I. Call To Order

II. Roll Call

III. Chairperson's Opening Remarks

IV. 30 Minute Citizen Comment Period

CONSENT AGENDA

1. Consider approval of the minutes of the regular meeting of December 11, 2018.

2. PC-18-46 (La Salle Prelim) Consider a request by Joann Eagle on behalf of La Salle Holdings, LTD, to amend the La Salle Preliminary Plat, consisting of approximately 1748 acres, more or less, out of the William Hemphill Survey, Abstract 221, located at the intersection of Yarrington Road and County Road 158. (W. Parrish)

NON-CONSENT AGENDA

3. Consider a motion to reconsider the decision of the Planning and Zoning Commission in Case No. ZC-18-21 (Smart Terminal) to recommend denial of a request to zone approximately 934 acres of land out of the William Pettus Survey, Abstract No. 21, located in the City’s ETJ near the intersection of State Highway 80 and FM 1984 to “HI” Heavy Industrial district.

PUBLIC HEARINGS

4. ZC-18-21(Smart Terminal) Hold a public hearing and consider a request to amend the City’s official zoning map by zoning approximately 934 acres of land, out of the William Pettus Survey, Abstract No. 21, located in the City’s ETJ near the intersection of State Highway 80 and FM 1984 to “HI” Heavy Industrial district. (T. Carpenter)

5. PC-18-48_04 (Morrison Replat) Hold a public hearing and consider a request by Reece Morrison for approval of a replat of 2.01 acres being Lot 4 of the Morrison Subdivision, establishing Lots 4-A & 4-B, Morrison Subdivision City of San Marcos, Hays County, Texas. (T. Carpenter)
6. CUP-18-38 (Casa Choi) Hold a public hearing and consider a request by Hannah Lee on behalf of Flemming Hjorting for a Conditional Use Permit to allow the sale of beer and wine for on premise consumption at 700 N. LBJ Drive Suite 102 B. (W. Parrish)

7. SNC-18-01 (Hunter Road to West Hopkins) Hold a public hearing and consider a request by the City of San Marcos, in the interest of public safety and to eliminate multiple names along the continuity of a single street, to rename a portion of Hunter Road, located between Wonder World Drive and West San Antonio Street to West Hopkins Street. (W. Parrish)

V. Question and Answer Session with Press and Public.

This is an opportunity for the Press and Public to ask questions related to items on this agenda.

VI. Adjournment

Notice of Assistance at the Public Meetings

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov

I certify that the attached notice and agenda of items to be considered by the Planning and Zoning Commission was removed by me from the City Hall bulletin board on the ___________________________ day of ___________________________

_________________________________________ Title:
AGENDA CAPTION:
Consider approval of the minutes of the regular meeting of December 11, 2018.
Meeting date: January 8, 2019

Department: Planning & Development Services

Amount & Source of Funding
Funds Required: Click or tap here to enter text.
Account Number: Click or tap here to enter text.
Funds Available: Click or tap here to enter text.
Account Name: Click or tap here to enter text.

Fiscal Note:
Prior Council Action: Click or tap here to enter text.

City Council Strategic Initiative: [Please select from the dropdown menu below]
Choose an item.
Choose an item.
Choose an item.

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☐ Not Applicable

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]
Choose an item.
**Background Information:**
Click or tap here to enter text.

**Council Committee, Board/Commission Action:**
Click or tap here to enter text.

**Alternatives:**
Click or tap here to enter text.

**Recommendation:**
Click or tap here to enter text.
I. Call To Order

With a quorum present the regular meeting of the San Marcos Planning and Zoning Commission was called to order by Chair Garber at 6:00 p.m. on Tuesday, December 11, 2018 in the City Council Chamber of the City of San Marcos, City Hall, 630 East Hopkins St., San Marcos, Texas.

II. Roll Call

Present 9 - Commissioner Maxfield Baker, Commissioner Mike Dillon, Commissioner Jim Garber, Commissioner Mark Gleason, Commissioner Matthew Haverland, Commissioner Kate McCarty, Commissioner Lee Porterfield, Commissioner Angie Ramirez, and Commissioner Betseygail Rand

III. Chairperson's Opening Remarks

IV. 30 Minute Citizen Comment Period

Dianne Wassenich, 11 Tanglewood, represents the San Marcos River Foundation. She spoke about Item #12, ZC-18-21(Smart Terminal) on the agenda. She wanted the Commission to be aware that the area floods. She said whatever is there will wash into the river. She said she understands there are new floodplain rules and hopes 2-D modeling is done. She said the River Foundation received concerns from people who live downstream when they saw this on the agenda.

CONSENT AGENDA

1. Consider approval of the minutes of the regular meeting of November 13, 2018.

2. Consider approval of the minutes of the regular meeting of November 27, 2018.

3. PC-17-47_04 (Leah Tract) Consider a request by Lifestyle Development, LLC on behalf of the City of San Marcos for a Replat of Lots 27A, 10-A, 10, and 11 Municipal Airport Subdivision, creating two lots over approximately 21.13 acres, more or less. (W. Parrish)

4. PC-18-06_02 (Mulberry Meadows) Consider a request by Kevin Sawtelle on behalf of
Sebastian Stadler for approval of a Preliminary Plat for approximately 205.5 acres, more or less, out of the Rebecca Brown Survey No. 8, and the Charles Henderson Survey No. 55. (W. Parrish)

5. PC-18-38_06 (Aquarena Springs Subdivision) Consider a request by KBGE, on behalf of Jay Shree Laxmi Hospitality Corporation, for approval of a Final Plat for approximately 2.802 acres, more or less, out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located at 1433 North IH 35.

6. CUP-18-39 (South End Section One) Hold a public hearing and consider a request to ratify five Warrants associated with the South End Section One Regulating Plan. These Warrants include:
   1) Drive-Thru uses are permitted within the 2nd or 3rd layer of lots with B-Grid frontage along Wonder World Drive;
   2) Minimum frontage build out along B-Grid streets is 20%,
   3) Stagecoach Trail and Corporate Drive assemblies may be constructed as shown on the Regulating Plan;
   4) The oval and rounded planting options in Table 3.5 of SmartCode are permitted along all streets within Transect Five
   5) Transect Five is the only zone required in this district.
   (W. Parrish)

7. PC-18-59_03 (Blanco Vista, Tract R) Consider a request by CSF Civil Group, on behalf of Brookfield Residential, for approval of a Final Plat for approximately 12.413 acres, more or less, out of the William Ward League Survey, Abstract 467, located east of Old Stagecoach Road and south of Trail Ridge Pass (A. Brake)

8. PC-18-17_03 (Trace PA 2B, Section B) Consider a request by Caren Williams-Murch, on behalf of Highpointe Trace, LLC, for approval of a Final Plat for approximately 13.525 acres, more or less, out of the William Van Horn Survey No. 18, Abstract No. 464 located at 105 Sage Meadows Drive. (T. Carpenter)

A motion was made by Commissioner Ramirez, seconded by Commissioner Porterfield, that the Consent Agenda be approved. The motion carried by the following vote:

For: 9 - Commissioner Baker, Commissioner Dillon, Commissioner Garber, Commissioner Gleason, Commissioner Haverland, Commissioner McCarty, Commissioner Porterfield, Commissioner Ramirez and Commissioner Rand

Against: 0

PUBLIC HEARINGS

9. PC-18-60_04 (1012 North Bishop Street) Hold a public hearing and consider a request by David Williamson, Byrn and Associates, on behalf of David Mendez, for approval of a replat of 0.206 acres being Lot 329, Block 27, Westover Addition Subdivision, establishing Lot 329A and
329B, Block 27, Westover Addition Subdivision located at 1012 North Bishop Street. (A. Villalobos)

Chair Garber opened the Public Hearing.

Shannon Mattingly, Director, gave an overview of the request.

Chair Garber closed the Public Hearing.

David Mendez, 1011 Uhland Rd., fielded questions from the Commission.

John Carrillo, (Georgetown), received a notification, and presented several questions to the Commission.

A motion was made by Commissioner Baker, seconded by Commissioner Dillon, that PC-18-60_04 (1012 North Bishop Street) be approved. The motion carried by the following vote:

For: 9 - Commissioner Baker, Commissioner Dillon, Commissioner Garber, Commissioner Gleason, Commissioner Haverland, Commissioner McCarty, Commissioner Porterfield, Commissioner Ramirez and Commissioner Rand

Against: 0

10. CUP-18-39 (South End Section One) Hold a public hearing and consider a request to ratify five Warrants associated with the South End Section One Regulating Plan. These Warrants include:

1) Drive-Thru uses are permitted within the 2nd or 3rd layer of lots with B-Grid frontage along Wonder World Drive;
2) Minimum frontage build out along B-Grid streets is 20%,
3) Stagecoach Trail and Corporate Drive assemblies may be constructed as shown on the Regulating Plan;
4) The oval and rounded planting options in Table 3.5 of SmartCode are permitted along all streets within Transect Five
5) Transect Five is the only zone required in this district.
(W. Parrish)

Chair Garber opened the Public Hearing.

Shannon Mattingly, Director, gave an overview of the request.

John David Carson, 407 S. Stagecoach, spoke in favor of the item. He was representing the property owner, and was available to answer any questions. He said the item doesn't make any modifications to the Regulating Plan, they are trying to get it formally documented and be cooperative with staff.

Chair Garber closed the Public Hearing.
A motion was made by Commissioner Ramirez, seconded by Commissioner Dillon, that CUP-18-39 (South End Section One) be approved. The motion carried by the following vote:

For: 9 - Commissioner Baker, Commissioner Dillon, Commissioner Garber, Commissioner Gleason, Commissioner Haverland, Commissioner McCarty, Commissioner Porterfield, Commissioner Ramirez and Commissioner Rand

Against: 0

11. 2018-26194 (Morris Office Building) Hold a public hearing and consider a request by Randall Morris & Company, Ltd. for approval of a Qualified Watershed Protection Plan Phase 2 for Lot 7B of the Stagecoach Business Park Subdivision consisting of 0.748 acres located at 330 Wonder World Drive. (G. Schwarz).

Chair Garber opened the Public Hearing.

Greg Schwarz, Senior Engineer, gave an overview of the request.

Steve Ramsey, Civil Engineer on the project, spoke in favor of the item. He thanked Greg Schwarz for his assistance on the project.

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Porterfield, seconded by Commissioner Dillon, that 2018-26194 (Morris Office Building) Qualified Watershed Protection Plan Phase 2 and petition to allow impervious cover in Water Quality Zone be approved. The motion carried by the following vote:

For: 9 - Commissioner Baker, Commissioner Dillon, Commissioner Garber, Commissioner Gleason, Commissioner Haverland, Commissioner McCarty, Commissioner Porterfield, Commissioner Ramirez and Commissioner Rand

Against: 0

12. ZC-18-21(Smart Terminal) An amendment to the City’s official zoning map rezoning approximately 934 acres, more or less, out of the William Pettus Survey, Abstract No. 21, generally located near the intersection of State Highway 80 and FM 1984, from “ETJ” Extraterritorial Jurisdiction to “HI” Heavy Industrial. (T. Carpenter)

Chair Garber opened the Public Hearing.

Tory Carpenter, Planner, gave an overview of the request.

Robert Peters, spoke in favor of the item. He owns land within 400 feet of the subject property. He said in the nearly 26 years he has lived there, his property has never flooded. He said he disagrees with some of the people who think everything in the flood zone should not be developed. He thinks we shouldn't stop progress. He thinks we should agree and build things in the San Marcos area to help our school district.

Mary Beth Harper who lives between San Marcos and Martindale, spoke in opposition of
the item. She said most of the property is in the Martindale ETJ, not San Marcos. She added that the previous agreement with Katerra said they have agreed to build a 600,000 sq. ft. building closer to the railroad tracks, which is a lot of impervious cover. She added the Heavy Industrial part is a railroad district, all adding to the impervious cover. She said with Heavy Industrial we’re talking about runoff directly into the San Marcos River. She also advised the Commission to check the most recent FEMA maps.

Juan Cavazos spoke in opposition of the item. He bought a house in the area around seven years ago, and his concern is where the water would go when it rains. He said property values will drop. He said they chose to move into a low intensity area for a reason. He understands that progress is inevitable, but does not agree of where it is going to take place.

Chair Garber closed the Public Hearing.

A motion was made by Commissioner Porterfield, seconded by Commissioner McCarty, that ZC-18-21 (Smart Terminal) be approved. The motion failed by the following vote:

For: 3 - Commissioner Dillon, Commissioner McCarty and Commissioner Porterfield

Against: 6 - Commissioner Baker, Commissioner Garber, Commissioner Gleason, Commissioner Haverland, Commissioner Ramirez and Commissioner Rand

A motion was made by Commissioner Ramirez, seconded by Commissioner Baker, that ZC-18-21(Smart Terminal) be denied. The motion carried by the following vote:

For: 5 - Commissioner Baker, Commissioner Garber, Commissioner Haverland, Commissioner Ramirez and Commissioner Rand

Against: 4 - Commissioner Dillon, Commissioner Gleason, Commissioner McCarty and Commissioner Porterfield

13. PVC-18-04 (Mostyn Point) Hold a public hearing and consider a request by Grover Mostyn on behalf of Nelly Altuve for a Plat Variance to Section 3.6.3.1(A) of the San Marcos Land Development Code which requires all lots have frontage on a public street. (W. Parrish)

Chair Garber opened the Public Hearing.

Shannon Mattingly, Director, gave an overview of the request.

Nelly Altuve spoke in favor of the item. She said when she bought the lot, she didn't know it wasn't separate. She found out the problem after she purchased it. She is wanting to build a house on the lot.

Chair Garber closed the Public Hearing.
A motion was made by Commissioner Porterfield, seconded by Commissioner Haverland, that PVC-18-04 (Mostyn Point) be approved. The motion carried by the following vote:

For: 9 - Commissioner Baker, Commissioner Dillon, Commissioner Garber, Commissioner Gleason, Commissioner Haverland, Commissioner McCarty, Commissioner Porterfield, Commissioner Ramirez and Commissioner Rand

Against: 0

NON-CONSENT AGENDA

14. PC-18-43_05 (Mostyn Point) Consider a request by Nelly Altuve for a Final Plat of approximately 4.67 acres located on Offermann Hill Road to be divided into two residential lots. (W. Parrish)

A motion was made by Commissioner McCarty, seconded by Commissioner Haverland, that PC-18-43_05 (Mostyn Point) be approved. The motion carried by the following vote:

For: 9 - Commissioner Baker, Commissioner Dillon, Commissioner Garber, Commissioner Gleason, Commissioner Haverland, Commissioner McCarty, Commissioner Porterfield, Commissioner Ramirez and Commissioner Rand

Against: 0

V. Question and Answer Session with Press and Public.

Mary Beth Harper asked if the zoning request for Item #12 is denied, and the City Council wants to vote on annexation, whether that is two different things? Shannon Mattingly replied that annexation laws require two Public Hearings at City Council. She said the zoning would go forward with the annexation and would be voted on second reading at the same time. Ms. Harper also asked if there were two Public Hearings for the zoning. Ms. Mattingly explained that zoning was denied with the Planning and Zoning Commission, and would go forward with a recommendation to City Council, who would hold a separate Public Hearing. Ms. Harper also said that most of the 934 acres on the subject property is in the Martindale ETJ. Ms. Mattingly responded that City staff has documented Ordinances showing when our ETJ expanded, and those were timed based on when Martindale expanded theirs, and we would review for some discrepancy in the mapping.

