



**NOTICE OF MEETING**  
**PLANNING AND ZONING COMMISSION**  
**6:00 P.M. – February 13, 2020**  
30360 Cougar Bend, Bulverde, TX 78163

---

**MEETING AGENDA**

**1) CALL TO ORDER, PLEDGE OF ALLEGIANCE AND ROLL CALL**

**2) APPROVAL OF MINUTES**

- a. January 16, 2020 Planning and Zoning Commission meeting.

**3) REGULAR AGENDA ITEMS**

- A. PC-20-01 (Preliminary Plat): Consider a Preliminary Plat for the Preserve at Singing Hills Unit 5 Subdivision, generally located at the intersection of Singing Creek and Harmony Hills.
- B. PC-20-02 (Final Plat): Consider a Final Plat for the Johnson Ranch North Unit 9 Subdivision, generally located at the Southwest corner of Mustang Vista and Stahl Lane.
- C. VR-20-01 (Variance): Consider a request by QuikTrip Corporation for a variance to Chapter 10, Section 4.07 [4.08], related to Riparian Buffers, and Chapter 17, Section 17.06.010, related to Tree Protection Measures, of the City of Bulverde Code of Ordinances, at the southwest corner of State Highway 46 and Stahl Lane.

**4) PUBLIC COMMENTS NOT RELATED TO POSTED AGENDA ITEMS**

Persons desiring to address the Commission regarding issues not on the agenda will be received at this time. Those wishing to speak should present a completed comment form to the Chair prior to the meeting. Speakers are limited to 3 minutes and should conduct themselves in a civil manner. In accordance with the Texas Open Meetings Act, the Commission cannot take action on items not listed on the meeting agenda.

**5) REPORT BY CITY OFFICIALS AND STAFF ON ITEMS OF COMMUNITY INTEREST**

In accordance with Section 551.0415 of the Government Code, topics discussed under this item are limited to expressions of thanks, congratulations or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial or community event; and Announcements involving an imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.

**6) ADJOURNMENT**

City Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations must be made 48 hours prior to the meeting. Please contact the City Secretary at 830.980.8832 or FAX 830.438.4339 for information or assistance. I, the undersigned authority, do hereby certify that the above Notice of Meeting was posted on the bulletin board in front of Bulverde City Hall, which is readily accessible to the public at all times, by 5:00 pm on February 10, 2020

---

Susana Ramos, Planning Director

These minutes have been prepared to satisfy the requirements of Section 551.021 of the Texas Government Code. Recordings of most City meetings are available at [www.bulverdetx.gov](http://www.bulverdetx.gov)

City of Bulverde Planning & Zoning Commission Minutes  
Regular Commission Meeting: January 16, 2020

Meeting Duration: 6:30 p.m. to 7:36 p.m.

### **CALL TO ORDER**

**Commission Members Present:** Dickie Lubel, Larry Sunn, Jim Binkley, Lindy Sisk, Tom Hackleman, Ashley Orndorff, Mike Romans

**Commission Members Absent:** Rhianna Stewart

**City Staff Present:** Susana Ramos (Director), Adrian Garcia (City Engineer), Jason Rammel (City Attorney)

### **Approval of Minutes**

- a. **Commissioner Sunn moved, seconded by Commissioner Binkley to approve the minutes of the December 12, 2019 meeting AS AMENDED. Motion passed unanimously.**

### **EXECUTIVE SESSION**

None

### **REGULAR AGENDA ITEMS**

- A. VR-19-17 (Subdivision Variance): Consider a request by Moeller & Associates, on behalf of A Z Family, L.P., for approval of a variance to Sections 2.03(b)(i)(1) and 2.03(b)(iii) of the City of Bulverde Code of Ordinances, related to subdivision blocks, at 7055 FM 1863.  
***Commissioner Binkley moved, seconded by Commissioner Orndorff, to table the item. Motion passed unanimously 7-0.***
- B. PC-19-20 (Preliminary Plat): Reconsideration of a Preliminary Plat for the Cibolo Cliff Ranches subdivision, generally located at 7055 FM 1863.  
***Commissioner Binkley moved, seconded by Commissioner Lubel, to DENY the preliminary plat. Motion passed unanimously 7-0.***
- C. PC-19-24 (Preliminary Plat): Consideration of a Preliminary Plat for 4S Ranch Subdivision Unit 7B, generally located 1.7 miles southeast of the intersection of Mustang Vista and Stahl Lane.  
***After discussion, Commissioner Sunn moved, seconded by Commissioner Binkley to APPROVE the preliminary plat. Commissioner Orndorff recused herself. Motion passed unanimously 6-0.***
- D. PC-19-25 (Preliminary Plat): Consideration of a Preliminary Plat for 4S Ranch Subdivision Unit 7C, generally located 1.7 miles southeast of the intersection of Mustang Vista and Stahl Lane.  
***After discussion, Commissioner Binkley moved, seconded by Commissioner Hackleman to APPROVE the preliminary plat. Commissioner Orndorff recused herself. Motion passed unanimously 6-0.***
- E. PC-19-26 (Preliminary Plat): Consideration of a Preliminary Plat for Mustang Vista Phase IV & Amenity Center #2, generally located 1.9 miles southeast of the intersection of Mustang Vista and Stahl Lane.  
***After discussion, Commissioner Binkley moved, seconded by Commissioner Sunn to APPROVE the preliminary plat. Commissioner Orndorff recused herself. Motion passed unanimously 6-0.***

- F. PC-19-13 (Final Plat): Consideration of a Final Plat for 4S Ranch Subdivision Unit 6B, generally located 1.1 miles southeast of the intersection of Mustang Vista and Stahl Lane. *After discussion, Commissioner Lubel moved, seconded by Commissioner Hackleman to APPROVE the preliminary plat. Commissioner Orndorff recused herself. Motion passed unanimously 6-0.*

**PUBLIC COMMENTS**

None.

**ADJOURNMENT**

There being no further business to come before the Commission, the meeting adjourned at 7:36 pm. I certify that the above minutes were approved by the Commission on February 13, 2020.

---

Maria Franco, City Secretary



PLANNING AND ZONING COMMISSION ITEM:  
PC-20-01  
**PRELIMINARY PLAT**  
PRESERVE AT SINGING HILLS, UNIT 5

---

**MEETING DATE:** February 13, 2020  
**DEPARTMENT:** Planning & Development  
**PRESENTED BY:** Susana Ramos, AICP, Planning Director

---

**REQUEST:**  
Consider a Preliminary Plat for the Preserve at Singing Hills Unit 5 Subdivision generally located at the intersection of Singing Creek and Harmony Hills.

**APPLICANT:**  
Moy Tarin Ramirez (MTR) Engineers, LLC  
12770 Cimarron Path, Ste. 100  
San Antonio, TX 78249

**PROPERTY INFORMATION:**

**Owner:** SH-DJL Development, LLC  
**Legal Description:** BEING A 15.847 ACRE TRACT OF LAND OF THE JOHANN MOEGELIEN SURVEY NO. 575, ABSTRACT NO. 423, COMAL COUNTY, TEXAS, SAID 15.847 ACRE TRACT BEING A PORTION OF THAT CERTAIN 238.528 ACRE TRACT CONVEYED TO SH-DJL DEVELOPMENT, LLC, A TEXAS LIMITED LIABILITY COMPANY BY DOCUMENT NO. 201206038145, OFFICIAL RECORDS, COMAL COUNTY, TEXAS.  
**Size:** 15.847; 53 lots  
**Existing Land Use:** Undeveloped  
**Existing Zoning:** Extraterritorial Jurisdiction (ETJ)  
**Proposed Land-Use:** Single Family Residential

---

**SUMMARY:**

This is a proposed preliminary plat for Unit 5 of the Preserve at Singing Hills. This preliminary plat is part of the overall Singing Hills Development, for which a Master Development Plan (MDP) was approved in 2011. The proposed Preliminary Plat is for approximately 16 acres of vacant property and establishes 53 single family residential lots. The plat extends Singing Creek Drive and establishes 1 new roadway segment. This plat also establishes 3 open space/variable width drainage easement lots totaling approximately 7.973 acres.

**ANALYSIS:**

The proposed subdivision lies completely outside the City Limits. No portion of the proposed subdivision lies in the 100-yr floodplain. Water will be provided by Canyon Lake Water Service Company through a new central water system. Sewer service will be provided by a new central sewer system with a treatment plant located inside the overall Singing Hills development project.

Water detention basin has been platted with Unit 2B and a water quality basin for this subdivision has been platted with Unit 2.

With approval of the Preliminary Plat, the developer will continue with the design of the subdivision phase. During design, some minor changes to the plat may occur to avoid conflicts, reduce slopes, etc. by slightly altering the roadway alignment. Such minor changes, provided they do not substantially deviate from the Preliminary Plat, will be incorporated into the Final Plat. The Planning and Zoning Commission will also review and approve the Final Plat. If there is a substantial deviation from the Preliminary Plat, then the developer will be required to submit a new Preliminary Plat for review and approval.

**STAFF RECOMMENDATION:**

The proposed submittal has been reviewed by Halff Associates and City staff. Multiple deficiencies encountered during the review process have not been corrected in time for this meeting. Therefore, Staff recommends **DENIAL** of this Preliminary Plat.

**ATTACHMENTS:**

Preliminary Plat  
Comments Memo



**KEYNOTES**

- (A) 15' E.G.T.C.A. ESM'T.
- (B) 20' B.S.L.
- (C) 15' B.S.L. & E.G.T.C.A.
- (D) LOT 900, BLOCK 9  
OPEN SPACE/VARIABLE  
WIDTH DRAINAGE EASEMENT  
(5.119 AC)
- (E) LOT 907, BLOCK 4  
OPEN SPACE/VARIABLE  
WIDTH DRAINAGE EASEMENT  
(0.539 AC)
- (F) 10' E.G.T.C.A. ESM'T.
- (G) 10' WATER ESM'T.
- (1) 20' E.G.T.C.A. ESM'T.  
(THE PRESERVE AT SINGING HILLS, UNIT 2)  
(NOT RECORDED)
- (2) 15' B.S.L. & E.G.T.C.A. ESM'T.  
(THE PRESERVE AT SINGING HILLS, UNIT 3)  
(NOT RECORDED)
- (3) LOT 905, BLOCK 4  
OPEN SPACE/VARIABLE WIDTH DRAINAGE  
AND UTILITY EASEMENT  
(THE PRESERVE AT SINGING HILLS, UNIT 2B)  
(NOT RECORDED)
- (4) LOT 906, BLOCK 4  
OPEN SPACE/VARIABLE WIDTH DRAINAGE  
AND UTILITY EASEMENT  
(THE PRESERVE AT SINGING HILLS, UNIT 2B)  
(NOT RECORDED)

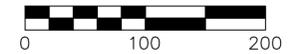
**LEGEND**

- 1250--- EXISTING CONTOUR
- AC ACRE
- R.O.W. RIGHT OF WAY
- R RADIUS
- ℄ CENTERLINE
- ESM'T. EASEMENT
- O.P.R.C.C.T. OFFICIAL PUBLIC RECORDS  
COMAL COUNTY, TEXAS
- M.P.R.C.C.T. MAP AND PLAT RECORDS  
COMAL COUNTY, TEXAS
- B.S.L. BUILDING SETBACK LINE
- VOL. VOLUME
- PG. PAGE
- VAR. VARIABLE
- WD. WIDTH
- E.G.T.C.A. ELECTRIC, GAS, TELEPHONE  
CABLE TELEVISION
- N.T.S. NOT TO SCALE
- NO. NUMBER
- ETJ EXTRATERRITORIAL  
JURISDICTION
- 1/2" IRON ROD SET WITH AN  
ORANGE PLASTIC CAP  
STAMPED "MTR ENG"

