



City of La Vernia  
**PLANNING & ZONING COMMISSION MEETING**  
102 E. Chihuahua St., La Vernia, Texas 78121  
October 08, 2024  
6:30 PM

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## AGENDA

1. **Call to Order**
2. **Invocation, Pledge of Allegiance and Texas Pledge**
3. **Citizens to Be Heard**  
*(At this time, citizens who have filled out a registration form prior to the start of the meeting may speak on any topic they wish to bring to the attention of the governing body so long as that topic is not on the agenda for this meeting. Citizens may speak on specific agenda items when that item is called for discussion. During the Citizens to Be Heard section no commission action may take place and no commission discussion or response is required to the speaker. A time limit of three minutes per speaker is permitted; the commission may extend this time at their discretion.)*
4. **Consent Agenda**  
*(All consent agenda items are considered routine by Planning & Zoning and will be enacted by one motion. There will be no separate discussion of these items unless a commission member requests an item be removed and considered separately.)*
  - A. Minutes from the 5/7/2024 Planning and Zoning meeting
5. **Public Hearing**
  - A. The La Vernia Planning and Zoning Commission will host a public hearing to discuss and consider a recommendation to the City Council on Ordinance No. 101024-01, a re-zone application for the property described as **376 DRY HOLLOW RD LA VERNIA, TX 78121 CITY OF LA VERNIA, LOT 163A, ACRES 4.34**, requesting to change from the current zoning R-A Residential Agriculture to C-1 Commercial Retail.
    - A.1 Open Public Hearing
    - A.2 Requestor Presentation
    - A.3 Staff Presentation
    - A.4 Receive Public Comments
    - A.5 Close Public Hearing
    - A.6 Discuss and consider a recommendation to the City Council on Ordinance No. 101024-01 a re-zone application for the property described

as 376 DRY HOLLOW RD LA VERNIA,  
TX 78121 CITY OF LA VERNIA, LOT  
163A, ACRES 4.34 requesting to change  
from current zoning R-A Residential  
Agriculture to C-1 Commercial Retail.

**6. Discussion & Action**

- A.** Discuss and consider a recommendation to the City Council regarding Ordinance No. 101024-02 amending Ch 38 Sec. 38-304 Additional Use Regulations regarding pools

**7. Items Specific to Future Line Items on the Agenda**

**8. Adjourn**

**DECORUM REQUIRED**

*Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.*

*The City Council for the City of La Vernia reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Open Meetings Act, Texas Governmental Code §551.071 (Consultation with Attorney), §551.072 (Deliberations about Real Property), §551.073 (Deliberations about Gifts and Donations), §551.074 (Personnel Matters), §551.076 (Deliberations about Security Devices), and §551.087 (Economic Development), and any other provisions under Texas law that permits a governmental body to discuss a matter in closed executive session.*

*The City of La Vernia Council meetings are available to all persons regardless of disability. The facility is wheelchair accessible and parking spaces are available. Request for accommodations, should you require special assistance, must be made 48 hours prior to this meeting. Braille is not available. Please contact the City Secretary at (830) 779-4541 or email mfarrow@lavernia-tx.gov.*

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above named La Vernia Planning and Zoning Commission is a true and correct copy of said Notice and that I posted true and correct copy of said Notice on the bulletin boards of the City Hall of said La Vernia, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on **OCTOBER 04, 2024 at 5:00 PM** and remained so posted continuously for at least 72 Hours preceding the scheduled time of said meeting.

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Madison Farrow, City Secretary



**PLANNING & ZONING COMMISSION MEETING**

102 E. Chihuahua St., La Vernia, Texas 78121

May 07, 2024

6:30 PM

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**MINUTES**

**1. Call to Order**

The meeting was called to order @ 6:31PM, Commission members Chris Jacobs, Wayne Robbins, Marlin Tanneberger, and Kyle Real were present.

**2. Invocation, Pledge of Allegiance and Texas Pledge**

Commissioner Jacobs led the Prayer and Pledge

**3. Citizens to Be Heard**

*(At this time, citizens who have filled out a registration form prior to the start of the meeting may speak on any topic they wish to bring to the attention of the governing body so long as that topic is not on the agenda for this meeting. Citizens may speak on specific agenda items when that item is called for discussion. During the Citizens to Be Heard section no commission action may take place and no commission discussion or response is required to the speaker. A time limit of three minutes per speaker is permitted; the commission may extend this time at their discretion.)*

There were no Citizens to be heard.

**4. Consent Agenda**

*(All consent agenda items are considered routine by Planning & Zoning and will be enacted by one motion. There will be no separate discussion of these items unless a commission member requests an item be removed and considered separately.)*

- A. Minutes from the 02-06-24 regular Planning and Zoning Meeting  
Commissioner Robbins made a motion to accept the consent agenda as listed, seconded by Commissioner Real, all in favor.