VI. Adjournment

The meeting was adjourned at 7:44 p.m.
I certify that the attached notice and agenda of items to be considered by the Planning and Zoning Commission was removed by me from the City Hall bulletin board on the _________________ day of _____________________________

_________________________________________________ Title:

______________________________________________

City of San Marcos
AGENDA CAPTION:
PC-18-46 (La Salle Prelim) Consider a request by Joann Eagle on behalf of La Salle Holdings, LTD, to amend the La Salle Preliminary Plat, consisting of approximately 1748 acres, more or less, out of the William Hemphill Survey, Abstract 221, located at the intersection of Yarrington Road and County Road 158. (W. Parrish)

Meeting date: January 8, 2019

Department: Planning and Development Services

Amount & Source of Funding
Funds Required: N/A
Account Number: N/A
Funds Available: N/A
Account Name: N/A

Fiscal Note:
Prior Council Action: N/A

City Council Strategic Initiative: [Please select from the dropdown menu below]
N/A

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☐ Not Applicable

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]
Choose an item.
Background Information:
The original La Salle Preliminary Plat was approved in December of 2017, and included three lots in addition to large remainder tracts. The proposed amendment adds another lot, bringing the total number of lots to four lots. This project is subject to a Development Agreement, and the proposed amendment to the current preliminary plat complies with the Development Agreement.

Council Committee, Board/Commission Action:
Click or tap here to enter text.

Alternatives:
Click or tap here to enter text.

Recommendation:
Staff has reviewed the application for compliance with the San Marcos Development Code and the associated Development Agreement. Staff recommends approval of the request as submitted.
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Imagery from 2017.

Map Date: 12/26/2018
## Summary

<table>
<thead>
<tr>
<th>Request</th>
<th>Consideration of an amendment to the La Salle Preliminary Plat</th>
</tr>
</thead>
</table>
| Applicant | Joann Eagle  
5501 W William Cannon  
Austin, TX 78748 |
| Property Owner | La Salle Holdings LTD  
6109 FM 390 North  
Brenham, TX 77833 |
| Parkland Required | N/A |
| Utility Capacity | Required at Final Plat |
| Accessed from | Yarrington Road, County Road 158, Hwy 21 |
| New Street Names | N/A |

## Notification

| Application | N/A |
| Neighborhood Meeting | N/A |
| Published | N/A |
| # of Participants | N/A |
| Posted | N/A |
| Personal | N/A |
| Response | None as of the date of this report. |

## Property Description

| Location | Intersection of Yarrington Road and County Road 158 |
| Acreage | 1748 |
| Existing Zoning | N/A |
| Proposed Use | Mixed (Single Family, Multifamily, Open Space, Commercial) |
| CONA Neighborhood | N/A |
| Sector | N/A |

### Surrounding Area

<table>
<thead>
<tr>
<th>North of Property</th>
<th>South of Property</th>
<th>East of Property</th>
<th>West of Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning</td>
<td>ETJ/Kyle</td>
<td>ETJ</td>
<td>HC/ETJ</td>
</tr>
<tr>
<td>Existing Land Use</td>
<td>Quarry/Residential</td>
<td>Residential/Agricultural</td>
<td>Vacant</td>
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<tr>
<td>Preferred Scenario</td>
<td>Low Intensity</td>
<td>Low Intensity</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### Staff Recommendation

<table>
<thead>
<tr>
<th>Approval as Submitted</th>
<th>Approval with Conditions / Alternate</th>
<th>Denial</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Staff: Will Parrish, CNU-A</td>
<td>Title : Planner</td>
<td>Date: December 28, 2018</td>
</tr>
</tbody>
</table>
**History**

The purpose of a Preliminary Plat is to establish lot design for a subdivision, establish utility layouts, and street and intersection design. The Preliminary Plat stage ensures that the final plat design, if final platting is accomplished in phases, is consistent with the overall plan for the area. Preliminary Plats are not recorded and are not the legal document used for sale of lots, but rather are used to allow for comprehensive review of the proposed development.

In this particular case, the Preliminary Plat is being used to establish boundaries for the extraction of fill material as well as a lot on which to process this material. This property is subject to a Development Agreement that allows for the extraction of material prior to the development of the site. The Preliminary Plat will be amended in the future to include streets and lots as approved under the Development Agreement.

**Additional Analysis**

This plat shows three (3) lots from which material will be extracted, one (1) lot where the material will be processed which is proposed by this amendment, and two (2) reserve tracts on which material extraction will not occur. The Preliminary Plat establishes the proposed excavation and processing areas, as well as access points to each lot, and delineates the Water Quality Zone.

<table>
<thead>
<tr>
<th>Evaluation</th>
<th>Criteria for Approval (Sec.3.2.3.4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consistent</td>
<td>The plat is consistent with all zoning requirements for the property, and any approved development agreement;</td>
</tr>
<tr>
<td>Inconsistent</td>
<td>The plat conforms to the approved Watershed Protection Plan (Phase 1);</td>
</tr>
<tr>
<td>Neutral</td>
<td>The proposed provision and configuration of roads, water, wastewater, drainage and park facilities conform to the master facilities plans for the facilities, including without limitation the water facilities, wastewater facilities, transportation, drainage and other master facilities plans;</td>
</tr>
<tr>
<td>X</td>
<td>The proposed provision and configuration of roads, water, wastewater, drainage and park facilities, and easements and rights-of-way are adequate to serve the subdivision and meet applicable standards of Chapters 6 and 7 of this Land Development Code; and <strong>This Preliminary Plat is subject to a Development Agreement that pre-dates the current Land Development Code.</strong></td>
</tr>
<tr>
<td>X</td>
<td>The plat meets any county standards to be applied under an interlocal agreement between the City and a county under Tex. Loc. Gov't Code ch. 242, where the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and in the county.</td>
</tr>
</tbody>
</table>
SUBDIVISION MINOR / AMENDING PLAT, APPLICATION

Case # PC-____-____-____

CONTACT INFORMATION

<table>
<thead>
<tr>
<th>Applicant’s Name</th>
<th>Joann A. Eagle, P.E. Carlson Brigance &amp; Doering, Inc.</th>
<th>Property Owner</th>
<th>LaSalle Holdings, LTD.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant’s Mailing Address</td>
<td>5501 W. William Cannon Drive Austin, TX 78748</td>
<td>Owner’s Mailing Address</td>
<td>6109 FM 390 N. Brenham, Texas 77833</td>
</tr>
<tr>
<td>Applicant’s Phone #</td>
<td>512-280-5160</td>
<td>Owner’s Phone #</td>
<td>(314) 280-4083</td>
</tr>
<tr>
<td>Applicant’s Email</td>
<td><a href="mailto:joann@cbdeng.com">joann@cbdeng.com</a></td>
<td>Owner’s Email</td>
<td><a href="mailto:gaobryan@fredweberinc.com">gaobryan@fredweberinc.com</a></td>
</tr>
</tbody>
</table>

PROPERTY INFORMATION

Proposed/Current Subdivision Name: LaSalle Holdings (previously named LaSalle Aggregates)
Subject Property Address or General Location: 6587 State Hwy 21 Kyle TX 78640
Acres: 108.0
Tax ID #: R14875 & R14877
Located in: ☑ City Limits  ❑ Extraterritorial Jurisdiction (County)

DESCRIPTION OF REQUEST

Type of Plat: ☑ Minor Subdivision Plat  ❑ Amending Plat
Current Number of Lots: 3
Proposed Number of Lots: 4
Current Land Use: agricultural
Proposed Land Use: aggregate processing

AUTHORIZATION

All required application documents are attached. I understand the fees for and the process of subdivision and understand my responsibility to be present at meetings regarding this application.
Filing Fee $500 plus $100 per acre  Technology Fee $11  MAXIMUM COST $1,011

Submittal of this digital Application shall constitute as acknowledgement and authorization to process this request.

To be completed by Staff: Date Submitted: __________  5 Business Days from Submittal: __________
Completeness Review By: __________ Date: __________ Contact Date for Supplemental Info: __________
Supplemental Info Received (required w/in 5 days of contact): __________
Application Returned to Applicant: __________ Application Accepted for Review: __________
Comments Due to Applicant: __________ Resubmittal Date: __________ Approval: __________

APPLY ONLINE – WWW.MYGOVERNMENTONLINE.ORG/

Planning & Development Services • 630 East Hopkins • San Marcos, Texas 78666 • 512-393-8230
SUBDIVISION IMPROVEMENT AGREEMENT ACKNOWLEDGEMENT

I understand, whenever public improvements to serve the development are deferred until after Final Subdivision or Development Plat approval, the property owner shall enter into a Subdivision Improvement Agreement by which the owner covenants to complete all required public improvements no later than two (2) years following the date upon which the Final Plat is approved.

☐ All required public improvements will be completed prior to approval of the Final Subdivision or Development Plat

☐ I wish to defer installation of public improvements until after approval of the Final Subdivision or Development Plat and have attached a Subdivision Improvement Agreement to be considered along with this Plat application

☐ The attached Minor / Amending Plat Application does not require a Subdivision Improvement Agreement

Signature of Applicant: ___________________________ Date: 8/16/18
Printed Name: ___________________________

WAIVER TO 30-DAY STATUTORY REQUIREMENT

I agree to comply with all platting requirements of the City of San Marcos and understand that the plat will not be administratively approved or forwarded to the Planning and Zoning Commission for consideration unless and until all plat comments are satisfactorily addressed. I understand that the review and approval of a Watershed Protection Plan, Public Improvement Construction Plans and / or other additional documentation may be required to fully address plat comments. I understand that staff will not unreasonably or arbitrarily postpone approval of my plat and voluntarily waive my right to the 30-day statutory requirement that plat applications be acted upon within 30 days of the official filing date.

Signature of Applicant: ___________________________ Date: 8/16/18
Printed Name: ___________________________

RECORDATION REQUIREMENTS*** (To be completed by staff)

The following are required for recordation, following approval of a Plat application:

☐ Two (2) mylars of the subdivision plat (Comal Co. requires White 20# Bond Paper)

☐ Recording Fee: $__________

☐ Reprinted Tax Receipt

☐ Tax Certificate (paid prior to January 31st of current year)

Other possible recording requirements:

☐ If public improvements were deferred, Subdivision Improvement Agreement

☐ Subdivision Improvement Agreement recording fee: $__________

☐ Other legal documents referenced on the plat (i.e. easement dedication by separate instrument, HOA documents)

☐ Other recording fee: $__________

***Recordation fees, mylars, and other requirements are not due at the time of submittal. Fees will depend on the number of pages needed for recordation and the County in which they are recorded. The total will be calculated upon approval.

Planning & Development Services • 630 East Hopkins • San Marcos, Texas 78666 • 512-393-8230
### Agent Authorization to Represent Property Owner

1. **LaSalle Holdings** (owner) acknowledge that I am the rightful owner of the property located at 6587 State Hwy. 21 Kyle Texas 78640 (address).

I hereby authorize **Carlson, Brigance & Doering, Inc** (agent name) to serve as my agent to file this application for **Amended Preliminary Plat & Site Plan** (application type), and to work with the Responsible Official / Department on my behalf throughout the process.

<table>
<thead>
<tr>
<th>Signature of Property Owner:</th>
<th>[Signature]</th>
<th>Date: 8/13/18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Printed Name:</td>
<td><strong>Felix W. Covington</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Signature of Agent:</th>
<th>[Signature]</th>
<th>Date: 8/16/18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Printed Name:</td>
<td><strong>Joann A. Eagle, P.E., Carlson, Brigance &amp; Doering, Inc.</strong></td>
<td></td>
</tr>
</tbody>
</table>

*To be completed by Staff: Case #_________ ________.*
ELECTRIC UTILITY SERVICE ACKNOWLEDGEMENT

Utility service codes are to be indicated as applicable in the space provided in each acknowledgement listed below according to the following designations:

A. Adequate service *is* currently available to the subject property
B. Adequate service *is not* currently available, but arrangements *have* been made to provide it
C. Adequate service *is not* currently available, and arrangements *have not* been made to provide it
D. Easement(s) are needed within the subject property

Name of Electric Service Provider: ____________________________________________

Applicable Utility Service Code(s): ____________________________________________

Comments / Conditions:_________________________________________________________________________

_________________________________________________________________________________________

Signature of Electric Company Official: ____________________________________________

Title: ___________________________ Date: __________________________
**GAS UTILITY SERVICE ACKNOWLEDGEMENT**

Utility service codes are to be indicated as applicable in the space provided in each acknowledgement listed below according to the following designations:

A. Adequate service *is* currently available to the subject property  
B. Adequate service *is not* currently available, but arrangements *have been* made to provide it  
C. Adequate service *is not* currently available, and arrangements *have not* been made to provide it  
D. Easement(s) are needed within the subject property

Name of Gas Service Provider: ________________________________

Applicable Utility Service Code(s): ________________________________

Comments / Conditions: _______________________________________

..........................................................

Signature of Gas Company Official: ________________________________

Title: ________________________________ Date: ____________________
TELEPHONE UTILITY SERVICE ACKNOWLEDGEMENT

Utility service codes are to be indicated as applicable in the space provided in each acknowledgement listed below according to the following designations:

- A. Adequate service is currently available to the subject property
- B. Adequate service is not currently available, but arrangements have been made to provide it
- C. Adequate service is not currently available, and arrangements have not been made to provide it
- D. Easement(s) are needed within the subject property

Name of Telephone Service Provider: ________________________________

Applicable Utility Service Code(s): ________________________________

Comments / Conditions: ______________________________________________________________________________________
                                                                 ______________________________________________________________________________________
                                                                 ______________________________________________________________________________________

Signature of Telephone Company Official: __________________________

Title: ___________________________ Date: __________________________
# WATER UTILITY SERVICE ACKNOWLEDGEMENT

Utility service codes are to be indicated as applicable in the space provided in each acknowledgement listed below according to the following designations:

A. Adequate service *is* currently available to the subject property  
B. Adequate service *is not* currently available, but arrangements *have* been made to provide it  
C. Adequate service *is not* currently available, and arrangements *have not* been made to provide it  
D. Easement(s) are needed within the subject property

| Name of Water Service Provider: ____________________________ |
| Applicable Utility Service Code(s): ________________________ |
| Comments / Conditions: __________________________________ |
| ________________________________________________________ |
| ________________________________________________________ |
| Signature of Water Official: ______________________________ |
| Title: ___________________________ Date: _________________ |

Planning & Development Services • 630 East Hopkins • San Marcos, Texas 78666 • 512-393-8230
WASTEWATER UTILITY SERVICE ACKNOWLEDGEMENT

Utility service codes are to be indicated as applicable in the space provided in each acknowledgement listed below according to the following designations:

A. Adequate service is currently available to the subject property
B. Adequate service is not currently available, but arrangements have been made to provide it
C. Adequate service is not currently available, and arrangements have not been made to provide it
D. Easement(s) are needed within the subject property

Name of Wastewater Service Provider: ______________________________

Applicable Utility Service Code(s): __________________________________

OR, the use of either 1) ______ a private wastewater treatment system, or 2) ______ septic tanks, is approved for all lots in the proposed subdivision which are not required to connect to the City of San Marcos wastewater system.

