



CITY OF LEON VALLEY
CITY COUNCIL REGULAR MEETING
Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Tuesday, April 16, 2024 at 6:30 PM

AGENDA

The City of Leon Valley City Council Shall Hold an In-Person Meeting with A Quorum of Members of City Council to Be Physically Present in The Leon Valley City Council Chambers, 6400 El Verde Road, Leon Valley, Texas 78238. Some Members of City Council May Appear and Participate in The Meeting by Videoconference Pursuant to The Requirements Set Forth in The Texas Open Meetings Act.

Citizens May E-Mail Public Comments To citizenstobeheard@leonvalleytexas.gov. All Other Citizen Participation May Be Provided In-Person at City Council Chambers.

- 1. Call to Order; Determine a Quorum is Present, Pledge of Allegiance**
- 2. Citizens to be Heard**
- 3. Presentations**
 1. Presentation and Discussion to Amend Article 3.04 of the Leon Valley Code of Ordinance- Sign Ordinance - R. Salinas, Director of Economic Development (1st read as Required by City Charter)
 2. Presentation and Discussion of the Monthly Financial Report Ending March 31, 2024 - C. Goering, Finance Director
- 4. Regular Agenda**
 1. Discussion and Possible Action to a Request to Postpone Rezoning Approximately 27-Acres of Land From R-1 (Single Family Dwelling) to a Planned Development District With R-6 (Garden Home) Base Zoning District, Being Lot 1, Block 1, CB 4430C, Good Samaritan Lodge Nursing Home Inc Subdivision, Parcel 1, Abstract 399, CB 4429, and Parcel 11, Abstract 432, CB 4430 (unplatted), Located at 6518 Samaritan Drive, Leon Valley, Texas - M. Teague, Planning and Zoning Director
- 5. Announcements by the Mayor and Council Members.** At this time, reports about items of community interest, which no action will be taken may be given to the public as per Chapter 551.0415 of the Government Code, such as: expressions of thanks, congratulations or condolence, information regarding holiday schedules, reminders of social, ceremonial, or

community events organized or sponsored by the governing body or that was or will be attended by a member of the Leon Valley City Council or a City official.

6. City Manager's Report

1. Upcoming Important Events:

Regular City Council Meeting, Tuesday, May 07, 2024, at 6:30 PM, in City Council Chambers.

Joint General Election – Early Voting, Monday, April 22, 2024 through Tuesday, April 30, 2024.

Job Fair, Tuesday, April 23, 2024, from 9:00 AM to 12:00 PM, at the Leon Valley Community Center.

Library Volunteer Party, Wednesday, April 24, 2024, from 5:00 PM to 7:00 PM, at the Leon Valley Public Library.

Coffee with the Mayor & City Council, Saturday, April 27, 2024, from 9:00 AM to 11:00 AM, at the Leon Valley City Hall.

Household Hazardous Waste Collection, Saturday, April 27, 2024, from 8:00 AM to 1:00 PM, at the Leon Valley Fire Department. This event is only for Leon Valley residents – address verification required.

Joint General Election - Election Day, Saturday May 04, 2024, polls open from 7:00 AM to 7:00 PM.

Special City Council Meeting, Wednesday, May 15, 2024, at 7:30 AM, in City Council Chambers.

Annual City-Wide Garage Sale, Saturday, May 25, 2024, from 8:00 AM to 6:00 PM

Miscellaneous other events and announcements.

7. Consent Agenda

1. Discussion and Possible Action Approving of the Following City Council Minutes:
 - a. 04-02-2024 Regular City Council Meeting Minutes

2. Discussion and Possible Action Accepting of the Following Board/Commission Minutes:
 - a. 02-26-2024 Economic and Community Development Advisory Committee Meeting Minutes
 - b. 01-10-2024 Earthwise Living Committee Meeting Minutes
 - c. 02-07-2024 Earthwise Living Committee Meeting Minutes

- [3.](#) Presentation, Discussion, and Possible Action to Consider Approval of a Resolution Authorizing the Filing of an Application with the Bexar County Community Development Block Grant Program for Fiscal Year 2024 - D. Dimaline, Assistant Public Works Director
- [4.](#) Discussion and Possible Action on an Ordinance Approving VIA's Decision to Repeal the Application of the Exemption of Taxes on Sales within VIA's Entity Area of Telecommunication Services and Approves VIA's Decision to Impose such a Tax on Telecommunications Services - Mr. Tom Marks, VIA Chief Government and External Affairs Officer (1st Read was Held on 04-02-2024)
- [5.](#) Discussion and Possible Action on a Resolution Removing Benjamin Alterman from the Economic and Community Development Advisory Committee - Mayor Chris Riley
- [6.](#) Discussion and Possible Action of Councilor Will Bradshaw's Excused Absence for the April 02, 2024, City Council Meeting as Provided in the Charter Section 3.08, Subsection B, Part 3
- [7.](#) Discussion and Possible Action to Consider Approval of an Ordinance Authorizing a Budget Adjustment from the General Fund Reserve in the Amount of \$84,232.00 for Repairs to the Kinman House Foundation and the Police Department Sally Port Roof (1st Read was Held on 04-02-2024) - M. Moritz, Public Works Director
- [8.](#) Discussion and Possible Action to Approve an Ordinance Requesting a Specific Use Permit (SUP) to Allow the Sale of Firearms, Ammunition, and Law Enforcement Equipment in a B-3 Commercial Zoning District, Being Lot 4, Block 1, CB 4428H, Located at 5405 Bandera Rd., Ste 101, Leon Valley, Texas - (1st Read was Held 04-02-2024) - M. Teague, Planning and Zoning Director
- [9.](#) Discussion and Possible Action to Approve an Ordinance Requesting a Specific Use Permit (SUP) on an Approximately 2.32 Acre Tract of Vacant Land, Located in the 5900 Block of Grissom Road, for the Construction and Operation of a "Car Wash (Automatic)" - (1st Read was Held 04-02-2024) - M. Teague, Planning and Zoning Director
- [10.](#) Discussion, and Possible Action to Approve an Ordinance Requesting to Rezone an Approximately 0.854 Tract of Land From R-3 (Multi-family Dwelling) District to a Planned Development District (PDD) With R-2 (Two-Family Dwelling) Base Zoning, Being the North 133.20 Feet of Lot 7, CB 4445L, Dirt V-Murchison-Huebner Subdivision, Located at 7680 Huebner, Leon Valley, Texas - (1st Read was Held 04-02-2024) - M. Teague, Planning and Zoning Director
- [11.](#) Discussion and Possible Action of the Quarterly Investment Report for the Quarter Ended March 31, 2024 - C. Goering, Finance Director

8. **Requests from Members of City Council to Add Items to Future Agendas – Per Section 3.10 (A) of the City of Leon Valley’s Code of Ordinances, at a Meeting of City Council, a Member of City Council May Place an Item on an Agenda by Making a Motion to Place the Item on a Future Agenda and Receiving a Second. No Discussion Shall Occur at the Meeting Regarding the Placement of the Item on a Future Agenda.**

9. **Adjournment**

Executive Session. The City Council of the City of Leon Valley reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on the posted agenda, above, as authorized by the Texas Government Code, Sections 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).

Sec. 551.0411. MEETING NOTICE REQUIREMENTS IN CERTAIN CIRCUMSTANCES: (a) Section does not require a governmental body that recesses an open meeting to the following regular business day to post notice of the continued meeting if the action is taken in good faith and not to circumvent this chapter. If an open meeting is continued to the following regular business day and, on that following day, the governmental body continues the meeting to another day, the governmental body must give written notice as required by this subchapter of the meeting continued to that other day.

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other City boards, commissions and/or committees may attend the open meeting in numbers that may constitute a quorum. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of any other boards, commissions and/or committees of the City, whose members may be in attendance in numbers constituting a quorum. These members of other City boards, commissions, and/or committees may not deliberate or act on items listed on the agenda. [Attorney General Opinion – No. GA-0957 (2012)].

I hereby certify that the above **NOTICE OF PUBLIC MEETING(S) AND AGENDA OF THE LEON VALLEY CITY COUNCIL** was posted at the Leon Valley City Hall, 6400 El Verde Road, Leon Valley, Texas, and remained posted until after the meeting(s) hereby posted concluded. This notice is posted on the City website at <https://www.leonvalleytexas.gov>. This building is wheelchair accessible. Any request for sign interpretive or other services must be made 48 hours in advance of the meeting. To plan, call (210) 684-1391, Extension 216.



SAUNDRA PASSAILAIGUE, TRMC
City Secretary
April 11, 2024 2:45 PM



MAYOR AND COUNCIL COMMUNICATION

DATE: April 16, 2024
TO: Mayor and Council
FROM: Roque Salinas, Director of Economic Development
THROUGH: Dr. Crystal Caldera, City Manager
SUBJECT: Presentation and Discussion to Amend Article 3.04 of the Leon Valley Code of Ordinance- Sign Ordinance - R. Salinas, Director of Economic Development (1st read as Required by City Charter)

PURPOSE

The City Council adopted an Ordinance on December 21, 2021, which removed sign provisions from the sustainability overlay. This Ordinance would be an update to Article 3.04- Signs Under the Leon Valley Code of Ordinance. The changes include the removal of wind waver flags as a prohibited item, add a setback requirement for multitenant signs, and add regulations for the use of billboard signs at the intersection of Bandera Road and Interstate 410 as shown on the map.

FISCAL IMPACT

No Fiscal Impact

RECOMMENDATION

Council discretion.

APPROVED : _____ DISAPPROVED : _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST :

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

ORDINANCE No. 2021-70

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, AMENDING SECTION 15.02, APPENDIX C(I), G, SIGNAGE OF THE CITY'S CODE OF ORDINANCES; PROVIDING FOR REPEALER, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Chapter 15 of the City's Code of Ordinances establishes the City's Zoning Regulations pursuant to Chapter 211 of the Texas Local Government Code; and

WHEREAS, Section 15.02, Appendix C(I), G contains regulations pertaining to signage which supersedes Article 3.04 of the City's Building Code, which also regulates signage; and

WHEREAS, the City's Planning Zoning Commission has held a public hearing and recommended the City Council amend the City's signage regulations as previously recommended by the City's Sign Code Update Advisory Committee; and

WHEREAS, the City Council now desires amend Section 15.02, Appendix C(I), G, as provided in Exhibit A.

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

SECTION 1. Section 15, Appendix C(I), G is hereby amended as provided in the attached Exhibit A.

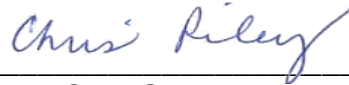
SECTION 3. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.

SECTION 4. That it is hereby declared to be the intention of the City Council of the City of Leon Valley that phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, and section.

SECTION 5. The ordinance shall be effective upon passage and publication as required by law.


PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 21st day of December 2021.

APPROVED




CHRIS RILEY
MAYOR

Attest :



SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form: City Attorney



CLARISSA M. RODRIGUEZ
City Attorney



EXHIBIT A

G.—Signs.

1.—Intent. These standards are primarily for new projects and reflect the reduced need for large extensive signage that has resulted in the past from buildings that were constructed towards the rear of the site with large setbacks from the street.

The intent of this section is to establish architectural controls, limit clutter and regulate commercial and locational signage. It is also intended to help enliven retail and restaurant mixed-use areas.

While it is the intent to allow for ongoing regular maintenance of existing nonconforming signs based on existing sign ordinance regulations for nonconforming signs (section 3.04.007), generally, sign improvements should not significantly prolong the life of a nonconforming sign.

2.—Proposed additions and changes to current standards.

a.—Freestanding signs.

i.—All freestanding business or development identification signs must be monument signs, except adjacent to Loop 410 and the flyover.

b.—Monument signs.

i.—A maximum of 7 feet in height and a total structure size of 98 sf.

ii.—The maximum sign face area shall be 60 sf.

iii.—Signs shall have a minimum one-foot masonry base measured from the ground to the bottom edge of the sign.

iv.—Signs shall have a minimum 6-inch border on each side and the top.

v.—Building materials and colors utilized for construction of monument bases, side borders, caps, and sign frames shall be constructed of the same materials found on the main building on the lot, unless otherwise approved by the city council.

c.—Pole signs.

i.—Pole signs shall only be permitted on properties immediately adjacent to, and fronting, Loop 410 and the flyover.

ii.—Maximum height and sign area shall be as follows:

	Height	Sign Area
Single	45 ft.	300
Dual	45 ft.	375
Multiple	50 ft.*	500

*An additional 10 feet of overall height may be added if the elevation of the adjacent roadway grade is determined to cause particular visibility problems.

iii.—One freestanding sign shall be permitted on each street frontage, as follows:

a)—Less than 250 feet of frontage: One (1) sign.

b)—250 feet or more of frontage: One (1) sign per 200 feet of frontage when approved by a master sign plan.

iv.—No off-site advertising shall be allowed.

v.—Landscape buffer. Unless an alternate method of providing traffic and pedestrian safety is approved through the master sign plan, each freestanding sign shall be placed within a landscaped area extending a minimum four (4) feet from the sign in each direction. Such measurements shall begin at

the sign base or at the edge of any overhang within 20 feet of the ground, whichever requires the greater barrier. Xeriscaping is encouraged.

d. ~~Wall signs.~~

- i. ~~A maximum of 1.5 square feet of wall sign shall be allowed for each one (1) linear foot of primary building face.~~
 - ii. ~~A minimum 10-foot distance shall be provided between wall signs (excluding building identification sign or directory sign).~~
- e. ~~Projecting and hanging signs, including graphic or icon signs, mounted perpendicularly to the wall.~~
- i. ~~A maximum of one per occupancy per building face.~~
 - ii. ~~A maximum area of 6 square feet per face; and a maximum of three feet in width.~~
 - iii. ~~Distance from the sidewalk to the lower edge of the sign shall be 7.5 feet or greater.~~
 - iv. ~~Minimum fifteen-foot distance between signs.~~
 - v. ~~The height of the top edge of the signboard shall not exceed the wall from which the sign projects, if attached to a single-story building; or the height of the sill or bottom of any second-story window, if attached to a multi-story building.~~

f. ~~Window signs.~~

- i. ~~The sign shall not exceed 10 percent of the cumulative window area.~~
- ii. ~~Neon signs are allowed behind windows in retail areas, but shall count toward the total window sign area.~~

g. ~~Awning signs.~~

- i. ~~1 per occupancy per building face.~~
- ii. ~~Minimum 8 feet above sidewalk level for pedestrian clearance.~~
- iii. ~~Ten square feet maximum sign area.~~
- iv. ~~If acting as an auxiliary business sign, it shall be located on the valance only, and the height of the lettering shall not exceed 4 inches.~~
- v. ~~If acting as the main business sign, it shall not be in addition to a wall-mounted sign.~~
- vi. ~~Awning signs shall be flush with the surface of the awning, and shall not project beyond any edge of the awning.~~

h. ~~Restaurants and cafes.~~

- i. ~~A wall-mounted display featuring the actual menu as used at the dining table, to be contained within a shallow wood or metal case, and clearly visible through a glass front.~~
- ii. ~~The display case shall be attached to the building wall, next to the main entrance, at a height of approximately five feet.~~
- iii. ~~The display case shall not exceed a total area of five square feet, and may be lighted.~~

i. ~~Building directory signs.~~

- i. ~~One per building entrance.~~
- ii. ~~The sign shall be located next to the building entrance.~~
- iii. ~~The sign shall project out from the wall to which it is attached no more than 6 inches.~~
- iv. ~~Maximum size shall be eight square feet.~~

j. ~~Prohibited signs.~~

i. ~~Roof signs.~~

- ii. ~~Pole signs not located adjacent to Loop 410 and the flyover.~~
- iii. ~~Animated, moving, flashing, blinking, reflecting, revolving, or any similar signs, except time/temperature devices and barbershops.~~
- iv. ~~Electronic reader board signs, except time/temperature devices.~~

~~k.—Sign variance procedures. Sign variance requests must follow the regulations specified in the Code of Ordinances, chapter 3 “Building Regulations,” article 3.04, “Signs,” section 3.04.008, “Variance appeals.”~~ {Section}.31.

~~3.—Building colors.~~

~~a.—Buildings which are painted bright and distinctive colors shall be interpreted as signage and prohibited.~~

~~b.—The planning director may refer any interpretation of color to the city council for final determination.~~

~~(Ordinance 10-049 adopted 11/16/10; Ordinance 10-020 adopted 5/18/10; 2008 Code, ch. 14, app. C, sec. I; Ordinance 2020-10, secs. 10, 11, adopted 3/3/20)~~

ARTICLE 3.4 SIGNS

DIVISION 1 GENERAL

Section 3.4.1.1 Purpose

- (a) The purposes of this article are the following:
 - (1) To promote the public health, safety and welfare through reasonable, effective, consistent, content-neutral and nondiscriminatory sign standards and requirements;
 - (2) To fulfill the city’s vision statement, which says in part that: “The city will exhibit a distinctive, clear, physical and welcoming identity at all its boundaries and throughout the community, using aesthetically pleasing, harmonious signage”;
 - (3) To improve pedestrian and traffic safety;
 - (4) To encourage the effective use of signs as a means of communication;
 - (5) To maintain and enhance the city’s ability to attract sources of economic development and growth;
 - (6) To minimize the possible adverse effects of signs to nearby public and private property; and
 - (7) To enable the fair and consistent enforcement of community standards.
- (b) This article is aimed at achieving the goals, objectives, and policies enumerated in the city master plan and is adopted pursuant to chapter 216 of the Texas Local Government Code.
- (c) Sign requirements and conditions contained in article 15.02, appendix C will supersede the requirements of this article where applicable.

(Ordinance 06-034 adopted 9/5/06; Ordinance 10-002 adopted 1/5/10; 2008 Code, sec. 3.04.001)

Section 3.4.1.2 Definitions

For the purposes of this article, the following definitions shall apply:

~~*Abandoned sign.* A sign which no longer correctly directs or instructs any person or advertises a bona fide business, service, product, or person on the premises where the sign is displayed. If the business, service, product, or person advertised or identified by an on-site sign ceases to be conducted at that site without being replaced by a new business, service, product, or person, the nonconforming sign shall be classified an abandoned sign.~~

~~*Advertising flag.* Any commercial flag designed for or having the effect of attracting attention, promotion or advertising.~~

A-frame sign. Any two-sided, self-supporting portable sign.

Airborne sign. A sign on a balloon or inflatable sign.

Anchor tenant. The major store or stores in a shopping center. Anchor tenants are in excess of 100 business front feet and have a minimum area of 10,000 square feet.

Animated sign. Any sign which includes action or motion.

Awning sign. A sign composed of cloth or canvas supported by a rigid or metal framework attached to and extending from an exterior wall or any other portion of a building.

~~*Bandit Signs.* A sign posted illegally commercial sign posted on a utility pole, street sign, or other street furniture; or any other sign placed within a public right of way or public property.~~

Banner. A temporary sign made of fabric, plastic, paper, or other light, pliable or nonrigid material, not enclosed in a rigid frame (not including a fabric sign as defined herein).

~~*Beacon.* Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same zone lot as the light source; also, any light with one (1) or more beams that rotate or move.~~

Billboard. See “Off-premises sign.”

Building code. The International Building Code and the National Electrical Code, being whichever edition is adopted or as changed by city council periodically.

Building face or wall. A window and wall area of a building in one (1) plane or elevation.

~~*Canopy/tent.* A roof-like covering that is temporary or portable in nature and which does not project over a window, building entrance, or walkway.~~

Changeable copy sign. A sign on which copy is changed manually, such as reader boards with changeable letters or changeable pictorial panels.

~~*Charitable project or benefit.* Proceeds must be for a qualified 501C3 entity pursuant to the Internal Revenue Code.~~

Commercial message. Any sign wording, logo or other representation that directly or indirectly names, advertises, or calls attention to a business, product, service, or other commercial activity.

Conforming sign. Signs built and maintained in accordance with the terms of this article.

Construction sign. A sign located on a site which announces and identifies a construction project which has been scheduled or is underway.

Copy. The wording or graphics on a sign surface.

Directional sign. Signs used to indicate the direction to entrances, exits, parking areas, restrooms, or other related facilities on the site on which the sign is located.

Directory sign. A sign which gives the names of the businesses or individuals located in the building or complex where it is located. A directory sign shall be of unified and common material and shall allow for a uniform size sign for each business or unit of space in the development.

Display surface. The area made available by the sign structure for the purpose of displaying the advertising message.

Double-faced sign. Any sign having two faces which are no more than 12 inches apart at their closest point, and which describe an internal angle between face planes extended no more than 30 degrees.

Electric sign. Any sign containing electrical wiring, but not including illumination by an exterior light source.

Electronic message board. A sign on which the copy/advertising changes automatically on a lamp bank or through mechanical means, also known as light emitting diode (LED) or static electronic digital display.

Erected. Attached, altered, built, constructed, reconstructed, enlarged or moved, and shall include the painting of wall signs.

Fabric sign. A sign made of fabric or other nonrigid material, enclosed in a permanent frame and erected as a permanent, on-site sign for a business, service, product, or person.

Facade. The front or main part of a building facing a street.

Face of sign. The entire area of a sign on which copy ~~could be~~is placed. The area of a sign which is visible from one direction.

Flag. A fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, corporation or other similar entity.

Flashing sign. Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an extremely [externally] mounted intermittent light source.

Freestanding sign. Any sign which is not attached to or on the walls, face or exterior of the building. Also see “Pole sign.”

Frontage. Total footage measured along the public right-of-way where the subject property abuts said right-of-way.

Government sign. Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety which are erected by or on the order of a public officer in the performance of his public duty. This includes signs erected and maintained by the city. Signs required or specifically authorized for a public purpose by any law, statute or ordinance, which may be of any type, number, area, height above grade, location, illumination, or animation, required by the law, statute or ordinance under which the signs are erected.

Grand opening. The initial opening of a new business.

Ground level. The immediate surrounding grade.

Height of sign. The vertical distance measured from the surrounding grade to the highest point on the sign or sign structure.

~~*High-rise building.* A structure of more than six (6) stories in height.~~

Illegal sign. Any sign not legally permitted prior to or after the adoption of this article.

Illuminated sign. Any sign that uses artificial light, either internal or external to the sign faces, to draw attention to the sign or otherwise increase its visibility.

~~*Indirect lighting.* A light source separated from the surface and illuminating the sign surface by means of spotlights or similar fixtures.~~

Instructional sign. A sign conveying non-advertising information relating to the use of the premises, including such signs as “No Parking,” “No Trespassing,” and “No Skateboarding.”

Internally illuminated sign. A sign which uses artificial light from behind the sign face to increase its visibility.

Logo. A letter, character, or symbol used to represent a person, corporation or business enterprise.

Lot. A parcel, tract, plot or area of land accessible by means of a street or other permanently reserved principal means of access. It may be a single parcel separately described in a deed or plat, or it may include parts of or a combination of such parcels when adjacent to one another and used as a whole.

Marquee. Any permanent roof-like structure at the entry to a building, which projects beyond the building or extends along and projects beyond the wall of the building, and which generally contains a commercial message(s) and is designed to provide protection from the weather.

~~*Master sign plan.* The master sign plan is the device employed by the city council to ensure an appropriate balance between architecture, signage and neighborhood aesthetics. As projects grow in size, opportunities for effective signage other than as specified in the sign guidelines and ordinances increase. By reducing clutter, effective master sign plans allow businesses to more readily offer goods and services. Master sign plans address the community’s need for attractive unobtrusive architecture and commercial graphics. Master sign plans are recommended for certain businesses. Refer to “Leon Valley Sign Guidelines” for additional information.~~

Menu board. A sign placed to be viewed from a drive-through lane and containing a listing of products and prices offered by the business. A menu board may include a mechanism for ordering products while viewing the sign.

Monument sign. A ground-mounted sign with a low overall height.

Multi-tenant sign. A sign which consists of a composite of ~~four~~ two (24) or more individual signs identifying the businesses located in a commercial or office complex.

Noncombustible.

- 1) As applied to building construction material, means a material which, in the form in which it is used, is either one of the following:
 - A) Material of which no part will ignite and burn when subjected to fire. Any material conforming to Uniform Building Code standards for noncombustible materials shall be considered noncombustible within the meaning of this section.
 - B) Material having a structural base of noncombustible material as defined in subsection (A) above, with a surfacing material not over 1/8-inch-thick which has a flame-spread rating of fifty (50) or less.
- 2) Noncombustible does not apply to surface finish materials. Materials required to be noncombustible for reduced clearances to flues, heating appliances, or other sources of high temperature shall refer to material conforming to subsection (1)(A) above. No material shall be classed as noncombustible which is subject to increase in combustibility or flame-spread rating beyond the limits herein established through the effects of age, moisture, or other atmospheric condition.
- 3) Flame-spread rating as used herein refers to ratings obtained according to tests conducted as specified in UBC standards.

Nonconforming. A sign lawfully existing on the effective date of the adoption of this article which is not in conformance with the revised standards and regulations of this article and/or could not be built under the terms of this article.

Official sign. Any sign erected by or at the direction of any governmental body.

Off-premises sign. A sign displaying advertising copy that pertains to a business, person, or activity, event, place, service or product not principally located or primarily manufactured or sold on the premises where the sign is located.

On-premises sign. Signs that identify or advertise only goods, services, facilities, events or attractions available on the premises where the sign is located.

Outparcel/pad site. Lots platted or leased along the periphery of a shopping center project which are intended to be occupied by a single user. Typically, such lots are less than two (2) acres in area; are subordinate in size to the parcel which contains a multi-tenant shopping center building; and share access, utilities, drainage, parking and open space with the parcel containing the anchor tenant.

Owner. A person recorded as such on official records and including a duly authorized agent, notary, purchaser, lessee, devisee, or judiciary; anyone having a vested or contingent interest in the property or business in question.

Painted wall sign. A sign painted on any outside wall or roof of any building.

Parapet. The extension of the main walls of a building above the roof level.

~~*Pennant.* Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.~~

Permanent sign. A sign structure which is intended to remain indefinitely.

Person. Any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

Pole sign. Any sign supported by poles, uprights, or braces which are not concealed in an enclosed base but are permanently placed on or in the ground and wholly independent of any building for support, either single- or double-faced; a sign whose only structural support consists of exposed poles, posts, beams, or other devices mounted in the ground.

Political sign. Any sign which by its contents supports or opposes any candidate for public office or any proposition to be voted upon at an election or which makes a political or ideological statement constitutionally protected noncommercial free speech.

Portable sign. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, signs converted to A- or T-frames, portable menu board signs, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way.

Premises. The lot or lots, plots, portions or parcels of land considered a unit for a single development or activity.

Projecting sign. A sign mounted to the face of the building perpendicular to the face of the building and extending more than twelve inches (12") from the wall surface.

~~*Pylon sign.* A freestanding sign with visible support structures or with a support structure with a pole cover or pylon cover.~~

Real estate sign. A temporary sign designating that the premises upon which it is erected are for sale, rent, or lease or that an open house is being held on the day on which the sign is displayed.

Reflective surface. Any material or device which has the effect of intensifying reflected light, including but not limited to scotch light, day glow, glass beads and luminous paint.

Required sign. Any sign required by law for the protection of the general health, safety and welfare of the public.

Residential lawn/yard sign. Any sign placed on the lawn or yard of a residential property.

Residential sign. Any sign located in a district zoned for residential use(s) that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located.

Roadways.

- 1) Collector roadway. A street which primarily provides circulation within neighborhoods, to carry traffic from minor streets to arterial streets, or to carry traffic through or adjacent to commercial or industrial areas.
- 2) Arterial roadway. A street with access control, channelized intersections, and restricted parking, and that collects and distributes traffic to and from minor arterials.
- 3) Expressway frontage road. A service road, usually parallel to a highway, designed to reduce the number of driveways that intersect the highway.
- 4) State highway. Any highway owned by the state.

Roof line. The highest point of the coping on a flat roof, false mansard, or parapet wall; the deck line of a true mansard roof; the ridgeline between the upper and lower slopes of a gambrel roof; or the mean height level between the eaves and the ridge of a gable or hip roof.

Roof sign. Any sign erected on or over the roof of a building.

Shall/will/may. "Shall/will" is mandatory. "May" is permissive.

Sign. Any device, fixture, display, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, attract attention to, or identify the purpose of a person or entity, or to communicate information and/or a message of any kind to the public.

Sign area.

- 1) The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle or a regular geometric shape of up to eight sides that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
- 2) In every event, computation of allowable sign area includes all existing signs on the premises, whether those signs are conforming or nonconforming.

Sign structure. The sign and all parts associated with its construction.

Snipe/parasite sign. A sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, utility poles, stakes, or fences or to other objects, and whose message is not associated with the premises upon which such sign is located; any temporary sign which is attached to another sign.

Storefront. The side of a building that has display windows or a public entrance.

Structure. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Subdivision identification/permanent multifamily sign. A sign which designates the name of a project, subdivision, or other residential district, and which is located at or in close proximity to the main entrance.

Suspended sign. A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary sign. Any sign, banner, valance or commercial display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, and not permanently mounted.

Traffic-control sign. A permitted sign for the purpose of identifying parking areas and directing the flow of traffic on private property.

Vertical dimension. The height of the sign area/lettering.

Wall sign. Any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.

Window sign. Any sign painted, drawn, or otherwise affixed to either the inside or outside of an exterior window or glass door of a commercial or office building.

Works of fine art. This article shall not apply to a sculpture, fountain or similar work of fine art which in no way identifies or advertises a product or business.

(Ordinance 06-034 adopted 9/5/06; Ordinance 08-025, sec. 2, adopted 6/17/08; 2008 Code, sec. 3.04.002; Ordinance 14-026 adopted 11/10/14)

Section 3.4.1.3 Penalty; civil actions; removal of signs in right-of-way

- (a) Penalty. Violations of any provision of this article by action of omission or commission shall be punishable by a fine in an amount not less than one hundred dollars (\$100.00) nor more than ~~two thousand five hundred~~ dollars (\$~~2,000~~500.00) for each violation. Each day of violation under this article shall be a separate violation.
- (b) Civil actions. In addition to the criminal penalties prescribed by this section, the city council may direct the city attorney to institute civil action or proceedings to prevent violations or threatened violations of these regulations or to obtain civil damages or penalties against violators of these regulations.
- (c) Removal of signs in right-of-way.

~~(8)~~(1) In addition to the penalties prescribed in subsections (a) and (b) above, the code enforcement officer, or his designee, shall have the authority, and the duty, to remove or cause to be removed and impounded any sign, poster, handbill, banner, streamer or other outdoor advertising erected, placed, altered, maintained, or neglected in violation of this article, if the same is located on, in, or above any public street, right-of-way or sidewalk area, or other public property.

~~(9)~~(2) The cost of any such removal or impoundment shall be chargeable to the person or persons, jointly or severally, who were responsible for or who caused the erection or placement of the offending sign or advertising, and their sureties.

~~(10)~~(3) Any item impounded by authority of this section shall be held for period of 30 days and then disposed of in any manner designated by the code enforcement officer. During the 30 days, the owner of such item, upon proof of same, may reclaim such item at the place of storage by paying to the city the actual cost of removal and impounding. This charge shall in any event be not less than an amount as provided in appendix A of this code as amended or revised by ordinance from time to time.

(Ordinance 06-034 adopted 9/5/06; Ordinance adopting 2008 Code; 2008 Code, sec. 3.04.003; Ordinance adopting 2017 Code)

Section 3.4.1.4 Amendments

This article may be reviewed and amended by the city council as deemed necessary.

(Ordinance 06-034 adopted 9/5/06; 2008 Code, sec 3.04.004)

Section 3.4.1.5 Permit

- (a) Except as otherwise provided in this code, it is unlawful for any person to erect, construct, reconstruct, ~~change sign copy and/or a sign face,~~ enlarge, extend, expand, place or move any sign or sign structure or any portion thereof without first obtaining a sign permit for each sign.
- (b) The owner or tenant of a business or commercial property upon which a sign is to be placed which is zoned O-1, B-1, B-2, B-3 or I-1 or a residential district zoned R-3, R-3A, or R-5 must apply for a sign permit.
- (c) All applications for sign permits will be submitted to the community development department for approval on a form prescribed by the city. Questions about sign regulations should be addressed to the community development department. All signs which are electrically illuminated will require an electrical inspection, and all installers of such signs shall hold a state or City of San Antonio electrical license.

- (d) Upon submittal, the application will be reviewed for conformance with the standards of this article within thirty (30) days of a complete submittal. If the application is not approved, such application will be deemed to have been administratively denied.
- (e) The city manager or designee shall determine whether the proposed sign is acceptable under the conditions established in this article and applicable building codes. Upon approval, the permit will be issued by the community development department upon payment of appropriate fees.
- (f) All representations, whether oral or written, made by an applicant or his agent on behalf of the application for a sign permit under this article shall constitute a material factor in granting a sign(s) permit. It is unlawful for the applicant to vary from such representations unless the applicant files an amended application.
- (g) The primary responsibility for securing the necessary permit(s) shall rest with the property owner. However, if the property owner should contract part or all of the proposed work, it shall become the responsibility of the person or firm hired to perform that work to ensure that all required permits and approvals have been secured prior to any work being initiated. For the purposes of this article, through the acceptance of the contract to perform the work, the third party so contracted shall become equally liable for all fees, fines, and penalties prescribed by this article arising from violations resulting from that work.
- (h) Any permit may be revoked by the city manager or designee at any time prior to the completion of the sign for which the same was issued, when it shall appear to the official that there is departure from the plans, specifications or conditions as required under the terms of the permit, that the permit was procured by false representation, or that any provision of this article is being violated. Written notice of such revocation, [and] a stop-work order shall be served upon the owner and/or upon the owner's agent, contractor, or upon any person employed in the building or structure for which such permit was issued, which shall be posted in a prominent location, and thereafter no such construction shall proceed.

- (i) All signs shall be erected within ninety (90) days of issuance of the permit; otherwise the permit shall become null and void. The applicant may request up to three (3) thirty-day (30-day) extensions with the payment of additional permit fees.
- (j) The building inspector or designated city official shall inspect the sign for which a permit has been issued. If the construction is substantially complete, but not in full compliance with this article and applicable codes, the city manager or designated city official shall give the owner or applicant notice of the deficiencies and shall allow an additional thirty (30) days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse and the sign shall become illegal.
- (k) Signs erected and maintained by the city shall not require a permit.

(Ordinance 06-034 adopted 9/5/06; 2008 Code, sec. 3.04.005)

Section 3.4.1.6 Abatement of illegal or unsafe signs

- (a) A sign which has been determined to be unsafe by the city must be repaired, made safe or removed immediately or within ten (10) working days after receipt of notice from the city, at the discretion of the designated city official. Failure to make such repairs or remove the sign is unlawful.
- (b) If the property owner or lessee fails to comply with such written notice to remove, the code enforcement officer is hereby authorized to cause removal of such sign, and any expense incidental to such removal shall be charged to the owner of the property upon which the sign is located and shall constitute a lien upon the property. For the purpose of this section, the word "remove" shall mean:
 - ~~(1)~~(1) The sign face, along with the posts, columns or supports of freestanding signs, shall be taken down and removed from the property.
 - ~~(2)~~(2) The sign face and supporting structures of the projecting, roof, or wall signs shall be taken down and removed from the property.

(c) Any existing sign not specifically listed as being allowed herein or classified as nonconforming is expressly prohibited and shall be illegal. Illegal signs must be removed not later than ten (10) days following notification by the city manager or designee.

(Ordinance 06-034 adopted 9/5/06; 2008 Code, sec. 3.04.006)

Section 3.4.1.7 Nonconforming signs

(a) Notice of nonconformity. Signs lawfully existing prior to enactment of this article which do not conform to the requirements of this code will be determined to be nonconforming. Upon determination that a sign is nonconforming, the code enforcement officer will notify in writing the user or owner of the property on which the sign is located of the following:

~~(13)~~(1) The sign’s nonconformity; and

~~(14)~~(2) Whether the sign is eligible for characterization either as nonconforming or illegal. Notification procedures pertaining to code violations as adopted in section 6.03.005 of the city code will apply.

(b) Appeals. Owners of signs determined to be nonconforming shall have thirty (30) days from receipt of notification of a sign’s nonconformance to appeal the determination per section 3.04.008 of this article.

(c) Continuation of use. Any existing nonconforming sign may continue to be maintained and used, subject to the following provisions:

~~(15)~~(1) Enlargement. No nonconforming sign shall be enlarged, expanded, or extended to occupy a greater square footage or height than was occupied on the date this article was enacted.

~~(16)~~(2) Relocation. Nonconforming signs shall not be moved in whole or in part to any other portion of the lot, parcel, or building not so occupied on the date of enactment of this article. Any nonconforming sign that is removed from its original location may not be reinstated at any other location within the city unless it conforms with all of the requirements of this article.

(d) Removal. Pursuant to Texas Local Government Code Sec. 216.003(e), as amended, an on-premise sign or sign structure shall be removed in the following circumstances:

(1) On the first anniversary of the date the business, person, or activity that the sign or sign structure identifies or advertises ceases to operate on the premises on which the sign or sign structure is located; and

(2) If the premises are leased, an on-premise sign or sign structure shall be removed on the second anniversary of the date the most recent tenant ceases to operate on the premises on which the sign or sign structure is located.

(e) Amortization. Any non-conforming sign may be amortized and removed by the City in accordance with the procedural and compensation requirements specified in Chapter 216 of the Tex. Loc. Gov’t Code.

~~(17) Discontinuance.~~

~~(A) If the business, service, product, or person advertised or identified by a legally nonconforming, on-premises sign ceases to be conducted at that site, all signs shall be brought into conformity with this article or shall be removed prior to issuance of a certificate of occupancy for any new business, service, product or person.~~

~~(B) The “discontinuance” provisions shall not trigger the conformance of multi-tenant sign structures. Existing nonconforming multi-tenant signs shall be allowed to maintain their nonconforming status, provided that signage is maintained per this article and provided that sign panels pertaining to former tenants shall be removed and replaced with blank panels.~~

~~(18) Abandonment. If the business, service, product, or person advertised or identified by a legally nonconforming on-premises sign ceases to be conducted at that site, the nonconforming sign shall be classified as an abandoned sign.~~

~~All abandoned signs must be removed within thirty (30) days of being abandoned.~~

~~(19)(1)~~ Destruction. Should any nonconforming sign be damaged by any means to an extent of more than sixty percent (60%) of its replacement cost at time of damage, it shall not be reconstructed except in conformity with the provisions of this article.

~~(d)(f)~~ Maintenance. Nothing in this section shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the nonconforming sign is located from the provisions of this code regarding safety, maintenance, and repair of signs contained in this code; provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure in any way which makes it more nonconforming.

(Ordinance 06-034 adopted 9/5/06; 2008 Code, sec. 3.04.007)

Section 3.4.1.8 Variances and appeals

(a) Persons wishing to erect signs not in conformance with this article or any person aggrieved by any decision of the city in the administration of this article may appeal such decision to the Planning and Zoning Commission city council. ~~The city council~~ Planning and Zoning Commission shall only hear and decide the following:

~~(20)(1)~~ An appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this article; or

(2) A request for variance(s) from the strict enforcement of the requirements of this article. ~~due to special conditions wherein a literal enforcement of this article would result in unnecessary hardship, and so that the spirit of this article is observed and substantial justice is done.~~ To prevail in receiving a variance, the applicant must demonstrate that a literal enforcement of the ordinance would result in unnecessary hardship. The applicant must show that the hardship is:

(A) Unique, oppressive, not common to other property, and not against the public interest;

(B) Not merely that the property cannot be utilized for its highest and best use;

(C) Not merely financial;

(D) Not self-imposed; and

~~(24)(E) Not simply a hinderance to the developer's goals.~~

(b) The application must be accompanied by the following:

~~(b)(1)~~ a drawing or other artistic representation to accurate scale showing the exact sign proposed, its size and message (textural or pictorial), color, shape, whether lighted or unlighted, location on said property or business, materials of which it is to be made, how it is to be made and how it is to be fastened. ~~Granting of the variance requires approval from the designated city official(s), who shall determine whether the proposed sign is acceptable under the conditions established in this article and applicable building codes. Upon approval from the designated city official(s), the variance request will be heard by the city council.~~

~~(c)~~ ~~The city manager or designee is authorized to approve a variance to three specific types of regulations in this article: sign area, sign height, and distance between signs. This authorization shall be restricted to variance of one (1) of type of regulation not to exceed 10% of the specified dimension for one (1) existing nonconforming sign per platted property. This staff variance provision does not apply to any of the properties required to file a master sign plan.~~

(c) Persons wishing to appeal a decision of the Planning and Zoning Commission may per this Section 3.4.1.8 may appeal such decision to the City Council.

(Ordinance 06-034 adopted 9/5/06; 2008 Code, sec. 3.04.008)

Section 3.4.1.9 Fees

Fees are as stated in the fee schedule in [appendix A](#) of this code as amended or revised by ordinance from time to time. (Ordinance 06-034 adopted 9/5/06; 2008 Code, sec. 3.04.009; Ordinance adopting 2017 Code)

Section 3.4.1.10 Applicant Qualifications

Any sign not specifically listed as being allowed herein is expressly prohibited. (Ordinance 06-034 adopted 9/5/06; 2008 Code, sec. 3.04.010)

Section 3.4.1.11 Planning and Zoning Commission as Advisory Body to City Council

(a) The Planning and Zoning Commission shall serve as the advisory body to the City Council regarding all amendments to this article. The City Council shall not make amendments to this article and the regulations contained herein, without first receiving recommendation on said proposed amendments by the Planning and Zoning Commission.

Section 3.4.1.12 Electioneering Near a Polling Place.

(a) Scope. As authorized by Tex. Elec. Code § 61.003, the purpose of this section is to provide reasonable regulations concerning the time, place, and manner the posting, use, or distribution of political signs on the premises of any building owned or controlled by the City of Leon Valley, Texas during the period the building is being used as a polling place.

(b) Time. Political Signs may be placed onat the polling place-building premises during the period when the polls open for voting and ending when the polls close or the last voter has voted, whichever is later. Political Signs shall be prohibited at such building-premises during all other times of the year.

(c) Place and Manner.

(1) Signs may only be erected on-the-City owned property occupied by the following facilities:as determined by the City Manager and demarcated at the site.

—City Hall and adjacent city owned parking lots; and

—Library; and

—Community Center; and

(A) Conference Center.

(2) Three signs, per measure or candidate may be erected.

(3) Political Signs are prohibited within 100 feet of an outside door of a polling place through which a voter may enter.

(4) Political signs are prohibited outside 300 feet of an outside door of a polling place.

(5) Signs may be no larger than 48" wide and 24" tall affixed to a stake no taller than 3', not to exceed a maximum height of 5 feet.

(6) No sign may be erected prior to the day an Early Voting Period begins

(7) All signs must be removed the-daywithin seventy-two 72 hours following the Voting Period.

(A) Signs may remain in place between the end of Early Voting and Election Day.

(B) In the event of a Runoff, all signs will be removed for the interim period.

DIVISION 2—Penalty. Violation of this section shall be subject to the penalty prescribed in Section 1.01.009(a) of this Code.

Section 3.4.2.1DIVISION 2 PERMANENT ON-PREMISES SIGNS

(a)Section 3.4.2.1 General Provisions

(22) Single-tenant businesses shall be allowed up to a total of four (4) signs per storefront from the types of signs listed in this section, provided that all applicable requirements have been met.

(23) Tenants of properties with four (4) or more tenants shall follow the multi-tenant guidelines in this section.

(a) The following signs shall be allowed under the provisions of this article with an approved sign permit.

~~(24)(b) No permanent signs shall be constructed installed off-premises of the business which is being advertised.~~

~~(b)~~ **Section 3.4.2.2 Building-Mmounted Signs.**

~~(25)(a)~~ Wall signs.

(1) Number & Location.

~~(A) Design. Wall signs shall not obscure windows, grillwork or pilasters of the building, or be placed over architectural elements of a building including but not limited to pilasters, eaves, cornices, or string-courses;~~

~~(B) The top of the wall sign shall not be higher than the lowest point of all roof features on the façade upon which the sign is to be affixed. Such features include but shall not be limited to eaves, parapets, cornices.~~

~~(C) Wall signage shall be limited to one tenant sign per street frontage.~~

~~(D) For multi-tenant buildings, wall signs shall be centered on the facades of individual tenant suites.~~

~~(E) Location. Wall signs shall be mounted flush and fixed securely to a building wall, projecting no more than 18 inches from the face of the wall, and not extending sideways from the building face or above the roofline of a building.~~

~~(B)(F) Signs shall maintain a minimum of 8 feet distance from grade, measured from the lowest portion of the sign.~~

~~(C)(2)~~ Total Sign Area.

~~i.—The maximum total wall sign area for each building occupant may not exceed 25% of the total square footage of the exterior wall, not to exceed 200 square feet per occupancy shall not exceed or 1.5 square feet~~

of wall sign for every one (1) linear foot of primary building façade,; whichever is greater; not to exceed 200 square feet per occupancy;

~~(A) Signs cannot be longer than 80% of the sign band length where wall plane or tenant suite upon which the sign is to be located affixed.~~

~~ii.—~~

~~(26) Marquee signs~~

~~(A) Design. See the city design guidelines.~~

~~(B) Number and location. Marquee signs shall be allowed in conjunction with wall signs.~~

~~(C) Total sign area.~~

~~iii.—Marquee signs shall be allowed up to 25% of total marquee area, not to exceed 200 square feet for each occupancy.~~

~~iv.—Marquee signs shall not be longer than 80% of sign band length where the sign is to be located.~~

~~(27)(b)~~ Awning Signs.

~~(A)(1)~~ Number and Location.

~~(A) One per tenant space.~~

~~(B) Shall only be permitted in lieu of a building-mounted wall sign;~~

~~(C) If acting as an auxiliary business sign, it shall be located on the valance only, and the height of the lettering shall not exceed 4 inches.~~

~~(D) Awning signs shall be flush with the surface of the awning, and shall not project beyond any edge of the awning~~

~~(E) Minimum height of awnings shall be eight (8) feet as measured from ground level.~~

~~v.(F)~~ Awnings shall be permanently attached to buildings

~~vi.~~ Sign lettering and any graphics shall be compromised of no more than 80% of awning surface area.

(2) Sign Area.

(A) Ten (10) square feet maximum sign area.

~~Sign height. Minimum height of awnings shall be eight (8) feet as measured from ground level.~~

(c) Projecting Signs

(1) Number and Location.

(A) A maximum of one per occupancy per building face.

(B) Distance from the sidewalk to the lower edge of the sign shall be eight (8) feet or greater.

(2) Shall only be permitted in lieu of a building-mounted wall sign;

(3) The height of the top edge of the signboard shall not exceed the wall from which the sign projects, if attached to a single-story building; or the height of the sill or bottom of any second-story window, if attached to a multi-story building.

(A) Minimum fifteen-foot distance between signs.

(4) Sign Area.

(A) A maximum area of 6 square feet per face and a maximum of three feet in width.

(d) Window Signs

(1) The sign shall not exceed 10 percent of the cumulative window area.

~~(B)(2)~~ Neon signs are allowed behind windows in retail areas, but shall count toward the total window sign area.

~~(28)~~ Roof signs.

~~(A) Number and location.~~

~~vii.~~ Roof signs shall be limited to one sign per street frontage up to three (3) signs total.

~~viii.~~ A roof sign will be allowed in place of a wall sign.

~~(B)~~ Total sign area. Roof signs shall not exceed 80% of roof sign area, not to exceed 100 square feet.

~~(C)~~ Sign height. No roof sign will be permitted which extends beyond the highest point of a pitched roof, a mansard roof or a parapet line of a building.

~~(c)~~ **Section 3.4.2.3** **Freestanding signs.**

(a) General.

(1) Signs shall not be constructed within 100 feet of any other freestanding sign on the same site;

(2) Signs shall maintain a ten (10) foot setback from a right-of-way line and a setback of fifteen (15) feet from intersecting right-of-way lines.

(3) Sign faces shall be oriented perpendicular to adjacent streets, except for cases in which sign structures have more than two sign faces or are irregularly shaped.

(4) Signs shall not be constructed within forty (40) feet of a freestanding sign on a neighboring site;

(5) No freestanding sign, other than a multi-tenant sign, shall occupy the same frontage as a projecting sign.

(6) Signs shall be located a minimum (ten) 10 feet from buildings.

(7) Number and Location.

