



NOTICE OF MEETING
PLANNING AND ZONING COMMISSION
6:00 P.M. – June 10, 2021

30360 Cougar Bend, Bulverde, TX 78163

MEETING AGENDA

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

2) APPROVAL OF MINUTES

- a. May 13, 2021, Planning and Zoning Commission meeting.

3) REGULAR AGENDA ITEMS

- A. PC-21-07 (Preliminary): Consider the approval of a Preliminary Plat for Park Village Unit 7, generally located 725' south of the intersection of Lobo Park and State Highway 46.
- B. PC-21-08 (Final): Consider the approval of a Final Plat for the Spring Branch Vet subdivision, generally located a quarter mile south of Flying R Ranch Rd., at 5090 US Highway 281 North.
- C. PC-21-09 (Final): Consider the approval of a Final Plat for Cibolo Cliff Ranches subdivision, generally located at 7055 FM 1863.
- D. VR-21-02: Consider a request by QuikTrip Corporation for a variance to Chapter 17, Section 17.06.009, related to Tree Removal and Mitigation, of the City of Bulverde Code of Ordinances, on an approximately 9.74-acre tract of land, generally located at the southwest corner of State Highway 46 and Stahl Lane.
- E. VR-21-03: Consider a request by QuikTrip Corporation for a variance to Section 17.04.003, related to Cuts, and Section 17.04.004, related to Fills, of the City of Bulverde Code of Ordinances, on an approximately 9.74-acre tract of land, generally located at the southwest corner of State Highway 46 and Stahl Lane.
- F. PDD-21-02: Hold a public hearing and consider a request by QuikTrip Corporation for the approval of a Zone Change from a C-2 Commercial District to a PDD Planned Development District, on an approximately 9.74-acre tract of land, generally located at the southwest corner of State Highway 46 and Stahl Lane.
- G. SUP-21-04: Hold a public hearing and consider a request by Jeremy & Beth Wyndham, on behalf of St. Nicholas Episcopal Church, for the approval of a Special Use Permit to allow a Church/Place of Worship on an approximately 1.94-acre tract of land at 2265 Bulverde Road, Suite 102.

- H. ZC-21-02: Hold a public hearing and consider a request by Larry Gawlik for the approval of a Zone Change from a R-2 Residential Zoning District to a R-1 Residential Zoning District for Lot 11, Comal Trace Subdivision Unit 1, generally located at 383 Shadow Ridge.

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 June 7, 2021.

Susana Huerta 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: May 13, 2021

Meeting Duration: 6:17 p.m. to 6:34 p.m.

CALL TO ORDER

Commission Members Present: Jim Binkley (Chairman), Lindy Sisk (Vice Chairman), Joe Alexandre, and Seth Prescott (Alternate)

Commission Members Absent: Dickie Lubel and Larry Sunn

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

APPROVAL OF MINUTES

- a. **Commissioner Alexandre made a motion, seconded by Commissioner Prescott, to approve the minutes of the April 15, 2021 meeting. Motion passed 4-0.**

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. *Eron Spencer, Planner I, presented the staff report for this agenda item to the Commission. After discussion and consideration, Commissioner Sisk made a motion, seconded by Commissioner Prescott, to recommend approval of the Replat for Lots 93, 94, and 95, Windmill Ranch Unit 3. Motion passed 4-0.*
- B. ZC-21-01 (Zone Change): 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 Zoning District on an approximately 2.418-acre tract of land located at 33889 US Hwy 281 N. *Director Huerta Ramos presented the staff report for this agenda item to the Commission. Matthew Korte, a representative of LANGAN, answered questions from the Planning & Zoning Commissioners regarding this request. After further discussion and consideration, Commissioner Prescott made a motion, seconded by Commissioner Alexandre, to recommend approval of the Zone Change. Motion passed 4-0.*

EXECUTIVE SESSION

None

PUBLIC COMMENTS

None

REPORT BY CITY OFFICIALS AND STAFF ON ITEMS OF COMMUNITY INTEREST

None

ADJOURNMENT

There being no further business to come before the Commission, the meeting adjourned at 6:34 p.m. I certify that the above minutes were approved by the Commission on June 10, 2021.

Maria Franco, City Secretary



PLANNING AND ZONING COMMISSION ITEM:
PC-21-07
PRELIMINARY PLAT
PARK VILLAGE, UNIT 7

MEETING DATE: June 10, 2021
DEPARTMENT: Planning & Development
PRESENTED BY: Eron Spencer, Planner I

REQUEST:

Consider the approval of a Preliminary Plat for Park Village Unit 7, generally located 725' south of the intersection of Lobo Park and State Highway 46.

APPLICANT:

Two Seventy-Seven, LTD
8023 Vantage Drive, Suite 1200
San Antonio, TX
210-524-4000

PROPERTY INFORMATION:

Owner: Two Seventy-Seven, LTD.
Legal Description: 29.305-ACRE TRACT; SAID TRACT IS A PORTION OF THE TRACT CONTAINING 277.39 ACRES DESCRIBED IN THE DEED FROM BELLE OAKS RANCH, LTD. TO TWO SEVENTY-SEVEN PARK VILLAGE, LTD. RECORDED UNDER DOCUMENT 200506038360, O.P.R.C.C.T., SITUATED IN THE H. WHITE SURVEY NO. 430, ABSTRACT 658, COMAL COUNTY, TEXAS.
Size: 29.305 acres; 54 lots
Existing Land Use: Undeveloped
Existing Zoning: Extraterritorial Jurisdiction (ETJ)
Proposed Land-Use: Single Family Residential

SUMMARY:

This is a proposed preliminary plat for Unit 7 of the Park Village Development, located at the northwest corner of the City in the City's Extraterritorial Jurisdiction. The developers are now proceeding with Unit 7 which requires approval of a preliminary plat prior to moving forward with final plat approval.

ANALYSIS:

This proposed Preliminary Plat is for approximately 29.305 acres of vacant property and establishes 54 single family residential lots and 3 open space lots.

The proposed subdivision lies completely outside the City Limits. No portion of this proposed preliminary plat lies within the 100-yr floodplain. Water is being provided by Canyon Lake Water Service Company (CLWSC) and sewer service will be provided by Guadalupe-Blanco River Authority (GBRA).

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

Halff Associates and City Staff have reviewed the proposed preliminary plat and required documents, including a drainage analysis and traffic impact analysis. It was determined that the submittal meets requirements in both the Subdivision Ordinance and the approved Development Agreement.

Therefore, Staff recommends **APPROVAL** of this preliminary plat.

ATTACHMENTS:

1. Application
2. Preliminary Plat
3. Acceptance Memo



APPLICATION FOR PRELIMINARY 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: Park Village Subdivision Unit No 7
Location Description/Nearest Intersection: 725' south of the Lobo Park and SH 46 intersection

2. Owner/Applicant: Two Seventy-Seven, LTD. (Todd Gold)
Address: 8023 Vantage Drive, Suite 1200 Email: tgold@reocsanantonio.com
Telephone: (210) 524-4000 Fax: (210) 524-4029 Mobile: _____
Note: If applicant is person other than owner, a letter of authorization must be provided from owner.

3. Licensed Engineer/Surveyor (technical contact): Cude Engineers, LLC (Kyle Hudek)
Address: 4122 Pond Hill Road, Suite 101 Email: khudek@cudeengineers.com
Telephone: (210) 681-2951 Fax: (210) 523-7112 Mobile: _____

4. Property Details:

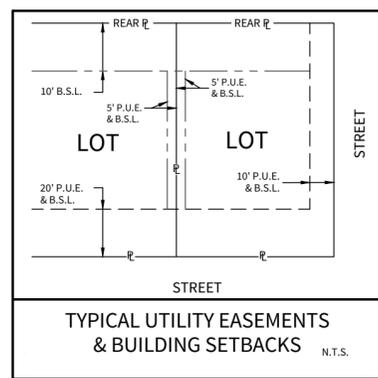
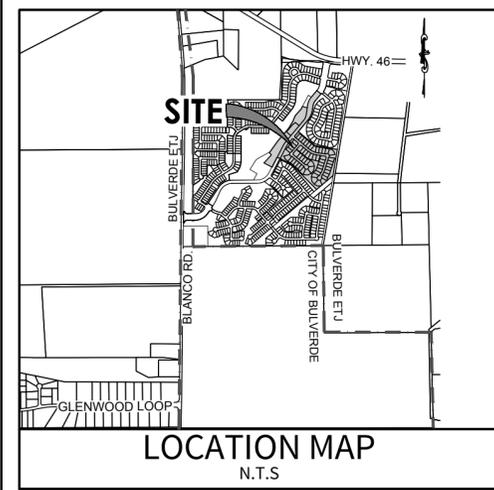
City Limits:	<u> </u> In <u>X</u> Out (ETJ)	Water Source:	<u>CLWSC</u>
Commercial:	<u> </u> Yes <u>X</u> No	Sewage Treatment:	<u>GBRA</u>
Residential:	<u>X</u> Yes <u> </u> No	TxDOT Frontage:	<u> </u> Yes <u>X</u> No
No. of Lots:	<u>54</u>	100-Year Floodplain:	<u> </u> Yes <u>X</u> No
Total Acreage without floodplain:	<u>29.305</u>	Edwards Aquifer Zone:	<u> </u> Recharge
Density Class:	<u>High Density</u>		<u>X</u> Contributing
Zoning Class:	<u>ETJ</u>		

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.

Todd Gold
Signature of Owner/Applicant

4-12-21
Date

Fees on Page 2



- GUADALUPE-BLANCO RIVER AUTHORITY NOTES:**
- THE GUADALUPE-BLANCO RIVER AUTHORITY (GBRA) IS HEREBY DEDICATED THE EASEMENTS AND RIGHTS-OF-WAY IN THE AREAS DESIGNATED ON THIS PLAT AS "SANITARY SEWER" FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, OPERATING, MAINTAINING, INSPECTING, REPAIRING, REMOVING, AND RELOCATING BURIED AND/OR EXPOSED SANITARY SEWER FACILITIES AND APPURTENANCES.
 - TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS, GBRA SHALL HAVE THE RIGHT TO REMOVE SAID LANDS OF ALL TREES OR PARTS THEREOF, OR ANY OTHER OBSTRUCTIONS WHICH MAY ENDANGER, OR INTERFERE WITH MAINTENANCE OF, THE FACILITIES AND APPURTENANCES.
 - OTHER UTILITIES, STRUCTURES, GRADING, DRAINAGE, DETENTION/RETENTION PONDS, LANDSCAPING, TREES, ROADS, PARKING LOTS, FENCES, WALLS, CONSTRUCTION OF ANY TYPE, OR ANY OTHER IMPROVEMENTS OR OBSTRUCTIONS, ARE NOT ALLOWED WITHIN GBRA EASEMENTS OR WITHIN 10 FEET OF GBRA UTILITIES, WHICHEVER IS GREATER.
 - DESIGNS FOR ANY PROPOSED ALTERATIONS OR CROSSINGS OF GBRA EASEMENTS OR GBRA UTILITIES MUST BE APPROVED IN WRITING BY GBRA AND THE INSTALLATION OF SUCH MUST BE INSPECTED AND APPROVED BY GBRA.
 - MAINTENANCE OF EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER.
 - THE PROPERTY OWNER MUST INSTALL 16 FOOT GATES IN ANY FENCES THAT CROSS GBRA UTILITIES, GATES MUST BE CENTERED ACROSS GBRA UTILITIES.
 - CUSTOMER SANITARY SEWER SERVICES SHALL NOT BE INSTALLED WITHIN FENCED AREAS.

EASEMENT STATEMENT

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 TANK FIELDS, ETC.). GRANTEES OF SAID DEDICATED EASEMENTS RESERVE THE RIGHT OF ACCESS TO SUCH EASEMENTS.

- GENERAL PLATTING NOTES**
- 1/2" IRON RODS SET AT LOT CORNERS.
 - ALL COORDINATES SHOWN ARE TEXAS STATE PLANE COORDINATE SYSTEM SOUTH CENTRAL ZONE 4204. ALL DISTANCE GIVEN HEREON ARE SURFACE. TO CONVERT TO GRID, APPLY SCALE FACTOR OF 0.99987. TO CONVERT GRID COORDINATES TO SURFACE, SCALE 1.00013. COORDINATES SHOWN HEREON ARE SURFACE COORDINATES. (CONTOURS ESTABLISHED USING VERTICAL DATUM NAVD 88.)
 - THIS PROPERTY LIES WITHIN AN EXTRATERRITORIAL JURISDICTION OF THE CITY OF BULVERDE.
 - THIS PROPERTY WILL BE SERVED BY A STATE CERTIFIED PUBLIC WATER SUPPLY SYSTEM. MINIMUM WATER PRESSURE REQUIREMENTS BASED ON TCEQ CURRENT STANDARDS CAN BE MET AT THE PROPOSED METER LOCATION FOR ALL LOTS. ADEQUATE PRESSURE FOR NORMAL DOMESTIC USE AT ELEVATIONS GREATER THAN 1120 FT. MSL CANNOT BE GUARANTEED. PRIVATE BOOSTER SYSTEM MAY BE REQUIRED.
 - THIS PROPERTY IS SERVED BY A CENTRALIZED SEWER TREATMENT SYSTEM, COMAL COUNTY WCID NO. 6.
 - THIS PROPERTY LIES WITHIN THE CONTRIBUTING ZONE TO THE EDWARDS AQUIFER.
 - COMAL COUNTY REQUIRES A MINIMUM 20' BUILDING SETBACK LINE FROM ROAD FRONTAGE.
 - 54 LOTS, BEING 29.305 ACRES, 3 OPEN SPACES.
 - OPEN SPACE LOTS 902, 903 AND 905 ARE A SUBSTANDARD LOT AND DRAINAGE EASEMENT FOR STORM WATER CONVEYANCE, DETENTION, AND TREATMENT. HABITABLE STRUCTURES ARE PROHIBITED.
 - ALL DEVELOPEABLE LOTS TO HAVE A 20' FRONT SETBACK, 20' REAR SETBACK, 5' SIDE SETBACK AND 10' SIDE SETBACK WHEN ADJACENT TO ROADWAY.
 - ROADWAY LENGTH = 3,960 LF.
 - ALL DEVELOPEABLE LOTS TO HAVE A 20' FRONT P.U.E., 5' SIDE P.U.E., AND 10' SIDE P.U.E. WHEN ADJACENT TO ROADWAY.

- LEGEND**
- Ac. = ACRES
 - B.S.L. = BUILDING SETBACK LINE
 - C1 = CURVE NUMBER
 - DOC. = DOCUMENT
 - D.P.R. = DEED PLOT REFERENCE
 - DRN. = DRAINAGE
 - ELEC. = ELECTRIC
 - ESMT. = EASEMENT
 - EX. = EXISTING
 - GBRA = GUADALUPE-BLANCO RIVER AUTHORITY
 - G.P.M. = GALLONS PER MINUTE
 - F.I.R. = FOUND IRON ROD
 - L1 = LINE NUMBER
 - LTD. = LIMITED
 - MSL = MEAN SEA LEVEL
 - N.A.D. = NORTH AMERICAN DATUM
 - NO. = NUMBER
 - N.T.S. = NOT TO SCALE
 - O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS
 - PERM. = PERMEABLE
 - PG. = PAGE
 - PES. = PAGES
 - P.U.E. = PUBLIC UTILITY EASEMENT
 - R.O.W. = RIGHT-OF-WAY
 - SAN. SEW. = SANITARY SEWER
 - VAR. = VARIABLE
 - WAT. = WATER
 - WID. = WIDTH
 - W.W.T.P. = WASTE WATER TREATMENT PLANT
 - = STREET CENTERLINE
 - = CITY LIMIT LINE
 - = EXISTING GROUND MAJOR CONTOUR
 - = EXISTING GROUND MINOR CONTOUR
 - = 1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "CUDE"



PRELIMINARY PLAT ESTABLISHING PARK VILLAGE SUBDIVISION, UNIT 7

A SUBDIVISION PLAT ESTABLISHING 54 RESIDENTIAL LOTS AND 3 OPEN SPACE LOTS, CONTAINING 29.305 ACRES; SAID TRACT IS A PORTION OF THE TRACT CONTAINING 277.39 ACRES DESCRIBED IN THE DEED FROM BELLE OAKS RANCH, LTD. TO TWO SEVENTY SEVEN PARK VILLAGE, LTD. RECORDED UNDER DOCUMENT, 200506038360, O.P.R.C.C.T., SITUATED IN THE H. WHITE SURVEY NO. 430, ABSTRACT 658, COMAL COUNTY, TEXAS.

CUDE

M.W. CUDE ENGINEERS, L.L.C.
4122 POND HILL RD. • 5-101
SAN ANTONIO, TEXAS 78231
T:210.681.2951 • F:210.523.7112
WWW.CUDEENGINEERS.COM
TBPLS #10048500 • TBPE FIRM #455
MWC: JEFFREY A. MCKINNIE
PRJ. NO.: 03021.012

SCALE: 1"=100'

0 100 200

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

THE OWNER OF THE LAND SHOWN ON THIS PLAT WHOSE NAME IS SUBSCRIBED HERETO, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, HEREBY DEDICATES TO THE USE OF THE PUBLIC FOREVER ALL STREETS, PARKS, WATER COURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

OWNER/DEVELOPER
TWO SEVENTY SEVEN LTD.

8023 VANTAGE DRIVE, SUITE 1200
SAN ANTONIO, TEXAS 78230
PHONE: (210) 524-4000
CONTACT PERSON: TODD A. GOLD

STATE OF TEXAS
COUNTY OF COMAL

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED

_____ KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2021.

PRINT NOTARY'S NAME _____ NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

THIS PLAT OF PARK VILLAGE SUBDIVISION, UNIT 7, WAS FILED WITH THE CITY OF BULVERDE, TEXAS ON THE _____ DAY OF _____, 2021. 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

STATE OF TEXAS
COUNTY OF COMAL

I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

M.W. CUDE ENGINEERS, L.L.C.
JAMES W. RUSSELL, R.P.L.S.

REGISTERED PROFESSIONAL LAND SURVEYOR
R.P.L.S. #4230

STATE OF TEXAS
COUNTY OF COMAL

I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT TO THE MATTERS OF STREETS, LOTS, AND DRAINAGE LAYOUT. TO THE BEST OF MY KNOWLEDGE THIS PLAT CONFORMS TO ALL REQUIREMENTS OF COMAL COUNTY.

M.W. CUDE ENGINEERS, L.L.C.
JEFFREY A. MCKINNIE, P.E.

LICENSED PROFESSIONAL ENGINEER NO. 89393

THIS PLAT OF PARK VILLAGE SUBDIVISION, UNIT 7 HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY OF BULVERDE PLANNING AND ZONING COMMISSION, COMAL COUNTY, TEXAS AND IS HEREBY APPROVED FOR THE FILING BY SAID COMMISSION ON _____, 2021, DATED THIS DAY OF _____, A.D., 2021.

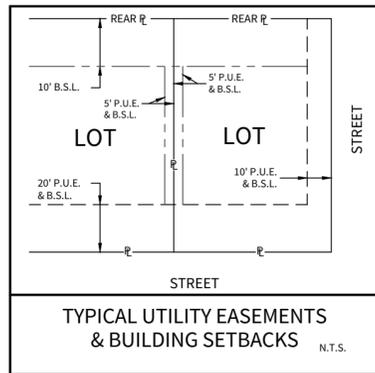
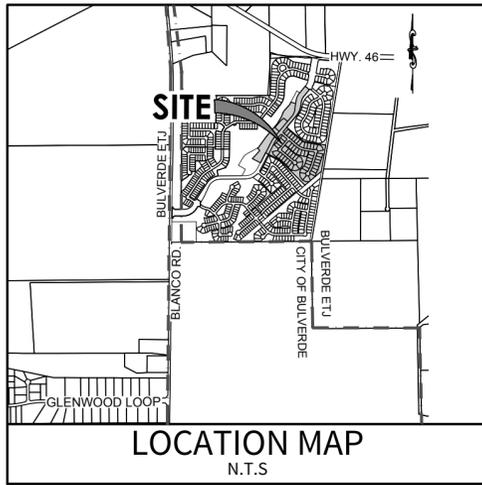
BY: _____
CHAIRMAN
CITY OF BULVERDE
PLANNING AND ZONING COMMISSION

STATE OF TEXAS
COUNTY OF COMAL

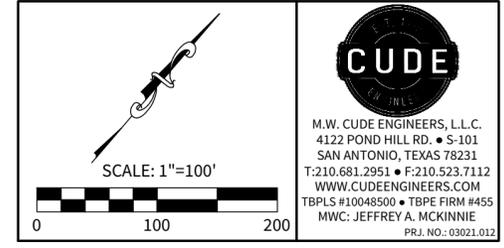
I, _____, COUNTY CLERK OF COMAL COUNTY, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON _____ DAY OF _____, A.D. _____ AT _____ M. AND DULY RECORDED THE _____ DAY OF _____, A.D. _____ AT _____ M. IN THE RECORDS OF MAPS AND PLATS IN SAID OFFICE, OF SAID COUNTY, IN DOCUMENT NUMBER _____ IN TESTIMONY WHEREOF, WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE, THIS _____ DAY OF _____, A.D. _____, 2021.

BY: _____
COUNTY CLERK, COMAL COUNTY, TEXAS

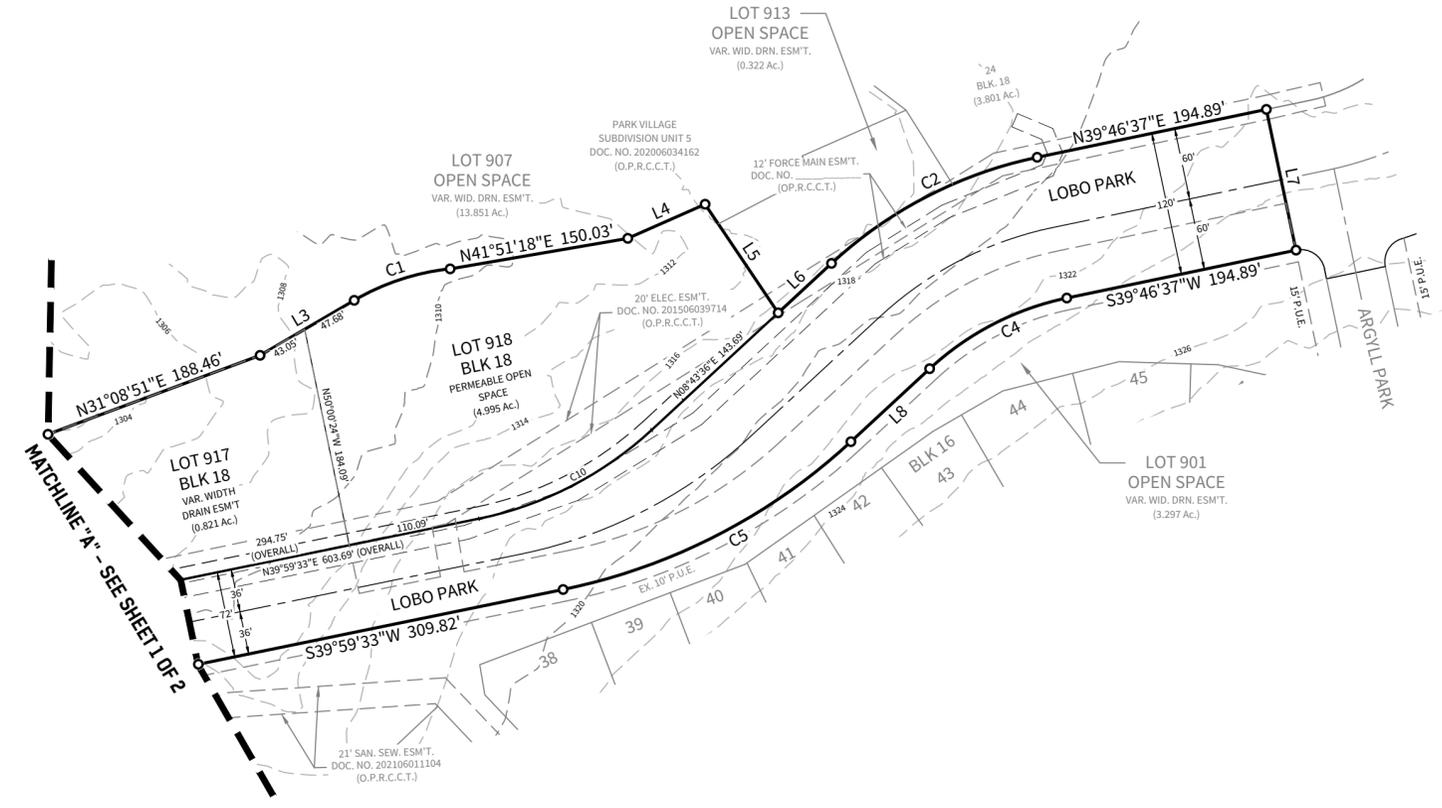
June 2, 2021 SHEET 1 OF 2



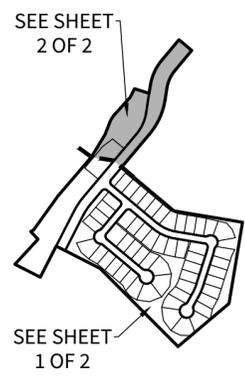
PRELIMINARY PLAT
ESTABLISHING
PARK VILLAGE SUBDIVISION, UNIT 7
 A SUBDIVISION PLAT ESTABLISHING 54 RESIDENTIAL LOTS AND 3 OPEN SPACE LOTS, CONTAINING 29.305 ACRES; SAID TRACT IS A PORTION OF THE TRACT CONTAINING 277.39 ACRES DESCRIBED IN THE DEED FROM BELLE OAKS RANCH, LTD. TO TWO SEVENTY SEVEN PARK VILLAGE, LTD. RECORDED UNDER DOCUMENT, 200506038360, O.P.R.C.C.T., SITUATED IN THE H. WHITE SURVEY NO. 430, ABSTRACT 658, COMAL COUNTY, TEXAS.



CUDE
 M.W. CUDE ENGINEERS, L.L.C.
 4122 POND HILL RD. • S-101
 SAN ANTONIO, TEXAS 78231
 T:210.681.2951 • F:210.523.7112
 WWW.CUDEENGINEERS.COM
 TBPLS #10048500 • TBPE FIRM #455
 MWC: JEFFREY A. MCKINNIE
 PRJ. NO.: 03021.012



- LEGEND**
- Ac. = ACRES
 - B.S.L. = BUILDING SETBACK LINE
 - C1 = CURVE NUMBER
 - DOC. = DOCUMENT
 - D.P.R. = DEED PLOT REFERENCE
 - DRN. = DRAINAGE
 - ELEC. = ELECTRIC
 - ESMT. = EASEMENT
 - EX. = EXISTING
 - GBRA = GUADALUPE-BLANCO RIVER AUTHORITY
 - G.P.M. = GALLONS PER MINUTE
 - F.I.R. = FOUND IRON ROD
 - L1 = LINE NUMBER
 - LTD. = LIMITED
 - MSL = MEAN SEA LEVEL
 - N.A.D. = NORTH AMERICAN DATUM
 - NO. = NUMBER
 - N.T.S. = NOT TO SCALE
 - O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS
 - PERM. = PERMEABLE
 - PG. = PAGE
 - PGS. = PAGES
 - P.U.E. = PUBLIC UTILITY EASEMENT
 - R.O.W. = RIGHT-OF-WAY
 - SAN. SEW. = SANITARY SEWER
 - VAR. = VARIABLE
 - WAT. = WATER
 - WID. = WIDTH
 - W.W.T.P. = WASTE WATER TREATMENT PLANT
 - = STREET CENTERLINE
 - = CITY LIMIT LINE
 - = EXISTING GROUND MAJOR CONTOUR
 - = EXISTING GROUND MINOR CONTOUR
 - = 1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "CUDE"



LINE	BEARING	LENGTH
L1	N43°06'45"W	76.17'
L2	N61°34'34"E	23.67'
L3	N21°14'27"E	90.73'
L4	N27°44'16"E	70.36'
L5	S72°13'49"E	109.13'
L6	N08°43'36"E	60.56'
L7	S50°13'23"E	120.00'
L8	S08°43'37"W	89.38'
L9	N63°01'14"W	72.00'
L10	S28°49'32"W	75.03'
L11	S28°49'32"W	75.03'
L12	S25°32'43"W	55.04'
L13	S28°49'32"W	86.08'
L14	S10°53'06"W	73.41'
L15	N17°16'45"E	54.17'
L16	N34°35'10"E	54.17'
L17	N28°49'32"E	40.05'
L18	N58°44'20"W	51.59'
L19	N42°15'42"W	51.59'
L20	N26°44'09"W	45.66'
L21	N59°28'55"W	70.97'
L22	N49°21'32"W	73.82'
L23	N25°41'36"W	73.82'

CURVE	RADIUS	DELTA	TANGENT	LENGTH	CHORD	CHORD BEARING
C1	200.00'	24°15'23"	42.98'	84.67'	84.04'	N33°22'09"E
C2	360.00'	31°03'00"	100.01'	195.09'	192.71'	N24°15'07"E
C3	264.43'	40°31'33"	97.62'	187.04'	183.16'	N69°16'07"E
C3	264.43'	40°31'33"	97.62'	187.04'	183.16'	N69°16'07"E
C4	240.00'	31°02'59"	66.67'	130.06'	128.48'	S24°15'07"W
C5	500.00'	31°15'56"	139.91'	272.84'	269.47'	S24°21'35"W
C6	453.00'	13°00'47"	51.66'	102.88'	102.66'	N33°29'10"E
C7	381.00'	13°00'47"	43.45'	86.53'	86.35'	N33°29'10"E
C8	25.00'	90°00'00"	25.00'	39.27'	35.36'	N84°59'33"E
C9	25.00'	90°00'00"	25.00'	39.27'	35.36'	N05°00'27"W
C10	300.00'	31°15'57"	83.95'	163.71'	161.68'	N24°21'35"E
C11	25.00'	90°00'00"	25.00'	39.27'	35.36'	N05°00'27"W
C12	25.00'	90°00'00"	25.00'	39.27'	35.36'	N84°59'33"E
C13	25.00'	90°00'00"	25.00'	39.27'	35.36'	N05°00'27"W
C14	25.00'	36°05'26"	8.14'	15.75'	15.49'	S58°02'16"W
C15	50.00'	162°10'51"	318.95'	141.53'	98.79'	S05°00'27"E
C16	25.00'	36°05'26"	8.14'	15.75'	15.49'	S68°03'10"E
C17	25.00'	48°11'23"	11.18'	21.03'	20.41'	S25°54'45"E
C18	50.00'	276°22'46"	44.72'	241.19'	66.67'	N39°59'33"E
C19	25.00'	48°11'23"	11.18'	21.03'	20.41'	N74°06'08"W

CURVE	RADIUS	DELTA	TANGENT	LENGTH	CHORD	CHORD BEARING
C20	325.00'	30°35'08"	88.87'	173.49'	171.44'	S65°18'01"E
C21	275.00'	30°35'08"	75.19'	146.80'	145.06'	S65°18'01"E
C22	25.00'	36°59'52"	8.36'	16.14'	15.86'	N80°54'29"E
C23	50.00'	164°13'03"	360.74'	143.31'	99.05'	S35°28'55"E
C24	25.00'	35°37'11"	8.03'	15.54'	15.29'	S28°49'01"W
C25	425.00'	6°39'38"	24.73'	49.41'	49.38'	S14°20'15"W
C26	25.00'	91°11'44"	25.53'	39.79'	35.72'	S34°59'43"E
C27	375.00'	7°03'55"	23.15'	46.24'	46.21'	S14°08'06"W
C28	375.00'	11°09'28"	36.63'	73.03'	72.91'	S23°14'48"W
C29	425.00'	11°09'28"	41.51'	82.76'	82.63'	S23°14'48"W
C30	25.00'	48°11'23"	11.18'	21.03'	20.41'	S52°55'14"W
C31	50.00'	276°22'46"	44.72'	241.19'	66.67'	S61°10'28"E
C32	25.00'	48°11'23"	11.18'	21.03'	20.41'	N04°43'51"E
C33	235.00'	8°15'39"	16.97'	33.88'	33.85'	S13°32'15"W

REVIEW MEMORANDUM

TO: Kyle M. Hudek, P.E.
Cude Engineers
4122 Pond Hill Rd, Ste. 101
San Antonio, TX 78231

FROM: Sam Edwards, PE
sedwards@half.com

SUBJECT: Park Village Unit 7
Preliminary Plat Acceptance
PC-21-07

DATE: June 3, 2021

Half Associates, on behalf of the City of Bulverde, has performed a review on the preliminary plat application and supporting documents for the Park Village Unit 7 development dated 6-2-2021. The review was conducted relative to the requirements established in the vested Subdivision Ordinance 258-07-09-25 of the City of Bulverde, the City's Drainage Design Manual (DDM) AND the Development Agreement dated July 31, 2014 with Two Seventy Seven, 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 of the Park Village Unit 7 Preliminary Plat at the next available Planning & Zoning meeting.

Plat specifications, Ordinance Section 1.05(b)

1. Provide bearing and distance dimension from a corner of the subdivision to a corner of the original tract or survey. – **comment resolved**
2. General Platting Note #11 says roadway length is 4,958 LF but it measures closer to 4,050 LF. – **comment resolved**
3. General Platting Note #8 says 66 Lots, 23.69 acres...conflicts with legal description in upper right corner = 54 lots, 29.305 acres – **comment resolved**
4. Include City and ETJ limits on Location Map. – **comment resolved**
5. Review the wording on the Legal Description – **applicant says it is correct.**
6. Review note No. 8. – **comment resolved...note has been corrected.**
7. Add the Bulverde planning signature block. – **comment resolved**

Plat Supporting Documents, Ordinance Section 1.04(c)

No comments

General Design 2.03(c)

No comments

Streets 2.04(a)

No comments

Drainage Analysis

No comments. Detention pond #1's last expansion was shown with Unit 8 plans to include Unit 7 development and full buildout.



PLANNING AND ZONING COMMISSION ITEM:
PC-21-08
FINAL PLAT
SPRING BRANCH VET HOSPITAL

MEETING DATE: June 10, 2021
DEPARTMENT: Planning & Development
PRESENTED BY: Eron Spencer, Planner I

REQUEST:

Consider the approval of a Final Plat for the Spring Branch Vet subdivision, generally located a quarter mile south of Flying R Ranch Rd., at 5090 US Highway 281 North.

APPLICANT:

INK Civil
Attn: James Ingalls, P.E.
2021 SH 46 W, Ste. 105
New Braunfels, TX 78132

PROPERTY INFORMATION:

Owner: MPH Real Estate, LLC., Attn: Megan Hughes
Legal Description: BEING A 0.997 OF AN ACRE TRACT OF LAND OUT OF THE THEODORE HANZ SURVEY NO.725, ABSTRACT NO. 731, IN COMAL COUNTY, TEXAS, BEING THAT SAME CERTAIN CALLED 1.00 ACRE TRACT OF LAND, AS CONVEYED TO MPH REAL ESTATE, LLC, AND RECORDED IN DOCUMENT NO. 201606027768, OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, AND BEING A 1.00 ACRE TRACT OF LAND OUT OF THE AGAPITA NAVA SURVEY NO. 451, ABSTRACT NO. 32, IN COMAL COUNTY, TEXAS, BEING OUT OF A CALLED 9.962 ACRE TRACT OF LAND, AS CONVEYED TO JLS STRUTHOFF HOLDINGS, LLC, AND RECORDED IN DOCUMENT NO. 201906036634, OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS.
Size: 1.997 Acres; 1 Lot
Existing Land Use: Commercial
Existing Zoning: C-3, Commercial District

SUMMARY:

This is a proposed final plat for Spring Branch Veterinary Hospital. It falls under the City of Bulverde's current plat submittal requirements. The purpose of this final plat is to expand the parking lot at the existing veterinarian office.

The proposed final plat shows the new property boundary of the existing 0.99 acre-tract being combined with a newly purchased 1 acre lot out of the adjacent 9.962 acre-tract owned by JLS

Struthoff Holdings, LLC. As such, the proposed final plat would establish a 1.997-acre commercial lot. Since this is not part of a phased development, it does not require a preliminary plat.

ANALYSIS:

The proposed subdivision lies completely inside the City Limits. The lot is currently served by a private water well and on-site septic facilities. Utility certification letters were provided by Guadalupe Valley Telephone Cooperative, Inc. (GVTC), and Pedernales Electric Cooperative (PEC).

STAFF RECOMMENDATION:

Halff Associates and City staff have reviewed the proposed final plat and associated documents. Per the attached review memo, comments relating the platting of the remainder tract have not been resolved.

Therefore, staff recommends **DENIAL** of this final plat.

ATTACHMENTS:

1. Application
2. Final Plat
3. Halff Review Memo



APPLICATION FOR FINAL 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: Spring Branch Vet Commercial Unit No
 Location Description/Nearest Intersection: Hwy 281, quarter of a mile south of Flying R Ranch Rd

2. Owner/Applicant: MPH Real Estate, LLC. attn: Megan Hughes
 Address: 5090 Hwy 281 North, Spring Branch, TX 78070 Email: brokerassistant@dleedwardsrealty.com
 Telephone: 903-738-5239 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): James Ingalls, P.E. (Agent)
 Address: 2021 Sh 46W, Ste. 105, New Braunfels, TX 78132 Email: plats@ma-tx.com
 Telephone: 830-358-7127 Fax: Mobile:

4. Property Details:

City Limits:	<input checked="" type="checkbox"/> In <input type="checkbox"/> Out (ETJ)	Water Source:	<u>private water well</u>
Commercial:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Sewage Treatment:	<u>On-site septic (ossf)</u>
Residential:	<input type="checkbox"/> Yes <input type="checkbox"/> No		
No. of Lots:	<u>1</u>	TxDOT Frontage:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Total Acreage without floodplain:	<u>1.997</u>	100-Year Floodplain:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Density Class:	<u> </u>	Edwards Aquifer Zone:	<input type="checkbox"/> Recharge
Zoning Class:	<u>C3</u>		<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.



 Signature of Owner/Applicant

3-16-21

 Date

Fees and Submittal Dates on Page 2

Fees:

Final Plats

- \$1250.00 + \$15.00 per lot single family; \$30.00 per acre for non-single family.