**5. Public Hearing**

- A. Discuss and consider a recommendation to the City Council on Ordinance No. 050924-01 A re-zone application for the property described as CITY OF LA VERNIA, LOT 353B, ACRES 1.80; 408 BLUEBONNET RD LA VERNIA, TX 78121 requested by CAPPARELLI JAMES & AMBER CAPPARELLI & GUIDO BORDANO & DARCI BORDANO to re-zone the property from the present classification of R-1 Single Family Residential District to C-1 Retail

A.1 Open Public Hearing

A.2 Requestor Presentation

A.3 Staff Presentation

A.4 Receive Public Comments

A.5 Close Public Hearing

A.6 Discuss and consider a recommendation to the City Council on Ordinance No. 050924-01 A re-zone application for the property described as CITY OF LA VERNIA, LOT 353B, ACRES 1.80; 408 BLUEBONNET RD LA VERNIA, TX 78121 requested by CAPPARELLI JAMES & AMBER CAPPARELLI & GUIDO BORDANO & DARCI BORDANO to re-zone the property from the present classification of R-1 Single Family Residential District to C-1 Retail

A.1 Open Public Hearing

Public Hearing was opened @6:33PM

A.2 Requestor Presentation

Amber Caparelli gave a Presentation on the Strip Center

A.3 Staff Presentation

There was no staff Presentation

A.4 Receive Public Comments

There were no Public comments

A.5 Close Public Hearing

Public Hearing was closed @6:34PM

A.6 Discuss and consider a recommendation to the City Council on Ordinance No. 050924-01 A re-zone application for the property described as CITY OF LA VERNIA, LOT 353B, ACRES 1.80; 408 BLUEBONNET RD LA VERNIA, TX 78121 requested by CAPPARELLI JAMES & AMBER CAPPARELLI & GUIDO BORDANO & DARCI BORDANO to re-zone the property from the present classification of R-1 Single Family Residential District to C-1 Retail

Commissioner Real motioned to recommend to C-1 zone, seconded by Robbins, all in favor.

**6. Items Specific to Future Line Items on the Agenda**

Discuss moving meetings to 6:00PM

## 7. Adjourn

Commissioner Robbins made a motion to adjourn the meeting @6:0PM, seconded by Commissioner Real, all in favor.

### DECORUM REQUIRED

*Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.*

*The City Council for the City of La Vernia reserves the right to adjourn into executive session at any time during this meeting to discuss any of the matters listed above, as authorized by the Texas Open Meetings Act, Texas Governmental Code §551.071 (Consultation with Attorney), §551.072 (Deliberations about Real Property), §551.073 (Deliberations about Gifts and Donations), §551.074 (Personnel Matters), §551.076 (Deliberations about Security Devices), and §551.087 (Economic Development), and any other provisions under Texas law that permits a governmental body to discuss a matter in closed executive session.*

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I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above-named La Vernia Planning and Zoning Commission is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin boards of the City Hall of said La Vernia, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on **April 29, 2024 at 5:00 PM** and remained so posted continuously for at least 72 Hours preceding the scheduled time of said meeting.

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Lindsey Wheeler, City Secretary

Date Received 9-5-24  
Permit/Receipt No. \_\_\_\_\_  
Fee Paid \$300 check

City of La Vernia  
Zoning Change Application  
102 E. Chihuahua Street  
P.O. Box 225, La Vernia, TX 78121  
(830) 779-4541 • Metro/Fax (830) 253-1198



Land ownership must be verified with a notarized statement. If the applicant is acting as the agent for the property owner, the property owner must provide a signed and notarized letter authorizing the agent to act on their behalf, and the letter must accompany the application.

Name KEITH JOHANSON

Mailing Address \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_ Mobile \_\_\_\_\_ Email johansonrentals@gmail.com

Property Address/Location 376 Dry Hollow

Legal Description \_\_\_\_\_  
Name of Subdivision \_\_\_\_\_

Lot(s) \_\_\_\_\_ Block(s) \_\_\_\_\_ Acreage 4.34

Existing Use of Property Res. Ag

Proposed Use of Property (attach additional or supporting information if necessary) \_\_\_\_\_

Zoning Change Request: Current Zoning R-A Proposed Zoning C-1

If "PDD Planned Development District", check if: Concept Plan \_\_\_\_\_ or Detail Plan \_\_\_\_\_

Reason for request (please explain in detail and attach additional pages if needed) \_\_\_\_\_

**Attachments:**

- Accurate metes and bounds description of the subject property (or other suitable legal description) Survey exhibit and other appropriate exhibits as deemed necessary by the city including, but not limited to, site plans, maps, architectural elevations, and information about proposed uses.
- Notarized statement verifying land ownership and if applicable, authorization of land owner's agent to file the zoning change request.

