

AGENDA
NOTICE OF MEETING OF THE CITY COUNCIL OF
SHAVANO PARK, TEXAS

This notice is posted pursuant to the Texas Open Meetings Act. Notice hereby given that the City Council of the CoSP, Texas will conduct a Regular Meeting on Monday, December 9, 2019 at 5:30 p.m. at 900 Saddletree Court, Shavano Park City Council Chambers for the purpose of considering the following agenda:

1. CALL MEETING TO ORDER

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. CITIZENS TO BE HEARD

The City Council welcomes “Citizens to be Heard.” If you wish to speak, you must follow these guidelines. **As a courtesy to your fellow citizens and out of respect to our fellow citizens, we request that if you wish to speak that you follow these guidelines.**

- Pursuant to Resolution No. R-2019-011 citizens are given three minutes (3:00) to speak during “Citizens to be Heard.”
- Members of the public may only speak once and cannot pass the individual’s time allotment to someone else
- Direct your comments to the entire Council, not to an individual member
- Show the Council members the same respect and courtesy that you expect to be shown to you

The Mayor will rule any disruptive behavior, including shouting or derogatory statements or comments, out of order. Continuation of this type of behavior could result in a request by the Mayor that the individual leave the meeting, and if refused, an order of removal. In compliance with the Texas Open Meetings Act, no member of City Council may deliberate on citizen comments for items not on the agenda. (Attorney General Opinion – JC 0169)

4. CITY COUNCIL COMMENTS

Pursuant to TEX. GOV’T CODE §551.0415(b), the Mayor and each City Council member may announce city events/community interests and request that items be placed on future City Council agendas. “Items of Community Interest” include:

- expressions of thanks, congratulations, or condolences;
- information regarding holiday schedules;
- an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in status of a person’s public office or public employment is not honorary or salutary recognition for purposes of this subdivision;
- a reminder about an upcoming event organized or sponsored by the governing body;
- information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality or county; and
- announcements involving an imminent threat to the public health and safety of people in the municipality or county that has arisen after posting of the agenda.

5. REGULAR AGENDA ITEMS

- 5.1. Discussion / action - City Manager 363 Review. Possible Executive Session pursuant to Texas Government Code §551.074, Personnel Matters - Mayor Pro Tem Ross**
- 5.2. Discussion / action - Amendment to the City Manager Employment Agreement - Possible Executive Session pursuant to Texas Government Code §551.074, Personnel Matters - City Manager**

6. CONSENT AGENDA

All matters listed under this item are considered routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired by any Alderman on any item, that item will be removed from the consent agenda and will be considered separately.

- 6.1. Approval - City Council Minutes, November 25, 2019**
- 6.2. Accept - Planning & Zoning Commission Meeting Minutes, November 6, 2019**
- 6.3. Approval - Ordinance No. O-2019-016 enacting the voluntary extension of the Shavano Park, Texas city limits by the annexation of a tract of land that contains an area of approximately 1.838 acres and legally described as Lot 1814 of County Block 5938, Shavano Park Subdivision Unit-16A-1 (final reading)**
- 6.4. Approval - Ordinance No. O-2019-017 rezoning of three properties at the corner of Lockhill-Selma and Huebner Roads legally described as Lots 1813A, 1813B and 1814 of County Block 5938, Shavano Park Subdivision Unit-16A-1 from B-2 Business and Office District (Lots 1813A and 1813B) and A-2 Single Family Residential District (Lot 1814) to a single Planned Unit Development (PUD) zoning district with B-2 Business and Office base district (final reading)**
- 6.5. Approval - Ordinance No. O-2019-018 amending the City of Shavano Park Code of Ordinances, Chapters 36 - Zoning and 6 - Buildings and Building Regulations, to ensure building material regulations for residential and commercial building construction are in compliance with House Bill 2439 of the 86th Texas Legislature (final reading)**
- 6.6. Approval - Ordinance No. O-2019-019 amending the City of Shavano Park Code of Ordinances, Chapter 6 - Buildings and Building Regulations, to abolish the Construction Board of Appeals and Chapter 36 - Zoning, expanding who can appeal administrative decisions on projects or applications to the Zoning Board of Adjustment in compliance with House Bill 2497 of the 86th Texas Legislature (final reading)**

- 6.7. Accept - Final Plat of Subdivision Plat Napier Park Unit-3 (Planned Unit Development), a 4.0 acre tract of land out of that 289.5 acre tract described in deed to Rogers Shavano Park Unit 18/19, LTD.**

7. ADJOURNMENT

Executive Sessions Authorized: This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of TEX. GOV'T CODE CHAPTER 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy TEX. GOV'T CODE §551.144(c) and the meeting is conducted by all participants in reliance on this opinion. The Council may vote and/or act upon each of the items set out in this agenda. In addition, the City Council for the City of Shavano Park has the right to adjourn into executive session at any time during the course of this meeting to discuss any matter authorized by Texas Government Code Sections 551.071 (Consultation with Attorney); 551.072 (Deliberations related to Real Property); and Section 551.074 (Personnel Matters).

Attendance by Other Elected or Appointed Officials – NOTICE OF POTENTIAL QUORUM:

It is anticipated that members of City Council or other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

The facility is wheelchair accessible and accessible parking spaces are also available in the front and sides of the building. The entry ramp is located in the front of the building. Sign interpretative services for meetings must be made 48 hours in advance of the meeting. Call the City Secretary at 210-493-3478 x240 or TDD 1-800-735-2989.

CERTIFICATE:

I hereby certify that the above Notice of Meeting was posted on the City Hall bulletin board on the 3rd day of December 2019 at 4:00 p.m. at a place convenient and readily accessible to the general public at all times, and to the City's website, www.shavanopark.org, in compliance with Chapter 551, Texas Government Code

Zina Tedford
City Secretary

POTENTIAL FUTURE AGENDA ITEMS

No Items listed as a potential future agenda item will be considered unless listed as a regular agenda item. Alderman please contact City staff to add new or reconsider old agenda items. Pending agenda items for consideration at subsequent Council meetings may include one or more of the following:

- a. **Public Hearing / Ordinance O-2019-0XX amending the City of Shavano Park Code of Ordinances, Chapter 24: Signs to clarify requirements within Sign Ordinance - January**
- b. **Amendment of Records Management Ordinance (TBD'ed)**
- c. **Ordinance prohibiting the use of a portable electronic device while operating a motor vehicles and creating an offense - Ald. Heintzelman (TBD'ed)**
- d. **Resolution adopting City Policy - City Publications - Open**
- e. **Adopt the National Neighborhood Watch Program as a city sponsored / managed program. Appoint management of the program to the Police Department with the Police Chief designated as the POC - Open**
- f. **Consideration for transfer portions of Fund Balance to Capital Replacement / Improvement Fund - Annual January / February**
- g. **Records Retention Policy - Annual January**
- h. **Schedule the Annual City-Wide Garage Sale - Annual January**
- i. **Appointment of Council Appointed Positions - Annual January**
- j. **Crime Control Prevention District funding placed on ballot - January 2024**
- k. **Street Maintenance Fund funding placed on the ballot - January 2022**
- l. **Revisions to Employee Handbook - Annual February**
- m. **Shavano Park Police Department 2017 Racial Profiling Report - Annual February**
- n. **City of Shavano Park Investment Policy - Annual February**
- o. **Shavano Park Commercial and Residential Development Semi-annual Presentation - Bitterblue, Inc. / Denton Communities - February / August**
- p. **FY 2019 - 20 Budget Amendment (Annual February or March)**
- q. **Set City Manager Annual Performance and Salary Review for April - Annual March**
- r. **City Manager Annual Review / Salary for April - Annual April**

- s. Annual Budget Calendar - Annual May
- t. Annual appointment of members to the Higher Education Facilities Corporation Board - Annual May
- u. Annual update on bond revenue opportunities by Bond Counsel - Annual May
- v. Approval of Financial Account Signatures - Annual June
- w. Annual Compensation Review - Annual June Workshop
- x. Shavano Park Commercial and Residential Development Semi-annual Presentation - Bitterblue, Inc. / Denton Communities - February / August
- y. City Council adoption of organizational chart - Annual August
- z. Annual Report on Republic Service Recycling and CPI Fee adjustments - Annual September
- aa. Resolution adopting the Crime Control and Prevention Budget of the City of Shavano Park Crime Control & Prevention for FY - Annual September
- bb. Ordinance approving and adopting a budget for the City of Shavano Park, Texas for the fiscal year beginning October 1, 2018 and ending September 30, 2019a - Annual September
- cc. Resolution adopting the City of Shavano Park Effective Tax Rate (Record Vote) - Annual September
- dd. Record vote to ratify the property tax rate reflected in the FY 2016-17 Budget (Record Vote) - Annual September
- ee. Selection - Boards, Commissions, and Committees - Annual September
- ff. Setting the dates for the City sponsored events (City-wide Garage Sale / Arbor / Earth Day / Independence Day / National Night Out / Holiday / Picnic in the Park) - Annual September
- gg. Disposal of City Equipment / Furniture - Annual October
- hh. Designation of City of Shavano Park Official Paper - Annual October
- ii. Adoption of Official City Holiday Schedule - Annual November
- jj. Approval of the yearly tax roll - Annual November

CITY COUNCIL STAFF SUMMARY

Meeting Date: Dec. 9, 2019

Agenda item: 5.1

Prepared by: MPT Ross

Reviewed by: City Manager

AGENDA ITEM DESCRIPTION:

Discussion / action - City Manager 363 Review. Possible Executive Session pursuant to Texas Government Code §551.074, Personnel Matters – Mayor Pro Tem Ross



Attachments for Reference: 1)

BACKGROUND / HISTORY:

The 363 was conducted and recently completed. Committee will brief Council on findings.

DISCUSSION:

Whether or not any further discussion or action needs to be done.

COURSE OF ACTION: To either accept the report as presented or to discuss possible further actions.

FINANCIAL IMPACT: None at this time

MOTION REQUESTED: To accept the report as presented.

CITY COUNCIL STAFF SUMMARY

Meeting Date: Dec. 9, 2019

Agenda item: 5.2

Prepared by: Bill Hill

Reviewed by: Bill Hill

AGENDA ITEM DESCRIPTION: Discussion / action - Amendment to the City Manager Employment Agreement - Possible Executive Session pursuant to Texas Government Code §551.074

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Attachments for Reference:

- 1) Summary of other City Manager's Contract
- 2) Draft Amendment
- 3) Existing Employment Contract

BACKGROUND / HISTORY: The City and City Manager entered into a contract for employment on August 26th, 2013. In this contract Section 13. Termination and Severance provided that: In the event Manager is terminated by the City and the Manager is then willing and able to perform all the duties of the City Manager under this Agreement, then, in that event, the City agrees to pay the Manager a lump sum cash payment equal to the following:

1. Six (6) months full base salary if terminated with the first year of employment;
2. Four (4) months full base salary if terminated with the second year of employment;
3. Two (2) months full base salary if terminated with the third year of employment;
4. Manager shall not be entitled to any severance if terminated during or after the fourth year of employment

On October 24th 2016, Council approved the first amendment to the contract for employment, which provided for 5 days of executive leave and provided a termination and severance clause effective for three years. That agreement was signed on November 26th, 2016.

DISCUSSION: Manager requests renewal of the contract to update the Termination and Severance paragraph to include six months full base salary if terminated and the City Manager is willing and able to perform all the duties of the City Manager. Manager requests no time limitation in period of effectiveness.

Salary Compensation. Current contract provides for no compensation after November 26th, 2019 should manager be willing and able to perform duties and is terminated. All 20 City Managers polled have a contract with their City and have a compensation clause. The average compensation is a lump sum payment of 6.95 months of full base salary.

COURSES OF ACTION: Approve or Disapprove

FINANCIAL IMPACT: None at this time; could have impact in future, but not expected.

MOTION REQUESTED: Approve proposed Amendment to the City Manager Employment Agreement as presented.

| CITY | CITY MANAGER CONTRACT (Y or N) | TERMINATION and SEVERANCE ADDRESSED | # MONTHS FULL BASE SALARY IF TERMINATED & MANAGER REMAINS WILLING & ABLE TO PERFORM DUTIES |
|------------------|-----------------------------------|--|--|
| CONVERSE | Y | Y | 6 |
| UVALDE | Y | Y | 6 |
| ALAMO HEIGHTS | Y | Y | 4 |
| SELMA | Y | Y | 6 |
| LIVE OAK | Y | Y | 3 |
| BALCONES HEIGHTS | Y | Y | 3; Plus 1 mo / year (6 max) - @ 6 |
| FREDERICKSBURG | Y | Y | 6; Plus 1 mo / year (12 max) - @ 12 |
| TERRELL HILLS | Y | Y | 3 |
| LA VERNIA | Y | Y | 3 |
| CASTROVILLE | Y | Y | 6 |
| SEGUIN | Y | Y | 6 |
| FAIR OAKS RANCH | Y | Y | 12; plus 6 mo Medical |
| LEON VALLEY | Y | Y | 6; Plus 1 mo / year (12 max) - @ 10 |
| BOERNE | Y | Y | 12 |
| KIRBY | Y | Y | 4 |
| SCHERTZ | Y | Y | 6 |
| CIBOLO | Y | Y | 6; Plus 1 mo / year) (9 max) - @9 |
| UNIVERSAL CITY | Y | Y | 12 |
| CASTLE HILLS | Y | Y | 1 |
| KERRVILLE | Y | Y | 12 |

Average = 6.95

**SECOND AMENDMENT
TO
CITY OF SHAVANO PARK
AGREEMENT FOR PROFESSIONAL SERVICES
AND EMPLOYMENT AS CITY MANAGER**

THIS SECOND AMENDMENT FOR PROFESSIONAL SERVICES AND EMPLOYMENT AGREEMENT AS CITY MANAGER (this “agreement”), is made and entered into effective on the 25th day of November 2019, by and between the City of Shavano Park, Texas, a municipal corporation (the “City”), and William V. (Bill) Hill III, (the “Manager”).

WHEREAS, the City has previously entered into a Professional Services and Employment Agreement (the “Employment Agreement”) dated August 30, 2013 with the Manager; and

WHEREAS, the City has previously amended the Professional Services and Employment Agreement (the “Employment Agreement”) dated November 26th, 2016 with the Manager; and

WHEREAS, the City Council as agreed to reflect the Manager’s compensation and revise other employment considerations.

NOW, THEREFORE, in consideration of mutual representations, warranties, covenants, and conditions exchanged herein, the City and the Manager agree to amend the Employment Agreement as follows:

Section 13. Termination and Severance.

- A. **Termination.** In the event Manager is terminated by the City and the Manager is then willing and able to perform all the duties of the City Manager under this Agreement, then, in that event, the City agrees to pay the Manager a lump sum cash payment equal to [six \(6\) months full base salary if terminated](#).

However, if the Manager is terminated because of a conviction for a misdemeanor involving moral turpitude or personal gain, or any felony, then, in that event, the City shall have no obligation to pay severance payments designated in this Section 13.

IN WITNESS WHEREOF, the City and the Manager have executed this Agreement effective as of the date first written above.

CITY OF SHAVANO PARK, TEXAS

By: Robert Werner, Mayor

ATTEST:

Zina Tedford, City Secretary

William V. Hill III

1. CALL MEETING TO ORDER

Mayor Werner called the meeting to 6:30 p.m.

PRESENT:

Alderman Colemere

Alderman Kautz

Mayor Pro Tem Ross

Alderman Powers

Mayor Werner

ABSENT:

Alderman Heintzelman

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Alderman Colemere led the Pledge of Allegiance to the Flag. Alderman Kautz led the Invocation.

3. CITIZENS TO BE HEARD

Citizen Pierce addressed City Council regarding the proposed Tree Committee Ordinance.

4. CITY COUNCIL COMMENTS

City Council welcomed all to the meeting, asked for prayers for the Heintzelman family.

5. PRESENTATIONS, COMMENDATIONS AND ANNOUNCEMENTS

5.1. Holiday Event – Mayor Pro Tem Ross

Mayor Pro Tem Ross invited everyone out to the upcoming holiday event scheduled for Dec. 7th.

6. REGULAR AGENDA ITEMS

6.1. Public hearing – The purpose of the public hearing is to receive comments from members of the public regarding the for the voluntary extension of the Shavano Park, Texas city limits by the annexation of a tract of land that contains an area of approximately 1.838 acres and legally described as Lot 1814 of County Block 5938, Shavano Park Subdivision Unit-16A-1

Public Hearing opened at 6:37 p.m.

City Manager Hill presented an overview of the voluntary extension of the Shavano Park, Texas city limits by the annexation of a tract of land that contains an area of approximately 1.838 acres and legally described as Lot 1814 of County Block 5938, Shavano Park Subdivision Unit-16A-1.

Public Hearing closed at 6:39 p.m.

6.2. Discussion / action – Ordinance No. O-2019-016 enacting the voluntary extension of the Shavano Park, Texas city limits by the annexation of a tract of land that contains an area of approximately 1.838 acres and legally described as Lot 1814 of County Block 5938, Shavano Park Subdivision Unit-16A-1 (first reading) – City Manager

Mayor Pro Tem Ross made a motion to approve Ordinance No. O-2019-016 enacting the voluntary extension of the Shavano Park, Texas city limits by the annexation of a tract of land that contains an area of approximately 1.838 acres and legally described as Lot 1814 of County Block 5938, Shavano Park Subdivision Unit-16A-1 (first reading).

Alderman Colemere seconded the motion.

The motion to approve Ordinance No. O-2019-016 enacting the voluntary extension of the Shavano Park, Texas city limits by the annexation of a tract of land that contains an area of approximately 1.838 acres and legally described as Lot 1814 of County Block 5938, Shavano Park Subdivision Unit-16A-1 (first reading) carried with a unanimous vote.

- 6.3. Public Hearing – The purpose of the public hearing is to receive comments from members of the public regarding the proposed rezoning of three properties at the corner of Lockhill-Selma and Huebner Roads legally described as Lots 1813A, 1813B and 1814 of County Block 5938, Shavano Park Subdivision Unit-16A-1 from B-2 Business and Office District (Lots 1813A and 1813B) and A-2 Single Family Residential District (Lot 1814) to a single Planned Unit Development (PUD) zoning district with B-2 Business and Office base district with the following exceptions:**

- **Minimum Parking Requirement**
- **Allowed number of, size, electrical display and sign face size of monument signs**
- **Allowed size of wall signs**
- **Rear / Side Setback Requirements**
- **Rear / Front Landscape Buffer Requirements**

Open Meeting opened at 6:42 p.m.

City Manager Hill presented a brief overview of the proposed rezoning and exceptions for each property.

Open Meeting closed at 6:52 p.m.

- 6.4. Discussion / action – Ordinance No. O-2019-017 rezoning of three properties at the corner of Lockhill-Selma and Huebner Roads legally described as Lots 1813A, 1813B and 1814 of County Block 5938, Shavano Park Subdivision Unit-16A-1 from B-2 Business and Office District (Lots 1813A and 1813B) and A-2 Single Family Residential District (Lot 1814) to a single Planned Unit Development (PUD) zoning district with B-2 Business and Office base district (first reading) - City Manager**

Alderman Powers made a motion to approve Ordinance No. O-2019-017 rezoning of three properties at the corner of Lockhill-Selma and Huebner Roads legally described as Lots 1813A, 1813B and 1814 of County Block 5938, Shavano Park Subdivision Unit-16A-1 from B-2 Business and Office District (Lots 1813A and 1813B) and A-2 Single Family Residential District (Lot 1814) to a single Planned Unit Development (PUD) zoning district with B-2 Business and Office base district (first reading) with additional limitation to the monument sign exception for Lot 114 as follows: the total size of the monument sign shall not exceed 50 sq. ft.

Alderman Kautz seconded the motion.

The motion to approve Ordinance No. O-2019-017 rezoning of three properties at the corner of Lockhill-Selma and Huebner Roads legally described as Lots 1813A, 1813B and 1814 of County Block 5938, Shavano Park Subdivision Unit-16A-1 from B-2 Business and Office District (Lots 1813A and 1813B) and A-2 Single Family Residential District (Lot 1814) to a single Planned Unit Development (PUD) zoning district with B-2 Business and Office base district (first reading) with additional limitation to the monument sign exception for Lot 114 as follows: the total size of the monument sign shall not exceed 50 sq. ft. carried with a unanimous vote.

Mayor Werner with the consensus of City Council deviated to Consent Agenda item 8.3 and pulled the item for consideration.

Alderman Powers made a motion to approve Consent Agenda item 8.3 as presented - Adoption of Ordinance O-2019-013 amending the City of Shavano Park Master Zoning Plan to rezone the property legally described as County Block 4773A, Lot 1650, Shavano Park Unit-16F (4096 De Zavala Rd) from B-2 Business and Office District to a Planned Unit Development (PUD) zoning district including B-2 Base Zoning Category and granting a Special Use Permit for an Assisted Living Facility (CC) use (Final Reading).

Mayor Pro Tem Ross seconded the motion.

The motion to approve Consent Agenda item 8.3 as presented - Adoption of Ordinance O-2019-013 amending the City of Shavano Park Master Zoning Plan to rezone the property legally described as County Block 4773A, Lot 1650, Shavano Park Unit-16F (4096 De Zavala Rd) from B-2 Business and Office District to a Planned Unit Development (PUD) zoning district including B-2 Base Zoning Category and granting a Special Use Permit for an Assisted Living Facility (CC) use (Final Reading) carried with a unanimous vote.

6.5. Public Hearing - The purpose of the public hearing is to receive comments from members of the public regarding proposed amendments to the City of Shavano Park Code of Ordinances, including changes to Chapters 36 - Zoning and 6 - Buildings and Building Regulations, to ensure building material regulations for residential and commercial building construction are in compliance with House Bill 2439 from the 86th Texas Legislature

Open Meeting opened at 7:05 p.m.

City Manager Hill presented an overview of the proposed amendments to the City of Shavano Park Code of Ordinances, including changes to Chapters 36 - Zoning and 6 - Buildings and Building Regulations, to ensure building material regulations for residential and commercial building construction are in compliance with House Bill 2439 from the 86th Texas Legislature.

Citizen requested clarification regarding material regulations and size of structure.

Open Meeting closed at 7:09 p.m.

6.6. Discussion / action – Ordinance No. O-2019-018 amending the City of Shavano Park Code of Ordinances, Chapters 36 - Zoning and 6 - Buildings and Building Regulations, to ensure building material regulations for residential and

commercial building construction are in compliance with House Bill 2439 of the 86th Texas Legislature (first reading) - City Manager

Alderman Colemere made a motion to approve Ordinance No. O-2019-018 amending the City of Shavano Park Code of Ordinances, Chapters 36 - Zoning and 6 - Buildings and Building Regulations, to ensure building material regulations for residential and commercial building construction are in compliance with House Bill 2439 of the 86th Texas Legislature (first reading).

Alderman Kautz seconded the motion.

The motion to approve Ordinance No. O-2019-018 amending the City of Shavano Park Code of Ordinances, Chapters 36 - Zoning and 6 - Buildings and Building Regulations, to ensure building material regulations for residential and commercial building construction are in compliance with House Bill 2439 of the 86th Texas Legislature (first reading) carried with a unanimous vote.

6.7. Public Hearing - The purpose of the public hearing is to receive comments from members of the public regarding proposed amendments to the City of Shavano Park Code of Ordinances, Chapter 36 – Zoning, expanding who can appeal administrative decisions on projects or applications to the Zoning Board of Adjustment in compliance with House Bill 2497 of the 86th Texas Legislature

Open Meeting at 7:13 p.m.

City Manager Hill presented an overview of the proposed amendments to the City of Shavano Park Code of Ordinances, Chapter 36 – Zoning, expanding who can appeal administrative decisions on projects or applications to the Zoning Board of Adjustment in compliance with House Bill 2497 of the 86th Texas Legislature.

Public Meeting closed at 7:17 p.m.

6.8. Discussion / action - Ordinance No. O-2019-019 amending the City of Shavano Park Code of Ordinances, Chapter 6 - Buildings and Building Regulations, to abolish the Construction Board of Appeals and Chapter 36 - Zoning, expanding who can appeal administrative decisions on projects or applications to the Zoning Board of Adjustment in compliance with House Bill 2497 of the 86th Texas Legislature (first reading) - City Manager

Mayor Pro Tem Ross made a motion to approve Ordinance No. O-2019-019 amending the City of Shavano Park Code of Ordinances, Chapter 6 - Buildings and Building Regulations, to abolish the Construction Board of Appeals and Chapter 36 - Zoning, expanding who can appeal administrative decisions on projects or applications to the Zoning Board of Adjustment in compliance with House Bill 2497 of the 86th Texas Legislature (first reading).

Alderman Colemere seconded the motion.

The motion to approve Ordinance No. O-2019-019 amending the City of Shavano Park Code of Ordinances, Chapter 6 - Buildings and Building Regulations, to abolish the Construction Board of Appeals and Chapter 36 - Zoning, expanding who can appeal administrative decisions on projects or applications to the Zoning Board of Adjustment in compliance with House Bill 2497 of the 86th Texas Legislature (first reading) carried with a unanimous vote.

6.9. Discussion / action - Filling the vacancy on the Citizen's Tree Committee; consideration of Ordinance No. O-2019-020 increasing the Citizen's Tree Committee from six to seven members; and filling the vacancy on the Citizen's Tree Committee if the committee size increases to seven members (administrative) – City Manager

Mayor Pro Tem Ross made a motion to approve Ordinance No. O-2019-020 increasing the Citizen's Tree Committee from six to seven members; and filling the vacancy on the Citizen's Tree Committee if the committee size increases to seven members and appoint Randy Smith and Randi Wayland to the Citizen Tree committee for a two-year term. (Administrative)

Alderman Kautz seconded the motion.

The motion to approve Ordinance No. O-2019-020 increasing the Citizen's Tree Committee from six to seven members; and filling the vacancy on the Citizen's Tree Committee if the committee size increases to seven members and appoint Randy Smith and Randi Wayland to the Citizen Tree committee for a two-year term carried with a unanimous vote.

6.10. Discussion / action - Resolution No. R-2019-015 Speed Hump Policy - City Manager

Mayor Pro Tem Ross made a motion to approve R-2019-015 version 1, with two amendments:

- 1) restrict the type of speed humps to those that are removeable
- 2) add a clarifying policy that all petitions must use the city's form as provided by policy.

Alderman Powers seconded the motion.

The motion to approve R-2019-015 version 1, with two amendments:

- 1) restrict the type of speed humps to those that are removeable
- 2) add a clarifying policy that all petitions must use the city's form as provided by policy carried with a unanimous vote.

6.11. Discussion / action - Reschedule / Cancel the Regular City Council Meeting scheduled for December 23, 2019 - City Manager

Mayor Pro Tem Ross made a motion to reschedule the Regular City Council Meeting to December 9th at 5:30 p.m.

Alderman Powers seconded the motion.

The motion to reschedule the Regular City Council Meeting to December 9th at 5:30 p.m. carried with a unanimous vote.

6.12. Discussion / action - Resolution No. R-2019-014 Nomination to Bexar Appraisal District Board of Directors 2020-2021 - City Manager

Alderman Colemere made a motion to cast the City of Shavano Park's five (5) votes to nominee Michele Bunting Ross.

Alderman Powers seconded the motion.

The motion to cast the City of Shavano Park's five (5) votes to nominee Michele Bunting Ross carried with a unanimous vote.

6.13. Discussion / action - Resolution R-2019-018 authorizing the submittal of a grant application to the 2019 Texas Volkswagen Environmental Mitigation Program to request funding for the replacement of the 2006 International 4200 dump truck in Fiscal Year 2019-2020.

Mayor Pro Tem Ross made a motion to approve R-2019-018 authorizing the submittal of a grant application to the 2019 Texas Volkswagen Environmental Mitigation Program to request funding for the replacement of the 2006 International 4200 dump truck in Fiscal Year 2019-2020.

Alderman Powers seconded the motion.

The motion to approve R-2019-018 authorizing the submittal of a grant application to the 2019 Texas Volkswagen Environmental Mitigation Program to request funding for the replacement of the 2006 International 4200 dump truck in Fiscal Year 2019-2020 carried with a unanimous vote.

6.14. Discussion / action - City Manager 363 Review. Possible Executive Session pursuant to Texas Government Code §551.074, Personnel Matters - Mayor Pro Tem Ross

Mayor Pro Tem Ross made a motion to postpone this item until the next Regular Meeting.

6.15. Discussion / action - Amendment to the City Manager Employment Agreement - Possible Executive Session pursuant to Texas Government Code §551.074, Personnel Matters - City Manager

Alderman Colemere made a motion to postpone this item until the next Regular Meeting.

7. CITY MANAGER'S REPORT

All matters listed under this item are considered routine by the City Council and will only be considered at the request of one or more Aldermen. Coincident with each listed item, discussion will generally occur.

7.1. Building Permit Activity Report

7.2. Fire Department Activity Report

7.3. Municipal Court Activity Report

7.4. Police Department Activity Report

7.5. Public Works Activity Report

7.6. Finance Report

8. CONSENT AGENDA

All matters listed under this item are considered routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired by

any Alderman on any item, that item will be removed from the consent agenda and will be considered separately.

- 8.1. Approval - City Council Minutes, October 28, 2019**
- 8.2. Accept - Planning & Zoning Commission Meeting Minutes, October 2, 2019**
- 8.3. Approval - Adoption of Ordinance O-2019-013 amending the City of Shavano Park Master Zoning Plan to rezone the property legally described as County Block 4773A, Lot 1650, Shavano Park Unit-16F (4096 De Zavala Rd) from B-2 Business and Office District to a Planned Unit Development (PUD) zoning district including B-2 Base Zoning Category and granting a Special Use Permit for an Assisted Living Facility (CC) use (Final Reading)**
- 8.4. Approval - Ordinance O-2019-014 amending the City of Shavano Park Code of Ordinances, Chapter 28: Subdivisions and Chapter 36: Zoning to clarify front setbacks in relation to entryway features and exterior architectural features (Final Reading)**
- 8.5. Approval - Ordinance O-2019-015 amending the City of Shavano Park Code of Ordinances, Chapter 8, Article II Soliciting and Peddling, Section 8.24 (Hours of Solicitation) (Final Reading)**
- 8.6. Approval - Official City Holiday Schedule**
- 8.7. Approval - Resolution No. R-2019-016 approving the 2019 tax roll for the City of Shavano Park**
- 8.8. Approval - Resolution No. R-2019-017 approving the EMS receivable adjustments for certain inactive outstanding accounts that have been deemed uncollectible.**

Alderman Colemere made a motion to approve Consent Agenda Items 8.1, 8.2 and 8.4 – 8.8.

