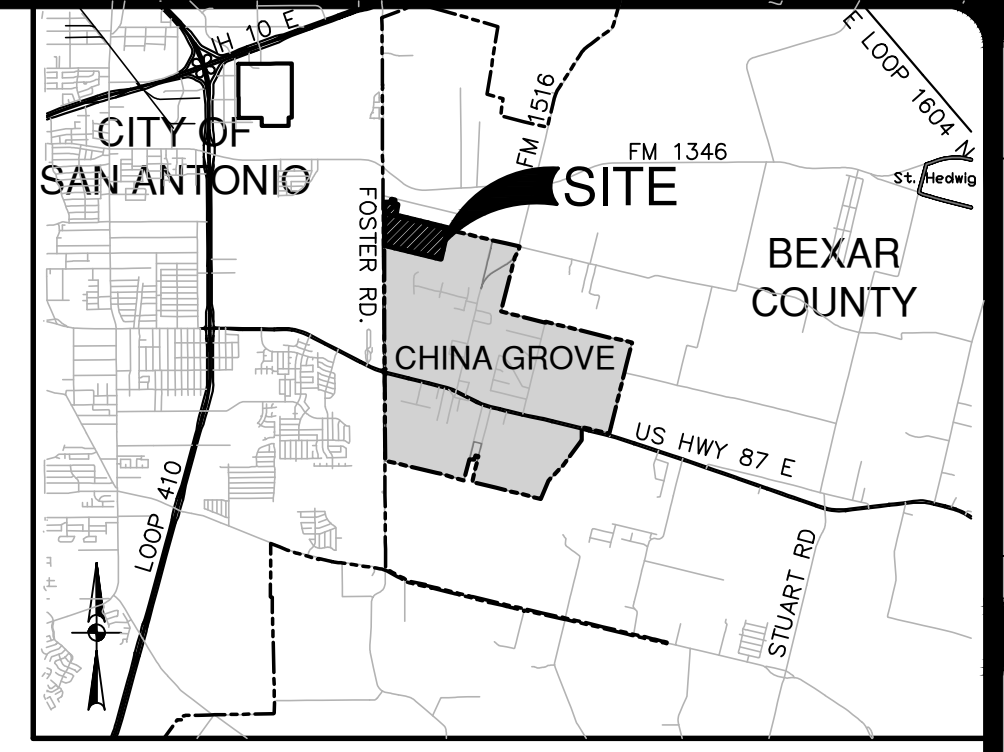
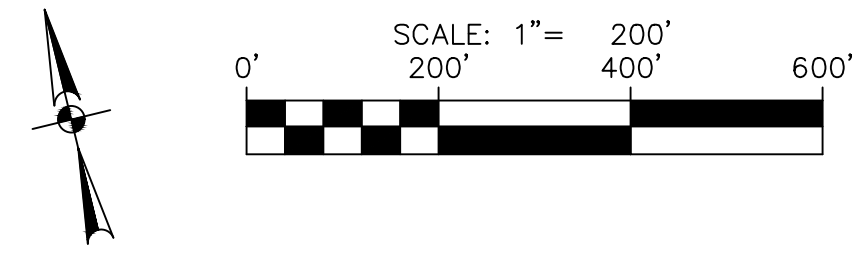
NOTES: The basis of bearings for this boundary is the Texas Coordinate System of 1983, South Central Zone, based upon GPS measurements, according to the GPS Reference Network. The metes and bounds description contained herein was based on a ground survey performed by this surveyor dated 11/10/2021 as Project IN-3775.

A blue circular seal for a Registered Professional Land Surveyor in the State of Texas. The seal contains a star in the center and the text "STATE OF TEXAS REGISTERED TOBIN ROBERTS 6820 PROFESSIONAL LAND SURVEYOR".