(A) Freestanding signs shall be permitted on each street frontage, as follows:

i. Less than 250 feet of frontage: One (1) sign.

ii. 250 feet or more of frontage: One (1) sign per 250 feet of frontage.

iii. A maximum of 2 freestanding signs may be permitted per lot.

(b) Freestanding signs shall be classified as either Single-Tenant or Multi-Tenant.

(c) Number and location: Single-Tenant Freestanding Signs.

~~(29)~~

~~(A) No freestanding on-premises sign shall be constructed within 100 feet of any existing freestanding on-premises or multi-tenant sign on the same site, or within forty (40) feet of a freestanding or multi-tenant sign on a neighboring site.~~

~~(B) No freestanding sign, other than a multi-tenant sign, shall occupy the same frontage as a projecting sign.~~

~~(C) Electronic message centers will be allowed on freestanding signs, and will be included in the calculation of the area of freestanding signs.~~

~~(D) One freestanding sign shall be permitted on each street frontage, as follows:~~

~~i. Less than 250 feet of frontage: One (1) sign.~~

~~ii. 250 feet or more of frontage: One (1) sign per 250 feet of frontage when approved by a master sign plan.~~

~~(30)(1) Total Sign Face Area.~~

~~(A) Single Sign Faces. Each face of a freestanding sign face may shall not exceed the following:~~

~~iii.i. 50-20 square feet on collector roadways; if the sign pole is 32 feet tall;~~

~~iv.ii. 240-30 square feet on arterial roadways and state highways if the pole is 50 feet high;~~

~~v.iii. 375-150 square feet if the pole is 60-45 feet high.~~

(B) Total Sign Face Area. Total or cumulative area of all sign faces on a sign structure shall not exceed the following:

i. 40 square feet on collector roadways;

ii. 60 square feet on arterial roadways and state highways;

iii. 300 square feet if the pole is 45 feet high.

(B)(C) In the case of irregularly shaped signs, refer to the definition of "sign area" for method of calculation.

(2) Sign Structure.

(31)(A) Hheight. Sign structure height shall be restricted limited to the following:

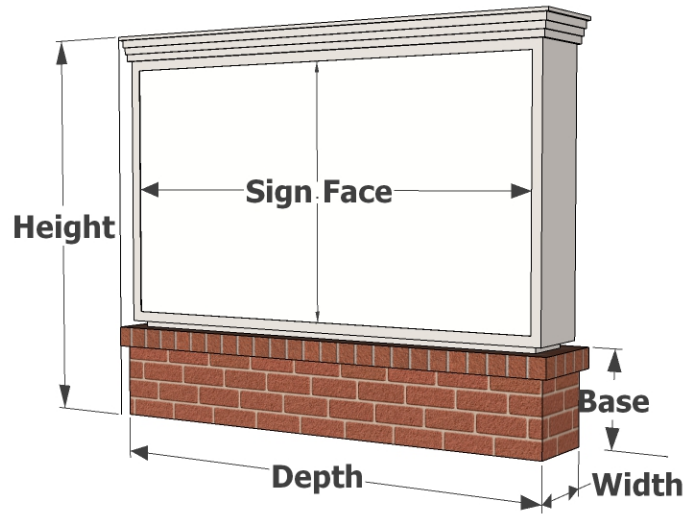
(A)i. Five (32-5) feet on collector roadways;

(B)ii. Six (506) feet on arterial roadways and state highways;

(C) Fifty (60 feet on a state highway;

iii. 60 (50) feet on expressway frontage roads Loop 410 and the flyover.

(D)iv. *An additional 10 feet of overall height may be added if the elevation of the adjacent roadway grade is determined to cause particular visibility problems.



(B) Depth. Sign Structure Depth, as measured perpendicular to the street, shall be limited to the following:

- i. Six (6) feet on collector roadways
- ii. Seven (7) feet on arterial and state highways.
- iii. No Limit adjacent to Loop 410 and the flyover.

(C) Width. Sign Structure Width, as measured parallel to the street, shall be limited to the following:

- i. Shall not exceed depth if six (6) feet or less in height on all roadways.
- ii. Shall not exceed 2 feet in width if more than six (6) feet in height on all roadways except when abutting Loop 410 or the flyover.
- iii. Shall not exceed 3 feet in width when abutting Loop 410 or the flyover.

(3) Design.

- (A) Signs shall have a minimum one (1) foot masonry base measured from the ground to the bottom surface of the sign.
- (B) Internal support systems, such as pipes or poles shall not be visible and shall be clad.
- (C) Building materials and colors utilized for construction and cladding of freestanding signs, including bases, side borders, caps, and frames shall be constructed of the same materials found on the main building on the lot, unless otherwise approved by the Planning and Zoning Director.
- (D) All letters and numbers shall be typeset, and address numbers shall be attached or printed directly to the face of the sign.
- (E) Lighting. Internal sign illumination, individual letter internal illumination, or external ground lighting angled at the sign face is authorized.
- (F) Free standing signs located adjacent to Loop 410 and the fly-over may utilize poles as their primary support structure provided the following conditions are met:
 - i. Poles must be wrapped with a square base at least 3 feet in length on all sides, that extends for a height of no less than 25% of the height of the pole(s) exposed.

(4) Landscape Buffer.

- (A) Unless an alternate method of providing traffic and pedestrian safety is approved through the master sign plan, each freestanding sign shall be placed within a landscaped area extending a minimum four (4) feet from the sign in each direction.
 - i. Such measurements shall begin at the sign base or at the edge of any overhang within 20 feet of the ground, whichever requires the greater barrier.

(32)ii. Xeriscaping is encouraged.

(d) Multi-Tenant Free Standing signsSigns.

~~(33) Use. Multi-tenant signs shall be required as part of a master sign plan for properties with four (4) or more tenants and must display the address of the multi-tenant property.~~

~~(34) Number and location.~~

~~(A) No freestanding multi-tenant sign shall be constructed within 100 feet of any existing multi-tenant or freestanding sign on the same site, or within 40 feet of a multi-tenant or freestanding sign on a neighboring site.~~

~~(B)~~

~~(C) A tenant may have one (1) building-mounted sign (such as a wall, awning, marquee, projecting or roof sign) and one (1) identification sign on a directory sign for the shopping center, unless the tenant is leasing an end-lease space, then the tenant shall be allowed two (2) signs, one (1) on each storefront, as defined by this article.~~

~~(35)(1) Total sign areaSign Face Area.~~

~~(A) Multi-tenant signs shall be limited to not more than: Single Sign Faces: Each sign face shall not exceed the following:~~

- ~~i. 250-20 square feet on collector roadwaysif on a 32-foot tall pole;~~
- ~~ii. 500-Thirty (30) square feet plus seven (7) square feet for every tenant over four (4) tenants, not to exceed 100 square feet, on arterial roadways and state highwaysif on a 50-foot tall pole;~~
- ~~iii. 650-Two-Hundred (200) square feet plus 30 square feet for every tenant over 4 tenants, not to exceed 600 square feet, on loop 410 and the flyoverif on a 60-foot tall pole.~~

~~(B) Total Sign Face Area. Total or cumulative area of all sign faces on a sign structure shall not exceed the following:~~

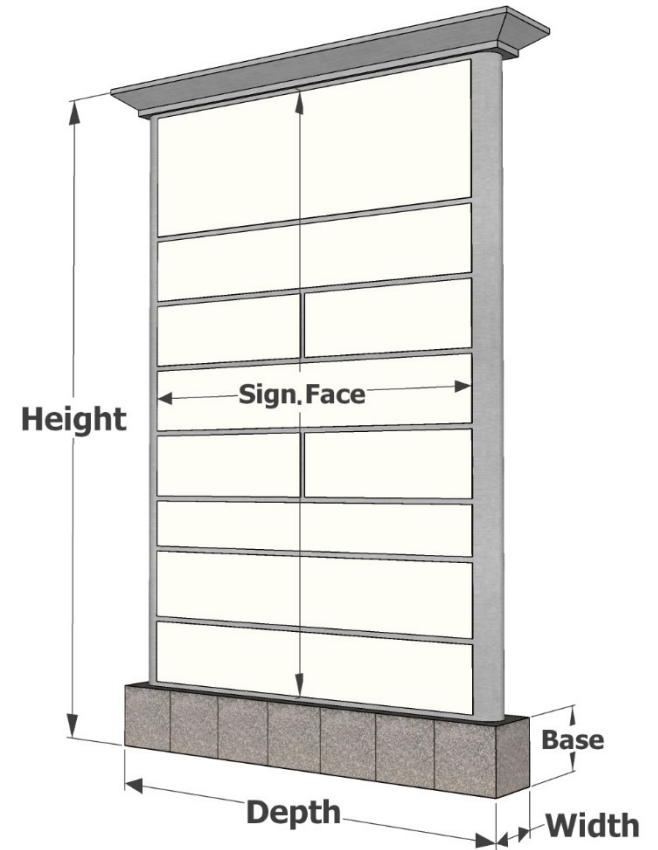
~~i. 40 square feet on collector roadways;~~

~~ii. 200 square feet on arterial roadways and state highways;~~

~~iii. 1,200 square feet if the pole is 45 feet high.~~

~~iii.—~~

~~(B) The area of each tenant's building-mounted wall sign shall not exceed 25% of total wall area of each storefront, not to exceed a maximum of 200 square feet.~~



(2) Sign Structure.

(A) Height. Multi-Tenant sign height shall be restricted to:

(36) Multi-tenant sign height shall be restricted to:

(A)i. Six (6) feet on collector roadways;

(B)ii. Six (6) feet plus 1 additional foot per tenant over four (4) tenants, not to exceed twelve (12) feet on arterial roadways and state highways;

(C) 60 feet on state highways; and

iii. 60 feet on expressway frontage roads, Loop 410 and the flyover.

iv. *An additional 10 feet of overall height may be added if the elevation of the adjacent roadway grade is determined to cause particular visibility problems.

(B) Depth. Sign Structure Depth, as measured perpendicular to the street, shall be limited to the following:

i. Six (6) feet on collector roadways

ii. Seven (7) feet on arterial and state highways.

iii. No Limit adjacent to Loop 410 and the flyover.

(C) Width. Sign structure width, as measured parallel to the street, shall be limited to the following:

i. Shall not exceed depth if six (6) feet or less in height on all roadways.

ii. Shall not exceed 2 feet in width if more than six (6) feet in height on all roadways except when abutting Loop 410 or the flyover.

iii. Shall not exceed 3 feet in width when abutting Loop 410 or the flyover.

~~(D)~~

(3) Design

(A) Poles may not be used as the primary support system for free-standing signage located along collector, arterial, and state roadways.

(B) Building materials and colors utilized for construction of freestanding signs, including bases, side borders, caps, and frames shall be constructed of the same materials found on the main building on the lot, unless otherwise approved by the city council.

(C) All letters and numbers shall be typeset, and address numbers shall be attached or printed directly to the face of the sign.

(D) Lighting. Internal sign illumination, individual letter internal illumination, or external ground lighting angled at the sign face is authorized.

(E) Free standing signs over seven feet located adjacent to Loop 410 and the fly-over may utilize poles as their primary support structure provided the following conditions are met:

i. Poles must be wrapped with a square base at least 3 feet in length on all sides, that extends for a height of no less than 25% of the height of the pole(s) exposed.

(4) Landscape buffer. Each freestanding sign shall be placed within a landscaped area extending a minimum four (4) feet from the sign in each direction. Such measurements shall begin at the sign base or at the edge of any overhang within 20 feet of the ground, whichever requires the greater barrier. Xeriscaping is encouraged.

~~(e) Subdivision signs. Permanent monument style subdivision signs shall be permitted upon private property in any zone to identify planned developments and will be required to follow all applicable provisions of this article.~~

~~(f) Real estate signs.~~

~~(37) On-premises signs pertaining to the sale, rental, or lease of property zoned O-1, B-1, B-2, B-3, I-1, R-3, R-3A, or R-5, not exceeding sixty-four (64) square feet in area and ten (10) feet in height from ground level, and are permitted behind the property line.~~

~~(38) Such signs shall be removed by the agent or owner within ten (10) business days of sale, rental, or lease of the premises.~~

~~(39) Each property shall be permitted not more than one (1) sign per street frontage.~~

~~(40) A sign permit is required in all cases as prescribed in section 3.04.005 of this article.~~

(Ordinance 06-034 adopted 9/5/06; Ordinance 07-028, secs. 1, 2, adopted 6/19/07; 2008 Code, sec. 3.04.011; Ordinance adopting 2017 Code)

~~Section 3.4.2.2~~ **Section 3.4.2.4 Off-Premises Signs**

- (a) New off-premises signs prohibited. No permits for the construction of new off-premises signs will be issued after the effective date of this article.
- (b) Existing signs. All existing off-premises signs will be permitted to remain, provided a sign is not subject to section 3.04.006. Permits for repair or reconstruction of existing off-premises signs will be issued, provided that the sign does not increase in size or height and that the sign conforms with all applicable provisions of this article.
- (c) Annual renewal of permit. Off-premises sign permits issued under this section will expire annually at the end of each calendar year and must be renewed no later than thirty (30) days after the start of the new calendar year. Failure to renew an off-premises sign permit will cause the sign to be classified as abandoned. All abandoned signs must be removed within thirty (30) days of being abandoned.

(Ordinance 06-034 adopted 9/5/06; 2008 Code, sec. 3.04.012)

Section 3.4.2.3 DIVISION 3 TEMPORARY SIGNS

Section 3.4.3.1 Temporary Signs Requiring Permit

The following Temporary Signs may be allowed with permit approval. A permit must be obtained each time a sign is displayed:

- ~~(a) Permits are required for temporary signs.~~
- ~~(b) Each business may be allowed a total of one (1) temporary sign per 6-month period for a time period of up to thirty (30) days. A permit is required and must be obtained each time a sign is displayed. A seasonal business may apply for a variance to display temporary signs for up to 120 days in lieu of thirty (30) days per quarter.~~
- ~~(c) A deposit is required for each temporary sign permit issued. The deposit will be returned at the expiration of the permit time period provided that the temporary sign has been moved within 24 hours of permit expiration.~~
- ~~(d) Special event temporary signs may be allowed within the flyover area and Loop 410 without a permit for a planned group of temporary signs to advertise special events on a business property. Special event temporary signs shall be installed no earlier than Friday at 6:00 p.m. and shall be removed on Sunday by 8:00 p.m. If a federal holiday falls on either the Friday or Monday of that weekend, the signs may be installed and removed to include the holiday.~~
- ~~(e) Maximum size for temporary sign banners is fifty (50) square feet for banner signs placed on the property and one hundred (100) square feet for banner signs attached to the building.~~
- ~~(f) The following temporary signs are allowed:~~
 - (a) Routine Banners Signs. Routine Temporary Business Signs shall be allowed provided the following conditions are met:
 - (1) Banners must be Signs shall be wall mounted or attached with temporary stakes in the ground on the property;
 - (2) Banners Signs must be kept in good condition and stakes firmly anchored so as to prevent dilapidation;

- (3) Signs shall not exceed fifty (50) square feet for signs placed on the property and one hundred (100) square feet for signs attached to the building;
- (4) Building Mounted Signs may not be roof-mounted or attached in a manner by which they extend above the roof or parapet of a building;
- (5) Signs shall be limited to no more than four (4) per year;
- (6) Signs are also limited to a maximum sixty (60) days per calendar year, cumulative of all Routine Temporary Business Signs;
- (7) Signs shall have a minimum thirty (30) day break between signs;
- (8) Signs may be issued for fifteen (15), twenty (20), and thirty (30) day duration, as requested.
- ~~(41) Airborne signs. Hot or cold air balloons may be either attached to the building or placed behind the property line. There are no size restrictions for hot or cold air balloons. Balloons shall be allowed only as a part of a special event temporary sign event and as specified. Balloons must be kept in good condition and firmly anchored so as to prevent dilapidation or from being astray.~~
- (b) Grand Opening Signs. Grand opening signs shall be allowed under this section, provided the following conditions are met:

 - (1) One Grand-Opening sign may be permitted per Certificate of Occupancy issued to a business.
 - (2) except that such permit shall be valid for thirty (30) consecutive days and shall not be renewable. Grand Opening Signs may be building mounted or freestanding
 - (3) One permit will be issued for each building Building-Mounted Grand Opening Signs may be displayed up to sixty (60) days. occupant per certificate of occupancy.
 - ~~(42)~~(4) Freestanding Grand Opening Signs may be displayed up to thirty (30) days.
- ~~(g) Time period. Temporary weekend signs are permitted from Friday at 6:00 p.m. to Sunday at 8:00 p.m. Temporary signs including banners, airborne/balloon signs, grand opening signs and street banners shall not be displayed simultaneously with temporary weekend signs.~~
- ~~(h) If a federally recognized holiday falls on a Friday, then the signs are permitted from the preceding Thursday to the following Monday.~~
- ~~(i) If a federally recognized holiday falls on a Monday, then the signs are permitted from Friday until the following Tuesday.~~
- ~~(j) Size. Signs shall not exceed 24" by 32" in size. Irregular shaped signs shall fit in a 24" by 32" rectangle; the total height shall not exceed 36" in height from ground level. Signs may be two-dimensional only and shall be of a nonreflective surface.~~
- ~~(k) Spacing between signs. A minimum of five-foot (5') spacing must be maintained between each temporary weekend sign of different advertisers. The signs of each advertiser must be spaced so that no two (2) signs advertising the same good, service, product, business, political campaign, or particular piece of real property (for sale or lease) are closer than one hundred feet (100') from each other measured in a straight line.~~
- ~~(l) Location. Signs must be self-supporting and placed into the ground by a single stake.~~
- ~~(m) No temporary weekend sign shall be permitted on a utility pole, streetlight pole, sign pole, fence, tree or other man-made [or] natural feature, wooden frame or portable frame.~~
- ~~(n) No sign may be placed closer than twenty five feet (25') from a street intersection or median opening. Any temporary weekend sign determined to be in a location that causes an immediate hazard to public safety will be immediately removed by the city.~~
- ~~(o) Signs shall be no closer than three feet (3') from the edge of the sign to the street curb or, if no curb is present, to the edge of the pavement. Signs shall not encroach on either sidewalks or streets.~~
- ~~(p) No signs shall be placed in island medians or esplanades.~~

~~(q) Except for political signs, no signs shall be placed further than three (3) miles from the location of the sale of the good, product, service, business or piece of real property being advertised.~~

~~(r) Permit~~

~~(s) An annual permit fee, as stated in the schedule of fees in appendix A of this code as amended or revised by ordinance from time to time, must be paid by the advertiser. Where an advertiser wishes to advertise multiple locations, a permit must be obtained for each location, subdivision location, or service location to be advertised by temporary weekend signs.~~

~~(t) A temporary weekend sign shall not be placed on the right-of-way of a road or highway unless an annual temporary sign permit has been first obtained.~~

~~(c) Map of locations; placement on state roads prohibited. In addition to the payment of the appropriate fees, the advertiser shall provide an area map, drawn to scale, and listing the street and block number where the signs shall be placed. No temporary weekend sign shall be placed along the side of any road or highway belonging to the state department of transportation. Special Event Signs. Temporary Special Event Signs may be permitted for temporary events provided they are only displayed in conjunction with an approved Specific Use Permit for said temporary event, and the terms by which that Specific Use Permit provides for signage.~~

Section 3.4.2.4 Section 3.4.3.2 Temporary Signs Not Requiring Permit

The following Temporary Signs shall not require a permit provided the conditions set forth for each sign type are met:

(a) Business Window Signage: Window signage shall be allowed provided:

(1) Signage shall not exceed ten (10) percent of the cumulative window area; and

(2) Neon signs are allowed but shall count toward the cumulative window sign area.

(b) Construction Signs. One construction sign per construction project shall be allowed provided:

(1) Signs shall not exceed the sign area allowed for a temporary sign under section 3.4.4.13(1)(b); and

(2) Signs shall be erected no more than five (5) days prior to the beginning of construction for which a valid building permit has been issued; and

(3) Signs shall be confined to the site of construction; and

(4) Signs shall be removed within ten (10) days after completion or issuance of the certificate of occupancy.

(c) Real Estate Signs. One real estate "for sale" (including lease or rental) sign (single- or double-faced) shall be permitted per lot or parcel, subject to the following conditions:

(1) Signs on properties with non-residential zoning shall be limited to thirty-two (32) square feet

(2) Signs on properties with residential zoning shall not exceed 24" by 32" in size. Irregular shaped signs shall fit in a 24" by 32" rectangle; the total height shall not exceed 36" in height from ground level.

(3) Signs may be two-dimensional only and shall be of a nonreflective surface.

(4) Signs shall be located entirely within the property to which the sign applies;

(5) Signs shall not be illuminated;

(6) Signs shall be removed within ten (10) days after the sale, rental, or lease has been consummated.

(7) One (1) additional sign, as described above, is permitted where a parcel with commercial zoning has in excess of three hundred feet (300') of frontage or fronts on two (2) streets.

(d) Sidewalk A-Frame Signs. One Sidewalk A-Frame sign, also commonly referred to as a sandwich sign, shall be permitted per business, subject to the following conditions:

- ~~(43)~~(1) Signs are located in the walkway area directly abutting the façade of a the building, provided necessary ADA accessibility is not impaired; and
- ~~(2)~~ Signs are only displayed during business hours.
- ~~(3)~~ Signs are not placed on a sidewalk located within a public right-of-way;
- ~~(44)~~(4) Signs do not obstruct pedestrian walkways necessary to provide handicap accessible access.

(Ordinance 11-031 adopted 12/6/11; 2008 Code, sec. 3.04.013; Ordinance adopting 2017 Code)

DIVISION 4 PROHIBITED SIGNAGE

Section 3.4.2.5Section 3.4.4.1 Prohibited Signs

The following signs shall be prohibited in the city:

- ~~(45)~~(a) Any sign constructed or located in such a manner that it is or becomes an immediate hazard or danger to persons or property because of being in an unsafe condition, or which obstructs any window, door, or fire escape of any building.
- ~~(46)~~(b) Illegal signs or any other sign constructed after the enactment of this article which is not in compliance with the terms of this article.
- ~~(47)~~(c) Illuminated, highly reflective signs or spotlights which hamper the vision of motorists or bicyclists.
- ~~(48)~~(d) Any sign, banner or display placed on any public right-of-way, utility pole, traffic-control device, curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on, over, or across any public street or right-of-way (other than a government sign or allowed sign as per section 3.04.010).
- ~~(49)~~(e) Any banner placed on stakes on a property, unless otherwise permitted.
- ~~(50)~~(f) Portable signs. Any sign not permanently attached to the ground or other permanent structure, including those signs which may be transported to the site on wheels, on skids or on a truck; signs

constructed as or converted to a T-frame sign; or umbrellas used for advertising purposes. Such sign, whether or not bolted or cemented to the ground, shall nonetheless be deemed to be a portable sign.

- ~~(51)~~(g) Signs which contain or are an imitation of an official traffic sign or signal, or which are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic-control device, or which may hide from view any traffic or street sign or signal.
- ~~(52)~~(h) Snipe/parasite signs.
 - ~~(i)~~ Temporary signage, except as permitted in section 3.04.013.
 - ~~(j)~~ Bandit Signs
 - ~~(k)~~ Roof Signs
 - ~~(l)~~ Pole Signs
 - ~~(m)~~ Animated, moving, inflatable, flashing, blinking, reflecting, revolving, or any similar signs;
 - ~~(n)~~ Electronic reader board signs, also referred to as Electronic Message Center (EMC) signs, or further commonly referred to a LED (Light Emitting Diode) signs;

~~(53)~~

~~(54)~~(1) Vehicle signs. Signs placed on or affixed to vehicles and/or trailers that are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product, or direct people to a business or activity located on the same or nearby property, shall be prohibited. However, this is not intended in any way to prohibit signs placed on or affixed to vehicles and trailers where the sign is incidental to the primary use of the vehicle or trailer and where the vehicle is being operated in the normal course of business, is in operable condition, and carries a current and valid license plate and state inspection tag.

~~(55)(2)~~ Any sign placed on a property without the permission of the property owner.

~~(56)(3)~~ Light emitting diode (LED) and static electronic digital display signs, ~~except as allowed on premises for freestanding, multitenant, window and door signs (only one per storefront) and government signs as regulated and defined in this article;~~

~~(57)(4)~~ Wind-waver flags.

~~(58)(5)~~ Portable or vehicle driven digital or LED signs.

(Ordinance 11-031 adopted 12/6/11; 2008 Code, sec. 3.04.014)

DIVISION 5 EXEMPT SIGNAGE

Section 3.4.2.6 Section 3.4.5.1 Signs exempt from permit requirements

The following signs are exempt from permit requirements. In no case shall a sign be placed in a public right-of-way, as per section 3.04.003(c) of this article.

~~(59)(1)~~ Required signs

~~(60) Construction signs. One construction sign per construction project, provided that such signs shall not exceed the sign area allowed for a temporary sign under section 3.04.013. Construction signs shall be erected no more than five (5) days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed within ten (10) days after completion or issuance of the certificate of occupancy.~~

~~(61)(2)~~ Directional or instructional signs. Directional signs are designed to provide directions to pedestrian and vehicular traffic. Signs directing to entrances, exits and other non-business elements of a project shall be exempt from this article if they do not exceed four (4) square feet in area.

~~(62)(3)~~ Flags. The flags, emblems or insignia of any nation, state, county, city, and religious organization.

~~(63)(4)~~ Garage sale signs. Signs pertaining to garage sales in R-1, R-2, R-4, or R-6 zoned property, not exceeding four (4) square feet, as long as they shall be removed by the agent or owner within twenty-four (24) hours after the sale. Garage sale signs shall not be placed in the right-of-way.

(5) Gas Pump Sign. Signs advertising products sold within the gas station are exempt provided they do not exceed the width or height of the gas pump unit.

~~(64)(6)~~ Governmental signs are exempt, provided that the sign substantially complies with the provisions of this article.

~~(65) Residential signage. House numbers, nameplates and residential business signs not exceeding one (1) square foot in area for each residential building. Refer to article 15.02 (zoning ordinance) of the city code for more information about home occupations.~~

~~(66)(7)~~ Interior signs. Signs on the interior of buildings which are not visible from the exterior of the building.

~~(67)(8)~~ Memorial plaques or building identification signs when cut into any masonry surface or inlaid so as to be part of the building or when constructed of other noncombustible material, provided that such signs shall not exceed two (2) square feet.

~~(68) "No Trespassing" or "No Dumping" signs. "No Trespassing" or "No Dumping" signs not to exceed one and one-half (1-1/2) square feet in area per sign and not to exceed four (4) in number per lot, except that special permission may be obtained from the city for additional signs under proven special circumstances.~~

~~(69)(9)~~ Political signs. Political signs placed on private real property shall not:

- (A) Have an effective area of greater than 36 feet;
- (B) Be greater than eight feet high;
- (C) Be illuminated; or

(D) Have any moving elements.

~~(70)~~(10) Public notices. Official notices posted by public officers or employees in the performance of their duties.

~~(71)~~(11) Public utility signs. Temporary or permanent signs erected by companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.

~~(72) Real estate signs. One real estate "for sale" (including lease or rental) sign (single or double faced) on any lot or parcel zoned R-1, R-2, R-4, or R-6, provided such sign is located entirely within the property to which the sign applies, is not illuminated, does not exceed four (4) square feet in area, and is removed within ten (10) days after the sale, rental, or lease has been consummated. One (1) additional sign, as described above, is permitted where a parcel has in excess of three hundred feet (300') of frontage or fronts on two (2) streets.~~

~~(73)~~(12) Permanent menu boards. Menu boards shall not count in the total sign area for the type of sign erected, provided that the menu board is designed specifically for drive-through ordering and does not exceed the sign area requirements for that sign type.

~~(74)~~(13) Warning signs. Signs warning the public of the existence of danger, but containing no advertising material, of a size as may be necessary, to be removed upon subsidence of danger.

~~(75) Works of fine art.~~

~~(76)~~(14) Lawn/yard signs. Excluding political signs, there shall be no more than two (2) signs per yard. The signs shall be kept in good condition and shall not be fallen, faded, and/or worn or torn. Signs advertising contractor services shall be removed within fourteen (14) working days after completion of the work.

(Ordinance 11-031 adopted 12/6/11; 2008 Code, sec. 3.04.016; Ordinance 14-026 adopted 11/10/14)

DIVISION 6 DESIGN AND CONSTRUCTION

Section 3.4.2.7Section 3.4.6.1 Design, construction and maintenance

All signs shall be designed, constructed and maintained in accordance with the following standards:

~~(77)~~(a) All signs shall comply with applicable provisions of the International Building Code and the National Electrical Code versions as currently adopted by the city.

~~(b) Except for flags and temporary signs conforming in all respects with the requirements of this article, All permanent signs shall be constructed of aluminum, aluminite, acrylic, glass, steel, stainless steel, masonry, wood, or a similarly durable material.~~

~~(c) Vinyl or polyvinyl chloride (PVC) is prohibited for use on permanent signs and shall only be permitted for use on temporary signs.~~

~~(78)~~(d) Ppermanent materials and signs shall be permanently securely attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

~~(e) All signs and sign supports shall be maintained in good condition. Broken or missing panels, missing letters, rust, flaking and peeling paint, significant fading, sign lighting not maintained in operating condition, and all other visual damage to a sign shall be repaired and all dead or damaged landscaping associated with the sign shall be replaced within thirty (30) days of notification by the code enforcement officer.~~

~~(79)~~(f) All Permanent signs shall be a minimum of six (6) inches in thickness.

(Ordinance 06-034 adopted 9/5/06; 2008 Code, sec. 3.04.017)

Section 3.4.2.8 Mater sign plans

- (a) Purpose. The master sign plan is the device employed by the city to architectrespond to the special signage needs of proposed or existing nonresidential uses. The master sign plan is recommended for projects on large sites and/or with many separate businesses represented, where opportunities for effective signage other than as specified in this article increase. The master sign plan provides an opportunity to reduce sign clutter while allowing businesses to more effectively advertise goods and services. The goal of the master sign plan is to address the community's need for attractive, proportional graphics and ensure an appropriate balance between architecture, signage and neighborhood interests.
- (b) Uses. A master sign plan is recommended, but not required, at such time as the owner of one of the following uses applies for a new sign permit:
 - (80) A nonresidential development having a single tenant with 30,000 or more square feet.
 - (81) Nonresidential developments with four (4) or more nonresidential occupants.
 - (82) Nonresidential development on sites of five (5) acres or more.
 - (83) Nonresidential development on property which has more than 300 feet of continuous street frontage on a public street.
- (c) Required information. The following information is required for submission of a master sign plan:
 - (84) An accurate plot plan of the site to scale. The plan shall show the location of buildings, easements, driveways, utilities, lighting, parking spaces, required landscaping and an accurate indication on the plot plan of the proposed location of each present and proposed sign of any type, including temporary signage, whether requiring a permit or not.
 - (85) Computation of the sign area, height, type and number of signs.
 - (86) A narrative description of any other information necessary to show how the project meets the master sign plan criteria.
- (d) Review. The city manager or designee will review the master sign plan application within thirty (30) days of complete submittal. Master sign plans shall then be reviewed by the zoning commission at their earliest regularly scheduled meeting following the completion of staff review.
- (e) Approval and adoption. Master sign plans shall require approval by the city council and shall be adopted by ordinance.
- (f) Criteria for evaluation. The zoning commission and city council shall consider the following criteria when evaluating master sign plans:
 - (87) Implementation will provide signage compatible with the surrounding development;
 - (88) Implementation will result in architecture and graphics of a scale appropriate for the surrounding neighborhood;
 - (89) Implementation will provide signage consistent with the architecture and site plan characteristics of the proposed development;
 - (90) Implementation of the master sign plan will result in a substantial reduction in the number and area of freestanding signs and general sign clutter associated with the project as compared to strict compliance with this article;
 - (91) The proposed master sign plan does not pose a threat to the public safety;
 - (92) The master sign plan application is submitted in compliance with this section and not in order to circumvent the variance procedures set out in section 3.04.008; and
 - (93) Approval of the master sign plan does not cause the circumvention of either the spirit or intent of these sign regulations.
- (g) Variances. Applicants for master sign plans may request a variance to the requirements of this article as part of the master sign plan application without paying an additional fee. In addition to the provisions contained in section 3.04.008, the city council may grant a variance based on the following findings:

~~(94) That there are circumstances applicable to the property which, if strictly enforced, will deprive such property of privileges enjoyed by other property of the same zoning classification, and that this variance will not be a grant of special privilege to the applicant; and~~

~~(95) That it is also found:~~

~~(A) That, because of physical circumstances such as size, shape or topography, the visibility of signage is substantially impaired;~~

~~(B) That the conditions creating the need for a variance were not self-imposed;~~

~~(C) That there will be no adverse effect to surrounding property from the granting of this variance;~~

~~(D) That the amount of variance is the minimum needed to afford relief; and~~

~~(E) That the applicant complies with any special requirements imposed as a condition of granting the variance.~~

~~(96) Any business granted a variance under the master sign plan must demonstrate a plan to bring nonconforming signs into compliance, and the master sign plan must provide benchmarks for incremental progress.~~

~~(h) Amendment. A master sign plan may be amended by filing a new master sign plan that conforms with all requirements of this article then in effect.~~

~~(Ordinance 06-034 adopted 9/5/06; Ordinance adopting 2008 Code; 2008 Code, sec. 3.04.018)~~

AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AMENDING ORDINANCE CHAPTER 3 BUILDING REGULATIONS ARTICLE 3.04 SIGNS, MAKING ADMINISTRATIVE CHANGES AND AMENDING 3.04.001 PURPOSE, 3.04.002 DEFINITIONS, 3.04.007 NONCONFORMING, 3.04.011 ON-PREMISE SIGNS, 3.04.012 OFF-PREMISES SIGNS, 3.04.013 TEMPORARY SIGNS, 3.04.014 PROHIBITED SIGNS, 3.04.015 SIGNS EXEMPT FROM PERMIT REQUIREMENTS, 3.04.016 DESIGN CONSTRUCTION AND MAINTENANCE, 3.04.017 MASTER SIGN PLANS

WHEREAS, the Chapter of the City’s Code of Ordinances establishes the City’s building regulations pursuant to Chapter 214 of the Texas local government code; and

WHEREAS, Section 3.04, signs contains regulations pertaining to signage;

WHEREAS, the City Council now desires to amend Article 3.04 as provided in Exhibit A.

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

SECTION 1. The Amendments to Article 3.04 Signs are hereby authorized.

SECTION 2. The financial allocations in this Ordinance are subject to approval by the Director of Finance. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific accounts as necessary to carry out the purpose of this Ordinance.

SECTION 3. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

SECTION 4. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.

SECTION 5. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the XXth day of, XXX 2024.

APPROVED

CHRIS RILEY
MAYOR

Attest:

CRYSTAL CALDERA, PhD
CITY MANAGER

Approved as to Form:

ARTURO D. 'ART' RODRIGUEZ
CITY ATTORNEY

Chapter 3 - BUILDING REGULATIONS
ARTICLE 3.04 SIGNS

ARTICLE 3.04 SIGNS¹

Sec. 3.04.001 Purpose

- (a) The purposes of this article are the following:
- (1) To promote the public health, safety and welfare through reasonable, effective, consistent, content-neutral and nondiscriminatory sign standards and requirements;
 - (2) To fulfill the city's vision statement, which says in part that: "The city will exhibit a distinctive, clear, physical and welcoming identity at all its boundaries and throughout the community, using aesthetically pleasing, harmonious signage";
 - (3) To improve pedestrian and traffic safety;
 - (4) To encourage the effective use of signs as a means of communication;
 - (5) To maintain and enhance the city's ability to attract sources of economic development and growth;
 - (6) To minimize the possible adverse effects of signs to nearby public and private property; and
 - (7) To enable the fair and consistent enforcement of community standards.

~~(b) This article is aimed at achieving the goals, objectives, and policies enumerated in the city master plan and is adopted pursuant to chapter 216 of the Texas Local Government Code.~~

~~(c) Sign requirements and conditions contained in article 15.02, appendix C will supersede the requirements of this article where applicable.~~

~~(Ordinance 06-034 adopted 9-5-06; Ordinance 10-002 adopted 1-5-10; 2008 Code, sec. 3.04.001)~~

Sec. 3.04.002 Definitions

For the purposes of this article, the following definitions shall apply:

Abandoned sign. A sign which no longer correctly directs or instructs any person or advertises a bona fide business, service, product, or person on the premises where the sign is displayed. If the business, service, product, or person advertised or identified by an on-site sign ceases to be conducted at that site without being replaced by a new business, service, product, or person, the nonconforming sign shall be classified an abandoned sign.

Advertising flag. Any commercial flag designed for or having the effect of attracting attention, promotion or advertising.

A-frame sign. Any two-sided, self-supporting portable sign.

Airborne sign. A sign on a balloon or inflatable sign.

Anchor tenant. The major store or stores in a shopping center. Anchor tenants are in excess of 100 business front feet and have a minimum area of 10,000 square feet.

Animated sign. Any sign which includes action or motion.

¹State law reference(s)—Authority of municipality to regulate signs, V.T.C.A., Local Government Code, ch. 216.

Awning sign. A sign composed of cloth or canvas supported by a rigid or metal framework attached to and extending from an exterior wall or any other portion of a building.

Banner. A temporary sign made of fabric, plastic, paper, or other light, pliable or nonrigid material, not enclosed in a rigid frame (not including a fabric sign as defined herein).

Beacon. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

Billboard. See "Off-premises sign."

Building code. The International Building Code and the National Electrical Code, being whichever edition is adopted or as changed by city council periodically.

Building face or wall. A window and wall area of a building in one plane or elevation.

Canopy/tent. A roof-like covering that is temporary or portable in nature and which does not project over a window, building entrance, or walkway.

Changeable copy sign. A sign on which copy is changed manually, such as reader boards with changeable letters or changeable pictorial panels.

Charitable project or benefit. Proceeds must be for a qualified 501C entity pursuant to the Internal Revenue Code.

Commercial message. Any sign wording, logo or other representation that directly or indirectly names, advertises, or calls attention to a business, product, service, or other commercial activity.

Conforming sign. Signs built and maintained in accordance with the terms of this article.

Construction sign. A sign located on a site which announces and identifies a construction project which has been scheduled or is underway.

Copy. The wording or graphics on a sign surface.

Directional sign. Signs used to indicate the direction to entrances, exits, parking areas, restrooms, or other related facilities on the site on which the sign is located.

Directory sign. A sign which gives the names of the businesses or individuals located in the building or complex where it is located. A directory sign shall be of unified and common material, and shall allow for a uniform size sign for each business or unit of space in the development.

Display surface. The area made available by the sign structure for the purpose of displaying the advertising message.

Double-faced sign. Any sign having two faces which are no more than 12 inches apart at their closest point, and which describe an internal angle between face planes extended no more than 30 degrees.

Electric sign. Any sign containing electrical wiring, but not including illumination by an exterior light source.

Electronic message board. A sign on which the copy/advertising changes automatically on a lamp bank or through mechanical means, also known as light emitting diode (LED) or static electronic digital display.

Erected. Attached, altered, built, constructed, reconstructed, enlarged or moved, and shall include the painting of wall signs.

Fabric sign. A sign made of fabric or other nonrigid material, enclosed in a permanent frame and erected as a permanent, on-site sign for a business, service, product, or person.

Facade. The front or main part of a building facing a street.

Face of sign. The entire area of a sign on which copy could be placed. The area of a sign which is visible from one direction.

Flag. A fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, corporation or other similar entity.

Flashing sign. Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an extremely [externally] mounted intermittent light source.

Freestanding sign. Any sign which is not attached to or on the walls, face or exterior of the building. Also see "Pole sign."

Frontage. Total footage measured along the public right-of-way where the subject property abuts said right-of-way.

Government sign. Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety which are erected by or on the order of a public officer in the performance of his public duty. This includes signs erected and maintained by the city. Signs required or specifically authorized for a public purpose by any law, statute or ordinance, which may be of any type, number, area, height above grade, location, illumination, or animation, required by the law, statute or ordinance under which the signs are erected.

Grand opening. The initial opening of a new business.

Ground level. The immediate surrounding grade.

Height of sign. The vertical distance measured from the surrounding grade to the highest point on the sign or sign structure.

High-rise building. A structure of more than six stories in height.

Illegal sign. Any sign not legally permitted prior to or after the adoption of this article.

Illuminated sign. Any sign that uses artificial light, either internal or external to the sign faces, to draw attention to the sign or otherwise increase its visibility.

Indirect lighting. A light source separated from the surface and illuminating the sign surface by means of spotlights or similar fixtures.

Instructional sign. A sign conveying non-advertising information relating to the use of the premises, including such signs as "No Parking," "No Trespassing," and "No Skateboarding."

Internally illuminated sign. A sign which uses artificial light from behind the sign face to increase its visibility.

Logo. A letter, character, or symbol used to represent a person, corporation or business enterprise.

Lot. A parcel, tract, plot or area of land accessible by means of a street or other permanently reserved principal means of access. It may be a single parcel separately described in a deed or plat, or it may include parts of or a combination of such parcels when adjacent to one another and used as a whole.

Marquee. Any permanent roof-like structure at the entry to a building, which projects beyond the building or extends along and projects beyond the wall of the building, and which generally contains a commercial message(s), and is designed to provide protection from the weather.

Master sign plan. The master sign plan is the device employed by the city council to ensure an appropriate balance between architecture, signage and neighborhood aesthetics. As projects grow in size, opportunities for effective signage other than as specified in the sign guidelines and ordinances increase. By reducing clutter, effective master sign plans allow businesses to more readily offer goods and services. Master sign plans address

the community's need for attractive unobtrusive architecture and commercial graphics. Master sign plans are recommended for certain businesses. Refer to "Leon Valley Sign Guidelines" for additional information.

Menu board. A sign placed so as to be viewed from a drive-through lane and containing a listing of products and prices offered by the business. A menu board may include a mechanism for ordering products while viewing the sign.

Monument sign. A ground-mounted sign with a low overall height.

Multi-tenant sign. A sign which consists of a composite of four or more individual signs identifying the businesses located in a commercial or office complex.

Noncombustible.

- (1) As applied to building construction material, means a material which, in the form in which it is used, is either one of the following:
 - (A) Material of which no part will ignite and burn when subjected to fire. Any material conforming to the 2021 International Building Code Uniform Building Code- (IBC) standards, as published by the International Code Council, including all its appendices and references, and all its subsequent supplements and changes in and to said 2021 edition and references, standards for noncombustible materials shall be considered noncombustible within the meaning of this section.
 - (B) Material having a structural base of noncombustible material as defined in subsection (A) above, with a surfacing material not over 1/8 inch thick which has a flame-spread rating of 50 or less.
- (2) Noncombustible does not apply to surface finish materials. Materials required to be noncombustible for reduced clearances to flues, heating appliances, or other sources of high temperature shall refer to material conforming to subsection (1)(A) above. No material shall be classed as noncombustible which is subject to increase in combustibility or flame-spread rating beyond the limits herein established through the effects of age, moisture, or other atmospheric condition.
- (3) Flame-spread rating as used herein refers to ratings obtained according to tests conducted as specified in the 2021 edition of the International Fire Code as published by the International Code Council, including all its appendices and references, and all its subsequent supplements and changes in and to said 2021 edition and references, IBC/IFC standards.

Nonconforming. A sign lawfully existing on the effective date of the adoption of this article which is not in conformance with the revised standards and regulations of this article and/or could not be built under the terms of this article.

Official sign. Any sign erected by or at the direction of any governmental body.

Off-premises sign. A sign displaying advertising copy that pertains to a business, person, or activity, event, place, service or product not principally located or primarily manufactured or sold on the premises where the sign is located.

On-premises sign. Signs that identify or advertise only goods, services, facilities, events or attractions available on the premises where the sign is located.

Outparcel/pad site. Lots platted or leased along the periphery of a shopping center project which are intended to be occupied by a single user. Typically, such lots are less than two acres in area; are subordinate in size to the parcel which contains a multi-tenant shopping center building; and share access, utilities, drainage, parking and open space with the parcel containing the anchor tenant.

Owner. A person recorded as such on official records and including a duly authorized agent, notary, purchaser, lessee, devisee, or judiciary; anyone having a vested or contingent interest in the property or business in question.

Painted wall sign. A sign painted on any outside wall or roof of any building.

Parapet. The extension of the main walls of a building above the roof level.

Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Permanent sign. A sign structure which is intended to remain indefinitely.

Person. Any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

Pole sign. Any sign supported by poles, uprights, or braces which are not concealed in an enclosed base but are permanently placed on or in the ground and wholly independent of any building for support, either single- or double-faced; a sign whose only structural support consists of exposed poles, posts, beams, or other devices mounted in the ground.

Political sign. Any sign which by its contents supports or opposes any candidate for public office or any proposition to be voted upon at an election or which makes a political or ideological statement in the nature of constitutionally protected noncommercial free speech.

Portable sign. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, signs converted to A- or T-frames, portable menu board signs, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way.

Premises. The lot or lots, plots, portions or parcels of land considered a unit for a single development or activity.

Projecting sign. A sign mounted to the face of the building perpendicular to the face of the building, and extending more than 12 inches from the wall surface.

Pylon sign. A freestanding sign with visible support structures or with a support structure with a pole cover or pylon cover.

Real estate sign. A temporary sign designating that the premises upon which it is erected are for sale, rent, or lease or that an open house is being held on the day on which the sign is displayed.

Reflective surface. Any material or device which has the effect of intensifying reflected light, including but not limited to scotch light, day glow, glass beads and luminous paint.

Required sign. Any sign required by law for the protection of the general health, safety and welfare of the public.

Residential lawn/yard sign. Any sign placed on the lawn or yard of a residential property.

Residential sign. Any sign located in a district zoned for residential use(s) that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located.

Roadways.

- (1) *Collector roadway.* A street which primarily provides circulation within neighborhoods, to carry traffic from minor streets to arterial streets, or to carry traffic through or adjacent to commercial or industrial areas.

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- (2) *Arterial roadway.* A street with access control, channelized intersections, and restricted parking, and that collects and distributes traffic to and from minor arterials.
 - (3) *Expressway frontage road.* A service road, usually parallel to a highway, designed to reduce the number of driveways that intersect the highway.
 - (4) *State highway.* Any highway owned by the state.

Roof line. The highest point of the coping on a flat roof, false mansard, or parapet wall; the decline of a true mansard roof; the ridgeline between the upper and lower slopes of a gambrel roof; or the mean height level between the eaves and the ridge of a gable or hip roof.

Roof sign. Any sign erected on or over the roof of a building.

Shall/will/may. "Shall/will" is mandatory. "May" is permissive.

Sign. Any device, fixture, display, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, attract attention to, or identify the purpose of a person or entity, or to communicate information and/or a message of any kind to the public.

Sign area.

- (1) The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle or a regular geometric shape of up to eight sides that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
- (2) In every event, computation of allowable sign area includes all existing signs on the premises, whether those signs are conforming or nonconforming.

Sign structure. The sign and all parts associated with its construction.

Snipe/parasite sign. A sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, utility poles, stakes, or fences or to other objects, and whose message is not associated with the premises upon which such sign is located; any temporary sign which is attached to another sign.

Storefront. The side of a building that has display windows or a public entrance.

Structure. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Subdivision identification/permanent multifamily sign. A sign which designates the name of a project, subdivision, or other residential district, and which is located at or in close proximity to the main entrance.

Suspended sign. A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary sign. Any sign, banner, valance or commercial display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, and not permanently mounted.

Traffic-control sign. A permitted sign for the purpose of identifying parking areas and directing the flow of traffic on private property.

Vertical dimension. The height of the sign area/lettering.

Wall sign. Any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.

Window sign. Any sign painted, drawn, or otherwise affixed to either the inside or outside of an exterior window or glass door of a commercial or office building.

Wind Waver Flags(s)- A vertical flag that displays logos or advertising messages placed on-premises secured in a regular location.

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Works of fine art. This article shall not apply to a sculpture, fountain or similar work of fine art which in no way identifies or advertises a product or business.

