



City of La Vernia  
**PLANNING & ZONING COMMISSION MEETING**  
102 E. Chihuahua St., La Vernia, Texas 78121  
July 18, 2023  
6:30 PM

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## **AGENDA**

- 1. Call to Order**
- 2. Invocation, Pledge of Allegiance and Texas Pledge**
- 3. Citizens to Be Heard**  
*(At this time, citizens who have filled out a registration form prior to the start of the meeting may speak on any topic they wish to bring to the attention on 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 Councilmember requests an item be removed and considered separately.)*
  - A.** Meeting minutes from 06-08-23 Joint City Council and Planning and Zoning Meeting
  - B.** Meeting minutes from 04-18-23 Planning and Zoning Meeting
- 5. Public Hearing**
  - A.** Public hearing regarding the request of the City of La Vernia on the proposed amendments to the City's Land Use Assumptions (LUA's) and Capital Improvement Plans (CIP) relating to impact fees.
    - A.1 Open Public Hearing
    - A.2 Requestor Presentation
    - A.3 Staff Presentation
    - A.4 Receive Public Comments
    - A.5 Close Public Hearing
    - A.6 Discuss and consider a recommendation to City Council on Ordinance No. 072023-02 approving the amendments to the City's Land Use Assumptions (LUA's) and Capital Improvement Plans (CIP) and approving water and wastewater impact fees
  - B.** The City of La Vernia Planning & Zoning Commission will hold a public hearing at the request of land owners SANDERS, DAVID & MARGARET  
Property: Current Legal Description: 243 WISEMAN LANE LA VERNIA, TX 78121 CITY OF LA VERNIA, LOT 303 (PT) & 303A, ACRES 10.84 proposed to be a mixed-use planned development  
Request: to create a Planned Development which would be zoned as PD (Currently Residential Agricultural Zoning, R-A)

A.1 Open Public Hearing

A.2 Requestor Presentation

A.3 Staff Presentation

A.4 Receive Public Comments

A.5 Close Public Hearing

A.6 Discuss and consider a recommendation to the City Council regarding Ordinance No. 072023-01 the re-zone/ PDD of the location specifically known as 243 WISEMAN LANE LA VERNIA, TX 78121 CITY OF LA VERNIA, LOT 303 (PT) & 303A, ACRES 10.84

**6. Discussion & Action**

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

**8. Adjourn**

**DECORUM REQUIRED**

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

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

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

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above named La Vernia Planning and Zoning Commission is a true and correct copy of said Notice and that I posted true and correct copy of said Notice on the bulletin boards of the City Hall of said La Vernia, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on **Month DD, 20YY at H:MM PM** and remained so posted continuously for at least 72 Hours preceding the scheduled time of said meeting.

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Lindsey Wheeler, City Secretary



City of La Vernia  
**CITY COUNCIL + PLANNING AND ZONING JOINT  
WORKSHOP**

Section 4, Item A.

102 E. Chihuahua St., La Vernia, Texas 78121  
June 08, 2023  
6:15 PM

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## MINUTES

### 1. Or immediately following the City Council Meeting

#### Call to Order

Called to order at 6:15 pm for both City Council (M. Poore, D.. Recker, G.Gilbert, G.Rabel, E.Rauschuber, J.Oates present) and Planning and Zoning (C.Jacobs, M.Tanneburger, W.Robbins present)

### 2. Citizens to Be Heard

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Chris Jacobs, a resident of the Woodbridge Farms community, spoke regarding an area behind his fenceline within property owned by the city of La Vernia that he would like to purchase and maintain

### 3. Presentations

- A. Presentation by Southwest Engineers regarding the City of La Vernia Impact Fees  
Clarence Littlefield presented on the ongoing plan to re-do the city impact fee study

### 4. Discussion/Action

- A. Discuss the preliminary impact fee plan  
Clarence Littlefield presented on the ongoing plan to re-do the city impact fee study, Council and Planning and Zoning decided to have Mr. Littlefield re-evaluate the plan, and potentially lower the planned for fees

### 5. Items Specific to Future Line Items on the Agenda

The impact fee study will come back on next months agenda

### 6. Adjourn

Councilmember Oates made a motion to adjourn the meeting, seconded by Councilmember Rabel, meeting adjourned at 7:43 pm

Comissioner Jacobs made a motion to adjourn the meeting, seconded by Comissioner Robbins, meeting adjourned at 7:43 pm

### DECORUM REQUIRED

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I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above-named La Vernia City Council is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin boards of the City Hall of said La Vernia, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on **June 05,2023, at 5:00 PM** and remained so posted continuously for at least 72 Hours proceeding the scheduled time of the said meeting.

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Lindsey Wheeler, City Secretary



**PLANNING & ZONING COMMISSION MEETING**

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

April 18, 2023

6:30 PM

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**MINUTES**

**1. Call to Order**

Called to order at 6:30 pm

Commissioners Tanneburger, Jacobs, and Witherell are present, and Commissioners Hennette, and Raushuber absent

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

All recited the Pledge of Allegiance and the Texas pledge

**3. Citizens to Be Heard**

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Mr. Love is here but will speak later in the meeting

**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 Councilmember requests an item be removed and considered separately.)*

A. Approve Minutes From The 03-07-23 Regular Planning and Zoning Meeting

MOTION: Commissioner Jacobs made a motion to approve the consent agenda as presented, seconded by Commissioner Witherell, all in favor

**5. Public Hearing**

A. Public hearing regarding the request for Change of Zoning District Classification from existing zoning of C-2 General Commercial to requested Zoning of PDD Planned Development District/ C-1 Retail/ R-2 General Residence regarding the location specifically known as City of La Vernia, Lot 101B, Acres 46.6996, 15010 US Hwy 87 W, La Vernia, Texas 78121 currently owned by Bonnie Chessher, requesting in partnership with NP Homes

A.1 Open Public Hearing

A.2 Requestor Presentation

A.3 Staff Presentation

A.4 Recieve Public Comments

A.5 Close Public Hearing

A.6 Discuss and consider a recommendation to the City Council regarding Ordinance No. 042023-01 the re-zone/ PDD of the location specifically known as City of La Vernia, Lot 101B, Acres 46.6996, 15010 US Hwy 87 W, La Vernia, Texas 78121

A.1 Open Public Hearing

Open at 6:32 pm

A.2 Requestor Presentation

A representative from PF properties spoke and presented a power point

A.3 Staff Presentation

None

A.4 Recieve Public Comments

Mr. Love spoke regarding concerns that this type of development would bring additional crime to the City of La Vernia

A.5 Close Public Hearing

Closed at 6:38 pm

A.6 Discuss and consider a recommendation to the City Council regarding Ordinance No. 042023-01 the re-zone/ PDD of the location specifically known as City of La Vernia, Lot 101B, Acres 46.6996, 15010 US Hwy 87 W, La Vernia, Texas 78121

Motion: Commissioner Jacobs made a motion to make a positive recommendation to the City Council regarding Ordinance No. 042023-01 the re-zone/ PDD of the location specifically known as City of La Vernia, Lot 101B, Acres 46.6996, 15010 US Hwy 87 W, La Vernia, Texas 78121, seconded by Commissioner Witherell, all in favor

**6. Discussion & Action**

- A. Discuss the state of Ch 38 of the La Vernia Code of Ordinances regarding Home Occupancy Permits and if there are any changes the board would like to see made in the future