Traffic Impact Analysis (TIA) Review

- \$1250.00 - Minor TIA
- \$2500.00 - Major TIA

Drainage Analysis Review Tier 1

- \$750

Drainage Analysis Review Tier 2 single family residential

- \$1500 – (0-5 acres)
- \$2500 + \$10/lot – (5+ acres)

Drainage Analysis Review Tier 2 Commercial/Industrial/Multi-Family

- \$1750 - (0-5 acres)
- \$2500 + \$10/acre (5+ acres)

Subdivision Improvement Construction Plan Review

- \$2500

Subdivision Improvement Construction Inspection

- \$50 + \$2.00/LF of each infrastructure improvement to be inspected

Subdivision Improvement Construction Deposit for Multiple Inspections

- \$50 + \$2.00/LF of each infrastructure improvement to be inspected

SUBMITTAL DATES: OCTOBER 2019 – DECEMBER 2020

Planning & Zoning Meeting	City Council Meeting	Submittal Date
OCTOBER 10, 2019	NOVEMBER 12, 2019	SEPTEMBER 12, 2019
NOVEMBER 14, 2019	DECEMBER 10, 2019	OCTOBER 15, 2019
DECEMBER 12, 2019	JANUARY 14, 2020	NOVEMBER 13, 2019
JANUARY 16, 2020	FEBRUARY 11, 2020	DECEMBER 17, 2019
FEBRUARY 13, 2020	MARCH 10, 2020	JANUARY 15, 2020
MARCH 12, 2020	APRIL 14, 2020	FEBRUARY 11, 2020
APRIL 16, 2020	MAY 12, 2020	MARCH 17, 2020
MAY 14, 2020	JUNE 9, 2020	APRIL 14, 2020
JUNE 11, 2020	JULY 14, 2020	MAY 12, 2020
JULY 16, 2020	AUGUST 11, 2020	JUNE 16, 2020
AUGUST 13, 2020	SEPTEMBER 8, 2020	JULY 14, 2020
SEPTEMBER 10, 2020	OCTOBER 13, 2020	AUGUST 11, 2020
OCTOBER 15, 2020	NOVEMBER 10, 2020	SEPTEMBER 15, 2020
NOVEMBER 12, 2020	DECEMBER 8, 2020	OCTOBER 13, 2020
DECEMBER 10, 2020	JANUARY 12, 2021	NOVEMBER 10, 2020



Planning and Development Final Plat Application Checklist

**ALL SUBMITTALS MUST FOLLOW THE FOLLOWING REQUIREMENTS TO BE
ACCEPTED BY THE CITY OF BULVERDE FOR INITIAL REVIEW**

- 2 Copies of the Final Plat
- One electronic copy of each document required below and plat drawing(s) in PDF format.
- A check or money order for the platting fee, review fee and other required fees.
 - Plat Application & Review Fee
 - SWMP Review Fee
 - TIA Fee
 - SICP Fee
- 2 copies of the Final Utility Layout showing all proposed utilities and easements
- 2 copies of the Final Traffic Impact Analysis
- 2 copies of construction cost projections for improvements required herein. Cost projections prepared without complete and approved construction plans shall include at a minimum a 10% design phase contingency and a 15% construction contingency.
- 1 copy of the approved Floodplain Development Permit from Comal County if subdivision includes property within the ETJ.
- 2 copies of the Final Drainage Study
- 1 copy of the recorded deed
- 1 copy of each letter approving the Final Plat reviewed by all utilities that will provide service to the proposed subdivision and all entities with regulatory authority pertaining to the proposed subdivision including but not limited to the following.
 - Electric Utility
 - Gas Utility
 - Public Water System
 - Telephone Utility
 - Cable TV Utility
 - TxDOT
 - TCEQ
 - Other agencies or entities having jurisdiction
- Variance Requests (if any)
- Original Tax Certificates
 - City
 - County
 - School
- Letter of Agent or other power of attorney authorizing signature of Owner on plat

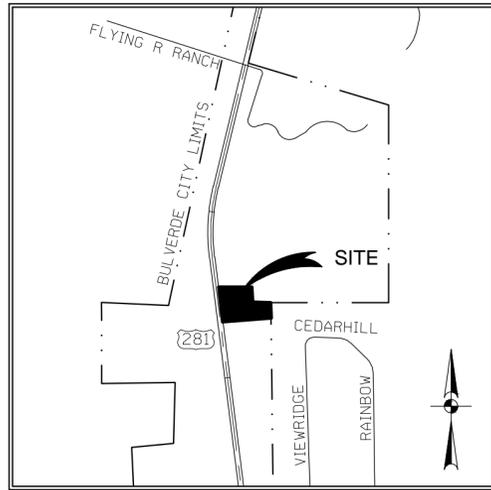
Reviewed by:

Date:

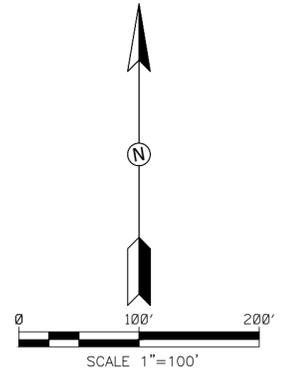
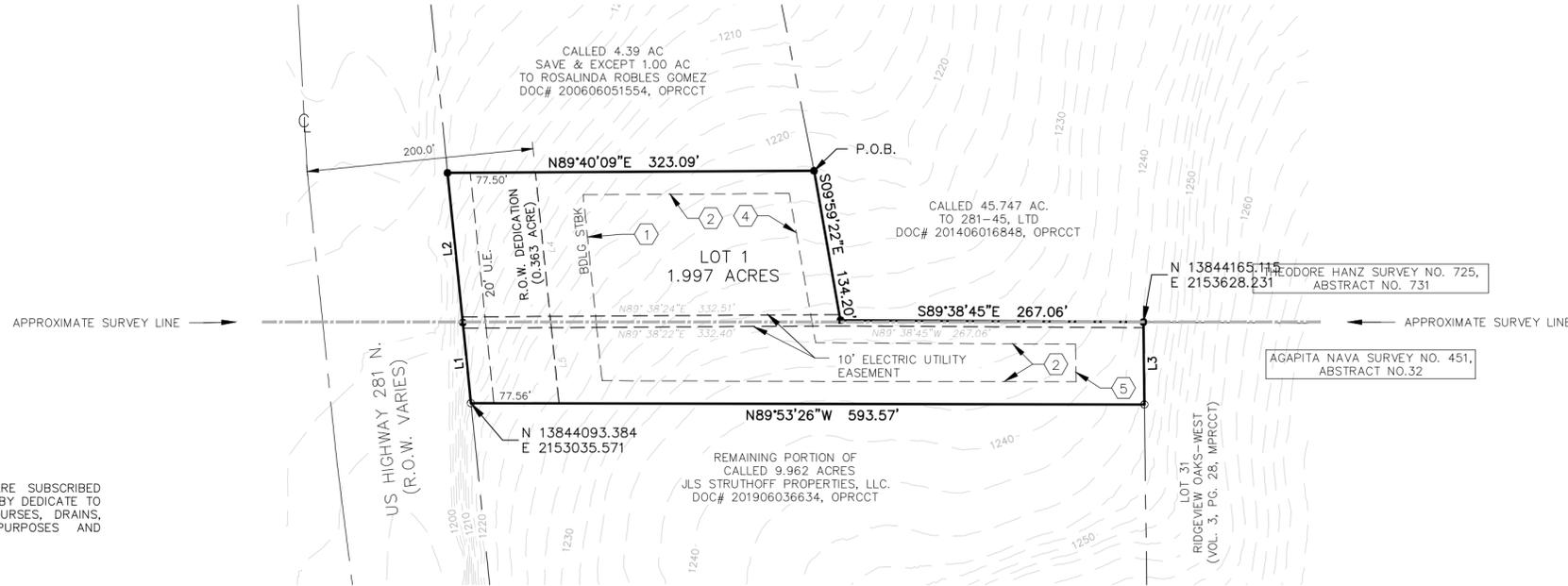
Case Number:

PLAT ESTABLISHING
SPRING BRANCH VET SUBDIVISION

BEING A 0.997 OF AN ACRE TRACT OF LAND OUT OF THE THEODORE HANZ SURVEY NO.725, ABSTRACT NO. 731, IN COMAL COUNTY, TEXAS, BEING THAT SAME CERTAIN CALLED 1.000 ACRE TRACT OF LAND, AS CONVEYED TO MPH REAL ESTATE, LLC, AND RECORDED IN DOCUMENT NO. 201606027768, OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS, AND BEING A 1.000 ACRE TRACT OF LAND OUT OF THE AGAPITA NAVA SURVEY NO. 451, ABSTRACT NO. 32, IN COMAL COUNTY, TEXAS, BEING OUT OF A CALLED 9.962 ACRE TRACT OF LAND, AS CONVEYED TO JLS STRUTHOFF HOLDINGS, LLC, AND RECORDED IN DOCUMENT NO. 201906036634, OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS.



LOCATION MAP
 SCALE: 1"=3,000'



LINE TABLE		
LINE	LENGTH	BEARING
L1	71.66'	N05°49'17"W
L2	133.08'	N05°49'05"W
L3	72.87'	S00°42'48"E
L4	133.08'	N05°48'48"W
L5	72.26'	N05°49'48"W

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

THE OWNERS OF THE LAND SHOWN ON THIS PLAT WHOSE NAMES ARE SUBSCRIBED HERETO, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, PARKS, WATER COURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

OWNER:
 MPH REAL ESTATE, LLC
 MEGAN P HUGHES,
 5090 HWY 281 NORTH
 SPRING BRANCH, TEXAS 78070

LEINHOLDER:
 FIRST COMMAND FINANCIAL SERVICES, INC.
 GEOFFREY GRIFFIN, VICE PRESIDENT
 1 FIRSTCOMM PLAZA,
 FORT WORTH, TEXAS 76109

STATE OF TEXAS
 COUNTY OF COMAL
 THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS ____DAY OF _____, 2020.

BY _____

NOTARY PUBLIC, STATE OF TEXAS
 MY COMMISSION EXPIRES: _____

KNOW ALL MEN BY THESE PRESENTS:

I, THE UNDERSIGNED, DREW A. MAWYER, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE UNDER MY SUPERVISION AND IN COMPLIANCE WITH CITY AND STATE SURVEY REGULATIONS AND LAWS AND MADE ON THE GROUND AND THAT THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

DREW A. MAWYER
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5348
 D.A. MAWYER LAND SURVEYING
 5151 W. SH46
 NEW BRAUNFELS, TEXAS 78132
 FIRM #10191500

NOTES:

- THE LOT IS PROVIDED WATER BY PRIVATE WATER WELL. SEWER IS PROVIDED BY ON-SITE SEPTIC. ELECTRIC SERVICE WILL BE PROVIDED BY PEDERNALES ELECTRIC COOPERATIVE, INC. NO GAS SERVICE WILL BE PROVIDED.
- THE SUBDIVISION IS WITHIN THE COMAL INDEPENDENT SCHOOL DISTRICT.
- ALL BEARINGS AND COORDINATES SHOWN HEREON ARE IN GRID BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983. DISTANCES SHOWN HEREON ARE SURFACE USING COMBINED SCALE FACTOR OF 1.00015.
- MONUMENTS WERE FOUND OR SET AT EACH CORNER OF THE SURVEY BOUNDARY OF THE SUBDIVISION. MONUMENTS AND MARKERS WILL BE SET WITH 1/2" IRON PIN WITH PLASTIC CAP STAMPED "DAM #5348 PROP. COR." IMMEDIATELY AFTER COMPLETION OF UTILITY INSTALLATION AND STREET CONSTRUCTION UNLESS NOTED OTHERWISE.
- SPRING BRANCH VET SUBDIVISION FALLS WITHIN THE CITY LIMITS OF THE CITY OF BULVERDE.
- SPRING BRANCH VET SUBDIVISION ESTABLISHING A TOTAL OF 1 LOTS, WITH 1 BEING BUILDABLE.
- NO PORTION OF THE SUBDIVISION IS LOCATED WITHIN THE EXISTING SPECIAL FLOOD HAZARD ZONE A, 100-YEAR FLOOD BOUNDARY, AS DEFINED BY THE COMAL COUNTY, TEXAS COMMUNITY PANEL NUMBER 48091C0210F, REVISED SEPTEMBER 2, 2009 AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- A PORTION OF THIS PROPERTY IS WITHIN THE EDWARDS AQUIFER CONTRIBUTING ZONE.

TXDOT NOTES:

- FOR COMMERCIAL DEVELOPMENT DIRECTLY ADJACENT TO STATE RIGHT-OF-WAY, THE DEVELOPER SHALL BE RESPONSIBLE FOR ADEQUATE SETBACK AND/OR SOUND ABATEMENT MEASURES FOR FUTURE NOISE MITIGATION.
- OWNER/DEVELOPER IS RESPONSIBLE FOR PREVENTING ANY ADVERSE IMPACT TO THE EXISTING DRAINAGE SYSTEM WITHIN THE HIGHWAY RIGHT-OF-WAY.
- MAXIMUM ACCESS POINTS TO STATE HIGHWAY FROM THIS PROPERTY WILL BE REGULATED AS DIRECTED BY TXDOT'S "ACCESS MANAGEMENT MANUAL". THE PROPERTY IS ELIGIBLE FOR MAXIMUM COMBINED TOTAL OF 1 (ONE) ACCESS POINT, BASED ON AN OVERALL PLATTED HIGHWAY FRONTAGE OF APPROXIMATELY 204.7 FEET. THE ACCESS POINT WILL BECOME RIGHT-IN/OUT ONLY IN THE FUTURE. WHERE TOPOGRAPHY OR OTHER EXISTING CONDITIONS MAKE IT INAPPROPRIATE OR NOT FEASIBLE TO CONFORM TO THE CONNECTION SPACING INTERVALS, THE LOCATION OF REASONABLE ACCESS WILL BE DETERMINED WITH CONSIDERATION GIVEN TO TOPOGRAPHY, ESTABLISHED PROPERTY OWNERSHIPS, UNIQUE PHYSICAL LIMITATIONS, AND/OR PHYSICAL DESIGN CONSTRAINTS. THE SELECTED LOCATION SHOULD SERVE AS MANY PROPERTIES AND INTERESTS AS POSSIBLE TO REDUCE THE NEED FOR ADDITIONAL DIRECT ACCESS TO THE HIGHWAY. IN SELECTING LOCATIONS FOR FULL MOVEMENT INTERSECTIONS, PREFERENCE WILL BE GIVEN TO PUBLIC ROADWAYS THAT ARE ON LOCAL THOROUGHFARE PLANS.
- IF SIDEWALKS ARE REQUIRED BY APPROPRIATE CITY ORDINANCE, A SIDEWALK PERMIT MUST BE APPROVED BY TXDOT, PRIOR TO CONSTRUCTION WITHIN STATE RIGHT-OF-WAY. LOCATIONS OF SIDEWALKS WITHIN STATE RIGHT-OF-WAY SHALL BE AS DIRECTED BY TXDOT.
- ANY TRAFFIC CONTROL MEASURE (LEFT TURN LANE, RIGHT TURN LANE, SIGNAL, ETC.) FOR ANY ACCESS FRONTING A STATE MAINTAINED ROADWAY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER/OWNER.

KEY NOTE:

- FRONT BLDG SETBACK OF 40' FT
- SIDE BLDG SETBACK OF 20' FT
- SIDE BLDG SETBACK OF 40' FT ADJACENT TO RESIDENTIAL ZONE
- BACK BLDG SETBACK OF 25' FT
- BACK BLDG SETBACK OF 60' ADJACENT TO RESIDENTIAL ZONE

THIS PLAT OF _____ WAS FILED WITH THE CITY OF BULVERDE, TEXAS ON THE DAY OF _____, 2021. THE CITY COUNCIL OF THE CITY OF BULVERDE FAILED TO ACT UPON SUCH PLAT WITHIN THE TIME PERIOD PRESCRIBED BY THE CHAPTER 214, TEXAS LOCAL GOVERNMENT CODE.

DATED THE ____ DAY OF _____, 2021

BY: _____
 PLANNING DIRECTOR

STATE OF TEXAS
 COUNTY OF COMAL

I, _____ DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WAS FILED FOR RECORD IN THE MAP AND PLAT RECORDS, DOC# _____ OF COMAL COUNTY ON THE ____ DAY OF _____, 20____, AT _____ M. WITNESS MY HAND OFFICIAL SEAL, THIS THE ____ DAY OF _____, A.D. 20____.

COUNTY CLERK, COMAL COUNTY, TEXAS

DEPUTY



2021 SH 46W, Ste. 105
 New Braunfels, TX 78132
 ph: (830) 358-7127
 www.ma-tx.com TBPE FIRM F-13351

- LEGEND:**
- P.O.B. = POINT OF BEGINNING
 - B.L. = BUILDING SETBACK LINE
 - D.E. = DRAINAGE EASEMENT
 - U.E. = UTILITY EASEMENT
 - R.O.W. = RIGHT-OF-WAY
 - O.S. = OPEN SPACE LOT
 - OPRCCT = OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS
 - MPRCCT = MAP AND PLAT RECORDS OF COMAL COUNTY, TEXAS
 - = APPROXIMATE SURVEY LINE
 - = 1/2" IRON PIN SET
 - = IRON PIN FOUND
 - = TXDOT MONUMENT FOUND

REVIEW MEMORANDUM

TO: James Ingalls, P.E.
Ink Civil
2021 SH 46W, Ste. 105
New Braunfels, TX 78132
plats@ma-tx.com

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

SUBJECT: Spring Branch Vet Commercial
Final Plat Review No.2
PC-21-08

DATE: June 2, 2021

Halff Associates, on behalf of the City of Bulverde, has performed a review on the Spring Branch Vet Commercial Final Plat, dated March 16, 2021 and supporting documents. The review was conducted relative to the requirements established in the current Subdivision Ordinance and Drainage Design Criteria Manual (DDCM, January 2019). The following items were reviewed, with resolved items noted in **blue** and unresolved/new items noted in **red** to be addressed by the applicant before resubmittal.

Plat specifications, Ordinance Section 1.05(b)

1. Bearing and distance dimension from a corner of the subdivision to a corner of the original tract or original survey. – **Comment resolved**
2. A minimum of two corners of the subdivision referenced to State Plane Grid Coordinates. – **Comment resolved**
3. Contour lines showing existing elevations at a two-foot contour interval for slopes up to 10 percent and at a five-foot contour interval for slopes greater than 10 percent. Contour lines shall be gray-scaled to avoid confusion with the subdivision lot lines, right-of-way boundaries, etc. – **Comment resolved**
4. Label all easements with bearing and direction to a fixed location. – **Comment resolved**
5. Provide bearing, direction and acreage of ROW “dedication”. – **Comment resolved**
6. Missing setback lines and legend with abbreviations and line types (place front setback line behind the ROW dedication). – **Comment resolved**
7. Plat does not close, see closure check below. Make sure bearing & distance is directed in a clockwise direction around the perimeter for closure. – **Comment resolved**
8. Remove the signature block for the City Engineer. – **Comment resolved**

9. The Planning Director's signature block should read: – **Comment resolved**

THIS PLAT OF _____ 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*

10. Remove note 6 regarding the proposed use of the subdivision. – **Comment resolved**

11. Removed note 8 regarding elevations. – **Comment resolved**

12. Provide the name and address of the Lienholder. – **Comment resolved**

Plat Supporting Documents, Ordinance Section 1.04(c)

13. According to the Drainage Report, dated 3/16/21, proposed improvements are limited to just over 3,000 SF of additional parking area. The existing lot already includes 30,000 SF of impervious cover from concrete driveway, parking lot and 4,000 SF building. Runoff will follow existing grade to a well-defined drainage ditch along US-281 and drain north for 200 LF before entering an existing drop inlet. Halfff concurs that the additional runoff generated from this development should not adversely affect adjacent properties and is adequately safe from flooding. – **no response required.**

Remainder Tracts, Ordinance Section 1.06(e)

14. Any land left after platting or conveying a portion of a parent tract shall be considered a remainder tract. The owner of a remainder tract will need to obtain final approval of a subdivision plat or conveyance plat for the remainder tract as required by this Ordinance. In this case, the remainder tract is proposed to remain unplatted. However, a final plat may not be approved if it results in a remainder tract that cannot be legally platted under the terms of the Bulverde Code of Ordinances. – **response says there should be no legal reason that the remaining 9.962 acres could not be platted independently, but this does not comply with Section 1.06(e)(i)(2) of the Subdivision Ordinance: A remainder tract shall not be considered in compliance with this Ordinance, unless:**

- (A) *the owner of such remainder tract has obtained final approval of a subdivision plat or conveyance plat for the remainder tract, as required by this Ordinance; or*
(B) *The remainder tract is located within the development boundaries of an approved Master Development Plan (MPD).*

The remainder tract will need to be platted concurrently.



PLANNING AND ZONING COMMISSION ITEM:
PC-21-09
FINAL PLAT
CIBOLO CLIFF RANCHES

MEETING DATE: June 10, 2021
DEPARTMENT: Planning & Development
PRESENTED BY: Eron Spencer, Planner I

REQUEST:

Consider the approval of a Final Plat for Cibolo Cliff Ranches subdivision, generally located at 7055 FM 1863.

APPLICANT:

INK Civil
Attn: James Ingalls, P.E.
2021 SH 46 W, Ste. 105
New Braunfels, TX 78132

PROPERTY INFORMATION:

Owner: A Z Family, L.P., Attn: Phil Zaccaria
Legal Description: BEING ALL OF A 239.536 ACRE TRACT OF LAND SITUATED IN THE COMAL COUNTY, TEXAS, BEING OUT OF THE ALEJO MONTEZ SURVEY NO. 413, ANNA DECKER SURVEY NO. 678, BEATY SEALE & FORWOOD SURVEY NO. 821, BEATY SEAL & FORWOOD SURVEY 01, BEATY-SEALE & FORWOOD SURVEY NO. 799 AND THE E. CASA SURVEY NO. 347, AND BEING ALL OF A CALLED 187.7 ACRE TRACT OF LAND (TRACT ONE), A PORTION OF A CALLED 83.287 ACRE TRACT OF LAND (TRACT TWO), AND ALL OF A CALLED 6.761 ACRE TRACT OF LAND (TRACT THREE), AS CONVEYED TO ATTILIO ZACCARIA, JR. FAMILY LIMITED PARTNERSHIP, LTD. AND RECORDED IN DOCUMENT NO. 201606338940, OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS.
Size: 217 Acres; 22 lots
Existing Land Use: Undeveloped
Existing Zoning: Extraterritorial Jurisdiction (ETJ)
Proposed Land-Use: Single Family Residential

SUMMARY:

This is a proposed final plat for Cibolo Cliff Ranches. It falls under the City of Bulverde's current plat submittal requirements.

The proposed final plat would establish 22 single-family residential lots. Since this is not part of a phased development, it does not require a Master Development Plan.

PREVIOUS ACTIONS:

The preliminary plat was submitted concurrently with a request for a variance to the block length requirements (VR-19-17), and both items were approved by the Planning and Zoning Commission at its May 14, 2020 regular meeting. The associated variance request will also need to be approved by City Council.

In addition, City Council approved Resolution No. 327 on May 11, 2021, granting an extension to the expiration of the preliminary plat for Cibolo Cliff Ranches subdivision.

ANALYSIS:

The proposed subdivision lies completely outside the City Limits. Groundwater wells would provide water to lots in the subdivision while on-site septic facilities would serve each lot. The proposed development is low-density residential and will be a private community with no public roadways.

The Future Land Use Plan identifies the subject property under A – Agricultural and RL – Rural Living Place Types. A – Agricultural is characterized by very large tracts of undeveloped land used for agriculture uses and providing much of the open space character in the community. Its primary land use is agricultural with a secondary land use of single-family detached homes and supporting structures. RL – Rural Living is characterized by very large lots, abundant open space, and high degree of separation between buildings, with lots typically larger than 5 acres in size. Its primary land use is single-family detached homes with secondary uses as agricultural, open space, and limited amounts of supporting retail.

STAFF RECOMMENDATION:

Halff Associates and City staff have reviewed the proposed final plat and associated documents. Per the attached review memo, none of the comments relating to the drainage analysis have been resolved.

Therefore, staff recommends **DENIAL** of this final plat.

ATTACHMENTS:

1. Application
2. Final Plat
3. Halff Review Memo



APPLICATION FOR FINAL 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: Cibolo Cliff Ranches Unit No _____
 Location Description/Nearest Intersection: 7055 FM 1863 Bulverde, TX 78163

2. Owner/Applicant: James Ingalls, P.E. (Agent)
 Address: 2021 Sh 46W, Ste. 105, New Braunfels, TX 78132 Email: plats@ma-tx.com
 Telephone: 830-358-7127 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): James Ingalls, P.E.
 Address: 2021 Sh 46W, Ste. 105, New Braunfels, TX 78132 Email: jamesingalls@ma-tx.com
 Telephone: 830-358-7127 Fax: _____ Mobile: _____

4. Property Details:

City Limits:	<input checked="" type="checkbox"/> In	<input checked="" type="checkbox"/> Out (ETJ)	Water Source:	<u>private water well</u>
Commercial:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Sewage Treatment:	<u>On-site septic (ossf)</u>
Residential:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	TxDOT Frontage:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
No. of Lots:	<u>20</u>		100-Year Floodplain:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Total Acreage without floodplain:	<u>217 ac</u>		Edwards Aquifer Zone:	<input checked="" type="checkbox"/> Recharge
Density Class:	<u>Low</u>			<input type="checkbox"/> Contributing
Zoning Class:	<u>n/a</u>			

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.

 Signature of Owner/Applicant 3-12-21
Date

Fees and Submittal Dates on Page 2

**Plat submittals must follow format outlined in Pages 3 and 4 of this application.

Fees:

Final Plats

- \$1250.00 + \$15.00 per lot single family; \$30.00 per acre for non-single family.

Traffic Impact Analysis (TIA) Review

- \$1250.00 - Minor TIA
- \$2500.00 - Major TIA

Drainage Analysis Review Tier 1

- \$750

Drainage Analysis Review Tier 2 single family residential

- \$1500 – (0-5 acres)
- \$2500 + \$10/lot – (5+ acres)

Drainage Analysis Review Tier 2 Commercial/Industrial/Multi-Family

- \$1750 - (0-5 acres)
- \$2500 + \$10/acre (5+ acres)

Subdivision Improvement Construction Plan Review

- \$2500

Subdivision Improvement Construction Inspection

- \$50 + \$2.00/LF of each infrastructure improvement to be inspected

Subdivision Improvement Construction Deposit for Multiple Inspections

- \$50 + \$2.00/LF of each infrastructure improvement to be inspected

SUBMITTAL DATES: OCTOBER 2019 – DECEMBER 2020

Planning & Zoning Meeting	City Council Meeting	Submittal Date
OCTOBER 10, 2019	NOVEMBER 12, 2019	SEPTEMBER 12, 2019
NOVEMBER 14, 2019	DECEMBER 10, 2019	OCTOBER 15, 2019
DECEMBER 12, 2019	JANUARY 14, 2020	NOVEMBER 13, 2019
JANUARY 16, 2020	FEBRUARY 11, 2020	DECEMBER 17, 2019
FEBRUARY 13, 2020	MARCH 10, 2020	JANUARY 15, 2020
MARCH 12, 2020	APRIL 14, 2020	FEBRUARY 11, 2020
APRIL 16, 2020	MAY 12, 2020	MARCH 17, 2020
MAY 14, 2020	JUNE 9, 2020	APRIL 14, 2020
JUNE 11, 2020	JULY 14, 2020	MAY 12, 2020
JULY 16, 2020	AUGUST 11, 2020	JUNE 16, 2020
AUGUST 13, 2020	SEPTEMBER 8, 2020	JULY 14, 2020
SEPTEMBER 10, 2020	OCTOBER 13, 2020	AUGUST 11, 2020
OCTOBER 15, 2020	NOVEMBER 10, 2020	SEPTEMBER 15, 2020
NOVEMBER 12, 2020	DECEMBER 8, 2020	OCTOBER 13, 2020
DECEMBER 10, 2020	JANUARY 12, 2021	NOVEMBER 10, 2020



Planning and Development Final Plat Application Checklist

**ALL SUBMITTALS MUST FOLLOW THE FOLLOWING REQUIREMENTS TO BE
ACCEPTED BY THE CITY OF BULVERDE FOR INITIAL REVIEW**

- 2 Copies of the Final Plat
- One electronic copy of each document required below and plat drawing(s) in PDF format.
- A check or money order for the platting fee, review fee and other required fees.
 - Plat Application & Review Fee
 - SWMP Review Fee
 - TIA Fee
 - SICP Fee
- 2 copies of the Final Utility Layout showing all proposed utilities and easements
- 2 copies of the Final Traffic Impact Analysis
- 2 copies of construction cost projections for improvements required herein. Cost projections prepared without complete and approved construction plans shall include at a minimum a 10% design phase contingency and a 15% construction contingency.
- 1 copy of the approved Floodplain Development Permit from Comal County if subdivision includes property within the ETJ.
- 2 copies of the Final Drainage Study
- 1 copy of the recorded deed
- 1 copy of each letter approving the Final Plat reviewed by all utilities that will provide service to the proposed subdivision and all entities with regulatory authority pertaining to the proposed subdivision including but not limited to the following.
 - Electric Utility (CPS Energy
 - Gas Utility
 - Public Water System
 - Telephone Utility (GVTC)
 - Cable TV Utility (GVTC)
 - TxDOT
 - TCEQ
 - Other agencies or entities having jurisdiction
- Variance Requests (if any) (Block length, submitted with preliminary plat)
- Original Tax Certificates
 - City
 - County
 - School
- Letter of Agent or other power of attorney authorizing signature of Owner on plat

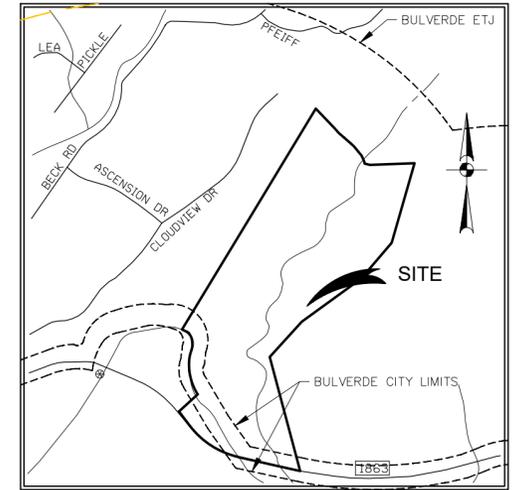
Reviewed by:

Date:

Case Number:

SUBDIVISION PLAT ESTABLISHING
CIBOLO CLIFF RANCHES SUBDIVISION

BEING ALL OF 239.536 ACRE TRACT OF LAND SITUATED IN THE COMAL COUNTY, TEXAS, BEING OUT OF THE ALEJO MONTEZ SURVEY NO. 413, ANNA DECKER SURVEY NO. 678, BEATY SEALE & FORWOOD SURVEY NO. 821, BEATY SEALE & FORWOOD SURVEY 801, BEATY-SEALE & FORWOOD SURVEY NO. 799, AND THE E. CASA SURVEY NO. 347, AND BEING ALL OF A CALLED 187.7 ACRE TRACT OF LAND (TRACT ONE), A PORTION OF A CALLED 83.287 ACRE TRACT OF LAND (TRACT TWO), AND ALL OF CALLED 6.761 ACRE TRACT OF LAND (TRACT THREE), AS CONVEYED TO ATTILIO ZACCARIA, JR. FAMILY LIMITED PARTNERSHIP, LTD. AND RECORDED IN DOCUMENT NO. 20160638940, OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY TEXAS.



LOCATION MAP
SCALE: 1"=2,000'

NOTES:

1. ALL LOTS WITHIN THE SUBDIVISION WILL BE SERVED BY INDIVIDUAL ON-SITE SEWAGE SYSTEM FACILITIES AND PRIVATE WATER WELLS. THERE WILL BE NO GAS SERVICE PROVIDED.
2. ALL STREETS ARE PROPOSED AS RURAL LOCAL TYPE FUNCTIONAL CLASSIFICATION WITH 60' FOOT RIGHT-OF-WAYS UNLESS NOTED OTHERWISE.
3. NO SIDEWALKS ARE PROPOSED FOR THIS DEVELOPMENT AS THESE STREETS ARE PROPOSED TO BE RURAL-LOCAL STREETS, ONE-FAMILY LARGE LOT RESIDENTIAL (RURAL).
4. LOT 900, BLOCK 1 IS A PRIVATE ROW AND IS A NON-BUILDABLE LOT. THE LOT IS TO BE USED FOR A PRIVATE STREET, DRAINAGE CONVEYANCE, UTILITY EASEMENT, AND OPEN SPACE. LOTS 901, 902, 903, BLOCK 1 IS A PROPERTY OWNERS ASSOCIATION LOT. THIS LOT WILL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER'S ASSOCIATION, THEIR SUCCESSOR'S OR ASSIGNS, AND SHALL NOT BE THE RESPONSIBILITY OF THE CITY OF BULVERDE OR COMAL COUNTY.
5. THE SUBDIVISION IS WITHIN THE COMAL INDEPENDENT SCHOOL DISTRICT.
6. ALL BEARINGS AND COORDINATES SHOWN HEREON ARE IN GRID BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983. DISTANCES SHOWN HEREON ARE SURFACE USING COMBINED SCALE FACTOR OF 1.00015.
7. MONUMENTS WERE FOUND OR SET AT EACH CORNER OF THE SURVEY BOUNDARY OF THE SUBDIVISION. MONUMENTS AND MARKERS WILL BE SET WITH 1/2" IRON PIN WITH PLASTIC CAP STAMPED "DAM #5348 PROP. COR." IMMEDIATELY AFTER COMPLETION OF UTILITY INSTALLATION AND STREET CONSTRUCTION UNLESS NOTED OTHERWISE.
8. CIBOLO CLIFF RANCHES, FALLS WITHIN THE CITY LIMITS AND THE EXTRA TERRITORIAL JURISDICTION OF THE CITY OF BULVERDE.
9. THE PROPOSED USE OF THE SUBDIVISION IS FOR SINGLE FAMILY RESIDENTIAL.
10. CIBOLO CLIFF RANCHES, ESTABLISHING A TOTAL OF 22 LOTS, WITH 20 BEING BUILDABLE.
11. THIS SUBDIVISION IS SUBJECT TO THE CITY OF BULVERDE PARK LAND AND DEDICATION ORDINANCE. THIS PLAT IS APPROVED FOR ONE (1) DWELLING UNIT PER BUILDABLE LOT WITH A MAXIMUM OF 19 LOTS WHERE FEES ARE DUE AT THE TIME OF RECORDED. AT SUCH TIME THAT ADDITIONAL DWELLING UNITS ARE CONSTRUCTED THE OWNER OF THE LOT SHALL CONTACT THE CITY AND COMPLY WITH THE ORDINANCE FOR EACH NEW DWELLING UNIT.
12. NO STRUCTURES, WALLS OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT, NO LANDSCAPING, FENCES, OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS SECTIONS OF THE DRAINAGE EASEMENTS OR DECREASES THE HYDRAULIC CAPACITY OF THE EASEMENT, AS APPROVED, SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE CITY ENGINEER. THE CITY OF BULVERDE AND COMAL COUNTY SHALL HAVE THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT PROPERTY TO REMOVE ANY OBSTRUCTIONS PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS AND TO MAKE ANY MODIFICATIONS OR IMPROVEMENTS WITHIN SAID DRAINAGE EASEMENTS.
13. THE ELEVATION OF THE LOWEST FLOOR SHALL BE AT LEAST 10 INCHES ABOVE THE FINISHED GRADE OF THE SURROUNDING GROUND, WHICH SHALL BE SLOPED IN A FASHION SO AS TO DIRECT STORMWATER AWAY FROM THE STRUCTURE. PROPERTIES ADJACENT TO STORMWATER CONVEYANCE STRUCTURES MUST HAVE A FLOOR SLAB ELEVATION OR BOTTOM OF FLOOR JOISTS A MINIMUM OF TWO FEET ABOVE THE 100-YEAR WATER FLOW ELEVATION IN THE STRUCTURE. DRIVEWAYS SERVING HOUSES ON THE DOWNHILL SIDE OF THE STREET SHALL HAVE A PROPERLY SIZED CROSS WALL PREVENTING RUNOFF FROM ENTERING THE GARAGE AND SHALL PREVENT WATER FROM LEAVING THE STREET.
14. MAINTENANCE OF DRAINAGE EASEMENT DESIGNATED WITHIN A LOT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS ASSOCIATION.
15. THE SUBDIVISION IS LOCATED WITHIN THE EXISTING SPECIAL FLOOD HAZARD ZONE A, 100-YEAR FLOOD BOUNDARY, AS DEFINED BY THE COMAL COUNTY, TEXAS COMMUNITY PANEL NUMBER 48091C0405F, REVISED NOVEMBER 02, 2009 AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
16. ANY DRIVEWAY CONSTRUCTION ON COUNTY ROADS WITHIN THE UNINCORPORATED AREAS OF COMAL COUNTY MUST BE PERMITTED BY THE COMAL COUNTY ROAD DEPARTMENT.
17. THIS PROPERTY IS WITHIN THE EDWARDS AQUIFER RECHARGE ZONE. PROPERTY OWNERS ARE REQUIRED TO FOLLOW THE APPROVED W.P.A.P. TEXAS EDWARDS AQUIFER PROGRAM FILE NO. RN110724663; ADDITIONAL ID. NO. 13000898, DATED OCTOBER 24, 2019.
18. BUILDING SET BACK LINES SHALL BE IN ACCORDANCE WITH SUBDIVISION CODE SECTION 2.03 OF THE CITY OF BULVERDE CODE OF ORDINANCES.
19. NO PERMANENT STRUCTURES OR TALL VEGETATION MAY BE PLANTED IN THE SITE DISTANCE EASEMENT LOCATED AT THE INTERSECTION OF FM 1863 AND CIBOLO CLIFF RD.

TXDOT NOTES:

1. FOR RESIDENTIAL DEVELOPMENT DIRECTLY ADJACENT TO STATE RIGHT-OF-WAY, THE DEVELOPER SHALL BE RESPONSIBLE FOR ADEQUATE SETBACK AND/OR SOUND ABATEMENT MEASURES FOR FUTURE NOISE MITIGATION.
2. OWNER/DEVELOPER IS RESPONSIBLE FOR PREVENTING ANY ADVERSE IMPACT TO THE EXISTING DRAINAGE SYSTEM WITHIN THE HIGHWAY RIGHT-OF-WAY.
3. MAXIMUM ACCESS POINTS TO STATE HIGHWAY FROM THIS PROPERTY WILL BE REGULATED AS DIRECTED BY TXDOT'S, "ACCESS MANAGEMENT MANUAL." THE PROPERTY IS ELIGIBLE FOR MAXIMUM COMBINED TOTAL OF 1 (ONE) ACCESS POINT, BASED ON AN OVERALL PLATTED HIGHWAY FRONTAGE OF APPROXIMATELY 2230.99 FEET. WHERE TOPOGRAPHY OR OTHER EXISTING CONDITIONS MAKE IT INAPPROPRIATE OR NOT FEASIBLE TO CONFORM TO THE CONNECTION SPACING INTERVALS, THE LOCATION OF REASONABLE ACCESS WILL BE DETERMINED WITH CONSIDERATION GIVEN TO TOPOGRAPHY, ESTABLISHED PROPERTY OWNERSHIPS, UNIQUE PHYSICAL LIMITATIONS, AND/OR PHYSICAL DESIGN CONSTRAINTS. THE SELECTED LOCATION SHOULD SERVE AS MANY PROPERTIES AND INTERESTS AS POSSIBLE TO REDUCE THE NEED FOR ADDITIONAL DIRECT ACCESS TO THE HIGHWAY. IN SELECTING LOCATIONS FOR FULL MOVEMENT INTERSECTIONS, PREFERENCE WILL BE GIVEN TO PUBLIC ROADWAYS THAT ARE ON LOCAL THOROUGHFARE PLANS.
4. IF SIDEWALKS ARE REQUIRED BY APPROPRIATE CITY ORDINANCE, A SIDEWALK PERMIT MUST BE APPROVED BY TXDOT, PRIOR TO CONSTRUCTION WITHIN STATE RIGHT-OF-WAY. LOCATIONS OF SIDEWALKS WITHIN STATE RIGHT-OF-WAY SHALL BE AS DIRECTED BY TXDOT.

5. ANY TRAFFIC CONTROL MEASURE (LEFT TURN LANE, RIGHT TURN LANE, SIGNAL, ETC.) FOR ANY ACCESS FRONTING A STATE MAINTAINED ROADWAY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER/OWNER.

CPS NOTES:

1. THE CITY OF BULVERDE, AS PART OF ITS ELECTRIC SYSTEM, - CITY PUBLIC SERVICE BOARD (CPS ENERGY) IS HEREBY DEDICATED EASEMENTS AND RIGHT-OF-WAY FOR UTILITY, TRANSMISSION, AND DISTRIBUTION INFRASTRUCTURE AND SERVICE FACILITIES IN THE AREAS DESIGNATED ON THIS PLACE AS "ELECTRIC EASEMENT," "ANCHOR EASEMENT," "SERVICE EASEMENT," "OVERHANG EASEMENT," "UTILITY EASEMENT," "GAS EASEMENT," OR "TRANSFORMER EASEMENT" FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, MAINTAINING, REMOVING, INSPECTING, PATROLLING, AND ERECTING UTILITY INFRASTRUCTURE AND SERVICE FACILITIES FOR THE REASONS DESCRIBED ABOVE. CPS ENERGY SHALL ALSO HAVE THE RIGHT TO RELOCATE SAID INFRASTRUCTURE AND SERVICE FACILITIES WITHIN EASEMENT AND RIGHT-OF-WAY AREAS, OTHER WITH THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT LANDS FOR THE PURPOSE OF ACCESSING SUCH INFRASTRUCTURE AND SERVICE FACILITIES AND THE RIGHT TO REMOVE FROM SAID LAND ALL TREES OR PARTS THEREOF, OR OTHER OBSTRUCTIONS WHICH ENDANGER OR MAY INTERFERE WITH THE EFFICIENCY OF ELECTRIC INFRASTRUCTURE AND SERVICE FACILITIES. NO BUILDINGS, STRUCTURES, CONCRETE SLABS, OR WALLS WILL BE PLACED WITHIN EASEMENT AREAS WITHOUT AN ENCROACHMENT AGREEMENT WITH THE RESPECTIVE UTILITY.
2. ANY CPS ENERGY MONETARY LOSS RESULTING FROM MODIFICATIONS REQUIRED OF CPS ENERGY INFRASTRUCTURE AND SERVICE FACILITIES, LOCATED WITHIN SAID EASEMENTS, 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 ALTERATIONS.
3. THIS PLAT DOES NOT AMEND, ALTER, RELEASE, OR OTHERWISE AFFECT ANY EXISTING ELECTRIC, GAS, WATER, SEWER, DRAINAGE, TELEPHONE, CABLE TV EASEMENTS OR ANY OTHER EASEMENTS FOR UTILITIES UNLESS THE CHANGES TO SUCH EASEMENTS ARE DESCRIBED HEREON.
4. CONCRETE DRIVEWAY APPROACHES ARE ALLOWED WITHIN FIVE (5) AND TEN (10) FOOT WIDE ELECTRIC AND GAS EASEMENTS WHEN LOTS ARE SERVED BY ONLY UNDERGROUND ELECTRIC AND GAS FACILITIES.
5. ROOF OVERHANG ARE ALLOWED WITH THE FIVE (5) AND TEN (10) FOOT WIDE ELECTRIC AND GAS EASEMENTS WHEN ONLY UNDERGROUND ELECTRIC AND GAS FACILITIES ARE PROPOSED OR EXISTING WITHIN THOSE FIVE (5) AND TEN (10) WIDE EASEMENTS.