~~(Ordinance 06-034 adopted 9-5-06; Ordinance 08-025, sec. 2, adopted 6-17-08; 2008 Code, sec. 3.04.002; Ordinance 14-026 adopted 11-10-14)~~

Sec. 3.04.003 Penalty; civil actions; removal of signs in right-of-way

- (a) *Penalty.* Violations of any provision of this article by action of omission or commission shall be punishable by a fine in an amount not less than \$100.00 nor more than \$2,000.00 for each violation. Each day of violation under this article shall be a separate violation.
- (b) *Civil actions.* In addition to the criminal penalties prescribed by this section, the city council may direct the city attorney to institute civil action or proceedings to prevent violations or threatened violations of these regulations or to obtain civil damages or penalties against violators of these regulations.
- (c) *Removal of signs in right-of-way.*
 - (1) In addition to the penalties prescribed in subsections (a) and (b) above, the code enforcement officer, or his designee, shall have the authority, and the duty, to remove or cause to be removed and impounded any sign, poster, handbill, banner, streamer or other outdoor advertising erected, placed, altered, maintained, or neglected in violation of this article, if the same is located on, in, or above any public street, right-of-way or sidewalk area, or other public property.
 - (2) The cost of any such removal or impoundment shall be chargeable to the person or persons, jointly or severally, who were responsible for or who caused the erection or placement of the offending sign or advertising, and their sureties.
 - (3) Any item impounded by authority of this section shall be held for period of 30 days and then disposed of in any manner designated by the code enforcement officer. During the 30 days, the owner of such item, upon proof of same, may reclaim such item at the place of storage by paying to the city the actual cost of removal and impounding. This charge shall in any event be not less than an amount as provided in appendix A of this Code as amended or revised by ordinance from time to time.

~~(Ordinance 06-034 adopted 9-5-06; Ordinance adopting 2008 Code; 2008 Code, sec. 3.04.003; Ordinance adopting 2017 Code)~~

Sec. 3.04.004 Amendments

This article may be reviewed and amended by the city council as deemed necessary.

~~(Ordinance 06-034 adopted 9-5-06; 2008 Code, sec. 3.04.004)~~

Sec. 3.04.005 Permit

- (a) Except as otherwise provided in this Code, it is unlawful for any person to erect, construct, reconstruct, change sign copy and/or a sign face, enlarge, extend, expand, place or move any sign or sign structure or any portion thereof without first obtaining a sign permit for each sign.

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- (b) The owner or tenant of a business or commercial property upon which a sign is to be placed which is zoned O-1, B-1, B-2, B-3 or I-1, PDD or a residential district zoned R-3, R-3A, or R-5 must apply for a sign permit.
 - (c) All applications for sign permits will be submitted to the ~~community development~~Planning and Zoning department for approval on a form prescribed by the city. Questions about sign regulations should be addressed to the community development department. All signs which are electrically illuminated will require an electrical inspection, and all installers of such signs shall hold a state or City of San Antonio electrical license.
 - (d) Upon submittal, the application will be reviewed for conformance with the standards of this article within 30 days of a complete submittal. If the application is not approved, such application will be deemed to have been administratively denied.
 - (e) The ~~city manager~~ Planning and Zoning Director or designee shall determine whether the proposed sign is acceptable under the conditions established in this article and applicable building codes. Upon approval, the permit will be issued by the Planning and Zoning Director ~~community development department~~ upon payment of appropriate fees.
 - (f) All representations, whether oral or written, made by an applicant or his agent on behalf of the application for a sign permit under this article shall constitute a material factor in granting a sign(s) permit. It is unlawful for the applicant to vary from such representations unless the applicant files an amended application.
 - (g) The primary responsibility for securing the necessary permit(s) shall rest with the property owner. However, if the property owner should contract part or all of the proposed work, it shall become the responsibility of the person or firm hired to perform that work to ensure that all required permits and approvals have been secured prior to any work being initiated. For the purposes of this article, through the acceptance of the contract to perform the work, the third party so contracted shall become equally liable for all fees, fines, and penalties prescribed by this article arising from violations resulting from that work.
 - (h) Any permit may be revoked by the Planning and Zoning Director ~~city manager~~ or designee at any time prior to the completion of the sign for which the same was issued, when it shall appear to the official that there is departure from the plans, specifications or conditions as required under the terms of the permit, that the permit was procured by false representation, or that any provision of this article is being violated. Written notice of such revocation, [and] a stop-work order shall be served upon the owner and/or upon the owner's agent, contractor, or upon any person employed in the building or structure for which such permit was issued, which shall be posted in a prominent location, and thereafter no such construction shall proceed.
 - (i) All signs shall be erected within 90 days of issuance of the permit; otherwise the permit shall become null and void. The applicant may request up to ~~one~~three ~~30~~-day extensions with the payment of additional permit fees.
 - (j) The building inspector or designated city official shall inspect the sign for which a permit has been issued. If the construction is substantially complete, but not in full compliance with this article and applicable codes, the Planning and Zoning Director ~~city manager~~ or designated city official shall give the owner or applicant notice of the deficiencies and shall allow an additional 30 days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse and the sign shall become illegal.
 - (k) Signs erected and maintained by the city or the city's contractor shall not require a permit.

~~(Ordinance 06-034 adopted 9-5-06; 2008 Code, sec. 3.04.005)~~

Sec. 3.04.006 Abatement of illegal or unsafe signs

- (a) A sign which has been determined to be unsafe by the city must be repaired, made safe or removed immediately or within ten working days after receipt of notice from the city, at the discretion of the designated city official. Failure to make such repairs or remove the sign is unlawful.
- (b) If the property owner or lessee fails to comply with such written notice to remove, the code enforcement officer is hereby authorized to cause removal of such sign, and any expense incidental to such removal shall be charged to the owner of the property upon which the sign is located and shall constitute a lien upon the property. For the purpose of this section, the word "remove" shall mean:
 - (1) The sign face, along with the posts, columns or supports of freestanding signs, shall be taken down and removed from the property.
 - (2) The sign face and supporting structures of the projecting, roof, or wall signs shall be taken down and removed from the property.
- (c) Any existing sign not specifically listed as being allowed herein or classified as nonconforming is expressly prohibited and shall be illegal. Illegal signs must be removed not later than ten days following notification by the city manager or designee.

~~(Ordinance 06-034 adopted 9-5-06; 2008 Code, sec. 3.04.006)~~

Sec. 3.04.007 Nonconforming signs

- (a) *Notice of nonconformity.* Signs lawfully existing prior to enactment of this article which do not conform to the requirements of this Code will be determined to be nonconforming. ~~Upon determination that a sign is nonconforming, the code enforcement officer will notify in writing the user or owner of the property on which the sign is located of the following:~~
 - ~~(1) The sign's nonconformity; and~~
 - ~~(2) Whether the sign is eligible for characterization either as nonconforming or illegal. Notification procedures pertaining to code violations as adopted in section 6.03.005 of the city Code will apply.~~
- (b) *Appeals.* Owners of signs determined to be nonconforming shall have 30 days from receipt of notification of a sign's nonconformance to appeal the determination per ~~sign code section 3.04.008~~ of this article.
- (c) *Continuation of use.* Any existing nonconforming sign may continue to be maintained and used, subject to the following provisions:
 - (1) *Enlargement.* No nonconforming sign shall be enlarged, expanded, or extended to occupy a greater square footage or height than was occupied on the date this article was enacted.
 - (2) *Relocation.* Nonconforming signs shall not be moved in whole or in part to any other portion of the lot, parcel, or building not so occupied on the date of enactment of this article. Any nonconforming sign that is removed from its original location may not be reinstated at any other location within the city unless it conforms with all of the requirements of this article.
 - (3) *Discontinuance.*
 - (A) If the business, service, product, or person advertised or identified by a legally nonconforming, on-premises sign ceases to be conducted at that site, all signs shall be brought into conformity with this article or shall be removed prior to issuance of a certificate of occupancy for any new business, service, product or person.

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- (B) The "discontinuance" provisions shall not trigger the conformance of multi-tenant sign structures. Existing nonconforming multi-tenant signs shall be allowed to maintain their nonconforming status, provided that signage is maintained per this article and provided that sign panels pertaining to former tenants shall be removed and replaced with blank panels.
 - (4) *Abandonment.* If the business, service, product, or person advertised or identified by a legally nonconforming on-premises sign ceases to be conducted at that site, the nonconforming sign shall be classified as an abandoned sign. All abandoned signs must be removed within 30 days of being abandoned.
 - (5) *Destruction.* Should any nonconforming sign be damaged by any means to an extent of more than 60 percent of its replacement cost at time of damage, it shall not be reconstructed except in conformity with the provisions of this article.
 - (d) *Maintenance.* Nothing in this section shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the nonconforming sign is located from the provisions of this Code regarding safety, maintenance, and repair of signs contained in this Code; provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure in any way which makes it more nonconforming.

~~(Ordinance 06-034 adopted 9-5-06; 2008 Code, sec. 3.04.007)~~

Sec. 3.04.008 Variances and appeals

- (a) Persons wishing to erect signs not in conformance with this article or any person aggrieved by any decision of the city in the administration of this article may appeal such decision to the city council. The city council shall only hear and decide the following:
 - (1) An appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this article; or
 - (2) A request for variance(s) from the strict enforcement of the requirements of this article due to special conditions wherein a literal enforcement of this article would result in unnecessary hardship, and so that the spirit of this article is observed and substantial justice is done.
- (b) The application must be accompanied by a drawing or other artistic representation to accurate scale showing the exact sign proposed, its size and message (textural or pictorial), color, shape, whether lighted or unlighted, location on said property or business, materials of which it is to be made, how it is to be made and how it is to be fastened. Granting of the variance requires approval from the designated city official(s), who shall determine whether the proposed sign is acceptable under the conditions established in this article and applicable building codes. Upon approval from the designated city official(s), the variance request will be heard by the city council.
- (c) The city manager or designee is authorized to approve a variance to three specific types of regulations in this article: sign area, sign height, and distance between signs. This authorization shall be restricted to variance of one of type of regulation not to exceed ten percent of the specified dimension for one existing nonconforming sign per platted property. This staff variance provision does not apply to any of the properties required to file a master sign plan.

~~(Ordinance 06-034 adopted 9-5-06; 2008 Code, sec. 3.04.008)~~

Sec. 3.04.009 Fees

Fees are as stated in the fee schedule in appendix A of this Code as amended or revised by ordinance from time to time.

~~(Ordinance 06-034 adopted 9-5-06; 2008 Code, sec. 3.04.009; Ordinance adopting 2017 Code)~~

Sec. 3.04.010 Allowable signage generally

Any sign not specifically listed as being allowed herein is expressly prohibited.

~~(Ordinance 06-034 adopted 9-5-06; 2008 Code, sec. 3.04.010)~~

Sec. 3.04.011 On-premises signs

(a) *General provisions.*

- (1) Single-tenant businesses shall be allowed up to a total of four signs per storefront from the types of signs listed in this section, provided that all applicable requirements have been met.
- (2) Tenants of properties with four or more tenants shall follow the multi-tenant guidelines in this section.
- (3) The following signs shall be allowed under the provisions of this article with an approved sign permit.

(b) *Building-mounted signs.*

(1) *Wall signs.*

- (A) *Design.* Wall signs shall not obscure windows, grillwork or pilasters of the building.
- (B) *Location.* Wall signs shall be mounted flush and fixed securely to a building wall, projecting no more than 18 inches from the face of the wall, and not extending sideways from the building face or above the roofline of a building.
- (C) *Total sign area.*
 - (i) The maximum total wall sign area for each building occupant may not exceed 25 percent of the total square footage of the exterior wall, not to exceed 200 square feet per occupancy.
 - (ii) Signs cannot be longer than 80 percent of the sign band length where the sign is to be located.

(2) *Marquee signs.*

~~(A) *Design.* See the city design guidelines.~~

~~(B) *Number and location.* Marquee signs shall be allowed in conjunction with wall signs.~~

~~(C) *Total sign area.*~~

- (i) Marquee signs shall be allowed up to 25 percent of total marquee area, not to exceed 200 square feet for each occupancy.
- (ii) Marquee signs shall not be longer than 80 percent of sign band length where the sign is to be located.

(3) *Awning signs.*

(A) *Number and location.*

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- (i) Awnings shall permanently attached to buildings.
 - (ii) Sign lettering and any graphics shall be comprised of no more than 80 percent of awning surface area.
 - (B) *Sign height.* Minimum height of awnings shall be eight feet as measured from ground level.
 - (4) *Roof signs.*
 - (A) *Number and location.*
 - (i) Roof signs shall be limited to one sign per street frontage up to three signs total.
 - (ii) A roof sign will be allowed in place of a wall sign.
 - (B) *Total sign area.* Roof signs shall not exceed 80 percent of roof sign area, not to exceed 100 square feet.
 - (C) *Sign height.* No roof sign will be permitted which extends beyond the highest point of a pitched roof, a mansard roof or a parapet line of a building.
 - (c) *Freestanding signs.*
 - (1) *Number and location.*
 - (A) No freestanding on-premises sign shall be constructed within 100 feet of any existing freestanding on-premises or multi-tenant sign on the same site, or within 40 feet of a freestanding or multi-tenant sign on a neighboring site.
 - (B) No freestanding sign, other than a multi-tenant sign, shall occupy the same frontage as a projecting sign.
 - (C) Electronic message centers will be allowed on freestanding signs, and will be included in the calculation of the area of freestanding signs.
 - (D) One freestanding sign shall be permitted on each street frontage, as follows:
 - (i) Less than 250 feet of frontage: One sign.
 - (ii) 250 feet or more of frontage: One sign per 250 feet of frontage when approved by a master sign plan.
 - (2) *Total sign area.*
 - (A) Each face of a freestanding sign may not exceed:
 - (i) 50 square feet if the sign pole is 32 feet tall;
 - (ii) 240 square feet if the pole is 50 feet high;
 - (iii) 375 square feet if the pole is 60 feet high.
 - (B) In the case of irregularly shaped signs, refer to the definition of "sign area" for method of calculation.
 - (3) *Sign height.* Sign height shall be restricted to:
 - (A) 32 feet on collector roadways;
 - (B) 50 feet on arterial roadways;
 - (C) 60 feet on a state highway;
 - (D) 60 feet on expressway frontage roads.

-
- (4) *Landscape buffer.* Unless an alternate method of providing traffic and pedestrian safety is approved through the master sign plan, each freestanding sign shall be placed within a landscaped area extending a minimum four feet from the sign in each direction. Such measurements shall begin at the sign base or at the edge of any overhang within 20 feet of the ground, whichever requires the greater barrier. Xeriscaping is encouraged.
- (d) *Multi-tenant signs.*
- (1) *Use.* Multi-tenant signs shall be required as part of a master sign plan for properties with four or more tenants and must display the address of the multi-tenant property.
- (2) *Number and location.*
- (A) No freestanding multi-tenant sign shall be constructed within 100 feet of any existing multi-tenant or freestanding sign on the same site, or within 40 feet of a multi-tenant or freestanding sign on a neighboring site.
- (B) A tenant may have one building-mounted sign (such as a wall, awning, marquee, projecting or roof sign) and one identification sign on a directory sign for the shopping center, unless the tenant is leasing an end lease space, then the tenant shall be allowed two signs, one on each storefront, as defined by this article.
- (3) *Total sign area.*
- (A) Multi-tenant signs shall be limited to not more than:
- (i) 250 square feet if on a 32-foot-tall pole;
- (ii) 500 square feet if on a 50-foot-tall pole;
- (iii) 650 square feet if on a 60-foot-tall pole.
- (B) The area of each tenant's building-mounted wall sign shall not exceed 25 percent of total wall area of each storefront, not to exceed a maximum of 200 square feet.
- (4) *Sign height.* Multi-tenant sign height shall be restricted to:
- (A) 32 feet on collector roadways;
- (B) 50 feet on arterial roadways;
- (C) 60 feet on state highways; and
- (D) 60 feet on expressway frontage roads.
- (e) *Subdivision signs.* Permanent monument-style subdivision signs shall be permitted upon private property in any zone to identify planned developments and will be required to follow all applicable provisions of this article.
- (f) *Real estate signs.*
- (1) On-premises signs pertaining to the sale, rental, or lease of property zoned O-1, B-1, B-2, B-3, I-1, R-3, R-3A, or R-5, not exceeding 64 square feet in area and ten feet in height from ground level, and are permitted behind the property line.
- (2) Such signs shall be removed by the agent or owner within ten business days of sale, rental, or lease of the premises.
- (3) Each property shall be permitted not more than one sign per street frontage.
- (4) A sign permit is required in all cases as prescribed in section 3.04.005 of this article.

(g) Wind Waver Flags(s)- A vertical flag that displays logos or advertising messages placed on-premises secured in a regular location.

(1)Each business is restricted to a maximum of 1 flag per address or 2 flags for endcap location.

(2) Each flag must not exceed 12 feet in total height and 36 square feet in area.

(3) No Wind Waver Flag on-premises shall be erected within 50 feet of any existing wind waver flag.

(4) Wind Waver flags must be within 20 linear feet from the front door of a business.

~~(Ordinance 06-034 adopted 9-5-06; Ordinance 07-028, secs. 1, 2, adopted 6-19-07; 2008 Code, sec. 3.04.011; Ordinance adopting 2017 Code)~~

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Sec. 3.04.012 Off-premises signs

(a) *New off-premises signs prohibited.* No permits for the construction of new off-premises signs will be issued after the effective date of this article.

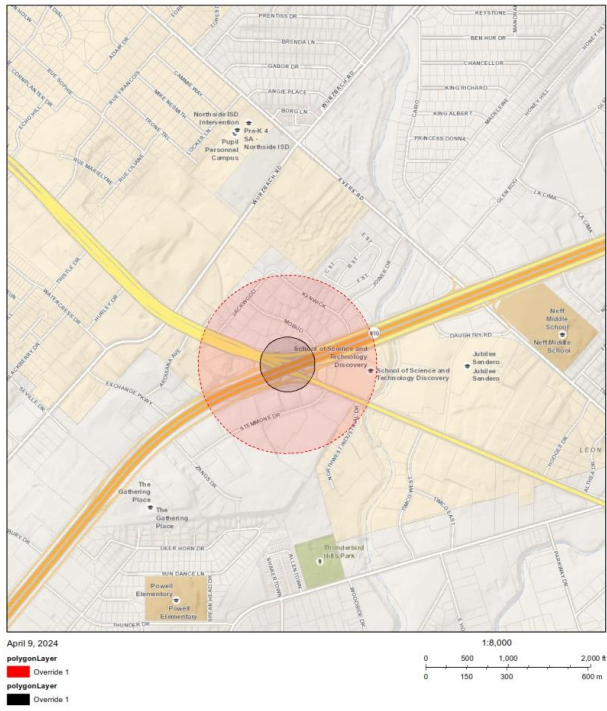
(b) *Existing signs.* All existing off-premises signs will be permitted to remain, provided a sign is not subject to section 3.04.006. Permits for repair or reconstruction of existing off-premises signs will be issued, provided that the sign does not increase in size or height and that the sign conforms with all applicable provisions of this article.

~~(c) *Annual renewal of permit.* Off-premises sign permits issued under this section will expire annually at the end of each calendar year and must be renewed no later than 30 days after the start of the new calendar year. Failure to an renew an off-premises sign permit will cause the sign to be classified as abandoned. All abandoned signs must be removed within 30 days of being abandoned.~~

(c) An exemption for off-premises will be made for billboards along Interstate 410 and Bandera Road as shown in exhibit A, inside Leon Valley city limits and with TXDOT approval.

(i) All billboards must have a separation of 1,000 linear feet from one another.

Leon Valley Billboards- Exhibit A



(Ordinance 06-034 adopted 9-5-06; 2008 Code, sec. 3-04.012)

Sec. 3.04.013 Temporary signs

- (a) Permits are required for temporary signs.
- (b) Each business may be allowed a total of one temporary sign per six-month period for a time period of up to 30 days. A permit is required and must be obtained each time a sign is displayed. A seasonal business may apply for a [permit variance](#) to display temporary signs for up to 120 days in lieu of 30 days per quarter. [Seasonal businesses are considered continuous Temporary uses.](#)
- (c) A deposit is required for each temporary sign permit issued. The deposit will be returned at the expiration of the permit time period provided that the temporary sign has been moved within 24 hours of permit expiration.
- (d) Special event temporary signs may be allowed within the flyover area and Loop 410 without a permit for a planned group of temporary signs to advertise special events on a business property. Special event

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temporary signs shall be installed no earlier than Friday at 6:00 p.m. and shall be removed on Sunday by 8:00 p.m. If a federal holiday falls on either the Friday or Monday of that weekend, the signs may be installed and removed to include the holiday.

- (e) Maximum size for temporary sign banners is 50 square feet for banner signs placed on the property and 100 square feet for banner signs attached to the building.
- (f) The following temporary signs are allowed:
 - (1) *Banners.* Banners must be wall mounted or attached with temporary stakes in the ground on the property. Banners must be kept in good condition and stakes firmly anchored so as to prevent dilapidation.
 - (2) *Airborne signs.* Hot or cold air balloons may be either attached to the building or placed behind the property line. There are no size restrictions for hot or cold air balloons. Balloons shall be allowed only as a part of a special event temporary sign event and as specified. Balloons must be kept in good condition and firmly anchored so as to prevent dilapidation or from being astray.
 - (3) *Grand opening signs.* Grand opening signs shall be allowed under this section, except that such permit shall be valid for 30 consecutive days and shall not be renewable. One permit will be issued for each building occupant per certificate of occupancy.
 - (4) ~~Street banners.~~ Nonprofit organizations may erect street banners across collector and arterial roadways ~~without obtaining a temporary sign permit.~~ The dimensions of the banner will not exceed four feet by 36 feet (144 square feet).
 - (5) *Temporary weekend signs.*
 - (A) *Time period.* Temporary weekend signs are permitted from Friday at 6:00 p.m. to Sunday at 8:00 p.m. Temporary signs including banners, airborne/balloon signs, grand opening signs and street banners shall not be displayed simultaneously with temporary weekend signs.
 - (i) If a federally recognized holiday falls on a Friday, then the signs are permitted from the preceding Thursday to the following Monday.
 - (ii) If a federally recognized holiday falls on a Monday, then the signs are permitted from Friday until the following Tuesday.
 - (B) *Size.* Signs shall not exceed 24 inches by 32 inches in size. Irregular shaped signs shall fit in a 24 inches by 32 inches rectangle; the total height shall not exceed 36 inches in height from ground level. Signs may be two-dimensional only and shall be of a nonreflective surface.
 - (C) *Spacing between signs.* A minimum of five-foot spacing must be maintained between each temporary weekend sign of different advertisers. The signs of each advertiser must be spaced so that no two signs advertising the same good, service, product, business, political campaign, or particular piece of real property (for sale or lease) are closer than 100 feet from each other measured in a straight line.
 - (D) *Location.* Signs must be self-supporting and placed into the ground by a single stake.
 - (i) No temporary weekend sign shall be permitted on a utility pole, streetlight pole, sign pole, fence, tree or other man-made [or] natural feature, wooden frame or portable frame.
 - (ii) No sign may be placed closer than 25 feet from a street intersection or median opening. Any temporary weekend sign determined to be in a location that causes an immediate hazard to public safety ~~as determined by the Police Chief~~ will be immediately removed by the city.

- (iii) Signs shall be no closer than three feet from the edge of the sign to the street curb or, if no curb is present, to the edge of the pavement. Signs shall not encroach on either sidewalks or streets.
- (iv) No signs shall be placed in island medians or esplanades.
- (v) Except for political signs, no signs shall be placed further than three miles from the location of the sale of the good, product, service, business or piece of real property being advertised.

~~(E)~~ **Permit.**

~~(i)~~ An annual permit fee, as stated in the schedule of fees in appendix A of this Code as amended or revised by ordinance from time to time, must be paid by the advertiser. Where an advertiser wishes to advertise multiple locations, a permit must be obtained for each location, subdivision location, or service location to be advertised by temporary weekend signs.

~~(ii)(vi)~~ A temporary weekend sign shall not be placed on the right-of-way of a road or highway unless an annual temporary sign permit has been first obtained.

~~(F)(E)~~ **Map of locations; placement on state roads prohibited.** In addition to the payment of the appropriate fees, the advertiser shall provide an area map, drawn to scale, and listing the street and block number where the signs shall be placed. No temporary weekend sign shall be placed along the side of any road or highway belonging to the state department of transportation.

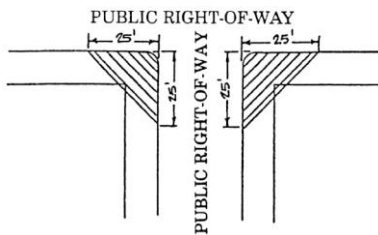
~~(Ordinance 11-031 adopted 12-6-11; 2008 Code, sec. 3-04.013; Ordinance adopting 2017 Code)~~

Sec. 3.04.014 Prohibited signs

The following signs shall be prohibited in the city:

~~(1)~~ ~~(1)~~ Any sign constructed or located in such a manner that it is or becomes an immediate hazard or danger to persons or property because of being in an unsafe condition, or which obstructs any window, door, or fire escape of any building.

a. On any corner lot, no structure, including signs shall be maintained within the triangular area formed by the intersecting street lines and a straight line connecting such street lines, at points twenty-five (25) feet from the point of intersection measured along such street lines.



b.

- (2) Illegal signs or any other sign constructed after the enactment of this article which is not in compliance with the terms of this article.
- (3) Illuminated, highly reflective signs or spotlights which hamper the vision of motorists or bicyclists.

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- (4) Any sign, banner or display placed on any public right-of-way, utility pole, traffic-control device, curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on, over, or across any public street or right-of-way (other than a government sign or allowed sign as per section 3.04.010).
 - (5) Any banner placed on stakes on a property, unless otherwise permitted.
 - (6) Portable signs. Any sign not permanently attached to the ground or other permanent structure, including those signs which may be transported to the site on wheels, on skids or on a truck; signs constructed as or converted to a T-frame sign; or umbrellas used for advertising purposes. Such sign, whether or not bolted or cemented to the ground, shall nonetheless be deemed to be a portable sign.
 - (7) Signs which contain or are an imitation of an official traffic sign or signal, or which are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic-control device, or which may hide from view any traffic or street sign or signal.
 - (8) Snipe/parasite signs.
 - (9) Temporary signage, except as permitted in section 3.04.013.
 - (10) Vehicle signs. Signs placed on or affixed to vehicles and/or trailers that are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product, or direct people to a business or activity located on the same or nearby property, shall be prohibited. However, this is not intended in any way to prohibit signs placed on or affixed to vehicles and trailers where the sign is incidental to the primary use of the vehicle or trailer and where the vehicle is being operated in the normal course of business, is in operable condition, and carries a current and valid license plate and state inspection tag.
 - (11) Any sign placed on a property without the permission of the property owner.
 - (12) Light emitting diode (LED) and static electronic digital display signs, except as allowed on-premises for freestanding, multitenant, window and door signs (only one per storefront) and government signs as regulated and defined in this article.
- ~~(13) Wind-waver flags.~~
- ~~(13)~~ (14) Portable or vehicle driven digital or LED signs.

~~(Ordinance 11-031 adopted 12-6-11; 2008 Code, sec. 3.04.014)~~

Sec. 3.04.015 Signs exempt from permit requirements

The following signs are exempt from permit requirements. In no case shall a sign be placed in a public right-of-way, as per section 3.04.003(c) of this article.

- (1) Required signs.
- (2) Construction signs. One construction sign per construction project, provided that such signs shall not exceed the sign area allowed for a temporary sign under section 3.04.013. Construction signs shall be erected no more than five days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed within ten days after completion or issuance of the certificate of occupancy.
- (3) Directional or instructional signs. Directional signs are designed to provide directions to pedestrian and vehicular traffic. Signs directing to entrances, exits and other non-business elements of a project shall be exempt from this article if they do not exceed four square feet in area.

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- (4) Flags. The flags, emblems or insignia of any nation, state, county, city, and religious organization.
 - (5) Garage sale signs. Signs pertaining to garage sales in R-1, R-2, R-4, or R-6 zoned property, not exceeding four square feet, as long as they shall be removed by the agent or owner within 24 hours after the sale. Garage sale signs shall not be placed in the right-of-way.
 - (6) Governmental signs are exempt, provided that the sign substantially complies with the provisions of this article.
 - (7) Residential signage. House numbers, nameplates and residential business signs not exceeding one square foot in area for each residential building. Refer to article 15.02 (zoning ordinance) of the city Code for more information about home occupations.
 - (8) Interior signs. Signs on the interior of buildings which are not visible from the exterior of the building.
 - (9) Memorial plaques or building identification signs when cut into any masonry surface or inlaid so as to be part of the building or when constructed of other noncombustible material, ~~provided that such signs shall not exceed two square feet.~~
 - (10) "No Trespassing" or "No Dumping" signs. "No Trespassing" or "No Dumping" signs not to exceed one and one-half square feet in area per sign and not to exceed four in number per lot, except that special permission may be obtained from the city for additional signs under proven special circumstances.
 - (11) Political signs. Political signs placed on private real property shall not:
 - (A) Have an effective area of greater than 36 feet;
 - (B) Be greater than eight feet high;
 - (C) Be illuminated; or
 - (D) Have any moving elements.
 - (12) Public notices. Official notices posted by public officers or employees in the performance of their duties.
 - (13) Public utility signs. Temporary or permanent signs erected by companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.
 - (14) Real estate signs. One real estate "for sale" (including lease or rental) sign (single- or double-faced) on any lot or parcel zoned R-1, R-2, R-4, or R-6, provided such sign is located entirely within the property to which the sign applies, is not illuminated, does not exceed four square feet in area, and is removed within ten days after the sale, rental, or lease has been consummated. One additional sign, as described above, is permitted where a parcel has in excess of 300 feet of frontage or fronts on two streets.
 - (15) Permanent menu boards. Menu boards shall not count in the total sign area for the type of sign erected, provided that the menu board is designed specifically for drive-through ordering and does not exceed the sign area requirements for that sign type.
 - (16) Warning signs. Signs warning the public of the existence of danger, but containing no advertising material, of a size as may be necessary, to be removed upon subsidence of danger.
 - (17) Works of fine art.
 - (18) Lawn/yard signs. Excluding political signs, there shall be no more than two signs per yard. The signs shall be kept in good condition and shall not be fallen, faded, and/or worn or torn. Signs advertising contractor services shall be removed within 14 working days after completion of the work.

(Ordinance 11-031 adopted 12-6-11; 2008 Code, sec. 3.04.016; Ordinance 14-026 adopted 11-10-14)

Sec. 3.04.016 Design, construction and maintenance

All signs shall be designed, constructed and maintained in accordance with the following standards:

- (1) All signs shall comply with applicable provisions of the [2021 International Building Code](#) and the [2021 International Fire Code](#)~~National Electrical Code standards~~~~versions~~ as currently adopted by the city.
- (2) Except for flags and temporary signs conforming in all respects with the requirements of this article, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
- (3) All signs and sign supports shall be maintained in good condition. Broken or missing panels, missing letters, rust, flaking and peeling paint, significant fading, sign lighting not maintained in operating condition, and all other visual damage to a sign shall be repaired and all dead or damaged landscaping associated with the sign shall be replaced within 30 days of notification by the code enforcement officer.

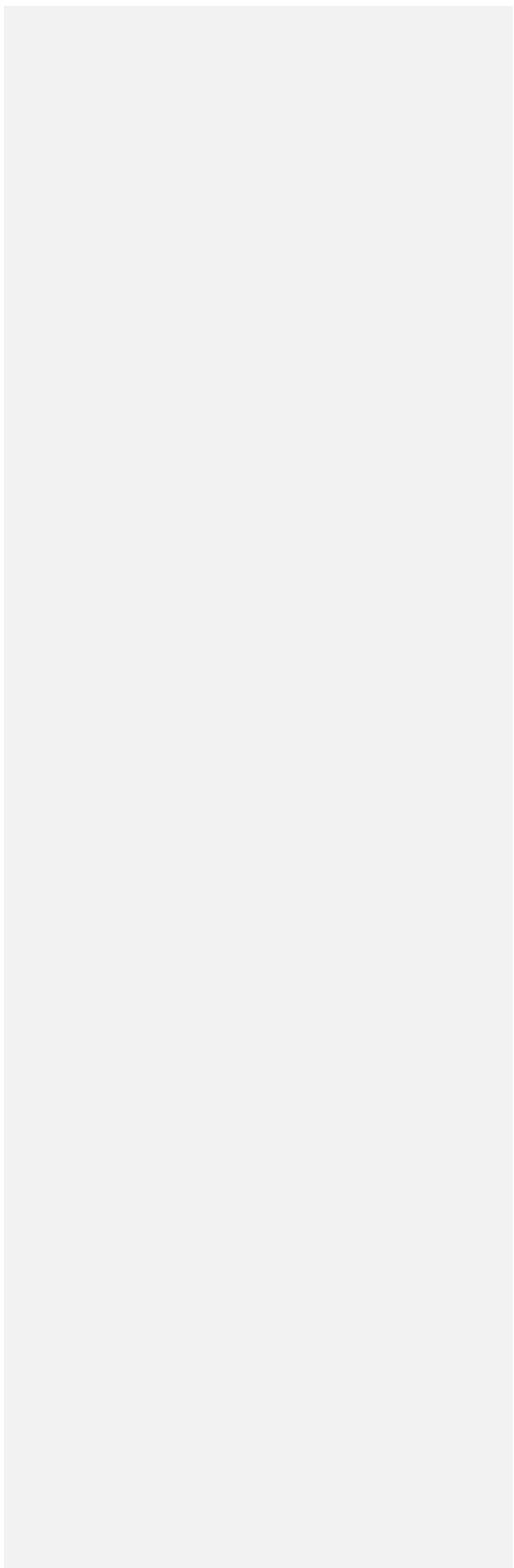
(Ordinance 06-034 adopted 9-5-06; 2008 Code, sec. 3.04.017)

Sec. 3.04.017 Master sign plans

- (a) *Purpose.* The master sign plan is the device employed by the city to respond to the special signage needs of proposed or existing nonresidential uses. The master sign plan is recommended for projects on large sites and/or with many separate businesses represented, where opportunities for effective signage other than as specified in this article increase. The master sign plan provides an opportunity to reduce sign clutter while allowing businesses to more effectively advertise goods and services. The goal of the master sign plan is to address the community's need for attractive, proportional graphics and ensure an appropriate balance between architecture, signage and neighborhood interests.
- (b) *Uses.* A master sign plan is recommended, but not required, at such time as the owner of one of the following uses applies for a new sign permit:
 - (1) A nonresidential development having a single tenant with 30,000 or more square feet.
 - (2) Nonresidential developments with four or more nonresidential occupants.
 - (3) Nonresidential development on sites of five acres or more.
 - (4) Nonresidential development on property which has more than 300 feet of continuous street frontage on a public street.
- (c) *Required information.* The following information is required for submission of a master sign plan:
 - (1) An accurate plot plan of the site to scale. The plan shall show the location of buildings, easements, driveways, utilities, lighting, parking spaces, required landscaping and an accurate indication on the plot plan of the proposed location of each present and proposed sign of any type, including temporary signage, whether requiring a permit or not.
 - (2) Computation of the sign area, height, type and number of signs.
 - (3) A narrative description of any other information necessary to show how the project meets the master sign plan criteria.

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- (d) *Review.* The ~~city manager~~ Planning and Zoning Director or designee will review the master sign plan application within 30 days of complete submittal. Master sign plans shall then be reviewed by the zoning commission at their earliest regularly scheduled meeting following the completion of staff review.
- (e) *Approval and adoption.* Master sign plans shall require approval by the city council and shall be adopted by ordinance.
- (f) *Criteria for evaluation.* The zoning commission and city council shall consider the following criteria when evaluating master sign plans:
- (1) Implementation will provide signage compatible with the surrounding development;
 - (2) Implementation will result in architecture and graphics of a scale appropriate for the surrounding neighborhood;
 - (3) Implementation will provide signage consistent with the architecture and site plan characteristics of the proposed development;
 - (4) Implementation of the master sign plan will result in a substantial reduction in the number and area of freestanding signs and general sign clutter associated with the project as compared to strict compliance with this article;
 - (5) The proposed master sign plan does not pose a threat to the public safety;
 - (6) The master sign plan application is submitted in compliance with this section and not in order to circumvent the variance procedures set out in section 3.04.008; and
 - (7) Approval of the master sign plan does not cause the circumvention of either the spirit or intent of these sign regulations.
- (g) *Variations.* Applicants for master sign plans may request a variance to the requirements of this article as part of the master sign plan application ~~without paying an additional fee~~. In addition to the provisions contained in section 3.04.008, the city council may grant a variance based on the following findings:
- (1) That there are circumstances applicable to the property which, if strictly enforced, will deprive such property of privileges enjoyed by other property of the same zoning classification, and that this variance will not be a grant of special privilege to the applicant; and
 - (2) That it is also found:
 - (A) That, because of physical circumstances such as size, shape or topography, the visibility of signage is substantially impaired;
 - (B) That the conditions creating the need for a variance were not self-imposed;
 - (C) That there will be no adverse effect to surrounding property from the granting of this variance;
 - (D) That the amount of variance is the minimum needed to afford relief; and
 - (E) That the applicant complies with any special requirements imposed as a condition of granting the variance.
 - (3) Any business granted a variance under the master sign plan must demonstrate a plan to bring nonconforming signs into compliance, and the master sign plan must provide benchmarks for incremental progress.
- (h) *Amendment.* A master sign plan may be amended by filing a new master sign plan that conforms with all requirements of this article then in effect.

~~(Ordinance 06-034 adopted 9-5-06; Ordinance adopting 2008 Code; 2008 Code, sec. 3.04.018)~~



Sign Ordinance

Roque Salinas, MPA

Director of Economic Development

4/16/2024

Summary

- Presentation and Discussion to Amend Article 3.04 of the Leon Valley Code of Ordinance- Sign Ordinance - R. Salinas, Director of Economic Development (1st read as Required by City Charter)
- Options
 - Approve
 - Deny

Changes

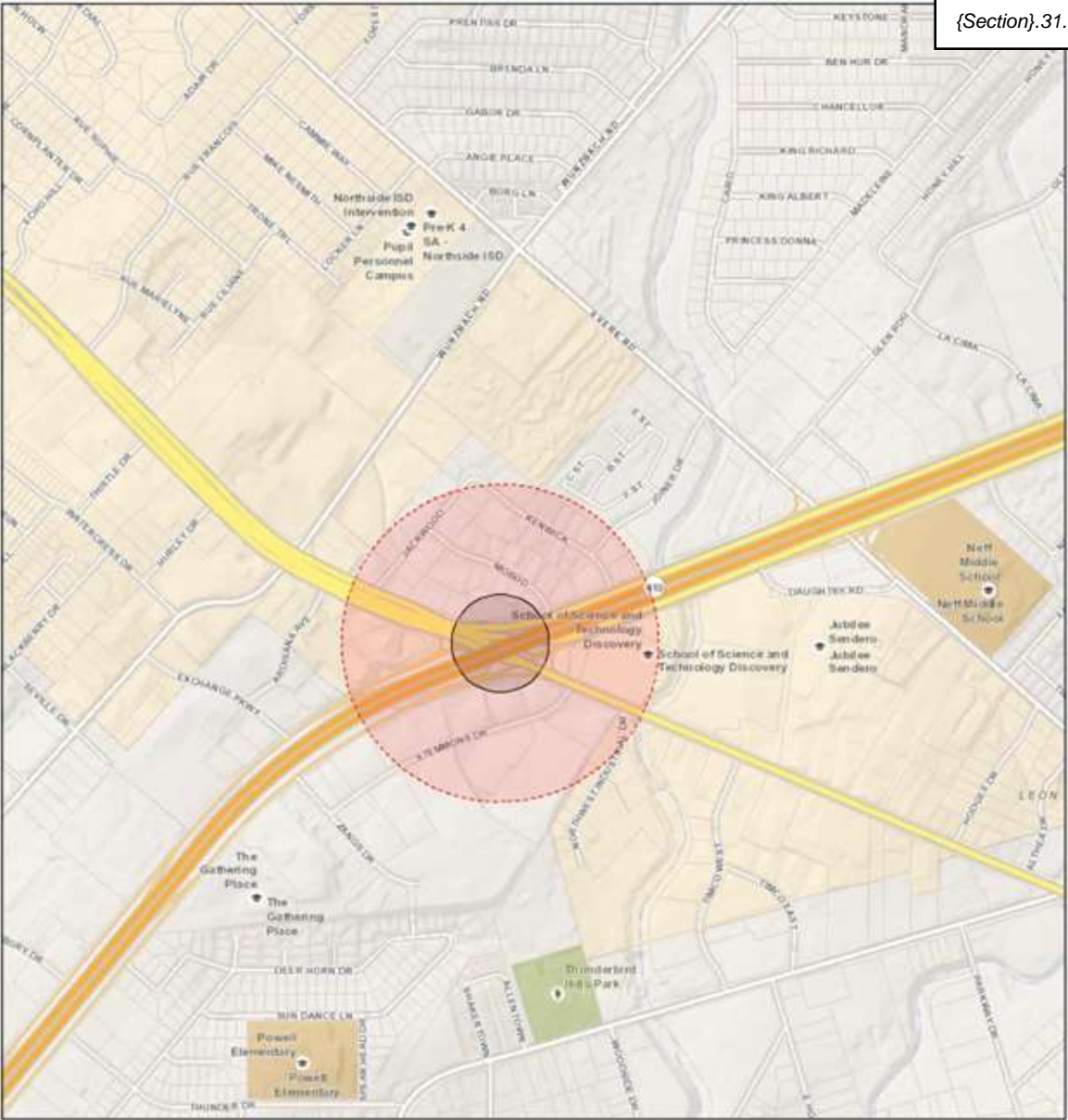
- Material changes
 - Allowance of Wind waver flags.
 - Billboard allowance at 410 and Bandera Road with distance regulations.
 - Set back restrictions for public safety.
- Minor changes
 - Updated language

Things to Consider

- Current sign ordinance is in line with all other cities in the area, including but not limited to right-away restrictions, sign height, etc.
- The wind waver flag would still not be allowed in the right of way
- Setbacks would not remove any current signage, just new development.
- Billboard allowance is only on 410 and Bandera with regulations.
- Reminder Council removed all other regulations on signs from the sustainability overlay on December 21, 2021.

Leon Valley Billboards- Exhibit A

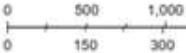
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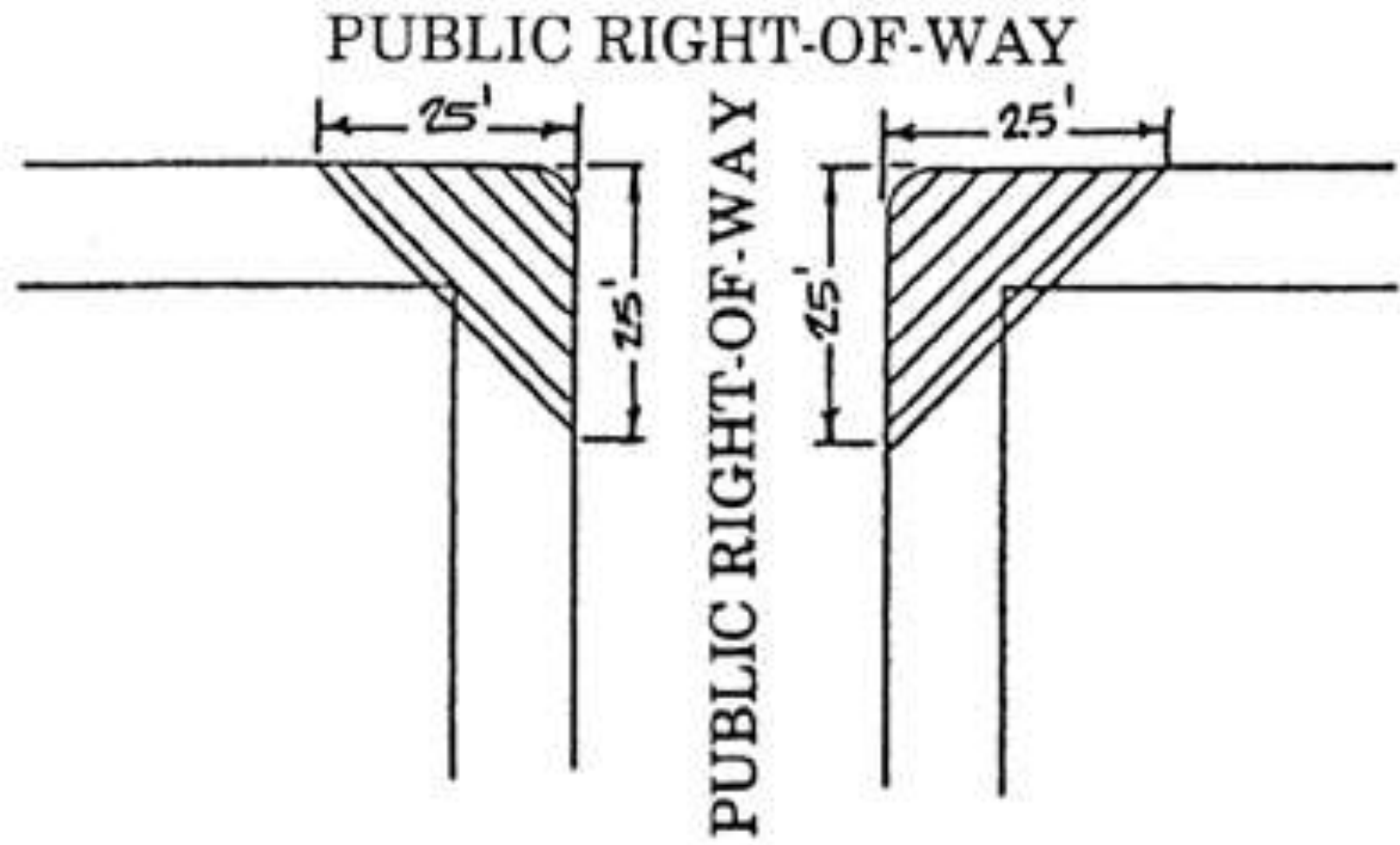


April 9, 2024

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Item	Max Sign Height (freeway)	Max Sift (freeway)	Allow Wind Waver flags	Temp signs	Political	sign triangle, street corner	Right or way	Sign flippe	{Section}.31.
Leon Valley (Current)	60	650	No	2 per year 30 days each. Seasonal business 120 days	No permit (A)Have an effective area of greater than 36 feet;(B)Be greater than eight feet high;(C)Be illuminated; or(D)Have any moving elements.	None	No		No
Leon Valley (Proposed)	60	650	Yes only on property within 20 feet from door and 1 per business	2 per year 30 days each. Seasonal business 120 days	No permit (A)Have an effective area of greater than 36 feet;(B)Be greater than eight feet high;(C)Be illuminated; or(D)Have any moving elements.	None	No		No
Live Oak	60	400/800 2 sided	Yes	14 Days after purpose of sign	No permit required No right away removed 10 days after election no larger then 36 feet	20	No	Not prohibited	No
Cibolo	40	200	Yes	14 days 3 times per year.	Temporary only. 36 sq feet permit. Sign shall not be more than 8 feet high	25	No	Not prohibited	No
San Antonio	60	650	Yes	it varies from weekend up to 5 years	Have an area of thirty-two (32) square feet or less <input type="checkbox"/> Be at least two (2) feet inside of private property lines <input type="checkbox"/> Not be installed on City of San Antonio owned property <input type="checkbox"/> Must be staked to the ground or securely affixed to a structure or fence <input type="checkbox"/> May be installed on private property but must have property owner's approval prior to sign installation	25	No	Not prohibited	Yes
Universal City	35	200	Yes	No permit needed if no logo or company name is not listed. 30 days for everything's else. Unlimited permits issues.	(1)They shall not have an effective area greater than thirty-six (36) square feet;(2)They shall not be more than eight (8) feet high;(3)They shall not be illuminated; and(4)They shall not have any moving elements.	30	No	Not prohibited	Yes

Fiscal impact

- No fiscal impact

City of Leon Valley March 2024 Financial Report

Carol Goering

Finance Director

City Council Meeting

April 16, 2024

City of Leon Valley Monthly Financial March 2024

{Section}.32.