Alderman Powers seconded the motion.

The motion to approve Consent Agenda Items 8.1, 8.2 and 8.4 – 8.8 carried with a unanimous vote.

9. ADJOURNMENT

Mayor Pro Tem Ross made a motion to adjourn the meeting.

Alderman Kautz seconded the motion.

The meeting adjourned at 8:00 p.m.

Robert Werner
Mayor

Zina Tedford
City Secretary

1. Call to order

Chairman Aleman called the meeting to order at 6:30 p.m.

| | |
|-------------------------------|---------------|
| PRESENT: | ABSENT: |
| Konrad Kuykendall (7:04 p.m.) | Jason Linahan |
| Albert Aleman | Kerry Dike |
| Carla Laws | |
| William Stipek (6:48 p.m.) | |
| Bill Simmons | |
| Shawn Fitzpatrick | |
| Damon Perrin | |

2. Vote under Section 36-69 of the Shavano Park City Code (“Code”) concerning a finding that each of the items following item 2 on the agenda are “planning issues” or otherwise prescribed Planning & Zoning Commission duties under 36-69(l) of the Code or the severance of one or more of such items for an individual vote on such item or items.

Upon a motion made by Commissioner Laws and a second made by Commissioner Simmons, the Planning & Zoning Commission voted five (5) for and none (0) opposed to approve the agenda as it was provided as Planning & Zoning Commission issues. The motion carried.

3. Citizens to be Heard

No one signed up to address the Planning & Zoning Commission.

4. Consent Agenda:

A. Approval – Planning & Zoning Commission minutes, October 2, 2019

Upon a motion made by Commissioner Simmons and a second made by Commissioner Stipek, the Planning & Zoning Commission voted five (5) for and none (0) opposed to approve the Planning & Zoning Commission October 2, 2019 minutes as presented. The motion carried.

5. Public Hearing - The purpose of the public hearing is to receive comments from members of the public regarding the proposed rezoning of three properties at the corner of Lockhill-Selma and Huebner Roads legally described as Lots 1813A, 1813B and 1814 of County Block 5938, Shavano Park Subdivision Unit-16A-1 from B-2 Business and Office District (Lots 1813A and 1813B) and A-2 Single Family Residential District (Lot 1814) to a single Planned Unit Development (PUD) zoning district with B-2 Business and Office base district with the following exceptions:

- Minimum Parking Requirement
- Allowed number of, size, electrical display and sign face size of monument signs
- Allowed size of wall signs
- Rear / Side Setback Requirements
- Rear / Front Landscape Buffer Requirements

Public Hearing opened at 6:34 p.m.

City Manager Hill presented regarding the proposed rezoning of three properties at the corner of Lockhill-Selma and Huebner Roads legally described as Lots 1813A, 1813B and 1814 of County Block 5938, Shavano Park Subdivision Unit-16A-1 from B-2 Business and Office District (Lots 1813A and 1813B) and A-2 Single Family Residential District (Lot 1814) to a single Planned Unit Development (PUD) zoning district with B-2 Business and Office base district with the following exceptions:

- Minimum Parking Requirement
- Allowed number of, size, electrical display and sign face size of monument signs
- Allowed size of wall signs
- Rear / Side Setback Requirements
- Rear / Front Landscape Buffer Requirements

Public Hearing closed at 6:47 p.m.

6. **Discussion / action - proposed rezoning of three properties at the corner of Lockhill-Selma and Huebner Roads legally described as Lots 1813A, 1813B and 1814 of County Block 5938, Shavano Park Subdivision Unit-16A-1 from B-2 Business and Office District (Lots 1813A and 1813B) and A-2 Single Family Residential District (Lot 1814) to a single Planned Unit Development (PUD) zoning district with B-2 Business and Office base district – City Manager**

Upon a motion made by Commissioner Fitzpatrick and a second made by Commissioner Laws, the Planning & Zoning Commission voted six (6) for and none (0) to approve proposed rezoning exceptions of the Fischer Neighborhood Market. The motion carried.

Upon a motion made by Commissioner Fitzpatrick and a second made by Commissioner Simmons, the Planning & Zoning Commission voted six (6) for and none (0) to approve proposed rezoning exceptions for Advanced Smile. The motion carried.

Upon a motion made by Commissioner Kuykendall and a second made by Commissioner Simmons, the Planning & Zoning Commission voted five (5) for and one (1 – Commissioner Laws) opposed to approve proposed rezoning exceptions for Luv N Care. The motion carried.

Upon a motion made by Commissioner Laws and a second made by Commissioner Stipek, the Planning & Zoning Commission voted six (6) for and none (0) to approve proposed rezoning of three properties at the corner of Lockhill-Selma and Huebner Roads legally described as Lots 1813A, 1813B and 1814 of County Block 5938, Shavano Park Subdivision Unit-16A-1 from B-2 Business and Office District (Lots 1813A and 1813B) and A-2 Single Family Residential District (Lot 1814) to a single Planned Unit Development (PUD) zoning district with B-2 Business and Office base district . The motion carried.

7. **Public Hearing - The purpose of the public hearing is to receive comments from members of the public regarding proposed amendments to the City of Shavano Park Code of Ordinances, including changes to Chapters 36 - Zoning and 6 - Buildings and Building Regulations, to ensure**

building material regulations for residential and commercial building construction are in compliance with House Bill 2439 from the 86th Texas Legislature.

Public hearing opened at 7:55 p.m.

City Manager Hill presented an overview of the proposed amendments to the City of Shavano Park Code of Ordinances, including changes to Chapters 36 - Zoning and 6 - Buildings and Building Regulations, to ensure building material regulations for residential and commercial building construction are in compliance with House Bill 2439 from the 86th Texas Legislature.

Public hearing closed at 7:58 p.m.

8. **Discussion / action – Possible amendments to the City of Shavano Park Code of Ordinances, Chapters 36 - Zoning and 6 - Buildings and Building Regulations, to ensure building material regulations for residential and commercial building construction are in compliance with House Bill 2439 of the 86th Texas Legislature – City Manager.**

Upon a motion made by Commissioner Fitzpatrick and a second made by Commissioner Laws, the Planning & Zoning Commission voted six (6) for and none (0) to approve proposed amendments to the City of Shavano Park Code of Ordinances, Chapters 36 - Zoning and 6 - Buildings and Building Regulations, to ensure building material regulations for residential and commercial building construction are in compliance with House Bill 2439 of the 86th Texas Legislature. The motion carried.

9. **Public Hearing – The purpose of the public hearing is to receive comments from members of the public regarding proposed amendments to the City of Shavano Park Code of Ordinances, Chapter 36 – Zoning, expanding who can appeal administrative decisions on projects or applications to the Zoning Board of Adjustment in compliance with House Bill 2497 of the 86th Texas Legislature.**

Public hearing opened at 8:03 p.m.

City Manager Hill presented an overview of the regarding proposed amendments to the City of Shavano Park Code of Ordinances, Chapter 36 – Zoning, expanding who can appeal administrative decisions on projects or applications to the Zoning Board of Adjustment in compliance with House Bill 2497 of the 86th Texas Legislature.

Public hearing closed at 8:05 p.m.

10. **Discussion / action – Possible amendments to the City of Shavano Park Code of Ordinances, Chapter 36 – Zoning, expanding who can appeal administrative decisions on projects or applications to the Zoning Board of Adjustment in compliance with House Bill 2497 of the 86th Texas Legislature – City Manager.**

Upon a motion made by Commissioner Laws and a second made by Commissioner Fitzpatrick, the Planning & Zoning Commission voted six (6) for and none (0) to approve proposed amendments to the City of Shavano Park Code of Ordinances, Chapter 36 – Zoning, expanding who can appeal administrative decisions on projects or applications to the Zoning Board of Adjustment in compliance with House Bill 2497 of the 86th Texas Legislature. The motion carried.

11. **Public Hearing – The purpose of the public hearing is to receive comments from members of the public regarding proposed amendments to the City of Shavano Park Code of Ordinances, Chapter 24 – Signs, regarding banner signs, monument signs and allowed signage in residential and business zoning districts.**

Public hearing opened at 8:06 p.m.

Public hearing closed at 8:07 p.m.

12. **Discussion / action – Possible amendments to the City of Shavano Park Code of Ordinances, Chapter 24 – Signs, regarding banner signs, monument signs and allowed signage in residential and business zoning districts. Possible Executive Session pursuant to Texas Government Code, § 551.071, Consultation with Attorney - City Manager**

The Planning & Zoning Commission adjourned into Executive Session pursuant to Texas Government Code 551.071, Consultation with Attorney at 8:07 p.m.

The Open Meeting reconvened at 9:26 p.m.

No action was taken on this item.

13. **Discussion - Review of City Policy #15 Public Information Act update in accordance with new Texas Senate Bill 944 – City Manager**

City Manager Hill reviewed City Policy #15 Public Information Act update in accordance with new Texas Senate Bill 944.

14. **Report / update - City Council items considered at previous City Council meetings and discussion concerning the same - City Manager**

City Manager Hill provided an overview of items considered at the previous City Council Meeting.

15. **Chairman Announcements:**

- A. Advise members to contact City staff to add new or old agenda items.
- B. Advise members of pending agenda items, as follows:

- i. December, 2019 – Possible action item for possible amendments to Chapter 24 – Signs regarding banner signs and allowed signage in residential and business zoning districts.
- ii. December, 2019 - Amendments to Chapter 36 regarding MXD & PUD site plan approval to comply with the 30-day shot clocks from Texas Legislature.
- iii. February, 2020 – Semiannual presentation by Denton Communities regarding residential and commercial development in Shavano Park and surrounding areas and discussion concerning the same.

16. **Adjournment**

Upon a motion made by Commissioner Kuykendall and a second made by Commissioner Simmons, the Planning & Zoning Commission voted seven (7) for and none (0) opposed to adjourn the meeting. The meeting adjourned at 9:40 p.m.

Albert T. Aleman Jr.
Chairman

Zina Tedford
City Secretary

CITY COUNCIL AGENDA FORM

Meeting Date: December 9, 2019

Agenda item: 6.3

Prepared by: Bill Hill

Reviewed by: Bill Hill

AGENDA ITEM DESCRIPTION:

6.3. Approval - Ordinance No. O-2019-016 providing for the voluntary extension of the Shavano Park, Texas city limits by the annexation of a tract of land being out of Lot 1814 of the Shavano Park Unit 16A-1 subdivision that contains an area of approximately 1.838 acres and amending the official city limits map of the City of Shavano Park to reflect the voluntary annexation of the area described herein (final reading) - City Manager

☒

Attachments for Reference:

- 1) Ordinance O-2019-016
- 2) Service Agreement
- 3) Petition for Annexation
- 4) Minutes City Council Mtg September 22, 2014

BACKGROUND / HISTORY: On August 26th, 2014, Texas ARDMOR Properties, LP submitted a petition for annexation (attachment 3) for County Block 5938, Lot 1814 of Shavano Park Unit 16A-1. This petition was granted by City Council at the September 22, 2014 meeting (attachment 4) after a public hearing.

DISCUSSION: Update: Council approved the annexation ordinance first reading at the November 25th City Council meeting with no additional amendments as proposed. No changes have been proposed since the first approval action.

As part of the lawsuit settlement with ARDMOR, a court order signed on May 14th directing us to consider annexation of the property specifically following LGC 43.028.

At the July 22, 2019 City Council meeting, Ordinance O-2019-006 annexing the property described in Exhibit A was approved in accordance with Texas Local Government Code Chapter 43.028 and recorded in Bexar County Courthouse on August 22nd.

Sec. 43.028. AUTHORITY OF MUNICIPALITIES TO ANNEX SPARSELY OCCUPIED AREA ON PETITION OF AREA LANDOWNERS.

- (a) This section applies only to the annexation of an area:
 - (1) that is one-half mile or less in width;
 - (2) that is contiguous to the annexing municipality; and
 - (3) that is vacant and without residents or on which fewer than three qualified voters reside.
- (b) The owners of the area may petition the governing body of the municipality in writing to annex the area.

(c) The petition must describe the area by metes and bounds and must be acknowledged in the manner required for deeds by each person having an interest in the area.

(d) After the 5th day but on or before the 30th day after the date the petition is filed, the governing body shall hear the petition and the arguments for and against the annexation and shall grant or refuse the petition as the governing body considers appropriate.

(e) If the governing body grants the petition, the governing body by ordinance may annex the area. On the effective date of the ordinance, the area becomes a part of the municipality and the inhabitants of the area are entitled to the rights and privileges of other citizens of the municipality and are bound by the acts and ordinances adopted by the municipality.

(f) If the petition is granted and the ordinance is adopted, a certified copy of the ordinance together with a copy or duplicate of the petition shall be filed in the office of the county clerk of the county in which the municipality is located.

At the time of annexation, the City was unaware that HB 347 (new annexation laws) went into effect on May 24th and effectively eliminated LGC 43.028 and creating new laws. Even though we have a court order signed on May 14th directing us to consider annexation of the property specifically following LGC 43.028, the City Attorney recommends reworking the annexation to remove any future doubt concerning the validity of the annexation.

With the new LGC, there are a couple ways to annex the property. After a thorough review, annexation under LGC 43.0671 authority is the best course of action. Under LGC 43.0671, a municipality may annex an area if:

1. Each owner of land in the area requests the annexation.
2. Both the City and the property owner enter into a written agreement with the owners of land in the area for the provision of services in the area
3. The governing body of the municipality must conduct one public hearing
4. The governing body of the municipality adopts an ordinance annexing the area.

SUBCHAPTER C-3. ANNEXATION OF AREA ON REQUEST OF OWNERS

Sec. 43.0671. AUTHORITY TO ANNEX AREA ON REQUEST OF OWNERS.

Notwithstanding Subchapter C-4 or C-5, a municipality may annex an area if each owner of land in the area requests the annexation.

Added by Acts 2017, 85th Leg., 1st C.S., Ch. 6 (S.B. 6), Sec. 26, eff. December 1, 2017.

Sec. 43.0672. WRITTEN AGREEMENT REGARDING SERVICES. (a) The governing body of the municipality that elects to annex an area under this

subchapter must first negotiate and enter into a written agreement with the owners of land in the area for the provision of services in the area.

(b) The agreement must include:

(1) a list of each service the municipality will provide on the effective date of the annexation; and

(2) a schedule that includes the period within which the municipality will provide each service that is not provided on the effective date of the annexation.

(c) The municipality is not required to provide a service that is not included in the agreement.

Added by Acts 2017, 85th Leg., 1st C.S., Ch. 6 (S.B. 6), Sec. 26, eff. December 1, 2017.

Sec. 43.0673. PUBLIC HEARING. (a) Before a municipality may adopt an ordinance annexing an area under this subchapter, the governing body of the municipality must conduct one public hearing.

(c) During the public hearing, the governing body:

(1) must provide persons interested in the annexation the opportunity to be heard; and

(2) may adopt an ordinance annexing the area.

(d) The municipality must post notice of the hearing on the municipality's Internet website if the municipality has an Internet website and publish notice of the hearing in a newspaper of general circulation in the municipality and in the area proposed for annexation. The notice for the hearing must be:

(1) published at least once on or after the 20th day but before the 10th day before the date of the hearing; and

(2) posted on the municipality's Internet website on or after the 20th day but before the 10th day before the date of the hearing and must remain posted until the date of the hearing.

The prerequisites for annexation have been met as follows:

1. each owner of land in the area requests the annexation. ARDMOR (Luv-N-Care) petitioned for annexation on August 26th, 2014.

2. both the City and the property owner enter into a written agreement with the owners of land in the area for the provision of services in the area. The service agreement between the City and Luv-N-Care was mutually approved on October 28th, 2019 (attachment 2).
3. the governing body of the municipality must conduct one public hearing. The City properly provided public notice in both the paper and on website and conducted the Public Hearing during the previous agenda item.

Approval of Ordinance O-2019-016 will annex County Block 5938 Lot 1814 of the Shavano Park Unit 16A-1 subdivision to the City of Shavano Park.

COURSES OF ACTION: Approve Ordinance No. O-2019-016 or alternatively decline and provide guidance to staff.

FINANCIAL IMPACT: N/A

STAFF RECOMMENDATION: Approve Ordinance No. O-2019-016 providing for the voluntary extension of the Shavano Park, Texas city limits by the annexation of a tract of land being out of Lot 1814 of the Shavano Park Unit 16A-1 subdivision that contains an area of approximately 1.838 acres, as depicted herein as the annexation area, located as more particularly described in the attached exhibit “A”; and amending the official city limits map of the City of Shavano Park to reflect the voluntary annexation of the area described herein (Final Reading).

ORDINANCE NO. O-2019-016

PROVIDING FOR THE VOLUNTARY EXTENSION OF THE SHAVANO PARK, TEXAS CITY LIMITS BY THE ANNEXATION OF A TRACT OF LAND THAT CONTAINS AN AREA OF APPROXIMATELY 1.838 ACRES, AS DEPICTED HEREIN AS THE ANNEXATION AREA, LOCATED AS MORE PARTICULARLY DESCRIBED IN THE ATTACHED EXHIBIT "A"; AND AMENDING THE OFFICIAL CITY LIMITS MAP OF THE CITY OF SHAVANO PARK TO REFLECT THE VOLUNTARY ANNEXATION OF THE AREA DESCRIBED HEREIN.

WHEREAS, Texas Local Government Code section 43.0671 authorizes the City of Shavano Park, as general law municipality, to extend its City limit boundaries through the voluntary annexation of area adjacent to those boundaries; and

WHEREAS, Texas Local Government Code section 43.0671 provides that if a petition, signed and duly acknowledged by each and every person having an interest in land, is filed with the City and the area proposed for annexation is contiguous and adjacent to the City of Shavano Park, Texas, then the city may after a public hearing, grant the petition and annex said area by ordinance; and

WHEREAS, the owner of the property more particularly described in the attached Exhibit "A" did, of his own free will and accord, petition the City of Shavano Park to annex the approximate 1.838 acres described herein into the municipal boundaries of the City of Shavano Park; and

WHEREAS, in compliance with Texas Local Government Code Section 43.0671, the City Council, after a public hearing, granted the petition; and

WHEREAS, the Shavano Park City Council approved a Municipal Services Agreement for the subject property on October 28, 2019; and

WHEREAS, all prerequisites of state law having been complied with, the City Council desires to adopt an ordinance annexing the area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHAVANO PARK, TEXAS:

SECTION 1. The facts and recitations contained in the preamble to this ordinance are hereby found and declared to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

SECTION 2. The land and territory lying outside of, but adjacent to and adjoining the City of Shavano Park, Texas, more particularly described in Exhibit 'A', attached hereto and incorporated herein by reference, is hereby added and annexed to the City of Shavano Park, Texas, and said territory, as described, shall hereafter be included within the boundary limits of said City, and the present boundary limits of said City, at the various points contiguous to the area described in Exhibits 'A' are altered and amended so as to include said areas within the corporate limits of the City of Shavano Park, Texas.

SECTION 3. The land and territory comprising approximately 1.838 acres; more particularly described as the annexation area on Exhibits 'A' are attached hereto and incorporated herein by reference, shall be part of the City of Shavano Park, Texas and inhabitants thereof shall be entitled to all of the rights and privileges as citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of Shavano Park, Texas.

SECTION 4. The official City Limits of the City of Shavano Park shall be amended, as depicted in Exhibit "B", as attached hereto, to reflect the annexation of the subject property. Such map is attached hereto and incorporated herein as Exhibit 'B'.

SECTION 5. This ordinance shall be effective from and after its date passage.

PASSED AND APPROVED on the first reading by the City Council of the City of Shavano Park this the 25th day of November, 2019.

PASSED AND APPROVED on the second reading by the City Council of the City of Shavano Park this the 9th day of December, 2019.

ROBERT WERNER, MAYOR

Attest:

ZINA TEDFORD, City Secretary

Exhibit "A"

FIELD NOTES

FOR

A 1.838 acre, or 80,050 square feet tract of land being out of Lot 1400 of the Shavano Park Unit 16A Subdivision recorded in Volume 9509, Page 209-212 of the Deed and Plat Records of Bexar County Texas, out of the McRae Survey No. 391, Abstract 482, County Block 4782 of Bexar County Texas. Said 1.838 acre tract being more fully described as follows:

COMMENCING At a found $\frac{1}{2}$ " iron rod at the most easterly return of the intersection of the northwest right-of-way line of Huebner Road and the northeast right-of-way line of Lockhill-Selma Road, the Southeast corner of the said Lot 1400;

THENCE: N $41^{\circ}50'46''$ E, along and with the northwest right-of-way line of said Huebner Road and the southeast line of said Lot 1400, a distance of 410.00 feet to a set $\frac{1}{2}$ " iron rod with yellow cap marked "Pape-Dawson" at the POINT OF BEGINNING;

THENCE: N $48^{\circ}09'14''$ W, departing the northwest right-of-way line of said Huebner Road, a distance of 204.21 feet to a set $\frac{1}{2}$ " iron rod with yellow cap marked "Pape-Dawson" for an interior angle within said Lot 1400;

THENCE: S $41^{\circ}50'46''$ W, a distance of 214.67 feet to a point;

THENCE: N $48^{\circ}16'11''$ W, a distance of 260.73 feet to a point on the northwest line of said Lot 1400, being in the southeast line of Lot 1404 of the aforementioned Shavano Park Unit 16A Subdivision;

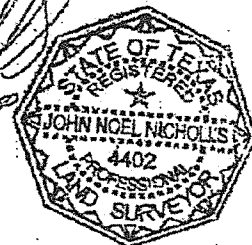
THENCE: N $47^{\circ}42'29''$ E, along and with the northwest line of said Lot 1400 and the southeast line of said Lot 1404, at 121.73 feet passing the common corner of said Lot 1404 and Lot 1405 of the Shavano Park Unit 16A Subdivision, and a total distance of 276.64 feet to a found $\frac{1}{2}$ " iron rod at the northernmost corner of said Lot 1400 and the easternmost corner of said Lot 1405, also being at a corner on the southwest line of Lot 1417 of said Shavano Park Unit 16A Subdivision;

THENCE: S $48^{\circ}09'14''$ E, along and with the northeast line of said Lot 1400 and the southwest line of said Lot 1417, at 186.94 feet, passing the common corner of Lot 1417 and Lot 1418 of said Subdivision, and a total distance of 436.22 feet to a found $\frac{1}{2}$ " iron rod on the northwest right-of-way line of the aforementioned Huebner Road;

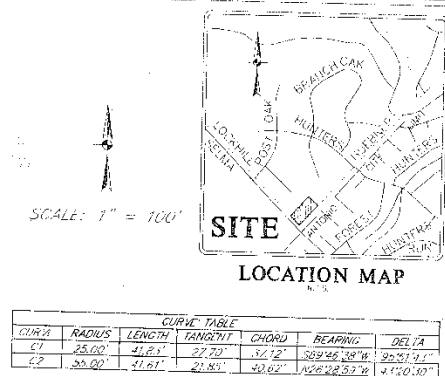
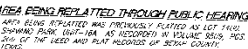
THENCE: S $41^{\circ}50'46''$ W, along and with the northwest right-of-way line of said Huebner Road a distance of 60.00 feet to the POINT OF BEGINNING and containing 1.838 acres in Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by Pape-Dawson Engineers, Inc..

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: June 12, 2001
JOB No.: 9556-01
DOC.ID.: n:\survey01\1-9600\9556-01\Fnotes.doc

PAPE-DAWSON ENGINEERS, INC.



105-28811000
RECEIVED: SEP 28 1964
ALBANY, NEW YORK
FBI - ALBANY
ALBANY, NEW YORK
SEP 28 1964
FBI - ALBANY



| CURVE | RADIUS | LENGTH | TANGENT | CHORD | BEARING | DELTA |
|-------|--------|--------|---------|--------|-------------|-----------|
| C1 | 25.00' | 41.25' | 27.70' | 34.12' | S69°46'38"W | 95°31'41" |
| C2 | 25.00' | 41.61' | 21.85' | 40.62' | N26°22'53"W | 91°50'30" |

GENERAL NOTES:

1. ALL STRUCTURES, RESERVE WALLS OR OTHER OBSTACLES OF ANY KIND SHALL BE PLACED WITHIN THE LIMITS OF THE EXCHANGING EXCHANGE SHOOTS ON THIS PLAN. NO EXCHANGING OR OTHER TYPE OF MODIFICATION OF ANY KIND IS ALLOWED. ALL EXCHANGING SHOTS SHALL BE EXCHANGED AS APPROVED, SHALL BE ALLOWED WITHOUT ANY DELAY. THE EXCHANGING SHOTS SHALL HAVE THE RIGHT TO EXCHANGE WITHIN THE LIMITS OF THE EXCHANGING EXCHANGE. ALL EXCHANGING SHOTS SHALL HAVE THE RIGHT TO EXCHANGE WITHIN THE LIMITS OF THE EXCHANGING EXCHANGE. ALL EXCHANGING SHOTS SHALL HAVE THE RIGHT TO EXCHANGE WITHIN THE LIMITS OF THE EXCHANGING EXCHANGE.

LEGEND

ELEC. - ELECTRIC
 H.E. = TELEPHONE
 C.A.P. - CABLE
 E.S.M.T. - LASEM
 H.S.L. = BUSINESS
 F.I.P. - FOUNDRY
 FROM H.O.
 F.I.R.(P) - FOUNDRY
 FROM H.O.
 T.M.P. - T.M.P.
 D.O.P. - DEED &
 OF RECORD
 O.P.R. - OFFICE OF
 RECORD
 D.R. = DEED RECORD
 COUNTY

NOTES:

1. 1/27 INQUI INTO MR. JEFFREY RAY (NAMES)
THAT DAVENPORT SET AT ALL CONSUMER UTILITY
COUNCIL MEETING

2. THE BASIS OF INVESTIGATION FROM THIS MEET
ARE THOSE NAMES FOUND.

3. THE BUREAU HAS BEEN TOLD THAT 44% BASED ON THE
P-16 1980 1981 1982 1983 1984 1985 1986 1987
IN 1988 1989 1990 1991 1992 1993 1994 1995
AND PLAT RECORDS OF DECATUR COUNTY, 1945

4. NAME OF ONE CONSUMER 1165 MR. WILSON'S (NAME
LINDSEY) 1940 (NAME) 1163/1952, 1187
C: 2105/2013/364

5. DAVENPORT SHOWS ARE WAREHOUSE AND THE
COUNCIL TO BEAT 1161/1950 IS 2109/284

6. BEARING 1161/1950 1161/1950 1161/1950
COUNCIL/1161/1950 1161/1950 1161/1950

DEVELOPER:
DENTON DEVELOPMENT
11 LYNN BATTS LN., SUITE 100
SAN ANTONIO, TEXAS 78218
PHONE: 210-828-6131

PAPE-DAYSON ENGINEERS
Civil & Environmental

555 [A2] RAMPOLY, SAN ANTONIO, TEXAS 78240




CERTIFICATION OF CITY ENGINEER:

THE CITY ENGINEER OF THE CITY OF SHAVANO PARK HEARLY CERTIFIES THAT THIS SUBDIVISION PLAT CONFORMS TO ALL THE SUBDIVISION REGULATIONS OF THE CITY AS TO WHEN THE PLAT WAS FILED.

Don M. Langbe
CITY ENGINEER

STATE OF TEXAS
COUNTY OF BEXAR
I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN
THIS PLAN TO THE MATTERS OF STREETS, LOTS AND DRAINAGE LAYOUT.

Kirk Wood
REGISTERED PROFESSIONAL: ENGINEER

 NORMA J. DEL TORO
Notary Public
STATE OF TEXAS
My Comm. Exp. 12-16-2003

STATE OF TEXAS
COUNTY OF BEXAR

THE OWNER OF THE LAND SHOWN ON THIS PLAT, AND WHOSE NAME IS SUBSCRIBED
HEREIN, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO
THE CITY OF SHAVANNA PARK, TEXAS, FOR THE USE OF THE PUBLIC FOREVER ALL
STREETS, ALLEYS, PARKS, WATER COURSES, DRAINAGE, ERECTIONS, AND THE WATER AND
SEWER LINES IN ALL OF THE ADDRESSAID PUBLIC PLACES AND IN ALL PUBLIC PLACES
THEREON SHOWN FOR THE PURPOSE AND CONSIDERED AS SUCH BY THE CITIES, TOWNS, AND

STATE OF TEXAS

COUNTY OF BEXAR

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED CLYDE R. DENSON, JR., 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 ACCOMPANYING CERTIFICATE STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 25th DAY OF Dec. A.D. 2001

Carrie A. Livingston
 SARAH E. CARRINGTON
 NOTARY PUBLIC
 State of Texas
 BEXAR COUNTY, TEXAS

NOTE:
No person shall commence the construction of any regulated facility until an Edwards Aquifer Protection Plan ("Water Pollution Abatement Plan" or "APAP") in modification to an approved plan as required by 30 TAC 212.5 of the Texas Water Code, or later revision thereof, has been filed with the appropriate regional IARC office, and the application has been approved by the executive director of the IARC.

REPLAT ESTABLISHING
SHAVANO PARK SUBDIVISION, UNIT-16A-1

BEING 5.000 ACRES OF LAND OUT OF LOT 1400 AS RECORDED WITH SHAVANO PARK
SUBDIVISION, UNIT-16A, IN VOLUME 9509, PAGE 209-212 OF THE DEED AND PLAT RECORDS
OF BEXAR COUNTY, TEXAS.

THIS PLAT OF SHAVANO PARK SUBDIVISION, UNIT "6A-1"
HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING & ZONING
COMMISSION OF THE CITY OF SHAVANO PARK, TEXAS, AND IS HEREBY
APPROVED BY SUCH PLANNING & ZONING COMMISSION.

DATED THIS 5th DAY OF DECEMBER, 2001.

BY: Bruce J. Brumba

BY: Brian Harrison

THIS PLAT OF SHAVANO PARK SUBDIVISION, UNIT-16A-1
HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE
CITY OF SHAVANO PARK, TEXAS, AND IS HEREBY APPROVED BY SUCH
CITY COUNCIL.