Tobin R. Roberts, January 24, 2022

Tx. RPLS 6820 Firm Registration 10194620

Exhibit B 1 of 2



LOCATION MAP
NOT-TO-SCALE



LEGEND

- PROPERTY LINE
- LOT LINE
- SETBACK LINE
- PHASE LINE
- EXISTING CURB/PAVEMENT EDGE
- PROPOSED CURB
- PUBLIC SANITARY SEWER (8")
- PUBLIC WATER MAIN (12")
- PROPOSED STRUCTURE
- PROPOSED PAVEMENT

ABBREVIATIONS

- G GAS
- MH MANHOLE
- OPR OFFICIAL PUBLIC RECORDS
- PG PAGE
- SD STORM DRAIN
- SS SANITARY SEWER
- VOL VOLUME
- W WATER

NOTES

1. THE THOROUGHFARE ALIGNMENTS SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DO NOT SET THE ALIGNMENT. ALIGNMENT IS DETERMINED AT TIME OF FINAL PLAT.
2. LOT AND BLOCK NUMBERS SHOWN ARE ASSUMED - TO BE CONFIRMED DURING PLATTING PROCESS.
3. EXACT LOCATION OF PROPOSED UTILITIES, UTILITY EASEMENTS, AND DETENTION AREAS TO BE CONFIRMED DURING PLATTING AND DESIGN PROCESS.
4. SHARED CROSS ACCESS EASEMENTS SHALL BE PROVIDED BETWEEN ALL LOTS TO FACILITATE FIRE PROTECTION EQUIPMENT ACCESS AND CIRCULATION (TO BE DETERMINED DURING PLATTING AND PERMITTING PROCESS)

LANDSCAPE/EASEMENTS

SEE LANDSCAPE AND EASEMENT SHEET 2 OF 2 FOR ADDITIONAL INFORMATION

FLOODPLAIN

ACCORDING TO FLOOD INSURANCE RATE MAP PANEL 48029C04406 THE PROPERTY IS LOCATED IN ZONE X AND IS NOT WITHIN THE 100-YEAR FLOODPLAIN.

LAND USE SUMMARY	
PHASING	THREE PHASES
LAND USE	INDUSTRIAL
EXISTING ZONING	CLASS I
DEVELOPMENT DATES (BY PHASE)	PHASE 1 (LOTS 2&6) 2022-23
	PHASE 2 (LOTS 3-5) 2023-24
	PHASE 3 (LOTS 1&7) 2024-25
BUILDABLE LOTS	7

NO.	REVISION	DATE

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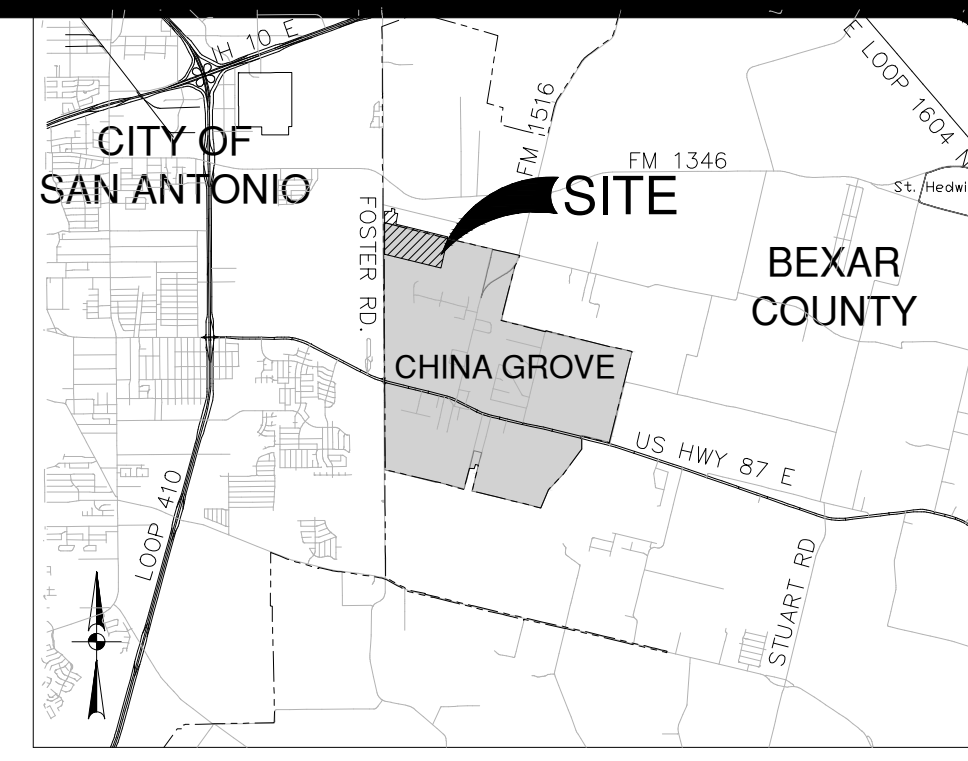
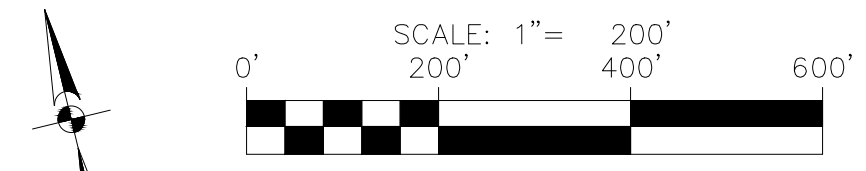
PAPE-DAWSON ENGINEERS
 SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS
 2000 HW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000
 TEXAS ENGINEERING FIRM #470 | TEXAS SURVEYING FIRM #10028800