General Fund

Target Percentage 50.00%

REVENUE	FY 2024 BUDGET	FY 2024 Y-T-D ACTUAL		FY 2023 Y-T-D ACTUAL	
Ad Valorem	\$ 5,470,447	\$ 5,029,643	91.9%	\$ 5,014,945	91.6%
Sales Taxes	3,789,946	1,226,933	32.4%	1,256,972	37.9%
Franchise Taxes	1,001,820	283,406	28.3%	486,021	53.9%
Licenses, Permits, Fees & Fines	1,237,800	600,218	48.5%	570,075	34.7%
Interest Income	316,000	195,597	61.9%	133,147	249.4%
Miscellaneous Revenue	1,768,894	228,896	12.9%	142,252	42.8%
Transfers In	2,133,856	2,133,856	100.0%	2,267,183	109.2%
Total Revenue	\$ 15,718,763	\$ 9,698,549	61.7%	\$ 9,870,594	70.2%

EXPENDITURES					
Municipal Court	\$ 426,289	\$ 181,429	42.6%	\$ 189,957	45.3%
Finance	465,686	224,251	48.2%	188,220	46.2%
Council & Manager	1,155,434	498,785	43.2%	655,471	49.3%
Information Technology	315,718	206,160	65.3%	139,112	44.14
Police	3,542,439	1,708,315	48.2%	1,664,971	50.3%
Impound Lot	151,505	71,074	46.9%	64,989	0.0%
Fire	3,900,408	1,666,559	42.7%	1,700,278	46.9%
Public Works	2,688,519	1,069,653	39.8%	963,328	43.2%
Planning and Zoning	649,790	224,302	34.5%	171,398	33.3%
Economic Development	505,190	162,385	32.1%	63,911	0.0%
Special Events	144,606	9,903	6.8%	22,334	15.9%
Parks & Recreation	3,154,343	151,880	4.8%	36,263	12.9%
Library	586,862	242,603	41.3%	218,225	38.1%
Transfers Out	-	-	0.0%	659,000	103.13
Total Expenditures	\$ 17,686,789	\$ 6,417,298	36.3%	\$ 6,737,457	48.9%

City of Leon Valley Monthly Financial March 2024

Water/Sewer/Storm Water Fund

Target Percentage 50.00%

REVENUE	FY 2024 BUDGET	FY 2024 Y-T-D ACTUAL		FY 2023 Y-T-D ACTUAL	
Water Sales	\$ 2,084,115	\$ 821,746	39.4%	\$ 888,882	45%
Sewer Sales	2,516,542	1,148,813	45.7%	1,141,154	46%
Storm Water	580,444	240,309	41.4%	213,542	57%
Connection & Platting	350	-	0.0%	-	-
Customer Fees	68,921	36,636	53.2%	40,712	72%
Tapping Fees	10,000	-	0.0%	-	-
Interest Income	50,000	109,577	183.9%	69,392	470%
Miscellaneous Revenue	10,500	27,774	0.0%	82,840	0.0%
Total Revenue	\$ 5,320,872	\$ 2,384,854	19.9%	\$ 2,436,521	40.5%

EXPENDITURES

Water System	1,844,795	675,417	36.6%	507,296	54.3%
Sewer System	3,274,892	1,063,802	32.5%	915,137	43.6%
Storm Water	1,076,892	329,922	30.6%	39,344	44.2%
Other Sources/Uses	1,261,628	1,261,628	100.0%	2,269,467	105.50
Total Expenditures	\$ 7,458,207	\$ 3,330,768	44.7%	\$ 3,731,244	46.7%

City of Leon Valley Monthly Financial March 2024

{Section}.32.

Community Center Fund

Target Percentage 50.00%

REVENUE	FY 2024 BUDGET	FY 2024 Y-T-D ACTUAL		FY 2023 Y-T-D ACTUAL	
Hotel/Motel Taxes	\$ 84,000	\$ 14,322	17.1%	\$ 12,659	18.1%
RENTAL FEES					
Community Center	47,900	17,028	35.5%	19,259	38.5%
Conference Center	16,534	13,975	84.5%	7,480	-
Interest Income	7,200	6,285	87.3%	4,425	425.4%
Transfers in	-	-	-	-	-
Total Revenue	\$ 155,634	\$ 51,610	33.2%	\$ 43,823	30.3%

EXPENDITURES					
Personnel	\$ 89,338	\$ 43,880	49.1%	\$ 36,085	49.0%
Supplies	8,000	1,085	13.6%	329	4.4%
Contractual	59,350	22,583	38.1%	17,500	33.9%
Capital Outlay	72,000	1,711	2.4%	-	0.0%
Total Expenditures	\$ 228,688	\$ 69,259	30.3%	\$ 53,914	37.3%



City of Leon Valley Monthly Financial March 2024

Economic/Community Development

Target Percentage 50.00%

REVENUE	FY 2024	FY 2024		FY 2023	
	Budget	Y-T-D ACTUAL		Y-T-D Actual	
Sales Tax Revenues	\$ 409,000	\$ 135,296	33.1%	\$ 138,353	0.0%
Interest Income	11,000	11,978	108.9%	8,433	-
Total Revenues	\$ 420,000	\$ 147,274	35.1%	\$ 146,786	0.0%

EXPENDITURES

Personnel	\$ 172,139	\$ 68,179	39.6%	\$ 47,408	0.0%
Supplies	11,475	4,472	39.0%	3,712	3.2%
Contractual	321,576	89,734	27.9%	12,790	0.0%
Total Expenditures	\$ 505,190	\$ 162,385	32.1%	\$ 63,911	5.8%

City of Leon Valley Monthly Financial March 2024

{Section}.32.

Impound Lot

Target Percentage 50.00%

REVENUE	FY 2024 Budget	FY 2024 Y-T-D ACTUAL		FY 2023 Y-T-D Actual	
Impound Lot Fees	\$ 100,000	\$ 50,670	50.7%	\$ 40,015	0.0%
Auctions	65,000	52,923	81.4%	23,569	0.0%
Total Revenues	\$ 165,000	\$ 103,593	62.8%	\$ 63,584	0.0%

EXPENDITURES					
Personnel	\$ 122,502	\$ 64,446	52.6%	\$ 60,046	0.0%
Supplies	1,900	160	8.4%	651	0.0%
Contractual	10,000	6,468	64.7%	4,293	0.0%
Capital	17,103.00	-	-	-	-
Total Expenditures	\$ 151,505	\$ 71,074	46.9%	\$ 64,989	0.0%

**City of Leon Valley
Monthly Financial
March 2024**

{Section}.32.

Red Light Cameras (RLC)

Target Percentage 50.00%

REVENUE	FY 2024 Budget	FY 2024 Y-T-D ACTUAL		FY 2023 Y-T-D Actual	
Red Light Camera Fines	\$ 1,895,872	\$ 1,180,235	62.3%	\$ 1,261,381	56.5%
Late Fees/Court Costs	200,000	90,307	45.2%	103,598	-
Interest Income	25,000	18,659	74.6%	28,145	938.2%
Transfers in	-	-	-	-	-
Total Revenues	\$ 2,120,872	\$ 1,289,201	60.8%	\$ 1,393,124	62.2%

EXPENDITURES

Red Light Cameras (Tier 1)

Personnel (6 employees)	\$ 642,258	\$ 312,183	48.6%	\$ 315,750	51.7%
Supplies	3,150	-	0.0%	250	6.3%
Contractual	887,000	354,694	40.0%	350,594	39.0%
Transfers	342,558	342,558	100.0%	326,574	72%
Total Tier One	\$ 1,874,966	\$ 1,009,436	53.8%	\$ 993,167	50.5%

Traffic Safety (Tier 2)

Personnel (2 out of 3 employees)	\$ 298,227	\$ 96,220	32.3%	\$ 120,883	0.0%
Supplies	9,800	-	-	1,455	-
Contractual	53,997	8,117	15.0%	-	-
Capital Outlay	592,568	174,923	29.5%	126,000	0.0%
Total Tier Two	\$ 954,592	\$ 279,260	29.3%	\$ 248,338	40.0%

UNAUDITED

RLC Fines Revenue	1,180,235	
RLC Expenditures	(666,878)	
RLC Personnel Transfers YTD	(171,279)	Estimated for the YTD FY
	342,078	Of this 50% goes to the city the other 50% goes to the state
City 50% Revenue (Loss)	171,039	This is the 50% that comes to the city
Late Fees Revenue	90,307	City keeps 100%
Interest Income Revenue	18,659	City keeps 100%
Traffic Safety Expenditures	(279,260)	
Total Net Fund Revenue (Loss)	745	

City of Leon Valley March 2024 Financial Report

Carol Goering

Finance Director

City Council Meeting

April 16, 2024

MAYOR AND COUNCIL COMMUNICATION

DATE: April 16, 2024
TO: Mayor and Council
FROM: Mindy Teague, Planning and Zoning Director
THROUGH: Dr. Crystal Caldera, City Manager

SUBJECT: Presentation, Discussion, and Possible Action to Approve an Ordinance on a Request to Rezone Approximately 27-Acres of Land From R-1 (Single Family Dwelling) to a Planned Development District (PDD) with R-6 (Garden Home) District Base Zoning, Being Lot 1, Block 1, CB 4430C Good Samaritan Lodge Nursing Home Inc Subdivision, Parcel 1, Abstract 399, CB 4429, and Parcel 11, Abstract 432, CB 4430, Located at 6518 Samaritan Drive, Leon Valley, Texas

PURPOSE

The purpose of this item is to consider approval of a request to rezone an approximately 27-acre tract of land from R-1 Single Family Dwelling District to Planned Development District (PDD) with R-6 Garden Home District base zoning, located at 6518 Samaritan Drive, for a proposed development of 166 single family homes.

This PDD allows for flexible planning to:

1. Comply with the City Council's specific request and preference for a PDD across the Seneca West area properties.
3. Site Planning to allow for realistic future links to the adjacent properties for a potentially optimized Master Site Plan for the Seneca West properties.

History

- 1971 – Area was annexed
- 1984 – Request to rezone existing Good Samaritan Nursing Home property from R-1 to B-2 (Retail) – request denied
- 1985 – Request to rezone 44 ac. from R-1 to R-6 – request denied
- 2007 – Request to rezone 68.569 acres from R-1 to R-7 (Single-Family Medium Density) – request denied
- 2007 – Residents of Seneca West petition to amend City Master Plan to remove recommendation of R-6 to only R-1 – petition approved
- 2010- Request to rezone approximately 65.704 acres from R-1 to R-6 – request denied
- 2011- The City Manager presented a TIF – proposal denied

VariANCES

The applicant is requesting one variance from the Planning and Zoning Commission:

1, Minimum Lot Width – a request to decrease the minimum R-6 lot width from 45' to 40', while keeping the minimum lot size requirement at 4,500 square feet.

While not under the purview of the Planning and Zoning Commission, the applicant will be requesting a variance from the City Council to Chapter 13 Tree Preservation.

While the lots will have the required percentage of overall landscaping and trees, the applicant intends to initially clear the property to its 1995 condition by the removal of 367 medium and 725 large trees. No heritage trees are to be removed, as there are none on the land. The applicant proposes to plant 2 – 1.5" diameter tree on each of the proposed new lots, which is required by the Zoning Code. The applicant would normally be required to pay \$112,000 in fees in lieu of planting the 1,125 required number of trees upon the start of construction; however, he intends to ask the City Council to reduce that amount to \$50,000.

The applicant will be required to plat the unplatted portion of the property and provide parkland, or fees in lieu of parkland, prior to any building construction.

SPECIAL CONSIDERATIONS

To meet the ingress/egress distance requirements of the Fire Code, the applicant is requesting the City provide an easement on its property at 6530 Samaritan for emergency access to the site. If the City does not agree to provide this emergency access easement, the developer will be required to fire sprinkle all homes.

The applicant is requesting that any future deviations to the plan be internally approved by the Planning and Zoning Director for subsequent development applications or amendments, as long as the deviation does not exceed 10% from the current plan. This would allow for minor deviations due to topography, drainage, etc.

Streets/Traffic Impact Analysis (TIA)

The streets are proposed to have a 50' ROW, which meets the current code. The TIA indicates a total of 116 peak hour morning trips and 165 peak hour evening trips. Both Seneca and Grass Hill roads have the capacity for this amount of traffic.

If the property remained R-1 Single Family Dwelling District, there would potentially be 104 lots. The increase in traffic impact with the additional 62 homes would be an additional 0.5 vehicles per minute on both roadways (see TIA on Page 6 of revised Proposed Project Plan).

City Master Plan

The current City Master Plan recommends R-1 Single Family Dwelling zoning for this area. Chapter 15 Zoning, Sec. 15.02.110 - Comprehensive planning activities states:

“The zoning administrator shall assist the planning and zoning commission in the development and implementation of the city's comprehensive master plan. There shall be no amendment made to this article which is not in compliance with the city's long-range comprehensive planning program and the city's master plan.”

However, the Code also states:

“Sec. 15.02.111 - Applicant qualifications

..... The planning and zoning commission or city council may, on its own motion, initiate proceedings to consider a change to the zoning on any property or to the regulations pertaining to property, when it finds that the public interest would be served by consideration of such a request.”

The applicant states:

“Although the current Master Plan calls for a recommended R-1 zoning, the majority of the surrounding zoning is R-6. Our proposed zoning and PDD is in sync with the majority of the surrounding neighborhoods. The proposed PD district fulfills the goals and objectives of the city's long-term vision of:

- 1. Increasing its citizenship
- 2. Increasing its tax-base
- 3. Economic Development Growth
- 4. Accommodating the design and construction that adapt to Market demand and affordability in this particular area of the City
- 5. This Development will have a substantial economic impact on the City. The approximate net impact of this proposed development on the City's Property Tax budget is approximately \$325,000 annually.”

Notification

- Letters mailed 127
- Received in favor 0
- Letters received in opposition 2
- Letters undeliverable 9

FISCAL IMPACT:

The developer has paid all fees associated with the processing of this PDD. The development of a single-family housing subdivision will increase ad valorem and sales

taxes in the city.

RECOMMENDATION

At Council’s Discretion

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

ORDINANCE No. 2024-

AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL GRANTING A ZONE CHANGE ON AN APPROXIMATELY 6 ACRE TRACT OF LAND FROM R-1 SINGLE FAMILY DWELLING TO A PLANNED DEVELOPMENT DISTRICT, WITH R-6, GARDEN HOME DISTRICT BASE ZONING, BEING LOT 1, BLOCK 1 CB 4430C, GOOD SAMARIATAN LODGE NURSING HOME INC. SUBDIVISION, PARCEL 1 ABSTRACT 399, CB 4429, AND PARCEL 11, ABSTRACT 432, CB 4430, LOCATED AT 6518 SAMARITAN, LEON VALLEY, TEXAS; PROVIDING A REPEALER CLAUSE; SEVERABILITY CLAUSE; NOTICE OF MEETING; SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS Chapter 211 of the Vernon’s Local Government Code empowers cities 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, and welfare of the residents of the City; and

WHEREAS the Leon Valley Code of Ordinances Chapter 15 Zoning constitutes the City’s Zoning regulations and requires the property to be zoned in accordance with proper designations as defined by the City; and

WHEREAS the Planning and Zoning Commission of the City of Leon Valley provided adequate notice and held a public hearing in accordance with Chapter 15 of the Leon Valley Code of Ordinances; and

WHEREAS, the City Council, after proper notice and public hearing determined that the request is consistent and compatible with the surrounding zoning and with the City’s Future Land Use Plan, and

WHEREAS the City Council of the City of Leon Valley now desires to grant the zone change, as requested at the subject location.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, THAT:

SECTION 1. The subject location – being specifically described as, being Lot 1, Block 1 CB 4430 C, Good Samaritan Lodge Nursing Home Inc. Subdivision, Parcel 1 Abstract 399, CB 4429, and Parcel 11, Abstract 432, AB 4430, located at 6518 Samaritan, Leon Valley, Texas, is hereby approved.

SECTION 2. REPEALER CLAUSE. The provisions of the Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of

ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent by any other ordinance.

SECTION 3. SEVERABILITY CLAUSE. If any provision, section, sentence, clause, or phrase of this ordinance or application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Leon Valley City Council in adopting, and the Mayor in approving this Ordinance, that no portion thereof or provisions or regulation contained herein shall become inoperative or fall by reason of any unconstitutionally or invalidity of any portion, provision, or regulation.

SECTION 4. SAVINGS CLAUSE. The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION 5. NOTICE OF MEETING CLAUSE. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 6. EFFECTIVE DATE. This ordinance shall become effective on and after its passage, approval and publication as required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 19th day of April 2024.

APPROVED

CHRIS RILEY
MAYOR

Attest: _____
SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form: _____
ART RODRIGUEZ
City Attorney

SAMARITAN PROPERTY REVISED TREE INVENTORY AND MITIGATION PLAN

March 5, 2024

We made One Change to the original submission:

We doubled our proposed number of replacement trees from 1 x 1.5" to 2 x 1.5" trees per lot.



{Section}.41.

One Stop Group, LP

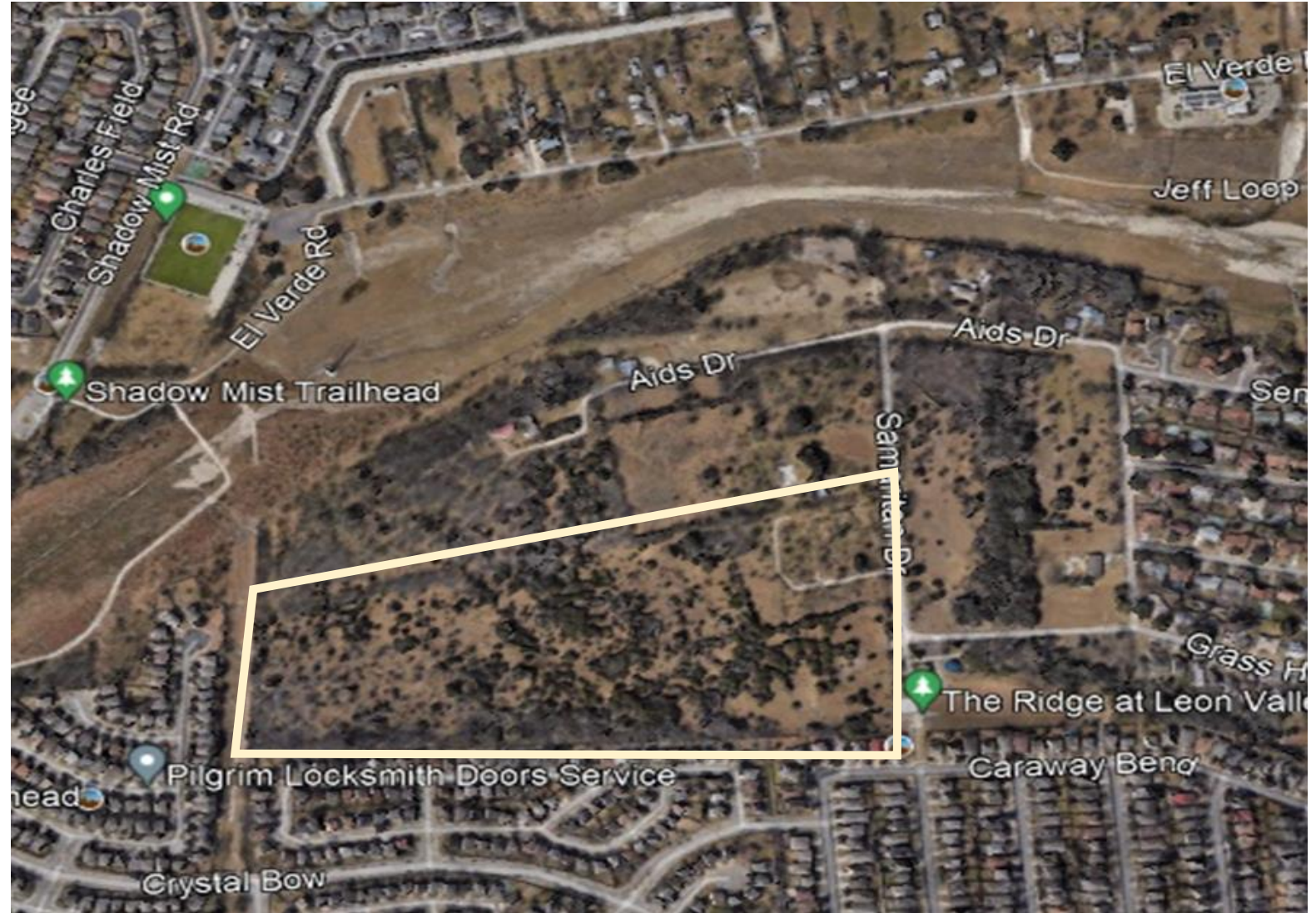
LAND HISTORY

**THIS 1995 AERIAL MAP
SHOWS THE PROPERTY AS
FARMLAND**



LAND HISTORY

CURRENT AERIAL MAP



KEY TREE STATISTICS

TREE INVENTORY SUMMARY		
SIZE	# HEALTHY	# EXEMPT
HERITAGE	6	10
LARGE	752	28
MEDIUM	367	6
TOTAL	1125	44

* EXEMPT = Diseased, Dead, or Hazardous

HERITAGE TREES		
Specie	DBH	Health
Arizona Ash	26	Hazardous
Arizona Ash	27	Hazardous
Ashe Juniper	34	
Ashe Juniper	35	
Ashe Juniper	36	
Hackberry	24	Hazardous
Hackberry	24	
Hackberry	24	
Hackberry	24	
Ligustrum	26	Dead
Ligustrum	27	Dead
Mesquite	26	Dead
Mesquite	27	Dead
Mesquite	27	Dead
Mesquite	35	Dead
Mesquite	36	Dead

DETAILED TREE INVENTORY

SPECIE	OVERALL			HERITAGE		LARGE		MEDIUM	
	TOTAL / SPECIE	HEALTHY	EXEMPT	HEALTHY	EXEMPT	HEALTHY	EXEMPT	HEALTHY	EXEMPT
Arizona Ash	4	0	4	0	2	0	2	0	0
Ashe Juniper	675	671	4	3	0	438	3	230	1
Chinaberry	8	2	6			2	6		
Crape Myrtle	4	4				4			
Elm	8	8				8			
Hackberry	290	269	21	3	1	162	15	104	5
Huisache	20	20				20			
Ligustrum	49	47	2		2	44		3	0
Mesquite	105	98	7		5	70	2	28	
Pecan	6	6				4		2	
TOTAL	1169	1125	44	6	10	752	28	367	6

* EXEMPT = Diseased, Dead, or Hazardous

OUR PROPOSED TREE MITIGATION PLAN

As we showed earlier, the 1995 aerial of this property shows it as bare farmland. There are not any Oak trees on this property. Most of the trees belong to invasive species.

We propose:

1. Clearing the property to its original 1995 state,
2. Plant new healthy trees: 2 x 1.5" trees per lot, and
3. Pay \$50,000 towards the Tree Preservation fund upon construction start.

SECONDARY EMERGENCY VEHICLES ACCESS: DETAILS

Temporary Easement to accommodate a temporary secondary emergency access to the Development:

- Access from Samaritan Rd to secondary access as shown on this Plan
- Strictly used by Emergency Vehicles
- 20' Fire Lane improved by the Developer to withstand 75,000 lbs as per IFC requirements
- Easement shall be strategically drawn to accommodate lot depths required by the Code of Ordinances of potential future zoning such as R-1 or R-6.

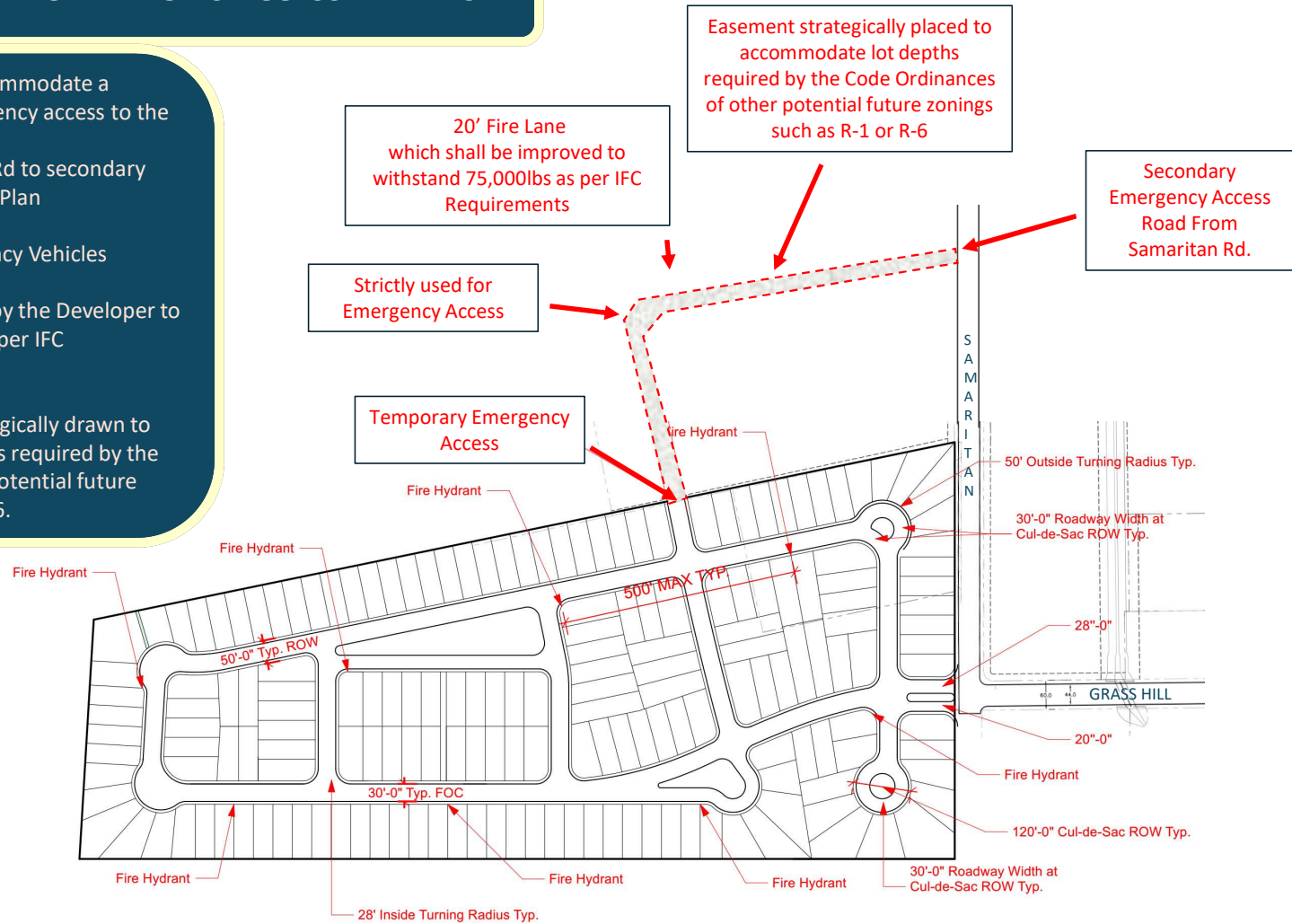


EXHIBIT __
To Ordinance _____
Of The City of Leon Valley

SAMARITAN PROPERTY DEVELOPMENT
@ SENECA WEST

Submitted by: ONE STOP GROUP

**PLANNED DEVELOPMENT DISTRICT
PROPOSED PROJECT PLAN**



Approved _____, 2024

Article 1. GENERAL

The property is a +/- 27-Acre tract generally Located in the Seneca West area, 6000 Block Samaritan Drive, in the City of Leon Valley.

Property Information (the “Property”):

Address: **+/- 27 Acre Tract 6000 Block Samaritan Drive, Leon Valley**
Legal Description: **CB 4430C BLK 1 LOT 1 GOOD SAMARITAN LODGE NURSING HOME INC (+/- 3 Ac) CB 4429 P-1 ABS 399 CB 4430 P-1 ABS 432 (+/- 24.27 Ac)**
Current Owner: **Good Samaritan Lodge and Nursing Home Inc**
Tract under contract by: **One Stop Group, LP**
Current Zoning: **R-1**
Tract: **As illustrated in Exhibit A (Site Survey)**

Article 2. LAND USE

The Land Use of the Property shall be changed as follows:

A. Base Zoning

The base zoning shall be changed to R-6. The use and development of the Property shall comply with the zoning requirements in Sec. 15.02.312 - R-6 Garden House District Zoning Ordinance as revised and attached to this Plan under Exhibit “H”.

B. Supplemental Use Regulations

Additional Allowed Uses: The development of a Site Plan with approximately 166 Lots, substantially similar to the one attached as EXHIBIT B.

Article 3. TREE MITIGATION PLAN

Exhibit D details our proposed Tree Mitigation Plan, including the planting of new healthy trees, a minimum of 1 x 1.5" trees per lot. Further, a \$50,000 fee shall be paid towards the Tree Preservation Fund upon the start of construction.

Article 4. SPECIAL PROVISIONS

A) A Temporary Emergency Access to the property from the adjacent City-owned property:

The City shall grant a Temporary Easement on the adjacent City-owned property, described as BCAD Property ID 217834 (the "Temporary Easement"), to accommodate a Temporary Emergency Access to the development, through an agreement between the City and the Developer which includes the following terms:

- The Temporary Easement shall stretch from Samaritan Rd to the Temporary Emergency Access to the development as shown in EXHIBIT "H";
- It shall be strictly used by Emergency Vehicles;
- It shall accommodate a 20' Fire Lane which shall be improved by the Developer, and shall withstand 75,000 lbs as per IFC requirements;
- It shall be strategically drawn to accommodate lot depths required by the Code of Ordinances of potential future zoning such as R-1 or R-6; And
- It shall expire upon the completion of a new development on this City-owned property, and upon this Temporary Easement turning into a permanent street linking the two developments.

The granting of this Temporary Easement is in line with Section 2 the City Code of Ordinances Sec 10.02.251, Applicable Standards and Specifications. It states:

(2.B) **Relation to adjoining street system.** Where necessary to the neighborhood pattern, existing streets in adjoining areas shall be continued and shall be at least as wide as such existing streets and in alignment therewith.

(2.C) **Projection of streets.** Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provision for the proper projection of streets into such unsubdivided areas.

B) Deviation to this Plan:

As per standard practice and Code requirements, a deviation to this plan may be internally approved by the Planning and Zoning Director for subsequent development applications or amendments, if such deviation does not exceed 10% from the current plan.

Article 5. RELEVANT TO THIS PROJECT PLAN

A. PURPOSE OF THIS PDD AND COMPLIANCE WITH THE PD ORDINANCE

This rezoning application is submitted in a PD format instead of a standard R-6 rezoning application to comply with City Council’s expressed request for a PDD rezoning across all three Seneca West Property. This approach ensures that the Developer is committed to an agreed upon Site Plan that is consistent with Council’s vision for all three properties and provides further assurances to the City and the neighbors. This will not otherwise be achieved with a standard R-6 rezoning application.

As to the strict and literal compliance of this PDD with the PD Ordinance:

This PDD complies with the Purpose of the PD Ordinance. It allows for:

1. Flexible planning to allow for:
 - a) Realistic future links and an optimized Master Site Plan for future development of the two adjacent properties.
 - b) An additional Emergency Access for greater safety of the future residents of this development. development
2. Economic Development and Growth

This PDD arguably meets the following Applicability Standard:

“The land is located in close proximity to established residential neighborhoods where standard zoning classifications may not adequately address neighborhood

concerns regarding the quality or compatibility of the adjacent development, and where it may be desirable to the neighborhood, the developer, or the city to develop and implement mutually agreed, enforceable development standards. “

B. FIT WITH THE CITY’S LONG-TERM VISION

Although the current Master Plan calls for a recommended R-1 zoning, the majority of the surrounding zoning is R6. Our proposed zoning and PDD is in line with the majority of the surrounding neighborhoods.

Our proposed PD district fulfills the goals and objectives of the City's long-term vision of:

1. Increasing its citizenship
2. Increasing its tax-base
3. Economic Development Growth
4. Accommodating the design and construction that adapt to Market demand and affordability in this particular area of the City
5. This Development will have a substantial economic impact on the City

The approximate **net impact** of this proposed development on the City’s Property Tax budget is approximately **\$325,000 annually.**

C. OVERALL INCREMENTAL IMPACT OF R-6 BASE ZONING VS. THE CURRENT R-1 BASE ZONING FOR THE NEIGHBORS

The current R-1 base zoning of this property allows the development of approximately 104 residences, By-Right. An R-1 development would have a substantially similar impact of that of an R-6 development when it comes to:

- Tree preservation,
- Wildlife preservation,
- A change in the neighbors’ current lifestyle, and
- Short-term construction nuisance.

The main incremental impact of an R-6 development is the increment in traffic caused by the development of approximately 166 residences (R-6) as compared to 104 residences (R-1), an increment of 62 additional residences.

D. INCREMENTAL TRAFFIC IMPACT OF AN R-6 DEVELOPMENT OVER THAT OF AN R-1 DEVELOPMENT

The incremental Traffic Impact of this PDD rezoning over the current zoning is equivalent to that of an additional 62-residence development. The Code does not require a TIA for this size development for its negligible influence, even on streets narrower than Seneca Dr. and Grass Hill, each with 40’ width curb to curb. Below are three tables quantifying this increment in traffic.

Table 1 below details the Traffic Distribution for 104 lots:

Table 1. Trip Distribution for proposed development with 104 Lots

Street		AM Direction		PM Direction	
		Enter	Exit	Enter	Exit
Seneca Drive	75%	14	41	46	27
Grass Hill Drive	25%	5	14	15	9

Calculated as per ITE TRIP GENERATION MANUAL, Eleventh Edition

Table 2 below details the Traffic Distribution for 166 lots:

Table 2. Trip Distribution for proposed development with 166 Lots

Street		AM Direction		PM Direction	
		Enter	Exit	Enter	Exit
Seneca Drive	75%	22	65	74	43
Grass Hill Drive	25%	7	22	25	14

Calculated as per ITE TRIP GENERATION MANUAL , Eleventh Edition

Table 3 below details the increment in Traffic Distribution from 104 to 166 lots:

Table 3. Increment in Trip Distribution from 104 lots to 166 lots

Street		AM Direction		PM Direction	
		Enter	Exit	Enter	Exit
Seneca Drive	75%	8	24	28	16
Grass Hill Drive	25%	3	8	9	5

Calculated as per ITE TRIP GENERATION MANUAL, Eleventh Edition

This Trip Distribution increment translates into an insignificant increase of less than 0.5 vehicles per minute on both roads with a 60’ Right of Way each.

However, this increment in density also results in:

- An increment in annual property tax revenues of approximately \$120,000, and
- It reduces the Average Sale Price per residence to an affordable level for the target demographic, and as it compares to that of the surrounding neighborhoods.

E. ESTIMATED DEVELOPMENT SCHEDULE AND COMPLETION TIMETABLE

- December 2024: Complete Platting
- August 2025: Complete Infrastructure Construction
- December 2029: Complete Home Construction of the Entire project; approximately 36 homes per year absorption – Project completion.

Our proposed PD zoning will not permanently injure the property rights of owner(s) of all real property affected by the proposed zoning change. This request will not adversely affect the health, safety, or welfare of the general public. This rezoning request is consistent with the City’s vision to grow its citizenship, increase its tax-base, and achieve long-term economic growth.

Respectfully submitted.
ONE STOP GROUP

ATTACHED EXHIBITS

This Proposed PDD Project Plan includes the following Exhibits:

- A. Property Site Survey
- B. Proposed Site Plan
- C. Revised Proposed Fire Plan
- D. Detailed Tree Survey and proposed Mitigation Plan
- E. Traffic Impact Analysis
- F. Land Location
- G. Sec. 15.02.312 - R6 - Garden House - One Modification
- H. Temporary Easement over City-Owned Prop

EXHIBIT G

Summary of Requested Revisions to Sec. 15.02.312 – R6 Garden House District:

Paragraph	Section 15.02.312 - R-6 Single Family Dwelling – Zoning Ordinances	Current R-6 Standard	Requested Revision
b.5	Minimum Frontage	45ft	40ft

Text highlighted in yellow.

Sec. 15.02.312 "R-6" garden house district

- (a) *Purpose and description.* The R-6 district is composed mainly of areas containing single-family dwellings. The R-6 district regulations implement the policies of the master plan by 1) protecting the residential character of the areas by prohibiting commercial and industrial activities, apartments, two-family dwellings and manufactured homes; 2) encouraging a suitable neighborhood environment; 3) preserving the openness of the area by requiring that certain minimum yard and area standard requirements be met, however, with greater density being permitted than in the R-1 district.
- (b) *Lot regulations.*
 - (1) *Area of total development.* Not less than three lots with common side lot lines will be zoned for "R-6" garden house. When facing on the same street within the same block, "R-1" single-family dwellings and "R-6" garden houses will not be mixed. However, this does not preclude "R-1" on one side of a street with an "R-6" on the opposite side of the street within the same block or different blocks.
 - (2) *Area of each lot.* 4,500 square feet.
 - (3) *Depth.* A minimum of 100 feet.
 - (4) *Floor space.* There shall be a heated living area in each garden house of not less than the following: one story - 1,000 square feet; two story - 1,400 square feet; two and one-half story - 1,800 square feet. When "R-6" is mixed with "R-1" in the same subdivision, the average heated living area of "R-6" housing shall be at least 75 percent of the average size of the "R-1" structures, but in no event shall the minimum square footage be less than as described above.
 - (5) **Frontage. A minimum of 40 feet on a public right-of-way is required.**
 - (6) *Height.* A maximum of 2-1/2 stories is allowed.
- (c) *Setback requirements.*
 - (1) *Front yard.* There shall be a front yard having a minimum depth of 20 feet, except as hereinafter provided.
 - (2) *Rear yard.* There shall be a rear yard having a minimum depth of 15 feet except where the garage is entered from the rear in which case the minimum rear yard shall be 25 feet exclusive of the area used as a garage. Total square footage of accessory buildings exclusive of a detached garage shall not exceed 150 square feet.

- (3) *Side yard.* There shall be a side yard on each side of all lots of not less than five feet, except on corner lots on which external side yard shall not be less than ten feet. Alternatively, one side yard may be reduced to zero feet provided the other side yard is increased to ten feet. However, in no event shall the outside walls of a structure be closer than ten feet to the outside walls of a structure built on an adjacent lot.
 - (4) *Zero lot line exterior wall.* When a structure is built with a side yard of zero feet, no windows or doors will be built into an exterior side wall so situated. In addition, a six-foot privacy fence will be constructed and maintained by the owner from the rear-most point of such an exterior wall to the rear lot line of the property.
 - (5) *Corner lot.* Where lots abut on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed 135 degrees, a side yard shall be provided on the street side equal to the front yard.
 - (6) *Double frontage.* Where lots front upon two parallel streets or front upon two streets that do not intersect at the boundaries of the lot, a rear yard shall be provided on the street side equal to the front yard.
 - (7) *Reverse frontage.* On corner lots, where interior lots have been platted or sold, fronting on the side street, a side yard shall be provided on the street side equal to the front yard on the lots in the rear. No accessory building on said corner lot shall project beyond the front line of the lots in the rear.
- (d) *Other.*
- (1) *Accessory building.* Shall be allowed, but shall be located no closer than five feet from any property line, and must be located in the rear yard. In no case shall an accessory building occupy more than 20 percent of the total open space in the rear yard.
 - (2) *Landscaping.* A total of 35 percent of street yard area must be landscaped. The use of drought tolerant turf grasses, such as zoysia or buffalo tif or combination, or other drought tolerant plantings and hardscape is strongly recommended.
 - (3) *Lighting.* All outdoor lighting shall be hooded and all light emissions shielded, and shall be oriented such that light is directed towards the property and does not trespass onto surrounding properties. Lights affixed to the buildings shall be mounted no higher than the eaves of said building. Lights affixed to a pole shall be mounted no higher than 40 percent of the distance from the front property line to the main structure.
 - (4) *Masonry required.* Garden houses shall be constructed of masonry or other similar noncombustible materials to the extent of not less than 75 percent of overall exterior walls.
 - (5) *Nonconforming dwellings.* The provisions above shall not be applicable to nonconforming dwellings in existence on the date of the adoption thereof or to dwellings built hereafter on the same lot to replace such nonconforming dwellings as may be destroyed by fire, windstorm or other involuntary cause.
 - (6) *Parking.* A total of two off-street parking spaces shall be provided.
 - (7) *Public facilities.* "R-6" garden houses are permitted only on lots that are connected to the city's water and public sewage disposal system and must conform to the regulations in article 10.02 (subdivision ordinance).
 - (8) *Storage.* Outside storage is not allowed in the R-6 district, with the exception of vehicles, trailers, recreational vehicles and boats in accordance with article 3.05 and article 12.03 of the Leon Valley City Code. Items to be stored shall be completely contained in either the main structure, garage or an accessory building.

Figure 7 (R-6 Garden Home)



(1972 Code, sec. 30.612; 2008 Code, sec. 14.02.312)





March 4, 2014

Ms. Mindy Teague and Ms. Melinda Moritz
City of Leon Valley
6400 El Verde Road
Leon Valley, Texas 78238

Re: Our **REVISED** PDD Rezoning Application for the +/- 27 Acre Tract 6000 Block of Samaritan Drive, in the Seneca West area in the City of Leon Valley. This property is also referred to as the Good Samaritan Lodge property (the “Property”).

Revisions were made to the following previously submitted documents:

PREVIOUSLY SUBMITTED DOCUMENTS	REVISED OR NEW DOCUMENTS
05. 2024-02-14 - Samaritan Property - Proposed PDD Project Plan	05. 2024-03-01 - Samaritan Property - Revised PDD Project Plan
EXHIBIT C. Proposed Fire Plan	EXHIBIT C. Revised Proposed Fire Plan
	EXHIBIT G. Sec. 15.02.312 - R6 - Garden House - Modification
	EXHIBIT H. Temporary Easement over City-Owned Prop

PDD Project Plan - Samaritan Property

EXECUTIVE SUMMARY

Dear Ms. Teague and Ms. Moritz,

The Property’s current zoning is R-1. We are seeking Council’s approval of this proposed Planned Development District (“PDD”) zoning.

LAND USE STATEMENT:



Our PDD’s zoning application is submitted requesting approval to change the Land Use of the Property from R-1 and otherwise, to be:

The Land Use of the Property shall be changed as follows:

A. Base Zoning

The base zoning shall be changed to R-6. The use and development of the Property shall comply with the zoning requirements in Sec. 15.02.312 - R-6 Garden House District Zoning Ordinance as revised and attached to this Plan under Exhibit “G”.

B. Supplemental Use Regulations

Additional Allowed Uses: The development of a Site Plan with approximately 166 Lots, substantially similar to the one attached as EXHIBIT B.

SUBJECTS WE ADDRESS IN OUR PDD PROJECT, INCLUDING THE COMMISSION’S AND THE NEIGHBORS’ COMMENTS FROM THE PREVIOUS P&Z COMMISSION MEETING (FEB 27):

- A. We present our proposed Tree Mitigation Plan
- B. We discuss the logic and terms of our request of a Temporary Easement on the City-Owned property allowing for a Temporary Emergency Access to the development.
- C. We explain that we are submitting our **rezoning Application in a PD format, instead of a simple R-6 zoning application**, based on Council’s preference and request. We further discuss the compliance of our Application with the PD ordinance. We seek the Commission’s support, approval, and favorable recommendation of our application. If the Commission is satisfied with the overall compliance and merits of our Application, with the exception of the PD Application Standards, we respectfully ask that the Commission grant us CONDITIONAL APPROVAL, pending Council’s approval of this deviation.
- D. We present why we believe our proposed rezoning is a good fit with the City’s long-term vision.
- E. We discuss the overall incremental impact on the neighbors from the current R-1 base zoning which allows the development of 104 residences By-Right, to our proposed R-6



base zoning which allows for 166 residences, an increment of 62 residences. We contend that an R-1 development would have a substantially similar impact of that of an R-6 development when it comes to:

- Tree preservation,
- Wildlife preservation,
- A change in the neighbors’ current lifestyle, and
- Short-term construction nuisance.

F. We analyse the **overall Traffic Impact on the Neighbors**. For that purpose, we have commissioned an additional Trip Distribution calculation based on the 11th edition of the ITE Trip Generation Manual for 104 residences. We quantified the incremental traffic impact of an R-6 development (166 residences) over that of an R-1 development (104 Residences) as follows:

Increment in Trip Distribution from 104 Residences to 166 Residences

Street		AM Direction		PM Direction	
		Enter	Exit	Enter	Exit
Seneca Drive	75%	8	24	28	16
Grass Hill Drive	25%	3	8	9	5

Calculated as per ITE TRIP GENERATION MANUAL, Eleventh Edition

We demonstrate with certainty that the Trip Distribution increment translates into an insignificant increase of less than 0.5 vehicles per minute on both roads with a 60’ Right of Way each.

G. **We present our projected development schedule** showing a projected project completion date of December 2029.

INCLUDED IN THIS APPLICATION:

1. Complete and notarized Rezoning Application
2. Complete and notarized Mailing List of Property Owners within 200ft of Property
3. Complete and notarized Landowner’s Authorization Letter
4. Our Revised PDD Project Plan,
5. Attached EXHIBITS:
 - A. Site survey



-
- B. Proposed Site Plan
 - C. Our Revised Proposed Fire Plan
 - D. Detailed Tree Survey and proposed Mitigation Plan
 - E. Traffic Impact Analysis
 - F. Land Location
 - G. Sec. 15.02.312 - R6 - Garden House - One Modification (NEW EXHIBIT)
 - H. Temporary Easement over City-Owned Property (NEW EXHIBIT)

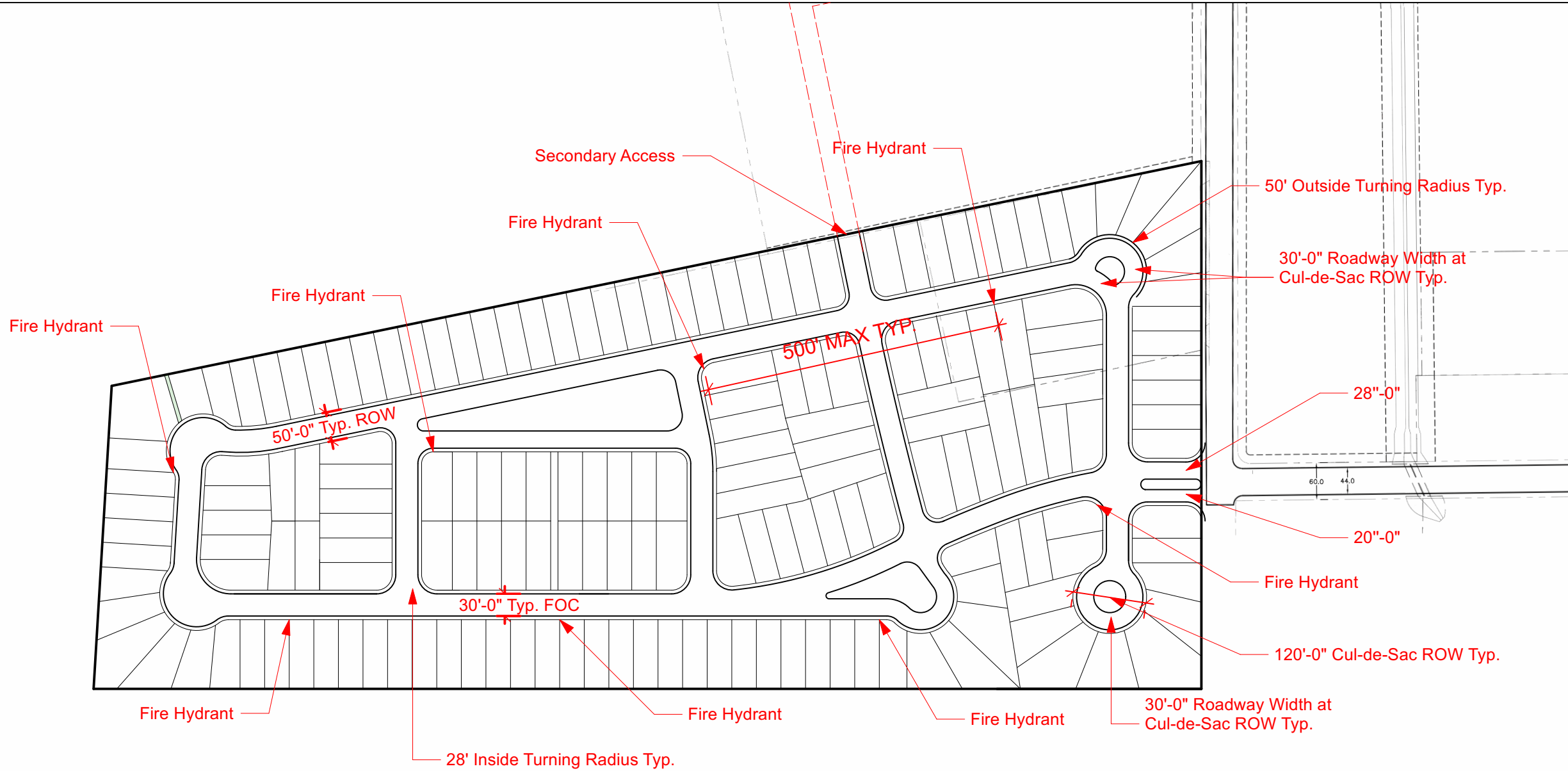
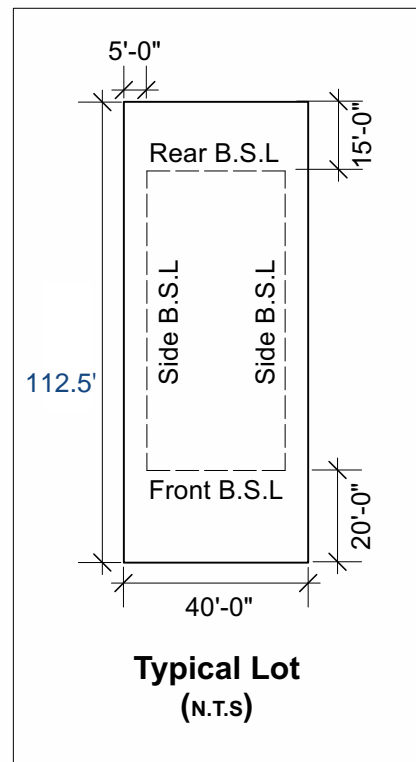
Our proposed PD zoning will not permanently injure the property rights of owner(s) of all real property affected by the proposed zoning change. This request will not adversely affect the health, safety, or welfare of the general public. This rezoning request is consistent with the City's vision to grow its citizenship, increase its tax-base, and achieve long-term economic growth.