DATE: 18th DAY OF DECEMBER A.D. 20 01

BY: Thomas Peyton
MAYOR

BY: Brian Harrison
SECRETARY

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

[Signature]

SWORN TO AND SUBSCRIBED BEFORE ME THIS 12th DAY OF December

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 10-10-2001 BY 60322 UCBAW

STATE OF TEXAS
COUNTY OF BEXAR
Geoffrey D. Hulse

 Notary Public
STATE OF TEXAS
My Comm. Exp. 12-14-2003

DO HEREBY CERTIFY THAT THIS PLA[] WAS FILED FOR RECORD IN MY OFFICE, ON THE
23 DAY OF Jan, A.D. 22, AT 3:55 P. M. AND DULY RECORDED

IN BOOK VOLUME 753 ON PAGE 56

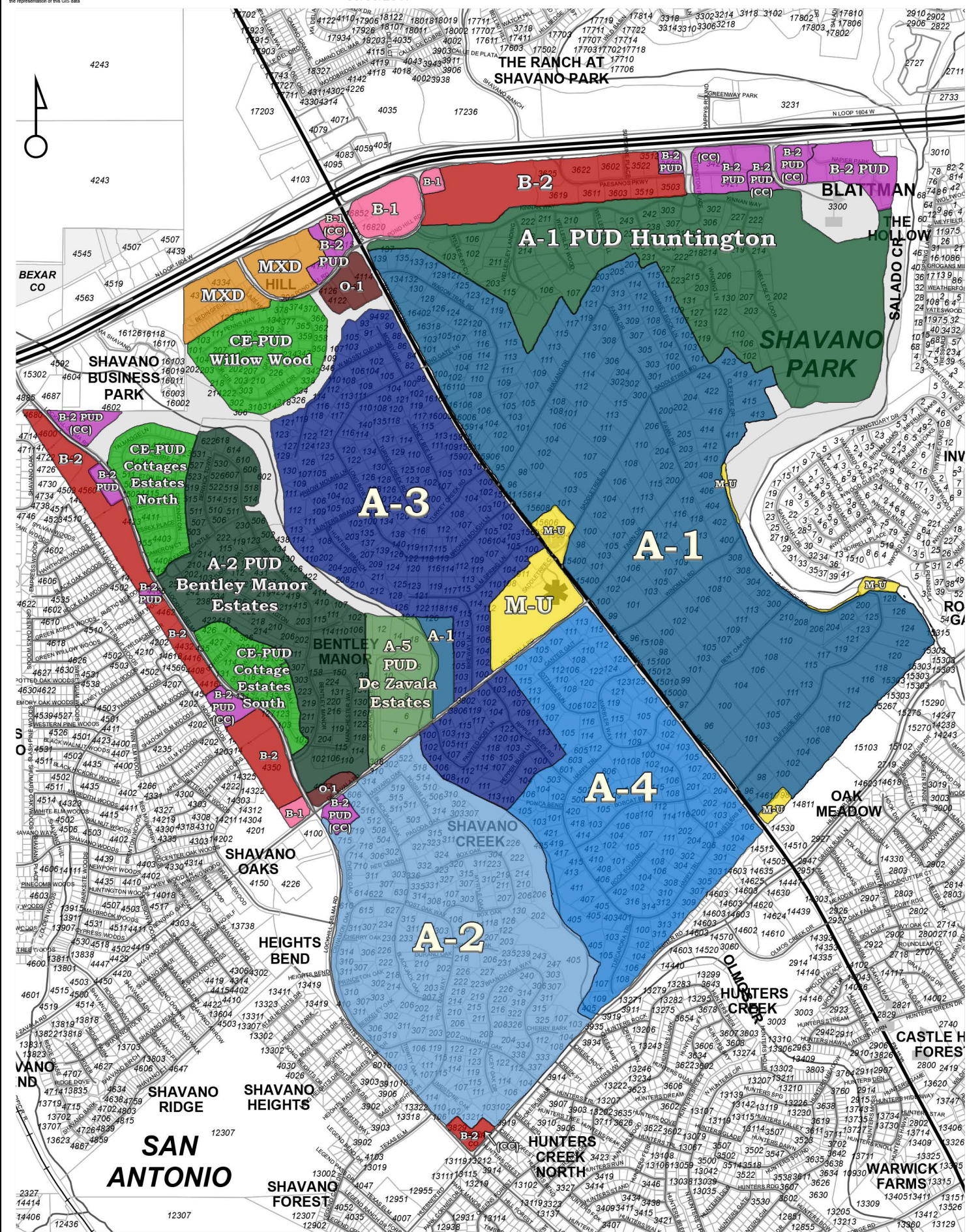
IN TESTIMONY WHEREOF, I HAVE SET MY HAND AND OFFICIAL SEAL OF OFFICE, THIS
24th DAY OF JANUARY, A.D. 2012.

COUNTY CLERK, BRYAN COUNTY, TEXAS
BY: Alvin Hays DEPUTY

Info: Dec 04, 2001, 9:43am: User #1: jgarrafi
File: \\fs23\2\design\civ\jg452322.cmg

JOB NO. 4523-22

08/03/2017



**MUNICIPAL SERVICES AGREEMENT BETWEEN THE
CITY OF SHAVANO PARK, TEXAS AND TEXAS ARDMOR PROPERTIES, LP**

This Municipal Services Agreement ("Agreement") is entered into on 28th day of October, 2019 by and between the City of Shavano Park, Texas, a General Law Type A municipality of the State of Texas, ("City") and Ardmore Properties, LP ("Owner").

RECITALS

The parties agree that the following recitals are true and correct and form the basis upon which the parties have entered into this Agreement.

WHEREAS, Section 43.0671 of the LGC permits the City to annex an area if each owner of land in an area requests the annexation;

WHEREAS, where the City elects to annex such an area, the City is required to enter into a written agreement with the property owner(s) that sets forth the City services to be provided for the Property on or after the effective date of annexation;

WHEREAS, Owner owns certain parcels of land situated in Bexar County, Texas, which consists of approximately 1.838 acres of land in the City's extraterritorial jurisdiction, such property being more particularly described and set forth in Exhibit A attached and incorporated herein by reference ("Property");

WHEREAS, Owner has filed a written request with the City for full-purpose annexation of the Property, identified as Petition Requesting Annexation of Area on Request of Owner signed by Paul M. Cooke, Manager of Ardmore Management, LLC on behalf of Texas Ardmore Properties dated August 26, 2014 ("Annexation Case");

WHEREAS, Defendant City of Shavano Park's Notice of Filing Rule 11 Agreement, filed May 14th, 2019 in the District Court, 407th Judicial District, Cause No. 2018-CI-21898, where the City and Owner agreed to the following: The City of Shavano Park shall consider the pending petition for annexation into the corporate limits of the City of Shavano Park.

WHEREAS, City and Owner desires to set out the City services to be provided for the Property on or after the effective date of annexation;

WHEREAS, the Annexation Case and execution of this Agreement are subject to approval by the Shavano Park City Council; and

NOW THEREFORE, in exchange for the mutual covenants, conditions and promises contained herein, City and Owner agree as follows:

1. PROPERTY. This Agreement is only applicable to the Property, which is the subject of the Annexation Case, more specifically described in Exhibit A.

2. INTENT. It is the intent of the City that this Agreement provide for the delivery of full, available municipal services to the Property in accordance with state law, which may be accomplished through any means permitted by law.

3. MUNICIPAL SERVICES. Commencing on the effective date of annexation, the City will provide the municipal services set forth below. As used in this Agreement, “providing services” includes having services provided by any method or means by which the City may extend municipal services to any other area of the City, including the City's infrastructure extension policies and developer or property owner participation in accordance with applicable city ordinances, rules, regulations, and policies.

The City of Shavano Park hereby declares the following services to be made available to the property and its owner(s):

a. Police Services

The Shavano Park Police Department will provide professional, quality police service to the property. The City of Shavano Park takes responsibility to maintain order, protect life and property, and to improve the quality of life for the property owner(s), employees and visitors.

b. Fire Services

The Shavano Park Fire Department will provide professional, quality fire prevention, suppression, emergency, and rescue services to the property. The Fire Marshal will ensure structures meet the provisions of Fire Safety Codes, and investigate fires that may occur on the property, including enforcement against acts of arson. Additionally the Fire Marshal provides fire prevention education of staff and students throughout the year.

c. Emergency Medical Services

The Shavano Park Fire Department will provide professional, quality emergency medical service to the property. The Fire Department will respond to medical emergencies upon request and based on staff availability.

d. Development Services

The Development Services Department will provide development services. This includes plan reviews, building inspections, issuing building, electrical, mechanical and plumbing permits for any new construction and remodeling, and compliance with all applicable codes, as adopted by the City, which regulate building construction within the City of Shavano Park.

e. Code Compliance Services

The Code Compliance Officer will provide Code Compliance Services. This includes ensuring compliance with applicable codes within the City of Shavano Park.

f. Environmental Health & Health Code Compliance Services

Assistance / inspections within this area will be provided by City Health Inspector and City staff.

g. City Events And Public Buildings

All services and amenities associated with the City's Events and other recreation activities at City Hall and the Municipal Tract will extend to this area.

h. Planning & Zoning

The planning and zoning jurisdiction of the City will be extended to this area.

i. Street & Drainage Maintenance

The City will provide street and drainage maintenance to public streets in the area in accordance with City standards as the area develops.

j. Traffic Engineering

The City will provide, as appropriate, street name signs, traffic control devices, and other traffic system design improvements to the area where city streets exist.

k. Sanitation/Solid Waste Collection & Disposal

The City does not directly provide municipal sanitation/solid waste collection and disposal services. However, the City has granted an exclusive franchise for these services to Republic Services.

l. Miscellaneous

All other applicable municipal services will be provided to the area in accordance with policies established by the City of Shavano Park.

It is understood and agreed that the City is not required to provide a service that is not included in this Agreement.

Owner understands and acknowledges that the City departments listed above may change names or be re-organized by the City Manager. Any reference to a specific department also includes any subsequent City department that will provide the same or similar services.

4. AUTHORITY. City and Owner represent that they have full power, authority and legal right to execute, deliver and perform their obligations pursuant to this Agreement.

5. SEVERABILITY. If any term or provision of this Agreement is held to be illegal, invalid or unenforceable, the legality, validity or enforceability of the remaining terms or provisions of this Agreement shall not be affected thereby, and in lieu of each such illegal, invalid or unenforceable term or provision, there shall be added automatically to this Agreement a legal, valid or enforceable term or provision as similar as possible to the term or provision declared illegal, invalid or unenforceable

6. INTERPRETATION. The parties to this Agreement covenant and agree that in any litigation relating to this Agreement, the terms and conditions of the Agreement will be interpreted according to the laws of the State of Texas. The parties acknowledge that they are of equal bargaining power and that each of them was represented by legal counsel in the negotiation and drafting of this Agreement.

7. GOVERNING LAW AND VENUE. This Agreement and all of the transactions contemplated herein shall be governed by and construed in accordance with the laws of the State of Texas. The provisions and obligations of this Agreement are performable in Bexar County, Texas such that exclusive venue for any action arising out of this Agreement shall be in Bexar County, Texas.

8. NO WAIVER. The failure of either party to insist upon the performance of any term or provision of this Agreement or to exercise any right granted hereunder shall not constitute a waiver of that party's right to insist upon appropriate performance or to assert any such right on any future occasion.

9. GOVERNMENTAL POWERS. It is understood that by execution of this Agreement, the City does not waive or surrender any of its governmental powers or immunities.

10. COUNTERPARTS. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

11. CAPTIONS. The captions to the various clauses of this Agreement are for informational purposes only and shall not alter the substance of the terms and conditions of this Agreement.

12. AGREEMENT BINDS SUCCESSORS AND RUNS WITH THE LAND. This Agreement is binding on and inures to the benefit of the parties, their successors, and assigns. The term of this Agreement constitutes covenants running with the land comprising the Property and is binding on the Owner.

13. ENTIRE AGREEMENT. It is understood and agreed that this Agreement contains the entire agreement between the parties and supersedes any and all prior agreements, arrangements or understandings between the parties relating to the subject matter. No oral understandings, statements, promises or inducements contrary to the terms of this Agreement exist. This Agreement cannot be changed or terminated orally.

Executed as of the day and year first above written to be effective on the effective date of annexation of the Property.

CITY OF SHAVANO PARK

By: Bill Hill
BILL HILL
CITY MANAGER

ARDMOR PROPERTIES, LP

By: Paul M. Cook
Name: PAUL M. COOK
Title: Owner

Approved by City Council on October 28th, 2019.

ROBERT WERNER
MAYOR

Attest:

ZINA TEDFORD
CITY SECRETARY

State of Texas §
County of Bexar §

This instrument was acknowledged before me on the _____ day of _____, 2019, by Bill Hill, City Manager of the City of Shavano Park, a Texas municipal corporation, on behalf of said corporation.

By: _____

Notary Public, State of Texas

State of Texas § **County of_§**

This instrument was acknowledged before me on the _____ day of _____, 2019, by _____, _____ of [Name of individual signing, title (if any)] on behalf of said _____ [insert name of company or individual where applicable].

By: _____

Notary Public, State of Texas

After Recording Return to:

City Secretary
City of Shavano Park
900 Saddletree Court
Shavano Park, Texas 78231

PLAT

[illegible]

BOUNDARY DESCRIPTION

FIELD NOTES

FOR

A 1.838 acre, or 80,050 square feet tract of land being out of Lot 1400 of the Shavano Park Unit 16A Subdivision recorded in Volume 9509, Page 209-212 of the Deed and Plat Records of Bexar County Texas, out of the McRae Survey No. 391, Abstract 482, County Block 4782 of Bexar County Texas. Said 1.838 acre tract being more fully described as follows:

COMMENCING At a found $\frac{1}{2}$ " iron rod at the most easterly return of the intersection of the northwest right-of-way line of Huebner Road and the northeast right-of-way line of Lockhill-Selma Road, the Southeast corner of the said Lot 1400;

THENCE: N $41^{\circ}50'46''$ E, along and with the northwest right-of-way line of said Huebner Road and the southeast line of said Lot 1400, a distance of 410.00 feet to a set $\frac{1}{2}$ " iron rod with yellow cap marked "Pape-Dawson" at the POINT OF BEGINNING;

THENCE: N $48^{\circ}09'14''$ W, departing the northwest right-of-way line of said Huebner Road, a distance of 204.21 feet to a set $\frac{1}{2}$ " iron rod with yellow cap marked "Pape-Dawson" for an interior angle within said Lot 1400;

THENCE: S $41^{\circ}50'46''$ W, a distance of 214.67 feet to a point;

THENCE: N $48^{\circ}16'11''$ W, a distance of 260.73 feet to a point on the northwest line of said Lot 1400, being in the southeast line of Lot 1404 of the aforementioned Shavano Park Unit 16A Subdivision;

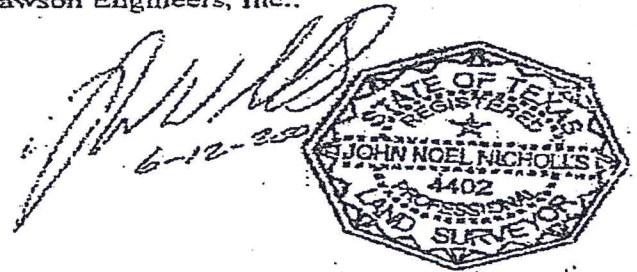
THENCE: N $47^{\circ}42'29''$ E, along and with the northwest line of said Lot 1400 and the southeast line of said Lot 1404, at 121.73 feet passing the common corner of said Lot 1404 and Lot 1405 of the Shavano Park Unit 16A Subdivision, and a total distance of 276.64 feet to a found $\frac{1}{2}$ " iron rod at the northernmost corner of said Lot 1400 and the easternmost corner of said Lot 1405, also being at a corner on the southwest line of Lot 1417 of said Shavano Park Unit 16A Subdivision;

THENCE: S $48^{\circ}09'14''$ E, along and with the northeast line of said Lot 1400 and the southwest line of said Lot 1417, at 186.94 feet, passing the common corner of Lot 1417 and Lot 1418 of said Subdivision, and a total distance of 436.22 feet to a found $\frac{1}{2}$ " iron rod on the northwest right-of-way line of the aforementioned Huebner Road;

THENCE: S $41^{\circ}50'46''$ W, along and with the northwest right-of-way line of said Huebner Road a distance of 60.00 feet to the POINT OF BEGINNING and containing 1.838 acres in Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by Pape-Dawson Engineers, Inc..

PREPARED BY: Pape-Dawson Engineers, Inc.
 DATE: June 12, 2001
 JOB No.: 9556-01
 DOC. ID.: n:\survey01\1-9600\9556-01\Fnotes.doc

PAPE-DAWSON ENGINEERS, INC.



PETITION REQUESTING ANNEXATION BY AREA LANDOWNER

TO THE MAYOR AND GOVERNING BODY OF THE CITY OF SHAVANO PARK,
TEXAS:

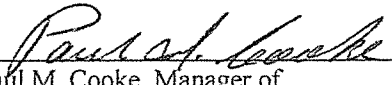
Under authority of Texas Local Government Code Chapter 43 and other applicable law, the undersigned owner(s) of the hereinafter described tract of land, which is (1) one-half mile or less in width, (2) contiguous to the city limits, and (3) vacant and without residents, or on which less than three (3) qualified voters reside, hereby petition your Honorable Body to extend the present city limits so as to include as a part of the City of Shavano Park, Texas, the property described in Exhibit "A" attached hereto and made a part hereof, and shown on plat attached as Exhibit "B" attached hereto and made a part hereof.

By signing below, we hereby certify that:

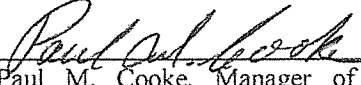
WE ARE THE TRUE AND ONLY OWNERS OF THE ABOVE DESCRIBED TRACT OF
LAND, as conveyed to us in Deeds recorded as:

1. Volume 15801, Page 2488, Official Public Records of Bexar County, Texas, and
2. Volume 15801, Page 2490, Official Public Records of Bexar County, Texas.

Texas Ardmore Properties, LP
by and through Texas Ardmore Management,
LLC, its General Partner:

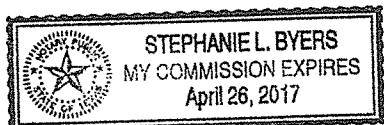

Paul M. Cooke, Manager of
Ardmore Management, LLC

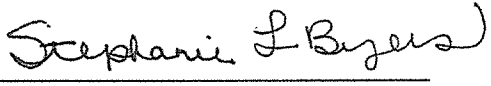
Texas Ardmore Management, LLC:


Paul M. Cooke, Manager of Texas
Ardmore Management, LLC

STATE OF TEXAS §
COUNTY OF BEXAR §

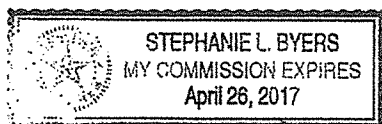
This instrument was acknowledged before me on Aug 26, 2014 by Paul M. Cooke, Manager, on behalf of Texas Ardmore Management, LLC, General Partner of Texas Ardmore Properties, LP.




Notary Public, State of Texas
My commission expires: 4/26/17

STATE OF TEXAS §
COUNTY OF BEXAR §

This instrument was acknowledged before me on Aug 26, 2014 by Paul M. Cooke, Manager, on behalf of Texas Ardmore Management, LLC.



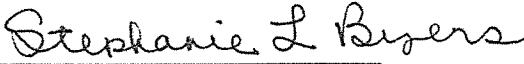

Notary Public, State of Texas
My commission expires: 4/26/17

Exhibit "A"

FIELD NOTES

FOR

A 1.838 acre, or 80,050 square feet tract of land being out of Lot 1400 of the Shavano Park Unit 16A Subdivision recorded in Volume 9509, Page 209-212 of the Deed and Plat Records of Bexar County Texas, out of the McRae Survey No. 391, Abstract 482, County Block 4782 of Bexar County Texas. Said 1.838 acre tract being more fully described as follows:

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THENCE: N $48^{\circ}16'11''$ W, a distance of 260.73 feet to a point on the northwest line of said Lot 1400, being in the southeast line of Lot 1404 of the aforementioned Shavano Park Unit 16A Subdivision;

THENCE: N $47^{\circ}42'29''$ E, along and with the northwest line of said Lot 1400 and the southeast line of said Lot 1404, at 121.73 feet passing the common corner of said Lot 1404 and Lot 1405 of the Shavano Park Unit 16A Subdivision, and a total distance of 276.64 feet to a found $\frac{1}{2}$ " iron rod at the northernmost corner of said Lot 1400 and the easternmost corner of said Lot 1405, also being at a corner on the southwest line of Lot 1417 of said Shavano Park Unit 16A Subdivision;

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THENCE: S $41^{\circ}50'46''$ W, along and with the northwest right-of-way line of said Huebner Road a distance of 60.00 feet to the POINT OF BEGINNING and containing 1.838 acres in Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by Pape-Dawson Engineers, Inc..

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: June 12, 2001
JOB No.: 9556-01
DOC.ID.: n:\survey01\1-9600\9556-01\Fnotes.doc

PAPE-DAWSON ENGINEERS, INC.

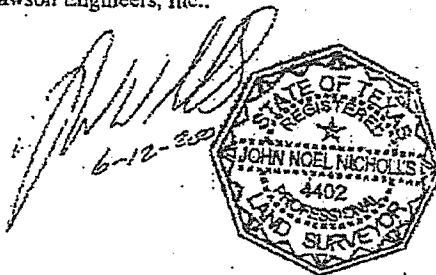


Exhibit "B"

NOTICE TO THE PUBLIC

THE CITY OF SAN ANTONIO, TEXAS, HAS RECEIVED A REPLAT ESTABLISHING SHAVANO PARK SUBDIVISION, UNIT-16A-1, FOR THE REVISION OF THE CITY RECORDS. THE REVISION OF THE CITY RECORDS IS A MATTER OF PUBLIC RECORDS AND IS SUBJECT TO THE REVIEW OF THE CITY ENGINEER AND THE CITY CLERK. THE REVISION OF THE CITY RECORDS IS A MATTER OF PUBLIC RECORDS AND IS SUBJECT TO THE REVIEW OF THE CITY ENGINEER AND THE CITY CLERK.

NOTICE TO THE PUBLIC

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SHAVANO PARK SUBDIVISION, UNIT-16A-1

LOT 184
CB 528
(1838 AC.)

LOT 183
CB 528
(1832 AC.)

HUACHUCA ROAD
OF 8000'

SHAVANO PARK DRIVE

SITE LOCATION MAP

SCALE: 1" = 100'

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STATE OF TEXAS
COUNTY OF BEXAR

NOTICE TO THE PUBLIC

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REPLAT ESTABLISHING
SHAVANO PARK SUBDIVISION, UNIT-16A-1

BEING 3,670 ACRES OF LAND OUT OF LOT 183 AS REFERRED WITH SHAVANO PARK SUBDIVISION, UNIT-16A, BY VOLUME 1520 PAGE 207-212 OF THE CITY AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.

NOTICE TO THE PUBLIC

THE CITY OF SAN ANTONIO, TEXAS, HAS RECEIVED A REPLAT ESTABLISHING SHAVANO PARK SUBDIVISION, UNIT-16A-1, FOR THE REVISION OF THE CITY RECORDS. THE REVISION OF THE CITY RECORDS IS A MATTER OF PUBLIC RECORDS AND IS SUBJECT TO THE REVIEW OF THE CITY ENGINEER AND THE CITY CLERK. THE REVISION OF THE CITY RECORDS IS A MATTER OF PUBLIC RECORDS AND IS SUBJECT TO THE REVIEW OF THE CITY ENGINEER AND THE CITY CLERK.

STATE OF TEXAS
COUNTY OF BEXAR

NOTICE TO THE PUBLIC

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**MINUTES
CITY COUNCIL OF
SHAVANO PARK, TEXAS
SEPTEMBER 22, 2014**

1. CALL MEETING TO ORDER

Mayor Marne called the meeting to order at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

2.1 Flag Ceremony and Pledge of Allegiance to the Flag – Boy Scout Troop 2010 –

Boy Scout Troop 2010 presented the Color Guard and followed with the Pledge of Allegiance to the Flag.

3. ROLL CALL

PRESENT:

Alderman Berrier

Mayor Pro Tem Ross

Alderman Heintzelman

Alderman Hisel

Alderman Maisel

Mayor Marne

4. CITIZENS TO BE HEARD

A number of applicants for Boards and Commissions addressed City Council regarding their willingness to serve the citizens of Shavano Park.

Two citizens addressed the Council regarding smart meters and the proposed budget.

5. CITY COUNCIL COMMENTS

City Council welcomed everyone to the meeting.

6. CONSENT AGENDA

6.1 Special City Council Meeting, August 20, 2014

6.2 City Council Meeting, August 27, 2014

6.3 Special City Council Meeting, September 9, 2014

6.4 Planning & Zoning Commission, August 6, 2014

Mayor Pro Tem Ross made a motion to approve the Consent Agenda as presented. Alderman Maisel seconded the motion.

Motion carried

7. CITY MANAGER'S REPORT – City Manager Hill

7.a Building Permit Activity Report

7.b Code Compliance Activity Report

7.c Fire Department Activity Report

7.d Municipal Court Activity Report

7.e Police Department Activity Report

7.f Public Works Activity Report

7.g Trinity Well

7.h City Monument on NW Military South City

7.i Finance Department Activity Report

City Manager Hill presented the City Manager's Report. Finance Director Feagins presented the financial reports.

Mayor Marne deviated to agenda item 9.12

9.12 Discussion / possible action – Ordinance No. O-2014-019 amending City of Shavano Park Code of Ordinances Chapter 36-1 Definitions (first reading) - City Manager

Alderman Maisel made a motion to approve Ordinance No. O-2014-019 amending City of Shavano Park Code of Ordinances Chapter 36-1 Definitions (first reading).

Mayor Pro Tem Ross seconded the motion.

Motion carried.

Mayor Marne deviated back to agenda item 8

8. PUBLIC HEARING

8.1 Public Hearing / Discussion/ possible action - Ordinance No. O-2014-018 approving and adopting a budget for the City of Shavano Park, Texas for the fiscal year beginning October 1, 2014 and ending September 30, 2015, and making appropriations for each fund and department; establishing a sinking fund for existing city financial obligations; providing for the levying and collection of a sufficient tax to pay the interest on such sinking fund obligations; repealing conflicting ordinance; providing a saving and severability clause and declaring an effective date (final reading) – City Manager

Mayor Marne opened the Public Hearing at 7:05 p.m.

Public Hearing closed at 7:06 p.m.

Mayor Pro Tem Ross made a motion to Ordinance No. O-2014-018 approving and adopting a budget for the City of Shavano Park, Texas for the fiscal year beginning October 1, 2014 and ending September 30, 2015, and making appropriations for each fund and department; establishing a sinking fund for existing city financial obligations; providing for the levying and collection of a sufficient tax to pay the interest on such sinking fund obligations; repealing conflicting ordinance; providing a saving and severability clause and declaring an effective date (final reading).

Alderman Heintzelman seconded the motion

AYES: 3 NAYS: 1 (Alderman Maisel)

Motion carried.

8.2 Public Hearing / possible action – Resolution No. R-2014- 008 approving the Crime Control & Prevention District budget for FY 2014-15

Mayor Marne opened the Public Hearing at 7:14 p.m.

Public Hearing closed at 7:15 p.m.

Mayor Pro Tem Ross made the motion to approve R-2014-008.

Alderman Hisel seconded the motion

AYES: 3 NAYS: 1 (Alderman Maisel)
Motion carried.

8.3 Public Hearing – request for annexation from Texas Ardmor Properties, LP by and through Texas Ardmor Management LLC, its General Partner owner of 1.838 acre tract of land being out of Lot 1400 of the Shavano Park Unit 16A Subdivision (13211 Huebner Rd, San Antonio, TX 78230)

Mayor Marne opened the Public Hearing at 7:16 p.m.

Public Hearing closed at 7:17 p.m.

9. REGULAR AGENDA ITEMS

9.1 Proclamation – National Night Out 2014 – Mayor Marne

Mayor Marne read the proclamation.

9.2 Recognition - Mayor Pro Tem Michele Bunting Ross and Zina Tedford, City Secretary for attending the TML Leadership Academy and being recognized as Leadership Fellows – Mayor Marne

Mayor Marne recognized Mayor Pro Tem Ross and City Secretary Tedford for their accomplishment.

9.3 Discussion / possible action – Resolution No. R-2014-009 a resolution of the City of Shavano Park, TX levying ad valorem taxes for use and support of the municipal government of the City for the fiscal year beginning October 1, 2014 and ending September 30, 2015; providing for apportioning each levy for specific purposes; and providing when taxes shall become due and when same shall become delinquent if not paid - City Manager

Alderman Maisel made the motion to approve R-2014-009 setting a total tax rate of \$0.309617 with the Maintenance & Operation rate being \$0.268916 and the Interest & Sinking rate being \$0.019188.

Mayor Pro Tem Ross seconded the motion.

Vote is as follows

| | |
|----------------------|--|
| Mayor Pro Tem Ross | -Yes |
| Alderman Heintzelman | -Yes |
| Alderman Hisel | -Yes |
| Alderman Maisel | -Yes |
| Mayor Marne | - present (only votes in event of tie) |

9.3.A. Record vote to ratify the property tax increase reflected in the FY 2014-15 budget.

| | |
|----------------------|--|
| Mayor Pro Tem Ross | - Yes |
| Alderman Heintzelman | - Yes |
| Alderman Hisel | - Yes |
| Alderman Maisel | - Yes |
| Mayor Marne | - present (only votes in event of tie) |

9.4 Discussion / possible action – Resignation of Alderman Todd Braulick

Mayor Pro Tem Ross made a point of order and asked this item be removed from the agenda.

9.5 Discussion / possible action – Appointment and administer Oath of Office to fill vacancy due to resignation of Alderman Todd Braulick for term ending May 2015 – City Council

Alderman Maisel made the motion to appoint Allan Berrier to fill the vacancy due to resignation of Alderman Todd Braulick for term ending May 2015.

Mayor Pro Tem Ross seconded the motion.

Motion carried.

Mayor Marne asked Mr. Berrier step to the front for the Oath of Office. Alderman Berrier joined City Council at the dais.