Comments / Conditions: ___________________________________________

_______________________________________________________________

Signature of Wastewater Official: ________________________________

Title: ___________________________ Date: _______________________
AMENDING PRELIMINARY PLAT OF LASALLE HOLDINGS

TRACT ONE: BEING 765.035 ACRES, MORE OR LESS, OUT OF THE WILLIAM HEMPHILL SURVEY, ABSTRACT NO. 221, HAYS COUNTY, TEXAS, BEING THAT SAME TRACT DESCRIBED IN DEED RECORDED IN VOLUME 2099, PAGE 684, HAYS COUNTY OFFICIAL PUBLIC RECORDS.

TRACT TWO: BEING 811.38 ACRES, MORE OR LESS, OUT OF THE WILLIAM HEMPHILL SURVEY, ABSTRACT NO. 221, HAYS COUNTY, TEXAS, BEING THAT SAME TRACT DESCRIBED IN DEED RECORDED IN VOLUME 2099, PAGE 684, HAYS COUNTY OFFICIAL PUBLIC RECORDS.

TRACT THREE: BEING 171.236 ACRES, MORE OR LESS, OUT OF THE WILLIAM HEMPHILL SURVEY, ABSTRACT NO. 221, HAYS COUNTY, TEXAS, BEING THAT SAME TRACT DESCRIBED IN DEED RECORDED IN VOLUME 3030, PAGE 657, HAYS COUNTY OFFICIAL PUBLIC RECORDS.

OWNER:
LASALLE HOLDINGS, LTD.
110 SAN ANTONIO ST. #3419
AUSTIN, TX 78701

ENGINEER:
CARLSON BRIGANCE & DOERING, INC.
5501 W. WILLIAM CANNON DRIVE
AUSTIN, TX 78749

STATE OF TEXAS
COUNTY OF

The owner of land shown on this plat, in person or through a duly authorized agent, dedicates to the public, forever all streets, drives, parks, waterscourses, drainage and public places therein shown for the purpose and consideration therein expressed.

Lasalle Holdings, Ltd.
Michael A. Schroeder, President
110 San Antonio St., #3419
Austin, TX 78701

STATE OF TEXAS
COUNTY OF

Before me, the undersigned authority, on this day personally appeared
Michael A. Schroeder, knew 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 purpose and consideration therein expressed and in the capacity therein stated. Given under my hand and seal of office this day of 20__

Notary Public In and For
The State of Texas

STATE OF TEXAS
COUNTY OF TRAVIS

I hereby certify that proper engineering consideration has been given for Lot 4 of this Amended Plat to the matters of streets, lots and drainage layout. To the best of my knowledge this plat conforms to all requirements of the Development Fee Ordinance, except for those variances granted by the Planning and Zoning Commission of the City of San Marcos.

John A. Eagle
Professional Engineer
License No. 97597

STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, on this day personally appeared John A. Eagle, knew to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purpose and consideration therein expressed and in the capacity therein stated. Given under my hand and seal of office this day of 20__

Notary Public In and For
The State of Texas

STATE OF TEXAS
COUNTY OF KENDALL

I hereby certify that this plat is true and correct and was prepared from an actual survey of the property made or on the ground under my supervision.

James E. Schwartz
Registered Professional Land Surveyor No. 4762

PRELIMINARY
This document shall not be recorded for any purpose.

Notary Public In and For
The State of Texas

Prepared: July 20, 2018
Revised: August 20, 2018
Revised: October 12, 2018

Job No. 18-113

Schwarz Land Surveying & Development, Inc.
723 NORTH MAIN, BOISE, ID 83706
723 N. Main, Boise, ID 83706
Phone: (208) 344-5444
Fax: (208) 344-5443
www.schwarcland.com

Location Map
Scale: 1" = 5000'

San Marcos Municipal Airport
San Marcos

LOCATION MAP
AMENDING PRELIMINARY PLAT OF LASALLE HOLDINGS

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Prepared: July 20, 2018
Revised: August 20, 2018
Revised: October 12, 2018
Job No. 18-113

Schwarz Land Surveying & Development, Inc.
723 North Main, Boerne, Texas 78006
Phone: (830) 339-1303
Fax: (830) 339-1669
PC-18-46 (La Salle Preliminary Plat Amendment)

Consider a request by Joann Eagle on behalf of La Salle Holdings LTD, to amend the La Salle Preliminary Plat, consisting of approximately 1748 acres, more or less, out of the William Hemphill Survey, Abstract 221, located at the intersection of Yarrington Road and County Road 158. (W. Parrish)
• +/- 1748 acres

• Original Preliminary Plat Approved in 2017

• Development Agreement approved in 2014 and amended in 2018.

• Amendment will provide 1 additional lot for the purpose of processing material.
AMENDING PRELIMINARY PLAT OF LASALLE HOLDINGS

TRACT ONE: BEING 765.035 ACRES, MORE OR LESS, OUT OF THE WILLIAM HEMPHILL SURVEY, ABSTRACT NO. 221, HAYS COUNTY, TEXAS, BEING THAT SAME TRACT DESCRIBED IN DEED RECORDED IN VOLUME 2909, PAGE 684, HAYS COUNTY OFFICIAL PUBLIC RECORDS

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OWNER: LASALLE HOLDINGS, LTD.
110 SAN ANTONIO ST. #3419
AUSTIN, TX 78701

ENGINEER: CARLSON BRIGANCE & DOERING, INC.
5501 W. WILLIAM CANNON DRIVE
AUSTIN, TX 78749

STATE OF TEXAS
COUNTY OF _________________

The owner of land shown on this plat, in person or through a duly authorized agent, dedicated to the use of the plat, forever all streets, alleys, parks, watercourses, driveways and public places thereon shown for the purpose and consideration therein expressed.

Llasalle Holdings, Ltd.
Michael A. Schroeder, President
110 San Antonio St. #3419
Austin, TX 78701

STATE OF TEXAS
COUNTY OF _________________

Before me, the undersigned authority, on this day personally appeared Michael A. Schroeder, 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 consideration therein expressed and in the capacity therein stated, given under my hand and seal of office this day of __________, 20__.

Notary Public In and For
The State of Texas

SCHWARZ LAND SURVEYING & DEVELOPMENT, INC.
7230 NORTH MAHALO, BOWIE, TX 76214

Prepared: July 20, 2018
Revised: August 20, 2018
Revised: October 12, 2018

JDR NO. 107-113

Preliminary this plat shall not be recorded for any purpose.

Before me, the undersigned authority, on this day personally appeared James E. Schwartz, 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 consideration therein expressed and in the capacity therein stated, given under my hand and seal of office this day of __________, 20__.

Notary Public In and For
The State of Texas

PRELIMINARY
AMENDING
PRELIMINARY PLAT OF
LASALLE HOLDINGS

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Revised: October 12, 2018
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PRELIMINARY PLAT OF
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Prepared: July 20, 2018
Revised: August 20, 2018
Revised: October 12, 2018
Job No. 18-11-3
Recommendation:

Staff has reviewed the request and determined the Preliminary Plat Amendment complies with the Development Agreement and the San Marcos Land Development Code and recommends approval of PC-18-46 as submitted.
AGENDA CAPTION:
Consider a motion to reconsider the decision of the Planning and Zoning Commission in Case No. ZC-18-21 (Smart Terminal) to recommend denial of a request to zone approximately 934 acres of land out of the William Pettus Survey, Abstract No. 21, located in the City’s ETJ near the intersection of State Highway 80 and FM 1984 to “HI” Heavy Industrial district.
Meeting date: January 8, 2019

Department: Planning & Development Services

Amount & Source of Funding
Funds Required: N/A
Account Number: N/A
Funds Available: N/A
Account Name: N/A

Fiscal Note:
Prior Council Action: N/A

City Council Strategic Initiative: Choose an item.
Choose an item.
Choose an item.

Comprehensive Plan Element(s): ☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☐ Not Applicable

Master Plan: Choose an item.

Background Information:
At the December 11, 2018 Planning & Zoning Commission meeting, the Commission voted to recommend denial of the request for “HI” Heavy Industrial zoning for approximately 934 acres in Case No. ZC-18-21.

The City Manager placed this matter back on the Commission’s agenda for reconsideration based upon a request from the Commission chair and a review of additional information provided by the developer and City staff regarding the Smart Terminal Rail Park and Katerra economic development projects proposed for the subject property. A letter from the City Manager explaining his request for reconsideration in more detail is included with the Commission’s packet.

If the Commission votes in favor of this reconsideration item, then a public hearing would be conducted and action on the original zoning request would be taken at tonight’s meeting.

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Click or tap here to enter text.
December 20, 2018

Dear Planning and Zoning Commission Members,

This letter is to inform you that an item for reconsideration is being placed on the January 8, 2019 P&Z agenda based upon the request from the Planning and Zoning Commission (P&Z) Chair and my review of the proceedings from the December 11, 2018 P&Z meeting when the item was discussed. The Commission considered a rezoning request for a property within the Extraterritorial Jurisdiction of the City of San Marcos to rezone 934.34 acres near Highway 80 and FM 1984 to Heavy Industrial. As you may recall, the Commission recommended denial of this request. Since that time, the developer provided new pertinent information regarding the rezoning request to include additional uses for the property, more information regarding the Katerra development and infrastructure improvements such as a rail component. The Director of Engineering also provided more information regarding the impervious cover requirements and concerns with flooding and environmental concerns.

After reviewing the additional information myself, I am of the opinion that the matter should be reconsidered so that the Commission will have the benefit of all relevant information on which to base its decision. If the Commission votes to reconsider the matter, then a public hearing would be held and the Commission could take action on the zoning request the same night. Staff has been asked to send the appropriate notifications to the adjacent property owners and to post public notice in the newspaper as required by the Land Development Code. All new information will be added to the Planning Commission packet and will be discussed at the meeting.

We appreciate your service to our community and it is my only intent to allow the Commission every opportunity to make the best decisions possible based on all available information. Please let us know if you have any questions.

Sincerely,

Bert Lumbreras
City Manager

Cc: The Honorable Mayor and City Council

Enclosure
Below email from Jim Garber. Thanks!

Stephanie L. Reyes, MPA
Chief of Staff | City Manager's Office
630 E Hopkins, San Marcos, TX 78666
512.393.8107

From: Jim Garber <jimgarber001@yahoo.com>
Sent: Wednesday, December 19, 2018 7:51 PM
To: City Manager Information <CityManagerInfo@sanmarcostx.gov>
Subject: [EXTERNAL] P+Z agenda request

MEMO

TO: Bert Lumbreras, City Manager
City of San Marcos

FROM: Jim Garber, Chair
Planning and Zoning Commission
512 757-4190

RE: ZC-18-21 (SMART Terminal)

At the December 11, 2018 meeting of the Planning and Zoning Commission, the Commission voted to recommend denial of ZC-18-21. Since then, significant information has come to my attention in regard to this proposal. As such, I am requesting that ZC-18-21 be placed on the next Planning and Zoning Commission agenda for reconsideration.

CAUTION: This email is from an EXTERNAL source. Links or attachments may be dangerous. Click the Phish Alert button above if you think this email is malicious.
Consider a motion to reconsider the decision of the Planning and Zoning Commission in Case No. ZC-18-21 (Smart Terminal) to recommend denial of a request to zone approximately 934 acres of land out of the William Pettus Survey, Abstract No. 21, located in the City’s ETJ near the intersection of State Highway 80 and FM 1984 to “HI” Heavy Industrial district.
Smart Terminal - Katerra
AGENDA CAPTION:
ZC-18-21(Smart Terminal) Hold a public hearing and consider a request to amend the City's official zoning map by zoning approximately 934 acres of land, out of the William Pettus Survey, Abstract No. 21, located in the City's ETJ near the intersection of State Highway 80 and FM 1984 to “HI” Heavy Industrial district. (T. Carpenter)

Meeting date: January 8, 2019

Department: Planning & Development Services

Amount & Source of Funding
Funds Required: N/A
Account Number: N/A
Funds Available: N/A
Account Name: N/A

Fiscal Note:
Prior Council Action: Click or tap here to enter text.

City Council Strategic Initiative: [Please select from the dropdown menu below]
Choose an item.
Choose an item.
Choose an item.

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☒ Economic Development - Promote & Support Potential of San Marcos Regional Airport
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☐ Not Applicable
Background Information:
The subject property is currently located outside the City Limits in the Extraterritorial Jurisdiction (ETJ). This zoning request is being processed concurrently with an annexation request for the property. A full annexation and zoning timeline is attached to this report.

Maxwell Water Supply Corporation and the City of San Marcos will provide water service. The City of San Marcos will provide wastewater service. Bluebonnet Electric Cooperative will provide electric service.

The Planning & Zoning Commission held a public hearing and recommended denial of this request at their meeting on December 11, 2018. Additional information has been provided since the original action was taken and will be presented during the public hearing. This zoning change request will only be reconsidered if the Commission votes affirmatively to reconsider the item earlier on this meeting’s agenda.

Heavy Industrial is indicated as “not preferred” on table 4.1, therefore, further scrutiny is required to determine consistency with the Comprehensive Plan. However, due to the property’s location between the airport and two major highways and its adjacency to rail, staff finds that Heavy Industrial Uses, such as what is being proposed with Smart Terminal Site, are suitable at this location.

Council Committee, Board/Commission Action:
A portion of this development received approval of a Chapter 380 Economic Development Incentive Agreement by City Council on October 16, 2018. In this agreement, Katerra has agreed to create 542 jobs and invest $109 million in personal and real property.

Alternatives:
Click or tap here to enter text.

Recommendation:
Staff recommends approval of the request.
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Map Date: 12/20/2018
Zoning Request

ZC-18-21

Summary

Request: Zoning change from Extraterritorial Jurisdiction (ETJ) to Heavy Industrial (HI)

Applicant: Texas Transportation Alliance
110 San Antonio St #3111
Austin, TX 78701

Property Owner: Curby D. Ohnheiser
19330 San Marcos Hwy.
San Marcos, TX 78666

Notification

Application: November 9, 2018

Neighborhood Meeting: N/A

Published: November 25, 2018
December 23, 2018

# of Participants N/A

Posted: November 21, 2018
December 21, 2018

Personal: November 21, 2018
December 21, 2018

Response: Three phone calls in opposition.

Property Description

Legal Description: 934.34 acres out of the William Pettus Survey.

Location: Near Highway 80 and FM 1984

Acreage: 934.34

PDD/DA/Other: Res. 2018-184R & pending annexation

Existing Zoning: Extraterritorial Jurisdiction

Proposed Zoning: Heavy Industrial

Existing Use: Agriculture

Proposed Use: Industrial / Rail Park

Preferred Scenario: Low Intensity

Proposed Designation: Low Intensity

CONA Neighborhood: N/A

Sector: N/A

Utility Capacity: Arranged

Floodplain: Yes

Historic District: N/A

Surrounding Area

<table>
<thead>
<tr>
<th>North of Property:</th>
<th>Existing Land Use</th>
<th>Preferred Scenario</th>
</tr>
</thead>
<tbody>
<tr>
<td>ETJ &amp; P</td>
<td>Gary Job Corps &amp; San Marcos Regional Airport</td>
<td>Low Intensity</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>South of Property:</th>
<th>Existing Land Use</th>
<th>Preferred Scenario</th>
</tr>
</thead>
<tbody>
<tr>
<td>ETJ</td>
<td>Agriculture</td>
<td>Low Intensity</td>
</tr>
</tbody>
</table>

<table>
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<th>East of Property:</th>
<th>Existing Land Use</th>
<th>Preferred Scenario</th>
</tr>
</thead>
<tbody>
<tr>
<td>ETJ</td>
<td>Agriculture / Single Family</td>
<td>Low Intensity</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>West of Property:</th>
<th>Existing Land Use</th>
<th>Preferred Scenario</th>
</tr>
</thead>
<tbody>
<tr>
<td>FD</td>
<td>Agriculture</td>
<td>Low Intensity</td>
</tr>
</tbody>
</table>

Staff Recommendation

X Approval as Submitted

Approval with Conditions / Alternate

Denial

Staff: Tory Carpenter, CNU-A

Title: Planner

Date: January 3, 2019
History
The subject property is currently located outside the City Limits in the Extraterritorial Jurisdiction (ETJ). This zoning request is being processed concurrently with an annexation request for the property. A full annexation and zoning timeline is attached to this report.

