



**PLANNING AND ZONING COMMISSION
REGULAR MEETING**
Council Chambers of La Vernia City Hall
102 E. Chihuahua Street, La Vernia, Texas 78121

June 4th, 2019
6:30 p.m.

AGENDA

1. Call to Order

2. Invocation, Pledge of Allegiance and Texas Pledge

3. Citizens to be Heard

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

4. Consent Agenda

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

A. Approve minutes from the May 7th 2019

5. Public Hearing/Discussion & Action

A. Public Hearing to receive public comments regarding granting a Specific Use Permit request to provide U-Haul auto and trailer rentals to the public located at 13562 US Hwy 87 W, La Vernia, Texas 78121

B. Discuss and consider recommendation to the City Council for granting a Specific Use Permit to provide U-Haul auto and trailer rentals to the public located at 13562 US Hwy 87 W, La Vernia, Texas 78121.

6. Items Specific to Future Line Items on the Agenda

7. Adjourn

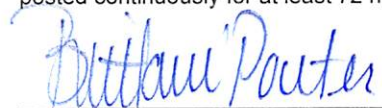
DECORUM REQUIRED

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

The Planning and Zoning Commission for the City of La Vernia reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Open Meetings Act, Texas Governmental Code §551.071 (Consultation with Attorney), §551.072 (Deliberations about Real Property), §551.073 (Deliberations about Gifts and Donations), §551.074 (Personnel Matters), §551.076 (Deliberations about Security Devices), and §551.086 (Economic Development), and any other provisions under Texas law that permits a governmental body to discuss a matter in closed executive session.

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

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above named La Vernia Planning and Zoning Commission is a true and correct copy of said Notice and that I posted true and correct copy of said Notice on the bulletin boards, of the City Hall of said City of La Vernia, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on **May 31, 2019 at 4:30 P.M.** and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.



Brittani Porter, City Secretary



**PLANNING AND ZONING COMMISSION
REGULAR MEETING**

Council Chambers of La Vernia City Hall
102 E. Chihuahua Street, La Vernia, Texas 78121

May 7, 2019
6:30 p.m.

Minutes

1. **Call to Order** – Gordon Bake called the meeting to order at 6:30 and declared a quorum. Members absent: Viola Robles and Marlin Tanneberger.
2. **Invocation, Pledge of Allegiance and Texas Pledge** – The Lord's Prayer was led by Gordon Bake, all in attendance recited the Pledge of Allegiance and Texas Pledge.
3. **Citizens to be Heard**- no citizens to be heard.

4. **Consent Agenda**

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

- A. Approve minutes from the April 11, 2019 Joint Workshop

MOTION: Motion was made by Jennifer Moczygamba, seconded by Justin Oates. Motion passes: 3-0

5. **Public Hearing/Discussion & Action**

- A. **Public Hearing to receive public comments regarding granting a Specific Use Permit request for temporary portable buildings for education purposes located at 195 & 225 Bluebonnet, La Vernia, Texas 78121**

The public hearing was opened at 6:33 PM. Mr. Jeremy Deck, Facilities and Operations Director, spoke on behalf of the request. He stated that since the 2016 bond did not pass, they were unable to grow the facilities. With exceptional growth, showing to be 1% increase, we are implementing future plans for growth. Mayor Gregory stated he had a meeting with the superintendent and it appears clear that the school district is going to have to take a step for growth. He also stated that staff did speak with the attorney whom stated they have a statutory right to place the portable buildings however conditions can be placed by the governing body. The public hearing was closed at 6:40 PM.

- B. **Discuss and consider recommendation to the City Council for granting a Specific Use Permit for temporary portable building for education purposes at 195 & 225 Bluebonnet, La Vernia, Texas 78121.**

MOTION: Commissioner Moczygamba made a motion to recommend to City Council that contingent upon all conditions, grant another 3 years and conditional 3 years with an inspection and La Vernia ISD meet the health and safety requirements, buildings are secure, Bureau Veritas to inspect all buildings and all fees will be paid for by the school district, seconded by Commissioner Oates. Motion passes: 3-0.