FOSTER COMMERCE CENTER (159.9 AC.)
 CHINA GROVE, TEXAS
 CONCEPT PLAN (1 OF 2)

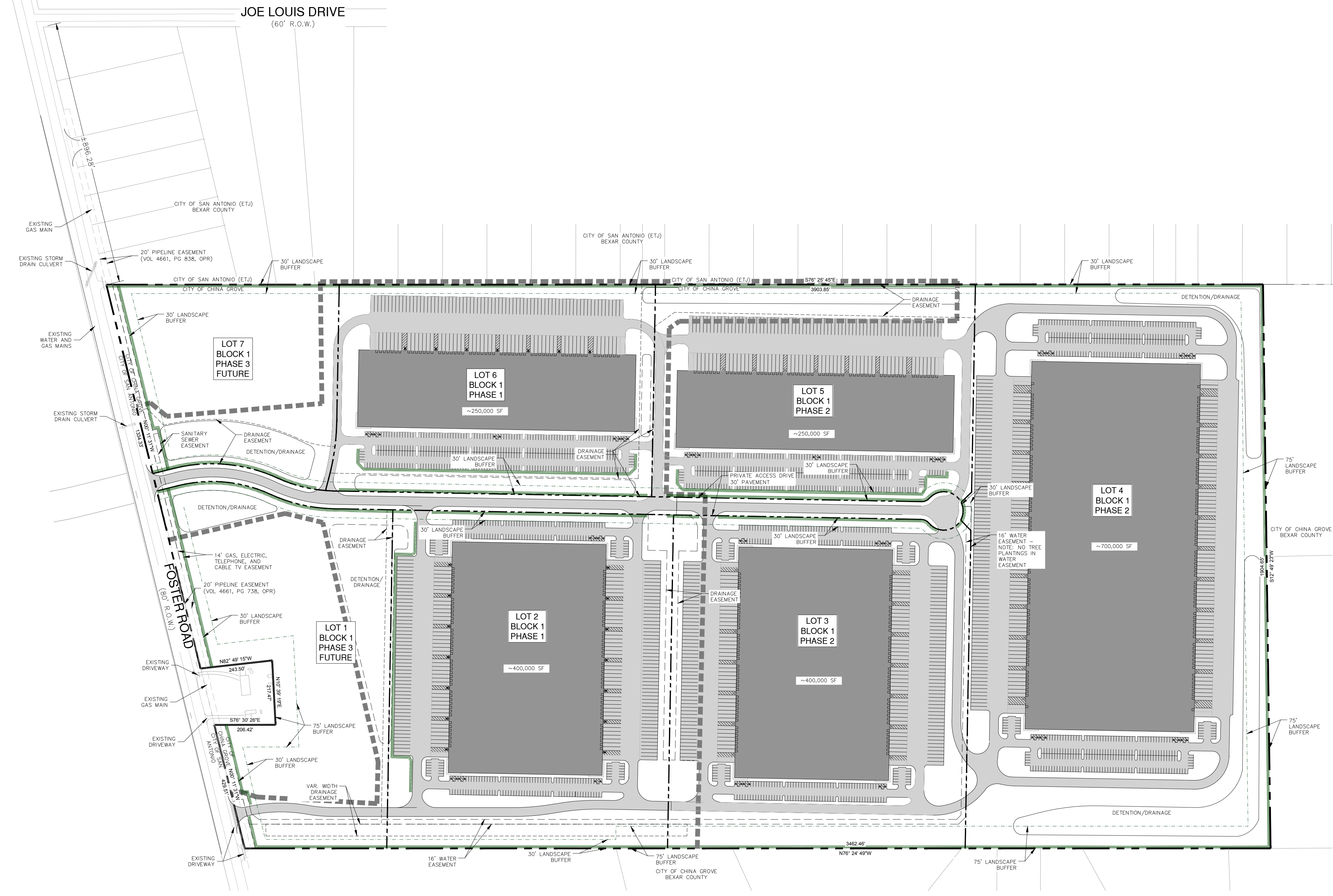
PLAT NO.	
JOB NO.	12527-00
DATE	JANUARY 2022
DESIGNER	SW
CHECKED	SW DRAWN JF
SHEET	CP-1