SLOPE:

FOR THE PURPOSE OF PRESERVING AREAS HAVING A SLOPE GREATER THAN 25%, THE EASEMENTS DESIGNATED ON THIS PLAT AS "SLOPE EASEMENT" ARE DEDICATED TO THE PUBLIC. WITHIN SUCH SLOPE EASEMENTS THE FOLLOWING ACTIVITIES ARE PROHIBITED:

- (A) DEVELOPMENT;
- (B) DISTURBANCE; AND
- (C) THE REMOVAL OF PROTECTED, SPECIMEN, MAJESTIC, OR HISTORIC TREES

NOT WITHSTANDING THE FOREGOING, AND PROVIDED THAT NO PROTECTED, SPECIMEN, MAJESTIC, OR HISTORIC TREES ARE REMOVED, THE FOLLOWING ACTIVITIES AND IMPROVEMENTS ARE PERMITTED:

- (A) ROADWAYS OR UTILITY CONSTRUCTION WHEN THE ROADWAY OR UTILITY IMPROVEMENTS ARE NECESSARY IN THE SLOPE AREA FOR A LAWFULLY CONSTRUCTED IMPROVEMENT OUTSIDE OF SUCH SLOPE AREA TO EXIST AND THERE IS NO PRACTICAL ALTERNATIVE TO CONSTRUCTION WITHIN SUCH SLOPE AREA.
- (B) CANTILEVERING OF STRUCTURES OVER A STEEP SLOPE PROVIDED THAT SUCH CANTILEVERING WILL NOT ALTER NATURAL STORMWATER DRAINAGE OR JEOPARDIZE SLOPE STABILITY.
- (C) RETAINING WALLS AND OTHER STRUCTURES THAT ARE NECESSARY FOR SLOPE STABILIZATION PROVIDED THE FOLLOWING CONDITIONS ARE MET:
 - I) RETAINING WALLS SHALL NOT BE USED TO INCREASE TABLE LAND.
 - II) BACKFILLING OF A RETAINING WALL IS PERFORMED ONLY A NECESSARY FOR SLOPE STABILIZATION.
- (A) RECONSTRUCTION ON THE EXACT FOUNDATION OF A PREVIOUSLY EXISTING STRUCTURE.
- (B) BRIDGES, WALKWAYS, STAIRS, AND FENCES PROVIDED THAT SUCH BRIDGES, WALKWAYS, STAIRS, AND FENCES WILL NOT ALTER NATURAL STORMWATER DRAINAGE OR JEOPARDIZE SLOPE STABILITY.
- (F) REMOVAL OF TREES NOT DEFINED BY THE CODE OF ORDINANCES OF THE CITY OF BULVERDE, TEXAS AS PROTECTED, SPECIMEN, MAJESTIC, OR HISTORIC TREES.

THE SLOPE EASEMENTS DEDICATED HEREIN ARE ENFORCEABLE BY THE CITY OF BULVERDE BY ANY ACTION AT LAW OR IN EQUITY. TO OBTAIN INJUNCTIVE RELIEF, THE CITY OF BULVERDE SHALL ONLY BE REQUIRED TO SHOW VIOLATION OF THE TERMS OF THE SLOPE EASEMENTS DEDICATED HEREIN; AND A SHOWING OF IMMINENT HARM OR IRREPARABLE INJURY SHALL NOT BE REQUIRED.

ALL TERMS, PHRASES, AND WORDS IN THIS INSTRUMENT THAT ARE NOT OTHERWISE DEFINED HEREIN SHALL HAVE THAT MEANING ASSIGNED TO THEM BY THE CODE OF ORDINANCES OF THE CITY OF BULVERDE, TEXAS ON THE DATE THAT THIS PLAT IS RECORDED.

STATE OF TEXAS
COUNTY OF COMAL

KNOW ALL MEN BY THESE PRESENTS

THE OWNERS OF THE LAND SHOWN ON THIS PLAT WHOSE NAMES ARE SUBSCRIBED HERETO, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, PARKS, WATER COURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

OWNER:
A Z FAMILY, L.P.
C/O PHIL ZACCARIA
21260 GATHERING OAK, #106
SAN ANTONIO, TX 78260

STATE OF TEXAS
COUNTY OF COMAL

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS ___DAY OF _____, 2020.

BY _____

NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES: _____

KNOW ALL MEN BY THESE PRESENTS:

I, THE UNDERSIGNED, DREW A. MAWYER, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE UNDER MY SUPERVISION AND IN COMPLIANCE WITH CITY AND STATE SURVEY REGULATIONS AND LAWS AND MADE ON THE GROUND AND THAT THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

DREW A. MAWYER
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5348
D.A. MAWYER LAND SURVEYING, INC.
5151 W. 5H46
NEW BRAUNFELS, TEXAS 78132
FIRM #10191500

LEGEND:	
P.O.B.	= POINT OF BEGINNING
D.E.	= DRAINAGE EASEMENT
U.E.	= UTILITY EASEMENT
R.O.W.	= RIGHT-OF-WAY
S.E.	= SLOPE EASEMENT
A.E.	= ACCESS EASEMENT
---	= PAGE MATCH LINE
○	= 1/2" IRON PIN SET
●	= IRON PIN FOUND
□	= TXDOT MONUMENT FOUND
---SE---	= SLOPE EASEMENT
---	= PROPERTY BOUNDARY LINE
---DE---	= DRAINAGE EASEMENT
---	= PROPERTY LOT LINE
---	= STREET CENTERLINE
---	= 100-YR WSEL
---	= 100-YR FEMA FLOODPLAIN
---	= TYP. INTERIOR SETBACK
---	= UTILITY EASEMENT

MOELLER & ASSOCIATES
Engineering Solutions
2021 SH 46W, Ste. 105
New Braunfels, TX 78132
ph: (830) 358-7127
www.ma-tx.com TBPE FIRM F-13351

APPROVED THIS THE ___ DAY OF _____, 20___ BY THE
PLANNING & ZONING COMMISSION OF THE CITY OF BULVERDE, TEXAS.

APPROVED FOR ACCEPTANCE

DATE PLANNING DIRECTOR

STATE OF TEXAS
COUNTY OF COMAL

I, _____, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WAS
FILED FOR RECORD IN THE MAP AND PLAT RECORDS, DOCUMENT NO. _____
OF COMAL COUNTY THE ___ DAY OF _____, 20___, AT _____ M.
WITNESS MY HAND AND OFFICIAL SEAL, THIS THE ___ DAY OF _____, A.D. 20___

COUNTY CLERK, COMAL COUNTY, TEXAS

DEPUTY

SUBDIVISION PLAT ESTABLISHING

CIBOLO CLIFF RANCHES SUBDIVISION

BEING ALL OF 239.536 ACRE TRACT OF LAND SITUATED IN THE COMAL COUNTY, TEXAS, BEING OUT OF THE ALEJO MONTEZ SURVEY NO. 413, ANNA DECKER SURVEY NO. 678, BEATY SEALE & FORWOOD SURVEY NO. 821, BEATY SEALE & FORWOOD SURVEY 801, BEATY-SEALE & FORWOOD SURVEY NO. 799, AND THE E. CASA SURVEY NO. 347, AND BEING ALL OF A CALLED 187.7 ACRE TRACT OF LAND (TRACT ONE), A PORTION OF A CALLED 83.287 ACRE TRACT OR LAND (TRACT TWO), AND ALL OF CALLED 6.761 ACRE TRACT OF LAND (TRACT THREE), AS CONVEYED TO ATTILIO ZACCARIA, JR. FAMILY LIMITED PARTNERSHIP, LTD. AND RECORDED IN DOCUMENT NO. 20160638940, OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY TEXAS.

STREET NAME	STREET CL. LENGTH LF
CIBOLO CLIFF RD	4865 LF
ZACCARIA PKWY	2032 LF

LINE TABLE - BOUNDARY AND LOTS		
LINE	LENGTH	BEARING
L1	105.19'	N77°07'08"W
L2	93.47'	N64°02'17"W
L3	109.88'	S41°17'33"E
L4	111.90'	S49°02'23"E
L5	147.30'	S49°02'23"E
L6	75.89'	S46°47'44"E
L7	104.12'	S23°38'19"E
L8	37.58'	S12°26'25"E
L9	92.02'	S76°42'43"E
L10	49.50'	N57°52'52"E
L11	26.35'	N12°52'52"E
L12	22.01'	N39°10'02"W
L13	82.00'	N16°33'14"W
L14	40.91'	N11°37'31"E
L15	87.61'	N01°02'33"E
L16	14.00'	N45°01'54"E

LINE TABLE - BOUNDARY AND LOTS		
LINE	LENGTH	BEARING
L17	86.32'	N54°29'30"E
L18	106.42'	N00°55'24"W
L19	55.71'	N22°35'00"E
L20	80.10'	N71°10'30"W
L21	50.06'	N71°10'30"W
L22	19.29'	N43°41'40"E
L23	55.71'	N22°35'00"E
L24	106.42'	N00°55'24"W
L25	87.00'	N54°29'30"E
L26	62.95'	N49°05'11"E
L27	40.91'	N11°37'31"E
L28	82.00'	N16°33'14"W
L29	22.01'	N39°10'02"W
L30	26.28'	N12°52'52"E
L31	49.55'	N32°03'41"W
L32	75.48'	N66°26'32"E

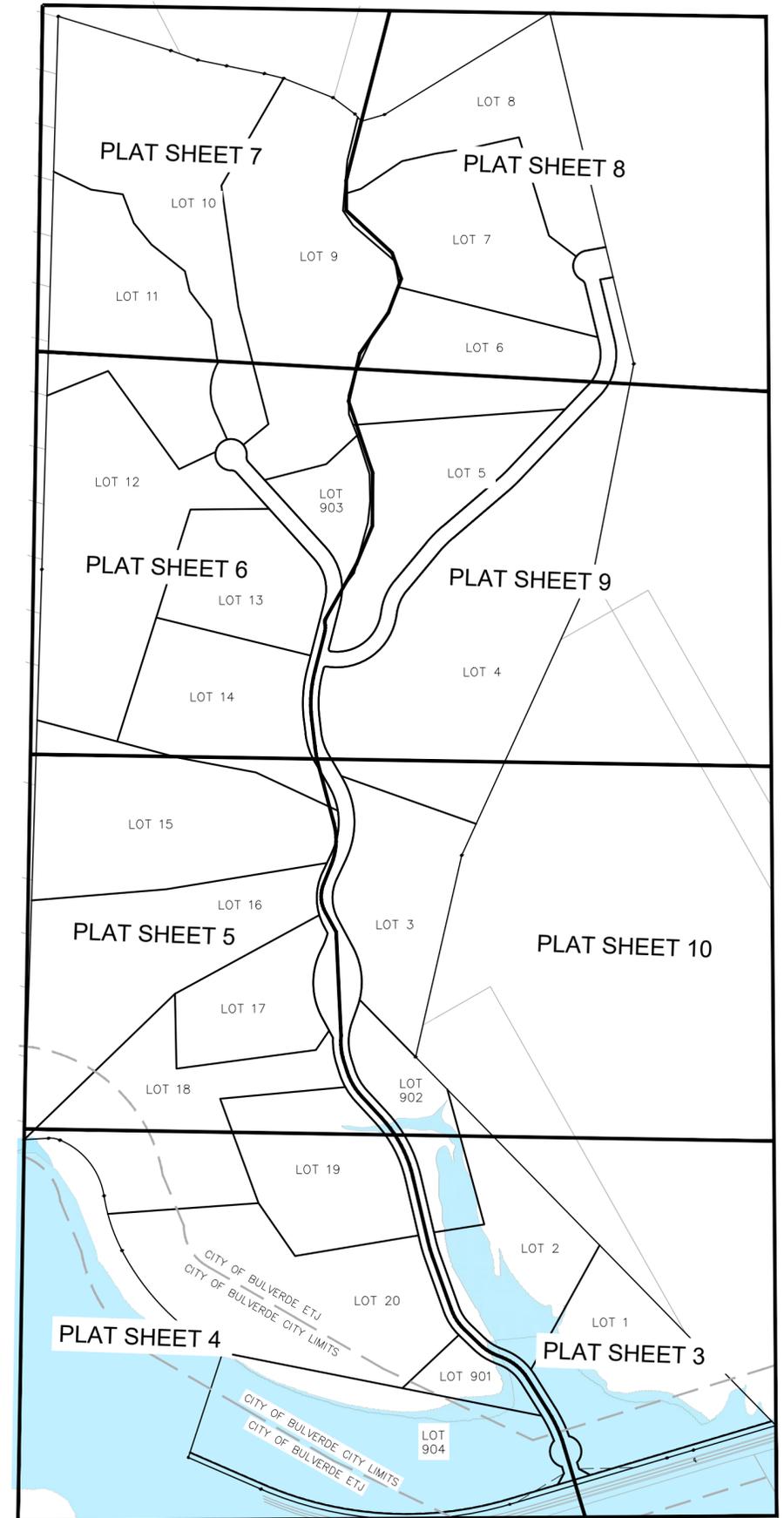
LINE TABLE - BOUNDARY AND LOTS		
LINE	LENGTH	BEARING
L33	85.61'	N35°19'28"E
L34	103.38'	N27°52'31"E
L35	86.25'	N07°51'26"E
L36	73.03'	N28°01'07"E
L37	76.54'	N45°33'35"E
L38	187.73'	N53°40'58"E
L39	88.81'	N67°25'28"E
L40	116.32'	N49°34'42"E
L41	91.24'	N19°40'29"E
L42	68.10'	N05°14'16"W
L43	64.12'	N34°19'37"E
L44	66.51'	N78°01'46"W
L45	106.29'	N10°00'08"W
L46	79.56'	N15°57'10"E
L47	97.99'	N05°41'02"E
L48	89.69'	N63°30'56"E

LINE TABLE - EASEMENTS		
LINE	LENGTH	BEARING
L49	102.27'	N59°02'10"E
L50	38.74'	N23°35'13"W
L51	93.80'	N04°35'10"E
L52	57.61'	N22°26'38"E
L53	86.80'	N48°18'48"W
L54	69.90'	N26°02'03"W
L55	97.12'	N35°53'52"W
L56	44.75'	N25°09'47"W
L57	92.45'	N23°45'48"W
L58	86.48'	N69°29'41"W
L59	19.79'	N45°33'03"E
L60	68.07'	N17°27'20"W
L61	137.51'	N56°39'04"E
L62	79.54'	N55°31'03"E
L63	57.85'	N29°28'53"E
L64	75.05'	N33°31'50"W
L65	101.22'	N13°54'19"E
L66	56.79'	N48°48'01"E
L67	101.50'	N32°18'02"E
L68	120.11'	N86°46'50"W
L69	85.15'	N07°00'54"W

LINE TABLE - EASEMENTS		
LINE	LENGTH	BEARING
L70	51.30'	N68°39'09"E
L71	35.36'	N13°21'16"E
L72	34.90'	N11°25'36"W

CURVE TABLE - BOUNDARY AND LOTS						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD LENGTH	CHORD BEARING
C1	972.47'	1392.70'	40°00'27"	507.00'	952.83'	S57°06'55"E
C2	556.41'	934.10'	34°07'46"	286.74'	548.22'	S15°08'26"E
C3	221.64'	679.32'	18°41'37"	111.81'	220.66'	S11°16'16"W
C4	283.93'	276.38'	58°51'35"	155.92'	271.60'	N08°48'43"W
C5	45.02'	100.00'	25°47'46"	22.90'	44.64'	N51°08'24"W
C6	124.72'	60.00'	119°05'42"	102.05'	103.45'	N12°25'43"E
C7	107.02'	500.00'	12°15'50"	53.72'	106.82'	N03°28'26"E
C8	108.33'	170.00'	36°30'33"	56.07'	106.50'	N20°54'46"W
C9	90.78'	230.00'	22°36'49"	45.99'	90.19'	N27°51'38"W
C10	105.60'	230.00'	26°18'19"	53.75'	104.67'	N03°24'04"W
C11	60.31'	530.00'	6°31'10"	30.19'	60.27'	N13°00'41"E
C12	242.17'	470.00'	29°31'20"	123.84'	239.50'	N01°30'36"E
C13	121.57'	280.00'	24°52'35"	61.76'	120.62'	N00°48'47"W
C14	101.18'	280.00'	20°42'13"	51.15'	100.63'	N21°58'36"E
C15	101.21'	280.00'	20°42'38"	51.16'	100.66'	N11°23'52"E
C16	174.83'	280.00'	35°46'34"	90.37'	172.01'	N39°38'28"E
C17	47.99'	220.00'	12°29'51"	24.09'	47.89'	N51°16'49"E
C18	214.11'	230.00'	53°20'09"	115.52'	206.46'	N27°59'34"E
C19	261.14'	270.00'	55°24'54"	141.80'	251.08'	N26°47'03"E
C20	114.87'	280.00'	23°30'24"	58.26'	114.07'	N10°49'48"E
C21	195.28'	530.00'	21°06'40"	98.76'	194.18'	N33°08'20"E
C22	166.90'	170.00'	56°15'05"	90.87'	160.28'	N15°34'07"E
C23	21.54'	25.00'	49°21'44"	11.49'	20.88'	N37°14'17"W
C24	292.00'	60.00'	278°50'32"	51.39'	78.06'	N77°30'07"E
C25	21.68'	25.00'	49°40'47"	11.57'	21.00'	N12°04'59"E
C26	226.61'	230.00'	56°27'04"	123.46'	217.55'	N15°28'08"E
C27	15.12'	9.00'	96°16'08"	10.04'	13.40'	N04°26'24"W
C28	272.05'	170.00'	91°41'24"	175.09'	243.94'	N81°34'51"E

CURVE TABLE - BOUNDARY AND LOTS						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD LENGTH	CHORD BEARING
C29	132.73'	230.00'	33°03'57"	68.27'	130.90'	N52°40'00"E
C30	88.20'	530.00'	9°32'04"	44.20'	88.09'	N73°57'59"E
C31	48.59'	470.00'	5°55'26"	24.32'	48.57'	N75°46'18"E
C32	168.67'	170.00'	56°50'50"	92.01'	161.84'	N44°23'10"E
C33	21.68'	25.00'	49°40'47"	11.57'	21.00'	N08°52'38"W
C34	152.27'	60.00'	145°24'17"	192.67'	114.57'	N38°59'06"E
C35	228.20'	230.00'	56°50'50"	124.48'	218.95'	N44°23'10"E
C36	54.80'	530.00'	5°55'26"	27.42'	54.77'	N75°46'18"E
C37	78.21'	470.00'	9°32'04"	39.20'	78.12'	N73°57'59"E
C38	98.11'	170.00'	33°03'57"	50.46'	96.75'	N52°40'00"E
C39	376.30'	230.00'	93°44'26"	245.53'	335.71'	N82°36'22"E
C40	13.47'	9.00'	85°46'56"	8.36'	12.25'	N86°35'07"E
C41	173.18'	470.00'	21°06'40"	87.58'	172.20'	N33°08'20"E
C42	90.26'	220.00'	23°30'24"	45.77'	89.63'	N10°49'48"E
C43	319.17'	330.00'	55°24'54"	173.31'	306.87'	N26°47'03"E
C44	157.75'	170.00'	53°10'02"	85.07'	152.15'	N27°54'29"E
C45	230.14'	280.00'	47°05'32"	122.02'	223.71'	N25°32'26"E
C46	143.84'	220.00'	37°27'41"	74.60'	141.29'	N30°21'21"E
C47	95.52'	220.00'	24°52'35"	48.52'	94.77'	N00°48'47"W
C48	273.09'	530.00'	29°31'20"	139.65'	270.08'	N01°30'36"E
C49	63.48'	470.00'	6°31'10"	26.77'	63.45'	N13°00'41"E
C50	78.05'	170.00'	26°18'19"	39.73'	77.37'	N03°24'04"W
C51	67.10'	170.00'	22°36'49"	33.99'	66.66'	N27°51'38"W
C52	146.56'	230.00'	36°30'33"	75.86'	144.09'	N20°54'46"W
C53	122.38'	560.00'	12°31'15"	61.43'	122.13'	N03°36'08"E
C54	126.56'	60.00'	120°51'12"	105.73'	104.37'	N12°27'16"E
C55	211.53'	212.42'	57°03'16"	115.47'	202.90'	N30°16'38"E



INDEX MAP DETAIL

SCALE: 1" = 400'

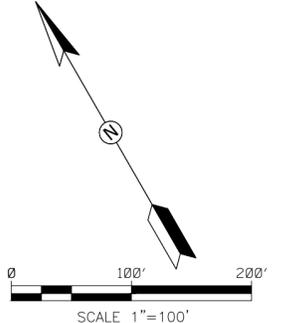
MOELLER & ASSOCIATES
Engineering Solutions

2021 SH 46W, Ste. 105
New Braunfels, TX 78132
ph: (830) 358-7127
www.ma-tx.com TBPE FIRM F-13351

Drawing Name: N:\Projects\ZACC001 - Cibolo Cliff Ranches\Planning\Platting\Cibolo Cliff Ranches Plat.dwg User: StevenGarcia Jun 01, 2021 - 10:30am

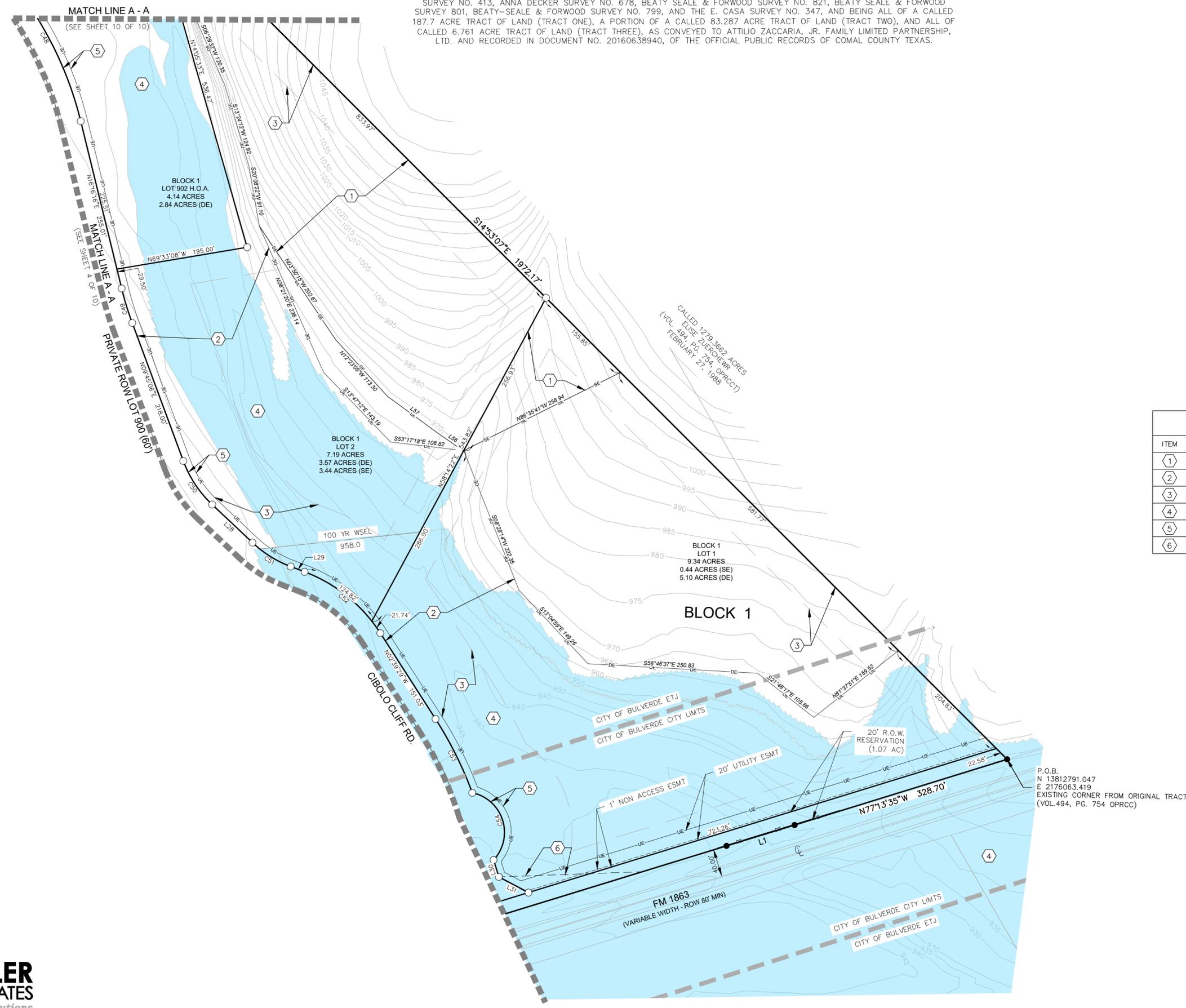
SUBDIVISION PLAT ESTABLISHING CIBOLO CLIFF RANCHES SUBDIVISION

BEING ALL OF 239.536 ACRE TRACT OF LAND SITUATED IN THE COMAL COUNTY, TEXAS, BEING OUT OF THE ALEJO MONTEZ SURVEY NO. 413, ANNA DECKER SURVEY NO. 678, BEATY SEALE & FORWOOD SURVEY NO. 821, BEATY SEALE & FORWOOD SURVEY 801, BEATY-SEALE & FORWOOD SURVEY NO. 799, AND THE E. CASA SURVEY NO. 347, AND BEING ALL OF A CALLED 187.7 ACRE TRACT OF LAND (TRACT ONE), A PORTION OF A CALLED 83.287 ACRE TRACT OF LAND (TRACT TWO), AND ALL OF CALLED 6.761 ACRE TRACT OF LAND (TRACT THREE), AS CONVEYED TO ATTILIO ZACCARIA, JR. FAMILY LIMITED PARTNERSHIP, LTD. AND RECORDED IN DOCUMENT NO. 20160638940, OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY TEXAS.



- LEGEND:**
- P.O.B. = POINT OF BEGINNING
 - D.E. = DRAINAGE EASEMENT
 - U.E. = UTILITY EASEMENT
 - R.O.W. = RIGHT-OF-WAY
 - S.E. = SLOPE EASEMENT
 - A.E. = ACCESS EASEMENT
 - = PAGE MATCH LINE
 - = 1/2" IRON PIN SET
 - = IRON PIN FOUND
 - = TXDOT MONUMENT FOUND
 - SE = SLOPE EASEMENT
 - DE = DRAINAGE EASEMENT
 - = PROPERTY LOT LINE
 - = STREET CENTERLINE
 - - - = 100-YR WSEL
 - = 100-YR FEMA FLOODPLAIN
 - = TYP. INTERIOR SETBACK
 - UE = UTILITY EASEMENT

PLAT KEYNOTES	
ITEM	DESCRIPTION
①	VARIABLE WIDTH SLOPE EASEMENT
②	VARIABLE WIDTH DRAINAGE EASEMENT
③	"R1" BUILDING SETBACK
④	100 YEAR FEMA FLOODPLAIN
⑤	10' UTILITY ESMT (FOR ELEC. AND TELECOM)
⑥	SITE DISTANCE EASEMENT



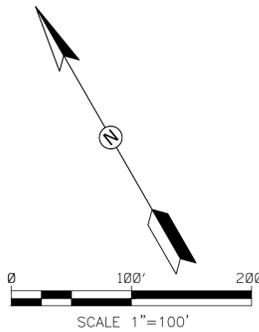
Drawing Name: N:\Projects\ZACC001 - Cibolo Cliff Ranches\Planning\Platting\Cibolo Cliff Ranches Plat.dwg User: StevenGarcia Jun 01, 2021 - 10:30am

MOELLER & ASSOCIATES
Engineering Solutions

2021 SH 46W, Ste. 105
New Braunfels, TX 78132
ph: (830) 358-7127
www.ma-tx.com TBPE FIRM F-13351

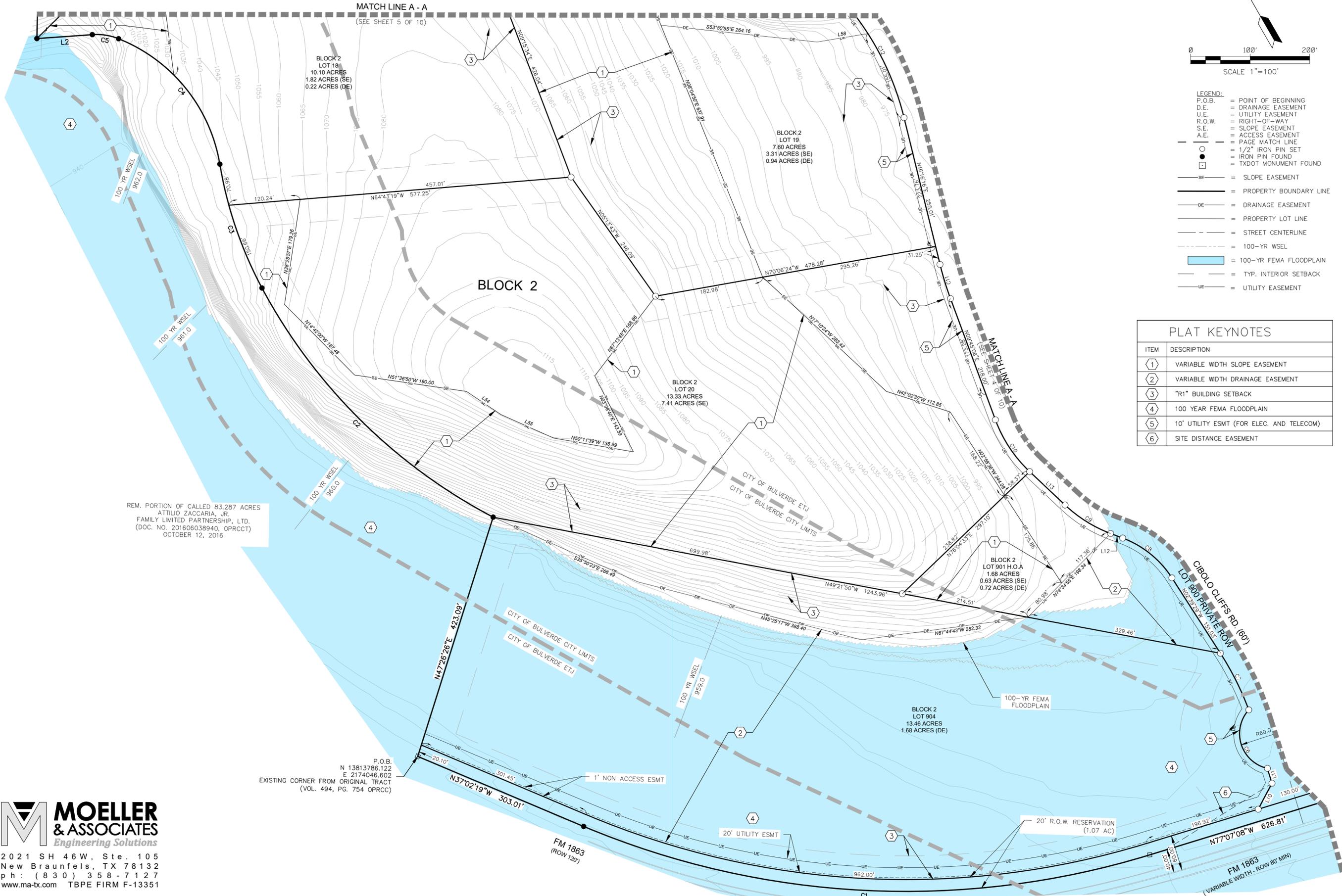
SUBDIVISION PLAT ESTABLISHING CIBOLO CLIFF RANCHES SUBDIVISION

BEING ALL OF 239.536 ACRE TRACT OF LAND SITUATED IN THE COMAL COUNTY, TEXAS, BEING OUT OF THE ALEJO MONTEZ SURVEY NO. 413, ANNA DECKER SURVEY NO. 678, BEATY SEALE & FORWOOD SURVEY NO. 821, BEATY SEALE & FORWOOD SURVEY 801, BEATY-SEALE & FORWOOD SURVEY NO. 799, AND THE E. CASA SURVEY NO. 347, AND BEING ALL OF A CALLED 187.7 ACRE TRACT OF LAND (TRACT ONE), A PORTION OF A CALLED 83.287 ACRE TRACT OF LAND (TRACT TWO), AND ALL OF CALLED 6.761 ACRE TRACT OF LAND (TRACT THREE), AS CONVEYED TO ATTILIO ZACCARIA, JR. FAMILY LIMITED PARTNERSHIP, LTD. AND RECORDED IN DOCUMENT NO. 20160638940, OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY TEXAS.



- LEGEND:**
- = POINT OF BEGINNING
 - D.E. — = DRAINAGE EASEMENT
 - U.E. — = UTILITY EASEMENT
 - R.O.W. — = RIGHT-OF-WAY
 - S.E. — = SLOPE EASEMENT
 - A.E. — = ACCESS EASEMENT
 - — — = PAGE MATCH LINE
 - = 1/2" IRON PIN SET
 - = IRON PIN FOUND
 - = TXDOT MONUMENT FOUND
 - SE — = SLOPE EASEMENT
 - — — = PROPERTY BOUNDARY LINE
 - DE — = DRAINAGE EASEMENT
 - — — = PROPERTY LOT LINE
 - — — = STREET CENTERLINE
 - — — = 100-YR WSEL
 - = 100-YR FEMA FLOODPLAIN
 - — — = TYP. INTERIOR SETBACK
 - UE — = UTILITY EASEMENT

PLAT KEYNOTES	
ITEM	DESCRIPTION
①	VARIABLE WIDTH SLOPE EASEMENT
②	VARIABLE WIDTH DRAINAGE EASEMENT
③	"R1" BUILDING SETBACK
④	100 YEAR FEMA FLOODPLAIN
⑤	10' UTILITY ESMT (FOR ELEC. AND TELECOM)
⑥	SITE DISTANCE EASEMENT



REM. PORTION OF CALLED 83.287 ACRES
ATTILIO ZACCARIA, JR.
FAMILY LIMITED PARTNERSHIP, LTD.
(DOC. NO. 201606038940, OPRCCT)
OCTOBER 12, 2016

P.O.B.
N 13813786.122
E 2174046.602
EXISTING CORNER FROM ORIGINAL TRACT
(VOL. 494, PG. 754 OPRCC)

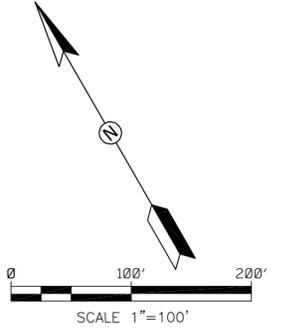


2021 SH 46W, Ste. 105
New Braunfels, TX 78132
ph: (830) 358-7127
www.ma-tx.com TBPE FIRM F-13351

Drawing Name: N:\Projects\ZACC001 - Cibolo Cliff Ranches\Planning\Platting\Cibolo Cliff Ranches Plat.dwg User: StevenGarcia Jun 01, 2021 - 10:31am

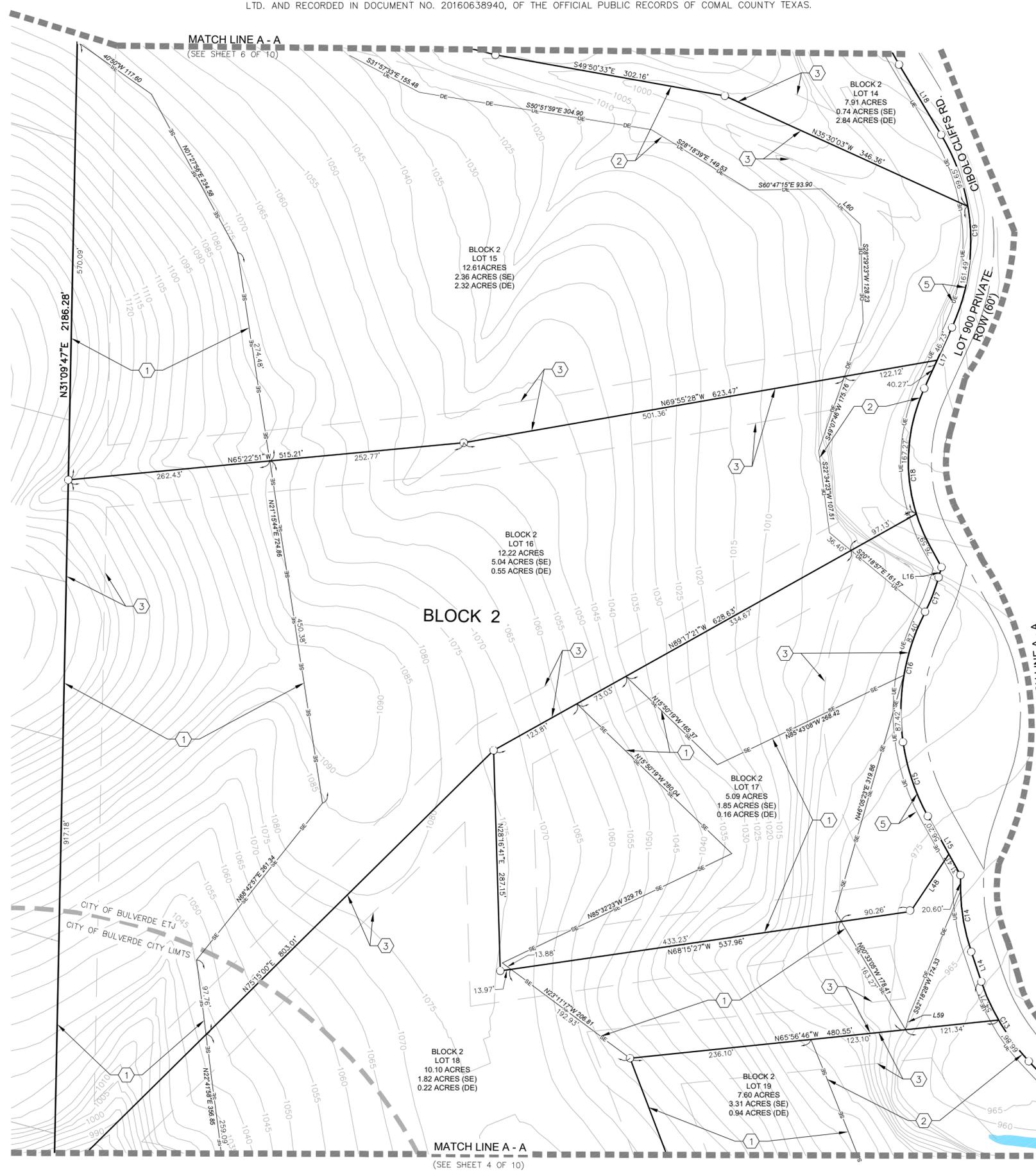
SUBDIVISION PLAT ESTABLISHING CIBOLO CLIFF RANCHES SUBDIVISION

BEING ALL OF 239.536 ACRE TRACT OF LAND SITUATED IN THE COMAL COUNTY, TEXAS, BEING OUT OF THE ALEJO MONTEZ SURVEY NO. 413, ANNA DECKER SURVEY NO. 678, BEATY SEALE & FORWOOD SURVEY NO. 821, BEATY SEALE & FORWOOD SURVEY 801, BEATY-SEALE & FORWOOD SURVEY NO. 799, AND THE E. CASA SURVEY NO. 347, AND BEING ALL OF A CALLED 187.7 ACRE TRACT OF LAND (TRACT ONE), A PORTION OF A CALLED 83.287 ACRE TRACT OF LAND (TRACT TWO), AND ALL OF CALLED 6.761 ACRE TRACT OF LAND (TRACT THREE), AS CONVEYED TO ATTILIO ZACCARIA, JR. FAMILY LIMITED PARTNERSHIP, LTD. AND RECORDED IN DOCUMENT NO. 20160638940, OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY TEXAS.



