

Planning and Zoning Commission Meeting
City of Bulverde, Texas
30360 Cougar Bend, Bulverde, Texas 78163
Tuesday, September 6, 2016– 6:30 p.m.

Call to Order, Quorum, Pledges of Allegiance

Approval of Minutes

July 5, 2016 Regular Meeting

August 2, 2106 Regular Meeting

Public Comment:

The following subjects will be discussed:

1. Discuss and take action on a Vacate and Re-Plat of Lot 1AP Kestrel Airpark and Lot 5 of Singing Hills, Unit 5 (southwest corner of Flightline Drive and Hwy 281).
2. Public Hearing and action on adopting a new Zoning Ordinance.
3. Public Hearing and action on adopting a new Zoning Map.
4. Discuss and take action on a storm water detention variance for 2636 Bulverde Road.
5. Discuss and take action on a tree preservation variance for 115 and 121 Bulverde Crossing.
6. Consider rescheduling the October 4, 2016 Planning and Zoning Commission meeting.

Adjourn

* A quorum of City Council members may attend and be involved in discussions at the meeting. No action by the Council will take place at this meeting. This agenda is posted as required under G.C. Section 551.041. For more information or a copy of the Open Meetings Act, contact the Attorney General of Texas 1-800-252-8011 or the City Secretary at 830-438-3612.

Persons with disabilities who plan to attend this meeting and who may need assistance should contact the City Secretary at 830-980-8832 or 830-438-3612 two working days prior to the meeting so that appropriate arrangements can be made. Bulverde City Hall is wheelchair accessible and accessible parking spaces are available.

This is to certify that I, _____, posted this Agenda on the bulletin board in front of the City Hall, facing the outside at _____ .m. on _____, 2016.

Danny Batts II, City Secretary

Bulverde Planning & Zoning Commission Public Hearing Policy



GENERAL INFORMATION

- As a recommending body to the City Council, the Planning and Zoning Commission's responsibilities include review and recommendation of:
 - Master Development Plans
 - Sign Variances
 - Subdivision Variances
 - Zoning Changes, Variances and Special Use Permits
 - Planning and Zoning related ordinances and amendments
- The Planning and Zoning Commission has final decision authority on:
 - Preliminary Plats
 - Final Plats
- Action may only be taken on items which appear as action items on the agenda. A majority vote of the Commission Members at the meeting is required to approve or deny an item.
- The Commission normally meets the first Tuesday of each month at 6:30 PM in the Council Chambers in City Hall. A schedule of meetings is posted in the display case next to the main entrance of City Hall and available on the city website: www.ci.bulverde.tx.us

PUBLIC COMMENT RULES

- For each agenda item, the following process will be used:
 - Staff presents a brief summary to the Commission
 - Applicant presents his/her application
 - Members of the public who wish to speak will be called upon by the Commission Chair to present comments in support or opposition to the application and are limited to three (3) minutes. The Commission Chair may grant more time at his/her discretion.
 - Applicant will be allowed a brief response at the conclusion of public comment.
- All speakers shall first identify themselves by legal name and residence address (business address is acceptable if speaking on behalf of a business)
- Organized groups in attendance shall choose one or two spokespersons to present the group's comments.
- Do not be repetitious. Simply stating "I agree with [the comments] given earlier" will be sufficient to state a position on the application. The Commission Chair reserves the right to discontinue, at any time, repetitious or irrelevant comments.
- The Commission may ask questions of the speakers. There shall, however, be no cross examination or direct questioning in front of the Commission between proponents and opponents. All questions and comments shall be directed to the Commission Chair.
- The Commission Chair reserves the right to impose additional rules regarding the hearing of any item, including but not limited to, limiting the number of speakers and imposing additional time limits for comments. Any additional rules may be announced by the Chair before hearing the item.

Note: Special requests concerning public comment (exhibits, electronic support, etc.) should be directed to City Staff by 5:00 p.m. prior to the meeting.

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 07/05/2016
Meeting Duration: 6:30 pm to 7:34 pm

CALL TO ORDER

Members of the Commission:

Mike Romans, Gary Dawson, Jim Binkley, Mike Foster, Rhianna Stewart, Mark Morkovsky, Dickie Lubel, Larry Sunn (Alternate).

Commission Members Absent:

Gary Dawson, Jim Binkley

City Staff Present:

Public Works Director John Nowak

REGULAR AGENDA

1. Discuss and consider approval of the minutes of the 06/07/2016 Commission meeting minutes: Commissioner Sunn made a motion to approve the minutes with corrections. Commissioner Morkovsky seconded the motion, which carried unanimously.
2. Discuss and take action on a sign variance to allow a roof mounted sign for Urban Living (78070 Hwy 46): Commissioner Sunn moved to recommend approval of a variance that would allow the requested sign provided the bottom of the sign is no more than six inches above the roof of the building. Commissioner Stewart seconded the motion, which carried unanimously.
3. Discuss and take action on a sign variance to allow primary signs on different building facades for Burger King (334 Singing oaks): Commissioner Sunn moved to recommend the approval of the requested variance. Commissioner Stewart seconded the motion, which carried by the following vote: AYES - Lubel, Sunn, Stewart, Romans. NAYS- Morkovsky, Foster.
4. Discuss and take action on a Subdivision Ordinance modification to require additional right-of-way dedication at roadway intersections: Commissioner Romans moved to recommend approval of the proposed modification with the stipulation that the word "transition" be replaced by the word "cutback." Commissioner Lubel seconded the motion, which carried unanimously.
5. Discuss and take possible action on creating a subcommittee to review and recommend modifications to the Sign Ordinance: No action was taken on this item.

ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned. I certify that the above minutes were approved by the Commission on September 6, 2016.

Danny S. Batts II, City Secretary

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 08/02/2016
Meeting Duration: 6:31 pm to 8:25 pm

CALL TO ORDER

Members of the Commission:

Mike Romans, Gary Dawson, Jim Binkley, Rhianna Stewart, Mark Morkovsky, Dickie Lubel, Dan Hamilton.