Date: Mar 10, 2022, 8:24am User: d_rion Design: Exhibits\220319-Concept Plan 1of2.dwg
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Exhibit B 2 of 2



LOCATION MAP
NOT-TO-SCALE



LEGEND

- PROPERTY LINE
- LOT LINE
- SETBACK LINE
- PHASE LINE
- EXISTING CURB/PAVEMENT EDGE
- PROPOSED CURB
- PROPOSED STRUCTURE
- PROPOSED PAVEMENT
- PROPOSED PLANTING/ LANDSCAPE AREAS

ABBREVIATIONS

- G GAS
- MH MANHOLE
- OPR OFFICIAL PUBLIC RECORDS
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- SD STORM DRAIN
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4. SHARED CROSS ACCESS EASEMENTS SHALL BE PROVIDED BETWEEN ALL LOTS TO FACILITATE FIRE PROTECTION EQUIPMENT ACCESS AND CIRCULATION (TO BE DETERMINED DURING PLATTING AND PERMITTING PROCESS)
5. LANDSCAPING AND TREES WITHIN OR ABUTTING ELECTRIC EASEMENTS TO BE LIMITED TO SMALL SPECIES (REFER TO CITY PUBLIC SERVICE GUIDANCE). NO TREES SHALL BE PLANTED WITHIN WATER OR SEWER EASEMENTS.

FLOODPLAIN

ACCORDING TO FLOOD INSURANCE RATE MAP PANEL 48029C0440C THE PROPERTY IS LOCATED IN ZONE X AND IS NOT WITHIN THE 100-YEAR FLOODPLAIN.

LAND USE SUMMARY

PHASING	THREE PHASES
LAND USE	INDUSTRIAL
EXISTING ZONING	CLASS I
DEVELOPMENT DATES (BY PHASE)	PHASE 1 (LOTS 2&6) 2022-23
	PHASE 2 (LOTS 3-5) 2023-24
	PHASE 3 (LOTS 1&7) 2025-26
BUILDABLE LOTS	7

NO.	REVISION	DATE

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PAPE-DAWSON ENGINEERS
 SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS
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 TEXAS ENGINEERING FIRM #470 | TEXAS SURVEYING FIRM #10028800