6. Items Specific to Future Line Items on the Agenda

- 7. Adjourn** – Commissioner Oates made a motion to adjourn the meeting, seconded by Commissioner Moczygemba. Meeting was adjourned at 6:54 PM.

Brittani Porter, City Secretary

Gordon Bake, Chairman

Date Received May 16, 19
Permit/Receipt No. _____
Fee Paid \$100.00/-

City of La Vernia
Specific Use Permit
102 E. Chihuahua Street
P.O. Box 225, La Vernia, TX 78121
(830) 779-4541 • Metro/Fax (830) 253-1198
codeenforcement@lavernia-tx.gov



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

Name SARUP RETAIL, INC.
Mailing Address 1024 C St., Floresville, TX 78114
Telephone 830-216-4075 Fax 830-393-1033 Mobile _____ Email firm@ctflaw.com
Property Address/Location 13562 US Hwy 87W, LaVernia, TX Property ID No 27342
Legal Description
Name of Subdivision City of LaVernia Lot 120
Lot(s) 11 Block(s) 33 Acreage .541
Existing Use of Property Gas station
Proposed Use of Property (attach additional or supporting information if necessary) see attached
Provide U-Haul auto and trailer rentals to public
Current Zoning C-1

Proposed use of Property and/or Reason for Request (please explain in detail and attach additional pages if needed):
see attached

Attachments:

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

A denied application is ineligible for reconsideration for one year.

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

Signature of Owner(s)/Agent

April 30, 2019 ^{ETH}
Date

For Office Use Only	
Date of Publication <u>05-23-2019</u>	Date of P&Z Public Hearing <u>06-04-2019</u>
Date of 200 Ft Notices <u>05-21-2019</u>	Date of Council Public Hearing <u>06-13-2019</u>
Ordinance No. <u>061319-01</u>	Approved _____ Denied _____

AFFIDAVIT BY OWNER OF SARUP RETAIL, INC.

THE STATE OF TEXAS §
§
COUNTY OF WILSON §

BEFORE ME, the undersigned authority, on this day personally appeared SUKHWINDER BIRING a/k/a SONNY, PRESIDENT and OWNER of SARUP RETAIL, INC., known to me to be the person herein, who on this day after being by me first sworn, and upon oath, stated:

“I, SUKHWINDER BIRING a/k/a SONNY, PRESIDENT and OWNER of SARUP RETAIL, INC., have engaged the Law Offices of Louis T. Rosenberg, P.C. to represent my business, SARUP RETAIL, INC., and in my capacity as the President and Owner of SARUP RETAIL, INC., I specifically authorize Louis T. Rosenberg and Eloy J. Hita as my attorneys and agents to file the necessary zoning change application through a special use permit and assist me in all related matters, including attending and assisting in any required administrative hearings.

Furthermore, SARUP RETAIL, INC. is the lawful owner of the property concerning the special use permit and application by a Special Warranty Deed described in Volume 1406, Page 161 of the Official Deed Records of Wilson County, Texas which is attached and incorporated by reference hereinafter as Exhibit 1.

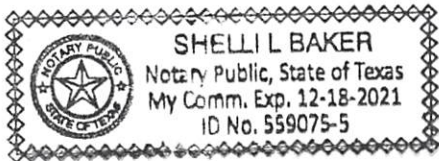
Moreover, I respectfully request the City of La Vernia, Texas, the Planning & Zoning Board, and the City Council a zoning change from C-1 (current zoning) to a special use permit for the specific purpose of operating as a U-Haul rental store. I currently operate a gas station at the above referenced property. However, I intend to rent U-Haul auto and trailer rentals (vehicles) to the public for local moving and relocation purposes. The U-Haul vehicles will only be used in residential moves in and throughout the local area. At no time will any U-Haul vehicles be for sale or lease. Additionally, no repair services will occur on any vehicles aside from changing tire(s) to ensure safe operation. The vehicles will be taken off the property for maintenance and service at a professional repair shop.

Therefore, I respectfully request a special use permit for the reasons stated above.”

Sukhwinder Biring

SUKHWINDER BIRING a/k/a SONNY,
PRESIDENT and OWNER of SARUP RETAIL,
INC.