- LEGEND:**
- P.O.B. = POINT OF BEGINNING
 - D.E. = DRAINAGE EASEMENT
 - U.E. = UTILITY EASEMENT
 - R.O.W. = RIGHT-OF-WAY
 - S.E. = SLOPE EASEMENT
 - A.E. = ACCESS EASEMENT
 - PAGE MATCH LINE
 - = 1/2" IRON PIN SET
 - = TxDOT MONUMENT FOUND
 - SE— = SLOPE EASEMENT
 - DE— = DRAINAGE EASEMENT
 - = PROPERTY LOT LINE
 - = STREET CENTERLINE
 - = 100-YR WSEL
 - = 100-YR FEMA FLOODPLAIN
 - = TYP. INTERIOR SETBACK
 - UE— = UTILITY EASEMENT

PLAT KEYNOTES	
ITEM	DESCRIPTION
①	VARIABLE WIDTH SLOPE EASEMENT
②	VARIABLE WIDTH DRAINAGE EASEMENT
③	"R1" BUILDING SETBACK
④	100 YEAR FEMA FLOODPLAIN
⑤	10' UTILITY ESMT (FOR ELEC. AND TELECOM)
⑥	SITE DISTANCE EASEMENT



SKYRIDGE SUBDIVISION
(VOL. 8, PG. 77-78, MPRCCT)

MATCH LINE A - A
(SEE SHEET 10 OF 10)

MATCH LINE A - A
(SEE SHEET 4 OF 10)

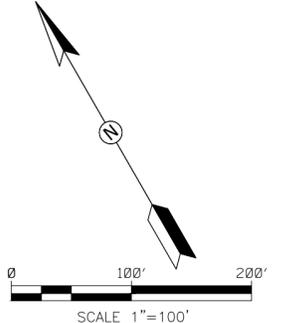
MOELLER & ASSOCIATES
Engineering Solutions

2021 SH 46W, Ste. 105
New Braunfels, TX 78132
ph: (830) 358-7127
www.ma-tx.com TBPE FIRM F-13351

Drawing Name: N:\Projects\ZACC001 - Cibolo Cliff Ranches\Planning\Platting\Cibolo Cliff Ranches Plat.dwg User: StevenGarcia Jun 01, 2021 - 11:32am

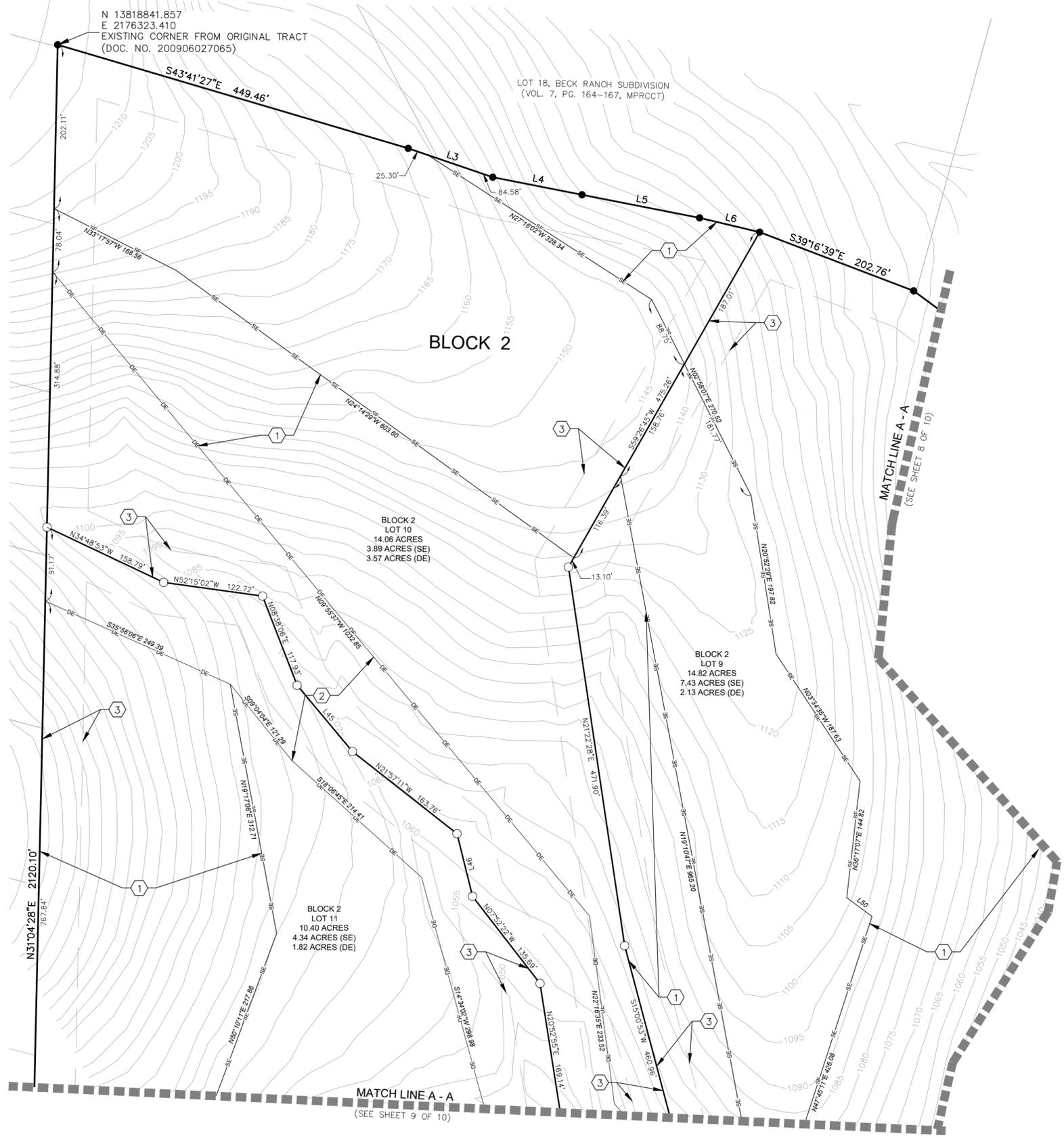
SUBDIVISION PLAT ESTABLISHING CIBOLO CLIFF RANCHES SUBDIVISION

BEING ALL OF 239.536 ACRE TRACT OF LAND SITUATED IN THE COMAL COUNTY, TEXAS, BEING OUT OF THE ALEJO MONTEZ SURVEY NO. 413, ANNA DECKER SURVEY NO. 678, BEATY SEALE & FORWOOD SURVEY NO. 821, BEATY SEALE & FORWOOD SURVEY 801, BEATY-SEALE & FORWOOD SURVEY NO. 799, AND THE E. CASA SURVEY NO. 347, AND BEING ALL OF A CALLED 187.7 ACRE TRACT OF LAND (TRACT ONE), A PORTION OF A CALLED 83.287 ACRE TRACT OR LAND (TRACT TWO), AND ALL OF CALLED 6.761 ACRE TRACT OF LAND (TRACT THREE), AS CONVEYED TO ATTILIO ZACCARIA, JR. FAMILY LIMITED PARTNERSHIP, LTD. AND RECORDED IN DOCUMENT NO. 20160638940, OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY TEXAS.



- LEGEND:**
- P.O.B. = POINT OF BEGINNING
 - D.E. = DRAINAGE EASEMENT
 - U.E. = UTILITY EASEMENT
 - R.O.W. = RIGHT-OF-WAY
 - S.E. = SLOPE EASEMENT
 - A.E. = ACCESS EASEMENT
 - — — — — = PAGE MATCH LINE
 - = 1/2" IRON PIN SET
 - = TXDOT MONUMENT FOUND
 - SE— = SLOPE EASEMENT
 - DE— = PROPERTY BOUNDARY LINE
 - DE— = DRAINAGE EASEMENT
 - — — — — = PROPERTY LOT LINE
 - — — — — = STREET CENTERLINE
 - — — — — = 100-YR WSEL
 - = 100-YR FEMA FLOODPLAIN
 - — — — — = TYP. INTERIOR SETBACK
 - UE— = UTILITY EASEMENT

PLAT KEYNOTES	
ITEM	DESCRIPTION
①	VARIABLE WIDTH SLOPE EASEMENT
②	VARIABLE WIDTH DRAINAGE EASEMENT
③	"R1" BUILDING SETBACK
④	100 YEAR FEMA FLOODPLAIN
⑤	10' UTILITY ESMT (FOR ELEC. AND TELECOM)
⑥	SITE DISTANCE EASEMENT



SKYRIDGE SUBDIVISION
(VOL. 8, PG. 77-78, MPRCCT)

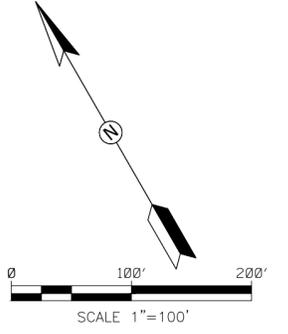
Drawing Name: N:\Projects\ZACC001 - Cibolo Cliff Ranches\Planning\Platting\Cibolo Cliff Ranches Plat.dwg User: StevenGarcia Jun 01, 2021 - 10:31am

MOELLER & ASSOCIATES
Engineering Solutions

2021 SH 46W, Ste. 105
New Braunfels, TX 78132
ph: (830) 358-7127
www.ma-tx.com TBPE FIRM F-13351

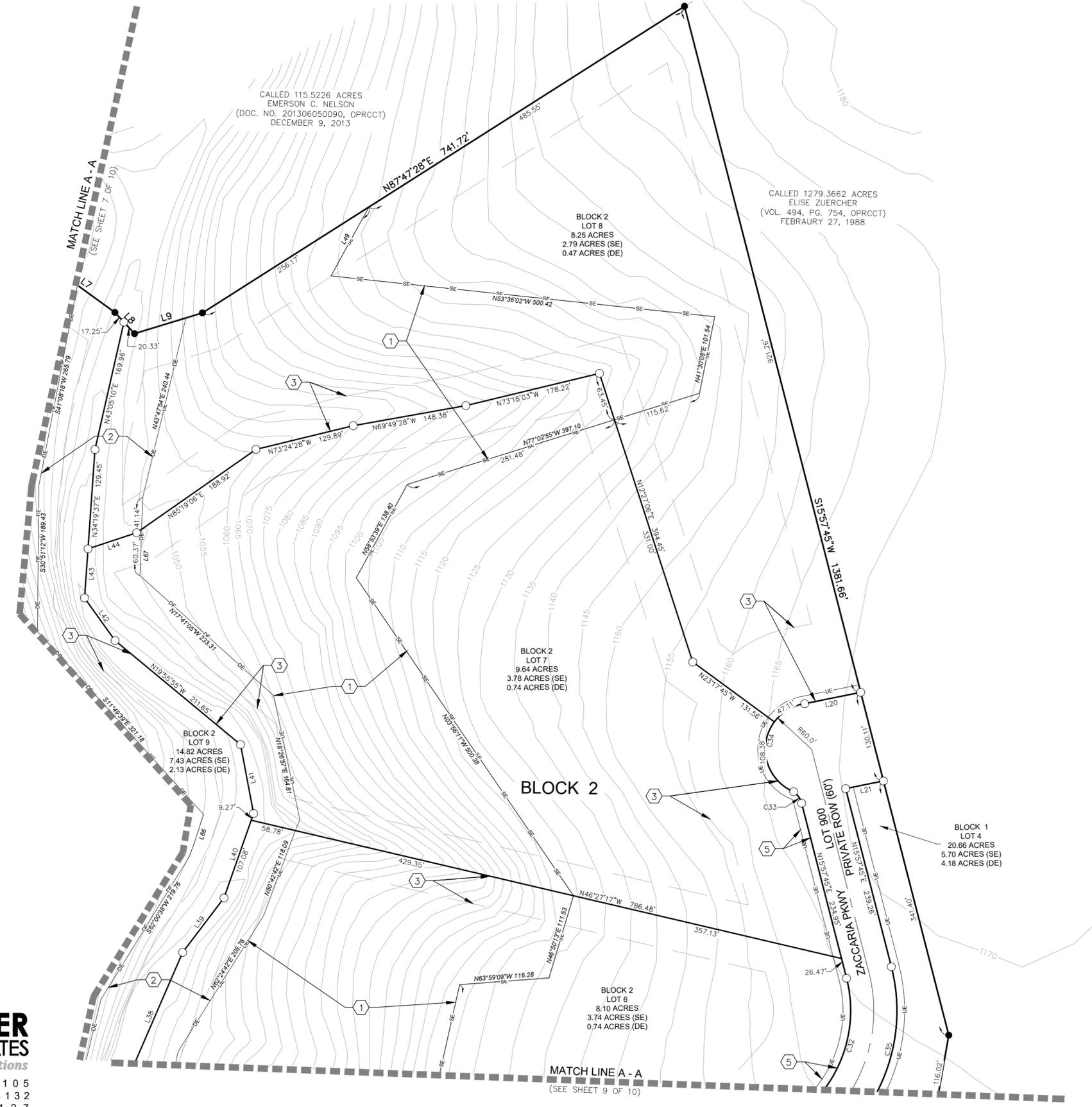
SUBDIVISION PLAT ESTABLISHING CIBOLO CLIFF RANCHES SUBDIVISION

BEING ALL OF 239.536 ACRE TRACT OF LAND SITUATED IN THE COMAL COUNTY, TEXAS, BEING OUT OF THE ALEJO MONTEZ SURVEY NO. 413, ANNA DECKER SURVEY NO. 678, BEATY SEALE & FORWOOD SURVEY NO. 821, BEATY SEALE & FORWOOD SURVEY 801, BEATY-SEALE & FORWOOD SURVEY NO. 799, AND THE E. CASA SURVEY NO. 347, AND BEING ALL OF A CALLED 187.7 ACRE TRACT OF LAND (TRACT ONE), A PORTION OF A CALLED 83.287 ACRE TRACT OF LAND (TRACT TWO), AND ALL OF CALLED 6.761 ACRE TRACT OF LAND (TRACT THREE), AS CONVEYED TO ATTILIO ZACCARIA, JR. FAMILY LIMITED PARTNERSHIP, LTD. AND RECORDED IN DOCUMENT NO. 20160638940, OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY TEXAS.



- LEGEND:**
- P.O.B. = POINT OF BEGINNING
 - D.E. = DRAINAGE EASEMENT
 - U.E. = UTILITY EASEMENT
 - R.O.W. = RIGHT-OF-WAY
 - S.E. = SLOPE EASEMENT
 - A.E. = ACCESS EASEMENT
 - — — — — = PAGE MATCH LINE
 - = 1/2" IRON PIN SET
 - = IRON PIN FOUND
 - = TXDOT MONUMENT FOUND
 - SE— = SLOPE EASEMENT
 - — — — — = PROPERTY BOUNDARY LINE
 - DE— = DRAINAGE EASEMENT
 - — — — — = PROPERTY LOT LINE
 - — — — — = STREET CENTERLINE
 - - - - - = 100-YR WSEL
 - = 100-YR FEMA FLOODPLAIN
 - — — — — = TYP. INTERIOR SETBACK
 - UE— = UTILITY EASEMENT

PLAT KEYNOTES	
ITEM	DESCRIPTION
①	VARIABLE WIDTH SLOPE EASEMENT
②	VARIABLE WIDTH DRAINAGE EASEMENT
③	"R1" BUILDING SETBACK
④	100 YEAR FEMA FLOODPLAIN
⑤	10' UTILITY ESMT (FOR ELEC. AND TELECOM)
⑥	SITE DISTANCE EASEMENT



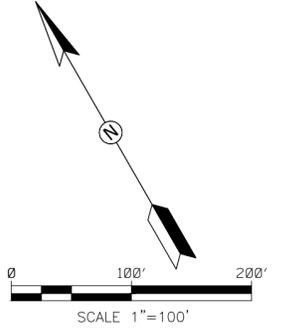
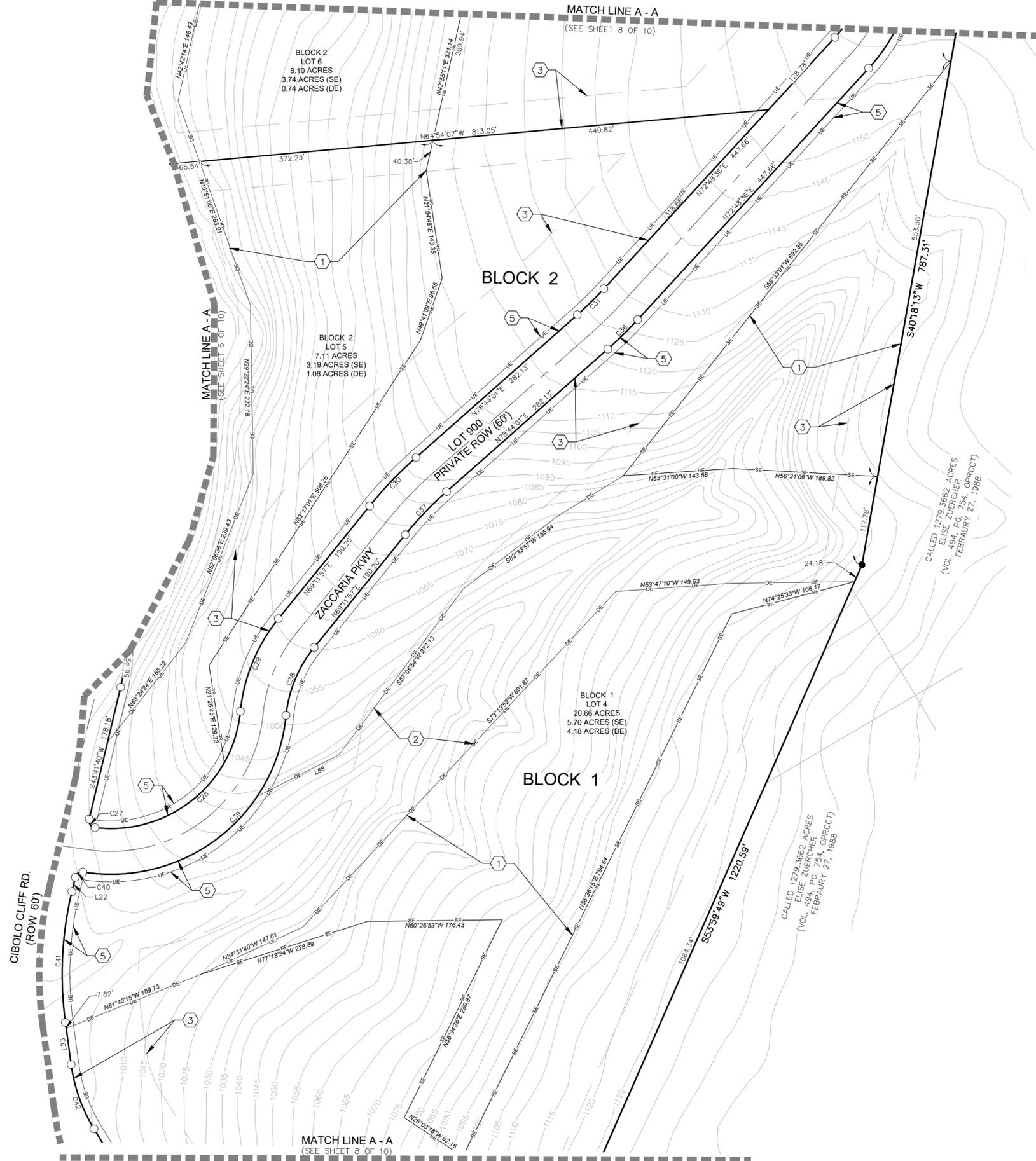
MOELLER & ASSOCIATES
Engineering Solutions

2021 SH 46W, Ste. 105
New Braunfels, TX 78132
ph: (830) 358-7127
www.ma-tx.com TBPE FIRM F-13351

Drawing Name: N:\Projects\ZACC001 - Cibolo Cliff Ranches\Planning\Platting\Cibolo Cliff Ranches Plat.dwg User: StevenGarcia Jun 01, 2021 - 10:31am

SUBDIVISION PLAT ESTABLISHING CIBOLO CLIFF RANCHES SUBDIVISION

BEING ALL OF 239.536 ACRE TRACT OF LAND SITUATED IN THE COMAL COUNTY, TEXAS, BEING OUT OF THE ALEJO MONTEZ SURVEY NO. 413, ANNA DECKER SURVEY NO. 678, BEATY SEALE & FORWOOD SURVEY NO. 821, BEATY SEALE & FORWOOD SURVEY 801, BEATY-SEALE & FORWOOD SURVEY NO. 799, AND THE E. CASA SURVEY NO. 347, AND BEING ALL OF A CALLED 187.7 ACRE TRACT OF LAND (TRACT ONE), A PORTION OF A CALLED 83.287 ACRE TRACT OR LAND (TRACT TWO), AND ALL OF CALLED 6.761 ACRE TRACT OF LAND (TRACT THREE), AS CONVEYED TO ATTILIO ZACCARIA, JR. FAMILY LIMITED PARTNERSHIP, LTD. AND RECORDED IN DOCUMENT NO. 20160638940, OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY TEXAS.



- LEGEND:**
- P.O.B. = POINT OF BEGINNING
 - D.E. = DRAINAGE EASEMENT
 - U.E. = UTILITY EASEMENT
 - R.O.W. = RIGHT-OF-WAY
 - S.E. = SLOPE EASEMENT
 - A.E. = ACCESS EASEMENT
 - = PAGE MATCH LINE
 - = 1/2" IRON PIN SET
 - = IRON PIN FOUND
 - = TXDOT MONUMENT FOUND
 - SE--- = SLOPE EASEMENT
 - DE--- = DRAINAGE EASEMENT
 - UE--- = UTILITY EASEMENT
 - = PROPERTY LOT LINE
 - = STREET CENTERLINE
 - = 100-YR WSEL
 - = 100-YR FEMA FLOODPLAIN
 - = TYP. INTERIOR SETBACK
 - UE--- = UTILITY EASEMENT

PLAT KEYNOTES	
ITEM	DESCRIPTION
①	VARIABLE WIDTH SLOPE EASEMENT
②	VARIABLE WIDTH DRAINAGE EASEMENT
③	"R1" BUILDING SETBACK
④	100 YEAR FEMA FLOODPLAIN
⑤	10' UTILITY ESMT (FOR ELEC. AND TELECOM)
⑥	SITE DISTANCE EASEMENT

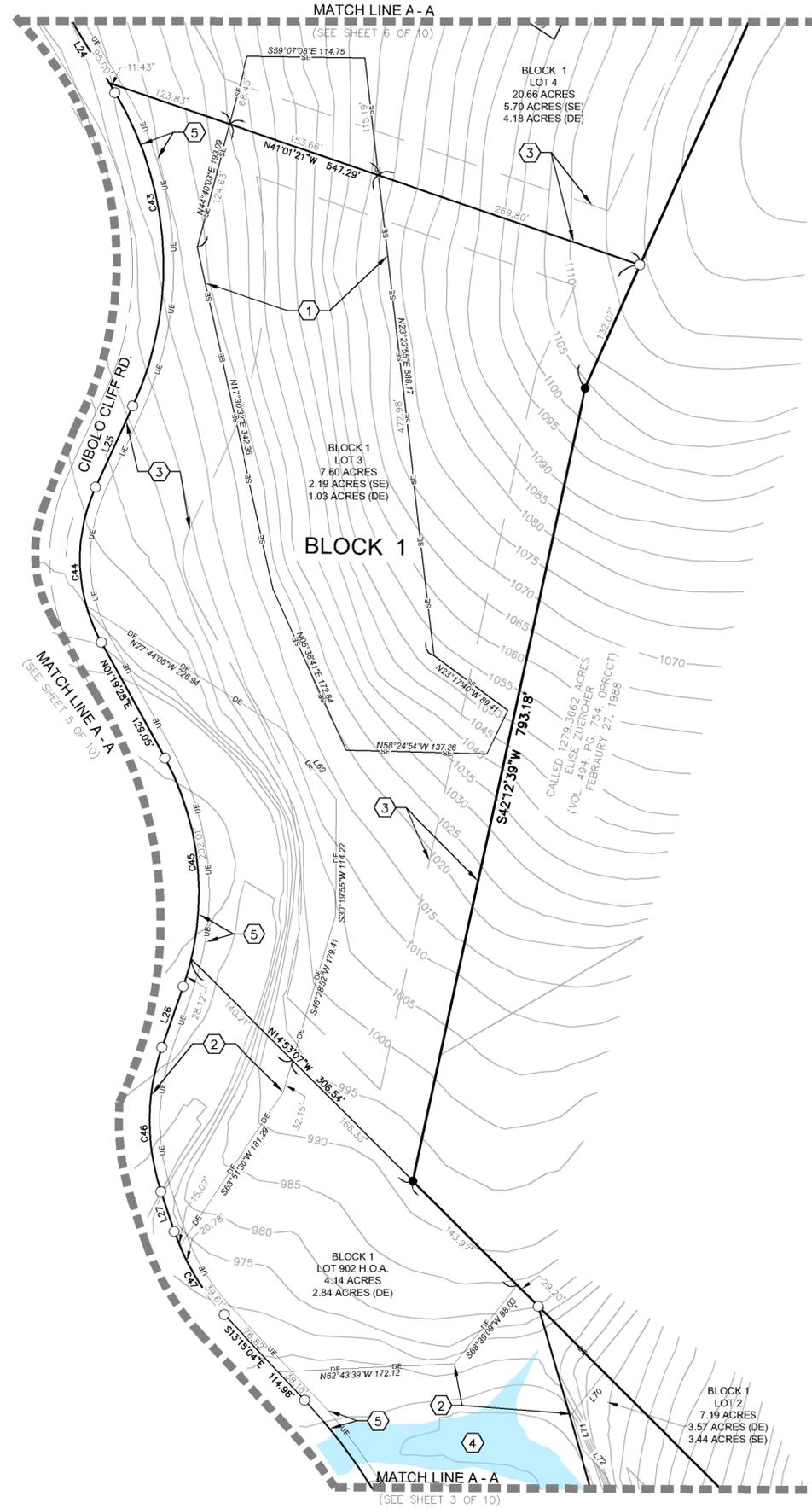
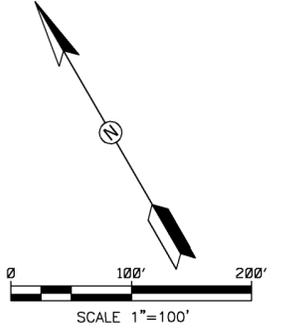
MOELLER & ASSOCIATES
Engineering Solutions

2021 SH 46W, Ste. 105
New Braunfels, TX 78132
ph: (830) 358-7127
www.ma-tx.com TBPE FIRM F-13351

Drawing Name: N:\Projects\ZACC001 - Cibolo Cliff Ranches\Planning\Platting\Cibolo Cliff Ranches Plat.dwg User: StevenGarcia Jun 01, 2021 - 10:31am

SUBDIVISION PLAT ESTABLISHING CIBOLO CLIFF RANCHES SUBDIVISION

BEING ALL OF 239.536 ACRE TRACT OF LAND SITUATED IN THE COMAL COUNTY, TEXAS, BEING OUT OF THE ALEJO MONTEZ SURVEY NO. 413, ANNA DECKER SURVEY NO. 678, BEATY SEALE & FORWOOD SURVEY NO. 821, BEATY SEALE & FORWOOD SURVEY 801, BEATY-SEALE & FORWOOD SURVEY NO. 799, AND THE E. CASA SURVEY NO. 347, AND BEING ALL OF A CALLED 187.7 ACRE TRACT OF LAND (TRACT ONE), A PORTION OF A CALLED 83.287 ACRE TRACT OF LAND (TRACT TWO), AND ALL OF CALLED 6.761 ACRE TRACT OF LAND (TRACT THREE), AS CONVEYED TO ATTILIO ZACCARIA, JR. FAMILY LIMITED PARTNERSHIP, LTD. AND RECORDED IN DOCUMENT NO. 20160638940, OF THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY TEXAS.



- LEGEND:**
- P.O.B. = POINT OF BEGINNING
 - D.E. = DRAINAGE EASEMENT
 - U.E. = UTILITY EASEMENT
 - R.O.W. = RIGHT-OF-WAY
 - S.E. = SLOPE EASEMENT
 - A.E. = ACCESS EASEMENT
 - = PAGE MATCH LINE
 - = 1/2" IRON PIN SET
 - = TXDOT MONUMENT FOUND
 - SE— = SLOPE EASEMENT
 - DE— = DRAINAGE EASEMENT
 - = PROPERTY BOUNDARY LINE
 - = PROPERTY LOT LINE
 - = STREET CENTERLINE
 - = 100-YR WSEL
 - = 100-YR FEMA FLOODPLAIN
 - = TYP. INTERIOR SETBACK
 - UE— = UTILITY EASEMENT

PLAT KEYNOTES	
ITEM	DESCRIPTION
①	VARIABLE WIDTH SLOPE EASEMENT
②	VARIABLE WIDTH DRAINAGE EASEMENT
③	"R1" BUILDING SETBACK
④	100 YEAR FEMA FLOODPLAIN
⑤	10' UTILITY ESMT (FOR ELEC. AND TELECOM)
⑥	SITE DISTANCE EASEMENT

MOELLER & ASSOCIATES
Engineering Solutions

2021 SH 46W, Ste. 105
New Braunfels, TX 78132
ph: (830) 358-7127
www.ma-tx.com TBPE FIRM F-13351

Drawing Name: N:\Projects\Z660001 - Cibolo Cliff Ranches\Planning\Platting\Cibolo Cliff Ranches Plat.dwg User: StevenGarcia Jun 01, 2021 - 11:40am

REVIEW MEMORANDUM

TO: James Ingalls, P.E.
Moeller & Associates
2021 SH 46W, Ste. 105
New Braunfels, TX 78132
jamesingalls@ma-tx.com

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

SUBJECT: Cibolo Cliff Ranches Subdivision
Final Plat Review No.2
(PC-21-09)

DATE: June 2, 2021

Halff Associates, on behalf of the City of Bulverde, has performed a review on the Cibolo Cliff Ranches Final Plat, prepared 4/15/21 and supporting documents. The review was conducted relative to the requirements established in the current Subdivision Ordinance and Drainage Design Criteria Manual (DDCM, January 2019). The following items were reviewed, with resolved items noted in **blue** and unresolved/new items noted in **red** to be addressed by the applicant before resubmittal.

Plat specifications, Ordinance Section 1.05(b)

1. "Prepared Dates" on each sheet should be the same based on last revision date. – **Comment not resolved...some sheets have "May 1, 2020", others have "June 1, 2021"**.
 2. Access easements at the platting/subdividing stage should not cut through lots. The applicant stated during the preliminary plat that these easements were added as alternative driveway paths between lots should residents find access off the street frontages too steep. This appears to have been done to minimize the length of public street access, but Halff believes the street and lot layout at the platting/development stage should account for access to such lots, so these additional "access easements" should be removed from the plat. – **Comment resolved...access easements removed.**
 3. Missing setback lines. – **Comment resolved...setback lines added.**
 4. Remove the signature block for City Engineer. – **Comment resolved**
 5. Planning Director's signature block. – **Comment resolved**
 6. Relocate "Cibolo Cliff Rd." on pg. 6 to be inside the match line. – **Comment resolved**
- 6.a – Should the plat have Moeller & Associates new name "Ink Civil"?**

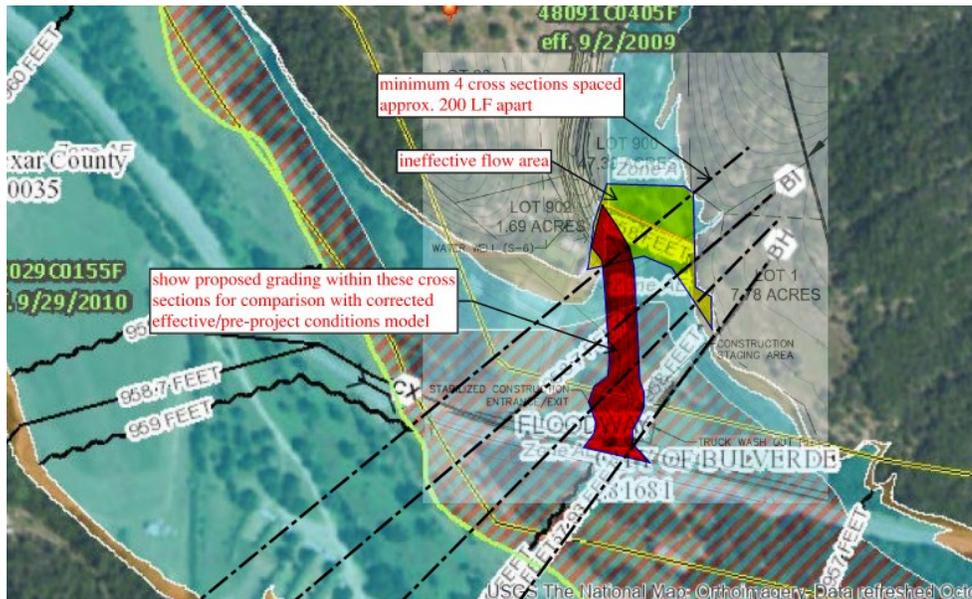
Plat Supporting Documents, Ordinance Section 1.04(c)

7. Riparian buffer exhibit & slope map missing but has not changed since preliminary plat submittal – no response necessary.

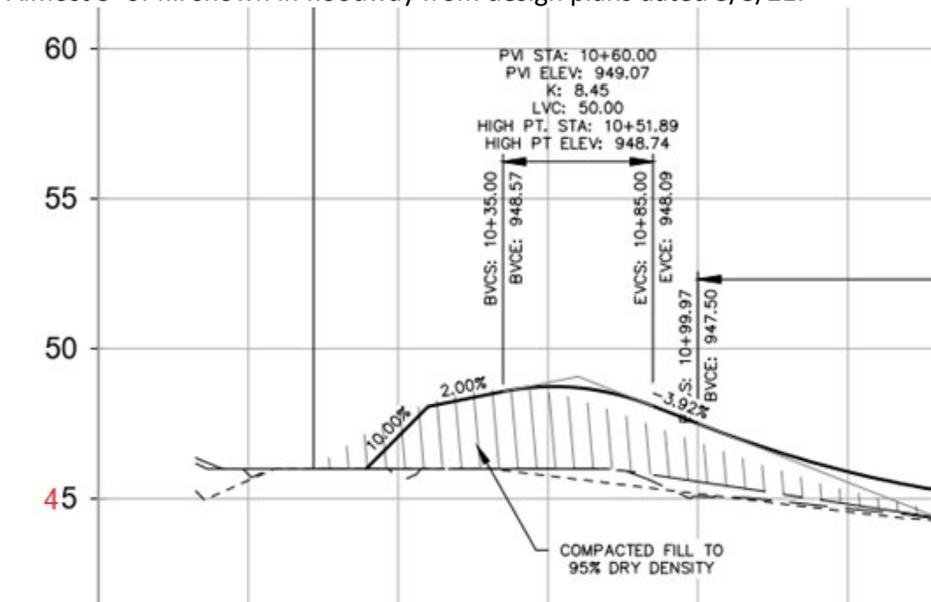
Drainage Report – comments not addressed. Applicant states these comments will be addressed with revised Cibolo Cliff Ranch Civil Plans and Drainage Report. Detailed designs and revised drainage analysis will be checked against the drainage easements on this final plat to ensure they are adequately sized.

8. Time of Concentration (Tc) values are much lower for existing conditions than proposed. For example, A1's existing Tc=34 min and proposed Tc=74 min and A2 changes from 26 to 45 minutes. Tc values are not expected to change at all since their flow paths are not being altered. Changing the Tc's to match between existing & proposed conditions is expected to change the runoff and hydraulic analysis, so additional review will be needed. The proposed Tc values appear appropriate. Existing & Proposed CN values also look appropriate.
9. The detention ponds don't appear to be detaining. For example, Culvert A1 inflow = 229.51 cfs and outflow = 229.27 cfs for 2-yr storm. For 100-YR, inflow = 1242.12 cfs (Hyd.No.4) and outflow = 1238.59 cfs. The lower Tc values for existing conditions as described earlier, most likely artificially raised the existing flows as compared to post-development. These ponds will need to be re-examined with changes in hydrology.
10. Provide H&H analysis of Cibolo Creek proving no rise in floodplain that could be submitted as a Conditional Letter of Map Revision. *[44 CFR 60.3(d)(3): Prohibit encroachments, including fill, new construction, substantial improvements and other development within the adopted improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.]* This is also stated on page 23 of the Comal County Flood Damage Prevention Order, Section E.1.

The provided analysis is not detailed enough, and results don't make sense (Attachment H of the drainage report dated 3/3/21). Proposed discharges are lower than existing conditions for Cibolo Creek, when they should probably be the same. No comparison was made with respect to the grading of the roadway. Acquire the FEMA effective RAS model or recreate from results in the FIS and create a corrected effective model with minimum 4 cross sections through development as suggested in the image below. Please provide HEC-RAS model and description of analysis in report (provide for onsite analysis too). Reference effective Flood Insurance Study.



Almost 3' of fill shown in floodway from design plans dated 3/3/21:





PLANNING AND ZONING COMMISSION ITEM:
VR-21-02
VARIANCE
QuikTrip

MEETING DATE: June 10, 2021
DEPARTMENT: Planning & Development
PRESENTED BY: Susana Huerta Ramos, AICP, Planning Director

REQUEST:

Consider a request by QuikTrip Corporation for a variance to Chapter 17, Section 17.06.009, related to Tree Removal and Mitigation, of the City of Bulverde Code of Ordinances, on an approximately 9.74-acre tract of land, generally located at the southwest corner of State Highway 46 and Stahl Lane.

OWNER:

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

APPLICANT:

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

PROPERTY INFORMATION:

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

SUMMARY:

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

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

As shown in the attached site plan exhibit, the proposed development has moved further west since the applicant's last submittal in order to preserve the riparian buffer on the property. However, the applicant has decided to move forward with the following variance request:

Tree Removal and Mitigation. The applicant is requesting a variance to exceed 60% of the total caliper width of specimen trees allowed to be removed on site. Altogether, fifty (50) protected trees, three (3) specimen trees, and two (2) majestic trees are proposed to be removed on the subject property. **To mitigate the proposed removal of 954 caliper inches of trees, the applicant requests to plant 492 caliper inches of trees and pay \$92,400 in lieu of planting the remaining 462 caliper inches of trees.**

The applicant has submitted a written statement for each variance request, which is attached to this staff report. The applicant shall present their case to the Planning & Zoning Commission for consideration during the meeting.

THE GRANTING OF THIS REQUESTED VARIANCE DOES NOT CONSTITUTE APPROVAL OF ANY OTHER VARIANCES WHICH MAY BE DEPICTED IN THE EXHIBITS ATTACHED TO THIS APPLICATION AND REPORT. ANY AND ALL OTHER VARIANCES FROM THE BULVERDE CODE OF ORDINANCES THAT DO NOT INCLUDE THIS REQUESTED VARIANCE WILL BE REQUESTED IN A SEPARATE APPLICATION AND APPROVAL PROCESS.

PREVIOUS ACTION:

At its January 12, 2021 regular meeting, City Council disapproved the applicant's requested variances to exceed 60% of the total caliper width of specimen trees allowed to be removed on site, and payment of a fee in lieu of half of the mitigation on the subject property.

However, a modified variance to Section 17.06.009 of the Bulverde Code of Ordinances, was granted only to the extent to allow the removal of two majestic trees identified as Numbers 2241 and 2185 in the application under Ordinance No. 629 (VR-20-06).

ANALYSIS:

Under Section 17.06.009(c) of the Bulverde Code of Ordinances, *total tree removal from the site cannot exceed 60% of the total caliper width of protected, specimen, majestic, or historic trees on site.* **However, the proposed removal of three specimen trees—a 31-inch Live Oak, 27-inch Live Oak, and 25-inch Live Oak—does not comply with the current ordinance because they account for 73% of the total caliper width of specimen trees on the subject property.**

Under Section 17.06.009(d)(7) of the Bulverde Code of Ordinances, *If insufficient land area exists to plant the required total caliper width of replacement trees as defined in this section, then the cash in lieu amount can be applied up to 50% of the required replacement tree caliper. At the sole cost of the permittee, a certified arborist shall make a written determination of the maximum total caliper width of replacement trees that may be planted on the site.* **According to the attached tree plan and tree table, fifty-five (55) trees are proposed to be removed and**

seventy-four (74) trees would be preserved. The applicant noted that due to the detention pond, building footprint, and future TXDOT improvements on State Highway 46 and Stahl Lane, the site has insufficient land area to plant 954 caliper inches of trees. So, the applicant requests to plant 492 caliper inches of trees and pay \$92,400 (462 caliper inches x \$200.00) in lieu of planting the remaining 462 caliper inches of trees.

As a result of Ordinance No. 645, which was recently passed by City Council, five trees within the proposed building footprint (protected trees numbered 2243, 2244, 2209, 2208, and 2238) are exempt from the City's tree mitigation requirements.

Halff Associates and City staff reviewed all documents submitted with this variance request. Review comments associated with the requested variance can be found in the attached review memo.

AUTHORITY OF THE PLANNING & ZONING COMMISSION:

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

a) General.

