

ORDINANCE NO. 042023-01

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS
AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 46.7
ACRES OF LAND FROM C-2 GENERAL COMMERCIAL TO PDD PLANNED
DEVELOPMENT DISTRICT**

WHEREAS, an application to rezone approximately 46.7 acres of land generally located on US Hwy 87 W being 46.66 acres of land out of the Francisco Herrera Survey No. 6, Abstract No. 15, Wilson County, Texas and also being the residual of that certain 52.404 acre tract described in Volume 985, Page 738 of the Official Public Records of Wilson County, Texas, and more specifically described in the Exhibit A and Exhibit B attached herein, the "Property") has been filed with the City; and

WHEREAS, the City's Code of Ordinances Section 38-1-8. provides for certain criteria ("the Criteria") to be considered by the Planning and Zoning Commission in making recommendations to City Council and by City Council in considering final action on a requested zone change; and

WHEREAS, on April 18, 2023, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation of approval of the rezoning according to the development standards ("Development Standards") set forth in Exhibit C attached herein; and

WHEREAS, on April 20, 2023, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the requested zoning be approved as provided for herein.

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

Section 1. The Property as shown and more particularly described in the attached Exhibit A, is hereby zoned Planned Development District (PDD) and shall develop in accordance with the conceptual plan and development standards set forth in Exhibit B and Exhibit C attached herein.

Section 2. The Official Zoning Map of the City of La Vernia, described and referred to in Section 38-203. of the La Vernia Code of Ordinance, shall be revised to reflect the above amendment.

Section 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 4. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 5. If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

Section 6. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government code as amended.

Section 7. This Ordinance will take effect upon its adoption by the City Council

PASSED, APPROVED, AND ADOPTED THIS 20TH DAY OF APRIL 2023.

Martin Poore, Mayor
City of La Vernia

ATTEST:

Lindsey Wheeler, City Secretary
City of La Vernia

Exhibit A - "The Property"

LEGAL DESCRIPTION: Being 46.66 acres of land out of the Francisco Herrera Survey No. 6, Abstract No. 15, Wilson County, Texas and also being the residual of that certain 52.404 acre tract described in Volume 985, Page 738 of the Official Public Records of Wilson County, Texas; Said 46.66 acre tract being more particularly described as follows and as surveyed under the supervision of Intrepid Surveying & Engineering Corporation in November, 2022:

BEGINNING at a 1/2 inch iron rod found in the north line of U.S. Highway No. 87 for the southeast corner of that certain 7.776 acre tract described in Volume 1035, Page 224 of said Official Public Records and the southwest corner hereof;

THENCE North 07°51'02" East a distance of 573.13 feet along the east line of said 7.776 acre tract to a 1/2 inch iron rod found for the southwest corner of that certain 86.338 acre tract described in Volume 1567, Page 402 of said Official Public Records and the northwest corner hereof;

THENCE along the common lines of said 86.338 acre tract, the following 2 courses:

1. North 81°48'24" East a distance of 1504.70 feet to a 1/2 inch iron rod found for an interior corner hereof;
2. North 40°19'07" East a distance of 475.57 feet to a 1/2 inch iron rod found in the southwest line of Farm to Market Highway No. 1346 for the north corner hereof;

THENCE along the common lines of Farm to Market Highway No. 1346, the following 3 courses:

1. Following a curve turning to left through an angle of 003°09'41", having a radius of 5764.70 feet, an arc length 318.18 feet and whose long chord bears South 61°04'09" East a distance of 318.14 feet to a 1/2 inch iron rod found for a northeast corner hereof;
2. South 60°36'25" East a distance of 153.61 feet to a 1/2 inch iron rod found for a northeast corner hereof;
3. South 64°06'41" East a distance of 548.12 feet to a 1/2 inch iron rod found for the north corner of that certain 15.107 acre tract described in Volume 1528, Page 316 of said Official Public Records and an east corner hereof;

THENCE along the common lines of said 15.107 acre tract, the following 4 courses:

1. South 79°05'03" West a distance of 400.02 feet to a 1/2 inch iron rod found for an interior corner hereof;
2. South 12°12'41" West a distance of 259.13 feet to a 1/2 inch iron rod found for a corner hereof;
3. South 02°26'10" West a distance of 35.24 feet to a 1/2 inch iron rod found for an interior corner hereof;
4. South 87°48'22" East a distance of 292.56 feet to a 1/2 inch iron rod found for the northwest corner of that certain 1.8634 acre tract described in Document No. 108978 of said Official Public Records and a northeast corner hereof;

THENCE South 02°20'10" West a distance of 156.74 feet along the west line of said 1.8634 acre tract to a 1/2 inch iron rod found for the north corner of that certain 1.094 acre tract described in Document No. 99900 of said Official Public Records and a southeast corner hereof;

THENCE South $60^{\circ}25'49''$ West a distance of 461.56 feet along the northwest line of said 1.094 acre tract to a 1/2 inch iron rod found in the north line of U.S. Highway No. 87 for the southwest corner of said 1.094 acre tract and the southeast corner hereof;

THENCE North $87^{\circ}50'21''$ West a distance of 2217.72 feet along the north line of U.S. Highway No. 87 to the **POINT OF BEGINNING** containing 46.66 acres more or less, and as shown on certified plat herewith.