The commissioners discussed being more favorable to granting variances as the City Council/ ZBOA see fit than to creating a change to the City Code of Ordinances regarding home occupations

Motion: Commissioner Jacobs made a motion to not make any changes to the current code surrounding home occupations, seconded by Commissioner Witherell, all in favor

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

Ethics training in the near future with the City Attorney

**8. Adjourn**

MOTION: Commissioner Witherell made a motion to adjourn the meeting at 7:01 pm, seconded by Commissioner Jacobs, all in favor

**DECORUM REQUIRED**

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Lindsey Wheeler, City Secretary





July 12, 2023

Ms. Yvonne Griffin  
City Administrator  
City of La Vernia  
P. O. Box 225  
102 E. Chihuahua  
La Vernia, Texas 78121-0225

RE: Impact Fee Study - Sewer  
SWE Project No. 0200-034-23

Dear Yvonne,

During our review of the sewer capacity, we focused on the area west of FM 1345, as this was the area to be served by a new Wastewater Treatment Plant in the proposed impact fee study. This area is currently served by the HEB Lift Station, various sewer mains and the existing City Wastewater Treatment Plant. Based on this study, we evaluated your current capacity and the bottleneck for future growth. We believe the limiting factor in the capacity will be the 4" force main leaving the HEB Lift Station at a capacity of approximately 400 total LUEs.

- Treatment – Current Wastewater Treatment Plant
- Transmission – Pipelines from HEB Lift Station to Wastewater Treatment Plant
- Pumping – Current HEB Lift Station capacity

### **Treatment**

The current Wastewater Treatment Plant can serve approximately 1,800 connections and is at 50% capacity.

### **Transmission**

The existing transmission lines from the HEB Lift Station to the Wastewater Treatment Plant include two force mains and 5 gravity mains. Capacity approximations were based on ground elevations and known sewer main sizes.

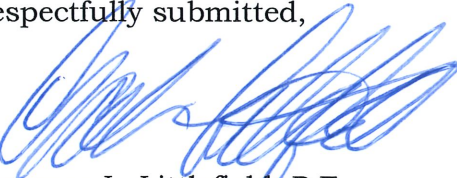
<b>Transmission Line</b>	<b>Approximate Capacity</b>	<b>LUEs</b>
4" Force Main (HEB Lift Station to HWY 87)	200 gpm	400
8" Gravity Main (Hwy 87- End of Hillcrest Dr)	900 gpm	1,800
12" Gravity Main (Hillcrest Dr to Lift Station)	1,400 gpm	2,800
6" Force Main (Lift Station to Dry Hollow)	450 gpm	900
10" Gravity Main (Dry Hollow to Newton/River Rd)	1,030 gpm	2,060
10" Gravity Main (Newton/River Rd to WWTP)	850 gpm	1,700

**Pumping**

Based on conversations with Josh, the current Lift Station runs less than 1.5 hours daily. The Lift Station has capacity to handle additional flows. There will be a need to construct additional wet wells at the Lift Station and increase pump capacity with growth. The proposed citywide wastewater impact fee should also be adequate to make those minor improvements.

Any large development will require a new Wastewater Treatment Plant that would be paid for by the Developer and enlarged by future developers.

Respectfully submitted,



Clarence L. Littlefield, P.E.

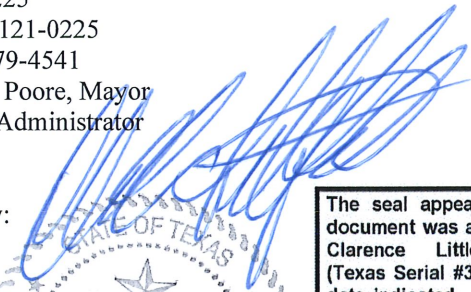
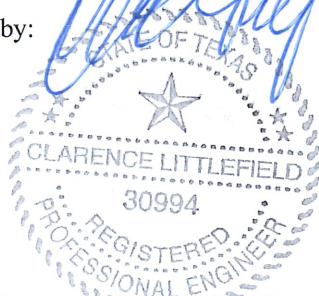
# City of La Vernia

## WATER & WASTEWATER IMPACT FEE STUDY

July 2023  
SWE Project No. 0200-034-23

**City of La Vernia**  
PWS #2470004  
P. O. Box 225  
La Vernia, TX 78121-0225  
Phone: (830) 779-4541  
The Honorable Martin Poore, Mayor  
Yvonne Griffin, City Administrator

Prepared by:

  
  
7-12-23

The seal appearing on this document was authorized by Clarence Littlefield, P.E. (Texas Serial #30994) on the date indicated. Alteration of this sealed document without proper notification to the responsible engineer is an offense under the Texas Engineering Practice Act.



**Southwest  
Engineers**

307 St. Lawrence  
Gonzales, TX 78629  
Phone: 830.672.7546  
www.swengineers.com  
TPBE No. F-1909

## Table of Contents

Introduction..... 3

Methodology..... 3

Land Use Assumptions and Projected Growth ..... 4

Capital Improvements ..... 4

Appendix A

## Introduction

The City of La Vernia continues to expand and aims to maintain adequate infrastructure and means to provide water and wastewater services.

The City of La Vernia has authorized Southwest Engineers, Inc. to amend the previously approved Impact Fee Study, which identifies system improvements and facility expansion that are necessary for the next ten (10) years. The previous *Impact Fee Study* was completed and adopted by the City in 2015, for the water and wastewater systems. With pending growth and costs for the required infrastructure, the Impact Fees have been reevaluated and proposed.

## Methodology

Impact fees are charged based on capital improvements deemed necessary due to the projected increase in the number of connections over a developmental period not to exceed ten (10) years. The term “capital improvements” refers to the improvements made to water and wastewater system (including facility expansions) with a life expectancy of three or more years, whether or not located within the service area.

### Existing Infrastructure

The existing infrastructure remains unchanged from the previously impact fees study except for the completion of the following projects from the previous impact fee study. Below is the status of the improvements from the previous study:

#### *Water*

- Improvement 1: New Supervisory Control and Data Acquisitions – Complete
- Improvement 2: Woodcreek Subdivision – Complete
- Improvement 3: Miscellaneous Undersized Water Main Replacement – Complete
- Improvement 4: FM 1346, 8-inch Main Expansion – Complete
- Improvement 5: Dry Hollow, 6-inch Water Main Replacement – Complete
- Improvement 6: McCoy Street, 6-inch Water Main Replacement – Not Completed
- Improvement 7: San Antonio & D.L. Vest St., 8-inch Water Main – Complete
- Improvement 8: New Water Well and 12-inch Transmission Line – Complete
- Improvement 9: US Highway 87, 12-inch Interconnect Water Main – Not Completed
- Improvement 10: US Highway 87, 8-inch Water Main Extension West – Not Completed
- Improvement 11: US Highway 87, 8-inch Water Main Extension East – Not Completed

#### *Wastewater*

- Improvement 1: 15-inch Pipe from Wastewater Treatment Plant to Chihuahua Street – Not Completed
- Improvement 2: Clay Sewer Pipe Replacement Program – Not Completed
- Improvement 3: US Highway 87, 8-inch Sewer Line Extension West – Not Completed
- Improvement 4: Clay Sewer Pipe Replacement Program 2 – Not Completed
- Improvement 5: US Highway 87, 12-inch Chamber of Commerce Sewer Main – Not Completed
- Improvement 6: FM 775 8-inch Sewer Service Extension West – Completed
- Improvement 7: Woodcreek Subdivision Sewer Service – Completed

## Land Use Assumptions and Projected Growth

The water service area for the City of La Vernia is bounded by their current CCN, which encompasses approximately 4,750 acres (of which approximately 2,000 acres are located within the FEMA 100-year floodplain). It is projected that the majority of the growth will occur due to development in the form of residential subdivisions, with some retail/commercial developments and schools to serve the growing population. Growth within the next ten (10) years is expected in areas outside of the city limits, where large tracts are being purchased by potential developers. *Exhibit A* shows the areas of potential development, including areas with active service requests. All existing infrastructure has sufficient capacity for current service requests, however additional infrastructure will be necessary to connect these proposed developments to the existing infrastructure. A 3% growth rate is expected for the area inside the City Limits as this has been seen in the past and in neighboring water districts. The City of La Vernia will also need to complete system improvements to serve several of the proposed development areas.

