



NOTICE OF MEETING
PLANNING AND ZONING COMMISSION
6:00 P.M. – September 10, 2020

30360 Cougar Bend, Bulverde, TX 78163

MEETING AGENDA

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

2) APPROVAL OF MINUTES

- a. August 13, 2020, Planning and Zoning Commission meeting.

3) REGULAR AGENDA ITEMS

- A. PC-20-12 (Final Plat): Consider a Final Plat for the Centennial Ridge Unit 3 Subdivision, generally located approximately 5,000 ft west of Brand Road and directly north of Ammann Road.
- B. PC-20-13 (Replat Revision): Consider the approval of Replat (Revision) for Lot 16R, Block 3 Belle Oaks Ranch, Phase II, generally located on the east side of Blanco Rd approximately 1.2 miles south of State Highway 46.
- C. PC-20-14 (Replat Revision): Consider the approval of Replat (Revision) for Lot 24R, Block 3 Belle Oaks Ranch, Phase II, generally located on the east side of Blanco Rd approximately 1.2 miles south of State Highway 46.
- D. VR-20-05 (Variance): Consider a request by Dana De Cesare for a variance to Section 3.08.103(j) of the City of Bulverde Code of Ordinances at 2295 Bulverde Road.
- E. SUP-20-02 (Special Use Permit): Hold a public hearing and consider a request by Peter Garza for approval of a Special Use Permit allowing an outdoor vendors market to be operated in the parking lot of the Bulverde Spring Branch Activity Center, located at 30280 Cougar Bend.
- F. Consider and take possible action regarding the adoption of Rules of Procedure of the Planning and Zoning Commission of the City of Bulverde, Texas.

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 September 4, 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

City of Bulverde Planning & Zoning Commission Minutes
Regular Commission Meeting: August 13, 2020

Meeting Duration: 6:00 p.m. to 7:50 p.m.

CALL TO ORDER

Commission Members Present: Dickie Lubel (Interim Chairman), Jim Binkley, Lindy Sisk, Larry Sunn, David Bullock, Clint Hayes, Joe Alexander, and Seth Prescott

Commission Members Absent: None

City Staff Present: Susana Ramos (Director), Adrian Garcia (City Engineer), Jason Rammel (City Attorney), Eron Spencer (Planner I), Pilar Pinto (Planner I)

APPROVAL OF MINUTES

- a. **Commissioner Sunn made a motion, seconded by Commissioner Sisk to approve the minutes of the July 16, 2020 meeting as amended. Motion passed unanimously 7-0.**

EXECUTIVE SESSION

- a. Pursuant to Texas Government Code § 551.071, the Planning & Zoning Commission had a closed session meeting to deliberate and consult with the City Attorney on Commission procedures. **Interim Chairman Lubel made a motion, seconded by Commissioner Sunn to go into Executive Session. Motion passed unanimously 7-0.**
- b. At 6:52 p.m., the Commission reconvened in an open meeting to elect a Chair and Vice Chair of the Commission. **Interim Chairman Lubel made a motion, seconded by Commissioner Sunn, to elect Commissioner Binkley Chairman. Motion passed unanimously 7-0. Shortly thereafter, Commissioner Sunn made a motion, seconded by Chairman Binkley, to elect Commissioner Sisk Vice Chairman. Motion passed unanimously 7-0.**

REGULAR AGENDA ITEMS

- A. PC-19-17 (Final Plat): Consideration of a Final Plat (Revision) for Belle Oaks Ranch, Phase IV, generally located on the east side of Blanco Road approximately 1.2 miles south State Highway 46. **Director Ramos presented the staff report for this agenda item. Dan Mullins, answered questions from Planning & Zoning Commissioners regarding this subdivision plat. After questions and discussion, Commissioner Sunn made a motion, seconded by Commissioner Lubel, to recommend approval of the Final Plat subject to revising the plat to reflect the correct total lot sizes. Motion passed unanimously 6-1. (Commissioner Bullock voted against the item.)**
- B. PC-20-11 (Final Plat): Consideration of a Final Plat (Revision) for 4S Ranch Mustang Vista Phase 4 & Amenity Center# 2, generally located 1.9 miles southeast of the intersection of Mustang Vista and Stahl Lane. **Director Ramos presented the staff report for this agenda item. Bruna Spengler, a representative of Pape-Dawson Engineers, answered questions from Planning & Zoning Commissioners regarding this subdivision plat. After questions and discussion, Commissioner Sunn made a motion, seconded by Commissioner Bullock, to recommend approval of the Final Plat. Motion passed unanimously 7-0.**
- C. VR-20-03 (Variance): Consider a request by Pape-Dawson Engineers, on behalf of H-E-B, LP, for approval of a variance to Sections 17.04.003 of the City of Bulverde Code of Ordinances, related to Cuts, at 104 Bulverde Crossing. **Director Ramos presented the staff report for this agenda item. Shawna Weaver, a representative of Pape-Dawson**

Engineers, answered questions from Planning & Zoning Commissioners regarding this variance request. After questions and discussion, Commissioner Bullock made a motion, seconded by Commissioner Hays, to recommend approval of the variance request as presented. Motion passed unanimously 7-0.

- D. VR-20-04 (Variance): Consider a request by Comet Signs, on behalf of H-E-B, LP, for a variance to Section 3.08.102(b)(2)(B), Section 3.08.102(b)(3)(C), and Section 3.08.102(b)(4) of the City of Bulverde Code of Ordinances at 20475 State Highway 46 W. *Director Ramos presented the staff report for this agenda item. Representatives from Comet Signs and H-E-B answered questions from Planning & Zoning Commissioners regarding this variance request. Tom Hackleman spoke in favor of this variance request. After questions and discussion, Commissioner Bullock made a motion, seconded by Commissioner Hays, to recommend approval of the variance request as presented. Motion passed unanimously 7-0.*

PUBLIC COMMENTS

None.

REPORT BY CITY OFFICIALS AND STAFF ON ITEMS OF COMMUNITY INTEREST

Director Ramos introduced City staff to newly appointed Commissioners.

ADJOURNMENT

There being no further business to come before the Commission, the meeting adjourned at 7:50 p.m. I certify that the above minutes were approved by the Commission on September 10, 2020.

Maria Franco, City Secretary



PLANNING AND ZONING COMMISSION ITEM:
PC-20-12
FINAL PLAT
CENTENNIAL RIDGE UNIT 3

MEETING DATE: September 10, 2020
DEPARTMENT: Planning & Development
PRESENTED BY: Susana Ramos, AICP, Planning Director

REQUEST:

Consider a Final Plat for the Centennial Ridge Unit 3 Subdivision, generally located approximately 5,000 ft west of Brand Road and directly north of Ammann Road.

APPLICANT:

Dan Mullins, Authorized Agent
Southerland Bulverde Land, LLC
110 River Crossing Blvd. Ste. 1
Spring Branch, Texas 78070

PROPERTY INFORMATION:

Owner: Southerland Bulverde Land, LLC
Legal Description: 207.799 ACRES OF LAND SITUATED WITHIN THE A. HOLBROOK SURVEY, ABSTRACT NO. 270, COMAL COUNTY TEXAS; BEING ALL OF THAT CERTAIN TRACT CALLED 207.870 ACRES IN INSTRUMENT TO SOUTHERLAND BULVERDE LAND, LLC RECORDED AS DOC# 201906036674 OF THE COMAL COUNTY REAL PROPERTY RECORDS
Size: 27.799 acres; 39 Lots
Existing Land Use: Undeveloped
Existing Zoning: R-1
Proposed Land-Use: Single Family Residential

SUMMARY:

This is a proposed final plat for Unit 3 of the Centennial Ridge Subdivision. The City of Bulverde approved a Master Development Plan for this subdivision in February 2019. Development in this tract, formerly known as the Cole Tract, is governed by a development agreement and the vested ordinance. The initial zoning for this development is R-1. All proposed lots conform to the R-1 zoning which requires a minimum lot size of five (5) acres or greater.

ANALYSIS:

This proposed Final Plat is approximately 20 7.799 acres vacant property and establish 39 single family residential lot.

The City of Bulverde Future Land Use plan identify the density class for this plat is Estate Residential, single-family housing on large lots is the predominant land use. Similar to Rural Living. This use may or may not have a farm and livestock activities.

Each lot will be served by individual water wells and on-site septic facilities, Electric Service provided by Pedernales Electric Cooperative and Telephone Services by Guadalupe Valley Telephone Cooperative, Inc.

STAFF RECOMMENDATION:

The proposed submittal has been reviewed by Halff Associates and City staff. All comments made by Halff have been addressed and reviewed.

Therefore, Staff recommends **APPROVAL** of this Final Plat.

ATTACHMENTS:

Final Plat

Master Development Plat

Halff Associated Comments Memo



PLANNING AND ZONING COMMISSION ITEM:
PC-20-13

REPLAT

Replat of Lot 16R, Block 3 Belle Oaks Ranch, Phase II

MEETING DATE: September 10, 2020

DEPARTMENT: Planning & Development

PRESENTED BY: Susana Ramos, AICP, Planning Director

REQUEST:

Consider the approval of Replat (Revision) for Lot 16R, Block 3 Belle Oaks Ranch, Phase II, generally located on the east side of Blanco Rd approximately 1.2 miles south of State Highway 46.

APPLICANT:

Southerland Bulverde Land, LLC
c/o Dan Mullins
110 River Crossing Boulevard, Ste. 1
Spring Branch, TX 78070

PROPERTY INFORMATION:

Owner: Leonel Salazar & Patricia Salazar
Legal Description: BEING A TOTAL OF 2.309 ACRES AND ALL OF LOT 16 AND 17, BLOCK 3, BELLE OAKS RANCH, SUBDIVISION, PHASE II ACCORDING TO THE PLAT THEREOF RECORDED IN DOCUMENT # 201906038862, OFFICIAL PUBLIC RECORD OF COMAL COUNTY, TEXAS.
Size: 2.309, 1 Lot
Existing Land Use: Developed (Platted – Belle Oaks Ranch Subdivision, Phase II)
Existing Zoning: R-2
Proposed Land-Use: Single Family Residential

SUMMARY & ANALYSIS:

This is a proposed Replat for a 2.309-acre residential lot, previously platted as a Lot 16, Block 3 and Lot 17, Block 3 in Belle Oaks Ranch Subdivision, Phase II. The purpose of this replat is to combine Lots 16 and 17, Block 3 creating Lot 16R, Block 3.

The lot was originally platted as two separate lots at the time of the original approval of Belle Oaks Ranch Subdivision, Unit II.

The utility and drainage easements between the two original lots are already released by the different utility companies – Canyon Lake Water Service Company, ENERTEX NB, LLC., Guadalupe Valley Telephone Cooperative, Inc., Pedernales Electric Cooperative.

Half Associates and the City of Bulverde Planning Department have reviewed the proposed Replat and related required documents.

Therefore, Staff recommends **APPROVAL** of the Replat.

ATTACHMENTS:

Application

Replat

Half Associates Comments Memo



APPLICATION FOR AMENDING PLAT

Planning & Development Department
 30360 Cougar Bend, Bulverde, TX 78163
 Telephone: 830-438-3612 - Fax: 830-438-4339
www.bulverdetx.gov

ALL APPLICATIONS SHALL BE ACCEPTED BY APPOINTMENT ONLY DURING A PRE-APPLICATION CONFERENCE ON THE DATES SPECIFIED IN PAGE 2 OF THIS APPLICATION. TO SCHEDULE AN APPOINTMENT PLEASE CONTACT THE BULVERDE PLANNING & DEVELOPMENT DEPARTMENT.

1. Name of Subdivision: Belle Oaks Ranch, Phase II Unit No. _____
 Location Description/Nearest Intersection: Jenny Leigh Trail
Lots 16 & 17, Block 3

2. Owner/Applicant: Leonel & Patricia Salazar
 Address: 3945 Pebble Brook Dr. Email: _____
 Telephone: 432-385-2481 Fax: _____ Mobile: _____
Note: If applicant is person other than owner, a letter of authorization must be provided from owner.

3. Licensed Engineer/Surveyor (technical contact): Kyle Pressler
 Address: 8 Spencer Rd. Ste 300 Boerne, TX 78006 Email: Kyle.Pressler@matkenhoover.com
 Telephone: 830-249-0600 Fax: _____ Mobile: _____

4. Property Details:

| | | | |
|-----------------------------------|---|-----------------------|---|
| City Limits: | <input checked="" type="checkbox"/> In <input type="checkbox"/> Out (ETJ) | Water Source: | <u>CLWSC</u> |
| Commercial: | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Sewage Treatment: | <u>OSSF</u> |
| Residential: | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | TxDOT Frontage: | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| No. of Lots: | <u>2</u> | 100-Year Floodplain: | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Total Acreage without floodplain: | <u>2.309</u> | Edwards Aquifer Zone: | <input type="checkbox"/> Recharge |
| Density Class: | _____ | | <input checked="" type="checkbox"/> Contributing |
| Zoning Class: | _____ | | |

The undersigned agrees to comply with all platting and subdivision requirements of the City of Bulverde, and hereby authorizes the surveyor/engineer to record the approved final plat. The undersigned agrees to pay the appropriate 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.

