

ORDINANCE NO. 2015-05

AN ORDINANCE OF THE CITY OF BALCONES HEIGHTS FOR THE PURPOSE OF ESTABLISHING A SPECIAL USE PERMIT (SUP) FOR A-100 CAREER POINT RN SCHOOL, A-85 CAREER POINT SCHOOL OF COSMETOLOGY, A-17 TO ALLOW CAREER POINT TO CONTINUE TO OPERATE SCHOOLS AND LIMIT SCHOOLS TO THE FIRST FLOOR AT WONDERLAND OF THE AMERICAS MALL; ESTABLISHING A SEVERABILITY CLAUSE AND SETTING AN EFFECTIVE DATE.

WHEREAS, in November 2010 the City issued an interior remodel at Wonderland of the Americas Mall or Career Point College, and since that date, numerous other permits have been issued for Career Point Nursing College; and

WHEREAS, two recent permit applications were applied for interior remodel of A-85 for Career Point College of Cosmetology and A-100 for Career Point College of Nursing, and during this application process it was determined that “School” use is not permitted in MXD Zoning without a Special Use Permit (SUP), and no SUP has ever been granted for Wonderland of the Americas Mall; and

WHEREAS, in order to correct the existing and future use of Career Point College, an SUP has been applied for all existing uses and for future use of A-85 for Career Point College of Cosmetology and A-100 for Career Point College of Nursing; and

WHEREAS, notice of public hearings before the Planning and Zoning Commission and City Council were published in a newspaper of general circulation; and

WHEREAS, notice of public hearings before the Planning and Zoning Commission and City Council was sent to property owners within 200 feet of the proposed special use permit via United States Mail; and

WHEREAS, the City Council deems that a SUP is appropriate for the property with additional stipulations;

NOW, THEREFORE BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF BALCONES HEIGHTS, THAT:

Section 1. The Comprehensive Zoning Ordinance of the City of Balcones Heights, Texas is hereby amended for the purpose of establishing a SUP for the following property currently zoned MXD Zoning District:

A-85 for Career Point College of Cosmetology and A-100 for Career Point College of Nursing, A-17 Career Point College of Business School and all other Career Point College uses in existence as of the effective date of this ordinance located at Wonderland of the Americas Mall, 4522 Fredericksburg Road, Balcones Heights, Bexar County, Texas.

Section 2. The SUP at is limited to the First Floor of the Wonderland of the Americas Mall and no other school will be allowed to expand beyond the effective date of this Ordinance without submitting a new SUP application.

Section 3. **SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void.

Section 6. **REPEALING ORDINANCES IN CONFLICT.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. **EFFECTIVE DATE.** The Ordinance shall be effective immediately following passage by City Council.

PASSED AND APPROVED THIS 23rd DAY OF MARCH, 2015.

Suzanne de Leon
Mayor

ATTEST:

Delia Flores, TRMC
City Secretary



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Minutes

Public Hearing opened at 7:09 p.m.

Mall Manager and Director of Community Development came up to speak briefly.

Public Hearing closed at 7:11 p.m.

BUSINESS ITEMS:

5. Consideration and **ACTION** to approve/deny recommendation from the Planning and Zoning Commission for the Special Use Permit for A-100 Career Point RN School and A-85 Career Point School of Cosmetology at Wonderland of the Americas and allow Career Point to operate business schools at Wonderland of the Americas, 4522 Fredericksburg Rd., zoned MXD.

MOTION: I make a motion that we approve application.

Motion by: Councilwoman Pohl Second: Councilman Gillian

Councilwoman Pohl pulled motion.

MOTION: I make a motion for the mall to allow Career Point to operate in A100, A85, and A17.

Motion by: Councilman Gillian Second: Councilwoman Pohl 5/0/0 PASSED

6. Consideration and **ACTION** to approve/deny the recommendation from the Planning and Zoning Commission on a Site Plan proposal for development of a Dunkin Donuts/Baskin Robins at 4522 Fredericksburg Rd.

There was not any discussion or action taken on this item.

7. Consideration and **ACTION** to adopt an ordinance amending the Code Book of Ordinances Chapter 94: Junked Vehicles. (Hoyl)

Director of Community Development came up to explain the proposed changes.

MOTION: I make a motion to approve.

Motion by: Councilman Gillian Second: Councilwoman Slay

MOTION: I make a motion to amend antique auto definition from 35 years to 25 years and also to amend 94.06 G2C to include that vehicle be properly covered.

Motion by: Councilman White Second: Councilman Burton 3/2/0 PASSED

Nay Vote – Councilwoman Slay and Councilman Gillian

MOTION: To approve main motion as amended. 4/1/0 PASSED

Nay Vote – Councilwoman Slay