Although the wastewater service area is not bounded by a CCN and rather the City Limits, it is understood that the City plans to provide wastewater to all water customers and the wastewater impact fees are developed anticipating the same growth as explained above.

## Capital Improvements

### Water

The City of La Vernia needed to make several improvements to their water system to be able to serve the projected growth of their service area over the next ten (10) years. While the existing infrastructure has sufficient capacity for current customers, elevated tower, water mains, wells, and filter plant improvements and expansions will be necessary to serve areas of growth within the City's service area. A 10-year Capital Improvements Plan was developed to identify the projects that will need to be completed to accommodate the proposed growth. The subsequent paragraphs provide the details of each of these projects, followed by a summary of this list and the associated costs in Table 2, a full breakdown of costs in *Exhibit B* and a location map of these improvements can be found in *Exhibit C*.

The first project was a 500,000-gallon Elevated Tower located in the Woodcreek Subdivision off Woodcreek Drive. The Elevated Tank provides adequate water pressure to the entire City of La Vernia including flows required for fire flow.

The next project was a 12-inch water main supply line from the Filter Plant to the Old Elevated Tank. The existing 6-inch main is limited to about 300 gpm and is a bottleneck in the City of La Vernia's water supply. This main increased the water supply to the City by allowing more water to be pumped from the Filter Plant to handle the additional supply from Wells #6 and #7 and Well #8 when drilled.

The next major capital improvement is a 16-inch water main from the Booster Station directly to the Elevated Tank. This supply line will be approximately 6,400 L.F and will allow for increased flows to the Elevated Tank to meet the Elevated Tank capacity. The line will also reduce the pumping pressure and result in a power cost savings.

The next major project is the installation of Well #8. This will include the acquisition of land and water rights, and installation of a 700 gpm well. It is proposed for the water well be placed on Tanneberger land, south of current Well #7. The water well will provide water for an additional 1,200 customer connections.

The next project is a 12-inch water line from the proposed Well #8 to the existing Well #7 to allow the water to be treated at the current City of La Vernia Filter Plant. With the proposed well location, this is approximately 10,700 L.F of water line that will be required.

The final major capital improvement is the expansion of the current Filter Plant. The current operation is limited to about 875 gpm with two (2) 7-foot diameter and two (2) 8-foot diameter filters. Two (2) additional 8-foot diameter filters at 250 gpm per filter for 500 gpm of additional treatment capacity to treat the water from Well #6, #7 and #8 will be required.

Table 1: Water Capital Improvement Summary

Location	Cost	Number of LUEs	Per LUE
<b>Elevated Tank</b>	\$ 1,419,420.00	2,500	\$ 570.00
<b>12-Inch Main to Old Elevated Tank</b>	\$ 371,478.00	2,500	\$ 150.00
<b>16-Inch Main to Elevated Tank</b>	\$ 1,254,000.00	2,500	\$ 500.00
<b>Well #8 (700 gpm)</b>	\$ 820,000.00	1,200	\$ 690.00
<b>12-Inch Pipeline from #8 to #7</b>	\$ 945,000.00	1,200	\$ 790.00
<b>Filter Plant</b>	\$ 1,305,000.00	900	\$ 1,620.00
	<b>\$ 6,114,898.00</b>		<b>\$ 4,320.00</b>

Based on the expected growth, the anticipated expenditures for associated capital improvements, and the number of LUEs each capital improvement will serve (Table 2). The City of La Vernia would need to collect approximately \$4,320/LUE from all new developments.

**Wastewater**

The City of La Vernia will also need to make several major improvements to their wastewater system to be able to serve the projected growth of their current water service area over the next ten (10) years especially with service in two (2) areas that would require a major lift station and force mains. While the existing infrastructure has sufficient capacity for current customers in the plant gravity flow plain, a new wastewater treatment plant, and additional gravity mains would be necessary to serve areas of growth within the service area. A 10-year Capital Improvements Plan was developed to identify the projects that will need to be completed to accommodate the proposed growth.

The first project will include 3,000 L.F of 12-inch gravity main in easement from US Highway 87 to the Wastewater Treatment Plant. This sewer line will divert flow from the current 10-inch gravity main down River Street that is approaching capacity. This existing 10-inch gravity main is the only main to the plant.

The next major capital improvements are the installation of the US Highway 87, 12-inch gravity main. This main is to include approximately 2,000 L.F of 12-inch sewer to service the existing residences and businesses along US Highway 87 towards the Chamber of Commerce as well as provide sewer service for the new developments in this area. This main will tie into the new gravity main to the plant described above. Both proposed lines are in the east gravity plain.

The next major capital improvement is upgrades to the west gravity plain, including all areas west of FM 1346. The improvements will include upgrades to the current HEB lift station and a proposed new sewer main west of the lift station. Any large developments on the west side of town may be required to install a new wastewater treatment plant due to existing lift station, force main and gravity line capacity limitations.

Table 2: Wastewater Capital Improvement Summary

Location	Cost	Number of LUEs	Per LUE
<b>12-Inch Gravity Main to WWTP</b>	\$ 575,000.00	1,000	\$ 575.00
<b>12-Inch Gravity Main US Highway 87</b>	\$ 377,000.00	1,000	\$ 380.00
<b>West Side Improvements</b>	\$ 100,000.00	500	\$ 200.00
	<b>\$ 1,002,000.00</b>		<b>\$ 1,155.00</b>

Based on the expected growth, the anticipated expenditures for associated capital improvements, and the number of LUEs each capital improvement will serve (Table 2). The City of La Vernia would need to collect approximately \$1,155/LUE from all new developments.