Note: Bearings, distances and acreage shown hereon are NAD 83, South Central Zone and are derived from GPS techniques. Iron Rods set are a 1/2 inch rod with plastic caps marked "INTREPID".

Surveyed by;



Sherman L. Posey, R.P.L.S.
Job# 22-1168.

November 10, 2022

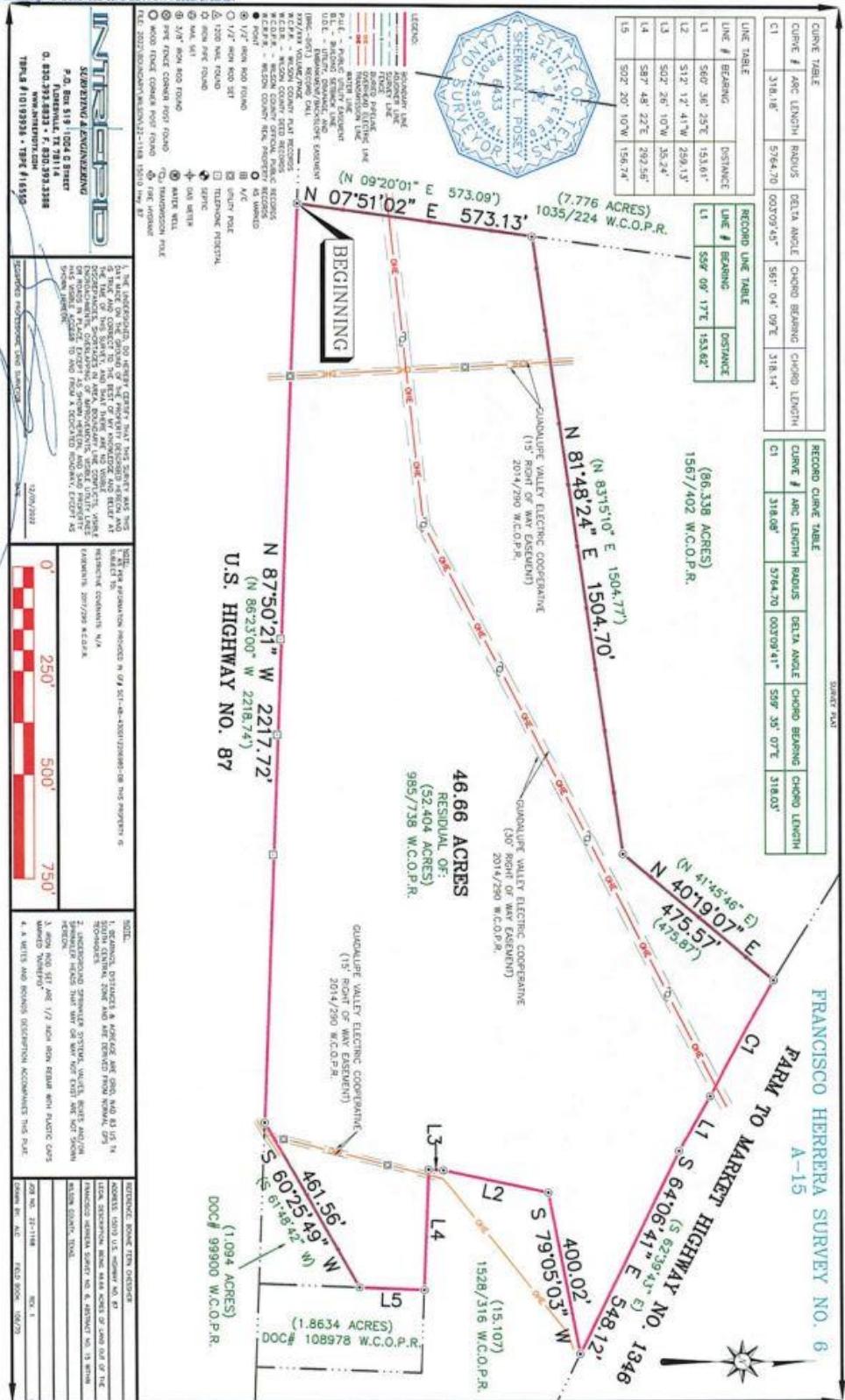
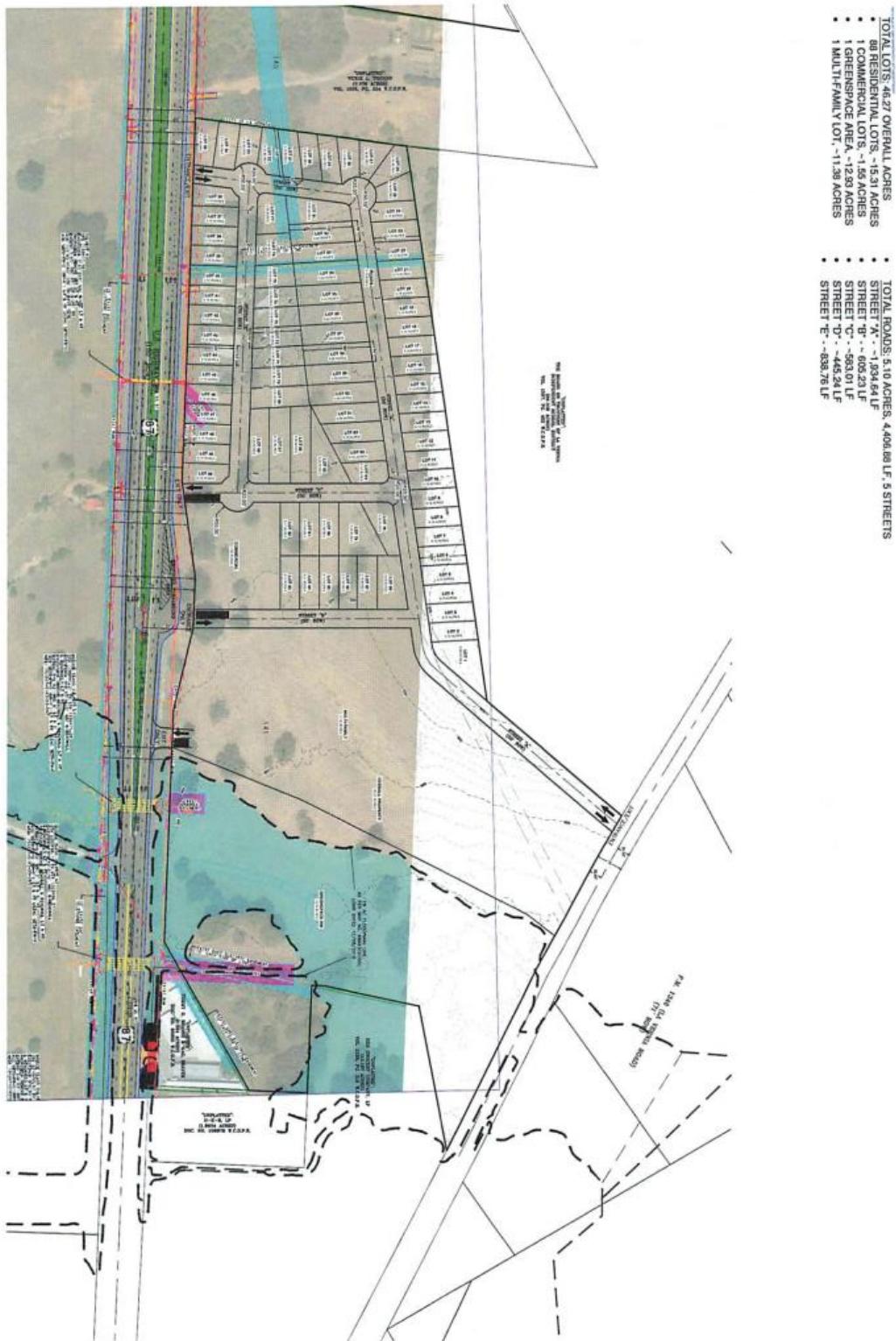


Exhibit B
“Conceptual Plan”