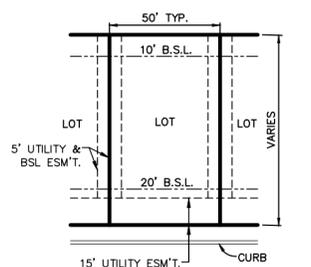
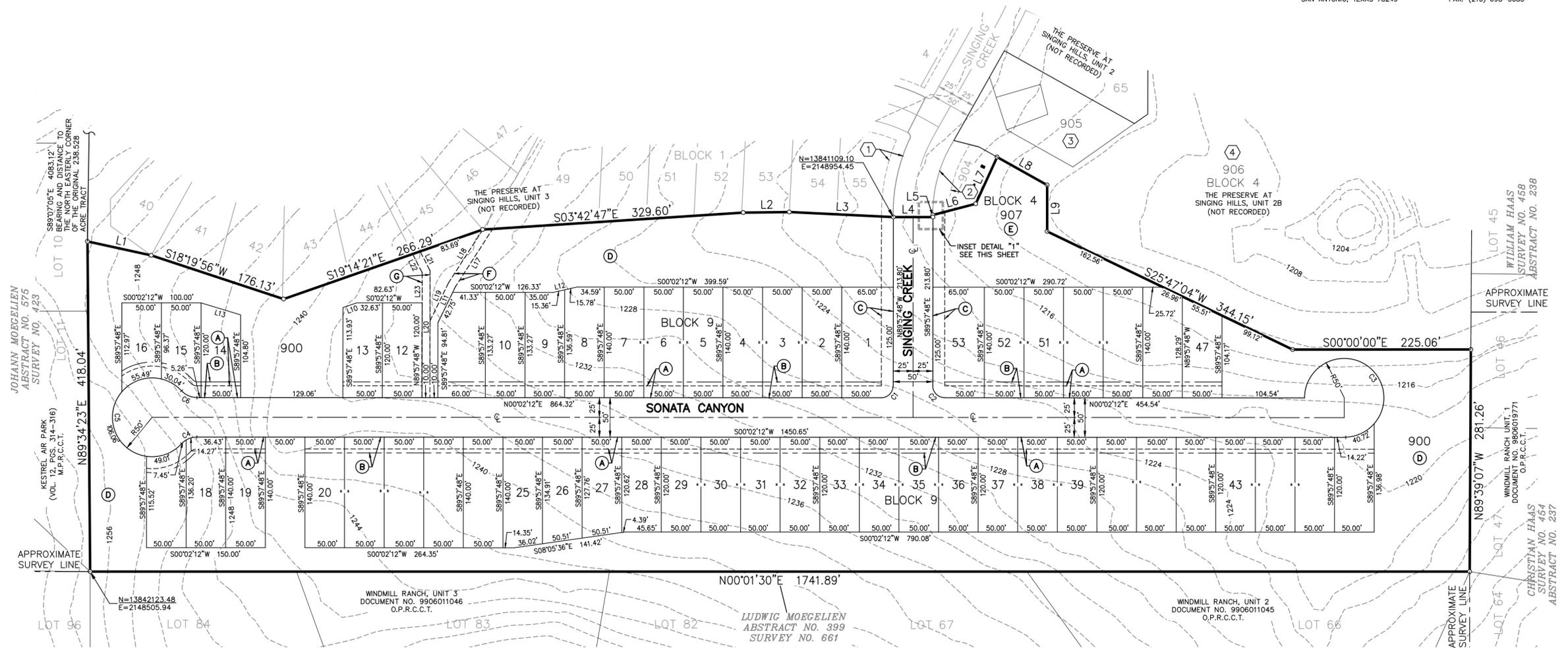
SUBDIVISION PLAT  
ESTABLISHING  
**THE PRESERVE AT  
SINGING HILLS, UNIT 5**

BEING A 15.847 ACRE TRACT OF LAND OUT OF THE JOHANN MOEGELIEN SURVEY NO. 575, ABSTRACT NO. 423, COMAL COUNTY, TEXAS, SAID 15.847 ACRE TRACT BEING A PORTION OF THAT CERTAIN 238.528 ACRE TRACT CONVEYED TO SH-DJL DEVELOPMENT, L.L.C., A TEXAS LIMITED LIABILITY COMPANY BY DOCUMENT NO. 201206038145, OFFICIAL RECORDS, COMAL COUNTY, TEXAS.

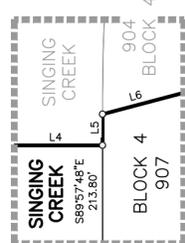
SCALE: 1"=100'



**MTR** • Engineers  
• Surveyors  
• Planners  
**Moy Tarin Ramirez Engineers, LLC**  
FIRM TBPE NO. F-5297 & TBPLS NO. 10131500  
12770 CIMARRON PATH, SUITE 100 TEL: (210) 698-5051  
SAN ANTONIO, TEXAS 78249 FAX: (210) 698-5085



**TYPICAL EASEMENT AND SETBACK DETAIL**  
N.T.S.



**INSET DETAIL 1**  
N.T.S.

LINE TABLE			LINE TABLE		
LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
L1	82.39'	S12°18'18"W	L13	52.26'	N16°56'41"E
L2	60.12'	S00°43'22"E	L17	86.91'	N57°18'27"W
L3	129.52'	S02°50'20"W	L18	80.13'	N57°18'27"W
L4	50.00'	S00°02'12"W	L19	53.58'	S64°04'25"E
L5	2.60'	S89°57'48"E	L20	160.84'	S89°57'48"E
L6	55.91'	S14°43'08"E	L21	27.28'	S63°04'05"W
L7	65.05'	S65°30'39"E	L22	26.23'	S63°04'05"W
L8	72.56'	S29°20'44"W	L23	158.44'	S89°57'48"E
L9	58.71'	N90°00'00"W			
L10	18.40'	N19°14'21"W			
L11	50.69'	S64°04'25"E			
L12	31.15'	S12°26'14"E			

CURVE TABLE						
CURVE	RADIUS	DELTA	TANGENT	LENGTH	CHORD	CHORD BEARING
C1	15.00'	90°00'00"	15.00'	23.56'	21.21'	N44°57'48"W
C2	15.00'	90°00'00"	15.00'	23.56'	21.21'	N45°02'12"E
C3	50.00'	221°15'04"	132.84'	193.08'	93.59'	N20°41'56"E
C4	25.83'	31°39'52"	7.32'	14.27'	14.09'	S15°37'36"E
C5	50.00'	121°32'06"	89.35'	106.06'	87.26'	S69°06'35"W
C6	25.83'	48°11'23"	11.55'	21.72'	21.09'	N23°57'45"E

## REVIEW MEMORANDUM

**TO:** Paul Landa, P.E.  
Moy Tarin Ramirez Engineers, LLC  
12770 Cimarron Path, Suite 100  
San Antonio, TX 78249  
[planda@mtrengineers.com](mailto:planda@mtrengineers.com)

**FROM:** Sam Edwards, PE, CFM  
[sedwards@half.com](mailto:sedwards@half.com)

**SUBJECT:** Preserve at Singing Hills Unit 5 Replat review      **DATE:** January 23, 2020

---

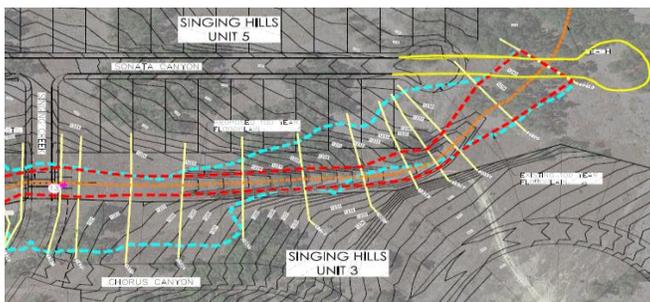
On behalf of the City of Bulverde, Half Associates reviewed the Re-Plat and supporting documents for the Preserve at Singing Hills development Unit 5, dated 12/12/2019 (print date). The review was conducted relative to the requirements established in the vested Subdivision Ordinance 258-07-09-25 (with amendments through April 11, 2011) of the City of Bulverde AND the Development Agreement dated September 11, 2012. The following items were reviewed, with specific items to be addressed by the applicant listed below before resubmittal.

### **Final Re-Plat (for interim review) – Ordinance 1.05(b)**

1. Several lots are missing lot #'s
2. Each lot needs an acreage callout
3. Update subdivision note 1 (preparation date) and 6 (acreage/LF ROW dedication).

### **Final Re-Plat Supporting Documents – Ordinance 1.04(h)**

4. Plat adds 13 lots and increases master plan lots from 318 to 331. TIA assumed up to 350 residential homes, so this increase does not change the traffic impact analysis – **no response required.**
5. Missing drainage analysis to accept offsite runoff. A significant amount of runoff is being received by this development and not enough information is provided to prove 100-YR flows are contained within drainage easement. HEC-RAS model was provided for the original plat. Show offsite drainage area delineation and supporting calculations for runoff to be received.





PLANNING AND ZONING COMMISSION ITEM:  
PC-20-02  
**FINAL PLAT**  
JOHNSON RANCH NORTH UNIT 9

---

**MEETING DATE:** February 13, 2020  
**DEPARTMENT:** Planning & Development  
**PRESENTED BY:** Susana Ramos, AICP, Planning Director

---

**REQUEST:**

Consider a Final Plat for the Johnson Ranch North Unit 9 Subdivision, generally located at the Southwest corner of Mustang Vista and Stahl Lane

**APPLICANT:**

Lennar Homes  
1922 Dry Creek Way, Ste. 101  
San Antonio, TX 78259

**PROPERTY INFORMATION:**

**Owner:** Lennar Homes  
**Legal Description:** 31.363 ACRES OF LAND IN THE JACOB KADERLI SURVEY NO. 465, A-309, THE JACOB KADERLI SURVEY NO. 449, A-308, AND A. L. BUECHE SURVEY NO. 582, A-80, IN COMAL COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN CALLED 287.000 ACRE TRACT DESCRIBED IN THE DEED OF RECORD IN DOCUMENT NO. 201306000265 AND CORRECTED IN DOCUMENT NO. 201306010127, OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS.  
**Size:** 31.363 acres; 69 Lots  
**Existing Land Use:** Undeveloped  
**Existing Zoning:** Extraterritorial Jurisdiction (ETJ)  
**Proposed Land-Use:** Single Family Residential

---

**SUMMARY:**

This is a proposed final plat for Johnson Ranch Unit 9, part of the Johnson Ranch North development for a which a Development Agreement dated July 22, 2008 was entered into and is subject to the vested Subdivision Ordinance 258-07-09-25 with amendments through April 2011. The proposed Final Plat is for approximately 31.363 acres of undeveloped property and establishes 69 single family residential lots.

**ANALYSIS:**

The proposed subdivision lies completely outside the City Limits. No portion of the proposed subdivision lies in the 100-yr floodplain. Water and Sewer services will be provided by the Johnson Ranch MUD.

As with any final plat, approval would authorize the subsequent review and approval of associated public subdivision improvements.