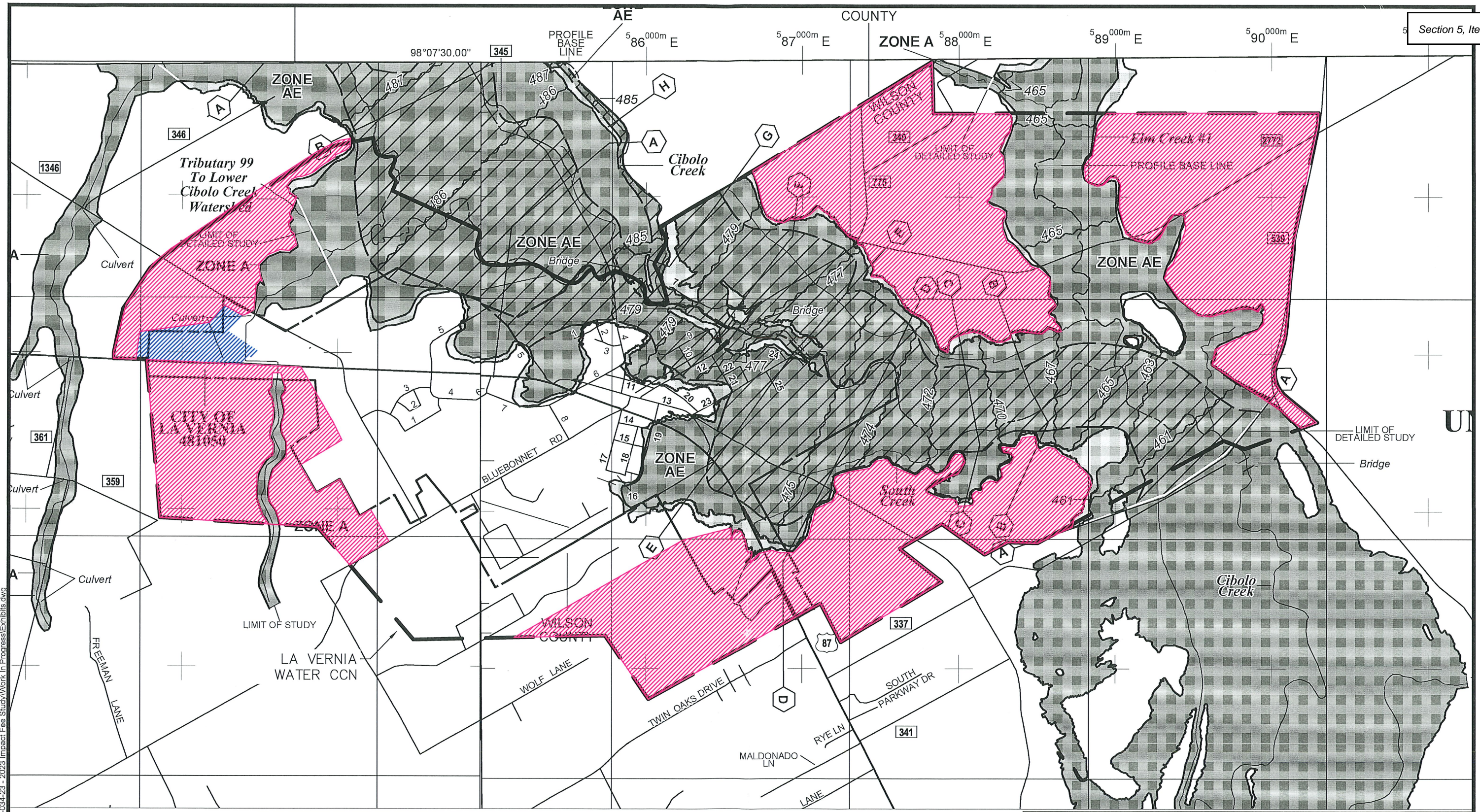
### Updating Capital Improvement Plan and Impact Fee Study

This impact fee shall be updated at least every five years, beginning from the day the study is adopted. We recommend updating the study sooner if additional development occurs in the service area.

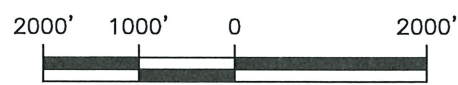
We have identified a potential location in the western sector that would provide the best area for treatment of that area’s wastewater.

The 600 Acres of land north of Cibolo Creek that lies within the City Limits is unserved by water or wastewater collection service. Some of this area’s wastewater could be treated in the existing Wastewater Treatment Plant. The existing planned water system could serve up to 5,000 connections, but would require a large transmission line crossing Cibolo Creek and additional wells. A utility study for this area has not been included in this fee study, but included in future impact fee updates.





C:\CompanyData\Clients\0200-La Vernia City of\0200-034-23 - 2023 Impact Fee Study\Work in Progress\Exhibits.dwg



SCALE: 1" = 2000'

