



"City of Choice"

ORDINANCE NO. 1420

AN ORDINANCE APPROVING A VARIANCE TO ELIMINATE THE RIGHT-OF-WAY DEDICATION REQUIREMENT FOR CERTAIN REAL PROPERTY LOCATED AT 304 SOUTH MAIN STREET, CIBOLO, TEXAS, 78108; SETTING CONDITIONS OF VARIANCE; DECLARING A PUBLIC PURPOSE; INCORPORATING RECITALS; PROVIDING A REPEALER CLAUSE AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Cibolo, Texas (the "City") is a home-rule municipality; and

WHEREAS, Section 18.1.G.6.a.i of the City's Unified Development Code ("UDC") requires the dedication of additional right-of-way for applicable developments; and

WHEREAS, Christopher Knowlton, as representative of The Adventure Begins, LLC, the Owner of 304 South Main Street, Cibolo, Texas, 78108 (the "Subject Property"), is seeking development which would otherwise trigger the requirement to dedicate 20 feet of right-of-way, and has submitted a complete application for a variance to waive the requirement to dedicate 20 feet of right-of-way; and

WHEREAS, two public hearings were held to discuss the variance described herein; with the first public hearing being conducted by the Planning and Zoning Commission on October 11, 2023 at 6:30 PM CST in the Noble Group Event Center and the second public hearing being conducted by City Council on October 24, 2023 at 6:30 PM CST in the Noble Group Event Center, each being conducted for the purpose of providing all interested persons the opportunity to be heard concerning the proposed variance described herein; and

WHEREAS, legal notice notifying the public of both public hearings on the requested variance was posted on the City's official website and published in the *Seguin Gazette*, a newspaper of general circulation in the City of Cibolo, on September 24, 2023; and

WHEREAS, the Planning and Zoning Commission, having the authority to review and provide recommendation on this non-zoning lot dimension and/or subdivision regulation under Section 4.2.2 of the UDC, using the factors in Section 4.3.5.3, considered the variance request application on October 11, 2023, following due notice and a public hearing, and recommend by unanimous vote to City Council that the variance be approved; and

WHEREAS, the City Council, having considered this variance following due notice and a public hearing, and having considered all required factors and made all required findings set forth in Section 4.3.5.3 of the UDC, has determined that this variance should be approved without condition; and

WHEREAS, upon approval, City Council directs the City Manager and City Secretary to take such actions as are necessary and appropriate to effectuate this variance approval; and

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

SECTION 1. VARIANCE APPROVED. A variance to the requirement to dedicate additional right-of-way required in Sec. 18.1.G.6.a.i of the UDC is hereby granted, pursuant to Section 4.3.5.3 of the UDC, to waive any requirement for the property owner to dedicate 20 feet of right-of-way at the property located at 304 South Main Street, Cibolo, Texas, 78108.

SECTION 2. PUBLIC PURPOSE. The City Council finds that the variance herein approved complies with all applicable rules and regulations set forth in the UDC and other law.

SECTION 3. INCORPORATING RECITALS. The City Council approves the recitals hereto and incorporates them herein as findings of fact.

SECTION 4. REPEALING ORDINANCES IN CONFLICT AND SAVINGS CLAUSE. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict with all remaining portions not conflicting being saved from repeal herein.

SECTION 5. EFFECTIVE DATE. The Ordinance shall be effective immediately following approval by City Council.

ORDERED this 14th day of November, 2023.

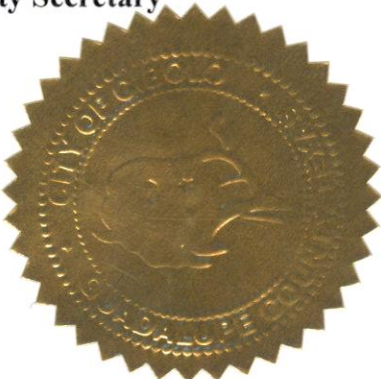
By: _____

MARK ALLEN
Mayor

ATTEST:



PEGGY CIMICS, TRMC
City Secretary



APPROVED AS TO FORM:

DTRG
City Attorney