

ORDINANCE NO. 23-0302-2

**AN ORDINANCE OF THE CITY OF CHINA GROVE, TEXAS;
AMENDING THE ZONING ORDINANCE BY REZONING
PROPERTY LOCATED AT 7504 US Highway 87 E, CHINA
GROVE, TEXAS TO AUTHORIZE Warehousing and
Storage 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 *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 **7504.S Highway 87 E**, to rezone the property to allow a *Warehousing & Storage 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 **7504 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: **Warehousing and Storage 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 2nd day of March, 2023.


Mary Ann Hajek, Mayor

ATTEST:



Susan Conaway
City Secretary

4.004 ACRES
JOHN H. LUCAS SURV, A-430
CHINA GROVE, BEXAR COUNTY, TX

FILE NO. 2022.213
PROJECT: 617.068001
DATE: 02/27/2023

DESCRIPTION

4.004 ACRES OUT OF THE JOHN H. LUCAS SURVEY, ABSTRACT NO. 430 IN BEXAR COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN 4.002 ACRE TRACT OF LAND CONVEYED TO MTILL HOLDINGS, LLC, BY DEED OF RECORD RECORDED IN DOCUMENT NO. 20220061332, OF THE OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS; SAID 4.004 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod found in the south right-of-way line of US Highway 87 (r.o.w. varies), being the northwest corner of that certain 0.93 acre tract of land conveyed to Ruben T. Martinez, by Deed of record in Volume 11135, Page 299 of said Official Public Records, also being the northeast corner of said 4.002 acre tract, for the northeasterly corner hereof;

THENCE, leaving said south right-of-way line, along the south and west lines of said 0.93 acre tract, being the east lines of said 4.002 acre tract, the following two (2) courses and distances:

1. S14°12'04"W, a distance of 297.55 feet to a cut "x" found at the southwest corner of said 0.93 acre tract, for an angle point;
2. S76°22'44"E, a distance of 135.31 feet to a 1/2-inch iron rod found at the southeast corner of said 0.93 acre tract, being a point in the west line of Lot 1, Stark Contracting, a subdivision of record in Document No. 20150193407 of said Official Public Records, for an angle point;

THENCE, S14°17'45"W, along the west line of said Lot 1, being the east line of said 4.002 acre tract, a distance of 463.01 feet to a 1/2-inch iron rod with "Manhard Consulting" cap set at the southwest corner of said Lot 1, being a point in the north line of that certain 5.08 acre tract conveyed to James I. Sheffield by deed of record in Volume 1207, Page 876 of said Official Public Records, for the southeasterly corner of said 4.002 acre tract and hereof;


THENCE, N76°21'16"W, along the north line of said 5.08 acre tract, being the south line of said 4.002 acre tract, a distance of 281.99 feet to a 1/2-inch iron rod found in the east right-of-way line of Edwards Lane (30' r.o.w.), being the northwest corner of said 5.08 acre tract, for the southwesterly corner of said 4.002 acre tract and hereof;

THENCE, N14°13'56"E, along said east right-of-way line, being the west line of said 4.002 acre tract, a distance of 760.43 feet to a 1/2-inch iron rod with "Manhard Consulting" cap set at the intersection of said south right-of-way line of US Highway 87 and said east right-of-way line of Edwards Lane, for the northwesterly corner of said 4.002 acre tract and hereof;

THENCE, S76°22'51"E, along said south right-of-way line, being the north line of said 4.002 acre, a distance of 147.03 feet to the **POINT OF BEGINNING**, containing 4.004 acres (174,429 square feet) of land, more or less.

BEARING BASIS: TEXAS COORDINATE SYSTEM, NAD 83 (2011), SOUTH CENTRAL ZONE, UTILIZING THE LEICA SMARTNET CONTINUALLY OPERATING REFERENCE NETWORK.

I HEREBY CERTIFY THAT THE ABOVE DESCRIPTION WAS PREPARED BASED UPON A FIELD SURVEY PERFORMED UNDER MY SUPERVISION DURING THE MONTH OF NOVEMBER, 2022, AND IS TRUE AND CORRECT TO THE BEST OF MY ABILITIES.