Patricia Salazar _____
 Signature of Owner/Applicant Date 7/10/20

Fees and Submittal Dates on Page 2

NOTES

- 1. ACREAGE OF AMENDING PLAT = 2.309 ACRES.
2. NO LOTS IN PHASE II ARE ENCRoACHED BY SPECIAL FLOOD HAZARD AREAS INUNDAED BY 100 YEAR FLOOD AS IDENTIFIED BY THE U.S. FEDERAL EMERGENCY MANAGEMENT AGENCY BOUNDARY MAP, (FLOOD INSURANCE RATE MAP), COMMUNITY PANEL NO. 48491C0195F, EFFECTIVE DATE SEPTEMBER 26, 2009 FOR COMAL COUNTY, TEXAS.
3. WATER SERVICE FOR THIS SUBDIVISION WILL BE PROVIDED BY CANYON LAKE WATER SERVICE COMPANY (CLWSC).
4. SEWER SERVICE FOR THIS SUBDIVISION WILL BE PROVIDED BY ONSITE SEWAGE FACILITIES.
5. ELECTRIC SERVICE PROVIDED BY PEDERNALES ELECTRIC COOPERATIVE.
6. COMMUNICATIONS SERVICE WILL BE PROVIDED BY GUADALUPE VALLEY TELEPHONE COOPERATIVE
7. POSTAL SERVICE WILL BE PROVIDED BY CLUSTER BOXES ALONG BELLE OAKS BLVD IN PHASE I.
8. UNLESS OTHERWISE NOTED, ALL CORNERS, ANGLES AND POINTS OF CURVATURE ARE MARKED WITH 1/2" IRON RODS WITH MATKIN/HOOVER CAP.
9. BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED FOR THE TEXAS SOUTH CENTRAL ZONE 4204, NORTH AMERICAN DATUM (NAD) OF 1983, SURFACE ADJUSTMENT FACTOR 1.00013. DISTANCES SHOWN HEREON ARE GRID UNITS. VERTICAL DATUM IS BASED ON NAVD83.
10. THIS SUBDIVISION LIES WITHIN THE EDWARDS AQUIFER CONTRIBUTING ZONE. NO CONSTRUCTION IN THE SUBDIVISION MAY BEGIN UNTIL THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) HAS APPROVED THE CONTRIBUTION ZONE PLAN (CZP) IN WRITING.
11. A TWENTY (20) FOOT PUBLIC UTILITY EMBANKMENT/BACKSLOPE AND DRAINAGE EASEMENT (P.U.D.E.B.E.) IS HEREBY DEDICATED ALONG THE FRONT PROPERTY LINE OF ALL LOTS IN THIS SUBDIVISION IN ADDITION TO THOSE UTILITY AND DRAINAGE EASEMENTS SHOWN ON THE PLAT. THERE IS ALSO HEREBY DEDICATED A FIVE (5) FOOT WIDE UTILITY AND DRAINAGE EASEMENT ADJACENT TO ALL NON-ROADWAY LOT LINES UNLESS OTHERWISE NOTED ON THE PLAT. IF TWO OR MORE LOTS ARE COMBINED AS A SINGLE HOME SITE, THIS EASEMENT SHALL BE RELINQUISHED ALONG THE COMMON LINE OR LINES OF THE COMBINED LOTS SO LONG AS NO UTILITY LINES OR DRAINAGE IMPROVEMENTS ARE LOCATED THEREIN.
12. ALL PUBLIC UTILITY EASEMENTS ARE FOR UTILITY IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO ELECTRIC, GAS, TELEPHONE, AND/OR CATV LINES AND APPURTENANCES.
13. GRANTOR HEREBY DEDICATES TO THE PUBLIC UTILITY EASEMENT AND/OR UTILITY RIGHT-OF-WAY ON THIS PLAT FOR UTILITY PURPOSES.
14. NO STRUCTURE, FENCES, WALLS, OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT. LANDSCAPING, FENCES, OR OTHER TYPES OF MODIFICATIONS WHICH ALTER THE CROSS-SECTIONS OF THE DRAINAGE EASEMENTS OR DECREASE THE HYDRAULIC CAPACITY OF THE EASEMENT SHALL NOT BE ALLOWED WITHOUT THE APPROVAL OF THE CITY ENGINEER.
15. PROPERTY OWNERS ARE ADVISED THAT THEY ARE RESPONSIBLE FOR MAINTENANCE OF DEDICATED EASEMENTS ON THEIR PROPERTY AND MAY NOT UTILIZE THESE EASEMENTS FOR ANY PURPOSE DETRIMENTAL TO THEIR INTENDED USE (I.E. NO STRUCTURES, SEPTIC TANKS, ETC.) GRANTEES OF SAID DEDICATED EASEMENTS RESERVE THE RIGHT OF ACCESS TO SUCH EASEMENTS.
16. A DEVELOPMENT AGREEMENT FOR BELLE OAKS RANCH WAS EXECUTED ON JANUARY 9TH, 2018 AND RECORDED AS DOCUMENT NO. 201806001658 IN THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY. THE DEVELOPMENT IS SUBJECT TO THE CITY OF BULVERDE ORDINANCE IN EFFECT AT THE TIME OF THE DEVELOPMENT AGREEMENT EXECUTION.
17. IT IS HEREBY UNDERSTOOD AND AGREED THAT NON-EXCLUSIVE, PERPETUAL EASEMENTS ARE RESERVED FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES AND ALL NECESSARY APPURTENANCES. WHETHER THESE IMPROVEMENTS ARE INSTALLED UNDERGROUND, OVERHEAD, AND/OR ON THE SURFACE OF THE GROUND WITHIN THE PUBLIC UTILITY EASEMENTS DEDICATED ON THIS PLAT, NOTHING SHALL BE PLACED OR PERMITTED TO REMAIN IN A PUBLIC UTILITY EASEMENT AREA WHICH MAY DAMAGE OR INTERFERE WITH THE INSTALLATION AND MAINTENANCE OF SAID PUBLIC UTILITIES. THE PUBLIC UTILITY EASEMENT AREA OF EACH LOT AND ALL IMPROVEMENTS WITHIN IT SHALL BE MAINTAINED BY THE OWNER OF THE LOT, EXCEPT FOR THOSE FACILITIES FOR WHICH AN AUTHORITY OR PUBLIC UTILITY PURVEYOR IS RESPONSIBLE. PUBLIC UTILITY PURVEYORS AND THEIR EMPLOYEES SHALL HAVE ALL OF THE RIGHTS AND BENEFITS NECESSARY FOR THE FULL ENJOYMENT OF THE RIGHTS HEREIN GRANTED, INCLUDING BUT NOT LIMITED TO INGRESS AND EGRESS FROM PRIVATE ROADS AND EASEMENTS, AND THE RIGHT FROM TIME TO TIME TO CUT ANY AND ALL TREES, UNDERGROWTH AND OTHER OBSTRUCTIONS THAT MAY CAUSE INTERFERENCE WITH THE OPERATION OF SAID PUBLIC UTILITY FACILITIES.
18. THE CITY OF BULVERDE SHALL NOT BE RESPONSIBLE FOR MAINTENANCE OF PRIVATE STREETS, DRIVES, RECREATION AREAS AND OPEN SPACES; THE SUBDIVISION PROPERTY OWNER'S ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF PRIVATE STREETS, ROADS, DRIVES, RECREATION AREAS AND OPEN SPACES, AND SAID OWNERS AGREE TO INDEMNIFY AND SAVE HARMLESS THE CITY OF BULVERDE, FROM ALL CLAIMS, DAMAGES AND LOSSES ARISING OUT OF OR RESULTING FROM PERFORMANCE OF THE OBLIGATIONS OF SAID OWNERS SET FORTH IN THIS NOTE.
19. SPECIAL LOT DEDICATION/DESIGNATION:
19.1. LOT 908 IS HEREBY DEDICATED AS PUBLIC RIGHT-OF-WAY WITH THIS PLAT.
19.2. LOT 907 IS DESIGNATED AS OPEN SPACE / DRAINAGE EASEMENT AND IS HEREBY OWNED AND MAINTAINED BY THE POA.
19.3. LOT 1002 IS HEREBY DESIGNATED AS PRIVATE STREET RIGHT-OF-WAY AND PUBLIC UTILITY EASEMENT. LOT 1002 SHALL BE OWNED AND MAINTAINED BY THE POA. ALL STREETS WITHIN LOT 1002 WITHIN THIS SUBDIVISION SHALL PROVIDE FOR RECIPROCAL ACCESS FOR INGRESS AND EGRESS TO ALL OTHER LOT OWNERS AND SUCCESSORS WITHIN THE SUBDIVISION.
20. A PERPETUAL PUBLIC SAFETY AND PUBLIC SERVICE EASEMENT WITHIN THE PRIVATE ROADS FOR THE PURPOSE OF PROVIDING PUBLIC SAFETY SERVICES, POLICE, FIRE AND MEDICAL SERVICES, UTILITY METER READING, CODE ENFORCEMENT, BUILDING INSPECTIONS, SOLID WASTE COLLECTION, PUBLIC SCHOOL TRANSPORTATION, ANY OTHER PUBLIC SERVICES AND ENFORCING THE CITY ORDINANCES, AND GIVING THE CITY AND ITS AUTHORIZED OFFICERS AND DESIGNEES UNINHIBITED INGRESS AND EGRESS OVER, ACROSS AND THROUGH SUCH PRIVATE DRIVES, STREETS, ROADWAYS, AND RIGHTS-OF-WAY FOR THE PURPOSE OF PROVIDING PUBLIC SAFETY SERVICES, POLICE, FIRE AND MEDICAL SERVICES, AND ENFORCING THE PENAL CODE AND CITY ORDINANCES. THE POA SHALL MAINTAIN AT ALL TIMES WITH THE CITY SECRETARY THE CURRENT GATE CODE OR KEY FOR ALL GATES REGULATING ACCESS TO AND FROM THE SUBDIVISION.
21. A DRIVEWAY CULVERT IS REQUIRED FOR ALL DRIVEWAYS WHERE DRAINAGE CONVEYANCE ACROSS THE DRIVEWAY IS REQUIRED.
22. IN ORDER TO PROMOTE DRAINAGE AWAY FROM A STRUCTURE, THE SLAB ELEVATION SHOULD BE BUILT AT LEAST ONE FOOT HIGHER THAN THE HIGHEST SPOT ELEVATION THAT IS LOCATED WITHIN FIVE FEET OUTSIDE THE PERIMETER OF THE BUILDING, OR MINIMUM FINISHED FLOOR ELEVATION, WHICHEVER IS HIGHER, AND THE GROUND SHOULD BE GRADED AWAY FROM THE STRUCTURE AT A SLOPE OF 1/2" PER FOOT FOR A DISTANCE OF AT LEAST 10 FEET.
23. DRIVEWAYS SHALL TAKE ACCESS OFF OF INTERNALLY PLATTED ROADS AND NOT DIRECTLY OFF OF BLANCO ROAD EXCEPT LOT 1, BLOCK 13.
24. DUE TO FUTURE POTENTIAL WATER SYSTEM MODIFICATIONS, ALL LOTS WITHIN THIS DEVELOPMENT SHALL INSTALL AN INDIVIDUAL PRESSURE REDUCING VALVE ON THE CUSTOMER SIDE OF THE METER. THE INDIVIDUAL PRESSURE REDUCING VALVES SHALL BE OWNED AND MAINTAINED BY THE INDIVIDUAL LOT OWNER.
25. THE LANDSCAPE AND MONUMENT EASEMENT SHALL GRANT ACCESS TO THE POA FOR ENTRANCE, LANDSCAPING / MONUMENTATION CONSTRUCTION AND MAINTENANCE.
26. THE CITY OF BULVERDE MINIMUM FRONT BUILDING SETBACK IS 40' AND MINIMUM REAR AND SIDE BUILDING SETBACKS ARE 20'. EACH LOT IS SUBJECT TO ADDITIONAL POA BUILDING SETBACK RESTRICTIONS.
27. BELLE OAKS RANCH PHASE II DRAINAGE DESIGN WAS BASED ON AN AVERAGE IMPERVIOUS COVER OF 9,300 SF PER LOT. ALL LOTS THAT CONSTRUCT MORE THAN 9,300 SF MAY BE SUBJECT TO ADDITIONAL DRAINAGE ANALYSIS AND DETENTION REQUIREMENTS.

PEDERNALES ELECTRIC NOTES:

- 1. ANY PEC MONETARY LOSS RESULTING FROM MODIFICATIONS REQUIRED OF PEC EQUIPMENT, LOCATED WITHIN SAID EASEMENT, DUE TO GRADE CHANGES OR GROUND ELEVATION ALTERATIONS SHALL BE CHARGED TO THE PERSON OR PERSONS DEEMED RESPONSIBLE FOR SAID GRADE CHANGES OR GROUND ELEVATION ALTERATION.
2. PEDERNALES ELECTRIC COOPERATIVE, INC. (PEC) AS PART OF ITS ELECTRIC SYSTEM ARE HEREBY DEDICATED THE EASEMENTS AND RIGHTS-OF-WAY FOR ELECTRIC AND GAS DISTRIBUTION AND SERVICE FACILITIES IN THE AREAS DESIGNATED ON THIS PLAT AS "ELECTRIC EASEMENT", "GAS EASEMENT", "ANCHOR EASEMENT", "SERVICE EASEMENT", "OVERHANG EASEMENT", "UTILITY EASEMENT", AND "TRANSFORMER EASEMENT" FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, MAINTAINING, REMOVING, INSPECTING, PATROLLING, AND ERECTING POLES, HANGING OR BURYING WIRES, CABLES, CONDUITS, PIPELINES OR TRANSFORMERS, EACH WITH ITS NECESSARY APPURTENANCES TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT LAND, THE RIGHT-OF-WAY AREAS, AND THE RIGHT TO REMOVE FROM SAID LANDS ALL TREES OR PARTS THEREOF, OR OTHER OBSTRUCTIONS WHICH ENDANGER OR MAY INTERFERE WITH THE EFFICIENCY OF SAID LINES OR APPURTENANCES THERE TO. IT IS AGREED AND UNDERSTOOD THAT NO BUILDINGS, CONCRETE SLABS, OR WALLS WILL BE PLACED WITHIN SAID EASEMENT AREA.
3. THIS PLAT DOES NOT AMEND, ALTER, RELEASE OR OTHERWISE AFFECT ANY EXISTING ELECTRIC, GAS, WATER, SEWER, DRAINAGE, TELEPHONE, CABLE EASEMENTS OR ANY OTHER EASEMENTS FOR UTILITIES UNLESS THE CHANGES TO SUCH EASEMENTS ARE DESCRIBED BELOW. NONE.
4. CONCRETE DRIVEWAY APPROACHES ARE ALLOWED WITHIN THE FIVE (5) FOOT WIDE ELECTRIC AND GAS EASEMENTS WHEN LOTS ARE SERVED ONLY BY REAR LOT UNDERGROUND ELECTRIC AND GAS FACILITIES.
5. ROOF OVERHANGS ARE ALLOWED WITHIN FIVE (5) FOOT WIDE ELECTRIC AND GAS EASEMENTS WHEN ONLY UNDERGROUND ELECTRIC AND GAS FACILITIES ARE PROPOSED OR EXISTING WITHIN THOSE FIVE (5) FOOT WIDE EASEMENTS.