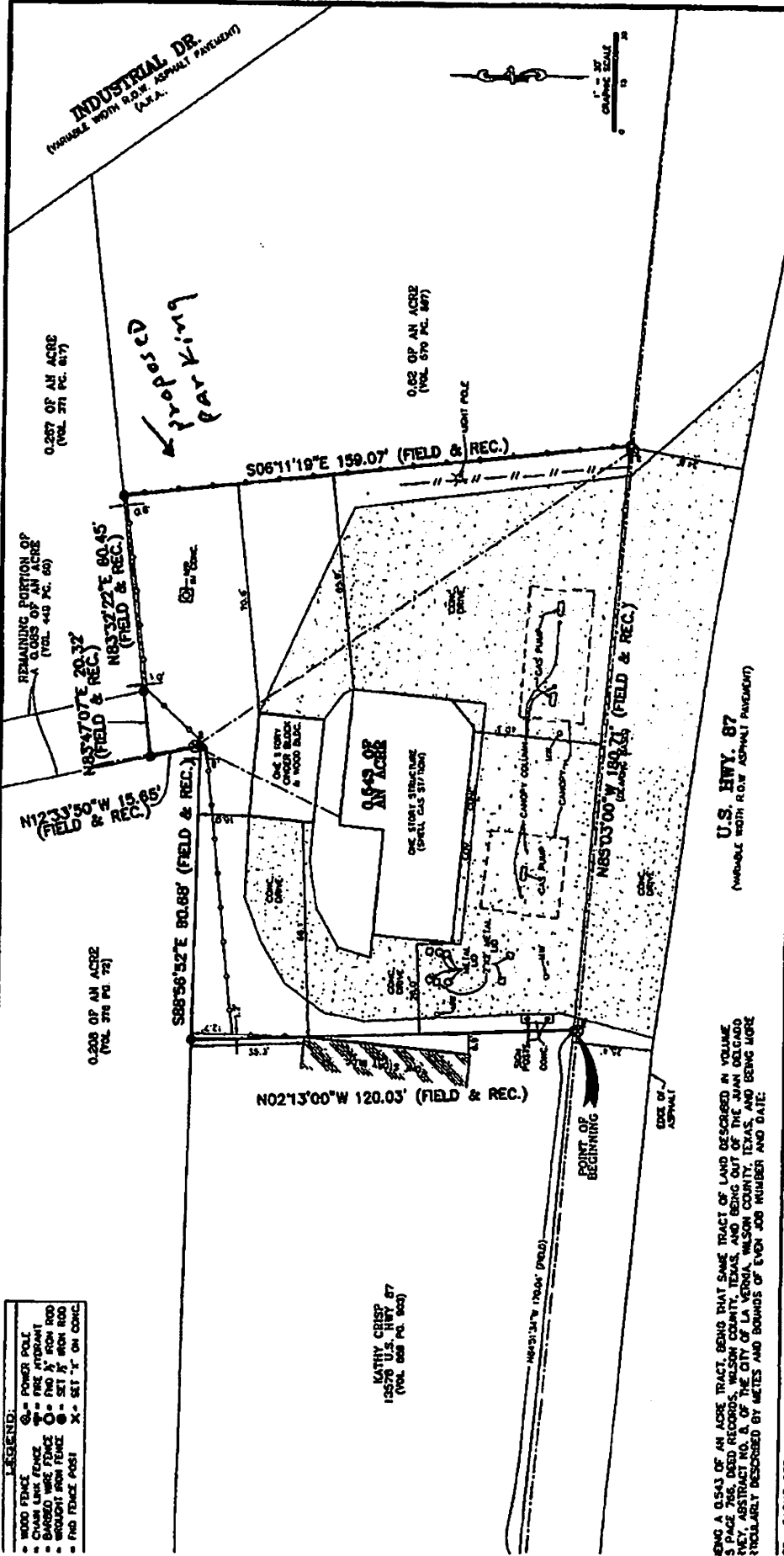
SWORN AND SUBSCRIBED TO BEFORE ME by SUKHWINDER BIRING a/k/a
SONNY, PRESIDENT and OWNER of SARUP RETAIL, INC. on this the 15th day of
May, 2019.