Commission Members Absent:

Jim Binkley, Dan Hamilton

City Staff Present:

Public Works Director John Nowak

REGULAR AGENDA

1. Discuss and take action on adopting a Land Use Plan for the City of Bulverde: Commissioner Romans moved to recommend approval of the proposed Future Land Use Plan, with the stipulation that the proposed Regional Activity Center designation for the land located near the intersection of John Charles Dr. and Bulverde Rd. be changed to a less intense use category. Commissioner Lubel seconded the motion, which carried unanimously.
2. Discuss and take action on a Final Plat for Johnson Ranch Amenity Park and Johnson Way (east side of Hwy 281, 1 mile north of FM 1863): Commissioner Romans moved to approve the plat with the stipulation that the plat be recorded simultaneously with the plat associated with Unit 6 of the same development. Commissioner Morkovsky seconded the motion, which carried unanimously.
3. Discuss and take action on a Final Plat for Johnson Ranch Unit 3, Phase 2 (1/2 mile east of Hwy 281 and 1 mile north of FM 1863): Commissioner Romans moved to approve the plat with the stipulation that a note be added indicating that Lot 19 was a utility lot. Commissioner Morkovsky seconded the motion, which carried unanimously.
4. Discuss and take action on a Final Plat for Johnson Ranch Unit 4 (1/2 mile east of Hwy 281 and 1 mile north of FM 1863): Commissioner Morkovsky moved to approve the plat. Commissioner Dawson seconded the motion, which carried unanimously.
5. Discuss and take action on a Final Plat for Johnson Ranch Unit 5 (1/2 mile east of Hwy 281 and 1 mile north of FM 1863): Commissioner Romans moved to approve the plat. Commissioner Stewart seconded the motion, which carried unanimously.
6. Discuss and take action on a Final Plat for Johnson Ranch Unit 6 (1/2 mile east of Hwy 281 and 1 mile north of FM 1863): Commissioner Lubel moved to approve the plat. Commissioner Dawson seconded the motion, which carried unanimously.
7. Election of Commission Chair and Vice Chair: Commissioner Romans moved to appoint Commissioner Lubel as Chair. Commissioner Dawson seconded the motion, which carried unanimously. Commissioner Lubel moved to appoint Commissioner Romans as Vice Chair. Commissioner Dawson seconded the motion, which carried unanimously.

ADJOURNMENT

There being no further business to come before the Commission, the meeting was adjourned. I certify that the above minutes were approved by the Commission on September 6, 2016.

Danny S. Batts II, City Secretary



PLANNING AND ZONING COMMISSION ITEM

CITY OF BULVERDE, TEXAS

Tuesday, September 6, 2016

TITLE: Vacate and Re-Plat of Lot 1AP, Block 2, Kestrel Air Park and Lot 5, Block 3 of Singing Hills, Unit 5 (southwest corner of Flightline Drive and Hwy 281 N)

DEPARTMENT: Public Works

PRESENTED BY: John Nowak, P.E., Public Works Director

RECOMMENDATION

Staff recommends that the Planning and Zoning Commission approve the Preliminary Vacate and Re-Plat of Lot 1AP, Block 2, Kestrel Air Park and Lot 5, Block 3 of Singing Hills, Unit 5, as it is administratively complete as set forth by the guidelines adopted in the City of Bulverde Subdivision Ordinance.

PROBLEM/ISSUE STATEMENT: The Planning and Zoning Commission reviews and approves all Vacate and Re-Plats.

GENERAL INFORMATION:

Applicant: SH-DJL, Inc.
Status of Applicant: Owner
Location: Southwest corner of Harmony Hills & Singing Oaks
Size: 3.947 acres
Existing Land Use: Vacant
Related Regulations: Subdivision Ordinance

ATTACHMENT: Preliminary Plat (2 pages)

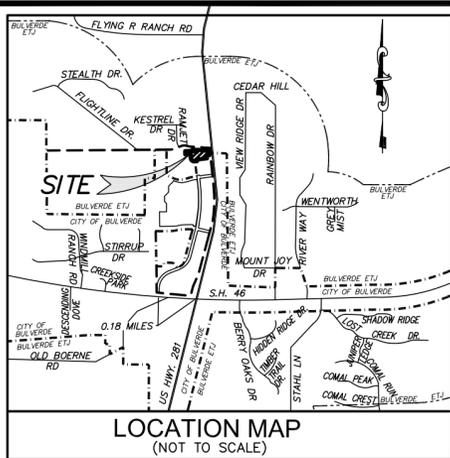
BACKGROUND

The proposed Vacate and Re-Plat involves two existing lots in two adjacent subdivisions being combined into a new single lot. One lot currently lies in the Kestrel Air Park subdivision, while the other lot lies in the Singing Hills subdivision. The Singing Hills developer owns both of the lots.

The next effect of the proposed Vacate and Re-Plat is that the Kestrel Air Park lot is removed from the Kestrel Air Park subdivision (the lot ceases to exist and the land area is added to the Singing Hills lot. The new, larger Singing Hills lot would take access from the existing private drive. Access to both Hwy 281 N and Flightline Drive would be prohibited via a no access easement along both of those lot frontages.

The overall density of development is being reduced by one lot. The proposed Vacate and Re-Plat does not create an adverse impact to the previously approved traffic, drainage, or utility studies performed for the Singing Hills Development.

The proposed submittal meets all the requirements in the Subdivision Ordinance for a Preliminary Plat, therefore Staff recommends approval of this Vacate and Re-Plat.



LOCATION MAP
(NOT TO SCALE)

LEGEND

℄	CENTERLINE
DRN.	DRAINAGE
R.O.W.	RIGHT-OF-WAY
CA.TV.	CABLE TELEVISION
ESMT	EASEMENT
E.G.T.V.	ELECTRIC, GAS TELEPHONE AND CABLE TELEVISION
SS, SAN. SEW.	SANITARY SEWER
OPRCCT	OFFICIAL PUBLIC RECORDS COMAL COUNTY, TEXAS
● SIR	1/2" IRON ROD SET WITH AN ORANGE PLASTIC CAP STAMPED "MTR ENG"
● FIR	FOUND IRON ROD
PVT	PRIVATE
E.T.J.	EXTRATERRITORIAL JURISDICTION
---	EASEMENT LINE
---	B.S.L. BUILDING SETBACK LINE

C.P.S. AND PEDERNALES ELECTRIC NOTES:

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

NOTES:

- 1) BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983, TEXAS SOUTH CENTRAL ZONE.
- 2) 1/2" IRON RODS WITH ORANGE PLASTIC CAP STAMPED "MTR ENG" SET AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED.
- 3) VERTICAL DATUM IS NORTH AMERICAN VERTICAL DATUM (NAVD) 88.
- 4) PROPERTY CORNERS ARE FOUND IRON RODS UNLESS OTHERWISE NOTED.