9.6 Update - Situation update involving Bexar Met 9-1-1 and CoSP homeowner - Police Chief

Chief Creed presented an update to City Council and will present additional information at a later date.

Mayor Marne read agenda items 9.7 – 9.10

Mayor Pro Tem Ross made a motion to approve the preliminary plats, Agenda items 9.7-9.10, as presented.

Alderman Maisel seconded the motion.

Motion carried.

9.7 Discussion / possible action - Preliminary plat of Lot 1811, a 1.8748-acre tract of land out of a 46.94-acre tract of land as conveyed to Rogers Shavano Park Unit 18/19, LTD and described in instrument recorded in Volume 10075, page 1609-1624 of the official public records of real property of Bexar County, TX – Southside of Loop 1604 west of N.W. Military (Bexar County Medical) –City Manager

9.8 Discussion / possible action - Preliminary plat of Lot 2, Block 15, a 1.000-acre tract of land out of a 58.20-acre tract of land as conveyed to Rogers Shavano Park Unit 17, LTD and described in instrument recorded in Volume 8194, page 1745-1761 of the official public records of real property of Bexar County, TX – Westside of Lockhill Selma north of De Zavala – City Manager

9.9 Discussion / possible action - Preliminary plat of Lot 3, Block 15, a 1.000-acre tract of land out of a 58.20-acre tract of land as conveyed to Rogers Shavano Park Unit 17, LTD and described in instrument recorded in Volume 8194, page 1745-1761 of the official public records of real property of Bexar County, TX – Westside of Lockhill Selma north of De Zavala – City Manager

9.10 Discussion / possible action - Preliminary plat of a road to be located from the northwest corner of Pond Hill north to Loop 1604 out of a 46.94-acre tract of land as conveyed to Rogers Shavano Park Unit 18/19, LTD and described in instrument recorded in Volume 10075, page 1609-1624 of the official public records of real property of Bexar County, TX – City Manager

9.11 Discussion / possible action - Status of litigation regarding Texas Ardmore Properties LP ET AL vs. Lockhill Ventures LLC, Case Number 2014-CI-10796. Possible Executive Session pursuant to Texas Government Code, Chapter §551.071, Consultation with Attorney – City Manager / City Attorney

The Open Meeting closed at 7:52 p.m.

Open Meeting reconvened at 8:27 p.m.

No action was taken on this item.

9.13 Discussion / possible action - City Council policies and ordinances regarding appointments to Boards, Commissions, Committees, Task Forces, etc. - Mayor Pro Tem Bunting Ross

Mayor Pro Tem Ross stated that she had requested this item be placed on the agenda for discussion. Discussion followed. No action was taken on this item.

9.16 Discussion / possible action – Appointments to Boards and Commissions – City Council

Water Advisory Committee –

Mayor Marne appointed T. Lee Powers to serve as Chairman

Alderman Hisel appointed Andrew Walters

Alderman Heintzelman appointed Margaret Kautz

Board of Adjustments

Appointed by the Mayor and confirmed by the City Council

Richard Miller

James McLendon

Salvador Belmares – Alternate

Charles Brame – Alternate

Investment Committee

Alderman Maisel made a motion to appoint George Fillis to the Investment Committee.

Mayor Pro Tem Ross seconded the motion.

Motion carried.

Planning & Zoning Commission

Mayor Pro –Tem Ross made a motion to appoint the following to the Planning & Zoning Commission:

Albert Aleman

Kathy Fandel

David Jauer

Konrad Kuykendall

Alderman Maisel seconded the motion.
Motion carried.

9.14 Discussion / possible action - Regarding the process for Citizen Review of the Municipal Tract Feasibility Study - Mayor Pro Tem Bunting Ross

Mayor Pro Tem Ross made a motion to move this item to the next Regular City Council meeting.
Alderman Maisel seconded the motion.
Motion carried.

9.15 Discussion / possible action - Use and allocation of STP-MM grant funds from VIA – City Manager

City Manager Hill presented City Council with an update on this item.

9.17 Discussion / possible action – Video recording of Council meetings – City Manager

City Manager Hill presented a short briefing on this item. It was the consensus of City Council that City Manager Hill solicit proposals based on courses of action 1 and 2...

9.18 Discussion / possible action – Acceptance or rejection of petition for annexation from Texas Ardmor Properties, LP by and through Texas Ardmor Management LLC, its General Partner owner of 1.838 acre tract of land being out of Lot 1400 of the Shavano Park Unit 16A Subdivision (13211 Huebner Rd, San Antonio, TX 78230). Possible Executive Session pursuant to Texas Government Code, Chapter §551.071, Consultation with Attorney – City Manager / City Attorney

Alderman Maisel made a motion to accept the petition for annexation.
Mayor Pro Tem Ross seconded the motion.
Motion carried.

10. ADJOURNMENT

Mayor Pro Tem Ross made a motion to adjourn the meeting.
Alderman Maisel seconded the motion.
The meeting adjourned at 9:26 p.m.

A. David Marne, Mayor

Zina Tedford
City Secretary

CITY COUNCIL STAFF SUMMARY

Meeting Date: December 9, 2019

Agenda item: 6.4

Prepared by: Curtis Leeth

Reviewed by: Bill Hill

AGENDA ITEM DESCRIPTION:

6.4. Approval – Ordinance No. O-2019-017 rezoning of three properties at the corner of Lockhill-Selma and Huebner Roads legally described as Lots 1813A, 1813B and 1814 of County Block 5938, Shavano Park Subdivision Unit-16A-1 from B-2 Business and Office District (Lots 1813A and 1813B) and A-2 Single Family Residential District (Lot 1814) to a single Planned Unit Development (PUD) zoning district with B-2 Business and Office base district - City Manager

X

Attachments for Reference:

- a) 6.4a Ordinance O-2019-017
- b) 6.4b Exhibit A
- c) 6.4c Sign Pictures (Fischer / Luv-n-Care)
- b) 6.4d Advanced Smile PUD Request
- c) 6.4e Advanced Smile Site Plan
- d) 6.4f Fischer Neighborhood Market PUD Request
- e) 6.4g Fischer Neighborhood Market Site Plan
- f) 6.4h Luv-n-Care PUD Request
- g) 6.4i Luv-n-Care Site Plan

BACKGROUND / HISTORY: Update: Council approved the annexation ordinance first reading at the November 25th City Council meeting with an additional amendment restricting the monument signs with electric display for Lot 1814 (Luv-n-Care) to 50 square feet in total size. Updated language is highlighted in yellow and in Ordinance O-2019-017 (attachment 6.4a). No changes have been proposed since the first approval action.

All three properties at vicinity of Huebner and Lockhill Selma have non-conforming use and are in need of rezoning. On July 17, 2019 the City received a rezoning request from B-2 to B-2 PUD from Fischer Neighborhood Market (Lot 1813B). The City has since been working with all three property owners to rezone this property in one action.

On October 15, 2019 the City received a rezoning request from Luv-n-Care (Lot 1814) from A-2 to B-2 PUD. On October 18, 2019 the City received a rezoning request from Advanced Smile Care (Lot 1813A) from B-2 to B-2 PUD. This proposed rezoning ordinance will rezone three properties to a B-2 PUD.

All three have been built and have been operating within Shavano Park and all three have non-conforming uses that exist. Luv-N-Care was built in 2000 and the property was recently annexed

into the City of Shavano Park. As a newly annexed property, the Shavano Park Code of Ordinances automatically zones all annexed property by default to A-2 Residential. The property should undergo a rezoning action to be consistent with its current use.

Advance Smile was built and the property was annexed into the City of Shavano Park in 2014. In 2015, the property was rezoned to B-2. At the time, the City considered rezoning the property into a PUD to account for non-conforming uses, but did not due to the concerns related to all three properties.

The property of Fischer's Neighborhood Market was originally annexed in 2014 and the structures were built in 2016. In 2015, the property was rezoned to B-2. At the time, the City considered rezoning the property into a PUD to account for non-conforming uses, but did not due to the concerns related to all three properties.

The construction of office or commercial buildings on all three properties would have significant challenges in meeting the City's setback and landscaping requirement.

DISCUSSION: Below are the properties and requested exceptions:

Advanced Smile Care

1. Side Setback
 - a. Exception from Chapter 36, Article VI, Table No. 6, item 8's B-2 side setback requirement of 25 feet.
 - b. Allow side setback of 18 feet.
2. Rear Setback
 - a. Exception from Chapter 36, Article VI, Table No. 6, item 8's B-2 rear setback requirement of 100 feet.
 - b. Allow rear setback of 68 feet.
3. Rear Landscape Buffer
 - a. Exception from Chapter 36, Article VI, Table No. 6, item 8's B-2 rear landscape buffer requirement of 30 feet.
 - b. Allow rear landscape buffer of 0 feet.

Fischer's Market

1. Rear setback
 - c. Exception from Chapter 36, Article VI, Table No. 6, item 8's B-2 rear setback requirement of 15 feet.
 - d. Allow rear setback of 13 feet.
2. Rear Landscape Buffer
 - c. Exception from Chapter 36, Article VI, Table No. 6, item 8's B-2 rear landscape buffer requirement of 15 feet.
 - d. Allow rear landscape buffer of 13 feet.
3. Wall Signs on Multi-tenant building

- a. Exception from Chapter 24, Article I, Sec. 24-5(4)(a) aggregate sign size limitation of 50 square feet per wall.
 - b. Allow two 125 square feet wall signs – one per wall.
- 4. Monument Sign Face
 - a. Exception from Chapter 24, Article I, Sec. 24-10(4)'s monument sign face size limitation of 50 square feet.
 - b. Allow monument sign face size of 75 square feet.
- 5. Number of Monument Signs
 - a. Exception from Chapter 24, Article I, Sec. 24-10(3)'s limitation of two monument signs for a nonresidential lot fronting two streets.
 - b. Allow up to three monument signs. The monument sign at the south west corner with Shavano Park displayed shall be limited to non-commercial messages and any change in display requires City Council approval.

Luv-N-Care

- 1. Side setback:
 - c. Exception from Chapter 36, Article VI, Table No. 6, item 8's B-2 side setback requirement of 25 feet.
 - d. Allow side setback of 14 feet.
- 2. Rear Setback:
 - a. Exception from Chapter 36, Article VI, Table No. 6, item 8's B-2 rear setback requirement of 100 feet.
 - b. Allow rear setback of 7 feet.
- 3. Rear Landscape Buffer
 - a. Exception from Chapter 36, Article VI, Table No. 6, item 8's B-2 rear landscape buffer requirement of 30 feet.
 - b. Allow rear landscape buffer of 7 feet.
- 4. Front Landscape Buffer:
 - a. Exception from Chapter 36, Article VI, Table No. 6, item 8's B-2 zoning front landscape buffer requirement of 40 feet.
 - b. Allow front landscape buffer of 0 feet.
- 5. Parking Ratio:
 - a. Exception from Chapter 36, Article VI, Table No. 6, item 8's B-2 zoning Parking Stall Ratio requirement from 1:200 square feet.
 - b. Allow up to 1:334 square feet parking stall ratio.
- 6. Monument Signs with Electric Display: Exception to allow one monument sign per entrance with electric display that otherwise conforms to the City's monument sign regulations under Chapter 24 of the City of Shavano Park Code of Ordinances.
 - a. The Monument Signs with Electric Display shall meet the following additional limitations:
 - All lighting of the monument signs shall comply with the outdoor sign lighting requirements of the City's Dark Sky regulations under Chapter 14 of the City of Shavano Park Code of Ordinances.
 - The electric display of the monument signs shall not display off-premises commercial messages other than for the business located at Lot 1814, County Block 5938, Shavano Park Subdivision Unit 16A-1.
 - The electric display of the monument signs shall be limited to 32 square feet in size. The total size of the monuments shall be limited to 50 square feet.

All requests for exceptions to the B-2 Zoning District are currently existing with either no apparent issues or no available remedies except two – detailed below.

1) **Fischer's Monument Signs.** Nooner's original sign permit and request was for 75 square feet of sign facing. This would allow for properly sized signage for gas sales and to allow additional signage for the tenant. This permit request was denied as the exception had not been approved in the original Development Agreement. The existing monument sign was built to comply with the City's monument regulations (sign face is 50 square feet), with the idea that they would secure approval in the future to build the remaining signage. The monument base was built with an extension so that, in the future, the owner could expand the sign facing to allow additional signage for the tenant (current tenant is Tri-County Meat Market). This PUD request letter asks for City Approval to expand this sign face up to 100 sq ft. Their actual requirement for approval is only 75 sq ft and therefore staff has drafted the exceptions for approval at 75 sq ft instead of 100 sq ft sign. See attached photo in the PUD request.

2) **Luv-N-Care.** Requests approval for the use of digital signage on their existing monument signs. They cite the challenges associated with communicating messages regarding current and planned activities. They cite the positive feedback and example that the City of Shavano Park is using at the City Hall monument.

Additional Discussion:

Fischer's Wall Signs. Staff also notes that the Fischer's PUD request is asking for approval of a wall sign up to 125 sq ft. The total signage area of the existing signs is approximately 85 sq ft, but the City's ordinance requires the sign area to be measured using the longest and widest points of the sign. This equates to $17.57' \times 7' = 124.25$. Also, the 50 sq ft limitation applies to multi-tenant buildings with more than one entrance. Had the building only one entrance, the building would be authorized a total sign area of 120 sq ft.

Number of Fischer's Monument Signs. Fischer's PUD request is asking for approval of three monument signs. This is because in addition to the two monument signs authorized for advertising the store, a third City of Shavano Park monument exists – built by the Nooner's as a welcome enhancement to the City.

Staff can address the remaining exceptions during the meeting.

On October 23, 2019, staff provided paper notice and mailed notices to all properties within 500 feet as required by the City of Shavano Park Code of Ordinances and state law in prep for the P&Z. At the November 6, 2019 Planning & Zoning Commission meeting the Commission recommended approval of the rezoning request but added the following conditions (in red):

For Fischer's request for 3 monument signs:

5. Number of Monument Signs
 - c. Exception from Chapter 24, Article I, Sec. 24-10(3)'s limitation of two monument signs for a nonresidential lot fronting two streets.
 - d. Allow up to three monument signs. **The monument sign at the south west corner with Shavano Park displayed shall be limited to non-commercial messages and any change in display requires City Council approval.**

For Luv-n-Care's request for two monument signs with electric display:

6. Monument Signs with Electric Display: Exception to allow one monument sign per entrance with electric display that otherwise conforms to the City's monument sign regulations under Chapter 24 of the City of Shavano Park Code of Ordinances.
 - a. **The Monument Signs with Electric Display shall meet the following additional limitations:**
 - i. **All lighting of the monument signs shall comply with the outdoor sign lighting requirements of the City's Dark Sky regulations under Chapter 14 of the City of Shavano Park Code of Ordinances.**
 - ii. **The electric display of the monument signs shall not display off-premises commercial messages other than for the business located at Lot 1814, County Block 5938, Shavano Park Subdivision Unit 16A-1.**
 - iii. **The electric display of the monument sign shall be limited to 32 square feet in size.**

On November 6, 2019, staff provided paper notice and mailed notices to all properties within 500 feet as required by the City of Shavano Park Code of Ordinances and state law in prep for the City Council meeting.

COURSES OF ACTION: Approve rezoning request by adopting Ordinance O-2019-017 as presented, propose further amendments; or alternatively decline and provide further guidance to staff.

FINANCIAL IMPACT: N/A

MOTION REQUESTED: Approve Ordinance No. O-2019-017 rezoning of three properties at the corner of Lockhill-Selma and Huebner Roads legally described as Lots 1813A, 1813B and 1814 of County Block 5938, Shavano Park Subdivision Unit-16A-1 from B-2 Business and Office District (Lots 1813A and 1813B) and A-2 Single Family Residential District (Lot 1814) to a single Planned Unit Development (PUD) zoning district with B-2 Business and Office base district (final reading).

ORDINANCE NO. O-2019-017

AN ORDINANCE REZONING THREE PROPERTIES AT THE CORNER OF LOCKHILL-SELMA AND HUEBNER ROADS LEGALLY DESCRIBED AS LOTS 1813A, 1813B AND 1814 OF COUNTY BLOCK 5938, SHAVANO PARK SUBDIVISION UNIT-16A-1 FROM B-2 BUSINESS AND OFFICE DISTRICT (LOTS 1813A AND 1813B) AND A-2 SINGLE FAMILY RESIDENTIAL DISTRICT (LOT 1814) TO A SINGLE PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT WITH B-2 BUSINESS AND OFFICE BASE DISTRICT; PROVIDING FINDING OF FACT; PROVIDING EFFECTIVE DATE; AUTHORIZING THE CITY MANAGER TO NOTE THE CHANGE ON THE OFFICIAL ZONING MAP OF THE CITY; REPEALING AND SEVERABILITY CLAUSES; PROVING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Shavano Park seeks to promote orderly land use and development within the City of Shavano Park ("City"); and

WHEREAS, Chapter 211 of Texas Local Government Code empowers the City Council of the City of Shavano Park to enact zoning regulations and provides for their administration, enforcement and amendment; and

WHEREAS, the City Council of the City of Shavano Park may authorize the creation of a planned unit development ("PUD") under Chapter 36, Section 40 of the City's Code of Ordinances; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council of the City of Shavano Park has complied with notice of a public hearing as required by the Code of Ordinances of the City of Shavano Park and Chapter 211 of the Local Government Code; and

WHEREAS, in keeping with the spirit and objectives of the area, the City Council has given due consideration to all components of said proposed zoning change and the recommendations of the Planning and Zoning Commission concerning recommended requirements, conditions and safeguards necessary to protect adjoining property; and

WHEREAS, the City Council specifically finds that the requirements specified herein are rationally related to protecting the public purposes of lessening congestion in the streets, securing the safety of its citizens from fire, panic, and other dangers, promoting the health and the general welfare of its citizens; preventing the overcrowding of land, and avoiding undue concentration of population; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Shavano Park to adopt this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHAVANO PARK, TEXAS:

SECTION I

THAT the Zoning Map of the City of Shavano Park is hereby amended by rezoning Lots 1813A, 1813B and 1814 of County Block 5938, Shavano Park Subdivision Unit-16A-1 from B-2 Business and Office District (Lots 1813A and 1813B) and A-2 Single Family Residential District (Lot 1814) to a single Planned Unit Development (PUD) zoning district with B-2 Business and Office base district, as more particularly described in the attached Exhibit "A"; and

SECTION II

THAT the Planned Unit Development (PUD) zoning district with B-2 Business and Office base district shall adopt the following development standard exceptions for Lot 1813A, County Block 5938, Shavano Park Subdivision Unit-16A-1:

1. Side Setback
 - a. Exception from Chapter 36, Article VI, Table No. 6, item 8's B-2 side setback requirement of 25 feet.
 - b. Allow side setback of 18 feet.
2. Rear Setback
 - a. Exception from Chapter 36, Article VI, Table No. 6, item 8's B-2 rear setback requirement of 100 feet.
 - b. Allow rear setback of 68 feet.
3. Rear Landscape Buffer
 - a. Exception from Chapter 36, Article VI, Table No. 6, item 8's B-2 rear landscape buffer requirement of 30 feet.
 - b. Allow rear landscape buffer of 0 feet.

SECTION III

THAT the Planned Unit Development (PUD) zoning district with B-2 Business and Office base district shall adopt the following development standard exceptions for Lot 1813B, County Block 5938, Shavano Park Subdivision Unit-16A-1:

1. Rear setback
 - c. Exception from Chapter 36, Article VI, Table No. 6, item 8's B-2 rear setback requirement of 15 feet.
 - d. Allow rear setback of 13 feet.
2. Rear Landscape Buffer
 - c. Exception from Chapter 36, Article VI, Table No. 6, item 8's B-2 rear landscape buffer requirement of 15 feet.
 - d. Allow rear landscape buffer of 13 feet.
3. Wall Signs on Multi-tenant building
 - a. Exception from Chapter 24, Article I, Sec. 24-5(4)(a) aggregate sign size limitation of 50 square feet per wall.
 - b. Allow two 125 square feet wall signs – one per wall.
4. Monument Sign Face
 - a. Exception from Chapter 24, Article I, Sec. 24-10(4)'s monument sign face size limitation of 50 square feet.
 - b. Allow monument sign face size of 75 square feet.
5. Number of Monument Signs
 - a. Exception from Chapter 24, Article I, Sec. 24-10(3)'s limitation of two monument signs for a nonresidential lot fronting two streets.
 - b. Allow up to three monument signs. The monument sign at the south west corner with Shavano Park displayed shall be limited to non-commercial messages and any change in display requires City Council approval.

SECTION IV

THAT the Planned Unit Development (PUD) zoning district with B-2 Business and Office base district shall adopt the following development standard exceptions for Lot 1814, County Block 5938, Shavano Park Subdivision Unit-16A-1:

1. Side setback:
 - c. Exception from Chapter 36, Article VI, Table No. 6, item 8's B-2 side setback requirement of 25 feet.
 - d. Allow side setback of 14 feet.
2. Rear Setback:
 - a. Exception from Chapter 36, Article VI, Table No. 6, item 8's B-2 rear setback requirement of 100 feet.

- b. Allow rear setback of 7 feet.
- 3. Rear Landscape Buffer
 - a. Exception from Chapter 36, Article VI, Table No. 6, item 8's B-2 rear landscape buffer requirement of 30 feet.
 - b. Allow rear landscape buffer of 7 feet.
- 4. Front Landscape Buffer:
 - a. Exception from Chapter 36, Article VI, Table No. 6, item 8's B-2 zoning front landscape buffer requirement of 40 feet.
 - b. Allow front landscape buffer of 0 feet.
- 5. Parking Ratio:
 - a. Exception from Chapter 36, Article VI, Table No. 6, item 8's B-2 zoning Parking Stall Ratio requirement from 1:200 square feet.
 - b. Allow up to 1:334 square feet parking stall ratio.
- 6. Monument Signs with Electric Display: Exception to allow one monument sign per entrance with electric display that otherwise conforms to the City's monument sign regulations under Chapter 24 of the City of Shavano Park Code of Ordinances.
 - a. The Monument Signs with Electric Display shall meet the following additional limitations:
 - All lighting of the monument signs shall comply with the outdoor sign lighting requirements of the City's Dark Sky regulations under Chapter 14 of the City of Shavano Park Code of Ordinances.
 - The electric display of the monument signs shall not display off-premises commercial messages other than for the business located at Lot 1814, County Block 5938, Shavano Park Subdivision Unit 16A-1.
 - The electric display of the monument sign shall be limited to 32 square feet in size. The total size of the monuments shall be limited to 50 square feet.

SECTION V

CUMULATIVE CLAUSE

That this ordinance shall be cumulative of all provisions of the City of Shavano Park, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

SECTION VI SEVERABILITY

That it is hereby declared to be the intention of the City Council of the City of Shavano Park that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

SECTION VII PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government

SECTION VIII EFFECTIVE DATE

This ordinance shall be effective upon passage and publication as required by State and Local law.

PASSED AND APPROVED on the first reading by the City Council of the City of Shavano Park this the 25th day of November, 2019.

PASSED AND APPROVED on the second reading by the City Council of the City of Shavano Park this the 9th day of December, 2019.

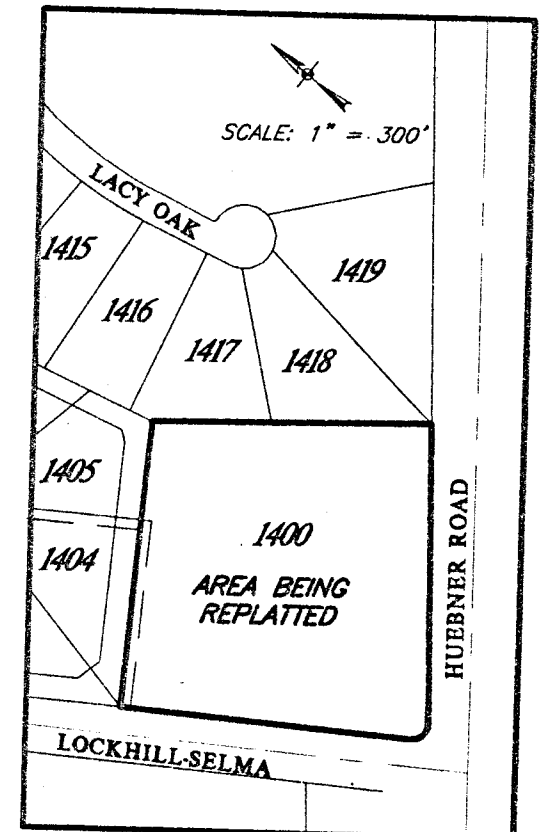
ROBERT WERNER, MAYOR

Attest:

ZINA TEDFORD, City Secretary

Doc# 246646
Book# 9553
Page# 56
Filed 12/20/01 10:55:23 PM
BERRY A. DEL TORO
COUNTY CLERK
BEXAR COUNTY
RECORDS & SURVEY
COURTHOUSE SECD

C.P.S. NOTE:
1. The City of San Antonio as part of its electric and gas system (City Public Service Board) is hereby dedicated the easements and rights-of-way for electric and gas distribution and service facilities in the areas designated on this plat as "Electric Easement," "Gas Easement," "Anchor Easement," "Service Easement," "Overhead Easement," "Utility Easement," "Access Easement," "Right-of-Way Easement," "Sewer Easement," "Drainage Easement," "Easement for the purpose of installing, 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 thereto. It is agreed and understood that no buildings, concrete aids, or walls will be placed within said easement area.
2. Any CPS monetary loss resulting from modifications required of CPS 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 alterations.
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.
4. Concrete driveway approaches are allowed within the five (5) foot wide electric and gas easements when Lots are served only by rear lot underground electric and gas facilities.
5. Roof overhangs are allowed within five (5) foot wide electric and gas easements when only underground electric and gas facilities are proposed or existing within those five (5) foot wide easements.



AREA BEING REPLATTED THROUGH PUBLIC HEARING
AREA BEING REPLATTED WAS PREVIOUSLY PLATTED AS LOT 1400, SHAVANO PARK, UNIT-16A AS RECORDED IN VOLUME 9509, PGS. 209 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.

STATE OF TEXAS
COUNTY OF BEXAR
I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT TO THE MATTERS OF STREETS, LOTS AND DRAINAGE LAYOUT.
W. R. Wood
REGISTERED PROFESSIONAL ENGINEER
NOTARY PUBLIC
BEXAR COUNTY, TEXAS
SWORN TO AND SUBSCRIBED BEFORE ME THIS 5th DAY OF December A.D. 2001
NORMA J. DEL TORO
Notary Public
STATE OF TEXAS
My Comm. Exp. 12-14-2003

STATE OF TEXAS
COUNTY OF BEXAR
THE OWNER OF THE LAND SHOWN ON THIS PLAT, AND WHOSE NAME IS SUBSCRIBED HERETO, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO THE CITY OF SHAVANO PARK, TEXAS, FOR THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, AND THE WATER AND SEWER LINES IN ALL OF THE AFORESAID PUBLIC PLACES AND ALL OTHER PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION EXPRESSLY EXPRESSED.
Lloyd A. Denton, Jr.
OWNER
Sarah E. Carrington
DULY AUTHORIZED AGENT
NOTARY PUBLIC
BEXAR COUNTY, TEXAS
BEFORE ME, THE UNDERSIGNED, AUTHORITY ON THIS DAY PERSONALLY APPEARED **Lloyd A. Denton, Jr.**, 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 5th DAY OF Dec. A.D. 2001
Sarah E. Carrington
NOTARY PUBLIC
State of Texas
Comm. Exp. 06-02-2004

THIS PLAT OF SHAVANO PARK SUBDIVISION, UNIT-16A-1 HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF SHAVANO PARK, TEXAS, AND IS HEREBY APPROVED BY SUCH PLANNING & ZONING COMMISSION.
DATED THIS 5th DAY OF DECEMBER 2001
BY: **Bruce J. Bruma**
CHAIRMAN
BY: **Brian Harrison**
CITY CLERK

THIS PLAT OF SHAVANO PARK SUBDIVISION, UNIT-16A-1 HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF SHAVANO PARK, TEXAS, AND IS HEREBY APPROVED BY SUCH CITY COUNCIL.
DATED 18th DAY OF DECEMBER A.D. 2001
BY: **Thomas Peyton**
MAYOR
BY: **Brian Harrison**
SECRETARY

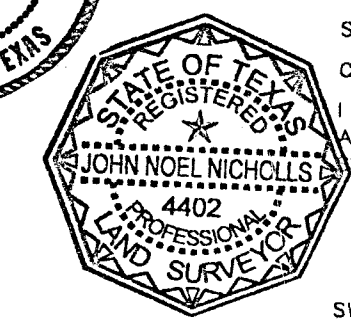
REPLAT ESTABLISHING SHAVANO PARK SUBDIVISION, UNIT-16A-1

BEING 5.000 ACRES OF LAND OUT OF LOT 1400 AS RECORDED WITH SHAVANO PARK SUBDIVISION, UNIT-16A, IN VOLUME 9509, PAGE 209-212 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.

NOTE:
No person shall commence the construction of any regulated activity until an Edwards Aquifer Protection Plan ("Water Pollution Abatement Plan" or "WPAP") or modification to an approved plan as required by 30 TAC 213.5 of the Texas Water Code, or latest revision thereof, has been filed with the appropriate regional TNRCC office, and the application has been approved by the executive director of the TNRCC.