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

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

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

ATTACHMENTS:

- A. Application
- B. Letter of Authorization

- C. Statement of Purpose
- D. Site Plan Exhibit
- E. Tree Preservation Plan Exhibits
- F. Executed Agreement – Between QT and Comal Trace HOA
- G. Halff Review Memo



Application for Variance

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

Date: 5/7/21

Case No. _____

Applicant Information:

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

Property Owner Information:

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

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

Property Identification:

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

Description of Request:

1. Variance to Section 17.06.010 Tree protection measures of the City of Bulverde Code of Ordinances, which requires:
The planning and zoning commission shall review each permit application for majestic tree removal and make a recommendation to city council. City council shall then approve or disapprove the permit. A 3:1 mitigation amount is required for any majestic tree removed.
2. Variance to Section 17.04 CUT AND FILL REQUIREMENTS of the City of Bulverde Code of Ordinances, which requires:
Cuts or other excavation associated with the preparation of land for development of lots and public improvements may not exceed four (4) feet in depth.
3. Variance to Section _____ of the City of Bulverde Code of Ordinances, which requires:

4. Variance to Section _____ of the City of Bulverde Code of Ordinances, which requires:

5. Variance to Section _____ of the City of Bulverde Code of Ordinances, which requires:

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

J. Dudley 5/7/21
Signature of Owner/Applicant Date

Fees:

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

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

VARIANCE CRITERIA EXPLANATION FORM

(for Subdivision Code Variances Only)

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

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

Please see letter of intent.

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

Please see letter of intent.

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

Please see letter of intent.

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

Please see letter of intent.

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

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

February 6, 2020

City of Bulverde
30360 Cougar Bend
Bulverde, TX 78163

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

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

Legal Description: A-384 SUR-323 T Miller

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

OWNER:

TENANTS IN COMMON

By: _____



Charles Martin Wender, Manager

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

Cc: QuikTrip Corporation



Variance Request Letter

Statement of Purpose

Purpose: The purpose of this submittal is to allow for the development of a 9.74-acre tract of land for the purpose of constructing a 4,993 SF convenience store with retail motor fuel sales. The provisions of the C-2 Zoning District and all other applicable regulations as stated in the City of Bulverde's Zoning Ordinance shall govern this tract of land.

Proposed Use: QuikTrip is proposing to construct and operate a 4,993 SF **100% masonry** 24-hour Convenience Store with Beer and Wine Sales for off-premise consumption only and retail motor fuel sales. The proposed project is consistent with the City's Master Plan. Per the attached Site Plan, it is our intent to have the POS registers in the Taxing jurisdiction of the City of Bulverde.

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

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

QuikTrip submits this Variance Application, which would allow QuikTrip and the City of Bulverde to customize the site requirements and site usage to accommodate and allow QuikTrip to locate our newest location to the 9.74 acres in the City of Bulverde. As part of the Request, QuikTrip respectfully requests the following variances:

- **17.04 CUT AND FILL REQUIREMENTS**
 - QuikTrip respectfully requests a variance to the Cut and Fill requirements for grade changes exceeding +/- 4' per the attached Master Grading Plan. The site grading proposed will allow us to tie into the future TXDOT proposed improvements and Stahl Lane and respect the 120' Riparian Buffer.

- **17.06.010 Tree Protection Measures**
 - QuikTrip is respectfully requesting to remove only the trees as shown on the attached Tree Preservation Plan. Per the attached Tree Preservation Plan and Tree Table, we are required to mitigate 954 caliper inches for the entire development. QT is proposing to plant 492 inches and pay \$92,400 into the tree fund for the remaining 462 inches. The tree must be removed as they conflict with the detention pond, building footprint and future TXDOT and Stahl Lane improvements.

QuikTrip's held several meetings and obtained useful feedback from the residents which allowed us to create a Master Plan that compliments the neighborhood. The following enhancements were added to the plan to help meet the requests from the residents of Comal Trace as well as those in the general vicinity:

- The station will be placed as far as possible from our neighborhood (per the PDD Site Plan).
- QT will not construct in the riparian area directly across from our entrance (Existing native vegetation will be left undisturbed to the extent possible).
- Stahl Lane will be improved widened, including a designated turning lane to head West on 46, at QT's expense.
- Mature oak trees will be planted along Stahl to screen the station from view.
- QT will incorporate a Sonterra Stone columns in their elevation to better match the hill country aesthetic.
- Six acres of unused land on the subject lot will be left in a natural state in perpetuity, this will be documented and recorded with the county.
- QT will provide \$150k to Comal Trace, for capital improvements for the enhanced entrance beautification and neighborhood. 10% of this sum will be delivered to the HOA upon approval of QT's project for preliminary design of improvements.
- Groundwater and stormwater protection exceed state requirements (triple redundancy on storage tanks, reverse osmosis filtration on stormwater - see plans and presentation).
- QT will install Dark Sky compliant lighting.

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

Best regards,

A handwritten signature in blue ink, appearing to read "J. Muley".



JD Dudley | Real Estate Project Manager II – ASA
742 NW Loop 410 Suite 102 | San Antonio, TX 78216
O: 210.332.4036 | C: 469.766.8331



FIELD NOTES FOR A 9.74 ACRE TRACT OF LAND

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

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

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

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

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

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

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

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

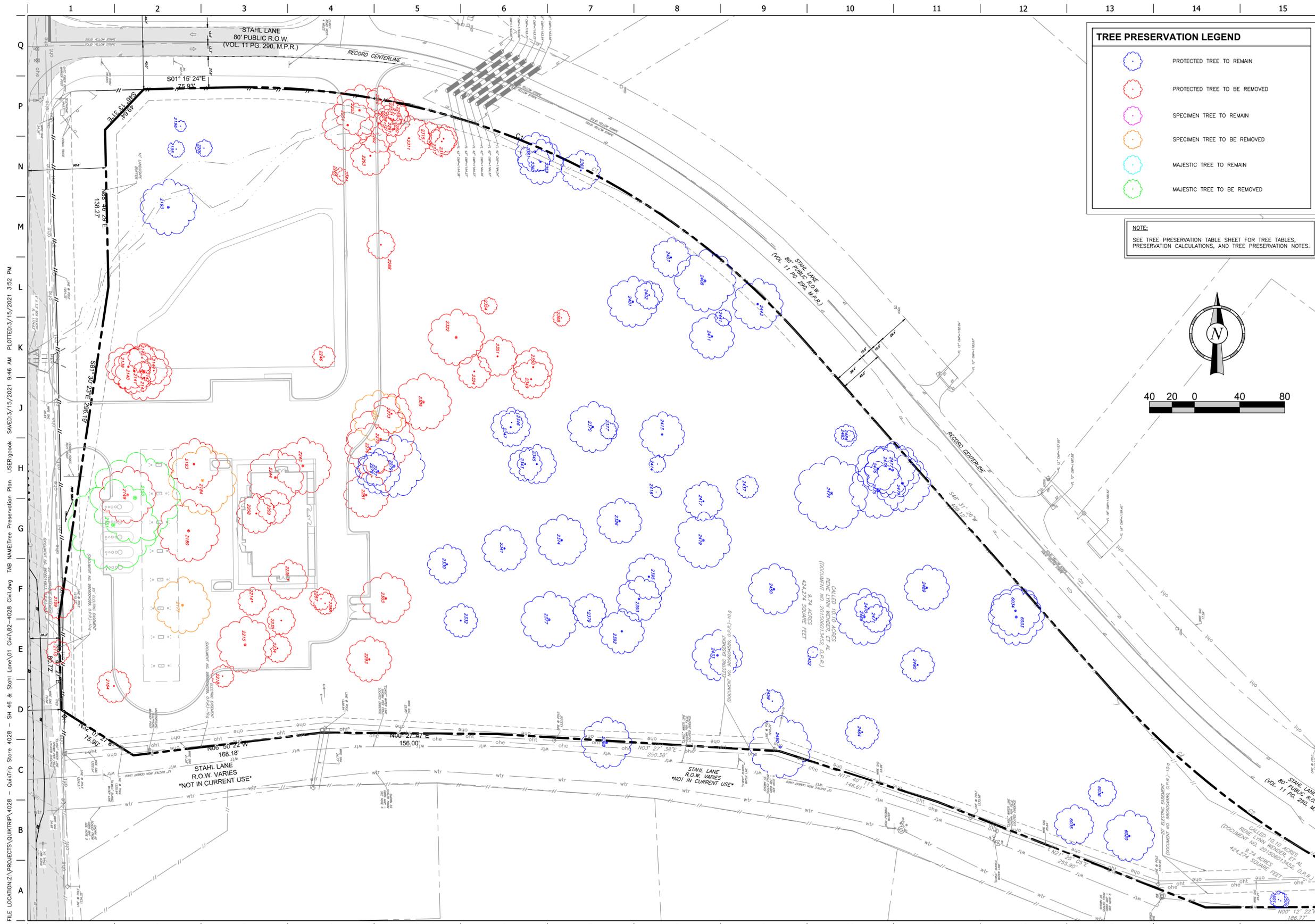
THENCE: With the south right-of-way line of State Highway 46 and the south line of said 0.3764 acre tract, the following three (3) courses:

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

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

Job # 19-4089 QT 4028 – 9.74 Acres

Date: September 18, 2019



FILE LOCATION: Z:\PROJECTS\QUIKTRIP\4028 - QuikTrip Store 4028 - SH 46 & Stahl Lane\01 Civil\2-4028 Civil.dwg TAB NAME: Tree Preservation Plan USER: jgook SAVES: 3/15/2021 9:46 AM PLOTTED: 3/15/2021 3:52 PM

TREE PRESERVATION LEGEND

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

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



MATKIN-HOOVER
ENGINEERING
& SURVEYING

8 SPENCER ROAD, SUITE 100
DALLAS, TEXAS 75241
OFFICE: 972.249.4500
CONTACT@MATKIN-HOOVER.COM
TEXAS REGISTERED ENGINEERING FIRM F-10024000
F-0004512 SURVEYING FIRM F-10024000

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



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

PROTOTYPE: P-102 (05/01/20)
DIVISION:
VERSION: 001
DESIGNED BY: JJV
DRAWN BY: GSC
REVIEWED BY: JJV

REV	DATE	DESCRIPTION

SHEET TITLE:
TREE PRESERVATION PLAN

SHEET NUMBER:
3

ORIGINAL ISSUE DATE:

STATE OF TEXAS

COUNTY OF COMAL

Store #4028

AGREEMENT FOR GOVERNMENT APPROVALS PROCESS

THIS AGREEMENT FOR GOVERNMENT APPROVALS PROCESS (the “Agreement”) is entered into this 7th day of May 2021 by and between QT SOUTH, LLC, a Texas limited liability company (the “Developer”), and COMAL TRACE HOMEOWNERS ASSOCIATION, INC., a Texas non-profit corporation (the “Association”) and their respective successors and assigns (the Developer and Association herein collectively, the “Parties”).

WITNESSETH THAT:

WHEREAS, the Developer wishes to develop the approximate 9.74 acres of real property located in the City of Bulverde, Texas (the “City”) as described on **Exhibit A** (the “Property”); and

WHEREAS, the Developer intends to develop the Property as a fueling station and convenience store, which requires variances and variations to certain City Codes for the Property or portions thereof; and

WHEREAS, the Association represents its members which are the various homeowners and residents in the area immediately around the Property; and

WHEREAS, the Developer and the Association wish to enter into this Agreement to govern the development of the Property.

NOW THEREFORE, in consideration of the premises and of the mutual covenants of the Parties hereinafter expressed, the Developer and the Association hereby agree as follows:

1. **The Property.** The Property will be developed as indicated on the Site Plan, a copy of which is attached hereto as **Exhibit B** (the “Site Plan”). While the final design may differ technically from the Site Plan, it shall conform to the Site Plan in all respects to overall building orientation and location, subject to final approval by the City of Bulverde and other governmental requirements and approvals.
2. **Neighborhood Funds.** In consideration of the Association’s cooperation to support Developer’s submittal for approvals to the City of Bulverde and other governmental requirements and approvals, the Developer has agreed to pay to the Association the sum of One Hundred Fifty Thousand and No/100 Dollars (\$150,000.00) (“Neighborhood Funds”) to be used by the Association for capital improvements to the neighborhood as determined by the Board of Directors with priority given to entrance enhancements and with discretion to respond to unforeseen and unintended consequences resulting from property development affecting the neighborhood and in its sole discretion (collectively, the “Neighborhood Improvements”). The Developer shall deliver the Neighborhood Funds to the Association

after the Developer has received all of the final approvals and permits from the City necessary for the Developer's development of the Property (collectively, the "Government Approvals") and the Developer has commenced construction of its development on the Property; provided, however, that the Developer understands that the Association may desire to initiate planning and design of the Neighborhood Improvements for the entrance enhancements prior to the Developer commencing construction of its development on the Property and, upon receiving written request from the Association, the Developer shall deliver up to ten percent (10%) of the Neighborhood Funds to the Association after Developer receives approval by City Council of the Developer's Planned Development District ("PDD"). The remaining portion of the Neighborhood Funds shall not be released until all requirements listed above have been met.

3. **Signage along Stahl Lane.** The Developer agrees that it shall be limited to placing any monument signage along Stahl Lane to placing such signage within 150' from the intersection.
4. **Stahl Lane Road Improvements.** The Developer agrees to improve Stahl Lane with additional lanes and paving at such time the Developer commences construction of its development on the Property.
5. **Single Use of Property.** The Developer agrees that for the entire time that a convenience store and fueling station exists on any portion of the Property, no other independent use shall simultaneously be allowed on the Property. It is understood that any improvement necessary for the operation and use of the Property as a convenience store and fueling station shall not be in conflict with the terms provided herein.
6. **Exterior Lighting.** The Developer agrees that all lighting on the Property shall be installed and maintained at the Developer's cost and expense and that all outdoor lighting for the Property shall be shielded to the sky and be installed with illumination directed to the ground via the use of "cut-off" lighting fixtures. The exterior lighting fixtures shall be designed to eliminate light spillover and glare to the nearby single-family residences. The Developer shall comply with the City's Dark Sky Ordinance.
7. **Environmental Conditions.** As a condition to the Association's support of the Developer in Developer's efforts to obtain the Government Approvals for its development of the Property, the Developer agrees (a) to incorporate an approved BMP Filter system which shall filter any detention water runoff prior to it leaving the Property, (b) that all Underground Storage Tanks shall be triple wall tanks, and (c) that the fuel tank pit area shall incorporate a Tank Pit Bladder System which will line the entire tank pit area with an additional lining.
8. **Support of Government Approvals.** The Association agrees to execute and send a letter to the City in support of the Developer in Developer's efforts to obtain the Government Approvals for its development of the Property and the Association also agrees to make reasonable effort to send at least one (1) representative to the public hearing to speak in support of the Developer in Developer's efforts to obtain the Government Approvals for its development of the Property. If the case is deferred at the initial hearing, the Association shall make reasonable effort to send a representative to any future hearing(s) to speak in

support of the Developer in Developer's efforts to obtain the Government Approvals for its development of the Property.

9. **Voidability.** The Developer and the Association agree that this Agreement shall become void if: (A) the Association fails to satisfy the requirements of Paragraph 8 above; (B) the Government Approvals are denied by the City; (C) any officer of the Association speaks in opposition to the Government Approvals required to implement the development contemplated by this Agreement; (D) the Association or any authorized officer thereof commences a suit seeking to void or overturn the Government Approvals or intervenes in a suit commenced by a third party seeking to void or overturn the Government Approvals; (E) a lawsuit is initiated by a third party which results in the voiding or overturning of the Government Approvals unless such lawsuit is initiated by the Association with the intent of seeking restitution for this Agreement; or (F) at any such time that the convenience store and fueling station shall cease to operate in conjunction with placing a restriction on the Property preventing any further use of the Property as a convenience store and fueling station.

10. **Changes or Modifications to Government Approvals.** The Developer will not request any administrative zoning amendment which seeks to change any of the conditions contained herein without giving notice to the Association. However, the Developer will have the right to request administrative changes in the zoning so long as such changes are required to comply with permitting requirements of approved PDD as set forth in this Agreement and which do not: (a) increase the height in stories or square footage of any building; or (b) decrease any exterior setback or the amount of landscaped area.

11. **Notice.** Any notice or communication permitted or required by this Agreement shall be made in writing and shall be delivered by Overnight Delivery Service, Hand Delivery or by Certified Mail, Return Receipt Requested. Any such notice shall be effective and deemed received on the day of receipt. Rejection or other refusal to accept or inability to deliver because of changed address of which no notice was given shall be deemed receipt of the notice or communication sent. Any party may change its address in the manner provided for herein by giving notice, with such change to become effective ten (10) days after notice of the change of address is given.

If to the Developer: QT South, LLC
Attn: Director of Real Estate 742
NW Loop 410, Suite 102 San
Antonio, TX 78216

If to the Association: Comal Trace Homeowners Association
Attn: President
17319 San Pedro Ave, Suite 318
San Antonio, TX 78232

With a copy to: Thurman & Phillips, P.C
Attn: Michael B. Thurman
4093 De Zavala Road
Shavano Park, TX 78249

12. **Enforcement; Priority; Duration; Restitution**. This Agreement may be enforced by any court of law or equity in any manner provided by law or in this Agreement, including without limitation any action for specific performance or damages. This Agreement may be enforced by a majority vote of the Association's Executive Committee, which shall be entitled to any and all available legal and equitable remedies, including without limitation injunctive relief. The non-prevailing party in any litigation involving this Agreement shall pay the reasonable attorneys' fees and court costs actually incurred by the prevailing party. In no event and under no circumstances whatsoever shall the rights herein granted or to be granted in the future pursuant to this Agreement or any written agreement relating hereto be deemed to be for the benefit of the public. Except as otherwise expressly provided in this Agreement, no other person or entity is otherwise deemed a third-party beneficiary of this Agreement. All exhibits attached hereto are incorporated herein by this reference. A waiver by any of the Parties hereto of any breach hereof shall not operate or be construed as a waiver of any subsequent breach by any party.

Notwithstanding any other provisions herein, the Parties agree that the promises, restrictions and agreements agreed upon herein are an integral part of the Government Approvals and that the Government Approvals are an integral part of the promises, restrictions and agreements agreed upon herein. This Agreement shall remain in force so long as the Developer, or its successors or assigns, utilizes the Government Approvals required to implement the development of the Property contemplated by this Agreement. In the event a future redevelopment of the Property occurs whereby the Developer or its successors or assigns do not utilize the benefits conferred by the Government Approvals, this Agreement shall expire and be null and void. Furthermore, the promises, restrictions and Agreements agreed upon herein shall expire immediately upon the effective date of any subsequent ordinance adopted by the City amending the terms or conditions of the Government Approvals for the Property.

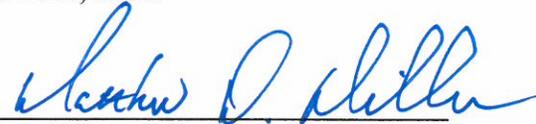
13. **Burdens and Benefits Run with the Land**. The restrictions hereunder shall create benefits and servitudes running with the land and shall bind the Developer and its successors and assigns, and shall inure to the benefit of the Association and its respective successors and assigns. The restrictions contained in this Agreement shall be evidenced by a recorded, jointly executed instrument filed in the Official Public Records of Comal County, Texas. The instrument shall be filed of record within five (5) days of Developer receiving all necessary governmental approvals for the development of the Property. Notwithstanding any other provisions herein, the Parties agree that the promises, restrictions and agreements agreed upon herein are an integral part of the Government Approvals and that the Government Approvals are an integral part of the promises, restrictions and agreements agreed upon herein. Accordingly, this Agreement is binding upon, valid and enforceable against the Developer only if the Government Approvals are approved as requested by the Developer.
14. **Severability**. In the event that any provision or any portion of any provision of this Agreement, or the application thereof, to any person or circumstance, shall to any extent be held invalid or unenforceable, the remainder of this Agreement, or the application of such remaining provisions or remaining portion of said provision to any other person or circumstance, shall not be affected thereby. Said remainder shall continue in full force and effect and shall be valid and enforceable to the fullest extent permitted by law.

15. **Governing Law.** This Agreement represents the entire agreement between the parties hereto pertaining to the subject matter hereof and shall be governed, construed, performed, and enforced in accordance with the laws of the State of Texas.
16. **Time is of the Essence.** Time is of the essence with respect to this Agreement.
17. **Amendment.** This Agreement may be amended only by a written instrument executed by the Parties.
18. **Counterparts.** This Agreement may be executed in several counterparts, each of which shall be deemed an original and all such counterparts together shall constitute one and the same instrument. No representations that are not contained herein shall be binding upon the parties. Each signatory hereto is authorized to execute this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed under seal and delivered by their respective authorized representatives on the day and year first above written.

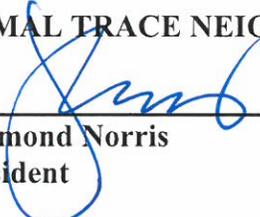
“Developer”

QT SOUTH, LLC

By: 
Matthew D. Miller
President

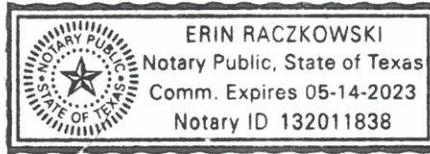
“Association”

COMAL TRACE NEIGHBORHOOD ASSOCIATION

By: 
Raymond Norris
President

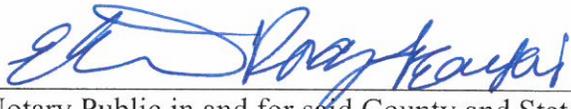
STATE OF TEXAS)
)
COUNTY OF BEXAR)

SS.



On this 7th day of May, 2021, before me, the undersigned, a Notary Public, appeared Matthew D. Miller, to me personally known, who being by me duly sworn, did say that he is the President of QT South, LLC, and that said instrument was signed and sealed in behalf of said corporation, by authority of its Board of Directors and Matthew D. Miller acknowledged said instrument to be the free act and deed of said corporation.

In testimony whereof I have hereunto set my hand and affixed my official seal at my office in said county and state the day and year last above written.

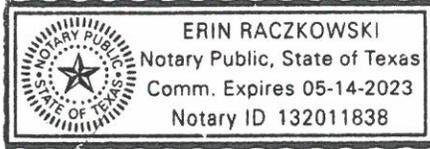


Notary Public in and for said County and State

My Commission Expires:
5/14/2023

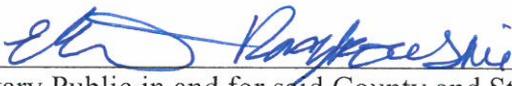
STATE OF TEXAS)
)
COUNTY OF Bexar)

SS.



On this 7th day of May, 2021, before me, the undersigned, a Notary Public, appeared Raymond Norris, to me personally known, who being by me duly sworn, did say that he is the President of Comal Trace Neighborhood Association, and that said instrument was signed and sealed in behalf of the neighborhood, by authority of its members.

In testimony whereof I have hereunto set my hand and affixed my official seal at my office in said county and state the day and year last above written.



Notary Public in and for said County and State

My Commission Expires:
5/14/2023

Exhibit A
Property Legal Description

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

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

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

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

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

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

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

REVIEW MEMORANDUM

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

SUBJECT: Traffic Impact Analysis and variance request
QuikTrip at Hwy 46 & Stahl Lane

DATE: May 27, 2021

Halff Associates, on behalf of the City of Bulverde, has reviewed the Traffic Impact Analysis (TIA) report dated 3/9/21 and variance request dated 5/7/21 for the proposed QuikTrip gas station at the southwest corner of Hwy 46 and Stahl Lane. The applicant is requesting a variance to the tree protection and cut/fill ordinance.

The applicant provided plans that show the development moved further west since last presented to the City in order to preserve the riparian buffer.

1. Their current grading still violates the cut & fill ordinance, with both cuts and fills exceeding 4 feet (as high as 10 feet). Retaining walls would be as high as 13 feet.
2. Their current plan proposed to remove 2 majestic trees, 3 specimen trees and 50 protected trees. The applicant is requesting to re-plant 50% of the removed caliper inches and pay for the remaining 50% into the City's tree fund.
3. Halff believes the TIA addressed the discussion from the last scoping meeting, and we concur with their process and conclusions. Halff has no comments on the TIA.
4. That said, the applicant should consider the future build-out of Stahl Road in their site layout. Our understanding is the County intends to widen Stahl to a Minor Arterial (as shown in Bulverde's MTP) with an 86-ft ROW. This widening seems likely to occur within a few years after the QT would open. This would mean what is currently shown as a right turn lane into Driveway 2 may become a through lane. If so, a new right turn lane would be built. It is also conceivable that the widening would occur to the opposite side. Point being, the applicant needs to make sure there is adequate ROW to allow for the ultimate build-out, and if not, to dedicate/set back far enough to accommodate it (i.e. the culverts may need to push a little bit to the west to make room for a future curb return).

Please keep these responses in mind as the City considers the variance request.



Sam Edwards, PE, CFM
Halff Associates, Inc.



PLANNING AND ZONING COMMISSION ITEM:
VR-21-03
VARIANCE
QuikTrip

MEETING DATE: June 10, 2021
DEPARTMENT: Planning & Development
PRESENTED BY: Susana Huerta Ramos, AICP, Planning Director

REQUEST:

Consider a request by QuikTrip Corporation for a variance to Section 17.04.003, related to Cuts, and Section 17.04.004, related to Fills, of the City of Bulverde Code of Ordinances, on an approximately 9.74-acre tract of land, generally located at the southwest corner of State Highway 46 and Stahl Lane.

OWNER:

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

APPLICANT:

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

PROPERTY INFORMATION:

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

SUMMARY:

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

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

As shown in the attached site plan exhibit, the proposed development has moved further west since the applicant's last submittal in order to preserve the riparian buffer on the property. However, the applicant has decided to move forward with the following variance requests:

Cuts. The applicant is requesting a variance to the cut requirements in Chapter 17, Section 17.04.003 of the Bulverde Code of Ordinances. **The proposed maximum depth of cut exceeds four (4) feet.**

Fills. The applicant is requesting a variance to the fill requirements in Chapter 17, Section 17.04.004 of the Bulverde Code of Ordinances. **The proposed maximum depth of fill exceeds (4) feet.**

The applicant has submitted a written statement for each variance request, which is attached to this staff report. The applicant shall present their case to the Planning & Zoning Commission for consideration during the meeting.

THE GRANTING OF THIS REQUESTED VARIANCE DOES NOT CONSTITUTE APPROVAL OF ANY OTHER VARIANCES WHICH MAY BE DEPICTED IN THE EXHIBITS ATTACHED TO THIS APPLICATION AND REPORT. ANY AND ALL OTHER VARIANCES FROM THE BULVERDE CODE OF ORDINANCES THAT DO NOT INCLUDE THIS REQUESTED VARIANCE WILL BE REQUESTED IN A SEPARATE APPLICATION AND APPROVAL PROCESS.

PREVIOUS ACTION:

At its January 12, 2021 regular meeting, City Council disapproved the applicant's requested variances to cuts and fills in excess of four feet on the subject property.

However, a modified variance to Sections 17.04.003 and 17.04.004 of the Bulverde Code of Ordinances, was granted only to the extent to allow the construction of an entry driveway from State Highway 46 to be constructed provided that the grade of the portion of such driveway within the right-of-way does not exceed 2% and the grade of the remainder of such driveway does not exceed 5% under Ordinance No. 630 (VR-20-07).

ANALYSIS:

Cuts. In order to develop the subject property, as shown in the attached exhibits, the applicant is proposing to cut areas of the site that exceed 4 feet in depth (as high as 10 feet). Section 17.04.003 of the City of Bulverde Code of Ordinances defines "cut" as: *the removal of naturally occurring earth material for the purpose of creating a more level building area. Cuts or other excavation associated with the preparation of land for development of lots and public improvements may not exceed four (4) feet in depth.*

Fills. According to the attached exhibits, the applicant is also proposing to fill areas of the site that exceed 4 feet in depth (as high as 10 feet). Pursuant to Section 17.04.004 of the City of Bulverde Code of Ordinances, *fills associated with the preparation of land for development of lots and public improvements may not exceed four (4) feet in depth.*

Halff Associates and City staff reviewed all documents submitted with this variance request. Review comments associated with the requested variance can be found in the attached review memo.

Section 17.04.006, which pertains to relief from cut and fill requirements, provides a variance process in which a *request for cuts or fills greater than eight (8) feet may be approved by the City Council in accordance with Section 1.07 of Chapter 10, Exhibit A, of the City of Bulverde Code of Ordinances.*

AUTHORITY OF THE PLANNING & ZONING COMMISSION:

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

a) General.

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

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

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

ATTACHMENTS:

- A. Application
- B. Letter of Authorization
- C. Statement of Purpose
- D. Site Plan Exhibit
- E. Cut & Fill Exhibits
- F. Executed Agreement – Between QT and Comal Trace HOA
- G. Halff Review Memo



Application for Variance

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

Date: 5/7/21

Case No. _____

Applicant Information:

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

Property Owner Information:

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

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

Property Identification:

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

Description of Request:

1. Variance to Section 17.06.010 Tree protection measures of the City of Bulverde Code of Ordinances, which requires:
The planning and zoning commission shall review each permit application for majestic tree removal and make a recommendation to city council. City council shall then approve or disapprove the permit. A 3:1 mitigation amount is required for any majestic tree removed.
2. Variance to Section 17.04 CUT AND FILL REQUIREMENTS of the City of Bulverde Code of Ordinances, which requires:
Cuts or other excavation associated with the preparation of land for development of lots and public improvements may not exceed four (4) feet in depth.
3. Variance to Section _____ of the City of Bulverde Code of Ordinances, which requires:

4. Variance to Section _____ of the City of Bulverde Code of Ordinances, which requires:

5. Variance to Section _____ of the City of Bulverde Code of Ordinances, which requires:

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

J. Dudley 5/7/21
Signature of Owner/Applicant Date

Fees:

- Zoning and Plat Variance Review Fee** - \$750.00 (per Section/Provision of the Code)
- Variance Review Fee (all other Variances)**- \$500.00 (per Section/Provision of the Code)

VARIANCE CRITERIA EXPLANATION FORM

(for Subdivision Code Variances Only)

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

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

Please see letter of intent.

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

Please see letter of intent.

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

Please see letter of intent.

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

Please see letter of intent.

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

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

February 6, 2020

City of Bulverde
30360 Cougar Bend
Bulverde, TX 78163

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

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

Legal Description: A-384 SUR-323 T Miller

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

OWNER:

TENANTS IN COMMON

By: _____



Charles Martin Wender, Manager

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

Cc: QuikTrip Corporation



Variance Request Letter

Statement of Purpose

Purpose: The purpose of this submittal is to allow for the development of a 9.74-acre tract of land for the purpose of constructing a 4,993 SF convenience store with retail motor fuel sales. The provisions of the C-2 Zoning District and all other applicable regulations as stated in the City of Bulverde's Zoning Ordinance shall govern this tract of land.

Proposed Use: QuikTrip is proposing to construct and operate a 4,993 SF **100% masonry** 24-hour Convenience Store with Beer and Wine Sales for off-premise consumption only and retail motor fuel sales. The proposed project is consistent with the City's Master Plan. Per the attached Site Plan, it is our intent to have the POS registers in the Taxing jurisdiction of the City of Bulverde.

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

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

QuikTrip submits this Variance Application, which would allow QuikTrip and the City of Bulverde to customize the site requirements and site usage to accommodate and allow QuikTrip to locate our newest location to the 9.74 acres in the City of Bulverde. As part of the Request, QuikTrip respectfully requests the following variances:

- **17.04 CUT AND FILL REQUIREMENTS**
 - QuikTrip respectfully requests a variance to the Cut and Fill requirements for grade changes exceeding +/- 4' per the attached Master Grading Plan. The site grading proposed will allow us to tie into the future TXDOT proposed improvements and Stahl Lane and respect the 120' Riparian Buffer.

- **17.06.010 Tree Protection Measures**
 - QuikTrip is respectfully requesting to remove only the trees as shown on the attached Tree Preservation Plan. Per the attached Tree Preservation Plan and Tree Table, we are required to mitigate 954 caliper inches for the entire development. QT is proposing to plant 492 inches and pay \$92,400 into the tree fund for the remaining 462 inches. The tree must be removed as they conflict with the detention pond, building footprint and future TXDOT and Stahl Lane improvements.

QuikTrip's held several meetings and obtained useful feedback from the residents which allowed us to create a Master Plan that compliments the neighborhood. The following enhancements were added to the plan to help meet the requests from the residents of Comal Trace as well as those in the general vicinity:

- The station will be placed as far as possible from our neighborhood (per the PDD Site Plan).
- QT will not construct in the riparian area directly across from our entrance (Existing native vegetation will be left undisturbed to the extent possible).
- Stahl Lane will be improved widened, including a designated turning lane to head West on 46, at QT's expense.
- Mature oak trees will be planted along Stahl to screen the station from view.
- QT will incorporate a Sonterra Stone columns in their elevation to better match the hill country aesthetic.
- Six acres of unused land on the subject lot will be left in a natural state in perpetuity, this will be documented and recorded with the county.
- QT will provide \$150k to Comal Trace, for capital improvements for the enhanced entrance beautification and neighborhood. 10% of this sum will be delivered to the HOA upon approval of QT's project for preliminary design of improvements.
- Groundwater and stormwater protection exceed state requirements (triple redundancy on storage tanks, reverse osmosis filtration on stormwater - see plans and presentation).
- QT will install Dark Sky compliant lighting.

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

Best regards,

A handwritten signature in blue ink, appearing to read "J. Malley".



JD Dudley | Real Estate Project Manager II – ASA
742 NW Loop 410 Suite 102 | San Antonio, TX 78216
O: 210.332.4036 | C: 469.766.8331



FIELD NOTES FOR A 9.74 ACRE TRACT OF LAND

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

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

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

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

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

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

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

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

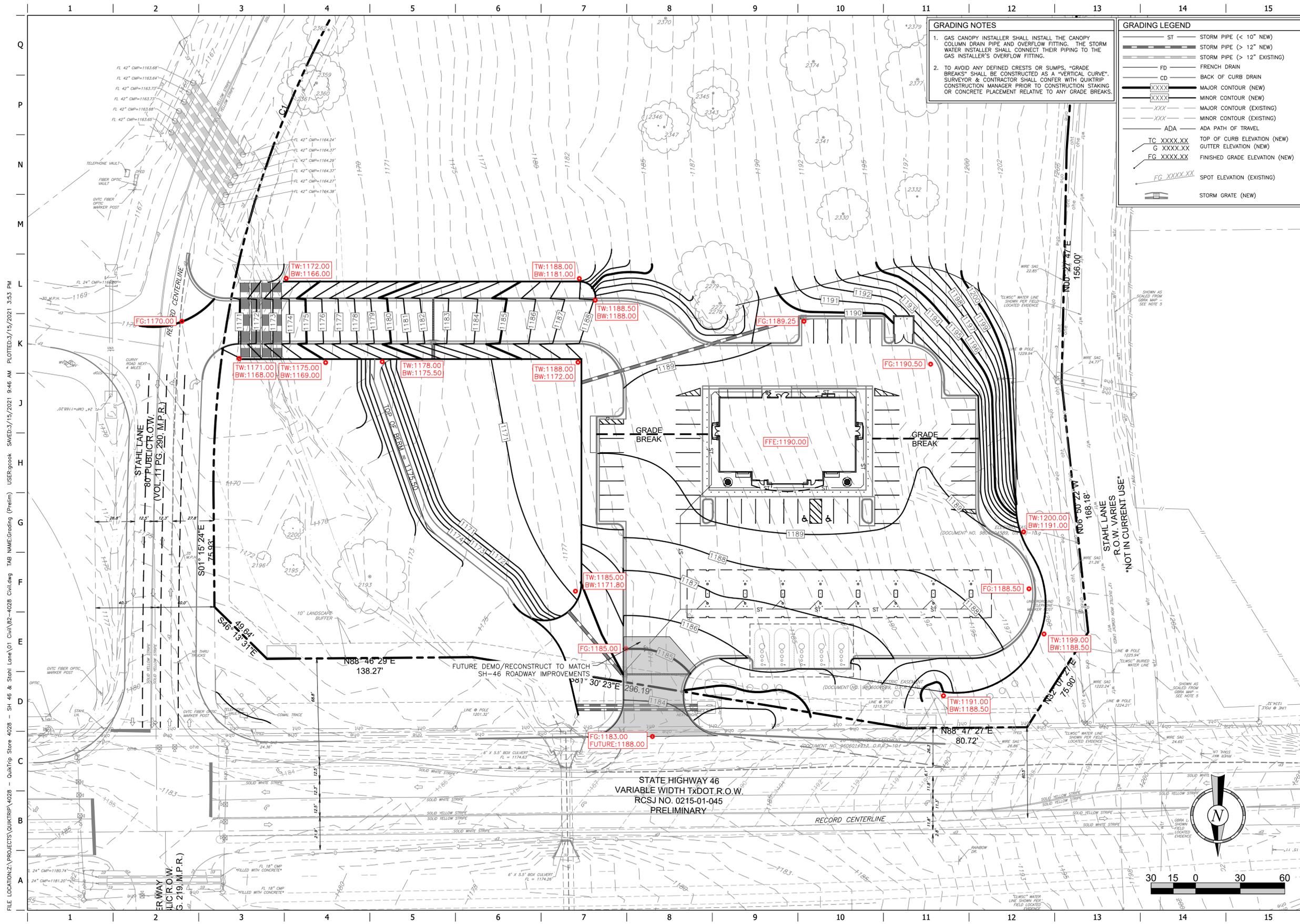
THENCE: With the south right-of-way line of State Highway 46 and the south line of said 0.3764 acre tract, the following three (3) courses:

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

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

Job # 19-4089 QT 4028 – 9.74 Acres

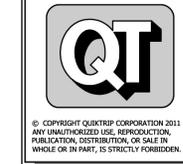
Date: September 18, 2019



FILE LOCATION: Z:\PROJECTS\QUIKTRIP\4028 - QuikTrip Store 4028 - SH 46 & Stahl Lane\01 Civil\22-4028 Civil.dwg USER: gbook SAVED: 3/15/2021 9:46 AM PLOTTED: 3/15/2021 3:53 PM

PROJECT NO. 4028.01
QUIKTRIP
 ENGINEERING
 & SURVEYING
 8 SPENCER ROAD, SUITE 100
 DALLAS, TEXAS 75241
 OFFICE: 972.249.4500
 CONTACT@QUIKTRIP.COM
 TEXAS REGISTERED ENGINEERING FIRM F-10024000
 F-3004512 SURVEYING FIRM F-10024000

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



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

PROTOTYPE: P-102 (05/01/20)
 DIVISION:
 VERSION: 001
 DESIGNED BY: JJV
 DRAWN BY: GSC
 REVIEWED BY: JJV

REV	DATE	DESCRIPTION

SHEET TITLE:
 Master Grading
 Plan

SHEET NUMBER:
 2

ORIGINAL ISSUE DATE:



STATE OF TEXAS

COUNTY OF COMAL

Store #4028

AGREEMENT FOR GOVERNMENT APPROVALS PROCESS

THIS AGREEMENT FOR GOVERNMENT APPROVALS PROCESS (the “Agreement”) is entered into this 7th day of May 2021 by and between QT SOUTH, LLC, a Texas limited liability company (the “Developer”), and COMAL TRACE HOMEOWNERS ASSOCIATION, INC., a Texas non-profit corporation (the “Association”) and their respective successors and assigns (the Developer and Association herein collectively, the “Parties”).

WITNESSETH THAT:

WHEREAS, the Developer wishes to develop the approximate 9.74 acres of real property located in the City of Bulverde, Texas (the “City”) as described on **Exhibit A** (the “Property”); and

WHEREAS, the Developer intends to develop the Property as a fueling station and convenience store, which requires variances and variations to certain City Codes for the Property or portions thereof; and

WHEREAS, the Association represents its members which are the various homeowners and residents in the area immediately around the Property; and

WHEREAS, the Developer and the Association wish to enter into this Agreement to govern the development of the Property.