LIENHOLDER: BANK SNB
9324 HUEBNER RD.
SAN ANTONIO, TX 78240
DEED OF TRUST
DOCUMENT NO. 201406005402, OPRCCT

CITY OF BULVERDE SUBDIVISION NOTES:

- 1) THIS PLAT WAS PREPARED ON JULY 12, 2016.
- 2) THIS PROPERTY DOES NOT LIE WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.
- 3) THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA, ZONE "A", AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD AS DEFINED BY THE FLOOD INSURANCE RATE MAP FOR COMAL COUNTY, TEXAS ON COMMUNITY PANEL NO. 48091C0220F, EFFECTIVE DATE SEPTEMBER 2, 2009, AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- 4) LOT 5AR, BEING 3.592 ACRES AND RIGHT-OF-WAY DEDICATION BEING 0.259 ACRES AND 0.096 ACRES BEING EASEMENTS FOR A TOTAL OF 3.947 ACRES ARE INCLUDED IN THIS SUBDIVISION PLAT.
- 5) THIS PROPERTY LIES WITHIN THE CITY OF BULVERDE E.T.J. (2.21 ACRES) AND WITHIN THE CITY LIMITS OF BULVERDE (1.737 ACRES)

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. FOR PROJECTS IN THE EDWARDS AQUIFER RECHARGE OR CONTRIBUTING ZONES, OUTFALLS FOR WATER QUALITY AND/OR DETENTION PONDS TREATING IMPERVIOUS COVER RELATED TO THE DEVELOPMENT, WILL NOT ENCROACH BY STRUCTURE OR GRADING INTO STATE ROW. PLACEMENT OF PERMANENT STRUCTURAL BEST MANAGEMENT PRACTICE DEVICES OR VEGETATIVE FILTER STRIPS WITHIN STATE ROW WILL NOT BE ALLOWED.
- 3) MAXIMUM ACCESS POINTS TO STATE HIGHWAY FROM THIS PROPERTY WILL BE REGULATED AS DIRECTED BY TxDOTS, "ACCESS MANAGEMENT MANUAL". THE PROPERTY IS ELIGIBLE FOR MAXIMUM COMBINED TOTAL OF 0 (ZERO) ACCESS POINT, BASED ON AN OVERALL PLATED HIGHWAY FRONTAGE OF APPROXIMATELY 230 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 MEASURES (LEFT-TURN LANE, RIGHT-TURN LANE SIGNAL, ETC.) FOR ANY ACCESS FRONTING A STATE MAINTAINED ROADWAY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER/OWNER.

VACATE AND REPLAT OF LOT 1AP,
BLOCK 2, KESTREL AIR PARK AND LOT 5,
BLOCK 3, SINGING HILLS,
UNIT 5 INTO LOT 5AR, BLOCK 3
SINGING HILLS UNIT 5
CITY OF BULVERDE, COMAL COUNTY, TEXAS



• Engineers
• Surveyors
• Planners

Moy Tarin Ramirez Engineers, LLC

FIRM TBPE NO. F-5297, FIRM TBPLS NO. 10131500
12770 CIMARRON PATH, SUITE 100 TEL: (210) 698-5051
SAN ANTONIO, TEXAS 78249 FAX: (210) 698-5085

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.

SH-DJL DEVELOPMENT, LLC, A TEXAS LIMITED LIABILITY COMPANY
DAVID KEITH, VICE PRESIDENT
115 NORTH LOOP 1604 EAST, SUITE 2207
SAN ANTONIO, TEXAS 78232

STATE OF TEXAS
COUNTY OF COMAL
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED DAVID KEITH, VICE PRESIDENT KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT OF WRITING, 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 THE ____ DAY OF _____ A.D., 20__.

NOTARY PUBLIC, STATE OF TEXAS

PRINTED NAME

STATE OF TEXAS
COUNTY OF COMAL
THIS PLAT OF REPLAT OF LOT 1AP, BLOCK 2, KESTREL AIR PARK, LOT 4 AND LOT 5, BLOCK 3, SINGING HILLS, UNIT 5 INTO LOT 5AR, BLOCK 3 SINGING HILLS UNIT 5 HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BULVERDE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION IN ACCORDANCE WITH STATE OR LOCAL LAWS AND REGULATIONS, AND/OR WHERE VARIANCE(S) HAVE BEEN GRANTED.

DATED THIS ____ DAY OF _____ A.D. _____

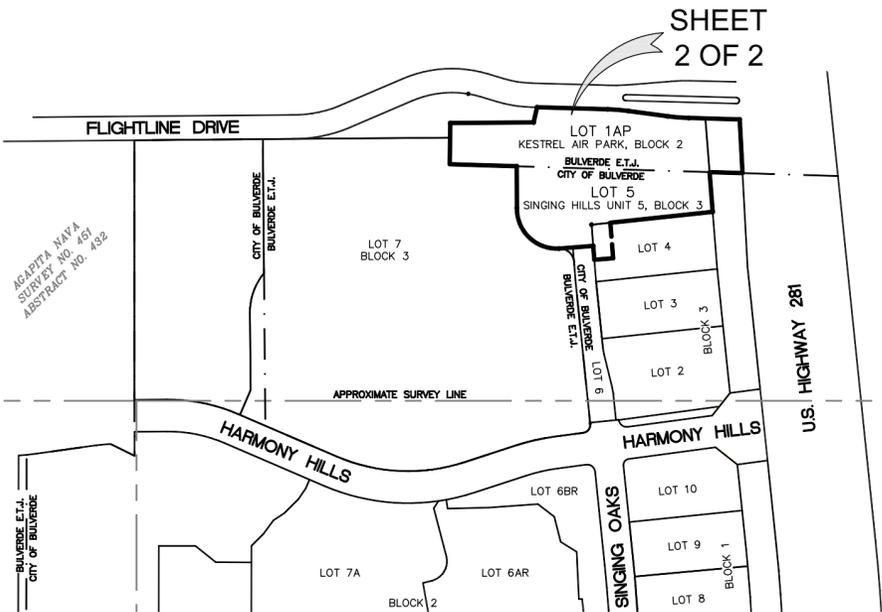
BY: _____
CHAIRMAN

BY: _____
SECRETARY

STATE OF TEXAS
COUNTY OF COMAL
I, BOBBIE KOEPP, COUNTY CLERK OF COMAL COUNTY, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THE ____ DAY OF _____, A.D. 20__, AT ____ M. IN THE RECORDS OF MAPS AND PLATS IN SAID OFFICE, OF SAID COUNTY, IN DOCUMENT # _____ IN TESTIMONY WHEREOF WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS ____ DAY OF _____, A.D. 20__.

COUNTY CLERK
COMAL COUNTY, TEXAS

BY: _____
DEPUTY



INDEX MAP
SCALE: 1" = 300'

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.