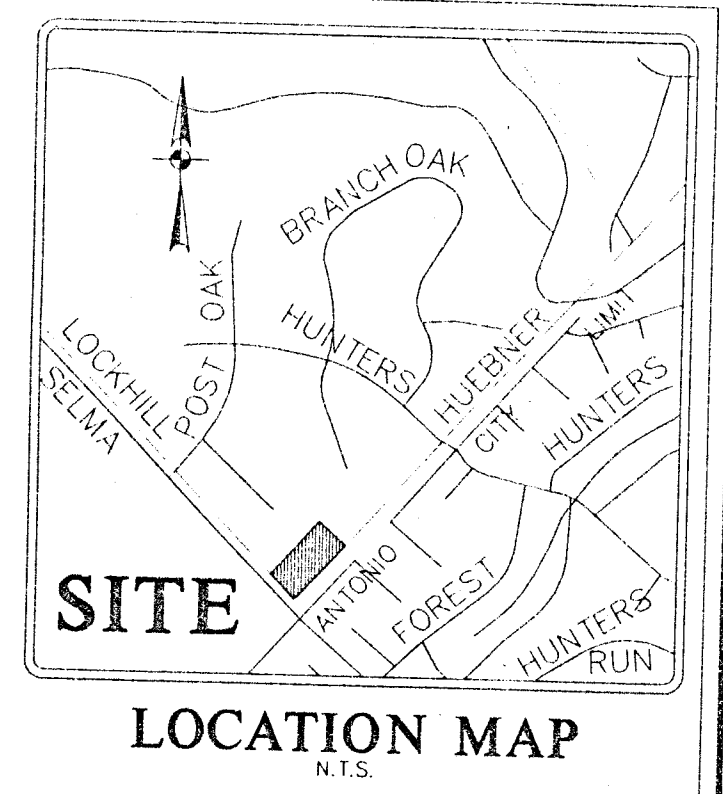
DEVELOPER:
DENTON DEVELOPMENT
11 LYNN BATTS LN., SUITE 100
SAN ANTONIO, TEXAS 78218
PHONE: 210-828-6131

PAPE-DAWSON ENGINEERS
CIVIL & ENVIRONMENTAL
555 EAST RAMSEY, SAN ANTONIO, TEXAS 78216 210-375-9000



STATE OF TEXAS
COUNTY OF BEXAR
I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND UNDER MY SUPERVISION.
Don McHenry
CITY ENGINEER

SWORN TO AND SUBSCRIBED BEFORE ME THIS 5th DAY OF December A.D. 2001
NORMA J. DEL TORO
Notary Public
STATE OF TEXAS
My Comm. Exp. 12-14-2003
COUNTY CLERK OF SAID COUNTY, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE, ON THE 23rd DAY OF Dec. A.D. 2001 AT 3:55 P.M. AND DULY RECORDED THE 23rd DAY OF Dec. A.D. 2001 AT 9:17 A.M. IN THE RECORDS OF IN BOOK VOLUME 9553 ON PAGE 56
IN TESTIMONY WHEREOF, WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE, THIS 23rd DAY OF January A.D. 2002
Alfred P. [Signature]
COUNTY CLERK, BEXAR COUNTY, TEXAS
BY: **Alfred P. [Signature]**
DEPUTY



| CURVE TABLE | | | | | |
|-------------|--------|--------|---------|--------|-------------|
| CURVE | RADIUS | LENGTH | TANGENT | CHORD | BEARING |
| C1 | 25.00' | 41.83' | 27.70' | 37.12' | S89°46'38"W |
| C2 | 55.00' | 41.61' | 21.85' | 40.62' | N26°28'59"W |

GENERAL NOTES
1. NO STRUCTURES, FENCES, WALLS OR OTHER OBSTRUCTIONS OF ANY KIND SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT. NO LANDSCAPING OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS-SECTIONS OF THE DRAINAGE EASEMENT, AS APPROVED, SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE CITY ENGINEER. THE CITY OF SHAVANO PARK AND BEXAR COUNTY PUBLIC WORKS DEPARTMENT SHALL HAVE THE RIGHT TO 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 EASEMENT.

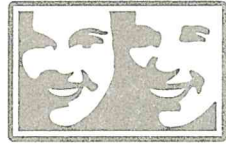
LEGEND
ELEC. = ELECTRIC
TELE. = TELEPHONE
CATV. = CABLE TELEVISION
ESMT. = EASEMENT
B.S.L. = BUILDING SETBACK LINE
F.I.R. = FOUND 1/2" IRON ROD
F.I.R.(P-D) = FOUND 1/2" IRON ROD MARKED "PAPE-DAWSON"
D.&P. = DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS
O.P.R. = OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS
D.R. = DEED RECORDS OF BEXAR COUNTY, TEXAS

NOTES:
1. 1/2" IRON ROD WITH YELLOW CAP MARKED "PAPE-DAWSON" SET AT ALL CORNERS UNLESS OTHERWISE NOTED.
2. THE BASIS OF MONUMENTATION FOR THIS PLAT ARE THOSE SHOWN FOUND.
3. THE BEARINGS FOR THIS PLAT ARE BASED ON THE PLAT OF SHAVANO PARK UNIT 16A, AS RECORDED IN VOL. 9509, PG. 209-212 OF THE DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.
4. N.A.D. 83 GRID COORDINATES WERE DERIVED FROM LONESTAR P.I.D. #AY1808 N:13731522.2197 E:2140520.8364
5. DIMENSIONS SHOWN ARE SURFACE AND THE COMBINED SCALE FACTOR USED IS 0.9998248
6. BEARINGS SHOWN MUST BE ROTATED 00°40'13" COUNTERCLOCKWISE TO MATCH N.A.D. 83.









ADVANCED SMILE CARE

Sedation • Cosmetic • General Dentistry

October 18, 2019

Mr. Bill Hill
City Manager
City of Shavano Park
900 Saddletree Court
Shavano Park, Texas 78231

RE: 3829 Lockhill-Selma Road, Shavano Park, TX 78230, County Block 5938, Lot 1813A, Shavano Park Subdivision Unit-16A-1 Rezoning Request

Mr. Hill,

Attached hereto is our requesting consideration of the proposed rezoning of County Block 5938, Lot 1813A, Shavano Park Subdivision Unit-16A-1 located at 3829 Lockhill-Selma Road within the City of Shavano Park, Texas. The requested re-zoning would change the subject development's current zoning of "B-2 Business and Office" to "B-2 Planned Unit Development."

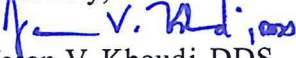
The proposed re-zoning request is made to obtain approval of exceptions to the following items outlined within the City of Shavano Park, Texas Code of Ordinances:

Chapter 36. - ZONING, ARTICLE VI, Table No. 6 Other District Setbacks and Other Limitations:

1. Minimum side setback - Exception to reduce side building setback from 25 ft to 18 ft.
2. Minimum rear setback - Exception to reduce rear building setback from 100 ft to 68 ft.
3. Minimum rear landscape buffer – Exception to rear landscape buffer to reduce from 30 ft to 0 ft.

Should there be questions or the requirement of any additional information, please feel free to contact our office.

Sincerely,


Jason V. Kboundi, DDS

JASON V. KBOUDI, DDS, PA
AND ASSOCIATES

3829 Lockhill-Selma Rd. • San Antonio, TX 78230 • 210.366.3606 • www.advancedsmilecare.com

LEGAL DESCRIPTION

A 1.043 ACRE TRACT OUT OF A 3.080 ACRE TRACT OF LAND, LOT 1813A, COUNTY BLOCK 9938, SHAVANO PARK SUBDIVISION UNIT 16A-1 RECORDED IN VOLUME ###, PAGE ##, DEED AND PLAT RECORDS, BEXAR COUNTY, TEXAS

BENCHMARKS

BM1: SQUARE 'X' ON A CONCRETE CURB TO THE NORTH CORNER OF THE LOT #26' NORTH EAST FROM AN EXISTING 1/2" CORNER IRON ROD AT ELEVATION = 986.21' SET BY KFW SURVEYING.
BM2: SQUARE 'X' ON A CONCRETE CURB TO THE EAST CORNER OF THE LOT #26' SOUTH EAST FROM AN EXISTING 1/2" CORNER IRON ROD ACROSS AN EXISTING SHARED DRIVEWAY AT ELEVATION = 991.51' SET BY KFW SURVEYING.

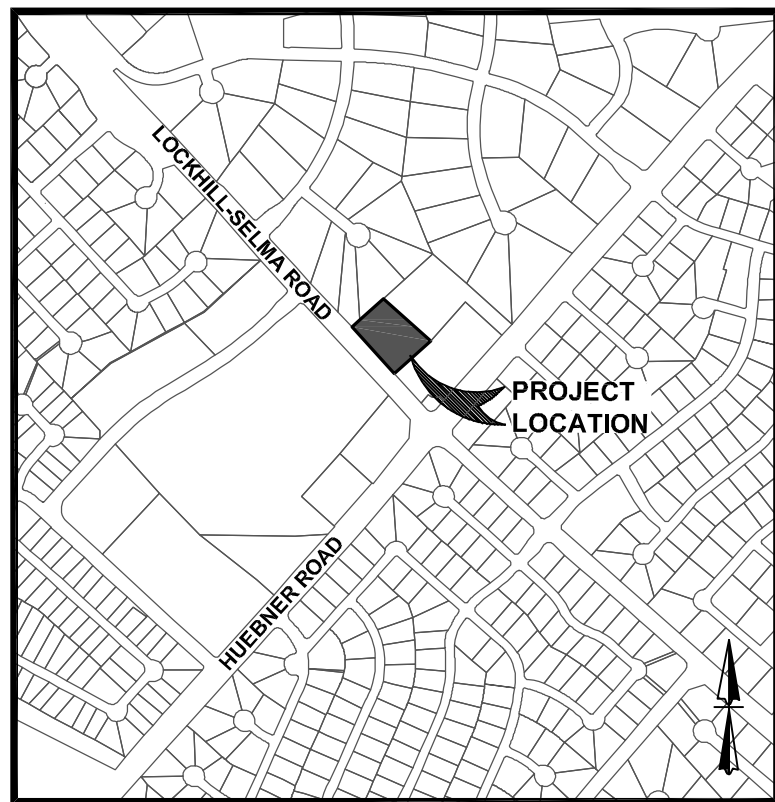
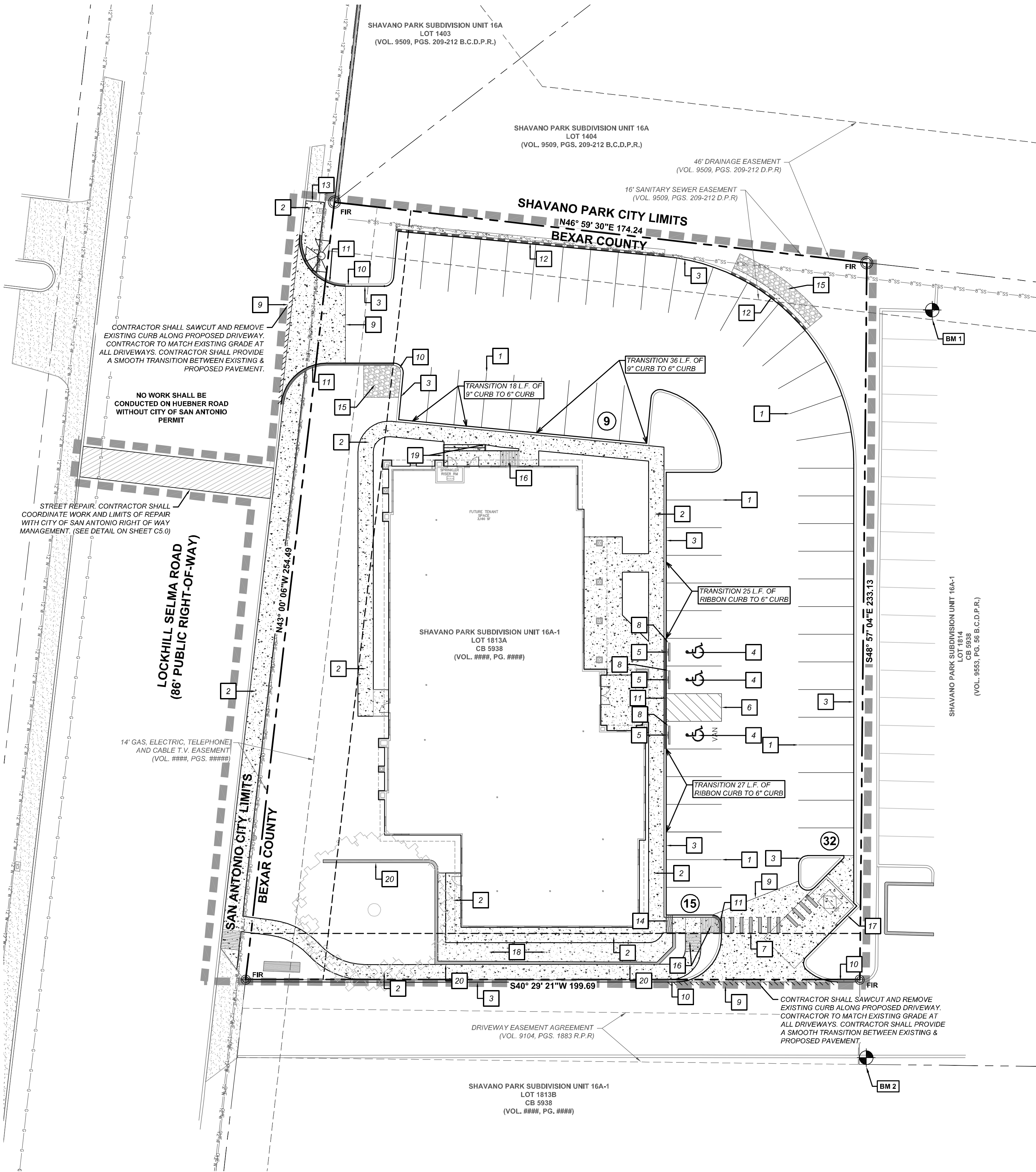
COORDINATION NOTE:

- CONTACT TWC (TIME WARNER CABLE) TO COORDINATE CABLE TV SERVICE. (210)-244-0500.
- CONFIRM REQUIREMENTS AND COORDINATE WITH CPS (CITY PUBLIC SERVICE) FOR INSPECTIONS AND CONDUIT SIZES FOR PRIMARY AND SECONDARY ELECTRICAL SERVICES. (210)-353-2256.
- CONTACT AT&T TO COORDINATE TELEPHONE SERVICE. 1-800-449-7928.
- CONTRACTOR TO COORDINATE WITH CPS (CITY PUBLIC SERVICE) TO PLAN GAS SERVICES. (210)-353-2256.
- CONTRACTOR TO COORDINATE WITH SAWS (SAN ANTONIO WATER SYSTEM) TO PLAN SANITARY SEWER AND WATER SERVICES. (210)-704-7297.
- CONTRACTOR SHALL CONTACT 1-800-DIG-TESS A MINIMUM OF 48 HOURS PRIOR TO THE START OF CONSTRUCTION.

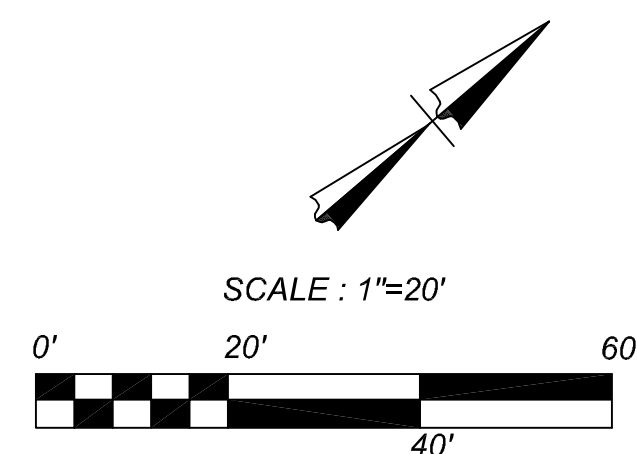
KEY NOTES

- | | |
|--|--|
| 1 TYPICAL PARKING SPACES AND PARKING STRIPES (SEE DETAIL 1/C8.0) | 12 SAW TOOTH CURB (SEE DETAIL 12/C8.0) |
| 2 PROPOSED SIDEWALK (SEE DETAIL 2/C8.0) | 13 SIDEWALK / SIDEWALK JUNCTURE (SEE DETAIL 13/C8.0) |
| 3 PROPOSED 6" CURB (SEE DETAIL 3/C8.0) | 14 2' SIDEWALK BOX (SEE DETAIL 14/C8.0) |
| 4 HANDICAP PARKING SYMBOL (SEE DETAIL 4/C8.0) | 15 6" TO 8" RIVER ROCK RUBBLE |
| 5 HANDICAP SIGN (SEE DETAIL 5/C8.0) | 16 RAMP (SEE DETAIL 16/C8.0) |
| 6 CROSS HATCH STRIPING (SEE DETAIL 6/C8.0) | 17 DUMPSTER ENCLOSURE (SEE ARCHITECTURAL PLANS FOR DETAILS.) |
| 7 CROSSWALK (SEE DETAIL 7/C8.0) | 18 PROPOSED PILOT CHANNEL (SEE GRADING PLAN FOR DETAILS.) |
| 8 WHEEL STOP (SEE DETAIL 8/C8.0) | 19 HAND RAILS (SEE ARCHITECTURAL PLANS FOR DETAILS.) |
| 9 CONCRETE/ASPHALT PAVEMENT JUNCTURE (SEE DETAIL 9/C8.0) | 20 PROPOSED WALL (SEE GRADING PLAN FOR DETAILS.) |
| 10 2' CURB TRANSITION (SEE DETAIL 10/C8.0) | |
| 11 RIBBON CURB (SEE DETAIL 11/C8.0) | |

| | |
|--|----|
| HANDICAP STALLS REQUIRED FOR 56 STALLS | 3 |
| PROPOSED PARKING STALLS | 53 |
| HANDICAP STALLS | 2 |
| HANDICAP STALLS (VAN) | 1 |
| TOTAL PARKING STALLS | 56 |



LOCATION MAP
NOT TO SCALE



LEGEND

- | | |
|---|--|
| LIMITS OF CONSTRUCTION | |
| PROPERTY LINE | |
| ADJACENT PROPERTY LINE | |
| EXISTING CURB | |
| EXISTING CONCRETE | |
| EXISTING FIRE HYDRANT | |
| EXISTING WATER VALVE | |
| EXISTING OVERHEAD ELECTRIC AND POWER POLE | |
| EXISTING GAS LINE | |
| EXISTING WATER MAIN | |
| EXISTING SANITARY SEWER MAIN | |
| EXISTING WALL | |
| EXISTING SANITARY SEWER MANHOLE | |
| EXISTING WATER METER | |
| EXISTING SIGN | |
| PROPOSED CURB | |
| PROPOSED RIBBON CURB | |
| PROPOSED SAW TOOTH CURB | |
| PROPOSED WALL | |
| PROPOSED SIDEWALK | |
| SITE BENCHMARK SEE DESCRIPTION THIS SHEET | |
| PARKING STALL COUNT | |
| EXISTING TREES, REFERENCE LANDSCAPE PLANS FOR TREE REMOVAL | |



SIA ENGINEERING, INC.

PROJECT & CONSTRUCTION MANAGEMENT • LAND DEVELOPMENT • CIVIL • SURVEYING
TBPE Firm No. F-1892 TBPLS No. F-100380-00

July 17, 2019

Mr. Bill Hill
City Manager
City of Shavano Park
900 Saddletree Court
Shavano Park, Texas 78231

**RE: 13215 Huebner Rd., Lot 1813B, CB 5938, Shavano Park Subdivision Unit 16A-1
Re-Zoning Request**

Mr. Hill,

Attached hereto is our presentation requesting administrative review and consideration of the proposed re-zoning of Lot 1813B, CB 5938, Shavano Park Subdivision Unit 16A-1 located at 13125 Huebner Rd within the City of Shavano Park, Texas. The requested re-zoning would change the subject development's current zoning of "B-2" to "B-2 Planned Unit Development".

The proposed re-zoning request is made to obtain approval of exceptions to the following items outlined within the City of Shavano Park, Texas Code of Ordinances;

- Chapter 24-SIGNS
 - 1.) Section 24-5(4) Non-Nuisance Signs in Business and Office Districts—An exception for Wall Signs from 50 sf to approximately 125 sf.
 - 2.) Section 24-10(4) Size of Monument Signs—An exception to allow Monument Sign face or insert to exceed 50 sf to approximately 100 sf.
 - 3.) Section 24-10(3) Monument Signs—An exception to allow up to 3 Monument Signs.
- Article VI TABLES, Table No. 6 Other District Setbacks and Other Limitations—An exception to the minimum rear and/or side building setback and landscape buffer distance(s). See EXHIBIT 1.

This project and these changes;

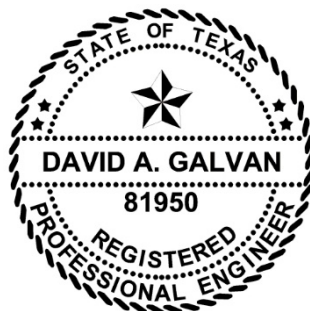
- Do not alter the basic relationships with adjacent properties.
- Allow for continued Commercial land use as exists, currently built in accordance with and as granted under the subject property's original Development Agreement dated July 9, 2014.

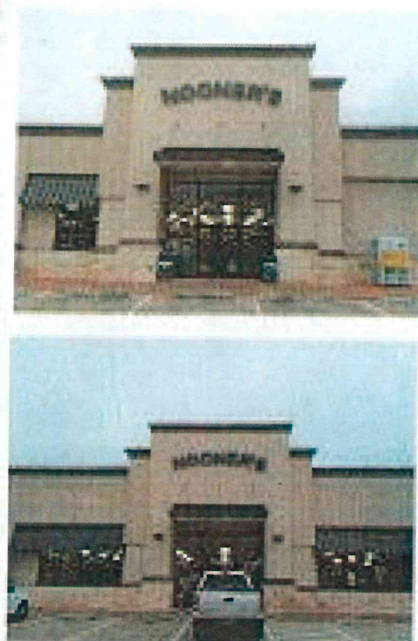
Should there be questions or the requirement of any additional information, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink, reading "David A. Galvan". The signature is fluid and cursive, with the first name "David" and last name "Galvan" clearly distinguishable.

David A. Galvan, P.E.
F-16206





Existing



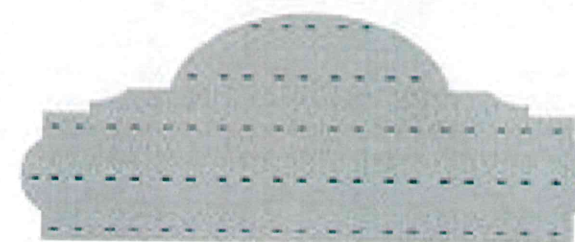
Proposed



Store Fronts 31' x 24'6"= 762.6
Sign Area 7' x 17'7"= 123.9



73 LED modules
2- 60 watt power supplies



Remove existing channel letters from building. Manufacture 1- 7'x 17' 9" single faced sign cabinet & install on store front elevation.
10"



258 TRADE CENTER DRIVE
NEW BRAUNFELS, TEXAS 78130
830.629.4411 FAX 830.629.8099
ussigns@sbcglobal.net • www.ussignsnb.com



Client Fischer's Market #45 13215 Huebner Rd, Tx.

Approval


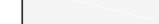
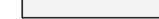

Date



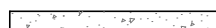


All drawings submitted are property of U.S. Signs until purchased by The Client. No alterations or distributions can be made without written consent from U.S. Signs







THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE SIGNAGE INDUSTRY. IT IS NOT A GUARANTEE OF THE MATERIAL, ELECTRICAL, COLORED, AND/OR OTHER APPLICABLE LOCAL, STATE, AND/OR FEDERAL REGULATIONS AND STANDARDS OF THE SIGN.

GENERAL NOTES

1. ALL UTILITY LOCATIONS SHOWN ARE APPROXIMATE ONLY. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE ALL THE EXISTING UTILITIES AND UTILITIES PRIOR TO ANY EXCAVATION, ANY DAMAGE TO UTILITIES WILL BE CONTRACTORS RESPONSIBILITY.
2. ALL CONSTRUCTION METHODS AND MATERIALS IF NOT SHOWN SHALL BE PER STANDARD SPECIFICATIONS OF THE CITY OF SAN ANTONIO.
3. CONTRACTOR IS TO OBTAIN ALL NECESSARY PERMITS.
4. CONTRACTOR WILL BE REQUIRED TO PROVIDE ENGINEER WITH TEST RESULTS FOR TWO EACH PASSING DESIGN CHECKS FOR SUBGRADE AND FLEXIBLE BASE TO INCLUDE PROCTOR CURVE DATA FROM A TESTING LABORATORY APPROVED BY THE ENGINEER.
5. PROVIDE A MINIMUM OF 2" CONCRETE COVER OVER ALL REINFORCING.
6. PROVIDE EXPANSION JOINTS FOR CONCRETE CURBS, SIDEWALKS AND CONCRETE PAVEMENT, CUT TO SHAPE EVERY 40' AND AT ANGLE POINTS AND RETURNS.
7. ALL REINFORCING STEEL SHALL BE ANCHORED WITH SPLICES LAPPED 40 DIAMETERS. GRADE 60 KSI.
8. ALL CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 3000 P.S.I. @ 28 DAYS, UNLESS OTHERWISE NOTED.
9. CONTRACTOR TO SECURE TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM (TPDES) STORMWATER CONSTRUCTION PERMIT FROM TCEQ.
10. FOR SITE PREPARATION AND PAVEMENT PLACEMENT, MATERIAL AND TESTING, SEE GEOTECHNICAL REPORT.
11. CONTRACTOR TO DOWEL PROPOSED SIDEWALK AND CONCRETE PAVEMENT TO CONCRETE FOUNDATION AND/OR EXISTING CONCRETE (VERIFY WITH ARCHITECTURAL AND/OR STRUCTURAL PLANS.)
12. SIDEWALK CROSS SLOPE NOT TO EXCEED 2%.
13. ANY CAR STOPS SHOWN TO BE PROVIDED AND INSTALLED WITH 2 METAL RODS FOR EACH CAR STOP AT LOCATIONS SHOWN.
14. FOR HANDICAP ACCESSIBILITY AND DETAILS. SEE ARCHITECTURAL DRAWINGS.
15. ADD SPECIALIST TO REVIEW AND APPROVE CIVIL PLANS PRIOR TO PERMITTING AND CONSTRUCTION.

| PROPOSED LEGEND (As Applicable) | | |
|---------------------------------|---|--|
| 1 |  | Proposed Building |
| 2L |  | New LIGHT Pavement |
| 2H |  | New HEAVY Pavement |
| 3 |  | Striped Pavement and Typical Handicapped Parking Detail Striping |

| | | |
|---|---|--|
| 4 |  | Landscape (See Landscape Plan) |
| 5 |  | New Concrete Sidewalk |
| 6 |  | New Concrete Curb |
| 7 |  | New Concrete Curb & Sidewalk |
| 8 |  | Typical Pavement Marking for Parking Number of Parking Spaces |

| | | |
|----|---|---|
| 9 |  | Handicapped Parking Sign |
| 10 |  | ADA Ramp |
| 11 |  | New Wheel Stop |
| 12 |  | New Concrete Dumpster Pad |
| 13 |  | New Concrete Retaining Wall (See Structural Plans) |
| 14 |  | New Concrete Header Curb |
| 15 | | New Concrete Retaining Wall |

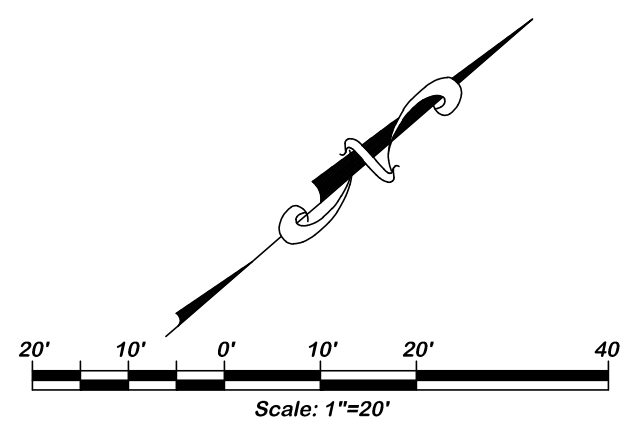
16 Bollard

17 New Sawtooth Curb

18 New Concrete Driveway

(FOR DETAILS SEE SHEET C-11)

NOTE:
OWNER / CONTRACTOR SHALL
OBTAIN / SECURE ALL PERMITS
PRIOR TO CONSTRUCTION.





Luv-n-Care

CHILD DEVELOPMENT CENTERS

October 15, 2019

Mr. Bill Hill
City Manager
City of Shavano Park
900 Saddletree Court
Shavano Park, Texas 78231

RE: 13211 Huebner Rd, Shavano Park, TX 78230, County Block 5938, Lot 1818, Shavano Park Subdivision Unit-16A-1 Rezoning Request

Mr. Hill,

Attached hereto is our requesting consideration of the proposed rezoning of County Block 5938, Lot 1818, Shavano Park Subdivision Unit-16A-1 located at 13211 Huebner Road within the City of Shavano Park, Texas. The requested re-zoning would change the subject development's current zoning of "A-2 Single-Family Residential" to "B-2 Planned Unit Development".

The proposed re-zoning request is made to obtain approval of exceptions to the following items outlined within the City of Shavano Park, Texas Code of Ordinances:

Chapter 36. - ZONING, ARTICLE VI, Table No. 6 Other District Setbacks and Other Limitations:

1. Minimum side setback - Exception to reduce side building setback from 25 ft to 14 ft.
2. Minimum rear setback - Exception to reduce rear building setback from 100 ft to 7 ft.
3. Minimum rear landscape buffer - Exception to rear landscape buffer to reduce from 100 ft to 7 ft.
4. Minimum front landscape buffer - Exception to reduce front landscape buffer from 40 ft to 0 ft.
5. Minimum parking requirement (only 44 spots of the 74 required for bldg. square footage) - Exception to reduce parking ratio from 1/200 square feet to 1/334 square feet.

Chapter 24. - SIGNS, ARTICLE I, Section 24-5. - Non-nuisance signs in business and office districts:

1. Monument Sign with Electric Display - Exception to allow one monument sign at each entrance with electric display similar to the one currently utilized by The City of Shavano Park at their municipal building that conforms with Section 24-10.

Should there be questions or the requirement of any additional information, please feel free to contact our office.

