



ORDINANCE NO. 1473

AN ORDINANCE OF THE CITY OF CIBOLO, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR 1.93 ACRES OF REAL PROPERTY LOCATED AT 432 TOLLE ROAD; ALLOWING FOR ACCESSORY LIVING QUARTERS; IMPOSING CONDITIONS ON SUCH CONDITIONAL USE; AMENDING ZONING MAP OF THE CITY OF CIBOLO; DECLARING COMPLIANCE WITH APPLICABLE STATE AND LOCAL LAWS; PROVIDING FOR SAVINGS, REPEAL, SEVERABILITY, AND PUBLICATION; DECLARING THAT THE MEETING AT WHICH THIS ORDINANCE WAS ADOPTED WAS CONDUCTED IN COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT; PROVIDING A PENALTY; PROVIDING AN EFFECTIVE DATE; AND CONTAINING OTHER PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, Texas Local Government Code Section 211.002 authorizes the City of Cibolo ("City"), as a home rule municipality, to adopt, repeal or amend zoning district boundaries and regulations in order to promote the public health, safety and general welfare of the City; and

WHEREAS, the City has adopted such regulations as codified in the City's Unified Development Code ("UDC"); and

WHEREAS, Gerardo Padilla Barajas ("Owner") owns approximately 1.93 acres of land within the corporate limits of the City, composed of one parcel, described as RABY ESTATES LOT 1, 1.93 AC, and generally located at 432 Tolle Road ("Property"); and

WHEREAS, the Property presently has a zoning classification of MH-1 Manufactured Home Residential; and

WHEREAS, Article 13 of the UDC allows for Accessory Living Quarters in MH-1 zoning only as a conditional use; and

WHEREAS, the Owner has submitted to the City an application for a Conditional Use Permit ("CUP") to allow for an Accessory Living Quarters use on the Property; and

WHEREAS, the City Council finds that, pursuant to Sections 4.3.2 of the UDC, said application was submitted to the City with proof of ownership and authorization to file such application; and

WHEREAS, the City Council finds two public hearings were held for the purpose of providing all interested persons the opportunity to be heard concerning the proposed CUP to allow for an Accessory Living Quarters use on the Property; in accordance with state and local law; and

WHEREAS, the City Council finds legal notice, notifying the public of both public hearings on the consideration of the requested CUP, was posted on the City's official website and published in the Seguin Gazette, a newspaper of general circulation in the City, in accordance with state and local law; and

WHEREAS, the City Council finds written notice of the aforementioned public hearings before the Planning and Zoning Commission and the City Council were sent to each owner of real property within 200 feet of the subject property of this requested CUP, as indicated on the most recently approved municipal tax roll of the City, in accordance with applicable state and local law; and

WHEREAS, the City Council finds the Planning and Zoning Commission, after due consideration of the requested CUP, including all matters specified in Section 4.3.2 of the UDC, issued its recommendation regarding the CUP to the City Council in accordance with state and local law; and

WHEREAS, the City Council finds that the Planning and Zoning Commission found 1) the proposed use is in accord with the objectives of the UDC and the purposes of the district in which the property is located, 2) the proposed use will comply with all of the applicable provisions of the UDC, 3) the proposed use and site development, together with any modifications applicable thereto, will be completely compatible with existing or permitted uses in the vicinity, 4) the conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and ensure compatibility with existing or permitted uses in the same district and the surrounding area, and that the prescribed zoning standards ensure proper mitigation of identified impacts by recommending stricter standards where necessary, 5) the Commission gave due consideration to all technical information supplied by the applicant and 6) the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity, and the City Council adopts these findings as its own; and

WHEREAS, the City Council, having considered the request for CUP, desires to approve the CUP for Accessory Living Quarters

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

SECTION 1. Incorporation of Recitals. The City Council finds the recitals in the preamble of this Ordinance are true and correct and incorporates them as findings of fact as if recited verbatim.