**STAFF RECOMMENDATION:**

The proposed submittal has been reviewed by Halff Associates and City staff. Multiple deficiencies encountered during the review process have not been corrected in time for this meeting. Therefore, Staff recommends **DENIAL** of this Final Plat.

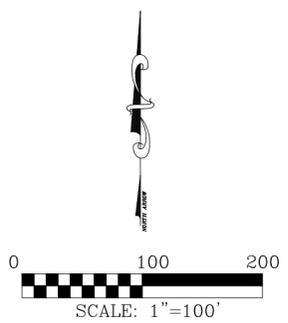
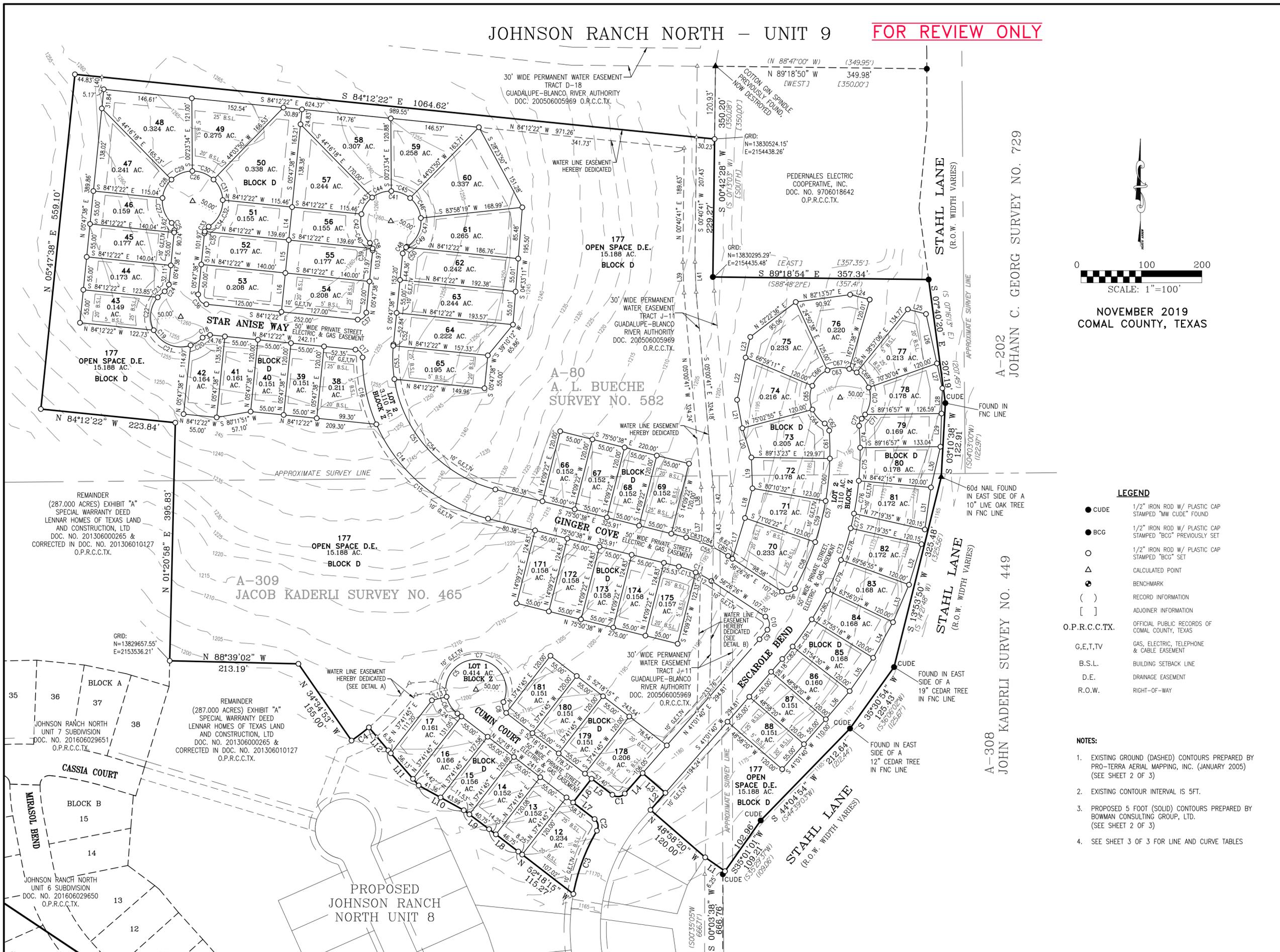
**ATTACHMENTS:**

Final Plat  
Comments Memo



JOHNSON RANCH NORTH - UNIT 9

FOR REVIEW ONLY



NOVEMBER 2019  
COMAL COUNTY, TEXAS

A-202  
JOHANN C. GEORG SURVEY NO. 729

A-308  
JOHN KADERLI SURVEY NO. 449

LEGEND

- CUDE 1/2" IRON ROD W/ PLASTIC CAP STAMPED "MW CUDE" FOUND
- BCG 1/2" IRON ROD W/ PLASTIC CAP STAMPED "BCG" PREVIOUSLY SET
- 1/2" IRON ROD W/ PLASTIC CAP STAMPED "BCG" SET
- △ CALCULATED POINT
- BENCHMARK
- ( ) RECORD INFORMATION
- [ ] ADJOINER INFORMATION
- O.P.R.C.C.TX. OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS
- G,E,T,TV GAS, ELECTRIC, TELEPHONE & CABLE EASEMENT
- B.S.L. BUILDING SETBACK LINE
- D.E. DRAINAGE EASEMENT
- R.O.W. RIGHT-OF-WAY

- NOTES:
- EXISTING GROUND (DASHED) CONTOURS PREPARED BY PRO-TERRA AERIAL MAPPING, INC. (JANUARY 2005) (SEE SHEET 2 OF 3)
  - EXISTING CONTOUR INTERVAL IS 5FT.
  - PROPOSED 5 FOOT (SOLID) CONTOURS PREPARED BY BOWMAN CONSULTING GROUP, LTD. (SEE SHEET 2 OF 3)
  - SEE SHEET 3 OF 3 FOR LINE AND CURVE TABLES

SUBDIVISION PLAT  
JOHNSON RANCH  
NORTH - UNIT 9  
COMAL COUNTY, TEXAS

Bowman Consulting Group, Ltd.  
1120 S. Capital of Texas Hwy, Building 3, Suite 220, Austin, Texas 78746  
Phone: (512) 327-1180 Fax: (512) 327-4062  
www.bowmanconsulting.com © Bowman Consulting Group, Ltd.  
TBPB Firm No. F-14309 | TBPB Firm No. 101206-00

**Bowman**  
CONSULTING

FILE: PA 5522 - Johnson Ranch 5522-00-001 (SUR) Survey - Plats\Johnson Ranch	DATE: 11-20-19	DRAWN BY: DJK	CREW: MK, CF
DATE: 11-20-19	DRAWN BY: DJK	CHECKED BY: JB	FB #:
SCALE: 1"=100'	CHECKED BY: JB	PLAN #:	1222
JOB #:	5522-02-029	DRAWING #:	NORTH UNIT-9
NO.	REVISION	BY	DATE



## REVIEW MEMORANDUM

**TO:** Nicholas Kehl, P.E.  
Bowman Consulting  
1120 S. Capital of TX Hwy  
Suite 220 Bldg. 3  
Austin, TX 78746  
[nkehl@bowmanconsulting.com](mailto:nkehl@bowmanconsulting.com)

**FROM:** Sam Edwards, PE  
[sedwards@half.com](mailto:sedwards@half.com)

**SUBJECT:** Johnson Ranch North Unit 9  
Final Plat / Construction Plan Review

**DATE:** February 5, 2020

---

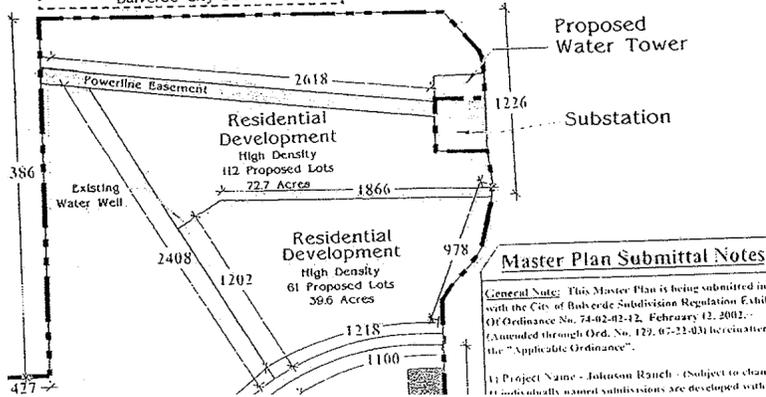
Half Associates, on behalf of the City of Bulverde, has performed a review on the final plat for Johnson Ranch North, Unit 9, dated 11-20-19 and supporting documents, including Drainage Report dated 12-16-19, and construction plans. The review was conducted relative to the requirements established in the vested Subdivision Ordinance 258-07-09-25 (with amendments through April 11, 2011) of the City of Bulverde AND the Development Agreement dated September 11, 2012. The following items were reviewed, with specific items to be addressed by the applicant before resubmittal.

### Plat Comments

1. Per the City's adopted Transportation Master Plan, Stahl Lane is classified as an arterial roadway (86' ROW). Additional ROW dedication is needed along the eastern property boundary.
2. Developer Agreement Exhibit 'C' – Unit 9 consists of 31.363 acres and 66 residential lots, averaging 1 lot per 20,700 square feet of gross land area. This exceeds the one residential lot per 30,000 square feet allowed. Please provide cumulative calculation of single family lots platted vs. total lots allowed per developer agreement section 3.02.

density of the Project at full build out does not exceed the requirements of  
Section 3.02. With each final plat submittal, Developer shall provide a  
cumulative calculation of single family lots platted versus the total single family  
lots allowed based on the area of the residential development areas designated on  
the Project Master Plan.

3. Unit 9 appears to vary from the Master plan acreage and lots.



4. 1.05(b) – Plat indicates only one (1) Block 'D' for all lots. Residential lots are separated by Open Space and as well as front various streets within Unit 9. Additional Blocks should be delegated within Unit 9.
5. 1.05(b) – Provide Bearing and Distance dimension from a corner of the subdivision to a corner of the original tract or original survey.
6. 1.05(b) – Show City limits and limits of City's ETJ on Vicinity Map.
7. Lots 59-64 exceed the "Aspect Ratio" that lots be no greater than 3.5:1 unless approved by City Planning Director or City Engineer. Lot dimensions appear to be within acceptable intent of the Aspect Ratio, therefore no corrective action is recommended. – **No response required.**
8. Plat margins are incorrect. Left margin should be 2". Top, right and bottom should be ½"
9. Metes and bounds description of the subdivision property must be included in the plat.

**Plat Supporting Documents:**

1. 1.05(b) – Provide Approval Letters from TCEQ for Central Water Systems and Central Sewer Systems.
2. Correspondence from CPS (Elect & Gas) indicated the utility can serve the listed development. Provided letter indicates the utility has not yet received plans for review, nor has approved either the final plat or plans. Please provide approval documentation from CPS for the final plat and construction plans.
3. Correspondence from Johnson Ranch MUD (Water & Sewer) indicates that the MUD has adequate capacity to serve the referenced project. Provided letter does not serve as approval of the final plat or construction plans. Please provide approval documentation from the MUD for the final plat and construction plans.