Sincerely,



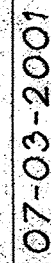
Paul Cooke

13211 Huebner Road
(210) 696-5677

21130 Gathering Oak
(210) 497-5550

6509 Griessom Road
(210) 681-4228

16081 Henderson Pass
(210) 496-0789



A0.01 SITE PLAN

OWNER'S SET
A NEW BUILDING
FOR
LUV-N-CARE
CHILD DEVELOPMENT CENTERS
HUEBNER ROAD AT LOCKHILL-SELMA ROAD
SAN ANTONIO, TEXAS



REGISTRATION EXPIRES: 2/28/02

**A NEW BUILDING FOR
LUV-N-CARE
CHILD DEVELOPMENT CENTERS
ADDRESS**



SCHOEPE / ASSOCIATES
ARCHITECTURE

WOODSTONE OAKS OFFICE CENTER
1845 IH-10 WEST, SUITE 400
SAN ANTONIO, TEXAS 78230
(210) 696-3042
(210) 696-6855 FAX

| | |
|--------|-------------|
| ET NO. | PROJECT NO. |
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SHEET HISTORY

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DRAWING NAME

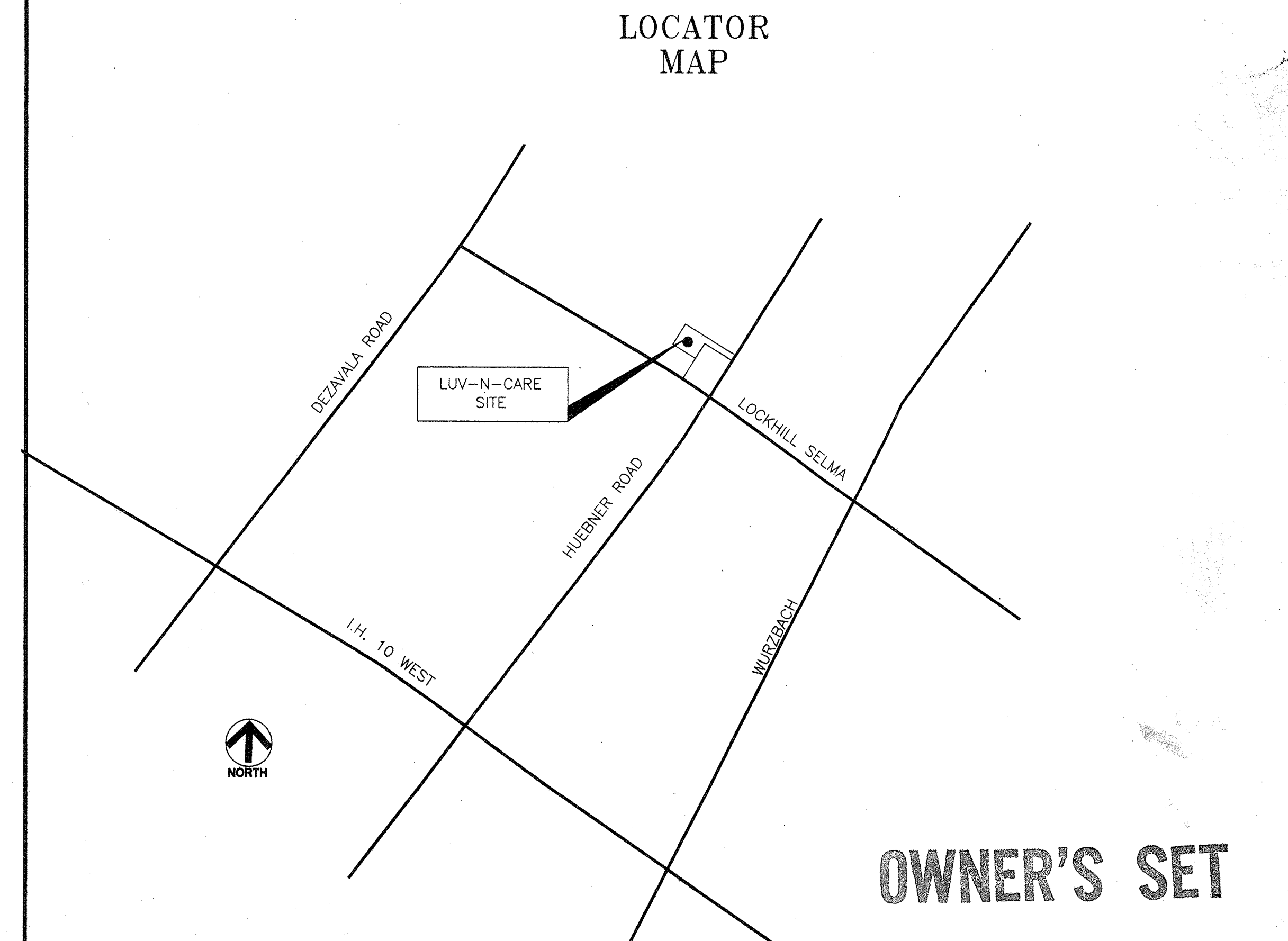
SHEET NO.

A O

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RELEASED FOR CONSTRUCTION

NOT RELEASED FOR CONSTRUCTION



OWNER'S SET

CITY COUNCIL STAFF SUMMARY

Meeting Date: December 9, 2019

Agenda item: 6.5

Prepared by: Curtis Leeth

Reviewed by: Bill Hill

AGENDA ITEM DESCRIPTION:

6.5. Approval – Ordinance No. O-2019-018 amending the City of Shavano Park Code of Ordinances, Chapters 36 - Zoning and 6 - Buildings and Building Regulations, to ensure building material regulations for residential and commercial building construction are in compliance with House Bill 2439 of the 86th Texas Legislature (final reading) - City Manager

X

Attachments for Reference:

- a) 6.5a Ordinance O-2019-018
- b) 6.5b Building Material Amend TRACK CHANGES
- c) 6.5c HB 2439

BACKGROUND / HISTORY: This summer the 86th Texas Legislature approved House Bill 2439 (attachment 6.5c) which forbid a City from adopting an ordinance which prohibits or limits the use or installation of a building material in the construction of residential or commercial buildings.

The City's masonry requirements for the exterior walls of residences and businesses under Chapter 36 – Zoning and Chapter 6 – Building and Building Regulations are therefore recommended to be amended.

DISCUSSION: Update: Council approved the annexation ordinance first reading at the November 25th City Council meeting with no additional amendments as proposed. No changes have been proposed since the first approval action.

City staff recommend that the “shall” and enforcement language for the masonry regulations be changed to City “recommends.” The only masonry enforcement available would then be in a zoning variance request. In approving that request, the Board of Adjustments could impose requirements on the exterior architectural features. An example of the proposed amendments is under Sec. 36-36 of the Zoning Code (full amendments are in attachment 6.5b):

Sec. 36-36. - A-1, A-2, A-3, A-4 and A-5 PUD Single-Family Residential Districts.

...

- (d) *Exterior architectural features.* Each new structure must possess an exterior in keeping with the residence and general atmosphere of the surrounding area.

- (1) *Exterior walls in A-1 Districts.* The City of Shavano Park recommends exterior walls of residences in areas zoned in A-1 ~~shall~~ to have a minimum of 60 percent masonry, exclusive of openings.
- (2) *Exterior walls A-2, A-3, A-4 and A-5 PUD.* The City of Shavano Park recommends exterior walls of residences ~~shall~~ to have a minimum of 75 percent masonry, exclusive of openings. Perm stone or asbestos shingles, concrete block and cinder block, and metal exterior wall coverings, are not ~~acceptable~~ recommended except that concrete and cinder blocks may be used structurally if faced with rock, brick or stucco in accordance with the International Building Code most recently adopted by the City of Shavano Park.
- (3) If a variance or other waiver from any related code, including this Chapter, is requested, exterior architectural features may be a required condition of approval.

At the November 6, 2019 Planning & Zoning Commission meeting, the Commission recommended approval of the amendments presented in Ordinance O-2019-018 (attachment 6.5a).

COURSES OF ACTION: Approve Ordinance O-2019-018, provide additional amendments; or alternatively decline and provide further guidance to staff.

FINANCIAL IMPACT: N/A

MOTION REQUESTED: Approve Ordinance No. O-2019-018 amending the City of Shavano Park Code of Ordinances, Chapters 36 - Zoning and 6 - Buildings and Building Regulations, to ensure building material regulations for residential and commercial building construction are in compliance with House Bill 2439 of the 86th Texas Legislature (final reading).

ORDINANCE NO. O-2019-018

AN ORDINANCE AMENDING THE CITY OF SHAVANO PARK CODE OF ORDINANCES, CHAPTERS 36 - ZONING AND 6 - BUILDINGS AND BUILDING REGULATIONS, TO ENSURE BUILDING MATERIAL REGULATIONS FOR RESIDENTIAL AND COMMERCIAL BUILDING CONSTRUCTION ARE IN COMPLIANCE WITH HOUSE BILL 2439 OF THE 86TH TEXAS LEGISLATURE; PROVIDING INDEMNITY FOR THE CITY; PROVIDING REPEALING AND SAVINGS CLAUSES; PROVING A TEXAS OPEN MEETINGS ACT CLAUSE; PROVIDING CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the 86th Texas Legislature passed House Bill 2439 removing the authority of cities to enforce the use of certain building materials in the construction of residential and commercial buildings and the City of Shavano Park (the "City") City Council seeks to ensure compliance with House Bill 2439; and

WHEREAS, pursuant to House Bill 2439, the City is required to amend certain regulations for the building products or materials used in the construction or renovation of residential or commercial buildings; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or policy regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to regulate zoning; and

WHEREAS, the City seeks to amend the Zoning Ordinance, Chapter 36 (this "Ordinance"); and

WHEREAS, this Ordinance must be amended to comply with House Bill 2439 in order to follow the State law of Texas; and

WHEREAS, after notice and hearing required by law, a public hearing was held before the Shavano Park Zoning and Planning Commission on November 7, 2019 to consider the proposed amendments and the Zoning and Planning Commission recommended approval of the proposed amendments; and

WHEREAS, after public hearing held by the City Council on November 25, 2019 the City Council voted to approve Ordinance O-2019-018; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Shavano Park to adopt an ordinance amending Chapter 36 – Zoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHAVANO PARK, TEXAS:

**I
CODE AMENDMENT**

Chapter 6 – BUILDING AND BUILDING REGULATIONS, Article IV. – MISCELLANEOUS CONSTRUCTION REQUIREMENTS, Sec. 6-95 of the City of Shavano Park Code of Ordinances is hereby amended to read as follows, with the elimination of struck-through text and the addition of underlined text:

Sec. 6-95. - Portable buildings.

Except in A-1 District, a single unattached portable building (movable) ~~constructed of light metal, wood or fiberglass~~ of not more than 200 square feet of area and used for storage only may be erected in the rear yard providing the building is suitably screened from adjacent property, is not used temporarily or permanently as a habitation, and is unattached to a solid foundation. The highest point of the building may not exceed 12 feet from base foundation. No portable building higher than eight feet in height measured from base foundation to the buildings highest point shall be permitted in the building setbacks. In A-1 District no more than two unattached portable buildings as described in this subsection shall be permitted. See section 36-36(h) for these regulations by zoning district. The City of Shavano Park recommends portable buildings to be constructed of light metal, wood, or fiberglass. If a variance or other waiver from any related code, including this Chapter, is requested, light metal, wood, or fiberglass construction of the building may be a required condition of approval.

II CODE AMENDMENT

Chapter 6 – BUILDING AND BUILDING REGULATIONS, Article IV. – MISCELLANEOUS CONSTRUCTION REQUIREMENTS, Sec. 6-101 of the City of Shavano Park Code of Ordinances is hereby amended to read as follows:

Sec. 6-101. - Wooden roofs.

Any residence or building to be covered with a wooden roof (shingle, shake, etc.) shall ~~shall first be covered with "CDX" plywood or material which is its equal or better~~ meet all city-adopted fire and building codes as it relates to construction of the roof.

III CODE AMENDMENT

Chapter 36 – ZONING, Article II. – DISTRICTS, Sec. 36-36(d) of the City of Shavano Park Code of Ordinances is hereby amended to read as follows:

Sec. 36-36. - A-1, A-2, A-3, A-4 and A-5 PUD Single-Family Residential Districts.

. . .

- (d) *Exterior architectural features.* Each new structure must possess an exterior in keeping with the residence and general atmosphere of the surrounding area.
- (1) *Exterior walls in A-1 Districts.* ~~Exterior walls of residences in areas zoned in A-1 shall have a minimum of 60 percent masonry, exclusive of openings. The City of Shavano Park recommends exterior walls of residences in areas zoned in A-1 to have a minimum of 60 percent masonry, exclusive of openings.~~
- (2) *Exterior walls A-2, A-3, A-4 and A-5 PUD.* ~~Exterior walls of residences shall have a minimum of 75 percent masonry, exclusive of openings. Perm stone or asbestos shingles, concrete block and cinder block, and metal exterior wall coverings, are not acceptable except that concrete and cinder blocks may be used structurally if faced with rock, brick, or stucco in accordance with the International Building Code most recently adopted by the City of Shavano Park. The City of Shavano Park recommends exterior walls of residences to have a minimum of 75 percent masonry, exclusive of openings. Perm stone or asbestos shingles, concrete block and cinder block, and metal exterior wall coverings, are not recommended except that concrete and cinder blocks may be used structurally if faced with rock, brick~~

or stucco in accordance with the International Building Code most recently adopted by the City of Shavano Park.

- (3) If a variance or other waiver from any related code, including this Chapter, is requested, exterior architectural features may be a required condition of approval.

IV CODE AMENDMENT

Chapter 36 – ZONING, Article II. – DISTRICTS, Sec. 36-37(d) of the City of Shavano Park Code of Ordinances is hereby amended to read as follows:

Sec. 36-37. - CE Single-Family Cottage Estates Residential District.

. . .

(d) *Exterior architectural features.*

- (1) Each new structure must possess an exterior in keeping with the residence and general atmosphere of the surrounding area.
- (2) Exterior walls. The City of Shavano Park recommends exterior walls of residences to have a minimum of 90 percent masonry, exclusive of openings. Perm stone or asbestos shingles, concrete block, metal panels, metal curtain walls and cinder block are not acceptable recommended except that concrete and cinder blocks may be used structurally if faced with rock, brick or stucco, in accordance with the International Building Code most recently adopted by the City.
- (3) If a variance or other waiver from any related code, including this Chapter, is requested, exterior architectural features may be a required condition of approval.

V CODE AMENDMENT

Chapter 36 – ZONING, Article II. – DISTRICTS, Sec. 36-39(b) of the City of Shavano Park Code of Ordinances is hereby amended to read as follows:

Sec. 36-39. - Business and Office Districts.

. . .

- b. *Exterior walls.* ~~Exterior walls shall have a minimum of 90 percent masonry construction of a residential character, exclusive of openings. The City of Shavano Park recommends exterior walls to have a minimum of 90 percent masonry construction of a residential character, exclusive of openings.~~ Perm stone or asbestos shingles, concrete block and cinder block are not acceptable ~~recommended~~ except that concrete and cinder blocks may be used structurally if faced with rock, brick or stucco, in accordance with the International Building Code most recently adopted by the City. If a variance or other waiver from any related code, including this Chapter, is requested, exterior architectural features may be a required condition of approval.

VI CUMULATIVE CLAUSE

That this ordinance shall be cumulative of all provisions of the City of Shavano Park, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

VII SEVERABILITY

That it is hereby declared to be the intention of the City Council of the City of Shavano Park that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

VIII PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government

IX
CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

X
EFFECTIVE DATE

This ordinance shall be effective upon passage and publication as required by State and Local law.

PASSED AND APPROVED on the first reading by the City Council of the City of Shavano Park this the 25th day of November, 2019.

PASSED AND APPROVED on the second reading by the City Council of the City of Shavano Park this the 9th day of December, 2019.

ROBERT WERNER, MAYOR

Attest:

ZINA TEDFORD, City Secretary

Chapter 36 Zoning

Sec. 36-36. - A-1, A-2, A-3, A-4 and A-5 PUD Single-Family Residential Districts.

. . .

- (d) *Exterior architectural features.* Each new structure must possess an exterior in keeping with the residence and general atmosphere of the surrounding area.
 - (1) *Exterior walls in A-1 Districts.* The City of Shavano Park recommends exterior walls of residences in areas zoned in A-1 to have a minimum of 60 percent masonry, exclusive of openings.
 - (2) *Exterior walls A-2, A-3, A-4 and A-5 PUD.* The City of Shavano Park recommends exterior walls of residences to have a minimum of 75 percent masonry, exclusive of openings. Perm stone or asbestos shingles, concrete block and cinder block, and metal exterior wall coverings, are not recommended except that concrete and cinder blocks may be used structurally if faced with rock, brick or stucco in accordance with the International Building Code most recently adopted by the City of Shavano Park.
 - (3) If a variance or other waiver from any related code, including this Chapter, is requested, exterior architectural features may be a required condition of approval.

Sec. 36-37. - CE Single-Family Cottage Estates Residential District.

. . .

- (d) *Exterior architectural features.*
 - (1) Each new structure must possess an exterior in keeping with the residence and general atmosphere of the surrounding area.
 - (2) Exterior walls. The City of Shavano Park recommends exterior walls of residences to have a minimum of 90 percent masonry, exclusive of openings. Perm stone or asbestos shingles, concrete block, metal panels, metal curtain walls and cinder block are not recommended except that concrete and cinder blocks may be used structurally if faced with rock, brick or stucco, in accordance with the International Building Code most recently adopted by the City.
 - (3) If a variance or other waiver from any related code, including this Chapter, is requested, exterior architectural features may be a required condition of approval.

Sec. 36-39. - Business and Office Districts.

. . .

- b. *Exterior walls.* The City of Shavano Park recommends exterior walls to have a minimum of 90 percent masonry construction of a residential character, exclusive of openings. Perm stone or asbestos shingles, concrete block and cinder block are not recommended except that concrete and cinder blocks may be used structurally if faced with rock, brick or stucco, in accordance with the International Building Code most recently adopted by the City. If a variance or other waiver from any related code, including this Chapter, is requested, exterior architectural features may be a required condition of approval.

Chapter 6 Buildings and Building Regulations

Sec. 6-89. - Exterior architectural features.

In areas zoned A-1, A-2, A-3, A-4, or A-5 PUD, each new structure must possess an exterior in keeping with the residence and general atmosphere of the surrounding areas. The Building Official shall have the authority to require additional sketches or studies of the exterior elevations if, in the Building Official's opinion, the plan as submitted is inadequate, incomplete or not in keeping with the setting, location, and general atmosphere.

Sec. 6-95. - Portable buildings.

Except in A-1 District, a single unattached portable building (movable) of not more than 200 square feet of area and used for storage only may be erected in the rear yard providing the building is suitably screened from adjacent property, is not used temporarily or permanently as a habitation, and is unattached to a solid foundation. The highest point of the building may not exceed 12 feet from base foundation. No portable building higher than eight feet in height measured from base foundation to the buildings highest point shall be permitted in the building setbacks. In A-1 District no more than two unattached portable buildings as described in this subsection shall be permitted. See section 36-36(h) for these regulations by zoning district. The City of Shavano Park recommends portable buildings to be constructed of light metal, wood, or fiberglass. If a variance or other waiver from any related code, including this Chapter, is requested, light metal, wood, or fiberglass construction of the building may be a required condition of approval.

Sec. 6-101. - Wooden roofs.

Any residence or building to be covered with a wooden roof (shingle, shake, etc.) shall meet all city-adopted fire and building codes as it relates to construction of the roof.

AN ACT

relating to certain regulations adopted by governmental entities for the building products, materials, or methods used in the construction or renovation of residential or commercial buildings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 10, Government Code, is amended by adding Subtitle Z to read as follows:

SUBTITLE Z. MISCELLANEOUS PROVISIONS PROHIBITING CERTAIN

GOVERNMENTAL ACTIONS

CHAPTER 3000. GOVERNMENTAL ACTION AFFECTING RESIDENTIAL AND

COMMERCIAL CONSTRUCTION

Sec. 3000.001. DEFINITIONS. In this chapter:

(1) "National model code" has the meaning assigned by Section 214.217, Local Government Code.

(2) "Governmental entity" has the meaning assigned by Section 2007.002.

Sec. 3000.002. CERTAIN REGULATIONS REGARDING BUILDING PRODUCTS, MATERIALS, OR METHODS PROHIBITED. (a) Notwithstanding any other law and except as provided by Subsection (d), a governmental entity may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that:

(1) prohibits or limits, directly or indirectly, the use or installation of a building product or material in the

1 construction, renovation, maintenance, or other alteration of a
2 residential or commercial building if the building product or
3 material is approved for use by a national model code published
4 within the last three code cycles that applies to the construction,
5 renovation, maintenance, or other alteration of the building; or

6 (2) establishes a standard for a building product,
7 material, or aesthetic method in construction, renovation,
8 maintenance, or other alteration of a residential or commercial
9 building if the standard is more stringent than a standard for the
10 product, material, or aesthetic method under a national model code
11 published within the last three code cycles that applies to the
12 construction, renovation, maintenance, or other alteration of the
13 building.

14 (b) A governmental entity that adopts a building code
15 governing the construction, renovation, maintenance, or other
16 alteration of a residential or commercial building may amend a
17 provision of the building code to conform to local concerns if the
18 amendment does not conflict with Subsection (a).

19 (c) This section does not apply to:

20 (1) a program established by a state agency that
21 requires particular standards, incentives, or financing
22 arrangements in order to comply with requirements of a state or
23 federal funding source or housing program;

24 (2) a requirement for a building necessary to consider
25 the building eligible for windstorm and hail insurance coverage
26 under Chapter 2210, Insurance Code;

27 (3) an ordinance or other regulation that regulates

outdoor lighting that is adopted for the purpose of reducing light pollution and that:

(A) is adopted by a governmental entity that is certified as a Dark Sky Community by the International Dark-Sky Association as part of the International Dark Sky Places Program; or

(B) applies to outdoor lighting within five miles of the boundary of a military base in which an active training program is conducted;

(4) an ordinance or order that:

(A) regulates outdoor lighting; and

(B) is adopted under Subchapter B, Chapter 229, Local Government Code, or Subchapter B, Chapter 240, Local Government Code;

(5) a building located in a place or area designated for its historical, cultural, or architectural importance and significance that a municipality may regulate under Section 211.003(b), Local Government Code, if the municipality:

(A) is a certified local government under the National Historic Preservation Act (54 U.S.C. Section 300101 et seq.); or

(B) has an applicable landmark ordinance that meets the requirements under the certified local government program as determined by the Texas Historical Commission;

(6) a building located in a place or area designated for its historical, cultural, or architectural importance and significance by a governmental entity, if designated before April

1 1, 2019;

2 (7) a building located in an area designated as a
3 historic district on the National Register of Historic Places;

4 (8) a building designated as a Recorded Texas Historic
5 Landmark;

6 (9) a building designated as a State Archeological
7 Landmark or State Antiquities Landmark;

8 (10) a building listed on the National Register of
9 Historic Places or designated as a landmark by a governmental
10 entity;

11 (11) a building located in a World Heritage Buffer
12 Zone; and

13 (12) a building located in an area designated for
14 development, restoration, or preservation in a main street city
15 under the main street program established under Section [442.014](#).

16 (d) A municipality that is not a municipality described by
17 Subsection (c)(5)(A) or (B) may adopt or enforce a regulation
18 described by Subsection (a) that applies to a building located in a
19 place or area designated on or after April 1, 2019, by the
20 municipality for its historical, cultural, or architectural
21 importance and significance, if the municipality has the voluntary
22 consent from the building owner.

23 (e) A rule, charter provision, ordinance, order, building
24 code, or other regulation adopted by a governmental entity that
25 conflicts with this section is void.

26 Sec. 3000.003. INJUNCTION. (a) The attorney general or an
27 aggrieved party may file an action in district court to enjoin a

1 violation or threatened violation of Section 3000.002.

2 (b) The court may grant appropriate relief.

3 (c) The attorney general may recover reasonable attorney's
4 fees and costs incurred in bringing an action under this section.

5 (d) Sovereign and governmental immunity to suit is waived
6 and abolished only to the extent necessary to enforce this chapter.

7 Sec. 3000.004. OTHER PROVISIONS NOT AFFECTED. This chapter
8 does not affect provisions regarding the installation of a fire
9 sprinkler protection system under Section 1301.551(i), Occupations
10 Code, or Section 775.045(a)(1), Health and Safety Code.

11 Sec. 3000.005. SEVERABILITY. If any provision of a rule,
12 charter provision, ordinance, order, building code, or other
13 regulation described by Section 3000.002(a) is held invalid under
14 this chapter, the invalidity does not affect other provisions or
15 applications of the rule, charter provision, ordinance, order,
16 building code, or other regulation that can be given effect without
17 the invalid provision or application, and to this end the
18 provisions of the rule, charter provision, ordinance, order,
19 building code, or other regulation are severable.

20 SECTION 2. This Act takes effect September 1, 2019.

H.B. No. 2439

President of the Senate

Speaker of the House

I certify that H.B. No. 2439 was passed by the House on April 30, 2019, by the following vote: Yeas 124, Nays 21, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2439 on May 23, 2019, by the following vote: Yeas 133, Nays 9, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2439 was passed by the Senate, with amendments, on May 19, 2019, by the following vote: Yeas 26, Nays 5.

Secretary of the Senate

APPROVED: _____

Date

Governor

CITY COUNCIL STAFF SUMMARY

Meeting Date: December 9, 2019

Agenda item: 6.6

Prepared by: Curtis Leeth

Reviewed by: Bill Hill

AGENDA ITEM DESCRIPTION:

6.6. Approval - Ordinance No. O-2019-019 amending the City of Shavano Park Code of Ordinances, Chapter 6 - Buildings and Building Regulations, to abolish the Construction Board of Appeals and Chapter 36 - Zoning, expanding who can appeal administrative decisions on projects or applications to the Zoning Board of Adjustment in compliance with House Bill 2497 of the 86th Texas Legislature (final reading) - City Manager

X

Attachments for Reference:

- a) 6.6a Ordinance O-2019-019
- b) 6.6b Board of Adjustments Amendments
- c) 6.6c HB 2497

BACKGROUND / HISTORY: This summer the 86th Texas Legislature approved House Bill 2497 (attachment 6.6c) which expands who can appeal a decision by an administrative official approving or disapproving a specific project or application.

It is recommended the City update the procedures for the Board of Adjustments to comply with HB 2497.

DISCUSSION: Update: Council approved the annexation ordinance first reading at the November 25th City Council meeting with no additional amendments as proposed. No changes have been proposed since the first approval action.

The proposed amendments closely match the language of Texas law). The proposed expanded appeals read as follows:

(a) Any of the following persons may appeal to the BOA a decision made by an administrative official that is not related to a specific application, address, or project under Chapter 36 of this Code:

(1) a person aggrieved by the decision; or

(2) any officer, department, board, or bureau of the municipality affected by the decision.

(b) Any of the following persons may appeal to the BOA a decision made by an administrative official that is related to a specific application, address, or project under Chapter 36 of the Code:

- (1) a person who filed the application that is the subject of the decision; or
- (2) a person who is the owner or representative of the owner of the property that is the subject of the decision; or
- (3) any person who is aggrieved by the decision and is the owner of real property within 200 feet of the property that is the subject of the decision; or
- (4) any officer, department, or board of the city affected by the decision.

It is possible these proposed amendments will increase the number of Board of Adjustment meetings. These proposed amendments also substantially increases the type of zoning decisions the Board can render (beyond Variances and Special Exceptions) and could include decisions outlined in our ordinances previously covered by the Construction Board of Appeals.

At the November 6, 2019 Planning & Zoning meeting, the Commission recommend approval of amendments presented in Ordinance O-2019-019 (attachment 6.6a).

After consultation with the attorney it was determined that the dissolution of the Construction Board of Appeals under Chapter 6 – Buildings and Building Regulations and moving of the Board’s authority to the Board of Adjustment is possible. Staff added the abolishment of the Construction Board of Appeals and added their authority as a new subsection Sec. 36-125(c):

(c) Appeals to the BOA may be made by a person aggrieved by the decision of the building official on the basis of alleging an error in an order, requirement, decision or determination made by the building official in the enforcement of the international and national codes and Chapter 6 of the City of Shavano Park Code of Ordinances, as it exists or may be amended.

COURSES OF ACTION: Approve Ordinance No. O-2019-019 as presented, propose additional amendments; or alternatively decline and provide further guidance to staff.

FINANCIAL IMPACT: N/A

MOTION REQUESTED: Approve Ordinance No. O-2019-019 amending the City of Shavano Park Code of Ordinances, Chapter 6 - Buildings and Building Regulations, to abolish the Construction Board of Appeals and Chapter 36 - Zoning, expanding who can appeal administrative decisions on projects or applications to the Zoning Board of Adjustment in compliance with House Bill 2497 of the 86th Texas Legislature (final reading).

ORDINANCE NO. O-2019-019

AN ORDINANCE AMENDING CHAPTER 6 – BUILDINGS AND BUILDING REGULATIONS AND CHAPTER 36 – ZONING, ARTICLE V. – BOARD OF ADJUSTMENT, THE CITY OF SHAVANO PARK CODE OF ORDINANCES TO ABOLISH THE CONSTRUCTION BOARD OF APPEALS AND PROVIDE FOR APPEALS TO THE BOARD OF ADJUSTMENT; PROVIDING A CUMULATIVE CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the 86th Texas Legislature passed House Bill 2497 to require cities to allow additional individuals to appeal zoning decisions to the board of adjustment and the City of Shavano Park (the “City”) City Council seeks to ensure compliance with House Bill 2497; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or policy regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to regulate zoning; and

WHEREAS, the City seeks to amend the Zoning Ordinance, Chapter 36 (this “Ordinance”); and

WHEREAS, this Ordinance must be amended to comply with House Bill 2497; and

WHEREAS, the City seeks to abolish the Construction Board of Appeals and move the authority to reverse or affirm, in whole or in part, or modify a Building Official's order, requirement, decision or determination from which an appeal is taken to the discretion of the Board of Adjustment; and

WHEREAS, after notice and hearing required by law, a public hearing was held before the Shavano Park Zoning and Planning Commission on November 7, 2019 to consider the proposed amendments and the Zoning and Planning Commission recommended approval of the proposed amendments; and

WHEREAS, after public hearing held by the City Council on November 25, 2019 the City Council voted to approve Ordinance O-2019-019; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Shavano Park to adopt an ordinance amending Chapter 36 – Zoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHAVANO PARK, TEXAS:

I

CODE AMENDMENT

Chapter 6 – BUILDINGS AND BUILDING REGULATIONS, Article V. – CONSTRUCTION BOARD OF APPEALS of the City of Shavano Park Code of Ordinances is hereby struck through and deleted and Sections 6-124 through 6-164 are made reserved.