*A denied application is ineligible for reconsideration for one year.*

The undersigned hereby requests rezoning of the above described property as indicated:

Keith Johanson  
Signature of Owner(s)/Agent

9-5-24  
Date

Date of Publication <u>9-12-24</u>	For Office Use Only	Date of P&Z Public Hearing <u>10-8-24</u>
Date of 200 Ft Notices <u>9-12-24</u>		Date of Council Public Hearing <u>10-10-24</u>
Ordinance No. _____		Approved _____ Denied _____

I, Keith Johanson, am the land owner at 376 Dry Hollow Rd in La Vernia, TX 78121 (4.34 acers). Please accept this as my notarized statement.

Signed this 5<sup>th</sup> day of September, 2024.

*Keith Johanson*

Keith Johanson

State of Texas

County of Wilson

This instrument was acknowledged before me on this 5<sup>th</sup> day of September, 2024, by KEITH JOHANSON.

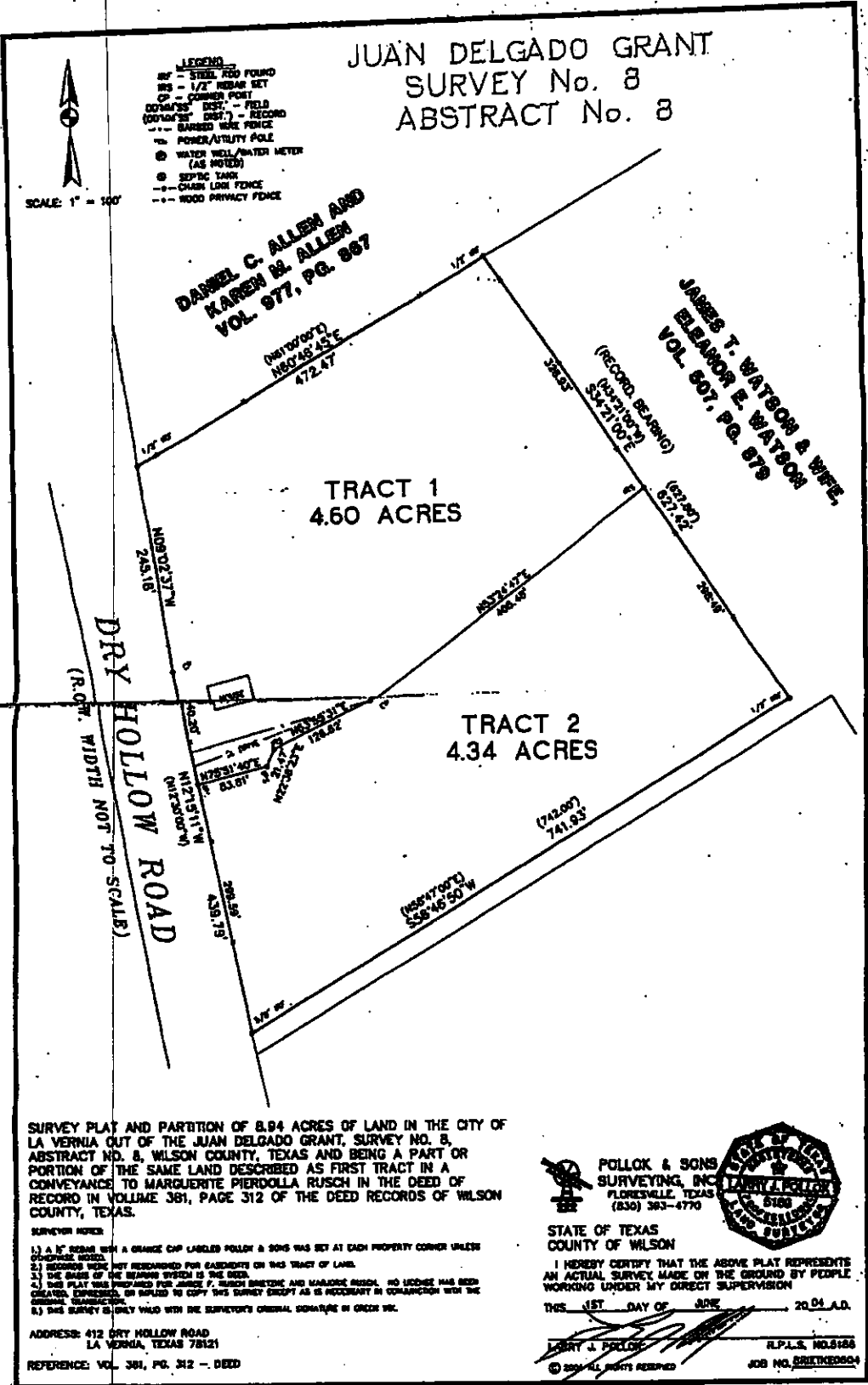
BRIANA ELLEN DOMINGUEZ  
My Notary ID # 125457272  
Expires October 10, 2025

*Briana Ellen Dominguez*

Notary Public, State of Texas

BRIANA ELLEN DOMINGUEZ  
My Notary ID # 125457272  
Expires October 10, 2025





*Keith Ophanson*

**MARTINEZ**  
**SURVEYING & MAPPING CO.**  
**Firm # 101822-00**  
**P.O. Box 17971**  
**San Antonio, Texas 78217**  
**(210) 829-4244**