FOSTER COMMERCE CENTER (159.9 AC.)
 CHINA GROVE, TEXAS
CONCEPT PLAN - LANDSCAPE AND EASEMENTS (2 OF 2)

PLAT NO.	
JOB NO.	12527-00
DATE	JANUARY 2022
DESIGNER	SW
CHECKED	SW DRAWN JF
SHEET	CP-2

Date: Mar 09, 2022, 4:36pm User: d_rhodes
 File: P:\12527\00\Design\Exhibits\202309-Concept Plan_2of2.dwg
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Exhibit C

Development Standards for Planned Development District
(PDD) for Foster Commerce Center

PURPOSE STATEMENT

To provide a planned development district (PDD) consistent with modern industrial facilities.

PDD Conforming Statement

The proposed PDD will conform with the base zoning district unless specifically addressed within the proposed development standards.

Base Zoning District

The property within this PDD will develop in accordance with the base zoning of Class 2 with modifications as identified in these development standards. The property will develop in accordance with the current zoning ordinance as amended except as expressly stated in these development standards.

List of Zoning Deviations

The following lists all exemptions, modifications or additions for this PDD to the City's current zoning ordinance as amended:

Section 3 (Definitions) – Addition of definitions

The following definitions shall be added:

33. **Building Setback:** The minimum distance by which any primary building must be separated from a lot line.
34. **Landscape Buffer:** A strip of land with natural or landscaped vegetation located between a building and a property line intended to separate two adjacent land uses or properties from one another. The Landscape buffer may include any required screening for the site, landscaped stormwater detention, and driveways which cross the buffer.
35. **Canopy Tree:** a tree from the recommended canopy tree list found in the "Trees for the San Antonio Region" publication from CPS Energy, or other species of shade providing tree as approved by the City Administrator.
36. **Understory Tree:** a tree from the recommended understory tree list found in the "Trees for the San Antonio Region" publication from CPS Energy, or other species of decorative tree as approved by the City Administrator.
37. **Office/Warehouse:** A building primarily devoted to the storage, warehousing, and distribution of goods, merchandise, supplies, and equipment. Accessory uses may include retail and wholesale sales areas, sales offices, and display area for products sold and distributed from the storage and warehousing areas.
38. **Light Industrial:** Manufacturing or light assembly of finished or unfinished products, primarily from previously prepared materials, including bulk storage and handling of such products and materials. These facilities should not emit dust, odor, smoke, gas

or fumes, vibrations, or any other hazardous elements, which are detectable beyond the boundary of the property.

39. **Outdoor Storage:** The storage of any item outside of the main building or structure. This may include both enclosed and open-air accessory structures. Outdoor storage includes items of a large size, mass or volume and that are not easily moved or carried such as storage pallets, shipping containers, and semi-trailers not attached to a truck which are parked for more than one week.

Section 6.A. (Class-2 Permitted Uses) – Addition of Permitted Land Uses

The following land uses shall be added to the permitted uses list:

- Office/Warehouse
- Light Industrial
- Outdoor Storage
- Wholesale salesroom

Section 7.A.3. (Construction Regulations) – Addition of permitted building materials and accessory building materials

The following materials shall be added to the list of acceptable building materials:

- Concrete with a finish applied
- Glazing

The following materials shall be allowed for construction of accessory buildings:

- Concrete with a finish applied
- Glazing
- Brick
- Stone
- Stucco
- Insulated pre-fabricated metal panel structures

Section 7.A.5. (Construction Regulations) – Modification to allowable construction time

The following statement shall replace this section:

Construction on any building shall be completed within 18 months from the date of issuance of permit, with the ability to extend in 6-month intervals.

Section 7.A.11. (Construction Regulations-Exterior Walls) – New section adding building design standards

The following shall be added to this section:

1. Any side of a building greater than forty-five (45) feet in width shall contain breaks in both the vertical and horizontal rhythm of the wall. Breaks in the rhythm of the wall can be accomplished through articulations of the wall at roof line, changes in material,

changes in color, or the use of major architectural features (such as arcades, porticos, parapets, dormer windows, colonnade, etc.). Width of the building side consists of the entire wall as shown in a two dimensional (2D) architectural elevation of the building. Each break in rhythm does not create a new wall or side of the building.