SECTION 2. Description of Property. The Property described as RABY ESTATES LOT 1, 1.93 AC. is depicted in **Exhibit A** attached hereto and incorporated herein for all purposes.

SECTION 3. CUP Granted. A CUP for the conditional use of Accessory Living Quarters for the Property is hereby granted. Such CUP is subject to all applicable federal, state or local laws or regulations, including the City Code and the UDC, and the following conditions:

- a. Building and Fire Codes – Applicant must comply with all Building and Fire Code requirements.
- b. Permits and Inspections. All required building permits and a Certificate of Occupancy must be obtained. All permit applications submitted for this property are subject to the requirements of the City Code.
- c. Accessory Living Quarters: Only one Accessory Living Quarter is allowed under this conditional use permit
- d. Additional Uses. No other conditional uses are allowed under this CUP.
- e. Manufactured Home Residential (MH-1) Regulations: All regulations of the Manufactured Home Zoning District, other than those amended by the Conditional Use Permit, apply to the Property.
- f. No Additional requirements changed. None of the requirements for Accessory Dwelling Units are amended or waived. Any structure on the Property can only be considered an Accessory Dwelling Unit if all applicable requirement within the UDC and Cibolo Code of Ordinances are met.
- g. Review fees – All fees associated with the review and processing of the application must be paid in full.

SECTION 4. Zoning Map Amendment. The Zoning Map of the City of Cibolo is hereby amended to reflect the CUP as created by this Ordinance.

SECTION 5. Savings. All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinances which have accrued at the time of the effective date of this Ordinance; and such accrued violations and litigation, both civil and criminal, whether pending in court or not, under such ordinances, shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 6. Repeal. All resolutions, ordinances, or parts thereof conflicting or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other resolution, code or ordinance of the City, or parts thereof, the terms and provisions of this Ordinance shall govern.

SECTION 7. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or illegal by final judgment of a court of competent authority, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and ordained all the remaining portions of this Ordinance without the inclusion of such portion or portions found to be unconstitutional or invalid.

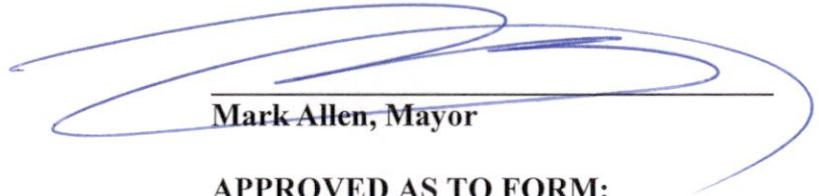
SECTION 8. Publication. The City shall publish this Ordinance in the newspaper designated as the official newspaper of the City twice as required by Section 3.13(3) of the City Charter.

SECTION 9. Open Meeting Compliance. The City Council finds that the meeting at which this Ordinance passed was conducted in compliance with the Texas Open Meetings Act.

SECTION 10. Penalty. It shall be unlawful for any person to violate any provision of this Ordinance. Any person who violates, or any person who causes or allows another person to violate, any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500). Each occurrence of any violation of this Ordinance shall constitute a separate offense. Each day on which any violation of this Ordinance occurs shall constitute a separate offense.

SECTION 11. Effective Date. This Ordinance will become effective upon the required newspaper publication.


PASSED, APPROVED, and ADOPTED on this 12 day of November 2024.




Mark Allen, Mayor

ATTEST:

APPROVED AS TO FORM:



Peggy Cimics, TRMC
City Secretary



Hyde Kelley LLP
City Attorney



SURVEY NOTES

- (1) DATE OF FIELD SURVEY: January 15, 2013
- (2) BASIS OF BEARINGS: Texas State Plane Coordinate System, NAD 1983, South Central Zone (4204). Vertical Datum is NAVD 1988.
- (3) REFERENCES:
 - R1 = Volume 1148, Page 628, DRGCT, Warranty Deed
 - R2 = Volume 562, Page 493, DRGCT, ROW Easement for Transmission Line
 - R3 = Volume 635, Page 558, DRGCT, Water Easement
- (4) No portion of this property lies within the 100 year flood zone according to the Flood Insurance Rate Map for Guadalupe County, Texas on Community Flood No. 48187C22300, with effective date November 2, 2007, as prepared by the Federal Emergency Management Agency (FEMA).