STATE OF TEXAS  
COUNTY OF WILSON

4.34 ACRE TRACT

All that certain tract or parcel of land containing 4.34 acres in the City of La Vernia, Wilson County, Texas, out of the Juan Delgado Grant, Survey No. 8, Abstract 8, being a portion out of that certain tract described as First Tract in a conveyance to Marguerite Pierdolla, of record in Volume 381, Page 312, Deed Records of Wilson County, Texas and being the same tract described in conveyance from Marjorie A. Rusch to Janice Fay Brietzke, of record in Volume 1238, Page 185, Official Public Records of Bexar County, Texas.

- BEGINNING:** at a ½" iron pin found with cap on the Northeast line of Dry Hollow Road at the South corner of Marjorie A. Rusch, remaining portion of 4.60 acre tract, of record in Volume 1238, Page 189, Official Public Records of Wilson County, Texas, for the Northwest corner of this tract;
- THENCE:** along with the South line of said Marjorie A. Rusch, remaining portion of a 4.60 acre tract, the following courses and distances:  
North 75 deg. 51 min. 40 sec. East, 83.81 feet to a ½" iron pin found with cap;  
North 22 deg. 38 min. 23 sec. East, 21.47 feet to a ½" iron pin found with cap;  
North 63 deg. 55 min. 31 sec. East, 126.62 feet to a ½" iron pin found with cap;  
North 53 deg. 24 min. 47 sec. East, 406.48 feet to a ½" iron pin found with cap on the Southwest line of 101 Cienega Ltd., 16.985 acre tract, of record in Document # 141948, Official Public Records of Wilson County, Texas, at the East corner of said Marjorie A. Rusch, remaining portion of 4.60 acre tract, for the North corner of this tract;
- THENCE:** South 34 deg. 21 min. 00 sec. East, 298.49 feet to a ½" iron pin found at a corner of said 101 Cienega Ltd., 16.985 acre tract, for the East corner of this tract;
- THENCE:** South 58 deg. 46 min. 50 sec. West, 741.93 feet to a 5/8" iron pin found on the Northeast line of Dry Hollow Road at the West corner of said 101 Cienega Ltd., 16.985 acre tract, for the South corner of this tract;
- THENCE:** North 12 deg. 15 min. 11 sec. West, 299.59 feet along with the Northeast line of Dry Hollow Road to the POINT OF BEGINNING.

Bearing Basis – North 12 deg. 15 min. 11 sec. West, 299.59 feet – along the Southwest line of this tract, of record in Volume 1238, Page 185, Official Public Records of Bexar County, Texas.

Field notes prepared from survey performed by Pollok & Sons Surveying, Inc., dated 1<sup>st</sup> of June, 2004 and from current appraisal office records. No field survey was performed.



A handwritten signature in black ink that reads "Reynaldo Martinez Jr." with a stylized flourish at the end.

REYNALDO MARTINEZ JR.  
REGISTERED PROFESSIONAL  
LAND SURVEYOR No. 5482  
W. O. # 24-8-40  
August 30th, 2024

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**GENERAL WARRANTY DEED**

THE STATE OF TEXAS                             §  
  §   KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF WILSON                             §

**THAT, ISABELLA GRACE BRIETZKE, a single woman, hereinafter called Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) cash and other good and valuable consideration in hand paid by KEITH JOHANSON, whose address is P. O. Box 460, LaVernia, Texas 78121, hereinafter called Grantee, the receipt and sufficiency of which is hereby acknowledged;**

**HAS GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto the said Grantee the following described property situated in Wilson County, Texas, to-wit:**

**Being 4.34 acres of land, more or less, in Wilson County, Texas, as a part of the Juan Delgado Grant, Survey No. 8. (A-8), and being the land described in deed wherein an undivided interest in said land is conveyed dated August 20, 2004 from Marjorie A. Ruch to Janice Fay Brietzke, of record in Volume 1238, Page 186, Official Public Records of Wilson County, Texas.**

**This conveyance is made subject to, all and singular, the restrictions, conditions, easements and covenants, if any, applicable to and enforceable against the above described property as reflected by the records of the County Clerk of Wilson County, Texas.**

**Taxes for the current year have been prorated and are thereafter assumed by Grantee.**

TO HAVE AND TO HOLD the above described premises, together with, all and singular, the rights and appurtenances thereto in anywise belonging unto the said Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever.

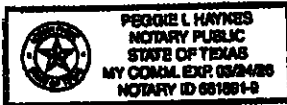
Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators, and successors to warrant and forever defend, all and singular, the said premises unto the said Grantee, Grantee's heirs, executors, administrators, successors, and assigns against any person whomsoever claiming or to claim the same or any part thereof.

DATED this the 22 day of March, 2024.