NOW THEREFORE, in consideration of the premises and of the mutual covenants of the Parties hereinafter expressed, the Developer and the Association hereby agree as follows:

1. **The Property.** The Property will be developed as indicated on the Site Plan, a copy of which is attached hereto as **Exhibit B** (the “Site Plan”). While the final design may differ technically from the Site Plan, it shall conform to the Site Plan in all respects to overall building orientation and location, subject to final approval by the City of Bulverde and other governmental requirements and approvals.
2. **Neighborhood Funds.** In consideration of the Association’s cooperation to support Developer’s submittal for approvals to the City of Bulverde and other governmental requirements and approvals, the Developer has agreed to pay to the Association the sum of One Hundred Fifty Thousand and No/100 Dollars (\$150,000.00) (“Neighborhood Funds”) to be used by the Association for capital improvements to the neighborhood as determined by the Board of Directors with priority given to entrance enhancements and with discretion to respond to unforeseen and unintended consequences resulting from property development affecting the neighborhood and in its sole discretion (collectively, the “Neighborhood Improvements”). The Developer shall deliver the Neighborhood Funds to the Association

after the Developer has received all of the final approvals and permits from the City necessary for the Developer's development of the Property (collectively, the "Government Approvals") and the Developer has commenced construction of its development on the Property; provided, however, that the Developer understands that the Association may desire to initiate planning and design of the Neighborhood Improvements for the entrance enhancements prior to the Developer commencing construction of its development on the Property and, upon receiving written request from the Association, the Developer shall deliver up to ten percent (10%) of the Neighborhood Funds to the Association after Developer receives approval by City Council of the Developer's Planned Development District ("PDD"). The remaining portion of the Neighborhood Funds shall not be released until all requirements listed above have been met.

3. **Signage along Stahl Lane.** The Developer agrees that it shall be limited to placing any monument signage along Stahl Lane to placing such signage within 150' from the intersection.
4. **Stahl Lane Road Improvements.** The Developer agrees to improve Stahl Lane with additional lanes and paving at such time the Developer commences construction of its development on the Property.
5. **Single Use of Property.** The Developer agrees that for the entire time that a convenience store and fueling station exists on any portion of the Property, no other independent use shall simultaneously be allowed on the Property. It is understood that any improvement necessary for the operation and use of the Property as a convenience store and fueling station shall not be in conflict with the terms provided herein.
6. **Exterior Lighting.** The Developer agrees that all lighting on the Property shall be installed and maintained at the Developer's cost and expense and that all outdoor lighting for the Property shall be shielded to the sky and be installed with illumination directed to the ground via the use of "cut-off" lighting fixtures. The exterior lighting fixtures shall be designed to eliminate light spillover and glare to the nearby single-family residences. The Developer shall comply with the City's Dark Sky Ordinance.
7. **Environmental Conditions.** As a condition to the Association's support of the Developer in Developer's efforts to obtain the Government Approvals for its development of the Property, the Developer agrees (a) to incorporate an approved BMP Filter system which shall filter any detention water runoff prior to it leaving the Property, (b) that all Underground Storage Tanks shall be triple wall tanks, and (c) that the fuel tank pit area shall incorporate a Tank Pit Bladder System which will line the entire tank pit area with an additional lining.
8. **Support of Government Approvals.** The Association agrees to execute and send a letter to the City in support of the Developer in Developer's efforts to obtain the Government Approvals for its development of the Property and the Association also agrees to make reasonable effort to send at least one (1) representative to the public hearing to speak in support of the Developer in Developer's efforts to obtain the Government Approvals for its development of the Property. If the case is deferred at the initial hearing, the Association shall make reasonable effort to send a representative to any future hearing(s) to speak in

support of the Developer in Developer's efforts to obtain the Government Approvals for its development of the Property.

9. **Voidability.** The Developer and the Association agree that this Agreement shall become void if: (A) the Association fails to satisfy the requirements of Paragraph 8 above; (B) the Government Approvals are denied by the City; (C) any officer of the Association speaks in opposition to the Government Approvals required to implement the development contemplated by this Agreement; (D) the Association or any authorized officer thereof commences a suit seeking to void or overturn the Government Approvals or intervenes in a suit commenced by a third party seeking to void or overturn the Government Approvals; (E) a lawsuit is initiated by a third party which results in the voiding or overturning of the Government Approvals unless such lawsuit is initiated by the Association with the intent of seeking restitution for this Agreement; or (F) at any such time that the convenience store and fueling station shall cease to operate in conjunction with placing a restriction on the Property preventing any further use of the Property as a convenience store and fueling station.

10. **Changes or Modifications to Government Approvals.** The Developer will not request any administrative zoning amendment which seeks to change any of the conditions contained herein without giving notice to the Association. However, the Developer will have the right to request administrative changes in the zoning so long as such changes are required to comply with permitting requirements of approved PDD as set forth in this Agreement and which do not: (a) increase the height in stories or square footage of any building; or (b) decrease any exterior setback or the amount of landscaped area.

11. **Notice.** Any notice or communication permitted or required by this Agreement shall be made in writing and shall be delivered by Overnight Delivery Service, Hand Delivery or by Certified Mail, Return Receipt Requested. Any such notice shall be effective and deemed received on the day of receipt. Rejection or other refusal to accept or inability to deliver because of changed address of which no notice was given shall be deemed receipt of the notice or communication sent. Any party may change its address in the manner provided for herein by giving notice, with such change to become effective ten (10) days after notice of the change of address is given.

If to the Developer: QT South, LLC
Attn: Director of Real Estate 742
NW Loop 410, Suite 102 San
Antonio, TX 78216

If to the Association: Comal Trace Homeowners Association
Attn: President
17319 San Pedro Ave, Suite 318
San Antonio, TX 78232

With a copy to: Thurman & Phillips, P.C
Attn: Michael B. Thurman
4093 De Zavala Road
Shavano Park, TX 78249

12. **Enforcement; Priority; Duration; Restitution**. This Agreement may be enforced by any court of law or equity in any manner provided by law or in this Agreement, including without limitation any action for specific performance or damages. This Agreement may be enforced by a majority vote of the Association's Executive Committee, which shall be entitled to any and all available legal and equitable remedies, including without limitation injunctive relief. The non-prevailing party in any litigation involving this Agreement shall pay the reasonable attorneys' fees and court costs actually incurred by the prevailing party. In no event and under no circumstances whatsoever shall the rights herein granted or to be granted in the future pursuant to this Agreement or any written agreement relating hereto be deemed to be for the benefit of the public. Except as otherwise expressly provided in this Agreement, no other person or entity is otherwise deemed a third-party beneficiary of this Agreement. All exhibits attached hereto are incorporated herein by this reference. A waiver by any of the Parties hereto of any breach hereof shall not operate or be construed as a waiver of any subsequent breach by any party.

Notwithstanding any other provisions herein, the Parties agree that the promises, restrictions and agreements agreed upon herein are an integral part of the Government Approvals and that the Government Approvals are an integral part of the promises, restrictions and agreements agreed upon herein. This Agreement shall remain in force so long as the Developer, or its successors or assigns, utilizes the Government Approvals required to implement the development of the Property contemplated by this Agreement. In the event a future redevelopment of the Property occurs whereby the Developer or its successors or assigns do not utilize the benefits conferred by the Government Approvals, this Agreement shall expire and be null and void. Furthermore, the promises, restrictions and Agreements agreed upon herein shall expire immediately upon the effective date of any subsequent ordinance adopted by the City amending the terms or conditions of the Government Approvals for the Property.

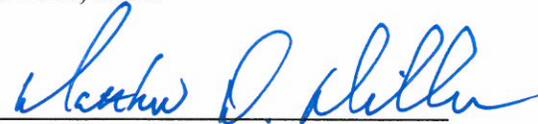
13. **Burdens and Benefits Run with the Land**. The restrictions hereunder shall create benefits and servitudes running with the land and shall bind the Developer and its successors and assigns, and shall inure to the benefit of the Association and its respective successors and assigns. The restrictions contained in this Agreement shall be evidenced by a recorded, jointly executed instrument filed in the Official Public Records of Comal County, Texas. The instrument shall be filed of record within five (5) days of Developer receiving all necessary governmental approvals for the development of the Property. Notwithstanding any other provisions herein, the Parties agree that the promises, restrictions and agreements agreed upon herein are an integral part of the Government Approvals and that the Government Approvals are an integral part of the promises, restrictions and agreements agreed upon herein. Accordingly, this Agreement is binding upon, valid and enforceable against the Developer only if the Government Approvals are approved as requested by the Developer.
14. **Severability**. In the event that any provision or any portion of any provision of this Agreement, or the application thereof, to any person or circumstance, shall to any extent be held invalid or unenforceable, the remainder of this Agreement, or the application of such remaining provisions or remaining portion of said provision to any other person or circumstance, shall not be affected thereby. Said remainder shall continue in full force and effect and shall be valid and enforceable to the fullest extent permitted by law.

15. **Governing Law.** This Agreement represents the entire agreement between the parties hereto pertaining to the subject matter hereof and shall be governed, construed, performed, and enforced in accordance with the laws of the State of Texas.
16. **Time is of the Essence.** Time is of the essence with respect to this Agreement.
17. **Amendment.** This Agreement may be amended only by a written instrument executed by the Parties.
18. **Counterparts.** This Agreement may be executed in several counterparts, each of which shall be deemed an original and all such counterparts together shall constitute one and the same instrument. No representations that are not contained herein shall be binding upon the parties. Each signatory hereto is authorized to execute this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed under seal and delivered by their respective authorized representatives on the day and year first above written.

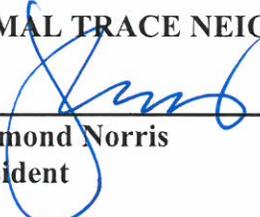
“Developer”

QT SOUTH, LLC

By: 
Matthew D. Miller
President

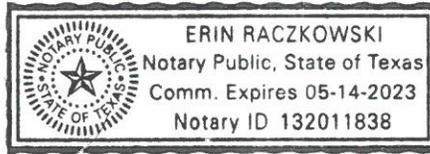
“Association”

COMAL TRACE NEIGHBORHOOD ASSOCIATION

By: 
Raymond Norris
President

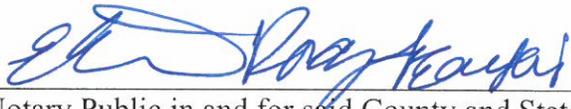
STATE OF TEXAS)
)
COUNTY OF BEXAR)

SS.



On this 7th day of May, 2021, before me, the undersigned, a Notary Public, appeared Matthew D. Miller, to me personally known, who being by me duly sworn, did say that he is the President of QT South, LLC, and that said instrument was signed and sealed in behalf of said corporation, by authority of its Board of Directors and Matthew D. Miller acknowledged said instrument to be the free act and deed of said corporation.

In testimony whereof I have hereunto set my hand and affixed my official seal at my office in said county and state the day and year last above written.

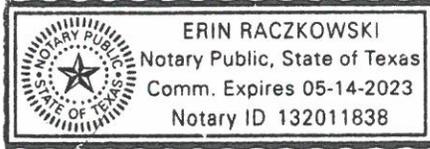


Notary Public in and for said County and State

My Commission Expires:
5/14/2023

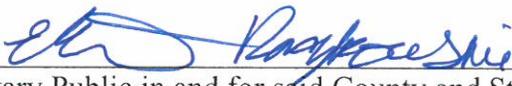
STATE OF TEXAS)
)
COUNTY OF Bexar)

SS.



On this 7th day of May, 2021, before me, the undersigned, a Notary Public, appeared Raymond Norris, to me personally known, who being by me duly sworn, did say that he is the President of Comal Trace Neighborhood Association, and that said instrument was signed and sealed in behalf of the neighborhood, by authority of its members.

In testimony whereof I have hereunto set my hand and affixed my official seal at my office in said county and state the day and year last above written.



Notary Public in and for said County and State

My Commission Expires:
5/14/2023

Exhibit A
Property Legal Description

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

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

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

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

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

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

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

REVIEW MEMORANDUM

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

SUBJECT: Traffic Impact Analysis and variance request
QuikTrip at Hwy 46 & Stahl Lane

DATE: May 27, 2021

Halff Associates, on behalf of the City of Bulverde, has reviewed the Traffic Impact Analysis (TIA) report dated 3/9/21 and variance request dated 5/7/21 for the proposed QuikTrip gas station at the southwest corner of Hwy 46 and Stahl Lane. The applicant is requesting a variance to the tree protection and cut/fill ordinance.

The applicant provided plans that show the development moved further west since last presented to the City in order to preserve the riparian buffer.

1. Their current grading still violates the cut & fill ordinance, with both cuts and fills exceeding 4 feet (as high as 10 feet). Retaining walls would be as high as 13 feet.
2. Their current plan proposed to remove 2 majestic trees, 3 specimen trees and 50 protected trees. The applicant is requesting to re-plant 50% of the removed caliper inches and pay for the remaining 50% into the City's tree fund.
3. Halff believes the TIA addressed the discussion from the last scoping meeting, and we concur with their process and conclusions. Halff has no comments on the TIA.
4. That said, the applicant should consider the future build-out of Stahl Road in their site layout. Our understanding is the County intends to widen Stahl to a Minor Arterial (as shown in Bulverde's MTP) with an 86-ft ROW. This widening seems likely to occur within a few years after the QT would open. This would mean what is currently shown as a right turn lane into Driveway 2 may become a through lane. If so, a new right turn lane would be built. It is also conceivable that the widening would occur to the opposite side. Point being, the applicant needs to make sure there is adequate ROW to allow for the ultimate build-out, and if not, to dedicate/set back far enough to accommodate it (i.e. the culverts may need to push a little bit to the west to make room for a future curb return).

Please keep these responses in mind as the City considers the variance request.



Sam Edwards, PE, CFM
Halff Associates, Inc.



PLANNING AND ZONING COMMISSION ITEM:
PDD-21-02
ZONE CHANGE
QuikTrip

MEETING DATE: June 10, 2021
DEPARTMENT: Planning & Development
PRESENTED BY: Susana Huerta Ramos, AICP, Planning Director

REQUEST:

Hold a public hearing and consider a request by QuikTrip Corporation for the approval of a Zone Change from a C-2 Commercial District to a PDD Planned Development District, on an approximately 9.74-acre tract of land, generally located at the southwest corner of State Highway 46 and Stahl Lane.

OWNER:

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

APPLICANT:

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

PROPERTY INFORMATION:

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

NOTICE:

Public Notice: May 26, 2021
Personal Notice: May 27, 2021

Staff sent 9 Personal Notices to properties within a 200-foot buffer of the subject property. As of present, Staff received no letter of support or opposition out of those 9 properties that were individually notified.

IN SUPPORT: 0

IN OPPOSITION: 0

SUMMARY:

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

The property is currently zoned C-2 Commercial District. However, an annexation agreement for the subject property vested all but the first 240 feet of the property to C-3 Commercial zoning. The applicant is requesting a Zone Change from a C-2 Commercial District to a PDD Planned Development District on the entire 9.74-acre tract of land.

Attached herein is the applicant's written statement which provides more detail of their requested zone change. Also attached is an executed agreement between the applicant and Comal Trace HOA. The applicant shall present their case to the Planning & Zoning Commission for consideration during the meeting.

THE GRANTING OF THIS REQUESTED ZONE CHANGE DOES NOT CONSTITUTE APPROVAL OF ANY VARIANCES WHICH MAY BE DEPICTED IN THE EXHIBITS ATTACHED TO THIS APPLICATION AND REPORT. ANY AND ALL VARIANCES FROM THE BULVERDE CODE OF ORDINANCES THAT DO NOT INCLUDE THIS REQUESTED ZONE CHANGE WILL BE REQUESTED IN A SEPARATE APPLICATION AND APPROVAL PROCESS.

ANALYSIS:

A Planned Development District (PDD) is established by ordinance and approved in the same manner as a zone change. A PDD provides site specific regulations based on a conceptual site plan and traffic impact analysis per Section 14.03.013 of the Bulverde Code of Ordinances.

The typical key elements of a PDD application and ordinance are:

1. Establishment of a base zoning district plus any additional uses requested; and
2. Any modifications or enhancements to the development standards of the base zoning district that may be necessary.

As shown in the attached site plan, the proposed convenience store with gasoline sales would be located within the first 240 feet of the property that is currently zoned C-2 Commercial District. For this reason, the applicant is requesting a PDD Planned Development District to allow the use of a convenience store with gasoline sales on the subject property.

The attached zoning exhibit shows the subject property is bordered by R-2 Residential zoning to the east and west, C-2 Commercial zoning to the north, and all properties to the south being outside of the City Limits of the City of Bulverde with no zoning designation.

The Future Land Use Plan of the City of Bulverde identifies the subject property as RAC – Regional Activity Center which includes *“a variety of higher-density housing types, employment*

opportunities, and commercial uses that serve on a regional scale.” Primary land uses in a Regional Activity Center consist of “retail, commercial, townhomes, workforce housing, offices, business park, hotels, entertainment centers, retail and personal service uses.”

Per the attached written statement, the applicant is also requesting the following items be written into the PDD ordinance:

“Any permits granted to QuikTrip by the City of Bulverde shall not expire and shall continue until the date that is thirty (30) days after TXDOT completes the planned roadwork at Stahl & Hwy 46; and

QuikTrip’s development shall adhere to the City of Bulverde’s Ordinances as existed at the time of the PDD approval when QuikTrip was granted the permits for its development. Any changes to ordinances or newly adopted ordinances after the date of the PDD approval shall not apply to QuikTrip’s development of the 9.74 acres.”

Halff Associates and City staff reviewed all documents submitted with the requested zone change application. Review comments associated with the conceptual site plan and traffic impact analysis can be found in the attached review memo.

As part of the TIA requirement, Halff Associates noted the following in the attached review memo:

*“The applicant should consider the future build-out of Stahl Road in their site layout. Our understanding is the County intends to widen Stahl to a Minor Arterial (as shown in Bulverde’s MTP) with an 86-ft ROW. This widening seems likely to occur within a few years after the QT would open. This would mean what is currently shown as a right turn lane into Driveway 2 may become a through lane. If so, a new right turn lane would be built. It is also conceivable that the widening would occur to the opposite side. Point being, **the applicant needs to make sure there is adequate ROW to allow for the ultimate build-out, and if not, to dedicate/set back far enough to accommodate it (i.e. the culverts may need to push a little bit to the west to make room for a future curb return).**”*

ATTACHMENTS:

- A. Application
- B. Letter of Authorization
- C. Statement of Purpose
- D. Site Plan Exhibits
- E. Executed Agreement – Between QT and Comal Trace HOA
- F. Zoning Exhibit
- G. Halff Review Memo



Application for Zoning Change

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

Date: 5/7/21

Case No. _____

Applicant Information:

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

Property Owner Information:

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

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

Property Identification:

Street Address: SWC of Hwy 46 & Stahl Rd.

Legal Description: Theodore Miller Survey No. 323, Abstract 384, Comal County, Texas

Zoning District Classification: C-2 & C-3

Requested Zoning District Classification: PDD: Base C-2 with a Convenience Store w/ Fuel Sales Conditional Use.

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

Please see attached Letter of Intent.

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.

	<u>5/7/21</u>
Signature of Owner/Applicant	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.

February 6, 2020

City of Bulverde
30360 Cougar Bend
Bulverde, TX 78163

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

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

Legal Description: A-384 SUR-323 T Miller

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

OWNER:

TENANTS IN COMMON

By: _____


Charles Martin Wender, Manager

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

Cc: QuikTrip Corporation



QuikTrip Planned Development District

Statement of Purpose

Purpose: The purpose of this submittal is to allow for the development of a 9.74-acre tract of land for the purpose of constructing a 4,993 SF convenience store with retail motor fuel sales. The property is depicted on the City Zoning Map as being C-2 but is vested to C-3 uses by the annexation agreement. The provisions as set forth in the City of Bulverde's Zoning Ordinance shall govern this tract of land.

Proposed Use: QuikTrip is proposing to construct and operate a 4,993 SF **100% masonry** 24-hour Convenience Store with Beer and Wine Sales for off-premise consumption only and retail motor fuel sales. The proposed project is consistent with the City's Master Plan. Per the attached Site Plan, it is our intent to have the POS registers in the Taxing jurisdiction of the City of Bulverde.

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

Facility Support team that maintains our stores daily. They are called on to maintain everything from landscaping, coffee/cappuccino machines, coffee bar, tea bar, paving, and all other aesthetic and mechanical features of the store.

QuikTrip submits this Application for a Planned Development District (PDD), to allow QuikTrip to construct our newest location on the 9.74 acres in the City of Bulverde. As part of the PDD, QuikTrip asks that the PDD allow for the following items be written into the ordinance for the property:

- Any permits granted to QuikTrip by the City of Bulverde shall not expire and shall continue until the date that is thirty (30) days after TXDOT completes the planned roadwork at Stahl & Hwy 46.
- QuikTrip's development shall adhere to the City of Bulverde's Ordinances as existed at the time of the PPD approval when QuikTrip was granted the permits for its development. Any changes to ordinances or newly adopted ordinances after the date of the PPD approval shall not apply to QuikTrip's development of the 9.74 acres.

QuikTrip's held several meetings and obtained useful feedback from the residents which allowed us to create a Master Plan that compliments the neighborhood. We also have support Comal Trace HOA and an executed MOU Agreement Letter will be provided with this submittal package. The following enhancements were added to the plan to help meet the requests from the residents of Comal Trace as well as those in the general vicinity:

- The station will be placed as far as possible from our neighborhood (per the PDD Site Plan).

- QT will not construct in the riparian area directly across from our entrance (Existing native vegetation will be left undisturbed to the extent possible).
- Stahl Lane will be improved widened, including a designated turning lane to head West on 46, at QT's expense.
- Mature oak trees will be planted along Stahl to screen the station from view.
- QT will incorporate a Sonterra Stone columns in their elevation to better match the hill country aesthetic.
- Six acres of unused land on the subject lot will be left in a natural state in perpetuity, this will be documented and recorded with the county.
- QT will provide \$150k to Comal Trace, for capital improvements for the enhanced entrance beautification and neighborhood. 10% of this sum will be delivered to the HOA upon approval of QT's project for preliminary design of improvements.
- Groundwater and stormwater protection exceed state requirements (triple redundancy on storage tanks, reverse osmosis filtration on stormwater - see plans and presentation).
- QT will install Dark Sky compliant lighting.

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

Best regards,



QT QuikTrip. | Real Estate

JD Dudley | Real Estate Project Manager II – ASA
742 NW Loop 410 Suite 102 | San Antonio, TX 78216
O: 210.332.4036 | C: 469.766.8331

FIELD NOTES FOR A 9.74 ACRE TRACT OF LAND

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

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

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

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

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

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

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

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

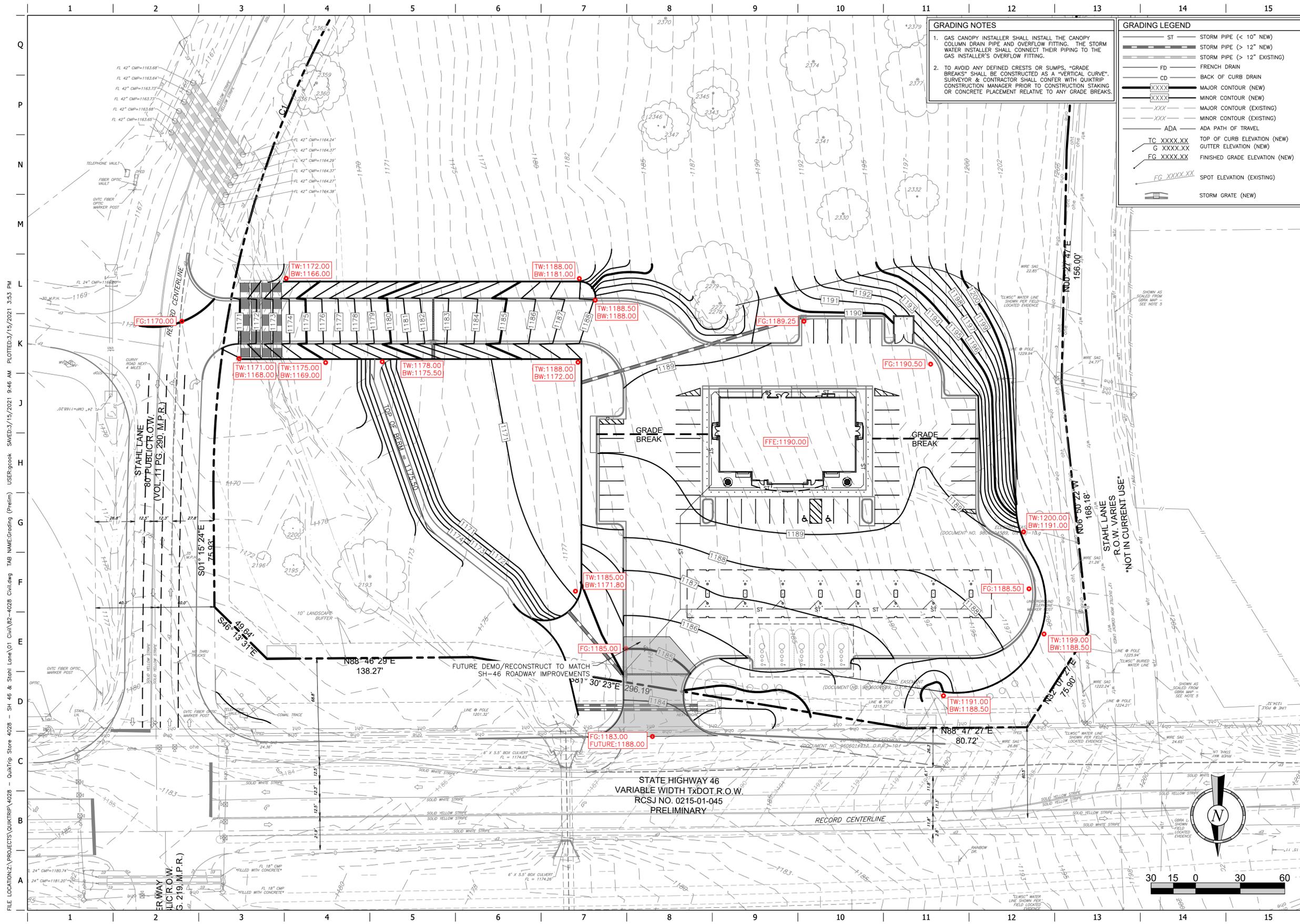
THENCE: With the south right-of-way line of State Highway 46 and the south line of said 0.3764 acre tract, the following three (3) courses:

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

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

Job # 19-4089 QT 4028 – 9.74 Acres

Date: September 18, 2019



GRADING NOTES

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

GRADING LEGEND

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

PROJECT NO.: 4028.01

MATKIN-HOOVER
ENGINEERING
& SURVEYING

8 SPENCER ROAD, SUITE 100
DALLAS, TEXAS 75241
OFFICE: 972.249.4500
CONTACT@MATKIN-HOOVER.COM
TEXAS REGISTERED ENGINEERING FIRM F-10024000
TEXAS REGISTERED SURVEYING FIRM F-10024000

QuikTrip No. 4028

HWY. 46 & STAHL LANE
BULVERDE, TEXAS

QT

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

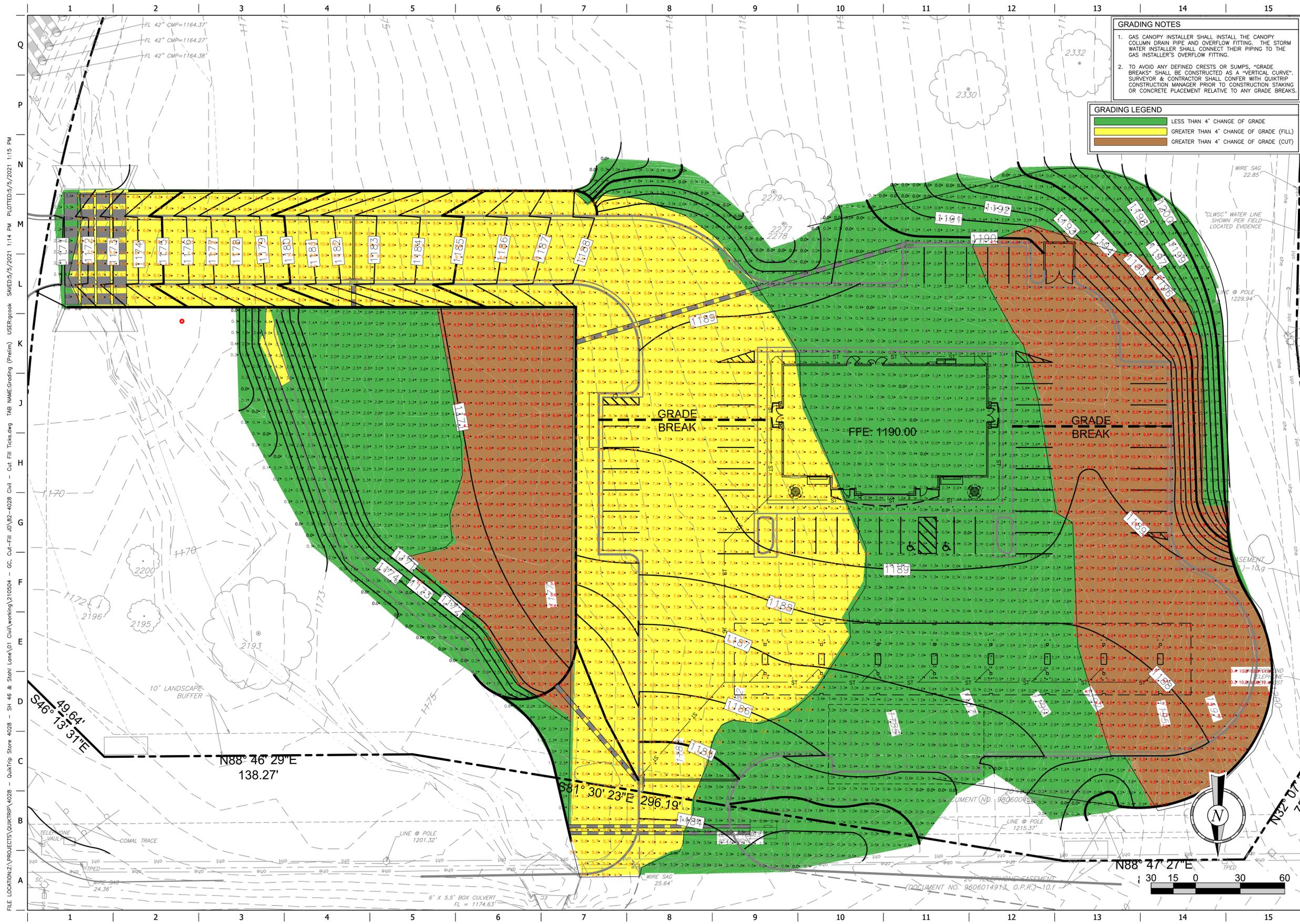
PROTOTYPE: P-102 (05/01/20)
DIVISION:
VERSION: 001
DESIGNED BY: JJV
DRAWN BY: GSC
REVIEWED BY: JJV

REV	DATE	DESCRIPTION

SHEET TITLE:
Master Grading
Plan

SHEET NUMBER:
2

FILE LOCATION: Z:\PROJECTS\QUIKTRIP\4028 - QuikTrip Store 4028 - SH 46 & Stahl Lane\01 Civil\02-4028 Civil.dwg USER: gbook SAVED: 3/15/2021 9:46 AM PLOTTED: 3/15/2021 3:53 PM



GRADING NOTES

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

GRADING LEGEND

- LESS THAN 4' CHANGE OF GRADE
- GREATER THAN 4' CHANGE OF GRADE (FILL)
- GREATER THAN 4' CHANGE OF GRADE (CUT)

FILE LOCATION: Z:\PROJECTS\QUIKTRIP\4028 - QuikTrip Store 4028 - SH 46 & Stahl Lane\01 Civil\Working\210504 - GC, Cut-Fill.dwg; USER: gcook; SAVES: 5/2021 1:14 PM; PLOTTED: 5/15/2021 1:15 PM

PROJECT NO.: 4028.01

MATKINHOOPER
ENGINEERING
& SURVEYING

8 SPENCER ROAD, SUITE 100
DALLAS, TEXAS 75241
OFFICE: 469.249.0500
CONTACT@MATKINHOOPER.COM
TEXAS REGISTERED ENGINEERING FIRM F-10024000
TEXAS REGISTERED SURVEYING FIRM F-10024000

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

QT

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

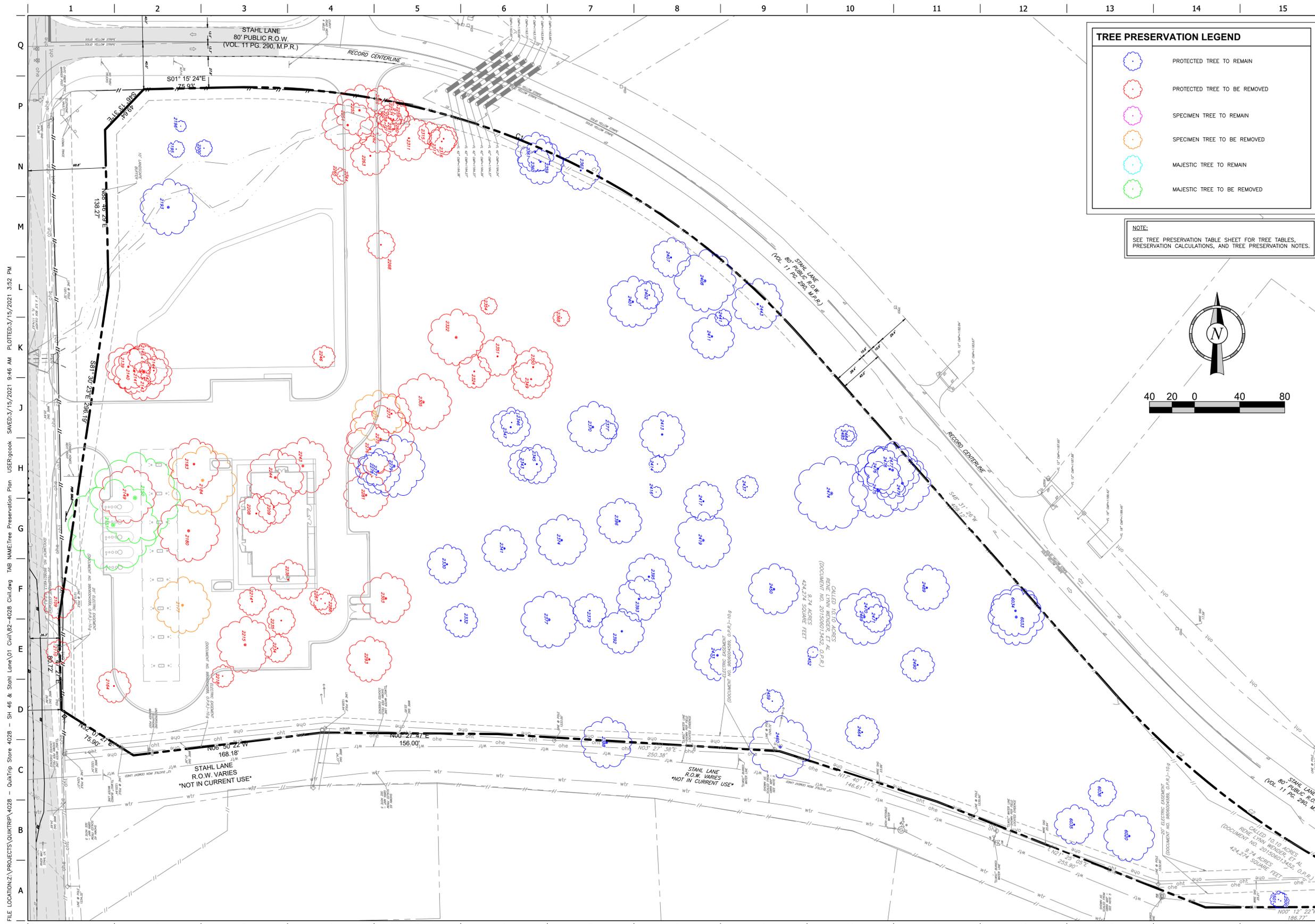
PROTOTYPE: P-102 (05/01/20)
VERSION: 001
DESIGNED BY: JJV
DRAWN BY: GSC
REVIEWED BY: JJV

REV	DATE	DESCRIPTION

SHEET TITLE:
VOLUMES EXHIBIT

SHEET NUMBER:
3

ORIGINAL ISSUE DATE:



FILE LOCATION: Z:\PROJECTS\QUIKTRIP\4028 - QuikTrip Store 4028 - SH 46 & Stahl Lane\01 Civil\2-4028 Civil.dwg TAB NAME: Tree Preservation Plan USER: jgook SAVES: 3/15/2021 9:46 AM PLOTTED: 3/15/2021 3:52 PM

TREE PRESERVATION LEGEND

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

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



MATKIN-HOOVER
ENGINEERING
& SURVEYING

8 SPENCER ROAD, SUITE 100
DALLAS, TEXAS 75241
OFFICE: 972.249.4500
CONTACT@MATKIN-HOOVER.COM
TEXAS REGISTERED ENGINEERING FIRM
F-004512 SURVEYING FIRM F-10024000

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

QT

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

PROTOTYPE: P-102 (05/01/20)
DIVISION:
VERSION: 001
DESIGNED BY: JJV
DRAWN BY: GSC
REVIEWED BY: JJV

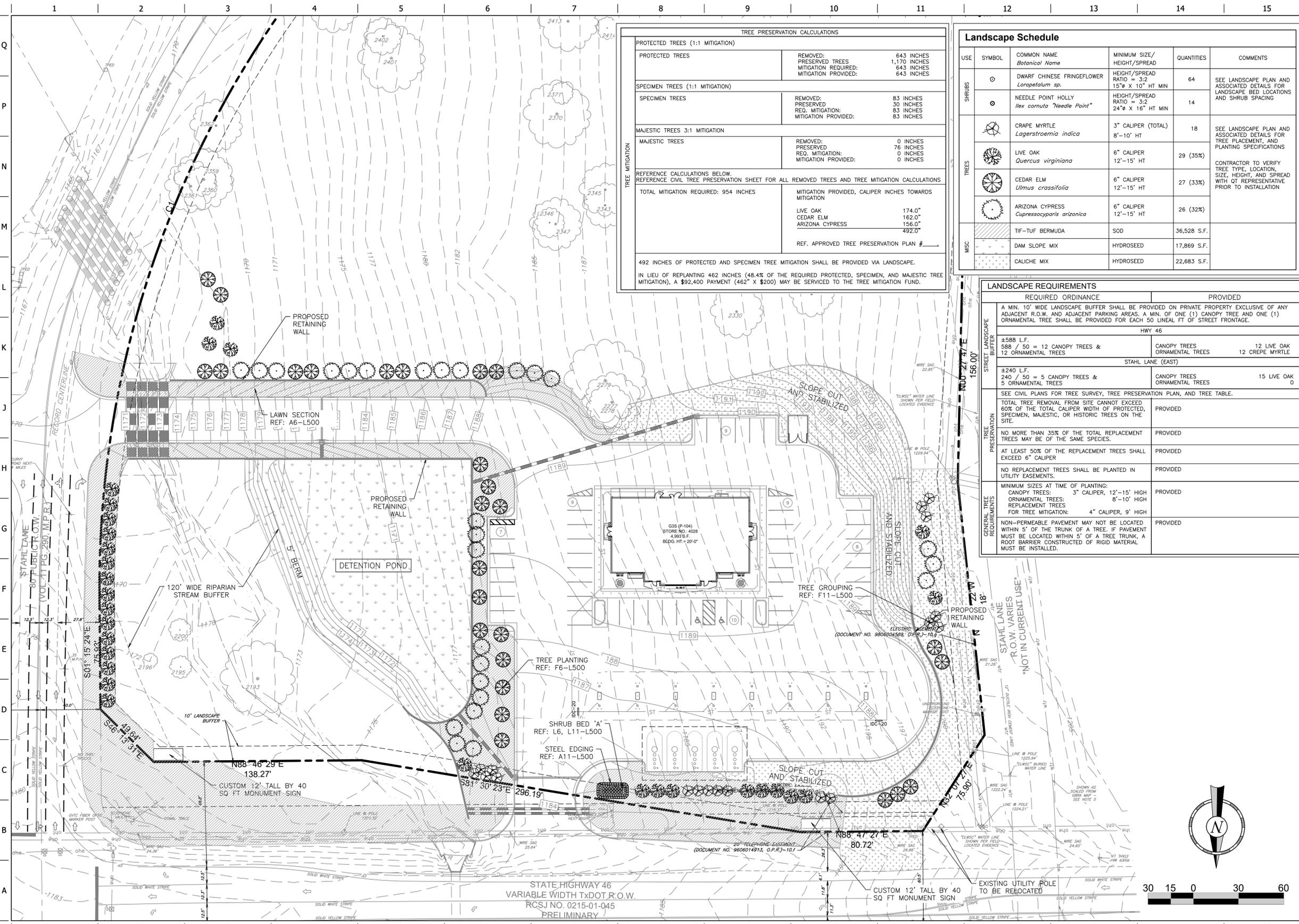
REV	DATE	DESCRIPTION

SHEET TITLE:
TREE PRESERVATION PLAN

SHEET NUMBER:
3

ORIGINAL ISSUE DATE:

FILE LOCATION: C:\Users\jtorrey\Documents\DBLA\PROJECTS\2021\MATKIN_HOOVER\QT_4028 - Bulverde, TX\85-4028 Landscape_2021-03-11.dwg TAB NAME: Landscape USER: jtorrey DATE: 03/15/2021 4:19 PM PLOTTED: 03/15/2021 4:19 PM



TREE PRESERVATION CALCULATIONS		
PROTECTED TREES (1:1 MITIGATION)		
PROTECTED TREES	REMOVED: 643 INCHES PRESERVED TREES: 1,170 INCHES MITIGATION REQUIRED: 643 INCHES MITIGATION PROVIDED: 643 INCHES	
SPECIMEN TREES (1:1 MITIGATION)		
SPECIMEN TREES	REMOVED: 83 INCHES PRESERVED: 30 INCHES REQ. MITIGATION: 83 INCHES MITIGATION PROVIDED: 83 INCHES	
MAJESTIC TREES 3:1 MITIGATION		
MAJESTIC TREES	REMOVED: 0 INCHES PRESERVED: 76 INCHES REQ. MITIGATION: 0 INCHES MITIGATION PROVIDED: 0 INCHES	
REFERENCE CALCULATIONS BELOW. REFERENCE CIVIL TREE PRESERVATION SHEET FOR ALL REMOVED TREES AND TREE MITIGATION CALCULATIONS		
TOTAL MITIGATION REQUIRED: 954 INCHES	MITIGATION PROVIDED, CALIPER INCHES TOWARDS MITIGATION	
	LIVE OAK: 174.0"	
	CEDAR ELM: 162.0"	
	ARIZONA CYPRESS: 156.0"	
	TOTAL: 492.0"	
REF. APPROVED TREE PRESERVATION PLAN # _____		
492 INCHES OF PROTECTED AND SPECIMEN TREE MITIGATION SHALL BE PROVIDED VIA LANDSCAPE. IN LIEU OF REPLANTING 462 INCHES (48.4% OF THE REQUIRED PROTECTED, SPECIMEN, AND MAJESTIC TREE MITIGATION), A \$92,400 PAYMENT (462' X \$200) MAY BE SERVICED TO THE TREE MITIGATION FUND.		

