



ORDINANCE NO. 1479

AN ORDINANCE OF THE CITY OF CIBOLO, TEXAS GRANTING A CONDITIONAL USE PERMIT FOR 10.15 ACRES OF REAL PROPERTY LOCATED AT 2090 PFANNSTIEL LANE TO ALLOW FOR MANUFACTURED HOME RESIDENTIAL USE; 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 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, 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"); and

WHEREAS, the City Council finds that Spillers Farm and Ranch, LLC ("Owner") owns approximately 10.15 acres of land located within the corporate limits of the City, composed of two parcels, described as ABS: 272 SUR: JOSE 8.6500 AC AND ABS: 272 SUR: JOSE ROSA 1.5000 AC, and generally located at 2090 Pfannstiel Lane ("Property"); and

WHEREAS, the City Council finds that the Property presently has a zoning classification of Agricultural AG; and

WHEREAS, the City Council finds that the Property contains an existing structure, and Owner desires to stop using such structure as a dwelling unit and replace it instead with a manufactured home; and

WHEREAS, the City Council finds that Article 13 of the UDC allows manufactured homes residential uses within agriculturally zoned properties upon approval of a Conditional Use Permit ("CUP"); and

WHEREAS, the City Council finds that the Owner's representative, John Spillers, has submitted to the City an application for a CUP to allow Manufactured Home Residential use on the Property; 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 Manufactured Home Residential use on the Property 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 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 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 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, desires to approve the CUP for Manufactured Home Residential use.

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 described as ABS: 272 SUR: JOSE 8.6500 AC AND ABS: 272 SUR: JOSE ROSA 1.5000 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 Manufactured Home Residential 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 & 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. Recordation of Plat – A subdivision plat must be submitted for review and approval with the City of Cibolo and recorded upon completion.
- e. AG Regulations - All regulations of the Agricultural Zoning District, other than those amended by the CUP, apply to the Property.
- f. Affidavit from Owner – A signed affidavit from the Owner stating that the existing structure on the Property will not be used as a dwelling unit is required.
- g. Additional Structure – The existing structure on the Property may not be used as a dwelling unit.

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.

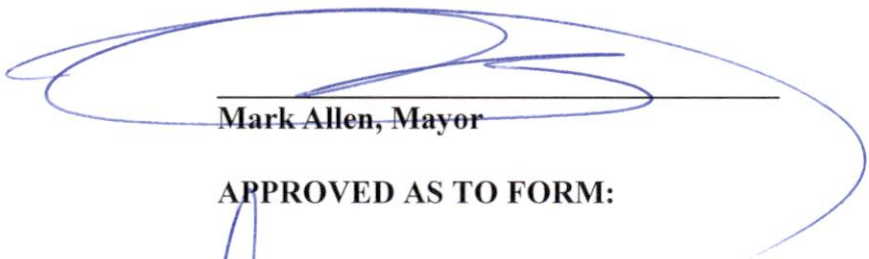
SECTION 9. Publication. The City shall publish this Ordinance in the newspaper designated as the official newspaper of the City twice as required by Section 3.13(3) of the City Charter.

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.

PASSED, APPROVED, and ADOPTED on this 14th day of January 2025.



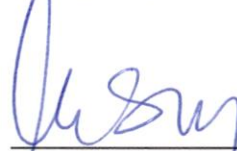
Mark Allen, Mayor

ATTEST:



**Peggy Cimics, TRMC
City Secretary**

APPROVED AS TO FORM:

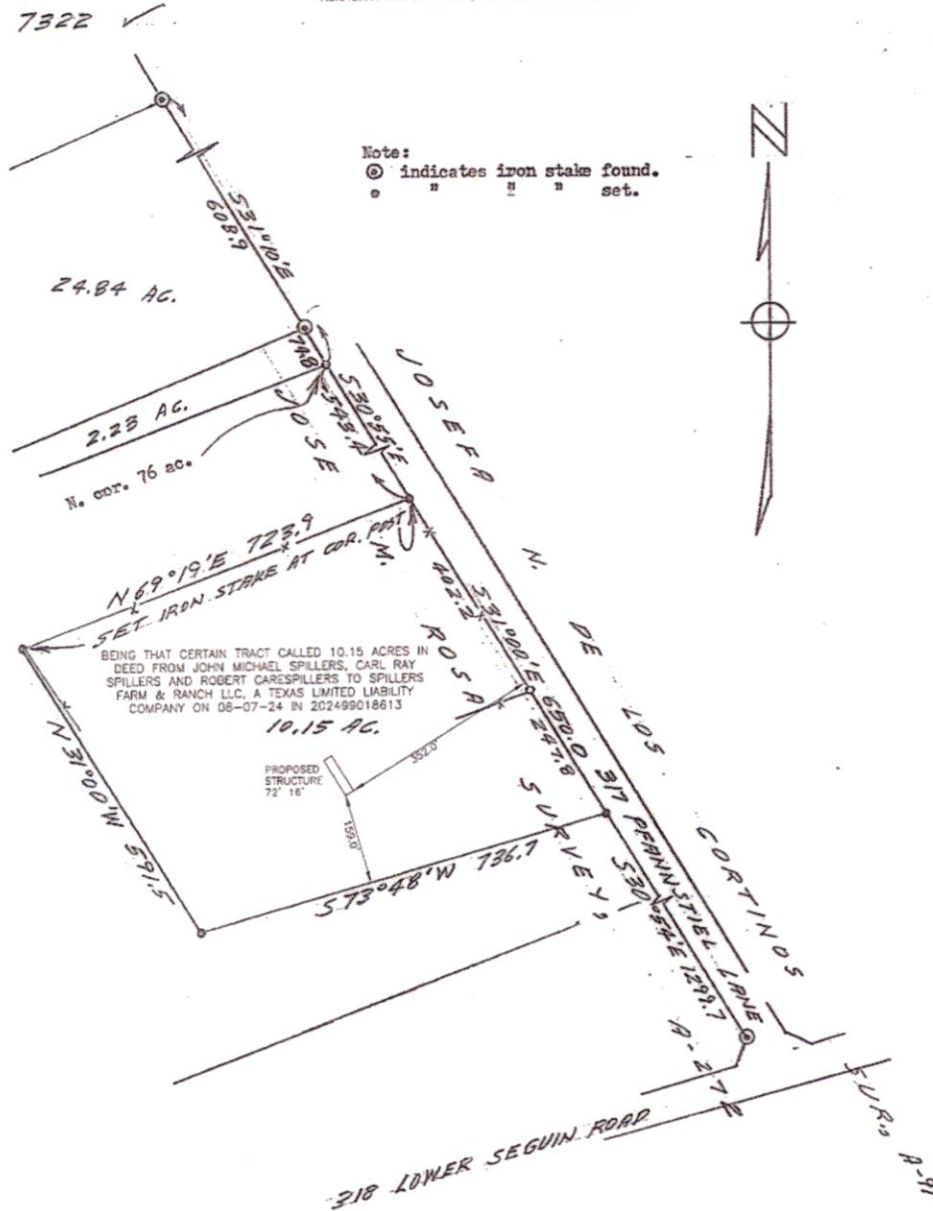


**Hyde Kelley LLP
City Attorney
Audrey Couture**



Exhibit A

NONA 2090 PFANNSTIEL LN.dwg 8.5 X 14 POR 10/17/2024 15:27:29



SEGUIN, TEXAS
OCTOBER 21, 1983

I HEREBY CERTIFY THAT THE
PLAT SHOWN HEREON REPRESENTS
THE RESULTS OF AN ON-THE-GROUND
SURVEY MADE UNDER MY SUPERVISION
IN OCTOBER, 1983.

PROPOSED IMPROVEMENT
ADDED 10-17-24

[Signature]
H.S. BETTERTH & ASSOC. INC.
315 S. CROCKETT STREET
SEGUIN, TEXAS 78155



PLAT OF PART OF THE MANSSEL SPILLERS
76 ACRE TRACT SITUATED IN THE JOSE
ROSA SURVEY, A-272, GUADALUPE COUNTY,
TEXAS.

Scale: 1" = 200'

Called 76 ac. conveyed by Bertha
Haecker Grobe, et al to Mansel Spiller
et ux, vol. 224 at p. 542 of the Deed
Records.

ADDRESS: 2090 PFANNSEIL LANE

BETTERTH & ASSOCIATES, INC.

111 EAST MOUNTAIN STREET, SEGUIN, TEXAS 78155
PH: 830.379.5552 E-MAIL: ken@bettertthassoc.com

SURVEYING FIRM NO. P-101287
TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS 1917 S. INTERSTATE 35 AUSTIN, TX 78741-3702 PH: 512-440-7723