Shelli L. Baker

NOTARY PUBLIC

- LEGEND:**
- WOOD FENCE
 - CHAIN LINK FENCE
 - BARBED WIRE FENCE
 - BROUGHT IRON FENCE
 - FND FENCE POST
 - - POWER POLE
 - - FIRE HYDRANT
 - - FND "X" IRON ROD
 - - SET "X" IRON ROD
 - - FND FENCE POST
 - - SET "X" ON CONC.



ER: SARUP RETAL, INC.
 13562 U.S. HWY. 87
 COMPANY: FIRST AMERICAN TITLE
 BLOCK: ~ R.C.B.: ~
 JANSON: ~ COUNTY: WILSON STATE: TEXAS
 RECORDED IN: VOLUME ~ PAGE ~ DEED AND PLAT RECORDS OF WILSON COUNTY, TEXAS

SOUTH CENTRAL SURVEYORS OF TEXAS
 P.O. BOX 100142
 SAN ANTONIO, TEXAS 78200
 PHONE: 210-534-6700
 FAX: 210-534-9873

STATE OF TEXAS
 COUNTY OF WILSON
 I HEREBY CERTIFY THAT THE ABOVE PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THERE ARE NO VISIBLE ENCUMBRANCES OR BALDINGS ON ADJOINING PROPERTIES AND THAT ALL ADJACENT OWNERS HAVE BEEN NOTICED AND CONSENTED TO AS SHOWN ABOVE.
 THIS 30TH DAY OF MAY 2007 A.D.
 PETER A. AGLIBRE, R.P.L.S. 5484

STATE OF TEXAS
 COUNTY OF WILSON
 I HEREBY CERTIFY THAT THE ABOVE PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THERE ARE NO VISIBLE ENCUMBRANCES OR BALDINGS ON ADJOINING PROPERTIES AND THAT ALL ADJACENT OWNERS HAVE BEEN NOTICED AND CONSENTED TO AS SHOWN ABOVE.
 THIS 30TH DAY OF MAY 2007 A.D.
 PETER A. AGLIBRE, R.P.L.S. 5484

JOB NO: 7-4202-002
FIELD WORK COMP 5-29-07

BEING A 0.943 OF AN ACRE TRACT, BEING THAT SAME TRACT OF LAND DESCRIBED IN VOLUME 5 PAGE 766, DEED RECORDS, WILSON COUNTY, TEXAS, AND BEING OUT OF THE MAIN SURVEY, ABSTRACT NO. 8, OF THE CITY OF LA VERNA, WILSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS OF EVEN JOB NUMBER AND DATE.

KATHY CRIST
 15278 U.S. HWY. 87
 (VOL. 687 P. 843)

U.S. HWY. 87
 (VARIABLE WITH R.O.W. ASPHALT PAVEMENT)

INDUSTRIAL DR.
 (VARIABLE WITH R.O.W. ASPHALT PAVEMENT)

Proposed parking





NOTICE OF PUBLIC HEARING

The City of La Vernia Planning & Zoning Commission will hold a public hearing at the request of Sarup Retail Inc.

Property: .541 addressed as 13562 US Hwy 87 W La Vernia, Texas 78121.

Request: U-Haul auto and trailer rentals to the public

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

Public hearing for this request is scheduled before the Planning & Zoning Commission on Tuesday, February 26th 2019, at 6:00 PM and City Council on Tuesday June 4th, 2019 at 6:30 PM. Both meetings will be held at 102 E. Chihuahua St., Council Chambers, and are open to the public. To submit written comments please complete the information below, including your signature, and return by Friday, May 31st, 2019 to:

Mail: City of La Vernia
Brittani Porter
102 E. Chihuahua St.
La Vernia, Texas 78121

Email: bporter@lavernia-tx.gov

If you have questions, please call Brittani Porter at (830) 779-4541 ext. 3.


Brittani Porter, City Secretary

YOUR OPINION MATTERS – DETACH AND RETURN

Circle one

I am (**in favor**) (**opposed**) to the proposed Re-Zone for the property described as 13562 US Hwy 87 W. , Lot 120, (Lot 11 Blk 33), La Vernia, Texas 78121.