Maxwell Water Supply Corporation and the City of San Marcos will provide water service. The City of San Marcos will provide wastewater service. Bluebonnet Electric Cooperative will provide electric service.

The Planning & Zoning Commission held a public hearing and recommended denial of this request at their meeting on December 11, 2018. Additional information has been provided since the original action was taken and will be presented during the public hearing. This zoning change request will only be reconsidered if the Commission votes affirmatively to reconsider the item earlier on this meeting's agenda.

Additional Analysis
Approximately 66 acres of this development received approval of a Chapter 380 Economic Development Incentive Agreement by City Council on October 16, 2018. This agreement provides tax incentives and waives certain development standards for this portion of the property. In return, the developer must employ at least 542 persons and invest at least $109 million in the project.

The developer is requesting Heavy Industrial for the entire property to be able to offset the cost of constructing rail infrastructure through the property.

Heavy Industrial is indicated as “not preferred” on table 4.1, therefore, further scrutiny is required to determine consistency with the Comprehensive Plan. However, due to the property's location between the airport and two major highways and its adjacency to rail, staff finds that Heavy Industrial Uses, such as what is being proposed with Smart Terminal Site, are suitable at this location.

Comments from Other Departments
<table>
<thead>
<tr>
<th>Department</th>
<th>Comment or No Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>Comment or No Comment</td>
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<tr>
<td>Fire</td>
<td>Comment or No Comment</td>
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<tr>
<td>Public Services</td>
<td>Comment or No Comment</td>
</tr>
<tr>
<td>Engineering</td>
<td>Comment or No Comment</td>
</tr>
</tbody>
</table>
### Evaluation of Uses & Density Criteria (Sec.4.1.2.5)

<table>
<thead>
<tr>
<th>Consistent</th>
<th>Inconsistent</th>
<th>Neutral</th>
<th>Compatibility</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Helps prevent the impacts of high density uses on low density areas.</td>
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<td></td>
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<td></td>
<td>Heavy Industrial is intended to accommodate a broad range of high impact manufacturing or industrial uses, that by their nature create a nuisance, and which are not property associated with or are not compatible with nearby residential or commercial uses.</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>The property and proposed rail park is adjacent to the railroad and in close proximity to the airport.</td>
</tr>
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<td></td>
<td></td>
<td>N/A</td>
<td>Limits changes in neighborhood density categories unless directed by a small area plan or neighborhood character study.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Studies were not complete at time of request.</td>
</tr>
<tr>
<td>X</td>
<td></td>
<td></td>
<td>Encourages more opportunities for home ownership.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>This zoning district does not allow residential uses.</td>
</tr>
<tr>
<td>X</td>
<td></td>
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<td>Ensures a diversity of housing to serve citizens with varying needs and interests.</td>
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<td></td>
<td>This zoning district does not allow residential uses.</td>
</tr>
</tbody>
</table>

### Criteria for Approval (Sec.2.5.1.4)

<table>
<thead>
<tr>
<th>Consistent</th>
<th>Inconsistent</th>
<th>Neutral</th>
<th>Criteria</th>
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<td>Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map.</td>
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<td>This request meets the following Economic Development goals from the Comprehensive Plan:</td>
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<td>- <strong>Goal 3</strong>: Develop relationships in emerging markets and industries that generate quality entrepreneurial and employment opportunities.</td>
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<td>- <strong>Goal 4</strong>: Create and support a diverse economic environment that is prosperous, efficient and will enhance the lives of residents.</td>
</tr>
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<td>- <strong>Goal 5</strong>: Provide fiscally responsible incentives for economic development.</td>
</tr>
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<td></td>
<td>- <strong>Goal 6</strong>: Promote and support the maximum potential of the San Marcos Municipal Airport.</td>
</tr>
<tr>
<td>Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area</td>
<td>N/A</td>
<td>Studies were not complete at time of request.</td>
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</tr>
<tr>
<td>Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect</td>
<td>X</td>
<td>A development agreement is not required because the property is being annexed. However, the request is consistent with the approved Chapter 380 Economic Development Incentive Agreement.</td>
<td></td>
</tr>
<tr>
<td>Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses shall be appropriate in the immediate area of the land to be reclassified</td>
<td>X</td>
<td>While there are residences to the east of the property, the majority of surrounding land is vacant or agricultural. Additionally, the property is adjacent to the San Marcos Regional Airport and the railroad.</td>
<td></td>
</tr>
<tr>
<td>Whether the proposed zoning will reinforce the existing or planned character of the area</td>
<td>X</td>
<td>The area is primarily vacant and agricultural.</td>
<td></td>
</tr>
<tr>
<td>Whether the site is appropriate for the development allowed in the proposed district</td>
<td>X</td>
<td>While a small portion of the property is in the floodplain, all development must meet City of San Marcos code requirements.</td>
<td></td>
</tr>
<tr>
<td>Whether there are substantial reasons why the property cannot be used according to the existing zoning</td>
<td>N/A</td>
<td>The property is currently in the ETJ.</td>
<td></td>
</tr>
<tr>
<td>Whether there is a need for the proposed use at the proposed location</td>
<td>X</td>
<td>The proposed uses would create rail-based jobs.</td>
<td></td>
</tr>
<tr>
<td>Whether the City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, public safety, and emergency services, while maintaining sufficient levels of service to existing development</td>
<td>X</td>
<td>The developer is negotiating with service providers. Utilities must be approved and extended for any development to occur.</td>
<td></td>
</tr>
<tr>
<td>Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property</td>
<td>X</td>
<td>While there are residences to the east of the property, the majority of surrounding land is vacant or agricultural. Additionally, the property is adjacent to the San Marcos Regional Airport and the railroad.</td>
<td></td>
</tr>
<tr>
<td>Zoning Request</td>
<td>Smart Terminal</td>
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<tr>
<td><strong>ZC-18-21</strong></td>
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</tbody>
</table>

|   | N/A | For requests to a Neighborhood Density District, whether the proposed amendment complies with the compatibility of uses and density in Section 4.1.2.5  
*This request is not for a Neighborhood Density District.* |
|---|-----|---|
| X | The impact the proposed amendment has with regard to the natural environment, including the quality and quantity of water and other natural resources, flooding, and wildlife management  
*The majority of the property is located in a low constrained area according to the Land Use Suitability Map.* |
| X | Any other factors which shall substantially affect the public health, safety, morals, or general welfare  
*None noted.* |
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Map Date: 12/20/2018
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Map Date: 12/14/2018
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Imagery from 2017.
RESOLUTION NO. 2018-184R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING A CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT WITH KATERRA, INC. TO LOCATE AN AUTOMATED BUILDING COMPONENT MANUFACTURING AND DISTRIBUTION FACILITY ALONG STATE HIGHWAY 80 EAST OF STATE HIGHWAY 21, WHICH AGREEMENT PROVIDES INCENTIVES OVER TEN YEARS IN THE FORM OF ANNUAL REFUNDS OF A PORTION OF NEW PROPERTY TAXES GENERATED FROM THE FACILITY AND WAIVES CERTAIN DEVELOPMENT STANDARDS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND DECLARING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

PART 1. The attached Chapter 380 Economic Development Incentive Agreement with Katerra, Inc. (the “Agreement”) is hereby approved.

PART 2. The City Manager is authorized to execute the Agreement on behalf of the City.

PART 3. This resolution shall be in full force and effect from and after its passage.

ADOPTED on October 16, 2018.
CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT

As of October 16, 2018 (the "Effective Date") this Chapter 380 Economic Development Incentive Agreement (the "Agreement") is entered into between the City of San Marcos, Texas (the "City"), a Texas municipal corporation, and Katerra Construction LLC ("Company"). The City and Company may also be referred to collectively as the "Parties" or individually as a "Party".

PART 1. RECITALS

Section 1.01. The Company is a technology company redefining the construction industry. The Company is focused on optimizing the ways in which buildings are designed and built. Founded in 2015, the Company has more than 3,500 global employees with a growing number of domestic and international offices, factories and building projects. The Company consists of experts in design, material sourcing, manufacturing, logistics, technology, and construction to provide a single integrated offering.

Section 1.02. The Company proposes to construct an advanced manufacturing facility which will include a fully automated assembly line to manufacture building components in the City of San Marcos.

Section 1.03. The Company has requested financial incentives and waivers of certain development standards from the City to facilitate locating such Company facilities and business activities to the City of San Marcos.

Section 1.04. Locating such Company facilities and business activities to the City of San Marcos would benefit the City by creating new jobs and generating revenues for the City from the addition of personal property inventory and improvements to real property, each of which is subject to ad valorem tax assessment.
Section 1.05. The City is authorized under Chapter 380 of the Texas Local Government Code to offer certain economic development incentives for public purposes, including the promotion of local economic development and the stimulation of business and commercial activity in the City.

Section 1.06. The City has determined that providing economic development incentives, including waiving certain development standards, under this Agreement will promote local economic development and stimulate business and commercial activity in the City.

Section 1.07. For the reasons stated in these Recitals, which are incorporated into and made a part of this Agreement, and in consideration of the mutual benefits to and promises of the Parties set forth herein, the Parties enter into this Agreement and agree to the terms and conditions set forth in this Agreement.

ARTICLE II
DEFINITIONS

Section 2.01. “Additional Property Taxes” are the City’s share of the ad valorem taxes received from the Hays County Tax Assessor-Collector each tax year during the Term on the value of all Personal Property and Real Property Improvements on the Project Site (defined below) in excess of the Base Year Taxes.

Section 2.02. “Base Year Taxes” means the ad valorem tax real and personal property taxes due and payable on the value of the Real Property Improvements and Personal Property on the Project Site as of January 1, 2018, as established by the Hays County Appraisal District.

Section 2.03. “Business” means the business activities of Company conducted in the City of San Marcos, Texas on the Project Site, including, but not limited to continuously conducting the business activities described in Section 1.02, and including the creation and maintenance of the Minimum Jobs Requirement under Section 3.03.
Section 2.04. "Grant Payments" means the City’s payments to Company once per calendar year during the Term of an amount equal to a percentage of the Additional Property Taxes generated from the Project Site as outlined in the schedule in Exhibit "C," attached hereto and made a part hereof for all purposes.

Section 2.05. "Job(s)" means a full-time employment position at the Project Site resulting from or provided in connection with the Project (defined below), which position provides 2,080 annual full-time hours of employment or equivalent, a wage of no less than $15.00 per hour, employer sponsored group health insurance, paid sick days, and annual paid vacation based on length of service and paid holidays. Any position not meeting such criteria does not qualify as a "Job" for purposes of this Agreement.

Section 2.06. "Personal Property" means all materials, supplies, equipment, inventory or other personal property attributable to the Business on the Project Site subject to ad valorem taxes.

Section 2.07. "Project" means the operation of the Business on the Project Site and includes, without limitation, the addition of Real Property Improvements (as defined below), Personal Property, and the creation of Jobs.

Section 2.08. "Project Site" means the real property within the city limits of the City of San Marcos and Hays County, Texas upon which the Project shall be executed, the legal description of which is shown in Exhibit "A," attached hereto and made a part of this Agreement for all purposes.

Section 2.09. "Real Property Improvements" means the real property constituting the Project Site, together with all improvements to real property on the Project Site, other than Personal Property, subject to ad valorem tax assessment.
Section 2.10. The “Term” of this Agreement shall commence on the Effective Date and continue until December 31, 2031 (unless terminated sooner as provided in this Agreement), except that Company’s obligation to submit a Compliance Certificate (as defined below) for the year 2031, together with any other information as may be requested by the City under this Agreement, and the City’s obligation, if any, to complete the Grant Payments due under this Agreement for the year 2031 shall continue until satisfied.

ARTICLE III
COMPANY’S PRIMARY OBLIGATIONS

Section 3.01. Addition of Improvements and Personal Property. Company shall cause construction of the Real Property Improvements to be commenced on or before June 1, 2019 and to be completed on or before March 31, 2020. Completion of the Real Property Improvements shall be evidenced by a certificate of occupancy issued by the City in accordance with applicable ordinances. As of March 31, 2020, Company shall have made a minimum cumulative capital investment in Real Property Improvements and Personal Property of at least $109,000,000.00.

Section 3.02. Operation of Business. Company shall begin operation of the Business on the Project Site on or before March 31, 2020, and shall continuously operate, maintain and manage the Business for the duration of the Term.

Section 3.03. Job Creation. On or before March 31, 2021, Company shall employ at least 542 persons in Jobs (the “Minimum Jobs Requirement”) and keep such Jobs filled during the Term. While the titles, personnel, or the classification of such Jobs may change, the Minimum Jobs Requirement shall be continuously maintained through the end of the Term.

Section 3.04. Non-Discrimination. Company agrees that it will maintain, and shall use its best efforts to enforce, employment policies that prohibit discrimination from occurring in the hiring and employment of persons in Jobs on the basis of race, creed, color, national origin, sex or
disability or other characteristics for which protection is available under applicable local, state and federal anti-discrimination laws. Company shall report to the City in its annual Compliance Certificate any judicial or administrative agency determinations that Company has violated any such anti-discrimination laws in relation to persons applying for or employed in Jobs for the applicable reporting period.

**Section 3.05. Compliance with Laws.** In performing its obligations under this Agreement, Company shall comply with all applicable laws, regulations and ordinances.

**ARTICLE IV**

**GRANT PAYMENTS FROM THE CITY**

**Section 4.01. Grant Payments.** Subject to other terms and conditions of this Agreement and Company’s compliance with this Agreement, the City will make Grant Payments to Company in the manner set forth in this Article.

**Section 4.02. Ten-Year Payment Period.** The City shall make up to 10 annual Grant Payments to Company, as outlined in Exhibit “C.” The year 2021 will be the first year in which the full value of all completed Real Property improvements will be reflected on the tax rolls (as of January 1) and the requisite 542 Jobs must be created and maintained (as of December 31). Accordingly, the first year in which an application for a Grant Payment may be submitted to and paid by the City is 2022.

**Section 4.03. Prerequisites to Payment.** The City shall not be required to make a Grant Payment during any applicable calendar year unless and until:

(a) Company has submitted a compliance certificate in the form attached as Exhibit “B” hereto (the “Compliance Certificate”), together with any other information required to be submitted to the City under this Agreement necessary to verify Company’s compliance with the terms of this Agreement on or before April 1 of such calendar year;
(b) Additional Property Taxes for the prior tax year are received by the City from the Hays County Tax Assessor-Collector; and

(c) funds are appropriated by the San Marcos City Council for the specific purpose of making a Grant Payment under this Agreement as part of the City’s ordinary budget and appropriations approval process.