STEPHANIE L. JAMES, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5950
MOY TARIN RAMIREZ ENGINEERS, LLC
12770 CIMARRON PATH STE. 100
SAN ANTONIO, TEXAS 78249
PH# (210) 698-5051

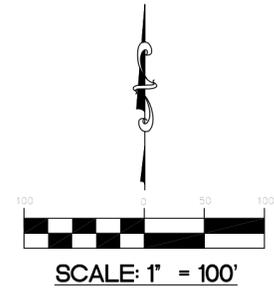
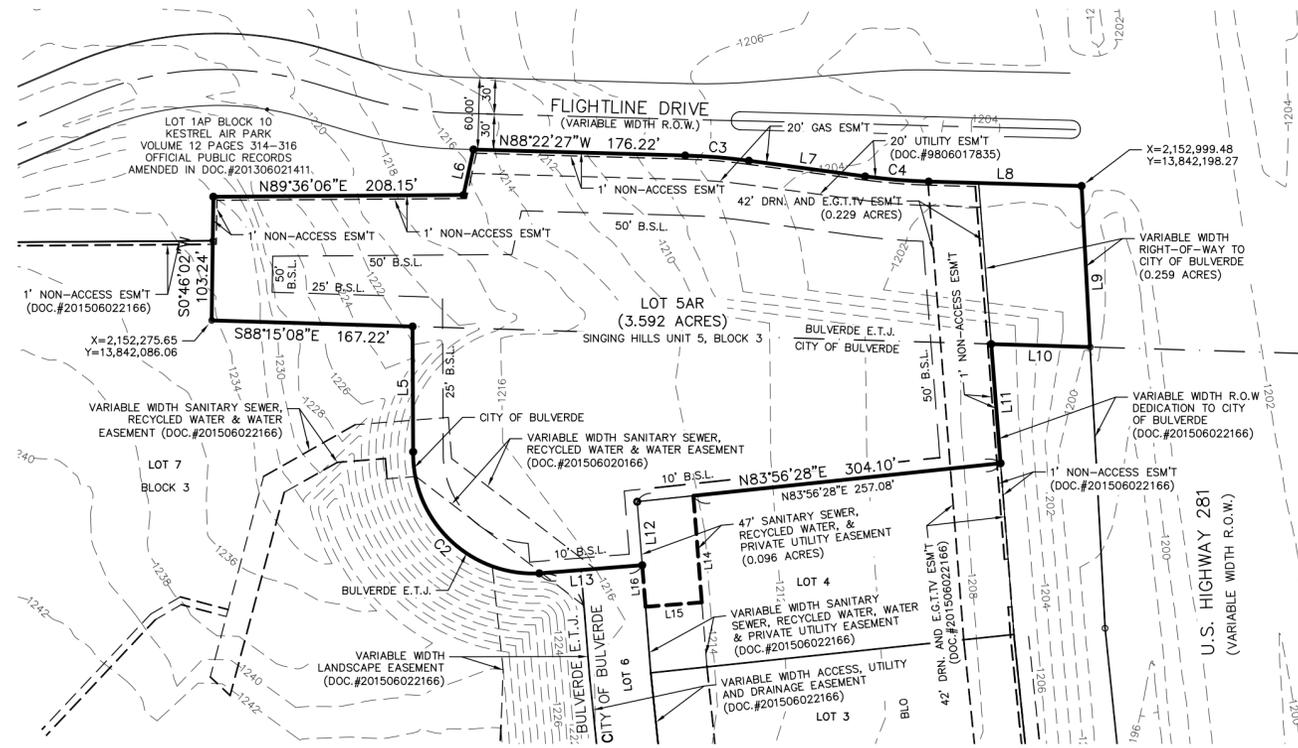
SWORN TO AND SUBSCRIBED BEFORE ME ON THIS THE ____ DAY OF _____ A.D., 2016.

NOTARY PUBLIC, STATE OF TEXAS

PRINTED NAME



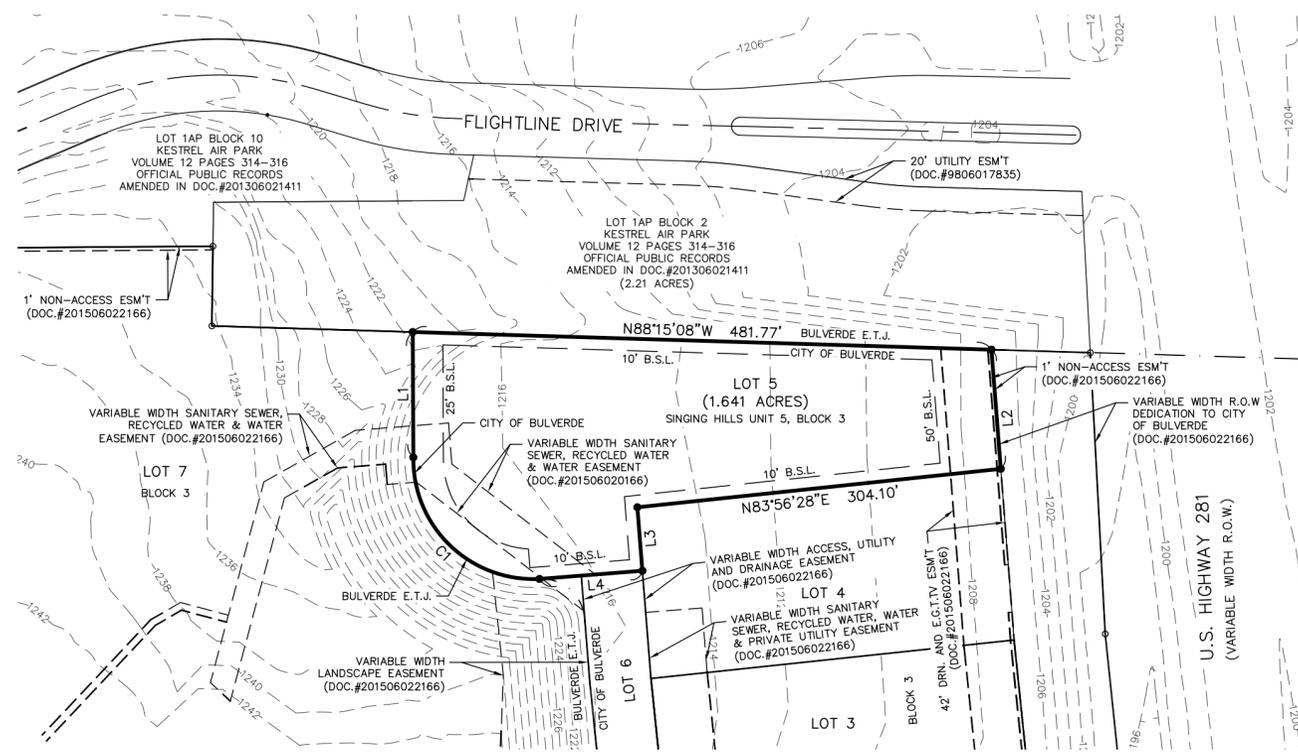
VACATE AND REPLAT OF LOT 1AP,
 BLOCK 2, KESTREL AIR PARK AND LOT 5,
 BLOCK 3, SINGING HILLS,
 UNIT 5 INTO LOT 5AR, BLOCK 3
 SINGING HILLS UNIT 5
 CITY OF BULVERDE, COMAL COUNTY, TEXAS