ABRAM C. DASHNER
TEXAS RPLS 5901
MANHARD CONSULTING
TBPLS FIRM NO. 10194420



FILE: SITE PLANDWG

PLOTTED: 3/16/2023 2:17:53 PM

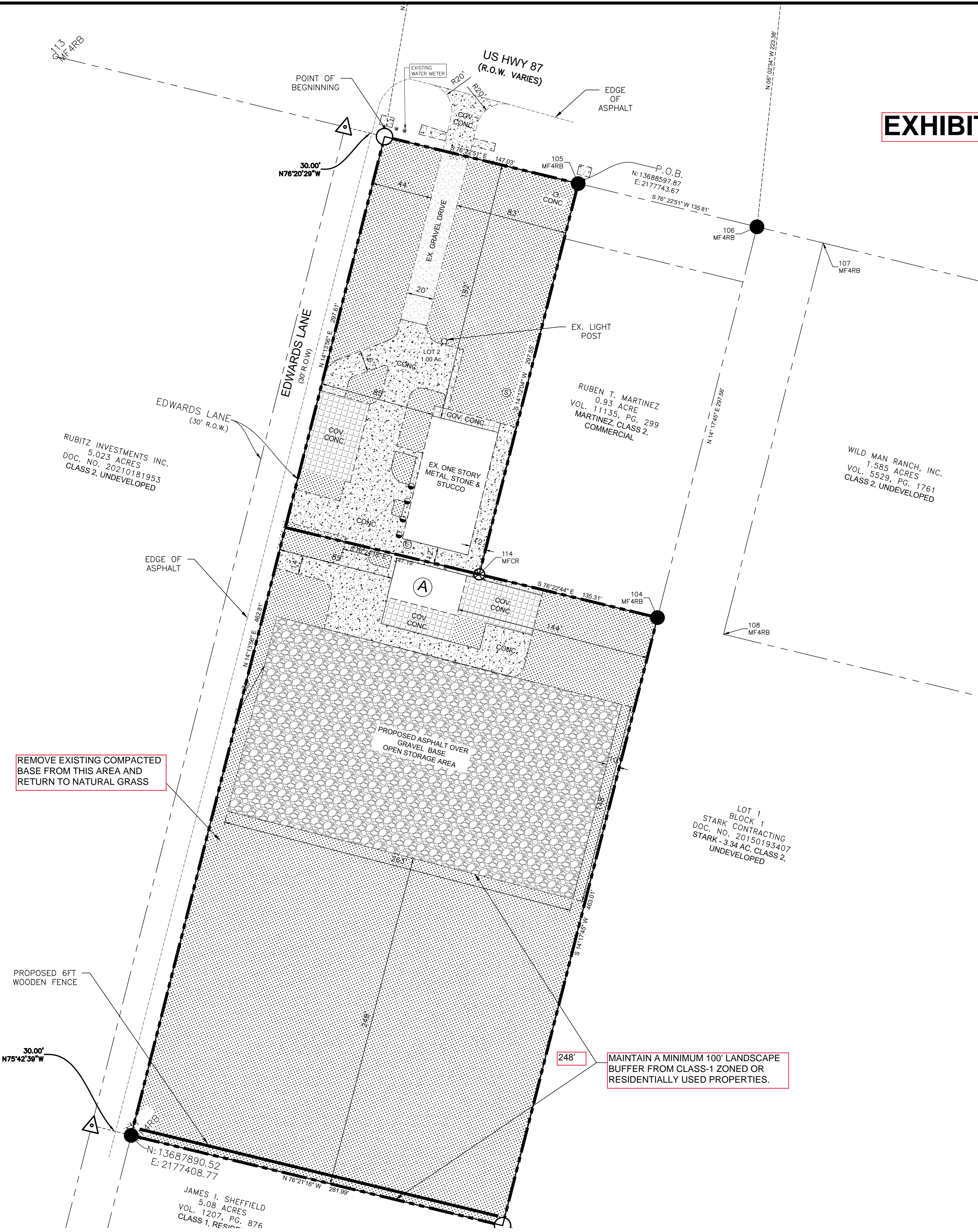
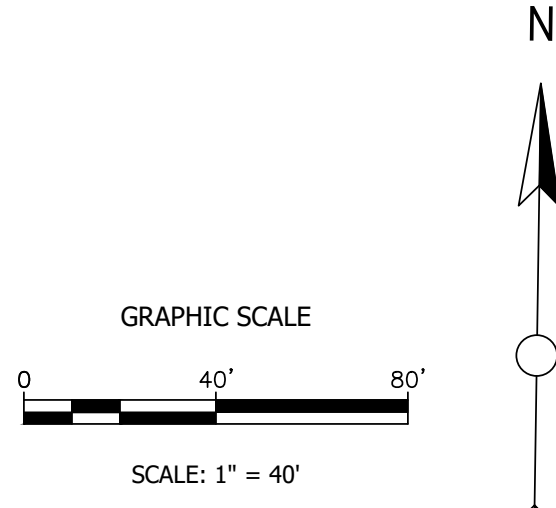