Provided the foregoing conditions have been satisfied and Company is otherwise in compliance with this Agreement, the City shall pay to Company any Grant Payments due within thirty (30) days after the last to occur of the events in subsections (a)-(c) of this Section.

ARTICLE V
WAIVER OF DEVELOPMENT STANDARDS

Section 5.01 Waiver of Development Standards. Pursuant to the City’s authority under section 2.4.5.1 of the City’s Development Code, the City hereby waives the following requirements of such Development Code:

(a) The requirements of Section 3.6.2.1, Table 3.1 regarding block perimeters and dead end street lengths in EC, HC, HI and LI zoning districts are waived.

(b) The requirements of Section 4.3.5.3 regarding blank wall area are waived to allow typical industrial construction, using concrete tilt wall as primary building material, as provided in Section 4.3.5.17 (d)(1)(a).

ARTICLE VI
REPRESENTATIONS AND WARRANTIES OF COMPANY

As of the Effective Date, Company represents and warrants to the City, as follows:

Section 6.01. Organization. Company is duly organized, validly existing and in good standing under the laws of the State of Delaware and is authorized to conduct business or own real property in the State of Texas. The activities that Company proposes to carry on at the Project Site
may lawfully be conducted by Company.

Section 6.02. Authority. The execution, delivery and performance by Company of this Agreement are within Company’s powers and have been duly authorized.

Section 6.03. Valid and Binding Obligation. This Agreement is the legal, valid and binding obligation of Company, enforceable against Company in accordance with its terms except as limited by applicable relief, liquidation, conservatorship, bankruptcy, moratorium, rearrangement, insolvency, reorganization or similar laws affecting the rights or remedies of creditors generally, as in effect from time to time.

Section 6.04. No Defaults. Company is not in default in the performance, observance or fulfillment of any of the obligations, covenants or conditions contained in any agreement or instrument to which they are parties or by which they or any of their property is bound that would have any material adverse effect on Company’s ability to perform under this Agreement.

Section 6.05. Full Disclosure. Neither this Agreement nor any schedule or Exhibit attached hereto in connection with the negotiation of this Agreement contains any untrue statement of a material fact or omits to state any material fact necessary to keep the statements contained herein or therein, in the light of the circumstances in which they were made, from being misleading.

ARTICLE VII
PERSONAL LIABILITY OF PUBLIC OFFICIALS
AND LIMITATIONS ON CITY OBLIGATIONS

Section 7.01. Personal Liability of Public Officials. No employee or elected official of the City shall be personally responsible for any liability arising under or growing out of this Agreement.
Section 7.02. Limitations on City Obligations. The Grant Payments made and any other financial obligation of the City hereunder shall be paid solely from lawfully available funds that have been budgeted and appropriated by the City each applicable fiscal year during the Term as provided in this Agreement. Under no circumstances shall the City’s obligations hereunder be deemed to create any debt within the meaning of any constitutional or statutory provision. Consequently, notwithstanding any other provision of this Agreement, the City shall have no obligation or liability to pay any Grant Payments or other payments unless the City budgets and appropriates funds to make such payments during the City’s fiscal year in which such Grant Payment(s) or other payments are payable under this Agreement. If the City fails to appropriate funds for a Grant Payment during any fiscal year, Company may at its option terminate this Agreement effective upon written notice to the City, subject to any unpaid Grant Payment properly due to Company for which a lawful appropriation of funds has occurred.

Section 7.03. No Recourse. Company shall have no recourse against the City for the City’s failure to budget and appropriate funds during any fiscal year to meet the purposes of and satisfy its obligations under this Agreement and such failure shall not constitute a breach of this Agreement.

ARTICLE VIII
INFORMATION

Section 8.01. Information. Company shall, at such times and in such form as the City may reasonably request from Company, provide information concerning the performance of Company’s obligations under this Agreement.

Section 8.02. Annual Certification Related to Minimum Jobs Requirement and Compliance With Agreement. Beginning in calendar year 2020 and continuing each calendar year thereafter during the Term, Company shall submit to the City, on or before January 30 of each
such year, a certified Compliance Certificate, acceptable to the city manager of the City and signed by an authorized officer or employee of Company, that Company is in full compliance with its obligations under this Agreement or, if not in full compliance, a statement disclosing the nature of any non-compliance and any reasons therefor. Beginning in calendar year 2022, each Compliance Certificate shall also include information regarding Company’s satisfaction of the Minimum Jobs Requirement as of the end of the preceding calendar year, as determined in accordance with Section 3.03. After receiving a timely submitted Compliance Certificate, the City shall have thirty (30) days to notify Company in writing of any questions that the City may have concerning any of the information provided by Company in its Compliance Certificate, and Company shall diligently work in good faith to respond to such questions to the City’s reasonable satisfaction.

Section 8.03. Review of Company Records. Company agrees that the City will have the right to review the business records of Company that relate to the Project and this Agreement in order to determine Company’s compliance with the terms of this Agreement. Such review shall occur at any reasonable time during regular daytime business hours and upon at least seven days’ prior notice to Company. To the extent reasonably possible, Company shall make all such records available in electronic form or otherwise available to be accessed through the internet.

Section 8.04. Confidentiality. Subject to the requirements of the Texas Public Information Act, or order of a court of competent jurisdiction, nothing contained herein shall require Company to disclose or make available to the City any information relating to its employees that would violate the privacy rights of its employees or would violate applicable law, or to disclose or make available proprietary or other confidential information of Company. The City’s obligations under this paragraph do not impose a duty upon the City to challenge any ruling
or opinion of the Texas Attorney General to release information in response to a specific request for information under the Texas Public Information Act.

**ARTICLE IX  
DEFAULT, TERMINATION AND REMEDIES**

Section 9.01. Default and Termination. Except as otherwise provided herein, at any time during the Term of this Agreement that Company is not in material compliance with its obligations under this Agreement, the City may send written notice of such non-compliance to Company. If such non-compliance is not cured within thirty (30) days after Company’s receipt of such notice or, if non-compliance is not reasonably susceptible to cure within thirty (30) days and a cure is not begun within such 30-day period and thereafter continuously and diligently pursued to completion on a schedule approved by the City (in either event, a “Cure”), then the City may, at its sole discretion, terminate this Agreement or withhold Grant Payments otherwise due for the calendar year or years in which the non-compliance occurs. If the City elects to withhold Grant Payments under this Section rather than to terminate the Agreement, then, upon a Cure by Company, Company will be eligible to receive Grant Payments in future years (provided it is otherwise in compliance and subject to other limitations of this Agreement) for the remainder of the Term. However, the Grant Payment withheld by the City for any year during which Company was not in compliance, shall be deemed forfeited by Company and the City shall not be liable for later payment of such forfeited Grant Payments. Except as to circumstances arising from an event of *force majeure*, the Term shall not be extended as a result of any cure period agreed to by the City under this Section.

Section 9.02. Termination for Misrepresentation. Notwithstanding any provision for notice of default and any opportunity to cure under Section 8.01, the City may terminate the Agreement immediately by providing written notice to Company if Company, its officers or
signatories to this Agreement misrepresented or misrepresents any material fact or information: (i) upon which the City relied in entering into this Agreement; (ii) upon which the City relies in making a Grant Payment to Company; or (iii) as an inducement for the City to make a Grant Payment to Company.

Section 9.03. Other Remedies. Upon breach of any obligation under this Agreement, in addition to any other remedies expressly set forth in this Agreement with respect to such breach, either Party may pursue such remedies as are available at law or in equity for breach of contract. Notwithstanding the foregoing, the City shall not in any case be liable for special, incidental, consequential, indirect, or other similar damages, even if City or its agent(s) have been advised of the possibility of such damages. In no event shall the City’s liability for damages under this Agreement exceed the amount of the Grant Payment due and owing to Company for the Company’s proper performance in the year immediately preceding the year in which the breach by the City Occurred.

Section 9.04. Offset. The City may deduct from any Grant Payments, as an offset, any delinquent and unpaid fees, sums of money or other fees, charges or taxes assessed and owed to or for the benefit of the City by Company.

Section 9.05. Force Majeure. An event of force majeure means an event beyond the reasonable control of a Party obligated to perform an act or take some action under this Agreement including, but not limited to, acts of God, earthquake, fire, explosion, war, civil insurrection, acts of the public enemy, act of civil or military authority, sabotage, terrorism, floods, lightning, hurricanes, tornadoes, severe snow storms or utility disruption, strikes, lockouts, major equipment failure or the failure of any major supplier to perform its obligations. If a force majeure event occurs and such event prevents a Party from fulfilling its obligations hereunder, the applicable
time period for performing such obligations shall be extended by the period of delay resulting from the *force majeure*.

Section 9.06. Indemnification. The City shall not be obligated to pay any indebtedness or obligations of Company. Company hereby agrees to indemnify and hold the City, and the City's elected officials and employees, harmless from and against (i) any indebtedness or obligations of Company; (ii) any other loss, claim, demand, lawsuit, liability or damages arising from the negligence or intentional misconduct of Company in the performance of its obligations under this Agreement, or (iii) breach of any representation, warranty, covenant or agreement of Company contained in this Agreement, without regard to any notice or cure provisions. Company's indemnification obligation hereunder shall include payment of the City's reasonable attorneys' fees, costs and expenses with respect thereto.

ARTICLE X
MISCELLANEOUS

Section 10.01. Entire Agreement. This Agreement, including the Recitals and the Exhibits hereto, contains the entire agreement between the Parties with respect to the transactions contemplated herein.

Section 10.02. Amendments. This Agreement may only be amended, altered, or terminated by written instrument signed by all Parties.

Section 10.03. Assignment; Successors. Company may not assign any of its rights, or delegate or subcontract any of its duties under this Agreement, in whole or in part, without the prior written consent of the City.
Section 10.04. Waiver. No term or condition of this Agreement shall be deemed to have been waived, nor shall there be any estoppel to enforce any provision of this Agreement, except by written instrument of the party charged with such waiver or estoppel.

Section 10.05. Notices. Any notice, statement and/or communication required and/or permitted to be delivered hereunder shall be in writing and shall be mailed by first-class mail, postage prepaid, or delivered by hand, messenger, telecopy, or reputable overnight carrier, and shall be deemed delivered when received at the respective address of the recipient Party set forth below, or at such other address furnished in writing to the other Party hereto:

Company: Katerra Inc.
2494 Sand Hill Rd #100
Menlo Park, CA 94025
Attn: John Somerville
Telephone: 469-831-4219

City: City of San Marcos
630 E. Hopkins
San Marcos, Texas 78666
Attn: City Manager
Telephone: (512) 393-8101

Section 10.06. Applicable Law and Venue. This Agreement is made, and shall be construed and interpreted under the laws of the State of Texas. Venue for any legal proceedings shall lie in State courts located in Hays County, Texas. Venue for any matters in federal court will be in the United States District Court for the Western District of Texas.

Section 10.07. Severability. In the event any provision of this Agreement is illegal, invalid, or unenforceable under the applicable present or future laws, then, and in that event, it is the intention of the Parties that the remainder of this Agreement shall not be affected thereby, and it is also the intention of the Parties to this Agreement that in lieu of each clause or provision that is found to be illegal, invalid, or unenforceable a provision be added to this Agreement which
is legal, valid and enforceability and is a similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

**Section 10.08. Third Parties.** The City and Company intend that this Agreement shall not benefit or create any right or cause of action in or on behalf of any third-party beneficiary, or any individual or entity other than the City and Company or permitted assignees or successors of the City and Company, except that the indemnification and hold harmless obligations by Company provided for in this Agreement shall inure to the benefit of the indemnitees named therein.

**Section 10.09. No Joint Venture.** Nothing contained in this Agreement is intended by the Parties to create a partnership or joint venture between the Parties, and any implication to the contrary is hereby expressly disavowed. It is understood and agreed that this Agreement does not create a joint enterprise, nor does it appoint either Party as an agent of the other for any purpose whatsoever. Except as otherwise specifically provided herein, neither party shall in any way assume any of the liability of the other for acts of the other or obligations of the other.

**Section 10.10. Immunity.** The City, in entering this Agreement does not waive its immunity from suit or any other limitations on its liability, contractual or otherwise, as granted by the Texas Constitution or applicable laws of the State of Texas.

**Section 10.11. Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall be considered an original, but all of which constitute one instrument, and facsimile or electronic (in PDF) copies of this Agreement and facsimile or electronic (in PDF) signatures to this Agreement shall be authorized and deemed effective.

**EXECUTED** in duplicate originals to be effective as of the Effective Date.
CITY OF SAN MARCOS, TEXAS

By: [Signature]
Bert Lumbreras, City Manager

COMPANY

By: [Signature]
[Name and title]
HEAD OF MANUFACTURING
EXHIBIT “A”

Legal Description of the Project Site
EXHIBIT “B”

Form of Compliance Certificate

CHAPTER 380 ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT
ANNUAL COMPLIANCE CERTIFICATE

From: [Name of Company] [Name and Title of Responsible Party]
       [Address 1]
       [Address 2] [Email address] [Phone Number]

To: City of San Marcos Attn: City Manager
       630 East Hopkins Street
       San Marcos, TX 78666

Reporting Period:
       [MM/DD/YYYY] to [MM/DD/YYYY]

"Jobs" at Beginning of Reporting Period: [Number of Jobs]

"Jobs" at End of Reporting Period: [Number of Jobs]

<table>
<thead>
<tr>
<th>Real Property Quick Reference ID</th>
<th>Base Year Value Tax Year XX</th>
<th>Reporting Tax Year XX Value of Improvements</th>
<th>Change in Value</th>
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</tr>
<tr>
<td>Total</td>
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<td>$</td>
</tr>
</tbody>
</table>
List all supporting documents attached to this Compliance Certificate:
1) 
2) 
3) 
4) 
5) 

The City Manager may agree to an amendment to this form from time to time, provided such amended form shall be substantially similar in reporting the information necessary to confirm compliance with the Chapter 380 Agreement and to calculate the Grant Payments.

Upon request of the City Manager, the Company shall supplement this form with such information as is reasonably necessary for the City to audit or verify the information reported by the Company, including such things as jobs reports submitted to state and federal agencies, tax forms and personnel records, subject to the protection of personal information of individual employees protected by applicable laws.

The Company acknowledges and agrees that it is a recipient of public funds. As such, the City has a special right of access to information related to the Company’s performance under the Chapter 380 Agreement. Certain information of the Company may be subject to disclosure under the Texas Public Information Act. While the City may notify the Company of certain requests for information from third parties, the City shall have no obligation to assert exceptions to disclosure of such information to the Texas Attorney General or other authority having jurisdiction on behalf of the Company.
I, the undersigned, certify that I am a duly authorized representative of the Company, that the foregoing information is true and correct, and that the Company has complied with all terms and conditions of the Chapter 380 Agreement.