SUBDIVISION NOTES

- (1) This plot was prepared/revised on May 7, 2013.
- (2) This property shall be within the City of Cibola.
- (3) This property shall be within the EIA of the City of Cibola.
- (4) This property shall be within the Edwards Aquifer Recharge Zone.
- (5) This property lies within the Schertz-Cibola-Universal City ISD.
- (6) This property is served by the following utilities:
 - Electric - Guadalupe Valley Electric Coop
 - Telephone/Cable - Time Warner Cable
 - Water - Green Valley Special Utility District
 - Sewer - None
- (7) Drainage easements designated within this lot shall be owned and maintained by the lot owner, and shall remain free of any obstructions.
- (8) There are no structures on the subject property.
- (9) This plot does not amend, alter, release or otherwise affect any existing electric, gas, water, sewer, drainage, telephone, cable easements or any other easements for utilities.
- (10) All set monuments are 1/2" iron rods, unless otherwise noted.
- (11) To the best of our knowledge there are no environmentally sensitive areas relative to wetlands, endangered or otherwise listed species. An environmental study was not conducted within the plotted area.
- (12) Setting a portion of the property by metes and bounds is a violation of city ordinances and state law, and is subject to fines/for withholding of utilities and building permits.
- (13) Acreage shall not be deemed to give authority to violate, modify, void, or cancel any provisions of local, state, or federal laws, ordinances or codes.
- (14) The City of Cibola will not construct, reconstruct, or maintain any private road constructed within this subdivision. The City of Cibola will only accept public streets for maintenance which have been constructed within adequate right-of-way, in accordance with the standards and procedures for public improvements acceptance in its ordinances.
- (15) The City of Cibola reserves the right to remove streets and/or change house numbers due to incompatibility with existing name layout, emergency vehicle response, and mail delivery.

LEGEND

- Found 1/2" rebar with plastic cap "XSC RPLS 390"
- Found 1/2" rebar with no identification (unless otherwise noted)
- TabDOT aluminum cap ROW marker
- Set 1/2" rebar with plastic cap "TOLANDMARK SURVEYING"
- Dealtated Point
- () Record Dimensions
- DRGCT - Deed Records, Guadalupe County, Texas
- DRGCT - Official Public Records, Guadalupe County, Texas

STATE OF TEXAS
COUNTY OF BEXAR

I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE MINIMUM STANDARDS SET FORTH BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND BY TEXAS LANDMARK SURVEYING, INC.