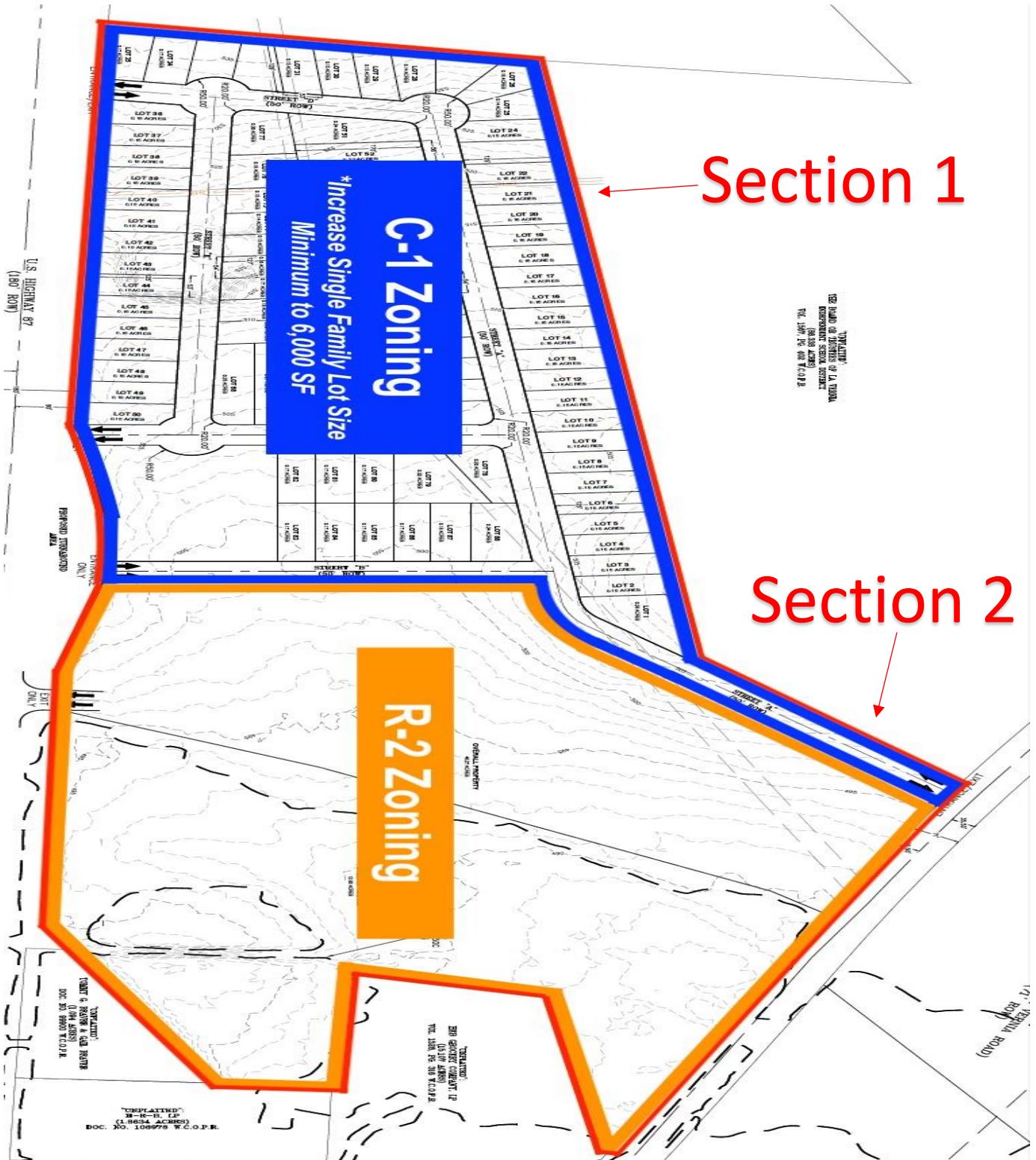


Exhibit C

DEVELOPMENT STANDARDS FOR PLANNED DEVELOPMENT DISTRICT (PDD)

For (46.66 acres of land out of the Francisco Herrera Survey No. 6, Abstract No.15)

PURPOSE STATEMENT

To provide a planned development district (PDD) consistent with modern planned mixed-use developments.

PDD Conforming Statement

The proposed PDD will conform with the base zoning district(s) unless specifically addressed with the proposed development standards.

Base Zoning District

The property within this PDD will develop in accordance with the base zoning of C-1 Commercial and R-2 General Residential as shown on the Conceptual Plan, with modifications to the district requirements as identified in these development standards. The property will develop in accordance the current zoning ordinance as amended except as expressly stated in these development standards.

List of Zoning Deviations

The following lists all exemptions, modifications, or additions for this PDD to the City's current zoning ordinance as amended: Section 38-208. (Dimensional and development standards) – Modifications to the dimensional requirements and the current City of La Vernia Code as amended for all other code requirements and specifications. The dimensional requirements change will be as follows:

District Name	Minimum Lot Size and Dimensions			Minimum Yard Setback			Minimum Height
	Area Sq ft	Width ft	Depth ft	Front ft	Side ft	Rear ft.	
C-1	6000	25	100	25	5	5	30