ARTICLE V. - CONSTRUCTION BOARD OF APPEALS

~~Sec. 6-124.—Powers and authority.~~

~~(a)Authority. The Construction Board of Appeals may hear and decide an appeal that alleges error in an order, requirement, decision or determination made by the building official in the enforcement of the international and national codes and this chapter, as it exists or may be amended. In exercising the Board's authority herein, the Board may reverse or affirm, in whole or in part, or modify the Building Official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose, the Board has the same authority as the Building Official. The Board shall have no power to obligate the City in any manner whatsoever. The Board's finances shall be handled in the same manner as any other board of the City. The Board shall have no authority to waive any requirement contained in any of the international or national codes.~~

~~(b)Basis of decisions; vote required. In order to make a finding for the appellant, the Board must make a determination that the true intent of any of the international codes has been incorrectly interpreted by the Building Official; that a provision of the international codes, made the subject of the appeal, does not fully apply; or an equally good or better form of construction of the specific international or national code, made the subject of the appeal, is proposed. The concurring vote of four members of the Board is necessary to reverse an order, requirement, decision or determination of the Building Official.~~

~~(c)Minutes. The Board shall keep and maintain minutes of any and all proceedings held and shall submit a written report of such proceedings to the City Council not more than three weeks following each such meeting.~~

~~(d)Adoption of rules and regulations. The Board may adopt rules and regulations for the conduct of its business. All rules and regulations adopted by the Board shall be reviewed and approved by the City Council. The rules and regulations shall be consistent with and not in conflict with this chapter, the international and national codes and/or other rules and regulations prescribed by the City Council. The Board shall function according to the laws of the State, the international and national codes and the provisions of this chapter.~~

~~(e)Written decision. The Board shall render all decisions in writing to the appellant with a copy to the Building Official.~~

~~(Ord. No. 100-03-07, art. II, § 6(b), 7-17-2007)~~

~~Sec. 6-125.—Application for appeal.~~

~~The application for appeal shall be filed on a form obtained from the Building Official within 20 days after the notice was served. An application fee as established by the City Council from time to time shall be paid to the City by applicants desiring an audience before the Construction Board of Appeals.~~

~~(Ord. No. 100-03-07, art. II, § 6(c), 7-17-2007)~~

~~Sec. 6-126.—Composition.~~

~~(a)The Construction Board of Appeals shall consist of five persons appointed by the City Council. Each member shall serve for five years or until a successor has been appointed. The Board shall consist of one individual from each of the following professions or disciplines:~~

~~(1)A registered design professional with architectural experience or a builder or superintendent of building construction.~~

~~(2)A registered design professional with engineering experience.~~

~~(3)A licensed mechanical contractor.~~

~~(4)A licensed electrical contractor.~~

~~(5)A licensed plumbing contractor.~~

~~(b)Alternatively, the City Council may appoint one person who is an attorney or a licensed general contractor citizen in lieu of any of the qualified persons listed in subsection (a) of this section.~~

~~(Ord. No. 100-03-07, art. II, § 6(d), 7-17-2007; Ord. No. 100-02-11, § I, 5-17-2011)~~

~~Sec. 6-127.—Alternate members.~~

~~The City Council shall appoint two alternate members who shall be called by the Chairperson of the Construction Board of Appeals to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for Board membership and shall be appointed for five years, or until a successor has been appointed.~~

~~(Ord. No. 100-03-07, art. II, § 6(e), 7-17-2007)~~

~~Sec. 6-128.—Chairperson.~~

~~The Construction Board of Appeals shall annually select one of its members to serve as Chairperson.~~

~~(Ord. No. 100-03-07, art. II, § 6(f), 7-17-2007)~~

~~Sec. 6-129.—Disqualification of member.~~

~~A member of the Construction Board of Appeals shall not hear an appeal in which that member has a personal, professional or financial interest.~~

~~(Ord. No. 100-03-07, art. II, § 6(g), 7-17-2007)~~

~~Sec. 6-130.—Secretary.~~

~~The Chief Administrative Officer shall designate a qualified clerk to serve as Secretary to the Construction Board of Appeals. The Secretary shall file a detailed record of all proceedings in the office of the Building Official.~~

~~(Ord. No. 100-03-07, art. II, § 6(h), 7-17-2007)~~

~~Sec. 6-131.—Notice of meeting.~~

~~The Construction Board of Appeals shall meet upon notice from the Chairperson, within ten days of the filing of an appeal, or at stated periodic meetings.~~

~~(Ord. No. 100-03-07, art. II, § 6(i), 7-17-2007)~~

~~Sec. 6-132.—Open hearing.~~

~~All hearings before the Construction Board of Appeals shall be open to the public. The appellant, the appellant's representative, the Building Official and any person whose interests are affected shall be given an opportunity to be heard.~~

~~(Ord. No. 100-03-07, art. II, § 6(j), 7-17-2007)~~

~~Sec. 6-133. -- Quorum.~~

~~Four members of the Construction Board of Appeals shall constitute a quorum to conduct all business.~~

~~(Ord. No. 100-03-07, art. II, § 6(k), 7-17-2007)~~

~~Secs. 6-134~~124~~—6-164.~~ - Reserved.

II

CODE AMENDMENT

Chapter 36 – ZONING, Article V. – BOARD OF ADJUSTMENT, Section 36-125. – Appeals to the Board of Adjustment, of the City of Shavano Park Code of Ordinances is hereby amended to read as follows:

Sec. 36-125. – Appeals to the Board of Adjustment (BOA).

~~Appeals to the Board of Adjustment may be taken by any person aggrieved by the decision of an administrative official of the City or by any officer, department or board of the City affected by the decision.~~

(a) Any of the following persons may appeal to the BOA a decision made by an administrative official that is not related to a specific application, address, or project under Chapter 36 of this Code:

(1) a person aggrieved by the decision; or

(2) any officer, department, board, or bureau of the municipality affected by the decision.

(b) Any of the following persons may appeal to the BOA a decision made by an administrative official that is related to a specific application, address, or project under Chapter 36 of the Code:

(1) a person who filed the application that is the subject of the decision; or

(2) a person who is the owner or representative of the owner of the property that is the subject of the decision; or

(3) any person who is aggrieved by the decision and is the owner of real property within 200 feet of the property that is the subject of the decision; or

(4) any officer, department, or board of the city affected by the decision.

(c) Appeals to the BOA may be made by a person aggrieved by the decision of the

building official on the basis of alleging an error in an order, requirement, decision or determination made by the building official in the enforcement of the international and national codes as well as Chapter 6 of the City of Shavano Park Code of Ordinances, as it exists or may be amended.

(d) Such appeal shall be taken within a reasonable time, as provided by the rules of procedure of the Board of Adjustment, by filing in writing with the administrative official from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The administrative official from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all papers constituting the record of the action that is appealed.

Sec. 36-126. - When appeal stays all proceedings.

An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies in writing to the Board of Adjustment after notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause immediate peril to life or property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application after notice to the administrative official from whom the appeal is taken and if due cause is shown.

Sec. 36-127. – Time for notice and hearing of appeal.

The appeal must be filed not later than the 20th day after the decision has been rendered. The BOA shall make a decision on the appeal at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the date the appeal is filed. The Board of Adjustment shall fix a reasonable time for hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

Sec. 36-128. – Action on appeal.

In exercising the powers set forth in section 36-124, the Board of Adjustment may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the administrative official's order, requirement, decision, or determination appealed from and may make the correct order, requirement, decision, or determination and to that end shall have all the powers of the administrative official from whom the appeal is taken.

CUMULATIVE CLAUSE

That this ordinance shall be cumulative of all provisions of the City of Shavano Park, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

III SEVERABILITY

That it is hereby declared to be the intention of the City Council of the City of Shavano Park that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

IV PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government

V EFFECTIVE DATE

This ordinance shall be effective upon passage and publication as required by State and Local law.

PASSED AND APPROVED on the first reading by the City Council of the City of Shavano Park this the 25th day of November, 2019.

PASSED AND APPROVED on the second reading by the City Council of the City of Shavano Park this the 9th day of December, 2019.

ROBERT WERNER, MAYOR

Attest:

ZINA TEDFORD, CITY SECRETARY

CITY COUNCIL STAFF SUMMARY

Meeting Date: December 9, 2019

Agenda item: 6.7

Prepared by: Curtis Leeth

Reviewed by: Bill Hill

AGENDA ITEM DESCRIPTION:

Accept – Final Plat of Subdivision Plat Napier Park Unit-3 (Planned Unit Development), a 4.0 acre tract of land out of that 289.5 acre tract described in deed to Rogers Shavano Park Unit 18/19, LTD. – City Manager

X

Attachments for Reference:

- 1) 6.7a Final Plat
- 2) 6.7b Final Plat Checklist
- 4) 6.7c Engineer Review Letter
- 5) 6.7d Pape-Dawson Response Letter
- 5) 6.7e Napier Park PUD Map

BACKGROUND / HISTORY: On September 20, 2019 City Staff met with Pape-Dawson Engineering for a plat conference to kick-off the City staff and City Engineer *Administrative Completeness Review*.

On September 25, 2019 the City Engineer completed their administrative completeness review of the preliminary plat and provided 8 comments to be addressed before review by the Planning & Zoning Commission. On September 26, 2019 the City staff completed their administrative completeness review of the preliminary plat with no comments. On September 26, 2019 Pape-Dawson resubmitted the Preliminary Plat with City Engineer comments fully addressed.

On September 28, 2019 the Preliminary Plat was officially filed.

At the October 2, 2019 Planning & Zoning Commission meeting, the Commission approved the Preliminary Plat.

At the October 28, 2019 City Council meeting, the Council accepted the Preliminary Plat approved by the Planning & Zoning Commission.

On November 22, 2019 Pape-Dawson submitted the Final Plat to begin Administrative Review. The City Engineer and staff completed the administrative review of the Final Plat on November 26, 2019. On November 26, 2019 the Final Plat was officially filed.

On November 27, 2019 Pape-Dawson sent a response letter addressing the Engineer's comments and submitted an updated Final Plat with the easement data requested by the City Engineer.

Staff anticipates that at the December 4, 2019 Planning & Zoning Commission meeting, the Commission will approve the Final Plat.

DISCUSSION: This plat is the third plat in the Napier Park Planned Unit Development (PUD) subdivision. The property is currently zoned a PUD with a B-2 base zoning district. This preliminary plat would establish 3 new lots in Napier Park totaling 4.0 acres.

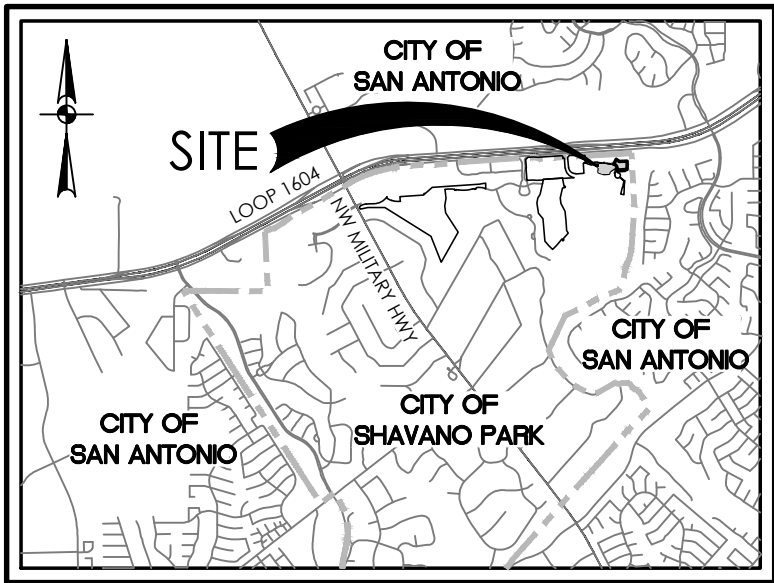
City Staff and City Engineer have expressed concerns regarding the Unit-1, Unit-2 and Unit-3 plats and their compliance with the approved PUD site map. Staff anticipates Bitterblue will submit an update of the PUD prior to Napier Park Unit-4 Plat.

COURSES OF ACTION: Accept plat as submitted.

REMINDER: The Planning & Zoning Commission is the final approval authority for all plats in the City of Shavano Park per Ordinance O-2019-012 approved by City Council at the September 23, 2019 meeting. The plat is presented to City Council for review and comment.

FINANCIAL IMPACT: N/A

MOTION REQUESTED: Accept Final Plat of Subdivision Plat Napier Park Unit-3 (Planned Unit Development), a 4.0 acre tract of land out of that 289.5 acre tract described in deed to Rogers Shavano Park Unit 18/19, LTD.



LOCATION MAP
NOT-TO-SCALE

SURVEYOR'S NOTES:

1. PROPERTY CORNERS ARE MONUMENTED WITH CAP OR DISK MARKED "PAPE-DAWSON" UNLESS NOTED OTHERWISE.
2. COORDINATES SHOWN ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (CORS 1996) FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE, DISPLAYED IN GRID VALUES DERIVED FROM THE NGS COOPERATIVE CORS NETWORK.
3. DIMENSIONS SHOWN ARE SURFACE.
4. BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (CORS 1996), FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE.

INGRESS/EGRESS:

NO STRUCTURE, FENCES, WALLS, OR OTHER OBSTRUCTIONS SHALL BE PLACED WITHIN THE LIMITS OF THE INGRESS/EGRESS EASEMENT SHOWN ON THIS PLAT.

SAWS AQUIFER:

THIS SUBDIVISION IS WITHIN THE EDWARDS AQUIFER RECHARGE ZONE. DEVELOPMENT WITHIN THIS SUBDIVISION IS SUBJECT TO CHAPTER 34, ARTICLE VI, DIVISION 6 OF THE SAN ANTONIO CITY CODE ENTITLED "AQUIFER RECHARGE ZONE AND WATERSHED PROTECTION" OR THE LATEST REVISIONS THEREOF. ANY REGULATED ACTIVITY MUST COMPLY WITH ALL FEDERAL, STATE AND LOCAL REGULATIONS RELATING TO DEVELOPMENT WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.

SAWS HIGH PRESSURE:

A PORTION OF THE TRACT IS BELOW THE GROUND ELEVATION OF 985 FEET WHERE THE STATIC PRESSURE WILL NORMALLY EXCEED 80 PSI. AT ALL SUCH LOCATIONS, THE OWNER OR BUILDER SHALL INSTALL AT EACH LOT, ON THE CUSTOMER'S SIDE OF THE METER, AN APPROVED TYPE PRESSURE REGULATOR IN CONFORMANCE WITH THE PLUMBING CODE OF THE CITY OF SAN ANTONIO.

SAWS IMPACT FEE:

WATER AND/OR WASTEWATER IMPACT FEES WERE NOT PAID AT THE TIME OF PLATTING FOR THIS PLAT. ALL IMPACT FEES MUST BE PAID PRIOR TO WATER METER SET AND/OR WASTEWATER SERVICE CONNECTION.

SAWS WASTEWATER EDU:

THE NUMBER OF WASTEWATER EQUIVALENT DWELLING UNITS (EDU'S) PAID FOR THIS SUBDIVISION PLAT ARE KEPT ON FILE UNDER THE PLAT NUMBER AT THE SAN ANTONIO WATER SYSTEM.

CPS/SAWS/COSA UTILITY:

1. THE CITY OF SAN ANTONIO AS PART OF ITS ELECTRIC, GAS, WATER, AND WASTEWATER SYSTEMS - CITY PUBLIC SERVICE BOARD (CPS ENERGY) AND SAN ANTONIO WATER SYSTEM (SAWS) - IS HEREBY DEDICATED EASEMENTS AND RIGHTS-OF-WAY FOR UTILITY, TRANSMISSION AND DISTRIBUTION INFRASTRUCTURE AND SERVICE FACILITIES IN THE AREAS DESIGNATED ON THIS PLAT AS "ELECTRIC EASEMENT," "ANCHOR EASEMENT," "SERVICE EASEMENT," "OVERHANG EASEMENT," "UTILITY EASEMENT," "GAS EASEMENT," "TRANSFORMER EASEMENT," "WATER EASEMENT," "SANITARY SEWER EASEMENT" AND/OR "RECYCLED WATER 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 AND SAWS SHALL ALSO HAVE THE RIGHT TO RELOCATE SAID INFRASTRUCTURE AND SERVICE FACILITIES WITHIN EASEMENT AND RIGHT-OF-WAY AREAS, TOGETHER 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 LANDS ALL TREES OR PARTS THEREOF, OR OTHER OBSTRUCTIONS WHICH ENDANGER OR MAY INTERFERE WITH THE EFFICIENCY OF WATER, SEWER, GAS, AND/OR ELECTRIC INFRASTRUCTURE AND SERVICE FACILITIES. NO BUILDING, STRUCTURE, CONCRETE SLABS, OR WALLS WILL BE PLACED WITHIN EASEMENT AREAS WITHOUT AN ENCROACHMENT AGREEMENT WITH THE RESPECTIVE UTILITY.
2. ANY CPS ENERGY OR SAWS MONETARY LOSS RESULTING FROM MODIFICATIONS REQUIRED OF CPS ENERGY OR SAWS 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.

BASE ZONING EXCEPTION NOTE:

THIS PLAT IS PART OF A PUD AND DOES NOT MEET THE FOLLOWING REQUIREMENTS OF THE BASE ZONING DISTRICT OF B2:
1) 36-39(2)(b); OTHER USE REQUIREMENTS. SEE TABLE NO 8;
3. VARIABLE O-1, B-1, AND B-2 ZONING DISTRICT FRONT SETBACK.
7. REDUCED O-1, B-1, AND B-2 ZONING DISTRICT REAR SETBACK.

CERTIFICATION OF CITY'S ENGINEER

THE CITY ENGINEER OF THE CITY OF SHAVANO PARK HEREBY CERTIFIES THAT THIS SUBDIVISION PLAT CONFORMS TO ALL THE SUBDIVISION REGULATIONS OF THE CITY AS TO WHICH HIS APPROVAL IS REQUIRED.

CITY ENGINEER

STATE OF TEXAS
COUNTY OF BEXAR

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 THE UNIFIED DEVELOPMENT CODE, EXCEPT FOR THOSE VARIANCES GRANTED BY THE SHAVANO PARK CITY COUNCIL.

LICENSED PROFESSIONAL ENGINEER

STATE OF TEXAS
COUNTY OF BEXAR

I HEREBY CERTIFY THAT THE ABOVE PLAT CONFORMS TO THE MINIMUM STANDARDS SET FORTH BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND BY: PAPE-DAWSON ENGINEERS, INC.

REGISTERED PROFESSIONAL LAND SURVEYOR

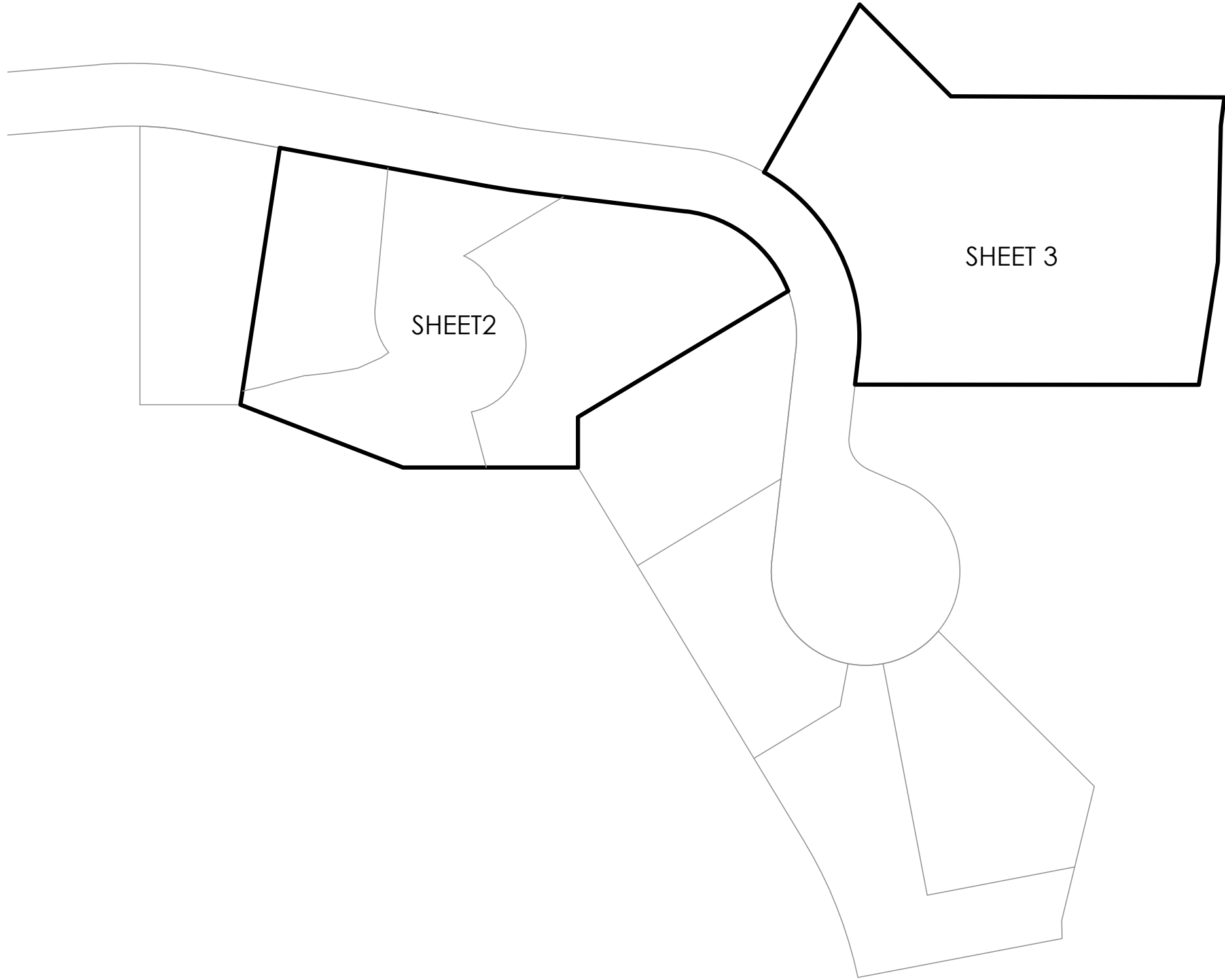
LEGEND

- DPR DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS
- OPR OFFICIAL PUBLIC RECORDS (OFFICIAL PUBLIC RECORDS OF REAL PROPERTY) OF BEXAR COUNTY, TEXAS
- PR PLAT RECORDS OF BEXAR COUNTY, TEXAS
- (PUD) PLANNED UNIT DEVELOPMENT
- CB COUNTY BLOCK
- (SURVEYOR) FOUND 1/2" IRON ROD (UNLESS NOTED OTHERWISE)
- O SET 1/2" IRON ROD
- 1140 EXISTING CONTOURS
- 1140 PROPOSED CONTOURS
- 3 10' GAS, ELECTRIC, TELEPHONE AND CABLE TV EASEMENT
- 11 10' BUILDING SETBACK LINE
- 12 28' ELECTRIC, TELEPHONE AND CABLE TV EASEMENT

- 1 VARIABLE WIDTH GAS, ELECTRIC, TELEPHONE, CATV AND WATER EASEMENT (VOLUME 10010, PAGES 292-297 OPR)
- 2 16' WATER EASEMENT (SHAVANO PARK, UNIT-19B PHASE V (PUD) (VOLUME 9706, PAGES 45-46 DPR)
- 3 VARIABLE WIDTH SANITARY SEWER EASEMENT (VOLUME 9811, PAGES 1861-1872 OPR)
- 4 VARIABLE WIDTH GAS, ELECTRIC, TELEPHONE, CATV AND WATER EASEMENT (VOLUME 10010, PAGES 312-319 OPR)
- 5 VARIABLE WIDTH SANITARY SEWER EASEMENT (VOLUME 11465, PAGE 1216-1222 OPR)
- 6 16' WATER EASEMENT (SHAVANO PARK, UNIT-19B PHASE V (PUD) (VOLUME 9706, PAGES 45-46 DPR)

LOT 25 CB 4787 NOTE:

LOT 25 CB 4787 IS CONSIDERED A VARIABLE WIDTH DRAINAGE EASEMENT AND IS NOT A BUILDABLE LOT.

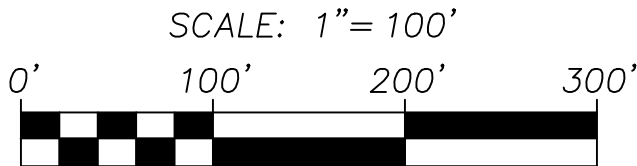


| LINE TABLE | | |
|------------|-------------|--------|
| LINE # | BEARING | LENGTH |
| L1 | S04°11'53"E | 40.17' |
| L2 | S51°34'36"W | 7.19' |
| L3 | S61°45'07"W | 20.25' |
| L4 | S74°22'43"W | 8.93' |
| L5 | S76°59'20"W | 16.09' |
| L6 | S79°36'00"W | 18.58' |
| L7 | S71°55'07"W | 20.57' |
| L8 | S69°19'47"W | 11.12' |
| L9 | S73°07'09"W | 18.61' |
| L10 | N04°29'37"E | 10.93' |
| L11 | S87°21'09"E | 22.84' |
| L12 | S19°13'07"E | 45.83' |
| L13 | S02°46'36"W | 22.59' |
| L14 | N02°17'14"E | 21.81' |

| CURVE TABLE | | | | | |
|-------------|---------|------------|---------------|---------|---------|
| CURVE # | RADIUS | DELTA | CHORD BEARING | CHORD | LENGTH |
| C1 | 625.00' | 003°35'45" | S85°33'16"E | 39.22' | 39.22' |
| C2 | 100.00' | 062°06'00" | S56°18'09"E | 103.16' | 108.38' |
| C3 | 50.00' | 043°15'28" | S21°21'05"E | 36.86' | 37.75' |
| C4 | 50.00' | 039°52'35" | S49°49'33"E | 34.10' | 34.80' |
| C5 | 50.00' | 015°23'22" | S45°58'09"E | 13.39' | 13.43' |
| C6 | 50.00' | 084°07'55" | S09°30'10"E | 67.00' | 73.42' |
| C7 | 50.00' | 048°18'08" | S50°39'40"W | 40.91' | 42.15' |
| C8 | 150.00' | 066°50'42" | N31°08'07"W | 165.24' | 175.00' |

SUBDIVISION PLAT
OF
NAPIER PARK, UNIT-3 (PUD)

A 3.44 ACRE TRACT OF LAND OUT OF A 289.5 ACRE TRACT DESCRIBED IN DEED TO ROGERS SHAVANO PARK UNIT 18/19, LTD, RECORDED IN VOLUME 12007, PAGE 2490, OF THE OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS, IN THE CITY OF SHAVANO PARK, BEXAR COUNTY, TEXAS, OUT OF THE REFUGIO VARGAS, SURVEY NUMBER 80, ABSTRACT NUMBER 781, IN COUNTY BLOCK 4787 OF BEXAR COUNTY, TEXAS.



PAPE-DAWSON ENGINEERS

SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS
2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000
TBPE FIRM REGISTRATION #470 | TBPLS FIRM REGISTRATION #10028800
DATE OF PREPARATION: November 27, 2019

STATE OF TEXAS
COUNTY OF BEXAR

THE OWNER OF LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO THE USE OF THE PUBLIC, EXCEPT AREAS IDENTIFIED AS PRIVATE OR PART OF AN ENCLAVE OR PLANNED UNIT DEVELOPMENT, FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

OWNER/DEVELOPER: LLOYD A. DENTON, JR.
ROGERS SHAVANO PARK UNIT 18/19, LTD.
11 LYNN BATTS LANE, SUITE 100
SAN ANTONIO, TEXAS 78218
(210) 828-6131

STATE OF TEXAS
COUNTY OF BEXAR

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED **LLOYD A. DENTON, JR.**, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE/ SHE/ IT 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 _____, A.D. 20____.

NOTARY PUBLIC, BEXAR COUNTY, TEXAS

THIS PLAT OF _____ **NAPIER PARK, UNIT-3** _____ HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SHAVANO PARK, TEXAS, AND IS HEREBY APPROVED BY SUCH PLANNING AND ZONING COMMISSION.

DATED: THIS THE _____ DAY OF _____, A.D. 20____.

BY: _____
CHAIRMAN

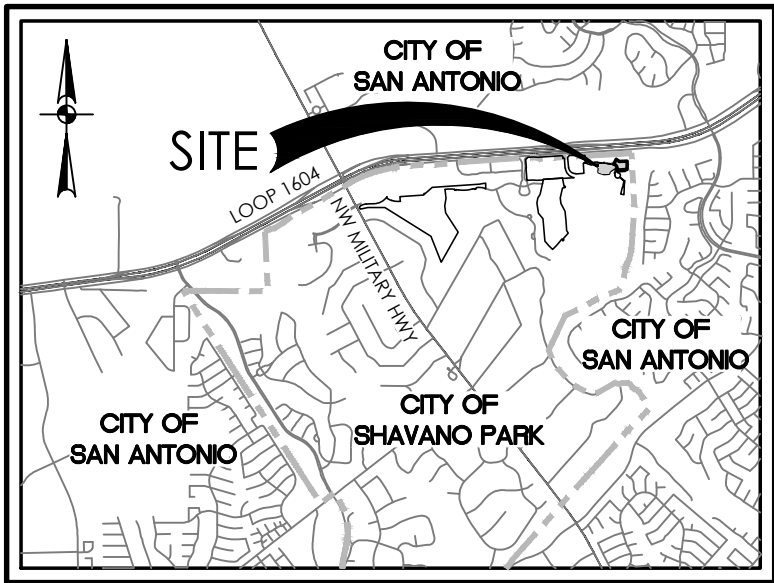
BY: _____
CITY CLERK

THIS PLAT OF _____ **NAPIER PARK, UNIT-3** _____ HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF SHAVANO PARK, TEXAS, AND IS HEREBY APPROVED BY SUCH CITY COUNCIL.

DATED: THIS _____ DAY OF _____, A.D. 20____.

BY: _____
MAYOR

BY: _____
CITY CLERK



LOCATION MAP
NOT-TO-SCALE

SAWS IMPACT FEE:

WATER AND/OR WASTEWATER IMPACT FEES WERE NOT PAID AT THE TIME OF PLATTING FOR THIS PLAT. ALL IMPACT FEES MUST BE PAID PRIOR TO WATER METER SET AND/OR WASTEWATER SERVICE CONNECTION.