4. TPDES permit - provide approved copies for City records.

### **Construction Plans & Drainage Report**

1. Sheets 7-9 of 35 AND the Drainage Analysis Report – The drainage area delineated does not incorporate the entirety of Unit 9. A note on sheet 9 of 35 states “This Portion of Unit 9 is Served by Drainage Constructed for Unit 8”. Other areas to the North and West are within Unit 9 and not incorporated into any known drainage analysis. Provide drainage analysis for all areas within the Unit.
2. Provide Pre-Development runoff calculations. Plan sheet 8 of 35 gives a 100-year Pre-Development flow to Stahl Road, however no calculations are provided. No Pre-Development calculations are provided for Unit 9.
3. Sheet 7-9 of 35 – Drainage calculations provided are duplicated between sheets, other tables appear to have missing information. Provide correct tables with complete information.
4. Sheet 9 of 35 AND the Drainage Analysis Report – Drainage Area acreages shown in the Time of Concentration calculations do not match acreages shown on the Area Flow Calculations.
5. Drainage Analysis Report - No street capacity calculations were provided for Cumin Court
6. Drainage Analysis Report – “Inlet Report Summary” for the 5-year and 100-year storm – Flows shown for each inlet do not match the “Post Development Drainage Area Runoff Flows for Inlets” calculations provided.
7. Drainage Analysis Report – Provided storm sewer drainage calculations. Flow, Depth of Flow, Velocity, etc.
8. Drainage Analysis Report – Provide storm sewer discharge calculation onto Stahl Lane. Velocity, Energy Dissipation. Cannot concentrate discharge into street. Show how this discharge will not exceed pre-developed conditions.
9. Sheet 10 of 35 – Suggest adding Stabilized Construction Entrance along or near Cumin Court.
10. Sheet 12 of 35 – Minimum K-Value for sag curve is 35 for Urban Local, 2.04(e)
11. Sheet 20 of 35 – Provide Design and Drainage Calculations for Channel ‘C’
12. Wastewater and Water Plan Sheets – Notes indicate a 16-inch GBRA water line within a 30-foot easement. Sheets also indicate a water line paralleling the 16-inch but outside of the easement. Provide information on this existing water line, Ownership, Size, Material, Etc.

13. Sheet 22 of 35 – Notes indicate Proposed Wastewater and Water Crossing but do not identify Crossings with Existing Water Lines.
14. Sheet 27 of 35 – Identify Size, Material Type, etc of proposed and existing water lines.
15. Sheet 27 of 35 - Remove/Relocate Flush Valve and AARV from intersection of Escarole Bend and Ginger Cove.
16. Sheet 28 of 35 – Provide Signage (Street Names, STOP, Speed Limit) for Cumin Court if not already existing.



PLANNING & ZONING COMMISSION ITEM  
VR-20-01  
**VARIANCE**  
QuikTrip

---

**MEETING DATE:** February 13, 2020  
**DEPARTMENT:** Planning & Development  
**PRESENTED BY:** Susana Ramos, AICP, Director

---

**REQUEST:**

Consider a request by QuikTrip Corporation for a variance to Chapter 10, Section 4.07 [4.08], related to Riparian Buffers, and Chapter 17, Section 17.06.010, related to Tree Protection Measures, of the City of Bulverde Code of Ordinances, at the southwest corner of State Highway 46 and Stahl Lane.

**OWNER:**

Mandel Aaron Family Trust  
11503 NW Military Highway  
San Antonio, TX

**APPLICANT:**

QuikTrip Corporation  
742 NW Loop 410, Suite 102  
San Antonio, TX 78216

**PROPERTY INFORMATION:**

Address: Southwest corner of State Highway 46 and Stahl Lane  
Legal Description: A-384 SUR-323 T MILLER, ACRES 9.7236  
Owner: Mandel Aaron Family Trust  
Existing Land Use: Undeveloped  
Existing Zoning: C-2

---

**SUMMARY:**

QuikTrip Corporation (the applicant) intends to develop a 9.74-acre tract of land into a 4,993 square foot convenience store with retail motor fuel sales at the southwest corner of State Highway 46 and Stahl Lane, within the City Limits of the City of Bulverde.

The existing zoning in the property is C-2. However, an annexation agreement for the subject property vested the property into C-3 zoning. Therefore, the proposed use is permitted in the subject property.

The City of Bulverde has made known to the applicant the requirements that must be adhered to during the development and construction process, including Chapter 10 (Subdivision Ordinance) and Chapter 17 (Environmental Protection Ordinance).

The applicant has decided to move forward with requesting a variance from two sections of the Code of Ordinances of the City of Bulverde, with the specific variance requested in **bold** font.

1. Chapter 10, Section 4.07 [4.08], Riparian Buffers, which requires the following: a riparian buffer of 60 feet on either side of the centerline of any watercourses within the city limits and the ETJ that drains greater than 25 acres is hereby established.
  - a. **The applicant is requesting permission to encroach by a total of 558 square feet into the Riparian Buffer.**
2. Chapter 17, Section 17.06.010, Tree Protection Measures, which requires the following: the planning and zoning commission shall review each permit for majestic tree removal and make a recommendation to city council. City Council shall then approve or disapprove the permit. A 3:1 mitigation amount is required for any majestic tree removed.
  - a. **The applicant is requesting permission to remove two (2) majestic trees.**

The applicant has submitted statements of purpose for each variance request, which are attached to this staff report and provide more detail of their requests. The applicant shall present their case to the Planning & Zoning Commission for consideration during the meeting.

#### **ANALYSIS:**

##### **Section 4.07 [4.08], Riparian Buffers, of the City of Bulverde Code of Ordinances states:**

- (a) *Purpose. The terms and provisions of this section are intended to accomplish the following public health and welfare purposes within the City limits and within watersheds within the ETJ:*
  - (i) *Reduce the potential for downstream flooding.*
  - (ii) *Reduce the need for manmade flood control measures and structures with new development.*
  - (iii) *Protect surface and groundwater quality by reducing erosion, sedimentation, and pollution.*
  - (iv) *Protect riparian areas within the City and its ETJ by securing their dedication as open space, such as greenways, parks, and wildlife habitats.*
  - (v) *Protect water-dependent aquatic and terrestrial wildlife corridors.*
  - (vi) *Protect and police wetlands and watersheds within the City and its ETJ.*
- (b) *Applicability. This Section 4.07 [4.08] applies within the city limits and to all watersheds within the ETJ.*
- (c) **Riparian Buffer Conservation.**
  - (i) ***A riparian buffer of 60 feet on either side of the centerline of any watercourse within the city limits and the ETJ that drains greater than 25 acres is hereby established.***
  - (ii) ***No disturbance shall be permitted within a riparian buffer established under subsection (i) above, with exception for the following construction activities:***
    - (1) ***Roadways, pedestrian facilities, or utility improvements when such roadway, pedestrian facilities, or utility improvements are necessary for a lawfully constructed improvement outside of such riparian buffer to exist and there is no practical alternative to construction within such riparian buffer.***

**(2) Stormwater and drainage detention and retention facilities when such facilities are necessary for a lawfully constructed improvement outside of such riparian buffer area to exist and there is no practical alternative to construction within such riparian buffer.**

(3) Construction allowed by this subsection (ii) within a riparian buffer must follow guidelines outlined within the *Bulverde Storm Drainage Design Criteria Manual*.

(iii) Notwithstanding subsection (ii) immediately above, a subdivider shall plat all riparian buffers within a subdivision as common area lots established as non buildable lots solely for the purpose of open space.

(iv) No protected, specimen, or majestic tree may be removed within a riparian buffer.

(d) **Riparian Buffer Conservation Submittal.** A stream network map shall be submitted upon submittal of a master development plan, preliminary plat, development plat, and final plat and shall include the following information:

1. Date of preparation, north arrow, scale, and vicinity map identifying adjacent streets, subdivisions, and other landmarks to pinpoint the location of the subdivision.

2. Boundary of proposed development.

3. Identification and delineation of watercourses draining 25 acres or more.

4. Identification and delineation of riparian buffers.

5. Identification, delineation, and total acreage of each drainage basin drained by a watercourse.

6. 5-foot contours.

[7.]g. Overall length of watercourses draining more than 25 acres within the subdivision.

[8.]h. Overall area of riparian buffers in acres.

(e) **Definitions.** In this Section 4.07 [4.08], the following terms have the meaning ascribed to them below:

**RIPARIAN BUFFER** - the area adjacent to a watercourse in which development is limited pursuant to Section 4.07(c) [4.08(c)], above.

**WATERCOURSE** - a channel in which water flows within a defined bed and banks, whether intermittently with some degree of regularity or continuously, such as a river, creek, stream, or wet-weather or seasonal creek.

(Ordinance 537 adopted 4/10/18)

**Section 17.06.009, Tree Protection Measures, of the City of Bulverde Code of Ordinances states:**

(a) No historic tree may be removed unless the exceptions apply as described in [section 17.06.005](#) above.

**(b) No majestic tree shall be removed unless the exceptions apply as described in [section 17.06.005](#) above. Additional majestic tree removal may be allowed on a case-by-case basis. A separate permit is required for each majestic tree removed. The planning and zoning commission shall review each permit application for majestic tree removal and make a recommendation to city council. City council shall then approve or disapprove the permit. A 3:1 mitigation amount is required for any majestic tree removed.**

(c) The total tree removal from the site cannot exceed 60% of the total caliper width of protected, specimen, majestic, or historic trees on the site.

(d) Any person removing protected, specimen, or majestic trees shall mitigate such removal by planting, replanting, relocating or leaving in place replacement tree(s) having a total caliper width

equal to the total caliper width removed, plus any additional mitigation amount as stipulated in subsection (b) above, in accordance with the following:

- (1) Property owner must fulfill 100% of tree removal mitigation requirements.
- (2) No more than 35% of the total replacement trees may be of the same species.
- (3) At least 50% of the replacement trees shall exceed six inches (6") in caliper width.
- (4) Within 60 days of the 1-year anniversary of completion of all work pursuant to a tree removal permit, the permittee shall provide a report from a certified arborist verifying the viability of all replacement trees. The permittee shall replace any replacement tree that dies within one (1) year of being planted. A new one-year warranty period starts for a tree used to replace a dead replacement tree and the permittee shall provide a report from a certified arborist verifying the viability of such replacement trees within 60 days of the 1-year anniversary of the planting of such replacement trees.
- (5) Replacement trees shall be dispersed throughout the site, particularly in parking lots, as much as possible with the exception of any utility easement areas. No replacement trees shall be planted in utility easement areas.
- (6) In lieu of providing replacement trees, a person may pay to the city an amount determined in accordance with this subsection (6), referred to herein as "cash in lieu." Up to 25% of the required replacement tree caliper may be paid as cash in lieu to the city unless insufficient land area exists as described in subsection (7), immediately below. Any such payments shall be deposited into a special account or fund and used by the city to provide or support supplemental landscape plantings in public areas of the city or acquire wooded property that shall remain in a naturalistic state in perpetuity. A per-caliper-inch cash value for replacement trees shall be set by the city council after review and recommendation by the planning and zoning commission.
- (7) If insufficient land area exists to plant the required total caliper width of replacement trees as defined in this section, then the cash in lieu amount can be applied to up to 50% of the required replacement tree caliper. At the sole cost of the permittee, a certified arborist shall make a written determination of the maximum total caliper width of replacement trees that may be planted on the site.
- (8) Only those trees meeting and replanted in accordance with the applicable Texas Nursery & Landscape Association Specifications Grades and Standards, or such other set of standards as designated by the city from time to time, shall satisfy the tree replanting requirements contained herein.