R.R. Leeb 5/8/2013
REGISTERED PROFESSIONAL LAND SURVEYOR
FROM #10164800
JOS #11301023



26254 IH 10 West, Suite 105, Boerne, TX 78006
www.LandmarkSurveying.net (830) 428-0290

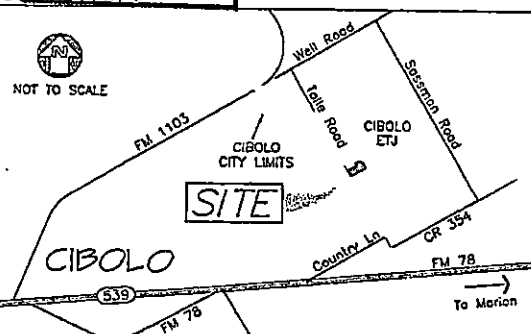
STATE OF TEXAS
COUNTY OF BEXAR

SWORN TO AND SUBSCRIBED BEFORE ME THIS 8th DAY OF May, 2013



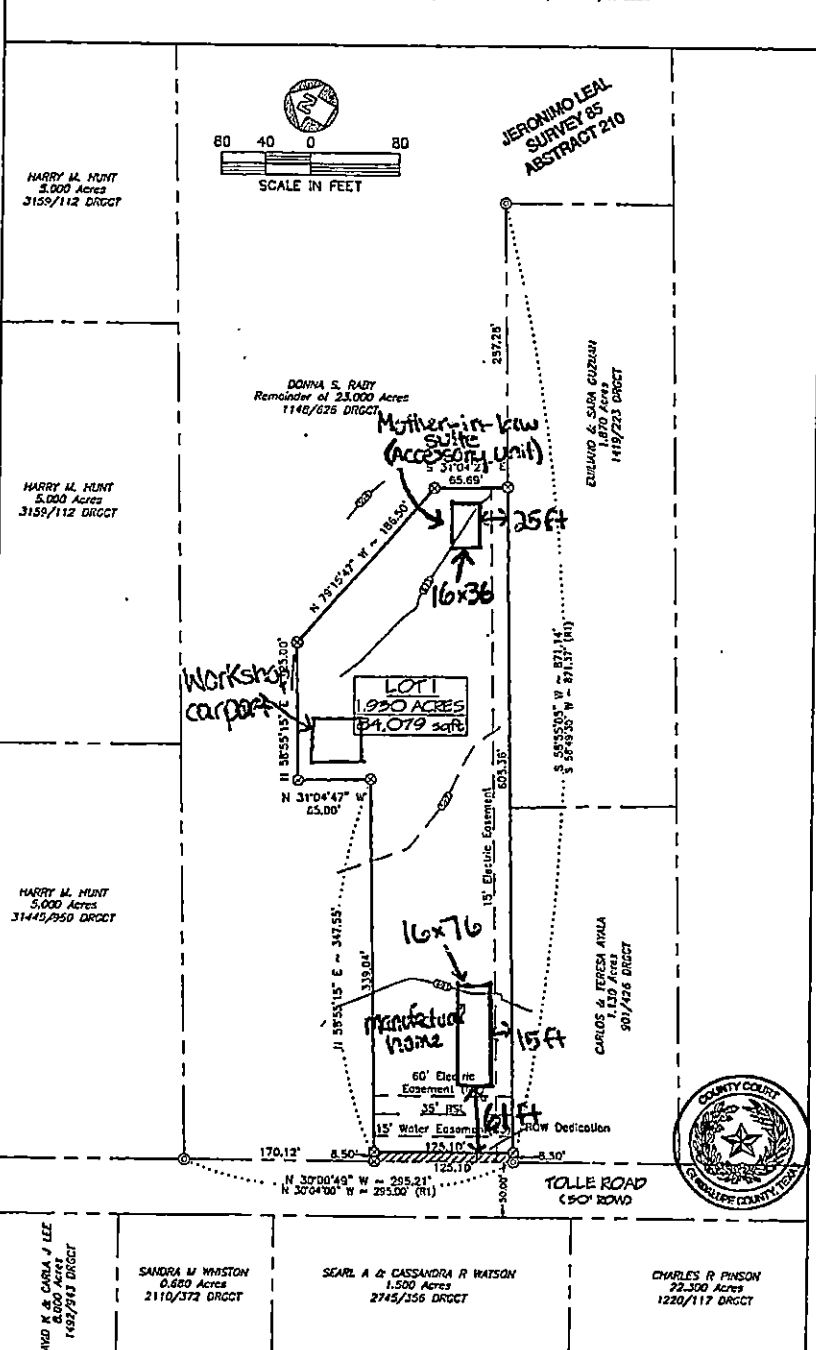
Reed Greene
NOTARY PUBLIC, BEXAR COUNTY, TEXAS

LOCATION MAP



LANDMARK CERTIFICATE

The donor of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, dedicates to the Green Valley Special Utility District of Bexar County, Texas, its successors and assigns, a perpetual Easement with the right to erect, construct, install and lay over and across these areas marked as sewer and water, the right to remove from said lands all trees, shrubs, grasses, growns, crops, structures, improvements, or other obstructions which may interfere with the facility of the access thereto. It is expressed and understood that no building, concrete slab or walls will be placed within said Easement area. Any monetary loss to Green Valley SUD resulting from modifications required of utility equipment located within said Easements due to grade change or ground elevation alterations shall be charged to the person or persons deemed responsible for said grade changes or ground elevation alterations. Upon entering in and upon said Easement, the District will endeavor to restore the land surface to a useable condition but is not obligated to restore it to a pre-existing condition.