Sincerely,

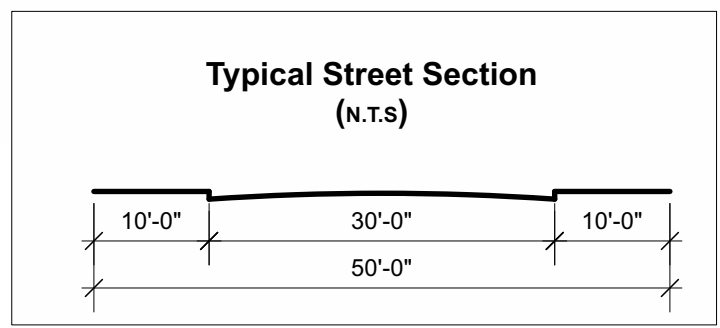
A handwritten signature in blue ink, appearing to be "SC", is written over a horizontal line.

BY: _____

Samir Chegade
Managing Partner
One Stop Group, LP



FIRE PLAN NOTES:
 1. All Fire Hydrants to be spaced no more than 500' apart, measured as the hose lays.
 2. All inside corner radii of internal fire lanes nto be no less than 25'.



11N SENECA WEST



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PZ-2024-6
Rezone - PDD
6518 Samaritan

Mindy Teague
Planning & Zoning Director
City Council Meeting
April 16, 2024

Purpose

- To present, discuss and possible action request to rezone approximately 27 acres of land from R-1 Single Family Dwelling District to Planned Development District (PDD) with R-6 Garden Home as the base zoning district
- The property is located at 6518 Samaritan Drive and is partially platted

Background

- 1971 – Area was annexed
- 1984 – Request to rezone from R-1 to B-2 (retail) - denied
- 1985 – Request to rezone from R-1 to R-6 - denied
- 2007 – Residents petition to amend City Master Plan to remove R-6 & recommend only R-1 - approved

Background

- 2010 – Request to rezone from R-1 to R-6 – denied
- 2011 – City Manager proposed a Tax Increment Financing District (TIF) – denied
 - TIF - local taxing bodies make joint investment in development of an area, intent is for any short-term gains to be reinvested & leveraged so that all taxing bodies receive larger future financial gains - funds are from future tax revenues, not otherwise expected to occur

Variations

- The applicant is requesting one variance from the Zoning Code:
- R-6 Minimum Lot Width – decrease minimum lot width from 45' to 40' - lots will conform to minimum lot size of 4,500 sq. ft.
- The applicant will be requesting a variance from the City Council to Chapter 13 Tree Preservation
 - The applicant intends to ask City Council to reduce the \$112,000 tree mitigation fee to \$50,000

Special Considerations

- To meet the ingress/egress distance of the Fire Code, the applicant is requesting the City provide an emergency access only easement at 6530 Samaritan
- The applicant is also requesting that any future deviations to the plan be internally approved as long as the deviation does not exceed 10 percent of approved plan

Traffic Impact Analysis (TIA)

- Internal streets are proposed to have a 50' ROW, which meets code
 - Grass Hill, Samaritan, Aids, and William Rancher do not
- TIA indicates development will create additional 116 peak hour morning trips & 156 peak hour evening trips along Seneca and Grass Hill
 - 75% would use Seneca Drive and 25% would use Grass Hill Drive
- Both Seneca and Grass Hill roadways (above William Rancher) are capable of supporting traffic increase

Traffic Impact Analysis (TIA)

Table 1. Trip Generation for proposed development (166 lots)

TRIP GENERATION						
ITE Code	Weekday 24 Hours		Weekday AM Peak		Weekday PM Peak	
210	Single-Family Detached Housing					
Rate / Unit	9.43		0.7		0.94	
Units	166		166		166	
Trips	1565		116		156	
% Enter/Exit	50%	50%	25%	75%	63%	37%
# Enter/Exit	783	783	29	87	98	58

Source: *ITE Trip Generation Manual, Eleventh Edition*

Table 2. Trip Distribution for proposed development with 166 Lots

TRIP DISTRIBUTION					
Street		AM Direction		PM Direction	
		Enter	Exit	Enter	Exit
Seneca Drive	75%	22	65	74	43
Grass Hill Drive	25%	7	22	24	15

Traffic Impact Analysis (TIA)

- Property is currently zoned R-1 and if developed would have approximately 104 lots – increase by zone change is 62 lots
- Results in an additional 0.5 vehicles per minute on both roadways

Traffic Impact Analysis (TIA)

Table 1. Trip Distribution for proposed development with 104 Lots

Street		AM Direction		PM Direction	
		Enter	Exit	Enter	Exit
Seneca Drive	75%	14	41	46	27
Grass Hill Drive	25%	5	14	15	9

Calculated as per ITE TRIP GENERATION MANUAL, Eleventh Edition

Table 2 below details the Traffic Distribution for 166 lots:

Table 2. Trip Distribution for proposed development with 166 Lots

Street		AM Direction		PM Direction	
		Enter	Exit	Enter	Exit
Seneca Drive	75%	22	65	74	43
Grass Hill Drive	25%	7	22	25	14

Calculated as per ITE TRIP GENERATION MANUAL , Eleventh Edition

Table 3 below details the increment in Traffic Distribution from 104 to 166 lots:

Table 3. Increment in Trip Distribution from 104 lots to 166 lots

Street		AM Direction		PM Direction	
		Enter	Exit	Enter	Exit
Seneca Drive	75%	8	24	28	16
Grass Hill Drive	25%	3	8	9	5

Calculated as per ITE TRIP GENERATION MANUAL, Eleventh Edition

City Master Plan

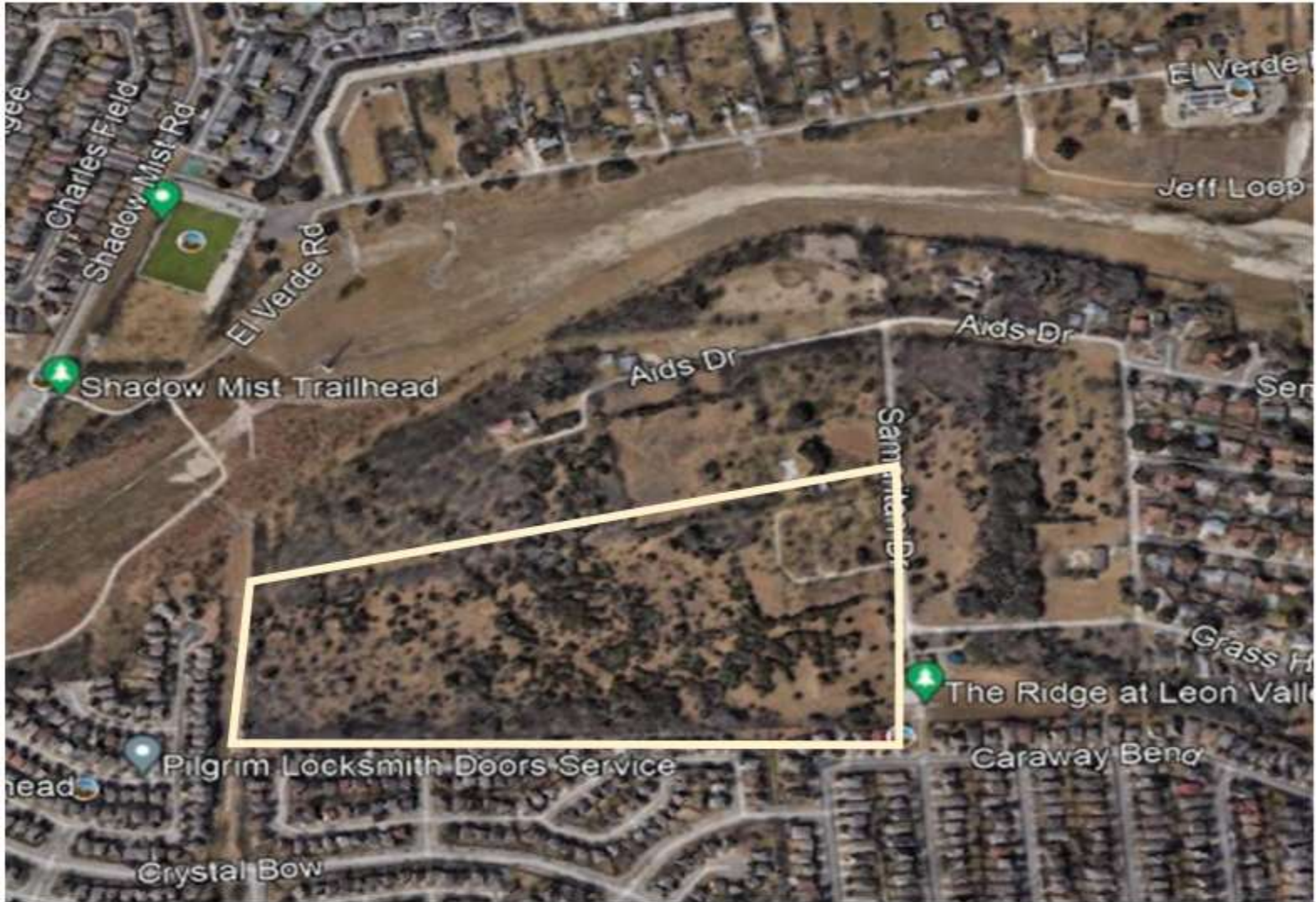
- The current plan recommends R-1 for this area
- The code states: The planning and zoning commission or city council may initiate proceedings to consider a change to the zoning on any property
- The applicant states: The majority of the surrounding zoning is R-6. Our proposed zoning and PDD is in sync with the surrounding neighborhoods

Notification

- 127 Letters were sent out
 - 0 - In favor
 - 0 - Opposed
 - 0 - Undeliverable

Aerial View

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Location Map

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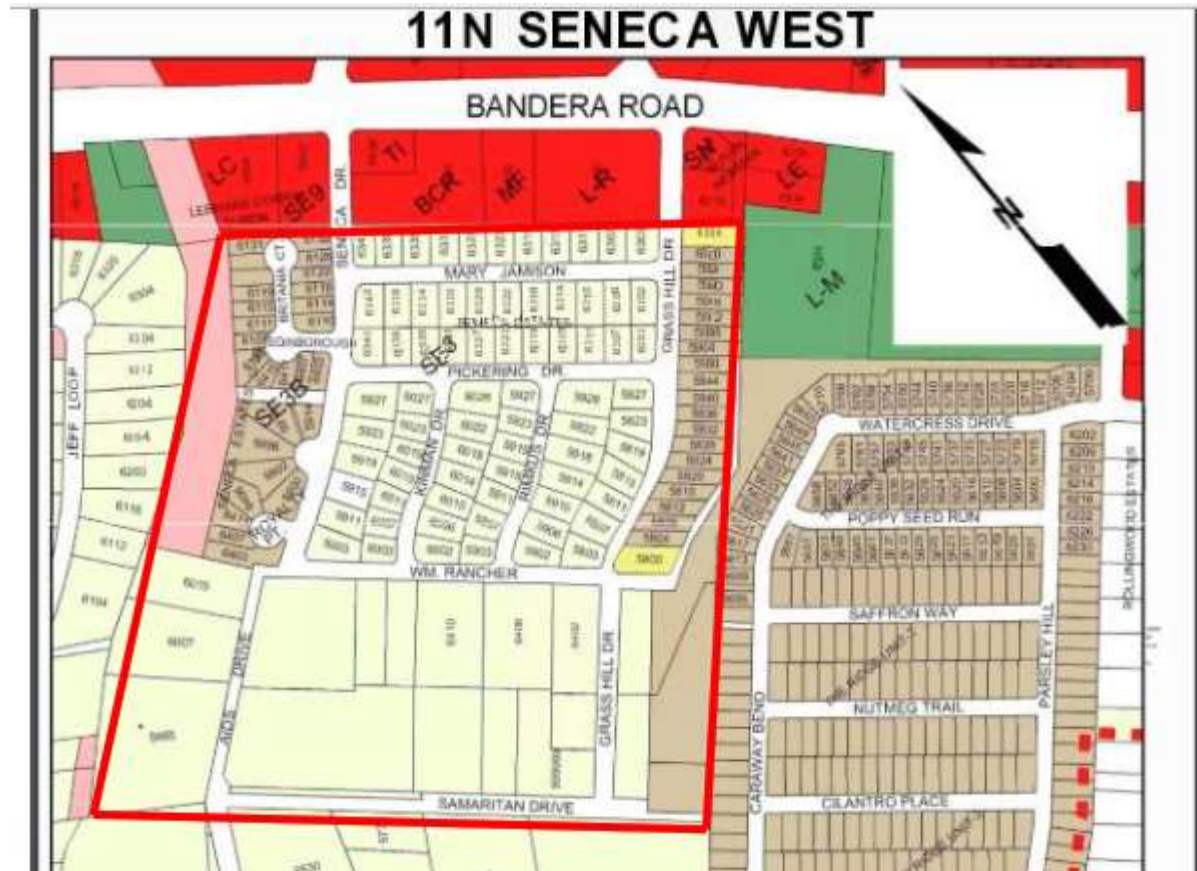
Fiscal Impact

- All fees associated with this rezone request have been paid
- The development of a single-family subdivision will increase ad valorem and sales tax in the city

Notification Map

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- At their March 19, 2024 meeting, City Council directed staff to notify Seneca West Subdivision residents of this rezoning request





**CITY OF LEON VALLEY
CITY COUNCIL REGULAR MEETING**
Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Tuesday, April 02, 2024 at 6:00 PM

MINUTES

The City of Leon Valley City Council Shall Hold an In-Person Meeting with A Quorum of Members of City Council to Be Physically Present in The Leon Valley City Council Chambers, 6400 El Verde Road, Leon Valley, Texas 78238. Some Members of City Council May Appear and Participate in The Meeting by Videoconference Pursuant to The Requirements Set Forth in The Texas Open Meetings Act.

Citizens May E-Mail Public Comments To citizenstobeheard@leonvalleytexas.gov. All Other Citizen Participation May Be Provided In-Person at City Council Chambers.

1. Call to Order; Determine a Quorum is Present, Pledge of Allegiance

PRESENT

- Mayor Chris Riley
- Council Place 1 Benny Martinez
- Mayor Pro Tem, Council Place 2 Josh Stevens
- Council Place 3 Philip Campos
- Council Place 4 Rey Orozco

ABSENT

- Council Place 5 Will Bradshaw

Mayor Chris Riley called the meeting to order at 6:00 PM and announced that a quorum of City Council was present in Council Chambers.

Mayor Riley asked Councilor Benny Martinez to lead the Pledge of Allegiance.

2. Citizens to be Heard

None

3. Presentations

- 1. Presentation, Discussion, and Direction to Staff on the Redesign of the Forest Oaks Swimming Pool Facility - M. Moritz, Public Works Director**

Melinda Moritz, Public Works Director, presented the following options for the redesign of the Forest Oaks Swimming Pool Facility.

Concept A would cost a grand total of \$2,939,008.70 and it would include mobilization, insurance, and bonds (\$416,254.45); demolition of the pool cabana showers and meeting room (\$37,365.45); repairs and improvements to the pool, metal gates, wooden fence, shower tower, chair lift, exterior lights, pool lights, lifeguard chairs, drinking fountain, shade canopies, climbing walls, water slide, pool signage, replacement of asphalt parking and striping, under water pool lights, and new restroom buildings, lifeguard office, storage, pool equipment room, and a meeting room (\$1,731,940.80); a pickle ball court conversion (\$8,733.00); a splash pad (\$700,000.00); and landscaping and irrigation (\$44,715.00).

Concept B would cost a grand total of \$3,638,489.82 and it would include mobilization, insurance, and bonds (\$515,322.59); demolition of the pool cabana showers and meeting room (\$37,365.45); new pool shell and equipment, metal gates, wooden fence, shower tower, chair lift, exterior lighting, lifeguard chairs, drinking fountains, shade canopies, climbing walls, water slide, pool signage, replacement of asphalt parking and striping, under water lights, and new restroom buildings, lifeguard office, storage, pool equipment room, and a meeting room (\$2,269,353.78); a pickle ball court conversion (\$8,733.00); a splash pad (\$700,000.00); and landscaping and irrigation (\$107,715.00).

Concept C would cost a grand total of \$2,694,541.74 and would include mobilization, insurance, and bonds (\$381,630.38), demolition (\$37,365.45), repairs and improvements to the pool, metal gates, wooden fence, shower tower, chair lift, exterior lights, pool lights, lifeguard chairs, drinking fountain, shade canopies, climbing walls, water slide, pool signage, replacement of asphalt parking and striping, under water pool lights, and new restroom buildings, lifeguard office, storage, and pool equipment room (\$1,381,097.92); a pickle ball court conversion (\$8,733.00); a splash pad (\$700,000.00); and landscaping and irrigation (\$185,715.00).

This was followed by discussion to which Director Moritz said she could come back with a Concept D to address the comments by City Council; and Dr. Caldera will bring back a prioritization of infrastructure needs.

2. Presentation, Discussion, and Possible Action on Proposed Capital Plans FY 2025 - Dr. Caldera, City Manager

Dr. Crystal Caldera, City Manager, presented the proposed Capital Plans for Fiscal Year 2025. Each City Department provided items for consideration. If all items in this proposal were approved and purchased, it would total \$3.2 million from the General Fund.

3. Presentation and Discussion on VIA Metropolitan Transit Service Update - Tom Marks, VIA Chief Government & External Affairs Officer

Tom Marks, VIA Chief Government & External Affairs Officer, presented an update on the VIA Metropolitan Transit Service.

4. Regular Agenda

- 1. Presentation and Discussion on an Ordinance Approving VIA's Decision to Repeal the Application of the Exemption of Taxes on Sales within VIA's Entity Area of Telecommunication Services and Approves VIA's Decision to Impose such a Tax on Telecommunications Services - Tom Marks, VIA Chief Government and External Affairs Officer (1st read as required by the Charter)**

Mr. Tom Marks, VIA Chief Government and External Affairs Officer, presented an ordinance approving VIA's decision to repeal the application of the exemption of taxes on sales within VIA's entity area of telecommunication services and approves VIA's decision to impose such a tax on telecommunications services.

Councilor Benny Martinez motioned to place this item on the next Consent Agenda. Councilor Rey Orozco seconded the motion. *(There was no vote on this motion)*

Mayor Riley announced that this item would be on the April 16, 2024 Consent Agenda.

- 2. Presentation, Public Hearing, and Discussion to Consider Approval of an Ordinance Rezoning Approximately 27-Acres of Land From R-1 (Single Family Dwelling) to a Planned Development District With R-6 (Garden Home) Base Zoning District, Being Lot 1, Block 1, CB 4430C, Good Samaritan Lodge Nursing Home Inc Subdivision, Parcel 1, Abstract 399, CB 4429, and Parcel 11, Abstract 432, CB 4430 (unplatted), Located at 6518 Samaritan Drive, Leon Valley, Texas (1st Read was Held on 03-19-2024) - M. Teague, Planning and Zoning Director**

Mayor Chris Riley opened the Public Hearing at 7:23 PM

Those who spoke at this time were: Mary Ruth Fernandez (Leon Valley); John White (Leon Valley); Abraham Diaz (Leon Valley); Kathy Hill (Leon Valley), Travis Leach (Leon Valley), Sharon Henderson (Leon Valley); Laura Cardenas (Leon Valley); Lupe Diaz (Leon Valley); Beth Mursch (Leon Valley); Thomas Benavides (Leon Valley); Ms. Bennett; Dr. Tzu (Leon Valley); Albert Alcocer (Leon Valley); and Cynthia Hernandez (Leon Valley)

Mayor Riley read a letter aloud that was submitted by: Shanta Hawkins (Leon Valley); and Charles Mathews (Leon Valley)

There being no further comments from the public;, Mayor Riley closed the Public Hearing at 8:13 PM.

There will be a second reading and vote at the next City Council meeting on April 16, 2024.

- 5. Announcements by the Mayor and Council Members.** At this time, reports about items of community interest, which no action will be taken, may be given to the public as per Chapter 551.0415 of the Government Code, such as: expressions of thanks, congratulations or condolence, information regarding holiday schedules, reminders of social, ceremonial, or

community events organized or sponsored by the governing body or that was or will be attended by a member of the Leon Valley City Council or a City official.

Mayor Riley and members of the City Council made announcements.

There was a consensus to move the April 27, 2024, Coffee with the Mayor and City Council to City Hall.

6. City Manager's Report

Dr. Crystal Caldera, City Manager, announced that the City Manager's Report was printed and available on the table in the foyer, as well as posted on the website. Dr. Caldera, City Manager, also spoke about the animal care concerns; re-arranging city staff during City Council meeting - city secretary will be working in her office during these meetings; and adding to the Pre-City Council report, the number of citations issued.

1. Upcoming Important Events:

Regular City Council Meeting, Tuesday, April 16, 2024, at 6:30 PM, in City Council Chambers.

Joint General Election – Early Voting, Monday, April 22, 2024, through Tuesday, April 30, 2024.

Job Fair, Tuesday, April 23, 2024, from 9:00 AM to 12:00 PM, at the Leon Valley Community Center.

Library Volunteer Party, Wednesday, April 24, 2024, from 5:00 PM to 7:00 PM, at the Leon Valley Public Library.

Coffee with the Mayor & City Council, Saturday, April 27, 2024, from 9:00 AM to 11:00 AM, at the Leon Valley Conference Center.

Household Hazardous Waste Collection, Saturday, April 27, 2024, from 8:00 AM to 1:00 PM, at the Leon Valley Fire Department. This event is only for Leon Valley residents – address verification required.

Joint General Election - Election Day, Saturday May 04, 2024, polls open from 7:00 AM to 7:00 PM.

Annual City-Wide Garage Sale, Saturday, May 25, 2024, from 8:00 AM to 6:00 PM

Miscellaneous other events and announcements.

7. Consent Agenda

Councilor Philip Campos requested Item 7.5 be pulled for discussion.

Councilor Rey Orozco motioned to approve all the Consent Agenda Items with the exception of Item 7.5. Councilor Philip Campos seconded the motion.

Voting Yea: Council Place 1 Martinez, Mayor Pro Tem, Council Place 2 Stevens, Council Place 3 Campos, Council Place 4 Orozco

The motion passed.

1. **Discussion and Possible Action Approving of the Following City Council Minutes:**
 - a. **03-19-2024 Regular City Council Meeting Minutes**
 2. **Discussion and Possible Action Accepting of the Following Board/Commission Minutes:**
 - a. **02-27-2024 Planning & Zoning Commission Meeting Minutes**
 - b. **02-08-2024 Park Commission Meeting Minutes**
 - c. **02-08-2024 Library Advisory Board Meeting Minutes**
 - d. **03-12-2024 Planning & Zoning Commission Meeting Minutes**
 3. **A Resolution Approving the Tax Roll for the City of Leon Valley, Texas for the 2023 Tax Year. - C. Goering, Finance Director**
 4. **Presentation and Discussion on an Ordinance Authorizing a Fiscal Year 2023-24 General Fund Budget Adjustment in the Amount of \$50,000 for the Purposes of Increasing the Impound Lot Budget to Pay for the Relocation and Completion of the Police Impound Lot (1st Read was Held on March 19, 2024) - D. Gonzalez, Police Chief**
 5. **Discussion and Possible Action on a Resolution Appointing a Member to the Economic & Community Development Advisory Committee - S. Passailaigue, City Secretary**
 6. **Discussion and Possible Action on a Resolution Removing Barbara Owens from the Library Advisory Board - Mayor Chris Riley**
 7. **Presentation, Discussion and Possible Action on a Resolution Amending the Previously Adopted Mission Statement for the City of Leon Valley - Dr. C. Caldera, City Manager**
 8. **Discussion and Possible Action of Councilor Josh Steven's Excused Absence for the March 19, 2024, City Council Meeting as Provided in the Charter Section 3.08, Subsection B, Part 3**
8. **Regular Agenda**
1. **Discussion and Possible Action to Consider Approval of an Ordinance Rezoning an Approximately 6-Acre Parcel of Land From R-1 (Single Family Dwelling) Zoning District to a Planned Development District (PDD) with R-6 (garden Home) Base Zoning, Being Parcel 46, Abstract 664, CB 4446 and Lot 46A & Parcel 46C, Abstract 664, CB 4446, Located at 7201 and 7205 Huebner Road, Leon Valley, Texas (1st Read was Held on 03-19-2024) - M. Teague, Planning and Zoning Director**

This item was pulled from the Consent Agenda at the request of Councilor Philip Campos.

Councilor Philip Campos started the discussion.

Councilor Philip Campos motioned to approve the Poss Landing with the R-6 Base Zoning; but to deny the variance. Councilor Rey Orozco seconded the motion.

Councilor Philip Campos withdrew his motion; Councilor Rey Orozco withdrew his second.

Councilor Benny Martinez motioned to approve as presented. Councilor Rey Orozco seconded the motion.

Voting Yea: Council Place 1 Martinez, Mayor Pro Tem, Council Place 2 Stevens, Council Place 4 Orozco

Voting Nay: Council Place 3 Campos

The motion passed.

2. Presentation and Discussion to Consider Approval of an Ordinance Authorizing a Budget Adjustment from the General Fund Reserve in the Amount of \$84,232.00 for Repairs to the Kinman House Foundation and the Police Department Sally Port Roof (1st Read as Required by City Charter) - M. Moritz, Public Works Director

Melinda Moritz, Public Works Director, presented an ordinance authorizing a budget adjustment from the General Fund Reserve in the amount of \$84,232.00 for repairs to the Kinman House foundation and the Police Department Sally Port Roof for a first reading.

There was a consensus that this item be brought back on the next Consent Agenda.

3. Presentation, Public Hearing, and Discussion to Consider Approval of a Request for a Specific Use Permit (SUP) to Allow the Sale of Firearms, Ammunition, and Law Enforcement Equipment in a B-3 Commercial Zoning District, Being Lot 4, Block 1, CB 4428H, Located at 5405 Bandera Rd., Ste 101, Leon Valley, Texas - (1st Read as Required by City Charter) - M. Teague, Planning and Zoning Director

Mindy Teague, Planning and Zoning Director, presented this item seeking City Council approval of a request for a Specific Use Permit (SUP) to allow the sale of firearms, ammunition, and law enforcement equipment in a B-3 Commercial Zoning District, being Lot 4, Block 1, CB 4428H, located at 5405 Bandera Rd., Ste 101, Leon Valley, Texas for a first read.

Applicant Donnie Cherry with Kessler Police Supply was present.

Mayor Riley opened the Public Hearing at 9:16 PM; there being no public comment, Mayor Riley closed the Public Hearing at 9:16 PM

This item will be placed on the next Consent Agenda.

4. Presentation, Public Hearing, and Discussion to Consider a Request for a Specific Use Permit (SUP) on an Approximately 2.32 Acre Tract of Vacant Land, Located in the 5900 Block of Grissom Road, for the Construction and Operation of a "Car Wash (Automatic)" - (1st Read as Required by City Charter) - M. Teague, Planning and Zoning Director

Mindy Teague, Planning and Zoning Director presented this item for City Council consideration of a request for a Specific Use Permit (SUP) on an approximately 2.32-acre tract of vacant land, located in the 5900 Block of Grissom Road, for the construction and operation of a "Car Wash (Automatic)" for a first read.

Applicant Stan Jones was present.

Mayor Riley opened the Public Hearing at 9:18 PM

Those who spoke at this time were Cassie Rowse (P&Z Chair)

There being no further public comment; Mayor Riley closed the Public Hearing at 9:20 PM

This item will be added to the next Consent Agenda.

5. Presentation, Public Hearing, Discussion, to Consider a Request to Rezone an Approximately 0.854 Tract of Land From R-3 (Multi-family Dwelling) District to a Planned Development District (PDD) With R-2 (Two-Family Dwelling) Base Zoning, Being the North 133.20 Feet of Lot 7, CB 4445L, Dirt V-Murchison-Huebner Subdivision, Located at 7680 Huebner, Leon Valley, Texas - (1st Read as Required by City Charter) - M. Teague, Planning and Zoning Director

Mindy Teague, Planning and Zoning Director, presented this item for a request to rezone an approximately 0.854 tract of land from R-3 (Multi-family Dwelling) District to a Planned Development District (PDD) with R-2 (Two-Family Dwelling) Base Zoning, being the North 133.20 feet of Lot 7, CB 4445L, Dirt V-Murchison-Huebner Subdivision, located at 7680 Huebner, Leon Valley, Texas for a first read.

Applicant RC Bandaru was present.

Mayor Riley opened the Public Hearing at 9:28 PM

There being no public comment; Mayor Riley closed the Public Hearing at 9:28 PM

This item will be added to the next Consent Agenda.

9. Requests from Members of City Council to Add Items to Future Agendas – Per Section 3.10 (A) of the City of Leon Valley's Code of Ordinances, at a Meeting of City Council, a Member of City Council May Place an Item on an Agenda by Making a Motion to Place the Item on a Future Agenda and Receiving a Second. No Discussion Shall Occur at the Meeting Regarding the Placement of the Item on a Future Agenda.

Councilor Rey Orozco requested an item to discuss the lights at Evers and Seneca. Councilor Josh Stevens seconded the request/motion asking to include signage.

Councilor Benny Martinez requested to add a flashing light at El Verde Road. There was no second on this request.

Councilor Josh Stevens requested an amendment for Planned Developments with two separate zoning classifications. Councilor Philip Campos seconded.

Councilor Josh Stevens requested an amendment to the Code to allow private septic systems for new developments with lot sizes greater than half an acre. There was no second on this request. Councilor Philip Campos seconded.

10. The City Council Shall Meet in Executive Session to Discuss the Following:

- 1. Pursuant to Texas Government Code, Chapter 551, Section 551.072, Deliberations on Real Property: 0 Samaritan Drive, Leon Valley, Texas, 78238, Lots 1 and 2, Block 1, CB 4430, Grass Hill Estates Subdivision, Approximately 19.614 Acres of Land**

Mayor Riley read aloud the caption.

The City Council went into Executive Session at 9:37 PM

11. Reconvene into Regular Session

The City Council reconvened into Open Session at 10:13 PM

12. Possible Action on Issues Discussed in Executive Session If Necessary

No action taken.

13. Adjournment

Mayor Riley announced that the meeting adjourned at 10:13 PM

These minutes were approved by the Leon Valley City Council on the 16th of April, 2024.

APPROVED

CHRIS RILEY
MAYOR

ATTEST: _____
SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY



CITY OF LEON VALLEY
ECONOMIC AND COMMUNITY DEVELOPMENT ADVISORY COMMITTEE
City Hall – Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Monday, February 26, 2024, at 6:30 PM

MINUTES

1. Call to Order and Announcement of a Quorum, Pledge of Allegiance
 - a. Yvonne Orozco-Chair- Present
 - b. Danielle Bolton- Vice Chair- Present 6:35pm
 - c. Roger Christensen- Present
 - d. Kishore Kamaraju- Present
 - e. Ann Sawyer- Absent
 - f. Chair called meeting to order at 6:32 Quorum is present.
2. Discussion and Possible Action on the Approval of Meeting Minutes for January 29, 2024.
 - a. 10/23/2023, Economic & Community Development Advisory Committee Meeting Minutes.
 - i. Mr. Christensen motion to approve minutes as presented. Mr. Kamaraj seconded the motion. Minutes approved 4-0.
3. Review of Leon Valley Sign Ordinance- Under Article 3.04 Signs
 - a. Before the discussion started Mr. Christensen asked for permission to read a prepared statement.
 - i. "I have neither the experience nor background to recommend changes to or to the approved proposed signed ordinance. Unless during the debate other arguments are presented to alter my position I intend to vote as abstained."
 - ii. Open discussion continued by the committee. The committee did not provide Mr. Salinas with any changes to the ordinance.
 - iii. The Chair suggested that this ordinance be reviewed at least every 5 years. She also suggested that we include members of the business community, sign professionals, department heads, and others to get feedback.

- iv. Once comments by the committee were complete. Mr. Salinas informed the committee that the current sign ordinance is in line with other cities in the area. Mr. Salinas recommended no changes to the ordinance, with the exception of removing flyer flags from the prohibited list. However, Mr. Salinas stated that he has not decided to bring that to the council.
- v. A motion was made by Mr. Kamaraju to allow Mr. Salinas to take this recommendation to the City Council. Ms. Bolton second the motion.
- vi. Motion passed 3-0 with Mr. Christensen abstaining from the vote.

4. Citizens to be Heard.

- a. No citizens to be heard.
- b. Members of the committee asked Mr. Salinas, since this item has concluded are their other items that the council has assigned to the committee.
- c. Mr. Salinas informed them that no other item has been assigned to the committee.
- d. The committee wanted Mr. Salinas to inform the council that if they had no other duties, they should disband the committee.
- e. Mr. Salinas stated that if the committee wanted to do that, they would need to take a vote as a group.
- f. Mr. Kamaraju made the following statement and proposed to the chair that a vote be taken.
 - i. If the Council has no defined purpose, then the committee should not exist.
- g. Mr. Christensen and Chair Orozco proposed the following statement.
 - i. The committee should postpone meeting indefinitely subject to recall by the Chair.
- h. Mr. Salinas wanted to clarify that if they took a vote on Mr. Christensen's and Chair Orozco's statement, Mr. Salinas would not go to the City Council with Mr. Kamaraju's statement. The committee understood.
- i. A motion was made by Mr. Christensen and seconded by Mr. Kamaraju.
- j. The motion was passed 3-1 with Ms. Bolton voting against the motion.

5. Adjournment

- a. 7:31pm.

6. These minutes were approved by the Leon Valley Economic & Community Development Advisory Committee on the 11th of March 2024.

7. APPROVED CHAIR



**EARTHWISE LIVING COMMITTEE MEETING MINUTES
CITY OF LEON VALLEY, TEXAS
January 10, 2024**

The Earthwise Living Committee of the City of Leon Valley, Texas met on the 10th day of January at 5:30 pm in the Large Conference Room at City Hall, located at 6400 El Verde Road, Leon Valley, Texas for the purpose of the following business, to-wit:

**REGULAR MEETING OF THE CITY OF LEON VALLEY EARTHWISE LIVING COMMITTEE,
5:36 PM**

1. Call the City of Leon Valley Regular Earthwise Living Committee Meeting to Order and Determine a Quorum is Present.

The meeting was called to order and a quorum was established at 5:36 pm. Members present were Valdez, Castillo, Key, Marcotte, Mursch, Campos, Vice-Chair Burnside, and Secretary Meffert. Also present were Staff liaison Miranda and Council liaison Mayor Riley. Absent was member Zannaras.

2. Review and Consider Approval of the November 8, 2023 Regular Earthwise Living Committee Meeting minutes

The meeting minutes from November 8, 2023 were reviewed and a motion to approve was made by Castillo and second by Valdez.

3. Welcome New Members

On December 19, 2023, during the Regular City Council Meeting, the Leon Valley City Council appointed Joan Marcotte, Beth Mursch, and Anna Campos to the Earthwise Living Committee. These three members are welcomed into their first meeting.

4. Planning for 2024 Earthwise Living Day Event

A general discussion was held about Earthwise Living Day planning. Staff liaison Crystal provided an update on the new sponsored recycling offering, and registration activities and collected suggestions from committee members for consideration.

5. Adjournment

The meeting was adjourned without objection at 7:01 pm. The Committee will reconvene on February 7, 2024 at 5:30 pm.

VICE- *Lita Burnside*
Chair

2-7-24
Date

**EARTHWISE LIVING COMMITTEE MEETING MINUTES
CITY OF LEON VALLEY, TEXAS
February 7, 2024**

The Earthwise Living Committee of the City of Leon Valley, Texas met on the 7th day of February at 5:30 pm in the Large Conference Room at City Hall, located at 6400 El Verde Road, Leon Valley, Texas for the purpose of the following business, to-wit:

**REGULAR MEETING OF THE CITY OF LEON VALLEY EARTHWISE LIVING COMMITTEE,
5:33 PM**

1. Call the City of Leon Valley Regular Earthwise Living Committee Meeting to Order and Determine a Quorum is Present.

The meeting was called to order and a quorum was established at 5:33 pm. Members present were Valdez, Castillo, Zannaras, Marcotte, Mursch, Campos, Vice-Chair Burnside, and Secretary Meffert. Also present were Staff liaison Miranda and Council liaison Mayor Riley. Absent was member Key.

2. Review and Consider Approval of the January 10, 2024 Regular Earthwise Living Committee Meeting minutes

The meeting minutes from January 10, 2024 were reviewed and a motion to approve was made by Valdez and second by Castillo.

4. Planning for 2024 Earthwise Living Day Event

A general discussion was held about Earthwise Living Day planning. Staff liaison Crystal provided an update and collected suggestions from committee members for consideration. E-waste collection will be held at the event.

5. Planning for 2024 Household Hazardous Waste Event

Staff liaison Crystal provided an update on the new sponsored household hazardous waste offering which will be held on April 27, 2024 - as the vendor was not available on March 2, 2024. This will be held in conjunction with the Coffee with the Mayor event.

6. Adjournment

The meeting was adjourned without objection at 6:53 pm. The Committee will reconvene sometime before the event.

Lisa Burnside
Chair

4-10-24
Date

MAYOR AND COUNCIL COMMUNICATION

DATE: April 16, 2024
TO: Mayor and Council
FROM: David Dimaline, Public Works Assistant Director
THROUGH: Crystal Caldera, City Manager
SUBJECT: Consider Approval of a Resolution Authorizing the Filing of an Application with the Bexar County Community Development Block Grant Program for Fiscal Year 2024

SPONSOR(S): None

Purpose

The attached resolution authorizes the filing of a grant application with the Bexar County Community Development Block Grant (CDBG) Program for fiscal year 2024, and authorizes the City Manager to act on behalf of the City of Leon Valley in all matters related to the application.

The Bexar County Department of Community Resources began the 2024 grant program for CDBG funding for eligible areas within Bexar County. The City of Leon Valley is in Bexar County Precinct 2. If authorized, the City will apply for grant funds for the Cammie Way Sewer Main Replacement Project located in the alley between Cammie Way and Evers Rd. The project consists of replacing 1,080 feet of 8" PVC sewer main, replacing four manholes, providing for by-pass pumping, sanitary sewer laterals, and restoring the easement with top soil and sodding. The sewer mains in this area were constructed of concrete pipe in the 1970's and service the Castle Estates neighborhood. They were previously televised in 2001 and showed to have debris and medium deterioration.

The grant application will be evaluated to ensure the project meets HUD guidelines, and the City will receive an eligibility letter that does not obligate funding. In July, the Bexar County Commissioners will make their final selection of projects to be recommended for funding, and selected projects will be submitted to HUD for evaluation.

Fiscal Impact

The estimated project cost is \$587,470. The City is applying for CDBG funding in the amount of \$293,735, with the City's match of fifty percent, or \$293,735. The Unrestricted Enterprise Fund balance is \$2,062,571 as of 9/30/23.

S.E.E Statement

Social Equity – Adds to general quality of life for all citizens.

Economic Development – Improvements to the sewer utility helps us maintain infrastructure which may encourage relocation.

Environmental Stewardship – Reduces the amount of sanitary sewer overflows, and helps to reduce sewer backups, enhancing delivery of services, and protecting the environment.

STRATEGIC GOALS STATEMENT

Item 2 - Continue Work on Capital and Planning Projects

Recommendation

Staff recommends approval of the Resolution. The Resolution will be included with the City’s grant application to the Bexar County Department of Community Resources.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

A RESOLUTION

AUTHORIZING THE FILING OF AN APPLICATION WITH THE BEXAR COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FISCAL YEAR 2024; AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF LEON VALLEY IN ALL MATTERS RELATED TO THE APPLICATION; AND PLEDGING THAT IF A GRANT IS RECEIVED, THE CITY OF LEON VALLEY WILL COMPLY WITH THE GRANT REQUIREMENTS.

WHEREAS, The Bexar County Community Development Block Grant (CDBG) Program is accepting applications for funding for Fiscal Year 2024; and

WHEREAS, the City of Leon Valley is a participating city with a long history of successful CDBG Projects dating back to 1986; and

WHEREAS, the City of Leon Valley is dedicated to community development support projects to provide needed services in areas of the City that would otherwise not be economically feasible; and

WHEREAS, the City of Leon Valley is proposing to replace the Cammie Way Alley Sewer Main near 6003 Cammie Way at an estimated project cost of \$587,470 with the City providing a \$293,735 match; and

WHEREAS, the City of Leon Valley is dedicated to the public safety of its citizens and has identified a need eligible for funding that reflects infrastructure improvements in a qualifying area of the City

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, THAT:

1. The City Manager of the City of Leon Valley, Texas is authorized to submit an application with the Bexar County Community Development Block Grant Program for consideration at the Bexar County Commissioners Court in June of 2024.
2. The Mayor and City Council, with the adoption of this Resolution, further authorize the City Manager to act on behalf of the City of Leon Valley in all matters related to the application and pledge that if a grant is received, the City of Leon Valley will comply with the Grant requirements.
3. The City of Leon Valley will continue its commitment toward strategic community development for the citizens of Leon Valley and the region.

PASSED and APPROVED this 16th day of April, 2024.

Mayor Chris Riley

ATTEST:

Resolution Authorizing the Filing of an Application with the Bexar County Community Development CDBG Program

David Dimaline
Public Works Assistant Director
City Council Meeting
April 16, 2024

Summary

- Question
 - City Council is asked to consider approval of a Resolution authorizing the filing of an Application with the Bexar County Community Development Department for the 2024 CDBG Grant Program
- Options
 - Approve
 - Deny
- Declaration
 - Staff recommends approval of the Resolution

Purpose

- This Resolution will authorize the filing of an application to the Bexar County CDBG 2024 Program
- If the project is selected, the City of Leon Valley will comply with all CDBG grant requirements

Background

- The Bexar County Community Development Block Grant (CDBG) Program is accepting applications for 2024
- Proposing to replace 1,080' of existing 8" sewer main along the Cammie Way Sewer Easement (Between Evers Rd. and Cammie Way)
- 8" PVC Sanitary Sewer Pipe
 - 4 Sanitary Sewer Manholes
 - Sanitary Sewer Laterals (100')
 - Bypass Pumping
 - Easement Restoration

Background

Schedule:

- April – Applications Due
- June – Applications are presented to Commissioners Court
- August – Selected projects are submitted to HUD for evaluation
- December – Develop Agreements for selected projects
- January 2025 – September 2025 – Contract Period

Fiscal Impact

- The estimated project cost is \$587,470
- The City is requesting CDBG Grant Funds in the Amount of \$293,735
- The City's match of 50% will be \$293,735 from the Sewer Utility
 - CDBG: \$293,735
 - COLV: \$293,735
 - TOTAL: \$587,470
- The Unrestricted Enterprise Fund is \$2,062,571 (as of 9/30/23)

Recommendation

- The Resolution is required to submit with the 2024 application package
- Staff recommends approval and passage of the Resolution

AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL ADOPTING AN ORDINANCE APPROVING VIA’S DECISION TO REPEAL THE APPLICATION OF THE EXEMPTION OF TAXES ON SALES WITHIN VIA’S ENTITY AREA OF TELECOMMUNICATIONS SERVICES AND APPROVES VIA’S DECISION TO IMPOSE SUCH A TAX ON TELECOMMUNICATIONS SERVICES.

WHEREAS, under Section 322.109 of the Texas Tax Code there are exempted from the taxes imposed by a taxing entity the sales within the entity area of telecommunications services unless the application of the exemption is repealed under that section, and

WHEREAS, under Section 322.109(d) of the Texas Tax Code, the governing board of a taxing entity created under Chapter 451, Transportation Code, may not repeal the application of the exemption of taxes on sales within its entity area of telecommunications services unless the repeal is first approved by a majority of the members of the governing body of each municipality that created the taxing entity.

WHEREAS, VIA Metropolitan Transit (VIA) is a taxing entity created under Chapter 451, Transportation Code; and

WHEREAS, the City Council of the City of Leon Valley is a governing board of a municipality that created VIA; and

WHEREAS, VIA does not currently impose a sales and use tax on telecommunications services sold within its entity area; and

WHEREAS, the governing board of VIA intends to repeal the application of the exemption of taxes on sales within VIA’s entity area of telecommunications services and has requested the City Council of the City of Leon Valley approve VIA’s decision to do so as required under Section 322.109(d) of the Texas Tax Code; and

WHEREAS, after thorough review and consideration, the City Council finds it approves VIA’s desire to repeal the application of the exemption of taxes on sales within VIA’s entity area of telecommunications services and approves VIA’s intent to impose such a tax on telecommunication services;

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

SECTION 1. . The City Council hereby approves VIA’s decision to repeal the application of the exemption of taxes on sales within VIA’s entity area of telecommunications services and approves VIA’s decision to impose such a tax on telecommunications services.

SECTION 2. Upon this Ordinance becoming law pursuant to applicable City procedures, it shall be entered into the minutes of the City Council.

SECTION 3. It is hereby declared to be the intention of the City Council that the sections,

paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

SECTION 4. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.

SECTION 5. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 16thth day of April, 2024.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE
CITY SECRETARY

Approved as to Form:

ARTURO D. 'ART' RODRIGUEZ
CITY ATTORNEY

TAX CODE

TITLE 3. LOCAL TAXATION

SUBTITLE C. LOCAL SALES AND USE TAXES

CHAPTER 322. SALES AND USE TAXES FOR SPECIAL PURPOSE TAXING AUTHORITIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 322.001. APPLICATION OF CHAPTER. (a) This chapter applies to the imposition, assessment, collection, administration, and enforcement of a sales and use tax imposed under Chapter 451, 452, 453, or 460, Transportation Code.

(b) The effective dates and rates of the taxes imposed by a taxing entity are determined under the laws authorizing the adoption of the taxes.

Added by Acts 1987, 70th Leg., ch. 191, Sec. 1, eff. Sept. 1, 1987.
Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.266, eff. Sept. 1, 1997;
Acts 2003, 78th Leg., ch. 209, Sec. 56, eff. Oct. 1, 2003.

Sec. 322.002. DEFINITIONS. In this chapter:

(1) "Taxing entity" means a rapid transit authority, a regional transit authority, including a subregional transportation authority, or a municipal mass transit department created under Chapter 451, 452, or 453, Transportation Code, or a coordinated county transportation authority created under Chapter 460, Transportation Code, that has adopted a sales and use tax under the law authorizing the creation of the entity.

(2) "Entity area" means the geographical limits of a taxing entity.

