



**ORDINANCE NO. 1489**

**AN ORDINANCE OF THE CITY OF CIBOLO, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR 4.0253 ACRES OF REAL PROPERTY LOCATED AT 1636 FM 1103 TO ALLOW FOR LOCAL CONVENIENCE STORE WITH FUEL SALES IN A STRUCTURE LARGER THAN 5,000 SQUARE FEET; IMPOSING CONDITIONS ON SUCH CONDITIONAL USE; AMENDING THE ZONING MAP OF THE CITY OF CIBOLO, TEXAS; 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 AND 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**, the City Council of the City of Cibolo ("City Council") finds that Texas Local Government Code Chapter 211 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 Council finds that the City has adopted such regulations as codified in the City's Unified Development Code ("UDC") addressed as 1636 FM 1103; and

**WHEREAS**, the City Council finds that Fortune FM 1103 Cibolo Real Estate, LLC ("Owner") owns approximately 4.0253 acres of land located within the corporate limits of the City, composed of one parcel, addressed as 1636 FM 1103, Cibolo, Texas and described as ABS: 137 SUR: T GARCIA 4.025 AC, ("Property"); and

**WHEREAS**, the City Council finds that the Property presently has a zoning classification of C-3 Retail/Office zoning district; and

**WHEREAS**, the City Council finds that Owner desires to build a 9,130 square foot structure to be divided into four units with the larger unit of 5,500 square feet, being used as local convenience store with fuel sales; and

**WHEREAS**, the City Council finds that fuel sales are permitted by right within the C-3 Retail/Office zoning district per Section 13.2 of the UDC; and

**WHEREAS**, the City Council finds that Article 6.3.1(K)(5) provides that a Conditional Use Permit (“CUP”) is required if the structure for fuel sales exceeds 5,000 square feet; and

**WHEREAS**, the City Council finds that the Owner’s representative, Julie Doan of Doan & Associates, with authority granted by Samir Maredia on behalf of Owner, has submitted to the City an application for a CUP to allow for a Local Convenience Store with Fuel Sales in a structure over 5,000 square feet; and

**WHEREAS**, the City Council finds that, pursuant to Sections 4.3.2 and 4.3.1.1 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 that 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 Local Convenience Store with Fuel Sales in a structure in excess of 5,000 square feet in accordance with state and local law; and

**WHEREAS**, the City Council finds that 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 that 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 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 that 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 determined that 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 duly considered the request and all factors in 4.3.2 of the UDC, desires to approve the CUP for Local Convenience Store with Fuel Sales.

**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.

**SECTION 2. Description of Property.** The Property addressed as 1636 FM 1103, Cibolo, Texas, described as ABS: 137 SUR: T GARCIA 4.025 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 Local Convenience Store with Fuel Sales 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 & Fire Codes – The Property must comply with all Building and Fire Code requirements.
- b. Permits & Inspections – All required building permits and a Certificate of Occupancy must be obtained. All permit applications submitted for the Property are subject to the requirements of the Code.
- c. Additional Uses – No other conditional uses are allowed under this CUP.
- d. Retail/Office (C-3) Regulations: All regulations of the C-3 Retail/Office zoning district, other than those amended by the Conditional Use Permit, apply to the Property.
- e. TxDot Approval: The Property is along TxDOT right-of-way. Applicants must obtain approval from TxDOT and include proof of approval with any development applications submitted to the City of Cibolo.
- f. Site Plan: A site plan in compliance with Section 12.3.2 of the UDC, must be submitted to the City for review and approval.
- g. Parking Requirements: The site plan must comply with off-street parking requirements outlined in Section 10.2 of the UDC. Overnight parking is strictly prohibited.
- h. Exterior Lighting: A lighting plan subject to the illumination standards of Article 7 of the UDC must be submitted to the City for review and approval as part of the site plan application. The plan must ensure that light pollution, glare, and trespass are minimized, with illumination at the property lines limited to one (1.0) foot candle.
- i. Landscaping: A landscaping plan subject to the requirements of Article 17 of the UDC must be submitted to the City for review and approval as part of the site plan application.
- j. Alcohol Sales: Any alcohol sales are subject to Texas Alcoholic Beverage Commission rules and regulations.
- k. Supplemental Use Regulations: All regulations of Section 6.3 of the UDC Supplemental Use Regulations (K) Fuel Sales Business, other than those amended by the Conditional Use Permit, apply to the Property.

**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. Declaration of Compliance.** The City Council finds that all required public notices for consideration of the CUP have been properly issued and all required public hearings have been properly conducted.

**SECTION 6. 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 7. 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 8. 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 9. 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.

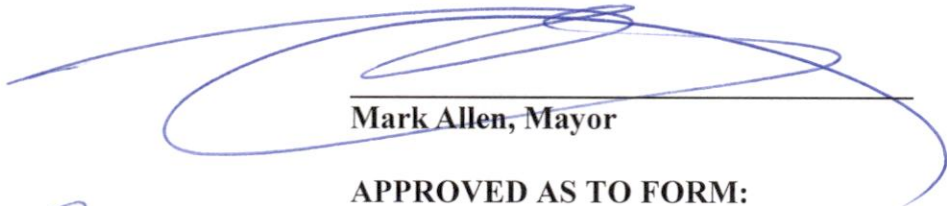
**SECTION 10. Open Meeting Compliance.** The City Council finds that the meeting at which this Ordinance passed was conducted in compliance with the Texas Open Meetings Act.

**SECTION 11. 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 Two Thousand Dollars (\$2,000.00). 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 12. Effective Date.** This Ordinance will become effective upon the required newspaper publication.


*<Signatures on Subsequent Page>*

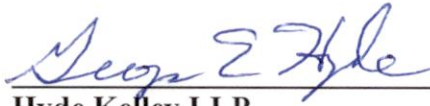
PASSED, APPROVED, and ADOPTED on this 11 day of March 2025.

  
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Mark Allen, Mayor

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Peggy Cimics, TRMC  
City Secretary

  
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Hyde Kelley LLP  
City Attorney