MINOR PLAT OF RABY ESTATES SUBDIVISION

BEING 1,954 acres out of the Jeronimo Leal Survey No. 85, Abstract No. 210, Guadalupe County, Texas, said 1,954 acres being out of the DONNA S. RABY 23,000 acre tract recorded in Volume 1148, Page 628, Deed Records of Guadalupe County, Texas

BEING A TRACT OF LAND WITHIN THE SOUTHWEST CORNER OF THE SOUTHWEST CORNER OF SAID RABY 23,000 ACRE TRACT, LOCATED ON THE NORTH ROW OF TOLLE ROAD (20' ROW) FROM WHICH A FOUND 1/2" REBAR WITH PLASTIC CAP STAMPED "TOLANDMARK SURVEYING" FOR AN INTERIOR CORNER OF THIS TRACT.

THE SOUTH BOUNDARY LINE OF SAID RABY 23,000 ACRE TRACT, THE NORTH ROW OF SAID TOLLE ROAD, TO A SET 1/2" REBAR WITH PLASTIC CAP STAMPED "TOLANDMARK SURVEYING" FOR THE SOUTHWEST CORNER OF THIS TRACT.

THESE THROUGH THE INTERIOR OF SAID RABY 23,000 ACRE TRACT, THE FOLLOWING P.M.C. (3) BEARINGS AND DISTANCES:

1. NORTH 30° 55' 10" EAST FOR 152.00 FEET TO A SET 1/2" REBAR WITH A PLASTIC CAP STAMPED "TOLANDMARK SURVEYING" FOR AN INTERIOR CORNER OF THIS TRACT;
2. NORTH 30° 55' 10" EAST FOR 152.00 FEET TO A SET 1/2" REBAR WITH A PLASTIC CAP STAMPED "TOLANDMARK SURVEYING" FOR AN INTERIOR CORNER OF THIS TRACT;
3. NORTH 30° 55' 10" EAST FOR 152.00 FEET TO A SET 1/2" REBAR WITH A PLASTIC CAP STAMPED "TOLANDMARK SURVEYING" FOR AN INTERIOR CORNER OF THIS TRACT;
4. NORTH 30° 55' 10" EAST FOR 152.00 FEET TO A SET 1/2" REBAR WITH A PLASTIC CAP STAMPED "TOLANDMARK SURVEYING" FOR AN INTERIOR CORNER OF THIS TRACT;
5. NORTH 30° 55' 10" EAST FOR 152.00 FEET TO A SET 1/2" REBAR WITH A PLASTIC CAP STAMPED "TOLANDMARK SURVEYING" FOR THE NORTHEAST CORNER OF THE TRACT LOCATED ON THE NORTH ROW OF SAID TOLLE ROAD, TO A SET 1/2" REBAR WITH PLASTIC CAP STAMPED "TOLANDMARK SURVEYING" FOR THE NORTHEAST CORNER OF THIS TRACT.

THESE SOUTH 30° 55' 10" WEST FOR 152.00 FEET (SOUTH 30° 55' 10" WEST, R1) ALONG THE SOUTHWEST BOUNDARY LINE OF THIS TRACT, THE NORTH WEST BOUNDARY LINE OF SAID CLAYMAN 1,870 ACRE TRACT AND SAID AYALA 1,130 ACRE TRACT, TO THE POINT OF BEGINNING AND CONTAINED 1,954 ACRES OF LAND.