*Isabella Grace Brietzke*  
ISABELLA GRACE BRIETZKE, a  
single woman

STATE OF TEXAS  
COUNTY OF

This instrument was acknowledged before me on this the 22 day of March, 2024, by ISABELLA GRACE BRIETZKE, a single woman.



*Peggie L. Haynes*  
Notary Public, State of Texas

982.Dead2  
Según Título (P+)  
GFR0394608TC

**Wilson County  
Genevieve  
Martinez  
Wilson County Clerk**

**Instrument Number: 141069**

**eRecording - Real Property**

**GENERAL W/D**

**Recorded On: March 25, 2024 08:29 AM**

**Number of Pages: 3**

**" Examined and Charged as Follows: "**

**Total Recording: \$29.00**

**\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\***

**Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.**

**File Information:**

**Document Number: 141089  
Receipt Number: 20240322000041  
Recorded Date/Time: March 25, 2024 08:29 AM  
User: Loretta R  
Station: CC-2210**

**Record and Return To:**

**Corporation Service Company**



**STATE OF TEXAS  
COUNTY OF WILSON**

**I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED In the Official Records of Wilson County, Texas.**

*Genevieve Martinez*

**Genevieve Martinez  
Wilson County Clerk  
Floresville, TX**

035450 STC / PH

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**GENERAL WARRANTY DEED**

THE STATE OF TEXAS §  
COUNTY OF WILSON §

KNOW ALL MEN BY THESE PRESENTS:

THAT, ISABELLA GRACE BRIETZKE, a single woman, hereinafter called Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) cash and other good and valuable consideration in hand paid by KEITH JOHANSON, whose address is P. O. Box 460, LaVernia, Texas 78121, hereinafter called Grantee, the receipt and sufficiency of which is hereby acknowledged;

HAS GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto the said Grantee the following described property situated in Wilson County, Texas, to-wit:

Being 4.34 acres of land, more or less, in Wilson County, Texas, as a part of the Juan Delgado Grant, Survey No. 8. (A-8), and being the land described in deed wherein an undivided interest in said land is conveyed dated August 20, 2004 from Marjorie A. Rusch to Janice Fay Brietzke, of record in Volume 1238, Page 185, Official Public Records of Wilson County, Texas.

This conveyance is made subject to, all and singular, the restrictions, conditions, easements and covenants, if any, applicable to and enforceable against the above described property as reflected by the records of the County Clerk of Wilson County, Texas.

Taxes for the current year have been prorated and are thereafter assumed by Grantee.

TO HAVE AND TO HOLD the above described premises, together with, all and singular, the rights and appurtenances thereto in anywise belonging unto the said Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever.

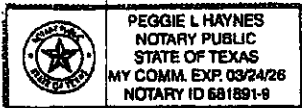
Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators, and successors to warrant and forever defend, all and singular, the said premises unto the said Grantee, Grantee's heirs, executors, administrators, successors, and assigns against any person whomsoever claiming or to claim the same or any part thereof.

DATED this the 22 day of March, 2024.

Isabella Grace Brietzke  
ISABELLA GRACE BRIETZKE, a  
single woman

STATE OF TEXAS  
COUNTY OF

This instrument was acknowledged before me on this the 22 day of March, 2024, by ISABELLA GRACE BRIETZKE, a single woman.



Peggie L Haynes  
Notary Public, State of Texas

982 Deeds2  
Seguin Title (PH)  
GF4035450STC



**Legal Public Notice**  
**NOTICE OF PUBLIC HEARINGS**

**PROPOSED CHANGE OF ZONING DISTRICT CLASSIFICATION**

**LA VERNIA PLANNING AND ZONING COMMISSION & CITY COUNCIL**

The La Vernia Planning and Zoning Commission will hold a public hearing on Tuesday, Oct 8th, 2024, at 6:30 PM & La Vernia City Council on Thursday, Oct 10<sup>th</sup>, 2024, at 6:30 PM in the City Council Chambers located at 102 E. Chihuahua Street, La Vernia, Texas 78121 to receive public comment and testimony on the application to rezone 376 DRY HOLLOW RD LA VERNIA, TX 78121 LOT 163A, ACRES 4.34

All property subject to the rezoning is located in Wilson County, Texas.

**From present classification of R-A Residential Agriculture to  
C-1 Commercial Retail**



### NOTICE OF PUBLIC HEARING

The City of La Vernia Planning & Zoning Commission & City Council will hold a public hearing at the request of the land owner: **JOHANSON, KEITH**

Property: Current Legal Description: **376 DRY HOLLOW RD LA VERNIA, TX 78121 CITY OF LA VERNIA, LOT 163A, ACRES 4.34** proposed as a commercial development.

Request: to change from current zoning R-A Residential Agriculture to C-1 Commercial Retail.