2. Rooftop equipment must be screened from view from the public right of way and abutting residentially used or Class-1 zoned property.

Section 7.C.2. (Height Regulations) – Modification to permitted building height

The following statement shall replace this section:

No building shall exceed sixty (60) feet in height. Parapets, architectural features and rooftop equipment shall be excluded from the height calculations.

Section 7.C.4. (Height Regulations) – Modification to permitted fence height

The following statement shall replace this section:

No fence shall be erected, converted, enlarged, reconstructed, or structurally altered to an overall height of more than ten (10) feet. This height shall include any security topper. Razor wire and electrified fences are prohibited. Three strand barb wire is permitted, provided it cannot be visible from the public right of way or adjacent residentially used or Class-1 zoned properties.

Sections 7.D.7. and 7.D.8. (Area & Density Regulations) – Modification to Yard Depths

The following statements shall replace these sections:

1. Front yard building setback shall be a minimum of 75 feet
2. Rear yard building setback shall be a minimum of 100 feet
3. Side yard building setback shall be a minimum of 30 feet

Section 7.D.9. (Signs) – Modification of Sign standards

The following shall replace the entirety of this Section:

(a) General Sign Requirements

1. Electronic signs and electronic message boards shall be prohibited.
2. Signs may be illuminated consistent with outdoor lighting requirements with the exception that signs facing residentially used or Class-1 zoned properties may not be illuminated.

(b) Subdivision Entry Monument Sign

1. A subdivision entry monument sign shall be permitted at the intersection of the main spine road and Foster Road. The subdivision entry monument sign is limited to a maximum area of 100 square feet per side and maximum height of 9 feet.
2. The sign shall not interfere with vehicle sight visibility and shall be set back at least 10 feet from the property line.

(c) Wall Signs

1. Signage shall be limited to 5% of the total square footage of a building façade, with a maximum size of 250 s.f. for any individual sign.
2. Signage may not extend beyond the top of the building roofline.
3. At multi-tenant buildings, size of tenant signage shall be in proportion to the area of tenant frontage on the given façade. Tenants shall only be permitted to install signs on facades on which they have frontage.
4. Signage shall be allowed on all building elevations.

(d) Building Monument Signs

1. One building monument sign shall be allowable per platted lot with a landscape area equal to twice the signs square footage surrounding the sign.
2. No sign shall be constructed with a total area of more than 100 s.f. per side.
3. The maximum height of a monument sign shall be 6 feet
4. Monument signs shall not interfere with vehicle sight visibility and shall be set back at least 10 feet from the property line.

(e) Directional Signage

1. Each tenant shall be allowed directional signs as necessary to direct vehicle traffic
2. Signs shall be set back from property line at least 20 feet
3. Signs shall not exceed 3 feet in height
4. Signs shall not exceed 10 s.f. per side

Section 7.D.10 (Landscape Buffers) – New section adding Landscape Buffers

The following shall be added to this Section:

1. Landscape Buffer depth from public rights of way and public access easements shall be no less than 30 feet
2. Landscape Buffer depth from residentially used or Class-1 zoned properties shall be no less than 75 feet

Section 7.D.11 (Parking) – New section adding of parking requirements

The following shall be added to this Section:

(a) Size:

1. Parking stalls shall be at least 10 feet wide and 18 feet long.
2. Accessible stalls shall conform to ADA requirements.