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

REPLATTED AREA

CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD DISTANCE
C1	093°44'22"	100.00'	163.61'	106.75'	S45°58'26"E	145.96'
C2	093°44'36"	100.00'	163.61'	106.75'	S45°58'26"E	145.96'
C3	006°05'19"	500.00'	53.13'	26.59'	N85°19'48"W	53.11'
C4	006°05'19"	500.00'	53.13'	26.59'	S85°19'48"E	53.11'



LINE TABLE		
LINE	LENGTH	DIRECTION
L1	104.63'	S00°15'49"E
L2	99.78'	N04°27'22"W
L3	53.18'	N04°31'44"W
L4	85.94'	N85°28'16"E
L5	104.63'	S00°15'49"E
L6	38.85'	N12°23'48"E
L7	97.67'	N82°17'08"W
L8	127.22'	N88°21'30"W
L9	134.71'	S03°01'52"E
L10	82.30'	S88°15'08"E
L11	99.78'	N04°27'22"W
L12	53.18'	N04°31'44"W
L13	85.94'	N85°28'16"E

LEGEND	
⊕	CENTERLINE
—	DRN. DRAINAGE
—	R.O.W. RIGHT-OF-WAY
—	CA.TV. CABLE TELEVISION
—	ESMT. EASEMENT
—	E.G.T.V. ELECTRIC, GAS TELEPHONE AND CABLE TELEVISION
—	SS, SAN. SEW. SANITARY SEWER
—	OPRCCT OFFICIAL PUBLIC RECORDS COMAL COUNTY, TEXAS
● SIR	1/2" IRON ROD SET WITH AN ORANGE PLASTIC CAP STAMPED "MTR ENG"
● FIR	FOUND IRON ROD
PVT	PRIVATE
E.T.J.	EXTRATERRITORIAL JURISDICTION
---	EASEMENT LINE
---	B.S.L. BUILDING SETBACK LINE

AREA BEING VACATED AND REPLATTED



PLANNING AND ZONING COMMISSION ITEM
CITY OF BULVERDE, TEXAS
Tuesday, September 6, 2016

TITLE: Revised Zoning Ordinance and Map
DEPARTMENT: Public Works
PRESENTED BY: John Nowak, P.E., Public Works Director

BACKGROUND

On August 23, 2016 a joint workshop of the Planning and Zoning Commission, Zoning Board of Adjustment, and City Council was held to discuss a new draft Zoning Ordinance and Zoning Map for the City of Bulverde. The Consultant (Kimley-Horn) presented drafts based on the recently adopted Land Use Plan, existing land uses, landowner feedback, and public input. Commissioners, ZBA Members, and Council Members offered comments and provided general direction regarding the drafts to the Consultant. The comments and direction were incorporated into final drafts of the Zoning Ordinance and Zoning Map. The final drafts are ready for review and adoption.



PLANNING AND ZONING COMMISSION ITEM
CITY OF BULVERDE, TEXAS
Tuesday, September 6, 2016

TITLE: Storm Water Detention Variance for 2636 Bulverde Road
DEPARTMENT: Public Works
PRESENTED BY: John Nowak, P.E., Public Works Director

PROBLEM/ISSUE STATEMENT: The Planning and Zoning Commission reviews and makes a recommendation on all Subdivision Ordinance variance requests.

GENERAL INFORMATION:

Applicant: Big Red Dog Engineering
Status of Applicant: Owner's Representative
Location: 2636 Bulverde Road
Size: 10.212 acres
Existing Land Use: Vacant
Related Regulations: Subdivision Ordinance

ATTACHMENT: Variance request and supporting documentation (3 pages)

BACKGROUND

The Subdivision Ordinance requires that all new subdivision comply with the City's drainage manual. The drainage manual requires that the post-development storm water runoff rate for certain design storm frequencies be no greater than the pre-development storm water runoff rates. This means that the subdivider must construct some sort of storm water detention. In order to deviate from the storm water detention requirement, a variance must be issued.

The proposed subdivision is approximately 10 acres located on the south side of Bulverde Road, west of Bulverde Hills Drive. The property is located in the Indian Creek watershed, near the bottom, or lower end, of the watershed.

The goal of the City's storm water management regulations is to allow new development while preventing any negative downstream impacts as a result of the increased storm water flows new development often creates. This is why the storm water management manual requires the post-development runoff rate to be no greater than the pre-development runoff rate. This is a common, effective strategy for achieving the City's goal.

In some circumstances, detaining storm water runoff can create unwanted increases in storm water flows downstream. This can occur when the storm water detention structures slow the timing of the peak flow from a given location to coincide with the peak flow of the runoff from upstream areas in the watershed. In order to avoid such "peak-on-peak" type conditions, reducing, or possibly eliminating, some of the normally required detention may be appropriate.

Reducing, or eliminating the normally required detention essentially allows a site to drain quicker, "clearing out" the site's runoff before the additional runoff from the rest of the upstream watershed reaches the site's location. For the proposed subdivision, the site Engineer's drainage analysis indicates that allowing the proposed site to drain freely (not require detention) would avoid creating a "peak-on-peak" situation. The Engineer is therefore requesting a variance from the detention requirement. The engineer will provide additional details for the basis of this recommendation.



We are proposing a variance to this which would allow the site to be developed without a detention pond, while this site will still retain water in the quality pond as designed by TCEQ requirements. Due to the site being located at the bottom of the watershed, it would be in the best interest of the public to not detain water from this site. Without retaining the generated flows will be far downstream when the peak from the Indian Creek reaches the site, thus avoiding an increased peak discharge. If the site is detained there is a chance that the peak discharge from the Indian Creek will reach the site prior to the detention pond completely releasing the onsite runoff, causing an increase in peak flows of Indian Creek.

In conclusion, Bid Red Dog Engineering highly recommends that detention not be required for this site due to the reasons stated above.

On behalf of WDP Interests, we appreciate your consideration of this variance. We appreciate you working with us to find an amicable solution for both parties and the welfare of the people downstream of this site. If you have any questions, please feel free to contact our office.

