

ORDINANCE NO. 040926-02

AN ORDINANCE GRANTING A SPECIFIC USE PERMIT FOR THE PURPOSES OF ALLOWING A DRIVE-THRU LANE FOR THE SPACE SPECIFICALLY KNOWN AS, 13378 US HWY 87 W LA VERNIA, TX 78121, CITY OF LA VERNIA, LOT 274 (LOT 1 BLK 13), ACRES 1.07, WHICH WILL OCCUPY ONLY A PORTION OF THIS PARCEL AS DESCRIBED IN ATTACHMENT A; ZONED C-1 RETAIL; OWNED BY DONALD RACKLER; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the City of La Vernia is a General Law Type A City under the statutes of the State of Texas; and

WHEREAS, the Texas Local Government Code authorizes a municipality to adopt zoning regulations designed to accomplish the goals as delineated in Section 211.004 of the Texas Local Government Code and for the purpose of regulating those issues as delineated in Section 211.003 of the Texas Local Government Code; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of La Vernia, Texas in compliance with the laws of the State of Texas and the Ordinances of the City of La Vernia, have given any and all requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested; and

WHEREAS, the Planning and Zoning Commission, having investigated the manner in which the proposed location and character of such Specific Use will affect the Zoning Ordinance and the comprehensive plan of the City of La Vernia, Texas, make the final report and recommendation to the City Council of the City of La Vernia, Texas, recommending that such application be granted; and

WHEREAS, the City Council of the City of La Vernia, Texas, finds that the granting and approval of the said application for such Specific Use Permit will not adversely affect the character and appropriate use of the area of the neighborhood in which it is proposed to be located, will not substantially depreciate the value of adjacent and nearby properties for use in accordance with the regulations of the Zoning District in which they are located; will not be detrimental in keeping with the spirit and intent of said Zoning Ordinance; will not adversely affect traffic, public utilities, public health, public safety and the general welfare under the conditions hereinafter set forth.

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

Section 1. Specific Use Permit Granted

That the specific use permit for the purposes of allowing a drive-thru lane for the space specifically known as, **13378 US HWY 87 W LA VERNIA, TX 78121, CITY OF LA VERNIA, LOT 274 (LOT 1 BLK 13), ACRES 1.07**, which will occupy only a portion of this parcel as described in Attachment A; zoned C-1 retail; owned by Donald Rackler; be adopted

Section 2. Conditions

- The applicant shall submit and obtain approval of a drainage study demonstrating full compliance with all applicable City codes and regulations.
- The drive-through facility shall provide a minimum stacking capacity of twenty-four (24) vehicles on-site.
- All exterior lighting shall comply with Dark Sky standards
- The applicant shall widen Nicholson Road to a minimum width of thirty (30) feet between the ingress and egress points of the subject property.
- Permanent screening measures shall be installed and maintained to prevent on-site vehicle headlights from creating safety hazards or glare impacts on adjacent public roadways.
- The applicant shall install a sidewalk along the property frontage. The sidewalk shall be located within an easement dedicated to the City, and upon completion and acceptance, the City shall assume responsibility for maintenance.

Section 3. Expiration

The Specific Use Permit granted herein shall automatically expire and become null and void if:

A building permit is not issued and construction has not begun within one hundred eighty (180) days of the granting of the specific use permit; or

Section 4. Severability

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

Section 5. Cumulative

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

Section 6. Effective Date

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

PASSED AND APPROVED: This 9th day of April 2026.

Martin Poore
Mayor – City of La Vernia

ATTEST:

Madison Farrow
City Secretary

APPROVED AS TO FORM:

City Attorney’s Office – City of La Vernia

Attachment A