

ORDINANCE NO. 23-0504-1

**AN ORDINANCE OF THE CITY OF CHINA GROVE, TEXAS;
AMENDING THE ZONING ORDINANCE BY REZONING
PROPERTY LOCATED AT 6890 US Highway 87 E, CHINA
GROVE, TEXAS TO AUTHORIZE *Manufacturing and
Fabricating Operation* 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 amended Ordinance No. 960711, by the passage of Ordinance No. 20-0109-1 to allow a *Manufacturing and Fabricating* 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 **6890 U.S Highway 87 E**, to rezone the property to allow a *Manufacturing and Fabricating operation* as a conditional use at said location; and

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 **6890 U.S Highway 87 E**, 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: **Manufacturing and Fabricating Operation** subject to the conditions that follows:

A. The conditional use must comply with the Updated Site Plan attached hereto as **Exhibit "B"**

B. The building must pass a certificate of occupancy inspection.

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 4th day of May, 2023.



Mary Ann Hajek, Mayor

ATTEST:



Susan Conaway
City Secretary

EXHIBIT A

METES AND BOUNDS

Being 0.779 acres of land, more or less, out of Lots 8 and 9, Idle Hour Gardens, Bexar County, Texas, according to the map or plat thereof recorded in Volume 980, Page 361, Deed and Plat Records, Bexar County, Texas, and being that same property described in Warranty Deed, recorded in Volume 3504, Page 1398, Official Public Records, Bexar County, Texas, said 0.779 acres being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod (a monument of record dignity) found for the northeast corner of this 0.779 acres, same being the northwest corner of the Experience Church San Antonio, Inc tract (Document Number 20190240751) and on the South Right-of-Way line of Rigsby Avenue (also known as U.S. Highway 87), same also being the **POINT OF BEGINNING**;

THENCE along the line common to this 0.779 acres and said Experience Church tract, South 14 degrees 04 minutes 19 seconds West (called South 14 degrees 02 minutes 38 seconds West), at a distance of 197.58 feet pass a 1/2 inch iron rod found for the southwest corner of said Experience Church tract, same being the northwest corner of the Michael Martini 0.383 acres, described as "Tract Two" (Volume 5760, Page 121), and continuing for a total distance of 280.47 feet (called 280.99 feet) to a point for the southeast corner of this 0.779 acres, from which a metal fence corner post bears North 05 degrees 12 minutes 47 seconds West, a distance of 0.18 feet, said point also being the southwest corner of said Martini "Tract Two" and on the North line of the Michael Martini 0.50 acres, described as "Tract One" (Volume 5760, Page 121);

THENCE along the line common to this 0.779 acres and said Martini "Tract One", North 78 degrees 13 minutes 31 seconds West (called North 78 degrees 15 minutes 12 seconds West), a distance of 120.60 feet (called 120.98 feet) to a 3 inch metal fence post found for the southwest corner of this 0.779 acres, same being the northwest corner of said Martini "Tract One" and on the East Right-of-Way line of Arriola Lane (a 60 foot wide private street referenced in Volume 4876, Page 1746 and Volume 1877, Page 916);

THENCE along the East Right-of-Way line of said Arriola Lane, North 14 degrees 20 minutes 07 seconds East (called North 14 degrees 13 minutes 10 seconds East), a distance of 285.51 feet (called 286.21 feet) to a point for the northwest corner of this 0.779 acres, from which a metal fence corner post bears South 16 degrees 52 minutes 42 seconds West, a distance of 0.15 feet, said point also being at the intersection of the East Right-of-Way line of said Arriola Lane and the South Right-of-Way line of said Rigsby Avenue;

THENCE along the South Right-of-Way line of said Rigsby Avenue, South 75 degrees 49 minutes 47 seconds East (called South 75 degrees 46 minutes 50 seconds East), a distance of 119.19 feet (called 120.0 feet) to the **POINT OF BEGINNING**, and containing 0.779 acres of land, more or less.

I hereby certify that these field notes were prepared from an actual survey made on the ground under my supervision and are true and correct to the best of my knowledge and belief. A survey plat of the above described tract prepared this day is hereby attached to and made a part hereof. Bearings Shown hereon are based on actual GPS Observations, Texas State Plane Coordinates, South Central Zone, Grid.


Mark J. Ewald
Registered Professional Land Surveyor
Texas Registration No. 5095
December 9, 2022



SURVEY CERTIFICATE

To Lone Star Bakery, Inc. and Capital Title

This is to certify that this map or plot and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, duly established and adopted by ALTA and NSPS, and include items 1, 2, 3, 4, 5(a), 7(a), 7(b)(1), 8, and 13 of Table A thereof. The field work was completed on December 8, 2022.

Date of Plot or Map: December 14, 2022.

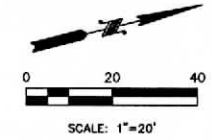
NOTES:

NO RESTRICTIVE COVENANTS OF RECORD WERE FOUND.

NO PARKING SPACES WERE MARKED AT THE TIME OF THE SURVEY.