**LEGEND**

- CURRENT DEVELOPMENT SERVICE REQUEST
- AREA FOR FUTURE DEVELOPMENT
- FEMA 100 YR FLOODPLAIN

**CITY OF LA VERNIA  
LAND USE**

JULY 2023



**Southwest  
Engineers**

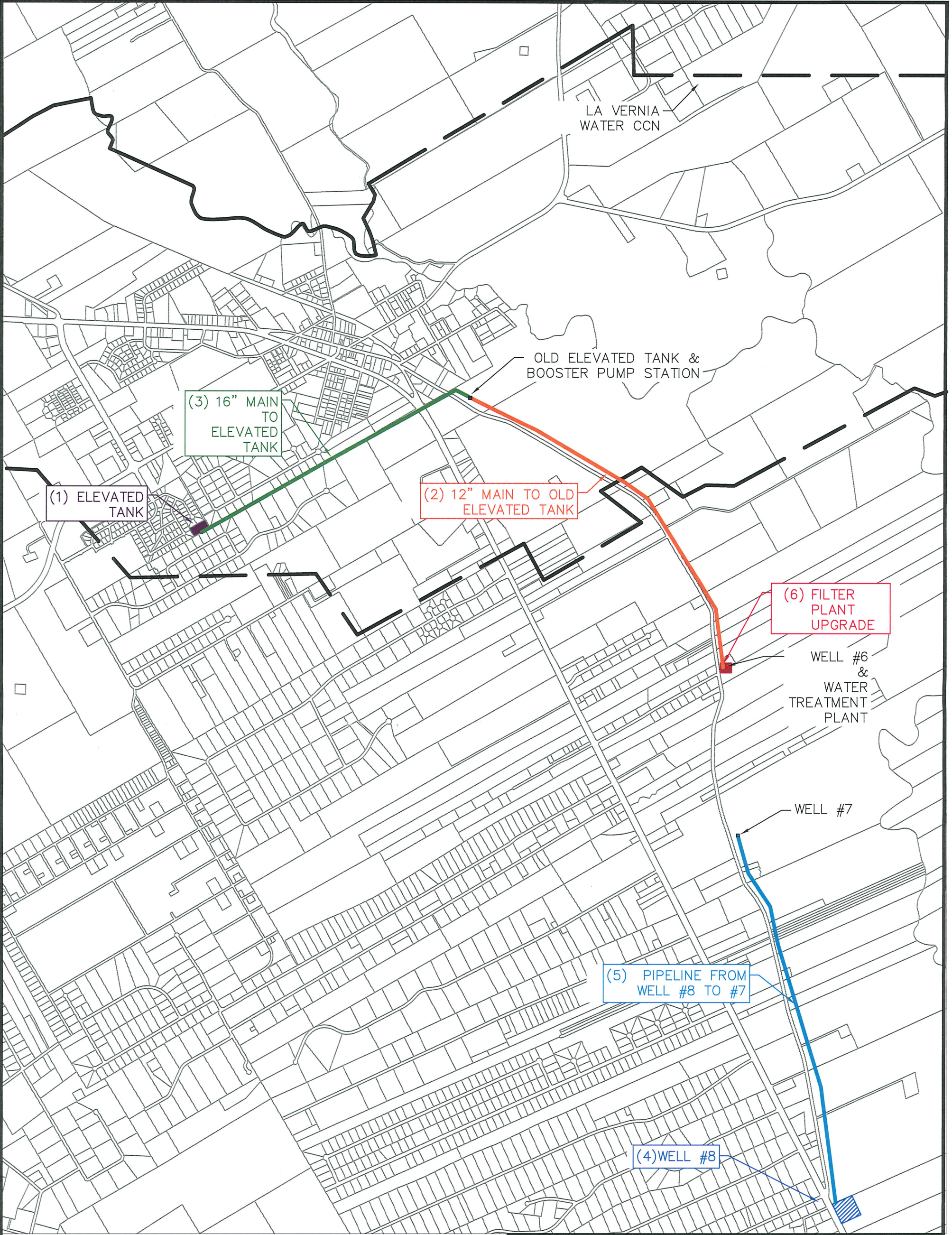
TBPE NO. F-1909  
www.swengineers.com

**HEADQUARTERS**

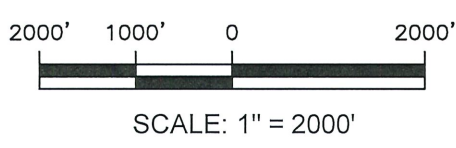
307 Saint Lawrence Street, Gonzales TX 78629  
P: 830.672.7546 F: 830.672.2034

**CENTRAL TEXAS**

205 Cimarron Park Loop, Ste. B, Buda TX 78610  
P: 512.312.4336



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**CITY OF LA VERNIA  
WATER CAPITAL IMPROVEMENTS  
JULY 2023**



**Southwest  
Engineers**

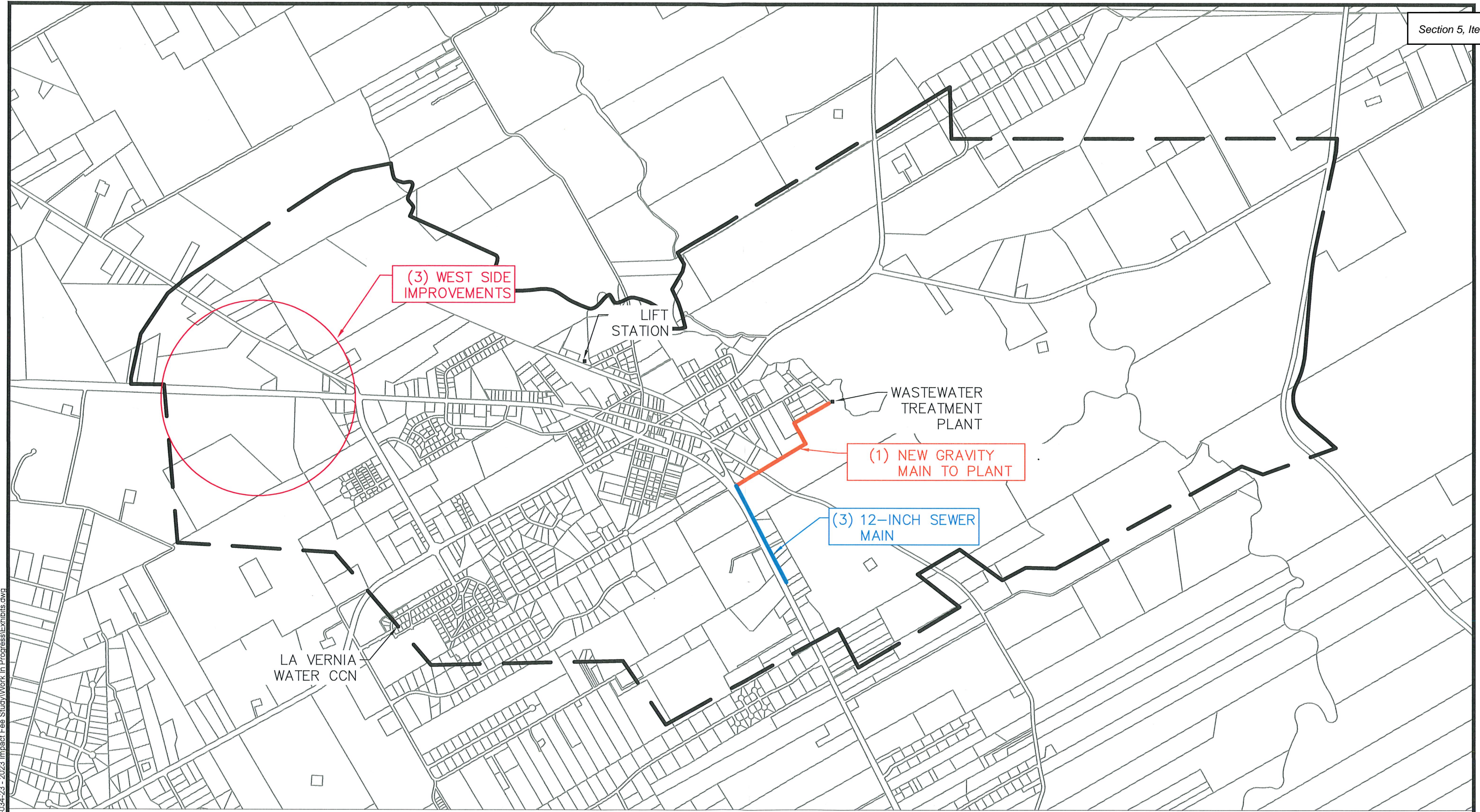
TBPE NO. F-1909  
www.swengineers.com

**HEADQUARTERS**

307 Saint Lawrence Street, Gonzales TX 78629  
P: 830.672.7546 F: 830.672.2034

**CENTRAL TEXAS**

205 Cimarron Park Loop, Ste. B, Buda TX 78610  
P: 512.312.4336



(3) WEST SIDE IMPROVEMENTS

LIFT STATION

WASTEWATER TREATMENT PLANT

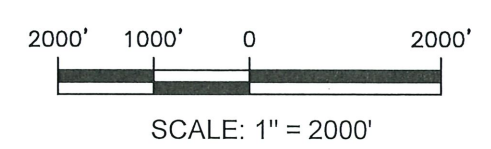
(1) NEW GRAVITY MAIN TO PLANT

(3) 12-INCH SEWER MAIN

LA VERNIA WATER CCN

**CITY OF LA VERNIA  
WASTEWATER CAPITAL IMPROVEMENTS**

JULY 2023



	Southwest Engineers	<b>HEADQUARTERS</b> 307 Saint Lawrence Street, Gonzales TX 78629 P: 830.672.7546 F: 830.672.2034
	TBPE NO. F-1909 <a href="http://www.swengineers.com">www.swengineers.com</a>	<b>CENTRAL TEXAS</b> 205 Cimarron Park Loop, Ste. B, Buda TX 78610 P: 512.312.4336

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**ORDINANCE NO. 072023-02  
WATER AND WASTEWATER IMPACT FEES**

**AN ORDINANCE OF THE CITY OF LA VERNIA, TEXAS, AMENDING THE CITIES CODE OF ORDINANCE CHAPTER 36 WATER AND WASTEWATER IMPACT FEES.**

**WHEREAS**, the City Council adopted impact fees on July 9, 2015; and

**WHEREAS**, the City Council has determined the existing impact fees need to be amended to provide infrastructure services to the future population; and

**WHEREAS**, the City Council will utilize the amended impact fees in the areas of water and wastewater for future development to generate income to pay for a portion of the future infrastructure; and

**WHEREAS**, the City Council finds that in all things the City has complied with said statute in the notice, adoption, promulgation, and methodology necessary to amend Impact Fees;

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

**SECTION 1** The City's Code of Ordinances Chapter 36, Article IV, sections 36-435 and 36-449 are hereby amended by adopting amended impact fees as provided for in the attached Exhibit A.