STATE OF TEXAS KNOW ALL MEN BY THESE PRESENTS COUNTY OF COMAL

I, LEONEL SALAZAR & PATRICIA SALAZAR, SOLE OWNER OF THE CERTAIN TRACT OF LAND SHOWN HEREON AND DESCRIBED IN A DEED RECORDED IN DOCUMENT NO. 201906038862 OF THE OFFICIAL RECORDS OF COMAL COUNTY, TEXAS, AND DO HEREBY SUBDIVIDE SAID TRACT AS SHOWN HEREON, AND DO HEREBY CONSENT TO ALL PLAT NOTE REQUIREMENTS SHOWN HEREON, AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

TO CERTIFY WHICH, WITNESS MY HAND THIS DAY OF 20__.

LEONEL SALAZAR 3945 PEBBLE BROOK DRIVE LEAGUE CITY, TX 77573 PATRICIA SALAZAR 3945 PEBBLE BROOK DRIVE LEAGUE CITY, TX 77573

STATE OF TEXAS KNOW ALL MEN BY THESE PRESENTS COUNTY OF COMAL

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED DAN MULLINS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS DAY OF 20__.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS MY COMMISSION EXPIRES ON:

STATE OF TEXAS COUNTY OF COMAL

I, HONORABLE BOBBIE KOEPP, COUNTY CLERK FOR COMAL COUNTY, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE DAY OF A.D., 20__, AT M, AND DULY RECORDED THE DAY OF A.D., 20__ AT M. IN THE

RECORDS OF MAPS AND PLATS IN SAID OFFICE, OF SAID COUNTY, IN

DOCUMENT # IN TESTIMONY WHEREOF WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE

THIS DAY OF A.D. 20__.

COUNTY CLERK COMAL COUNTY, TEXAS

BY: DEPUTY TO COUNTY CLERK

REPLAT OF LOT 16R, BLOCK 3, BELLE OAKS RANCH, PHASE II

BEING 2.309 ACRES AND ALL OF LOT 16 AND 17, BLOCK 3, BELLE OAKS RANCH, PHASE II SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN DOCUMENT # 201906038862, OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS.

THE PURPOSE OF THIS REPLAT IS TO COMBINE LOT 16, BLOCK 3 AND LOT 17, BLOCK 3.

I, GARRETT D. KELLER, REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT NO PORTION OF PHASE II IS ENCRoACHED BY SPECIAL FLOOD HAZARD AREAS INUNDAED BY 100 YEAR FLOOD AS IDENTIFIED BY THE U.S. FEDERAL EMERGENCY MANAGEMENT AGENCY BOUNDARY MAP, (FLOOD INSURANCE RATE MAP), COMMUNITY PANEL NO. 48491C0195F, EFFECTIVE DATE SEPTEMBER 26, 2009 FOR COMAL COUNTY, TEXAS.

TO CERTIFY WHICH, WITNESS MY HAND AND SEAL AT BULVERDE, COMAL COUNTY, TEXAS, THIS DAY OF 20__.

GARRETT D. KELLER REGISTERED PROFESSIONAL ENGINEER NO. 111511 STATE OF TEXAS

STATE OF TEXAS COUNTY OF COMAL KNOW ALL MEN BY THESE PRESENTS

I, KYLE L. PRESSLER, REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE FROM AN ACTUAL SURVEY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON, AND THAT THERE ARE NO APPARENT DISCREPANCIES, CONFLICTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN ON THE ACCOMPANYING PLAT, AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF BULVERDE, TEXAS.

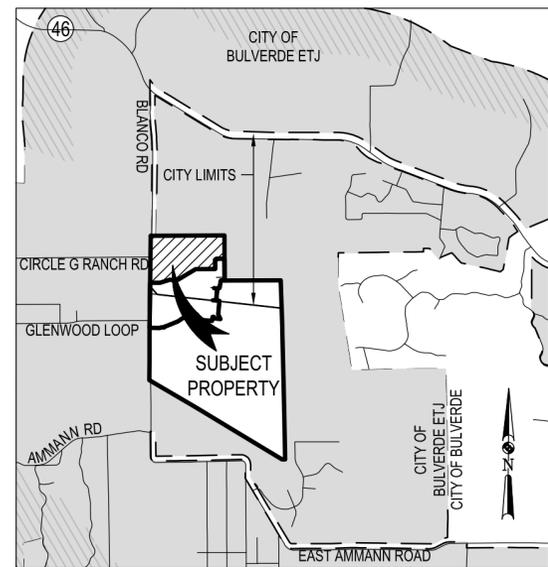
TO CERTIFY WHICH, WITNESS MY HAND AND SEAL AT BULVERDE, COMAL COUNTY, TEXAS, THIS DAY OF 20__.

KYLE L. PRESSLER REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6528 STATE OF TEXAS

THIS REPLAT OF LOT 16R, BLOCK 3, BELLE OAKS RANCH, PHASE II HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF BULVERDE, TEXAS AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS DAY OF YEAR

BY: CHAIRPERSON



VICINITY MAP N.T.S.

STATE OF TEXAS COUNTY OF COMAL KNOW ALL MEN BY THESE PRESENTS

AS THE LIENHOLDER OF THE CERTAIN TRACT OF LAND SHOWN HEREON AND DESCRIBED IN A DEED RECORDED IN DOCUMENT NO. 201906038862 OF THE OFFICIAL RECORDS OF COMAL COUNTY, TEXAS, AND DO HEREBY CONSENT TO SUBDIVIDE SAID TRACT AS SHOWN HEREON, AND DO HEREBY CONSENT TO ALL PLAT NOTE REQUIREMENTS SHOWN HEREON, AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED. THIS SUBDIVISION IS TO BE KNOWN AS LOTS 16 AND 17, BELLE OAKS RANCH, PHASE II.

TO CERTIFY WHICH, WITNESS BY MY HAND THIS DAY OF 20__.

SYNERGY FEDERAL CREDIT UNION, A TEXAS BANK P.O. BOX 691730 SAN ANTONIO, TX 78629 BY: SPECIAL WARRANTY DEED WITH VENDOR'S LIEN NAME: LEONEL SALAZAR AND SPOUSE, PATRICIA SALAZAR TITLE: CORRIDOR TITLE COMPANY

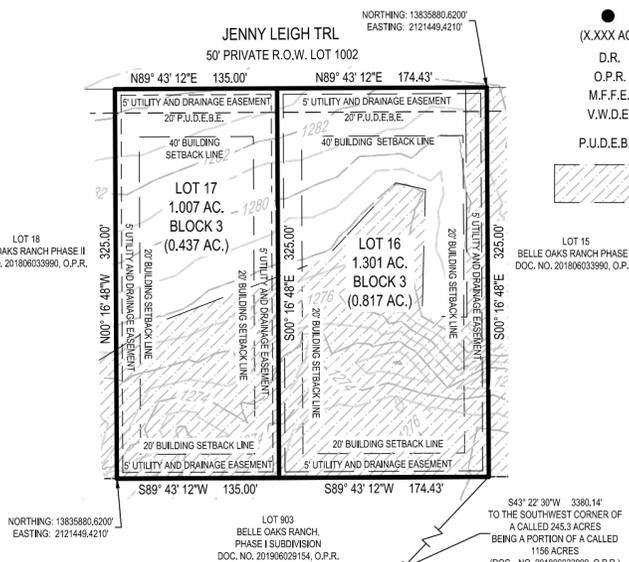
STATE OF TEXAS COUNTY OF COMAL KNOW ALL MEN BY THESE PRESENTS

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS DAY OF 20__.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS MY COMMISSION EXPIRES ON:

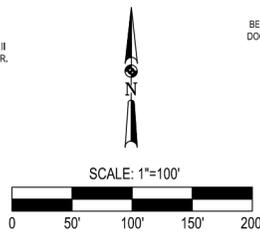
AS RECORDED



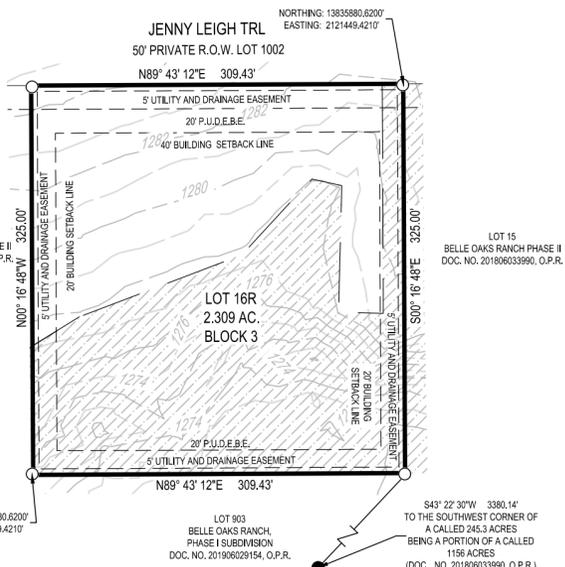
LEGEND

- Symbol for (X.XXX AC.)
D.R.
O.P.R.
M.F.F.E.
V.W.D.E.
P.U.D.E.B.E.

SET 1/2" IRON ROD WITH A RED PLASTIC CAP STAMPED "MATKIN-HOOVER ENG. & SURVEY." FOUND 1/2" IRON ROD LOT ACREAGE CONTAINING DRAINAGE EASEMENT DEED RECORDS OF COMAL COUNTY, TEXAS OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS MINIMUM FINISHED FLOOR ELEVATION VARIABLE WIDTH DRAINAGE EASEMENT PUBLIC UTILITY, DRAINAGE AND EMBANKMENT/BACKSLOPE EASEMENT DRAINAGE EASEMENT AREA GRAPHICALLY REPRESENTED BY HATCHED AREA



PROPOSED



OWNER/DEVELOPER: LEONEL SALAZAR & PATRICIA SALAZAR 3945 PEBBLE BROOK DRIVE LEAGUE CITY, TX 77573

SURVEYOR: MATKIN HOOVER ENGINEERING & SURVEYING C/O KYLE L. PRESSLER, R.P.L.S. 8 SPENCER ROAD, SUITE 300 BOERNE, TEXAS 78006 OFF: (830) 249-0600 FAX: (830) 249-0099 KYLE.PRESSLER@MATKINHOOVER.COM

AGENT/PREPARER: MATKIN HOOVER ENGINEERING & SURVEYING C/O GARRETT D. KELLER, P.E. 8 SPENCER ROAD, SUITE 100 BOERNE, TEXAS 78006 OFF: (830) 249-0600 FAX: (830) 249-0099 GKELLER@MATKINHOOVER.COM

MATKINHOOVER ENGINEERING & SURVEYING

8 SPENCER ROAD SUITE 100 BOERNE, TEXAS 78006 OFFICE: (830) 249-0600 CONTACT@MATKINHOOVER.COM TEXAS REGISTERED ENGINEERING FIRM F-004512 SURVEYING FIRM F-1002-4000

DATE: 08/25/2020 MHE JOB NO. - 2969.01 MHS JOB NO. - 17-4180



Half Associates, Inc.
100 NE Loop 410, Suite 200
San Antonio, Texas 78216
(210) 798-1895
Fax (210) 798-1896

REVIEW MEMORANDUM

TO: Garrett D. Keller, PE
gkeller@matkinhoover.com
Matkin Hoover
8 Spencer Road, Suite 100
Boerne, TX 78006

FROM: Sam Edwards, PE, CFM
sedwards@halff.com

SUBJECT: Belle Oaks Ranch
Phase II Lot 24R Replat Acceptance
PC-20-14

DATE: August 25, 2020

Half Associates, on behalf of the City of Bulverde, has performed a review on the Belle Oaks Ranch Phase II Lot 24R Replat, dated August 11, 2020. The review was conducted relative to the requirements established in the Subdivision Ordinance of the City of Bulverde, the Bulverde Drainage Design Manual (BDDM) AND the Development Agreement dated January 9, 2018 (between the City of Bulverde and Belle Oaks Ranch, LTD.). The following items were reviewed, with resolved items noted in blue. Based on our review of the referenced documents, Half Associates has no further comments and recommends approval.

1. Engineer's certification for Special Flood Hazard Areas refers to Phase I. – [comment resolved](#)
2. Border lines interfere with Notary date – [comment resolved](#)

Section 1.05 Plat Specifications

3. Bearing and distance dimension from a corner of the subdivision to a corner of the original tract or original survey. – [comment resolved](#)
4. A minimum of two corners of the subdivision referenced to State Plane Grid Coordinates. – [comment resolved](#)



PLANNING AND ZONING COMMISSION ITEM:
PC-20-14

REPLAT

Replat of Lot 24R, Block 3 Belle Oaks Ranch, Phase II

MEETING DATE: September 10, 2020

DEPARTMENT: Planning & Development

PRESENTED BY: Susana Ramos, AICP, Planning Director

REQUEST:

Consider the approval of Replat (Revision) for Lot 24R, Block 3 Belle Oaks Ranch, Phase II, generally located on the east side of Blanco Rd approximately 1.2 miles south of State Highway 46.

APPLICANT:

Southerland Bulverde Land, LLC
c/o Dan Mullins
110 River Crossing Boulevard, Ste. 1
Spring Branch, TX 78070

PROPERTY INFORMATION:

Owner: David W Smartt & Marisol S. Castaneto
Legal Description: BEING A TOTAL OF 2.307 ACRES AND ALL OF LOT 24 AND 25, BLOCK 3, BELLE OAKS RANCH, SUBDIVISION, PHASE II ACCORDING TO THE PLAT THEREOF RECORDED IN DOCUMENT # 201906038862, OFFICIAL PUBLIC RECORD OF COMAL COUNTY, TEXAS.
Size: 2.307, 1 Lot
Existing Land Use: Developed (Platted – Belle Oaks Ranch Subdivision, Phase II)
Existing Zoning: R-2
Proposed Land-Use: Single Family Residential

SUMMARY & ANALYSIS:

This is a proposed Replat for a 2.307-acre residential lot, previously platted as Lot 24, Block 3 and Lot 25, Block 3 Belle Oaks Ranch Subdivision, Phase II. The purpose of this replat is to combine Lots 24 and 25, Block 3 creating Lot 24R, Block 3.

The lot was originally platted as two separate lots at the time of the original approval of Belle Oaks Ranch Subdivision, Unit II.

The utility and drainage easements between the two original lots have already been released by the utility companies including Canyon Lake Water Service Company, ENERTEX NB, LLC., Guadalupe Valley Telephone Cooperative, Inc., Pedernales Electric Cooperative.

Half Associates and the City of Bulverde Planning Department have reviewed the proposed Replat and related required documents.

Therefore, Staff recommends **APPROVAL** of the Replat.

ATTACHMENTS:

Application

Replat

Half Associates Comments Memo



APPLICATION FOR AMENDING PLAT

Planning & Development Department
 30360 Cougar Bend, Bulverde, TX 78163
 Telephone: 830-438-3612 - Fax: 830-438-4339
www.bulverdetx.gov

ALL APPLICATIONS SHALL BE ACCEPTED BY APPOINTMENT ONLY DURING A PRE-APPLICATION CONFERENCE ON THE DATES SPECIFIED IN PAGE 2 OF THIS APPLICATION. TO SCHEDULE AN APPOINTMENT PLEASE CONTACT THE BULVERDE PLANNING & DEVELOPMENT DEPARTMENT.

1. Name of Subdivision: Belle Oaks Ranch, Phase II Unit No _____
 Location Description/Nearest Intersection: Jenny Leigh Trail
Lots 24 & 25, Block 3

2. Owner/Applicant: David W. Smartt & Marisol S. Castaneto
 Address: 9-1037 Wai Kapuna St. Ewa Beach, HI Email: _____
 Telephone: 808-782-3096 Fax: _____ Mobile: 96706
Note: If applicant is person other than owner, a letter of authorization must be provided from owner.

3. Licensed Engineer/Surveyor (technical contact): Kyle Pressler
 Address: 8 Spencer Rd. Ste 300 Boerne, TX 78006 Email: Kyle.pressler@matkinhoover.com
 Telephone: 830-249-6600 Fax: _____ Mobile: _____

4. Property Details:

City Limits: In Out (ETJ)
 Commercial: Yes No
 Residential: Yes No

Water Source: CLWSC
 Sewage Treatment: OSSF

No. of Lots: 2
 Total Acreage without floodplain: 2.307
 Density Class: _____
 Zoning Class: _____

TxDOT Frontage: Yes No
 100-Year Floodplain: Yes No

Edwards Aquifer Zone: Recharge
 Contributing

The undersigned agrees to comply with all platting and subdivision requirements of the City of Bulverde, and hereby authorizes the surveyor/engineer to record the approved final plat. The undersigned agrees to pay the appropriate 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.

MSCastaneto / David Smartt 7/13/20
 Signature of Owner/Applicant Date

Fees and Submittal Dates on Page 2



Half Associates, Inc.
100 NE Loop 410, Suite 200
San Antonio, Texas 78216
(210) 798-1895
Fax (210) 798-1896

REVIEW MEMORANDUM

TO: Garrett D. Keller, PE
gkeller@matkinhoover.com
Matkin Hoover
8 Spencer Road, Suite 100
Boerne, TX 78006

FROM: Sam Edwards, PE, CFM
sedwards@halff.com

SUBJECT: Belle Oaks Ranch
Phase II Lot 24R Replat Acceptance
PC-20-14

DATE: August 25, 2020

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2. Border lines interfere with Notary date – [comment resolved](#)

Section 1.05 Plat Specifications

3. Bearing and distance dimension from a corner of the subdivision to a corner of the original tract or original survey. – [comment resolved](#)
4. A minimum of two corners of the subdivision referenced to State Plane Grid Coordinates. – [comment resolved](#)

NOTES

- 1. ACREAGE OF AMENDING PLAT = 2.307 ACRES.
2. NO LOTS IN PHASE II ARE ENCRACHTED BY SPECIAL FLOOD HAZARD AREAS INUNDAED BY 100 YEAR FLOOD AS IDENTIFIED BY THE U.S. FEDERAL EMERGENCY MANAGEMENT AGENCY BOUNDARY MAP, (FLOOD INSURANCE RATE MAP), COMMUNITY PANEL NO. 48491C0195F, EFFECTIVE DATE SEPTEMBER 26, 2009 FOR COMAL COUNTY, TEXAS.
3. WATER SERVICE FOR THIS SUBDIVISION WILL BE PROVIDED BY CANYON LAKE WATER SERVICE COMPANY (CLWSC).
4. SEWER SERVICE FOR THIS SUBDIVISION WILL BE PROVIDED BY ONSITE SEWAGE FACILITIES.
5. ELECTRIC SERVICE PROVIDED BY PEDERNALES ELECTRIC COOPERATIVE.
6. COMMUNICATIONS SERVICE WILL BE PROVIDED BY GUADALUPE VALLEY TELEPHONE COOPERATIVE
7. POSTAL SERVICE WILL BE PROVIDED BY CLUSTER BOXES ALONG BELLE OAKS BLVD IN PHASE I.
8. UNLESS OTHERWISE NOTED, ALL CORNERS, ANGLES AND POINTS OF CURVATURE ARE MARKED WITH 1/2" IRON RODS WITH MATKIN-HOOVER CAP.
9. BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED FOR THE TEXAS SOUTH CENTRAL ZONE 4204, NORTH AMERICAN DATUM (NAD) OF 1983, SURFACE ADJUSTMENT FACTOR 1.00013. DISTANCES SHOWN HEREON ARE GRID UNITS. VERTICAL DATUM IS BASED ON NAVD83.
10. THIS SUBDIVISION LIES WITHIN THE EDWARDS AQUIFER CONTRIBUTING ZONE. NO CONSTRUCTION IN THE SUBDIVISION MAY BEGIN UNTIL THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) HAS APPROVED THE CONTRIBUTION ZONE PLAN (CZP) IN WRITING.
11. A TWENTY (20) FOOT PUBLIC UTILITY EMBANKMENT/BACKSLOPE AND DRAINAGE EASEMENT (P.U.D.E.B.E.) IS HEREBY DEDICATED ALONG THE FRONT PROPERTY LINE OF ALL LOTS IN THIS SUBDIVISION IN ADDITION TO THOSE UTILITY AND DRAINAGE EASEMENTS SHOWN ON THE PLAT. THERE IS ALSO HEREBY DEDICATED A FIVE (5) FOOT WIDE UTILITY AND DRAINAGE EASEMENT ADJACENT TO ALL NON-ROADWAY LOT LINES UNLESS OTHERWISE NOTED ON THE PLAT. IF TWO OR MORE LOTS ARE COMBINED AS A SINGLE HOME SITE, THIS EASEMENT SHALL BE RELINQUISHED ALONG THE COMMON LINE OR LINES OF THE COMBINED LOTS SO LONG AS NO UTILITY LINES OR DRAINAGE IMPROVEMENTS ARE LOCATED THEREIN.
12. ALL PUBLIC UTILITY EASEMENTS ARE FOR UTILITY IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO ELECTRIC, GAS, TELEPHONE, AND/OR CATV LINES AND APPURTENANCES.
13. GRANOR HEREBY DEDICATES TO THE PUBLIC UTILITY EASEMENT AND/OR UTILITY RIGHT-OF-WAY ON THIS PLAT FOR UTILITY PURPOSES.
14. NO STRUCTURE, FENCES, WALLS, OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT. LANDSCAPING, FENCES, OR OTHER TYPES OF MODIFICATIONS WHICH ALTER THE CROSS-SECTIONS OF THE DRAINAGE EASEMENTS OR DECREASE THE HYDRAULIC CAPACITY OF THE EASEMENT SHALL NOT BE ALLOWED WITHOUT THE APPROVAL OF THE CITY ENGINEER.
15. PROPERTY OWNERS ARE ADVISED THAT THEY ARE RESPONSIBLE FOR MAINTENANCE OF DEDICATED EASEMENTS ON THEIR PROPERTY AND MAY NOT UTILIZE THESE EASEMENTS FOR ANY PURPOSE DETRIMENTAL TO THEIR INTENDED USE (I.E. NO STRUCTURES, SEPTIC TANKS FIELDS, ETC.) GRANTEES OF SAID DEDICATED EASEMENTS RESERVE THE RIGHT OF ACCESS TO SUCH EASEMENTS.
16. A DEVELOPMENT AGREEMENT FOR BELLE OAKS RANCH WAS EXECUTED ON JANUARY 9TH, 2018 AND RECORDED AS DOCUMENT NO. 201806001658 IN THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY. THE DEVELOPMENT IS SUBJECT TO THE CITY OF BULVERDE ORDINANCE IN EFFECT AT THE TIME OF THE DEVELOPMENT AGREEMENT EXECUTION.
17. IT IS HEREBY UNDERSTOOD AND AGREED THAT NON-EXCLUSIVE, PERPETUAL EASEMENTS ARE RESERVED FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES AND ALL NECESSARY APPURTENANCES. WHETHER THESE IMPROVEMENTS ARE INSTALLED UNDERGROUND, OVERHEAD, AND/OR ON THE SURFACE OF THE GROUND WITHIN THE PUBLIC UTILITY EASEMENTS DEDICATED ON THIS PLAT, NOTHING SHALL BE PLACED OR PERMITTED TO REMAIN IN A PUBLIC UTILITY EASEMENT AREA WHICH MAY DAMAGE OR INTERFERE WITH THE INSTALLATION AND MAINTENANCE OF SAID PUBLIC UTILITIES. THE PUBLIC UTILITY EASEMENT AREA OF EACH LOT AND ALL IMPROVEMENTS WITHIN IT SHALL BE MAINTAINED BY THE OWNER OF THE LOT, EXCEPT FOR THOSE FACILITIES FOR WHICH AN AUTHORITY OR PUBLIC UTILITY PURVEYOR IS RESPONSIBLE. PUBLIC UTILITY PURVEYORS AND THEIR EMPLOYEES SHALL HAVE ALL OF THE RIGHTS AND BENEFITS NECESSARY FOR THE FULL ENJOYMENT OF THE RIGHTS HEREIN GRANTED, INCLUDING BUT NOT LIMITED TO INGRESS AND EGRESS FROM PRIVATE ROADS AND EASEMENTS, AND THE RIGHT FROM TIME TO TIME TO CUT ANY AND ALL TREES, UNDERGROWTH AND OTHER OBSTRUCTIONS THAT MAY CAUSE INTERFERENCE WITH THE OPERATION OF SAID PUBLIC UTILITY FACILITIES.
18. THE CITY OF BULVERDE SHALL NOT BE RESPONSIBLE FOR MAINTENANCE OF PRIVATE STREETS, DRIVES, RECREATION AREAS AND OPEN SPACES; THE SUBDIVISION PROPERTY OWNER'S ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF PRIVATE STREETS, ROADS, DRIVES, RECREATION AREAS AND OPEN SPACES, AND SAID OWNERS AGREE TO INDEMNIFY AND SAVE HARMLESS THE CITY OF BULVERDE, FROM ALL CLAIMS, DAMAGES AND LOSSES ARISING OUT OF OR RESULTING FROM PERFORMANCE OF THE OBLIGATIONS OF SAID OWNERS SET FORTH IN THIS NOTE.
19. SPECIAL LOT DEDICATION DESIGNATION:
19.1. LOT 908 IS HEREBY DEDICATED AS PUBLIC RIGHT-OF-WAY WITH THIS PLAT.
19.2. LOT 907 IS DESIGNATED AS OPEN SPACE / DRAINAGE EASEMENT AND IS HEREBY OWNED AND MAINTAINED BY THE POA.
19.3. LOT 1002 IS HEREBY DESIGNATED AS PRIVATE STREET RIGHT-OF-WAY AND PUBLIC UTILITY EASEMENT. LOT 1002 SHALL BE OWNED AND MAINTAINED BY THE POA. ALL STREETS WITHIN LOT 1002 WITHIN THIS SUBDIVISION SHALL PROVIDE FOR RECIPROCAL ACCESS FOR INGRESS AND EGRESS TO ALL OTHER LOT OWNERS AND SUCCESSORS WITHIN THE SUBDIVISION.
20. A PERPETUAL PUBLIC SAFETY AND PUBLIC SERVICE EASEMENT WITHIN THE PRIVATE ROADS FOR THE PURPOSE OF PROVIDING PUBLIC SAFETY SERVICES, POLICE, FIRE AND MEDICAL SERVICES, UTILITY METER READING, CODE ENFORCEMENT, BUILDING INSPECTIONS, SOLID WASTE COLLECTION, PUBLIC SCHOOL TRANSPORTATION, ANY OTHER PUBLIC SERVICES AND ENFORCING THE CITY ORDINANCES, AND GIVING THE CITY AND ITS AUTHORIZED OFFICERS AND DESIGNEES UNINHIBITED INGRESS AND EGRESS OVER, ACROSS AND THROUGH SUCH PRIVATE DRIVES, STREETS, ROADWAYS, AND RIGHTS-OF-WAY FOR THE PURPOSE OF PROVIDING PUBLIC SAFETY SERVICES, POLICE, FIRE AND MEDICAL SERVICES, AND ENFORCING THE PENAL CODE AND CITY ORDINANCES. THE POA SHALL MAINTAIN AT ALL TIMES WITH THE CITY SECRETARY THE CURRENT GATE CODE OR KEY FOR ALL GATES REGULATING ACCESS TO AND FROM THE SUBDIVISION.
21. A DRIVEWAY CULVERT IS REQUIRED FOR ALL DRIVEWAYS WHERE DRAINAGE CONVEYANCE ACROSS THE DRIVEWAY IS REQUIRED.
22. IN ORDER TO PROMOTE DRAINAGE AWAY FROM A STRUCTURE, THE SLAB ELEVATION SHOULD BE BUILT AT LEAST ONE FOOT HIGHER THAN THE HIGHEST SPOT ELEVATION THAT IS LOCATED WITHIN FIVE FEET OUTSIDE THE PERIMETER OF THE BUILDING, OR MINIMUM FINISHED FLOOR ELEVATION, WHICHEVER IS HIGHER, AND THE GROUND SHOULD BE GRADED AWAY FROM THE STRUCTURE AT A SLOPE OF 1/2" PER FOOT FOR A DISTANCE OF AT LEAST 10 FEET.
23. DRIVEWAYS SHALL TAKE ACCESS OFF OF INTERNALLY PLATTED ROADS AND NOT DIRECTLY OFF OF BLANCO ROAD EXCEPT LOT 1, BLOCK 13.
24. DUE TO FUTURE POTENTIAL WATER SYSTEM MODIFICATIONS, ALL LOTS WITHIN THIS DEVELOPMENT SHALL INSTALL AN INDIVIDUAL PRESSURE REDUCING VALVE ON THE CUSTOMER SIDE OF THE METER. THE INDIVIDUAL PRESSURE REDUCING VALVES SHALL BE OWNED AND MAINTAINED BY THE INDIVIDUAL LOT OWNER.
25. THE LANDSCAPE AND MONUMENT EASEMENT SHALL GRANT ACCESS TO THE POA FOR ENTRANCE, LANDSCAPING / MONUMENTATION CONSTRUCTION AND MAINTENANCE.
26. THE CITY OF BULVERDE MINIMUM FRONT BUILDING SETBACK IS 40' AND MINIMUM REAR AND SIDE BUILDING SETBACKS ARE 20'. EACH LOT IS SUBJECT TO ADDITIONAL POA BUILDING SETBACK RESTRICTIONS.
27. BELLE OAKS RANCH PHASE II DRAINAGE DESIGN WAS BASED ON AN AVERAGE IMPERVIOUS COVER OF 9,300 SF PER LOT. ALL LOTS THAT CONSTRUCT MORE THAN 9,300 SF MAY BE SUBJECT TO ADDITIONAL DRAINAGE ANALYSIS AND DETENTION REQUIREMENTS.

PEDERNALES ELECTRIC NOTES:

- 1. ANY PEC MONETARY LOSS RESULTING FROM MODIFICATIONS REQUIRED OF PEC EQUIPMENT, LOCATED WITHIN SAID EASEMENT, DUE TO GRADE CHANGES OR GROUND ELEVATION ALTERATIONS SHALL BE CHARGED TO THE PERSON OR PERSONS DEEMED RESPONSIBLE FOR SAID GRADE CHANGES OR GROUND ELEVATION ALTERATION.
2. PEDERNALES ELECTRIC COOPERATIVE, INC. (PEC) AS PART OF ITS ELECTRIC SYSTEM ARE HEREBY DEDICATED THE EASEMENTS AND RIGHTS-OF-WAY FOR ELECTRIC AND GAS DISTRIBUTION AND SERVICE FACILITIES IN THE AREAS DESIGNATED ON THIS PLAT AS "ELECTRIC EASEMENT", "GAS EASEMENT", "ANCHOR EASEMENT", "SERVICE EASEMENT", "OVERHANG EASEMENT", "UTILITY EASEMENT", AND "TRANSFORMER EASEMENT" FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, MAINTAINING, REMOVING, INSPECTING, PATROLLING, AND ERECTING POLES, HANGING OR BURYING WIRES, CABLES, CONDUITS, PIPELINES OR TRANSFORMERS, EACH WITH ITS NECESSARY APPURTENANCES TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER GRANOR'S ADJACENT LAND, THE RIGHT-OF-WAY AREAS, AND THE RIGHT TO REMOVE FROM SAID LANDS ALL TREES OR PARTS THEREOF, OR OTHER OBSTRUCTIONS WHICH ENDANGER OR MAY INTERFERE WITH THE EFFICIENCY OF SAID LINES OR APPURTENANCES THERE TO. IT IS AGREED AND UNDERSTOOD THAT NO BUILDINGS, CONCRETE SLABS, OR WALLS WILL BE PLACED WITHIN SAID EASEMENT AREA.
3. THIS PLAT DOES NOT AMEND, ALTER, RELEASE OR OTHERWISE AFFECT ANY EXISTING ELECTRIC, GAS, WATER, SEWER, DRAINAGE, TELEPHONE, CABLE EASEMENTS OR ANY OTHER EASEMENTS FOR UTILITIES UNLESS THE CHANGES TO SUCH EASEMENTS ARE DESCRIBED BELOW. NONE.
4. CONCRETE DRIVEWAY APPROACHES ARE ALLOWED WITHIN THE FIVE (5) FOOT WIDE ELECTRIC AND GAS EASEMENTS WHEN LOTS ARE SERVED ONLY BY REAR LOT UNDERGROUND ELECTRIC AND GAS FACILITIES.
5. ROOF OVERHANGS ARE ALLOWED WITHIN FIVE (5) FOOT WIDE ELECTRIC AND GAS EASEMENTS WHEN ONLY UNDERGROUND ELECTRIC AND GAS FACILITIES ARE PROPOSED OR EXISTING WITHIN THOSE FIVE (5) FOOT WIDE EASEMENTS.

STATE OF TEXAS
KNOW ALL MEN BY THESE PRESENTS
COUNTY OF COMAL

I, DAVID W. SMARTT & MARISOL S. CASTANETO, SOLE OWNER OF THE CERTAIN TRACT OF LAND SHOWN HEREON AND DESCRIBED IN A DEED RECORDED IN DOCUMENT NO. 201906043812 OF THE OFFICIAL RECORDS OF COMAL COUNTY, TEXAS, AND DO HEREBY SUBDIVIDE SAID TRACT AS SHOWN HEREON, AND DO HEREBY CONSENT TO ALL PLAT NOTE REQUIREMENTS SHOWN HEREON, AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

TO CERTIFY WHICH, WITNESS BY MY HAND THIS DAY OF 20__.

DAVID W. SMARTT
9-1037 WAKAPUNA STREET
EWA BEACH, HI 96706
MARISOL S. CASTANETO
9-1037 WAKAPUNA STREET
EWA BEACH, HI 96706

STATE OF TEXAS
KNOW ALL MEN BY THESE PRESENTS
COUNTY OF COMAL

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED DAN MULLINS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS DAY OF 20__.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES ON:

STATE OF TEXAS
COUNTY OF COMAL

I, HONORABLE BOBBIE KOEPP, COUNTY CLERK FOR COMAL COUNTY, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE DAY OF A.D., 20__, AT M. AND DULY RECORDED THE DAY OF A.D., 20__ AT M. IN THE RECORDS OF MAPS AND PLATS IN SAID OFFICE, OF SAID COUNTY, IN

DOCUMENT # IN TESTIMONY WHEREOF WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE

THIS DAY OF A.D. 20__.

COUNTY CLERK
COMAL COUNTY, TEXAS

BY: DEPUTY TO COUNTY CLERK

REPLAT OF LOT 24R, BLOCK 3, BELLE OAKS RANCH, PHASE II

BEING 2.307 ACRES AND ALL OF LOT 24 AND 25, BLOCK 3, BELLE OAKS RANCH, PHASE II SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN DOCUMENT # 201906038862, OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS.

THE PURPOSE OF THIS REPLAT IS TO COMBINE LOT 24, BLOCK 3 AND LOT 25, BLOCK 3.

I, GARRETT D. KELLER, REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT NO PORTION OF PHASE II IS ENCRACHTED BY SPECIAL FLOOD HAZARD AREAS INUNDAED BY 100 YEAR FLOOD AS IDENTIFIED BY THE U.S. FEDERAL EMERGENCY MANAGEMENT AGENCY BOUNDARY MAP, (FLOOD INSURANCE RATE MAP), COMMUNITY PANEL NO. 48491C0195F, EFFECTIVE DATE SEPTEMBER 26, 2009 FOR COMAL COUNTY, TEXAS.

TO CERTIFY WHICH, WITNESS MY HAND AND SEAL AT BULVERDE, COMAL COUNTY, TEXAS, THIS DAY OF 20__.

GARRETT D. KELLER
REGISTERED PROFESSIONAL ENGINEER
NO. 111511 STATE OF TEXAS

STATE OF TEXAS
KNOW ALL MEN BY THESE PRESENTS
COUNTY OF COMAL

I, KYLE L. PRESSLER, REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE FROM AN ACTUAL SURVEY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON, AND THAT THERE ARE NO APPARENT DISCREPANCIES, CONFLICTS, OVERLAPPING OF IMPROVEMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE, EXCEPT AS SHOWN ON THE ACCOMPANYING PLAT, AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF BULVERDE, TEXAS.

TO CERTIFY WHICH, WITNESS MY HAND AND SEAL AT BULVERDE, COMAL COUNTY, TEXAS, THIS DAY OF 20__.

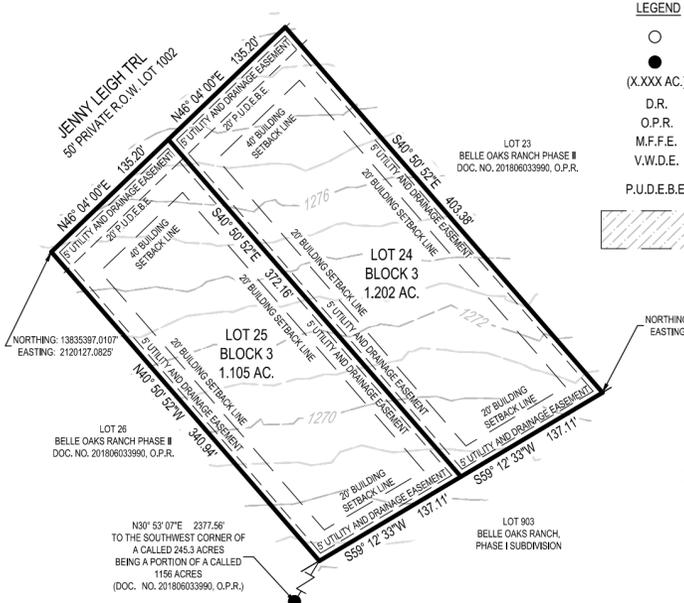
KYLE L. PRESSLER
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 6528 STATE OF TEXAS

THIS REPLAT OF LOT 24R, BLOCK 3, BELLE OAKS RANCH, PHASE II HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF BULVERDE, TEXAS AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS DAY OF YEAR

BY: CHAIRPERSON

AS RECORDED



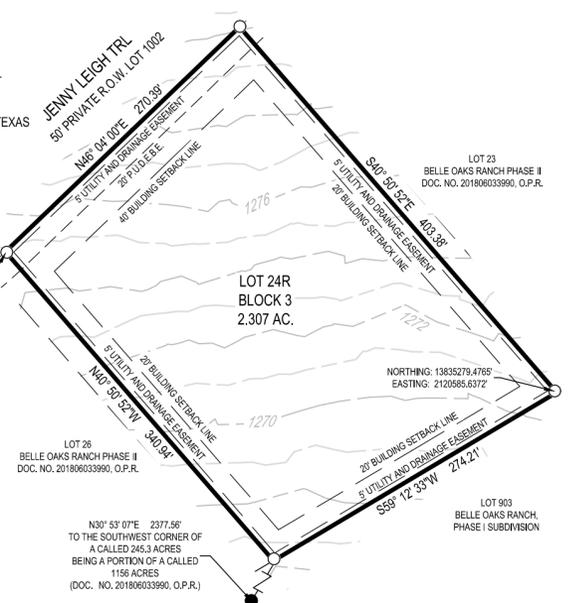
LEGEND

- (XXX AC.)
D.R.
O.P.R.
M.F.F.E.
V.W.D.E.
P.U.D.E.B.E.

SET 1/2" IRON ROD WITH A RED PLASTIC CAP STAMPED "MATKIN-HOOVER ENG. & SURVEY." FOUND 1/2" IRON ROD
LOT ACREAGE CONTAINING DRAINAGE EASEMENT
DEED RECORDS OF COMAL COUNTY, TEXAS
OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS
MINIMUM FINISHED FLOOR ELEVATION
VARIABLE WIDTH DRAINAGE EASEMENT
PUBLIC UTILITY, DRAINAGE AND EMBANKMENT/BACKSLOPE EASEMENT
DRAINAGE EASEMENT AREA GRAPHICALLY REPRESENTED BY HATCHED AREA



PROPOSED



OWNER/DEVELOPER:
DAVID W. SMARTT & MARISOL S. CASTANETO
9-1037 WAKAPUNA STREET
EWA BEACH, HI 96706

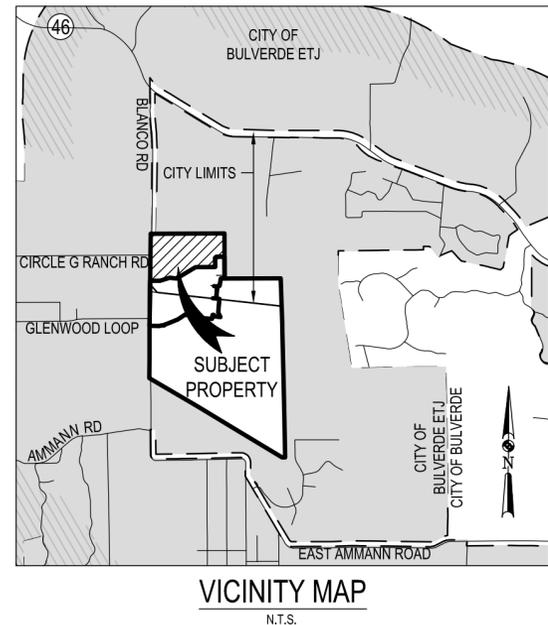
SURVEYOR:
MATKIN HOOVER
ENGINEERING & SURVEYING
C/O KYLE L. PRESSLER, R.P.L.S.
8 SPENCER ROAD, SUITE 300
BOERNE, TEXAS 78006
OFF: (830) 249-0600
FAX: (830) 249-0099
KYLE.PRESSLER@MATKINHOOVER.COM

AGENT/PREPARER:
MATKIN HOOVER
ENGINEERING & SURVEYING
C/O GARRETT D. KELLER, P.E.
8 SPENCER ROAD, SUITE 100
BOERNE, TEXAS 78006
OFF: (830) 249-0600
FAX: (830) 249-0099
GKELLER@MATKINHOOVER.COM

MATKIN HOOVER
ENGINEERING & SURVEYING

8 SPENCER ROAD SUITE 100
BOERNE, TEXAS 78006
OFFICE: (830) 249-0600
CONTACT@MATKINHOOVER.COM
3303 SHELL ROAD SUITE 3
GEORGETOWN, TEXAS 78628
OFFICE: 512.866.2244
TEXAS REGISTERED ENGINEERING FIRM F-004512 SURVEYING FIRM F-1002-4000

DATE: 08/25/2020
MHE JOB NO. - 2969.01
MHS JOB NO. - 17-4180



STATE OF TEXAS
KNOW ALL MEN BY THESE PRESENTS
COUNTY OF COMAL

AS THE LIENHOLDER OF THE CERTAIN TRACT OF LAND SHOWN HEREON AND DESCRIBED IN A DEED RECORDED IN DOCUMENT NO. 201906043812 OF THE OFFICIAL RECORDS OF COMAL COUNTY, TEXAS, AND DO HEREBY CONSENT TO SUBDIVIDE SAID TRACT AS SHOWN HEREON, AND DO HEREBY CONSENT TO ALL PLAT NOTE REQUIREMENTS SHOWN HEREON, AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED. THIS SUBDIVISION IS TO BE KNOWN AS LOTS 24 AND 25, BELLE OAKS RANCH, PHASE II.

TO CERTIFY WHICH, WITNESS BY MY HAND THIS DAY OF 20__.

SECURITY SERVICE FEDERAL CREDIT UNION, N.A., A TEXAS BANK
15000 IH 10 WEST
SAN ANTONIO, TX 78249
BY: SPECIAL WARRANTY DEED WITH VENDOR'S LIEN
NAME: DAVID W. SMARTT AND MARISOL S. CASTANETO, HUSBAND AND WIFE
TITLE: CORRIDOR TITLE COMPANY

STATE OF TEXAS
KNOW ALL MEN BY THESE PRESENTS
COUNTY OF COMAL

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS DAY OF 20__.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES ON:



PLANNING AND ZONING COMMISSION ITEM:
VR-20-05
SIGN VARIANCE
2295 Bulverde Road

MEETING DATE: September 10, 2020
DEPARTMENT: Planning & Development
PRESENTED BY: Eron Spencer, Planner I

REQUEST:
Consider a request by Dana DeCesare for a variance to Section 3.08.103(j) of the City of Bulverde Code of Ordinances at 2295 Bulverde Road.

APPLICANT:
Dana DeCesare
1935 Worsham Pass
San Antonio, TX 78260

PROPERTY INFORMATION:
Address: 2295 Bulverde Road
Legal Description: A-206 SUR-192 G HERRERA, ACRES 47.753
Owner: Jane Wood
Existing Land Use: Commercial/ Retail
Existing Zoning: PDD, Planned Development District

BACKGROUND:
Dana DeCasare is the business owner of Vine in the Village (formerly Wine 101). She is requesting a variance that would allow her to replace the existing legal nonconforming roof sign for Wine 101 with a new roof sign for Vine in the Village. The subject property is located in Downtown Bulverde where a number of existing businesses have legal nonconforming roof signs. The applicant has provided an explanation for her request, attached herein as Exhibit A.

ANALYSIS:
The existing legal nonconforming sign for Wine 101 and the new roof sign proposed by the applicant for Vine in the Village, are both shown in Exhibits B & C. Per Section 3.08.162 of the City of Bulverde Code of Ordinances, when any legal nonconforming sign is removed, a *permit will be required to erect a new sign, and the new sign shall conform to provisions of this article.* However, the City's current Sign Ordinance expressly prohibits signs from being attached to the roof of a building:

Section 3.08.103(j) Roof signs. Any sign erected on a vertical framework supported by and located immediately and entirely over the roof of a building is prohibited. Any sign attached to a fascia extending above the projection of the fascia shall be prohibited. The painting or otherwise affixing of signs on a roof is prohibited.

CRITERIA FOR EVALUATION:

The City Code has established criteria for approval of variances to the Signage Regulations.

Section 3.08.072 of the City Code states:

“In granting any variance, the city council shall determine that a literal enforcement of the sign regulations will create an unnecessary hardship or a practical difficulty on the applicant, that the situation causing the unnecessary hardship or practical difficulty is unique to the affected property and is not self-imposed, that the variance will not injure and will be wholly compatible with the use and permitted development of adjacent properties, and that the granting of the variance will be in harmony with the spirit and purpose of this article.”

ATTACHMENTS:

- A. Application
- B. Explanation
- C. Sign Plan



Application for Variance

30360 Cougar Bend, Bulverde, TX 78163
Telephone: 830-438-3612 - Fax: 830-438-4339

www.ci.bulverde.tx.us

Date: August 28, 2020

Case No. VR-20-05

Applicant Information: Vine in the Village

| | | | | | |
|---------|---------------------------|----------------------|---------------------|-------|----------------------------|
| Name | <u>Dana De Cesane</u> | Phone | <u>210.860.7661</u> | Fax | |
| Address | <u>2295 Bulverde Road</u> | <u>Bulverde Road</u> | <u>78163</u> | Email | <u>Idanaanne@gmail.com</u> |

Property Owner Information:

| | | | | | |
|---------|---------------------------|--------------------|---------------------|-------|--|
| Name | <u>Dana De Cesane</u> | Phone | <u>210.860.7661</u> | Fax | |
| Address | <u>2295 Bulverde Road</u> | <u>Bulverde TX</u> | <u>78163</u> | Email | |

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

Property Identification:

Street Address: 2295 Bulverde Road Bulverde TX 78163

Legal Description: _____

Zoning District Classification: _____

Description of Request:

- Variance to Section 3.08.102(a)(5) of the City of Bulverde Code of Ordinances, which requires: roofline limitations for an attached sign
- 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: _____
- 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.

Dana De Cesane
Signature of Owner/Applicant

August 28, 2020
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 Sign 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 how the situation causing the unnecessary hardship or practical difficulty is unique to the property and not self-imposed?

- 2) Describe the unnecessary hardship that would result due to a literal enforcement of the regulation.

If not able to place the sign on the roof -
no other place to put signage.

- 3) Describe how the variance will not injure and will be wholly compatible with the use and permitted development of adjacent properties.

I am asking the City Council to approve the replacement
of the old previous sign with the new sign - same
size - just a new name and much prettier

- 4) Describe how granting the variance will be in harmony with the spirit and purpose of this article.

There would be no change from the previous
sign, so therefore still harmonious!

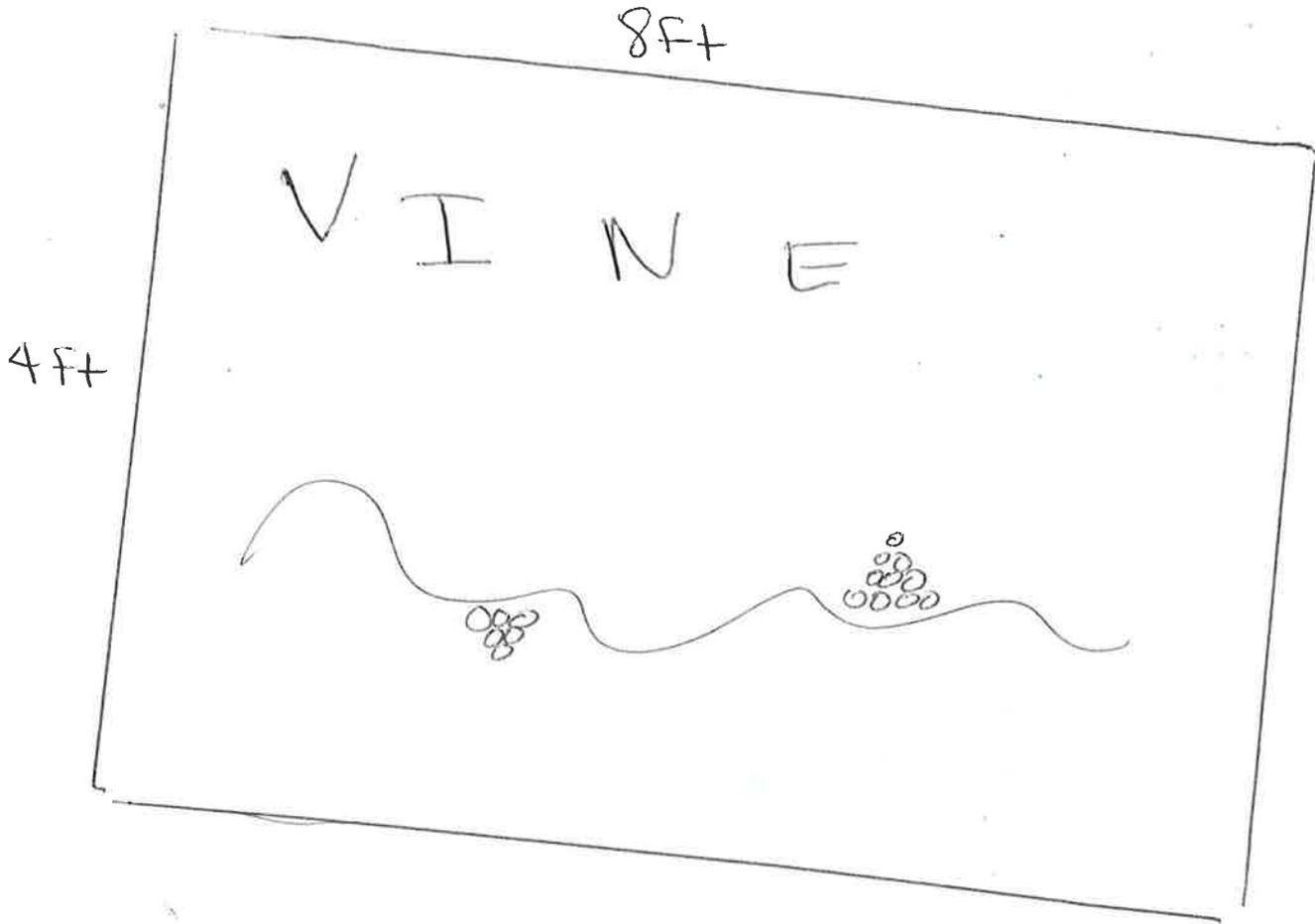
***Note for the Board / Commission:**

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

EXISTING SIGN
2295 BULVERDE RD



PROPOSED SIGN.
2295 BULVERDE RD



Sign permit for
Vine in the Village Road Sign





PLANNING AND ZONING COMMISSION ITEM:
SUP-20-02
SPECIAL USE PERMIT
30280 Cougar Bend

MEETING DATE: September 10, 2020
DEPARTMENT: Planning & Development
PRESENTED BY: Eron Spencer, Planner I

REQUEST:

Hold a public hearing and consider a request by Peter Garza for approval of a Special Use Permit allowing an outdoor vendors market to be operated in the parking lot of the Bulverde Spring Branch Activity Center, located at 30280 Cougar Bend.

APPLICANT:

Peter Garza
2014 Winding View
San Antonio, TX 78260

PROPERTY INFORMATION:

Address: 30280 Cougar Bend, Bulverde, TX 78163
Legal Description: LOT 3R, BLOCK 21, BULVERDE HILLS 4
Owner: Bulverde Senior Center
Existing Land Use: Public Facility
Existing Zoning: PDD, Planned Development District

NOTICE:

Public Notice: August 29, 2020
Personal Notice: August 31, 2020

Staff sent 10 Personal Notices to properties within a 200 feet buffer of the subject property. As of September 8, 2020, Staff received 1 letter of support and 0 letters of opposition.

IN SUPPORT: 1

IN OPPOSITION: 0

SUMMARY:

The applicant, Peter Garza, is requesting a Special Use Permit to operate an outdoor vendors market (Bulverde Market) in the parking lot of the Bulverde Spring Branch Activity Center (BSBAC), located at 30280 Cougar Bend.

ANALYSIS:

Per Section 14.01.019(c) of the Code of Ordinances: *Any use which is not contrary to city, county, state or federal laws and which is not listed as an allowed use in the zoning ordinance shall hereby be deemed a special use permit use which may be requested in any district and subject to the provisions of this article.* In this case, an outdoor vendors market is not listed as a permitted use in the City’s zoning ordinance. Therefore, a special use permit would be required for an outdoor vendors market.

The BSBAC agreed to lease their parking lot at 30280 Cougar Bend to the applicant for the purposes of operating an outdoor vendors market. According to the applicant, the vendors market would be open to the public on Saturdays, between 9:00 a.m. and 2:00 p.m., where local artisans and farmers sell their products and food to the public.

The applicant provided a site plan, attached herein as Exhibit B. Accordingly, the site plan shows how parking spaces in the BSBAC’s parking lot would be utilized for vendor stalls and parking. While the market is proposed to include twenty-six (26) vendor stalls, only thirty-four (34) parking spaces would be available for market vendors and visitors. A similar use, a farmer’s market, which is identified as an allowed use, with an equal number of vendors and stalls as the proposed vendors market, would require a total of 42 spaces and would not comply with the City’s parking requirements.

SUGGESTED CONDITONS:

Staff cannot make a recommendation to the Planning and Zoning Commission or City Council, but respectfully requests that the following conditions be added if the request is granted:

1. All activities associated with the outdoor vendors market, including parking of patrons and vendors must be located within the parking lot of the property as shown in the site plan (Exhibit B).
2. All activities associated with the outdoor vendors market must not be in violation of any laws or codes related to noise, nuisances or food safety, or otherwise have a negative effect on the health, safety, or welfare of the public or surrounding properties.
3. No signs, vendor merchandise, or other market items are allowed to be stored or displayed outside of the market’s operating hours.
4. No other special uses are allowed under this special use permit.

CONSIDERATIONS FOR EVALUATION:

The City Code provides direction to the Planning and Zoning Commission and the City Council regarding the procedures and considerations involved in potentially granting any Special Use Permit. More specifically, Section 14.01.019(d) of the City Code states:

“Every special use permit granted under the provisions of this article shall be considered as an amendment to the zoning ordinance and zoning map as applicable to such property, and shall be adopted as a separate ordinance. In granting such permit, the city council may impose such conditions as may be necessary to promote and protect the public health, safety, order, morals, convenience, prosperity and general welfare. Said conditions shall be complied with by the grantee before a certificate of occupancy may be issued..”

ATTACHMENTS:

- A. Application
- B. Statement of Purpose
- C. Site Plan
- D. Lease Agreement



Application for Special Use Permit (SUP)

30360 Cougar Bend, Bulverde, TX 78163
Telephone: 830-438-3612 - Fax. 830-438-4339
www.ci.bulverde.tx.us

Date: 7/15/20

Case No. _____

Applicant Information:

| | | |
|---|--------------|------------------|
| Peter Garza | 909.662.9614 | |
| Name | Phone | Fax |
| 2014 Winding View, San Antonio, Texas 78260 | | pgarza@gmail.com |
| Address | | Email |

Property Owner Information:

| | | |
|---|-----------------------|--------------------|
| Bulverde Senior Center dba Bulverde Spring Branch Activity Center | Phone: (830) 438-3111 | |
| Name | Phone | Fax |
| 30280 Cougar Bend or PO Box 353 Bulverde, TX 78163 | | jrosario@bsbac.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: 30280 Cougar Bend or PO Box 353 Bulverde, TX 78163

Legal Description: Lot 3-R, Block 21, Bulverde Hills subdivision, Unit IV, in Comal County, Texas

Use Requested: Operate a temporary makers and farmers market in the property parking lot

The Following Must Be Submitted with Application:

1. A written statement describing the purpose and specific conditions of the request.
2. A site plan meeting the following minimum specifications:
 - a. Drawn to scale; indicating applicable buildings with approximate square footages and proposed uses.
 - b. Site ingress and egress, including interior traffic circulation patterns and parking/loading areas
 - c. Location and uses of existing buildings within 200 feet (may be shown on separate plan/aerial photograph)
 - d. Existing zoning district classifications within 200 feet (may be shown on separate plan)
 - e. The 100-year floodplain if present on the property
3. A landscape/buffering plan meeting the following minimum specifications:
 - a. Drawn to scale; indicating proposed landscaping, including the size, species and locations.
 - b. Other visual screening methods and their design, such as fences
4. A Tree Preservation and Replacement Plan must be submitted meeting the specifications of the Zoning Ordinance if development will necessitate removal of trees or affect the driplines of existing trees.

** Other items, including, but not limited to architectural renderings, traffic impact studies and noise studies may be requested. In addition, the Planning and Zoning Commission and City Council may request additional information by majority vote to render an informed decision.*

The undersigned agrees to pay the **non-refundable** application fee and any other applicable fees as outlined in the 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.

Signature of Owner/Applicant

7/31/20

Date

Fees:
Special Use Permit Review Fee - \$750.00

BULVERDE MARKET

Local Makers and Farmers

8/13/2020

Special Use Permit

Description of Purpose and Conditions

1. A special use permit is being requested to establish an outdoor market for makers and farmers located in the parking lot of the Bulverde Senior Center dba Bulverde Spring Branch Activity Center (“BSBAC”), located at the address of 30280 Cougar Bend, Bulverde, Texas 78163.
 - a. Legal Description of Property: Lot 3-R, Block 21, Bulverde Hills subdivision, Unit IV, in Comal County, Texas, according to plat thereof recorded in Volume 2, page 91, Deed and Plat Records of Comal County, Texas (“Lot 3-R”)
 - b. Graphic 1 depicts an overhead view of the property as indicated by the plat for lot 3-R, the BSBAC. Applicant executed a contract with the BSBAC for rental of the parking lot for an outdoor market. The rental of the property is only for the parking lot and will not affect any of the landscaping on or adjacent to this property.
2. Landscape buffering plan. The BSBAC parking lot does include any landscaping. Please refer to Graphic 1. No changes to the existing landscape buffering plan will be made. The lawn at the west side (right side



Graphic 1

of Graphic 1) of the lot will not be affected by the temporary use for the Bulverde Market.

3. Tree Preservation and Replacement Plan – The only trees within the Lot 3-R for this special use application, as depicted by Graphic 1, are on the southwest corner of the property (lower left corner of Graphic 1) and will not be affected by use by the Bulverde Market (as requested by this special use permit application).
4. The goal of this project is to attract vendors for about 24 vendors stalls, in addition to the applicant's ("Bulverde Market") two stalls. One of applicant's stalls will sell blacksmith and craft items and the other will be a food stall. About 2 or 3 of the 24 vendor booths will offer food for consumption onsite or to take away. No alcoholic beverages will be allowed. We have a goal to attract at least two farm vendors, along with other types of vendors that usually sell at local farmers markets. In addition, local artisans (makers) will be featured to sell handmade wood, leather, textiles and other authorized items they produce.
5. Vendors Will be chosen based on the quality of their wares. We will allow no junk and no resale. Products sold at market must be produced by the seller. Agents working on behalf of the producer (employees, family members, etc.) will be allowed. Vendors will be required to execute a vendor agreement, a hold harmless agreement and agree to vendor guidelines. High standards for presentation and attention to visitors to the market will be stressed.
6. Market vendors – The Bulverde Market will feature farmers market items, artisan makers items, and food stalls for food items to be consumed onsite or for take away. Having a broader choice of items than what is allowed for in the City of Bulverde code for farmers markets will give the public more reasons to come to downtown Bulverde. In order for this market to be a viable venture, public from the greater surrounding area must be attracted to the market. A number of social media outlets will be used to generate interest from the greater local area, including with San Antonio and Austin. In addition, streaming live content on social media and

generating public interest is anticipated to draw people to Bulverde that are visiting the local area from further away.

- a. The types of vendors usually working at farmers markets are being recruited. The following are a few examples of the types of farmers markets vendors we are working to attract to the Bulverde Market:

| | |
|------------------------|------------------------------|
| Locally grown produce | Handmade chocolate |
| Fresh flowers | Handmade candles |
| Dog food and treats | Goat cheeses |
| Smoked meats | Cup cakes |
| Olives and olive oil | Cookies |
| Boiled peanuts | Chicken, duck and quail eggs |
| Gourmet pasta | Bread |
| Pastry | Natural honey |
| Jelly from local fruit | Hand crafted soap |

- b. Local artisans who make their own products are being sought to broaden the types of items to be made available to visitors of the Bulverde Market. The market emphasis will be beyond food items allowed for in the code, so it is requested that a special use permit be to allow for non-food artisan products. The following is an example of the types of makers we are looking to attract to the market:

| | |
|--------------------------|-----------------------|
| Leather crafters | Blacksmiths |
| Artists in various media | Knife Makers |
| Woodworkers | Jewelry & accessories |
| Wood turners | Candles |
| ceramics | Glass art |
| Textiles | Metalworking items |
| Bird houses and feeders | Folk art |
| Wood caving | Musical instruments |

- 7. The goal is to attract the public by adding more reasons to visit Bulverde Market. Allowing for reasonable food stalls for items to be consumed onsite or for take away will increase the attraction to downtown Bulverde. Food choices that are reasonable for a food stall (not a food truck) will be sought. Food that is cooked on a griddle or grill that may produce more grease and mess will be avoided. Good food that can be easily served and not cooked onsite from scratch will be the goal.

For instance, subs not burgers. Brisket tacos not fajitas. For burgers, we'll send them close by to The Front Porch restaurant. Here are some ideas we are seeking for food to be offered at the Bulverde Market:

| | |
|----------------------|------------------------------|
| Kettle corn | Candied nuts |
| Hot dogs | Submarine Sandwiches |
| Tacos | Corn on the cob |
| Pretzels | Empanadas (turnovers) |
| Nachos | Barbecue (prepared off site) |
| Fritos Taco in a bag | Mini doughnuts |
| Wraps | Cotton candy |
| Baked potatoes | Fruit on a stick |
| Ethnic foods | Churros |

8. Downtown Bulverde Businesses - In my recent discussions with Jane Woods she made an observation that goes back to President John F. Kennedy "A rising tide raises all boats." The only way that the Bulverde Market makes sense financially is to draw the public to Downtown Bulverde. A market with approximately 25 vendors booths will only work if there is sufficient broader interest to come to Bulverde. The demographics of the local area and proximity to San Antonio and Austin is anticipated to provide a broad following. Social media campaigns to attract vendors and customers are being prepared. Visitors to the Bulverde Market will be able to browse the vendors' offerings, having good food available on site, along with music and interesting and fun events which will all contribute toward drawing local public interest. If we're successful in drawing the public to Bulverde Market, this will likely positively impact sales for other downtown businesses.

9. Market Days – If commitment is obtained from enough vendors, it is envisioned The Bulverde Market will eventually be every Saturday. The market will start by operating about every first and third Saturday of the month?
 - a. Hours to the public will be from 9:00 - 2:00 on Saturdays.
 - b. The market will offer access from 8:30 - 9:00 for seniors and those who may be compromised due to COVID-19.
 - c. There is a contract signed with the BSBAC for rental of the parking to operate the Bulverde Market lot on the following dates:

| | |
|--------------------|-------------------|
| September 5, 2020 | February 20, 2021 |
| September 19, 2020 | March 6, 2021 |
| October 3, 2020 | March 20, 2021 |
| October 17, 2020 | April 3, 2021 |
| October 31, 2020 | April 17, 2021 |
| November 7, 2020 | May 1, 2021 |
| November 21, 2020 | May 15, 2021 |
| December 5, 2020 | June 5, 2021 |
| December 12, 2020 | June 19, 2021 |
| December 19, 2020 | July 3, 2021 |
| January 9, 2021 | July 17, 2021 |
| January 23, 2021 | August 7, 2021 |
| February 6, 2021 | August 21, 2021 |

- d. Once the market is established, dates may be added. It may be more beneficial to the public if the market is operated every Saturday to establish a relationship with the vendors and to be available on a more regular basis.

10. COVID Considerations - The public is much more connected online and dependent on social media outlets for information than ever before. The COVID-19 situation has forced us all to be more active on online communication portals. Virtual meetings, live streaming church services and relying more on social media outlets for news are a few examples.

- a. The applicant will leverage online resources to draw the public to downtown Bulverde. This includes the following online outlets.
- b. A dynamic web site is being created. The web URL (web address) of <https://bulverdemarket.com> has been registered by the applicant.
- c. The applicant has reserved the Facebook page of <https://www.facebook.com/bulverdemarket> The applicant will livestream via this Facebook page. Examples of anticipated content:
 - Vendor highlights
 - Knifemaking, blacksmithing, and cooking demos
 - Interviewing local artisans and artists
 - Streaming other Bulverde items of interests
 - Highlighting other Bulverde businesses
- d. Announcements and relevant content will be posted to Facebook, Youtube.com, Nextdoor.com, Twitter.com, Instagram.com and other online outlets.
- e. The market is an Outdoor Event. As such, the public may be less afraid to venture out from COVID-19 quarantine. The BSBAC parking lot has enough space to allow for social distancing for the public to visit the booths or enjoys a snack. ***An abundance of signs will be posted advising visitors to exercise COVID safety measures. Vendors will be required to assist in maintaining a COVID-safe environment.***

11. Attracting the Public – In addition to livestreaming, demos, vendor highlights and such, there will be attractions from time to time and events or items of interest.
- a. Applicant will publish photos, blog articles and other static posts on social media platforms, it is planned that regular live streaming on social media will also be posted to highlight events and attractions at the Bulverde Market.
 - b. Petting corral - If permissible, a small corral will be setup with applicant's two large Sulcatta tortoises, along with other small kid-friendly animals a local vendor has offered.
 - c. Promotional events to draw interest to the market:
 - Motorcycle poker runs (start and end at Bulverde Market)
 - Blacksmithing demos
 - Blacksmith competitions and/or classes
 - Knife making competitions
 - Chili cookoffs
 - BBQ Cookoff (coordinated with the BSBAC)
 - Veterans events
 - Cooking demonstrations
 - Art competitions
 - Other

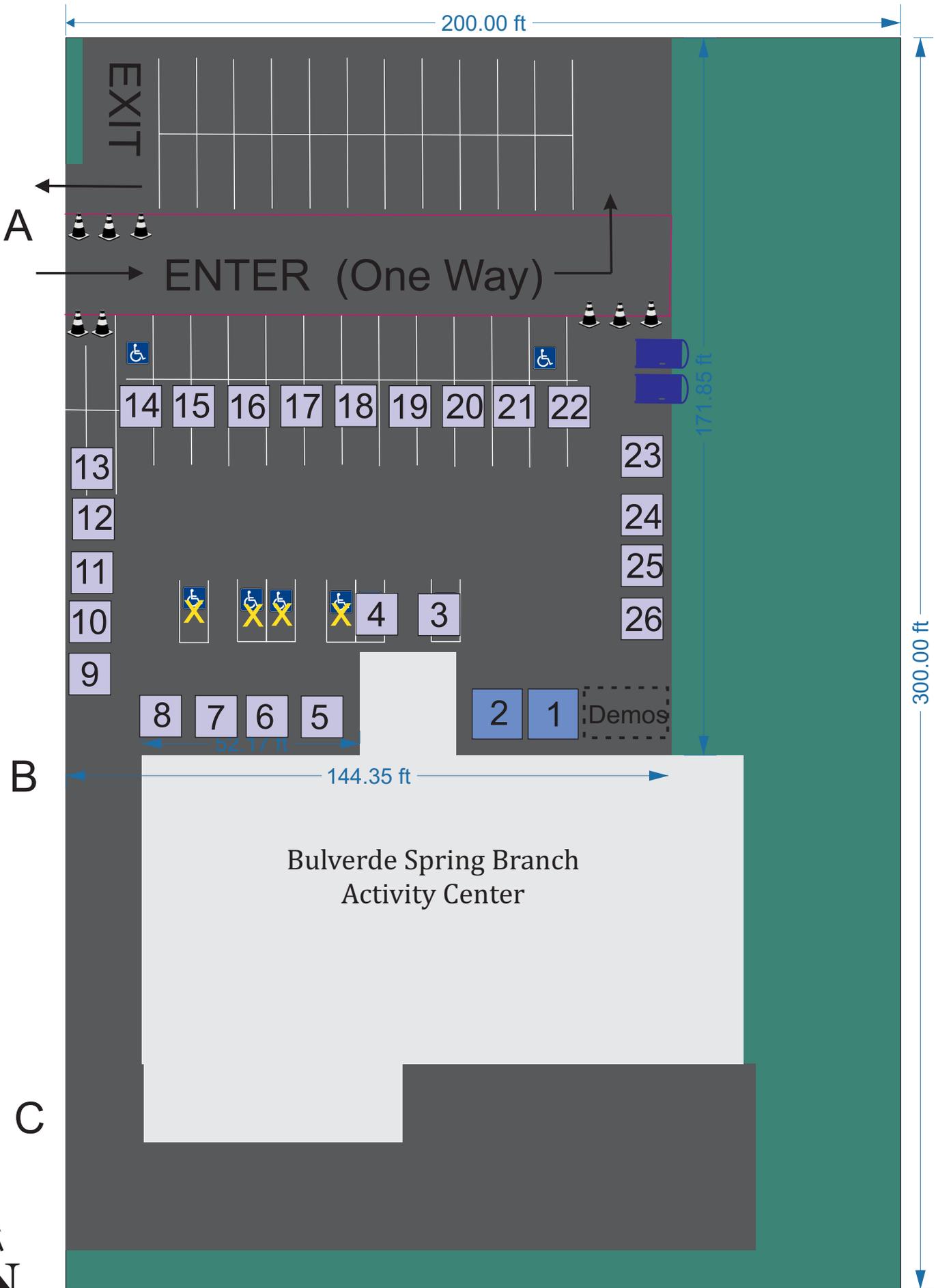
12. Site Plan – The property to be rented for the Bulverde Market will be the parking lot at lot 3-R with the street address of 30280 Cougar Bend, Bulverde, TX 78163. The Bulverde Market is an outdoor event and will not use the building at this location.

- a. Scaled Drawing – The drawing on the attached page shows the proposed layout of the vendor stalls and vehicle traffic flow. The Bulverde Market will only be renting the parking lot from BSBAC and will not use the building. This an outdoor event. The diagram depicts the area within the property line of Lot 3-R. There is a portion on the north end of the parking lot that is the property of the City of Bulverde and is not included in the drawing.
- b. Traffic will pass through this of the BSBAC parking lot that is shared with the City of Bulverde. The public will pass here to use BSBAC parking spaces adjacent to this portion of the lot or to exit. Applicant will not use for this strip City property on the mutual paved lot with the BSBAC for any other purpose.
- c. The existing handicap parking spaces will be used for the vendor stall area. Two parking spaces will be used for handicap parking, with sufficient adjacent space, as depicted in the attached diagram.
- d. Portable toilets – two port-a-potties will be provided on the west side of the parking lot as depicted in the attached diagram. Either portable toilets with integrated handwashing sinks or a separate hand washing station will be provided.

- e. Trash receptacles – Applicant and vendors will provide trash boxes with liners to collect all trash at the market. The use of event-style trash boxes will allow for convenient storage. Used trash bags will be taken offsite for proper disposal by applicant or vendors.
- f. Vendors’ canopies – Vendors tents/canopies will measure 10’ x 10’ and are numbered 3 – 26 and drawn to scale on the attached drawing. The canopies to be used by applicant measure 12’ x 12’, are numbered 1 and 2 and are depicted to scale on the attached diagram.
- g. Entrance and Egress –The attached drawing has the letters A, B and C on the left side of the diagram indicating the location of existing driveways for vehicular entrance and egress from the BSBAC parking lot. Bulverde Market will be directed by signs to enter and exit via the north driveway to separate vehicle traffic from the pedestrian traffic inside the market stalls area. This drive way will be marked one way and traffic will be directed to the parking area.

Site Plan Diagram

BULVERDE MARKET
Local Makers and Farmers



Scale 1" : 375"

Lease Agreement

This lease agreement ("Agreement") dated this 30th day of July, 2020 by and between the Bulverde Senior Center ("BSBAC") (hereinafter "Lessor") and Peter Garza who will be doing business as Bulverde Market (hereinafter "Lessee").

Lessor Information:

Lessor: Bulverde Senior Center dba Bulverde Spring Branch Activity Center

Lessor Address: 30280 Cougar Bend or PO Box 353 Bulverde, TX 78163

Lessor Phone: (830) 438-3111

Lessor Contact Name: Jessica Rosario, Executive Director Email: jrosario@bsbac.com

Lessee Information:

Name of Lessee: Peter Garza

Lessee Organization Name: dba pending of "Bulverde Market"

Non-Profit Organization Yes or No: No

Tax ID: Pending

Phone: (909) 995-3487 (mobile) Email: pgarza@gmail.com

Address: 2014 Winding View, San Antonio, TX 78260

Definitions:

Market – The temporary market to be known as Bulverde Market selling artisan (makers) and farmer's products.

Maker – A seller of hand-crafted products artisan they produce. Products must be approved original items or value-added items which they produced.

Vendors – Sellers who will rent a stall and sell products they made, a value-added product they produced or agricultural products they grow or are agent of the of a maker or grower at the Market.

Farmer – A seller of agricultural products they produce on their own land or on land they lease.

Stall or Booth – A space on the Facility parking lot that measuring about 10' x 10' at the Market for Vendor to sell their approved products.

Participant – A group or person provided a booth at the Market who is not selling a product but may be representing a group, non-profit or civic organization.

Guest – Persons visiting the Market for the purpose of viewing or buying vendors products and/or enjoying any accommodations or attractions provided by the Market.

Attractions – Demonstrations or activities to entertain or draw public interest in the Market, including a small animal corral (petting zoo), blacksmithing and bladesmithing demonstrations, cooking demonstrations, vendor profiles or demos.

Lease of Activity Center:

Lessor, on the dates and times set forth in Addendum A, or modified as by use of Addendum B, and subject to the terms and conditions of this Agreement, hereby grants to Lessee a license to use the BSBAC facility (“Facility”) for operation of a temporary makers and farmers (“Market”) which will rent booth spaces for the vendors to sell locally produced artisan and farm products.

Initially it is anticipated that lessee will operate the Market generally on the first and third Saturday of each month and may increase to every Saturday if it is deemed viable.

Lessee will lease the parking lot of the Bulverde Spring Branch Activity Center located at 30280 Cougar Bend, Bulverde, Texas 78163, hereinafter referred to as Facility, for the purposes of operating a temporary makers and farmers market.

Permitted Use of Facility

Lessee will use the Facility parking lot to host the Market.

Local Makers and Farmers will rent booths at the Facility administered by Peter Garza and Bulverde Market.

Parking for the market will be in a designated area in the parking lot of the Facility.

The Market may provide attractions to generate public interest in the Market. Attractions may be to conduct blacksmithing, bladesmithing, cooking and other demonstrations, also perform interviews and profiles of vendors which will be transmitted via video live stream online to social media.

Lessee and a small number of vendors will operate food stalls with food to be consumed on-site.

Lessee will operate two Market booths and will rent approximately 24 booths to local vendors selling crafts, artisan goods, food and farm products. A limited number of booths will be food stalls.

No alcoholic beverages will be allowed at the Market.

The Market will be an outdoors event. Lessee will be responsible to ask Guests to the Market to enjoy the vendor stalls and any accommodations or attractions provided in the parking lot of Facility.

Lessor Will Grant

The use of the parking lot at Facility for the dates indicated in the Agreement.

The outside use of water and electricity outlets. Lessee will be responsible for charges attributable to the increased use of water and/or electricity at the Facility due to the Market.

Permission for Lessee to apply for a special use permit with the City of Bulverde, Texas for the purposes of using the Facility parking lot for the Market as detailed in the Agreement.

Lessee Responsibilities

Lessee or vendors will provide all tables, tents/canopies, equipment needed to operate the Market.

Lessee will arrange for outdoor portable toilets with handwashing sink(s) for each Market day.

Lessee will administer the rental of stalls to Vendors.

Lessee will require vendors to adhere to Market guidelines.

Lessee will prepare and display signs in accordance with Bulverde city ordinance.

Lessee will provide markers, such as flags, traffic cones, or other temporary devices to direct traffic to The Market or for directing the flow of traffic in the Facility parking lot.

Lessee and vendors will comply with all required permits, certifications and standards of health, sanitation, fire and safety as required by law.

Lessee will

Rental Fee

Lessee will pay Lessor the amount of \$200 for each Market day date listed in Addendum A or modified by use of Addendum B. The Rental Fee will cover use of Facility on the listed dates and access to the Facility on the day prior, if needed, for the purpose of placing, signs, traffic markers and the like, as long as the operations of the BSBAC are not affected.

Rental fee will be paid prior to each Market day.

Lessee understands that Lessor is a non-profit organization and is normally exempt from property taxes. If property taxes are deemed payable due to the operation of the Market on the Facility, Lessee will pay any property taxes attributable to the operation of the Market.

Facility Maintenance

Lessee agrees to

- provide trash receptacles in the parking area to be used for the Market.
- collect and take all trash at the end of each Market day.
- have collected and take all signs, traffic markers and all other Market equipment and/or items at the end of each Market day.
- will ensure that the parking lot is kept clean of all trash and any Market items are collected upon conclusion of each Market day.

Facility Policies

Lessee agrees to/acknowledges:

- to obtain at his own expense, liability insurance for this event and contents insurance for any property placed in the premises during the rental period, if he so chooses. A certificate of insurance for bodily injury and property damage liability protection in a combined single limit amount of no less than \$1,000,000 is required with each rental.
- its agents, employees or invitees, will indemnify and hold the Bulverde Senior Center (and its officers and directors) harmless against any claims, demands, damages, costs and expenses,

including reasonable attorney fees for defending claims and demands for personal injuries, property damages or any other losses arising from the use of the premises by Lessee, its agents, employees or invitees or from any breach on Lessee's part of any conditions of this lease or from any act of negligence of Lessee, its agents, employees or invitee in or about the premises.

- any damage to the premises by any act of negligence of Lessee or Lessee's agent, employee, guests or anyone admitted to the premises by Lessee will be paid to the Bulverde Senior Center upon demand in such amount necessary to restore the premises to their previous condition.
- at all times the Bulverde Senior Center retains the right to control the management thereof and to enforce all necessary and proper rules for the management and operation of the Bulverde Senior Center building and that the management may enter the facility at any time.
- Any advertising from lessee should clearly state that the event is not sponsored by, or directly benefits, the Bulverde Spring Branch Activity Center.

Specific Provisions to the Lease Agreement

- The Lessee is responsible for the actions of their guests.
- This is a NO SMOKING facility. Smoking is not allowed in the building or within 25 ft. of any entrance.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on this 30th day of July, 2020

By Lessor:

Jessica Rosario

Print Name



Signature

July 30, 2020

Date

By Lessee:

Peter Garza

Print Name



Signature

July 30, 2020

Date

Addendum A

Schedule of Market Days for Bulverde Market at Facility

The lessee will be allowed to use Facility on the dates listed below as set forth in the Lease Agreement executed on July 30, 2020. The use of the Facility by Lessee may commence on the afternoon prior the dates only for the purpose of placing traffic markers, signs and other such items to direct the public to the Market without interfering with other Facility events. The Market will operate on the dates indicated below from about 8:30 am to 2:00 pm. All equipment, traffic markers, signs, vendor material, trash and the like will be removed from the Facility by 6:00 pm on each Market day.

Dates of Permitted Use of Facility for the Market

| | |
|--------------------|-------------------|
| September 5, 2020 | February 20, 2021 |
| September 19, 2020 | March 6, 2021 |
| October 3, 2020 | March 20, 2021 |
| October 17, 2020 | April 3, 2021 |
| October 31, 2020 | April 17, 2021 |
| November 7, 2020 | May 1, 2021 |
| November 21, 2020 | May 15, 2021 |
| December 5, 2020 | June 5, 2021 |
| December 12, 2020 | June 19, 2021 |
| December 19, 2020 | July 3, 2021 |
| January 9, 2021 | July 17, 2021 |
| January 23, 2021 | August 7, 2021 |
| February 6, 2021 | August 21, 2021 |

By Lessor:

Jessica Rosario

Name



Signature

July 30, 2020

Date

By Lessee:

Peter Garza

Name



Signature

July 30, 2020

Date

Addendum B

Change of Market Dates

This addendum will be used to accomplish an agreed change to Market day dates as per the Lease Agreement executed on _____. Notice of at least 15 days will be required in order for either Lessee or Lessor to change dates for use of the Facility for the Market.

The following dates will be added to the days the Lessee will use Facility for the Market:

The following dates will be deleted from days Lessee will use Facility for the Market:

By Lessor:

By Lessee:

Name

Name

Signature

Signature

Date

Date