EXHIBIT B



METES AND BOUNDS DESCRIPTION

4.004 ACRES OUT OF THE JOHN H. LUCAS SURVEY, ABSTRACT NO. 430 IN BEAR COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN 4.002 ACRE TRACT OF LAND CONVEYED TO MTILL HOLDINGS, LLC, BY DEED OF RECORD IN DOCUMENT NO. 20220061332, OF THE OFFICIAL PUBLIC RECORDS OF BEAR COUNTY, TEXAS; SAID 4.004 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, AT A 1/2-INCH IRON ROD FOUND IN THE SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY 87 (R.O.W. VARIES), BEING THE NORTHWEST CORNER OF THAT CERTAIN 0.93 ACRE TRACT OF LAND CONVEYED TO RUBEN T. MARTINEZ, BY DEED OF RECORD IN VOLUME 11135, PAGE 299 OF SAID OFFICIAL PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF SAID 4.002 ACRE TRACT, FOR THE NORTHEASTERLY CORNER HEREOF;

THENCE, LEAVING SAID SOUTH RIGHT-OF-WAY LINE, ALONG THE SOUTH AND WEST LINES OF SAID 0.93 ACRE TRACT, BEING THE EAST LINES OF SAID 4.002 ACRE TRACT, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1. S14°12'04"W, A DISTANCE OF 297.55 FEET TO A CUT "X" FOUND AT THE SOUTHWEST CORNER OF SAID 0.93 ACRE TRACT, FOR AN ANGLE POINT;

2. S76°22'44"E, A DISTANCE OF 135.31 FEET TO A 1/2-INCH IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID 0.93 ACRE TRACT, BEING A POINT IN THE WEST LINE OF LOT 1, STARK CONTRACTING, A SUBDIVISION OF RECORD IN DOCUMENT NO. 20150193407 OF SAID OFFICIAL PUBLIC RECORDS, FOR AN ANGLE POINT;

THENCE, S14°17'45"W, ALONG THE WEST LINE OF SAID LOT 1, BEING THE EAST LINE OF SAID 4.002 ACRE TRACT, A DISTANCE OF 463.01 FEET TO A 1/2-INCH IRON ROD WITH "MANHARD CONSULTING" CAP SET AT THE SOUTHWEST CORNER OF SAID LOT 1, BEING A POINT IN THE NORTH LINE OF THAT CERTAIN 5.08 ACRE TRACT CONVEYED TO JAMES I. SHEFFIELD BY DEED OF RECORD IN VOLUME 1207, PAGE 876 OF SAID OFFICIAL PUBLIC RECORDS, FOR THE SOUTHEASTERLY CORNER OF SAID 4.002 ACRE TRACT AND HEREOF;