STATE OF TEXAS
COUNTY OF GUADALUPE

THE OWNER OF LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO THE USE OF THE PUBLIC, EXCEPT AS TO THE PRIVATE, EXCEPT ALL ERECTS, ALLEYS, PAVES, WATERWAYS, DRAINAGE, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATIONS THEREON EXPRESSED.

Donna S. Raby
DONNA S. RABY
NOT PUBLIC, STATE OF TEXAS
NO. 101333
NEW BRUNSWICK, TEXAS 77131

STATE OF TEXAS
COUNTY OF GUADALUPE

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED DONNA S. RABY, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREON EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 13th DAY OF May, 2013

Reed Greene
NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS
COUNTY OF GUADALUPE

I, THE UNDERSIGNED CITY ENGINEER OF THE CITY OF CIBOLA, HEREBY CERTIFY THAT THE SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY AS TO WHICH HIS APPROVAL IS REQUIRED.

DATED THIS 15th DAY OF May, 2013

Reed Greene
CITY ENGINEER
FM 1103

GREEN VALLEY SPECIAL UTILITY DISTRICT CERTIFICATE

THE LAND DEVELOPMENT PLAT HAS BEEN SUBMITTED TO AND APPROVED BY GREEN VALLEY SPECIAL UTILITY DISTRICT FOR EASEMENTS, WITHIN THE DISTRICT AND PAYMENT OF THE REQUIRED FEES, THE DISTRICT WILL PROVIDE DRAINAGE WATER SERVICE TO SAID LOT IN THIS SUBDIVISION, BY AGREEMENT WITH THE DEVELOPER.

Reed Greene
AGENT
GREEN VALLEY SPECIAL UTILITY DISTRICT

GUADALUPE VALLEY ELECTRIC COOP, INC. CERTIFICATE

THIS SUBDIVISION PLAT OF RABY ESTATES SUBDIVISION HAS BEEN SUBMITTED AND APPROVED BY GUADALUPE VALLEY ELECTRIC COOPERATIVE, INC. FOR EASEMENTS.

Reed Greene
AGENT FOR GUADALUPE VALLEY ELECTRIC COOPERATIVE, INC.

THIS PLAT HAS BEEN REVIEWED AND APPROVED BY THE CIBOLA CREEK MUNICIPAL AUTHORITY (CCMA) FOR WASTEWATER TREATMENT PLANT CAPACITY. ALL FEES DUE FOR IMPACT TO THE SYSTEM AT TIME OF CONNECTION WILL BE CALCULATED AT SUBMITTAL OF SCHEDULE.

Reed Greene
AGENT FOR CIBOLA CREEK MUNICIPAL AUTHORITY

THIS PLAT OF RABY ESTATES SUBDIVISION HAS BEEN SUBMITTED TO THE CITY OF CIBOLA, TEXAS, AND HAVING BEEN REVIEWED BY REGULATORS, AND FOR WHERE ADMINISTRATIVE DECISIONS HAVE BEEN GRANTED.

DATED THIS 15th DAY OF May, 2013

Reed Greene
CITY ENGINEER

UTILITY EASEMENT NOTE

ALL UTILITY EASEMENTS ARE FOR THE CONSTRUCTION, MAINTENANCE (INCLUDING BUT NOT LIMITED TO REMOVAL OF TREES AND OTHER OBSTRUCTIONS, INCLUDING OF RECORDS, AND FURNISH OF ALL OVERHEAD AND UNDERGROUND UTILITIES.

STATE OF TEXAS
COUNTY OF GUADALUPE

1. TERESA KIEL COUNTY CLERK OF SAID COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 17th DAY OF May, A.D. 2013

AT 2:56 P.M. AND DULY RECORDED THE 17th DAY OF May, A.D. 2013

2013 AT 2:56 P.M. IN THE MAP AND PLAT RECORDS OF Guadalupe County, Texas in Volume 8, PAGE 118, IN TESTIMONY WHEREOF, WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS 17th DAY OF May, A.D. 2013

COUNTY CLERK, Guadalupe COUNTY, TEXAS

Courtney Casas
DEPUTY

PAGE 1 OF 1