[Signature]

[Date]

[Print Name and Title]
EXHIBIT “C”
Summary of Chapter 380 Payments

<table>
<thead>
<tr>
<th>Year</th>
<th>Performance Required</th>
<th>Grant Payment for Prior Year’s Performance</th>
<th>Percentage of Additional Property Taxes to be Rebated as a Grant Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Start Improvements</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>2019</td>
<td>Pursue completion of Improvements</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>2020</td>
<td>Improvements Completed, Initial Jobs and Begin to Operate Business</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>2021</td>
<td>Improvements on Tax Roll, Jobs and Operate Business</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>2022</td>
<td>Improvements on Tax Roll, Jobs and Operate Business</td>
<td>Yes*</td>
<td>80%</td>
</tr>
<tr>
<td>2023</td>
<td>Improvements on Tax Roll, Jobs and Operate Business</td>
<td>Yes</td>
<td>80%</td>
</tr>
<tr>
<td>2024</td>
<td>Improvements on Tax Roll, Jobs and Operate Business</td>
<td>Yes</td>
<td>80%</td>
</tr>
<tr>
<td>2025</td>
<td>Improvements on Tax Roll, Jobs and Operate Business</td>
<td>Yes</td>
<td>70%</td>
</tr>
<tr>
<td>2026</td>
<td>Improvements on Tax Roll, Jobs and Operate Business</td>
<td>Yes</td>
<td>70%</td>
</tr>
<tr>
<td>2027</td>
<td>Improvements on Tax Roll, Jobs and Operate Business</td>
<td>Yes</td>
<td>70%</td>
</tr>
<tr>
<td>2028</td>
<td>Improvements on Tax Roll, Jobs and Operate Business</td>
<td>Yes</td>
<td>60%</td>
</tr>
<tr>
<td>2029</td>
<td>Improvements on Tax Roll, Jobs and Operate Business</td>
<td>Yes</td>
<td>60%</td>
</tr>
<tr>
<td>2030</td>
<td>Improvements on Tax Roll, Jobs and Operate Business</td>
<td>Yes</td>
<td>60%</td>
</tr>
<tr>
<td>2031</td>
<td>Improvements on Tax Roll, Jobs and Operate Business</td>
<td>Yes</td>
<td>60%</td>
</tr>
</tbody>
</table>

* Although the improvements will be completed in 2020, the full value of the completed improvements for purposes of calculating any Grant Payments will not be reflected on the tax rolls until January 1, 2021. Similarly, the Jobs required will be based on the number of Jobs created as of December 31, 2021. Accordingly, the first Grant Payment application and payment cannot be made until 2022, when all information for the 2021 Reporting Period is available.
James O. Robertson  
Deborah Battle Robertson  
2439 FM 1984  
Maxwell, Tx. 78656  
December 28, 2018

Dear Zoning Commission Members,  
City Council Members,

We are the owners of property on Highway 1984, and Mill Road, that falls within the “400’ Buffer” around the property under consideration in case number CZ-18-21.

We have concerns about the frequent flooding issues that we have observed with just moderate rainfall on our neighbor’s property. There is a dry creek that runs through the corn field, that has flooded the area, just this week, with only one inch of rain, there is standing water. When we have had real rain and floods, it has over run the highway between our location and Highway 80. Anyone who lives in a river bottom, knows that the river floods. That is why farmers came here in the first place, because of the fertile soil, as a result of frequent flooding over the years.

We are concerned that without the issue of water and flooding being addressed, a new “heavy industrial” area, will drown our homes and property, when they are allowed to cover 80% of their area with concrete and asphalt.

We have further concerns about factories built right next to our homes and water wells, that we depend on for our drinking water.

If our plans for the future come to pass, we will build four more small homes on the adjacent property to your “heavy industrial” zone. With four more families driving home on these same roads, and drinking from the same water well, just a few feet away from where these unknown factories are set to be built.

When we bought this land, from the family who had been here since the 1930’s it was with the promise that the properties would remain together, and be passed to another family who would love and protect it into the future. We plan to honor that promise.

We are business owners ourselves, and we understand growth and community development is part of what makes our area a desirable destination. However, endangering the property values and lives of our neighbors, is something that needs to be a serious consideration as well.

People live down stream from these “heavy industrial” zones you are deciding on. We have had deadly flooding just last month in very close proximity to this location.

Besides flood control, can our current highway system hold up to more traffic and heavy trucks, and how will that impact an already overloaded intersection that leads into San Marcos and I-35?

Please remember that monetary gain has to be balanced with the quality of life you are determining for you neighbors and their families in areas adjacent to the “zone” under consideration.

We are citizens of this community as well. Shouldn’t someone be looking out for the rights of your citizens, instead of simply interested in how much money can be made?
Lesser citizens, and those with less legal representation, or resources with which mount a real protest, should not be the primary determining factor in the decisions made by this council.

Your constituents have placed their trust, and futures in your deliberate decisions. Those are decisions that should be made in the best interest of everyone you represent. Please don't make your judgements based only on what is expedient for people with the most money to be made.

We, and this area, deserve better than to be treated like the "low hanging fruit"!

Respectfully,

[Signature]

James and Deborah Robertson
ZC-18-21(Smart Terminal)
An amendment to the City’s official zoning map rezoning approximately 934 acres, more or less, out of the William Pettus Survey, Abstract No. 21, generally located near the intersection of State Highway 80 and FM 1984, from “ETJ” Extraterritorial Jurisdiction to “HI” Heavy Industrial. (T. Carpenter)
Location:

- Approximately 934.34 acres located near Highway 80 and FM 1984

- Surrounding uses include Gary Job Corps, San Marcos Regional Airport, agricultural uses, and single-family residences.
Context & History

• Existing Zoning: (Extraterritorial Jurisdiction) ETJ

• Proposed Zoning: Heavy Industrial (HI)

• Proposed Use: Rail Park
Surrounding Development
AN-18-05
Smart Terminal - Katerra Site

The product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Imagery from 2017.

Map Date: 12/19/2016
Floodplain & Water Quality
Fire Station Location Allocation Network
Fire Station Location Allocation Network
Fire Station Location Allocation Network
Fire Station Location Allocation Network
Water Service Areas
Comprehensive Plan Analysis

**Step 1:** Where is the property located on the Comprehensive Plan?

*Located in a Low Intensity Area*

“They are generally made up of larger undeveloped tracts of land where the preservation of sensitive environmental areas, flood hazard areas and agricultural lands should be considered as part of any development proposal.” (4.1.1.6)
Comprehensive Plan Analysis

Step 2: Is the request consistent with the Comprehensive Plan / District Translation Table?

Applicant is requesting a “Heavy Industrial” (HI) within an Existing Neighborhood.

<table>
<thead>
<tr>
<th>DISTRICT CLASSIFICATION</th>
<th>OPEN SPACE/AGRICULTURAL</th>
<th>LOW INTENSITY</th>
<th>EXISTING NEIGHBORHOOD</th>
<th>MEDIUM OR HIGH INTENSITY ZONE</th>
<th>EMPLOYMENT CENTER</th>
<th>CORRIDOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conventional Residential</td>
<td>NP</td>
<td>NP</td>
<td>C</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Neighborhood Density Districts</td>
<td>NP</td>
<td>NP</td>
<td>See Section 4.1.2.4 - 4.1.2.5</td>
<td>NP</td>
<td>NP</td>
<td>C</td>
</tr>
<tr>
<td>Character Districts</td>
<td>NP</td>
<td>C</td>
<td>--</td>
<td>C</td>
<td>NP</td>
<td>C</td>
</tr>
<tr>
<td>Special Districts</td>
<td>--</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>C</td>
</tr>
</tbody>
</table>

Legend:
-- = Not Allowed (PSA Required)
NP = Not Preferred
C = Consider
HI Zoning Analysis:

- HI is intended to accommodate a broad range of high impact manufacturing or industrial uses, that by their nature create a nuisance, and which are not properly associated with or are not compatible with nearby residential or commercial uses.

- Proposed rezoning to HI is consistent with the approved 380 agreement.

- Special Districts are identified as “Not Preferred” within Low Intensity Areas as identified on the Comprehensive Plan.

- Property is adjacent to San Marcos Regional Airport & existing railroad
Staff Recommendation:

• At their December 11, 2018 Regular Meeting, the Planning and Zoning Commission recommended denial of the request (5-4).

• Staff provides this request to the Planning & Zoning Commission for your consideration and recommends approval of the request for a zoning change from Extraterritorial Jurisdiction (ETJ) to Heavy Industrial (HI).
AGENDA CAPTION:
PC-18-48_04 (Morrison Replat) Hold a public hearing and consider a request by Reece Morrison for approval of a replat of 2.01 acres being Lot 4 of the Morrison Subdivision, establishing Lots 4-A & 4-B, Morrison Subdivision City of San Marcos, Hays County, Texas. (T. Carpenter)
Meeting date: January 8, 2019

Department: Planning & Development

Amount & Source of Funding
Funds Required: N/A
Account Number: N/A
Funds Available: N/A
Account Name: N/A

Fiscal Note:
Prior Council Action: N/A

City Council Strategic Initiative: N/A

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☐ Transportation - Choose an item.
☒ Not Applicable

Master Plan: n/a
Background Information:
The property was originally platted in 2009 as part of a 4-lot residential subdivision. The applicant is requesting to subdivide a single two-acre lot into two separate lots.

Council Committee, Board/Commission Action:
n/a

Alternatives:
n/a

Recommendation:
Staff recommends approval of PC-18-48_04.
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Imagery from 2017.
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Map Date: 12/27/2018
Summary
Request: Replat of one lot into two legal lots
Applicant: Reece Morrison
2215 Texas Springs
New Braunfels, TX 78132
Property Owner: Reece Morrison
2215 Texas Springs
New Braunfels, TX 78132
Parkland Required: Satisfied through original Final Plat
Utility Capacity: Adequate
Accessed from: Centerpoint Road
New Street Names: N/A

Notification
Application: N/A
Published: December 23, 2018
# of Participants: N/A
Post: N/A
Response: None as of the date of this report.

Property Description
Location: 6375 Centerpoint Road
Acreage: 2.01 acres
Existing Zoning: ETJ
Proposed Use: Single Family
CONA Neighborhood: N/A
Sector: N/A

Surrounding Area
<table>
<thead>
<tr>
<th>Zoning</th>
<th>Existing Land Use</th>
<th>Preferred Scenario</th>
</tr>
</thead>
<tbody>
<tr>
<td>North of Property:</td>
<td>ETJ</td>
<td>Vacant</td>
</tr>
<tr>
<td>South of Property:</td>
<td>ETJ</td>
<td>Agricultural</td>
</tr>
<tr>
<td>East of Property:</td>
<td>ETJ</td>
<td>Single-Family</td>
</tr>
<tr>
<td>West of Property:</td>
<td>ETJ</td>
<td>Single-Family</td>
</tr>
</tbody>
</table>

Staff Recommendation
X Approval of the Final Plat
Approval with Conditions / Alternate
Denial
Staff: Tory Carpenter, CNU-A
Title: Planner
Date: January 3, 2019

History
The property was originally platted in 2009 as part of a 4-lot residential subdivision. The applicant is requesting to subdivide a single two-acre lot into two separate lots.

Additional Analysis
All requirements of Section 3.2.3.4 and Section 3.4.2 of the Development Code have been met.
<table>
<thead>
<tr>
<th>Evaluation</th>
<th>Criteria for Approval (Sec. 3.2.3.4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consistent</td>
<td>If no preliminary subdivision or development plat has been approved the criteria in Section 3.2.2.4 shall apply;</td>
</tr>
<tr>
<td>Inconsistent</td>
<td>The final subdivision plat or final development plat, as applicable, conforms to the approved preliminary subdivision plat or preliminary development plat, except for minor changes authorized under Section 3.2.3.5;</td>
</tr>
<tr>
<td>Neutral</td>
<td>Where public improvements have been installed, the improvements conform to the approved public improvement construction plans and have been approved for acceptance by the Responsible Official;</td>
</tr>
<tr>
<td></td>
<td>Where the Planning and Zoning Commission has authorized public improvements to be deferred, the subdivision improvement agreement and surety have been executed and submitted by the property owner in accordance with Section 3.4.2.1;</td>
</tr>
<tr>
<td></td>
<td>The final layout of the subdivision or development meets all standards for adequacy of public facilities in accordance with Section 3.5.1.1; and</td>
</tr>
<tr>
<td></td>
<td>The plat meets any County standards to be applied under an interlocal agreement between the City and a County under Tex. Loc. Gov’t Code Ch. 242, where the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and in the county.</td>
</tr>
</tbody>
</table>
This replat is subject to a easement by the long electric ridge line located at 624 LOTS 4 and 4-A, Guadalupe County, Texas.
All utility easements and for the construction, maintenance including but not limited to removal of trees and other obstructions, removal of dirt and soil, removal of all underbrush and underground utility.

REPLAT OF LOT 4,
MORRISON SUBDIVISION

MANAGING ENGINEER
STEVEN L. SHULY
699 S FREDERICK
MORRISON, TX 76877
(817) 303-2700
(817) 303-2700
Preliminary Subdivision Plat, Replat or Concept Plat Application

Updated: March, 2017

Case # PC-____-____-

Contact Information

<table>
<thead>
<tr>
<th>Applicant's Name</th>
<th>Property Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fleece Morrison</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Applicant's Mailing Address</th>
<th>Owner's Mailing Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>2215 Springs Pkwy</td>
<td></td>
</tr>
<tr>
<td>New Braunfels, TX</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Applicant's Phone #</th>
<th>Owner's Phone #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home: 830-214-6717</td>
<td></td>
</tr>
<tr>
<td>Cell: 512-955-7620</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Applicant's Email</th>
<th>Owner's Email</th>
</tr>
</thead>
<tbody>
<tr>
<td><a href="mailto:FFMORRISON@MAK.COM">FFMORRISON@MAK.COM</a></td>
<td></td>
</tr>
</tbody>
</table>

Property Information

Proposed Subdivision Name: Replat of Lot 4 Morrison Subdivision

Subject Property Address or General Location: 6375 Center Point Rd

Acres: 2.01

Tax ID #: R 654365

Located in: ☐ City Limits ☑ Extraterritorial Jurisdiction (County) Cedar Cove

Description of Request

Type of Plat: ☑ Replat

Proposed Number of Lots: 2

Proposed Land Use: Residential

Authorization

All required application documents are attached. I understand the fees for and the process of subdivision and understand my responsibility to be present at meetings regarding this application.