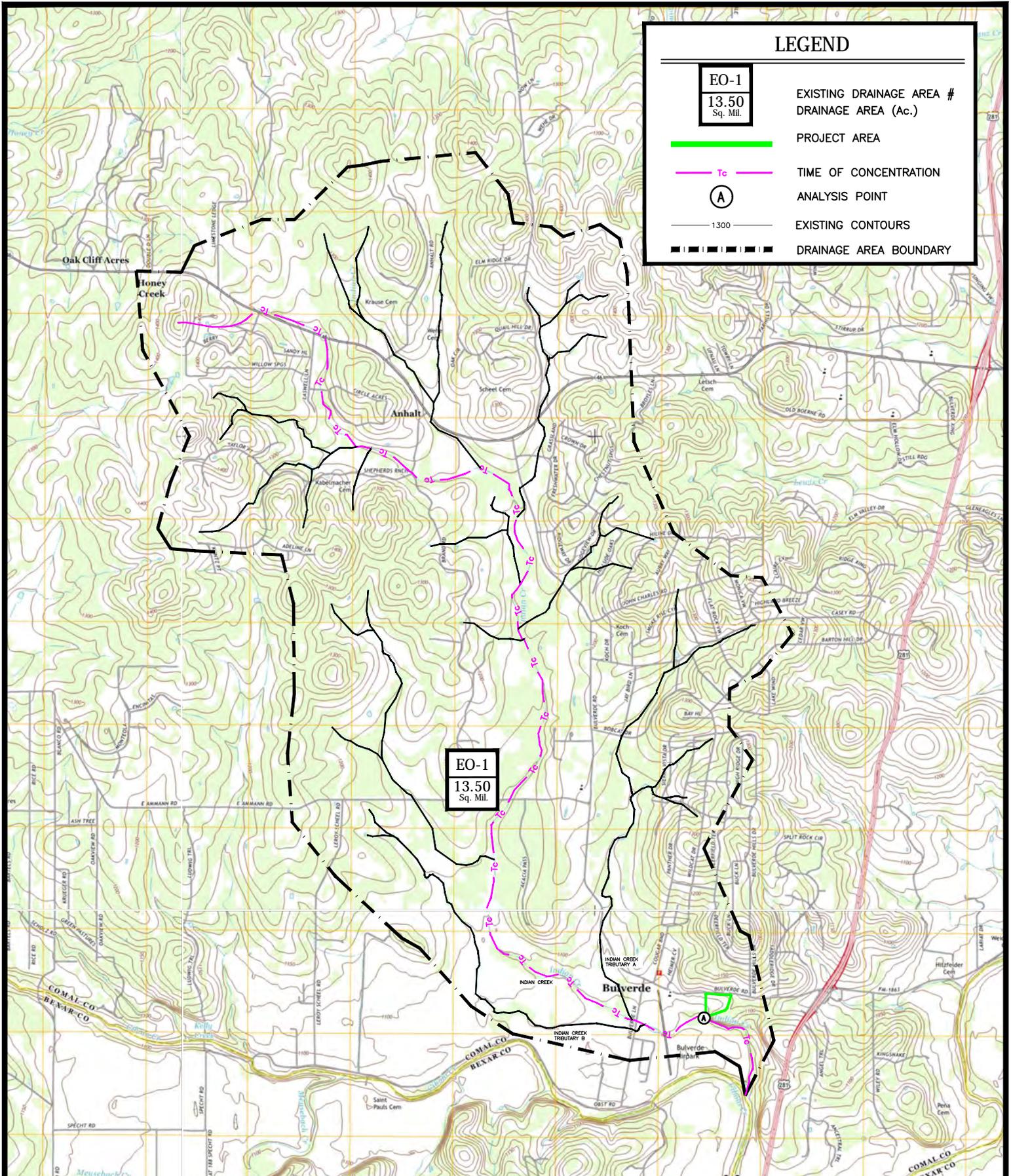
Sincerely,

Big Red Dog Engineering | Consulting

Texas Engineering Firm No. F-13847

A handwritten signature in blue ink, appearing to read "R Delgado", is written over a light blue horizontal line.

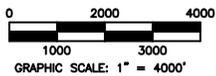
Robert Delgado, P.E.
Project Manager



LEGEND

EO-1 13.50 Sq. Mil.	EXISTING DRAINAGE AREA # DRAINAGE AREA (Ac.)
	PROJECT AREA
	TIME OF CONCENTRATION
	ANALYSIS POINT
	EXISTING CONTOURS
	DRAINAGE AREA BOUNDARY

EO-1
13.50
Sq. Mil.



#8 - Indian Creek Drainage Area Map
 1863 Boat & RV Storage
 2652 Bulverde Rd
 Bulverde, Comal County Texas 78163

210.860.9224

WWW.BIGREDDOG.COM



ENGINEERING | CONSULTING
 5710 HAUSMAN ROAD, SUITE 115
 SAN ANTONIO, TEXAS 78249 • TEXAS REG. NO. F-13847



PLANNING AND ZONING COMMISSION ITEM
CITY OF BULVERDE, TEXAS
Tuesday, September 6, 2016

TITLE: Tree Preservation Variance for 115 & 121 Bulverde Crossing
DEPARTMENT: Public Works
PRESENTED BY: John Nowak, P.E., Public Works Director

PROBLEM/ISSUE STATEMENT: The Planning and Zoning Commission reviews and makes a recommendation on all Tree Preservation Ordinance variance requests.

GENERAL INFORMATION:

Applicant: RFM Commercial
Status of Applicant: Owner's Representative
Location: 115 & 121 Bulverde Crossing
Size: 2.165 acres
Existing Land Use: Commercial
Related Regulations: Tree Preservation Ordinance

ATTACHMENT: Variance request and supporting documentation (7 pages)

BACKGROUND

The City adopted tree preservation regulations to protect and preserve the area's existing trees. While the regulations allow for tree removal to accommodate development, that tree removal is required to be mitigated. Most often, the tree removal mitigation involves the planting of replacement trees elsewhere on the site. Another goal of the tree preservation regulations is to have trees located along roadways to help screen the new development from the roadway.

The site in question was part of the Home Depot development. Originally, the site was one, large lot that would contain two buildings; one "free-standing" business near Old Boerne Road and a strip center. A tree removal and replacement plan for the site was developed as part of the Special Use Permit process for the Home Depot development. The tree preservation plan for the site identified an area along Bulverde Crossing where all the replacement trees would be planted. This tree removal and replacement plan was implemented as construction occurred.

The site was also subdivided into two smaller lots to help facilitate locating one of the new businesses (the business wanted to own their property and not lease it). This resulted in the replacement trees being located on the 115 Bulverde Crossing (the bank site). The sites continued to operate in this fashion for several years.

More recently, the 121 Bulverde Crossing lot (the strip center site) was sold. The new owner made some improvements to the strip center site and aggressively attracted new tenants to the site. The owner became concerned about the health of some of the replacement trees felt that the cluster of trees significantly blocked the view of the strip center from the roadway.

As a result, the strip center owner contacted and received permission from the bank site owner to explore the possibility of removing some of these replacement trees. In order to remove any of the replacement trees and not replace them on the site, a variance would need to be secured.

The strip center owner is requesting a variance to allow him to remove eleven replacement trees in between his building and the roadway. This would "thin out" the trees and increase his building's visibility from the roadway and remove trees that are not in the best health. Instead of planting new replacement trees on the same sites, the variance request also proposes planting some of the new replacement trees in the Bulverde Community Park. Additionally, the owner proposes that the trees be exchanged one for one (plant eleven replacement trees) versus the normal caliper inch for caliper inch in the regulations. Under the owner's request, three replacement trees would be planted on his site (not along the roadway) and eight trees would be planted in the Bulverde Community Park.