#### **AUTHORITY OF THE PLANNING & ZONING COMMISSION:**

Section 1.07 of the City of Bulverde Code of Ordinances states:

a) General.

- (i) Variances to the requirements of this ordinance may be granted by the City Council for nonprocedural items provided the City Council determines that undue hardship will result from strict compliance with the ordinance. A variance may be granted only when in harmony with the general purpose and intent of this ordinance so that the public health, safety and welfare may be secured and substantial justice done. In granting a variance, the City Council shall prescribe only conditions that it deems necessary to or desirable in the public interest.

*(ii) In making the findings required herein, the City Council shall take into account the nature of the proposed land use, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No variance shall be granted unless the City Council makes affirmative findings as to all of the following:*

- 1) That there are special circumstances or conditions affecting the land involved such that strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of the land;*
- 2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;*
- 3) That granting the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and*
- 4) That granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this ordinance.*

**ATTACHMENTS:**

Application  
Statements of Purpose  
Site Plan Exhibits  
Additional Exhibits



# Application for Variance

30360 Cougar Bend, Bulverde, TX 78163  
Telephone: 830-438-3612 - Fax: 830-438-4339  
[www.ci.bulverde.tx.us](http://www.ci.bulverde.tx.us)

Date: 2/6/20

Case No. \_\_\_\_\_

### Applicant Information:

QuikTrip Corporation 469.766.8331 N/A  
Name Phone Fax  
742 NW Loop 410 Suite 102 San Antonio, TX 78216 jdudley@quiktrip.com  
Address Email

### Property Owner Information:

Mandel Aaron Family Trust 210.342.2255 N/A  
Name Phone Fax  
11503 NW Military Hwy marty@wenderrei.com  
Address Email

*\* If property owner is not the applicant, a letter of authorization from the owner is required with application submittal.*

### Property Identification:

Street Address: SWC of Hwy 46 & Stahl Rd.  
Legal Description: Theodore Miller Survey No. 323, Abstract 384, Comal County, Texas  
Zoning District Classification: C-3

### Description of Request:

- Variance to Section 4.07 [4.08] Riparian Buffers of the City of Bulverde Code of Ordinances, which requires:  
A riparian buffer of 60 feet on either side of the centerline of any watercourse within the city limits and the ETJ that drains greater than 25 acres is hereby established.
- Variance to Section 17.06.010 Tree protection measures of the City of Bulverde Code of Ordinances, which requires:  
The planning and zoning commission shall review each permit application for majestic tree removal and make a recommendation to city council. City council shall then approve or disapprove the permit. A 3:1 mitigation amount is required for any majestic tree removed.
- Variance to Section \_\_\_\_\_ of the City of Bulverde Code of Ordinances, which requires:  
\_\_\_\_\_
- Variance to Section \_\_\_\_\_ of the City of Bulverde Code of Ordinances, which requires:  
\_\_\_\_\_
- Variance to Section \_\_\_\_\_ of the City of Bulverde Code of Ordinances, which requires:  
\_\_\_\_\_

The undersigned agrees to pay the **non refundable** application fee and any other applicable fees as outlined in the Planning and Development Fee Schedule and agrees to pay fees for any additional review requiring consultation with City Consultants, including involvement of a contract engineer in a predevelopment conference. To the extent possible, City Staff will provide the Owner/Applicant with an estimate of fees should outside consultation be required. The undersigned also acknowledges the City Staff may require additional appropriate information be submitted to aid in the review.

J. Dudley 2/6/20  
Signature of Owner/Applicant Date

### Fees:

**Zoning and Plat Variance Review Fee - \$750.00** (per Section/Provision of the Code)

**Variance Review Fee (all other Variances)- \$500.00** (per Section/Provision of the Code)

**VARIANCE CRITERIA EXPLANATION FORM**

**(for Subdivision Code Variances Only)**

(This Form is required with submittal of a Variance Application. If more than one variance is requested in an application, a separate Variance Criteria Explanation Form shall be required for each Variance. Please include additional pages as necessary.)

- 1) Describe the special circumstances or conditions affecting the land involved such that strict application of the provisions of this ordinance would deprive the reasonable use of the land.

Please see letter of intent.

---

---

---

---

---

- 2) Describe how the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

Please see letter of intent.

---

---

---

---

---

- 3) Describe how granting the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

Please see letter of intent.

---

---

---

---

---

- 4) What effect, if any, would the variance have on the orderly subdivision of other land in the area in accordance with the City of Bulverde Code of Ordinances?

Please see letter of intent.

---

---

---

---

---

**\*Note for the Board / Commission:**

The following responses were provided by the applicant and may not be consistent with the Department staff report.

February 6, 2020

City of Bulverde  
30360 Cougar Bend  
Bulverde, TX 78163

**RE: Owner Authorization for QuikTrip Corporation (the "Applicant") to file Application for Variance**

Property: Approximately 9.7236 acres of land located at the southwest corner of Highway 46 and Stahl Lane, in the City of Bulverde, Comal County, Texas.

Legal Description: A-384 SUR-323 T Miller

On behalf of THE AARON MANDEL FAMILY TRUST-B FBO RENE LYNN WENDER, THE AARON MANDEL FAMILY TRUST-B FBO MARCIA JEAN MANDEL, THE AARON MANDEL FAMILY TRUST-B FBO WHITNEY AUSTIN ALLEN SCOTT, THE ROSE ELIZABETH MANDEL FAMILY TRUST-A FBO RENE LYNN WENDER, THE ROSE ELIZABETH MANDEL FAMILY TRUST-A FBO MARCIA JEAN MANDEL, THE ROSE ELIZABETH MANDEL FAMILY TRUST-A FBO WHITNEY AUSTIN ALLEN SCOTT, JAMES RITCHIE McCULLOCH, III, and MICHAEL VELASCO (each a "Tenant in Common" and collectively, the "Tenants in Common") (the Tenants in Common are collectively, the "Owner"), QuikTrip Corporation is hereby granted authorization to submit, at their sole cost and expense, an Application for Variance pertaining to Riparian Buffers [Section 4.07/4.08] and Tree Protection [Section 17.06.010] related to the above-referenced property.

**OWNER:**

**TENANTS IN COMMON**

By: \_\_\_\_\_



Charles Martin Wender, Manager

c/o Wender Real Estate, Inc.  
11503 NW Military Hwy  
San Antonio, TX 78231  
Phone: 210-342-2255  
Fax: 210-342-2829  
Email: marty@wenderrei.com

Cc: QuikTrip Corporation

**FIELD NOTES FOR A 9.74 ACRE TRACT OF LAND**

A **9.74 acre** tract of land, situated in the City of Bulverde, out of the Theodore Miller Survey No. 323, Abstract 384, Comal County, Texas and being the remaining portion of a called 10.10 acre tract of land as described in Document No. 201506013452 of the Official Public Records of Comal County, Texas. Said **9.74 acre** tract being more particularly described by metes and bounds as follows:

**BEGINNING** at a found Texas Department of Transportation (T.X.D.O.T.) Right-of-Way (R.O.W.) Monument, Type III, for the south end of a cutback in the south right-of-way line of State Highway 46, a variable width right-of-way, as shown on the T.X.D.O.T. Right-of-Way Map, RCSJ. No. 0215-01-045, in the west right-of-way line of Stahl Lane, a called 80' right-of-way, as shown on Volume 11 Page 290 of the Map and Plat Records of Comal County, Texas, in the east line of said 10.10 acre tract, for the southeast corner of a called 0.3764 acre tract of land, Parcel 69, as described in Document No. 201806037370 of the Official Public Records of Comal County, Texas and for the northeast corner of the tract described herein;

**THENCE:** With the westerly right-of-way line of Stahl Lane and the east line of said 10.10 acre tract, the following four (4) courses:

1. **S 01° 15' 24" E**, a distance of **75.93 feet** to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a point of curvature of the tract described herein,
2. With a curve to the right having a radius of **660.00 feet**, an arc length of **573.43 feet**, a delta angle of **049° 46' 49"** and a chord bears, **S 23° 38' 01" W**, a distance of **555.56 feet** to a found ½" iron rod for a point of tangency of the tract described herein,
3. **S 48° 31' 26" W**, a distance of **409.12 feet** to a found ½" iron rod for a point of curvature of the tract described herein, and
4. With a curve to the having a radius of **740.00 feet**, an arc length of **337.58 feet**, a delta angle of **026° 08' 16"** and a chord bears, **S 35° 27' 19" W**, a distance of **334.66 feet** to a found ½" iron rod at the intersection of the east right-of-way line of Stahl Lane, not in current use, and the west right-of-way line of said Stahl Lane, 80' right-of-way, for the south corner of said 10.10 acre tract and the tract described herein;

**THENCE:** With the easterly right-of-way of Stahl Lane and the westerly line of said 10.10 acre tract, the following six (6) courses:

1. **N 00° 12' 22" W**, a distance of **186.77 feet** to a found ½" iron rod for an angle of the tract described herein,
2. **N 21° 25' 05" E**, a distance of **255.90 feet** to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for an angle of the tract described herein,
3. **N 17° 40' 11" E**, a distance of **146.61 feet** to a found ½" iron rod for an angle of the tract described herein,
4. **N 03° 27' 38" E**, a distance of **250.38 feet** to a found 5" cedar post for an angle of the tract described herein,
5. **N 00° 27' 47" E**, a distance of **156.00 feet** to a found 5" cedar post for an angle of the tract described herein, and
6. **N 06° 50' 22" W**, a distance of **168.18 feet** to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" at the south end of a cutback with the east right-of-way line of Stahl Lane, not in current use, the south right-of-way line of State Highway 46 and for the most westerly northwest corner of the tract described herein;

**THENCE:** **N 32° 07' 27" E**, with said cutback as shown on said T.X.D.O.T. Right-of-Way Map, RCSJ. No. 0215-01-045, a distance of **75.90 feet** to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" in the south right-of-way line of State Highway 46, for the most northerly northwest corner of said 10.10 acre tract and the tract described herein;

**THENCE:** N 88° 47' 27" E, with the south right-of-way line of State Highway 46 and the north line of said 10.10 acre tract, a distance of **80.72 feet** to a found T.X.D.O.T. R.O.W. Monument, Type III, for the west corner of said 0.3764 acre tract and an angle of the tract described herein;

**THENCE:** With the south right-of-way line of State Highway 46 and the south line of said 0.3764 acre tract, the following three (3) courses:

1. **S 81° 30' 23" E**, a distance of **296.19 feet** to a found T.X.D.O.T. R.O.W. Monument, Type III for an angle of the tract described herein,
2. **N 88° 46' 29" E**, a distance of **138.27 feet** to a found T.X.D.O.T. R.O.W. Monument, Type III for an angle of the tract described herein, and
3. **S 46° 13' 31" E**, a distance of **49.64 feet** to the **POINT OF BEGINNING** and containing **9.74 acres** of land situated in the City of Bulverde, Comal County, Texas.

Note: The basis of bearing was established using the Trimble VRS Network, NAD (83), Texas State Plane Coordinate System, South Central Zone, 4204, US Survey Foot, Grid. A survey plat was prepared by a separate document. Field work performed the week of September 3, 2019.