(b) Number:

1. Off-street parking shall be provided in sufficient quantities to provide the following ratio of vehicle spaces based on land use:
 - Office – 1 per 300 s.f. (gross)

- Warehouse – 1 per 2000 s.f. (gross)
 - Light Industrial – 1 per 1500 s.f. (gross)
 - Retail stores – 1 per 250 s.f. (gross)
2. New and Unlisted Uses. When a proposed land use is not classified in this section the City Administrator shall determine the parking ratio based on the best/current planning and transportation practices.
 3. Mixed uses. In the event that several users occupy a single structure, or parcels of land, the total requirements for off street parking shall be the sum of the requirements for all uses computed separately unless it can be shown that the peak parking demands are offset.
 4. If specific requirements for off-street parking result in a fraction of a parking space, the next larger whole number of spaces is required.
 5. The foregoing minimum parking requirements may be reduced by fifteen (15) percent when approved by the City Administrator, where a parking study indicates a reduction of parking stalls would provide adequate parking.

(c) Loading: There shall be no minimum or maximum number of loading docks.

1. Size: Loading stalls shall be at least 12 feet wide and 55 feet long.

Section 7.D.12 (Lighting) – New section adding lighting requirements

The following shall be added to this Section:

1. Parking lots shall have exterior lighting in all publicly accessible areas.
2. Light sources must be downward facing, diffused or covered by shielded type fixtures, and be installed to reduce glare and interference with adjacent properties or streets.
3. Light levels shall not be greater than 0.5 foot-candle at the property lines of the development except for public or private streetlights.
4. Lights abutting a residentially used or Class-1 zoned property at the time of construction shall use cut-off shields or internal shields to prevent light trespass onto the adjacent property. Light levels shall not be greater than 0.0 foot-candles as measured at the property boundary.
5. Lighting shall have a color temperature of no more than 4000 Kelvins.

Section 7.E (Landscaping Requirements) – New section adding landscaping and screening

The following shall be added to this Section:

E. Landscaping and Screening

1. Landscaping and Screening:

(a) Along public rights-of-way and the internal spine road:

1. Per every 100 feet of frontage, a minimum of one canopy and one understory or canopy tree.

(b) Along passenger vehicle parking lots facing public rights-of-way:

1. Per every 50' along the perimeter of the lot, a minimum of one understory or canopy tree and ten shrubs

(c) Adjacent to Class-1 zoned or residentially used properties at the time of construction:

1. Provide screening areas consistent with per every 100 feet of frontage
 - i. One canopy; and
 - ii. Five evergreen or understory trees; and
 - iii. 6-foot tall berm, solid fence or wall

(d) Adjacent to other zoning districts external to the development:

1. Per every 100 feet, one canopy tree

(e) Internal passenger vehicle parking lot:

1. An island a minimum of 8' in width shall be provided every 25 parking stalls and at terminus of every parking row
2. All islands to be landscaped as follows:
 - i. One canopy or understory tree; and
 - ii. Ground cover including either turf, shrubs, or horizontal ground cover and mulch
2. Outdoor storage areas shall be screened from view from the public right of way and abutting residentially used or Class-1 zoned property.
3. Garbage receptacles and compactors must be screened from public right of way and residentially used or Class-1 zoned property
4. Monument signs: Horizontal ground cover or shrubs shall be installed in a 10' wide area around the base of all monument signs
5. Other areas: Turf or native plants shall be used on the remainder of the site so that all non-paved areas, walkways, or building areas shall be covered with landscape material
6. For each lot within the development, a minimum of 3 canopy trees must be provided per gross acre of the lot. Trees may be clustered to provide screening as indicated in the sections above. Canopy trees that are existing and preserved or required by other landscaping and buffering requirements may be counted toward satisfying this provision.
7. Existing trees that meet the minimum species and size requirements which are preserved and are located in a required buffer, landscaped parking area, or other landscape area where trees are required to be planted, may be credited toward satisfying the tree planting requirements. Credit given shall be on a one to one (1:1) ratio based on number of trees preserved, regardless of the size of the tree being preserved.

8. A noise impact assessment (NIA) may be required with development of the site to ensure compliance with city noise regulations. Additional sound attenuation measures may be required as identified by the NIA.

Section 12.E. (Frontage) – Modification to permitted lot frontage

The following statement shall replace this Section:

Each lot shall have a minimum of fifty (50) feet of frontage on a public street or on a private street with a recorded access easement.