Landscape Schedule					
USE	SYMBOL	COMMON NAME <i>Botanical Name</i>	MINIMUM SIZE/ HEIGHT/SPREAD	QUANTITIES	COMMENTS
SHRUBS	⊙	DWARF CHINESE FRINGEFLOWER <i>Loropetalum sp.</i>	HEIGHT/SPREAD RATIO = 3:2 15" x 10" HT MIN	64	SEE LANDSCAPE PLAN AND ASSOCIATED DETAILS FOR LANDSCAPE BED LOCATIONS AND SHRUB SPACING
	⊙	NEEDLE POINT HOLLY <i>Ilex cornuta "Needle Point"</i>	HEIGHT/SPREAD RATIO = 3:2 24" x 16" HT MIN	14	
TREES	⊗	GRAPE MYRTLE <i>Lagerstroemia indica</i>	3" CALIPER (TOTAL) 8'-10' HT	18	SEE LANDSCAPE PLAN AND ASSOCIATED DETAILS FOR TREE PLACEMENT, AND PLANTING SPECIFICATIONS
	⊗	LIVE OAK <i>Quercus virginiana</i>	6" CALIPER 12'-15' HT	29 (35%)	CONTRACTOR TO VERIFY TREE TYPE, LOCATION, SIZE, HEIGHT, AND SPREAD WITH OT REPRESENTATIVE PRIOR TO INSTALLATION
	⊗	CEDAR ELM <i>Ulmus crassifolia</i>	6" CALIPER 12'-15' HT	27 (33%)	
	⊗	ARIZONA CYPRESS <i>Cupressocyparis arizonica</i>	6" CALIPER 12'-15' HT	26 (32%)	
MSC	⊘	TIF-TUF BERMUDA	SOD	36,528 S.F.	
	⊘	DAM SLOPE MIX	HYDROSEED	17,869 S.F.	
	⊘	CALICHE MIX	HYDROSEED	22,683 S.F.	

LANDSCAPE REQUIREMENTS		
REQUIRED ORDINANCE	PROVIDED	
A MIN. 10' WIDE LANDSCAPE BUFFER SHALL BE PROVIDED ON PRIVATE PROPERTY EXCLUSIVE OF ANY ADJACENT R.O.W. AND ADJACENT PARKING AREAS. A MIN. OF ONE (1) CANOPY TREE AND ONE (1) ORNAMENTAL TREE SHALL BE PROVIDED FOR EACH 50 LINEAL FT OF STREET FRONTAGE.	HWY 46	
±588 L.F. 588 / 50 = 12 CANOPY TREES & 12 ORNAMENTAL TREES	CANOPY TREES ORNAMENTAL TREES	12 LIVE OAK 12 CREPE MYRTLE
±240 L.F. 240 / 50 = 5 CANOPY TREES & 5 ORNAMENTAL TREES	CANOPY TREES ORNAMENTAL TREES	15 LIVE OAK 0
SEE CIVIL PLANS FOR TREE SURVEY, TREE PRESERVATION PLAN, AND TREE TABLE.		
TOTAL TREE REMOVAL FROM SITE CANNOT EXCEED 60% OF THE TOTAL CALIPER WIDTH OF PROTECTED, SPECIMEN, MAJESTIC, OR HISTORIC TREES ON THE SITE.	PROVIDED	
NO MORE THAN 35% OF THE TOTAL REPLACEMENT TREES MAY BE OF THE SAME SPECIES.	PROVIDED	
AT LEAST 50% OF THE REPLACEMENT TREES SHALL EXCEED 6" CALIPER	PROVIDED	
NO REPLACEMENT TREES SHALL BE PLANTED IN UTILITY EASEMENTS.	PROVIDED	
MINIMUM SIZES AT TIME OF PLANTING: CANOPY TREES: 3" CALIPER, 12'-15' HIGH ORNAMENTAL TREES: 8'-10' HIGH REPLACEMENT TREES FOR TREE MITIGATION: 4" CALIPER, 9' HIGH	PROVIDED	
NON-PERMEABLE PAVEMENT MAY NOT BE LOCATED WITHIN 5' OF THE TRUNK OF A TREE. IF PAVEMENT MUST BE LOCATED WITHIN 5' OF A TREE TRUNK, A ROOT BARRIER CONSTRUCTED OF RIGID MATERIAL MUST BE INSTALLED.	PROVIDED	



PROJECT NO.: 4028.01
MATKIN HOOVER
 ENGINEERS & SURVEYING
 8 SPENCER ROAD, SUITE 100
 BULVERDE, TEXAS 78009
 OFFICE: 830.249.0500
 CONTACT@MATKINHOOVER.COM
 TEXAS REGISTERED ENGINEERING FIRM F-10024000
 F-3004512 SURVEYING FIRM F-10024000

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



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

PROTOTYPE: P-102 (05/01/20)
 DIVISION:
 VERSION: 001
 DESIGNED BY: JJV
 DRAWN BY: GSC
 REVIEWED BY: JJV

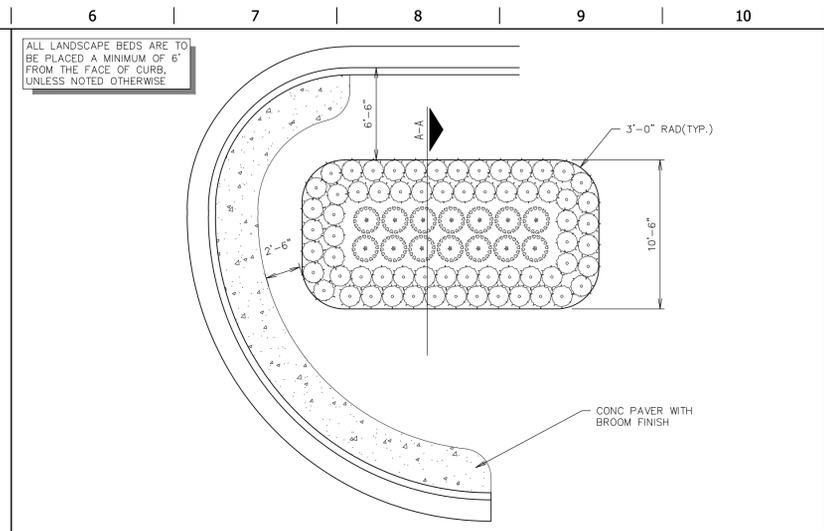
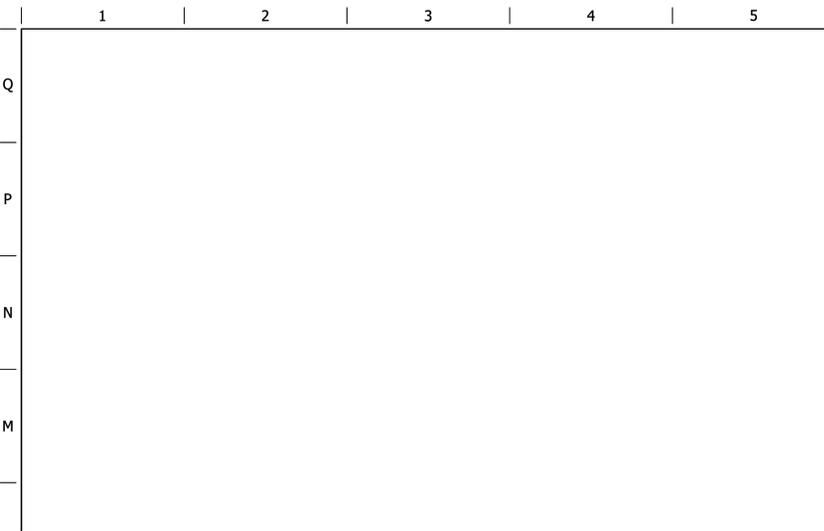
REV	DATE	DESCRIPTION

SHEET TITLE:
 LANDSCAPE PLAN

SHEET NUMBER:
L100

ORIGINAL ISSUE DATE:

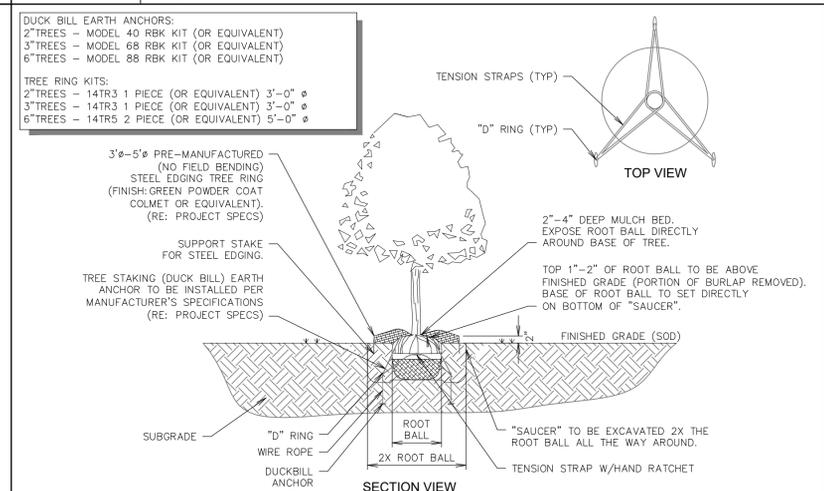
FILE LOCATION: C:\Users\jgarcia\Documents\BBLA\PROJECTS\2021\MATKIN HOOVER\QT 4028 - Bulverde, TX\DETAILS LS.dwg TAB NAME: LS Detail Sheet 1 USER: jgarcia SW: 03/15/2021 11:59 AM PLOTTED: 03/15/2021 12:00 PM



L1 NOT USED
NTS SN:

L6 LANDSCAPE BED TYPE "A"
NTS SN: LD0018005

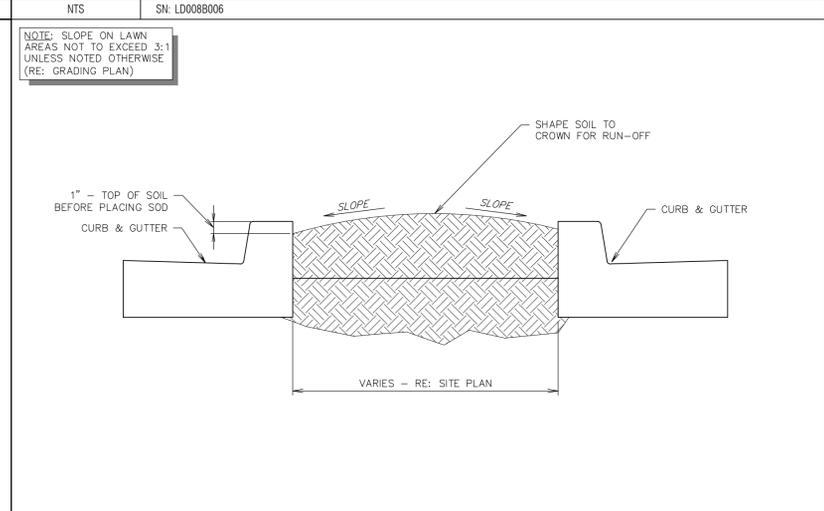
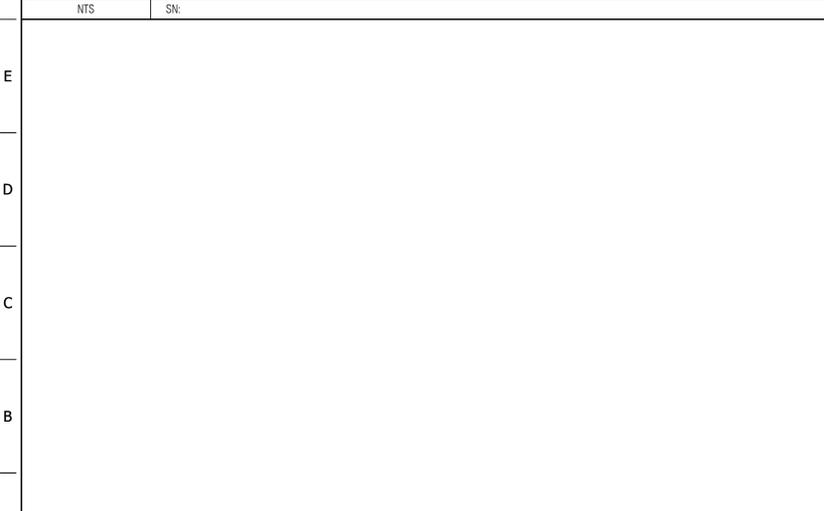
L11 SHRUB PLANTING SECTION A-A
NTS SN: LD003A005



F1 NOT USED
NTS SN:

F6 TREE PLANTING DETAIL - DUCKBILL
NTS SN: LD008B006

F11 ORNAMENTAL TREE GROUPING DETAIL
NTS SN: LD013A003



A1 NOT USED
NTS SN:

A6 TYPICAL LAWN SECTION
NTS SN: LD007A002

A11 LANDSCAPE STEEL EDGING DETAIL
NTS SN: LD006A004

REGISTERED LANDSCAPE ARCHITECT
DIANE R. BRANNON
STATE OF TEXAS
3423
03/15/2021
PROJECT NO.: 4028.01
MATKIN HOOVER
BUSINESS ENGINEERING & SURVEYING
8 SPENCER ROAD, SUITE 100
OFFICE: 833.249.0500
CONTACT@MATKINHOOVER.COM
TEXAS REGISTERED ENGINEERING FIRM F-10024000
F-1004512 SURVEYING FIRM F-10024000

QuikTrip No. 4028
HWY. 46 & STAHL LANE
BULVERDE, TX

QT
© COPYRIGHT QUIKTRIP CORPORATION 2011
ANY UNAUTHORIZED USE, REPRODUCTION,
PUBLICATION, DISTRIBUTION, OR SALE IN
WHOLE OR IN PART, IS STRICTLY FORBIDDEN.
PROTOTYPE: P-102 (05/01/20)
DIVISION:
VERSION: 001
DESIGNED BY: JJV
DRAWN BY: GSC
REVIEWED BY: JJV

REV	DATE	DESCRIPTION	ORIGINAL	ISSUE DATE:

SHEET TITLE:
LANDSCAPE DETAILS
SHEET NUMBER:
L500

STATE OF TEXAS

COUNTY OF COMAL

Store #4028

AGREEMENT FOR GOVERNMENT APPROVALS PROCESS

THIS AGREEMENT FOR GOVERNMENT APPROVALS PROCESS (the “Agreement”) is entered into this 7th day of May 2021 by and between QT SOUTH, LLC, a Texas limited liability company (the “Developer”), and COMAL TRACE HOMEOWNERS ASSOCIATION, INC., a Texas non-profit corporation (the “Association”) and their respective successors and assigns (the Developer and Association herein collectively, the “Parties”).

WITNESSETH THAT:

WHEREAS, the Developer wishes to develop the approximate 9.74 acres of real property located in the City of Bulverde, Texas (the “City”) as described on **Exhibit A** (the “Property”); and

WHEREAS, the Developer intends to develop the Property as a fueling station and convenience store, which requires variances and variations to certain City Codes for the Property or portions thereof; and

WHEREAS, the Association represents its members which are the various homeowners and residents in the area immediately around the Property; and

WHEREAS, the Developer and the Association wish to enter into this Agreement to govern the development of the Property.

NOW THEREFORE, in consideration of the premises and of the mutual covenants of the Parties hereinafter expressed, the Developer and the Association hereby agree as follows:

1. **The Property.** The Property will be developed as indicated on the Site Plan, a copy of which is attached hereto as **Exhibit B** (the “Site Plan”). While the final design may differ technically from the Site Plan, it shall conform to the Site Plan in all respects to overall building orientation and location, subject to final approval by the City of Bulverde and other governmental requirements and approvals.
2. **Neighborhood Funds.** In consideration of the Association’s cooperation to support Developer’s submittal for approvals to the City of Bulverde and other governmental requirements and approvals, the Developer has agreed to pay to the Association the sum of One Hundred Fifty Thousand and No/100 Dollars (\$150,000.00) (“Neighborhood Funds”) to be used by the Association for capital improvements to the neighborhood as determined by the Board of Directors with priority given to entrance enhancements and with discretion to respond to unforeseen and unintended consequences resulting from property development affecting the neighborhood and in its sole discretion (collectively, the “Neighborhood Improvements”). The Developer shall deliver the Neighborhood Funds to the Association

after the Developer has received all of the final approvals and permits from the City necessary for the Developer's development of the Property (collectively, the "Government Approvals") and the Developer has commenced construction of its development on the Property; provided, however, that the Developer understands that the Association may desire to initiate planning and design of the Neighborhood Improvements for the entrance enhancements prior to the Developer commencing construction of its development on the Property and, upon receiving written request from the Association, the Developer shall deliver up to ten percent (10%) of the Neighborhood Funds to the Association after Developer receives approval by City Council of the Developer's Planned Development District ("PDD"). The remaining portion of the Neighborhood Funds shall not be released until all requirements listed above have been met.

3. **Signage along Stahl Lane.** The Developer agrees that it shall be limited to placing any monument signage along Stahl Lane to placing such signage within 150' from the intersection.
4. **Stahl Lane Road Improvements.** The Developer agrees to improve Stahl Lane with additional lanes and paving at such time the Developer commences construction of its development on the Property.
5. **Single Use of Property.** The Developer agrees that for the entire time that a convenience store and fueling station exists on any portion of the Property, no other independent use shall simultaneously be allowed on the Property. It is understood that any improvement necessary for the operation and use of the Property as a convenience store and fueling station shall not be in conflict with the terms provided herein.
6. **Exterior Lighting.** The Developer agrees that all lighting on the Property shall be installed and maintained at the Developer's cost and expense and that all outdoor lighting for the Property shall be shielded to the sky and be installed with illumination directed to the ground via the use of "cut-off" lighting fixtures. The exterior lighting fixtures shall be designed to eliminate light spillover and glare to the nearby single-family residences. The Developer shall comply with the City's Dark Sky Ordinance.
7. **Environmental Conditions.** As a condition to the Association's support of the Developer in Developer's efforts to obtain the Government Approvals for its development of the Property, the Developer agrees (a) to incorporate an approved BMP Filter system which shall filter any detention water runoff prior to it leaving the Property, (b) that all Underground Storage Tanks shall be triple wall tanks, and (c) that the fuel tank pit area shall incorporate a Tank Pit Bladder System which will line the entire tank pit area with an additional lining.
8. **Support of Government Approvals.** The Association agrees to execute and send a letter to the City in support of the Developer in Developer's efforts to obtain the Government Approvals for its development of the Property and the Association also agrees to make reasonable effort to send at least one (1) representative to the public hearing to speak in support of the Developer in Developer's efforts to obtain the Government Approvals for its development of the Property. If the case is deferred at the initial hearing, the Association shall make reasonable effort to send a representative to any future hearing(s) to speak in

support of the Developer in Developer's efforts to obtain the Government Approvals for its development of the Property.

9. **Voidability.** The Developer and the Association agree that this Agreement shall become void if: (A) the Association fails to satisfy the requirements of Paragraph 8 above; (B) the Government Approvals are denied by the City; (C) any officer of the Association speaks in opposition to the Government Approvals required to implement the development contemplated by this Agreement; (D) the Association or any authorized officer thereof commences a suit seeking to void or overturn the Government Approvals or intervenes in a suit commenced by a third party seeking to void or overturn the Government Approvals; (E) a lawsuit is initiated by a third party which results in the voiding or overturning of the Government Approvals unless such lawsuit is initiated by the Association with the intent of seeking restitution for this Agreement; or (F) at any such time that the convenience store and fueling station shall cease to operate in conjunction with placing a restriction on the Property preventing any further use of the Property as a convenience store and fueling station.

10. **Changes or Modifications to Government Approvals.** The Developer will not request any administrative zoning amendment which seeks to change any of the conditions contained herein without giving notice to the Association. However, the Developer will have the right to request administrative changes in the zoning so long as such changes are required to comply with permitting requirements of approved PDD as set forth in this Agreement and which do not: (a) increase the height in stories or square footage of any building; or (b) decrease any exterior setback or the amount of landscaped area.

11. **Notice.** Any notice or communication permitted or required by this Agreement shall be made in writing and shall be delivered by Overnight Delivery Service, Hand Delivery or by Certified Mail, Return Receipt Requested. Any such notice shall be effective and deemed received on the day of receipt. Rejection or other refusal to accept or inability to deliver because of changed address of which no notice was given shall be deemed receipt of the notice or communication sent. Any party may change its address in the manner provided for herein by giving notice, with such change to become effective ten (10) days after notice of the change of address is given.

If to the Developer: QT South, LLC
Attn: Director of Real Estate 742
NW Loop 410, Suite 102 San
Antonio, TX 78216

If to the Association: Comal Trace Homeowners Association
Attn: President
17319 San Pedro Ave, Suite 318
San Antonio, TX 78232

With a copy to: Thurman & Phillips, P.C
Attn: Michael B. Thurman
4093 De Zavala Road
Shavano Park, TX 78249

12. **Enforcement; Priority; Duration; Restitution**. This Agreement may be enforced by any court of law or equity in any manner provided by law or in this Agreement, including without limitation any action for specific performance or damages. This Agreement may be enforced by a majority vote of the Association's Executive Committee, which shall be entitled to any and all available legal and equitable remedies, including without limitation injunctive relief. The non-prevailing party in any litigation involving this Agreement shall pay the reasonable attorneys' fees and court costs actually incurred by the prevailing party. In no event and under no circumstances whatsoever shall the rights herein granted or to be granted in the future pursuant to this Agreement or any written agreement relating hereto be deemed to be for the benefit of the public. Except as otherwise expressly provided in this Agreement, no other person or entity is otherwise deemed a third-party beneficiary of this Agreement. All exhibits attached hereto are incorporated herein by this reference. A waiver by any of the Parties hereto of any breach hereof shall not operate or be construed as a waiver of any subsequent breach by any party.

Notwithstanding any other provisions herein, the Parties agree that the promises, restrictions and agreements agreed upon herein are an integral part of the Government Approvals and that the Government Approvals are an integral part of the promises, restrictions and agreements agreed upon herein. This Agreement shall remain in force so long as the Developer, or its successors or assigns, utilizes the Government Approvals required to implement the development of the Property contemplated by this Agreement. In the event a future redevelopment of the Property occurs whereby the Developer or its successors or assigns do not utilize the benefits conferred by the Government Approvals, this Agreement shall expire and be null and void. Furthermore, the promises, restrictions and Agreements agreed upon herein shall expire immediately upon the effective date of any subsequent ordinance adopted by the City amending the terms or conditions of the Government Approvals for the Property.

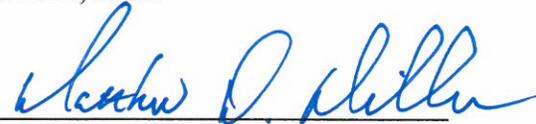
13. **Burdens and Benefits Run with the Land**. The restrictions hereunder shall create benefits and servitudes running with the land and shall bind the Developer and its successors and assigns, and shall inure to the benefit of the Association and its respective successors and assigns. The restrictions contained in this Agreement shall be evidenced by a recorded, jointly executed instrument filed in the Official Public Records of Comal County, Texas. The instrument shall be filed of record within five (5) days of Developer receiving all necessary governmental approvals for the development of the Property. Notwithstanding any other provisions herein, the Parties agree that the promises, restrictions and agreements agreed upon herein are an integral part of the Government Approvals and that the Government Approvals are an integral part of the promises, restrictions and agreements agreed upon herein. Accordingly, this Agreement is binding upon, valid and enforceable against the Developer only if the Government Approvals are approved as requested by the Developer.
14. **Severability**. In the event that any provision or any portion of any provision of this Agreement, or the application thereof, to any person or circumstance, shall to any extent be held invalid or unenforceable, the remainder of this Agreement, or the application of such remaining provisions or remaining portion of said provision to any other person or circumstance, shall not be affected thereby. Said remainder shall continue in full force and effect and shall be valid and enforceable to the fullest extent permitted by law.

15. **Governing Law.** This Agreement represents the entire agreement between the parties hereto pertaining to the subject matter hereof and shall be governed, construed, performed, and enforced in accordance with the laws of the State of Texas.
16. **Time is of the Essence.** Time is of the essence with respect to this Agreement.
17. **Amendment.** This Agreement may be amended only by a written instrument executed by the Parties.
18. **Counterparts.** This Agreement may be executed in several counterparts, each of which shall be deemed an original and all such counterparts together shall constitute one and the same instrument. No representations that are not contained herein shall be binding upon the parties. Each signatory hereto is authorized to execute this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed under seal and delivered by their respective authorized representatives on the day and year first above written.

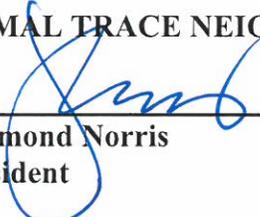
“Developer”

QT SOUTH, LLC

By: 
Matthew D. Miller
President

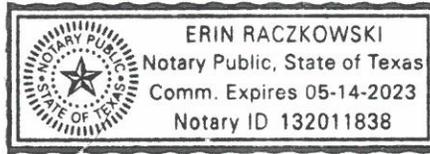
“Association”

COMAL TRACE NEIGHBORHOOD ASSOCIATION

By: 
Raymond Norris
President

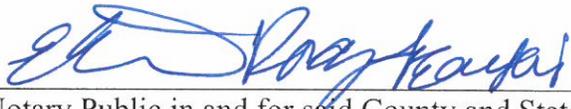
STATE OF TEXAS)
)
COUNTY OF BEXAR)

SS.



On this 7th day of May, 2021, before me, the undersigned, a Notary Public, appeared Matthew D. Miller, to me personally known, who being by me duly sworn, did say that he is the President of QT South, LLC, and that said instrument was signed and sealed in behalf of said corporation, by authority of its Board of Directors and Matthew D. Miller acknowledged said instrument to be the free act and deed of said corporation.

In testimony whereof I have hereunto set my hand and affixed my official seal at my office in said county and state the day and year last above written.

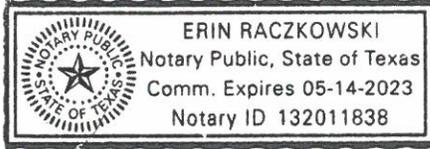


Notary Public in and for said County and State

My Commission Expires:
5/14/2023

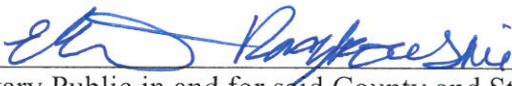
STATE OF TEXAS)
)
COUNTY OF Bexar)

SS.



On this 7th day of May, 2021, before me, the undersigned, a Notary Public, appeared Raymond Norris, to me personally known, who being by me duly sworn, did say that he is the President of Comal Trace Neighborhood Association, and that said instrument was signed and sealed in behalf of the neighborhood, by authority of its members.

In testimony whereof I have hereunto set my hand and affixed my official seal at my office in said county and state the day and year last above written.



Notary Public in and for said County and State

My Commission Expires:
5/14/2023

Exhibit A
Property Legal Description

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

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

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

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

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

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

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



PDD-21-02 Zoning Map Exhibit



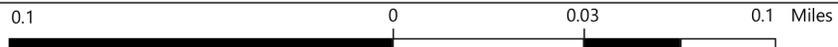
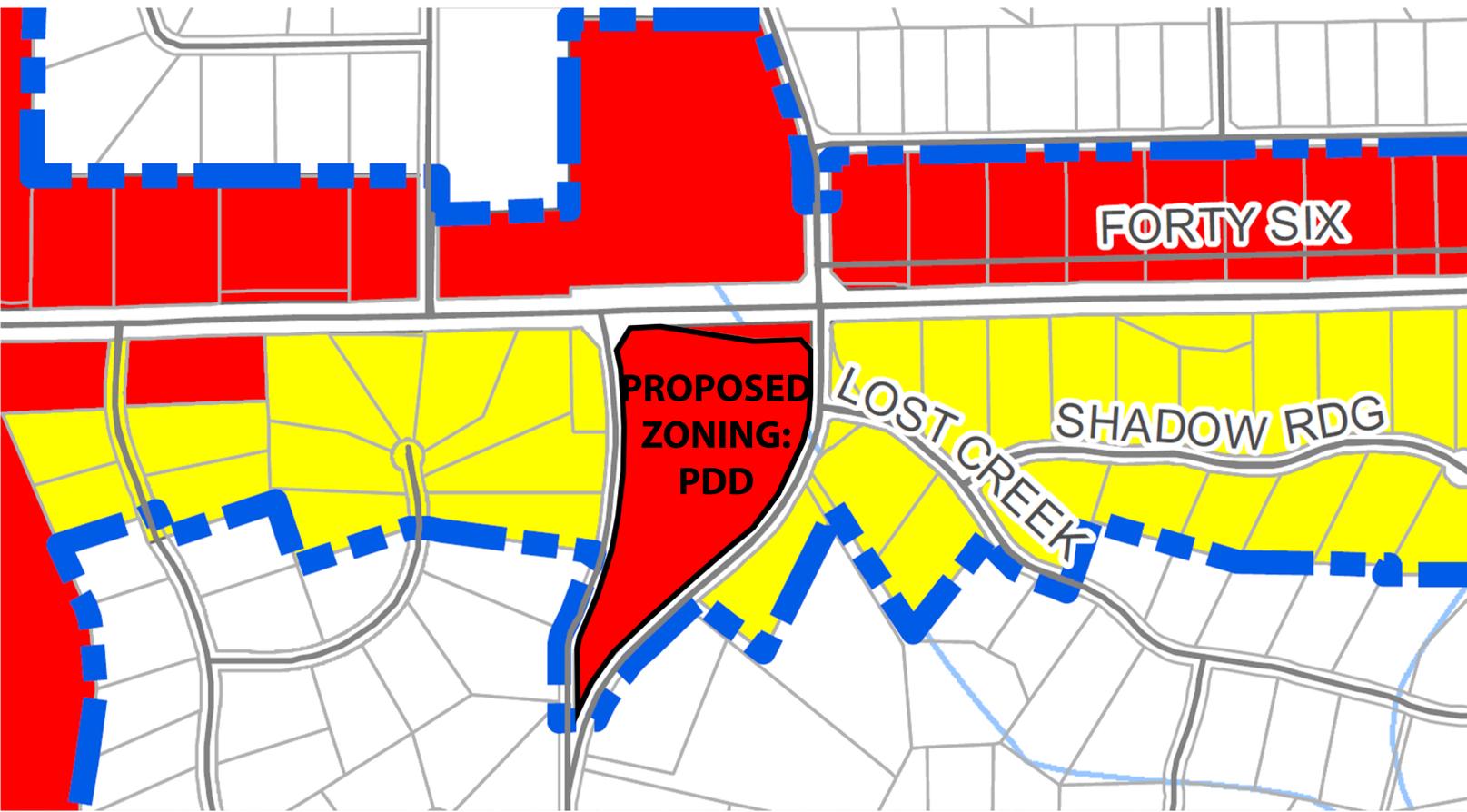
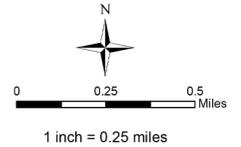
City of Bulverde Zoning Map

Key to Features

- City Limits
- ETJ Boundary
- Streams
- Parcels

Zone

- AG
- AV
- R1
- R2
- R3
- R4
- R5
- C1
- C2
- C3
- PDD
- I1
- SUP



REVIEW MEMORANDUM

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

SUBJECT: Traffic Impact Analysis and variance request
QuikTrip at Hwy 46 & Stahl Lane

DATE: May 27, 2021

Halff Associates, on behalf of the City of Bulverde, has reviewed the Traffic Impact Analysis (TIA) report dated 3/9/21 and variance request dated 5/7/21 for the proposed QuikTrip gas station at the southwest corner of Hwy 46 and Stahl Lane. The applicant is requesting a variance to the tree protection and cut/fill ordinance.

The applicant provided plans that show the development moved further west since last presented to the City in order to preserve the riparian buffer.

1. Their current grading still violates the cut & fill ordinance, with both cuts and fills exceeding 4 feet (as high as 10 feet). Retaining walls would be as high as 13 feet.
2. Their current plan proposed to remove 2 majestic trees, 3 specimen trees and 50 protected trees. The applicant is requesting to re-plant 50% of the removed caliper inches and pay for the remaining 50% into the City's tree fund.
3. Halff believes the TIA addressed the discussion from the last scoping meeting, and we concur with their process and conclusions. Halff has no comments on the TIA.
4. That said, the applicant should consider the future build-out of Stahl Road in their site layout. Our understanding is the County intends to widen Stahl to a Minor Arterial (as shown in Bulverde's MTP) with an 86-ft ROW. This widening seems likely to occur within a few years after the QT would open. This would mean what is currently shown as a right turn lane into Driveway 2 may become a through lane. If so, a new right turn lane would be built. It is also conceivable that the widening would occur to the opposite side. Point being, the applicant needs to make sure there is adequate ROW to allow for the ultimate build-out, and if not, to dedicate/set back far enough to accommodate it (i.e. the culverts may need to push a little bit to the west to make room for a future curb return).

Please keep these responses in mind as the City considers the variance request.



Sam Edwards, PE, CFM
Halff Associates, Inc.



PLANNING AND ZONING COMMISSION ITEM:
SUP-21-04
SPECIAL USE PERMIT
Church/Place of Worship

MEETING DATE: June 10, 2021
DEPARTMENT: Planning & Development
PRESENTED BY: Susana Huerta Ramos, AICP, Planning Director

REQUEST:
Hold a public hearing and consider a request by Jeremy & Beth Wyndham, on behalf of St. Nicholas Episcopal Church, for the approval of a Special Use Permit to allow a Church/Place of Worship on an approximately 1.94-acre tract of land at 2265 Bulverde Road, Suite 102.

OWNER:
Green Hope Properties LLC
c/o Sandra Johnson
2265 Bulverde Road, Suite 102
Bulverde, TX 78163

APPLICANT:
Jeremy & Beth Wyndham
20540 State Highway 46, Suite 114
Spring Branch, TX 78070

PROPERTY INFORMATION:
Address: 2265 Bulverde Road, Suite 102, Bulverde, TX 78163
Legal Description: A-206 SUR-192 G HERRERA, ACRES 1.94
Owner: Green Hope Properties LLC
Existing Land Use: Restaurant and Bar
Existing Zoning: PDD, Planned Development District

NOTICE:
Public Notice: May 26, 2021
Personal Notice: May 27, 2021

Staff sent 6 Personal Notices to properties within a 200-foot buffer of the subject property. As of present, Staff received no letters of support or opposition out of those 6 properties that were individually notified.

IN SUPPORT: 0
IN OPPOSITION: 0

SUMMARY:

St. Nicholas Episcopal Church is a part of the Episcopal Diocese of West Texas. On behalf of the church, Jeremy & Beth Wyndham are requesting a Special Use Permit to operate a Church/Place of Worship on an approximately 1.94-acre tract of land that is currently being used as a restaurant and bar for Front Porch Bar and Grill at 2265 Bulverde Road.

ANALYSIS:

The proposed Church/Place of Worship falls under the definition of “Church or Other Place of Worship” in the City’s Zoning Ordinance. Church or Other Place of Worship is defined as:

Church or Other Place of Worship. Any structure used principally for regular assembly for religious worship and those accessory uses or activities which are customarily associated therewith, such as a rectory or parsonage, but excluding a school or community athletic facility unless approved by special use permit.

Per Section 14.01.019(b) of the Bulverde Code of Ordinances: *Uses requiring a special use permit are listed in the table of permitted uses by zoning district. Those uses which are allowed by special use permit in certain districts in the table of permitted uses may be requested in those districts only and may not be requested in other zoning districts.* In this case, the property currently has an overlay zoning of PDD Planned Development District and an underlying zoning of C-2 Commercial District. Under Section 14.04.002 of the Code, Church or Other Place of Worship is listed in the table of permitted uses as a use that is allowed in an C-2 Commercial zoning district with the approval of a special use permit. Therefore, a special use permit will be required for a Church/Place of Worship.

The applicants written statement is attached herein. It mentions the proposed Church/Place of Worship for St. Nicholas Episcopal Church will hold Sunday worship services, Bible studies, weddings, funerals, and other similar church and community outreach events. In addition, the applicants are not proposing any construction, alterations, or remodeling work on the existing restaurant and bar for Front Porch Bar and Grill.

Section 14.06.003, related to off-street parking for a Church or Other Place of Worship requires: *One space for each 2.5 seats in the main worship area.* Also attached are exhibits depicting the proposed worship area and existing parking spaces on the subject property. According to both exhibits, the proposed number of seats in the main worship area (110) would comply with the existing number of parking spaces (44) that are required by ordinance.

SUGGESTED CONDITIONS:

Staff typically does not make a recommendation, but respectfully requests that the following conditions be added if the request is granted:

1. All applications submitted for this property are subject to the requirements of the Bulverde Code of Ordinances.
2. The proposed Church/Place of Worship must comply with the attached site plan exhibits.
3. The maximum number of occupants in the proposed Church/Place of Worship shall not exceed that allowed per the certificate of occupancy.

4. The proposed Church/Place of Worship shall not have a negative effect on the health, safety, or welfare of the public or surrounding properties.
5. No other special uses are allowed under this special use permit.

CONSIDERATIONS FOR EVALUATION:

City Code provides direction to the Planning & Zoning Commission and City Council regarding the procedures and considerations involved in potentially granting any Special Use Permit. More specifically, Section 14.01.019(d) of the Code of Ordinances 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. Letter of Authorization
- C. Statement of Purpose
- D. Aerial Map
- E. Conceptual Site Plan Exhibits



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: May 2, 2021

Case No. _____

Applicant Information:

Jeremy and Beth Wyndham (214) 577-5334 and (214) 213-0739
Name Phone Fax
20540 Highway 46, Suite 114; Spring Branch, TX 78070 admin@stnickshillcountry.org
Address Email

Property Owner Information:

Sandra Johnson (830) 438-3344
Name Phone Fax
2265 Bulverde Rd, Suite 102, Bulverde, TX 78163 sandra@frontporchbarandgrill.com
Address Email

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

Property Identification:

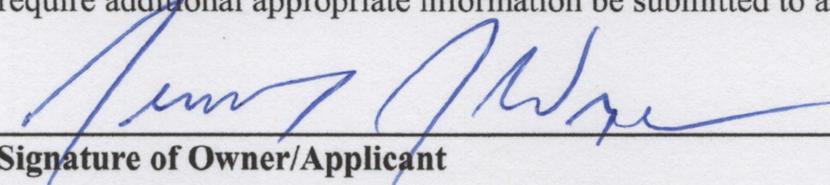
Street Address: 2265 Bulverde Rd, Suite 102, Bulverde, TX 78163
Legal Description: A-206 SUR-192 G HERRERA, ACRES 1.94
Use Requested: Church/Place of Worship and community-supporting uses

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 _____ Date 5/10/2021

Fees:
Special Use Permit Review Fee - \$750.00

GREENHOPE PROPERTIES LLC

2265 Bulverde Rd. Bulverde, Texas 78163

City of Bulverde

May 10, 2021

Planning and Zoning Commission
30360 Cougar Bend, Bulverde TX 78163

Subject: 2265 Bulverde Rd Bulverde TX 78163- Special Use Permit Application

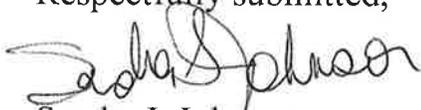
To whom it may concern,

I, Sandra L Johnson, hereby authorize The Episcopal Diocese of West Texas to apply for an additional Special Use Permit for a Church at my property located at 2265 Bulverde Rd, Bulverde Texas 78163.