Job # 19-4089 QT 4028 – 9.74 Acres

Date: September 18, 2019



## QT Variance Request

### Statement of Purpose

**Purpose:** The purpose of this submittal is to allow for the development of a 9.74-acre tract of land for the purpose of constructing a 4,993 SF convenience store with retail motor fuel sales. The provisions of the C-3 Zoning District and all other applicable regulations as stated in the City of Bulverde's Zoning Ordinance shall govern this tract of land.

**Proposed Use:** The property is currently zoned C-3. QuikTrip is proposing to construct and operate a 4,993 SF 24-hour Convenience Store with Beer and Wine Sales for off-premise consumption only and retail motor fuel sales. The proposed project is consistent with the City's Master Plan and our use is allowed by right in C-3 zoning.

Our development will provide a family oriented, clean and modern facility for the citizens of Bulverde. We provide many of the items you will find in your larger grocery stores, with very similar pricing. We are also making great strides in the food industry with our addition of our new kitchen. QuikTrip takes great pride in our employees and our stores. We build our facilities to last fifty years and we put in the time and care to ensure that they do. We have an in-house Facility Support team that maintains our stores daily. They are called on to maintain everything

from landscaping, coffee/cappuccino machines, coffee bar, tea bar, paving, and all other aesthetic and mechanical features of the store.

QuikTrip Corporation is respectfully requesting a variance to allow an encroachment in the Riparian Buffer required in Ordinance 537 Section 4.07, a riparian buffer of 60 feet on either side of the centerline of any watercourse within the city limits and the ETJ that drains greater than 25 acres is hereby established.

- 1.) QuikTrip has a non-self-imposed hardship based on the unique characteristics of the site. There is a pinch point due to the existing Majestic trees, Riparian Buffer, Scenic Corridor and Wetlands. We're requesting the variance because if not granted all four of the majestic trees will need to be removed because we will have to shift the site to the west. We would also lose the ability to develop a second commercial pad on the Hwy 46 frontage. Visibility would also be compromised because the site would be pushed off the intersection. Moving the site closer to the peak of Hwy 46 would affect the TXDOT driveway location and would drastically conflict with the site plan. Instead of large trucks being able to turn into the property unimpeded as shown on the provided site plan, we would have to split the canopy and they would be turn into the site directly between the gasoline canopies into the front of the store. This is problematic as the front of the store is the busiest. We would have very serious safety concerns with pedestrian/vehicular conflicts.
- 2.) If a variance is not granted the entire 9.74 acres is for all intents and purposes condemned. There would be no access to the entire development on Hwy 46, visibility would be drastically compromised, and the buildable area would be inadequate.

- 3.) As stated by our Engineering Professional Joshua Valenta, P.E., there will be no adverse impact to the Riparian Buffer and the site will be designed in a way as to not negatively affect any other property upstream or downstream from the development (Drainage letter provided with submittal package). Also, as stated by our Environmental Professional Aaron Brewer, P.G. there is no wildlife affected by the minor encroachment and no adverse impact with QT encroaching into Riparian Buffer (Environmental letter provided with submittal package).
- 4.) There will be no affect to other properties within the City of Bulverde. Our site is unique in that there are several constraints for such a small property. The ordinances we are requesting a variance for is intended to be applied to large scale developments and any denial would result is the property being undevelopable.

In summation, the fact that no drainage or wildlife is impacted shows that we meet the spirit of the intent or the ordinance. Our property consists of 424,274 square feet. The encroachment makes up only 558 square feet or .13% of the total site.

I will be pleased to meet with you or your staff to discuss this matter as requested. Your consideration and support in these matters will be greatly appreciated. We stand ready to assist in your review.

Best regards,

 **QuikTrip** | *Real Estate*

JD Dudley | Real Estate Project Manager II – ASA

742 NW Loop 410 Suite 102 | San Antonio, TX 78216

O: 210.332.4036 | C: 469.766.8331







February 6, 2020

City of Bulverde  
Development Services Department  
30360 Cougar Bend  
Bulverde, TX 78163-4569

**Re: QuikTrip Store #4028  
9.74 Acres in SWC of SH 46 and Stahl Lane  
Bulverde, Texas**

**Apex Project Number 725030951065**

Apex Companies, LLC (Apex) has prepared this letter on behalf of QuikTrip Corporation (QuikTrip) to provide our biological opinion about the proposed development of QuikTrip store number 4028 and compliance with City of Bulverde Ordinance Number 537, Section 4.07; Riparian Buffers. The proposed location for QuikTrip 4028 is at a 9.74-acre parcel in the southwest corner of State Highway (SH) 46 and Stahl Lane in Bulverde, Texas (Site).

#### **Definition and Extent of Riparian Buffer**

Apex professional geoscientist, Aaron Brewer, visited the Site on October 11, 2019 and November 1, 2019. Aquatic features were observed and classified at the Site including an intermittent stream that extends from the culverts under Stahl Lane northwesterly approximately 123 feet into the Site where it terminates at a small pond and wetland area. The stream segment was observed to contain a channel, stream bed, and stream bank. Areas upslope of the stream, extending northwesterly through a broad swale contained some wetland and non-wetland areas, but no bed and bank was observed outside of the intermittent stream through to the culvert at SH 46 or off-Site to the north of SH 46 as viewed from the highway.

In our reading of City of Bulverde Ordinance 537, Section 4.07, riparian buffers are defined by the area within 60 feet on either side of the centerline of a watercourse, and a watercourse is defined as a channel in which water flows within a defined bed and bank. The definition of watercourse does not contain references to wetlands that do not contain a channel, bed, and bank. Therefore, the extent of riparian buffer at the Site appears to be limited to the 60 feet from centerline on either side of the intermittent stream that exists on approximately 123 linear feet terminating at the boundary near the culverts under Stahl Drive and would not extend north of the terminus of the channel containing the intermittent stream.

#### **Biological Impacts**

The City of Bulverde Ordinance 537, Section 4.07, states the purpose of the ordinance, which includes three elements quoted below and followed by our biological opinion of the impact of the proposed development on these elements:

1. **“Protect riparian areas within the City and its ETJ by securing their dedication as open spaces, such as greenways, parks, and wildlife habitats.”**

Apex reviewed a Conceptual Development Plan (CDP) for the proposed QuikTrip 4028 dated August 1, 2019, which is included as **Attachment 1**. Based on our reading of the City of Bulverde Ordinance 537, Section 4.07, the CDP overrepresents the extent of riparian habitat, which should be reduced to the area along the first 123 feet of centerline measured from the boundary along Stahl Lane as discussed above. The remaining riparian buffer area within the Site is within a proposed dedicated easement, which according to the civil engineer, Matkin Hoover Engineering & Surveying, would be identified on the proposed re-plat. It is our understanding that the portion of the riparian buffer not impacted by the proposed development would be preserved within the riparian habitat dedicated easement. The portion of preserved riparian habitat contains wildlife habitat associated with the stream and adjoining habitats. The impacts to riparian habitat appear to be limited to those necessary to construct a driveway for access to Stall Lane and portions of select parking spaces.

2. **“Protect water-dependent aquatic and terrestrial wildlife corridors.”**

The stream segment and associated riparian habitat at the property is isolated from adjacent downstream riparian habitat by metal culverts under Stahl Lane and limited by an absence of riparian buffer up-slope toward SH 46. As such, the riparian buffer terminates at its headwaters, it has limited extent, geographic isolation, and biological isolation and is not a significant wildlife corridor. The conditions observed at the headwaters and within the on-Site stream channel also indicate that the stream bed would frequently be dry and not a significant habitat for water-dependent aquatic organisms.

3. **“Protect and police wetlands and watersheds within the City and its ETJ.”**

Impacts to waters of the U.S., if any, will be permitted in compliance with Section 404 of the Clean Water Act as administered by the U.S. Corps of Engineers. The project has been designed to minimize impacts to riparian buffer areas by minimizing direct impacts to stream and adjacent riparian areas and construction of retaining walls to further reduce the impact to riparian buffer areas.

If you have any questions or require additional information, please contact me at 512-250-2600 x2116.

Sincerely,



Aaron Brewer, P.G.  
Branch Manager

Attachments



2-6-20





## QT Variance Request

### Statement of Purpose

**Purpose:** The purpose of this submittal is to allow for the development of a 9.74-acre tract of land for the purpose of constructing a 4,993 SF convenience store with retail motor fuel sales. The provisions of the C-3 Zoning District and all other applicable regulations as stated in the City of Bulverde's Zoning Ordinance shall govern this tract of land.

**Proposed Use:** The property is currently zoned C-3. QuikTrip is proposing to construct and operate a 4,993 SF 24-hour Convenience Store with Beer and Wine Sales for off-premise consumption only and retail motor fuel sales. The proposed project is consistent with the City's Master Plan and our use is allowed by right in C-3 zoning.

Our development will provide a family oriented, clean and modern facility for the citizens of Bulverde. We provide many of the items you will find in your larger grocery stores, with very similar pricing. We are also making great strides in the food industry with our addition of our new kitchen. QuikTrip takes great pride in our employees and our stores. We build our facilities to last fifty years and we put in the time and care to ensure that they do. We have an in-house Facility Support team that maintains our stores daily. They are called on to maintain everything

from landscaping, coffee/cappuccino machines, coffee bar, tea bar, paving, and all other aesthetic and mechanical features of the store.

QuikTrip Corporation is respectfully requesting a variance to Section 17.03.010 Tree Protection Measures, for the removal of two Majestic Trees.

- 1.) QuikTrip has a non-self-imposed hardship based on the unique characteristics of the site. Due to the grades, it is unsafe to have an access driveway close to the abandoned Stahl Lane. The road was abandoned due to T-bone collisions. The collisions were caused by vehicles traveling eastbound on Hwy 46 peaking over the top of the road not having adequate line of sight causing them to collide with vehicles trying to make a right out on Hwy 46. This was brought to our attention in the scoping meeting with TXDOT. They are granting us one drive to serve the entire development, but the drive cannot shift any close to the intersection due to the TXDOT storm improvements, so they will only allow the drive in the middle of the property as shown.
- 2.) Due to the location of the drive, the entrance is in direct conflict with two Majestic trees. With the large gasoline tankers, deliver and trash trucks it is imperative for proper lot circulation that trucks be able to enter the site unimpeded. We do not have any parking adjacent to the drive aisle, so that trucks pulling in don't have to wait for vehicles to back out of their parking spots. This is crucial because they could potentially back up onto Hwy 46. We also need adequate space for emergency vehicles to navigate around the building and gasoline canopy while there are other vehicles and pedestrians on the lot. Also, in order to keep the access drive at a safe slope to match the proposed TXDOT road improvements, we will have to fill in that in that area. The amount of

undercut and pavement subgrade is close to 5'. This will undermine the root ball of the trees and there is no way they will survive.

- 3.) Not removing the trees will pose several life safety issues. The first being that the grading and concrete will undermine the root ball. This could cause large portions of the tree to decay and fall possibly landing on a person or vehicle. The trees would also be so close to the curb line that any vehicle that overhangs the curb or accidentally drives on top will strike the trees.
- 4.) There will be no affect. The larger of the two trees (45' Live Oak) was inspected by Davey and showed significant signs of branch die back and decay pockets as shown in the presentation. It also has minimum foliage at the top of the tree. Removing and mitigating the Majestic trees will be the safest option for our customers.

In summation, there are currently 1,547 caliper inches of Protected, Specimen and Majestic Trees onsite. QuikTrip is requesting to remove 110 caliper inches, which in total is 6.46% of the total tree caliper.