Filing Fee $1,000 plus $50 per acre Technology Fee $11 MAXIMUM COST $2,511* Maximum Cost does not reflect specific / additional fees, as may be required for other plan review

Applicant's Signature: __________________________ Date: __________

Printed Name: __________________________

To be completed by Staff: Date Submitted: _______ 5 Business Days from Submittal: _______

Completeness Review By: _______ Date: _______ Contact Date for Supplemental Info: _______

Supplemental Info Received (required within 5 days of contact): ________________

Application Returned to Applicant: _______ Application Accepted for Review: _______

Comments Due to Applicant: _______ Resubmittal Date: _______ P&Z Meeting: _______

Planning & Development Services • 630 East Hopkins • San Marcos, Texas 78666 • 512-393-8230
# Checklist for Preliminary Subdivision / Development Plat, Replat or Concept Plat

<table>
<thead>
<tr>
<th>Items Required for Complete Submittal</th>
<th>Staff Verification &amp; Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-application conference with staff is recommended</td>
<td>☐</td>
</tr>
<tr>
<td>Please call 512-393-8230 to schedule</td>
<td>☐</td>
</tr>
<tr>
<td>Completed Application for Preliminary Subdivision or Concept Plat</td>
<td>☐</td>
</tr>
<tr>
<td>Legislative Requirements Complete (i.e. zoning, land use, etc.)</td>
<td>☐</td>
</tr>
<tr>
<td>Proof of record of ownership</td>
<td>☐</td>
</tr>
<tr>
<td>Recorded deed</td>
<td>☐</td>
</tr>
<tr>
<td>Current Tax Certificate</td>
<td>☐</td>
</tr>
<tr>
<td>Showing no taxes owed</td>
<td>☐</td>
</tr>
<tr>
<td>Names and addresses of property lien-holders (if applicable)</td>
<td>☐</td>
</tr>
<tr>
<td>Watershed Protection Plan (must be approved prior to plat approval)</td>
<td>☐</td>
</tr>
<tr>
<td>may be submitted concurrently</td>
<td>☐</td>
</tr>
<tr>
<td>Traffic Impact Analysis Worksheet</td>
<td>☐</td>
</tr>
<tr>
<td>for Commercial or 100+ Residential</td>
<td>☐</td>
</tr>
<tr>
<td>Public Improvement Construction Plan (must be approved prior to plat approval)</td>
<td>☐</td>
</tr>
<tr>
<td>Additional Acknowledgements (pgs 5-7 of application)</td>
<td>☐</td>
</tr>
<tr>
<td>Notification Authorization</td>
<td>☐</td>
</tr>
<tr>
<td>Agent’s authorization to represent the property owner</td>
<td>☐</td>
</tr>
<tr>
<td>Application Filing Fee $1,000 + $50 per acre ($2,500 max)</td>
<td>☐</td>
</tr>
<tr>
<td>Technology Fee $11</td>
<td>☐</td>
</tr>
<tr>
<td>Specific &amp; Additional Fees as noted below</td>
<td>☐</td>
</tr>
<tr>
<td>1 digital and 5 18x24 hard copies of plat</td>
<td>☐</td>
</tr>
</tbody>
</table>

For Concept Plats:
- Residential compatibility site plan, where applicable with an additional fee of $85
- Cluster development plan, where applicable with additional fee of $29 per acre ($100 min / $1,500 max)

For Replats with or without Vacation of Previously Recorded Plat:
- Detailed description of the purposes and circumstances that warrant change of the recorded plat identifying all lots, easements or improvements affected by the proposed change
- With Vacation of Previously Recorded Plat fee of $168
- Replats which are not approved administratively have a maximum fee of $3,000

---

Planning & Development Services • 630 East Hopkins • San Marcos, Texas 78666 • 512-393-8230
Subdivision plat with the following: (not required for Concept Plat)

- Minimum scale 1" = 200'
- Final layout prepared by a registered engineer or surveyor
- Vicinity map
- Scale and north arrow for plat and location map.
- Boundary lines, abstract/survey lines, corporate/jurisdiction boundaries
- Location, dimension, name and description of all existing/recorded streets, avenues, reservations, easements, railroad rights of way, etc. within, intersecting or contiguous with subdivision.
- Location, dimension, name and description of all proposed streets, avenues, reservations, easements, proposed ROW's within subdivision, intersecting or contiguous with boundaries for forming boundaries.
- List of proposed street names for all new streets, with County approval.
- Bearings and distances sufficient to locate the exact area proposed.
- All survey monuments including any required concrete monuments.
- The length and bearing of all straight lines, radii, arc lengths, tangent lengths and central angles of all curves (may be placed in a table).
- Accurate reference ties via courses and distances to at least one recognized abstract or survey corner, or existing subdivision corner.
- Accurate reference tie to City of San Marcos Benchmark. Control point data is located at the following link: http://www.ci.san-marcos.tx.us/modules/showdocument.aspx?documentid=4784
- Name, location & recording info of all adjacent subdivisions or owners.
- Location of all existing property lines, lot/block numbers & date recorded parks, public areas, and easements of record with recording information.
- Proposed arrangement and square footage of lots and proposed use.
- Sites to be reserved or dedicated for parks, schools, playgrounds, other public uses or for private facilities and amenities if applicable.
- Copies of proposed deed restrictions or covenants for any proposed access, maintenance or private easements.
- A note declaring sidewalks are required.
- A note stating whether or not the subdivision falls within the 100-year floodplain and if so, the engineer’s statement of the minimum permissible floor elevation.
- Notes declaring whether the land falls within designated watersheds, Edward’s Aquifer Zones and/or San Marcos River Corridor.
- Standard legend for interpretation of points and lines.
- Title block: name of subdivision; contact information for owner(s) and land planner, licensed engineer, or RPLS; scale; date of preparation; north arrow; & location of property according to abstract/survey records
- Preamble (aka Owner’s Acknowledgement and Dedication) with owner(s) name(s) and title(s), acreage of area to be platted as described in Public Records, and proposed subdivision name.
- Owner(s) signature block with notary block.
- Certificate of approval by the Planning and Zoning Commission with signature lines for the Chair, Director of Development Services, Director of CIP and Engineering, and Recording Secretary.
- Surveyor statement and signature block with seal.
- Engineer statement and signature block. Required for all plats where new streets are being proposed or there is floodplain as per FEMA or other drainage easements required on or off site of the property.
- Certificate of recording block for County Clerk.

Additional information may be required at the request of the Department
SUBDIVISION IMPROVEMENT AGREEMENT ACKNOWLEDGEMENT

I understand, whenever public improvements to serve the development are deferred until after Final Subdivision or Development Plat approval, the property owner shall enter into a Subdivision Improvement Agreement by which the owner covenants to complete all required public improvements no later than two (2) years following the date upon which the Final Plat is approved.

☐ All required public improvements will be completed prior to approval of the Final Subdivision or Development Plat

☐ I wish to defer installation of public improvements until after approval of the Final Subdivision or Development Plat and have attached a Subdivision Improvement Agreement to be considered along with this Plat application

☐ The attached Minor Amending Plat Application does not require a Subdivision Improvement Agreement

Signature of Applicant: [Signature]
Printed Name: [Name]
Date: [Date]

WAIVER TO 30-DAY STATUTORY REQUIREMENT

I agree to comply with all platting requirements of the City of San Marcos and understand that the plat will not be administratively approved or forwarded to the Planning and Zoning Commission for consideration unless and until all plat comments are satisfactorily addressed. I understand that the review and approval of a Watershed Protection Plan, Public Improvement Construction Plans and / or other additional documentation may be required to fully address plat comments. I understand that staff will not unreasonably or arbitrarily postpone approval of my plat and voluntarily waive my right to the 30-day statutory requirement that plat applications be acted upon within 30 days of the official filing date.

Signature of Applicant: [Signature]
Printed Name: [Name]
Date: [Date]

RECORDATION REQUIREMENTS*** (To be completed by staff)

The following are required for recordation, following approval of a Plat application:

☐ Two (2) mylars of the subdivision plat (Comal Co. requires White 20# Bond Paper)

☐ Recording Fee: $ [Fee]

☐ Reprinted Tax Receipt

☐ Tax Certificate (paid prior to January 31st of current year)

Other possible recording requirements:

☐ If public improvements were deferred, Subdivision Improvement Agreement

☐ Subdivision Improvement Agreement recording fee: $ [Fee]

☐ Other legal documents referenced on the plat (i.e. easement dedication by separate instrument, HOA documents)

☐ Other recording fee: $ [Fee]

***Recordation fees, mylars, and other requirements are not due at the time of submittal. Fees will depend on the number of pages needed for recordation and the County in which they are recorded. The total will be calculated upon approval.

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AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS
AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS

The City of San Marcos Land Development Code requires public notification in the form of notification signs on the subject property, published notice, and/or personal notice based on the type of application presented to the Planning Commission and/or City Council.

- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. It is the responsibility of the applicant to periodically check the sign locations to verify that the signs remain in place until final action is taken on the application and have not been vandalized or removed until after such final decision or when such application is withdrawn by the applicant. It is the responsibility of the applicant to immediately notify the Planning and Development Services Department of missing or defective signs.

- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be $85 plus an $11 technology fee.

- Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be $85 plus an $11 technology fee.

I have read the above statements and agree to the required public notification, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of notification and public hearing and hereby submit the attached application for review by the City.

Signature: [Signature]
Print Name: [Print Name]
Date: 8-28-18

To be completed by Staff: Case # _______
AGENT AUTHORIZATION TO REPRESENT PROPERTY OWNER

I, Reece Morrison (owner) acknowledge that I am the rightful owner of the property located at 6375 Centerpoint Rd (address).

I hereby authorize [agent name] to serve as my agent to file this application for [application type], and to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Property Owner: Reece Morrison Date: 8-28-18
Printed Name: Reece Morrison

Signature of Agent: [agent name] Date: 5-7-18
Printed Name: [agent name]

To be completed by Staff: Case #
WATER UTILITY SERVICE ACKNOWLEDGEMENT

Utility service codes are to be indicated as applicable in the space provided in each acknowledgement listed below according to the following designations:

A. Adequate service is currently available to the subject property
B. Adequate service is not currently available, but arrangements have been made to provide it
C. Adequate service is not currently available, and arrangements have not been made to provide it
D. Easement(s) are needed within the subject property

Name of Water Service Provider: Crystal Clear Special Utility District
Applicable Utility Service Code(s): Water
Comments / Conditions: Address(es):

6361 Centerpoint
6977 Centerpoint

Signature of Water Official: [Signature]
Title: Business Mgr
Date: 8/24/18
WASTEWATER UTILITY SERVICE ACKNOWLEDGEMENT

Utility service codes are to be indicated as applicable in the space provided in each acknowledgement listed below according to the following designations:

A. Adequate service is currently available to the subject property
B. Adequate service is not currently available, but arrangements have been made to provide it
C. Adequate service is not currently available, and arrangements have not been made to provide it
D. Easement(s) are needed within the subject property

Name of Wastewater Service Provider: ________________________________

Applicable Utility Service Code(s): ________________________________

OR, the use of either 1) ______ a private wastewater treatment system, or 2) □ septic tanks, is approved for all lots in the proposed subdivision which are not required to connect to the City of San Marcos wastewater system.

Comments / Conditions: __________________________________________

______________________________________________________________

Signature of Wastewater Official: ________________________________

Title: Director _______ Date: 8-24-18

Planning & Development Services • 530 East Hopkins • San Marcos, Texas 78666 • 512-393-6230

Shelly Coleman
ELECTRIC UTILITY SERVICE ACKNOWLEDGEMENT

Utility service codes are to be indicated as applicable in the space provided in each acknowledgement listed below according to the following designations:

A. Adequate service is currently available to the subject property
B. Adequate service is not currently available, but arrangements have been made to provide it
C. Adequate service is not currently available, and arrangements have not been made to provide it
D. Easement(s) are needed within the subject property

Name of Electric Service Provider: Guadalupe Valley Electric Cooperative
Applicable Utility Service Code(s): A
Comments / Conditions: The above mentioned addresses are located in the rural residential service territory. Requests for electric service will be provided in accordance with the rural tariff.
Signature of Electric Company Official:
Title: Director of Design
Date: 8/24/18
Guadalupe County Tax Office  
Daryl John Tax Assessor/Collector  
P.O. Box 70 (307 W. Court)  
Seguin, TX 78155  
830 379-2315

Receipt Number: SG-2018-1345946

<table>
<thead>
<tr>
<th>Payor: AT HOLDING-RMORRISON LLC (00116944) C/O REECE &amp; BEVERLEY MORRISON 2215 TEXAS SPRINGS RD NEW BRAUNFELS, TX 78132</th>
<th>Owner: AT HOLDING-RMORRISON LLC (00116944) C/O REECE &amp; BEVERLEY MORRISON 2215 TEXAS SPRINGS RD NEW BRAUNFELS, TX 78132</th>
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<td>Owner: AT HOLDING-RMORRISON LLC (00116944) - 100%</td>
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<tr>
<td>Owner Address: C/O REECE &amp; BEVERLEY MORRISON 2215 TEXAS SPRINGS RD NEW BRAUNFELS, TX 78132</td>
<td>Property: 1G2131-0000-00400-0-00</td>
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<tr>
<td>Legal Description: MORRISON, LOT 4, ACRES 2.01,</td>
<td>Situs Address: 6375 CENTERPOINT RD</td>
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<tr>
<th>Tax Year/Taxing Unit</th>
<th>Taxable Value</th>
<th>Tax Rate</th>
<th>Base Tax</th>
<th>Tax Paid</th>
<th>Amount Paid</th>
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<td>Lateral Roads</td>
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<td>Navarro I S D</td>
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<td>York Creek Wcld</td>
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Total Payment Amount 702.00
CHECK BY MAIL (Ref # 2727) Tendered 702.00
Total Tendered 702.00

Remaining Balance Due, including other fees, as of 2/13/2018 0.00

Date Paid: 02/13/2018
Effective Date: 01/31/2017
Station: Daryl
Cashier: 
PC-18-48_04 (Morrison Replat)

Hold a public hearing and consider a request by Reece Morrison for approval of a replat of 2.01 acres being Lot 4 of the Morrison Subdivision, establishing Lots 4-A & 4-B, Morrison Subdivision City of San Marcos, Hays County, Texas. (T. Carpenter)
Location:

- +/- 2.01 acres
- San Marcos ETJ
- 2 proposed residential lots
Recommendation:

Staff has reviewed the request and determined the Replat meets all requirements of Section 3.2.3.4 and Section 3.4.2 of the Development Code and recommends approval of PC-18-48_04.
AGENDA CAPTION:
CUP-18-38 (Casa Choi) Hold a public hearing and consider a request by Hannah Lee on behalf of Flemming Hjorting for a Conditional Use Permit to allow the sale of beer and wine for on premise consumption at 700 N. LBJ Drive Suite 102 B. (W. Parrish)

Meeting date: January 8, 2019

Department: Planning and Development Services

Amount & Source of Funding
Funds Required: N/A
Account Number: N/A
Funds Available: N/A
Account Name: N/A

Fiscal Note:
Prior Council Action: N/A

City Council Strategic Initiative: [Please select from the dropdown menu below]
N/A

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development -
☐ Environment & Resource Protection -
☒ Land Use - Direct Growth, Compatible with Surrounding Uses
☐ Neighborhoods & Housing -
☐ Parks, Public Spaces & Facilities -
☐ Transportation -
☐ Not Applicable

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]
Background Information:
The applicant is proposing to open a restaurant and is requesting a beer and wine CUP. The gross floor area is 1,100 square feet and will have 46 indoor seats as well as 8 patio seats. The hours of operation are proposed to be 11 a.m. - 9:30 p.m. seven days a week.

The applicant has another restaurant in this shopping center, Unami, which currently has a CUP for beer and wine. There have been no reported concerns related to the Unami CUP.

Council Committee, Board/Commission Action:
N/A

Alternatives:

Recommendation:
Staff has reviewed the application for compliance with Section 2.8.3.4 and 5.1.5.5 of the San Marcos Land Development Code and recommends approval of CUP-18-38 with the following conditions:

• Permit shall be valid for one (1) years, provided standards are met,
• The permit shall be effective upon the issuance of a Certificate of Occupancy, and
• The permit shall be posted in the same area and manner as the Certificate of Occupancy.
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Map Date: 12/20/2018
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Map Date: 12/21/2018
Summary

Request: Consider a request by Hannah Lee on behalf of Flemming Hjorting for a Conditional Use Permit to allow the sale of beer and wine for on premise consumption at 700 N. LBJ Drive Suite 102 B.

