

ORDINANCE NO. 21-0902-1

**AN ORDINANCE OF THE CITY OF CHINA GROVE, TEXAS; AMENDING THE ZONING ORDINANCE BY REZONING PROPERTY LOCATED AT 7575 US HIGHWAY 87 E, Unit #2, CHINA GROVE, TEXAS TO AUTHORIZE a Warehousing and Storage Operation AS A CONDITIONAL USE for All State Appliance Repairs & Sales, LLC as an office and WAREHOUSE AREA FOR REFURBISHED APPLIANCES AND APPLIANCE PARTS.**

**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. 21-0902-1 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 **7575 US HIGHWAY 87 E, Unit #2**, 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 **7575 US HIGHWAY 87 E, Unit #2**; 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 as Exhibit "B".
- No outdoor storage of inventory.
- No more than 2 vehicles.
- Normal business hours 08:00am-06:00pm

**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 take effect immediately from and after its passage.

PASSED, APPROVED, AND ADOPTED on the 2<sup>nd</sup> day of September 2021.

  
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Mary Ann Hajek, Mayor

ATTEST:

  
\_\_\_\_\_  
Leslie Bettice  
City Secretary



## Exhibit "A"

Lot 1, Old Western Subdivision, an Addition to the City of San Antonio, Bexar County, Texas, according to the map or plat thereof recorded in Volume 9511, Page(s) 137, Deed and Plat Records of Bexar County, Texas, and being more particularly described by metes and bounds as follows:

Being 2.000 acres of land, more or less, out of the Peter N. Hays Survey Number 3, Abstract 303, in Bexar County, Texas, being that same tract of land described by Warranty Deed recorded in Volume 6352, Page 2029, Official Public Records of Bexar County, Texas, said 12.84 acres being more particularly described by metes and bounds as follows:

BEGINNING at a ½ inch iron rod found for the southwest corner of this 2.000 acres, same being the southeast corner of the Gathering of Disciples, Inc. 0.551 acres (Volume 14126, Page 244) and on the northeast Right-of-Way line of US Highway 87 (aka Rigsby Avenue);

THENCE along the line common to this 2.000 acres and said Gathering of Disciples, Inc. 0.551 acres, North 13 degrees 30 minutes 13 seconds East (bearing basis) pass a 2" iron pipe at a distance of 162.83 feet (called 162.67 feet) for the northeast corner of the Gathering of Disciples, Inc. 0.551 and the southeast corner of the Old Western Furniture Corporation 1.4409 acres (Volume 7294, Page 174), continuing for a total distance of 438.71 feet to a ½ inch iron rod set for the northwest corner of this 2.000 acres, same being the northeast corner of said Old Western Furniture Corporation 1.4409 acres and on the southwest line of Lot 8, Block 1, of Triple Oaks Subdivision Unit 6, (Volume 9502, Page 224);

THENCE along the southwest line of said Triple Oak Subdivision, South 76 degrees 25 minutes 47 seconds East (called South 76 degrees 01 minutes 32 seconds East), a distance of 198.36 feet (called 198.39 feet) to as ½ inch iron rod set for the northeast corner of this 2.000 acres, same being the southeast corner of Lot 7 and the southwest corner of Lot 6, same also being the northwest corner of the A-Action Aire Inc 2.341 acres (Volume 6199, Page 1114);

THENCE along the line common to this 2.000 acres and said A-Action Aire Inc, 2.341 acres, South 13 degree 30 minutes 13 seconds West (called South 13 degrees 54 minutes 28 seconds West), a distance of 439.30 feet to a ½ iron rod set for the southeast corner of the 2.000 acres, same being the southwest corner of said A-Action Aire Inc., 2.341 acres and on the northeast Right-of-Way of said US Highway 87;

THENCE along the northeast Right-of-Way of said US Highway 87 the following courses and distances:

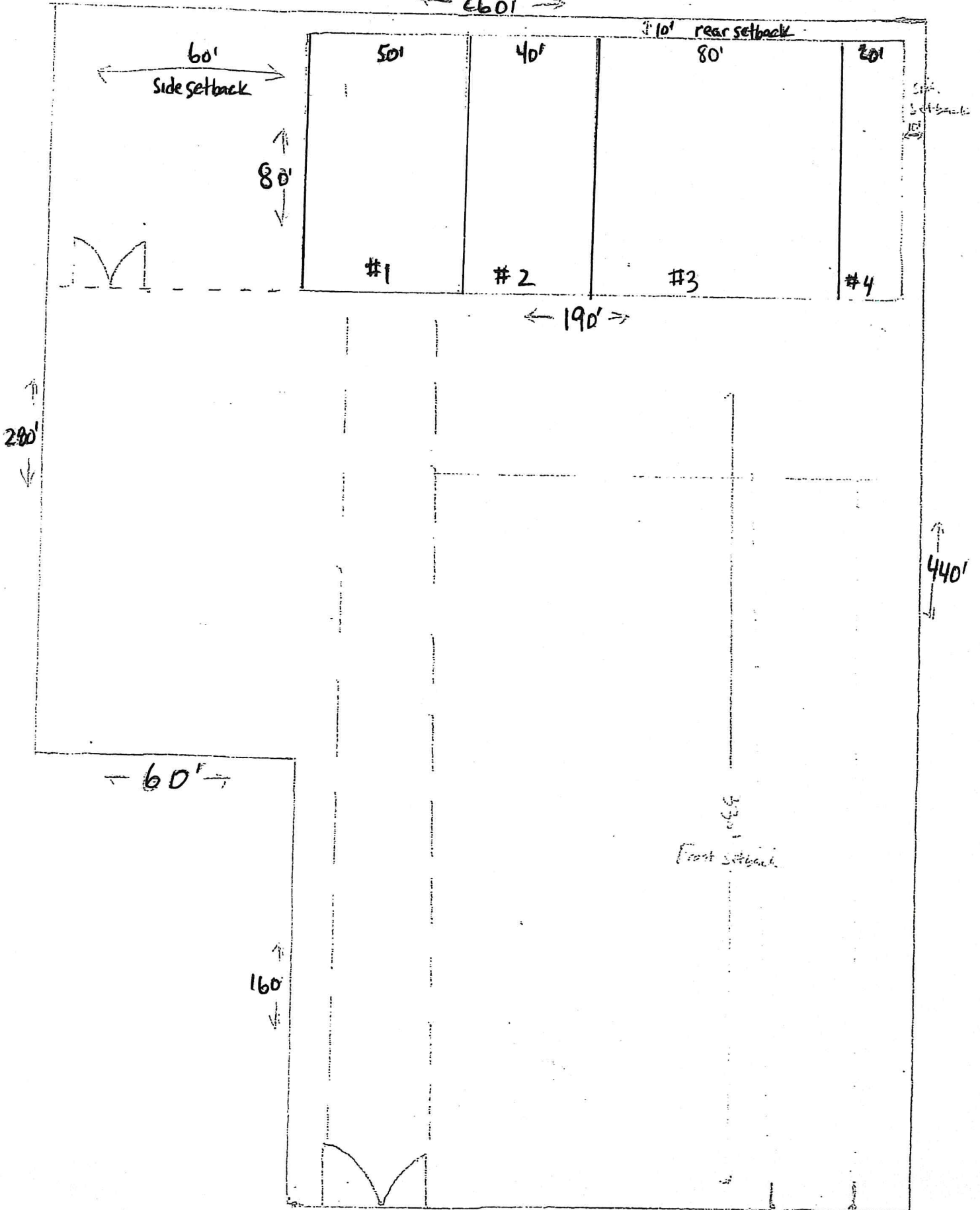
North 76 degrees 25 minutes 47 seconds West (called North 76 degrees 01 minutes 32 seconds West), a distance of 146.07 feet to a ½ inch iron rod set for an angle point;

North 75 degrees 46 minutes 46 seconds West (called North 75 degrees 22 minutes 31 seconds West), a distance of 52.29 feet to the POINT OF BEGINNING, and containing 2.000 acres of land, more or less.



EXHIBIT "B"

← 2601 →



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7575 HWY 87 E, Unit #2