

**ORDINANCE NO. 21-0408-03**

**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 2438 S. FOSTER RD, 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 **2438 S. FOSTER RD** 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 **2438 S. FOSTER RD**, 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 Exhibit B.

- Entire 18.5-acre tract shall comply with Landscaping Ordinance #021205 and shall be free and clear of any brush, weeds, high grass or debris prior to issue of Certificate of Occupancy.
- Exterior walls of all enclosed buildings shall be aesthetically pleasing and constructed of stone, stucco, brick, or concrete tilt wall materials. The final construction plans for property, architecture, and exterior appearance shall be brought before and approved by City Council prior to beginning of construction.
- All driveways and areas used for parking of vehicles or trailers shall be of concrete or asphalt constructed materials with standards approved by City engineer.
- Traffic Impact Study of S. Foster Rd shall be approved by China Grove city council prior to plat approval.
- Compliance with Storm Water Management Ordinance #190307-2.
- Development Plat approved by China Grove city council prior to any construction or issue of construction 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 entire 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 8<sup>th</sup> day of APRIL 2021.



  
Mary Ann Hajek  
Mayor

ATTEST:

  
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Leslie Bettice  
City Secretary

**EXHIBIT A**

**EXHIBIT "A"**

Being 18.530 acres of land out of the A.A. Gardenier Survey No. 56, Abstract No. 275, County Block 5126, Bexar County, Texas, and also being out of a 6.00 acre tract as described in Volume 6769, Page 397, and a 24.00 acre tract as described in Volume 6769, Page 394 of the Deed Records of Bexar County, Texas, and being more particularly described in metes and bounds as follows, to-wit:

BEGINNING at the northwest corner of above referenced 24.00 acre tract in the east R.O.W. line of Foster Road for the northwest corner of this tract;

THENCE S. 75° 43' 07" E, 1022.11 feet along the north fence line of above referenced 24.00 acre tract to an iron pin set in same for the northeast corner of this tract;

THENCE S. 14° 32' 00" W, 219.14 feet to an iron pin set for a corner of this tract;

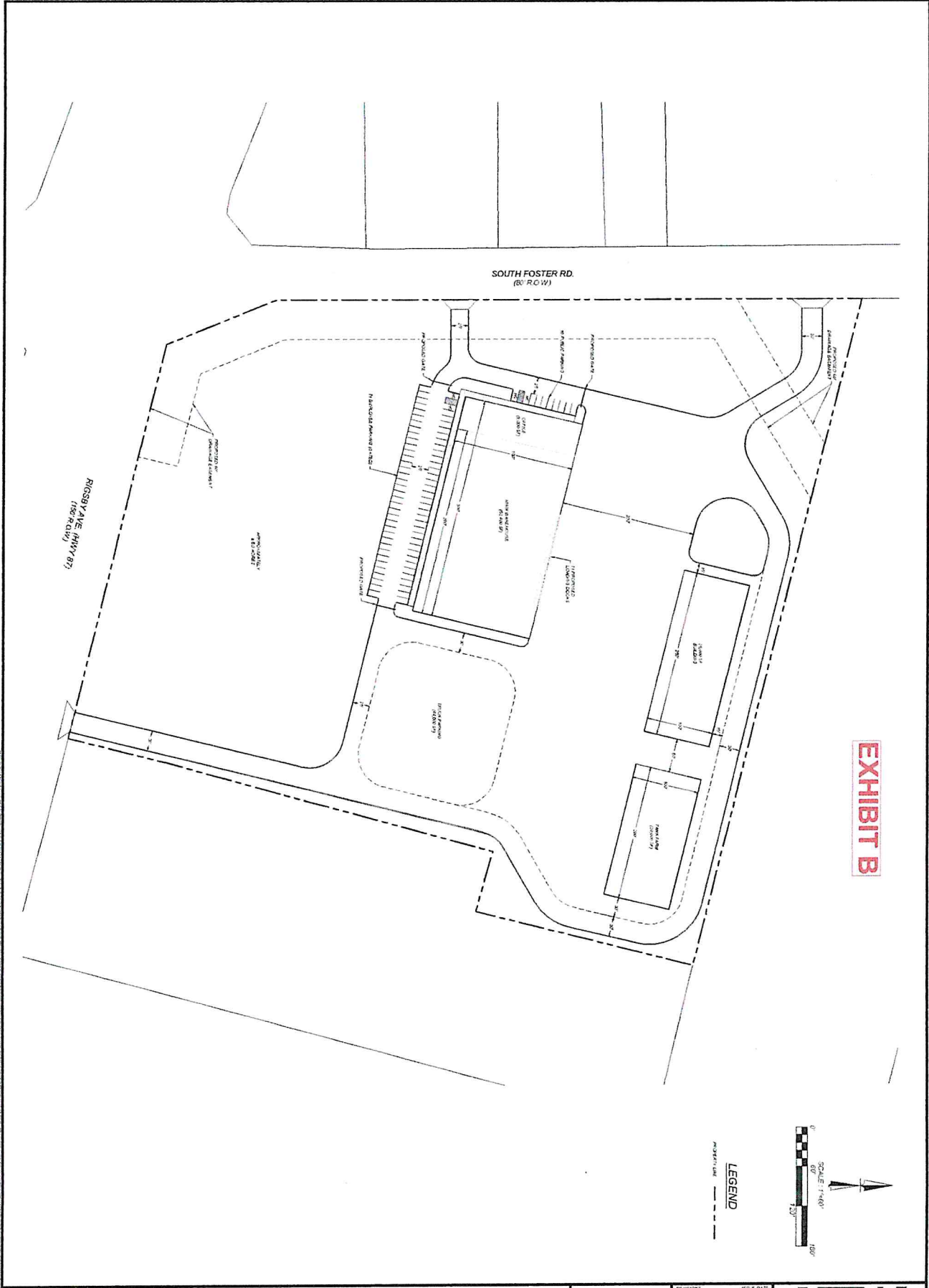
THENCE S. 75° 43' 07" W, 82.98 feet to a point for a corner of this tract;

THENCE S. 14° 32' 00" W, 762.47 feet to an iron pin set in the north R.O.W. line of U.S. Highway 87 for the southeast corner of this tract;

THENCE N. 74° 38' 38" W, 614.83 feet along said R.O.W. line to concrete Highway monument found in same, said point being the beginning of a cut-back line to Foster Road for an angle point in this tract;

THENCE N. 27° 19' 28" W, 156.87 feet along said cut-back line to a concrete Highway monument at the intersection of said cut-back line with the east R.O.W. line of Foster Road for the southwest corner of this tract;

THENCE N. 00° 04' 22" E, 879.70 feet along said R.O.W. line to the Place of Beginning and containing 18.530 acres of land, more or less.



2021-02-11 10:37 AM  
 SHEET NUMBER  
 EXH

CHINA GROVE - 18.5 AC TRACT  
 CHINA GROVE, TX 78220  
 SITE PLAN EXHIBIT

PROJECT	2021-02-11
DATE	2021-02-11

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