(3) "Municipal sales and use tax" means a sales and use tax imposed by a municipality under the Municipal Sales and Use Tax Act (Chapter 321) within an entity area.

Added by Acts 1987, 70th Leg., ch. 191, Sec. 1, eff. Sept. 1, 1987.
Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.267, eff. Sept. 1, 1997;
Acts 2003, 78th Leg., ch. 209, Sec. 57, eff. Oct. 1, 2003.

SUBCHAPTER B. ASSESSMENT AND COMPUTATION OF TAXES

Sec. 322.101. SALES TAX. There is imposed in a taxing entity {Section}.74. tax at the rate authorized and set as provided by the law authorizing the creation of the taxing entity and applied to the receipts from the sale within the entity area of all taxable items that are subject to the sales tax under Chapter 151.

Added by Acts 1987, 70th Leg., ch. 191, Sec. 1, eff. Sept. 1, 1987.

Sec. 322.102. USE TAX. In a taxing entity, there is imposed an excise tax on the use, storage, and other consumption within the entity area of taxable items purchased, leased, or rented from a retailer during the period that the sales tax is effective within the entity area. The rate of the excise tax is the same rate as the rate of the sales tax imposed by the taxing entity and is applied to the sales price of the taxable item.

Added by Acts 1987, 70th Leg., ch. 191, Sec. 1, eff. Sept. 1, 1987.

Sec. 322.103. COMPUTATION OF SALES TAXES. (a) Each retailer in an entity area shall add the sales tax imposed under this chapter, the sales taxes imposed under Chapter 151, and, if applicable, any sales taxes imposed under Chapter 321 or 323 to the sales price, and the sum of the taxes is a part of the price, a debt of the purchaser to the retailer until paid, and recoverable at law in the same manner as the purchase price.

(b) The amount of the total tax is computed by multiplying the combined applicable tax rates by the amount of the sales price. If the product results in a fraction of a cent less than one-half of one cent, the fraction of a cent is not collected. If the fraction is one-half of one cent or more, the fraction shall be collected as one cent.

(c) The exclusion provided by Section 151.411 applies to a retailer under this chapter 50 percent of whose receipts from the sales of taxable items comes from individual transactions in which the sales price is an amount on which no tax is produced from the combined applicable tax rates.

Added by Acts 1987, 70th Leg., ch. 191, Sec. 1, eff. Sept. 1, 1987.

Sec. 322.104. COMPUTATION OF USE TAX. (a) In each taxing entity the tax imposed by Subchapter D, Chapter 151, the tax imposed under Section 321.104(a), if applicable, and the tax imposed under Section 322.102 are added together to form a single combined tax rate, except in a situation described by Section 322.105(b).

(b) The formula prescribed by Section 322.103(b) applies to the computation of the amount of the tax under this section. {Section}.74.

Added by Acts 1987, 70th Leg., ch. 191, Sec. 1, eff. Sept. 1, 1987.

Sec. 322.105. USE TAX: WHERE USE OCCURS. (a) In determining the incidence of the use tax of a taxing entity, the name of the taxing entity is substituted in Subchapter D, Chapter 151, for "this state" where those words are used to designate the taxing entity or delimit the tax imposed. However, the excise tax of a taxing entity on the use, storage, or other consumption of a taxable item does not apply if the item is first used, stored, or consumed in an area other than an entity area.

(b) If a sale of a taxable item is consummated within this state but not within an entity area and the item is shipped directly or brought by the purchaser or lessee directly into an entity area, the item is subject to the entity's use tax. The use is considered to be consummated at the location where the item is first used, stored, or consumed after the intrastate transit has ceased.

(c) If a taxable item is shipped from outside this state to a customer within this state, the item is subject to the use tax of the taxing entity and not its sales tax. A use is considered to be consummated at the first point in this state where the item is stored, used, or consumed after the interstate transit has ceased. A taxable item delivered to a point in this state is presumed to be for storage, use, or consumption at that point until the contrary is established.

(d) Repealed by Acts 2007, 80th Leg., R.S., Ch. 823, Sec. 1(1), eff. September 1, 2007.

(e) With respect to a taxable service, "use" means the derivation in the taxing entity of direct or indirect benefit from the service.

Added by Acts 1987, 70th Leg., ch. 191, Sec. 1, eff. Sept. 1, 1987.

Amended by Acts 1989, 71st Leg., ch. 2, Sec. 14.21(a), eff. Aug. 28, 1989; Acts 1991, 72nd Leg., ch. 705, Sec. 29, eff. Sept. 1, 1991.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 823 (H.B. 142), Sec. 1(1), eff. September 1, 2007.

Sec. 322.106. TAX INAPPLICABLE WHEN NO STATE TAX; EXCEPTIONS. (a) The sales tax of a taxing entity does not apply to the sale of a taxable item unless the sales tax imposed under Subchapter C, Chapter 151, also applies to the sale.

(b) The excise tax of a taxing entity on the use, storage, or consumption of a taxable item does not apply to the use, storage, or consumption of an item unless the tax imposed by Subchapter D, Chapter 151, also applies to the use, storage, or consumption of the item.

{Section}.74.

(c) Subsection (b) does not apply to the application of the tax in a situation described by Section 322.105(b).

Added by Acts 1987, 70th Leg., ch. 191, Sec. 1, eff. Sept. 1, 1987.

Amended by Acts 1991, 72nd Leg., ch. 705, Sec. 30, eff. Sept. 1, 1991.

Sec. 322.108. CERTAIN PROVISIONS OF MUNICIPAL SALES AND USE TAX APPLICABLE. (a) Except as provided by Subsection (b), the following apply to the taxes imposed by this chapter in the same manner as applicable to a municipality under Chapter 321:

- (1) Section 321.002(a)(3);
- (2) Section 321.003;
- (3) Section 321.203;
- (4) Section 321.205(d);
- (5) Section 321.208;
- (6) Section 321.209;
- (7) Section 321.303;
- (8) Section 321.304;
- (9) Section 321.305; and
- (10) Section 321.510.

(b) The provisions of this chapter applicable to a taxing entity created under Chapter 453, Transportation Code, prevail over any inconsistent provision in a statute listed in Subsection (a).

Added by Acts 1987, 70th Leg., ch. 191, Sec. 1, eff. Sept. 1, 1987.

Amended by Acts 1989, 71st Leg., ch. 2, Sec. 14.20(a), eff. Aug. 28, 1989;

Acts 1997, 75th Leg., ch. 165, Sec. 30.268, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 942 (H.B. 590), Sec. 3, eff. September 1, 2011.

Sec. 322.109. TELECOMMUNICATIONS EXEMPTION. (a) There are exempted from the taxes imposed by a taxing entity under this chapter the sales within the entity area of telecommunications services unless the application of the exemption is repealed under this section. A taxing entity may not repeal the application of this exemption as it applies to interstate long-distance telecommunications services, but if a taxing

entity has repealed the exemption before the effective date of Part {Section}.74. Article 1, H.B. No. 61, Acts of the 70th Legislature, 2nd Called Session, 1987, interstate long-distance telecommunications services in that taxing entity are not subject to taxes imposed under this chapter.

(b) Except as provided by Subsection (d), the board of a taxing entity may, by a majority vote of the board in the manner required for the adoption of other orders, repeal the application of the exemption provided by Subsection (a) for telecommunications services sold within the city.

(c) A taxing entity board that has repealed the application of the exemption may in the same manner reinstate the exemption.

(d) The governing board of a taxing entity created under Chapter 451, Transportation Code, may not repeal the application of the exemption provided by Subsection (a) unless the repeal is first approved by a majority of the members of the governing body of each municipality that created the taxing entity. A reinstatement of the exemption must be approved in the same manner.

(e) A vote of a taxing entity board repealing the application of or reinstating the exemption must be entered in the minutes of the entity. The entity board chairman or secretary shall send to the comptroller by United States certified or registered mail a copy of each order adopted under this section. The repeal of the application of the exemption or a reinstated exemption takes effect within the entity on the first day of the first calendar quarter after the expiration of the first complete calendar quarter after the date on which the comptroller receives a copy of the order.

Added by Acts 1987, 70th Leg., ch. 191, Sec. 1, eff. Sept. 1, 1987.

Amended by Acts 1987, 70th Leg., 2nd C.S., ch. 5, art. 1, pt. 4, Sec. 34; Acts 1999, 76th Leg., ch. 1008, Sec. 1, eff. June 18, 1999.

Sec. 322.110. TRANSITION EXEMPTION IN CERTAIN TAXING ENTITIES. (a) The receipts from the sale, use, or rental of and the storage, use, or consumption of taxable items in this state are exempt from the tax imposed under this chapter by a taxing entity created under Chapter 453, Transportation Code, if the items are used:

(1) for the performance of a written contract entered into before the date the tax takes effect in the taxing entity, if the contract is not subject to change or modification by reason of the tax; or

(2) pursuant to an obligation of a bid or bids submitted before the date the tax takes effect in the taxing entity, if the bid or bids may not be withdrawn, modified, or changed by reason of the tax.

(b) The exemptions provided by this section have no effect after {Section}.74. three years from the date the tax takes effect in the taxing entity.

Added by Acts 1989, 71st Leg., ch. 2, Sec. 14.19(a), eff. Aug. 28, 1989.
Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.269, eff. Sept. 1, 1997.

SUBCHAPTER C. ADMINISTRATION OF TAXES

Sec. 322.201. COMPTROLLER TO COLLECT AND ADMINISTER TAXES. (a) The comptroller shall administer, collect, and enforce the sales and use tax of a taxing entity.

(b) The sales and use taxes imposed under this chapter, the taxes imposed under Chapters 321 and 323, and the taxes imposed under Chapter 151 shall be collected together to the extent that each is imposed in an entity area.

Added by Acts 1987, 70th Leg., ch. 191, Sec. 1, eff. Sept. 1, 1987.

Sec. 322.202. COMPTROLLER'S REPORTING DUTIES. (a) The comptroller shall report to a taxing entity on the entity's sales and use taxes by making substantially the same reports that are required to be made by the comptroller to a municipality under Sections 321.302(a), (b), and (c).

(b) The comptroller shall send to a taxing entity by United States certified or registered mail a notice of each person who is delinquent in the payment of the entity's sales and use taxes and shall send to the attorney general a copy of the notice. A notice sent under this subsection is a certification of the amount of tax owed and is prima facie evidence of a determination of that amount and of its delinquency.

Added by Acts 1987, 70th Leg., ch. 191, Sec. 1, eff. Sept. 1, 1987.

Sec. 322.2022. TAX INFORMATION. (a) Except as otherwise provided by this section, the comptroller on request shall provide to a taxing entity:

(1) information relating to the amount of tax paid to the entity under this chapter during the preceding or current calendar year by each person doing business in the area included in the entity who annually remits to the comptroller state and local sales tax payments of more than \$5,000; and

(2) any other information as provided by this section.

(b) The comptroller on request shall provide to a taxing entity information relating to the amount of tax paid to the entity under this

chapter during the preceding or current calendar year by each person {Section}.74.
business in an area included in the entity, as defined by the entity, that
is part of:

- (1) an interlocal agreement;
- (2) a revenue sharing agreement;
- (3) any other agreement similar to those listed in Subdivisions
(1) and (2); or
- (4) any area defined by the entity for the purpose of economic
forecasting.

(c) The comptroller shall provide the information under Subsection
(b) as an aggregate total for all persons doing business in the defined
area without disclosing individual tax payments.

(d) If the request for information under Subsection (b) involves not
more than three persons doing business in the defined area who remit taxes
under this chapter, the comptroller shall refuse to provide the information
to the taxing entity unless the comptroller receives permission from each
of the persons allowing the comptroller to provide the information to the
entity as requested.

(e) A separate request for information under this section must be
made in writing by the governing body of the taxing entity each year.

(f) Information received by a taxing entity under this section is
confidential, is not open to public inspection, and may be used only for
the purpose of economic forecasting, for internal auditing of a tax paid to
the entity under this chapter, or for the purpose described by Subsection
(g).

(g) Information received by a taxing entity under Subsection (b) may
be used by the entity to assist in determining revenue sharing under a
revenue sharing agreement or other similar agreement.

(h) The comptroller may set and collect from a taxing entity
reasonable fees to cover the expense of compiling and providing information
under this section.

(i) Notwithstanding Chapter 551, Government Code, the governing body
of a taxing entity is not required to confer with one or more employees or
a third party in an open meeting to receive information or question the
employees or third party regarding the information received by the entity
under this section.

Added by Acts 2009, 81st Leg., R.S., Ch. 1360 (S.B. 636), Sec. 7, eff.
September 1, 2009.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 140 (S.B. 758), Sec. 2, eff. Sept. 1, 2011. {Section}.74.

Sec. 322.203. COMPTROLLER'S RULES. The comptroller may adopt reasonable rules and prescribe forms that are consistent with this chapter for the administration, collection, and enforcement of this chapter and for the reporting of the taxes imposed under this chapter.

Added by Acts 1987, 70th Leg., ch. 191, Sec. 1, eff. Sept. 1, 1987.

Sec. 322.204. DELINQUENT TAXES: LIMITATIONS. The limitations for the bringing of a suit for the collection of a sales and use tax imposed by a taxing entity or a penalty due on the tax after the tax and penalty are delinquent or after a determination against a taxpayer are the same as the limitations provided by Chapter 151.

Added by Acts 1987, 70th Leg., ch. 191, Sec. 1, eff. Sept. 1, 1987.

Sec. 322.205. SEIZURE AND SALE OF PROPERTY. (a) If the comptroller lawfully seizes property for the payment of the taxes imposed under Chapter 151 and the property owner is delinquent in the payment of taxes under this chapter, the comptroller shall sell sufficient property to pay the delinquent taxes and penalties under this chapter, Chapter 151, and Chapter 321.

(b) The proceeds of the sale of seized property shall first be applied to the payment of amounts due the state, then to the payments of amounts due a municipality under Chapter 321, and the remainder, if any, to the payment of amounts due to the taxing entity to which the taxes are due.

Added by Acts 1987, 70th Leg., ch. 191, Sec. 1, eff. Sept. 1, 1987.

Sec. 322.206. SUITS FOR TAX COLLECTION. (a) A taxing entity acting through its attorney may join as a plaintiff in any suit brought by the attorney general to seek a judgment for delinquent taxes and penalties due to the taxing entity under this chapter.

(b) A taxing entity may bring suit for the collection of taxes owed to the taxing entity under this chapter if:

(1) the taxes are certified by the comptroller in the notice required by Section 322.202 (b);

(2) a written notice of the tax delinquency and the entity's intention to bring suit is given by certified mail to the taxpayer, the

attorney general, and the comptroller at least 60 days before the suit is filed; and

{Section}.74.

(3) neither the comptroller nor the attorney general disapproves of the suit.

Added by Acts 1987, 70th Leg., ch. 191, Sec. 1, eff. Sept. 1, 1987.

Sec. 322.207. DISAPPROVAL OF SUIT. (a) The comptroller or the attorney general may disapprove of the institution of a suit by a taxing entity under Section 322.206(b) if:

(1) negotiations between the state and the taxpayer are being conducted for the purpose of the collection of delinquent taxes owed to the state and the taxing entity seeking to bring suit;

(2) the taxpayer owes substantial taxes to the state and there is a reasonable possibility that the taxpayer may be unable to pay the total amount owed;

(3) the state will bring suit against the taxpayer for all taxes due under Chapter 151 and this chapter; or

(4) the suit involves a critical legal question relating to the interpretation of state law or a provision of the Texas or United States constitution in which the state has an overriding interest.

(b) A notice of disapproval to a taxing entity must be in writing and give the reason for the determination by the comptroller or attorney general.

(c) A disapproval is final and not subject to review.

(d) Not earlier than one year after the date of a disapproval of the institution of a taxing entity collection suit, the taxing entity may again proceed as provided by Section 322.206(b) even though the liability of the taxpayer includes taxes for which the entity has previously given notice and the comptroller or attorney general has disapproved of the suit.

Added by Acts 1987, 70th Leg., ch. 191, Sec. 1, eff. Sept. 1, 1987.

Sec. 322.208. JUDGMENTS IN SUIT. (a) A judgment in a suit under Section 322.206(b) for or against a taxpayer does not affect a claim against the taxpayer by a municipality or the state unless the state is party to the suit.

(b) A taxing entity shall abstract a copy of each final judgment for taxes imposed under this chapter in a case in which the state is not a party and shall send to the comptroller a copy of the judgment and the abstract.

(c) A taxing entity shall by execution collect the taxes awarded {Section}.74. it in each judgment received by it and is responsible for the renewal of the judgment before its expiration.

(d) The taxing entity shall notify the comptroller by certified mail of the amount of any taxes collected on the judgment.

Added by Acts 1987, 70th Leg., ch. 191, Sec. 1, eff. Sept. 1, 1987.

SUBCHAPTER D. REVENUE DEPOSIT, DISTRIBUTION, AND USE

Sec. 322.301. COLLECTIONS HELD BY COMPTROLLER. The comptroller shall deposit, hold, account for, and transmit sales and use taxes collected under this chapter for each taxing entity in the same manner as required under Section [321.501](#) for each municipality.

Added by Acts 1987, 70th Leg., ch. 191, Sec. 1, eff. Sept. 1, 1987.

Sec. 322.302. DISTRIBUTION OF TRUST FUNDS. At least quarterly during each state fiscal year and as often as feasible, the comptroller shall send to the person at each taxing entity who performs the function of entity treasurer, payable to the taxing entity, the entity's share of the taxes collected by the comptroller under this chapter.

Added by Acts 1987, 70th Leg., ch. 191, Sec. 1, eff. Sept. 1, 1987.

Amended by Acts 1989, 71st Leg., ch. 16, Sec. 5, eff. Aug. 31, 1989; Acts 1997, 75th Leg., ch. 165, Sec. 30.270, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1467, Sec. 2.68, eff. Oct. 1, 1999.

Sec. 322.303. STATE'S SHARE. Before sending any money to a taxing entity under this subchapter, the comptroller shall deduct two percent of the amount of the taxes collected within the entity area during the period for which a distribution is made as the state's charge for its services under this chapter and shall credit the money deducted to the general revenue fund.

Added by Acts 1987, 70th Leg., ch. 191, Sec. 1, eff. Sept. 1, 1987.

Sec. 322.304. AMOUNTS RETAINED IN TRUST ACCOUNT. (a) The comptroller may retain in the suspense account of a taxing entity a portion of the entity's share of the tax collected for the entity under this chapter, not to exceed five percent of the amount remitted to the entity.

If the entity has abolished the tax, the amount that may be retained {Section}.74. not exceed five percent of the final remittance to the entity at the time of the termination of the collection of the tax.

(b) From the amounts retained in an entity's suspense account, the comptroller may make refunds for overpayments to the account and to redeem dishonored checks and drafts deposited to the credit of the account.

(c) Before the expiration of one year after the effective date of the abolition of an entity's tax under this chapter other than a department under Chapter 453, Transportation Code, the comptroller shall send to the entity the remainder of the money in the entity's account and shall close the account.

Added by Acts 1987, 70th Leg., ch. 191, Sec. 1, eff. Sept. 1, 1987.

Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.271, eff. Sept. 1, 1997.

Sec. 322.305. INTEREST ON TRUST ACCOUNTS. Interest earned on all deposits made with the comptroller under this chapter, including interest earned on retained accounts, shall be credited to the general revenue fund.

Added by Acts 1987, 70th Leg., ch. 191, Sec. 1, eff. Sept. 1, 1987.

Amended by Acts 1997, 75th Leg., ch. 1423, Sec. 19.125, eff. Sept. 1, 1997.

Sec. 322.306. RETENTION OF CERTAIN SPECIAL PURPOSE DISTRICT SALES TAXES. A taxing entity that holds a sales and use tax permit issued by the comptroller and that imposes a sales and use tax may retain the portion of the tax that the taxing entity collects and that constitutes the entity's own tax. The taxing entity shall remit to the comptroller all other applicable local sales and use taxes and the state sales and use tax.

Added by Acts 2001, 77th Leg., ch. 1263, Sec. 76, eff. Oct. 1, 2001.



VIA Metropolitan Transit Service Update

Leon Valley | 2024

Tom Marks

*Chief Government and External Affairs Officer
Government and Community Relations*



Telecom Tax

Telecommunications Exemption - **Texas Tax Code 321.210**, In accordance with Texas State Tax code Telecommunications companies require an administrative notice in order to implement the sales tax.

VIA is proposing an ordinance that allows the statutorily required collection of sales use tax on receipts from the sale of telecommunication services within the city as allowed under **Texas Tax Code 321.210**.

Census/ Economic Data about Leon Valley

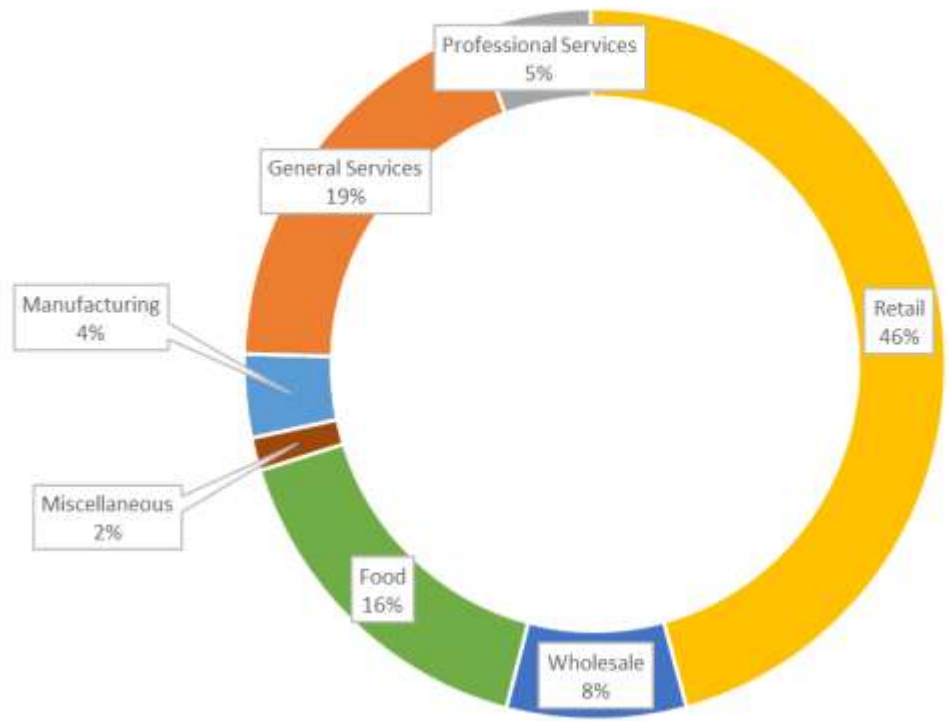
Population	11503
Total Households	4726
Family Households	3033
Non-Family Households	1693

Average Household income	\$67,430
Median Household Income	\$54,531
People Below the Poverty Line	1558
No highschool education	294
Number of Businesses in Leon Valley	46

Leon Valley Sales Tax by Sector	
Professional Services	5%
General services	19%
Manufacturing	4%
Miscellaneous	2%
Food	16%
Wholesale	8%
Retail	46%

Leon Valley Actual Sales Tax FY 2023 \$4,628,697

Sales Tax by Sector



Sales Taxes in Leon Valley

- ▶ As presented to you currently Sales Tax in the City of Leon Valley is 8.25%. This amount is broken down:

6.25% Sales and Use Tax State of Texas

1.50% Sales and Use Tax City of Leon Valley

0.50% Sales and Use Tax Metropolitan Transit Authority (MTA / VIA)

Sales and Use tax is assessed on all retail sales, leases and rentals of most goods, as well as taxable services in the City of Leon Valley.

Sales Taxes in Leon Valley

- ▶ So, for example, someone purchases paper plates at the Walgreens on Bandera and Grissom. Let's say the price for those plates is \$10.00. The sales tax for those paper plates is applied as follows. State of Texas Sales Tax $\$10.00 \times .0625 = \0.625 cents, City of Leon Valley Sales Tax $\$10.00 \times .0125 = \0.125 cents and the MTA sales tax $\$10.00 \times .0050 = \0.05 cents

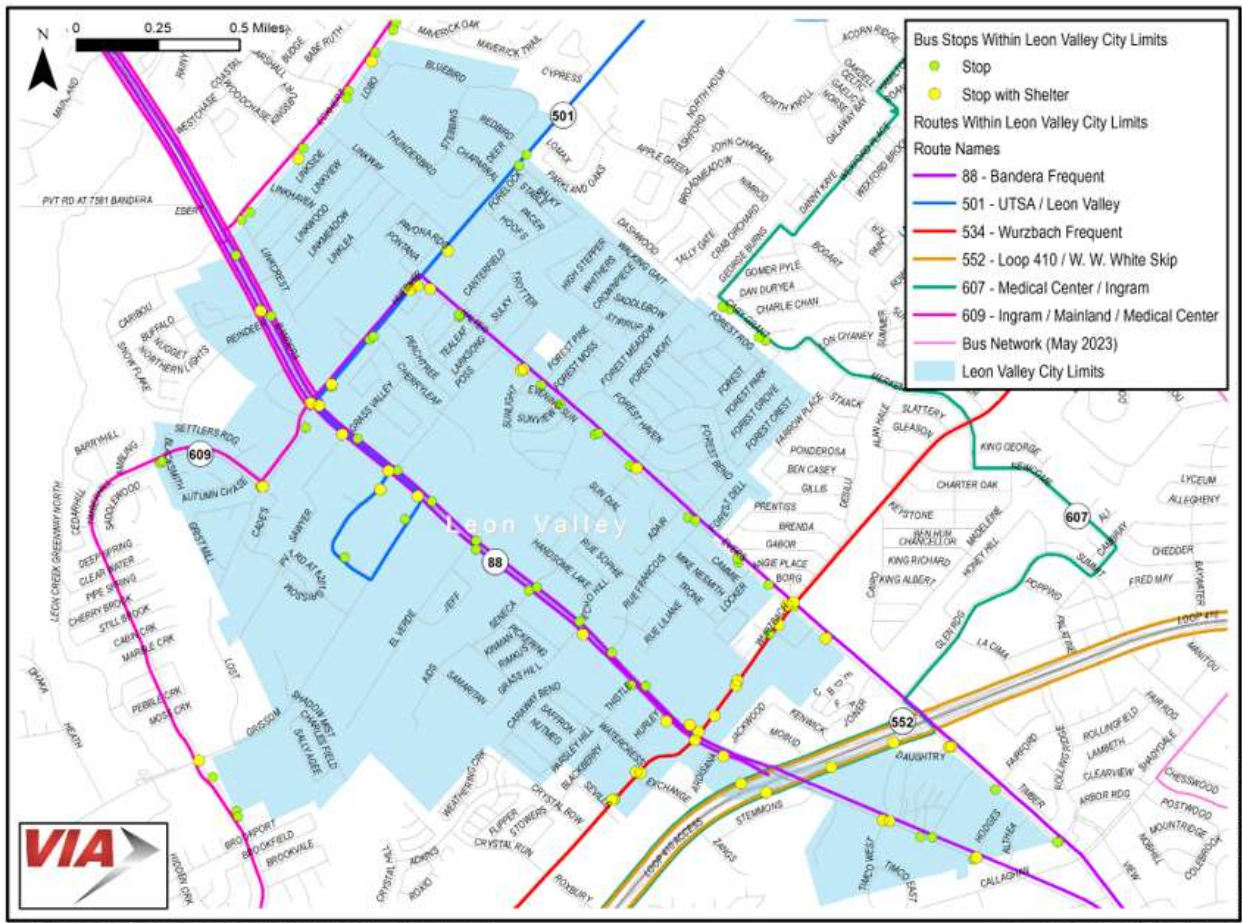
The sales and services categories that are subject to Sales Tax in the City of Leon Valley are the same except for one category, the Telecommunications Services category. The State of Texas 6.25% and the City of Leon Valley 1.50% sales taxes are assessed on Telecommunications Services. Only the .50% MTA tax is not assessed on Telecommunications services.

This generally works out to .05 cents for every \$10. So, if there is a \$30 purchase of paper plates in Leon Valley 0.15 cents is collected for the MTA portion of the sales take. The same ratio should apply for Telecommunications Services

As a reminder for the past 30+ years the City of Leon Valley's 1.50% sales tax is collected on **Telecommunications Services**. This administrative step we are seeking is the same one the City of Leon Valley took 30+ years ago.

Bus Service Snapshot

CURRENT SERVICE



Note: This map was made for conceptual purposes and it is subject to change.

MXD File: Bus_Service_Jan2024Map_LeonValley

Currently **220,630** boardings per year

Route #	Route/Line	Frequency
88	Bandera Frequent	20 mins
501	UTSA/Leon Valley	60 mins
534	Wurzbach Frequent	20 mins
552	Loop 410/ WW White Skip	15 mins
607	Med Center/Ingram	60 mins
609	Ingram/Mainland/ Med Center	60 mins

105 Stops

44 Sheltered Stops

VIAtrans Service Snapshot

CONNECTIONS TO THE NETWORK (TRIP ORIGINS AND DESTINATIONS)

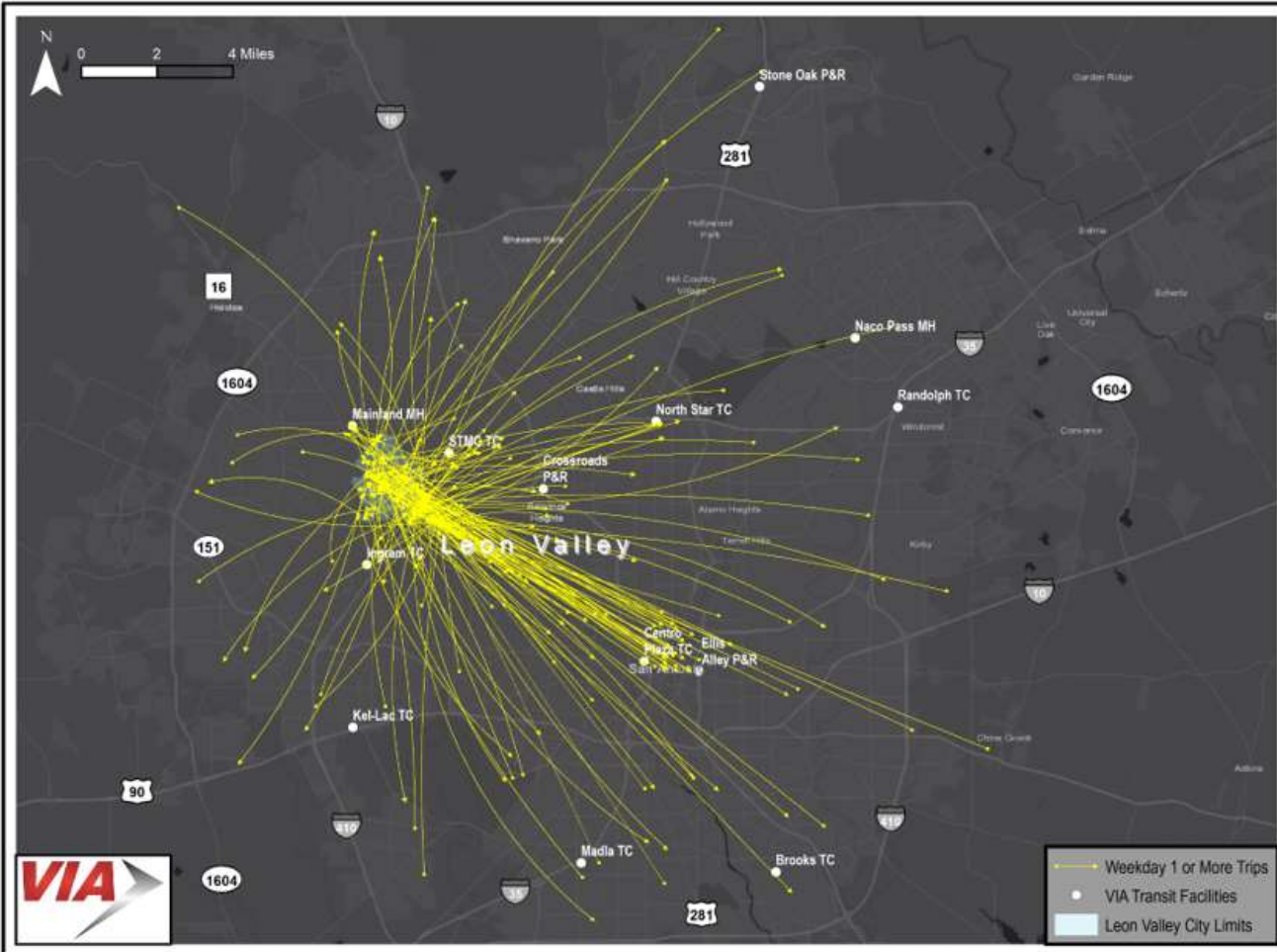
159 Active VIAtrans clients in Leon Valley

38,863 trips in 2023
31,649 trips in FY 2022
28,508 trips in FY 2021

▪ \$23.91 Cost per trip

Popular trip destinations include:

- Dialysis Centers
- Senior Centers
- Medical Facilities
- Grocery Stores
- Shopping Centers
- Schools



Date Saved: 1/31/2024 1:33:52 PM

MXD File: 0/02023_OrignDestination_LeonValley

Government Relations

Chief Government & External Affairs Officer:

Tom Marks tom.marks@viainfo.net

Manager of Governmental Relations:

Eloy LaQue eloy.laque@viainfo.net

Government Relations Coordinator Leon Valley :

Tiffany Covington tiffany.covington@viainfo.net

MAYOR AND COUNCIL COMMUNICATION

DATE: April 16, 2024

TO: Mayor and Council

FROM: Sandra Passailaigue, City Secretary

THROUGH: Dr. Crystal Caldera, City Manager

SUBJECT: Discussion and Possible Action on a Resolution Removing Benjamin Alterman from the Economic and Community Development Advisory Committee.

SPONSOR(S): (N/A)

PURPOSE & BACKGROUND

This agenda item will allow the City Council to consider a resolution removing Benjamin Alterman from the Economic and Community Development Advisory Committee.

Mr. Alterman does not meet the requirements to serve on this committee.

Sec. 1.06.009 - Economic and community development advisory committee (ECDAC)

A. Membership (4) *Where practical, committee members shall consist of both Leon Valley residents or Leon Valley business owners who live and/or work in Leon Valley and have knowledge in the area of economic and community development.*

RECOMMENDATION

City Council Discretion.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

RESOLUTION NO. 24-00_R

RESOLUTION REMOVING BENJAMIN ALTERMAN FROM THE ECONOMIC AND COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, THAT:

The following individual is hereby removed from the **Economic and Community Development Advisory Committee**:

Benjamin Alterman – Member

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS:

That the removal of the aforementioned individual to the Economic and Community Development Advisory Committee be effective immediately.

PASSED, ADOPTED, AND APPROVED by the City Council of the City of Leon Valley on this the 16th day of April, 2024.

APPROVED

CHRIS RILEY
MAYOR

Attest: _____
SAUNDRA PASSAILAGUE, TRMC
City Secretary

Approved as to Form: _____
ART RODRIGUEZ
City Attorney

MAYOR AND COUNCIL COMMUNICATION

DATE: April 16, 2024
TO: Mayor and Council
FROM: Melinda Moritz, Public Works Director
THROUGH: Crystal Caldera, Ph.D., City Manager
SUBJECT: Presentation and Discussion to Consider Approval of an Ordinance Authorizing a Budget Adjustment from the General Fund Reserve in the Amount of \$84,232.00 for Repairs to the Kinman House Foundation and the Police Department Sally Port Roof.

SPONSOR(S): None

PURPOSE & BACKGROUND

The purpose of this item is to approve an Ordinance authorizing a budget adjustment in the amount of \$84,235.00 from the General Fund Reserve for repairs to the Kinman House foundation and for the Police Department sally port roof.

Kinman House Foundation Repairs

The Kinman House was originally built in the 1930's and is on a pier and beam foundation. The home was purchased by the City and renovated to become offices for the Economic Development Director and staff. After several years, that office was moved to City Hall, and the structure remained vacant for a period of years. The building was then renovated on the interior to support a commercial kitchen. In the processing of performing make ready services for a new tenant, staff discovered the foundation was sinking. An engineer was consulted, and it was discovered that the foundation needs new piers and a portion of nearby tree roots need to be cut out to preserve the building. Staff is requesting a budget adjustment of \$37,307.00, which includes \$4,866.00 (15%) for any contingencies.

Police Department Sally Port Roof and Structure

City Hall was remodeled in 2016; however the portion of roof above the sally port remained. A new type of roofing material was installed, but it did not have the required water proofing. Due to the subsequent leaks, the beams and plywood under the roof have been subjected to repeated water damage and must be replaced. In addition, the type of roofing material also needs replacing, as it is a crimped R-Panel missing the closure strips and is more commonly used for wall construction. A contractor was consulted, and they

have recommended that they remove the existing gutter system, replace all damaged roof decking and plywood, replace the existing metal panel roofing material with a new Standing Seam metal panel roof system, and then waterproof the plywood decking, paint the stucco finish with elastomeric exterior grade paint and install the gutters. Staff is requesting a budget adjustment for this work in the amount of \$46,925, which includes \$6,121.00 (15%) for contingencies.

Fiscal Impact

Kinman House Foundation Repairs

Cost for Project	\$32,441.14
Contingency (15%)	<u>\$ 4,866.00</u>
Total	\$37,307.00

Police Department Sally Port

Cost for Project	\$40,804.33
Contingency (15%)	<u>\$ 6,121.00</u>
Total	\$46,925.00

Total Budget Adjustments: \$84,232.00

The General Fund Reserve had a balance of \$5,919,097 as of 9/30/23.

Recommendation

Staff recommends approval.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

AN ORDINANCE OF THE CITY OF LEON VALLEY, TEXAS CITY COUNCIL AUTHORIZING A FISCAL YEAR 2023-2024 GENERAL FUND BUDGET ADJUSTMENT IN THE AMOUNT OF \$84,232.00 TO THE PUBLIC WORKS BUDGET FOR THE PURPOSE OF FUNDING REPAIRS TO THE KINMAN HOUSE FOUNDATION AND TO THE POLICE DEPARTMENT SALLY PORT; PROVIDING FOR REPEALER, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City is responsible for the maintenance of its buildings and budgets annually for minor repairs to all facilities and had budgeted an estimated amount for the possibility of needed repairs at each facility in its FY 2023-2024 General Fund budget; and

WHEREAS, it was discovered that the Kinman House, an almost 100-year-old building, has a failing foundation and needs repairs that go beyond minor rehabilitation; and

WHEREAS, it was discovered that the Police Department sally port roof was not properly constructed, which led to severe water damage and now needs to be replaced; and

WHEREAS, it is necessary to adjust the Public Works Fund Budget in the amount of \$84,232.00 in order to fund these repairs;

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

SECTION 1. The City's General Fund budget is hereby adjusted in the amount of \$84,232.00 to fund the repairs to both the Kinman House foundation and the Police Department sally port roof.

SECTION 2. The financial allocations in this Ordinance are subject to approval by the Director of Finance. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific accounts as necessary to carry out the purpose of this Ordinance.

SECTION 3. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

SECTION 4. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.

SECTION 5. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED by the City Council of the City of Leon Valley this the 16th day of April, 2024.

APPROVED

CHRIS RILEY, MAYOR

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

APPROVED AS TO FORM:

City Attorney

Consider Approval of an Ordinance
Budget Adjustment
Kinman House Foundation
Police Department Sally Port Roof

City Council Meeting

April 16, 2024

Melinda Moritz, Public Works Director

Summary

- Question
 - City Council is being asked to consider approval of an Ordinance authorizing a budget adjustment in the amount of \$84,232.00 from the General Fund Reserve to fund Kinman House foundation and the Police Department sally port repairs
- Options
 - Approve the adjustment
 - Deny the adjustment
- Declaration
 - Staff recommends approval of the budget adjustment

Purpose

- Consider approval of an Ordinance
- Authorizing a budget adjustment (\$84,232) from the General Fund Reserve
- For Kinman House foundation and Police Department sally port roof repairs

Purpose

- Kinman House Foundation
 - Building is almost 100 years old
 - Foundation is sinking from age, water, and from nearby tree root invasion
 - Needs new piers, cut tree roots
- Police Department Sally Port
 - This portion of structure is original to 1973 construction
 - Roof not properly installed
 - Needs new decking, interior plywood, roof system, and then paint

Fiscal Impact

- Kinman House Foundation Repairs
 - Cost for Project \$32,441.14
 - Contingency (15%) \$ 4,866.00
 - **Total** **\$37,307.00**
- Police Department Sally Port Roof Repairs
 - Cost for Project \$40,804.33
 - Contingency (15%) \$ 6,121.00
 - **Total** **\$46,925.00**
- Total Budget Adjustment: \$84,232.00
- Funds would come from the General Fund Reserve, which had a balance of \$5,919,097 as of 9/30/23

Recommendation

- Staff recommends:
 - Approval of an Ordinance authorizing a budget adjustment in the amount of \$84,232.00
 - To fund repairs to both buildings

MAYOR AND COUNCIL COMMUNICATION

DATE: April 16, 2024
TO: Mayor and Council
FROM: Mindy Teague, Planning and Zoning Director
THROUGH: Dr. Crystal Caldera, City Manager

SUBJECT: Presentation, Discussion and Possible Action to Approve an Ordinance Requesting a Specific Use Permit (SUP) for the use “Firearms and/or Ammunition” in a B-3 Commercial District, Being Lot 4, Block 1, CB 4428 H, Located 5405 Bandera Ste 101, Leon Valley, Texas

PURPOSE

The purpose of this item is to consider a request for an SUP to allow the sale of firearms, ammunition, and law enforcement equipment in a B-3 zoning district located at 5405 Bandera Ste 101, Leon Valley, Texas.

BACKGROUND

Chapter 15 – Zoning Article 15.02 – Zoning Ordinance – Division 7 – Permitted Use Table – Sec. 15.02.381 Permitted Use Table states that a Specific Use Permit is required in the B-3 zoning district for the use “Firearms and/or ammunition”.

This is an existing building and suite, and the applicant will not be making any changes to the site. The applicant does not sell to the general public – just first responders. The applicant will be required to obtain a Certificate of Occupancy prior to operating the business.

Notification

Notification letters mailed	12
Received in favor	0
Received in opposition	0
Returned undeliverable	1

FISCAL IMPACT:

The applicant has paid all fees associated with the processing of this request. The approval will increase sales taxes in the city.

RECOMMENDATION

At Council’s Discretion

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

ORDINANCE NO. 24-__

AN ORDINANCE GRANTING SPECIFIC USE PERMIT #PZ-2024-8 TO ALLOW THE SALE OF FIREARMS, AMMUNITION, AND LAW ENFORCEMENT EQUIPMENT IN A B-3 COMMERCIAL ZONING DISTRICT, BEING LOT 4, BLOCK 1, CB 4428H, LOCATED AT 5405 BANDERA RD., STE 101, LEON VALLEY, TEXAS; PROVIDING FOR REPEALER, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS Chapter 211 of the Vernon’s Local Government Code empowers cities 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, and welfare of the residents of the City; and

WHEREAS the Leon Valley Code of Ordinances Chapter 15 Zoning constitutes the City’s Zoning regulations and requires the property to be zoned in accordance with proper designations as defined by the City; and

WHEREAS the Planning and Zoning Commission of the City of Leon Valley provided adequate notice and held a public hearing in accordance with Chapter 15 of the Leon Valley Code of Ordinances; and

WHEREAS, the City Council, after proper notice and public hearing determined that the request is consistent and compatible with the surrounding zoning and with the City’s Future Land Use Plan, and

WHEREAS the City Council of the City of Leon Valley now desires to grant the Specific Use Permit, as requested at the subject location.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, THAT:

SECTION 1. The subject location – being specifically described as, BEING LOT 4, BLOCK 1, CB 4428H, located at 5405 Bandera Rd., STE 101, Leon Valley, Texas, is hereby approved.

SECTION 2. REPEALER CLAUSE. The provisions of the Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent by any other ordinance.

SECTION 3. SEVERABILITY CLAUSE. If any provision, section, sentence, clause, or phrase of this ordinance or application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Leon Valley City Council in adopting, and the Mayor in approving this Ordinance, that no portion thereof or provisions or regulation contained herein shall become inoperative or fall by reason of any unconstitutionally or invalidity of any portion, provision, or regulation.

SECTION 4. SAVINGS CLAUSE. The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION 5. NOTICE OF MEETING CLAUSE. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 6. EFFECTIVE DATE. This ordinance shall become effective on and after its passage, approval and publication as required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 19th day of April 2024.

APPROVED

CHRIS RILEY
MAYOR

Attest: _____
SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form: _____
ART RODRIGUEZ
City Attorney

ITEMS CORRESPONDING TO SCHEDULE B

THE SCHEDULE B ITEMS ARE THE SAME AS DESCRIBED IN THE TITLE COMMITMENT PROVIDED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. NCS-571737C1-DC72, DATED AUGUST 21, 2018.

- 1. The following restrictive covenants of record itemized below: Any covenants, conditions or restrictions indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin are hereby deleted to the extent such covenants, conditions or restrictions violate 42 USC 3604 (c). Volume 9100, Page 150, Deed and Plat Records, Bexar County, Texas. NOT SHOWN, IT IS A BLANKET AGREEMENT AND IS LOCATED ON THE SURVEYED PROPERTY. e. A 25 foot building setback line along the Evers Road and Bandera Road property line as set forth on the recorded plat and dedication. THIS EASEMENT IS LOCATED ON THE SURVEYED PROPERTY, PLOTTED AND SHOWN HEREON. f. Easement as shown on the recorded plat and dedication. Purpose: 14' Electric Overhead Easement Location: along the Evers Road and Bandera Road Property line THIS EASEMENT IS LOCATED ON THE SURVEYED PROPERTY, PLOTTED AND SHOWN HEREON. g. Easement as shown on the recorded plat and dedication. Purpose: 10' Sanitary Sewer Easement Location: As shown on Plat THIS EASEMENT IS LOCATED ON THE SURVEYED PROPERTY, PLOTTED AND SHOWN HEREON. h. Easement as shown on the recorded plat and dedication. Purpose: 10' Gas Easement Location: As shown on Plat THIS EASEMENT IS LOCATED ON THE SURVEYED PROPERTY, PLOTTED AND SHOWN HEREON. i. Easement Purpose: Right-of-Way for gas and water facilities Recorded: March 31, 1982 in Volume 2553, Page 329, of the Official Public records, of Bexar County, Texas. THIS EASEMENT IS LOCATED ON THE SURVEYED PROPERTY, PLOTTED AND SHOWN HEREON. j. Easement Purpose: Ingress/egress, firelane and utility easement Recorded: May 26, 1983 in Volume 2841, Page 1538 amended filed of record July 01, 1983 in Volume 2866, Page 981 and March 28, 1985 in Volume 3359, Page 962, of the Official Public records, of Bexar County, Texas. THIS EASEMENT IS LOCATED ON THE SURVEYED PROPERTY, PLOTTED AND SHOWN HEREON.

SCHEDULE B ITEMS 2 THROUGH 9 & 10a THROUGH 10d, 10i, 10m ARE NOT SURVEY RELATED

ZONING INFORMATION

THE SURVEYED PROPERTY IS ZONED "B-3" - COMMERCIAL ZONING DISTRICT, CITY OF LEON VALLEY, TEXAS.

FRONT SETBACK: 25 FEET REQUIRED SIDE SETBACK: 20 FEET REQUIRED FOR STREET SIDE/CORNER, 0 FEET REQUIRED FOR INTERIOR SIDE REAR SETBACK: 0 FEET REQUIRED

HEIGHT RESTRICTIONS: NONE

MAXIMUM LOT COVERAGE: MAXIMUM BUILDING COVERAGE REQUIREMENTS ARE NOT SET FORTH IN THE ORDINANCE FOR PROPERTIES LOCATED WITHIN THE B-3 COMMERCIAL ZONING DISTRICT.

PARKING REQUIREMENTS (FORMULA): ACCORDING TO SECTION 15.02.441, 241.4 SPACES ARE REQUIRED FOR THE OFFICE SPACE AND 90.5 SPACES ARE REQUIRED FOR THE WAREHOUSE SPACE, FOR A TOTAL OF 332 SPACES. IN ADDITION, ONE PARKING SPACE PER FIVE EMPLOYEES IS REQUIRED. UPON CONFIRMATION OF THE NUMBER OF EMPLOYEES, AN AMENDED REPORT WILL BE SENT TO THE CLIENT.