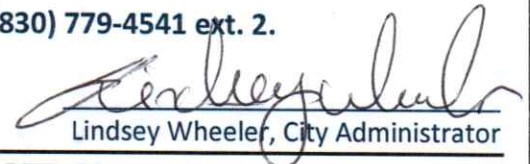
Because your property is located within 200 feet of the request, State Law requires that we notify you of the public hearing. **However, the zoning of your property will not be affected.** The public hearing process lets you provide your written opinion of the request. This will aid the Planning Commission in making a recommendation to the City Council.

A public hearing for this request is scheduled before the Planning & Zoning Commission on Tuesday, Oct 8th, 2024, at 6:30 pm & City Council on Thursday, Oct 10th, 2024, at 6:30 pm. The meeting will be held in the City Hall Council Chambers, 102 E. Chihuahua St., open to the public. To submit written comments, please complete the information below, including your signature, and return (before the meeting) to:

Mail: City of La Vernia  
Madison Farrow  
P.O. Box 225  
La Vernia, Texas 78121

Email: [MFarrow@lavernia-tx.gov](mailto:MFarrow@lavernia-tx.gov)

**If you have questions, please call Madison Farrow at (830) 779-4541 ext. 2.**

  
Lindsey Wheeler, City Administrator

#### YOUR OPINION MATTERS – DETACH AND RETURN

Circle one

I am **(in favor)** **(opposed to)** the proposed re-zone for the property- Current Legal Description: Current Legal Description: **376 DRY HOLLOW RD LA VERNIA, TX 78121 CITY OF LA VERNIA, LOT 163A, ACRES 4.34** proposed to be a commercial development.

Name: \_\_\_\_\_

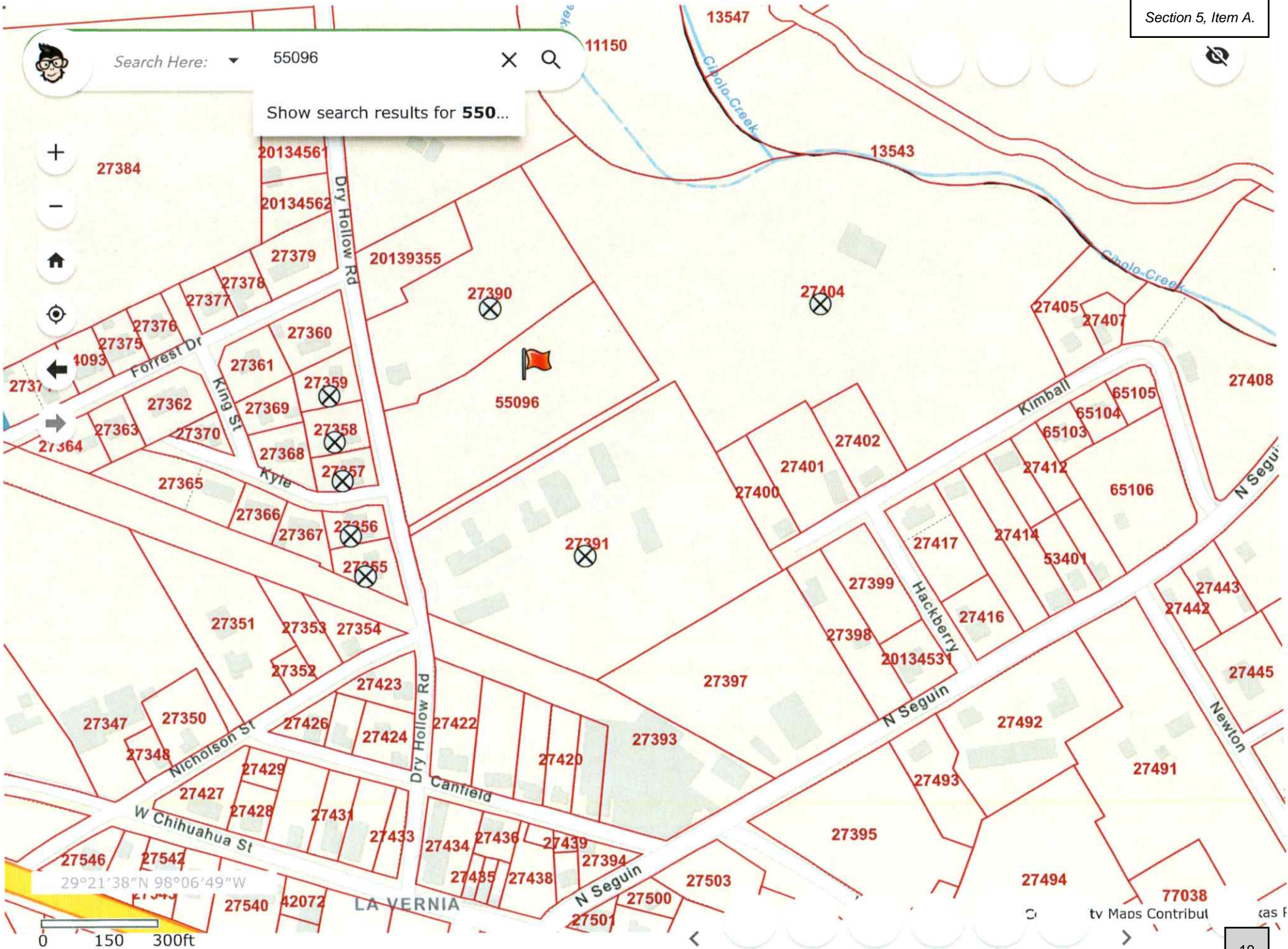
Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Comments: \_\_\_\_\_