August 26, 2016

Mr. John Nowak
Planning and Development
City of Bulverde
30360 Cougar Bend
Bulverde, TX 78163

Re: Bulverde Crossing Tree removal and Mitigation Request

Dear Mr. Nowak;

In December of 2014, one of entities controlled by RFM Commercial, Inc. purchased the mostly vacant Bulverde Crossing Shopping Center which is across from the Home Depot and adjacent to the Wells Fargo branch. Since the purchase, our leasing efforts have been highly successful as we have raised the occupancy in the center from 20% to approximately 70% over the last 19 months. We are proud of the new businesses that have leased space in our center and have chosen to locate to Bulverde. These tenants include ABCD Pediatrics, a local established pediatric practice based in San Antonio, Reliance Real Estate and Capital Title, The Field House, which is the local Smithson Valley School District Spirit Shop, Bulverde Vision Center, and the Bulverde Chamber of Commerce. (Note, the Chamber was leased space at a below market rent as a public service to the business community). Because a large portion of the space was never finished out by the previous owner, we have invested a substantial amount of capital in this property to prepare the spaces for these tenants

As you are aware, this property was included in the Special Use Permit Agreement between the City of Bulverde and the original developer of the parcel. As a part of this agreement, a portion of our land and the vacant land situated in front of our parcel that is actually part of the Wells Fargo site was utilized as the location for a substantial portion of the tree mitigation. It was simply overplanted with trees. In fact, there are a total of 21 trees that were planted in this very small area. This in itself was a bad idea because the trees will never flourish but another resulting problem is that these trees **severally** impact the visibility of our existing tenants' storefronts and, more importantly, any new potential tenants for our center (please see the attached street scene photo that demonstrates the visibility problem).

As evidenced by the attached email, we originally brought this issue to the attention of City Council on July 1, 2015. After which, we met with Merri Harrison with the Friends of the Park to discuss how we could enhance the Park by transplanting trees or planting new trees as part of this request. At the request of the City, early this year, and with the consent of the Edwin Callen Family Limited Partnership which owns the adjacent Wells Fargo branch, we employed the services of Davey Tree Services, a national known tree service company and its District Manager, Mr. Mark Mann, who is an ISA Certified Arborist to advise us on a potential removal/ mitigation plan. We chose Davey because the City is familiar with the company since they have been involved in other Bulverde projects including Singing Hills. The entire report is attached. In summary, they have concluded that the site was grossly overplanted and that a total of 11 of the 21 trees need to be removed in order for the remaining trees to flourish in a manner that is consistent with the spirit of the agreement with the City of Bulverde's original intent. We have attached a rendering that depicts the location of the remaining trees that we think clearly demonstrates the fact that we are abiding by the intent of the tree ordinance.

On behalf of RFM, the Edwin Callen Family and the Friends of the Park our request is that the City allow us to;

1. Remove eleven (11) trees based on Davey Tree recommendation
2. Plant three (3) pot grown trees on the portion of our property that fronts Old Boerne Road
3. Plant eight (8) new pot grown trees at the City Park in locations chosen by the Friends of the Park and Davey Tree Services.

Mark Mann of Davey Tree has informed us that if we install pot grown trees we will receive one year warranties and has assured us that the survival rate over the long term will be quite successful. In the event these new trees at the City Park require watering, RFM will also undertake this effort at its cost.

We look forward to an approval of this request from the City of Bulverde.

Kind regards,

A handwritten signature in black ink, appearing to read "R. McCaleb". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

Richard F. McCaleb

Dick

From: Dick
Sent: Wednesday, July 01, 2015 4:50 PM
To: 'harrisonk@ci.bulverde.tx.us'; 'chapmany@ci.bulverde.tx.us';
'mmorkovsky@morkovskyaia.com'; 'rhiannastewart@yahoo.com'; 'garycdawson@gmail.com';
'mromans@jonescarter.com'; 'jeffreyr@ci.bulverde.tx.us'; 'hurstr@ci.bulverde.tx.us';
'krawietzb@ci.bulverde.tx.us'; 'hartmang@ci.bulverde.tx.us'; 'denherderg@yahoo.com';
'mpunderground@gmail.com'; 'John Nowak'
Subject: Bulverde Crossing Tree Issue
Attachments: tree photo.jpg

Ladies and gentlemen,

Attached find a street scene photo of Bulverde Crossing. You will see that with the recent rains our trees are flourishing and our shopping center is now well camouflaged and almost impossible to see. I counted the trees in front of the property and confirmed that there are **26** trees in front of the shopping center. This was obviously the location that was chosen for tree mitigation. Trees are great but too many can have unintended consequences. This property already suffers from not being located directly on Highway 46 but the additional visibility problems caused by the trees compounds the problem. Unless we can do something about this, I am afraid that Bulverde Crossing will never reach its maximum potential and we are hoping we can get everyone on board to help solve the problem. If you look at our Creekside development, I know you will agree that RFM has always been sensitive to tree preservation. I feel the same way in this case and I am not asking for permission to simply cut trees down. As an alternative plan, that we think is a win-win for our community and the property, we would like to initiate discussions regarding selectively removing and relocating trees from this development to the Bulverde Community Park. We would retain an arborist to assist in this endeavor and present a formal plan to the City for approval of both the trees to be removed and the new planting location of the trees at the Park.

We are in contact with the owner of the Wells Fargo site as well as the real estate department at Wells Fargo to secure their approval of the plan and hope we can have your support as well.

Your consideration is greatly appreciated.

Richard F. McCaleb



RFM Commercial, Inc.
1920 Nacogdoches, Suite 201
San Antonio, TX 78209
210-826-0036 ext. 23
210-820-3969 fax
210-710-3969 cell
dick@rfmcommercial.com

Tree Care Report: RFM Commercial at Bulverde Crossing

Thank you for the opportunity to serve you on this project. Tree identification, measurement, inspection, and arboriculture consultation were performed by Davey trained arborists who through related training and on-the-job experience are familiar with the techniques and equipment used in such operations. This type of work is potentially hazardous and was undertaken only by trained personnel, all of whom are covered with workers compensation, property damage, public liability, and completed operations insurance.

March 15, 2016

To whom it may concern:

The trees in front of 46th St. New York pizzeria were over planted within the grassy area. The spacing of these trees does not allow these large, shade tree species to thrive and do well on this site. The proximity of these young plants to each other also limits business owners in the development from obtaining a reasonable amount of signage visibility to attract clientele. These trees will significantly screen signage for the next 5-7 years before they could potentially be pruned properly to provide visibility clearance without adversely affecting the health of these trees.