Applicant: Hanna Lee
700 N LBJ Dr. Ste. 102 B
San Marcos TX, 78666

Property Owner: Flemming Hjorting
2101 IH-35
Austin TX, 78741

CUP Expiration: N/A
Type of CUP: Beer and Wine

Interior seating: 46
Outdoor seating: 8

Parking Required: 14 spaces
Parking Provided: Shared

Days & Hours of Operation: Monday – Sunday: 11 a.m. – 9:30 p.m.

Notification

Posted: December 21, 2018
Personal: December 21, 2018
Response: None as of the date of this report

Property Description

Legal Description: Lot 1 of Center 1 Centre
Location: Intersection of Sessom and N. LBJ
Acreage: N/A
Central Business Area: No

Existing Zoning: Community Commercial (CC)
Preferred Scenario: Existing Neighborhood

Existing Use: Restaurant
Proposed Use: Same

CONA Neighborhood: N/A
Sector: 3
Utility Capacity: Adequate

Surrounding Area

<table>
<thead>
<tr>
<th></th>
<th>Zoning</th>
<th>Existing Land Use</th>
<th>Preferred Scenario</th>
</tr>
</thead>
<tbody>
<tr>
<td>North of Property:</td>
<td>CC/MF-18</td>
<td>Retail/Multifamily</td>
<td>Existing Neighborhood</td>
</tr>
<tr>
<td>South of Property:</td>
<td>P</td>
<td>Texas State University</td>
<td>N/A</td>
</tr>
<tr>
<td>East of Property:</td>
<td>P/MF-24</td>
<td>Multifamily</td>
<td>Existing Neighborhood</td>
</tr>
<tr>
<td>West of Property:</td>
<td>GC/NC</td>
<td>Service Station/Retail</td>
<td>Existing Neighborhood</td>
</tr>
</tbody>
</table>
History
This property is located at the intersection of Sessom and N. LBJ Drive. This property was recently the location of another restaurant that had a beer and wine CUP, Cheer and Chow, which is moving downtown.

Additional Analysis
The applicant is proposing to open a restaurant and is requesting a beer and wine CUP. The gross floor area is 1,100 square feet and will have 46 indoor seats as well as 8 patio seats. The hours of operation are proposed to be 11 a.m. – 9:30 p.m. seven days a week.

The applicant has another restaurant in this shopping center, Unami, which currently has a CUP for beer and wine. There have been no reported concerns related to the Unami CUP.

Comments from Other Departments
Police Comment or No Comment
Fire Comment or No Comment
Public Services Comment or No Comment
Engineering Comment or No Comment

Staff Recommendation
<table>
<thead>
<tr>
<th>Approval as Submitted</th>
<th>X</th>
<th>Approval with Conditions / Alternate</th>
<th>Denial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit shall be valid for one (1) years, provided standards are met,</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>The permit shall be effective upon the issuance of a Certificate of Occupancy, and</td>
<td></td>
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<tr>
<td>The permit shall be posted in the same area and manner as the Certificate of Occupancy.</td>
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<td></td>
</tr>
</tbody>
</table>

Staff: Will Parrish  Title: Planner  Date: December 28, 2018
<table>
<thead>
<tr>
<th>Evaluation</th>
<th>Criteria for Approval (Sec. 2.8.3.4 &amp; 5.1.5.5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consistent</td>
<td>The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.</td>
</tr>
<tr>
<td></td>
<td>The proposed use is consistent with any adopted neighborhood character study for the area.</td>
</tr>
<tr>
<td></td>
<td>The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.</td>
</tr>
<tr>
<td></td>
<td>The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods.</td>
</tr>
<tr>
<td></td>
<td>The proposed use does not generate pedestrian and vehicular traffic which shall be hazardous or conflict with the existing and anticipated traffic in the neighborhood.</td>
</tr>
<tr>
<td></td>
<td>The proposed use incorporates roadway adjustments, traffic control devices or mechanisms and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets.</td>
</tr>
<tr>
<td></td>
<td>The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.</td>
</tr>
<tr>
<td></td>
<td>The proposed use meets the standards for the applicable district, or to the extent variations from such standards have been requested that such variations are necessary to render the use compatible with adjoining development and the neighborhood.</td>
</tr>
<tr>
<td></td>
<td>The proposed use is not within 300 ft. of a detached single family residence located in a zoning district that only permits detached single family residences.</td>
</tr>
<tr>
<td></td>
<td>The proposed use is not within 300 ft. of a church, public or private school, or public hospital as outlined in section 5.1.5.5.</td>
</tr>
<tr>
<td></td>
<td>The proposed use is not within 1,000 ft. of a public or private school as outlined within section 5.1.5.5(E)(3).</td>
</tr>
</tbody>
</table>
Casa Choi  Food Menu

-Bulgogi Tacos /burrito/ or bowl
Korean marinated beef grilled and placed on corn or flour tortillas
Topped with onions, cabbage and Spanish rice

-Pork Bulgogi Tacos/burrito/or bowl
Korean marinated pork grilled and placed on corn or flour tortillas
Topped with onions, cabbage and Spanish rice

-Popcorn Shrimp Tacos/ burrito/or bowl
-shrimp deep fried and placed on corn or flour tortillas topped with onions and cabbage and Spanish Rice

-Vegetarian Bowls
-Cabbage, tofu, onions, Spanish rice, avocado and choice of salsa

-Chimichanga
Bulgogi burrito contains bulgogi, Spanish rice, cabbage, onions which is deep fried
with cheese drizzled on top

-Mexican Corn
grilled with parmesan cheese and lime sprinkled on top

Breakfast Tacos

-Potato and eggs with Spanish rice
-Sasauge and eggs with Spanish rice
-Bulgogi and Spanish rice

Drinks
Sodas
Water
Tea
Juice
Gatorade
CUP-18-38 (Casa Choi)

Hold a public hearing and consider a request by Hannah Lee for a new Conditional Use Permit to allow the sale of beer and wine for on premise consumption at 700 N. LBJ Drive Suite 102 B. (W. Parrish)
Location:

- Property is located within the shopping center at the intersection of Sessom Drive and N. LBJ Drive.

- Located within an Existing Neighborhood as designated on the Preferred Scenario Map.
Context & History:

- 1100 square feet restaurant
- Hours
  - 11 a.m. – 9:30 p.m. Sun-Sat
- Seating:
  - 46 Indoor
  - 8 Outdoor
Recommendations:

Staff provides this request to the Commission for your consideration and recommends **approval** of the Conditional Use Permit with the following conditions:

- The permit shall be valid for one (1) year, provided standards are met.
- The permit shall be effective upon issuance of the Certificate of Occupancy.
- The permit shall be posted in the same area and manner as the Certificate of Occupancy.
AGENDA CAPTION:
SNC-18-01 (Hunter Road to West Hopkins) Hold a public hearing and consider a request by the City of San Marcos, in the interest of public safety and to eliminate multiple names along the continuity of a single street, to rename a portion of Hunter Road, located between Wonder World Drive and West San Antonio Street to West Hopkins Street. (W. Parrish)

Meeting date: January 8, 2019

Department: Planning and Development Services

Amount & Source of Funding
Funds Required: N/A
Account Number: N/A
Funds Available: N/A
Account Name: N/A

Fiscal Note:
Prior Council Action: N/A

City Council Strategic Initiative: [Please select from the dropdown menu below]
N/A

Comprehensive Plan Element(s): [Please select the Plan element(s) and Goal # from dropdown menu below]
☐ Economic Development - Choose an item.
☐ Environment & Resource Protection - Choose an item.
☐ Land Use - Choose an item.
☐ Neighborhoods & Housing - Choose an item.
☐ Parks, Public Spaces & Facilities - Choose an item.
☒ Transportation - Safe, Well coordinated transportation system implemented in an environmentally sensitive manner
☐ Not Applicable
Background Information:
During an agenda item regarding the speed limit on this section of Hunter Road, City Council directed Staff to review the possibility of a street name change as a better transition into the West Hopkins Street residential area.

The City of San Marcos Transportation Division provided notice to all current residents and property owners of a public meeting held November 15, 2018. The meeting was not attended by any community members.

Staff has identified approximately 330 residents and property owners that will be impacted by address changes if the street name is changed.

Staff has received one letter against the proposed change from a resident at the Elysian apartment complex (formally Purgatory Creek Apartments). This resident states that he represents multiple residents at the apartment complex, but due to the holiday season he is having some difficulty providing a petition with signatures. The letter is attached in your packet.

Council Committee, Board/Commission Action:
N/A

Alternatives:

Recommendation:
This proposed Street Name Change is being presented following direction from City Council.
SNC-18-01
Street Name Change—Hunter Rd to W Hopkins St

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Map Date: 12/20/2018
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.
SNC-18-01
Street Name Change
Hunter Road to West Hopkins Street

Applicant Information:
Applicant: City of San Marcos
630 E. Hopkins Street
San Marcos TX, 78666

Applicant’s Request
In the interest of public safety and to eliminate multiple names along the continuity of a single street, to rename a portion of Hunter Road, located between Wonder World Drive and West San Antonio Street to West Hopkins Street.

Public Hearing Notice
Notification of a public hearing was mailed on December 21, 2018. Notification was published in the newspaper on December 28, 2018.

Comments from Other Departments:
Police Department: No opposition.
Fire Department: No opposition.
Department of Development Services: No opposition.
Department of Public Services: No opposition.
City Marshall: No opposition.
Hays County GIS: No opposition.

Planning Department Analysis:
During an agenda item regarding the speed limit on this section of Hunter Road, City Council directed Staff to review the possibility of a street name change as a better transition into the West Hopkins Street residential area.

Staff has reviewed this request for a street name change for consistency with City ordinances and policies.

Section 74.057 of the City Code allows for the initiation of a street name change by the City in specific circumstances. In this instance, Section 74.057(a)(2) provides for a City initiated change for the following reason:
“In the interested of public safety or to eliminate multiple names along the continuity of a single street, at the request of the City Manager”

Generally, in order to initiate a street name change, the consent of at least 50% of the property owners and 50% of the business owners is required. However, the code does not require the consent of property owners or businesses in order to initiate a street name change in the interest of public safety or to eliminate multiple names along the continuity of a single street.

The City of San Marcos Transportation Division provided notice to all current residents and property owners of a public meeting held November 15, 2018. The meeting was not attended by any community members.
Staff has identified approximately 330 residents and property owners that will be impacted by address changes if the street name is changed. Staff has received one letter against the proposed change from a resident at the Elysian apartment complex (formally Purgatory Creek Apartments). This resident states that he represents multiple residents at the apartment complex, but due to the holiday season he is having some difficulty providing a petition with signatures. The letter is attached in your packet.

The Planning and Zoning Commission shall apply the following criteria in considering the proposed street name:

**Criteria:**

1. Multiple names along the continuity of a single street or along two streets that are in substantial alignment shall be avoided.
   - **Staff Analysis:** Meets criteria. Extending the West Hopkins Street name to Wonder World will allow for the street name change at a major intersection, rather than a minor one, reducing confusion.

2. Consideration shall be given to historical and geographical significance of a street or area or to the recognition of a significant personal achievement.
   - **Staff Analysis:** Meets criteria. Hopkins Street was named in 1912.

3. A new street name shall not duplicate or sound phonetically similar to the name of a street already in use in the city or the city’s extraterritorial jurisdiction or designated as a future extension in the current thoroughfare plan.
   - **Staff Analysis:** Meets criteria.

4. A new street name shall not differ from an existing street name except by the addition of a different auxiliary designation including “avenue”, “way”, “boulevard”, etc.
   - **Staff Analysis:** Meets criteria.

5. The Planning and Zoning Commission shall also review any other pertinent criteria in its consideration of a street name change.
   - **Staff Analysis:** The Planning and Zoning Commission may hold discussions regarding any other pertinent information as part of their discretionary decision on the proposed street name change.

The Planning and Development Services Department seeks the advice and a recommendation from the Planning and Zoning Commission regarding this proposed street name change after all pertinent criteria have been discussed.

**The Commission's Responsibility:**

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed street name change. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the request. The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

The Commission's advisory recommendation to the Council is a discretionary decision. Your recommendation should be based on the standards listed in section 74.057 of the San Marcos City Code.

Prepared by:
Will Parrish, Planner

---

Title: Preparer's Title
Date: December 28, 2018
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.
Some Points about the Proposed Street Name Change from Hunter Road to West Hopkins Street

We really like the name of our street and would prefer that it not be changed. Your consideration of our preference will be appreciated. There are 286 apartments at Purgatory Creek. Following are some of our points about why the name change should not occur.

- The flyer about this suggest that it will eliminate multiple names along a single street. We have only known it as Hunter Road for some years and a name change will result in confusion for us and our correspondents.
- We have not experienced any difficulties with 911 or other emergency services using the Hunter Road name.
- Since it has been known as Hunter Road for some time, it would seem consistent to retain the name into the future to avoid more confusion.
- We are not aware of any public safety issues associated with the current name.
- All navigational databases show it as Hunter Road. We do not know how long it takes for the many navigational databases to update to a different name. During this transition, driver confusion will occur if the name is changed.
- Changing the name will result in considerable confusion, expense and loss of time for the hundreds of residents and businesses that will be affected by this proposed change. A few of the difficulties are as follows:
  o All businesses and residents will need to change their mailing addresses resulting in confusion.
  o Address change requirements will include driver’s licenses, car and truck titles and registrations, legal documents, credit accounts including all bank accounts, investment accounts, medical records and all printed materials used by businesses. A change of address will be required for multiple credit reporting agencies.
  o Address changes with friends and family.
  o A change with USPS will be required. While USPS is accustomed to changes of address, such a large volume at once may cause them some time and expense. For those affected that will not know to do this, mail delivery may be affected for some time.
SNC-18-01 (Hunter Road to West Hopkins)

Hold a public hearing and consider a request by the City of San Marcos, in the interest of public safety and to eliminate multiple names along the continuity of a single street, to rename a portion of Hunter Road, located between Wonder World Drive and West San Antonio Street to West Hopkins Street. (W. Parrish)
Location:

- Between Wonder World Drive and West San Antonio Street.

- Located primarily within Existing Neighborhood as designated on the Preferred Scenario Map, but does divide a Medium Intensity Zone and an Employment Area at the intersection of Wonder World and Hunter Road.
Summary:

- During a City Council Meeting, Council requested that Staff review the possibility of the name change while reviewing the speed limit on this road.

- Transportation Staff support the name being changed at a larger intersection to reduce confusion.

- Staff has identified approximately 330 residents and property owners that will be impacted by address changes if the street name is changed.

- Transportation Staff held a public meeting on Nov. 15, 2018.
Section 74.057(d) Criteria

1. Multiple names along the continuity of a single street or along two streets that are in substantial alignment shall be avoided.

2. Consideration shall be given to historical and geographical significance of a street or area or to the recognition of a significant personal achievement.

3. A new street name shall not duplicate or sound phonetically similar to the name of a street already in use in the city or the city’s extraterritorial jurisdiction or designated as a future extension in the current thoroughfare plan.

4. A new street name shall not differ from an existing street name except by the addition of a different auxiliary designation including “avenue”, “way”, “boulevard”, etc.

5. The Planning and Zoning Commission shall also review any other pertinent criteria in its consideration of a street name change.
This proposed Street Name Change is being presented following direction from City Council.