A ZONING REPORT OR LETTER WAS NOT PROVIDED TO THE SURVEYOR BY THE CLIENT AT THE TIME OF THE SURVEY.

EXHIBIT B



MARK J. EWALD
Registered Professional Land Surveyor
Texas Registration No. 5095

FLOOD ZONE INTERPRETATION: IT IS THE RESPONSIBILITY OF ANY INTERESTED PERSONS TO VERIFY THE ACCURACY OF FEMA FLOOD ZONE DESIGNATION OF THIS PROPERTY WITH FEMA AND STATE AND LOCAL OFFICIALS, AND TO DETERMINE THE EFFECT THAT SUCH DESIGNATION MAY HAVE REGARDING THE INTENDED USE OF THE PROPERTY. The property meets the subject of this survey appears to be included in a FEMA Flood Insurance Rate Map (FIRM), identified as Community No. 480200, Panel No. 480200, which is dated 08/23/2010. By receding from that FIRM, it appears that all or a portion of the property may be in Flood Zone(s) X. Because this is a boundary survey, the survey did not take any actions to determine the Flood Zone status of the surveyed property other than to interpret the information set out on FEMA's FIRM, as described above. THIS SURVEYOR DOES NOT CERTIFY THE ACCURACY OF THIS INTERPRETATION OF THE FLOOD ZONES, which may not agree with the interpretations of FEMA or state or local officials, and which may not agree with the tract's actual conditions. More information concerning FEMA's Special Flood Hazard Areas and Zones may be found at <https://rsc.fema.gov/part4>.

MICHAEL MARTINI
0.30 ACRES
"TRACT ONE"
VOL. 5760, PG. 121
P.I.D. NO. 333935

COMMITMENT FOR TITLE INSURANCE (1-7)
ISSUED BY: FIRST NATIONAL TITLE INSURANCE COMPANY
EFFECTIVE DATE: NOVEMBER 30, 2022 FILE NO. 22-111891-SA
SCHEDULE B ITEMS (SURVEY RELATED)

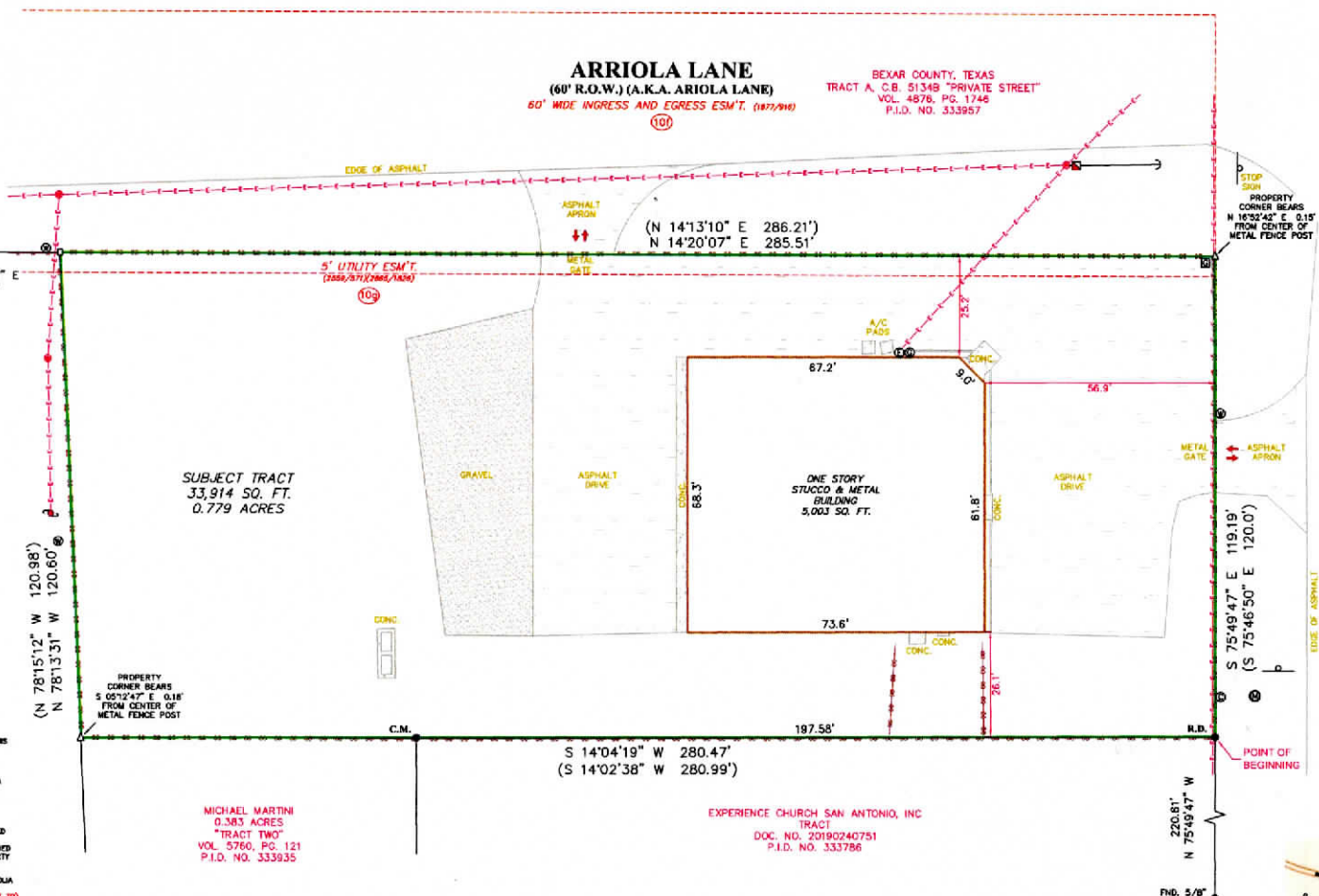
10a. 30 FOOT UTILITY EASEMENT AS CREATED IN INSTRUMENT EXECUTED BY FLORENTINO LUIS RODRIGUEZ TO MARGARITA C. RODRIGUEZ, DATED MARCH 18, 1976, RECORDED IN VOLUME 1484, PAGE 864, REAL PROPERTY RECORDS, BEXAR COUNTY, TEXAS. (NOT SUBJECT TO)