**By State Law – Unsigned submission cannot be counted as an official comment.**



MOEHRIG JEREMY

**Agent:****Mailing Address:**409 DRY HOLLOW RD  
LA VERNIA, TX 78121-4041**Name:**

HERRINGTON ALISA

**Agent:****Mailing Address:**405 DRY HOLLOW RD  
LA VERNIA, TX 78121**Name:**

MARTINEZ RAYMUNDO

**Agent:****Mailing Address:**401 DRY HOLLOW RD  
LA VERNIA, TX 78121**Name:**

TANNEHILL HELENE MICHELE

**Agent:****Mailing Address:**209 FORREST  
LA VERNIA, TX 78121**Name:**

STRICKLAND LINDSEY

**Agent:****Mailing Address:**PO BOX 1074  
LA VERNIA, TX 78121**Name:**

RUSCH MARJORIE A

**Agent:****Mailing Address:**412 DRY HOLLOW RD  
LA VERNIA, TX 78121**Name:**

ZENNER HELEN L &amp; ELZABETH K SANDERS &amp; CLARA JO DUELM

**Agent:****Mailing Address:**13690 US HWY 87 W  
LA VERNIA, TX 78121**Name:**

101 CIENEGA LTD

**Agent:****Mailing Address:**615 BELKNAP PLACE  
SAN ANTONIO, TX 78212

**ORDINANCE NO. 101024-01**

**AN ORDINANCE OF THE CITY OF LA VERNIA, TEXAS AMENDING ZONING CODE CHAPTER 38 AND THE CITY'S OFFICIAL ZONING MAP PROVIDING FOR THE CHANGE OF ZONING DISTRICT CLASSIFICATION FROM PRESENT CLASSIFICATION OF SINGLE RESIDENTIAL AGRICULTURE (R-A) TO RETAIL (C-1) FOR THE PROPERTY DESCRIBED AS CITY OF LA VERNIA, LOT 163A, 376 DRY HOLLOW RD LA VERNIA, TX 78121, ACRES 4.34; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 211 of the Vernon's Local Government Code empowers a city to enact zoning regulations and provide for their administration, enforcement, and amendment; and

**WHEREAS**, the City has previously deemed it necessary and desirable to adopt zoning regulations to provide for the orderly development of property within the City in order to promote the public health, safety, morals and general welfare of the residents of the City, and

**WHEREAS**, Chapter 38 of the City of La Vernia Code of Ordinances which constitutes the City's zoning code requires property to be zoned in accordance with proper designations as defined by this ordinance; and

**WHEREAS**, an application has been filed with the City of La Vernia Planning and Zoning Commission to re-zone properties as more particularly described herein ("Property"); and

**WHEREAS**, the Property has been zoned as Residential Agriculture (R-A); and

**WHEREAS**, the Planning and Zoning Commission of the City of La Vernia provided adequate notice and held a public hearing in accordance with Chapter 38 Zoning and has considered the re-zoning of properties specified herein; and

**WHEREAS**, the Planning and Zoning Commission of the City of La Vernia has recommended approval for the re-zoning of the designated property to Retail (C-1) and has confirmed that the re-zoning is uniform and conforms to the plan and design of the City of La Vernia's Zoning code; and

**WHEREAS**, the City Council of the City of La Vernia has also held a public hearing regarding the re-zoning of the affected property and has issued adequate notice to all the affected parties; and

**WHEREAS**, the City Council of the City of La Vernia believes the re-zoning of the affected property will not adversely affect the character of the area of the neighborhood in which it is proposed to be located; will not substantially depreciate the value of adjacent or nearby properties; will be in keeping with the spirit and intent of the City's Zoning code; will comply with applicable standards of the district in which located; and will not adversely affect traffic, public health, public

utilities, public safety and the general welfare of the residents of the City of La Vernia;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS:**

**SECTION 1.** Chapter 38 and the City's Zoning Map of the City of La Vernia, Texas are hereby amended as follows:

Change of Zoning District Classification from the present classification of Residential Agriculture (R-A) to Retail (C-1) for the following property:

**CITY OF LA VERNIA, LOT 163A, ACRES 4.34, located at 376 DRY HOLLOW RD LA VERNIA, TX 78121, AS DISPLAYED IN ATTACHMENT A**

**SECTION 2.** The caption of this ordinance shall be published one (1) time in a newspaper having general circulation in the City of La Vernia, Texas.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS, ON THIS 08TH DAY OF OCT, 2024.**