THE ZONING INFORMATION SHOWN ABOVE WAS OBTAINED FROM AEI CONSULTANTS ZONING REPORT DATED NOVEMBER 10, 2018, PROJECT NO. 396470, PURSUANT TO TABLE A 6A.

VICINITY MAP - NOT TO SCALE



MISCELLANEOUS NOTES

- MN1 TABLE A 2: AN ADDRESS OF 5405 BANDERA ROAD WAS POSTED ON THE SURVEYED PROPERTY.
MN2 TABLE A 4: THE SURVEYED PROPERTY CONTAINS AN AREA OF 8.00± ACRES (348,369± SQUARE FEET), MORE OR LESS.
MN3 TABLE A 6b: THE INFORMATION SHOWN HEREON WAS TAKEN FROM THE REFERENCED RECORDED PLAN(S) AND MAY NOT BE THE CURRENT STANDARD OR HOW THE STANDARD IS INTERPRETED BY THE TOWNSHIP, COUNTY AND STATE. THE SETBACKS SHOWN (IF ANY) MAY NOT REFLECT THE ZONING REQUIREMENTS AT THE TIME OF CONSTRUCTION, IF ANY WERE REQUIRED AT THAT TIME.
MN4 TABLE A 8: ONLY OBSERVABLE SURFACE AND ABOVE GROUND STRUCTURES WERE LOCATED. NO UNDERGROUND IMPROVEMENTS, SUCH AS FOUNDATION FOOTINGS, WERE LOCATED. SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY. ALL DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.
MN5 TABLE A 9: THERE ARE 277 STRIPED REGULAR PARKING SPACES AND 7 STRIPED HANDICAPPED PARKING SPACES FOR A TOTAL OF 284 STRIPED PARKING SPACES ON THE SURVEYED PROPERTY.
MN6 TABLE A 10A: NO DIVISION OR PARTY WALLS WERE DESIGNATED BY THE CLIENT OR LOCATED BY SURVEYOR WITH RESPECT TO ADJOINING PROPERTIES.
MN7 TABLE A 16: AT THE TIME OF SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION, BUILDING ADDITIONS.
MN8 TABLE A 17: AT THE TIME OF SURVEY, THE SURVEYOR WAS UNAWARE OF ANY PROPOSED CHANGES IN STREET RIGHT OF WAY LINES OR OBSERVABLE EVIDENCE OF STREET OR SIDEWALK REPAIRS.
MN9 TABLE A 18: THE SURVEYOR WAS NOT PROVIDED ANY DOCUMENTATION, WAS NOT MADE AWARE AND DID NOT OBSERVE ANY GROUND MARKINGS ON THE SURVEYED PROPERTY WITH REGARDS TO WETLANDS ON THE SURVEYED PROPERTY. NO ENVIRONMENTAL ASSESSMENT OR AUDIT WAS PERFORMED ON THE SURVEYED PROPERTY BY THE SURVEYOR.
MN10 TABLE A 19: THERE ARE NO OFFSITE EASEMENTS OR SERVITUDE BENEFITING THE SURVEYED PROPERTY THAT WERE DISCLOSED IN THE RECORD DOCUMENTS PROVIDED TO THE SURVEYOR OR WERE OBSERVED IN THE PROCESS OF CONDUCTING THE SURVEY.
THE SURVEYED PROPERTY HAS ACCESS TO BANDERA ROAD, A 120 FOOT WIDE DEDICATED PUBLIC RIGHT-OF-WAY AND EVERS ROAD A 60 FOOT WIDE DEDICATED PUBLIC RIGHT-OF-WAY, AS SHOWN HEREON.
MN11 OWNERSHIP OF FENCES, IF ANY, WAS NOT DETERMINED UNDER THE SCOPE OF THIS SURVEY. THERE ARE NO GAPS, GORES, OVERLAPS OR HIATUS INHERENT TO THE SURVEYED PROPERTY BASED ON THE FIELD SURVEY PERFORMED AND THE TITLE COMMITMENTS PROVIDED.
MN12 BEARINGS SHOWN HEREON ARE BASED ON THE NORTH RIGHT OF WAY LINE OF BANDERA ROAD, BEXAR COUNTY, TEXAS TO BEAR N 67°25'37" W, AS SHOWN HEREON.
MN13 THIS SURVEY IS NOT INTENDED FOR CONSTRUCTION OR CONSTRUCTION DESIGN PURPOSES.
MN14 THIS SURVEY CONFORMS TO THE TEXAS SOCIETY OF PROFESSIONAL SURVEYORS FOR A BOUNDARY SURVEY UNDER CATEGORY 1-A URBAN SURVEY.
MN15 CALCULATED SQUARE FOOTAGE OF THE BUILDING DOES NOT ACCOUNT FOR THE THICKNESS OF WALLS AND INTERIOR FRAMING AND IS NOT TO BE USED FOR THE INTERIOR SQUARE FOOTAGE CALCULATION.
MN16 SURVEYOR NOT LIABLE FOR UTILITIES OBSTRUCTED OR COVERED FROM VIEW.
THIS SURVEY IS BASED UPON THE TITLE COMMITMENT REFERENCED HEREON. THE SURVEYOR IS NOT RESPONSIBLE FOR DOCUMENTS OF RECORD NOT INCLUDED IN THE COMMITMENT PROVIDED.
MN18 ENTRY INTO SANITARY AND STORM STRUCTURES REQUIRES A CONFINED SPACE PERMIT WHICH IS NOT INCLUDED IN THE SCOPE OF WORK.
MN21 AT THE TIME OF SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A BURIAL GROUND OR CEMETERY.
MN22 BUILDING HEIGHT DOES NOT TAKE IN TO ACCOUNT HEIGHT OF PARAPET WALLS.
MN23 ONLY VISIBLE ABOVE GROUND EVIDENCE OF IMPROVEMENTS AND UTILITIES WERE LOCATED BY SURVEYOR. UNDERGROUND UTILITIES SHOWN HEREON PER RECORD INFORMATION.
MN24 BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, COMMUNITY NUMBER 48029C, MAP NUMBER 0380-G WHICH BEARS AN EFFECTIVE DATE OF SEPTEMBER 29, 2010, THE SURVEYED PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA ACCORDING TO THE MAP. THE FLOOD ZONE CLASSIFICATION(S) FOR THE SURVEYED PROPERTY IS X.

LEGEND OF SYMBOLS & ABBREVIATIONS

- POWER POLE, LIGHT POLE, GUY WIRE, ELECTRIC MANHOLE, ELECTRIC METER, ELECTRIC VAULT, TRANSFORMER, AIR CONDITIONER UNIT, TELEPHONE MANHOLE, TELEPHONE PEDESTAL, CABLE BOX, STORM DRAIN MANHOLE, STORM DRAIN INLET, STORM PIPE, GREASE TRAP, #5 REBAR WITH B/C CAP SET UNLESS OTHERWISE NOTED, TRAFFIC SIGNAL BOX, SIGNAL LIGHT POLE, SIGNAL LIGHT, SIGN (AS NOTED), TOWER, MONITORING WELL, FLAG POLE, WATER VALVE, FIRE HYDRANT, SIAMISE FIRE HYDRANT, WATER MANHOLE, BACKFLOW PREVENTER, WATER METER, WELL HEAD, POINT OF ACCESS, CONCRETE HATCH, SANITARY MANHOLE, CLEAN OUT, GAS MANHOLE, GAS VALVE, GAS METER, HANDICAPPED PARKING, MITERED END SECTION, BENCHMARK, (R) RECORD, (M) MEASURED, (C) CALCULATED, VOL VOLUME, PG PAGE, O.R. OFFICIAL RECORDS, P.B. PLAT BOOK, CMP CORRUGATED METAL PIPE, OVERHEAD WIRES, UNDERGROUND ELECTRIC LINE, GAS LINE, WATER LINE, STORM DRAIN LINE, SEWER LINE, BOUNDARY LINE, ORIGINAL BOUNDARY LINE

FLOOD NOTE

PURSUANT TO TABLE A 3, DEPICTED BY SCALED MAP LOCATION AND GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 48029C-0380-G, WHICH BEARS AN EFFECTIVE DATE OF SEPTEMBER 29, 2010 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON THE FEMA WEBSITE (HTTP://MSC.FEMA.GOV) BY FIRMETTE CREATED ON NOVEMBER 2, 2018 WE HAVE LEARNED THIS COMMUNITY DOES CURRENTLY PARTICIPATE IN THE PROGRAM. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE AND AN ELEVATION CERTIFICATE MAY BE NEEDED TO VERIFY THIS DETERMINATION OR APPLY FOR A VARIANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

PROJECT REVISION RECORD

Table with 4 columns: DATE, DESCRIPTION, DATE, DESCRIPTION. Includes entries for 11/02/2018 (FIRST DRAFT), 11/05/2018 (NETWORK COMMENTS), and 11/24/2018 (ZONING, CERTIFICATION).

SIGNIFICANT OBSERVATIONS

A NONE APPARENT

LEGAL

THE USE OF THIS DOCUMENT'S FORMAT IS STRICTLY PROHIBITED AND CONTINGENT UPON THE WRITTEN CONSENT AND PERMISSION OF BOCK & CLARK CORP. © 2018 BOCK AND CLARK CORP. THIS SURVEY WAS PREPARED FOR THE PURPOSE OF THIS REAL ESTATE TRANSACTION ONLY AND NO FURTHER PARTIES OTHER THAN THOSE CERTIFIED ABOVE SHALL RELY ON IT FOR ANY OTHER PURPOSE OR TRANSACTION

RECORD DESCRIPTION

LOT 4, BLOCK 1, WEST LOOP PARK, CITY OF LEON VALLEY, AN ADDITION IN BEXAR COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 9100, PAGE 150, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST SOUTHERLY CORNER OF LOT 4, SAID POINT BEING NORTH 67 DEGREES 03 MINUTES 09 SECONDS WEST, 522.91 FEET FROM THE POINT OF INTERSECTION OF THE NORTHEAST LINE OF BANDERA ROAD AND THE NORTHWEST LINE OF HODGES DRIVE; THENCE NORTH 67 DEGREES 25 MINUTES 37 SECONDS WEST, 208.69 FEET ALONG THE NORTHEAST LINE OF BANDERA ROAD TO A FOUND TND MONUMENT FOR AN ANGLE POINT; THENCE NORTH 67 DEGREES 07 MINUTES 44 SECONDS WEST, 69.71 FEET ALONG THE NORTHEAST LINE OF BANDERA ROAD TO AN IRON PIN FOUND FOR THE SOUTHWEST CORNER OF LOT 4; THENCE ALONG THE WESTERLY LINE OF LOT 4, THE FOLLOWING COURSES AND DISTANCES: NORTH 30 DEGREES 52 MINUTES 54 SECONDS EAST, 806.84 FEET TO A FOUND IRON PIN, NORTH 61 DEGREES 37 MINUTES 28 SECONDS WEST, 67.49 FEET TO A FOUND IRON PIN, NORTH 44 DEGREES 16 MINUTES 59 SECONDS EAST, 493.79 FEET TO AN IRON PIN IN THE SOUTHWEST LINE OF EVERS ROAD FOR THE NORTHWEST CORNER OF LOT 4; THENCE SOUTH 48 DEGREES 44 MINUTES 00 SECONDS EAST, 232.74 FEET ALONG THE SOUTHWEST LINE OF EVERS ROAD TO AN IRON PIPE FOUND FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT; THENCE ALONG THE EASTERLY LINE OF LOT 4, THE FOLLOWING COURSES AND DISTANCES: SOUTH 30 DEGREES 57 MINUTES 36 SECONDS WEST, 893.00 FEET TO A FOUND IRON PIN, SOUTH 30 DEGREES 37 MINUTES 51 SECONDS WEST, 159.42 FEET TO A FOUND IRON PIN, SOUTH 30 DEGREES 54 MINUTES 31 SECONDS WEST, 349.99 FEET TO A FOUND IRON PIPE, SAID IRON PIPE BEING THE POINT OF BEGINNING. THE LANDS SURVEYED, SHOWN AND DESCRIBED HEREON ARE THE SAME LANDS AS DESCRIBED IN THE TITLE COMMITMENT PROVIDED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. NCS-571737C1-DC72, DATED AUGUST 21, 2018.

ALT/ANSPS LAND TITLE SURVEY

for Sealy

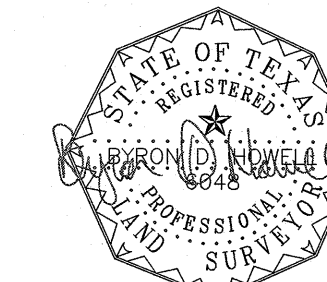
5405 Bandera Road, Leon Valley, TX 78238

Based on First American Title Insurance Company Commitment No. NCS-571737C1-DC72 bearing an effective date of August 21, 2018

Surveyor's Certification

To: West Loop Distribution Center EPA, LLC, a Delaware limited liability company; East West Bank, and its successors and/or assigns; Bentley Holding Company, LLC; Entrada Partners; First American Title Insurance Company and Bock & Clark Corporation.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALT/ANSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 10(a), 13, 14, 16, 17, 18, 19 and 20 of Table A thereof. The fieldwork was completed on October 31, 2018.

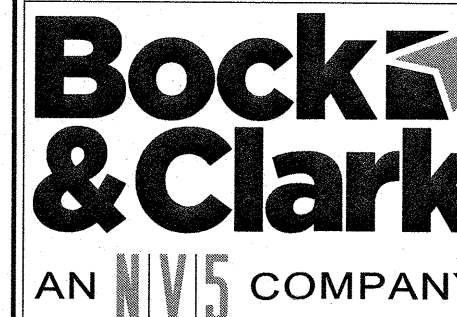


BYRON D. HOWELL, REGISTRATION NO. 6048 IN THE STATE OF TEXAS, EXPIRATION DATE: 12-31-2019, FIRM REGISTRATION NUMBER 10116902, DATE OF FIELD SURVEY: OCTOBER 31, 2018, DATE OF LAST REVISION: NOVEMBER 26, 2018, NETWORK PROJECT NO. 201804648-1

SURVEY PERFORMED BY: BOCK & CLARK CORP., 501 THOMSON PARK DRIVE, CRANBERRY TOWNSHIP, PA 15066, PHONE: (800) 787-8394 FAX: (724) 834-0062, EMAIL: DPETERSON@BOCKANDCLARK.COM, EMAIL: BHOWELL@BOCKANDCLARK.COM

THIS SURVEY IS CERTIFIED TO DATE OF FIELD SURVEY, NOT DATE OF SIGNATURE. NOT VALID UNLESS SIGNED, DATED AND STAMPED WITH SURVEYOR'S SEAL.

SHEET 1 OF 2



National Coordinators 1-(800)-SURVEYS (787-8397) Bock & Clark Corporation 3550 W. Market Street, Suite 200, Akron, Ohio 44333 maywehelpyou@bockandclark.com www.bockandclark.com

SURVEY • ZONING • ENVIRONMENTAL • ASSESSMENT

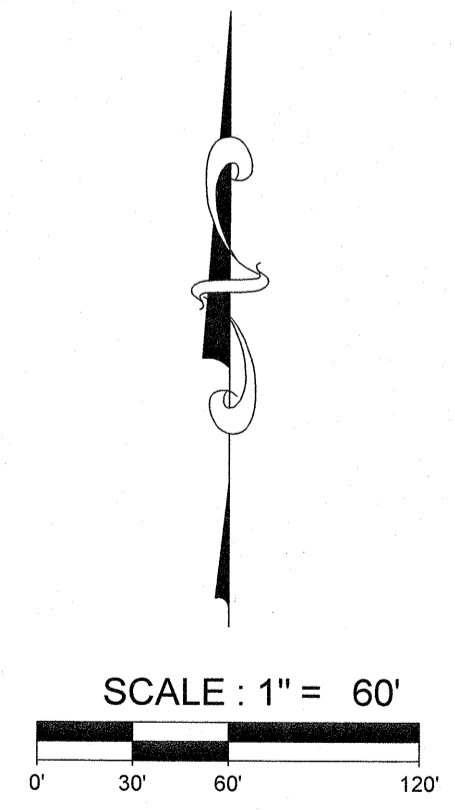
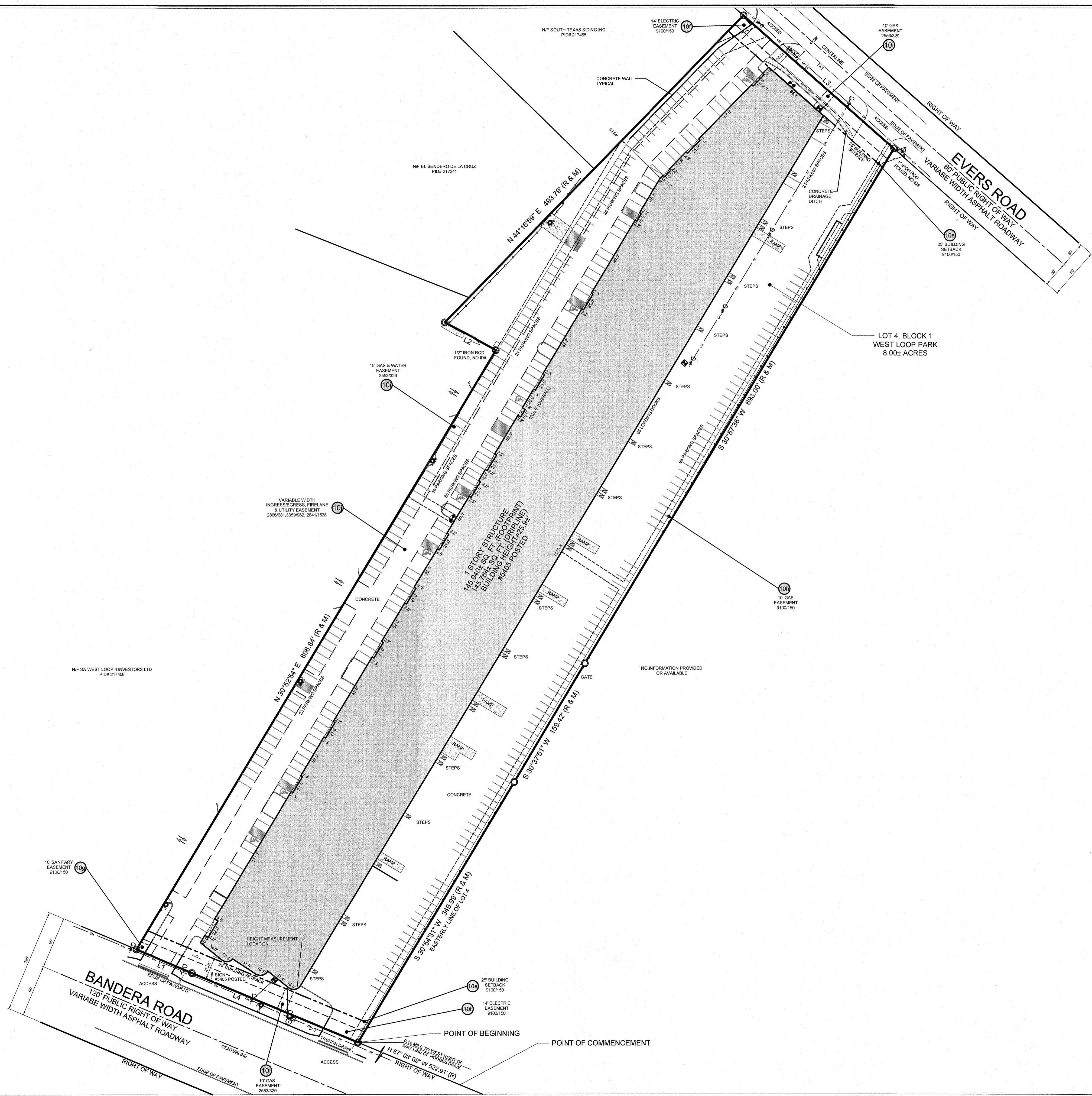
LEGEND OF SYMBOLS & ABBREVIATIONS

- POWER POLE
- LIGHT POLE
- GUY WIRE
- ELECTRIC MANHOLE
- ELECTRIC METER
- ELECTRIC VAULT
- TRANSFORMER
- AIR CONDITIONER UNIT
- TELEPHONE MANHOLE
- TELEPHONE PEDESTAL
- CABLE BOX
- STORM DRAIN MANHOLE
- STORM DRAIN INLET
- STORM PIPE
- GREASE TRAP
- #5 REBAR WITH B/C CAP SET UNLESS OTHERWISE NOTED
- TRAFFIC SIGNAL BOX
- SIGNAL LIGHT POLE
- SIGNAL LIGHT
- VAULT
- SIGN (AS NOTED)
- TOWER
- MONITORING WELL
- FLAG POLE
- WATER VALVE
- FIRE HYDRANT
- SIAMESE FIRE HYDRANT
- WATER MANHOLE
- BACKFLOW PREVENTER
- WATER METER
- WELL HEAD
- POINT OF ACCESS
- CONCRETE HATCH
- SANITARY MANHOLE
- CLEAN OUT
- GAS MANHOLE
- GAS VALVE
- GAS METER
- HANDICAPPED PARKING
- MITERED END SECTION
- BENCHMARK
- RECORD
- MEASURED
- CALCULATED
- VOLUME
- PAGE
- OFFICIAL RECORDS
- PLAT BOOK
- CORRUGATED METAL PIPE

LINE TABLE

LINE	LENGTH	BEARING
L1(R & M)	69.71	N67°07'44"W
L2(R & M)	67.49	N61°37'28"W
L3(R & M)	232.74	S48°44'00"E
L4(R & M)	208.69	N67°25'37"W

BASIS OF BEARING



SHEET 2 OF 2

Bock & Clark AN NIVIS COMPANY

ALTA/NSPS LAND TITLE SURVEY
 PREPARED FOR
SEALY
 DATE OF FIELD SURVEY: OCTOBER 31, 2018
 NETWORK PROJECT NUMBER: 201804648-1
1-(800)-SURVEYS (787-8397)
 maywehelpyou@bockandclark.com www.bockandclark.com

SURVEY • ZONING • ENVIRONMENTAL • ASSESSMENT

WEST LOOP BUSINESS PARK

5405 Bandera Road | San Antonio, TX 78238

FOR LEASE
{Section}.78.



AVAILABILITY

MOVE-IN READY CONDITION

- » Suite 101: ±13,236 SF
(Demisable Option Available)

TERMS

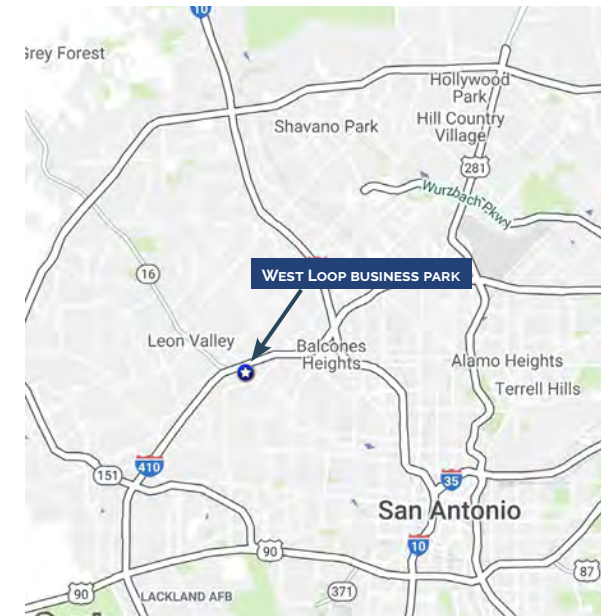
- » Lease Rate: \$8.50-\$10.50 NNN
- » Annual OPEX: \$3.35 PSF

HVAC

Landlord assumes all HVAC responsibility: \$0.25 PSF

BUILDING FEATURES

- » Building Size: ±146,168 SF
- » 22' clear height
- » Fully sprinklered
- » Grade level and dock high loading



FOR MORE
INFORMATION
PLEASE
CONTACT

Rob Burlingame, SIOR, CCIM
Senior Vice President
210.507.1123
rob.burlingame@cbre.com

Josh Aguilar, SIOR
Senior Vice President
210.253.6049
joshua.aguilar@cbre.com

Justin Roberts
Vice President
210.841.3228
justin.roberts@cbre.com

Brad O'Neill
Senior Associate
210.253.6070
brad.oneill@cbre.com

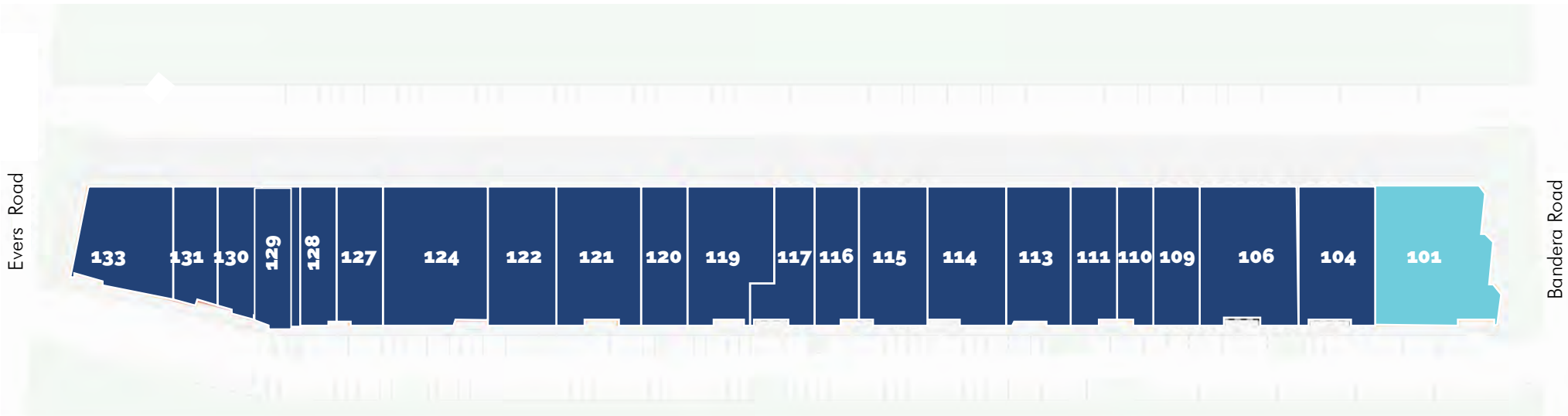


WEST LOOP BUSINESS PARK

5405 Bandera Road | San Antonio, TX 78238

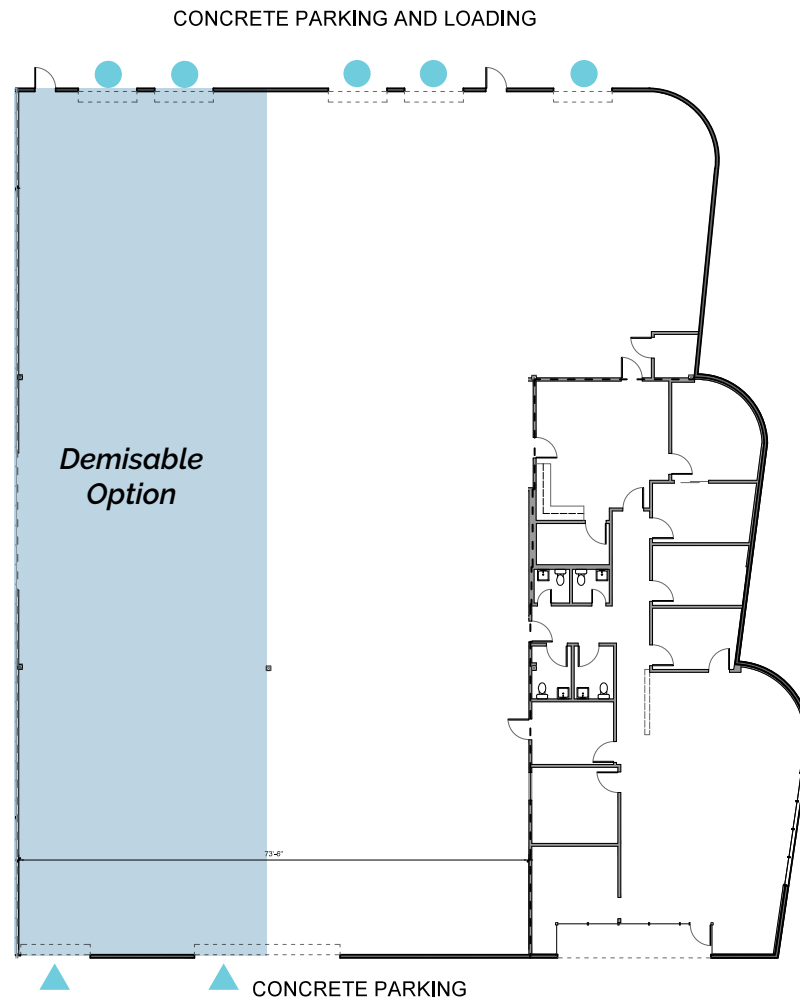
FOR LEASE
{Section}.78.

Legend		Suite #	SF
■	Leased	101	±5,000- ±13,236 SF
■	Available		



SUITE 101

Suite 101
±13,236 SF
(total)



LEGEND	SUITES	SF	RATE	BUILD OUT	LOADING	COMMENTS
<ul style="list-style-type: none"> ● Dock High Doors ▲ Drive-in Door 	101	±5,000 - ±13,236 SF	\$8.50 - \$10.50	±2,794 SF Office ±10,442 SF Warehouse	5 Dock High Doors 2 Drive-in Doors	Available Now

WEST LOOP BUSINESS PARK

5405 Bandera Road | San Antonio, TX 78238

FOR LEASE
{Section}.78.



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INFORMATION ABOUT BROKERAGE SERVICES



Texas law requires all real estate license holders to give the following information about brokerage services to prospective buyers, tenants, sellers and landlords.

TYPES OF REAL ESTATE LICENSE HOLDERS:

- A **BROKER** is responsible for all brokerage activities, including acts performed by sales agents sponsored by the broker.
- A **SALES AGENT** must be sponsored by a broker and works with clients on behalf of the broker.

A BROKER'S MINIMUM DUTIES REQUIRED BY LAW (A client is the person or party that the broker represents):

- Put the interests of the client above all others, including the broker's own interests;
- Inform the client of any material information about the property or transaction received by the broker;
- Answer the client's questions and present any offer to or counter-offer from the client; and
- Treat all parties to a real estate transaction honestly and fairly.

A LICENSE HOLDER CAN REPRESENT A PARTY IN A REAL ESTATE TRANSACTION:

AS AGENT FOR OWNER (SELLER/LANDLORD): The broker becomes the property owner's agent through an agreement with the owner, usually in a written listing to sell or property management agreement. An owner's agent must perform the broker's minimum duties above and must inform the owner of any material information about the property or transaction known by the agent, including information disclosed to the agent or subagent by the buyer or buyer's agent.

AS AGENT FOR BUYER/TENANT: The broker becomes the buyer/tenant's agent by agreeing to represent the buyer, usually through a written representation agreement. A buyer's agent must perform the broker's minimum duties above and must inform the buyer of any material information about the property or transaction known by the agent, including information disclosed to the agent by the seller or seller's agent.

AS AGENT FOR BOTH - INTERMEDIARY: To act as an intermediary between the parties the broker must first obtain the written agreement of each party to the transaction. The written agreement must state who

will pay the broker and, in conspicuous bold or underlined print, set forth the broker's obligations as an intermediary. A broker who acts as an intermediary:

- Must treat all parties to the transaction impartially and fairly;
- May, with the parties' written consent, appoint a different license holder associated with the broker to each party (owner and buyer) to communicate with, provide opinions and advice to, and carry out the instructions of each party to the transaction.
- Must not, unless specifically authorized in writing to do so by the party, disclose:
 1. that the owner will accept a price less than the written asking price;
 2. that the buyer/tenant will pay a price greater than the price submitted in a written offer; and
 3. any confidential information or any other information that a party specifically instructs the broker in writing not to disclose, unless required to do so by law.

AS SUBAGENT: A license holder acts as a subagent when aiding a buyer in a transaction without an agreement to represent the buyer. A subagent can assist the buyer but does not represent the buyer and must place the interests of the owner first.

TO AVOID DISPUTES, ALL AGREEMENTS BETWEEN YOU AND A BROKER SHOULD BE IN WRITING AND CLEARLY ESTABLISH:

- The broker's duties and responsibilities to you, and your obligations under the representation agreement.
- Who will pay the broker for services provided to you, when payment will be made and how the payment will be calculated.

LICENSE HOLDER CONTACT INFORMATION: This notice is being provided for information purposes. It does not create an obligation for you to use the broker's services. Please acknowledge receipt of this notice below and retain a copy for your records.

CBRE, Inc.	299995	texaslicensing@cbre.com	+1 210 225 1000
Licensed Broker/Broker Firm Name or Primary Assumed Business Name	License Number	Email	Phone
Michael Caffey	437641	michael.caffey@cbre.com	+1 214 979 6511
Designated Broker of Firm	License Number	Email	Phone
Gardner Peavy	473833	gardner.peavy@cbre.com	+1 210 253 6031
Licensed Supervisor of Sales Agent/Associate	License Number	Email	Phone
Rob Burlingame, SIOR, CCIM	492049	rob.burlingame@cbre.com	+ 210 507 1123
Sales Agent/Associate	License Number	Email	Phone

Buyer/Tenant/Seller/Landlord Initials

Date

03/14/2024

Mindy Teague
Planning and Zoning Director
City of Leon Valley
6400 El Verde Road
Leon Valley, Texas 78238

Re: Approval Letter – Kiesler Police Supply Special Use Permit (SUP) [PZ-2024-8]

Dear Ms. Teague:

We have reviewed the Special Use Permit (SUP) submittal for the Kiesler Police Supply facility. The permit application is complete; hence we recommend approval to go forward for P&Z consideration at the P&Z meeting on March 26, 2024, to advance the project.

If you have any questions, please feel free to contact me at (210) 822-2232.

Sincerely,
Ardurra (Formerly LNV, Inc)
TBPE Firm No. F-366



Ricardo J. Zamora, P.E., CFM
Senior Project Manager

PZ-2024-8
Specific Use Permit (SUP)
Firearm and/or Ammunition Sales
5405 Bandera Rd. Ste 101

Mindy Teague
Planning & Zoning Director
City Council Meeting
April 16, 2024

Purpose

- This is a request for a Specific Use Permit (SUP) to allow the use “Firearms and/or Ammunition”
- An SUP is required for this use in a B-3 Commercial zoned district, before a Certificate of Occupancy can be issued.
- This is an existing warehouse-type center, and the applicant will not be making any changes to the site
- The applicant intends to sell firearms, ammunition, and law enforcement equipment; however, they does not sell to the general public – just first responders

Aerial

WEST LOOP BUSINESS PARK

5405 Bandera Road | San Antonio, TX 78238

FOR LEASE



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CBRE | 200 Concord Plaza | Suite 800 | San Antonio, TX 78216 | www.cbre.com

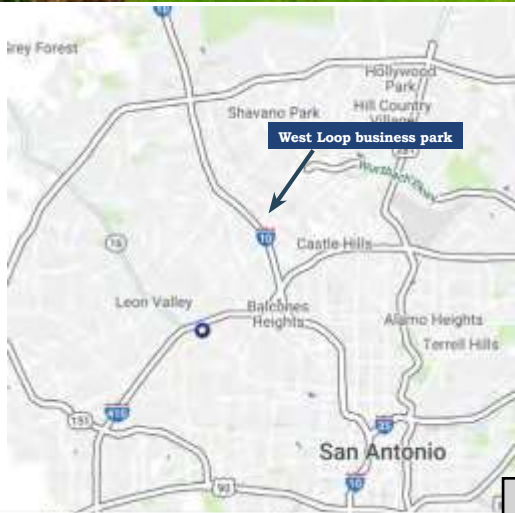


CBRE



Location

{Section}.78.



Notification

- 12 Letters were mailed to property owners within 200'. Staff received:
 1. 0 – In favor
 2. 0 - Opposed
 3. 1 - Undeliverable

Fiscal Impact

- All fees associated with this rezone request have been paid
- The approval of this permit will increase sales tax in the city

Recommendation

- At Council's Discretion

MAYOR AND COUNCIL COMMUNICATION

DATE: April 16, 2024

TO: Mayor and Council

FROM: Mindy Teague, Planning and Zoning Director

THROUGH: Dr. Crystal Caldera, City Manager

SUBJECT: Presentation, Discussion and Possible Action to Approve an Ordinance Requesting a Specific Use Permit (SUP) for the Construction and Operation of a “Car-Wash (Automatic)” on an Approximately 2.32-acre Tract of Vacant Land, Located in the 5400 Block of Grissom Road, Being Lots 4 and 5, Block 102, CB 4433, Timberhill Apartments Subdivision.

SPONSOR(S): N/A

PURPOSE & BACKGROUND

The property owner would like to construct an automatic carwash on the two vacant lots along Grissom Road adjacent to the U-Haul facility located at 5420 Grissom Road. According to Leon Valley City Code, Chapter 15, Division 12, Section 15.02.662, new construction that abuts residential zoning districts must obtain a specific use permit prior to issuance of a building permit and operation.

The site plan meets all requirements for parking, landscaping, traffic impact, and lighting. The owner will also be replatting the lots, as the planned structures will be crossing the lot lines.

FISCAL IMPACT

The new construction will increase both ad valorem and sales tax for Leon Valley.

RECOMMENDATION

At Council’s Discretion

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

ORDINANCE NO. 24-__

AN ORDINANCE GRANTING SPECIFIC USE PERMIT #PZ-2023-30 FOR THE CONSTRUCTION AND OPERATION OF A “CAR-WASH (AUTOMATIC)” ON AN APPROXIMATELY 2.32-ACRE TRACT OF VACANT LAND, LOCATED IN THE 5400 BLOCK OF GRISSOM ROAD, BEING LOTS 4 AND 5, BLOCK 102, CB 4433, TIMBERHILL APARTMENTS SUBDIVISION.; PROVIDING FOR REPEALER, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS Chapter 211 of the Vernon’s Local Government Code empowers cities 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, and welfare of the residents of the City; and

WHEREAS the Leon Valley Code of Ordinances Chapter 15 Zoning constitutes the City’s Zoning regulations and requires the property to be zoned in accordance with proper designations as defined by the City; and

WHEREAS the Planning and Zoning Commission of the City of Leon Valley provided adequate notice and held a public hearing in accordance with Chapter 15 of the Leon Valley Code of Ordinances; and

WHEREAS, the City Council, after proper notice and public hearing determined that the request is consistent and compatible with the surrounding zoning and with the City’s Future Land Use Plan, and

WHEREAS the City Council of the City of Leon Valley now desires to grant the Specific Use Permit, as requested at the subject location.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, THAT:

SECTION 1. The subject location – being specifically described as, located in the 5400 Block of Grissom Road, Being Lots 4 and 5, Block 102, CB 4433, Timberhill Apartments Subdivision., is hereby approved.

SECTION 2. REPEALER CLAUSE. The provisions of the Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent by any other ordinance.

SECTION 3. SEVERABILITY CLAUSE. If any provision, section, sentence, clause, or phrase of this ordinance or application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Leon Valley City Council in adopting, and the Mayor in approving this Ordinance, that no portion thereof or provisions or regulation contained herein shall become inoperative or fall by reason of any unconstitutionally or invalidity of any portion, provision, or regulation.

SECTION 4. SAVINGS CLAUSE. The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION 5. NOTICE OF MEETING CLAUSE. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 6. EFFECTIVE DATE. This ordinance shall become effective on and after its passage, approval and publication as required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 19th day of April 2024.

APPROVED

CHRIS RILEY
MAYOR

Attest: _____
SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form: _____
ART RODRIGUEZ
City Attorney

Grissom Rd Automatic Car Wash Parking Calculations			
	<u>Vacuums</u>	<u>Leon Valley Parking Req</u>	<u>Total Parking Requirement</u>
Car Wash Automatic	27	27	27
	<u>Vacuum Lanes</u>		
Vacuum Lane - Continuous	1	7	7
	Total Required		34
	Total Proposed on Site Plan		35
	<u># of Bays</u>	<u>Bay Stacking Reqd</u>	<u>Total Reqd</u>
Bay Stacking Requirements	1 Bay	1 in bay + 3 stacking	4
Bay Total Stacking Available			16
	<u># of Employees</u>	<u>Parking Reqd</u>	<u>Total Reqd</u>
Employee Requirements	5	5	5
Available Employee Spaces on Site plan			8

03/14/2024

Mindy Teague
Planning and Zoning Director
City of Leon Valley
6400 El Verde Road
Leon Valley, Texas 78238

Re: Approval Letter – Lot 4 & 5 Timberhill Apartment Special Use Permit (SUP) [PZ-2023-30]

Dear Ms. Teague:

We have reviewed the Special Use Permit (SUP) submittal for Lot 4 & 5 Timberhill Apartment. The latest submittal addresses our comments; hence we recommend approval to go forward for P&Z consideration at the P&Z meeting on March 26, 2024, to advance the project.

If you have any questions, please feel free to contact me at (210) 822-2232.

Sincerely,
Ardurra (Formerly LNV, Inc)
TBPE Firm No. F-366



Ricardo J. Zamora, P.E., CFM
Senior Project Manager

Specific Use Permit Request
Construction and Operation
Car Wash (Automatic)
PZ-2023-30
5400 Block of Grissom Rd

Mindy Teague
Planning & Zoning Director
City Council Meeting
April 16, 2024

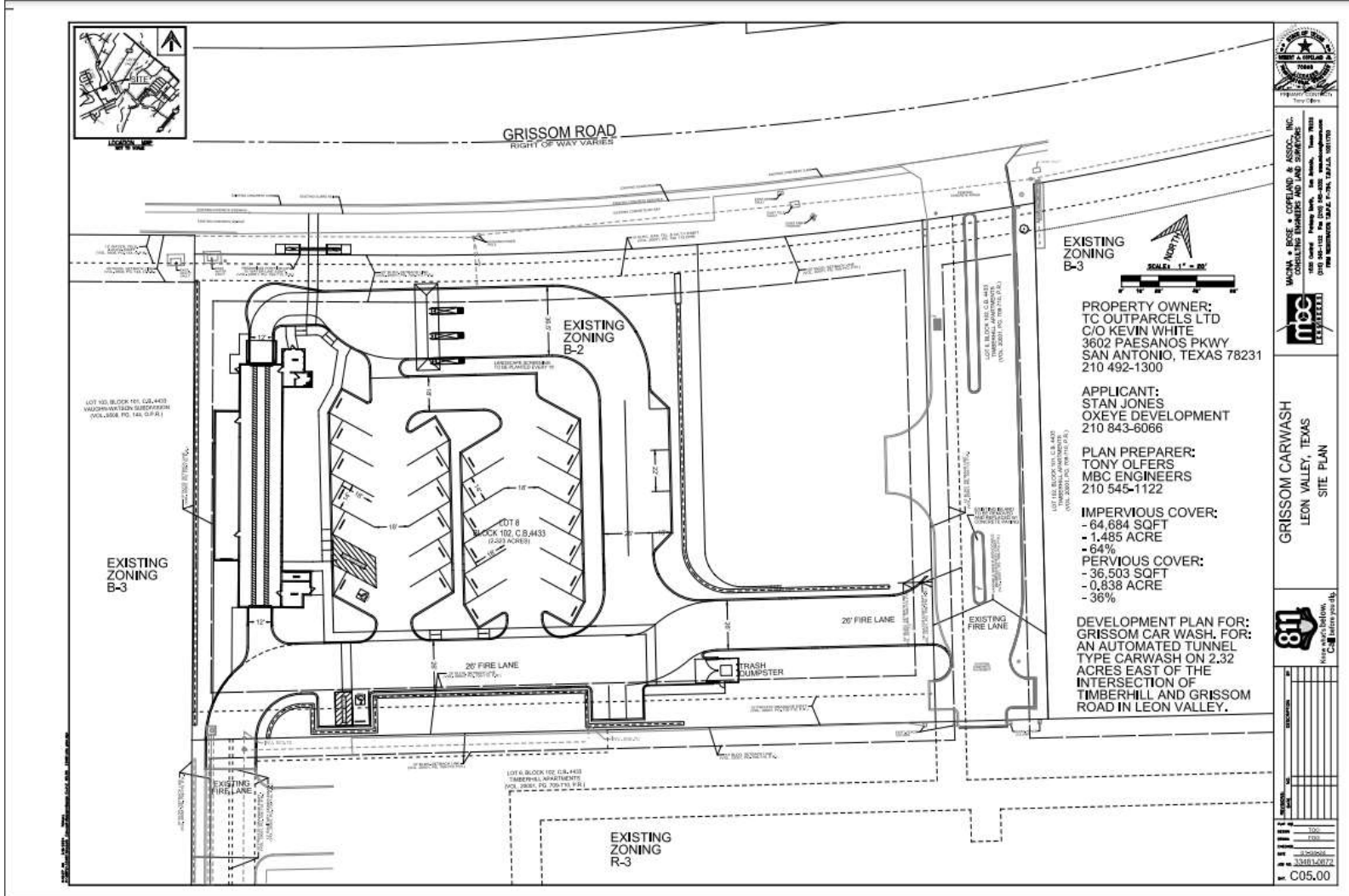
Purpose

- Request for a Specific Use Permit
- Use is “Carwash (automatic)”
- 5400 block of Grissom Rd
- Per LVCC Chapter 15 Zoning, Div 12, Sec 15.02.662 A Specific Use permit is required when abuts residential zoned districts
- The owner will also be required to replat the property

Aerial View



Site Plan



Purpose

- The applicant has met all requirements for landscaping, parking, and lighting
- Traffic Impact Analysis worksheet indicates 54 peak hour trips, therefore, an in-depth Traffic Impact Analysis is not required

Fiscal Impact

- The applicant has paid all fees associated with this request
- The new construction will increase ad valorem and sales taxes

Recommendation

- Property owners within 200' were notified:
 - 8 letter were mailed
 - 0 in favor
 - 0 in opposition
 - 0 undeliverable

- At Council's Discretion

MAYOR AND COUNCIL COMMUNICATION

DATE: April 16, 2024
TO: Mayor and Council
FROM: Mindy Teague, Planning and Zoning Director
THROUGH: Dr. Crystal Caldera, City Manager

SUBJECT: Presentation, Discussion and Possible Action to Approve an Ordinance Requesting to Rezone an Approximately 0.8540 Tract of Land From R-3 (Multi-Family Dwelling) Zoning District to a Planned Development District (PDD) with R-2 (Two-Family Dwelling) District Base Zoning, Located in the 7600 Block of Huebner Road, Being a Portion of Lot 7, CB 4445L, Dirt V-Murchison-Huebner Subdivision.

PURPOSE

The purpose of this item is to consider a request to rezone an approximately 0.8540 tract of land from R-3 (Multi-Family Dwelling) Zoning District to a Planned Development District (PDD) with R-2 (Two-Family Dwelling) base zoning district.

History

- 1985 – 6.8 acres rezoned from R-1 Single Family to B-1 Small Business
- 1991 – a request is denied rezoning 12.86 acres from B-1 Small Business to B-2 Retail
- 2013 - 1.709 acres of the lot is rezoned from B-1 Small Business with Sustainability Overlay to B-2 Retail with Sustainability Overlay
- 2017 – a request is denied rezoning this portion of the lot from B-1 with Sustainability Overlay to B-2 Retail with Sustainability Overlay

All requirements for parking and landscaping have been met. The City Engineer has approved the site plan.

Traffic Impact Analysis (TIA)

The applicant provided a TIA worksheet that indicates the development will create less than 100 peak hour trips; therefore a TIA is not needed.

Variances

The applicant is requesting a variance to Sec. 15.02.305 - Regulations for all districts, which states:

“(c) Area. No lot shall be reduced or diminished so that the yards or other open spaces shall be smaller than as prescribed in this article, nor shall the density of population be increased in any manner except in conformity with the area regulations established herein. Side yard areas, used to comply with the minimum requirements of this article, for a building, shall not be included as a part of the required areas of any other building. Every building hereafter erected shall be located on a lot as herein defined and **in no case shall there be more than one main structure/building on a lot in the "R-1", "R-2" or "B-1" districts, or as otherwise provided herein,** and in no case shall any building be hereafter erected on more than one lot.”