I will be pleased to meet with you or your staff to discuss this matter as requested. Your consideration and support in these matters will be greatly appreciated. We stand ready to assist in your review.

Best regards,

 **QuikTrip** | *Real Estate*

JD Dudley | Real Estate Project Manager II – ASA

742 NW Loop 410 Suite 102 | San Antonio, TX 78216

O: 210.332.4036 | C: 469.766.8331



February 4, 2020

City of Bulverde  
Development Services Department  
30360 Cougar Bend  
Bulverde, TX 78163-4569

**Re: QuikTrip Store #4028  
Storm Water Management Plan**

Our office has been contracted by QuikTrip Inc. to determine whether the above referenced project meets those requirements set forth in the City of Bulverde's Code of Ordinances (C.o.B.C.O.).

This developer intends to show within the design and construction of this site that the impact to the current stormwater infrastructure and conveyance due to the proposed development will not result in an increase to the 5-year, 25-year, and the 100-year peak stormwater runoff discharge rates. Current upstream (off-site) storm water conveyance is being generated by a 176-acre watershed that produces approximately 1,200 cu-ft/sec (CFS) (100-year storm frequency event) of storm water run-off. The property receives this run-off via one 6' x 5.5' box culvert under State Highway 46, crossing through a defined drainage low, and leaving the property through 6 – 42" diameter corrugated metal pipe culvert (positioned under Stahl Lane). The design of the site's drainage system will consider this off-site conveyance and provide a route that will allow for the design storm to pass through the site without adversely impacting existing drainage infrastructure. Allowances for mimicking the riparian buffer hydrology characteristics will be considered during the design of this drainage bypass (guidance per C.o.B.C.O. Section 4.07 [4.08] "Riparian Buffers")

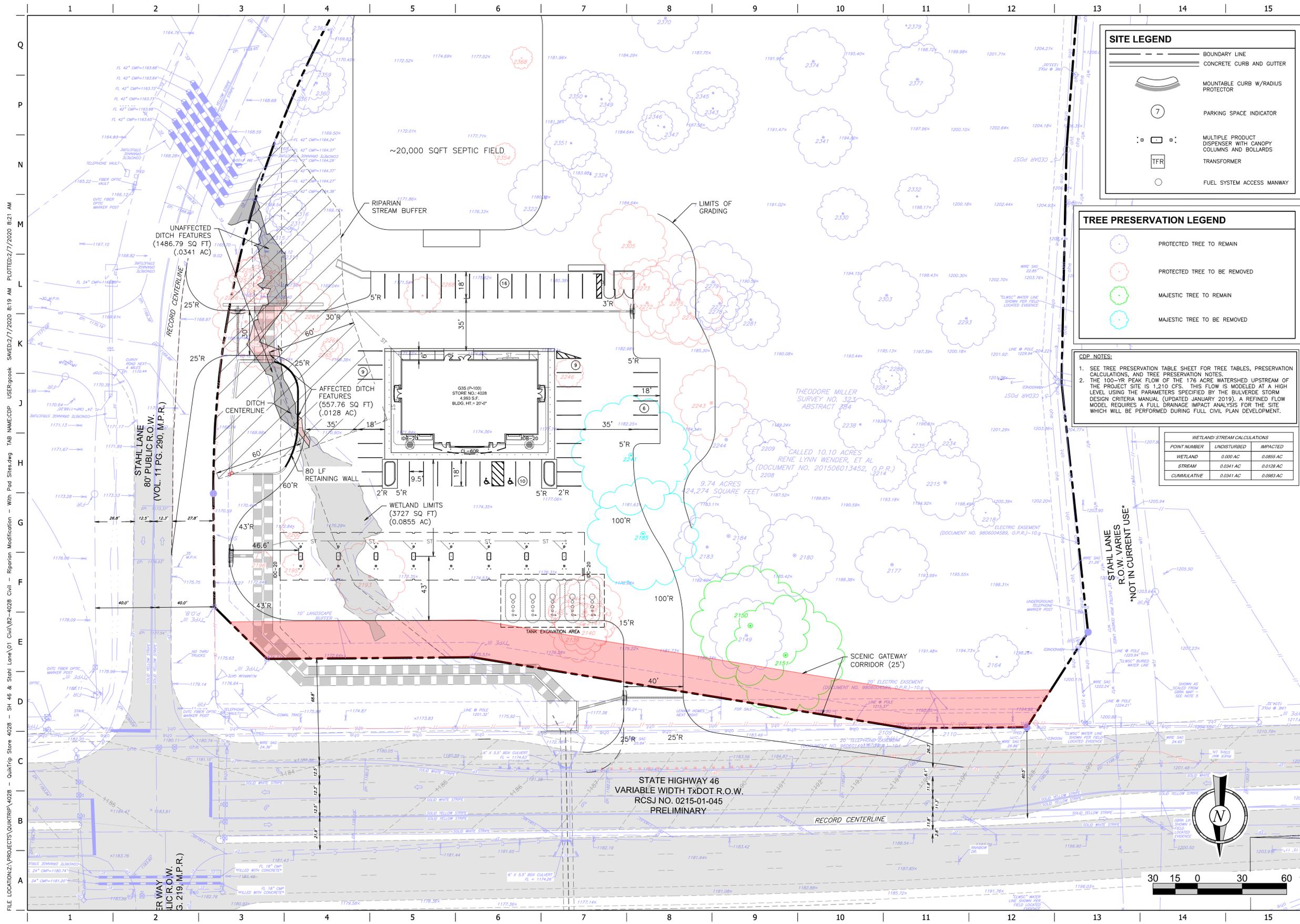
It is the intention of this developer to adhere to and use the Bulverde Code of Ordinances and Storm Drainage Design Criteria Manual to mitigate and convey the off-site and on-site storm water runoff so as to produce no adverse impact to onsite or downstream properties, habitable structures, or drainage infrastructure systems.

If you have any questions or require additional information, please feel free to contact me.

Sincerely,  
Matkin Hoover Engineering & Surveying  
TBPE Firm Registration No. F-4512



Joshua Valenta, P.E.  
Vice President



### SITE LEGEND

- BOUNDARY LINE
- CONCRETE CURB AND GUTTER
- MOUNTABLE CURB W/RADIUS PROTECTOR
- PARKING SPACE INDICATOR
- MULTIPLE PRODUCT DISPENSER WITH CANOPY COLUMNS AND BOLLARDS
- TRANSFORMER
- FUEL SYSTEM ACCESS MANWAY

### TREE PRESERVATION LEGEND

- PROTECTED TREE TO REMAIN
- PROTECTED TREE TO BE REMOVED
- MAJESTIC TREE TO REMAIN
- MAJESTIC TREE TO BE REMOVED

**CDP NOTES:**

- SEE TREE PRESERVATION TABLE SHEET FOR TREE TABLES, PRESERVATION CALCULATIONS, AND TREE PRESERVATION NOTES.
- THE 100-YR PEAK FLOW OF THE 176 ACRE WATERSHED UPSTREAM OF THE PROJECT SITE IS 1,210 CFS. THIS FLOW IS MODELLED AT A HIGH LEVEL USING THE PARAMETERS SPECIFIED BY THE BULVERDE STORM DESIGN CRITERIA MANUAL (UPDATED JANUARY 2019). A REFINED FLOW MODEL REQUIRES A FULL DRAINAGE IMPACT ANALYSIS FOR THE SITE WHICH WILL BE PERFORMED DURING FULL PLAN DEVELOPMENT.

WETLAND/STREAM CALCULATIONS		
POINT NUMBER	UNDISTURBED	IMPACTED
WETLAND	0.000 AC	0.0855 AC
STREAM	0.0341 AC	0.0128 AC
CUMULATIVE	0.0341 AC	0.0983 AC

PROJECT NO.: 4028.01  
**MATKINHOOPER**  
 ENGINEERING  
 & SURVEYING  
 8 SPENCER ROAD, SUITE 100  
 BULVERDE, TEXAS 75814  
 OFFICE: 409.249.0800  
 CONTACT@MATKINHOOPER.COM  
 TEXAS REGISTERED ENGINEERING FIRM F-10244000  
 TEXAS REGISTERED SURVEYING FIRM F-10244000

**QuikTrip No. 4028**  
 HWY. 46 & STAHL LANE  
 BULVERDE, TEXAS



© COPYRIGHT QUIKTRIP CORPORATION 2011  
 ANY UNAUTHORIZED USE, REPRODUCTION,  
 PUBLICATION, DISTRIBUTION, OR SALE IN  
 WHOLE OR IN PART, IS STRICTLY FORBIDDEN.

PROTOTYPE: P-99 (08/11/19)  
 DIVISION:  
 VERSION: 001  
 DESIGNED BY: JJV  
 DRAWN BY:  
 REVIEWED BY: JJV

REV	DATE	DESCRIPTION

SHEET TITLE:  
 CONCEPTUAL  
 DEVELOPMENT PLAN

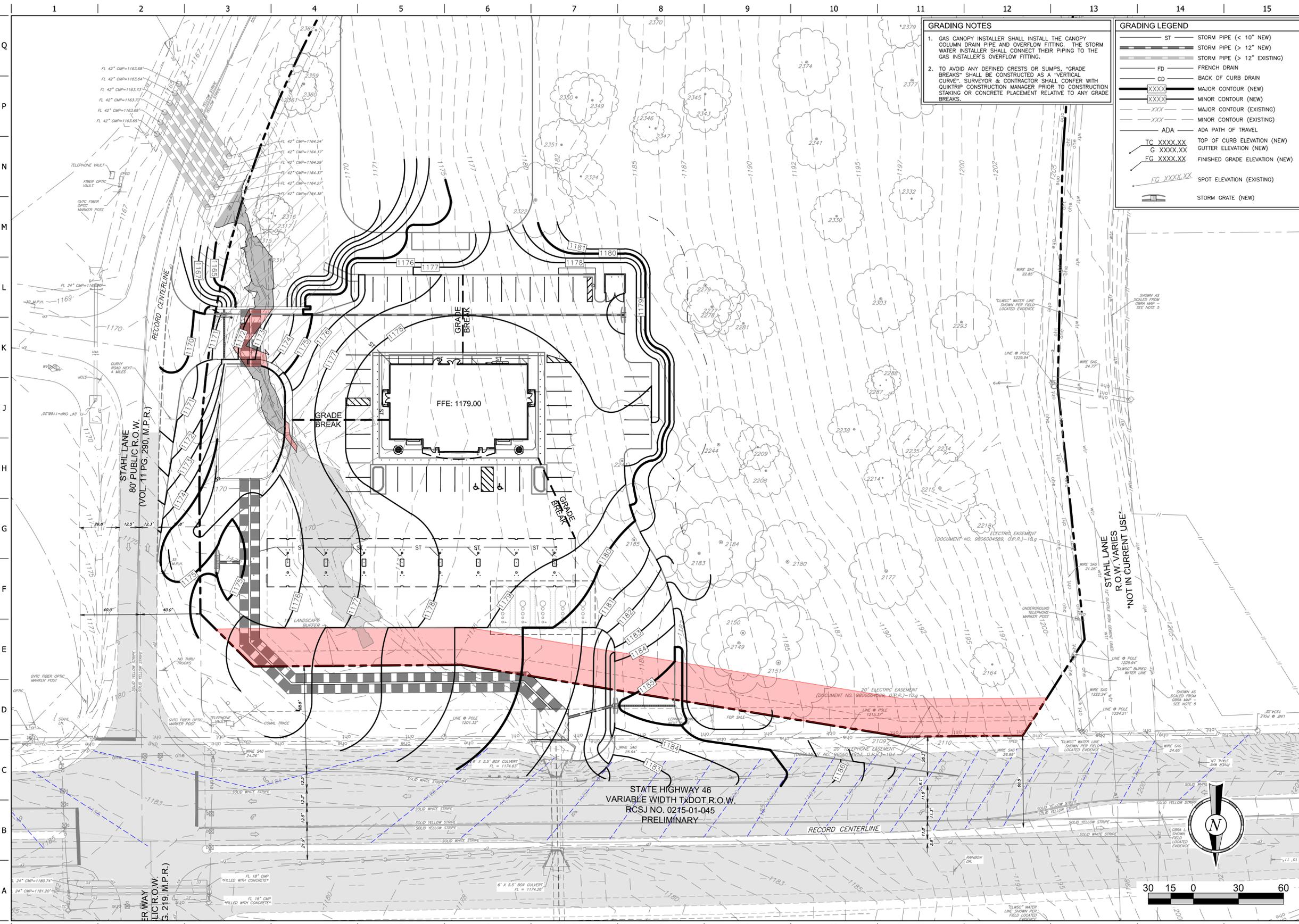
SHEET NUMBER:  
**C100**

FILE LOCATION: Z:\PROJECTS\QUIKTRIP\4028 - QuikTrip Store 4028 - Stahl Lane\01 Civil\2-4028 Civil - Riparian Modification - With Pod Sites.dwg USER: gcook SAVED: 7/7/2020 8:19 AM PLOTTED: 7/7/2020 8:21 AM