10c. INGRESS AND EGRESS EASEMENT AS CREATED IN INSTRUMENT EXECUTED BY J & N DEVELOPMENT CORPORATION TO ALL THE PROPERTY OWNERS OF IDLE HOUR GARDENS #1/A CHINA GROVE ACRES, AND TO THE PUBLIC, DATED DECEMBER 17, 1976, FILED MARCH 12, 1980, RECORDED IN VOLUME 1877, PAGE 916, REAL PROPERTY RECORDS, BEXAR COUNTY, TEXAS. (SHOWN HEREON)

10g. 5 FOOT UTILITY EASEMENT AS CREATED IN INSTRUMENT EXECUTED BY MARGARITA C. ZARORA TO EDUARDO R. BESSNER AND WIFE JO ANN BESSNER, DATED APRIL 2, 1982, FILED APRIL 6, 1982, RECORDED IN VOLUME 2504, PAGE 571, REAL PROPERTY RECORDS, BEXAR COUNTY, TEXAS; AND BEING ALONG ARIOLA LANE (PRIVATE) AS SHOWN ON SURVEY ATTACHED TO WARRANTY FILED JUNE 30, 1983, RECORDED IN VOLUME 2868, PAGE 1658, REAL PROPERTY RECORDS, BEXAR COUNTY, TEXAS. (SHOWN HEREON)

10d. EASEMENT AS CREATED IN INSTRUMENT EXECUTED BY J. A. WINKLER, ET AL TO WANGUOIA PETROLEUM COMPANY, DATED NOVEMBER 4, 1939, FILED NOVEMBER 16, 1939, RECORDED IN VOLUME 1723, PAGE 351, REAL PROPERTY RECORDS, BEXAR COUNTY, TEXAS. (NOT SUBJECT TO)

| LEGEND | ABBREVIATIONS |
|---------------------------------------|---|
| △ - CALCULATED POINT | CON. - CONCRETE |
| ● - PND, 1/2" HIGH ROD | CONC. - CONCRETE |
| ○ - 1" METAL FENCE POST AT CORNER | R.E. - RECORD OWNERS MONUMENT |
| () - RECORD INFORMATION | C.M. - CONTROLLING MONUMENT |
| ⊕ - POWER POLE | EMT - EASEMENT |
| ⊖ - WATER POLE | P.I.D. NO. - PROPERTY IDENTIFICATION NUMBER |
| — - GUY WIRE | |
| — - OVERHEAD ELECTRIC | |
| ⊙ - ELECTRIC METER | |
| ⊙ - WATER METER | |
| ⊙ - GAS METER | |
| ⊙ - GAS RISER | |
| ⊙ - UNDERGROUND CABLE MARKER | |
| ⊙ - TELEPHONE MANHOLE | |
| ⊙ - TELEPHONE PEDESTAL | |
| ⊙ - SIGN | |
| — - WIRE FENCE | |
| — - CHAIN LINK FENCE | |
| ↔ - INGRESS / EGRESS TO PUBLIC STREET | |



SUBJECT TRACT
33,914 SQ. FT.
0.779 ACRES

MICHAEL MARTINI
0.383 ACRES
"TRACT TWO"
VOL. 5760, PG. 121
P.I.D. NO. 333935

EXPERIENCE CHURCH SAN ANTONIO, INC
TRACT
DOC. NO. 20190240751
P.I.D. NO. 333786

SITE PLAN

**ALTA/NSPS LAND TITLE SURVEY FOR
LONE STAR BAKERY, INC???**

6890 RIGSBY AVENUE
CHINA GROVE, TEXAS 78263

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GF # 22-711961-SA DRAWN BY: JV
JOB NO. 117812 REVIEWED BY: MJE
DATE 12/9/2022

FIRM REGISTRATION NO. 1011700
Westar Alamo
LAND SURVEYORS, L.L.C.
P.O. BOX 1848 BOERNE, TEXAS 78008
PHONE (210) 372-9500 FAX (210) 372-9599