SAWS WASTEWATER EDU:

THE NUMBER OF WASTEWATER EQUIVALENT DWELLING UNITS (EDU'S) PAID FOR THIS SUBDIVISION PLAT ARE KEPT ON FILE UNDER THE PLAT NUMBER AT THE SAN ANTONIO WATER SYSTEM.

CPS/SAWS/COSA UTILITY:

1. THE CITY OF SAN ANTONIO AS PART OF ITS ELECTRIC, GAS, WATER, AND WASTEWATER SYSTEMS - CITY PUBLIC SERVICE BOARD (CPS ENERGY) AND SAN ANTONIO WATER SYSTEM (SAWS) - IS HEREBY DEDICATED EASEMENTS AND RIGHTS-OF-WAY FOR UTILITY, TRANSMISSION AND DISTRIBUTION INFRASTRUCTURE AND SERVICE FACILITIES IN THE AREAS DESIGNATED ON THIS PLAT AS "ELECTRIC EASEMENT," "ANCHOR EASEMENT," "SERVICE EASEMENT," "OVERHANG EASEMENT," "UTILITY EASEMENT," "GAS EASEMENT," "TRANSFORMER EASEMENT," "WATER EASEMENT," "SANITARY SEWER EASEMENT" AND/OR "RECYCLED WATER 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 AND SAWS SHALL ALSO HAVE THE RIGHT TO RELOCATE SAID INFRASTRUCTURE AND SERVICE FACILITIES WITHIN EASEMENT AND RIGHT-OF-WAY AREAS, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER GRANTORS ADJACENT LANDS FOR THE PURPOSE OF ACCESSING SUCH INFRASTRUCTURE AND SERVICE FACILITIES 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 WATER, SEWER, GAS, AND/OR ELECTRIC INFRASTRUCTURE AND SERVICE FACILITIES. NO BUILDING, STRUCTURE, CONCRETE SLABS, OR WALLS WILL BE PLACED WITHIN EASEMENT AREAS WITHOUT AN ENCROACHMENT AGREEMENT WITH THE RESPECTIVE UTILITY.

2. ANY CPS ENERGY OR SAWS MONETARY LOSS RESULTING FROM MODIFICATIONS REQUIRED OF CPS ENERGY OR SAWS 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.

CERTIFICATION OF CITY'S ENGINEER

THE CITY ENGINEER OF THE CITY OF SHAVANO PARK HEREBY CERTIFIES THAT THIS SUBDIVISION PLAT CONFORMS TO ALL THE SUBDIVISION REGULATIONS OF THE CITY AS TO WHICH HIS APPROVAL IS REQUIRED.

CITY ENGINEER

STATE OF TEXAS
COUNTY OF BEXAR

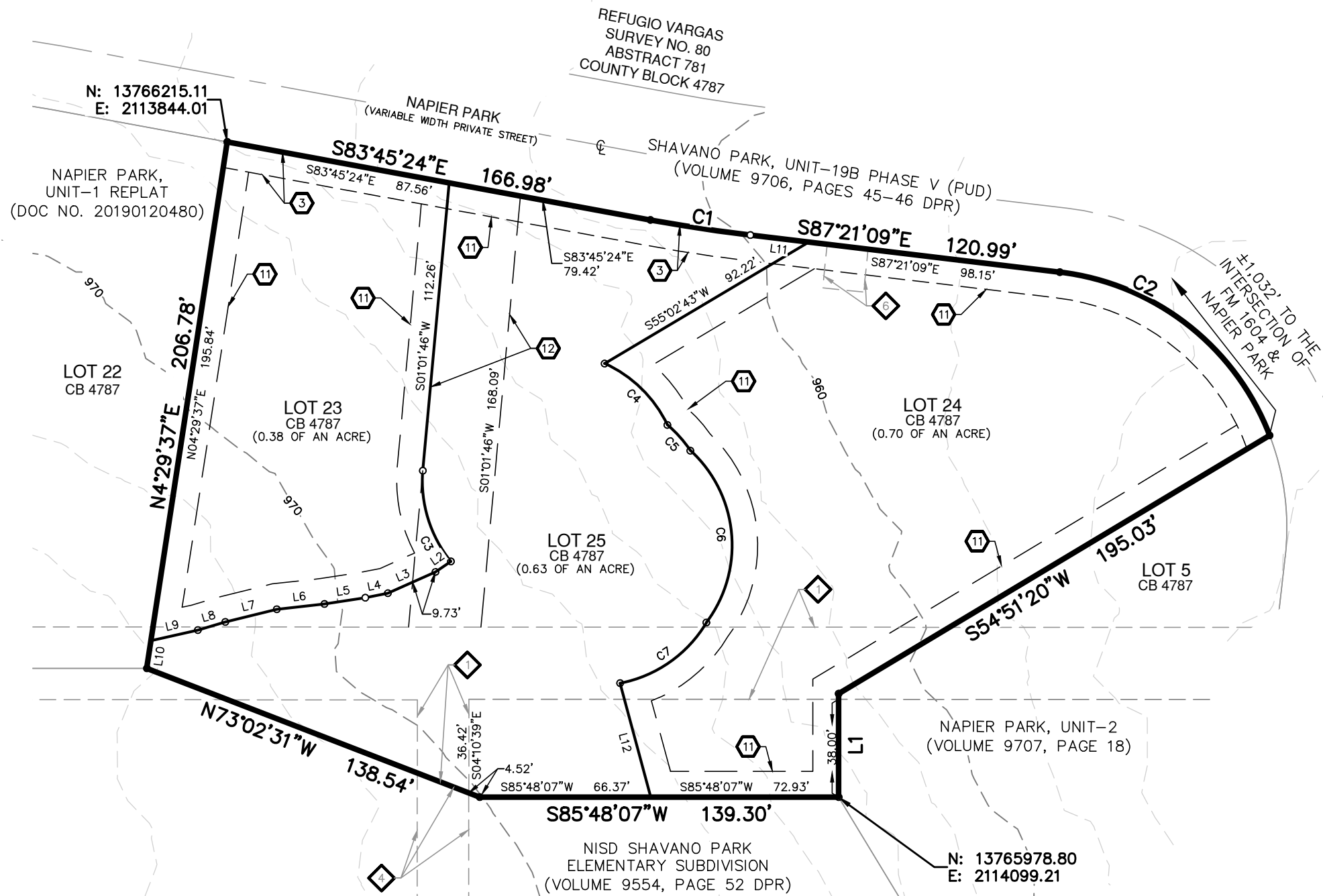
I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT TO THE MATTERS OF STREETS, LOTS AND DRAINAGE LAYOUT. TO THE BEST OF MY KNOWLEDGE THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE, EXCEPT FOR THOSE VARIANCES GRANTED BY THE SHAVANO PARK CITY COUNCIL.

LICENSED PROFESSIONAL ENGINEER

STATE OF TEXAS
COUNTY OF BEXAR

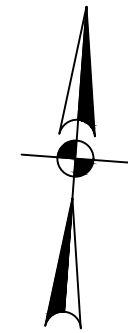
I HEREBY CERTIFY THAT THE ABOVE PLAT CONFORMS TO THE MINIMUM STANDARDS SET FORTH BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND BY: PAPE-DAWSON ENGINEERS, INC.

REGISTERED PROFESSIONAL LAND SURVEYOR



SUBDIVISION PLAT
OF
NAPIER PARK, UNIT-3 (PUD)

A 3.44 ACRE TRACT OF LAND OUT OF A 289.5 ACRE TRACT DESCRIBED IN DEED TO ROGERS SHAVANO PARK UNIT 18/19, LTD, RECORDED IN VOLUME 12007, PAGE 2490, OF THE OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS, IN THE CITY OF SHAVANO PARK, BEXAR COUNTY, TEXAS, OUT OF THE REFUGIO VARGAS, SURVEY NUMBER 80, ABSTRACT NUMBER 781, IN COUNTY BLOCK 4787 OF BEXAR COUNTY, TEXAS.



SCALE: 1"= 50'
0' 50' 100' 150'

**PAPE-DAWSON
ENGINEERS**

SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS
2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000
TBPE FIRM REGISTRATION #470 | TBPLS FIRM REGISTRATION #10028800
DATE OF PREPARATION: November 27, 2019

STATE OF TEXAS
COUNTY OF BEXAR

THE OWNER OF LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO THE USE OF THE PUBLIC, EXCEPT AREAS IDENTIFIED AS PRIVATE OR PART OF AN ENCLAVE OR PLANNED UNIT DEVELOPMENT, FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

OWNER/DEVELOPER: LLOYD A. DENTON, JR.
ROGERS SHAVANO PARK UNIT 18/19, LTD.
11 LYNN BATTS LANE, SUITE 100
SAN ANTONIO, TEXAS 78218
(210) 828-6131

STATE OF TEXAS
COUNTY OF BEXAR

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED LLOYD A. DENTON, JR., 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 _____, A.D. 20 ____.

NOTARY PUBLIC, BEXAR COUNTY, TEXAS

THIS PLAT OF NAPIER PARK, UNIT-3 HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SHAVANO PARK, TEXAS, AND IS HEREBY APPROVED BY SUCH PLANNING AND ZONING COMMISSION.

DATED: THIS THE ____ DAY OF _____, A.D. 20 ____.

BY: _____
CHAIRMAN

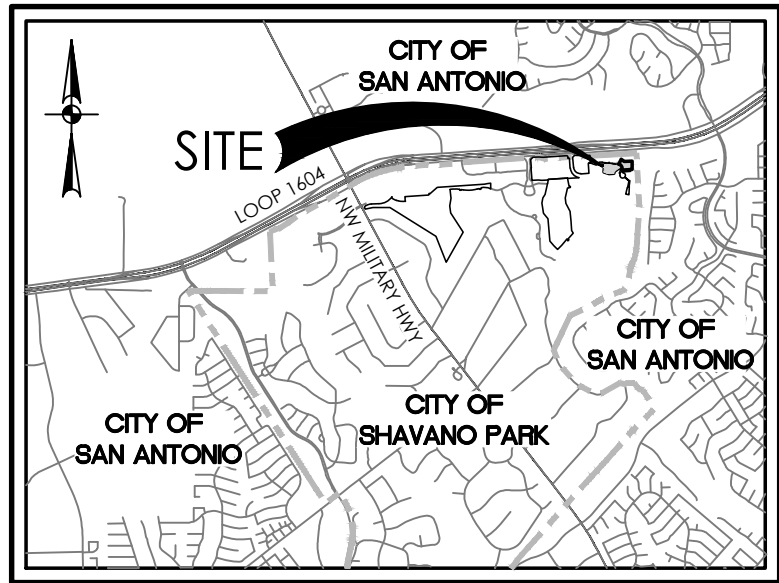
BY: _____
CITY CLERK

THIS PLAT OF NAPIER PARK, UNIT-3 HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF SHAVANO PARK, TEXAS, AND IS HEREBY APPROVED BY SUCH CITY COUNCIL.

DATED: THIS ____ DAY OF _____, A.D. 20 ____.

BY: _____
MAYOR

BY: _____
CITY CLERK



LOCATION MAP
NOT-TO-SCALE

SAWS IMPACT FEE:

WATER AND/OR WASTEWATER IMPACT FEES WERE NOT PAID AT THE TIME OF PLATTING FOR THIS PLAT. ALL IMPACT FEES MUST BE PAID PRIOR TO WATER METER SET AND/OR WASTEWATER SERVICE CONNECTION.

SAWS WASTEWATER EDU:

THE NUMBER OF WASTEWATER EQUIVALENT DWELLING UNITS (EDU'S) PAID FOR THIS SUBDIVISION PLAT ARE KEPT ON FILE UNDER THE PLAT NUMBER AT THE SAN ANTONIO WATER SYSTEM.

CPS/SAWS/COSA UTILITY:

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CITY ENGINEER

STATE OF TEXAS
COUNTY OF BEXAR

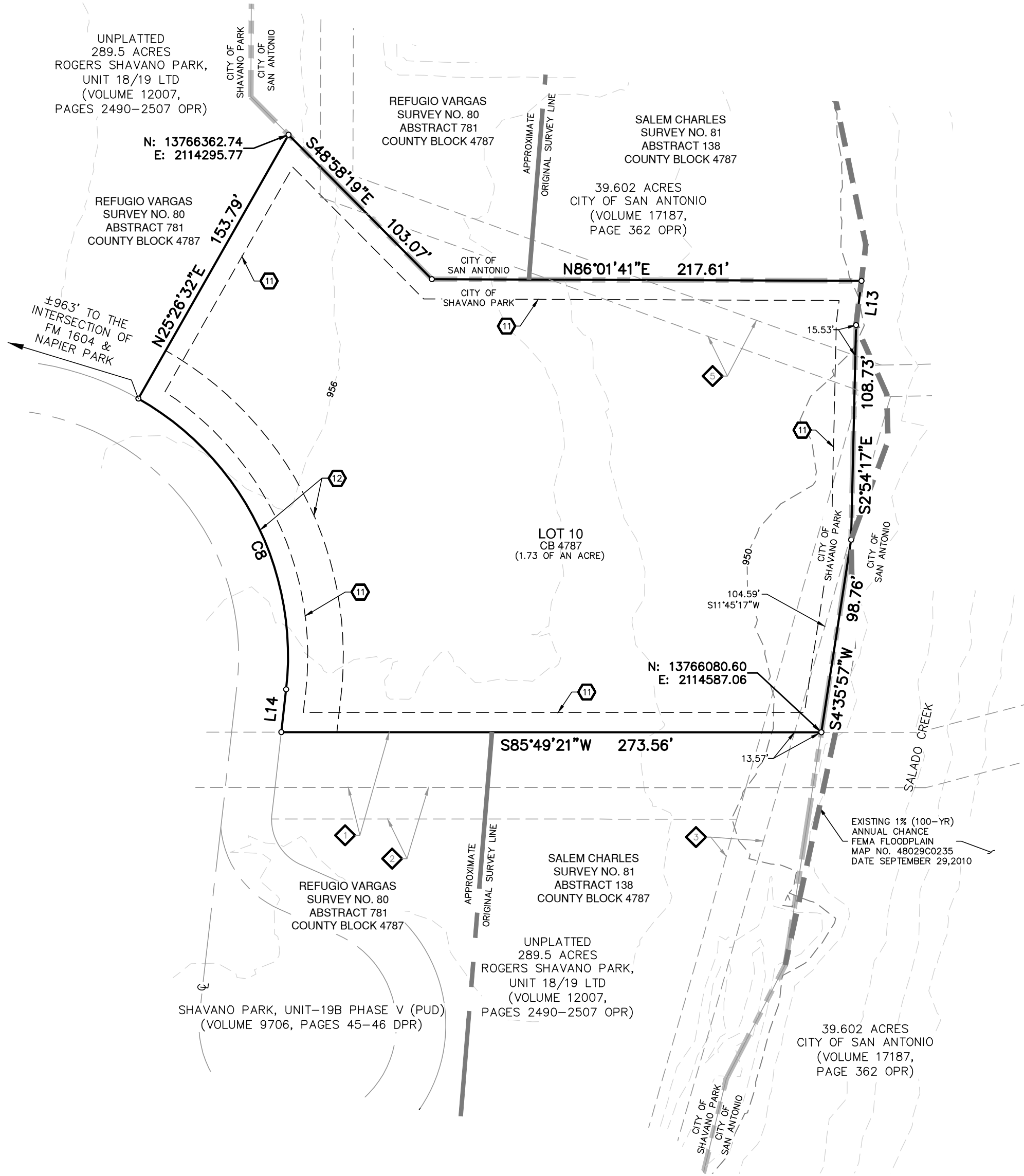
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LICENSED PROFESSIONAL ENGINEER

STATE OF TEXAS
COUNTY OF BEXAR

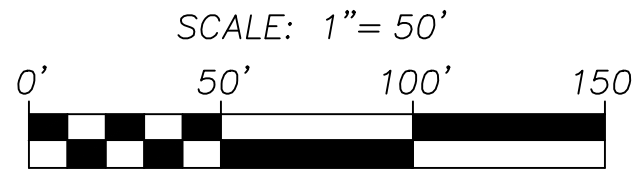
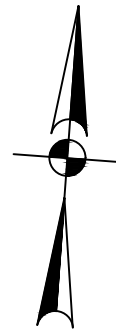
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SUBDIVISION PLAT
OF
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**PAPE-DAWSON
ENGINEERS**

SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS
2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000
TBP E FIRM REGISTRATION #470 | TBP L S FIRM REGISTRATION #10028800
DATE OF PREPARATION: November 27, 2019

STATE OF TEXAS
COUNTY OF BEXAR

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OWNER/DEVELOPER: LLOYD A. DENTON, JR.
ROGERS SHAVANO PARK UNIT 18/19, LTD.
11 LYNN BATTS LANE, SUITE 100
SAN ANTONIO, TEXAS 78218
(210) 828-6131

STATE OF TEXAS
COUNTY OF BEXAR

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED **LLOYD A. DENTON, JR.**, 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 _____, A.D. 20 ____.

NOTARY PUBLIC, BEXAR COUNTY, TEXAS

THIS PLAT OF _____ **NAPIER PARK, UNIT-3** _____ HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SHAVANO PARK, TEXAS, AND IS HEREBY APPROVED BY SUCH PLANNING AND ZONING COMMISSION.

DATED: THIS THE ____ DAY OF _____, A.D. 20 ____.

BY: _____
CHAIRMAN

BY: _____
CITY CLERK

THIS PLAT OF _____ **NAPIER PARK, UNIT-3** _____ HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF SHAVANO PARK, TEXAS, AND IS HEREBY APPROVED BY SUCH CITY COUNCIL.

DATED: THIS ____ DAY OF _____, A.D. 20 ____.

BY: _____
MAYOR

BY: _____
CITY CLERK

CITY OF SHAVANO PARK

Final Plat Submittal Checklist

This checklist is to be completed by the developer or his representative and submitted with the final plat and accompanying data. If any areas are incomplete, the plat will not be accepted. Any items labeled N/A must be explained in writing. Shavano Park City Council has asked that all plats be submitted to the City with a brief description of the purpose of the plat or re-plat. Also requested is that an electronic version be sent to the City Secretary at ztedford@shavanopark.org. This checklist does not supersede the City of Shavano Park Development Ordinances.

Name of Subdivision:

Napier Park, Unit-3 (PUD)

Proposed Use of Property:

Commercial

Property Description:

Lots 10, 23, 24 & 25, CB 4787

(Lot & block, address or location)

0.2 miles south of Loop 1640 and Napier Park intersection

Owner

Name:

Rogers Shavano Park Unit 18/19, LTD

Address:

11 Lynn Batts Lane, Suite 100

San Antonio, TX 78218

Phone:

(210) 828-6131

Fax:

Email:

laddiedenton@bitterblue.com

Engineer

Name:

Pape-Dawson Engineers, Inc

Address:

2000 NW Loop 410

San Antonio, TX 78213

Phone:

(210) 375-9000

Fax:

Email:

alowry@pape-dawson.com

Current Zoning:

B-2

Total Platting Fees:

(Coordinate with Staff)

Total Acreage:

4.00

Developable Acreage:

3.06

Greenbelts & Drainage Acreage: ⁰

S.A.W.S. Sewer

☒ Yes ☐ No

S.A.W.S. Water

☒ Yes ☐ No

Septic System

☐ Yes ☒ No

Shavano Park Water

☐ Yes ☒ No

- | | Yes | No | N/A |
|--|-------------------------------------|-------------------------------------|--------------------------|
| 1. The preliminary plat was approved by the City of Shavano Park less than one year ago | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. The final plat has not been altered in any way from the preliminary plat | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. If item 2 was answered "No" indicating that the plat has been altered, a redline plat is attached showing every change made since preliminary plat approval | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. 15 folded copies of the final plat are attached | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. The plat is drawn on an 18"x 24" sheet | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. The preliminary plat checklist is attached | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. The final plat shows all acknowledgements and certifications as required by Article 2, Section 3 of the City's Subdivision Ordinance | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

8. Is a digital copy of plans, plat, forms, or letters included in the submittal? ☒ ☐ ☐

The following items pertain to the proposed final drawing: Yes No N/A

| | | | | |
|-----|--|-------------------------------------|--------------------------|-------------------------------------|
| 9. | Included with this submittal are three copies of the following plans: | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| a. | Streets, alleys, sidewalks, crosswalks, and other public improvement plans | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. | Sanitary sewer collection system plans | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. | Septic system plans | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. | Water Pollution Abatement Plan (WPAP) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. | Water line and hydrant plan | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. | Storm Drainage plans | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. | Site plan (commercial only) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h. | Grading plan | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 10. | Tax certificate from the City, County, and School District are attached | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. | S.A.W.S. letter of certification is attached | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. | County Septic approval letter is attached | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 13. | C.P.S. letter certification is attached | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 14. | Water Pollution Abatement Plan (WPAP) approval from TCEQ is attached | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 15. | Sewage Collection System approval from TCEQ is attached | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 16. | TxDOT letter of approval is attached | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 17. | Cable Television letter approval attached | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 18. | The proposed platted property is compliant with current zoning regulations | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

I certify that the above statements are true to the best of my knowledge and I further certify that I have read the City of Shavano Park Development Ordinances and this plat meets said ordinances except as notes.

Submitted by:  Date: 10/29/19

Accepted by: _____ Date: _____

City Staff Reviewed

City Secretary: _____ Date: _____

Fire Marshal: _____ Date: _____

Public Works / Water Director: _____ Date: _____

November 26, 2019

City of Shavano Park
Permitting Department
Attn: Marisa Knuffke
900 Saddletree Court
San Antonio, Texas 78231

Re: Plat Review Comments
Napier Park, Unit 3 (PUD) - Final

Staff;

We have completed our review of the referenced Final Plat of Napier Park unit 3 PUD by Pape-Dawson Engineers. We have the following comments that need to be addressed during the final plat process:

1. Sheet 2 of 3: During the preliminary plat conference, it was indicated that lot 25 will create the buffer line for a sensitive feature indicated on a TCEQ approved WPAP. Please provide at least a digital copy of the WPAP for the final plat process so the City can ensure the intent of the WPAP is followed. If there is a restrictive buffer around a sensitive feature the limits of the buffer should be indicated as previously requested on the preliminary plat submittal in accordance with section 28-42(7)(a), and now being required for the final plat in accordance with section 28-44(1)1 of the Shavano Code. This information will be required for the review of future building permits to ensure the features are properly protected.
2. Sheet 2 of 3: In accordance with Section 28-44(1)1 the variable width gas, electric, telephone, catv, and water easement (vol 10010, pp 292-297 OPR) is required to be located with exact location, dimensions, names & descriptions within the platted boundary.
3. Sheet 3 of 3: In accordance with Section 28-42(7)(a) the variable width gas, electric, telephone, catv, and water easement (vol10010, pp 292-297 OPR) is required to be located with exact location, dimensions, names & descriptions within the platted boundary.
4. During the building permit review for lots 23 & 24 a drainage report review will be required since it was not submitted with the Preliminary or Final plat. Currently it would indicate no drainage improvements would be required, thus not required at this time. Any water and sewer improvements required for the development of the lots will also be required at the time of the building permit.

Our review of the plat does not relieve or release the Engineer, Architect or Surveyor of Record or from complying with any and all the requirements of the local, state, and federal rules and regulations or guidelines impacting this project. If you require additional information, please contact our office.

Sincerely,



Rick Gray, P.E., CFM
Plan Reviewer for the City of Shavano Park



On behalf of the:



M:\622\01\01\Reviews\City Plan Review\191122 - Napier Park Final Plat Submittal\191126 Napier Park U3 PUD final.docx



November 27, 2019

Mr. Curtis Leeth
City of Shavano Park
900 Saddletree Court
San Antonio, TX 78231

Re: Plat Revision
Napier Park, Unit-3 (PUD)

Dear Mr. Leeth:

We are submitting this letter and attachments to address Mr. Rick Gray's questions and comments about the Napier Park, Unit-3 (PUD) dated November 26th, 2019. No changes or additions were made other than those addressing said comments.

1. Sheet 2 of 3: During the preliminary plat conference, it was indicated that lot 25 will create the buffer line for a sensitive feature indicated on a TCEQ approved WPAP. Please provide at least a digital copy of the WPAP for the final plat process so the City can ensure the intent of the WPAP is followed. If there is a restrictive buffer around a sensitive feature the limits of the buffer should be indicated as previously requested on the preliminary plat submittal in accordance with section 28-42(7)(a), and now being required for the final plat in accordance with section 28-44(1)1 of the Shavano Code. This information will be required for the review of future building permits to ensure the features are properly protected.

Response: *Caleb and Bill discussed this comment.*

2. Sheet 2 of 3: In accordance with Section 28-44(1)1 the variable width gas, electric, telephone, catv, and water easement (vol 10010, pp 292-297 OPR) is required to be located with exact location, dimensions, names & descriptions within the platted boundary.

Response: *The plat has been updated accordingly.*

3. Sheet 3 of 3: In accordance with Section 28-42(7)(a) the variable width gas, electric, telephone, catv, and water easement (vol 10010, pp 292-297 OPR) is required to be located with exact location, dimensions, names & descriptions within the platted boundary.

Response: *The plat has been updated accordingly.*

TBPE Firm Registration #470 | TBPLS Firm Registration #10028800

San Antonio | Austin | Houston | Fort Worth | Dallas

Transportation | Water Resources | Land Development | Surveying | Environmental

2000 NW Loop 410, San Antonio, TX 78213 T: 210.375.9000 www.Pape-Dawson.com

Mr. Curtis Leeth
Napier Park, Unit-3 (PUD)
November 27, 2019
Page 2 of 2

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Response: Understood.

If you have questions or require any additional information, please do not hesitate to contact our office at your earliest convenience.

Sincerely,
Pape-Dawson Engineers, Inc.



Andrew Lowry, P.E.
Project Manager

P:\71\18\89\Word\Letters\191127 - Shavano Park.docx



ACREAGE:

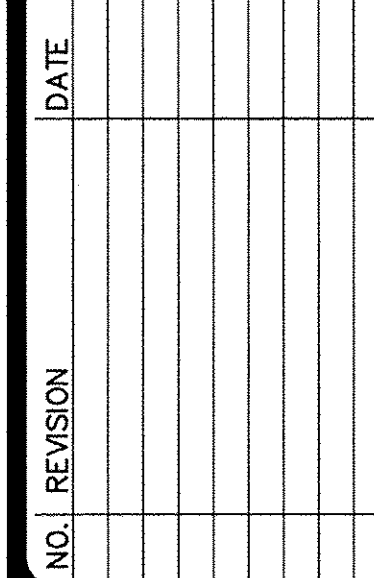
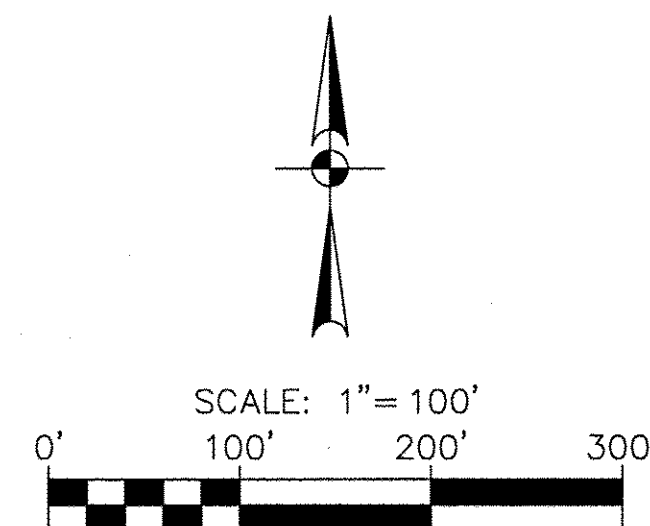
16.04
SURVEY LEGAL DESCRIPTION:

SURVEY: [ACRES DESCRIPTION](#)
A 6.064 ACRES TRACT OF LAND OUT OF A 86.94 ACRE TRACT AND A 289.9 ACRES TRACT OF LAND AS DESCRIBED IN CONVEYANCE TO ROBERT SHAVANO PARK UNIT 18/19, LTD, RECORDED IN VOLUME 12007, PAGES 2490-2507 OF THE OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS IN THE CITY OF SHAVANO PARK OF BEXAR COUNTY TEXAS, AND BEING OUT OF THE WILLIAM HOTCHKISS, SURVEY NUMBER 77, ABSTRACT 336, COUNTY BLOCK 4783, THE JACOB KLAUS SURVEY NUMBER 78, ABSTRACT NUMBER 400, COUNTY BLOCK 4784, THE REFUGIO VARGAS SURVEY NUMBER 80, ABSTRACT 781, COUNTY BLOCK 4787 OF BEXAR COUNTY, TEXAS.

LAND USE:

USE AND OCCUPANCY CLASSIFICATION: BUSINESS GROUP B

| <u>DEVELOPMENT STANDARDS:</u> | | |
|-------------------------------|------------|------------|
| TYPE | STANDARD | PROVIDED |
| MINIMUM LOT AREA | - | 16.04 |
| MINIMUM WIDTH | - | 1190'-0" |
| MINIMUM DEPTH | - | 830'-0" |
| MINIMUM FRONT SETBACK | 10'-0" | 10'-0" |
| MINIMUM SIDE SETBACK | 10'-0" | 10'-0" |
| MINIMUM REAR SETBACK | 10'-0" | 10'-0" |
| MAXIMUM BUILDING HEIGHT | 45'-0" | - |
| MAXIMUM BUILDING COVERAGE | - | 88,785 SF |
| MAXIMUM FLOOR TO AREA RATION | - | - |
| MINIMUM PARKING REQUIRED | 299 SPACES | 375 SPACES |



**PAPE-DAWSON
ENGINEERS**

2000 NW LOOP 410 | SAN ANTONIO, TEXAS 78213 | PHONE: 210.375.9000
FAX: 210.375.9010
TEXAS BOARD OF PROFESSIONAL ENGINEERS, FIRM REGISTRATION # 470

SHAVANO PARK UNIT 19-B PHASE V
SAN ANTONIO, TEXAS

PUD PLAN

PLAT NO. _____
JOB NO. 7118-75
DATE JANUARY 2015
DESIGNER CC
CHECKED CC DRAWN CWN
SHEET 1 OF 1