Name: _____

Address: _____

Signature: _____

Date: _____

Comments: _____

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

Allez à avery.com/gabants !
Christopher Dinh & Austin Nguyen
17035 Darien Wing
San Antonio, Texas 78247

Étiquettes d'adresse Easy Peel®
Dr. Mark A Simmons DDS
13549 US Hwy 87 W
La Vernia, Texas 78121

Pat: avery.com/patents
La Vernia ISD
Attn: Dr. Trent Lovette
13600 US Hwy 87 W.
La Vernia, TX 78121

Riaz Homes LLC
P.O. Box 28
Seguin, Texas 78155

Jovita H Guerrero
13520 US Hwy 87 W
La Vernia, Texas 78121

Daniel J & Mary Hughes
96 FM 1346
La Vernia, Texas 78121

Josefa Flores & Vincente Rojo
903 FM 3432
La Vernia, Texas 78121

Charles & Lindsey Strickland
123 Country Gardens
La Vernia, Texas 78121

Frank & Kim Pruski
Ronny & Carla Becknell
P.O. Box 159
La Vernia, Texas 78121

La Vernia Church of Christ
Keith Johanson ET Al-Trustee
P.O. Box 249
La Vernia, Texas 78121

141 Industrial Land Trust
1370 Pantheon Way Ste. 190
San Antonio, Texas 78232-2296

Kathy J Crisp
P.O. Box 459
La Vernia, Texas 78121

Dennis L & Tracy L Snow
P.O. Box 195
La Vernia, Texas 78121

David P & Ruth G Sanchez
605 Lake Valley Dr.
La Vernia, Texas 78121

Michael Dale Rhoads
P.O. Box 252
La Vernia, Texas 78121

* Mailed notices on 5/21 and have had
no returns as of 5/31 @ 4:00 PM.

Sec. 38-104. - Definitions.

Rental store means an establishment which offers an array of items such as appliances, furniture, stereo equipment, televisions, etc. at a stated price for a fixed interval of time under a lease or rental agreement.

Trailer, travel trailer, cattle trailer, utility trailer, etc., means a vehicle designed to be drawn by another vehicle, attached to the towing vehicle or used in conjunction with a motor vehicle. Used for transporting property, passengers, animals, etc., wholly on its own structure.

Sec. 38-302. - Permitted use charts.

(f) *Automobile and related service uses.*

RA	R-1	R-2	MH	Type of Use:	GP	C-1	C-B	C-2	I	H	PI
				Auto Leasing/Rental		P	P	P	P		
				Trailer Sales/Rental		S	P	P	P		
				Truck and Bus Repair and Leasing				P	P		

Section 38-407 – Outdoor Stage and display

(d) *Outdoor display and storage requirements.*

- (1) All outdoor display and storage areas must be clearly shown in the site plan submitted for the property.
- (2) All outdoor storage and display shall be located outside of the public right-of-way and at least ten feet from the back edge of the curb or street pavement edge and outside of any required landscape area. Additionally, all outdoor display and storage shall only be on paved areas and shall be included in the maximum impervious cover limitations set forth within the applicable zoning district.

Also, additional on-site parking of 1 space per rental unit and an additional space for each 200 square feet of gross floor area devoted to the rental operation. The other possibility is to determine that the proposed use is a secondary use of the property that is not classified in the current use chart. In that event, the administrative official could either recommend amendments to the code or follow the specific use permit process as outlined below for new and unlisted uses.

Sec. 38-303. - Classification of new and unlisted uses.

It is recognized that new or unlisted types of land use will develop and forms of land use not anticipated may seek to locate in the city. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

- (1) The administrative official shall refer the question concerning any new or unlisted use to the planning and zoning commission and city council for review and approval of a specific use permit.
- (2) The specific use permit application shall be accompanied by a statement of facts, provided by the applicant, listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.
- (3) The planning and zoning commission and city council shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts, in determining the zoning district or districts within which such use should be permitted.
- (4) It is recognized that the permitted use chart may require amendment, from time to time, to allow for uses that were otherwise not permitted. In the event an amendment to the permitted use chart is required, the procedure for the amendment shall be the same as required for an amendment to the text of the ordinance from which this chapter is derived.