The applicant is proposing to construct all seven duplexes on one lot.

Notification

Notification letters mailed	12
Received in favor	0
Received in opposition	0
Returned undeliverable	1

FISCAL IMPACT:

The developer has paid all fees associated with the processing of this PDD. The development of a two-family housing subdivision will increase ad valorem and sales taxes in the city.

RECOMMENDATION

At Council’s Discretion

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

ORDINANCE No. 2024-

AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL GRANTING A ZONE CHANGE ON AN APPROXIMATELY 0.853 ACRE TRACT OF LAND FROM R-3 MULTI FAMILY DWELLING TO A PLANNED DEVELOPMENT DISTRICT, WITH R-2, TWO FAMILY DWELLING DISTRICT BASE ZONING, LOCATED AT 7680 BLOCK OF HUEBNER ROAD, BEING A 0.853 ACRE TRACT OF LAND, PART OF LOT 7, CB 4445L, DIRT V - MURCHISON-HUEBNER SUBDIVISION; PROVIDING FOR REPEALER, SEVERABILITY, AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS Chapter 211 of the Vernon’s Local Government Code empowers cities 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, and welfare of the residents of the City; and

WHEREAS the Leon Valley Code of Ordinances Chapter 15 Zoning constitutes the City’s Zoning regulations and requires the property to be zoned in accordance with proper designations as defined by the City; and

WHEREAS the Planning and Zoning Commission of the City of Leon Valley provided adequate notice and held a public hearing in accordance with Chapter 15 of the Leon Valley Code of Ordinances; and

WHEREAS, the City Council, after proper notice and public hearing determined that the request is consistent and compatible with the surrounding zoning and with the City’s Future Land Use Plan, and

WHEREAS the City Council of the City of Leon Valley now desires to grant the zone change, as requested at the subject location.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, THAT:

SECTION 1. The subject location – being specifically described as, being located at 7680 Huebner Rd, being a 0.853 acre tract of land, part of Lot 7, CB 4445L, Dirt V - Murchison-Huebner Subdivision Samaritan, Leon Valley, Texas, is hereby approved.

SECTION 2. REPEALER CLAUSE. The provisions of the Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are

hereby expressly repealed to the extent that such inconsistency is apparent by any other ordinance.

SECTION 3. SEVERABILITY CLAUSE. If any provision, section, sentence, clause, or phrase of this ordinance or application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Leon Valley City Council in adopting, and the Mayor in approving this Ordinance, that no portion thereof or provisions or regulation contained herein shall become inoperative or fall by reason of any unconstitutionally or invalidity of any portion, provision, or regulation.

SECTION 4. SAVINGS CLAUSE. The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION 5. NOTICE OF MEETING CLAUSE. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 6. EFFECTIVE DATE. This ordinance shall become effective on and after its passage, approval and publication as required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 19th day of April 2024.

APPROVED

CHRIS RILEY
MAYOR

Attest: _____
SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form: _____
ART RODRIGUEZ
City Attorney

03/14/2024

Mindy Teague
Planning and Zoning Director
City of Leon Valley
6400 El Verde Road
Leon Valley, Texas 78238

Re: Approval Letter – Huebner Silos Planned Development District (PDD) PZ-2023-21

Dear Ms. Teague:

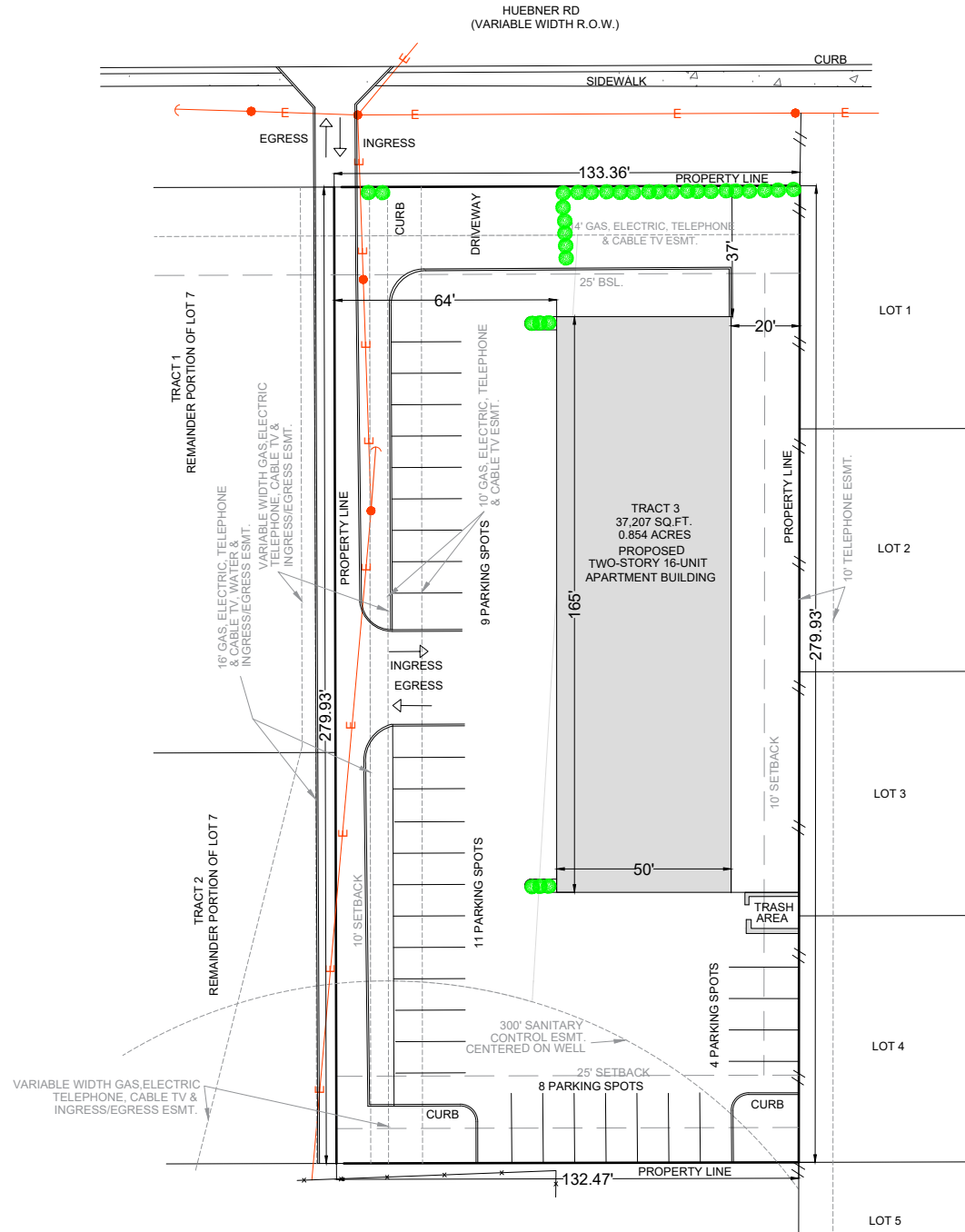
We have reviewed the Planned Development District (PDD) submittal for Huebner Silos, submitted by ISRO Engineering. The latest submittal addresses our comments; hence we recommend approval. We recommend the submission to be presented at the P&Z meeting on March 26, 2024 to advance the project.

If you have any questions, please feel free to contact me at (210) 822-2232.

Sincerely,
Ardurra (Formerly LNV, Inc)
TBPE Firm No. F-366



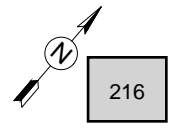
Ricardo J. Zamora, P.E., CFM
Senior Project Manager



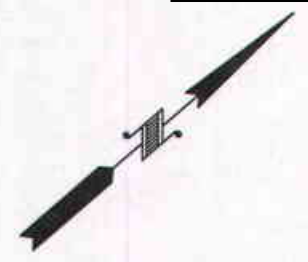
NOTES:
TOTAL PARKING SPOTS=32

ADDRESS:
0 HUEBNER RD
SAN ANTONIO, TX 78230

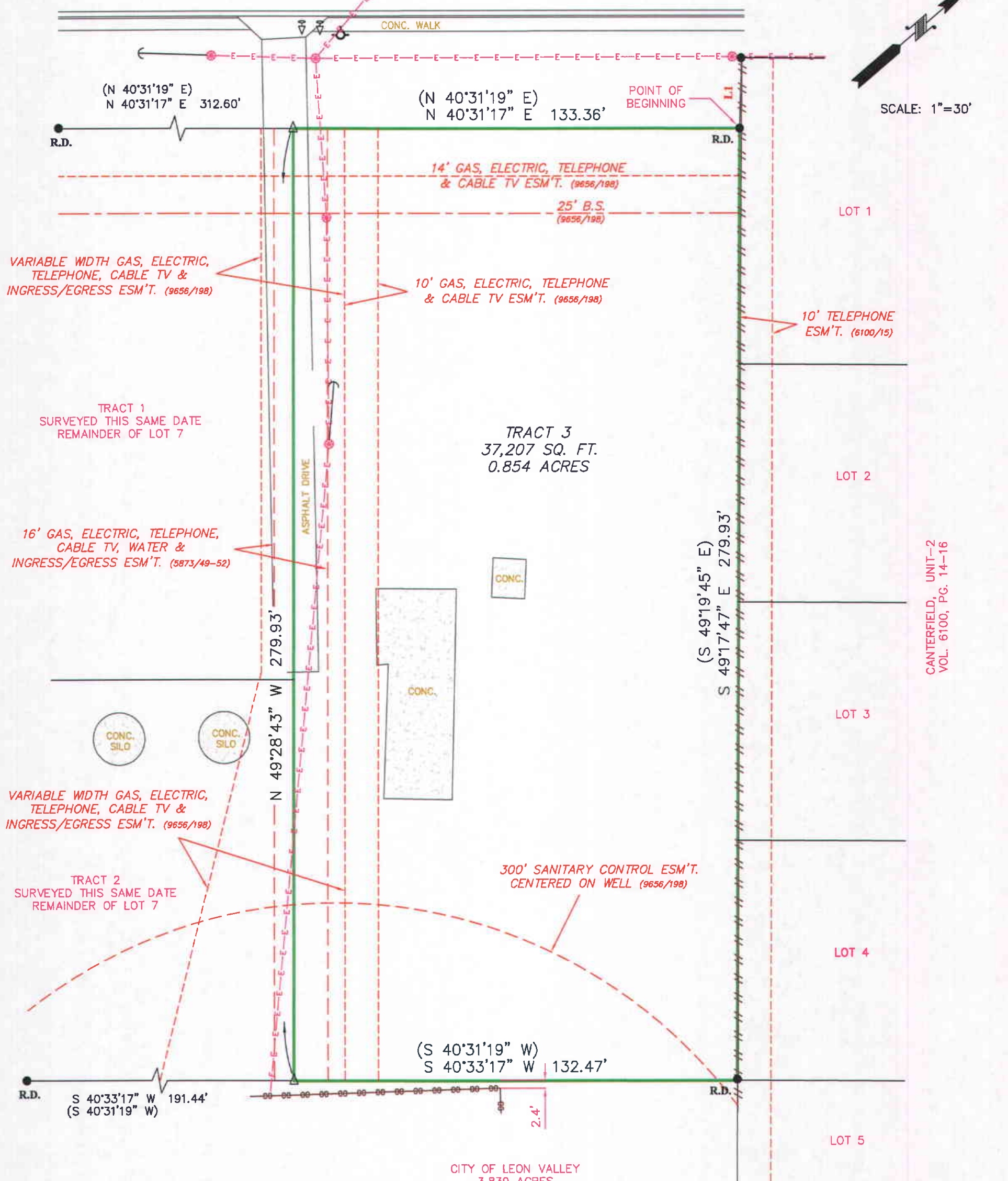
SITE PLAN
LOT AREA: 0.854 ACRES
PLOT SIZE: 8.5" X 11"
DRAWING SCALE: 1"=50'



HUEBNER ROAD (VARIABLE WIDTH R.O.W.)



SCALE: 1"=30'



CANTERFIELD, UNIT-2
VOL. 6100, PG. 14-16

CITY OF LEON VALLEY
3.839 ACRES
VOL. 16137, PG. 1705

LINE	BEARING	DISTANCE
L1	N 47°58'17" W	20.51'

THIS SURVEY IS _____
ACKNOWLEDGED AND _____
IS ACCEPTED: _____

NOTE:
THE SIGNING SURVEYOR WAS NOT PROVIDED A CURRENT TITLE COMMITMENT AND THERE MAY BE EASEMENTS, RIGHTS OF WAY OR OTHER INSTRUMENTS OF RECORD WHICH MAY AFFECT THIS PROPERTY WHICH ARE NOT SHOWN ON THE FACE OF THIS SURVEY.

NOTE:
NO RESTRICTIVE COVENANTS OF RECORD WERE FOUND.

NOTE:
Bearings shown hereon are based on actual GPS Observations, Texas State Plane Coordinates, South Central Zone, Grid.

FLOOD ZONE INTERPRETATION: IT IS THE RESPONSIBILITY OF ANY INTERESTED PERSONS TO VERIFY THE ACCURACY OF FEMA FLOOD ZONE DESIGNATION OF THIS PROPERTY WITH FEMA AND STATE AND LOCAL OFFICIALS, AND TO DETERMINE THE EFFECT THAT SUCH DESIGNATION MAY HAVE REGARDING THE INTENDED USE OF THE PROPERTY. The property made the subject of this survey appears to be included in a FEMA Flood Insurance Rate Map (FIRM), Identified as Community No. 48029C, Panel No. 0240G, which is Dated 08/29/2010. By scaling from that FIRM, it appears that all or a portion of the property may be in Flood Zone(s) X. Because this is a boundary survey, the surveyor did not take any actions to determine the Flood Zone status of the surveyed property other than to interpret the information set out on FEMA's FIRM, as described above. THIS SURVEYOR DOES NOT CERTIFY THE ACCURACY OF THIS INTERPRETATION OF THE FLOOD ZONES, which may not agree with the interpretations of FEMA or State or local officials, and which may not agree with the tract's actual conditions. More information concerning FEMA's Special Flood Hazard Areas and Zones may be found at <http://www.fema.gov/index.shtml>.

Property Address:

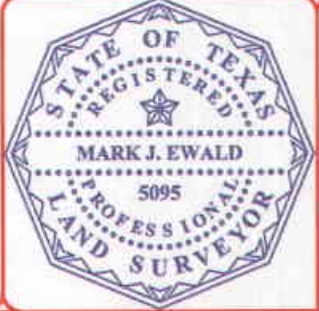
0 HUEBNER ROAD

Property Description:

Being 0.854 acres of land, more or less, and being out of Lot 7, Dirt V-Murchison-Huebner Subdivision, City of Leon Valley, Bexar County, Texas, according to the plat recorded in Volume 9656, Page 198, Deed and Plat Records, Bexar County, Texas, said 0.854 acres being more particularly described by metes and bounds attached hereto.

Owner:

HUEBNER DIRT INVESTORS, LTD



I, MARK J. EWALD, Registered Professional Land Surveyor, State of Texas, do hereby certify that the above plat represents an actual Category 1-A, Condition II survey made on the ground under my supervision, and there are no discrepancies, conflicts, shortages in area or boundary lines, or any encroachment or overlapping of improvements, to the best of my knowledge and belief, except as shown herein.

MARK J. EWALD
Registered Professional Land Surveyor
Texas Registration No. 5095

Westar Alamo
LAND SURVEYORS, LLC.
P.O. BOX 1038 HELOTES, TEXAS 78023-1038
PHONE (210) 372-9500 FAX (210) 372-9899

- LEGEND**
- = 1/2" IRON ROD TO BE SET
 - = FND 1/2" IRON ROD
 - () = RECORD INFORMATION
 - B.S. = BUILDING SETBACK
 - C.M. = CONTROLLING MONUMENT
 - — — = WOOD FENCE
 - — — = CHAIN LINK FENCE
 - ⊕ = FIRE HYDRANT
 - ⊕ = WATER VALVE
 - ⊕ = POWER POLE
 - — — = OVERHEAD ELECTRIC

DRAWN BY: TS

METES AND BOUNDS

Being 0.854 acres of land, more or less, and being out of Lot 7, Dirt V-Murchison-Huebner Subdivision, City of Leon Valley, Bexar County, Texas, according to the plat recorded in Volume 9656, Page 198, Deed and Plat Records, Bexar County, Texas, said 0.854 acres being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for the North corner of this 0.854 acres (monument of record dignity), same being on the southeast Right-of-Way line of Huebner Road and on the southwest line of Lot 1, Canterfield, Unit-2 (Volume 6100, Pages 14-16), same also being the **POINT OF BEGINNING**;

THENCE along the line common to this 0.854 acres and said Lot 1, South 49 degrees 19 minutes 45 seconds East (called South 49 degrees 19 minutes 45 seconds East), a distance of 279.93 feet to a 1/2 inch iron rod found for the East corner of this 0.854 acres (monument of record dignity), same being the South corner of Lot 4 and the West corner of Lot 5 of said Canterfield, Unit-2, same also being the East corner of said Lot 7 and the North corner of the City of Leon Valley 3.839 acres (Volume 16137, Page 1705);

THENCE along the line common to this 0.854 acres and said City of Leon Valley 3.839 acres, South 40 degrees 33 minutes 17 seconds West (called South 40 degrees 31 minutes 19 seconds West), a distance of 132.47 feet to a point for the South corner of this 0.854 acres;

THENCE departing the southeast line of and severing said Lot 7, North 49 degrees 28 minutes 43 seconds West, a distance of 279.93 feet to a point for the West corner of this 0.854 acres, same being on the northwest line of said Lot 7 and on the southeast Right-of-Way line of said Huebner Road;

THENCE along the southeast Right-of-Way line of said Huebner Road, North 40 degrees 31 minutes 17 seconds East (called North 40 degrees 31 minutes 19 seconds East), a distance of 133.36 feet to the **POINT OF BEGINNING** and containing 0.854 acres of land, more or less.

I hereby certify that these field notes were prepared from an actual survey made on the ground under my supervision and are true and correct to the best of my knowledge and belief. A survey plat of the above described tract prepared this day is hereby attached to and made a part hereof. Bearings shown herein are based on actual GPS Observations, Texas State Plane Coordinates, South Central Zone, Grid.



Mark J. Ewald
Registered Professional Land Surveyor
December 11, 2017





Huebner Silos

ARBOR URBAN DEVELOPERS, LLC.

Planned Development District Project Plan

August 14, 2023

Project Description

The proposed project entails the development of a residential community on a 0.8540-acre lot located at 7680 Huebner Road in Leon Valley, Texas. The project is owned by Arbor Urban Developers LLC and falls under the current zoning designation of R3 multiple family dwelling district.

The project aims to construct seven duplexes, resulting in a total of 14 residential units. Each unit will be a two-story dwelling with three bedrooms and two and a half bathrooms. The design of the duplexes will focus on providing comfortable and modern living spaces for future residents.

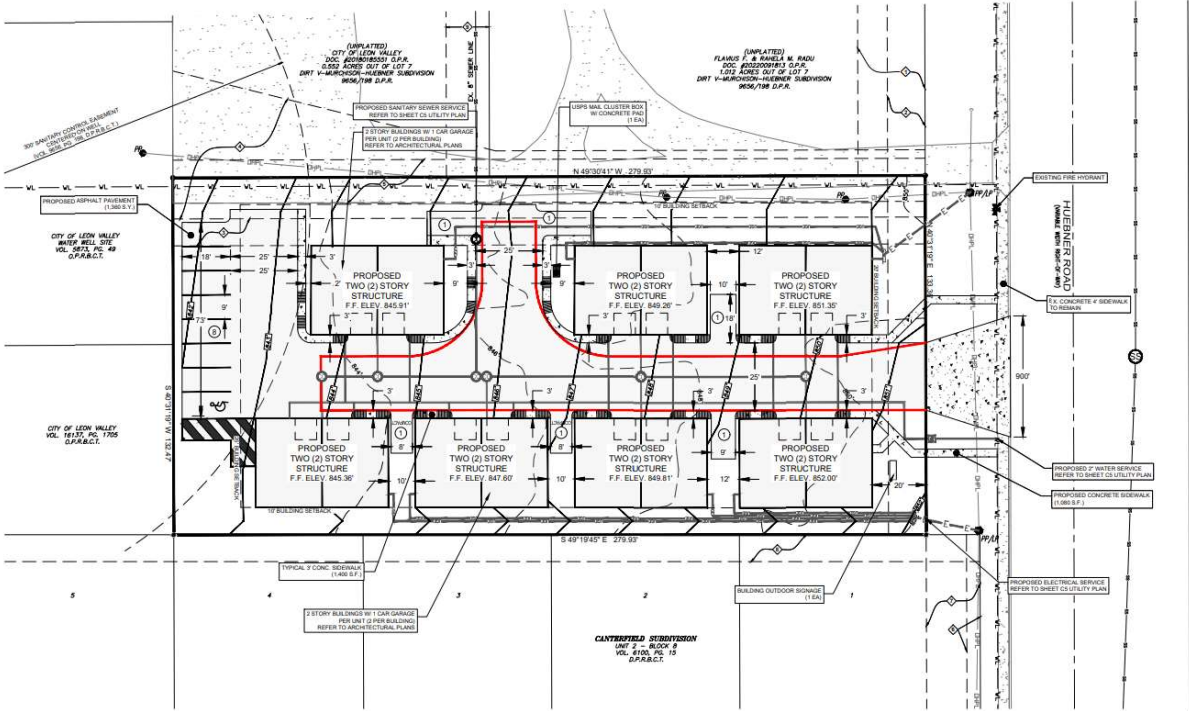
The proposed community will prioritize a well-designed site plan, with attention given to the placement of duplexes, parking areas and landscaping. The project will consider topography, floodplain information, adjacent properties, ingress/egress, existing buildings, parking and loading bays, landscaping, large tree groupings, fire lanes and hydrants, and lot boundaries.

By developing this residential community, Arbor Urban Developers LLC aims to contribute positively to the growth and development of the Leon Valley community, providing quality housing options that meet the needs of residents while maintaining the integrity of the surrounding neighborhood.

Property Information

Property ID	1371541
Legal Description	CB 4445L BLK LOT N 133.20 FT OF 7 (DIRT V-MURCHISON-HUEBNER)
Owner Name	Arbor Urban Developers LLC
Land Size	0.8540 acres
Current Zoning	R3 multiple-family dwelling district
Proposed Zoning	PD - Planned District(R2 based)
Address	7680 Huebner Road, Leon Valley, Texas

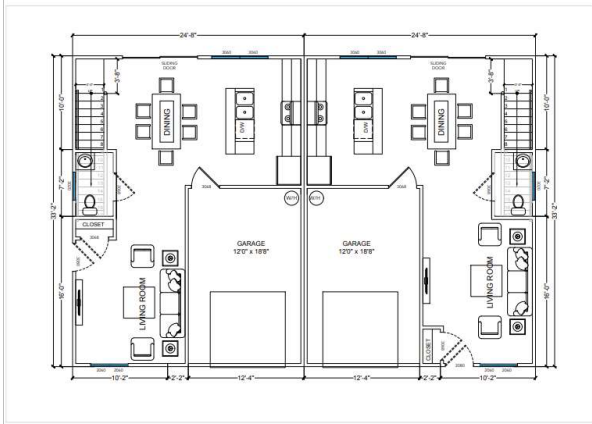
Site Plan:



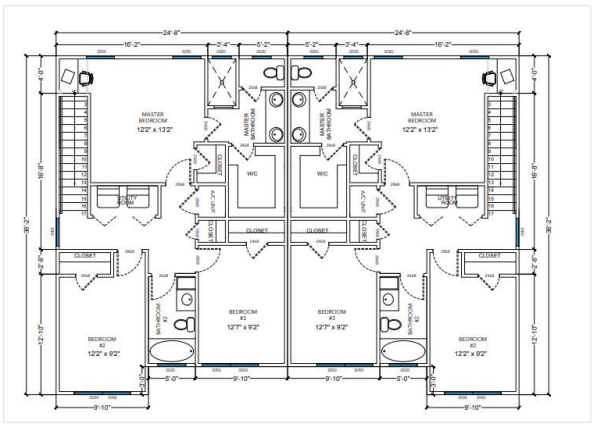
Setbacks:

Minimum Area of Each lot	37200 sqft
Minimum Depth	279.93' sqft
Minimum Floor Space	1427 sqft(228 sqft garage)
Minimum frontage	133.36 sqft
Maximum Height	23.8 ft (2 stories)
Minimum Front yard setback	20 sqft
Minimum Rear yard setback	25 sqft
Minimum Side yard setback	10 sqft

Floor Plan:



FIRST FLOOR PLAN



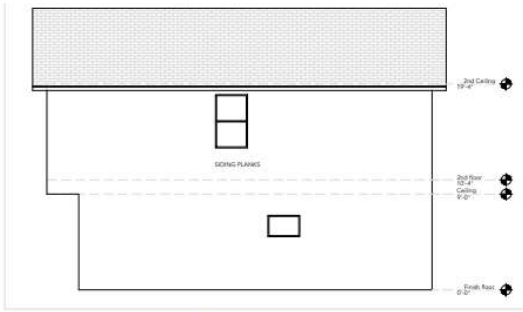
SECOND FLOOR PLAN

FIRST FLOOR LIVING AREA	580.00 S.F.
GARAGE	228.00 S.F.
SECOND FLOOR LIVING AREA	847.00 S.F.
TOTAL LIVING AREA	1,427.00 S.F.

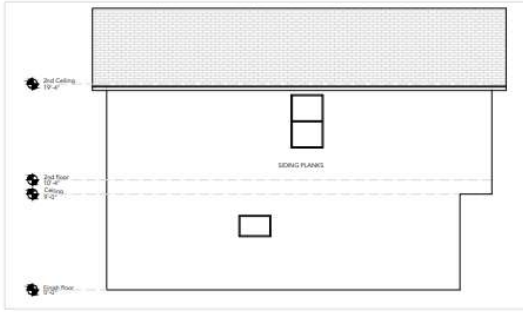
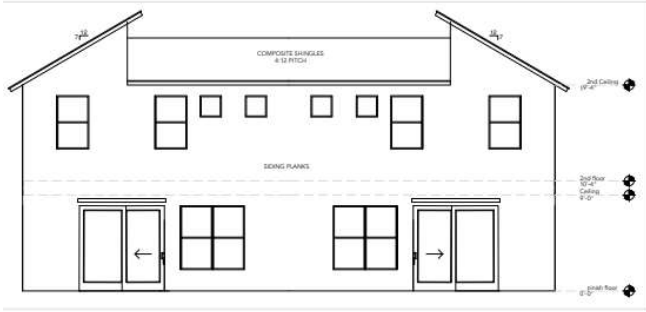
Building Elevations



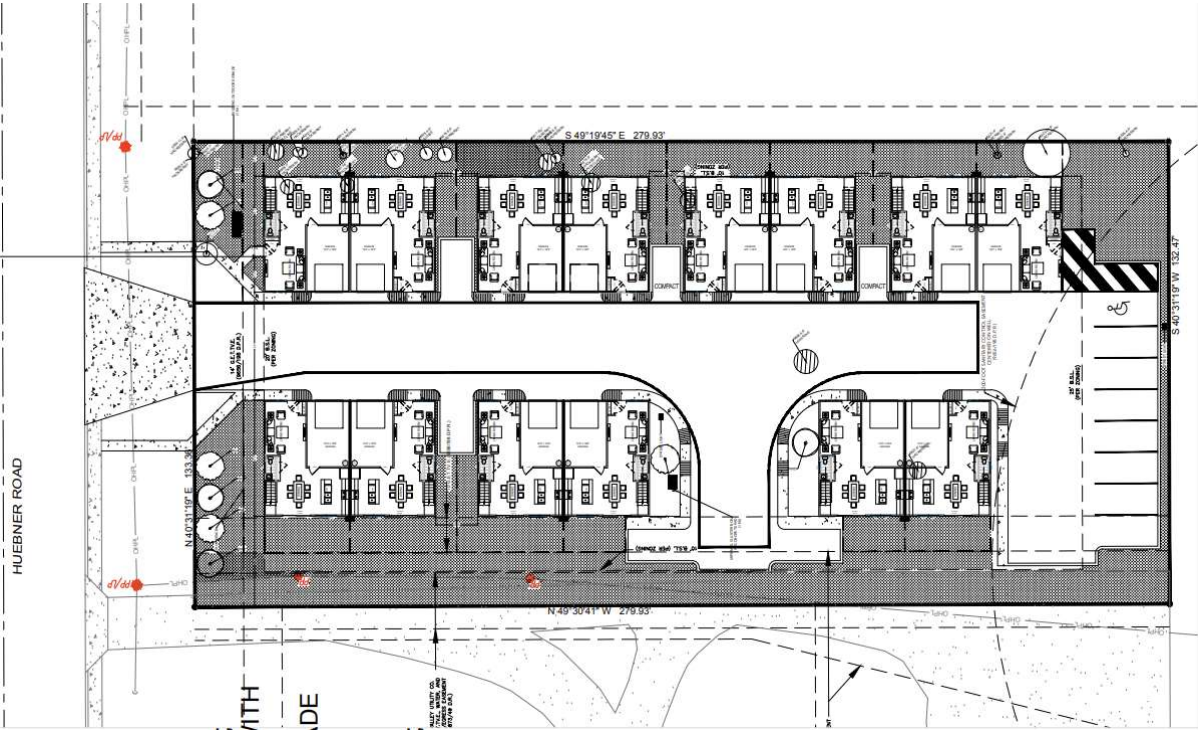
FRONT VIEW



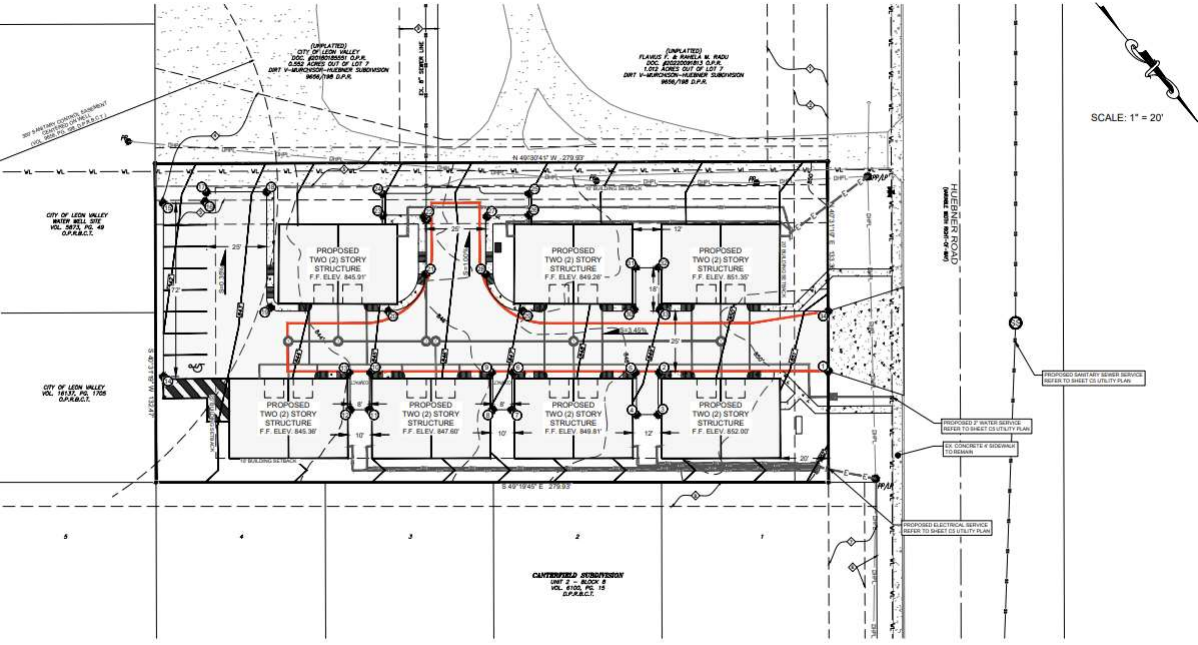
RIGHT VIEW



Landscaping & Large Tree Groupings



Parking Plan



Signage Plan



PZ-2023-21 – Request to Rezone
PDD With R-2 Two-Family Dwelling
Zoning District
7680 Huebner

Mindy Teague
Planning & Zoning Director
City Council Meeting
April 16, 2024

Purpose

- This is a request to rezone approximately 0.854 acres of land at 7680 Huebner Road from R-3 Multi-Family Dwelling District to Planned Development District with R-2 Two-Family Dwelling base zoning
- Property will have to be platted and conform to all stormwater regulations prior to being issued any building permits
- Options
 1. Approval
 2. Denial
 3. Other

History

- 1985 – 6.8 acres rezoned from R-1 Single Family to B-1 Small Business
- 1991 – a request is **denied** to rezone 12.86 acres from B-1 Small Business to B-2 Retail
- 2013 - 1.709 acres of the lot is rezoned from B-1 Small Business with Sustainability Overlay to B-2 Retail with Sustainability Overlay
- 2017 – a request is **denied** to rezone this portion of the lot from B-1 with Sustainability Overlay to B-2 Retail with Sustainability Overlay

Purpose

- The goal of the developer is to build seven duplexes, totaling 14 units
- Each two-story dwelling will have 3 bedrooms & 2 1/2 bathrooms, designed to offer modern and comfortable living spaces

Signage Plan



Aerial View



Variations

- The applicant is requesting a variance to Chapter 15 Zoning, Sec. 15.02.305 Regulations for all districts, which states:
 - “Every building hereafter erected shall be located on a lot as herein defined and in no case shall there be more than one main structure/building on a lot in the "R-1", "R-2" or "B-1" districts, or as otherwise provided herein, **and in no case shall any building be hereafter erected on more than one lot.**”
- The applicant is proposing to construct all seven duplexes on one lot
- All other zoning requirements have been met

Notification Process

- 16 Letters Sent
- 0 In Favor
- 0 In Opposition
- 1 Undeliverable

Fiscal Impact

- The approval of this zone change request will produce additional ad-valorem revenue on this property

Recommendation

- At Council's Discretion

City of Leon Valley
Investment Quarterly Report
Quarter Ending March 31, 2024

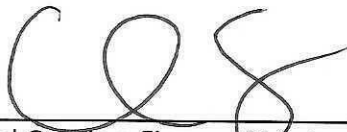
This report is in compliance with the policies and strategies contained in the City of Leon Valley Investment Policy and the Public Funds Investment Act (Chapter 2256)

As of December 31, 2023

Beginning Book Value	\$ 19,484,667.68
Beginning Market Value	\$ 19,484,667.68
Unrealized Gain/(Loss)	\$ -
Weighted Average to Maturity	1 day

As of March 31, 2024

Beginning Book Value	\$ 21,080,636.49
Beginning Market Value	\$ 21,080,636.49
Unrealized Gain/(Loss)	\$ -
Weighted Average to Maturity	1 day



Carol Goering, Finance Director



Dr. Crystal Caldera, City Manager

City of Leon Valley
Investment Quarterly Report
Quarter Ending March 31, 2024

Fund	<i>*Cash</i>	<i>Investment</i>	Total
	Frost	TexPool	
General Fund	3,292,340.58	7,605,320.37	10,897,660.95
Impound Lot	-	334,976.71	334,976.71
Economic Development	-	453,724.81	453,724.81
Parks Bucks	-	6,006.23	6,006.23
Water/Sewer/Stormwater	331,800.17	3,423,721.31	3,755,521.48
Traffic Safety	201,261.76	883,112.10	1,084,373.86
ARP Funds	-	188,076.48	188,076.48
LEOSE Funds	11,655.35	-	11,655.35
Community Center	106,984.83	238,093.98	345,078.81
Debt Service	760,853.82	311,789.49	1,072,643.31
Street Maintenance	27,585.80	1,534,768.58	1,562,354.38
Crime Control District	106,190.69	468,100.03	574,290.72
Police Forfeiture Federal	238,785.13	199,682.94	438,468.07
Police Forfeiture State	-	11,450.03	11,450.03
MC Building Security	34,763.07	47,424.98	82,188.05
MC Technology	19,110.40	36,189.99	55,300.39
Child Safety	19,053.20	49,585.59	68,638.79
Capital Projects	138,228.07	-	138,228.07
	\$ 5,288,613	\$ 15,792,024	\$ 21,080,636

March 31, 2024



City of Leon Valley
 Investment Quarterly Report
 Quarter Ending March 31, 2024

{Section}.711.

Funds are invested as following:

Type of Investment	Yield	Book Value 12/31/2023	Market Value 12/31/2023	Book Value 3/31/2024	Market Value 3/31/2024	Percent of Total Portfolio
Cash - Bank Account						
Checking - Frost	0.01%	4,193,649	4,193,649	5,288,613	5,288,613	25%
Bank Total	0.01%	\$ 4,193,649	\$ 4,193,649	\$ 5,288,613	\$ 5,288,613	25%
Certificates of Deposit - CDs						
N/A	-	-	-	-	-	-
CD Total						
Investment Pools						
TexPool	0.04%	15,291,019	15,291,019	15,792,024	15,792,024	75%
Investment Pool Total	0.04%	\$ 15,291,019	\$ 15,291,019	\$ 15,792,024	\$ 15,792,024	75%
TOTAL PORTFOLIO	0.03%	\$ 19,484,668	\$ 19,484,668	\$ 21,080,636	\$ 21,080,636	100%

OUTSTANDING CITY COUNCIL ITEMS

- **Review of the Water Rates**
 - 6/20/2023 Postpone council requested this be a retreat item for 7/22/23.
 - Council will be looking at a 1% increase at a future meeting.
 - This will be discussed at the Town Hall meeting- on 11/21/2023, the Council decided on a workshop.
 - 12/5/2023 City Council reviewed the presentation from Waterworth. The next workshop is scheduled for 2/20/2023 (the date has been moved). We were waiting on the audited numbers. We just received them. We will be setting a new date for review.
- **Flooding**
 - Was addressed at the following Council Meetings.
 - 08/03/2021 – Flood damage prevention Ord. # 21-034.
 - 11/2/2021 – To discuss flood mitigation strategies.
 - 12/07/2021 – Short-Term options to address flooding.
 - Budget Adjustment – For funding floodway monitoring and software upgrades.
 - Upcoming Council presentation 1/18/2022.
 - Budget Adjustment – for creek cleanup.
 - Staff is proposing \$150,000 in ARP funds. Upcoming Council meeting TBD.
 - Segment one of Huebner Creek will be presented to the Council on 4/19/2022.
 - Council decided to look at the 50' wide, protected little league, the study will be brought back to the Council before we agree to do it.
 - Budget adjustment for creek cleanup.
 - 6/7/2022
 - Budget adjustment for flood gates and notification system.
 - 6/7/2022 postponed
- Huebner Creek Channel Improvement presentation 9/20/2022.
 - Council direction to bring back budget adjustment on \$633,000.
 - First Read 10/3/2022.
 - Second Read 10/18/2022.
 - 11/21/2023 – PW Director will provide an update and receive direction – Council decided to have a field trip to look at the creek layout TBD.
 - The Council decided to conduct a field trip in the Natural Area
 - 12/6/2023 the Council walked the steaked-out creek realignment
 - 1/16/2023 – The Council will revisit the project.
 - 2/24/2023- the Council will have a workshop to discuss with the engineer.
 - The council directed the engineer to look at a plan that leaves the creek alignment alone, a new tree survey, and build a retaining wall for erosion.

- **Legal review of the Sign Code**
 - Councilor Orozco and Bradshaw will work on this item.
 - Look into sign flippers in the median on Bandera
 - The council requested this item go to the Economic Development Advisory Committee. Economic Development Advisory Committee completed its review and a recommended version will come to council in April.
- **Seneca West R6 Zone change**
 - 3/7/2023
 - Council requested some prices to replat as larger lots, not in favor of R6.
 - Staff will be getting prices to plat larger lots and bring them back to the Council.
 - Staff has received the plans and probable cost and will review them with the Council at the retreat.
 - 08/10/2023 Discuss at the retreat. The Council would just like to plat and sell as is.
 - 11/7/2023 Executive session on four options.
 - 11/21/2023 Executive session on two options.
 - This Will be discussed at the town hall meeting.
 - Executive session on 2/6/24
 - Executive Session 3/19/2024
- **Tiger brush and bulk issues- Contract ends January 1, 2025 (Item Remaining from Retreat)**
 - Discussed at the following City Council Meetings
 - 02/22/2021
 - Council addressed complaints and Tiger Sanitation responded.
 - 09/7/2021
 - Considered a resolution on how to manage bulk pick-up. Resolution # 21-031-R, the direction was given to CM to come back with a plan.
 - Considered and Ordinance Amending the Ord 14.02 Solid Waste First reading.
 - 11/2/2021
 - Considered and Ordinance Amending the Ord 14.02 Solid Waste Second Reading Passes Ord. # 21-053.
 - 1/11/2022
 - The Council considered two options to manage the overflow of Brush. The Council decided to have PW pick up the overage after Tiger Sanitation picked up their 8 CY.
 - There were 11 homes with oversized brush the City had the item picked on 3/4/22-3/8/22.
 - 05/17/2022 Council meeting discussing rate increase.

- Council allowed the 2.5% increase for July and another in January but did not approve the 7.5 % increase.
- Council was willing to renegotiate terms.
 - On 8/23/2022, Council decided to leave terms as is.
- On 9/19/2023 the staff took a draft survey to the Council. Staff will amend it and bring it back to the Council at a later time.
- Will ask for input at the Town Hall meeting. The council decided on the final survey on 12/19/2023.
- The Council presented the Survey at the Town Hall meeting. The majority of Participants are satisfied with their trash service
- 02/20/2024- The Council will discuss the distribution of the survey.
 - The council decided to mail the survey out to the businesses and residents. The survey was mailed out on 3/19/24. RFP should go out May.
- **Discussion of updating the Strategic Plan, Mission, & Vision Statement**
 - Will be placed on the Town Hall meeting for discussion decided at the 11/21/23 Council meeting to hold a workshop.
 - February 3, 2024, workshop scheduled. At the council chambers. The Council changed the date to 2/24/24 to coincide with another workshop.
 - The Council decided to amend the mission and vision statements. Holding another workshop for the goals and objectives and core values.
 - Core values will be discussed at 3/19/2024. Goal will return in May.
- **Silo design per request of the adjacent property owner**
 - 5/2/2023 – Moved by CM due to the number of items on the agenda.
 - 5/16/2023 – Scheduled
 - Council Requested outreach to local universities.
 - Melinda is working on quotes.
- **Sustainability Overlay**
 - 6/6/2023 Staff is not ready and has been postponed until September.
 - 725/2023 – Zoning Commission started to review. The item is with the Attorney.
- **Stray Animal Ordinance**
 - Currently being reviewed by the City Attorney – we cannot require private industry to take in and adopt our stray animals.
 - Looking at a possible interlocal agreement.
 - Staff has met with the county for a long-term solution.
- **Neighborhood/Citizen Survey**
 - Will be tied to the solid waste survey. The council decided to keep these two separate items.
- **Looking at an amendment to Section 15.02 Appendix C (I), D Structural Nonconformity to add a matching percentage from Economic Community Development funds.**
 - **After the sustainability review.**

- **Four-way stop at Forest Meadow and Evers.**
 - To be evaluated upon the development of the Evers property.
- **Interlocal Agreement with the County regarding an Outreach Coordinator.**
 - Bexar County is asking the City to sign a separate agreement with Haven for Hope. They will be completing a draft and sending it over for council approval in March 5, 2024.
 - Council approved
 - Budget adjustment 3/19/24
- **Speed hump policy changes- (Item Remaining from Retreat)**
 - This was added by Mr. Campos who wants to review the policy before adding.
- **Review of the Personnel Manual**
- **Discussion on large capital projects – Possible Bond**
 - Public Works Building
 - ADA requirements
 - Crystal Hills Park
 - Pool
 - Dog Park
 - Library Annex
- **City Council Meeting Building Security**
- **Ordinance Amendment to allow lots with ½ Acre or more to have a septic system**
 - **Scheduled for May 7, 2024**
- **Ordinance on Amending the PDD**
 - **Scheduled to go to the zoning commission meeting on 4/23/2024**

ITEMS ARE STILL IN THE PIPELINE BUT HAVE BEEN ADDRESSED

- **John Marshall Traffic Plan – CR, JH**
 - Discussed at the following Council meeting.
 - 12/14/2022 Next steps
 - NISD engineers are still working on the plan, collecting traffic counts, and coordinating with CoSA Traffic Department.
 - Once complete, additional meetings will be held with the City to determine the feasibility and appropriateness.
 - Once plans are final, the proposal will be presented to City Council for approval.
 - John Marshal Update on 3/15 based on 2/14 meeting.
 - The City received feedback on possible neighborhood suggestions on 5/09/2022. Joint meeting to be determined.
 - Heard by City Council to possible street closures on 8/23/20. Engineers will develop a report, and PD and Fire will review it.
 - Taking to Council on 10/3/2022.

- 2/7/2023 council will review speed pads and school zones.
 - Council decided to move forward with the speed pads and wait on the school zone. The delineators will also be left alone.
- Speed pads have been installed and school zone on Huebner is being addressed.
- Interlocal agreement with San Antonio is complete. A budget adjustment of \$74,000 was approved by the Council for the mast traffic arms.
- We met with the contractor, The Levy Company, and they informed us that the mast arms will take 16-24 weeks for delivery, so work will not start until December or January.
- 1/10/2023- installation has begun
- **Red-light Cameras first available contract end term is May 2037**
 - City Council adopted a Resolution declaring the intent to phase out redlight cameras 4/6/2021 – Resolution # 21-009R.
 - The RLC Contract would be difficult to terminate without financial obligation from the City.
 - City Council supports HB 1209 and physically delivers letters in support to Cortez, Biederman, Canales, Menendez
 - Funds – Eligible projects – CR
 - Will be discussed at the Town Hall Meeting on January 22, 2022.
 - Discussed at the retreat Council has decided not to spend funds until we know what the legislature is doing.
 - Resolution supporting SB 446-2/21/2023.
 - The item was not approved during the legislation process the Council will try again in 2025.
- **Comprehensive Master Plan**
 - Was addressed at the following Council meetings:
 - 2/2/2021
 - 3/23/2021
 - 06/1/2021
 - This item was discussed during the budget process and ultimately, the Council decided not to expend the funds on this project at this time.
 - Will be discussed under the Town Hall meeting update to the Council on 4/19/2022.
 - Council would like us to use our future land use map.
 - Establish neighborhood boundaries
 - Council has opted not to Update Master Plan.
 - P & Z Director investigating a university conducting the plan.
 - Boundaries of the neighborhood
- **Sewer Service Charge Adjustments**
 - Council meeting 2/15/22.
 - Impact Fees Removed.
 - Sewer Charges will be brought back at a later time.

- **Apartments Finley And Sierra Royale, Forest Oaks, Vista Del Rey- BM**
 - Update on one of the Apartment Complexes at the CC mtg 3/15.
 - Presentation was given on Vista Del Rey.
 - Next apartment review is on 5/3/2022.
 - Staff received legal advice in the executive session.
 - Executive session 8/2/2022
 - Council decided to file a Chapter 54 lawsuit against Vista Del Rey, filed on 8/5/2022.
 - TRO was granted on 8/8/2022.
 - Administrative warrant executed on 8/17/2022.
 - Temporary Injunction was granted on 8/22/2022.
 - They have 6 months to comply.
 - 8/31/2022 Vista got new attorneys.
 - 9/9/2022 Vista filed a motion to dissolve the temporary injunction.
 - C of Os issued Shed, Maintenance Shop, Laundry 1-3, Vista, Gym.
 - 9/19/2022 hearing set and canceled.
 - Executive Session 9/20/2022
 - Vista Del Rey is 50% compliant. Council agreed to settle on 4/18/2023.
 - Vista has completed all inspections and received their C of Os.
- **AV equipment for the Conference Center - Budget Adjustment from ARP Funds**
 - Council meeting 2/1/22 first read.
 - Item amended to get the direction of the scope of work.
 - Will bring the item back after the BID process.
 - Discuss alternatives 5/3/2022.
 - This item could not be purchased out of ARP funds.

COMPLETED

- **Consumer protection mandate on refunds**
 - Sent request to attorney. The attorney feels that we have the laws in place.
 - Sent reminders to the animal sales businesses.