It is my recommendation that the best trees in this area (based upon plant vigor, trunk/branch spacing and architecture, and spacing upon the site) be selected to remain on site. The other crowded, inferior plants I recommend to be removed. The total would be 11 of 21 trees removed to provide clearance and space for the remaining 10 trees. RFM commercial has already taken upon expense to obtain 2 estimates for transplanting some of these crowded trees to Bulverde Community Park. However, these costs have proven to be unfeasible, and the two professional contractors would not guarantee the health of a transplanted tree vs. a planted specimen. Newly planted trees are more cost-efficient, have greater establishment success, and would have a one year guarantee.

RFM Commercial has agreed to be open to tree mitigation and replacement of removed trees if requested by the City of Bulverde. I suggest 1.5-2" caliper, native and/or adapted shade trees as good choices for replanting in the landscape at Bulverde Community Park.

If you have any questions about tree health and maintenance recommendations on this site, please contact me at 210-981-2870 or by email at mark.mann@davey.com. I look forward to being of further service.

Thank you,

Mark Mann | District Manager
ISA Certified Arborist TX-3978A
TDA Applicator License No. 0731374
The Davey Tree Expert Company | East San Antonio Office 139331
18838 FM 2252, Ste. 500, San Antonio, TX 78266
P: 210.981.2870 | C: 210.559.4803 | F: 210.981.2871



Bulverde Crossing Bulverde (San Antonio)

Bulverde Crossing & Old Boerne Rd - Bulverde, Texas

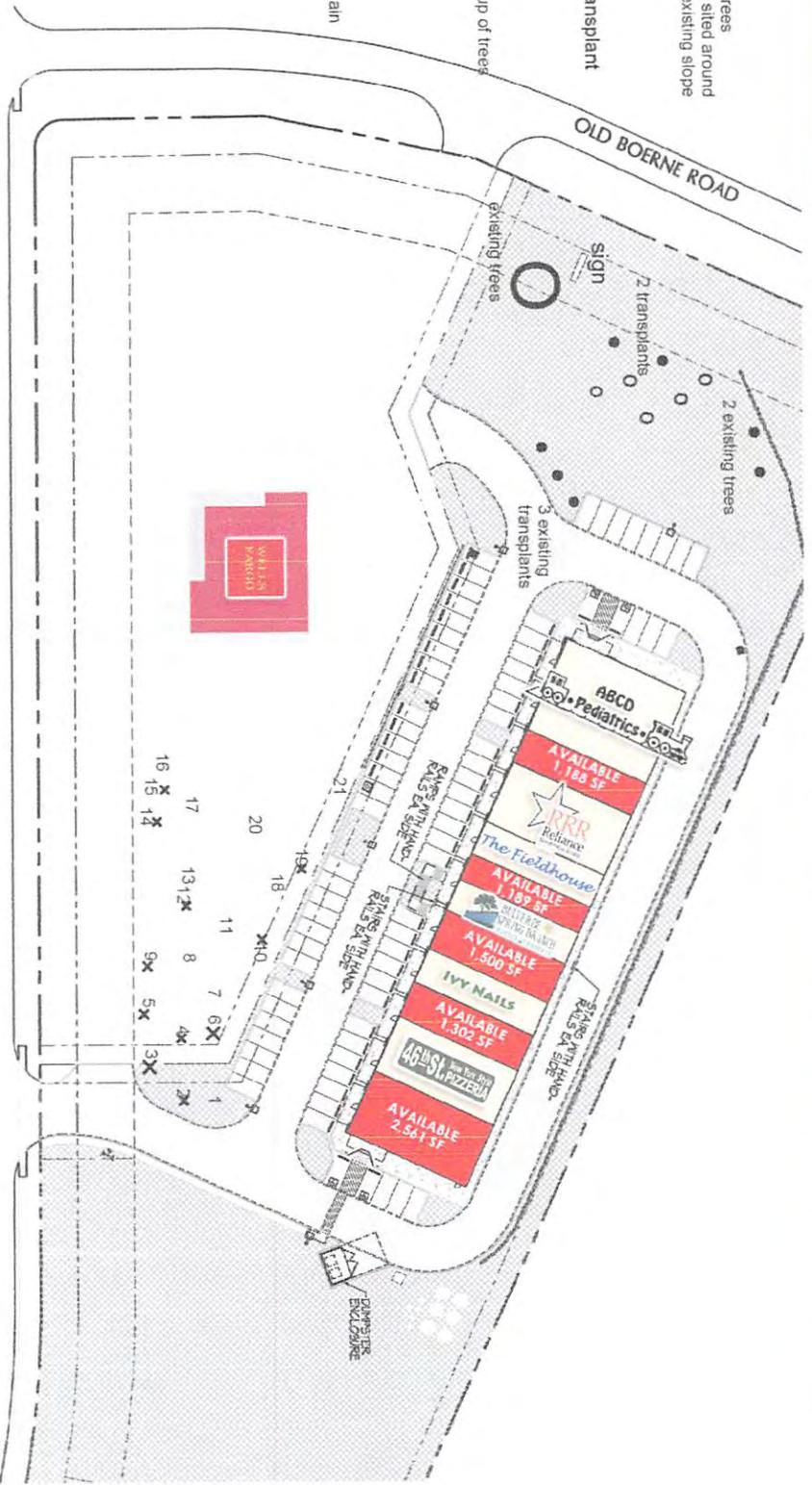
- = 3 - 5 proposed new trees
- well-spaced & properly sited around utilities, sign visibility, & existing slope

- = existing trees & transplant trees

- = existing native group of trees

- ✕ = trees to be removed

Non "X" numbered trees to remain



For More Information:

Dick McCaleb
210.826.0036
dick@rfmcommercial.com

This plan is a preliminary drawing and is not intended to be used for construction. It is subject to change without notice. The information contained herein is for informational purposes only and does not constitute an offer of any financial product or service. Please consult your broker for more information.

#	Species	DBH in inches	Height in ft.	Recommended Action
1	Live Oak	8	15	Trim
2	Cedar Elm	5	10	Remove/Replace
3	Cedar Elm	5.75	9	Remove/Replace
4	Cedar Elm	5	15	Remove/Replace
5	Live Oak	8.5	18	Remove/Replace
6	Bald Cypress	5.5	15	Remove/Replace
7	Bald Cypress	5.5	12	Trim (pull planting string)
8	Bur Oak	6.5	16	Trim
9	Live Oak	8	10	Remove/Replace
10	Live Oak	7, ~2" suckers	8	Remove/Replace
11	Bald Cypress	8	16	Trim
12	Cedar Elm	6	10	Remove/Replace
13	Bur Oak	6.5	16	Trim
14	Cedar Elm	5	12	Remove/Replace
15	Bald Cypress	8	15	Remove/Replace
16	Bald Cypress	7.5	15	Trim
17	Bur Oak	7	18	Trim
18	Bur Oak	6.5	16	Trim
19	Bur Oak	6.5	15	Remove/Replace
20	Live Oak	8	16	Trim
21	Bald Cypress	7	14	Trim