THENCE, N76°21'16"W, ALONG THE NORTH LINE OF SAID 5.08 ACRE TRACT, BEING THE SOUTH LINE OF SAID 4.002 ACRE TRACT, A DISTANCE OF 281.99 FEET TO A 1/2-INCH IRON ROD FOUND IN THE EAST RIGHT-OF-WAY LINE OF EDWARDS LANE (30' R.O.W.), BEING THE NORTHWEST CORNER OF SAID 5.08 ACRE TRACT, FOR THE SOUTHWESTERLY CORNER OF SAID 4.002 ACRE TRACT AND HEREOF;

THENCE, N14°13'56"E, ALONG SAID EAST RIGHT-OF-WAY LINE, BEING THE WEST LINE OF SAID 4.002 ACRE TRACT, A DISTANCE OF 760.43 FEET TO A 1/2-INCH IRON ROD WITH "MANHARD CONSULTING" CAP SET AT THE INTERSECTION OF SAID SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY 87 AND SAID EAST RIGHT-OF-WAY LINE OF EDWARDS LANE, FOR THE NORTHWESTERLY CORNER OF SAID 4.002 ACRE TRACT AND HEREOF;

THENCE, S76°22'51"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE, BEING THE NORTH LINE OF SAID 4.002 ACRE TRACT, A DISTANCE OF 147.03 FEET TO THE POINT OF BEGINNING, CONTAINING 4.004 ACRES (174,429 SQUARE FEET) OF LAND, MORE OR LESS.

NOTE:

1. PARKING AND OUTDOOR STORAGE WILL BE ON ASPHALT SURFACES ONLY.
2. OUTDOOR STORAGE TO BE SCREENED BY EXISTING BUILDINGS WITH MINIMAL VIEW FROM PUBLIC RIGHTS OF WAY.
3. FUTURE LIGHT SOURCES WILL BE DOWNWARD FACING, DIFFUSED OR SHIELDED TO REDUCE GLARE AND TO ACCOMPLISH NO LIGHT TRESPASS ONTO CLASS-1 ZONED OR RESIDENTIALLY USED PROPERTIES.

CHINA GROVE SITE SUMMARY TABLE

GENERAL SITE DATA	
LOT AREA (ACRES)	4.002
LOT AREA (SQ.FT)	174,327.12
ZONING	COMMERCIAL ZONE-CLASS II
BUILDING FOOT PRINT	6,265.25 S.F
EXISTING LAND USE	COMMERCIAL
PROPOSED LAND USE	WAREHOUSING/STORAGE
LANDSCAPE AREA	101,906.20 S.F
IMPERVIOUS AREA	65,673.30 S.F

LEGEND

	EXISTING GRAVEL ROAD		ELECTRIC METER
	EXISTING CONCRETE		WATER METER
	COV. CONCRETE		ONE STORY BUILDING
	LANDSCAPE AREA		SEPTIC
	COMPACTED BASE		BOLLARD

CONTRACTORS NOTE:
CONTRACTOR SHALL FIELD VERIFY THE DEPTH OF THE COMPACTED BASE.

No.	Revision/Issue	Date
1	SITE PLAN	3/16/23

CLIENT ADDRESS:
GALINDO & BOYD
7804 US HIGHWAY 87 E
CHINA GROVE, TX 78633
CONTACT: GALINDO & BOYD
PH: 469-834-3123
FAX: (972) 717-0111

D H R ENGINEERING, INC.
Civil Engineers
511 E JOHN CARPENTER Fwy, SUITE 500
IRVING, TEXAS 75062
TEL: (972) 717-0100 FAX: (972) 717-0111
TBPE No. : F-9184

CHINA GROVE CUP DEVELOPMENT
CITY OF CHINA GROVE, BEAR COUNTY, TX
SITE PLAN

March 16, 2023
David H. Reht
DAVID H. REHT
91962
LICENSED PROFESSIONAL ENGINEER

CHECKED BY	DATE
NM	03/16/2023
DHR JOB No.	
22547	
ISSUE DATE:	03/16/2023
SHEET	
C-1.0	