**SECTION 2** This Ordinance shall be and is hereby declared to be cumulative of all other Ordinances of the City, and this Ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

**SECTION 3** If any sentence, section, subsection, clause, phrase, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

**SECTION 4** The repeal or amendment 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 of La Vernia under any section or provisions of any ordinances in effect at the time of passage of this ordinance.

**SECTION 5** Any person violating the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of La Vernia, Texas, or any other Court of proper jurisdiction, shall be subject to a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense, except however, where a different penalty has been established by state law for such offense the penalty shall be that fixed by state law, and for any offense which is a violation of any provision of law that governs fire safety, zoning, or public health and sanitation, including the dumping of refuse, the penalty shall be a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day said violation is continued shall constitute a separate offense. Any violation of this Ordinance can be enjoined by a suit filed in the name of the City in a court of competent jurisdiction, and this remedy shall be in addition to the penal provision in this Ordinance.

**SECTION 6** This Ordinance shall become effective immediately upon its passage, approval, and publication as provided by law.

**PASSED AND ADOPTED this 20th day of July 2023.**

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

**ATTEST:**

\_\_\_\_\_  
Lindsey Wheeler, City Secretary  
City of La Vernia

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney  
City of La Vernia

## Exhibit A

Maximum impact fee values per service unit for water facilities and wastewater facilities:



 Property in question  200 foot area



## NOTICE OF PUBLIC HEARING

The City of La Vernia Planning & Zoning Commission & City Council will hold a public hearing at the request of land owners SANDERS, DAVID & MARGARET

Property: Current Legal Description: 243 WISEMAN LANE LA VERNIA, TX 78121 CITY OF LA VERNIA, LOT 303 (PT) & 303A, ACRES 10.84 proposed to be a mixed-use planned development

Request: to create a Planned Development which would be zoned as PD (Currently Residential Agricultural Zoning, R-A)

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.

A public hearing for this request is scheduled before the Planning & Zoning Commission on Tuesday, July 18<sup>th</sup>, 2023 at 6:30 pm & City Council on Thursday, July 20<sup>th</sup>, 2023 at 6:30 pm. The meeting will be held in the City Hall Council Chambers, 102 E. Chihuahua St., and is open to the public. To submit written comments please complete the information below, including your signature, and return (before the meeting) to:

Mail: City of La Vernia  
Lindsey Wheeler  
P.O. Box 225  
La Vernia, Texas 78121

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

**If you have questions, please call Lindsey Wheeler at (830) 779-4541 ext. 3.**

\_\_\_\_\_  
Lindsey Wheeler, City Secretary

### YOUR OPINION MATTERS – DETACH AND RETURN

Circle one

I am **(in favor)** **(opposed to)** the proposed re-zone for the property- Current Legal Description: 243 WISEMAN LANE LA VERNIA, TX 78121 CITY OF LA VERNIA, LOT 303 (PT) & 303A, ACRES 10.84 proposed to be a mixed-use planned development

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

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

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

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

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

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



**ORDINANCE NO. 072023-01**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 10.84 ACRES OF LAND FROM R-A RESIDENTIAL AGRICULTURE TO PD PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR A PENALTY CLAUSE; REPEALING ALL ORDINANCE TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, an application to rezone approximately 10.84 acres of land generally located at 243 WISEMAN LANE LA VERNIA, TX 78121 CITY OF LA VERNIA, LOT 303 (PT) & 303A, ACRES 10.84 a branch off of US Hwy 87 being carved from the 39.32 acres of land out of the Juan Delgado Survey Abstract No. 8, Wilson County, Texas recorded in document # 82763 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 July 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 July 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 (PD) 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.** A violation of this ordinance shall be deemed a violation of Chapter 38 – Zoning of the City's Code of Ordinances and shall be subject to any violation, penalty, and remedy as stated in Section 38-502 of the City's Code of Ordinances.

**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 or 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 and after publication as necessary.

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

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

**ATTEST:**

\_\_\_\_\_  
Lindsey Wheeler, City Secretary  
City of La Vernia

Exhibit A - "The Property"