I understand this application is for an additional Special Use Permit and is for a Church that will be attached to the land. The Church is St. Nicholas Episcopal Diocese of West Texas.

Thank you for your consideration.

Respectfully submitted,



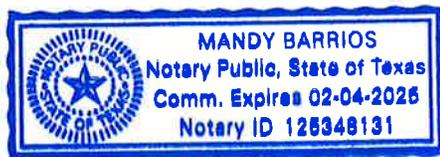
Sandra L Johnson

5-10-21

Date



Notary



St. Nicholas Episcopal Church
Proposed Uses
May 9, 2021

St. Nicholas Episcopal Church is a church plant of the Episcopal Diocese of West Texas. We began on December 8, 2019. We have been renting space at Family Fitness on US 281 just north of SH 46 in Spring Branch.

We are looking to rent, and possibly purchase, Front Porch Bar and Grill, located at 2265 Bulverde Road in Bulverde, TX.

So that the current owner's operations are not impacted due to our renting the property, we are requesting a new Special Use Permit (SUP) without deleting the existing SUP (Ordinance 302-10-03-09, dated 4/9/2010), to allow the proposed new uses without deleting any of the uses currently allowed. Our proposed additional uses for the space include the following:

- Sunday Worship (times may vary)
 - 8:30 AM Outdoor Worship
 - 9:30 AM Indoor Worship
 - 5:30 PM Indoor Worship
 - Worship for special events and Christian holy days
 - Seating for up to 175 people per service
- Sunday School Classes
 - After worship services
- Bible Studies and Small Group meetings:
 - 3-5 per week
 - Class sizes of up to 12 people
- Weddings, funerals, dinners, special worship events and other similar church events
 - Seating for up to 175 people per event
- Community Outreach events and activities
 - Creative Spirituality Retreats/Workshops (cooking, art, music, writing etc.) with up to 50 people per event
 - Flexible work space with free WiFi – seating for up to 25 people
 - Vacation Bible School, Children and Youth Group activities



Legend

Permits

-  Septic
-  Piprow/Driveway
-  Floodplain
-  Utility

Addresses

Major Roads

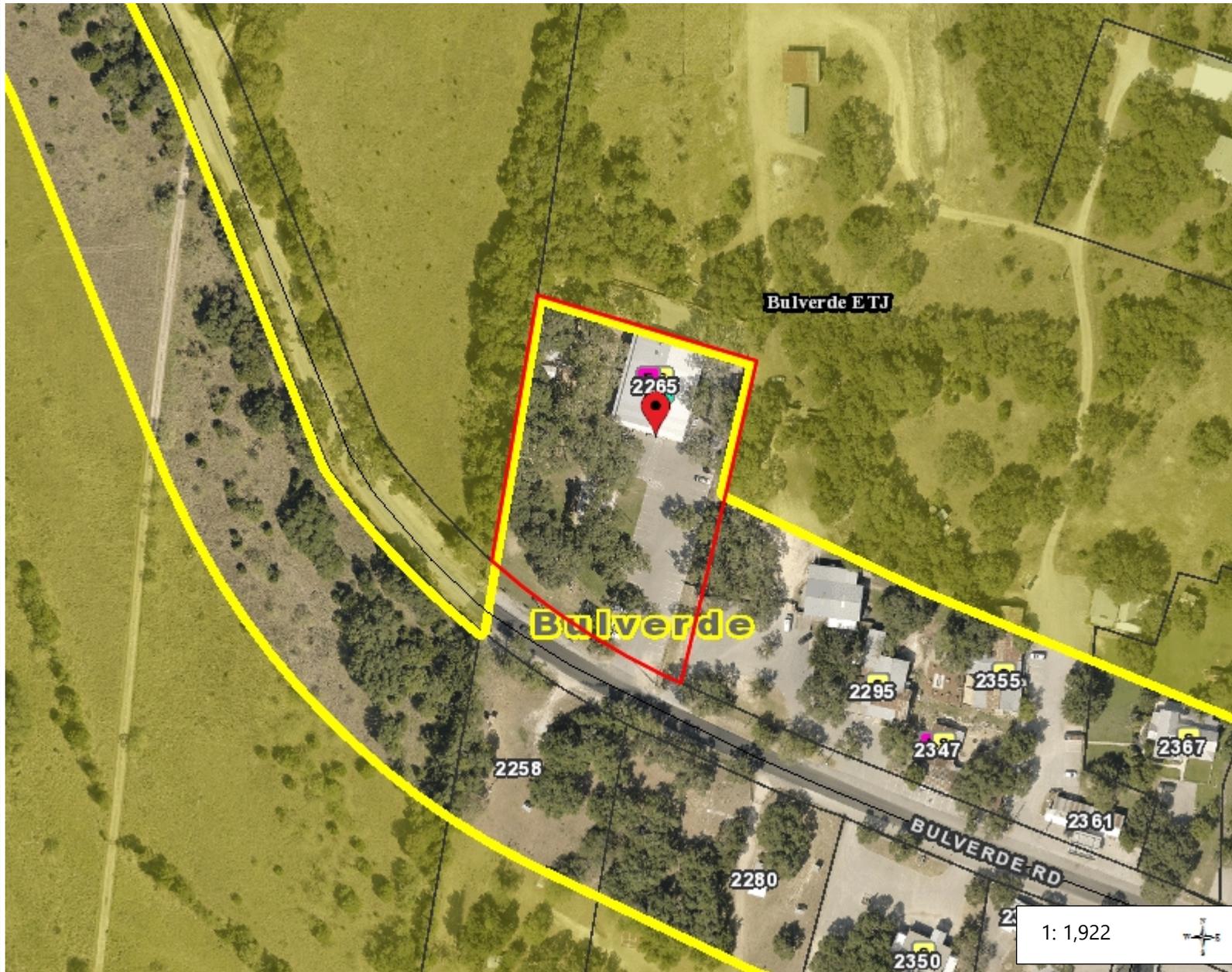
-  Farm roads
-  Highways

Streets

Parcels

Future Parcels

-  Red: Band_1
-  Green: Band_2
-  Blue: Band_3



Notes

0.1 0 0.03 0.1 Miles

NAD_1983_StatePlane_Texas_South_Central_FIPS_4204_Feet
Comal County GIS

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



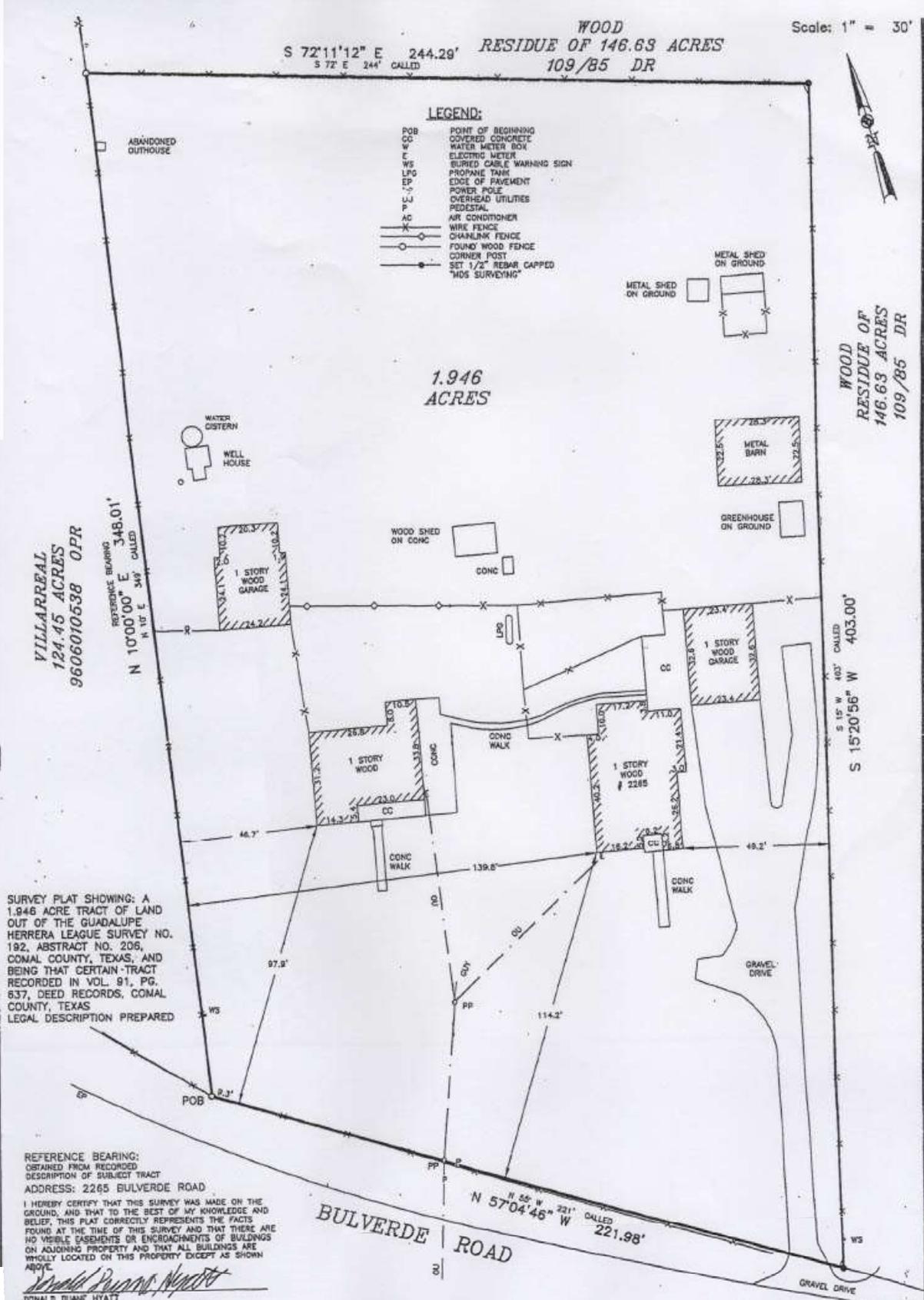
Scale: 1" = 30'

WOOD
RESIDUE OF 146.63 ACRES
109/85 DR

LEGEND:

- POB POINT OF BEGINNING
- CC COVERED CONCRETE
- W WATER METER BOX
- E ELECTRIC METER
- WS BURIED CABLE WARNING SIGN
- LPG PROPAINE TANK
- EP EDGE OF PAVEMENT
- P POWER POLE
- UJ OVERHEAD UTILITIES
- F PEDESTAL
- AC AIR CONDITIONER
- X WIRE FENCE
- CHAINLINK FENCE
- FOUND WOOD FENCE
- CORNER POST
- SET 1/2" REBAR, CAPPED
- "MDS SURVEYING"

1.946
ACRES



SURVEY PLAT SHOWING: A 1.946 ACRE TRACT OF LAND OUT OF THE GUADALUPE HERRERA LEAGUE SURVEY NO. 192, ABSTRACT NO. 208, COMAL COUNTY, TEXAS, AND BEING THAT CERTAIN TRACT RECORDED IN VOL. 91, PG. 637, DEED RECORDS, COMAL COUNTY, TEXAS
LEGAL DESCRIPTION PREPARED

REFERENCE BEARING:
OBTAINED FROM RECORDED DESCRIPTION OF SUBJECT TRACT
ADDRESS: 2265 BULVERDE ROAD

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THIS SURVEY AND THAT THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS OF BUILDINGS ON ADJOINING PROPERTY AND THAT ALL BUILDINGS ARE WHOLLY LOCATED ON THIS PROPERTY EXCEPT AS SHOWN ABOVE.

Donald Duane Hyatt
DONALD DUANE HYATT
REGISTERED PROFESSIONAL LAND SURVEYOR

5219
TEXAS REGISTRATION NO.
SURVEY NOT VALID UNLESS ORIGINAL SIGNATURE IS IN RED INK
JOB # 07-0529
DATE: 11-20-07

M.D.S. LAND SURVEYING CO.
618 COMAL STREET
NEW BRAUNFELS, TEXAS 78130
PHONE: (830) 625-0337



NOTE: THIS TRACT DOES NOT MATHEMATICALLY CLOSE PER RECORDED DESCRIPTION.
THIS PLAT SHOWS THE LOCATION OF EASEMENTS, RESTRICTIONS, AND BUILDING SETBACK LINES AS SET FORTH IN SCHEDULE B OF TITLE CO.'S LAND AMERICAN LAWYERS TITLE C.F. # 1230000978
DATED: 10-30-07
THE SURVEYOR HAS NOT ABSTRACTED THE SUBJECT PROPERTY.

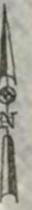
REFERENCES:
VOL. 91, PG. 637 DR

St. Nicholas Episcopal Church
 Survey
 May 7, 2021

1"=50'



Scale: 1" = 30'



St. Nicholas Episcopal Church
Site Plan (approx.)
May 7, 2021

VILLARREAL
124.45 ACRES
96006070638 OPR

REFERENCE BEARING
348.01°
S 10° 00' 00" E
348.01° CALLED

S 72° 11' 12" E
S 72° E 24" CALLED
244.29'
RESIDUE OF WOOD
146.63 ACRES
109/85 DR

- LEGEND:
- POINT OF BEGINNING
 - COVERED CONCRETE
 - WATER METER BOX
 - ELECTRIC METER
 - BURIED WATER
 - PROPANE TANK
 - EDGE OF PAVEMENT
 - POWER POLE
 - OVERHEAD UTILITIES
 - PEDESTAL
 - AIR CONDITIONER
 - WIRE FENCE
 - CHAINLINK FENCE
 - ROUND WOOD FENCE
 - CORNER POST
 - SET 1/2" REBAR CAPPED
 - MOS SURVEYING



SURVEY PLAT SHOWING: A
1.946 ACRE TRACT OF LAND
OUT OF THE GUADALUPE
HERRERA LEAGUE SURVEY NO.
192, ABSTRACT NO. 206,
COMAL COUNTY, TEXAS, AND
BEING THAT CERTAIN TRACT
RECORDED IN VOL. 91, PG.
637, DEED RECORDS, COMAL
COUNTY, TEXAS.
LEGAL DESCRIPTION PREPARED

REFERENCE BEARING:
OBTAINED FROM RECORDED
DESCRIPTION OF SURVEY TRACT
ADDRESS: 2265 BULVERDE ROAD

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE
GROUND, AND THAT TO THE BEST OF MY KNOWLEDGE AND
BELIEF THIS PLAT CORRECTLY REPRESENTS THE FACTS
ON "ADJACENT" PROPERTY AND THAT ALL BUILDINGS ARE
WHOLLY LOCATED ON THIS PROPERTY EXCEPT AS SHOWN
HEREON.

CONRAD DUNN HYATT
REGISTRATION NO. 5215
NOT VALID UNLESS ORIGINAL
07-0528
-06-07
COMAL LAND SURVEYING CO.
1000 BROADWAY
SAN ANTONIO, TEXAS 78130
(830) 625-0337



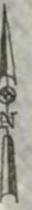
NOTE: THIS TRACT DOES NOT
MATHEMATICALLY CLOSE PER
RECORDED DESCRIPTION.
THIS PLAT SHOWS THE LOCATION
OF EASEMENTS, RESTRICTIONS, AND
DIMENSION SETBACK LINES AS SET
FORTH IN SCHEDULE B OF
TITLE CO. LAND AMERICAN SURVEY
D.P. # 123000978
DATED 10-30-07
THE SURVEYOR HAS NOT ABSTRACTED
THE SUBJECT PROPERTY.

REFERENCES:
VOL. 91, PG. 637 DR

1"=50'



Scale: 1" = 30'



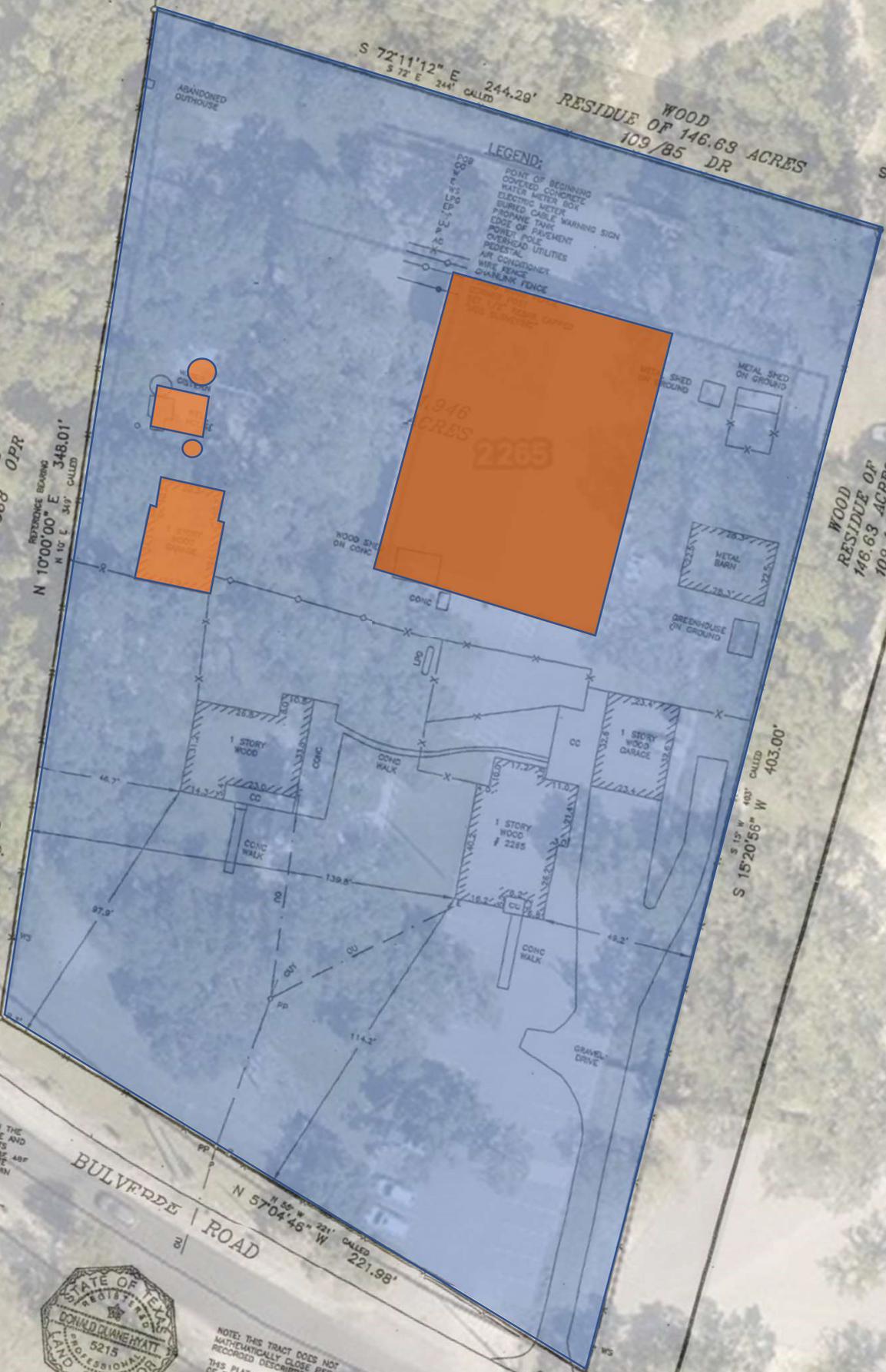
St. Nicholas Episcopal Church
Existing Structures (approx.)
May 7, 2021

VILLARREAL
124.45 ACRES
9606070638 OPR

REFERENCE BEARING
N 10°00'00" E 348.01'
N 10° E 348' CALLED

S 72°11'12" E 244.29'
S 72° E 244' CALLED
RESIDUE OF WOOD
146.63 ACRES
109/85 DR

- LEGEND:
- POINT OF BEGINNING
 - COVERED CONCRETE
 - ELECTRIC METER BOX
 - BURIED METER
 - PROPANE TANK
 - EDGE OF PAVEMENT
 - POWER POLE
 - OVERHEAD UTILITIES
 - PEDESTAL
 - AIR CONDITIONER
 - WIRE FENCE
 - CHAINLINK FENCE



SURVEY PLAT SHOWING: A 1.846 ACRE TRACT OF LAND OUT OF THE GUADALUPE HERRERA LEAGUE SURVEY NO. 192, ABSTRACT NO. 206, COMAL COUNTY, TEXAS, AND BEING THAT CERTAIN TRACT RECORDED IN VOL. 91, PG. 637, DEED RECORDS, COMAL COUNTY, TEXAS.
LEGAL DESCRIPTION PREPARED

REFERENCE BEARING: OBTAINED FROM RECORDED DESCRIPTION OF SURVEY TRACT ADDRESS: 2265 BULVERDE ROAD

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAT CORRECTLY REPRESENTS THE FACTS ON "ADJACENT" PROPERTY AND THAT ALL BUILDINGS ARE WHOLLY LOCATED ON THIS PROPERTY EXCEPT AS SHOWN ABOVE.

CONRAD DUNN HYATT
REGISTRATION NO. 5215
NOT VALID UNLESS ORIGINAL
07-0528
-06-07
COMAL COUNTY, TEXAS
LAND SURVEYING CO.
GRAUNFELS, TEXAS 78130
(830) 625-0337



NOTE: THIS TRACT DOES NOT MATHEMATICALLY CLOSE PER RECORDED DESCRIPTION.
THIS PLAT SHOWS THE LOCATION OF EASEMENTS, RESTRICTIONS, AND CHANGING SETBACK LINES AS SET FORTH IN SCHEDULE B OF TITLE CO. LAND AMERICAN LAWYERS TITLE O.P. # 123000978 DATED 10-30-07 THE SURVEYOR HAS NOT ABSTRACTED THE SUBJECT PROPERTY.

REFERENCES:
VOL. 91, PG. 637 DR

1"=50'

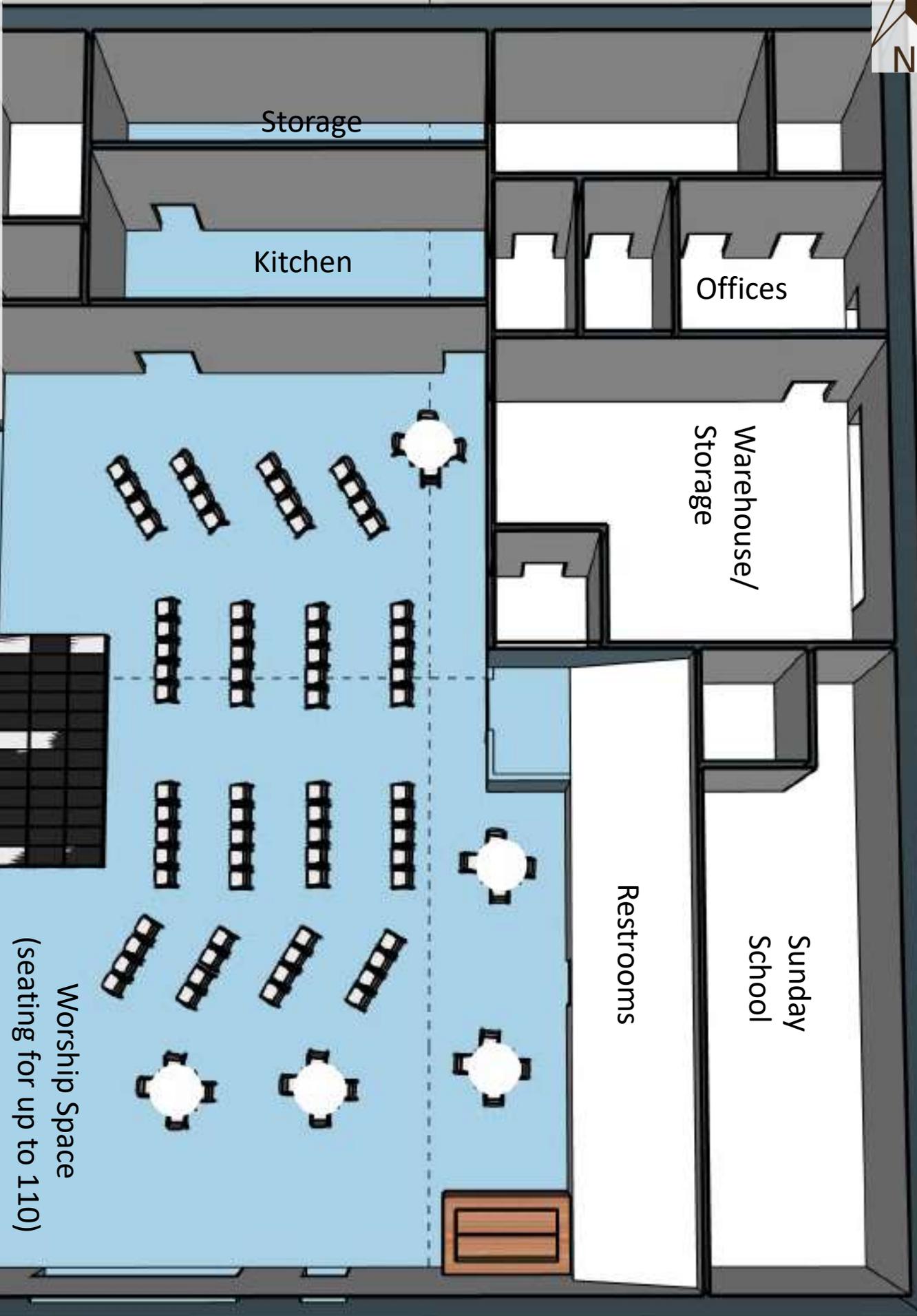


St. Nicholas Episcopal Church
Parking Layout (approx.)
May 7, 2021



**44 Parking Spaces
(estimated)**

1"=50'



St. Nicholas Episcopal Church
 Proposed Worship Space Layout
 May 7, 2021

Worship Space
 (seating for up to 110)

1"=10'



PLANNING AND ZONING COMMISSION ITEM:
ZC-21-02
ZONE CHANGE
383 Shadow Ridge

MEETING DATE: June 10, 2021
DEPARTMENT: Planning & Development
PRESENTED BY: Susana Huerta Ramos, AICP, Planning Director

REQUEST:
Hold a public hearing and consider a request by Larry Gawlik for the approval of a Zone Change from a R-2 Residential Zoning District to a R-1 Residential Zoning District for Lot 11, Comal Trace Subdivision Unit 1, generally located at 383 Shadow Ridge.

APPLICANT:
Larry Gawlik
383 Shadow Ridge
Bulverde, TX 78163

PROPERTY INFORMATION:
Legal Description: Lot 11, Comal Trace 1
Owner: LWG3C LP c/o Larry Gawlik
Existing Land Use: Single-Family Residential
Existing Zoning: R-2, Residential District
Proposed Zoning: R-1, Residential District

NOTICE:
Public Notice: May 26, 2021
Personal Notice: May 27, 2021

Staff sent 13 Personal Notices to properties within a 200-foot buffer of the subject property. As of present, Staff received no letters of support or opposition out of those 13 properties that were individually notified.

IN SUPPORT: 0
IN OPPOSITION: 0

SUMMARY:
The applicant, Larry Gawlik, is requesting a Zone Change from a R-2 Residential Zoning District to a R-1 Residential Zoning District in order to allow the construction of a caretaker's quarters on Lot 11, Comal Trace Subdivision Unit 1, generally located at 383 Shadow Ridge.

Attached herein is the applicant's written statement which provides more detail of the requested zone change.

ANALYSIS:

The subject property is currently zoned R-2 Residential District. According to the table of permitted uses in Section 14.04.002 of the Bulverde Code of Ordinances, a caretaker's quarters is not permitted in a R-2 Residential District but it is permitted in a R-1 Residential District.

Under the City's Zoning Ordinance, a caretaker's quarters is defined as:

Caretaker's quarters. A dwelling unit located on the same lot as the main building or portion of the main building, used and occupied as living quarters for persons employed on a full-time basis by the occupant of the premises as domestic help, such as a maid, gardener, chauffeur, cook, [or] ranch hand, residing on the premises. Such quarters shall not be rented or otherwise used as a separate dwelling and shall not have separate utility connections.

As shown in the attached zoning exhibit, the subject property is bordered by R-2 Residential zoning to the south, east, and west; and C-2 Commercial zoning to the north, on the opposite side of State Highway 46.

Per Section 14.03.004 of the Bulverde Code of Ordinances: *The intent of the R-2 district is to provide for the development of single-family homes on lots that are large by typical suburban standards but are not required to meet the minimum standards for the R-1 district.* Standard lot size in R-2 Residential ranges from one (1) to 4.99 acres.

Per Section 14.03.003 of the Bulverde Code of Ordinances: *The intent of the R-1 district is to provide for the development of single-family homes on large lots.* Standard lot size in R-1 Residential are, at minimum, five (5) acres.

The subject property is approximately 2.04 acres. Therefore, it does not meet the minimum lot size requirement for an R-1 Residential District.

As an alternative, City staff suggested to the applicant that a zone change would not be required if he were proposing to construct an addition to the existing single-family residence. However, the applicant decided to move forward with this zone change request because he would prefer the proposed caretaker's quarters to be a separate dwelling unit that is detached from the main residence.

STAFF RECOMMENDATION:

Since the subject property does not meet the minimum lot requirements for a R-1 Residential District, City staff respectfully recommends **DENIAL** of the requested zone change application.

ATTACHMENTS:

- A. Application
- B. Statement of Purpose

- C. Aerial Map
- D. Zoning Exhibit



Application for Zoning Change

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

Date: May 8, 2021

Case No. _____

Applicant Information:

Larry Gawlik, GP for LWG3C, LP (512) 632-3196 N.A.
Name Phone Fax
383 Shadow Ridge, Bulverde, TX 78163 lrgawlik@gmail.com
Address Email

Property Owner Information:

LWG3C, LP (512) 632-3196 N.A.
Name Phone Fax
383 Shadow Ridge, Bulverde, TX 78163 lrgawlik@gmail.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: 383 Shadow Ridge, Bulverde, TX 78163

Legal Description: Comal Trace 1, Lot 11

Zoning District Classification: R-2

Requested Zoning District Classification: R-1

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

See Attachment

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

May 8, 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.

Attachment
Application for Zoning Change
Comal Trace I, Lot 11

Background

In 1998 we searched rural areas north of San Antonio looking for large lot subdivisions that would allow for the immediate construction of a home and, at a later date, the construction of a guest house that could be used as an assisted living caretaker dwelling. The thought was this would be my parents last home and with the construction of a guest house would allow us to provide for on-site care as my parents aged and would allow us to avoid their placement in a privately assisted living facility, allowing them to live their lives to the fullest in a familiar setting. We purchased a lot in Comal Trace 1 subdivision (CT), which had Covenants exactly in line with what we wanted – providing for the construction of a guest house (caretaker dwelling) and other out-buildings. Article II - Scope of Restrictions and Use Restrictions, Section 3 of the October 23, 1997 Declaration of Covenants: Conditions, Easements and Restrictions for the Comal Trace Subdivision and Comal Trace Owner's Association provides that:

“Residential Use. All Lots within the Subdivision are hereby restricted exclusively to single-family residential use unless designated for recreational or common uses on the Subdivision Plat. No structures shall be erected, placed, or maintained on any Lot other than a conventionally constructed single-family private residence with such accessory structures and buildings as a barn, garage, cabana, guest house and/or servant's quarters; provided, however, no such accessory structures and buildings may be used or occupied until the residence on the Lot has been completed...”

This is the exact situation we were looking for and provided for the flexibility we desired. We began construction in late summer of 1998 and completed the house in the early spring of 1999 with my parents moving in shortly thereafter. Provisions were made for water and sewer service (stubbed out) in anticipation later of the construction of a guest house (caretaker dwelling). Luckily, my parents were able to live out the remaining years of their lives in the house we built without ever needing for us to have to construct the guest house for a privately assisted caretaker – with Mom passing first followed by Dad living to the age of 92 before passing away in 2012.

My wife and I were then faced with what to do with an empty, nice home with no mortgage in the Bulverde area. We had been empty nesters for some time and were living in a house in Austin much larger in size than needed with a substantial monthly mortgage, excessive taxes, HOA fees, insurance, and other monthly household burdens. It was an easy decision. We decided to move to the Bulverde area and sell our Austin home. We had exactly what we needed here. A completed home with minimal monthly expenses

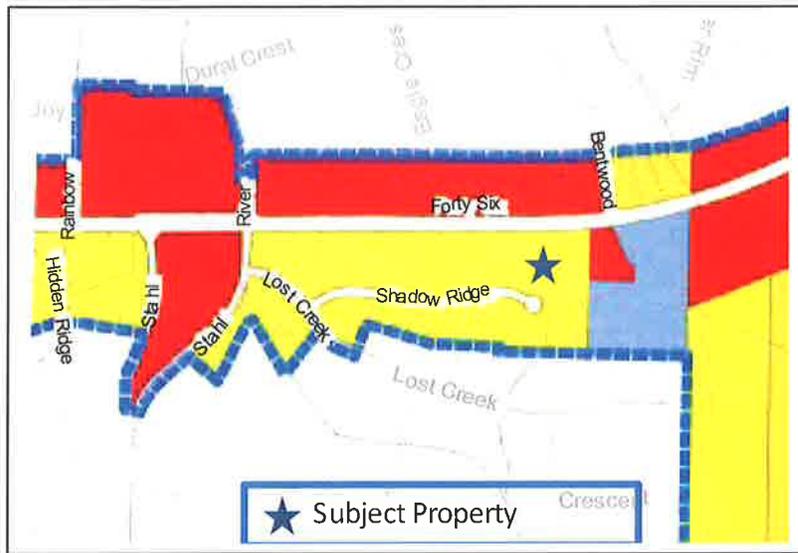
Current Situation

Since moving to CT in the Bulverde area we have been planning to build a guest house (caretaker dwelling). However, not for my deceased parents, but for my wife and I whom are now 78 and 73. As our health has deteriorated the day has come when it is time to build such structure. We set out to do such and were informed by the City of Bulverde (COB) staff that such construction was no longer allowed even though our HOA and Covenants continue to allow. It seems in 2017, COB annexed a small strip of CT into COB including our property subjecting our property to COB zoning and building requirements. In other words, all of the properties in CT that are located a mere 400 ft. from our property continue to be governed by HOA and CT Covenant restrictions which allow for the building of guest houses, but on our property, this is not allowed. Now a guest house (caretaker dwelling) need is imminent to allow for my wife and I to avail ourselves to on-site assisted care and the ability to live our lives to the fullest in a familiar setting and avoiding the drawbacks and health risks of placement in a privately assisted living facility but is now not allowed.

While we could have built the guest house (caretaker dwelling) any time prior to COB annexation, it simply was not needed. When we approached COB staff earlier this year to inquire about a building permit, we were told we could not build a guest house (caretaker dwelling). They advised that when our property was annexed by COB that the rights under our HOA and Covenants were not grandfathered and that we had been assigned a zoning class of R-2. This came as quite a surprise since there was no notice that the prior uses and rights relative to our property had been supplanted by new restrictions. Specifically, R-2 provides in Sec. 14.04.002, Permitted uses of the City of Bulverde Code of Ordinances, *does not allow as a permitted use for R-2 Zoning a Separate guest house (caretaker dwelling) located on the same lot as an existing single-family residence that could be used by a full-time person(s) employed by the Owner* for the provision of permanent and uninterrupted assisted care for my wife and myself. We were shocked to learn this! After much discussion with COB staff, they advised that a variance from a zoning requirement was not possible and that the only solution to the dilemma created by the earlier annexation was to seek a zoning change to R-1.

R-1 Zoning Request

Applicant is hereby requesting that the zoning of the subject property be changed from R-2 to R-1 thereby allowing the construction of a guest house (caretaker dwelling). The subject property is located in the far northeast corner of the CT subdivision, one lot from the actual corner of the CT subdivision (see figure below). The properties to our west and south of our property in the subdivision are zoned R-2 and those approximately 400 ft. to our south that are within CT and not zoned. To our immediate north, the properties are zoned C-2. To our immediate east there is only one property in the subdivision. I have been advised by the owner of that property of their desire to also build a guest house for one of their aging parents. When I advised them of the R-2 zoning restriction, they advised me they would likewise be putting a request to rezone to R-1, which would allow for both lots in the far northeast corner of CT to be zoned similarly. Lastly, to the immediate east of this property the zoning is C-2.



Zoning Near Subject Property

Rational for R-1 Approval

First focusing on the surrounding properties, we do not believe that changing the zoning to R-1 from R-2 will result in any hardship, unnecessary or other, of the surrounding properties. In fact, little will change in CT as a result of this proposed zoning change as such uses are already allowed. Our desire to change the zoning to R-1; however, will enable us to proceed with the construction of a guest house (caretaker dwelling), something that is allowed by the CT Covenants and is applicable to all of the properties shown in “white” located some 400 ft. south of the subject property. Further, a zoning change to R-1 will not impact the C-2 properties to our north and east. In fact, the greatest hardship being experienced is to the Applicant and is caused by the current R-2 zoning as it unnecessarily deprives the Applicant of the economic viable use of its property. For instance, the current R-2 zoning restriction when put in effect did not grandfather our previous property uses allowed, but changed the allowable uses of our property from when purchased (CT Covenants and HOA Architectural Committee approval) and interferes with the reasonable use of our property, particularly considering the unique setting of the property in its environment. Further, no fair and substantial relationship exists between the general purposes of the current R-2 zoning and the restrictions to our property, and the zoning change requested to R-1 would not injure the public or private rights of others or diminish the value of surrounding properties.

The current R-2 zoning does create an unnecessary and substantial hardship to my wife and myself. If not granted, we would be forced in the near future to sell our property and move to a location that would allow us to have an on-site dwelling for assisted living caregiver(s) employed to assist my wife and myself. We believe this is an unintended consequence of the 2017 annexation of our property by COB, which for a reason unknown to us did not grandfather our property uses and rights as existed at the time but subjected our property to a zoning status that prohibits the

construction of a separate caregiver dwelling. Absent the COB annexation, the CT subdivision Covenants expressly allow the construction of a caretaker dwelling. The most unthinkable of all hardships would include having to move into a private assisted living facility.

The approval of a change to R-1 from R-2 will not be contrary to the public interest. With respect to public safety, health, aesthetics, and compatibility with the neighborhood an R-1 zoning would not in any way adversely impact the public or private interests – little would change in the neighborhood as the CT Covenants allow such uses and rights. The guest house (caretaker dwelling) will be behind a 6-ft. fence on private property and inaccessible to the public. Not only will the proposed structure be located behind and obscured by the existing single-family structure, but existing CT residences have similar structures constructed pursuant to CT Covenants. Further, surrounding property values would not be diminished. The Applicant does not believe a change to R-1 zoning would result in families not buying homes in CT and would not adversely impact property values. As an example, families currently move into the area and buy homes in CT where similar guest houses exist. In fact, the Applicant would argue to the contrary that homes with guest houses in CT sell at premiums over other homes.

Lastly, we believe that granting our zoning request to R-1 is in the spirit of zoning regulation in semi-rural areas. The R-1 change is the spirit of uses allowed prior to COB annexation and, if granted, would cause no injury to public or private rights, and would do substantial justice rectifying the existing R-2 zoning restriction's interference with the Applicant's uses and rights under the CT subdivision Covenants, which became impacted by the 2017 COB annexation, and as a result deny the Applicant of the reasonable use of its property.



Legend

- Permits**
 - Septic
 - Piprow/Driveway
 - Floodplain
 - Utility
- Addresses**
- Major Roads**
 - Farm roads
 - Highways
- Streets**
- Parcels**
- Future Parcels**
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

Notes

1: 1,922



0.1 0 0.03 0.1 Miles

NAD_1983_StatePlane_Texas_South_Central_FIPS_4204_Feet
Comal County GIS

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



ZC-21-02 Zoning Map Exhibit



City of Bulverde Zoning Map

Key to Features

- City Limits
- ETJ Boundary
- Streams
- Parcels

Zone

- AG
- AV
- R1
- R2
- R3
- R4
- R5
- C1
- C2
- C3
- PDD
- I1
- SUP