\_\_\_\_\_  
Martin Poore, Mayor  
City of La Vernia

**ATTEST:**

\_\_\_\_\_  
Madison Farrow, City Secretary  
City of La Vernia

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney's Office

**ATTACMENT A**

**ORDINANCE NO. 101024-02**

**AN ORDINANCE OF THE CITY OF LA VERNIA, TEXAS AMENDING LA VERNIA CODE OF ORDINANCES CHAPTER 38 ZONING, SEC. 38-304. - ADDITIONAL USE REGULATIONS; AMENDING SECTION 6 POOL REGULATIONS; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 211 of the Vernon’s Local Government Code empowers a city to enact zoning regulations and provide for their administration, enforcement, and amendment; and

**WHEREAS**, the City has previously deemed it necessary and desirable to adopt zoning regulations to provide for the orderly development of property within the City to promote the public health, safety, morals, and general welfare of the residents of the City, and

**WHEREAS**, the City of La Vernia Code of Ordinances Chapter 38, which constitutes the City’s Zoning Ordinance, requires a property to be zoned in accordance with proper designations as defined by this ordinance; and

**WHEREAS**, the City Council and Planning and Zoning Commission of the City of La Vernia have met and discussed amending the above-mentioned sections of the Zoning code; and

**WHEREAS**, the Planning and Zoning Commission of the City of La Vernia has recommended approval of the amendments to the Zoning Regulations discussed in this ordinance, and the proposed amendments are uniform and conform to the plan and design of the City of La Vernia’s Zoning Ordinance; and

**WHEREAS**, the City Council of the City of La Vernia believes the amendments will comply with the standards and purpose of the Zoning Ordinance and are in the best interests of the public safety and the general welfare of the residents of the City of La Vernia;

**NOW THEREFORE: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS:**

**Section 1.  
Zoning Regulations Amended.**

**CHAPTER 38 ZONING, SEC. 38-304. - ADDITIONAL USE REGULATIONS** of the City of La Vernia’s Code of Ordinances is hereby amended as reflected in the attached document as **Attachment “A.”**



**Section 2.  
Severability**

If any section, subsection, paragraph, sentence, clause, phrase, or word in this Ordinance, or the application thereof, to any person or circumstance, is held invalid, such holding shall not affect the validity of the remaining portions of the same and the City Council hereby declares it would have passed such remaining portions despite such invalidity.

**Section 3  
Cumulative**

This ordinance is cumulative of all other laws addressing land use regulations and any prohibitions and sanctions that may be imposed under other laws relating to the subjects covered hereunder.

**Section 4.  
Effective Date**

This ordinance shall take effect immediately after its passage and publication, as may be required by governing law.

**PASSED, APPROVED, AND ADOPTED THIS 10<sup>TH</sup> DAY OF October 2024.**

\_\_\_\_\_  
Martin Poore, Mayor  
City of La Vernia

**ATTEST:**

\_\_\_\_\_  
Madison Farrow, City Secretary  
City of La Vernia

## ATTACHMENT A

### Sec. 38-304. - Additional use regulations.

The following additional regulations shall be applicable to the uses identified herein:

(1)

*Commercial amusement.* A commercial amusement use shall be treated acoustically so that no noise of the enterprise is perceptible at the bounding property line.

(2)

*Bed and breakfast.* A bed and breakfast shall not permit the operation of a restaurant for customers other than the occupants of the guestrooms. Parking shall be provided at a minimum of one space per bedroom.

(3)

*Garden center, retail sales.* Items that are displayed for sale to the general public shall be located behind the front yard line established in the district in which the garden center is located.

(4)

*Retirement housing, assisted living, adult day care.* The following subsidiary uses may be permitted to provide on-site goods and services for residents and their guests, but are not intended for use by the general public:

a.

Cafeteria and/or dining room;

b.

Library;

c.

Game room;

d.

Swimming pool and/or Jacuzzi;

e.

Exercise room;

f.

Arts and crafts facilities;

g.

Greenhouse;

h.

Housekeeping service;

i.

Transportation service;

j.

Snack bar with a maximum of 350 square feet per 100 dwelling units;

k.

Beauty/barber shop with a maximum of 450 square feet per 100 dwelling units or a minimum of 250 square feet per 100 dwelling units;

l.

Convenience retail shop with minimum of 350 square feet per 100 dwelling units to provide for sale of food items, nonprescription drugs, small household items, and gifts.

(5)

*Servant's/caretaker's/guard's residence.* The living area of a servant's, caretaker's, or guard's residence shall not exceed 1,000 square feet.

(6)

*Swimming pool (Private or HOA):* Swimming pools shall be located within the required side or rear yards provided, however, that a pool shall not be located closer than ~~eight~~**five** feet to any property line or utility easement.

(7)

*Community home.* shall provide the following services to persons with disabilities who reside in the home include:

a.

Food and shelter;

b.

Personal guidance;

c.

Care;

d.

Habilitation services; and

e.

Supervision.