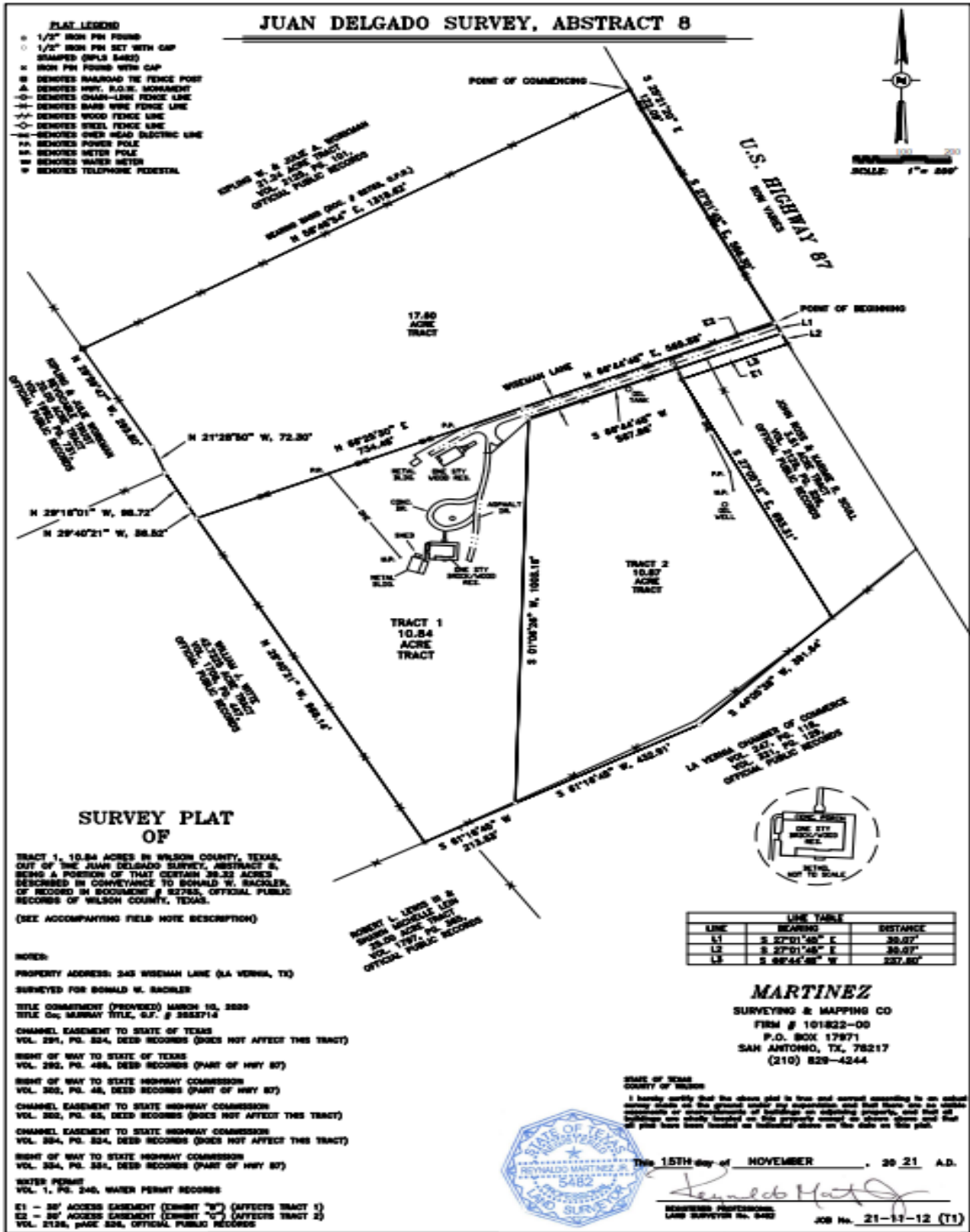
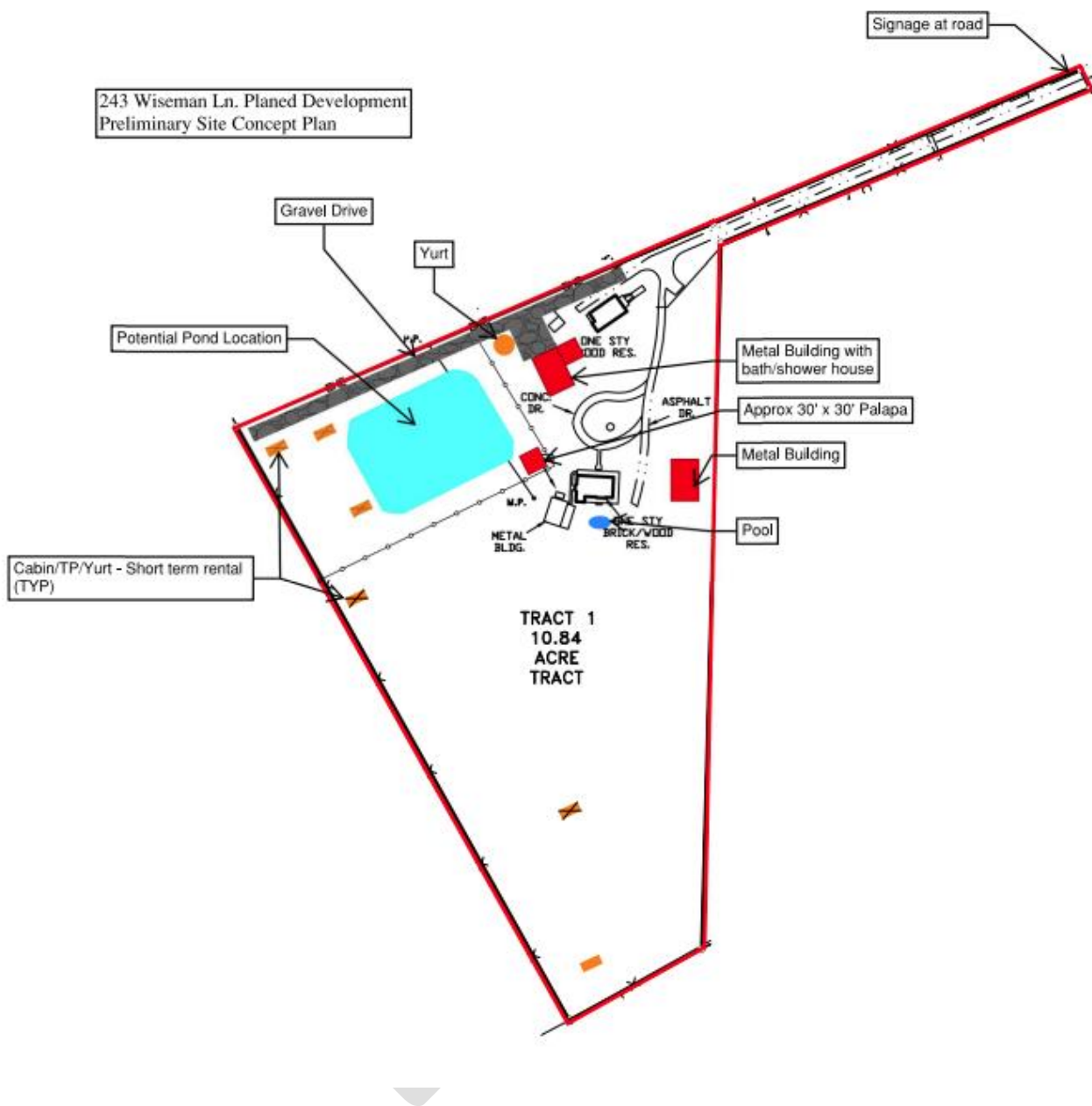


Exhibit B- "Conceptual Plan"



## Exhibit C

**DEVELOPMENT STANDARDS FOR PLANNED DEVELOPMENT DISTRICT (PD) For 10.84 acres of land generally located at 243 WISEMAN LANE LA VERNIA, TX 78121 CITY OF LA VERNIA, LOT 303 (PT) & 303A, ACRES 10.84 a branch off of US Hwy 87 being carved from the 39.32 acres of land out of the Juan Delgado Survey Abstract No. 8, Wilson County, Texas recorded in document # 82763 of the Official Public Records of Wilson County**

### PURPOSE STATEMENT

Please provide a purpose statement, this can be a brief description of the intended development.

#### PD Conforming Statement

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

#### Base Zoning District

The property within this Planned Development District will develop in accordance with the base zoning of 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 with 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 Planned Development District to the City's current zoning ordinance as amended:

##### Chapter 26 – Signs

Section 26-110 – *Permitting regulations* shall be replaced with the following:

When determining whether to issue a permit, the following regulations apply:

- (1) All pole, pylon, and facade (wall) signs that exceed 48 square feet must be certified by a state registered professional engineer as being able to withstand a wind pressure load of at least 30 pounds per square foot and support the weight of the sign.
  - a. Signs on the facade and each side of a building shall not exceed 48 square feet, unless they are certified by a state registered professional engineer as being able to withstand a wind pressure load of at least 30 pounds per square foot and support the weight of the sign.
  - b. One (1) pole/pylon sign or monument sign per lot is permitted that does not exceed 24 square feet in area. The maximum height of such sign shall not exceed 12 feet.
  - c. A maximum of two poster-size enclosure signs may be permitted on a single commercial building.
  - d. Internal wayfinding signs are permitted. Each wayfinding sign shall not exceed 12 square feet in area and shall have a maximum height of 5 feet. Wayfinding signs shall be located

- in a manner where they will not interfere with the safe movement of vehicles or pedestrians.
- e. Illumination of any sign facing any residentially used or zoned property is prohibited.
  - f. Banner signs.
    - i. Banners must be kept in good repair throughout the time of their display;
    - ii. No more than one banner may be displayed at any one time at an establishment;
    - iii. Banners may not exceed 24 square feet in area;
    - iv. Banners may not be displayed for more than 14 days in succession and must be removed no more than three days following any event to which they relate. Such banners may not be placed on any site more than six times within a 12-month period;
    - v. In-premises banners that announce the location or relocation of newly-located or relocated businesses are permitted. The banner may be exhibited no more than 45 days commencing at the time that the temporary banner permit is issued. Such banners may not exceed 24 square feet in area; and
    - vi. Banners for commercial purposes may not face a residential area.
  - g. Sail, teardrop, feather or bow banner signs are prohibited.
  - h. Electronic sign message boards are prohibited.