STATE HIGHWAY 46  
 VARIABLE WIDTH TxDOT R.O.W.  
 RCSJ NO. 0215-01-045  
 PRELIMINARY



FILE LOCATION: Z:\PROJECTS\QUIKTRIP\4028 - SH 46 & Stahl Lane\01 Civil\2-4028 Civil - Eriplan Modification - With Pod Sites.dwg USER: gcook SAVED: 2/7/2020 8:19 AM PLOTTED: 2/7/2020 8:20 AM



**GRADING NOTES**

1. GAS CANOPY INSTALLER SHALL INSTALL THE CANOPY COLUMN DRAIN PIPE AND OVERFLOW FITTING. THE STORM WATER INSTALLER SHALL CONNECT THEIR PIPING TO THE GAS INSTALLER'S OVERFLOW FITTING.
2. TO AVOID ANY DEFINED CRESTS OR SUMPS, "GRADE BREAKS" SHALL BE CONSTRUCTED AS A "VERTICAL CURVE". SURVEYOR & CONTRACTOR SHALL CONFER WITH QUIKTRIP CONSTRUCTION MANAGER PRIOR TO CONSTRUCTION STAKING OR CONCRETE PLACEMENT RELATIVE TO ANY GRADE BREAKS.

**GRADING LEGEND**

ST	STORM PIPE (< 10" NEW)
ST	STORM PIPE (> 12" NEW)
ST	STORM PIPE (> 12" EXISTING)
FD	FRENCH DRAIN
CD	BACK OF CURB DRAIN
XXXX	MAJOR CONTOUR (NEW)
XXXX	MINOR CONTOUR (NEW)
XXX	MAJOR CONTOUR (EXISTING)
XXX	MINOR CONTOUR (EXISTING)
ADA	ADA PATH OF TRAVEL
TC XXXX.XX	TOP OF CURB ELEVATION (NEW)
G XXXX.XX	GUTTER ELEVATION (NEW)
FG XXXX.XX	FINISHED GRADE ELEVATION (NEW)
FG XXXX.XX	SPOT ELEVATION (EXISTING)
[Symbol]	STORM GRATE (NEW)

PROJECT NO.: 4028.01

**MATKIN-HOOVER**  
ENGINEERING & SURVEYING

8 SPENCER ROAD, SUITE 100  
DALLAS, TEXAS 75241  
OFFICE: 817.459.8800  
CONTACT@MATKIN-HOOVER.COM  
TEXAS REGISTERED ENGINEERING FIRM  
F-004612 SURVEYING FIRM F-1024000

**QuikTrip No. 4028**

HWY. 46 & STAHL LANE  
BULVERDE, TEXAS

**QT**

© COPYRIGHT QUIKTRIP CORPORATION 2011  
ANY UNAUTHORIZED USE, REPRODUCTION,  
PUBLICATION, DISTRIBUTION, OR SALE IN  
WHOLE OR IN PART, IS STRICTLY FORBIDDEN.

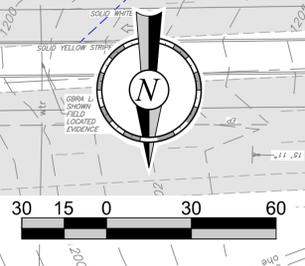
PROTOTYPE: P-99 (08/01/19)  
DIVISION:  
VERSION: 001  
DESIGNED BY: JJV  
DRAWN BY:  
REVIEWED BY: JJV

REV	DATE	DESCRIPTION

SHEET TITLE:  
PRELIMINARY GRADING PLAN

SHEET NUMBER:  
**4**

STATE HIGHWAY 46  
VARIABLE WIDTH TxDOT R.O.W.  
RCSJ NO. 0215-01-045  
PRELIMINARY

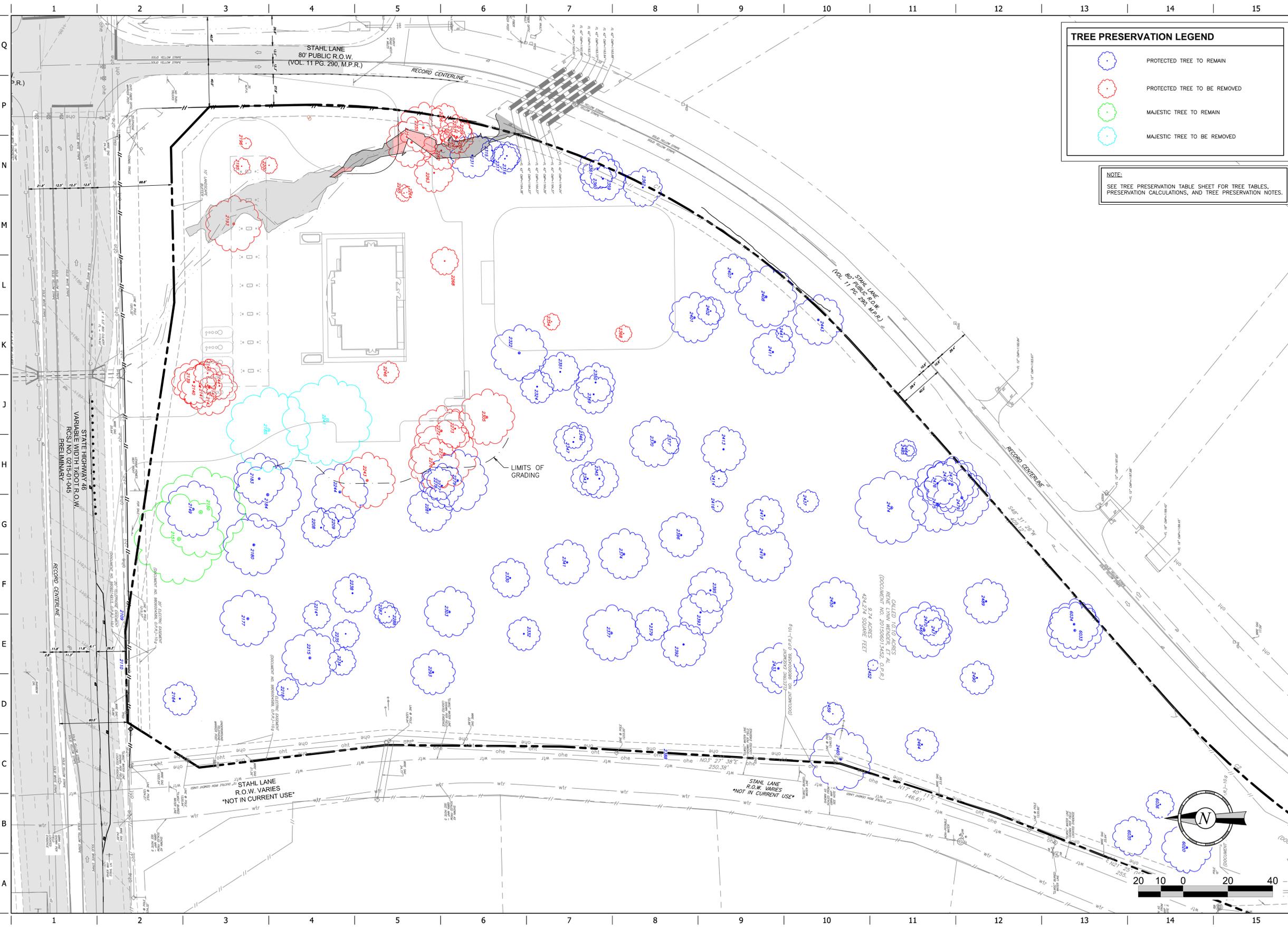


STAH LANE  
R.O.W. VARIES  
"NOT IN CURRENT USE"

STAH LANE  
80' PUBLIC R.O.W.  
(VOL. 11 PG. 290, M.P.R.)

ERWAY  
LIC.R.O.W.  
G. 219 (M.P.R.)

FILE LOCATION: Z:\PROJECTS\QUIKTRIP\4028 - QuikTrip Store 4028 - SH 46 & Stahl Lane\01 Civil\2-4028 Civil - Riparian Modification - With Pod Sites.dwg USER: gcook SAVED: 2/7/2020 8:19 AM PLOTTED: 2/7/2020 8:21 AM



**TREE PRESERVATION LEGEND**

- PROTECTED TREE TO REMAIN
- PROTECTED TREE TO BE REMOVED
- MAJESTIC TREE TO REMAIN
- MAJESTIC TREE TO BE REMOVED

**NOTE:**  
SEE TREE PRESERVATION TABLE SHEET FOR TREE TABLES, PRESERVATION CALCULATIONS, AND TREE PRESERVATION NOTES.

**MATKIN-HOOVER**  
ENGINEERING  
& SURVEYING

PROJECT NO.: 4028.01

8 SPENCER ROAD, SUITE 100  
OFFICE: 830.249.0800  
CONTACT@MATKIN-HOOVER.COM  
TEXAS REGISTERED ENGINEERING FIRM  
F-004512 SURVEYING FIRM F-10024000

**QuikTrip No. 4028**  
HWY. 46 & STAHL LANE  
BULVERDE, TEXAS

**QT**

© COPYRIGHT QUIKTRIP CORPORATION 2011  
ANY UNAUTHORIZED USE, REPRODUCTION,  
PUBLICATION, DISTRIBUTION, OR SALE IN  
WHOLE OR IN PART, IS STRICTLY FORBIDDEN.

PROTOTYPE: P-99 (08/01/19)  
DIVISION:  
VERSION: 001  
DESIGNED BY: JJV  
DRAWN BY:  
REVIEWED BY: JJV

REV	DATE	DESCRIPTION

SHEET TITLE:  
**TREE PRESERVATION PLAN**

SHEET NUMBER:  
**C031**

ORIGINAL ISSUE DATE:

