



NOTICE OF MEETING
PLANNING AND ZONING COMMISSION
6:00 P.M. – May 13, 2021

30360 Cougar Bend, Bulverde, TX 78163

MEETING AGENDA

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

2) APPROVAL OF MINUTES

- a. April 15, 2021, Planning and Zoning Commission meeting.

3) REGULAR AGENDA ITEMS

- A. PC-21-06 (Replat): Consider the approval of a Replat (Revision) for Lots 93, 94, and 95, Windmill Ranch Unit 3, generally located at the northwest corner of State Highway 46 and Windmill Ranch Road.
- B. ZC-21-01: Hold a public hearing and consider a request by LANGAN, on behalf of 7-Eleven Inc., for the approval of a Zone Change from a C-2 Commercial Zoning District to a C-3 Commercial Zoning District on an approximately 2.418-acre tract of land located at 33889 US Hwy 281 N.

4) EXECUTIVE SESSION

The Planning and Zoning Commission reserves the right to adjourn into executive session at any time regarding any item on the agenda for any reason authorized by Chapter 551, Texas Government Code, including but not limited to the following sections:

551.071 – Consultation with attorney

551.072 – Deliberations regarding real property

5) 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.

6) 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.

7) 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 May 10, 2021.

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: April 15, 2021

Meeting Duration: 6:01 p.m. to 6:45 p.m.

CALL TO ORDER

Commission Members Present: Jim Binkley (Chairman), Lindy Sisk (Vice Chairman), Dickie Lubel, Larry Sunn, David Bullock, Joe Alexandre, and Seth Prescott (Alternate)

Commission Members Absent: None

City Staff Present: Susana Huerta Ramos (Planning 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 March 11, 2021 meeting as amended. Motion passed 7-0.**

REGULAR AGENDA ITEMS

- A. PC-21-05 (Final Plat): Consideration of a Final Plat (Revision) for Belle Oaks Ranch, Phase VIII, generally located on the east side of Blanco Road approximately 1.2 miles south of State Highway 46. *Director Huerta Ramos presented the staff report for this agenda item to the Commission. Dan Mullins answered questions from the Planning & Zoning Commissioners regarding this subdivision plat. After discussion and consideration, Commissioner Bullock made a motion, seconded by Commissioner Lubel, to recommend approval of the Final Plat for Belle Oaks Ranch, Phase VIII. Motion passed 7-0.*
- B. VR-21-01 (Variance): Consider a request by OTG Coffee, LLC, for a variance to Section 3.08.102(a)(2) of the City of Bulverde Code of Ordinances at 104 Bulverde Crossing. *Eron Spencer, Planner I, presented the staff report for this agenda item to the Commission. Michael Garrott, a representative of OTG Coffee, LLC, answered questions from the Planning & Zoning Commissioners regarding this request. After discussion and consideration, Commissioner Sunn made a motion, seconded by Commissioner Sisk, to recommend approval of the variance request as presented. Motion passed 5-2. (Commissioner Bullock and Commissioner Lubel voted against this agenda item)*

EXECUTIVE SESSION

None

PUBLIC COMMENTS

None

REPORT BY CITY OFFICIALS AND STAFF ON ITEMS OF COMMUNITY INTEREST

- a. Director Huerta Ramos gave a brief synopsis of City Council's April 13, 2021 regular meeting to the Planning & Zoning Commission regarding the outcome of SUP-21-02, SUP-21-03, and PDD-21-01—which were previously considered by the Commission.
- b. Commissioner Sisk voiced his concerns with HB 2573 and City Staff expressed their opposition to HB 3519. Both bills were recently proposed during Texas' 87th legislative session.

ADJOURNMENT

There being no further business to come before the Commission, the meeting adjourned at 6:45 p.m. I certify that the above minutes were approved by the Commission on May 13, 2021.

Maria Franco, City Secretary



PLANNING AND ZONING COMMISSION ITEM:
PC-21-06
REPLAT
Replat of Lots 93, 94, and 95, Windmill Ranch Unit 3

MEETING DATE: May 13, 2021
DEPARTMENT: Planning & Development
PRESENTED BY: Susana Huerta Ramos, AICP, Planning Director

REQUEST:
Consider the approval of a Replat (Revision) for Lots 93, 94, and 95, Windmill Ranch Unit 3, generally located at the northwest corner of State Highway 46 and Windmill Ranch Road.

APPLICANTS:
Roy & Mechelle Salmon
228 Windmill Mountain
Spring Branch, TX 78070

Robert & Joy Leininger
272 Windmill Mountain
Spring Branch, TX 78070

PROPERTY INFORMATION:
Owners: Roy & Mechelle Salmon; Robert & Joy Leininger
Legal Description: LOT 93, LOT 94 & LOT 95, WINDMILL RANCH UNIT 3
Size: 6.128 acres; 2 Lots
Existing Land Use: Single Family Residential
Existing Zoning: R-2 Residential
Proposed Land-Use: Single Family Residential

SUMMARY & ANALYSIS:
This is a proposed replat of two 6.128-acre residential lots, which were previously platted as Lot 93, Lot 94, and Lot 95 of Windmill Ranch Unit 3. The purpose of this replat is to combine Lots 93, 94, and 95 creating Lot 93R and Lot 94R.

The lots were originally platted as three separate lots at the time of the original approval of Windmill Ranch Unit 3.

Utility easements between the three original lots have been released by the appropriate utility service providers – SouthWest Water Company (SWWC), Guadalupe Valley Telephone Cooperative, Inc. (GVTC), and Pedernales Electric Cooperative (PEC).

STAFF RECOMMENDATION:

The application, plat and required documents have been reviewed by Halff Associates and City staff. All comments have been addressed by the applicant.

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

ATTACHMENTS:

Application

Plat



APPLICATION FOR REPLAT

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.

- Name of Subdivision: WINDMILL RANCH SUBDIVISION Unit No 3
 Location Description/Nearest Intersection: _____
- Owner/Applicant: ROBERT B + JOYA LEININGER AND ROYA + MELHELLE L SALMON
 Address: 272 + 228 WINDMILL MOUNTAIN RD Email: DMSALMON210@OUTLOOK.COM
 Telephone: 210.288.2128 (SALMON) Fax: N/A Mobile: 703.399.1993 - LEININGER
Note: If applicant is person other than owner, a letter of authorization must be provided from owner. LEININGER@VERIZON.NET
- Licensed Engineer/Surveyor (technical contact): MATKIN HOOVER KRISTOPHER PRESSLER
 Address: 8 SPENCER RD, SUITE 100 BOEING, TX 78006 Email: _____
 Telephone: (830) 249.0600 Fax: _____ Mobile: 210.279.2537

4. Property Details:

City Limits:	<input checked="" type="checkbox"/> In <input type="checkbox"/> Out (ETJ)	Water Source:	<u>MONARCH UTILITIES</u>
Commercial:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Sewage Treatment:	<u>SEPTIC - OSSF</u>
Residential:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
No. of Lots:	<u>3</u>	TxDOT Frontage:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Total Acreage without floodplain:	<u>6.128</u>	100-Year Floodplain:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Density Class:	_____		
Zoning Class:	<u>R2</u>	Edwards Aquifer Zone:	<input type="checkbox"/> Recharge <input checked="" type="checkbox"/> 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.

<u>Roy A. Salmon</u>	<u>M Salmon</u>	<u>28 APRIL 2021</u>
<u>RB Leininger</u>	<u>Joya Leininger</u>	<u>28 APR '21</u>
Signature of Owner/Applicant		Date

Fees and Submittal Dates on Page 2

NOTES:
 1. PROPERTY DOES NOT LIE WITHIN THE EDWARDS AQUIFER RECHARGE ZONE
 2. PROPERTY LIES WITHIN THE COMAL INDEPENDENT SCHOOL DISTRICT
 3. WATER IS SUPPLIED TO PROPERTY BY PUBLIC WATER SUPPLY
 4. TWO LOTS BEING 6.128 ACRES
 5. TWENTY (20') FOOT WIDE UTILITY EASEMENTS ARE GRANTED ALONG AND ADJACENT TO PUBLIC AND/OR PRIVATE RIGHTS OF WAY, TEN (10') FEET WIDE UTILITY EASEMENTS ARE GRANTED ALONG ALL SIDE AND REAR LOT LINES FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES (PER ORIGINAL PLAT NOTE OF RECORD IN VOLUME 13, PAGE 33-36, OFFICIAL PUBLIC RECORDS, COMAL COUNTY TEXAS).
 6. BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED FOR THE TEXAS SOUTH CENTRAL ZONE 4204, NORTH AMERICAN DATUM (NAD) OF 1983. DISTANCES SHOWN HEREON ARE GRID UNITS.
 7. SUBDIVISION CODE SECTION 14.03.004, R-2 RESIDENTIAL DISTRICT FOR LOTS 1 TO 4.99 ACRES SHOULD HAVE A FRONT SETBACK OF 50 FEET, REAR SETBACK OF 30 FEET AND INTERIOR LOT SETBACK OF 25 FEET.

REPLAT OF LOTS 93, 94 AND 95, WINDMILL RANCH UNIT 3

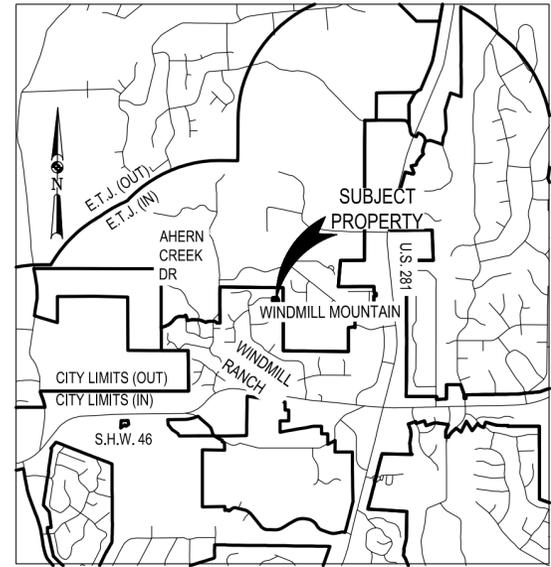
BEING 6.128 ACRES AND ALL OF LOT 93, 94, 95, WINDMILL RANCH UNIT 3 ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 13, PAGE 33-36, MAP AND PLAT RECORDS OF COMAL COUNTY, TEXAS BEING PART OF 108.80 ACRES OF LAND IN COMAL COUNTY, TEXAS COMPRISED OF PARTS OF 108.30 ACRES OF LAND OUT OF SURVEY NO. 661, L. MOEGELIEN, ABST. NO. 399, BEING OUT OF A 451.6 ACRE TRACT OF LAND OF RECORD IN VOLUME 3, PAGE 56, DEED RECORDS, COMAL COUNTY, TEXAS.

TABLE OF AMENDMENTS
 THE PURPOSE OF THIS REPLAT IS TO COMBINE LOTS 93, 94, AND 95.

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, OR 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



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. 201306052657 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 LOT 93R, WINDMILL RANCH SUBDIVISION UNIT 3.

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

RANDOLPH-BROOKES FEDERAL CREDIT UNION
 P.O. BOX 2097
 UNIVERSAL CITY, TEXAS 78148-2097
 BY: WARRANTY DEED WITH VENDOR'S LIEN
 NAME: ROY A. SALMON AND MECHELLE L. SALMON (WIFE)

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

ROY A. SALMON AND WIFE MECHELLE L. SALMON, ROBERT BRADFORD LEININGER AND JOY ANNICE LEININGER, HUSBAND AND WIFE, SOLE OWNERS OF THE CERTAIN TRACTS OF LAND SHOWN HEREON AND DESCRIBED IN A DEEDS RECORDED IN DOCUMENTS NO. 201306052657 AND DOCUMENT NUMBER 202006012179 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.

THIS ____ DAY OF _____, 20__.

ROY A. SALMON MECHELLE L. SALMON ROBERT BRADFORD LEININGER JOY ANNICE LEININGER

228 WINDMILL MOUNTAIN 272 WINDMILL MOUNTAIN
 SPRING BRANCH, TX 78070 SPRING BRANCH, TX 78070

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: _____

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

THIS REPLAT OF LOTS 93, 94 AND 95, WINDMILL RANCH UNIT 3 WAS FILED WITH THE CITY OF BULVERDE, TEXAS ON THE ____ DAY OF _____, 20__. THE CITY COUNCIL OF THE CITY OF BULVERDE FAILED TO ACT UPON SUCH PLAT WITHIN THE TIME PERIOD PRESCRIBED BY CHAPTER 214, TEXAS LOCAL GOVERNMENT CODE.

DATED THE ____ DAY OF _____, 2021.

BY: _____
 PLANNING DIRECTOR

THIS REPLAT OF LOTS 93, 94 AND 95, WINDMILL RANCH UNIT 3 HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BULVERDE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION

DATED THE ____ DAY OF _____, 2021.

APPROVED BY: _____
 CHAIRPERSON

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. 202006012179 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 REPLAT IS TO BE KNOWN AS LOT 94R, WINDMILL RANCH SUBDIVISION UNIT 3.

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

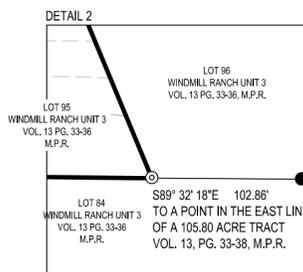
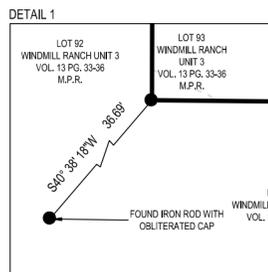
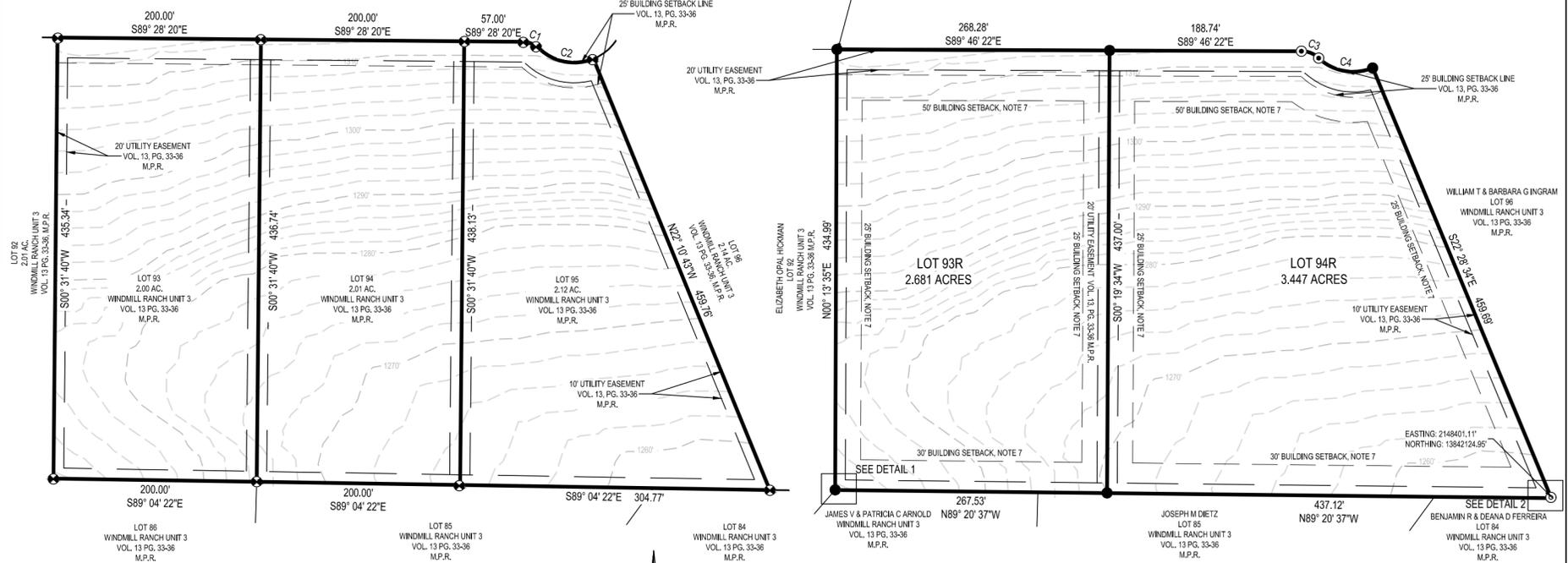
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
 BY: DEED OF TRUST
 NAME: ROBERT BRADFORD LEININGER AND JOY ANNICE LEININGER, HUSBAND AND WIFE

AS PLATTED

WINDMILL MOUNTAIN
 60' R.O.W. LOT 202
 VOL. 13, PG. 33-36, M.P.R.

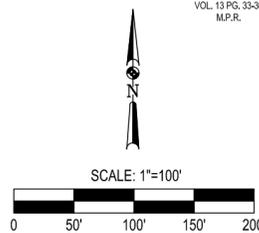
PROPOSED

WINDMILL MOUNTAIN
 60' R.O.W. LOT 202
 VOL. 13, PG. 33-36, M.P.R.



CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	25.00'	18.69'	42° 50' 00"	N68° 03' 20" W	18.26'
C2	50.00'	57.19'			
C3	25.00'	18.80'	43° 04' 47"	S67° 59' 01" E	18.36'
C4	50.00'	57.01'	65° 19' 09"	S79° 45' 51" E	53.97'

- LEGEND
- PROPERTY CORNER
 - FOUND 1/2" IRON ROD
 - ⊙ FOUND 1/2" IRON ROD WITH ORANGE CAP
 - ⊗ FOUND 1/2" IRON ROD "ACS IN"
 - ⊙ SET 1/2" IRON ROD WITH MATKIN-HOOVER CAP



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

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-1002-0000

DATE: 05/03/2021
 MHS JOB NO. - 20-4091



PLANNING AND ZONING COMMISSION ITEM:
ZC-21-01
ZONE CHANGE
33889 US HWY 281 N

MEETING DATE: May 13, 2021
DEPARTMENT: Planning & Development
PRESENTED BY: Susana Huerta Ramos, AICP, Planning Director

REQUEST:
Hold a public hearing and consider a request by LANGAN, on behalf of 7-Eleven Inc., for the approval of a Zone Change from a C-2 Commercial Zoning District to a C-3 Commercial Zoning District on an approximately 2.418-acre tract of land located at 33889 US Hwy 281 N.

OWNER:
7-Eleven Inc
One Arts Plaza
1722 Routh Street Ste 1000
Dallas, TX 75201

APPLICANT:
LANGAN
8951 Cypress Waters Blvd.
Dallas, TX 75019

PROPERTY INFORMATION:
Legal Description: A-673 SUR-573 P WAGNER, ACRES 2.418
Owner: 7-Eleven Inc.
Existing Land Use: Convenience Store
Existing Zoning: C-2, Commercial District
Proposed Zoning: C-3, Commercial District

NOTICE:
Public Notice: April 28, 2021
Personal Notice: April 29, 2021

Staff sent 6 Personal Notices to properties within a 200 feet buffer of the subject property. As of present, Staff received no letters of support or opposition.

IN SUPPORT: 0
IN OPPOSITION: 0

SUMMARY:

LANGAN, on behalf of 7-Eleven Inc., is requesting a Zone Change from a C-2 Commercial District to a C-3 Commercial District on an approximately 2.418-acre tract, generally located at the southwest corner of State Hwy 46 and US Hwy 281 N.

ANALYSIS:

The property has been operating as a 7-Eleven, convenience store with gasoline sales, prior to the City of Bulverde's incorporation. As a result, the subject property has a legal nonconforming status per Section 14.15.002(2) of the Bulverde Code of Ordinances.

According to the applicant, the reason for this Zone Change is caused by TxDOT's right-of-way taking on State Hwy 46 in which the existing 7-Eleven will need to be rebuilt with similar facilities.

However, Section 14.15.003(d) of the Code of Ordinances state: "*No nonconforming use, building, structure or site element shall be altered or expanded so as to increase the degree of nonconformity.*" While the use of the existing 7-Eleven is legal nonconforming, the proposed gas pump canopy is 1,200 square feet larger than the total square footage of the existing convenience store facilities. Therefore, the necessity for a Zone Change is triggered because the legal nonconforming use is being expanding by 1,200 square feet. The property could benefit from the legal-nonconforming status by not expanding the square footage. They can rebuild and not rezone if the square footage was not increased.

ATTACHMENTS:

- A. Application
- B. Letter of Authorization
- C. Site Plan
- D. Renderings
- E. Zoning Exhibits



Application for Zoning Change

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

Date: 04/13/2021

Case No. _____

Applicant Information:

<u>Matthew D. Korte, PE</u>		<u>817-328-3239</u>
Name	Phone	Fax
<u>8951 Cypress Waters Blvd.; Dallas, TX 75019</u>		<u>mkorte@langan.com</u>
Address		Email

Property Owner Information:

<u>7-Eleven, Inc.</u>		<u>XXX-XXX-XXXX</u>
Name	Phone	Fax
<u>One Arts Plaza, 1722 Routh Street Ste 1000; Dallas, TX 75201</u>		
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: 33889 US Hwy 281 N; Bulverde, TX 78163

Legal Description: A-673 SUR-573 P Wagner, Acres 2.418

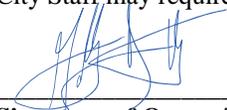
Zoning District Classification: C-2

Requested Zoning District Classification: C-3

Purposes and Reasons: (may attach additional sheets if needed)

7-Eleven would like to re-build their existing location with similar facilities. TxDOT R.O.W. taking will result in an unusable existing site. Overall covered area will increase slightly because of the new, larger gas pump canopy.

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.



Signature of Owner/Applicant

04/16/2021

Date

Fees:

Planned Development District Zone Change Review Fee - \$2,000.00 + \$100.00 per acre.

Zone Change Review Fee (all other zoning categories) - \$750.00 + \$100.00 per acre.

LETTER OF AUTHORIZATION FOR APPLICATION REPRESENTATION

AUTHORITY IS HEREBY GRANTED TO (NAME) _____
ACTING ON MY BEHALF AS THE OWNER OF THIS PROPERTY AS INDICATED AT THE APPRAISAL DISTRICT, TO
FILE AND PRESENT AN APPLICATION TO THE CITY OF BULVERDE, TEXAS, TO REQUEST A ZONING,
SUBDIVISION, GRADING, SITE PLAN, LANDSCAPE PLAN, OR SIGN PERMIT OF THE FOLLOWING PROPERTY:

COMAL CAD PROPERTY ID NUMBER, LEGAL DESCRIPTION, AND ADDRESS (if available)

ACKNOWLEDGEMENTS:

I certify that the above information is correct and complete to the best of my knowledge and ability and that I am now, or will be, fully prepared to present the above proposal at the P&Z Commission and City Council hearings if necessary.

I understand that decisions by the P&Z Commission are recommendations that will be forwarded to the City Council for final determination.

I reserve the right to withdraw this proposal at any time within 14 days from the deadline filing date, upon written request filed with the Director of Planning & Development Services, and such withdrawal shall immediately stop all proceedings. I understand that the application fee is not refundable upon withdrawal of proposal nor upon denial of my case.

THIS AUTHORIZATION WILL REMAIN IN FORCE UNLESS REVOKED BY WRITTEN NOTICE.

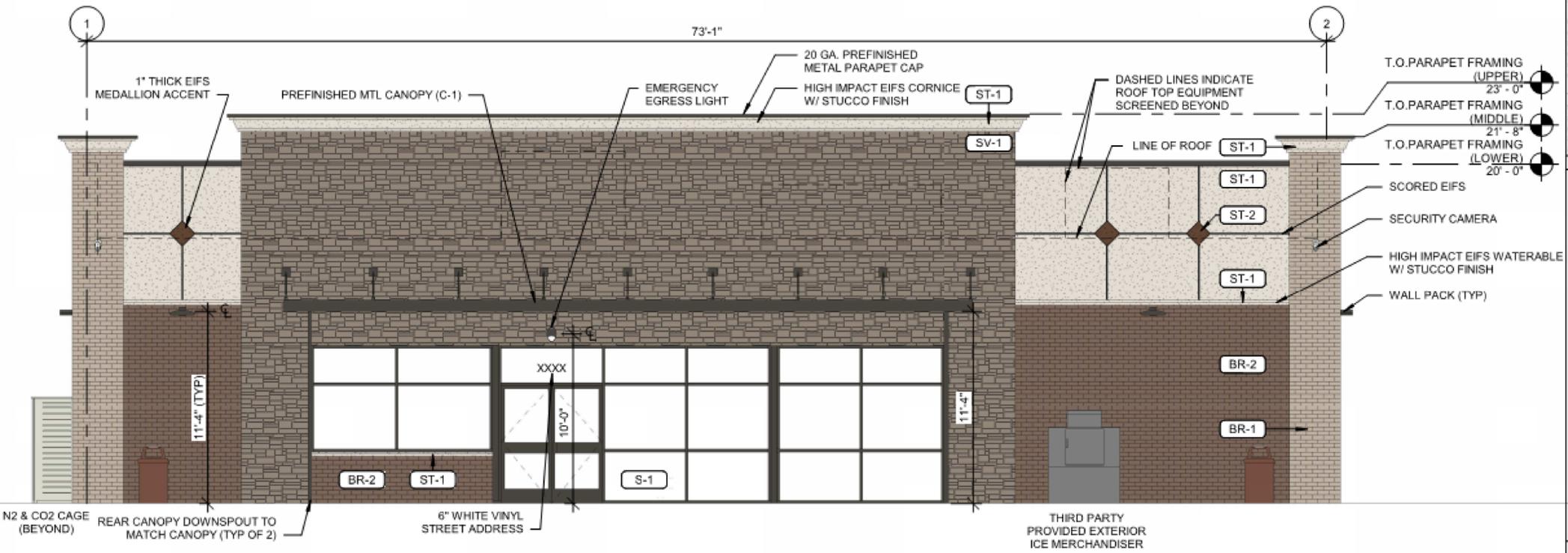
OWNER'S SIGNATURE of the above described property: _____

OWNER'S NAME (printed) _____

ADDRESS and ZIP _____

TELEPHONE: _____ EMAIL: _____

Date: _____



1
RO.01

ELEVATION - FRONT
3/16" = 1'-0"



STONE VENEER
SCULPTED ASHLAR - GROUSE

SV-1



5
R0.01

RIGHT PERSPECTIVE



ZC-21-01 - Zoning Map Exhibit

Legend

- Addresses
- Major Roads
 - Farm roads
 - Highways
- Streets
- Parcels



0.1 0 0.03 0.1 Miles

NAD_1983_StatePlane_Texas_South_Central_FIPS_4204_Feet
Comal County GIS

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