#### Section 38-104 – Definitions

In addition to the definitions listed in Section 38-104, the following definitions shall apply to this Planned Development District:

- *Cabin or Cottage (Rental)* means a building or series of buildings in which lodging is offered for compensation, and which is distinguished from a hotel primarily by reason of providing direct independent access to, and adjoining parking for, each rental unit. This use may contain temporary or permanent buildings, with or without permanent foundations such as yurts or tipis, or other structures established or maintained as a temporary living quarters, which is generally accessible by vehicular traffic. Tables, refuse containers, water, bathroom and bathing facilities and other amenities may be provided. This use excludes the use of HUD-Code Manufactured Housing. This use may include associated retail sales of goods.
- *Gymnastic or Dance Studio* means an establishment providing for activities, services and instruction for the entertainment, exercise and improvement of physical fitness and technique of dance. This use may include associated retail sales of goods.
- *Primary Residence* means a building in which the principal use is Single Family Dwelling Detached.

#### Section 38-110 – Site Plans

Site plan review and approval shall be required for any new construction within this Planned Development District.

Section 38-206 – Compliance required and application of requirements

Section 38-206(7) shall be replaced with the following:

(7) Every single-family residential or duplex residential building hereafter erected or structurally altered shall be located on a lot and there shall not be more than one primary residence on one lot, there may be more than one main building per lot. Multifamily structures hereafter erected or structurally altered shall be required to comply with all appropriate setback, rear yard, side yard, and parking requirements but shall not be limited to the one main building per lot requirement. All commercial or industrial structures hereinafter erected or structurally altered shall be required to comply with all appropriate setback, rear yard, side yard, and parking requirements but shall not be limited by a main building per lot requirement.

Section 38-302 – Addition of Permitted Land Uses

In addition to the permitted land uses in the R-2 district, the following land uses shall be permitted in this Planned Development District:

- Cabin or Cottage (Rental)
- Farmers Market
- Gymnastic/ Dance Studio

Section 38-304 – Additional use regulations

In addition to any additional use requirements listed in Section 38-304, the following additional regulations shall be applicable to the uses identified herein:

1. Cabin or Cottage (Rental)
  - a. The Cabin or Cottage (Rental) land use shall be limited to a maximum of 7 units.
  - b. Restroom and shower facilities shall be provided if any rental units are used which do not have restroom and shower facilities inside the unit.
2. Farmers Market
  - a. The Farmers Market land use shall be limited to a single vendor and shall not occupy more than 500 gross square feet.

Section 38-401 – General area, height and building requirements.

The following requirement shall not apply to this Planned Development District:

Sec.38-401(d) Front, side and rear yards.

(2) The front of the primary building or structure on a lot shall not face the side or rear yard.

Section 38-402 – Off-street parking and loading requirements

Section 38-402(d)(1) shall be replaced with the following:

(d)(1) Driveways and required off-street parking areas shall be paved concrete, asphalt, or other dust free material. All driveway approaches shall be paved concrete.

Section 38-402(d)(4), the dedication of a joint-use, private access driveway easement and cross lot access easements is not required for this Planned Development District.

Section 38-402(e) Schedule of off-street parking requirements

In addition to the parking ratios shown on the Schedule of Off-Street Parking, the following ratios shall apply to this Planned Development District:

- Cabin or Cottage (Rental) = 1 space for each sleeping room
- Campground = 1 parking space per unit
- Farmers Market = 1 space per 250 square feet of gross floor area
- Gymnastic/ Dance Studio = 1 space per 100 square feet of useable floor area

Section 38-403 – Landscaping Standards

The area in this Planned Development District for the purposes of landscaping requirements shall be considered non-residential and shall comply with the non-residential landscaping requirements of Section 38-403.h – *Multifamily and nonresidential landscaping* except as specifically modified below:

Sec.38-403.f Location of required landscaping shall not apply to this Planned Development district.

~~(1) Not less than 40 percent of the total landscaping requirement shall be located in the designated front yard. Parcels that are adjacent to more than one roadway may count the street yards towards satisfying the front yard requirement.~~

Sec.38-403.h.2.b shall not apply to this Planned Development district.

~~b. When a nonresidential or multifamily use is established on a lot adjacent to a residentially zoned property, the nonresidential or multifamily use shall construct a solid screening fence constructed of wood, masonry or other material to a minimum of six feet in height, approved by the planning and zoning commission taking into consideration aesthetic value, light, air, or open space factors and accessibility and safety concerns at the time of site plan approval. The screen shall be located no closer to the street than the property line. Such screening fence shall be maintained in good condition.~~

Section 38-408 – Lighting and glare standards



Section 38-408(f) *Specific nonresidential lighting requirements* shall apply to this Planned Development District.

#### Section 38-410 – Accessory Structures

The following regulations shall replace in full Section 38-410 – *Accessory structures*, and shall apply to this Planned Development District:

1. No accessory structure shall be permitted without a primary use or structure.
2. No accessory building shall be constructed or placed upon a lot until construction of the principal building has commenced. No accessory building shall be used or occupied until the principal building is completed and is being used or occupied except for barns, garages or other storage structures being utilized for the storage of materials and equipment associated with agricultural use of a property.
3. The minimum separation between a main structure and a detached accessory structure other than a carport, patio cover, pergola, or gazebo (structures with a minimum of three open walls) shall be ten feet.
4. All accessory structures shall be located behind the minimum required front yard setback.
5. Accessory buildings may be located in the required side or rear yard provided they are no closer than five feet to any property line and cannot encroach on any easement on the property.
6. Portable accessory buildings less than 120 square feet which are not placed on a permanent foundation shall be allowed with a maximum number of two per lot.
7. Mechanical equipment such as air conditioning compressors, swimming pool pumps and filters, and similar devices may be installed in the side yard at the maximum height of 60 inches above the ground level of the graded lot (except in areas of special flood hazard which requires units one foot above the base flood elevation). Mechanical equipment is not allowable under or opposite window, doors, or other openings of adjacent residences. Mechanical equipment shall be located as to minimize the visual exposure to the public right-of-way and adjacent residential properties.

#### **Amendments and Modifications**

The administrative official may permit the applicant to make minor amendments to the conceptual plan without the necessity of amending the ordinance that established the planned development district. If the proposed amendments change and/or impact the nature or purposes of the approved planned development district, whether individually or cumulatively, the administrative official may deny the request for approval of the modifications and provide the applicant with the opportunity to revise the proposed amendments to bring them into compliance with the planned development district. All other amendments not deemed minor by the city administrator or his/her designee shall be considered major amendments and will be processed in the same manner as a new Planned Development District request, including a new zoning application with applicable fees. Minor amendments shall only be as follows:

1. Corrections in spelling, distances and other labeling that do not affect the overall development concept;

2. Changes in building position or layout that are less than ten feet or ten percent of the total building project or area; and
3. Changes in parking layouts as long as the number of required spaces and general original design are maintained.

**Penalty and Violations**

A violation of this ordinance shall be deemed a violation of Chapter 38 – *Zoning* of the City’s Code of Ordinances and shall be subject to any violation, penalty, and remedy as stated in Section 38-502 of the City’s Code of Ordinances.

DRAFT